



# States Assembly ANNUAL REPORT 2006



States of Jersey  
States Assembly



États de Jersey  
Assemblée des États

PRESENTED TO THE STATES BY THE PRIVILEGES AND PROCEDURES  
COMMITTEE ON 24th APRIL 2007

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### FOREWORD



The States of Jersey Law 2005 brought into effect a new structure of government, and the new Standing Orders brought with them many new procedures and practices, including the requirement for an annual report on the work of the Assembly. I am delighted to have been asked by the Chairman of the Privileges and Procedures Committee to contribute this foreword to the Committee's first such report. From the perspective of the President of the Assembly it seems to me that the change from committee government to ministerial government, and the related parliamentary changes, have gone as smoothly as could be expected. All members deserve credit for that, but I should like to single out for particular praise the Greffier and the members of his staff. Change is inherent in any organization, but the management of significant change requires not only great skill but much hard work. All members owe a debt of gratitude to the members of the States Greffe.

The States Assembly has come a long way since it began to emerge as a legislature at the end of the 15th or the early 16th century. Minutes were first recorded in 1524 and, if we take that as our definitive date of birth, we will shortly be celebrating 500 years of parliamentary democracy. Few other parliaments in the Commonwealth can claim such a history. This report, and its successors, will make a valuable contribution to our parliamentary records and to the political history of the Bailiwick.

Sir Philip Bailhache  
Bailiff of Jersey

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### **Introduction by the Chairman of the Privileges and Procedures Committee**

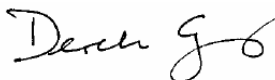


I am very glad that the new Standing Orders approved by the States in 2005 included a requirement for the Privileges and Procedures Committee (PPC) to prepare an Annual Report for the work of the States Assembly. I am pleased to be able to write an introduction to the first ever such report and I hope that readers will find it of interest.

As with most annual reports there is inevitably a large amount of statistical information in this document and I am sure that this will provide a useful starting point to make comparisons in future years. It is, nevertheless, important to stress that statistics are only one small part of judging the work of the Assembly and its Committees and Panels. For the residents of Jersey the work of the States is, of course, assessed not only by figures on matters such as how often the Assembly meets or by how many projets are lodged, but by the way in which the decisions made by members affect their daily lives.

Standing Orders require the Chairmen's Committee to compile an Annual Report on the work of Scrutiny Panels and the PAC for inclusion in this report and this can be found at Section 4.

There were inevitably some minor problems with the new structure of government introduced at the end of 2005 and PPC is, of course, now conducting a full review of the first 12 months of the new system. In general I believe that this report shows that members have adapted well to the new system and that the Assembly had a productive year in 2006.



Connétable Derek Gray of St.Clement

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# 1. THE STATES ASSEMBLY





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### 1.1 Introduction

2006 was a very significant year in the life of the Assembly as it was the first year of the new system of government that was introduced in December 2005. The new statutory framework for the Assembly in the States of Jersey Law 2005 and the new Standing Orders of the States of Jersey came into force at the start of the new system and 2006 was therefore the first year of operation under the new procedures.

### 1.2 Membership

After the Senatorial and Deputies elections in the autumn of 2005, 12 new members took their seats in the Assembly for the first time on 5th December 2005. Full details of the membership of the Assembly at the start of 2006 are shown in Appendix C at the end of this report.

There were 3 changes of membership during the year with the departure of His Excellency Air Chief Marshal Sir John Cheshire and the retirement of the Connétables of St. Martin and St. John.

On 7th April 2006 the States met to bid farewell to His Excellency Air Chief Marshal Sir John Cheshire, KBE, CB at the end of his 5 year term of office as Lieutenant Governor and an ex-officio member of the States. Sir John showed a great interest in the proceedings of the States during his term of office. The senior member of the States, Senator Stuart Syvret, thanking Sir John and Lady Cheshire on behalf of all members during the special sitting, said *“It is entirely typical of the interest that he has shown in all the affairs of the Island as a whole that he should have made such a commitment to his duties in this Assembly.”* On 15th June 2006 the States met to welcome the new Lieutenant Governor, Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E, at the start of his 5 year term of office.



**His Excellency Lieutenant-General Andrew Ridgway, CB, CBE  
being welcomed to the States on 15th June 2006  
(Photograph courtesy of the Jersey Evening Post)**

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Connétable John Germain of St. Martin attended his last meeting before his retirement from the States on 20th June 2006. He had been a member since March 1994 and was the senior Connétable when he retired. His successor, Connétable Silvanus Yates, took his seat in the Assembly for the first time on 4th July 2006.

Connétable Richard Dupré of St. John retired from the States after one 3 year term and attended his last meeting of the Assembly on 6th December 2006. (His successor, Connétable Graeme Butcher did not sit in the Assembly until 2007).

### 1.3 Average length of service

On 1st January 2006 the average length of service of the 53 elected members was 6 years. This can be broken down as follows –

Years Service	Number of members	%
20 to 27 years	2	3.7
15 to 20 years	4	7.5
10 to 15 years	7	13.2
5 to 10 years	13	24.5
Less than 5 years	27	50.9

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

	Average length of service
Senators	11
Connétables	6
Deputies	4

### 1.4 Number of female parliamentarians

At the Commonwealth Heads of Government meeting in Edinburgh in 1997 a figure of 30% was agreed as a target for female representation in Commonwealth parliaments.

On 1st January 2006 there were 11 female elected members in the States, as follows –

	Number of female members	Percentage of total
12 Senators	1	8.3%
12 Connétables	0	-
29 Deputies	10	34.5%
<b>TOTAL</b>	<b>11</b>	<b>20.75%</b>

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### 1.5 Number of meetings

The Assembly met on 38 days during 2006. 35 of these meeting days were for ‘ordinary’ business and 3 were additional meetings to mark special events (Liberation Day, the departure of His Excellency the Lieutenant Governor, Air Chief Marshal Sir John Cheshire KBE, CB on 7th April 2006 and the welcome to his successor, Lieutenant-General Andrew Ridgway, CB, CBE on 15th June 2006).



**His Excellency Lieutenant-General Andrew Ridgway, CB, CBE  
being welcomed to the States on 15th June 2006  
(*Photograph courtesy of the Jersey Evening Post*)**

There were 21 meetings fixed in advance for ‘ordinary’ business in 2006 and the total of 35 meeting days is made up of these 21 days plus 14 continuation days when the meeting continued after the first day.

The States agreed a new system of continuation days for 2006 with each meeting starting on a Tuesday having scheduled continuation days for the following Wednesday and Thursday. This system was designed to ensure that States meetings could be concluded in one week every fortnight, leaving the alternate week free for other meetings such as the Council of Ministers, Scrutiny Panels and other Committees.

All of the extra sitting days in 2006 were on scheduled continuation days with the exception of 2 extra days for the meeting that began on 20th June 2006 which continued into the following week. That meeting lasted for a total of 5 days, mainly to complete consideration of the draft Strategic Plan.

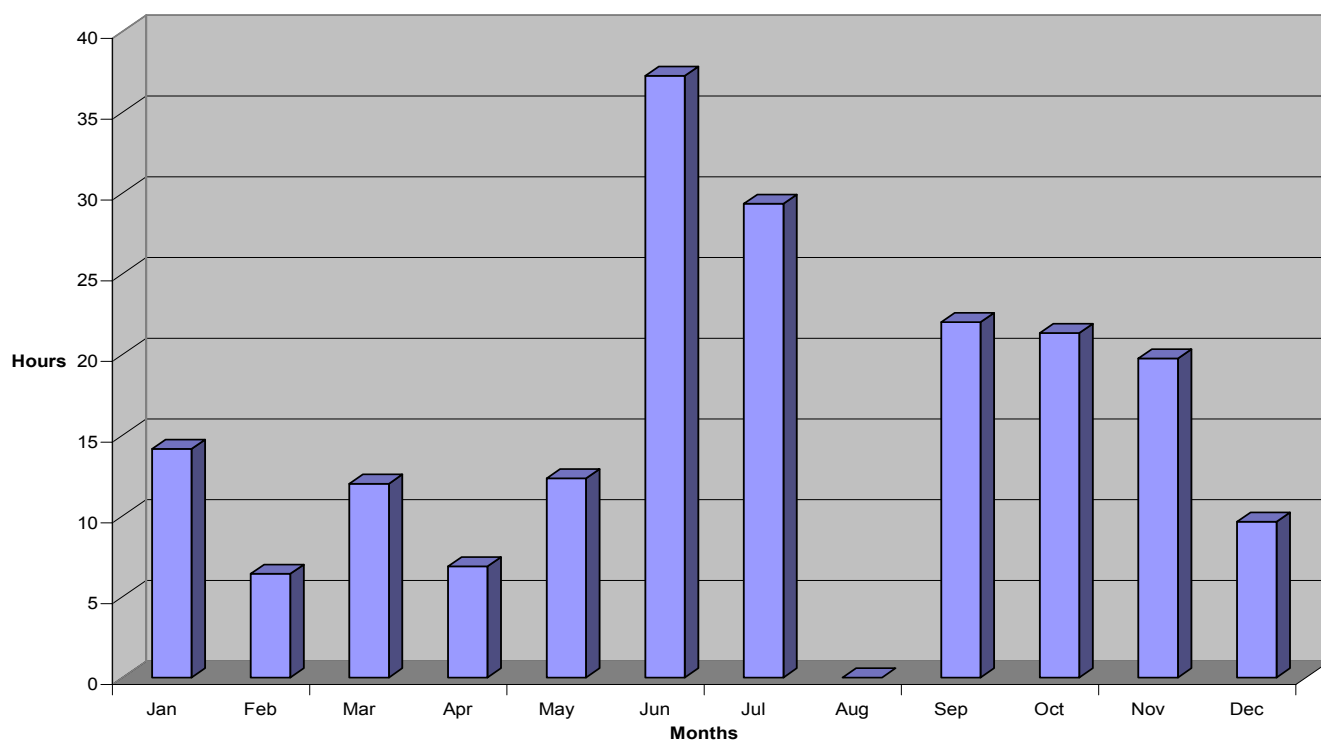
Although the Assembly met considerably less frequently than in 2005 the number of meeting days for ‘ordinary’ business was only slightly less than the overall average over the last 10 years –

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	<b>TOTAL</b>	<b>Ordinary business</b>	<b>Ceremonial etc</b>
1997	24	24	0
1998	30	29	1
1999	34	34	0
2000	32	30	2
2001	37	34	3
2002	47	45	2
2003	37	36	1
2004	49	47	2
2005	49	48	1
2006	38	35	3
<b>Average</b>	<b>37.70</b>	<b>36.2</b>	

### 1.6 Length of meetings

The Assembly sat for a total of 191 hours and 5 minutes during the 38 meeting days in 2006. This was broken down into 189 hours 55 minutes for the 35 meeting days for ‘ordinary’ business and 1 hour 10 minutes for the 3 special meetings. This time was spread somewhat unevenly across the year as the following chart shows –



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### 1.7 Allocation of time

The time spent in the Assembly on ‘ordinary’ business was broken down as follows –

	<b>Hours:Minutes</b>
Nominations	1:22
Oral questions with notice	25:05
Oral questions without notice	10:28
Statements	4:39
Public Business	141:44
Other	6:37
<b>TOTAL SITTING HOURS</b>	<b>189:55</b>

(‘Other’ includes Communications by the Presiding Officer, presentations, lodgings and the arrangement of public business).



### 1.8 Oral questions with notice

Oral questions with notice can be answered at any scheduled meeting but not during continuation days unless they are approved by the Bailiff as urgent questions. There was one urgent question asked in 2006 and it was answered on a continuation day, 27th June 2006.

Oral questions with notice were asked at every one of the 21 scheduled meetings of the States in 2006 and 235 such questions were answered (including the one urgent question referred to above).

Standing Orders provide that any questions not answered during the 90 minute period allowed are taken to be withdrawn but there were no unanswered questions during 2006 as, with one exception, the question periods did not exceed the 90 minutes allowed. The exception came on 28th March 2006 when the States agreed to suspend Standing Orders to lift the time limit (on that day oral questions with notice lasted for 2 hours 23 minutes). The average time spent during meetings answering oral questions with notice was 72 minutes.

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The breakdown of Ministers/Committees answering the oral questions with notice was as follows –

	<b>No.</b>
Transport and Technical Services	34
Chief Minister	33
Economic Development	32
Treasury and Resources	28
Education, Sport and Culture	27
Home Affairs	25
Planning and Environment	15
Health and Social Services	14
Social Security	14
Housing	6
Comité des Connétables	5
Privileges and Procedures Committee	2
<b>Total</b>	<b>235</b>

The number of Oral Questions with Notice represented an increase of some 39.8% over the 2005 annual total of 168 such questions.

### 1.9 Oral questions without notice

The new system of Oral Questions without Notice to Ministers was introduced as part of the machinery of government changes and the first ever session of these questions took place on 17th January 2006. 30 minutes is set aside for these questions at every scheduled meeting and 2 Ministers answer for 15 minutes each on a rota basis with the Chief Minister answering at every other States meeting. There were 42 fifteen minute sessions at the 21 scheduled meetings in 2006 and Ministers answered as follows –

	<b>Sessions</b>
Chief Minister	9
Deputy Chief Minister	2
Economic Development	4
Education, Sport and Culture	4
Health and Social Services	4
Home Affairs	3
Housing	3
Planning and Environment	3
Social Security	3
Transport and Technical Services	4
Treasury and Resources	3
<b>Total</b>	<b>42</b>

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### 1.10 Written questions

There is no restriction on the number or length of written questions that can be submitted by members although it is interesting to note that there were less written questions than oral questions with notice in 2006.

