

MACHINERY OF GOVERNMENT: PROPOSED REFORMS

**Lodged au Greffe on 7th August 2001
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

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PROPOSITION

THE STATES are asked to decide whether they are of opinion -

- (a) to agree that the Island's present committee system of government should be replaced by a ministerial system, combined with a system of scrutiny, as set out in the report of the Policy and Resources Committee dated 26th July 2001 and that this objective should be achieved in the following manner -
- (i) the committee system of government will be abolished;
 - (ii) the States will appoint a Chief Minister of Jersey from among their number, by a process to be agreed, who will nominate a team of ministers to form the Council of Ministers, with the executive function of government vested in the Chief Minister and the Council of Ministers;
 - (iii) not more than ten departments of government will be established, each headed by a minister, with power to appoint up to two other members of the States to assist in his or her executive work, subject to the approval of the Chief Minister and to the condition set out in paragraph (vii) below, with such members being able, if appropriate, to be so involved in the work of more than one department;
 - (iv) the States will form a Procedure Committee to be responsible to the States for all aspects of Assembly procedure including, in particular, scrutiny arrangements and an appropriate code of conduct for all members of the States;
 - (v) the States will establish, upon the basis of conditions and terms of reference to be drawn up by the Procedure Committee, a small number of scrutiny committees, comprised of members of the States not involved in the Executive, the function of such committees being, in support of the overriding role of the States Assembly in such matters, to contribute to the development of policy, to scrutinise legislation, and to examine the performance of government;
 - (vi) the States will establish a Public Accounts Committee, comprised of the chairmen of the scrutiny committees together with at least one other member of the States not involved in the Executive, charged with the scrutiny of public expenditure and supported by an Auditor General accountable directly to the States Assembly;
 - (vii) the revised structure will be designed to ensure that the number of members of the States who are not involved in the Executive will be greater than those who are;
 - (viii) the Council of Ministers will be supported by a Chief Executive who will be the head of the civil service, which will be unified at senior level; and heads of departments will form a management board under the leadership of the Chief Executive;
 - (ix) the States will establish an independent Appointments Commission, comprising persons who are not members of the States, with responsibility for ensuring that senior civil service appointments are properly made, and which as its first task will recommend to the States a person for appointment as Chief Executive;
 - (x) the Council of Ministers will establish a Liaison Group to consider service delivery and resource allocation issues as between the Executive and the parishes and to keep under review the relationship between the Executive and the parishes;
- (b) to request the Policy and Resources Committee to present to the States, before the end of November 2001, an implementation plan showing how and when these changes should be brought into effect.

POLICY AND RESOURCES COMMITTEE

- Notes:
1. The Finance and Economics Committee's comments are to follow.
 2. The Human Resources Committee's comments are to follow.

REPORT

1. Introduction

- 1.1 In bringing forward its proposals for reforming the Island's machinery of government, the Committee has worked from the fundamental premise that the system needs to change. This was the clear signal from the States' decision to establish the Review of the Machinery of Government in 1998, and also from the Clothier Report published in January 2001. The Committee believes that the need for change is widely accepted both in the States itself and in the community at large. There is a widespread public perception that the Island's government is inefficient, indecisive, poorly co-ordinated, and out of touch with the demands and pressures of a modern society.
- 1.2 The Policy and Resources Committee believes that this perception is well-founded, and it is for this reason that it is coming forward with a wide-ranging set of proposals for change. These proposals have been arrived at only after a lengthy period of consultation and reflection, and the Committee has given careful attention to the many views that have been expressed from all quarters.
- 1.3 In essence, the Committee is recommending that the Island's machinery of government should move from the present committee arrangements to a ministerial system, combined with a system of scrutiny. The Committee's proposals flow from those which were set out in the Clothier Report, but the Committee has taken a view on which aspects of that report should be taken forward now, in relation to the core objective of a change to a ministerial system combined with a system of scrutiny, and those which require more thought or should be taken separately as issues in their own right in due course.
- 1.4 The Committee is greatly indebted to Sir Cecil Clothier and his team for the work they have undertaken in reviewing the Island's system of government. The Panel conducted its work effectively and diligently over a period of almost two years, and faithfully completed the task that it was assigned.

2. Background

- 2.1 There have been calls for change to the Island's system of government for many years, but the present debate could be said to have started in January 1998, when a workshop of States members and Chief Officers considered the role and responsibilities of the Policy and Resources Committee, as well as the more general question of the strategic and corporate management of the States.
- 2.2 As a result of these discussions, in July 1998 the Policy and Resources Committee lodged "au Greffe" a report and proposition (Strategic and corporate management of the States: (P.164/98)) in which it stated that it was firmly of the opinion that there was a need for a general review of the machinery of government, and that this review should be carried out by a body totally independent of the States which should consult widely throughout the Island.
- 2.3 In adopting the Committee's proposition on 1st September 1998, the States agreed in principle to the appointment of an independent body to undertake a review of all aspects of the machinery of government in Jersey. The Policy and Resources Committee was asked to bring back terms of reference together with nominations for the chairmanship and membership of the review body.
- 2.4 On 19th January 1999 the Committee lodged "au Greffe" a proposition (Review of the machinery of government: terms of reference and membership: (P.13/99)) which recommended the membership and terms of reference for the Review Body. The terms of reference were presented in a manner designed to ensure that the scope of the review would be as wide as possible, covering all aspects of the machinery of government, with the exception of the constitutional relationships between the Island and the United Kingdom and the European Union.
- 2.5 The terms of reference were the subject of an amendment from Senator Stuart Syvret which proposed that the Review Body should also examine the machinery of government in the context of transparency, democratic responsiveness and the need for checks and balances (Review of the machinery of government: terms of reference and membership (P.13/99) - second amendments (P.19/99)).
- 2.6 On 2nd March 1999 the States adopted the Committee's proposition, together with Senator Syvret's amendments, and agreed to appoint a panel to undertake a review of all aspects of the machinery of government in Jersey with the following terms of reference -

"to consider whether the present machinery of government in Jersey is appropriate to the task of

determining, co-ordinating, effecting and monitoring all States' policies and the delivery of all public services; including -

the composition, operation and effectiveness of the States Assembly;

the composition, operation and effectiveness of the Committees of the States;

the role and respective responsibilities of the States, the Committees and the Departments in achieving an efficient and effective strategic and business planning and resource allocation process;

the role of the Bailiff;

the transparency, accountability and democratic responsiveness of the States Assembly and Committees of the States; and

whether the machinery of government is presently subject to checks and balances sufficient to safeguard the public good and the rights of individuals;

but excluding -

the constitutional relationship between the Bailiwick and the United Kingdom; and

the constitutional relationship between the Bailiwick and the European Union;

and to make recommendations to the Policy and Resources Committee on how the present machinery of government could be improved.”.

2.7 The States also agreed that the membership of the panel should comprise five local residents and four persons resident outside the Island, with an independent chairman, as follows -

Non-local

Sir Cecil Clothier KCB, QC (Chairman)

Sir Kenneth Percy Bloomfield, KCB

Professor Sir Maurice Shock

Professor Michael Gilbert Clarke CBE

Local

Mr. John Henwood, MBE

Mrs. Anne Elizabeth Perchard

Mr. Geoffrey Colin Powell, OBE

Advocate John Daniel Kelleher

Advocate David Fisher Le Quesne

2.8 All the non-local members of the Review Panel had extensive, relevant experience, with particular reference to United Kingdom central and local government, and the two professors brought with them national reputations in governmental reform. The local members were all residents of long-standing who were well-known and respected in the community.

2.9 Over the next two years the Review Panel considered a large body of evidence relating to the Island's machinery of government. From the very outset the panel resolved to give close attention to the views of the wider public and in so doing interviewed over 130 witnesses and received over 160 written submissions. It also held an extensively advertised public meeting in St. Helier and sampled public opinion through an opinion poll that was conducted on its behalf by MORI.

3. The Clothier Report and the consultation process

3.1 The report of the Review Panel on the Machinery of Government in Jersey (the "Clothier Report") was published on 15th January 2001 and presented to the States on the following day. The Report received widespread coverage in the local media and, in view of the extensive publicity and general availability of the document, the Committee does not propose to give a detailed account of its contents here. However, a general summary of the report's

recommendations is provided for ease of reference at **Appendix 1**.

- 3.2 The Clothier Report was critical of many aspects of the Island's system of government. One of its main criticisms was that the Island lacked a clear centre of governmental authority and that this prevented it from reacting in a timely and decisive manner to the challenges of a modern society. The report went on to make a series of recommendations that amounted to a comprehensive plan for the revision of the system of government in Jersey. These recommendations encompassed many important areas of government, including the electoral system, the composition of the States Assembly and the role of the Bailiff. The most fundamental recommendation was that the present committee arrangements should be replaced by a ministerial system combined with a system of scrutiny.
- 3.3 In the weeks following publication the Clothier Report provoked a considerable degree of public comment. There were many who welcomed the Report for the breadth and depth of its recommendations. However, some disagreed, in whole or in part, with the Report's recommendations, claiming that it had failed to take sufficient note of the advantages of the present system. It is fair to say though, that there was very little support for the view that there should be no change at all to the present arrangements.
- 3.4 The Review Panel was criticised in some quarters on the grounds that it had not considered other government models before producing its recommendations. The Committee, however, believes that this criticism was unjustified in that it failed to take proper note of the Panel's terms of reference, which in this respect were to "make recommendations to the Policy and Resources Committee on how the present machinery of government could be improved". The Panel had indeed considered a range of options, but had concluded from the weight of evidence that change along the lines that it eventually recommended would offer the best way forward.
- 3.5 The Policy and Resources Committee wished to ensure that the public had a full opportunity to comment on the Clothier Report and its recommendations and established a Steering Group, consisting of three members of the Committee, namely Senator Pierre Horsfall (Chairman), Senator Len Norman, and Senator Nigel Quérée, to oversee the mechanics of the consultation timetable. In addition, two officers were seconded from other States Departments to support the consultation process.
- 3.6 The first step in the consultation process was to send out summary copies of the Clothier Report to every household in the Island. Copies of the summary were also translated into Portuguese and made generally available. Members of the public were then invited to submit their written comments to the Committee by 19th March, although this deadline was later extended to the beginning of April 2001.
- 3.7 In addition, a public meeting was held at Fort Regent on the evening of 15th March which was broadcast live by Radio Jersey. This meeting provided an opportunity for Islanders to express their views and ask questions of both local and non-local members of the Clothier Panel.
- 3.8 While this public consultation process was in progress, the Committee decided that it also wished to promote discussion within the States organisation. First, the Committee sought the initial views of other States Committees on the Clothier Report and its recommendations, and then States members and Chief Officers were invited to an informal all-day meeting on 27th February. At this very well-attended meeting there was a wide-ranging and constructive discussion, which included a presentation from and a discussion with members of the Clothier Panel.
- 3.9 At that same meeting it was decided by those States members present that the membership of the Policy and Resources Committee's ad hoc Steering Group should be extended to include nine other States members and, as a result of a ballot held shortly afterwards, the following nine additional members of the Steering Group were elected to the group -

