



States Assembly

ANNUAL REPORT 2007



States of Jersey
States Assembly



États de Jersey
Assemblée des États

PRESENTED TO THE STATES BY THE PRIVILEGES AND PROCEDURES
COMMITTEE ON 31st MARCH 2008

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FOREWORD



I am glad to be able, at the invitation of the Chairman of the Privileges and Procedures Committee, to contribute this foreword to the second annual report of the States Assembly. The Assembly remains a vibrant body reflecting, even in the absence of opposing political parties, many different shades of opinion. It can certainly lay claim to be one of the most democratic assemblies in the free world, in that the government of Jersey, or Executive, is in a structural minority. No decision requiring legislation or the approval of the legislature can be taken without a measure of consensus.

The annual report provides a mine of statistical and other information which will be of historical interest but is also of considerable current value to the political scientist. The detailed analysis of the work of the Assembly, particularly when compared with previous years, will enable judgments to be formed on its efficiency and effectiveness. The States of Jersey Law 2005 brought about the change from government by committee to ministerial government, but the line of responsibility between the legislature and the executive remains rather more blurred than the authors of the Clothier report probably anticipated.

Presiding over the Assembly is always a stimulating and challenging experience, and I am grateful to members for their sustenance of the Chair. Even though the President is appointed and not elected, it has been and remains the case that his position is untenable without the broad support of elected members. I express once again my gratitude to the Greffier of the States and his staff for their unfailing cheerfulness and expert procedural assistance which have made my task so much easier.

Philip Bailhache

Sir Philip Bailhache
Bailiff of Jersey



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Introduction by the Chairman of the Privileges and Procedures Committee



I am very pleased on behalf of the Privileges and Procedures Committee to present the second Annual Report for the States Assembly. The statutory requirement for an Annual Report was introduced in the new Standing Orders that came into force at the end of 2005 and I believe that these reports will, in the future, provide a very useful way to compare the work of the Assembly over a period of years.

The various statistics in this 2007 report show that there has been an increase in activity in nearly every area when compared to 2006. This applies, for example, to the number of questions asked and answered in the Assembly, to the number of propositions lodged and debated, to the number of scrutiny reports published and to the number of ministerial decisions reviewed by the States Greffe. This increase is, in some respects, a normal feature of the second year of a 3 year electoral cycle but I am nevertheless conscious that the increase has been managed without any increase in financial or manpower resources.

Although the duty to produce an Annual Report falls to PPC this report is, of course, the result of input from a large number of people representing different areas of the Assembly's work including the Chairmen's Committee and the States Greffe and I am grateful to them all.

Connétable Derek Gray of St. Clement



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1. THE STATES ASSEMBLY



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1.1 Introduction

2007 was the second year in the current 3 year electoral cycle and the second full year under the new system of government that was introduced in December 2005.

1.2 Membership

There was only one actual change of membership during the year although the new Connétable of St. John, Mr. Graeme Butcher, who was sworn to office at the end of 2006, only took his seat in the Assembly for the first time in January 2007. The one change of membership came with the swearing in of Mr. Peter Hanning as Connétable of St. Saviour on 24th August 2007.

The new Connétable of St. Saviour succeeded Mr. Philip Ozouf Snr. who attended his last meeting on 19th July 2007. Connétable Ozouf had been absent from the Assembly through illness for several weeks but was given a very warm welcome by members when he was able to attend this last meeting before the end of his term of office in August. Connétable Ozouf's 3 terms as Connétable were the culmination of nearly 60 years of honorary service for the Parish of St. Saviour. Mr. Ozouf passed away shortly after his retirement from the Assembly.

1.3 Average length of service

On 1st January 2007 the average length of service of the 53 elected members was 7 years. This can be broken down as follows –

Years Service	Number of members	%
20 to 28 years	2	3.8
15 to 19 years	4	7.5
10 to 14 years	9	17.0
5 to 9 years	10	18.9
Less than 5 years	28	52.8

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

	Average length of service
Senators	12
Connétables	6
Deputies	5

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.

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There was no change in the number of female elected members in 2007 with the totals remaining as follows –

	Number of female members	Percentage of total
12 Senators	1	8.3%
12 Connétables	0	–
29 Deputies	10	34.5%
TOTAL	11	20.75%

1.5 Number of meetings

The Assembly met on 45 days during 2006. 44 of these meeting days were for ‘ordinary’ business with one ‘special’ meeting on Liberation Day, May 9th. His Royal Highness the Duke of Kent, who was in Jersey to participate in the Liberation Day celebrations, was present in the Chamber during the special meeting and was welcomed by members in the traditional manner.

There were 20 meetings fixed in advance for ‘ordinary’ business in 2007 and the total of 44 meeting days is made up of these 20 days plus 22 continuation days when the meeting continued after the first day.

Most of the extra sitting days in 2006 were on scheduled continuation days, although in July the last meeting before the recess began one day early, on Monday 16th July, because of the volume of business set down for consideration which actually took 4 days to complete. In September the Assembly agreed to delay the debate on the Annual Business Plan by one week from the meeting of 11th September and the Assembly therefore met on Tuesday 18th September and the 3 following days to consider the Plan. Unusually, as consideration of the Plan was not complete by Friday 21st, the Assembly continued its consideration of the Annual Business Plan on Tuesday 25th September and it was only when consideration of that was complete that the scheduled meeting fixed for that day began during the afternoon with a new roll call, oral questions, etc., during the afternoon.