Answers to written questions are placed on members' desks at the start of each scheduled meeting of the States and no discussion or supplementary questioning is allowed. The full text of the written questions and answers is included in the Official Report ('Hansard') and they are also published separately on the States Assembly website on the day the answers are tabled.

There were 197 sets of written questions answered in 2006 (although it should be pointed out that many sets contain more than one individual question on a specific topic). The breakdown of Ministers, Panels, Committees and others with official responsibilities answering the written questions was as follows –

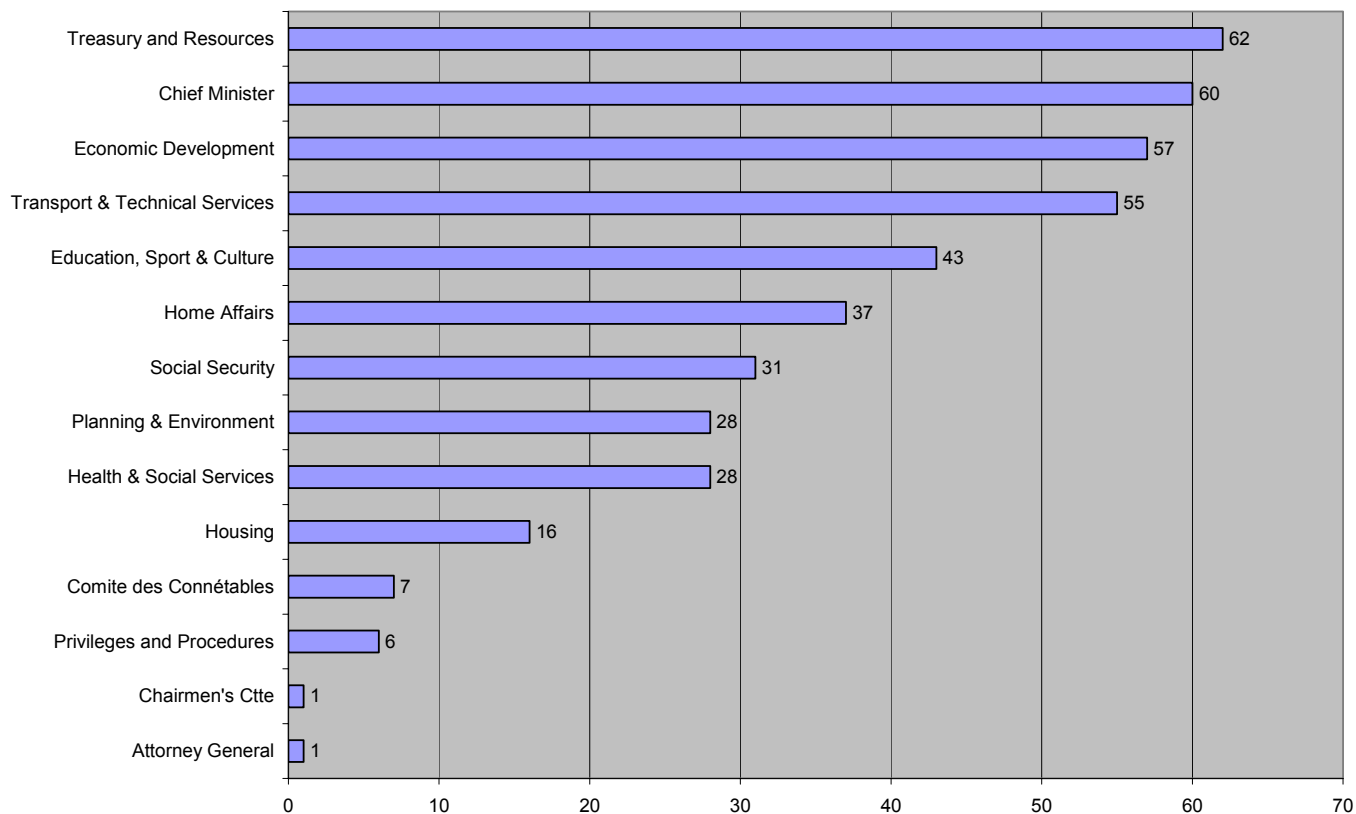
	<b>No.</b>
Treasury and Resources	34
Chief Minister	27
Economic Development	25
Transport and Technical Services	21
Social Security	17
Education, Sport and Culture	16
Health and Social Services	14
Planning and Environment	13
Home Affairs	12
Housing	10
Privileges and Procedures	4
Comité des Connétables	2
Chairmen's Committee	1
HM Attorney General	1
<b>TOTAL</b>	<b>197</b>

The number of Written Questions represented a significant increase of some 80.7% over the 109 asked in 2005.

### 1.11 Total number of questions with notice

The combined total of oral questions with notice and written questions was 432, an increase of just under 56 per cent when compared to 2005. In addition the oral questions without notice added a whole new area of questioning that was not available in 2005. The breakdown of the 432 questions is shown in the following graph -

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### 1.12 Statements

With the introduction of the new Standing Orders new procedures were put in place to allow a 10 minute period of questioning after any Statement on a Matter of Official Responsibility. There had previously been no opportunity for members to ask questions after statements and this had often been a cause of significant frustration for members. However no questioning is allowed after a Personal Statement by a member.

There were 34 statements made in the Assembly during the year and the total time spent on statements and the associated questioning was 4 hours 39 minutes, an average of just over 8 minutes per statement.

The breakdown of those making statements was as follows –

	No.
Economic Development	4
Home Affairs	3
Planning and Environment	3
Transport and Technical Services	3
Chairmen's Committee	2
Chief Minister	2



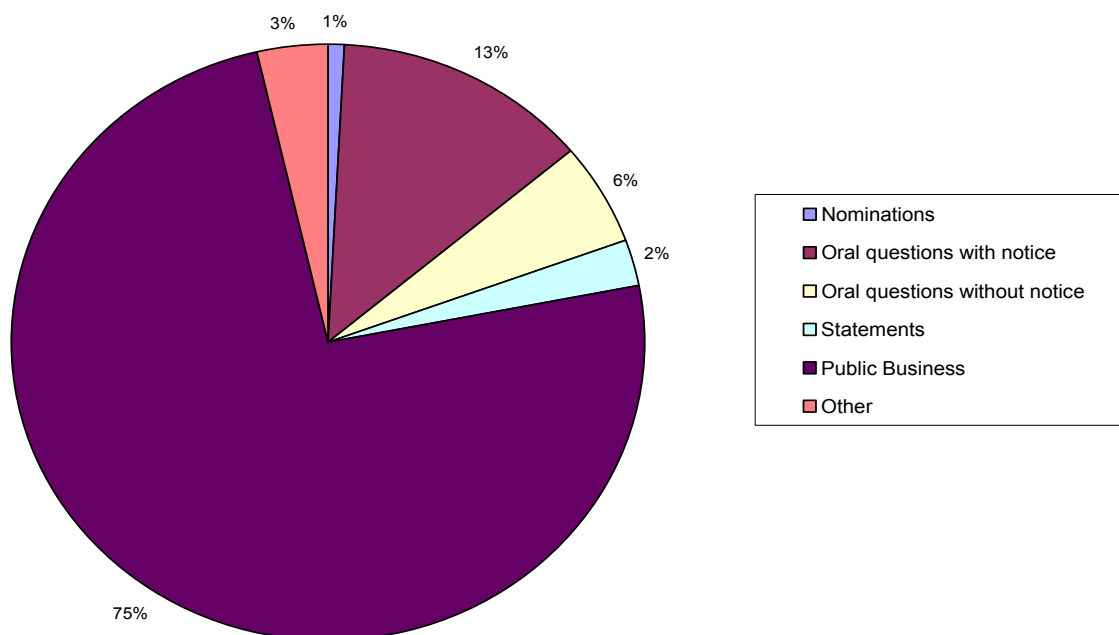
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Public Accounts Committee	2
Treasury and Resources	2
Comite des Connétables	1
Corporate Services Scrutiny Panel	1
Economic Affairs Scrutiny Panel	1
Education, Sport and Culture	1
Health and Social Services	1
Housing	1
Privileges and Procedures Committee	1
Social Affairs Scrutiny Panel	1
Social Security	1
Personal statements	4
<b>Total</b>	<b>34</b>

The total number of statements was almost identical to 2005 when there were 35.

### 1.13 Public Business

As would be expected, time for the debate of propositions dominated the overall allocation of time in the Assembly in 2006 with 75% of the total time spent on Public Business, a total of 141 hours and 44 minutes.



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The total number of projets lodged “au Greffe” for debate in 2006 was 171. Counting on a like for like basis this compares with a total of 275 projets lodged in 2005.

The breakdown into the different types of propositions lodged was as follows –

	<b>2005</b>	<b>2006</b>
Regulations	74	40
Laws	59	37
Appointments	24	25
Private members policy matters	36	21
Legislative Acts (including Appointed Day Acts)	26	19
Committee (2005)/Minister (2006) policy matters	28	12
Petitions	3	4
Chairmen’s Committee/Scrutiny Panels policy	0	4
Annual Business Plan/Budget/Strategic Plan	2	3
Standing Orders	8	3
Property matters	15	3
<b>TOTALS</b>	<b>275</b>	<b>171</b>

(It should be noted that under the revised Standing Orders introduced in December 2005 the majority of property transactions are no longer subject to debate in the States and this explains the significant drop in the number of this type of proposition between 2005 and 2006).

The number of amendments and amendments to amendments lodged was as follows –

	<b>2005</b>	<b>2006</b>
Amendments	60	54
Amendments to amendments	0	11
<b>TOTALS</b>	<b>60</b>	<b>65</b>

It is of note that, in 2006, 33 of the 65 amendments related to the draft Strategic Plan and the draft Annual Business Plan.

It is, of course, difficult to make direct comparisons between 2005 and 2006 in relation to the body or member responsible for lodging propositions because of the move from the Committee to the Ministerial system but the following table shows the best possible comparison –

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	<b>2006</b>		<b>2005</b>
Chief Minister	30	Policy and Resources	39
Council of Ministers	2		
Economic Development	22	Economic Development	16
		Harbours and Airport	5
		Postal Administration	1
Education, Sport and Culture	2	Education, Sport and Culture	8
Social Security	12	Employment and Social Security	17
Planning and Environment	13	Environment and Public Services	19
Transport and Technical Services	4		
Treasury and Resources	20	Finance and Economics	44
Health and Social Services	9	Health and Social Services	13
Home Affairs	8	Home Affairs	15
Housing	5	Housing	11
Privileges and Procedures	10	Privileges and Procedures	17
Comite des Connétables	1	Comite des Connétables	1
Private members	29	Private members	51
Chairmen's Committee	2		
Environment Scrutiny Panel	2		
		Legislation Committee	15
		Overseas Aid	3
<b>TOTALS</b>	<b>171</b>		<b>275</b>

Not all projects that are lodged during a particular year are debated in that year and the manner in which the projects lodged in 2005 and 2006 were dealt with was as follows –

	<b>2005</b>	<b>2006</b>
Debated	203	132
Withdrawn before debate	37	13
Withdrawn after start of debate	5	2
Not yet debated at year end	30	24
<b>TOTALS</b>	<b>275</b>	<b>171</b>

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There were a number of significant debates during 2006 and some of these were as follows –

- **Strategic Plan 2006 – 2010.** The States of Jersey Law 2005 requires the Council of Ministers to lodge for debate a statement of its proposed strategic policy within 4 months of its appointment. The debate on the draft Plan, which set out policies and objectives for all Ministerial departments, took place over 4 days in June 2006 with the 19 sets of amendments that had been lodged being comprised of some 66 individual parts. Following the adoption of an amendment brought by the Chairmen’s Committee the Plan was approved ‘in principle’ ensuring that major policy items would be brought back to the States for final approval at a later date.
- **Annual Business Plan 2007.** The new Public Finances (Jersey) Law 2005 which was enacted as part of the new system of government introduced a new system of agreeing States spending. All spending plans and departmental objectives for the following year are now agreed in the Annual Business Plan debate which must take place before the end of September each year. The debate on the 2007 Plan took place over 3 days in September 2006 with 12 sets of amendments lodged.
- **Budget 2007.** Under the new Public Finances (Jersey) Law 2005 the debate on the Budget is now concerned only with taxation and income generation as spending plans cannot be amended once the Annual Business Plan has been approved. In 2006 consideration of the Budget was completed in one day on 5th December 2006.
- **Sexual Offences (Jersey) Law 2006.** Debate on a first draft of this Law relating to the lowering of the age of consent for homosexuals proved controversial when it was proposed in January 2006. The draft was referred to Scrutiny by the States and a review was conducted by the Corporate Services Scrutiny Panel (see Scrutiny section later in this report). A revised draft of the Law, including new measures to prevent abuse of trust, was adopted by the States later in 2006.
- **Creation of a 5th Scrutiny Panel.** In July 2006 the States adopted a proposition brought by the Chairmen’s Committee concerning the split of the Social Affairs Scrutiny Panel into 2 separate Panels. The remit of the Social Affairs Panel had proved to be too great and the division into 2 established a system of 5 Scrutiny Panels. A Chairman and members of the new Panel were appointed at the end of 2006 to enable the new Panel to begin work in earnest at the start of 2007.
- **Ban on smoking in enclosed workplaces.** The States debated various items of legislation relating to restrictions on smoking during the year culminating in the approval of the Restriction on Smoking (Workplaces) (Jersey) Regulations 2006 which introduced a total smoking ban in all enclosed workplaces from 4.00 a.m. on 2nd January 2007. The most noticeable consequence of the ban was the banning of smoking in all local bars and restaurants.