*Senator Christopher Lakeman
Connétable Mac Pollard
Deputy Ken Syvret, MBE
Senator Wendy Kinnard
Senator Stuart Syvret
Deputy Mike Vibert
Deputy Paul Routier
Deputy Roy Le Hérissier
Deputy Gerald Voisin*

4. The Steering Group

4.1 The first meeting of the newly enlarged Steering Group took place on 8th March 2001, and at the outset it was agreed that the Group's remit should be "to recommend a way forward on the reform of the machinery of government". The Group discussed the recommendations in the Clothier Report and the general consensus of opinion was that there were two key areas for consideration, namely the proposals for a ministerial system and for a system of scrutiny. The Group did not have a view at this stage on whether or not it would be desirable to move to a ministerial system with a system of scrutiny, but it did agree that the implications of any such move would be crucial to the Island's system of government, and priority should therefore be given to the consideration of these issues.

4.2 However, before examining these issues in detail, the Group agreed that it should begin by going back to first principles and examining what was meant by "good government". This could be done reaching agreement on a set of criteria, which could then be used for evaluating various options for a system of government. In this connection the Group agreed that it should not restrict itself solely to an examination of the recommendations in the Clothier Report, but that it should also look at other possible options for a system of government.

4.3 Another informal meeting of States members was held on 20th March, and at this meeting agreement was reached on a set of criteria that could be used by the Steering Group in its assessment of various options for a system of government. It was also agreed that the Steering Group should consider the following four different options for government reform -

- **Continuing with the present system of government:** In this option there would be no significant changes to the current system of government.
- **Reducing the number of States Committees:** This option would involve reducing the number of States Committees with the aim of providing a greater degree of co-ordination.
- **Having a modified committee system with more co-ordination and scrutiny:** As well as reducing the number of committees, this option would give a stronger mandate to the Policy and Resources Committee. It would also include the creation of Scrutiny Committees.
- **Moving to a ministerial system/system of scrutiny:** This would entail the replacement of Committees with a ministerial system, together with a system of independent scrutiny by those in the States not involved in the 'executive' side of government. This option would be based closely on the recommendations in the Clothier Report, and for the purposes of this report it is described as the "Ministerial/Clothier" option.

4.4 In the weeks immediately after this meeting the Steering Group met on several occasions to discuss the criteria and evaluate the options that had been proposed. The Group further decided that -

- the criteria for assessing good government could be grouped under four main headings, namely "Democratic Government", "Coherent Government", "Decisive Government", and "Effective Scrutiny", together with an additional heading of "Public Acceptability";
- in relation to the criteria for good government, the list of 29 which had been identified by States members should include a reference to the need for high ethical standards in public life, and the criterion of "Transparency/Standards in public life - keeping the public informed" should accordingly be added; and
- as the criterion of "Accountability" had featured more than once in the original list, the list should be amended slightly so that it featured only once.

This resulted in agreement on a revised list of 29 criteria under five main headings.

4.5 All of the five main headings and the criteria were then assigned weightings which, in the Group's opinion, reflected their relative importance.

4.6 A copy of the revised list of criteria, together with the weightings assigned by the Group, is attached as **Appendix 2**.

4.7 At this point the Group then began giving more detailed consideration to each of the four options that had been identified for a system of government. Other possible options had been discussed during the Steering Group's meetings, and it was agreed that two of those should also be included in the evaluation exercise. These were as follows -

- **A modified Committee system with more co-ordination, but without Scrutiny Committees:** This was similar to the third option identified by States members on 20th March (see paragraph 4.4), except that it did not include scrutiny committees; and
- **A Combined Committee/Ministerial Option:** This option combined elements of both the present committee system and a ministerial system of government. The number of States Committees would be reduced to nine or ten Committees/Ministries, each with a Minister/President and a small number of other States members. Three scrutiny committees would also be created. Unlike the Ministerial/Clothier option, the majority of States members would exercise both executive and scrutiny functions, i.e. through membership of not more than one executive committee, and of one or more scrutiny committees.

4.8 The Steering Group members proceeded to assess each of these six options according to the agreed criteria, and results of individual assessments were collated and the average scores calculated. The agreed weightings were then applied to produce overall scores and the results are shown in **Appendix 3**.

Note: At every stage this work was carried out in consultation with the Statistics Unit of the Policy and Resources Department.

4.9 The results of the Steering Group exercise showed a clear margin in favour of two of the options. The system that scored most highly was the Ministerial/Clothier option and this was followed by the Combined Committee/Ministerial option. The lowest-scoring option was the present system of government, with a total score that was well under half of that received for each of the two highest-scoring alternatives. This latter result was entirely consistent with the fact that virtually no argument had been heard or presented which had advocated that the present system should remain unchanged.

4.10 It is worth noting that -

- the results were based on the averages of the scores received, rather than on the views of each individual Group member, and the process that was followed therefore ensured that the results provided a representative view of the Group as a whole; and
- the results were arrived at only after a lengthy process of discussion by 12 States members, representing many different shades of opinion, and with extensive experience of the States.

4.11 The Steering Group did not restrict itself solely to the evaluation exercise, but it also discussed many of the issues that had been raised in the Clothier Report.

4.12 One of the main subjects for discussion was the issue of scrutiny, and the general consensus of opinion was that the present scrutiny arrangements were very deficient. It was felt that it was important to have a government system involving scrutiny committees, and that these committees would have to be properly resourced.

4.13 Having been charged with recommending a way forward on the machinery of government, the Steering Group agreed that it should give further consideration to the two highest-scoring options, i.e. the Clothier/Ministerial option and the Combined Committee/Ministerial option. The Steering Group's comments on these two options were then forwarded to the Committee for its consideration. A copy of the Steering Group's comments is attached as **Appendix 4**.

5. Policy and Resources Committee - review and formulation of its proposals

5.1 Throughout the consultation process the Policy and Resources Committee listened attentively to the debate and took note of the views expressed by the wider public, as well as by States members. The Committee also noted the consensus of opinion on the Steering Group that there were two key areas for consideration in the Clothier Report, namely the proposals for a ministerial system and for a system of scrutiny.

5.2 The Committee also considered the principles of government which could be said to underlie the Clothier Report, and agreed that these were all principles to which it would wholeheartedly subscribe. These principles were -

- that government should be truly democratic in that it should strive to be close to the public, and the public needed to feel that they could have an effect on government;
- that government should be decisive, and that government decisions should be clear, coherent, and consistent;

- that government should be held accountable through being subject to effective scrutiny, and that scrutiny could only be truly effective if there was a division between the executive and scrutiny functions; and
- that those who exercised the scrutiny function should be in the majority.

5.3 The Committee then turned to the two options that had scored most highly in the Steering Group's evaluation exercise, namely the Ministerial/Clothier (MC) option and the Combined Committee/Ministerial (CCM) option. Having considered the CCM option in some detail, the Committee decided that this option would be unsatisfactory for several reasons, and would still retain many of the problems encountered in the present system.

5.4 One of these problems relates to the manner in which executive authority is exercised. In the CCM option the minister will be the head of a ministry/committee of not more than four other States members, and it is understood that the ministries as a whole would be charged with taking executive decisions and developing policy and legislation, much as committees do under the present system. Under these arrangements there is the potential for disruption to the decision-making process.

5.5 For example, as part of the normal activity of government a minister will be a party to the policy decisions taken by the Council of Ministers and some of these decisions will naturally relate to his or her own area of responsibility. However, the minister will be placed in a very difficult position if his or her committee does not agree with these decisions. A situation could also arise in which a head of department will receive conflicting directions from more than one source, e.g. from his or her committee and from the head of the civil service.

5.6 Another potential drawback with the CCM option relates to the activity of scrutiny. In this system nearly all States members would continue to serve as ministers or as committee members, and would thus be involved in the executive. This would mean that the ability to exercise scrutiny independently of the executive function would be compromised.

5.7 After further discussion and reflection, the Committee has decided that its preferred choice is along the lines of the Ministerial/Clothier (MC) option. The Committee believes that this option will embody the principles of democratic, decisive, accountable and effective government, and will also meet the criteria for good government that have been agreed by States members.

5.8 The Committee's proposals are based on having a ministerial system combined with a system of scrutiny, and it considers that both are essential to the new arrangements. These systems should be regarded as being inter-linked, and the way in which they will work is described in more detail in sections 6 and 7.