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- **Incorporation of Jersey Post.** In 2006 the States took the final steps to convert Jersey Post from a trading department of the States to a limited liability company with effect from 1st July 2006. The draft Regulations to complete the transfer were referred to the Economic Affairs Scrutiny Panel after the debate on the principles in March 2006 and returned for debate in June 2006 when a proposition from the Panel was also debated.
- **Wireless Telegraphy Act 2006 – extension to Jersey.** Although the debate on a proposition to extend the Wireless Telegraphy Act 2006 of the United Kingdom to Jersey in November 2006 was not considered as a major item of business it was nevertheless a significant debate for the States as it was the first time that the new procedure in Article 31 of the States of Jersey Law 2005 had been used. Article 31 now requires the States to express their view on the provisions of any Act of the UK Parliament that it is proposed to extend to the Island. This is an important safeguard to ensure that UK legislation cannot be extended to the Island until Jersey's own legislature has debated the matter.

## 2. INTER-PARLIAMENTARY BODIES



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### 2.1 Introduction

Members of the States continued to participate in a number of different inter-parliamentary exchanges during 2006 to share experiences with colleagues from a number of different parliaments and assemblies from other jurisdictions.

### 2.2 Commonwealth Parliamentary Association (C.P.A.)

Jersey played an exceptionally active part in the work of the Commonwealth Parliamentary Association during 2006. The various conferences and seminars attended by members during the year were as follows -

- Deputy A. Breckon attended the 55th Westminster Seminar on Parliamentary Practice and Procedures organised by the United Kingdom Branch in March.
- 2 young people from Jersey who were in Australia, Miss Natalie Guegan and Miss Jenny O'Brien, attended the Commonwealth Day celebrations in Sydney in March in the presence of Her Majesty The Queen who was in Australia for the start of the Commonwealth Games.
- Deputy R.G. Le Hérisier (Leader), Senator J.L. Perchard, Connétable A.S. Crowcroft of St. Helier and Deputy D.W. Mezbourian attended the British Isles and Mediterranean Regional Conference in Malta in April.
- Connétable D.F. Gray of St. Clement attended a seminar organised by the United Kingdom Branch on the Governance and Culture of the UK in May.
- Deputy S.C. Ferguson attended the 18th CPA Parliamentary Seminar in the Turks and Caicos in late May and early June.
- Senator T.J. Le Main (Leader), Connétable D.J. Murphy of Grouville and Deputy J.B. Fox attended the annual Small Countries and Plenary conferences in Abuja, Nigeria in September.
- Deputy S. Pitman attended the seminar on Gender Equality organised by the United Kingdom Branch at Westminster in November.

The Jersey CPA Branch began publication of a newsletter during 2006 giving reports of conferences and seminars attended together with details of forthcoming events and general information for members of the Branch.

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### 2.3 Assemblée Parlementaire de la Francophonie

The Jersey Section attended the XIX European Regional Assembly in October 2006, which, for the first time, included members from the CIJEF (Conseil international des organisations de Jeunes de la Francophonie) and the PDJ (Parlement des Jeunes). Because of this, the Section took a Youth representative, Miss Joanne Pallot, who had represented Jersey at the Parlement des Jeunes in Quebec in 2001. The Conference business had been arranged into workshops. On the first day each European Section gave a report to the Plenary Session on how their country was dealing with youth matters. During this day the youth representatives met in separate session to consider a resolution.

On the second day, the youth contingent gave their perspectives on the way their countries dealt with youth matters and they then presented a resolution which they had prepared for the Plenary Session to consider. The resolution was drawn in quite strong terms, in particular they wanted as of right for unelected youth representatives to be present at the European Regional meetings and the Annual General Conference as full members. There were 2 attempts by the Plenary Session to finalize the matter and then for the first time in the history of the European Regional Assembly, the matter resorted to a vote. The President of the Jersey Section, Connétable K.P. Vibert of St. Ouen, reported that Jersey's youth representative, Joanne Pallot, had performed very well and had been a credit to the Island.



### 2.4 Commission Amicale entre Jersey et la Basse Normandie

The Commission Amicale hosted the Conseil Général de la Manche prior to the members' participation in the French Officer Working Groups during their visits to the Island in June and September 2006, when many of the delegates were present to discuss matters of mutual interest with Ministers and officers.

The Commission has also arranged a series of French lessons for States members through the Alliance Française to improve the ability of members to discuss issues with their French counterparts.



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### **2.5 British-Irish Inter-Parliamentary Body**

On 4th April 2006 the States appointed Deputy A. Breckon as Jersey's representative on the British-Irish Inter-Parliamentary Body with Connétable D.J. Murphy of Grouville being appointed as a reserve delegate. The B-IIPB brings together parliamentarians from the parliaments at Westminster and Dublin, from the devolved Parliament and Assemblies in Edinburgh, Cardiff and Belfast and from the 3 Crown Dependencies. Deputy Breckon attended 2 plenary meetings of the Body, the first in Killarney, Eire, in April 2006 and the second in Belfast in October 2006.

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### **2.6 Jersey Youth Assembly – 23rd March 2006**

The ninth Youth Assembly was held in the States Chamber on the afternoon of Thursday 23rd March 2006. The event, which was sponsored by the Jersey Branch of the Commonwealth Parliamentary Association, included debates on topics selected by the students as well as a Question Time, all of which mirrored as closely as possible a normal States meeting.

During the Assembly, which was presided over by Senator L. Norman, the prospective politicians followed the same protocols as their adult counterparts. Senator S. Syvret, Minister for Health and Social Services and Deputy J.B. Fox, Assistant Minister for Education, Sport and Culture answered questions from the young participants regarding the Island's preparations against an outbreak of Bird Flu, the funding of the Brook Advisory Centre, the future funding of university degrees and the teaching of French as a compulsory GCSE subject. As the Chief Minister was unwell, Senator T.A. Le Sueur, Deputy Chief Minister, took his place and answered questions without notice on a wide range of topics.

52 student members from the Island's sixth forms participated in the Assembly and the young parliamentarians had worked in conjunction with their own tutors and officers of the States Greffe for several months to prepare propositions together with supporting reports in the style expected for the States. Topics covered in debate included euthanasia, legalisation of certain drugs and capital punishment for certain serious offences against children.

### 3. PRIVILEGES AND PROCEDURES COMMITTEE



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### 3.1 Membership

The membership of the Privileges and Procedures Committee remained unchanged throughout 2006 and was as follows –

Connétable D.F. Gray of St. Clement (Chairman)  
Deputy C.H. Egré of St. Peter (Vice-Chairman)  
Senator S. Syvret  
Senator M.E. Vibert  
Connétable K.A. Le Brun of St. Mary  
Deputy G.C.L. Baudains of St. Clement  
Deputy J. Gallichan of St. Mary

### 3.2 Meetings

The Committee held 21 formal meetings during the year and recorded another 11 meetings as telephone meetings. Meetings were normally held on a fortnightly basis in the meeting rooms in the States Building.

### 3.3 Significant items dealt with by the Committee

The Committee dealt with a large number of different matters during the year and some of the most significant of these items were as follows –

- **Election expenses.** In early 2006 the Committee circulated an informal questionnaire to all members seeking information on the amount spent during their most recent election campaign. Later in the year the Committee formulated draft proposals to introduce a system of restriction and regulation of election expenses and these were issued for consultation. The States will be asked to take a decision on this matter in 2007 with the intention being that a system of regulation will be introduced in time for the 2008 elections.
- **Freedom of Information (Jersey) Law.** The Committee issued a draft Law for consultation in April 2006 and received a number of comments on the draft. In view of the comments received the Committee decided that the draft should be revised and the matter was still under consideration at the year end.
- **Code of Conduct for Elected Members.** The Committee issued an explanatory leaflet in January 2006 on the operation of the Code to all States members and this was made available to the public on request. The Committee dealt with a small number of investigations under the Code during the year.
- **Members' Remuneration.** The level of members' remuneration for 2006 to 2008 was fixed in 2005 by the independent States Members Remuneration Review Body and the Committee had no cause to be involved with the level although new arrangements on the collection of members' social security contributions to lessen bureaucracy were agreed with the States Treasury and the Social Security Department at the start of the 3rd Quarter. The

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Committee considered the implications of Article 44 of the States of Jersey Law 2005 on a number of occasions during the year following comments made by the independent States Members Remuneration Review Body that the Article, which requires exactly the same level of remuneration to be made available to all members, had affected its ability to make recommendations on matters such as a pension scheme for members. The Committee considered that, although it had no wish to recommend different levels of basic remuneration for members, the Article was unduly restrictive and it would be preferable for it to be repealed. The Committee lodged a proposition to this effect in October 2006 but it did not meet with the approval of the Assembly and was rejected by 23 votes to 28, leaving Article 44 in force.

- **Powers, Privileges and Immunities of Scrutiny Panels, PAC and PPC.** The States approved Regulations under the States of Jersey Law 2005 lodged by the Committee, which granted powers to Scrutiny Panels and the PAC, in certain circumstances, to require the production of evidence or the appearance of witnesses. The Regulations also granted a range of immunities in relation to the work of the Panels and the PAC. Similar powers were granted to the Privileges and Procedures Committee in relation to investigations under the Code of Conduct for Elected Members.
- **Public Elections (Jersey) Law 2002.** The Committee considered a number of minor amendments to the Public Elections (Jersey) Law 2002 and intends to bring these forward for debate in 2007 having secured law drafting time for this purpose. The Committee also considered the matter of the possible sale of the electoral register and its use by credit reference agencies. The Committee met a representative of the largest UK credit agency but, after further consideration, concluded that no changes to the present provisions were required.
- **Establishment of a Fifth Scrutiny Panel.** The Committee worked closely with the Chairmen's Committee over the creation of an additional Scrutiny Panel. After the adoption by the States of an 'in principle' proposition to split the Social Affairs Scrutiny Panel into 2, PPC brought forward amendments to Standing Orders to give effect to the decision and lodged an amendment to the Annual Business Plan to ensure that adequate funding was available from 2007 for the new Panel. The amendment did not need to be put to the vote as sufficient undertakings were given during the debate guaranteeing funding for the new Panel.
- **Composition and election of the States.** Work on this matter was undoubtedly the single most important issue dealt with by the Committee in 2006. In the reforms to the machinery of government introduced in late 2005 the Committee was given a clear responsibility to bring forward proposals on the future composition of the States and the Chairman, on his election, made it clear that he considered this a high priority. The Committee considered that it was important to gauge public opinion on this controversial issue and therefore commissioned Ipsos-MORI to conduct a major telephone survey in the Island in the summer of 2006. The results of this poll informed the work of the Committee and a lengthy consultation document (R.97/2006) setting out various options for reform was issued in December. By the end of 2006 the Committee had agreed the next steps in the proposed

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reform process which included the distribution of a leaflet to every household, a further opinion survey, a series of public meetings and an ‘in committee’ debate in the States, all hopefully leading to a final decision on this issue in the early part of 2007.

- **States of Jersey Complaints Panel.** The Committee took the final legislative steps to put in place amendments to the administrative appeals system that had been agreed by the States in 2005. Greater flexibility was introduced into the system to make it more accessible. New provisions to enable the publication of the outcome of hearings were put in place. The Administrative Appeals Panel was renamed the States of Jersey Complaints Panel so that its remit could be more readily understood. The members of the Panel, under the Chairmanship of Mrs. Carol Canavan, were reappointed by the States in May 2006 on the recommendation of PPC, and the Committee would like to place on record its thanks to the Chairman, Deputy Chairmen and all of the members of the Panel for their work in an honorary capacity dealing with a wide variety of complaints during the year.
- **Standing Orders.** The Committee kept the operation of the new Standing Orders under review in their first year of operation and identified a number of small changes that it intends to propose to the States in 2007 once the outcome of the machinery of government review (see below) is published.
- **Review of the first 12 months of Ministerial government.** The Committee supported the proposition of Senator Ben Shenton that a full review of the first 12 months of Ministerial government should be undertaken in early 2007. The Committee lodged an amendment to the proposition setting out precise terms of reference for the review and appointed a sub-committee comprising Senator M.E. Vibert and the Deputy of St. Mary, under the chairmanship of the Committee’s Chairman, to conduct the review.

## **4. SCRUTINY PANELS AND PUBLIC ACCOUNTS COMMITTEE**



**SECTION SUBMITTED BY THE CHAIRMEN'S COMMITTEE**

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### FOREWORD

This is the first annual Scrutiny report to be produced under the new system of Ministerial government. It has been a busy year with members experiencing a steep learning curve as they have got to grips with the details of Scrutiny within their chosen area.

A wide variety of topics has been examined by the Panels during the year. Each Panel has provided a summary of its own work within this report.


Seven of the new members elected to the States at the end of 2005 are now serving on Scrutiny Panels. The breadth of work undertaken by the Scrutiny Panels provides a useful introduction to the reality of political life and the new members have all made valuable contributions to their respective Panels.

The first year of Ministerial government has, inevitably, required a period of settling down. On the whole, relations between Scrutiny Panels and Ministers have been constructive and I have been encouraged by the consistent support provided by the Chief Minister.

Early in the year it became obvious that the workload of the Social Affairs Scrutiny Panel was unacceptable and 2 separate Scrutiny Panels have now been successfully established to cover this major area.

Progress in some areas has been slower than I would have liked and, in particular, the issue of legal advice to Scrutiny remains unresolved. This is an important issue which has identified some fundamental questions regarding the operation of Ministerial government. I am hopeful that a resolution will be achieved early in 2007.

As well as a political transformation for States members, a large section of the States Greffe has transformed itself into the Scrutiny Office with additional staff and new responsibilities. I would like to thank all the officers for their tremendous work during the year, in providing an efficient and friendly service to the Panels.



Deputy R.C. Duhamel  
President, Chairmen's Committee throughout 2006

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### 4.1 Introduction

This report gives an overview of the ground covered and the achievements made by the 4 Scrutiny Panels and the Public Accounts Committee during 2006. It also focuses on areas which have been foremost in the minds of Scrutiny members whilst aiming to carry out their rôles efficiently and to good effect.

Whilst a section of the report looks at performance indicators, both of quantitative and qualitative status, it is worth noting this quote from a Centre for Public Scrutiny discussion paper entitled “The NAO and Parliamentary Scrutiny: a new audit for new times” which asserts -

*“‘Scrutiny’ gives the public the capacity to know what government is doing. .... What the public want from scrutiny arrangements varies over time (perhaps reflecting changing levels of trust) and citizens’ concerns also change. Not surprisingly, therefore, there is no single agreed way to provide scrutiny that is timely, relevant and cost-effective. Nations evolve their own scrutiny mechanisms and these both differ from each other and change over time. However, although we cannot assess scrutiny arrangements against some absolute standard, we can assess them against their own intended outcomes....”*

### 4.2 Working Practices

Apart from regular meetings of the Panels, the majority of which are held in public, it is recognised that Panels are free to develop their individual working practices in order to carry out their scrutiny function. There are many examples of task group/Sub-Panel working during 2006, where a group of members, designated by the main Panel, carry out an in-depth review into an issue. **Appendix A** gives information relating to main Panel and Sub-Panel membership.

Advisers have been employed by some Panels for some reviews during 2006 to provide assistance with matters of a technical nature. A list of these advisers employed by the various Panels and related 2006 expenditure in this regard has been included with the quantitative assessment in **Appendix B**.

### 4.3 Performance Indicators and Panel Reports

In P.79/2003 “Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee”, the following section went some way to including performance measurements for scrutiny:-

“26. *Measuring the results of scrutiny*

26.1 *Measuring the results of scrutiny will not be a simple task. However, Panels should be able to identify, in general terms, tangible and substantive outcomes. The Executive system of government, to which the States of Jersey has committed itself, aspires to a number of stated improvements, including quicker decision making, focus on strategic rather than operational issues, fewer meetings, reduced paperwork, more open and accountable government, avoidance of overspends and a joined-up, corporate, approach. Scrutiny, as a*



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*key element in the new arrangements in the provision of the necessary checks and balances, needs to be clear about its intended outcomes. The non-Executive members must not be sidelined and must be able to find in scrutiny arrangements the opportunity to make a real difference. This means that they must be able to demonstrate that they have –*

- *held the Executive to account;*
- *supported the development of effective policies and initiatives;*
- *provided an opportunity to engage the public properly;*
- *positively impacted on the work of external agencies in receipt of public funds;*
- *provided an effective means for all States members to influence the work of the public service; and*
- *helped to improve the performance of the Executive and informed the States and the public about the performance of the Executive.”*

Research has been undertaken into other jurisdictions regarding their means of measuring the success of the Scrutiny functions. There is a resounding silence on this matter as it is believed that the majority of Scrutiny successes cannot be defined. Be it in other jurisdictions or United Kingdom local authorities, it is recognised that the Scrutiny function in itself is an “influencing” function rather than a “decision-making” function. In those terms, measuring influence is problematic.

The Chairmen’s Committee has nevertheless considered the following performance criteria and the outcome of the assessment against the quantitative criteria is included in **Appendix B**.

### *Quantitative*

- Number of meetings of each full Panel per year
- Number of Sub-Panels created and number of meetings
- Number of public hearings
- Number of reports issued
- Number of matters referred to and accepted by Scrutiny in the States
- Number of submissions over year period
- Spend against budget

### *Qualitative*

The qualitative assessment is contained within each Panel’s report in the following sections

- Reports and recommendations are founded on a robust process of evidence gathering from a wide range of stakeholders as appropriate

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- Reports are written in clear, user-friendly English, have a summary, outline all the evidence gathered
- Reports are “owned” by the Panels
- The Executive has acted upon recommendations
- Panel recommendations have made greater accountability in decision-making [value added to Executive output]
- Encouragement of Public Involvement

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### 4.4 PANEL REPORTS

#### 4.4.1 CORPORATE SERVICES SCRUTINY PANEL

##### Message from the Chairman

Laying the foundations for the future of Scrutiny in this its first twelve months has been a fascinating challenge, and although the rôle is becoming clearer there is more work to be done to refine procedures and bring the relationship between Scrutiny and the Executive into sharper focus. I firmly believe, however, that even in its fledgling state my Panel's scrutiny of several key issues has indeed added the kind of value to Government that was hoped for and expected. A big vote of thanks and appreciation is due to our 2 officers upon whom we rely for the kind of discipline and structure that has enabled us to function well as a team right from the start in early 2006.

Deputy P.J.D. Ryan of St. Helier.

##### The Panel's work in 2006

The Panel made an early start to its work programme in 2006 by agreeing to investigate the Island's constitutional position and its obligations under the European Convention on Human Rights in regard to reforming the Age of Consent for young homosexuals. The Panel concluded its research by supporting the proposed change in legislation provided that legislation on abuse of trust was also introduced.

In its next review the Panel scrutinised the financial framework in the States Strategic Plan. The Panel challenged the Council of Minister's proposals to reinvest efficiency savings and utilise the Dwelling Houses Loans Fund in order to fund strategic initiatives. The Panel argued that it would be irresponsible to increase States spending above previously agreed limits at a time when the Island was embarking on a high risk fiscal strategy and the States needed to prove to the public that it was serious about reducing its expenditure. Instead it favoured applying the funds to a Stabilisation Fund which would help to address inflationary pressures. The Panel resisted criticism that it ought to identify specific targets for reducing spending plans claiming that this was beyond its capacity. The Panel was unsuccessful in its amendment on efficiency savings but the Council accepted the proposal to establish a Stabilisation Fund with the Dwelling Houses Loans Fund.

The Panel's major work in 2006 centred on the fiscal strategy and 2 Sub Panels were created for this purpose. The Panel's interim report on the Zero/10 proposals received a positive reaction from stakeholders, who believed that the review played an important part in ensuring that substantial changes were made to the final proposals. In particular, the Panel was able to highlight an alternative to the widely criticised Regulation of Undertakings and Development Law (RUDL) charge, which could reduce the revenue loss from Zero/10, ensure that all businesses operating in the Island contribute to its costs, and potentially overcome the problems of inequity between locally-owned and non-locally owned businesses. The Panel has since recommended that the Treasury investigate the viability of this proposal as a matter of urgency, particularly with regard to the economic impact of the proposal and its estimated yield.

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The Panel contributed a report for the States debate on Goods and Services Tax in October. Many States members commented that they found the Panel's analysis of the effect of zero rating on income quintiles very informative. The Sub Panel's review resulted in 2 major outcomes: firstly, after a well-attended public meeting, the Panel was able to portray the potential difficulties faced by charities from the implementation of the new tax and encouraged the Treasury to develop a beneficial treatment framework. Secondly, the Panel highlighted the inconsistent position of the Treasury with regard to zero-rating of domestic housing maintenance and repair leading to withdrawal of these proposals.

The Panel is continuing its work on these aspects of the fiscal strategy into 2007 as the proposals reach the legislative stage. It is indebted to the assistance of its fiscal strategy adviser.

In July, the Panel received strong representation from the Jersey Personal Finance Society regarding the withdrawal of tax relief on all but the first £1,000 of life assurance premiums and the general lack of incentives for Islanders to save for their retirement. The Panel facilitated a meeting at that time with the Minister and other relevant stakeholders. Although the Panel was unable to bring about any change in the Minister's position, this is a matter which has resurfaced recently with greater urgency.

The Panel held 2 public meetings during 2006 with the Chief Minister on general issues, including the Island's international personality, relationships with Guernsey, the Citizen's Panel and the draft Freedom of Information law. This is an opportunity which the Panel hopes to strengthen in 2007 by involving members of the public in providing questions to be asked to the Minister.

Finally, the Panel responded at the end of the year to a call to investigate the Island's overseas aid contribution and the ways in which funds are distributed in the Third World. This review has resulted in a large number of submissions proving the high level of interest that exists in the Island for this topic.

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### 4.4.2 ECONOMIC AFFAIRS SCRUTINY PANEL

#### About the Panel

The Economic Affairs Scrutiny Panel came into being on 5th December 2005. Its particular remit is to hold reviews into matters relating to the economy of the Island. It shares with the other 4 Scrutiny Panels the responsibility to consider the policies of the Council of Ministers, and to scrutinize draft Laws, international conventions and agreements, to scrutinize the draft Annual Business Plan and the Budget. The Panel is empowered to report to the States upon any matter reviewed, and to amend the propositions of the Council of Ministers or to bring forward propositions in its own name.

#### Sub-Panels

The Economic Affairs Panel is empowered to create subordinate bodies that are tasked to report on a particular matter. These are supported by the existing resources of the Panel, although they draw membership from a cross-section of non-executive members. The Sub-Panels do not have the same powers as the full Panel as they are not bodies formally recognised by the States of Jersey. All reports, propositions and comments to the States are brought by the full Panel, and it retains ultimate responsibility for the actions of its Sub-Panels.

2006 saw the creation of 2 Sub-Panels-

#### Sub-Panel (Telecoms Privatisation)

Deputy Geoff Southern, *Chairman*  
Deputy Judy Martin, *Vice-Chairman*  
Senator Ben Shenton  
Deputy James Reed  
Deputy Gerard Baudains

#### Sub-Panel (Dairy Review)

Deputy Alan Breckon, *Chairman*  
Deputy Ann Pryke, *Vice-Chairman*  
Connétable Michael Jackson  
Deputy Sarah Ferguson  
Deputy Kevin Lewis

Deputy Southern and Deputy Martin have also been involved with other Sub-Panels. Deputy Martin is leading the Income Support Sub-Panel; Deputy Southern has been working on the Zero/Ten Review.

#### Fulfilment and Jersey Post

The Panel began the year with a review of the fulfilment (or e-commerce) industry, and the effects of Economic Development Department policy on local companies operating in this market.

During the course of this review, the Panel discovered that the policy would have an enormous effect on the fulfilment operations of Jersey Post. As the date for the incorporation was approaching, the Panel decided to react by suspending the fulfilment review, which did not have a fixed deadline, and begin a rapid, tightly focussed investigation into the situation. The Panel

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launched ‘The impact of the fulfilment policy on the incorporation of Jersey Post’ on 23rd March 2006.

The report was completed and presented to the States on 23rd May 2006, and it contained amongst other things a stark warning that the Economic Development Minister’s fulfilment policy was going to bring about the collapse of the fulfilment business of Jersey Post, Offshore Solutions Limited. This was rebutted both by Jersey Post and the Minister. Offshore Solutions Limited announced in December 2006 that it would cease trading during 2007 with the loss of 70 jobs.

As a result of this review, the Panel brought a proposition to the States with several recommendations which, although defeated, was cited as a reason to reduce the duration of a loan from the Treasury to Jersey Post International Limited, which was distorting the role of the Jersey Competition Regulatory Authority as regulator.

With this review completed, the Panel returned to its scrutiny of the fulfilment industry in general, and reported to the States on 30th October 2006. The conclusions of this review were developed into a proposition which was debated on 30th January 2007. Three out of 4 recommendations were approved including work to change the appeal system under Ministerial Government to clarify the rights of the public and standardise procedures.

### **Jersey Dairy**

The Economic Affairs Sub-Panel (Dairy Review) investigated the future of the dairy industry in conjunction with the Chief Minister, the Economic Development Department, and a jointly engaged consultancy firm, Promar International.

This unprecedented co-operation allowed the Sub-Panel to enhance the consultation process and study in detail the arguments and methodology used to form policy on the dairy industry. While in continual contact with the Executive the Sub-Panel deliberately maintained a certain distance in order to allow it to scrutinise the outcome objectively.

The Executive, the consultants and Scrutiny, working from different positions and with their own criteria, came to very similar conclusions. It was concluded that the industry needed – a new production facility, modernisation, the importation of genetic material, and government protection, but no more public money at this time. A proposition to allow Jersey Dairy to move to Howard Davis Farm, with the backing of the Chief Minister and the Sub-Panel, was adopted by the States on 30th January 2007 with one abstention and no votes against. The Chief Minister and Economic Development Department are working on the Sub-Panel’s other recommendations.

The Panel considers this review to be a successful example of co-operation.

### **Telecoms Privatisation**

This Sub-Panel was set up to examine the rationale for the privatisation of Jersey Telecom, and the methods that were to be employed. It is intended that whatever the conclusion of the review, it is

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essential that the States enter into a debate on such an important matter with all the relevant information.

It has held public hearings into the subject, and has engaged Professor David Parker as a professional adviser, who has produced a series of highly beneficial reports. The Sub-Panel has received legal advice from Hanson Renouf (Advocates).

The Sub-Panel has been faced with difficulties obtaining documentation from the Executive, in particular material from the various consultants, details of their fee expectation, and whether they will receive a bonus if Jersey Telecom is privatised.

The Executive has also informed the Sub-Panel that meetings between the consultants and the Department have not been minuted.

Despite the difficult circumstances in 2006, the Sub-Panel presented its report to the States in early 2007.

### **Public Consultation**

As a feature of all its reviews the Panel has sought to allow the public of the Island to be more aware of the political process, and to help people understand and affect the decisions made by their elected representatives.

Over 100 people attended a public meeting in Hautlieu School on 7th September 2006 which was held as part of the Telecoms review. The Minister for Treasury and Resources and the Amicus Regional Officer delivered speeches and a number of highly relevant issues were discussed during the audience question and answer session that followed.