6. The ministerial system

6.1 Before describing the ministerial system, it should be emphasised that the Committee's proposals will not detract from the power of the States Assembly, and the function of the Assembly as the Island's seat of government will remain paramount. The States would continue to be the Island's legislature, and general policies would be approved by the Assembly as they are now. The Assembly would also continue to take those major executive decisions that do not fall within States-approved policies. Examples are decisions to adopt the capital and revenue expenditure budgets, to build a new school or hospital, or to create a Territorial Army Unit.

6.2 Under present arrangements the day to day business of the Island is conducted by Committees which are appointed by the States and have delegated areas of responsibility. Committees are all subject to decisions of the States, except where they are given specific powers and duties by legislation. The responsibilities of individual Committees vary enormously, but the majority of them are responsible for providing a public service, such as health or education. All propositions for the passing of new legislation, together with any significant policy proposals, have to be referred by Committees to other Committees and then to the States Assembly for a decision.

6.3 It is proposed that the present system of Committees, together with its supporting administrative arrangements and infrastructure, should be abolished and replaced by a ministerial system of government. This means that the present Committee responsibilities would be taken on by individual ministers, each of whom would be responsible for a particular area or department of government. As with the present system, the States would remain the supreme decision-making body and any new legislation and major policy proposals would have to be referred to the States.

6.4 How will this affect the decision-making process? At the level of the States Assembly there would be no significant change. At a ministerial level, the executive decisions will be taken by a minister rather than by a States Committee. Ministers would be able to appoint up to one or two other States members to assist them ("Assistant Ministers"), but

they would retain direct accountability and would have the authority to override their more junior colleagues if they did not agree with them.

- 6.5 In some departments the need for assistant ministers may not be significant, but in other cases the workload may be more considerable and a minister may decide to appoint one or two assistant ministers. In these cases the assistant ministers may have a purely advisory role, but he or she might also be given delegated authority by the minister to act in certain areas, e.g. in deciding upon individual applications in line with agreed policy. It is further proposed that the assistant ministers should be able, if appropriate, to support the work of more than one minister.
- 6.6 The Committee believes that the role of the minister and assistant ministers will develop over time, and it is therefore difficult at this stage to provide detailed lists of their responsibilities. For the purposes of guidance, however, the Committee has compiled lists of the responsibilities as they are presently envisaged, and these are attached as **Appendix 5**.
- 6.7 It has been claimed that the ministerial system could lead to a highly unsatisfactory situation whereby a minister might seek to assume unlimited authority and that in this event there would be no real checks on his or her decisions. This claim is not accepted. In the proposed new system the minister will at all times remain subject to the authority of the States, and to the collective responsibility of the Chief Minister and Council of Ministers. He or she will also be subject to regular public scrutiny under arrangements that are described in section 7. Thus, accountability will be clearly attributable to one minister, who will be held to account if he or she is not performing to the required standard.
- 6.8 As already noted, each minister would be assigned a particular area of responsibility. It is not proposed, however, that the 24 States Committees which exist at present should each be replaced by 24 ministers. It is the Committee's view that this number is unwieldy, and that government efficiency and co-ordination would be greatly improved if there were a significantly lower number of ministries.
- 6.9 The Clothier Panel has recommended that there should be seven ministers, each with their own departments, but in the Committee's view this number would be difficult to achieve, at least in the short term, and a number between seven and ten would be more desirable. Subject to States' approval of the principle of moving to a ministerial system, the Committee would intend to provide the Assembly with an implementation plan showing how the present Committee responsibilities could be reallocated to new departments.
- 6.10 This now brings us to the key question of how the work of the ministers would be co-ordinated, for there would be little merit in introducing a system in which there was constant disagreement between ministers about policy and priorities. The Committee believes that the necessary co-ordination, cohesiveness, and integration can and should be provided by a Council of Ministers. This Council would have several key functions. Firstly, it would approve the policies formulated by each ministry/department. Secondly, the Council would be required to consider and take action on policy and other issues that cut across departmental responsibilities, thereby ensuring the coherent delivery of services to the public, many of which have a high degree of inter-dependence. Thirdly, the Council would be charged with preparing a general policy document on a regular basis that would be submitted to the States for its approval. This policy document would provide a general review of the States' plans, priorities, and programmes; would set out the statement of aims and objectives; and would provide the policy framework within which the executive and others would act.
- 6.11 It will be seen from the above that the delegated authority of the Council of Ministers will be subordinate to that of the States and that any new legislation and major policy proposals will still have to be referred on to the States Assembly for a decision. The Council of Ministers will, nonetheless, have the authority to give directions to individual departments if this should become necessary, e.g. if a department should fail to act in accordance with agreed policies. The Committee believes that this authority will help to ensure proper co-ordination and integration of the States organisation.
- 6.12 Further information on the role and responsibilities of the Council of Ministers is given in **Appendix 5**.
- 6.13 There remains one key question in relation to the proposals for a ministerial system, and that is who would lead the Council of Ministers. It is proposed that the Council should be led by a Chief Minister, who would be appointed by the States and would act as chairman of the Council of Ministers. He or she would be regarded as head of the executive arm of the Island's government and, as the chairman of the Council, he or she would be required to lead a team of ministers and to play an important role in maintaining and co-ordinating the Island's government.
- 6.14 The Chief Minister would also have responsibility for external relations and, when necessary, would act as the

Island's representative in international matters.

The role of the Lieutenant Governor would remain unchanged in this respect, and the Bailiff as civic head would continue to be the official channel of communication so that he could exercise his role as defender of the Island's constitution. In this capacity, the Bailiff would maintain the protection afforded by official correspondence passing through the hands of the Crown Officers, thus ensuring that no harm to the Island's constitutional rights be inadvertently conceded.

6.15 It is not proposed that the Chief Minister should be given specific powers of direction over other departments, as these would rest with the Council of Ministers, although of course the Chief Minister would have powers of direction over his/her own department. As with the ministers, it should be emphasised that the Chief Minister would remain subject at all times to the authority of the States. In this connection it is proposed that there should be a mechanism whereby a proposition could be brought to the States, with the support of a minimum number of States members, asking the Assembly to resolve that it has no confidence in the Chief Minister or any other minister.

6.16 The Chief Minister will be taking on a very important role in the Island's system of government, and in accepting this major responsibility it seems only reasonable that he or she should be able to select a team of ministers that will work well together. The Committee is therefore proposing that the Chief Minister should be able to nominate his or her team of ministers for approval by the States. This means that the actual power of appointment will rest with the States, and that the Chief Minister will play a key part in the appointment process. There would also need to be provision for the appointment of a Deputy Chief Minister.

6.17 In a similar vein, it is proposed that the Chief Minister should have the right to approve or dismiss assistant ministers who have been selected by ministers, and that he or she would also have the right to recommend to the States that a minister should be dismissed. In the Clothier Report it is proposed that the Chief Minister should have the power to dismiss ministers (paragraph 5.2), but in the Committee's view it is preferable that the power to both appoint and dismiss ministers should rest with the States Assembly, upon the recommendation of the Chief Minister.

6.18 Further information on the role and responsibilities of the Chief Minister is given in **Appendix 5**.

6.19 The Committee believes that its proposals for a ministerial system should lead to dramatic improvements to the Island's machinery of government. The decision-making process should become more timely and efficient, and decisions will be taken at the right level because the levels of executive responsibility will be clearly defined and properly understood. Unlike the present committee system, it will not be necessary for items of business to pass from one committee to another, which can cause lengthy delays. In the new arrangements many items will be dealt with at the level of the individual ministry, whilst those with more corporate implications (e.g. the allocation of resources) will need to be considered by the Council of Ministers.

6.20 The Committee also believes that it will be important to build on existing relationships between Island-wide government and local Parish government, to ensure that the delivery of services, the allocation of resources, and executive functions are appropriately and properly distributed to the level of best effectiveness. To this end, it is proposed that a formal Liaison Group be established so as to enable the executive and the parishes to work closely together.

6.21 The move from a committee to a ministerial system is obviously very significant, and there will need to be a change to the way in which support is provided from the civil service. It is proposed that each minister will be supported by a civil service head of department, and also that the heads of department will form a management board under the leadership of a Chief Executive. Such a structure at official level will enable the Council of Ministers to receive the advice it may need in relation to corporate matters, resulting in the integrated delivery of public services.

6.22 It must be borne in mind, however, that the Committee's proposals in respect of a ministerial system are only part of the story. To be truly effective and democratic, the authority held by the executive should be balanced by a system of scrutiny and this is described in more detail in section 7.

7. A system of scrutiny

7.1 Before examining the Committee's proposals for a system of scrutiny, it is worth considering what is actually meant by the word "scrutiny". Scrutiny can be defined simply as "close observation", but in a government context it is intended to mean something more. For these purposes scrutiny should be regarded as embracing three main activities, namely participation in the development of policy, the review of legislation, and the examination of the performance of government.