The Panel has decided to hold its public hearings in the evening to allow greater access from the public and this policy will be pursued in 2007.

The Economic Affairs Sub-Panel (Dairy Review) consulted 33 dairy farmers and all industry stakeholders repeatedly in the formulation of its report. The Panel feels that it has carried out effective public consultation, but is disappointed in the decision of the Executive to withhold the support of the Communications Unit from Scrutiny. The Panel considers that role of Scrutiny is twofold – to gather evidence in the open in order to involve members of the public and to produce reports that ‘add value’ to the policy formation process. The Panel feels that it has had great success in bringing the evidence and rationale underlying government policy to the public.

The degree to which the Panel can add value to government policy is, however dependent on how early the Panel is involved in the policy generation process and given information on that process by the Executive, combined with their willingness to examine a wide range of options. In the Panel’s experience, this so far has not been forthcoming.

The role of Scrutiny is often described as being that of the ‘critical friend’. Such a description can be misleading, in that too much emphasis can be placed on the ‘friendly’ nature of the relationship

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and insufficient on the ‘critical’. This Chairman is of the opinion that the role of Scrutiny is to ruthlessly dissect the manner in which policy and Ministerial decisions are made and expose the rationale to rigorous analysis.

### Meetings

The Panel and its Sub-Panels conduct much of their business outside of meetings, and are in daily contact with the Scrutiny office in person, by phone e-mail and post. Panel meetings are usually held fortnightly, although in the final stages of a report the Panel can meet daily for a week or more. These working group meetings are not formally minuted and not counted towards the formal total of meetings.

### Challenges

While the Panel has had notable achievements during the course of 2006, it is disappointed to note that there have been some fundamental difficulties in the relationship between Scrutiny and the Executive, mostly relating to the availability of information.

Foremost amongst these is the unequal handling of legal advice. While legal advice can be given on any subject to Ministers and Departments, it is routinely withheld from Panels. The Law Officers’ Department has withheld advice on 2 grounds, firstly that the advice would be too time consuming to provide, and secondly that to provide advice to the Panel would allow the Panel to determine what legal advice had been given to Ministers.

The Panel acknowledges that the Law Officers’ Department operates under an enormous workload and cannot always provide services to Scrutiny. It is regrettable however that the Panel has twice had to resort to obtaining external advice, as this impacts disproportionately on Scrutiny’s limited budget.

The rationale for withholding advice similar to that passed to Ministers is that the Minister is a separate client and therefore deserves confidentiality. The Panel finds this galling as one of its Sub-Panels has contacted a Department on the day after it received legal advice only to discover that the Department had been made aware of the existence of this advice and, presumably, the content. The Panel considers that the lack of equality between Scrutiny and the Executive on this matter of principle is unacceptable. The Panel is looking to develop a ‘bank’ of legal advisors for different subjects. While this will have budgetary implications the Panel feels that it has no alternative.

The issues regarding legal advice have also caused the draft Scrutiny Code of Practice to stall, resulting in an unsatisfactory system where the guidelines for the operation of Scrutiny have not yet been approved by the States.

The Panel believes that when completed, the Code of Practice, must also codify the right of the Panel to consider any matters affecting the economy of the Island, as outlined in Standing Order 135 (b), and not bind any Panel to particular Departments.



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The Panel feels that due to the proliferation of Sub-Panels it is becoming difficult to schedule meetings when so many different groups are operating, and the Chairman will call for improved co-ordination in this regard.

The Panel considers it essential that further training in report production and methods of conducting reviews is provided to members as soon as possible.

### **Conclusion**

The Panel feels that its first year has been successful, and it has met its pre-agreed productivity targets by completing 3 reviews and beginning another. Although the review into the Dairy industry was formally completed on 25th January 2007, this timing was decided by the States timetable and the review had been awaiting finalisation since 2006. The pre-set targets were therefore realistic and achievable.

The Panel plans that it will equal this productivity in 2007, and confidently hopes to exceed it.

The Panel has set a benchmark for co-operation between Scrutiny and the Executive, and has established that Scrutiny can work productively alongside Ministers. This is a valuable counterpoint to the constructive criticism that emerges from most reviews.

The Panel believes that honest but sometimes inconvenient truths are always more valuable from a body that has proven that it does not blindly criticise, but produces evidence-based impartial reviews in a timely and reasoned manner.

Looking forward, the Panel believes that it has proved to be an effective and efficient system for scrutinising government decisions, and is proud of the depth of investigative work that it has accomplished. It cautions, however, that the overall process must be carefully managed to ensure that Scrutiny retains control of its own agenda and the freedom to go where it sees fit. It is aware that the culture change required from the 'culture of secrecy' hitherto prevalent within the Executive will take some time to achieve, but the Panel will continue to work towards this goal.

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### 4.4.3 SOCIAL AFFAIRS SCRUTINY PANEL

#### Introduction

Under Standing Orders, the Panel had been assigned the topics of social, education and home affairs and thereby had under its remit the Departments of Education, Sport and Culture; Health and Social Services; Home Affairs; Housing; and Social Security.

The Panel undertook 4 reviews during the year using, amongst other methods, public hearings, site visits and calls for public submissions to gather the evidence necessary for conclusions to be drawn. In total, the Panel held 26 public hearings during the course of the year (covering a total of 9 days).

Aside from meetings for its reviews, the Panel held 30 formal meetings in 2006. At its meetings, the Panel endeavoured to remain informed of progress in those areas within its remit. As such, the Panel met regularly with the relevant Ministers. During the year, it considered 28 propositions lodged by the Ministers within its remit as well as 27 proposals for review topics it received from the public.

The Panel held a public meeting on 15th March 2006 to explain its proposed work programme and garner views on those issues within its remit which the public felt to be significant.

From the outset, it had been recognised that the Social Affairs Panel had a large remit. On 21st November 2006, the States agreed that the Panel's remit would be changed so that in 2007 it would cover the Departments of both Education, Sport and Culture and Home Affairs, changing its name to the Education and Home Affairs Panel. The areas of Health and Social Services, Housing and Social Security were assigned to a new, fifth, Scrutiny Panel to be called the Health, Social Security and Housing Scrutiny Panel.

#### Income Support

In February 2006, the Panel began work on a review of the proposed Income Support system (to be implemented in 2007). The topic was chosen due to the significant changes that the introduction of Income Support would make to the welfare and benefits system. The Panel was uncertain about the implications of these changes.

On 6th March 2006, the Panel created a Sub-Panel to undertake the review. The Sub-Panel, chaired by Deputy J.A. Martin, had a membership of Deputy S. Pitman (Vice-Chairman), Senator B.E. Shenton and Deputy G.P. Southern. The Sub-Panel engaged the use of an expert advisor, Dr. M. Evans.

The Sub-Panel could not complete its work in 2006 as detailed figures and draft Regulations for the system were not available. However, on 9th October 2006, it produced an interim report which was presented to the States addressing the issues of Parish involvement in the delivery of the system and the administration of the Citizen's Fund. Also, the main conclusions of the Report included that Income Support should be delivered through a central office and the Panel's concerns of whether the Department's proposed budget would cover the costs of a new system.

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### **GP Out-of-Hours**

In February 2006, the Panel also began work on a review of the GP Co-Operative Out-of-Hours Service that began in April 2006. The Panel believed the topic merited attention as all Island inhabitants were potentially affected by the change in arrangements for the delivery of out-of-hours care.

However, the Jersey Competition Regulatory Authority (JCRA) also decided to investigate the co-operative and the Panel therefore chose to await the production of that report as it could impact upon their own review. Following this delay, the scrutiny review was not completed before the end of 2006 and the final report was presented to the States on 8th March 2007.

### **Centeniers in the Magistrate's Court**

In April 2006, the Panel began a review of the Centenier's role in the Magistrate's Court. The Panel wished to assess why responsibility for presenting cases in the Court had not been removed from Centeniers following a recommendation made after a review of Jersey's criminal justice system undertaken in 2002.

During the review, in addition to public hearings and other evidence gathering, the Panel visited Guernsey to learn about its Magistrate's Court system, and to Southampton, to learn about the Crown Prosecution Service. Work on the review had not finished by the end of 2006 although the report was anticipated in early 2007.

### **Overdale Hospital**

On 2nd August 2006, the Panel agreed to establish a Sub-Panel to review the decision to close 2 wards at Overdale Hospital and transfer patients to private care homes. The review was undertaken due to concern regarding the longer-term implications of the decision for publicly-provided nursing and respite care.

The Sub-Panel was chaired by Deputy A.E. Pryke and had a membership of Deputies R.G. Le Hérissier (Vice-Chairman), S.C. Ferguson, D.W. Mezbourian and S. Power. Work on the review had not finished by the end of 2006 but the report was presented to the States on 10th January 2007.

### **Other Work**

In January 2006 the draft Sexual Offences (Jersey) Law 200- was referred to the Panel. The Panel agreed not to undertake a review but followed the progress on revising the Law and presented comments to the States for the debate in July 2006.

The Panel had intended to undertake a review of the Youth Service in 2006. However, this was not possible because of its heavy workload, although preliminary work was undertaken in anticipation that a review could potentially begin in 2007.

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The Panel followed up recommendations from Responding to Drug Use (S.R.1/2004) by meeting the Governor of HMP La Moye and the Director of Mental Health Services to consider health matters at the Prison. Following the publication of the 2005 HMI Report on the Prison, the Panel held a public hearing with the Minister for Home Affairs to consider the issues raised by the report. The Panel also visited the Prison and met the Chairman of the Board of Visitors.

Work was undertaken on the Strategic Plan 2006 – 2011 (P.40/2006) and Annual Business Plan 2007 (P.92/2006): the Panel met the Chief Minister and the 5 Ministers within its remit to consider the pertinent sections of the 2 Plans and to suggest possible amendments.

The Panel undertook work on the topic proposals it had received, gathering information relating to the proposals and forwarding this to the individual who had made the proposal. In particular, the Panel undertook work relating to speed cameras; the Legitimacy Law; and the Joint Financial Crime Unit. However, youth provision, Early Years learning and University Fees were considered for a later date.

### **Notable Successes**

Recognition was given by Ministers for the work the Panel had undertaken in relation to the Strategic Plan with a number of Panel recommendations being agreed.

The Minister for Social Security acknowledged that a good working relationship had been established and an interim report on the proposed Income Support system was presented on 10th October 2006.

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### 4.4.4. ENVIRONMENT SCRUTINY PANEL

2006 was a busy year for the Environment Panel. Three reviews were ongoing for the whole of the year. Waste Management, (Lead Member Deputy Duhamel), Planning Process, (Lead Member Deputy Baudains) and Design of Homes, (Lead Member Deputy Power).

#### **Waste Management Review**

The States debated 4 separate projects connected with the Waste Management Review during 2006. Although the Environment Panel did not present the projects, the work in these areas has enabled the Panel to make a significant contribution to the debates and to how States Members view the issues.

The Parish of St Helier has run a Zero Waste Trial. The instigation of this by the Parish was in response to a requirement for specific local data sought by the Panel. The expectation is that the data will be available at the beginning of 2007. The hiring of the Krysteline GP4 glass implosion machine has inspired at least 2 local companies to state an intention to purchase units and take glass from the waste stream for commercial purposes. Channel Television broadcast the machine trial with the Panel on their news program.

Research into recycling has revealed numerous mechanisms for the collection of recyclables and mechanical plants capable of various degrees of automation in sorting recyclables. The Panel has visited one such Material Recycling Facility that mechanically sorts all recyclables in the waste stream and packs it into marketable bales. This particular plant will pay for itself in 6 years by turning waste into a marketable product.

Also in September, a static exhibition held at the Airport Departure Lounge displayed 3 streams of “rubbish”. The display showed how removing glass, rubber and textiles from the waste stream with the appropriate process, turned rubbish into a marketable product. The display was a great success and received many positive comments from members of the public.

Professor Chris Coggins has been engaged to assist with the review and he has provided much valued information. The report for this review is due during the first quarter of 2007.

#### **Planning Process Review**

In February 2006 the Panel embarked upon a comprehensive review of the planning process, having identified through media reporting and through feedback from a number of constituents that planning issues remained high on the list of Islanders’ concerns. Deputy G.C.L. Baudains and Deputy R.G. Le Hérissier were charged with leading the investigation, which began with a detailed analysis of both the Island Plan 2002 and of relevant planning legislation. As part of its enquiries the Panel held 11 public hearings, conducted a series of site visits and observed the Planning Applications Panel as it considered applications, both before and after the introduction of the new Planning and Building (Jersey) Law 2002, which opened up the application process to public scrutiny. In addition, Panel members observed the first public hearing of a major planning application held by the Minister for Planning and Environment under the new Law.

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The Panel was pleased to report that the operation of the planning process had improved markedly in 2006, under the leadership of Senator F.E. Cohen. It nevertheless identified a number of issues that remained in need of attention. Of particular significance was the discovery that the policies of the Island Plan 2002, as currently drafted, were sufficiently imprecise as to allow excessive scope for interpretation by individual Planning Ministers. This, combined with the extent of the authority delegated to the Minister for Planning and Environment by the States Assembly, had effectively caused the States to lose full control of the planning process in recent years. Although the current Minister was clearly managing to interpret policies in a manner which reflected more closely the prevailing views of the Assembly, examples of controversial decisions taken immediately prior to the Minister's appointment, and with reference to the same planning policies, demonstrated the extent of the problem with the Island Plan. Throughout 2006 both the Minister and the officers of the Planning Department maintained a positive and open working relationship with the Panel and the Scrutiny Office.

### **Design of Homes Review.**

The Design of Homes Review is intended to show in what direction the design of homes in Jersey should be going, taking into account what is happening elsewhere. Subject headings of the review were to include room sizes, garage/parking space, noise insulation, modular construction, internal design and layout, urban regeneration, sustainability and many other areas of buildings for today and the future.

In August, 2 Members travelled to London to see a selection of residential developments including BEDZED and BOWZED. Both units have a very low carbon footprint and offer a remarkable insight into what could be possible in Jersey. Presentations from this visit were given to States Members, professionals within the trade and the public during Architecture Week.

Requests for submissions went out in November. Other methods of involving the public such as interactive electronic survey forms were investigated and are ongoing into 2007. The evidence gathering process was not completed during 2006 and continued into 2007. A fact-finding visit to Vienna was planned for the first week of February 2007. Public hearings and a report will follow shortly after.

### **Other Matters.**

The Panel Members have worked on deep groundwater involving research with the French authorities and divining of streams between Jersey and France. The Panel decided that this work was a follow-up to a review done during the shadow period of Scrutiny and will not initiate a further review.

The Panel held the first evening public Scrutiny meeting at St Clement's Parish Hall with a second at St John's Parish Hall. The Panel undertook further public engagement in November in the Homes and Lifestyle exhibition. The event was a success and there was much useful contact made with the public.

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### 4.4.5 PUBLIC ACCOUNTS COMMITTEE

#### Introduction

The primary function of the Public Accounts Committee is defined in Standing Orders as the review of reports by the Comptroller and Auditor General (and to report to the States upon any significant issues arising from those reports) regarding –

- the audit of the Annual Accounts of the States of Jersey
- investigations into the economy, efficiency and effectiveness achieved in the use of resources by the States, States funded bodies, independently audited States bodies (apart from those that are companies owned and controlled by the States), and States aided independent bodies
- the adequacy of corporate governance arrangements within the States, States funded bodies, independently audited States bodies, and States aided independent bodies,

and to assess whether public funds have been applied for the purpose intended and whether extravagance and waste are being eradicated and sound financial practices applied throughout the administration of the States.

The Public Accounts Committee may also examine issues, other than those arising from the reports of the Comptroller and Auditor General, from time to time.

#### Relationship with the Comptroller and Auditor General

The Public Accounts Committee and the Comptroller and Auditor General are both independent, answerable only to the States Assembly. The Comptroller and Auditor General has a statutory duty to liaise with the Public Accounts Committee and must attend all meetings of the Committee.

#### Procedures and Powers of the Public Accounts Committee

All reports presented to the States by the Comptroller and Auditor General will be discussed by the Committee. The Committee will then decide whether the matters raised by the Comptroller and Auditor General should be subject to further investigation or are of such public interest that they should be the subject of a public hearing. The Committee will present its reports on these hearings to the States Assembly.

The Public Accounts Committee has the power to issue summons in accordance with the States of Jersey (Powers, Privileges and Immunities) (Jersey) Regulations 2006.

#### Operation of the Committee

The Public Accounts Committee represents a specialised area of scrutiny. Scrutiny examines policy whereas the Public Accounts Committee examines the use of States' resources in the furtherance of those policies. Consequently initial enquiries are made of Chief Officers rather than Ministers. This

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is not to say that enquiries may not be made of Ministers should the reports and recommendations of the Public Accounts Committee be ignored.

The work of the Public Accounts Committee is ongoing rather than on a one-off basis and the Committee will return to topics previously examined in order to evaluate whether recommendations have been followed or procedures improved. If such a follow-up is unsatisfactory then the Committee may decide to hold further public hearings in order to identify the reasons for the lack of progress.

The Public Accounts Committee co-operates with the Scrutiny Panels, and indeed some members sit on Scrutiny Panels; this assists Members' understanding of the resource implications of policies adopted. The Chairman of the Public Accounts Committee also sits on the Chairmen's Committee, the body which coordinates the work of Scrutiny as a whole.

The difference in emphasis between the work of the Committee and the work of Scrutiny has caused some confusion as to the different roles each play. For this reason, a separate website is to be established for the Committee, [www.pac.gov.je](http://www.pac.gov.je). It is anticipated that this will be up and running in the first half of 2007.

### Structure

The shadow stage of the Public Accounts Committee demonstrated the advantages and benefits of including independent non-States members as part of the Committee. Accordingly, the States of Jersey Law 2005 was amended to allow this. Under Article 10 of the States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006 independent members were granted the same immunity accorded to States members whilst attending Committee proceedings.

The required structure of the Public Accounts Committee is set out in Standing Order 131. This provides for a Chairman and an even number of members, 50 per cent of whom are elected States Members and 50 per cent of whom are independent members. The minimum number of members is 4.

### Membership

The current membership of the Public Accounts Committee is as follows –

<u>States Members:</u>	<u>Independent Members</u>
Deputy S.C. Ferguson of St. Brelade (Chairman)	
Deputy J.G. Reed of St. Ouen (Vice Chairman)	Mr. Tony Grimes
Senator J.L. Perchard	Advocate Alex Ohlsson
Connétable Tom du Feu of St Peter	Mr. Chris Evans
Connétable Dan Murphy of Grouville	Mr. Roger Bignell
Deputy A. Breckon of St. Saviour	Mr. Martin Magee

Mr. Grimes, Advocate Ohlsson and Mr. Evans were members of the Shadow Public Accounts Committee and agreed to continue serving on the Public Accounts Committee. Their presence and





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contributions have been much appreciated. Mr. Bignell and Mr. Magee joined as independent members in March 2006 in response to the Committee's advertisement for additional members. They form a welcome addition to the Committee and bring a wealth of knowledge and experience with them.

The remit of the Public Accounts Committee entails coverage of the entire financial structure of the States. Because of this, responsibility for particular areas has been delegated to specific members of the Committee. Currently these are –

Deputy James Reed and Advocate Alex Ohlsson – Health and Social Services  
Senator James Perchard and Mr. Martin Magee – Harbours  
Connétable Tom Du Feu and Mr. Tony Grimes – Education, Sport and Culture  
Connétable Dan Murphy and Mr. Chris Evans – Home Affairs  
Deputy Alan Breckon and Mr. Roger Bignell – Jersey Post

### Meetings

The Public Accounts Committee holds regular meetings at which it is given briefings by the Comptroller and Auditor General on his work programme. Many of these are later the subject of reports by the Comptroller and Auditor General and are therefore not detailed in this report. Since the subject matter of these briefings is usually “work in progress”, these meetings are held in private.

The Committee also held private meetings on the following dates and for the following purposes –

- 10th April with Mr. Bill Ogle, the Chief Executive of the Council of Ministers, and Mr. Ian Black, the Treasurer of the States, to discuss the appointment and training of Accounting Officers.
- 17th July with Mrs. Janet Marshall, the Strategic Planning Manager, Chief Minister's Office and Mr. Kevin Hemmings, Head of Financial Planning, on the formulation of the States Business Plan.
- 18th September to receive a presentation from PricewaterhouseCoopers on their audit of the 2005 accounts of the States of Jersey.
- 6th November with Mr. Ian Black, to receive a presentation on the 2005 accounts of the States of Jersey.

The Committee also conducted an away day on 23rd October 2006 to discuss the role of the Public Accounts Committee and the Comptroller and Auditor General's programme of work for 2007. In addition the Committee also undertook the following public hearings –

- 22nd May with the newly appointed Chief Officer of Human Resources, Mr. Ian Crich, to discuss progress since the Shadow Public Accounts Committee Report on sickness levels within the States.

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- 4th December with Mr. Bill Ogley and Mr. Mike King, Chief Officer of the Economic Development Department, to discuss the issues arising from the Comptroller and Auditor General's report on the Battle of Flowers.
- 11th December with Mr. Bill Ogley and Mr. Eric Le Ruez, Chief Officer of Property Holdings, to discuss the Comptroller and Auditor General's report on the Property Plan.

The reports and transcripts of all public hearings have been published on the Public Accounts Committee website which is currently located within the scrutiny area of the States Assembly site.

### **States of Jersey Monitoring of Sickness Levels**

This was a follow-up to the original Shadow Public Accounts Committee Report in 2004. A report was not produced as the Director of Human Resources had only just taken up his post. The hearing emphasised the concerns regarding the lack of congruence between the intended programme outlined in 2004 and that actually achieved. It appeared that most of the action steps outlined at the time of the previous hearing had not yet been implemented and the States did not, at the time of the hearing, have systems which could provide reliable information regarding sickness absence levels. It should be noted that the new Director of Human Resources is addressing this as a priority.

The Public Accounts Committee is particularly concerned that it is not yet possible to estimate an accurate cost to the States each year as a result of sickness absence. It will be returning to this topic in 2007.

### **The Battle of Flowers Report**

The Report by the Comptroller and Auditor General had revealed a number of shortcomings in financial management and a lack of understanding of the operation of financial directions. The Public Accounts Committee held a public hearing on 4th December 2006. The Committee's report was published in early 2007, together with the comments and recommendations of the Committee.

### **Sale of part of Howard Davis Farm (P.68/2006) - comments**

The Committee issued, in the form of "Comments on P.68/2006", a report on the proposal to sell part of Howard Davis Farm to the Jersey Dairy.

### **Methodology of the States Property Plan**

The report of the Public Accounts Committee on the procedures involved in the preparation of P.68/2006 had highlighted a number of points which the Public Accounts Committee felt should be questioned. In particular the methodology and rationale had raised concerns.

Subsequently the 2007 Property Plan was brought to the States Assembly as part of the Business Plan on 14th September 2006 and was effectively referred to the Public Accounts Committee.

The Comptroller and Auditor General issued a report on the Plan and the Committee held a public hearing on this on 11th December. The main findings of the report were that The Committee recommended the 2007 Property Plan for approval by the States as a step towards the achievement



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of -

- effective property management,
- efficient departmental management and
- maximisation of the value of the States property holdings.

The Committee agreed that, as a matter of principle, the proceeds of the sale of capital assets should not be used to meet revenue expenditure and expects that this principle will be followed in all of the States' dealings with property irrespective of whether they fall within the remit of Jersey Property Holdings (JPH).

The Committee will return to this subject after the end of 2007, to –

- examine the outcome of the 2007 Property Plan;
- in particular, to examine JPH's management of the programme of disposals to ensure that JPH has taken appropriate steps to maximise the proceeds of any sale;
- to check on the disposition of the proceeds of disposals; and
- to check that there has been no delay in the steps necessary to achieve greater efficiency in the States' use of property.

### **Annual Accounts of the States**

The Committee noted that although a number of issues had been resolved and improved, others remained. The Committee is particularly concerned about the continuing lack of clarity in the reconciliation between the budget, voted and actual expenditure which makes it extremely difficult to evaluate the actual performance of States Departments.

In recent years the only independent comments on the States' accounts have come from the Shadow Public Accounts Committee. In 2006, however, the audit of the accounts will come under the responsibilities of the Comptroller and Auditor General and the Committee looks forward to his reports on the accounts.

### **Chairman's comments**

The retiring Chairman of the Shadow Public Accounts Committee, Mr. Tim Dunningham, said in his final report that "*...The role of Scrutiny is not the role of opposition. ....They should focus on ensuring that the policy has been properly formulated, all alternatives properly addressed and valid reasons given for why particular courses of action have been followed. The Committee should be addressing the quality of the decision making, rather than the decision itself. In my view, it is vital that the Scrutiny Panels do not become the opposition to the government...*".

During this first year of operation of the Scrutiny Panels this role has not always been well understood by the States Assembly as a whole. At the same time it has not always been understood that the Public Accounts Committee deals with the use of public resources and is not confined to accounting issues, important as these are. As the Public Accounts Committee begins to publish reports, and with the creation of the new Public Accounts Committee website, this emphasis should become more apparent.

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The Committee has had to adjust to a new mode of working this year with the appointment of a Comptroller and Auditor General. This has been achieved smoothly, largely thanks to the skills of the Comptroller and Auditor General, Mr. Chris Swinson OBE. His reports have enabled the Committee to focus on the important overriding principles to be applied in relation to States' expenditure.

The former Audit Committee was frequently frustrated by its inability to enforce recommendations. The Public Accounts Committee has these powers and will use them should it prove necessary. However, the Committee is encouraged by the signs of change in the culture of the States, evidenced by the moves to more financial rigour and the willingness to accept recommendations for improvement. However there is a great deal more to be done and the Public Accounts Committee will continue to press for the necessary changes.

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### 4.5 ISSUES FACED BY SCUTINY DURING 2006

Understandably, the process of change has been a challenging one. New ways of working under new Standing Orders have meant that not everything has worked smoothly first time and it is inevitable that it will take longer than a year to establish streamlined working practices. There are many issues which still need a resolution and the system will continue to evolve over a period of time. For the coming year Scrutiny will need to continue to find ways of meeting further challenges and overcoming any tensions that exist within the new system.

This report outlines some of the areas which have been addressed during 2006, many of which are ongoing.

1. Remit of Social Affairs Panel and proposed creation of 5th Panel
2. Draft Code of Practice/access to Legal Advice
3. Access to information from Council of Ministers
4. Engaging the public and the media

#### 4.5.1 Remit of Social Affairs Panel and creation of fifth Panel

Concern regarding the large remit of the Social Affairs Panel was expressed from the outset especially as the 5 Departments it was tasked to scrutinise were also the biggest budget holders.