- 7.2 All three scrutiny activities are clearly very important to the work of government, but who should actually carry out them out? In the present system this is done by both the States Assembly and individual States members. For example, an individual member may currently make representations to a States Committee about a major area of policy that is under discussion, and the Committee will take this submission into account when drawing up its policy proposals for presentation to the States. The States Assembly will then examine the policy proposals and will discuss them in open debate before coming to a decision. Any proposals presented to the States can be the subject of amendments from individual members.
- 7.3 Under the proposed system, both States members and the Assembly would still carry out the scrutiny function, and indeed the Committee believes it to be essential that this should continue. There would, of course, be a difference in that executive authority would rest with ministers rather than States Committees. Ministers would be held individually accountable for their departments, and would thus be clearly identifiable. All ministers, including the Chief Minister, could be questioned by States members on their performance and policies. In the new arrangements a States member would still have the right to take an active part in the scrutiny process on an individual basis, e.g. by asking questions in the States, or by bringing private members' propositions.
- 7.4 One of the key aspects of the Committee's proposals is that there should be a division between the executive and scrutiny functions. Those members who would carry out the scrutiny function could then be said to be truly independent, because they would not have a particular stake in any one aspect of the executive. It is also proposed that those who are not involved in the executive should be in the majority. Although the present system allows for a variety of types of scrutiny, the Committee is of the view that the scrutiny function is not as effective as it should be. In order to ensure a proper separation of interests, the scrutiny function needs to be structured and independent of the executive.
- 7.5 The scrutiny function also needs to be open and transparent if it is to be truly effective. The Committee therefore proposes that there should be a culture of consultation throughout government, by means such as the introduction of consultation guidelines, introducing the regular use of "green" and "white" papers, and the formation of a small number of focused scrutiny committees.
- 7.6 The arrangements for scrutiny would be achieved by appointing a Procedure Committee which would be responsible to the States Assembly for all matters of procedure. The Procedure Committee would in effect be a development of the present House Committee, but would take on additional responsibilities in the new Assembly. As well as its standing brief in relation to scrutiny arrangements, the Procedure Committee would be required to develop and maintain a code of conduct for all States members and to propose revisions to the Standing Orders of the States of Jersey so that they can be adapted to the new arrangements. It would also be necessary to introduce and maintain supplementary codes of conduct that would be applicable to the ministers and the Chief Minister.
- 7.7 It is proposed that formal scrutiny be effected through the establishment of "Scrutiny Committees". One of the first tasks for the Procedure Committee would be to consider and recommend the terms of reference and conditions for the scrutiny committees, and these recommendations would then be submitted to the States Assembly for approval. It has been suggested, for example, that there might be one scrutiny committee concerned with the economy of the Island, another with the Island's environment, and a third with the direct services that are provided to the public.
- 7.8 The Procedure Committee might also decide to recommend to the States arrangements for the appointment of ad hoc scrutiny committees, as and when necessary, for the examination of particular issues.
- 7.9 Public expenditure is one of the key aspects of government, and it is therefore being proposed that one of the scrutiny committees should be a Public Accounts Committee. This Committee would be charged with scrutinising all aspects of public expenditure, and it would comprise the chairmen of the scrutiny committees, plus at least one other States member not involved in the executive. The Committee would be supported by an Auditor General, independent of any States department and directly accountable to the States Assembly, who would be responsible for providing auditing leadership and co-ordination of the audit function across all aspects of public expenditure. The scrutiny function of the Public Accounts Committee would not extend to involvement in the formulation and development of policy, as this could potentially be in conflict with the Committee's prime responsibility for scrutinising public expenditure, e.g. in the event that the Committee were called upon to scrutinise expenditure in a service area which it had previously advocated.
- 7.10 Each scrutiny committee would carry out all of the three main activities of scrutiny referred to in paragraph 7.1 above, i.e. contributing to the development of policy, scrutinising legislation, and examining the performance of government (with the exception of the Public Accounts Committee in the area described in paragraph 7.9 above).

These are all key functions of government, and the Committee believes that all States members who are not involved in the executive should have the opportunity to be actively involved in the work of scrutiny committees.

- 7.11 The Committee feels that the significance and benefits arising from the work of the scrutiny committees should not be under-estimated. The scrutiny committees should provide individual States members with a more structured and effective means of influencing government. In this connection it is worth noting that scrutiny committees would be able to call for expert advice on matters of a technical or specialised nature, and receive proper executive and administrative support. They would also be able to call for relevant papers and information, provided that access to this information was not prohibited under the Code of Practice on Public Access to Official Information.
- 7.12 It is proposed that meetings of the scrutiny committees should be held in public, in order to promote greater transparency and accountability in government. Further information regarding the proposed roles and responsibilities of the scrutiny committees, as well as the Procedure Committee, is given in **Appendix 5**.
- 7.13 If the Committee's proposals are approved by the States, it is proposed that there should be an independent Appointments Commission, made up entirely of persons who are not members of the States, with responsibility for ensuring that all senior civil service appointments are properly made. One of the first tasks for the Appointments Commission will be to recommend to the States a person for the appointment as Chief Executive.
- 7.14 As part of the strategy for developing a culture of consultation, one of the main proposals is that there should be a regular and formalised use of "green" and "white" papers. These are forms of consultation paper that would generally be issued by departments when they were considering major changes in policy. A "green" paper would be issued at a relatively early stage in the process of policy formulation, and States members, scrutiny committees, and the general public would be invited to comment on the contents. Once these comments had been taken into account, a department would then formulate its proposals in more detail and issue a "white" paper, which would again be the subject of comments from the public and scrutiny committee(s). When this stage was completed, a department would formally define its proposals for consideration by the Council of Ministers and onward transmission to the States Assembly.
- 7.15 There is nothing radically new about this aspect of the Committee's proposals. What is new, however, is the proposal that green and white papers should be a regular and integral part of the policy-making process. Many States Committees have issued consultation papers in the past, but this has by no means been a universal or consistent practice. In future, more emphasis would be placed on the use of consultation papers, and both the public and their elected representatives would become more involved in the process of policy formulation.
- 7.16 It has been argued that the Committee's proposals in respect of scrutiny, and in particular in respect of the division between executive and scrutiny, are "divisive". It has further been argued that the Island's government will become more adversarial, with those who are in the scrutiny function feeling that they have been excluded from government. The Committee believes that this argument is completely incorrect, and that it results from a misunderstanding of the nature of scrutiny. In the Committee's view, scrutiny is not a second order activity, but is fundamental to the nature of government. Scrutiny should not be regarded as a negative activity, but as one in which there is constructive engagement with the executive.
- 7.17 Discussion with elected members and civil servants in the United Kingdom have also reinforced these views in that effective scrutiny leads to greater involvement of elected members in government and a significantly reduced need for party politics.
- 7.18 A scrutiny committee may, for example, require a minister to attend a meeting to respond to questions about a particular aspect of policy, and it may also call for briefings and additional information. In the same way, a minister may request a scrutiny committee to comment on a particular issue or policy. In the Committee's view, the relationship between the executive and scrutiny functions will be based on mutual respect, with neither function being exempt from criticism. The comment has been made that the scrutiny committee should be regarded as a "critical friend", offering comments and advice in order to produce a better end result.
- 7.19 Clearly the Committee's proposals in respect of the scrutiny function will have resource implications, and the scrutiny committees would need to be provided with appropriate executive and administrative advice and support.
- 7.20 It is also accepted that improvements should be made to the facilities that are presently available to all States members. Whatever the role of the individual States member, it is essential that they should be provided with the resources that will enable them to carry out their work.

7.21 The need for additional facilities, together with any resource implications, would be considered in more detail in the Committee's implementation plan.

8. The Clothier Report - other recommendations

8.1 The Committee has deliberately focused on developing proposals to establish a ministerial system/system of scrutiny, as it sees this as being the area of highest priority. However, the Committee also recognises that the Clothier Report makes a number of other important recommendations which relate to the structure and composition of the States, including electoral arrangements. These are subjects which should be addressed, but the Committee believes that they can and should be considered separately in their own right.

8.2 The Committee accordingly decided to ask its ad hoc Steering Group to continue in its agreed task of "recommending a way forward on the reform of the machinery of government", and to look at the other major issues that are referred to in the Clothier Report. These issues included:- the question of the Island-wide mandate and the role of Senator; the number of members in the States; the role of Bailiff as President of the Assembly; the question of whether Connétables should cease to be *ex officio* members of the States; the nomenclature of members of the Assembly; the question of whether elections should all be held on the same day; and the other aspects of the electoral process that are referred to in Chapter 2 of the Clothier Report.

8.3 The Steering Group has completed its examination of these issues, and its comments are recorded in Appendix 4. The Committee is grateful to the Steering Group for its work, and believes that it has made a constructive and thoughtful contribution to the debate. The Group will in fact remain constituted so that the Committee may call upon its services from time to time.

8.4 Having given preliminary consideration to the Group's comments, together with the comments received during the consultation process earlier this year, the Committee has decided that more time is needed for it to discuss and reflect upon some of these matters.

It is not envisaged that this will be a lengthy process, and the Committee will be in a position to make a statement of its views by the end of September, before the current proposals for a ministerial system and a system of scrutiny are debated in the States.

9.0 Implementation plan and resource requirements

9.1 Clearly the changes that are being proposed are of a very major nature, involving cultural and organisational change, and the whole process would take several years to implement. A change of this scale will need to have an implementation plan, but clearly this type of plan will take some time to prepare in any detail and the Committee believes that it should first seek the approval of the States to the principle of moving to a ministerial system and a system of scrutiny.

9.2 If that approval is secured, the Committee intends to carry out detailed work on an implementation plan that would be brought to the States by the end of November 2001.

9.3 The aim of this plan will be to set out, for detailed consideration -

- **an indicative timetable of the work that will be required to achieve the proposals set out in the proposition and its supporting report;**
- **the process that is envisaged for taking this work forward;**
- **a possible new Departmental structure;**
- **the proposed roles and responsibilities of the main participants in the new system, i.e. the Chief Minister, ministers, assistant ministers, and Council of Ministers, as well as the Procedure Committee, Public Accounts Committee and other scrutiny committees, together with the proposed indicative responsibilities of the Chief Executive;**
- **the special arrangements for particular regulatory functions, which require democratic oversight and/or control, such as planning and development control, the administration of the Housing Regulations, and the administration of the Regulation of Undertakings and Development Law;**
- **the relationship between the executive and the parishes, including the proposed establishment of a Liaison Group with a remit to ensure the best possible co-ordination between central government and the parishes;**

- **the legislative changes that will be required to bring these proposals into effect.**

9.4 On this last point, the Committee acknowledges that its proposals will entail significant changes to legislation, and the implementation plan will therefore address this subject in more detail. From the discussions that have taken place to date, it is likely that there would need to be a new States of Jersey Law, as well as a large number of consequential amendments to other items of legislation (i.e. amendments which will be necessary as a consequence of the move from a committee to a ministerial system of government).

9.5 In order to gain a more detailed picture of the extent and timescale of the work that would be required, the Policy and Resources Department has established a small group of senior officers to identify and agree upon those Laws which need amendment, in consultation with chief officers, and on the timescale in which this work can reasonably be carried out. This group is charged with reporting back in time for its conclusions to be included in the implementation plan.

9.6 It is clear that the Committee's proposals will have resource implications, and the implementation plan would seek to examine this matter in more detail. In particular, the plan would consider the resources that will be needed to support a ministerial system and a system of scrutiny, as well as the additional facilities that should be provided for States members. In bringing forward its proposals, the Committee acknowledges that adjustments may be needed in the light of changes in circumstances, and the implementation plan will therefore need to allow for a degree of flexibility.

9.7 The Committee has already had discussions with the Treasury about the resource implications and the next budget cycle, and an indicative budget for the period September 2001 to May 2003 will be set out as part of the implementation plan. This budget will cover such items as the estimated costs of preparing for the move to a ministerial system and system of scrutiny which could take place in, say, May 2003. The Committee has no doubt that its proposals will bring efficiency savings in the medium to long term, but it acknowledges that an initial investment will have to be made if these benefits are to be realised.

10. Conclusion

10. The Committee believes that its proposals will result in major improvements to the Island's system of government. Jersey must adapt to face the challenges of the future, both within and outside the Island, and it will be strongly placed to meet these challenges if these proposals are adopted by the States.

10.2 The Committee's proposals may be summarised as follows -

- (1) the Committee system of government will be abolished;
- (2) the States will appoint a Chief Minister of Jersey from among its number, by a process to be agreed;
- (3) the Chief Minister will nominate a team of ministers for approval by the States to form the membership of a Council of Ministers. The executive function of government will be vested in the Chief Minister and the Council of Ministers;
- (4) not more than ten departments of government will be established, each headed by a member of the Council of Ministers;
- (5) ministers will be able to appoint up to two States members, who may be involved in more than one department, to assist them in their executive work, subject to the approval of the Chief Minister and (13) below;
- (6) the Chief Minister may recommend to the States that a minister should be dismissed;
- (7) the States may resolve that it has no confidence in the Chief Minister or any other minister, but any such proposition must have the declared support of a specified number of States members;
- (8) Codes of Conduct will be developed for the ministers and the Chief Minister;
- (9) the States will establish a Procedure Committee to be responsible to the States Assembly for all aspects of

Assembly procedure, including in particular scrutiny arrangements and an appropriate code of conduct for all States members;

- (10) on the basis of conditions and terms of reference to be drawn up by the Procedure Committee, the States will establish a small number of scrutiny committees comprised of members not involved in the executive, the function of which will be to examine the performance of government, scrutinise legislation, and to contribute towards the development of policy;
- (11) upon the recommendation of the Procedure Committee, there will be a Public Accounts Committee comprised of the chairmen of the scrutiny committees, plus at least one other States member not involved in the executive. This will be charged with scrutinising public expenditure and supported by a new post of Auditor-General, accountable directly to the States Assembly;
- (12) all committees of the States Assembly - e.g. Procedure, Scrutiny, Public Accounts - as well as all individual States members, will be appropriately resourced and supported;
- (13) the number of States members who are not involved in the executive will be greater than those who are;
- (14) the Council of Ministers will be supported by a Chief Executive who will be the head of the civil service, which will be unified at senior level; and heads of departments will form a management board under the leadership of the Chief Executive.
- (15) the States will establish an independent Appointments Commission, comprising persons who are not members of the States, with responsibility for ensuring that senior civil service appointments are properly made, and which as its first task will recommend to the States a person for appointment as Chief Executive;
- (16) the Council of Ministers will establish a Liaison Group to consider service delivery and resource allocation issues as between the Executive and the parishes, and to keep under review the relationship in the proposed new governmental arrangements between the centre and the parishes.

**THE CLOTHIER REPORT - CHAPTER 11
SUMMARY OF RECOMMENDATIONS**

		Paragraph
Chapter 2 : The electorate		
1.	A Chief Electoral Officer should be appointed	2.4
2.	There should be a Central Register of Voters	2.4
3.	Election expenses should be determined by the States	2.4
4.	Polling Stations to remain open from early morning till late evening	2.5
5.	One General election only for all members of the States and for the 12 Parish Constables	2.7
6.	Every candidate to produce a policy statement	2.8
Chapter 3 : The States Assembly today		
7.	The role of Senator should be abolished	3.7.3
8.	Connétables should cease to be <i>ex officio</i> members of the States	3.8.6
9.	Comité des Connétables to be consulted whenever their Parish is particularly affected	3.8.7
10.	An Electoral Commission to re-assign the vacant seats amongst the Parishes	3.9.1
11.	All members of the States to enjoy the same title, "Member of the States of Jersey" (MSJ)	3.9.2
12.	There should be an assembly of between 42 and 44 members	3.9.3
Chapter 4 : The Committee structure		
13.	There must be a majority of members of the States not in executive office to provide scrutiny of those who are, by means of three or four scrutiny committees	4.14 & 4.15
Chapter 5 : An improved structure		
14.	Seven departments should be substituted for the 24 Committees	5.1
15.	Each Department to have one minister and two members	5.2
16.	Ministers from each Department to form the Council of Ministers	5.2 & 5.4
17.	There should be a Chairman of the Council who would be the Chief Minister of the Island	5.2
18.	The Council of Ministers should have power to give directions to the Departments	5.2
19.	Chief Minister to have the power to dismiss ministers	5.2
20.	The States to have the right to approve the appointment of ministers and substitute ministers nominated by the Chief Minister	5.2
21.	External Relations to be in the province of the Chief Minister	5.2
22.	The title "President" to be abandoned and replaced by "Minister"	5.3
23.	The Council of Ministers to be subject to careful scrutiny by the balance of members of the States	5.4
24.	Proper facilities for communications and research should be provided for members	5.8
25.	The proceedings of the States to be taken down and printed	5.9
26.	There should be a Treasury Department responsible for	5.10

	producing the annual budget and for personnel	& 5.11
27.	A small number of scrutiny committees to be formed from among non-executive members of the States and elected by the States as a whole	5.13
28.	The Chairmen of the scrutiny committees with one other member of the States to form a Public Accounts Committee to examine and control expenditure	5.13
29.	There should be created the post of “Auditor General” to assist the Public Accounts Committee	5.13
30.	The first task of a new States of Jersey must be to elect its Speaker and then a Chief Minister	5.16
31.	Provision should be made for written answers to members’ questions and for adjournment debates	5.17

Chapter 6 : **The business of administration**

32.	The Chief Minister and Council of Ministers should have a Chief Secretary who would be Head of the Civil Service	6.4
33.	There should be an Appointments Commission for senior appointments in the Civil Service	6.5
34.	There must be an appellate mechanism for the challenge of quasi-judicial administrative decisions and a mechanism for dealing with planning problems of an exceptional kind	6.7

Chapter 7 : **The Parishes**

35.	There should be a more formal structure for the Parish Assembly	7.5
36.	Special attention should be given to the Parish of St. Helier	7.6

Chapter 8 : **The Bailiff**

37.	The Bailiff should cease to act as president of the States or to take any political part in the Island’s government and the States should elect their own Speaker	8.13
38.	The Chief Minister should be the direct link to the Home Office in London	8.14
39.	The office of Bailiff should continue to be the highest in the Island on all occasions when the order of precedence is observed	8.15

Chapter 9 : **An Ombudsman for Jersey?**

40.	An Ombudsman should be appointed to hear and determine complaints of maladministration by Departments	9.4
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Chapter 10 : **Towards a more open democracy**

41.	There should be regular use of consultative or discussion papers	10.4
42.	The proceedings of scrutiny committees should normally be in public	10.7
43.	There should be regular opportunities for members to question the Chief Minister	10.8
44.	The States should ensure that the fullest facilities are given to the writing and broadcasting media.	10.9

WEIGHTINGS AGREED BY THE STEERING GROUP - CRITERIA TO BE USED TO TEST GOVERNMENT OPTIONS

Weighting		Original weightings
33.67	<u>DEMOCRATIC GOVERNMENT</u>	
	Enhanced democratic process/a more responsive and representative electorate system	28.75
	Improved accountability	15.63
	Transparency/standards in public life - keeping the public informed	14.88
	Electorate able to influence policy	10.38
	States members elected (directly) to the States, all at the same time	9.50
	Clear rules of engagement for all activities	8.00
	Common remuneration for all activities	5.25
	Less bureaucracy	7.63

Weighting		
14.39	<u>COHERENT GOVERNMENT</u>	
	Co-ordinated/joined-up government	36.25
	States members more involved in Policy, not day-to-day management	30.63
	Prioritised	17.44
	Adherence	15.69

Weighting

25.37

DECISIVE GOVERNMENT

Good decision-making	45.63
Clear	
Consistent	
Co-ordinated	
Effective	
Reasoned	
Timely	
Effective leadership	26.25
Subsidiarity	17.00
Delegation with responsibility and clear parameters - redress	11.75

Weighting

18.50

EFFECTIVE SCRUTINY

An executive body (if created) should be a significant minority of States members	22.88
Adequately resourced (financial, manpower, information, independent advice)	22.13
Effective - with teeth	16.43
Formalised (rules of engagement) public consultation, inc. Green Paper - whole process	15.57
Independent	11.71
Accountable	11.86
Role of the individual as well as the Assembly	7.29

Weighting

8.07

PUBLIC ACCEPTABILITY

100.00

The extent to which a system of government fulfills public expectations and has high public appeal

100.00

Note:

The five main headings have been given relative weightings which have a combined total of 100 points (i.e. Democratic Government; Coherent Government; Decisive Government; Effective Government; Effective Scrutiny; and Public Acceptability).