On 19th July 2006, the States agreed P.64/2006 and adopted a proposition of the Chairmen's Committee to create a fifth Panel entitled the Health, Social Security and Housing Scrutiny Panel, and to rename the Social Affairs Scrutiny Panel as Education and Home Affairs Scrutiny Panel. In order to achieve this it was agreed that the necessary funds of £188,000 for 2007 be provided from 2006 carry forward balances. It was also agreed that in the event of shortfall in the Scrutiny budget by year end 2006, this would be underwritten by the Council of Ministers.

On 21st November 2006, Deputy A. Breckon was appointed as Chairman of the new Panel and on 5th December 2006 Deputies R.G. Le Hérissier, J.A. Martin and S. Power were elected to the Panel.

#### 4.5.2. Code of Practice

This was drafted and approved by the Chairmen's Committee in early 2006. It subsequently suffered a lengthy delay in lodging "au Greffe" due to ongoing discussions with the Council of Ministers about Scrutiny access to legal advice, both to its own function from the Law Officers' Department and access to advice given to Ministers from that Department. The draft Code of Practice was finally lodged "au Greffe" on 15th August 2006, only to be withdrawn on 7th November 2006 as the matter relating to the legal advice issue had not progressed. To date, this matter remains unresolved.

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### 4.5.3. Access to information from Council of Ministers

A request from the Chairmen's Committee for access to Part B agendas of the Council of Ministers was made during the first few months of 2006, and this was agreed. On receipt of these, Scrutiny has been aware of documents being considered by the Council of Ministers which it believed would be beneficial to the workings of Scrutiny. Access to papers has been requested on a number of occasions and at times received. However, it was agreed that a protocol between the Council of Ministers and the Chairmen's Committee should be devised to provide a framework for such access. Work on this was ongoing at the end of 2006.

### 4.5.4. Engaging with the Public

There have been examples of good practice with Panels taking their meetings out into the community at Parish Halls and various exhibitions such as the Lifestyle Exhibition held at Fort Regent. There was also a public joint Scrutiny meeting held specifically to consider the Strategic Plan 2006-2011.

In order to consider how to improve public engagement the Chairmen's Committee established a group mid-year [Public Engagement Group (PEG)] with the specific task of exploring this area. The group comprised Deputies Le Hérissier (Chairman), Ferguson, Reed, Power, Gallichan, Mezbourian and Lewis.

This group's remit was twofold –

1. To explore ways of improving communication with the media to promote the work of Scrutiny; and,
2. To identify a means of improving public engagement overall.

In considering these issues the Group concluded that expert advice should be sought. A recommendation was made to the Chairmen's Committee which was subsequently approved.

The process of advertising, presentations, short-listing, further presentations and final selection was undertaken during the summer months with a short-term contract being awarded from 1st October to 31st December 2006. This appointment has led to the development of a Public Engagement Strategy, Scrutiny guide and newsletter. Work in these areas was ongoing at the end of 2006.

This group also liaised with a Secondary School teacher who, at that time, was seconded to develop the Citizenship programme in Secondary Schools. The intention behind this was to look at ways of encouraging a greater understanding of the Island's youngsters in the function of Scrutiny.

The Public Engagement Group initiated and progressed through the Chairmen's Committee, the contractual appointment of Orchid Communications Limited to provide support in tackling the issue of engaging with the public. During 2006, Orchid Communications assisted with press releases and has been preparing a Scrutiny Public Consultation Strategy, Scrutiny Guide and newsletter

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### 4.6 DEVELOPMENTAL AREAS

#### 4.6.1 Training

December 2005	Frances Taylor	Principles of Scrutiny
January 2006	Frances Taylor	Work programming
February 2006	John Sturrock QC	Questioning Skills
June 2006	Centre for Public Scrutiny and visit to Select Committees for 4 members and 2 officers	

#### 4.6.2 Away-Day

The Public Engagement Group also initiated a Scrutiny away-day which was held at Haut de la Garenne and facilitated by Elizabeth Watson, Head of Committee Services, Scottish Parliament. This provided an opportunity for all members and officers involved in the Scrutiny function to identify the strengths, weaknesses, opportunities and threats which had become apparent within the first 10 months of existence. Members also considered areas in which improvements could be made and reconsidered their commitment to developing a greater understanding of the rôle of Scrutiny and public awareness.

The outcome was to strive towards scrutiny with a balanced approach to either endorse Executive policies or to indicate deficiencies. It also agreed that the Scrutiny function should add to the process of policy in formation and, to that end, that closer working relationships with Ministers would need to develop.

#### 4.6.3 Website

The Scrutiny website evolved throughout the Shadow Scrutiny phase and was developed as a part of the States Assembly website. When the new gov.je website was rolled-out the Scrutiny link was classified under non-executive departments with the States Greffe but following some requests, a quick link from the home page of the gov.je website to the Scrutiny site was provided. Over the last year Scrutiny moved to its own URL - [www.scrutiny.gov.je](http://www.scrutiny.gov.je) and has undertaken a complete revamp of its website. This work was ongoing at the end of 2006 with a launch expected in the Spring of 2007.



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### Appendix A

## Scrutiny Panel Membership

### Main Panels

#### **Chairmen's Committee**

President - Deputy R.C. Duhamel  
Deputy R.G. Le Hérisssier - Vice President  
Deputy F. J. Hill, BEM  
Deputy G.P. Southern  
Deputy S.C. Ferguson  
Deputy J.G. Reed  
Deputy P.J.D. Ryan  
Deputy A. Breckon (21st November 2006)

#### **Public Accounts Committee (PAC)**

Chairman - Deputy S.C. Ferguson  
Deputy J.G. Reed - Vice Chairman  
Senator J.L. Perchard  
Connétable D.J. Murphy  
Connétable T.J. du Feu  
Deputy A. Breckon  
Independent Members  
Advocate A. Ohlsson  
Mr. A. Grimes  
Mr. C. Evans  
Mr. R. Bignell  
Mr. M. Magee

#### **Corporate Services**

Chairman - Deputy P.J.D. Ryan  
Senator J.L. Perchard - Vice Chairman  
Connétable J.Le S. Gallichan (Trinity)  
Connétable D.J. Murphy (Grouville)  
Deputy J. Gallichan (Dec 05 - Dec 06)  
Deputy C.H. Egre (from Dec 06)

#### **Economic Affairs**

Chairman - Deputy G.P. Southern  
Deputy A. Breckon - Vice Chairman  
Connétable M.K. Jackson (St Brelade)  
Deputy J.A. Martin  
Deputy K.C. Lewis

#### **Environment**

Chairman - Deputy R.C. Duhamel  
Deputy G.C.L. Baudains - Vice Chairman  
Connétable K.A. Le Brun (St Mary)  
Deputy R.G. Le Hérisssier  
Deputy S. Power

#### **Social Affairs (to Dec 06)**

Chairman - Deputy F.J. Hill, B.E.M.  
Deputy J.A. Martin  
Deputy D.W. Mezbourian  
Deputy A.E. Pryke  
Deputy S. Pitman





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### *Split of Social Affairs Panel from 5th December 2006*

#### **Health, Soc Sec & Housing**

Chairman - Deputy A. Breckon

Deputy R.G. Le Hérisssier

Deputy J.A. Martin

Deputy S. Power

#### **Education & Home Affairs**

Chairman - Deputy F.J. Hill, B.E.M.

Deputy D.W. Mezbourian

Deputy A. Pryke

Deputy S. Pitman

Deputy J. Gallichan

### **Scrutiny Sub-Panels**

#### **Economic Affairs Telecoms Privatisation Sub-Panel**

Chairman - Deputy G.P. Southern

Senator B.E. Shenton

Deputy G.C.L. Baudains

Deputy J.A. Martin

Deputy J.G. Reed

#### **Economic Affairs Dairy Review Sub-Panel**

Chairman - Deputy A. Breckon

Deputy R.G. Le Hérisssier

Deputy S.C. Ferguson

Deputy A.E. Pryke

Deputy K.C. Lewis

#### **Corporate Services Zero/Ten Sub Panel**

Chairman - Senator J.L. Perchard

Senator B.E. Shenton

Deputy G.P. Southern

Deputy P.J.D. Ryan

#### **Corporate Services GST Sub Panel**

Chairman - Deputy P.J.D. Ryan

Connétable J.Le S. Gallichan (Trinity)

Connétable D.J. Murphy (Grouville)

Connétable M.K. Jackson

#### **Corporate Services Overseas Aid Sub-Panel**

Chairman - Senator J.L. Perchard

Connétable J.Le S. Gallichan

Connétable D.J. Murphy

Connétable S.A. Yates

#### **Corporate Services Financial Framework Sub-Panel**

Chairman Deputy P.J.D. Ryan

Senator L. Norman

Senator B.E. Shenton

Senator J.L. Perchard

Connétable D.J. Murphy

Deputy J. Gallichan



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### **Social Affairs Overdale Sub Panel**

Chairman - Deputy A.E. Pryke  
Deputy R.G. Le Hérisssier  
Deputy S.C. Ferguson  
Deputy D.W. Mezbourian  
Deputy S. Power

### **Social Affairs Income Support Sub Panel**

Chairman - Deputy J.A. Martin  
Senator B.E. Shenton  
Deputy G.P. Southern  
Deputy S. Pitman

### **Health, Soc Sec & Housing Telephone Masts Sub Panel**

Chairman - Deputy A. Breckon  
Senator B.E. Shenton  
Connétable M.K. Jackson  
Deputy C.H. Egré

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Appendix B

Scrutiny Panel Review Dates 2006

Panel	Review		Start Date	Report Date	2006 Costs £
Corporate Services	Age of Consent		January 2006	28th March 2006	844.95
	Financial Framework of the Strategic Plan	Sub-Panel	May 2006	5th June 2006	259.45
	GST Interim	Sub-Panel	May 2006	18th October 2006	24605.37
	Review of the Zero/Ten Design Proposal - Interim	Sub-Panel	May 2006	28th September 2006	26546.68
	Review of the Zero/Ten Tax Design Proposals ongoing	Sub-Panel	October 2006	2007	
	Overseas Aid	Sub-Panel	November 2006	2007	741.31
					<b><u>52997.76</u></b>
Economic Affairs	Fulfillment		February 2006	30th October 2006	7819.25
	Postal Incorporation		April 2006	23rd May 2006	1067.00
	Telecoms Privatisation	Sub-Panel	August 2006	2007	18248.44
	Dairy Industry	Sub-Panel	July 2006	2007	7152.34
					<b><u>34287.03</u></b>
Social Affairs	Income Support Interim	Sub-Panel	February 2006	9th October 2006	5463.41
	GP Out of Hours		February 2006	2007	827.66
	Centeniers Role in Magistrates Court		April 2006	2007	4527.62
	Sexual Offences - comments		June 2006	27th June 2006	n/a
	Overdale	Sub-Panel	August 2006	2007	1860.48
					<b><u>12679.17</u></b>

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Environment	Planning Process		February 2006	2007	1879.23
	Design of Homes		February 2006	2007	5401.50
	Waste Recycling		February 2006	2007	17259.84
	Energy. (Work on 2007 review)		Spring 2007	Not Set.	846.00
					<b><u>25386.57</u></b>

Total expenditure for all reviews	<b>125350.53</b>
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2006 Statistics	PANEL							
	Totals	Corporate	Economic	Environment	Social	HSSH	Chairmen's	PAC
Number of meetings of each full Panel per year	<b>191</b>	30	43	33	35	2	37	11
Number of public hearings	<b>44</b>	7	8	12	14		n/a	3
Number of reviews undertaken	<b>17</b>	5	4	3	4	1	n/a	
Number of reports issued (SR series)	<b>7</b>	4	2	0	1	n/a	n/a	n/a
Number of matters referred to and accepted by scrutiny in the States	<b>3</b>	1	0	0	1	1	n/a	2 (self-referred)
Number of submissions over year	<b>373</b>	70	112	88	103	n/a	n/a	
Budget 2006	<b>£ 419,000.00</b>	<b>£80,000.00</b>	<b>£80,000.00</b>	<b>£80,000.00</b>	<b>£80,000.00</b>		<b>£79,000.00</b>	<b>£20,000.00</b>
Expenditure 2006 (JDE)	<b>£ 163,607.08</b>	£61,678.57	£28,508.99	£29,304.55	£13,193.78		£29,279.59	£1,641.60
Advisers & Speakers	<b>£ 76,468.17</b>	<b>£39,791.17</b>	<b>£25,702.63</b>	<b>£ 6,341.93</b>	<b>£ 4,632.44</b>			
<i>Advisers</i>	<i>R Teather</i>	£38,995.01						
	<i>J Hasseldine</i>	£210.67						
	<i>A Thomson</i>	£585.49						
	<i>D Parker</i>		£8,710.63					
	<i>Hanson Renouf</i>		£11,250.00					
	<i>Promar</i>		£5,075.00					
	<i>Dr Evans</i>				£4,457.44			
	<i>Alex Picot</i>				£175.00			
	<i>D Mason</i>			£2,130.79				
<i>Speakers</i>	<i>M Florio</i>		£667.00					
	<i>Dr Mullet</i>			£678.18				
	<i>Prof Coggins</i>			£3,532.96				

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2006 Statistics (cont)

	Totals	PANEL						
		Corporate	Economic	Environment	Social	HSSH	Chairmen's	PAC
Number of Sub-Panels created	8	4	2	0	2			
Number of Sub-Panel meetings	85	<u>Fin Framework</u>	<u>Dairy</u>		<u>Inc Support</u>			
		2	14		13			
Sub-Panel Hearings	61	1	11		3			
		<u>Zero/Ten</u>	<u>JT</u>		<u>Overdale</u>			
		9	20		11			
Sub-Panel Hearings		12	9		9			
		<u>GST</u>						
		15						
Sub-Panel Hearings		16						
		<u>O Aid</u>						
		1						



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## 5. THE STATES GREFFE





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### 5.1 Introduction

The years leading up to the change to the new system of government in December 2005 had been a period of significant preparation for the States Greffe to ensure that the services offered by the department to the Assembly, its members and all Committees/Panels were correctly adapted to meet the demands of the new system.