In a similar manner, the criteria listed under each of the five main headings have been assigned relative weightings, and they also have combined totals of 100 points within each main heading.

POLICY AND RESOURCES COMMITTEE'S AD HOC STEERING GROUP ON THE MACHINERY OF GOVERNMENT - COMMENTS ON THE CLOTHIER REPORT'S RECOMMENDATIONS

The Policy and Resources Committee's ad hoc Steering Group was appointed in March 2001, and at its first meeting it was agreed that the Group's remit should be "to recommend a way forward on the reform of the machinery of government". As a part of its work the Steering Group examined the recommendations listed in Chapter 11 of the Clothier Report, and the Group's comments on these recommendations are listed below. The recommendations are listed in the order in which they appear in Chapter 11 of the Clothier Report.

These comments have been taken directly from the minutes of the Group's meetings held on 17th May, 4th July and 18th July 2001 - where a subject was discussed more than once, the date of the discussion is shown in the text.

In some cases the Group's comments refer to the "Ministerial Clothier" (MC) option and the "Combined Committee/Ministerial" (CCM) option, and these are described in more detail in paragraphs 4.3 and 4.7 of the Committee's report.

(1) A Chief Electoral Officer should be appointed

It was agreed that it might be necessary in the future to appoint a Chief Electoral Officer, although there was no immediate requirement. It was possible that this role could be carried out by the Secretary to the Comité des Connétables as a part of her duties.

(2) There should be a Central Register of Voters

(4th and 18th July)

Electoral registers were currently maintained by the individual parishes. It was noted that the Legislation Committee would shortly be bringing forward proposals for a draft Franchise (Jersey) Law 200-, and it would not be advocating that the parish-based registration system should change.

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However, all Parish Registers would be centrally accessible and available for public inspection.

The Steering Group endorsed the position taken by the Legislation Committee on this matter, and proposed that a central database, incorporating each of the 12 parish registers, could be held at the office of the Comité des Connétables.

(3) Election expenses should be determined by the States

Agreed.

(4) Polling Stations to remain open from early morning till late evening

Agreed.

(5) One general election only for all members of the States and for the 12 Parish Constables

(4th July)

The view was expressed that it would be desirable to have just one category of States member, with all elections being held on the same day. A single general election day would then become a more important event for the Island's citizens, and would help to increase public interest.

However, it was pointed out that there were presently three different categories of States member, and that a single election date under these arrangements would have its disadvantages. For example, there were presently two separate elections for senators and deputies, and these were held triennially in October and November. If there were to be just one election day, it was quite possible that some of the sitting deputies would be unwilling to stand for election as senator, because if unsuccessful they would have missed the opportunity to stand for deputy.

The view was expressed that the present system encouraged stability because elections were staggered, and changes to the composition of the Assembly were therefore of a gradual nature.

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Conversely, it was claimed that a single election date would be the more democratic option because it would give the electorate the opportunity to make a major change to the Island's government if this were felt to be necessary. It was unlikely that a single election date would have a destabilising effect, because even if there were to be a major shift in public opinion it was probable that many of the States members would be re-elected.

(18th July)

Senator Syvret expressed the view that a single election day for senators and deputies would be desirable. Although it had been argued that some of the sitting deputies might be unwilling to stand for election as senator in these circumstances, Senator Syvret did not agree with this view, and he considered that the more able and experienced deputies would not be discouraged from standing for senatorial office.

In contrast, the view was expressed that a single election day was not necessarily the best option because it could mean that inexperienced and unsuitable candidates might be elected as senators (i.e. on the grounds that the sitting deputies would be reluctant to stand for senatorial office). It was suggested that consideration should be given to ways of limiting the number of candidates, e.g. by increasing the number of signatures required on nomination forms, and by introducing a system of electoral deposits which could be refundable, depending on the number of votes received.

After discussion, the majority view on the Steering Group was in favour of a single election day for senators and deputies. If the elections were to be held on the same day, the Group agreed that candidates should not be eligible to stand in both senators and deputies elections.

(6) Every candidate to produce a policy statement

Agreed.

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(7) The rôle of Senator should be abolished

(4th July)

The Steering Group then discussed the role of senator in the Island's government. It was pointed out that senators had an Island-wide mandate, and this meant that the public could feel that they had a greater influence over the States Assembly. Under the present arrangements, every elector could say that s/he was directly represented by at least 14 States members (i.e. 12 senators, one connétable, and one or more parish deputies), whereas if the office of senator were to be abolished this level of direct representation could be reduced to just two elected members (i.e. one connétable and one parish deputy).

In relation to the Island-wide mandate, it was pointed out that senators could represent anybody in the Island, including women and minority groups who might not feel comfortable about approaching their own parish deputy or connétable. For those seeking election to the Assembly, the office of senator offered an alternative to that of deputy, especially in those parishes where the sitting deputy was unlikely to be defeated at election time.

On the other hand, it was argued that the office of senator had changed over the years, and it was no longer the case that senators could expect to receive the most senior appointments in the States, e.g. the presidencies of the major committees. From the senator's viewpoint, it could be argued that there was relatively little difference between his or her office and that of deputy. The main difference, perhaps, was that s/he was elected for a longer term of six years, but in any event it was possible that this might change under the new arrangements as it had been suggested that there could be a standard term of office of, say, four years for every States member.

As an alternative to the present arrangements, it was suggested that a system of multi-member constituencies should be created. Each constituency could have two or three members, and would cover a single parish or possibly two or three parishes, depending upon the population level.

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After discussion, it was noted that the majority of those present were in favour of retaining the office of senator. If the office of senator were retained, the Group agreed that it would be necessary to maintain the present system of two separate elections for senators and deputies.

It was also agreed that the subject should be held over for further discussion at the next meeting, especially as the two absent members of the Steering Group were senators and might therefore wish to comment on this matter.

(18th July)

The Steering Group agreed that the office of senator would not be incompatible with a ministerial system.

The view was expressed that there should not be a presumption in favour of appointing senators to ministerial positions, and that it would be for the States to decide on whom to appoint to these positions, whether they were senators, deputies or *connétables*.

The Steering Group then discussed the role of senator, and the general view was that the office should remain. This view was based primarily on the grounds of representation, i.e. because senators could be said to provide the public with a greater degree of direct representation in the States. As noted at the meeting on 4th July, under the present arrangements every elector could say that s/he was directly represented by at least 14 States members, i.e. 12 senators, one *connétable*, and one or more parish deputies.

The Group then turned to the issue of terms of office, and agreed that senators should have the same term of office as deputies. It was recalled that it had been agreed at the meeting on 4th July that a standard term of four years would be reasonable.

If senators and deputies were to have the same term of office, the question arose as to whether their elections should be held on the same day. It was pointed out that the Clothier Report had recommended that there should be a single election day for all members of the States. A single election day would then become a more important event for the Island's citizens, and would help to increase public interest.

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(8) *Connétables* should cease to be *ex officio* members of the States

(4th July)

The Group then considered the office of *Connétable*, and the view was expressed that the *connétables* should no longer be *ex officio* members of the States. In a modern parliamentary democracy, it could be argued that a person should not have a seat in an assembly simply by virtue of his or her office, and that he or she should be directly elected to that position. This did not mean that a *connétable* would no longer be able to be a States member, but it would mean that he or she would have to be directly elected to that position. Indeed, it was expected that many of the *connétables* would want to stand for election to the Assembly.

Connétable Amy said that he did not agree with the emphasis that had been placed in the Clothier Report on the position of the *connétables* as *ex officio* members of the States. In practice, there was no distinction in the public mind between those representatives who were directly elected to the Assembly and those who were there by virtue of their office, and the public voted for a *connétable* on the understanding that he or she would have a seat in the States Assembly.

Several members indicated that they supported the view that the *connétables* should cease to be *ex officio* members of the States, although support was also expressed for the view that they should remain.

The Group then discussed the timing of elections for the office of *connétable*. If the States were to decide that the *connétables* should no longer be *ex officio* members of the States, then in the Group's opinion it would not be necessary to hold their elections on the same day as the senators and/or deputies. This was because the parish responsibilities of the *connétables* were different in nature from the responsibilities that they would have if they were to be elected separately to the States as a deputy or senator, and there was therefore no need for the elections to be held at the same time as the deputies/senators.

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Whatever the eventual decision of the States on the office of *connétable*, it was felt that it was unsatisfactory that there should be 12 different election dates for the 12 *connétables*, and that it would be better to have the elections for the *connétables* all

on the same day.

(18th July)

The Steering Group received an oral report from the Chairman in relation to a meeting of the Comité des Connétables that he had attended on 10th July 2001. At this meeting the connétables had made it clear that they did not agree with the emphasis that had been placed on their position as *ex officio* members of the States, and they had stated that the public generally voted for a connétable on the understanding that he or she would have a seat in the Assembly.

Senator Syvret said that he believed that the connétables should cease to be *ex-officio* members of the States, and that the law should be amended so that they would be elected directly to the States Assembly, with all the connétables' elections taking place on the same day. At present there were 12 different election days for the Island's connétables, and this meant that their elections had a very low public profile. A single election day for the connétables would help to increase public interest, and would also help to promote the important role that was played by the connétables. If the connétables were to be directly elected to the States, it would be necessary to amend the law so that they would be answerable to the Assembly, and not to the Royal Court as at present.

Deputy Syvret said that he was also of the view that the connétables should remain in the States, and he warned that if they should lose their seats in the Assembly there would inevitably be a public loss of respect for the office of connétable and, by implication, for the honorary system.

Senator Quérée commented that the parish responsibilities of the connétables were separate from those which they held as members of the States. In his opinion, the candidates for election to the office of connétable should be given the choice as to whether they should have exclusively parish responsibilities, or whether they should also take on the extra duties associated with being a States member. In this connection it was noted that a connétable's workload could be very considerable, and it

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was quite possible that some candidates for the office of connétable would not want to have to take on the additional workload of being a member of the States. On the other hand, candidates would also be free to stand for direct election to the States Assembly, either as a deputy or as a senator.

If this latter arrangement were adopted, the elections for connétables could be held a few weeks prior to the elections for senators and deputies. This would leave the newly-elected connétables in a position to decide whether they wanted to stand for election to one of the two latter positions.

The Steering Group agreed that all of the elections to the office of connétable should be held on the same day, rather than on 12 different occasions as at present.

The Steering Group then returned to the question of whether the connétables should remain as *ex officio* members of the States. The majority view was that this arrangement should not continue, and that there should be two separate elections, i.e. one for the office of connétable, and a subsequent one for the senators and deputies. As already indicated, this would mean that the connétables would no longer have a seat in the Assembly by virtue of their office, but would be free to stand for election to the Assembly as either a senator or deputy.

The minority view on the Steering Group was that there should be a single election for the office of connétable, and that the connétable should act both as the head of the parish and as a States member.

(9) Comité des Connétables to be consulted whenever their Parish is particularly affected

It was noted that the Policy and Resources Committee was proposing the establishment of a Liaison Group between the executive and the parishes, and that this should help to facilitate consultation.

The Steering Group endorsed the principle of supporting the parish system, and of consulting with the parishes. The Group also recommended that the Comité des Connétables should be given formal status in acknowledgement of the important work which it carried out.

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(10) An electoral commission to reassign the vacant seats amongst the Parishes

Not applicable.

(11) All members of the States to enjoy the same title; ‘Member of the States of Jersey’ (MSJ)

It was agreed that under the present arrangements it was not necessary to make any changes to the present titles of senator, deputy and connétable.

Should the review of the machinery of government result in changes to any of these offices, such as the abolition of the role of senator, then it was recommended that the title(s) should change to deputy.

Reference was made to the French system whereby a representative could hold more than one title, e.g. in the local context as a ‘Maire’, and on a national level as a ‘Député’ in the Assemblée Nationale. This was suggested as an option for the connétales who, if elected directly to the House, would represent the public in two different functions and could have the title of deputy in the States.

(12) There should be an assembly of between 42 and 44 members

It was agreed that the total number of members in the States would depend upon the eventual outcome of the debate on the machinery of government.

In connection with the Policy and Resources Committee’s draft report and proposition, the consensus of opinion was that it was not strictly necessary for the Committee to specify that there should be a majority of at least five States members who would not be involved in the executive. The point of principle was that those who were not involved in the executive should be in the majority, and it was not therefore necessary to specify a given number. It was added that this majority should apply to the States as constituted, and that it need not be a prerequisite for every meeting of the States Assembly.

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The Steering Group agreed that the actual number of States members would need to be reviewed in due course, once a decision had been taken on the machinery of government. The general view was that there should be a reduction in the overall number of members, if possible and over a period of time, and this would appear to be in line with public thinking. If there were to be a reduction in numbers, the Policy and Resources Committee would still want to ensure that the executive were in the minority.

(13) There must be a majority of members of the States not in executive office to provide scrutiny of those who are by means of three or four scrutiny committees

It was recognised that this was an area of disagreement, and that individual members of the Steering Group might have different views on whether there should be a majority of States members not in executive office to provide scrutiny.

Deputy Vibert expressed concern that this recommendation could be divisive, i.e. because it would exclude the majority of States members from executive power. Under the CCM option, the majority of States members would have a role in both the executive and the scrutiny functions.

(14) Seven departments should be substituted for the 24 Committees

It was agreed that the optimum number of departments would be between seven and ten. The Group felt that seven was probably too few, and that ten was likely to be the more desirable option.

(15) Each department to have one minister and two members

Insofar as the CCM option was concerned, Deputy Vibert expressed the view that each Department could have one minister and up to four other members.

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(16) Ministers from each Department to form the Council of Ministers

Agreed.

(17) There should be a Chairman of the Council who would be the Chief Minister of the Island

Agreed.

(18) The Council of Ministers should have power to give directions to the Departments

MC Option: This power of direction would be within agreed policy. A general statement of policy, prepared by the Council, would have previously been approved by the States.

(19) Chief Minister to have the power to dismiss ministers

It was agreed that only the States should have the power to dismiss ministers, at the request of the Chief Minister and/or the Council of Ministers.

(20) The States to have the right to approve the appointment of ministers and substitute ministers nominated by the Chief Minister

It was agreed that the Chief Minister should have the right to nominate ministers for approval by the States. However, it was felt by some that other States members should also have the right to nominate ministers, in the same way that they were presently allowed to nominate Committee Presidents.

It was suggested that nominations ought to be the subject of a period of notice.

(21) External relations to be in the province of the Chief Minister

Agreed.

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(22) The title "President" to be abandoned and replaced by "Minister"

Agreed.

(23) The Council of Ministers to be subject to careful scrutiny by the balance of members of the States

MC Option: Agreed.

CCM Option: This was agreed, and it was also noted that under the CCM option each committee/department would be subject to scrutiny by the balance of members.

(24) Proper facilities for communications and research should be provided for members

Agreed.

(25) The proceedings of the States to be taken down and printed

The Steering Group agreed that it was highly desirable that there should be a readily accessible record of the States proceedings, coupled with a transcription service provided by the States Greffe. It was suggested that consideration should be given to other types of recording, such as digital recording.

It was noted that the House Committee would be discussing this matter at its next meeting.

(26) There should be a Treasury Department responsible for producing the annual budget and for personnel

The view was expressed that financial and budgetary control were not necessarily to be linked with human resource management, and that it might be more appropriate for the human resource function to report to the Chief Minister. On the other hand, it was suggested that all of the resource functions (i.e. finance, human resources, and property) should report to the same minister.

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The Group expressed support for the principle of integrated resource management, and agreed that the issue of responsibility for the human resource function should be looked at more closely when consideration was given to the reorganisation of

Departments.

(27) A small number of scrutiny committees to be formed from among non-executive members of the States and elected by the States as a whole

See comments under recommendation (13).

(28) The Chairman of the Scrutiny Committees with one other member of the States to form a Public Account Committee to examine and control expenditure

CCM Option: It was noted that under the CCM option the Public Accounts Committee would be formed of the three Scrutiny Committee Presidents.

(29) There should be created the post of Auditor General to assist the Public Accounts Committee

The Steering Group supported the proposal for an Auditor General, but felt that this post should have a wider role than simply assisting the Public Accounts Committee.

(30) The first task of a new States of Jersey must be to elect its Speaker and then a Chief Minister

Not applicable.

(31) Provision should be made for written answers to members' questions and for adjournment debates

The Steering Group agreed that the right of members to ask questions and to bring propositions to the States would have to be catered for under the proposed new arrangements. The Procedure Committee, as the committee responsible to the States for all aspects of Assembly procedure, would have to look into this matter at an early opportunity.

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(32) The Chief Minister and Council of Ministers should have a Chief Secretary who would be Head of the Civil Service

Agreed.

(33) There should be an Appointments Commission for senior appointments in the Civil Service

Agreed. It was noted that this proposal had been included in the Policy and Resources Committee's proposition.

(34) There must be an appellate mechanism for the challenge of quasi-judicial administrative decisions and a mechanism for dealing with planning problems of an exceptional kind

Agreed. Senator Qu  r  e commented that the Planning and Environment Committee was proposing the establishment of an independent Appeals Commission for planning appeals, and this could be a useful example for others to follow.

(35) There should be a more formal structure for the Parish Assembly

Agreed.

(36) Special attention should be given to the Parish of St. Helier

Agreed.

(37) The Bailiff should cease to act as president of the States or to take any political part in the Islands government and the States should elect their own speaker

(4th July)

The Steering Group agreed that the Bailiff should remain as the President/ Speaker of the Assembly, but that the opportunity should be taken to review those of his ancillary duties which could be regarded as being of a political nature. For example, the Bailiff was the Chairman of the Panel on Public Entertainment, and he was also Joint Chairman of the Commission

(18th July)

The Group recalled that it had discussed the role of the Bailiff at its meeting on 4th July, and confirmed that it was of the view that the Bailiff should remain as President of the Assembly. The Group also reiterated that the opportunity should be taken to review those of his duties which could be regarded as being of a political nature, e.g. as Chairman of the Panel on Public Entertainment.

(38) The Chief Minister should be the direct link to the Home Office in London

The majority view on the Group was that this would be the most appropriate arrangement, and that the Bailiff and Lieutenant Governor should be kept informed.

(39) The office of Bailiff should continue to be the highest in the Island on all occasions when the order of precedence is observed

Agreed.

(40) An Ombudsman should be appointed to hear and determine complaints of maladministration by Departments

Agreed.

(41) There should be regular use of consultative or discussion papers

Agreed.

(42) The proceedings of scrutiny committees should normally be in public

Agreed.

(43) There should be regular opportunities for members to question the Chief Minister

Agreed.

It was also agreed that States members should have regular opportunities to question ministers, as well as the Chief Minister. It was expected that members' questions would focus on the more general issues of policy and strategy, although there could also be questions on more detailed matters, subject to proper notice being given.

(44) The States should ensure that the fullest facilities are given to the writing and broadcasting media

Agreed.