2006 saw the first full year of operation of the new system and the States Greffe began the year with an enlarged Scrutiny Section, a reduction in the number of Committee Clerks and minor changes in other areas. Although there were some minor difficulties that needed to be resolved during the year, the planning that had taken place worked well and the department was able to operate efficiently and well within budget (detailed end of year accounts will be published as part of the States Annual Accounts in May once the audit of them is completed).

### 5.2 Committee Clerks Section

The replacement of the Committee system was expected to reduce the work of the Committee Clerks, but with the introduction of a system of 'quality assurance' and archiving by the States Greffe of the Ministerial Decisions recording system that replaced Committee Acts, the Clerks maintained strong links with Departments, and dealt with a total of 1,259 Ministerial Decisions in 2006. The one part-time and 3 full-time Clerks advised Departments on how specific matters should be recorded within the Ministerial template and also ensured that items which needed to be brought to the States were notified to the States Greffe by the Executive.

Department	Number of decisions
Planning and Environment	241
Economic Development	231
Treasury and Resources	134
Property Holdings	110
Transport and Technical Services	98
Home Affairs	87
Housing	84
Education, Sport and Culture	78
Health and Social Services	67
Social Security	67
Chief Minister's Department	58
States of Jersey Police	4
<b>TOTAL</b>	<b>1,259</b>

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The Clerks also continued to provide impartial and professional support and advice on procedural matters to Executive and non-Executive Departments and produced the official record of proceedings for 182 meetings during 2006.

Council of Ministers	38
Overseas Aid Commission	38
Privileges and Procedures Committee	32
Planning Applications Panel	19
States Employment Board	14
Legislation Advisory Panel	6
Probation	6
Planning Hearings (Minister for Planning and Environment)	6
Criminal Injuries Compensation Board	5
Tourism Development Board	5
Tourism Development Fund sub-committee	5
Commission Amicale	3
Manual Workers' Joint Council	2
Civil Service Forum	2
Privileges and Procedures Committee sub-committee	1
<b>TOTAL</b>	<b>182</b>

The Clerks Section also took on responsibility for the editing of the Official Report ('Hansard') of States meetings (see 5.10 below) which was a considerable task, particularly in busy periods when the Assembly sat for several consecutive days.

### 5.3 Scrutiny Section

The Scrutiny Section began 2006 with a number of new staff, some of whom had transferred from secondment to Scrutiny during the 'shadow' phase, some of whom were recruited from outside and some who transferred from the Committee Clerks section.

The Section operated for the majority of 2006 with 8 Scrutiny Officers and 2 administrators under the management of the Scrutiny Manager. The officers provided a full range of support and research services to Panels, offering procedural advice as necessary. This included preparation for, and management of, reviews by undertaking research, requesting and analysing written evidence, organising hearings, meetings and visits and drafting briefing material and reports. The Section had an extremely busy year due to the number of reviews initiated by Panels and Sub-Panels as set out in the previous section of this Report.

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### **5.4 Publications Editor**

The new Ministerial Decision system required procedural changes to be implemented to ensure that States matters were lodged with the Greffe in a timely and efficient manner. Where Committee Clerks had previously been responsible for informing the Publications Editor of matters for lodging following a Committee Meeting, the new system required officers from other Departments to play a more proactive role in ensuring items were ready for inclusion on the States Order Paper. After some initial difficulties a more structured procedure for ensuring that the States Greffe was notified when an Order had been made by a Minister was introduced during the year.

Changes in Standing Orders relating to the timescale for lodging propositions meant that instead of matters being lodged weekly, items could be lodged on a daily basis, thereby spreading the work out more evenly.

### **5.5 Bookshop**

With matters now able to be lodged on any day, the Bookshop saw an increase in the daily volume of outgoing mail. Staff were responsible for maintaining the States Assembly website, ensuring all official publications were uploaded. Revisions to the Island's Laws required all of the legislation available within the Bookshop to be updated. With responsibility for the provision of switchboard services for the States Greffe and other occupants of Morier House, Bookshop staff swiftly adapted to using the new telephone system introduced across the States.

### **5.6 Registry**

In addition to its existing role providing an organised and thorough source of information, the Registry section was given responsibility for the retention and archiving of the signed copies of all Ministerial Decisions and relevant attachments. The Section also uploaded Part 'A' (Public) Ministerial Decisions onto the gov.je website to be accessed by the public.

### **5.7 Reprographics**

Although the demise of the Committee system saw a reduction in the number of agendas produced by the Reprographics section, there were still sizeable Council of Ministers, Planning Applications Panel and Privileges and Procedures Committee agendas printed on a fortnightly basis, as well as the various papers for all of the other Boards and Panels serviced by the Clerks' section. The Section produced updated sets of all of the Revised Laws, as well as several Scrutiny reports, but the work of the States continued to provide the bulk of the Section's workload.

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### 5.8 Accommodation

At the onset of the Ministerial system, the Scrutiny staff, now increased in number, moved from their temporary offices in the States Building into the area vacated within Morier House by the Clerks, who in turn moved into newly created offices on the first floor, in the area which had formally housed the Reprographics section. As the Blampied and Le Capelain Rooms in the States Building provided appropriate meeting rooms, a new Reprographics section was established in the area which had formally been used as the Halkett and Peirson Rooms.

This repositioning of sections enabled all of the States Greffe staff to be accommodated within Morier House, thereby consolidating operational costs such as postage and photocopying and allowing considerable economies of scale and budgetary savings to be achieved.

### 5.9 Staffing changes

During 2006 the Department said farewell to Mr. David Filipponi, Assistant Greffier of the States, who moved to the Bailiff's Chambers to take up the post of Bailiff's Chief Officer. Following his departure 2 existing posts, the Assistant Greffier of the States and the Office Manager, were restructured to provide a more appropriate allocation of duties between the posts. Many of the responsibilities for finance and administration were moved from the Assistant Greffier post to the second post that was renamed Finance and Administration Manager. The change will allow the new Assistant Greffier more time to concentrate on the development of the provision of information services to members of the States, Departments and the public. The 2 restructured posts were re-evaluated with an overall saving as a result of the re-evaluation. Mrs. Lisa Hart was recruited from the Committee Clerks section to fill the post of Assistant Greffier although she had not yet taken up her duties at the end of 2006. Mrs. Denise Abbot-McGuire, formerly Office Manager, filled the post of Finance and Administration Manager.

The department welcomed Mr. Martin Huelin as its new Registry Assistant and Mrs. Jane Rueb as a Scrutiny Administrator.

### 5.10 Official Report ('Hansard')

The new Standing Orders required the Greffier of the States to introduce a full Official Report ('Hansard') service from the implementation of the Ministerial system of government on 5th December 2005. Since that date, 3,098 pages of States Assembly and 3,444 pages of Scrutiny Panel/PAC proceedings have been transcribed and uploaded to the States Assembly websites ([www.statesassembly.gov.je](http://www.statesassembly.gov.je) and [www.scrutiny.gov.je](http://www.scrutiny.gov.je)).

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The States have agreed that, in the first instance, substantially verbatim reporting of proceedings would be appropriate for Jersey. Thus, only hesitations and redundancies are omitted, with even some obvious mistakes remaining uncorrected so as to maintain the ‘flavour’ of the speech. The style of the Official Report will be kept under review in the light of experience as the service is operated. It is important that, as a parliamentary record, Jersey’s ‘Hansard’ accurately and fairly reflects proceedings, and some light editing is sometimes required to achieve this.

Following a tendering process, a single agency was selected to provide “essentially verbatim” transcripts of States Meetings and Scrutiny hearings from audio recordings, with economies of scale being achieved by virtue of a contract common to both. A ‘first draft’ transcript of the proceedings of the States is available 5 working days after each States meeting which, once edited, is uploaded to the website in time for the next States. A similar timescale applies to the transcripts of Scrutiny hearings although the contract with the transcribers allows for a more rapid turnaround if required.

### **5.11 States Assembly website**

The States Greffe continued to maintain the States Assembly website [www.statesassembly.gov.je](http://www.statesassembly.gov.je) throughout 2006 and the site has clearly become the principal source of information about the work of the Assembly for many people. There was a monthly average of 321,362 hits during the last 6 months of 2006 with a monthly average of 15,882 visitors during the same period (statistics filtered to exclude automatic access by search engines during indexing).

### **5.12 Members’ facilities**

The States continued to maintain the facilities for members in the States Building and there was a noticeable increase in the usage of the facilities during the year. Lockers were installed for States members’ use in April 2006. The most convenient location to put them was the middle interview room. So far 18 States Members are using the lockers, some of whom have found it more practical to have 2. Extra furniture was ordered towards the end of 2006 to accommodate the increased number of members remaining for lunch on States meeting days and delivery of this was expected in early 2007.

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### Appendix C

#### MEMBERSHIP OF THE STATES ASSEMBLY ON 1st JANUARY 2006

##### (Article 2 of the States of Jersey Law 2005)

Sir Philip Bailhache, Bailiff, President (Appointed February 1995).

Air Chief Marshal Sir John Cheshire K.B.E., C.B., His Excellency the Lieutenant Governor (Appointed January 2001).

	<i>First elected</i>
Senator Stuart Syvret	13.12.90
Senator Leonard Norman	17.06.83
Senator Frank Harrison Walker	13.12.90
Senator Wendy Kinnard	12.12.96
Senator Terence Augustine Le Sueur	15.12.87
Senator Paul Francis Routier	09.12.93
Senator Michael Edward Vibert	12.12.96
Senator Philip Francis Cyril Ozouf	09.12.99
Senator Terence John Le Main	20.12.78
Senator Ben Edward Shenton	05.12.05
Senator Frederick Ellyer Cohen	05.12.05
Senator James Leslie Perchard	05.12.05
Connétable John Baudains Germain of St. Martin	15.03.94
Connétable Kenneth Priaulx Vibert of St. Ouen	10.05.94
Connétable Philip Francis Ozouf of St. Saviour	26.06.98
Connétable Kenneth Alan Le Brun of St. Mary	11.08.00
Connétable Thomas John du Feu of St. Peter	13.12.84
Connétable Derek Frederick Gray of St. Clement	14.12.01
Connétable Alan Simon Crowcroft of St. Helier	12.12.96
Connétable John Le Sueur Gallichan of Trinity	11.11.02
Connétable Geoffrey William Fisher of St. Lawrence	31.01.03
Connétable Daniel Joseph Murphy of Grouville	19.09.03
Connétable Richard Edward Norwood Dupré of St. John	05.12.03
Connétable Michael Keith Jackson of St. Brelade	11.11.05
Deputy Robert Charles Duhamel of St. Saviour No. 1	09.12.93
Deputy Alan Breckon of St. Saviour No. 2	09.12.93
Deputy Jacqueline Jeannette Huet of St. Helier No. 3	09.12.93
Deputy Frederick John Hill B.E.M of St. Martin	09.12.93
Deputy Gerard Clifford Lemmens Baudains of St. Clement	11.12.98
Deputy Peter Nicholas Troy of St. Brelade No. 2	09.12.99
Deputy Celia Joyce Scott Warren of St. Saviour No. 1	09.12.99

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Deputy Roy George Le Hérissier of St. Saviour No. 3	09.12.99
Deputy John Benjamin Fox of St. Helier No. 3	09.12.99
Deputy Judith Ann Martin of St. Helier No. 1	05.05.00
Deputy Geoffrey Peter Southern of St. Helier No. 2	15.02.02
Deputy Sarah Craig Ferguson of St. Brelade No. 1	12.12.02
Deputy James Gordon Reed of St. Ouen	12.12.02
Deputy Patrick John Dennis Ryan of St. Helier No. 1	12.12.02
Deputy Carolyn Fiona Labey of Grouville	12.12.02
Deputy Colin Hedley Egré of St. Peter	12.12.02
Deputy Jacqueline Ann Hilton of St. Helier No. 3	12.12.02
Deputy Guy William John de Faye of St. Helier No. 3	12.12.02
Deputy Paul Vincent Francis Le Claire of St. Helier No. 1	09.04.99
Deputy John Alexander Nicholas Le Fondré of St. Lawrence	05.12.05
Deputy Deidre Wendy Mezbourian of St. Lawrence	05.12.05
Deputy Anne Enid Pryke of Trinity	05.12.05
Deputy Sean Seamus Patrick Augustine Power of St. Brelade No. 2	05.12.05
Deputy Shona Pitman of St. Helier No. 2	05.12.05
Deputy Alan John Henry Maclean of St. Helier No. 2	05.12.05
Deputy Kevin Charles Lewis of St. Saviour No. 2	05.12.05
Deputy Andrew David Lewis of St. John	05.12.05
Deputy Ian Joseph Gorst of St. Clement	05.12.05
Deputy Juliette Gallichan of St. Mary	05.12.05

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

Mr. William James Bailhache Q.C. H.M. Attorney General, (Appointed 16th February 2000).

Miss Stephanie Claire Nicolle, Q.C., H.M. Solicitor General (Appointed January 1994).

### **Officers of the States**

Mr. Michael Nelson de la Haye, Greffier of the States (Appointed 5th November 2002).

Mrs. Anne Helen Harris, Deputy Greffier of the States (Appointed 5th November 2002).

Mr. Peter Alexander Noël de Gruchy, Deputy Viscount (Appointed 6th December 1996).

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**Report designed by the States Greffe and printed by the States Greffe  
Reprographics Section.**