The Group discussed the terms of office that should apply to elected members of the States, and the general view was that a standard term of four years would appear to be reasonable.

ROLES AND RESPONSIBILITIES

The Committee's report describes, in general terms, the rôles and responsibilities that are proposed for the key participants in the ministerial system and system of scrutiny.

The proposed rôles and responsibilities are expanded upon below, but it should be borne in mind that they will develop over time and the information provided here is for guidance purposes only at this time.

TITLE : **MINISTER**

REPORTS TO : **COUNCIL OF MINISTERS**

Role:

To take political responsibility for a department of government, and be accountable to the Council of Ministers and the States for the functioning and progress of that department.

Responsibilities:

- To take executive decisions of a political nature relating to the department's activities, ensuring that the department runs smoothly and in accordance with its agreed objectives.
- To review and propose changes to the department's policies, as and when necessary, and take action to ensure that these policies take account of changing circumstances and are in accordance with general policies agreed by the Council of Ministers and the States (see note below).
- To identify those areas of decision-making which are of a more general nature and/or have implications for other departments, and refer these on to the Council of Ministers.

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- To decide upon those areas of decision-making which should be dealt with by the department's chief officer, or other officers, and if necessary to arrange for these to be dealt with under delegated powers.
- To approve Orders relating to the more routine aspects of Island business, for subsequent notification to the States Assembly (e.g. road closure orders), and to arrange for draft Laws and Regulations to be submitted to the Council of Ministers and then to the States for their consideration.
- To take note of national and international obligations and ensure that they inform the process of decision-making.
- To work in co-ordination and co-operation with other ministers, assistant ministers (when appropriate), advisors, and the department's chief officer, to ensure that decisions are taken in the light of relevant information.
- To carry out the above duties in accordance with the Code of Conduct for Ministers.

NOTE: It is envisaged that minor policy changes would be dealt with by the minister, and that the more significant policy matters would be referred to the Council of Ministers and, if necessary, to the States.

JOB TITLE : ASSISTANT MINISTER

REPORTS TO : MINISTER

Role:

To assist a minister in exercising responsibility for a department of government.

Responsibilities:

- To provide advice and assistance to a minister in relation to his/her executive work.
- To assist the minister by, for example, taking the lead under her or his direction in a given area of work. This could include acting under delegated authority.
- Deputise for the minister in her or his absence.

NOTES: The decision on whether or not to appoint one or two assistant ministers would rest with the minister, subject to the approval of the Chief Minister.

Assistant ministers would be able to assist more than one minister, subject to the approval of the Chief Minister.

TITLE : COUNCIL OF MINISTERS

REPORTS TO : CHIEF MINISTER

Role:

To exercise the executive function of the Island's government, under the leadership of the Chief Minister, and take collective responsibility for decisions made and implemented.

Responsibilities:

- To formulate a general policy document on a regular basis, for consideration and approval by the States, that will guide the activities of the Island's government, and report back to the States Assembly on an annual basis (see Note 1 below).
 - To consider and take the lead on general strategic and policy issues.
 - To consider and take action on strategy and policy issues that cut across departmental boundaries. To decide upon items of policy that have been submitted by individual ministers and, when appropriate, to agree on which items should be referred to the States Assembly for a decision.
 - To give directions to departments through the Chief Executive with the objective of achieving integrated action across the public service.
 - To give directions to departments in those circumstances when a department is failing to comply with agreed corporate policies, or if a department is taking action that is deemed to be contrary to the public interest.
 - To consider items of draft legislation received from individual departments prior to their submission to the States.
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- To agree upon an annual Law Drafting Programme that takes into account the aims and priorities of the States.
 - To take decisions, in the light of advice from the States Treasury, about which financial proposals should be laid before the States Assembly.
 - To present an annual budget, including both States' revenue and capital expenditure to the States Assembly.

NOTES:

The proposed policy document will provide a general review of States plans, priorities, and programmes, and will set out a statement of aims and objectives for an agreed period.

The Council of Ministers will provide the main forum for ministers to meet and consider items of a corporate nature.

TITLE : CHIEF MINISTER

REPORTS TO : STATES ASSEMBLY

Role:

As Chairman of the Council of Ministers, to lead and take political responsibility for the Island's government.

To have overall responsibility to the States Assembly, and the whole community of the Island, for the development and implementation of States' policies, including resource allocations.

Responsibilities:

- To propose a team of ministers, for approval by the States, to form a Council of Ministers, and to select the departments for which they will have responsibility.
- To lead the team of ministers and seek to sustain their collective responsibility.
- To lead the formulation of a general strategic policy document by the Council of Ministers, on a regular basis.
- To be responsible, on behalf of the Council of Ministers, for presenting the strategic policy document to the States for their approval, and for presenting an annual report on progress.
- To exercise political responsibility for the Island's external relations, including maintaining political relationships with the Lord Chancellor's Department and representing the Island as appropriate at the international level.

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- To consult with the Bailiff on those matters which are relevant to his position as the Island's civic head and constitutional guardian and, in this capacity, to ensure that the Bailiff is able to maintain the protection afforded by official correspondence passing through the hands of the Crown Officers.
- To take political responsibility for the operation of the Chief Minister's Department.
- To work closely with the Chief Executive and his team of advisers and the chief officers
- To develop and enforce a Code of Conduct for Ministers, that would be supplementary to the Code of Conduct for all States members.

TITLE : SCRUTINY COMMITTEES

REPORTS TO : STATES ASSEMBLY

Role:

To examine, review and scrutinise a designated area of governmental activity in order to seek to ensure that the Island's government is economical, effective and efficient.

Responsibilities:

In relation to the designated area of governmental activity -

- To seek to influence the formulation and development of policy by considering and commenting on proposals that have been received from individual ministers and the Council of Ministers, and generally be engaging in the debate on relevant issues.
- To conduct policy reviews and make recommendations to the Executive regarding possible changes in policy.
- To review draft legislation and enter into discussions with the sponsoring department or the Council of Ministers as necessary.
- To examine the performance of the Executive, reviewing its effectiveness and making recommendations as appropriate.
- To monitor the process of decision-making in the Executive, carrying out inquiries when necessary and holding the Executive to account accordingly.
-
- To provide the States Assembly with an annual report on its activities.
- To appoint ad hoc sub-committees when necessary in order to fulfil the scrutiny function within its agreed area of operation.

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- To act as a "critical friend" to those under scrutiny to enable better, more effective decisions to be made.
- To build and develop effective relationships with all others involved in the business of government, e.g. ministers, other scrutiny committees, States members, senior civil servants etc.
- To maintain a strong public face.

NOTES: It is proposed that scrutiny committees shall have the authority to be able to summons ministers to their meetings, and to question them with regard to their executive responsibilities. This authority would extend to others involved in the Executive, including assistant ministers and chief officers.

Scrutiny committees should also be able to call for expert advice on matters of a technical or specialised nature, and receive proper executive and administrative support. They would also be able to call for relevant papers and information, provided that access to this information was not prohibited under the Code of Access to Freedom of Information.

One of the scrutiny committees would be the Public Accounts Committee. As with the other scrutiny committees, the Public Accounts Committee would have the role and responsibilities that are shown above, with specific reference to the area of public expenditure. This Committee would be supported by the new post of Auditor General, and it would consist of the chairmen of the scrutiny committees, plus at least one other States member not involved in the Executive.

TITLE : **PROCEDURE COMMITTEE**

REPORTS TO : STATES ASSEMBLY

Role:

To be responsible to the States Assembly for all matters of Assembly procedure, including the arrangements for the scrutiny of the Executive.

Responsibilities:

- To keep under review the practices and procedures of the States Assembly, and present amendments to the Standing Orders of the States of Jersey, as and when necessary, in order to facilitate the smooth and efficient running of the Assembly.
- To recommend to the States the establishment of a small number of scrutiny committees, comprised of States members not involved in the Executive, with responsibility for scrutinising designated areas of governmental activity, and recommend the appropriate procedures that the States should adopt.
- To draw up proposals for the terms of reference and composition of the scrutiny committees for approval by the States.
- To keep under review the arrangements whereby individual members can bring forward propositions to the States.
- To develop and maintain a code of conduct for all States members.
- To keep under review the accommodation, services and facilities provided for members and officers of the States, and the remuneration of States members.
- To deal with matters relating to the practical functioning of the States Assembly.

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- To recommend to the States, as and when necessary, the appointment of ad hoc Committees for the scrutiny of particular issues that do not fall within the remit of the agreed scrutiny committees.
- To keep under review the number, terms of office, qualification and constituencies of members of the States.

NOTE: Several of the above responsibilities are presently undertaken by the House Committee. Under the proposals before the States the House Committee would be replaced by the Procedure Committee.

TITLE : **LIAISON GROUP**
REPORTS TO : **COUNCIL OF MINISTERS**

Role:

To keep under review the relationship between the Executive and the Parishes.

Responsibilities:

- To act as a regular channel of communication between the Executive and the Parishes.
- To keep under review all aspects of service provision where both sides are involved or have an interest, with particular regard to areas where, subject to resource allocation, services might be undertaken more effectively at parish level.
- To highlight areas of service delivery that are in need of attention, and make recommendations for change to the Council of Ministers and/or the Comité des Connétables.
- To provide a forum for the discussion of issues relating generally to Island Government from the perspective of the relationship between the Executive and the parishes' government, and to be a consultation channel from the localities to the "centre".

NOTES: As its title suggests, the main function of the Liaison Group would be to act as a channel of communication between the Executive and 'local' government. The Group would not encroach upon any of the executive responsibilities held by either the Council of Ministers or the Connétables. Any recommendations made by the Group would need to be agreed by both sides.

In this context it is important to note that the Council of Ministers would actually have the power to give effect to any such decisions, unlike under the present system.