In common with the usual pattern over the 3 year electoral cycle the Assembly met more frequently in 2007 than in 2006 (which was the first year after the senatorial and Deputies’ elections in late 2005). The number of meeting days for ‘ordinary’ business was just over 5 days more than the overall average for the last 10 years –

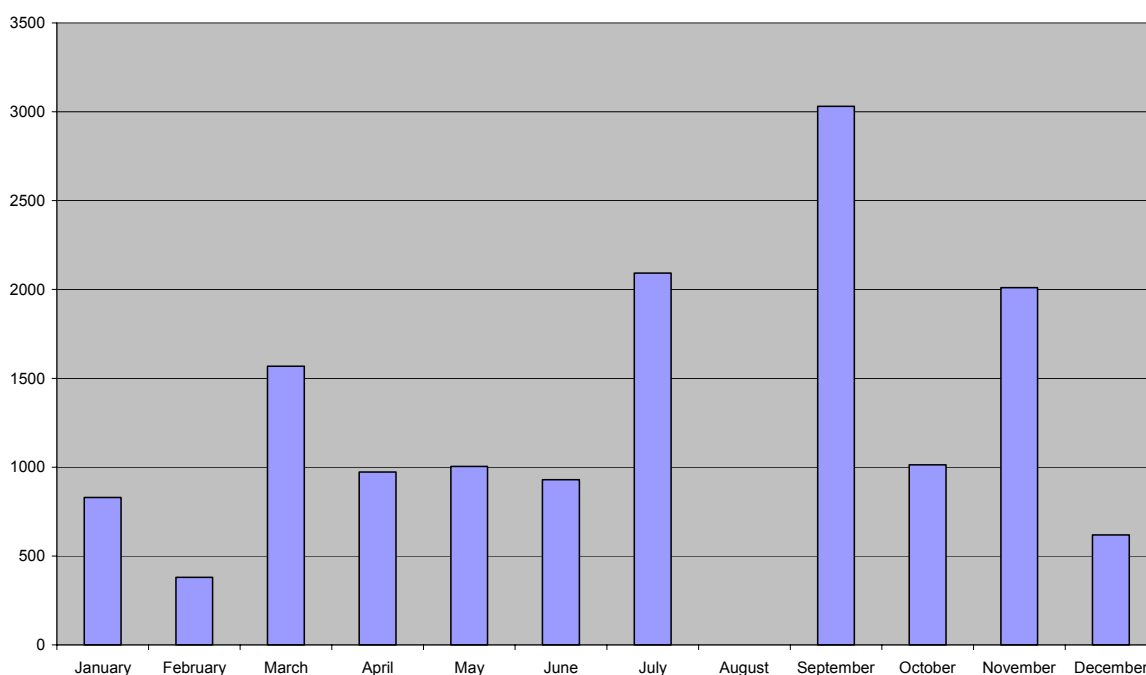
	TOTAL	Ordinary business	Ceremonial, etc.
1998	30	29	1
1999	34	34	0
2000	32	30	2
2001	37	34	3
2002	47	45	2
2003	37	36	1
2004	49	47	2

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2005	49	48	1
2006	38	35	3
2007	45	44	1
Average	39.8	38.2	

1.6 Length of meetings

The Assembly sat for a total of 240 hours and 49 minutes during the 45 meeting days in 2007. This was broken down into 240 hours, 30 minutes for the 44 meeting days for ‘ordinary’ business and 19 minutes for the special meeting on 9th May. This time was spread somewhat unevenly across the year as the following chart shows –



1.7 Allocation of time

The time spent in the Assembly on ‘ordinary’ business in 2007 was broken down as follows –

	2007	% of total	2006
Roll call/Communications from the Presiding Officer	5h 7m	2.13	6h 37m ¹
Notification of presentations and propositions lodged	52m	0.36	
Notification of written answers tabled	33m	0.23	
Arrangement of Public Business for future meetings	5h 27m	2.27	
Appointment of Ministers, Chairmen, etc.	4h 37m	1.92	1h 22m

¹ No detailed breakdown of the 6 hours, 37 minutes within these 4 categories was kept in 2006.

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Oral questions with notice	23h 16m	9.67	25h 5m
Oral questions without notice	10h 31m	4.37	10h 28m
Statements	5h 34m	2.31	4h 39m
Public Business	184h 33m	76.74	141h 44m
TOTAL SITTING HOURS	240h 30m		189h 55m

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 2007, on 15th May 2007.

Oral questions with notice were asked at every one of the 20 scheduled meetings of the States in 2007 and 248 such questions were answered (including the one urgent question referred to above). This was an increase of 13 over the 2006 of 235 oral questions with notice which represented a 39.8% over the 2005 annual total of 168.

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 2007 as all questions could be answered during the 90 minutes allowed. The average time spent during meetings answering oral questions with notice was 70 minutes. The breakdown of Ministers/Committees answering the oral questions with notice was as follows –

	2007	2006
Economic Development	40	32
Chief Minister	39	33
Treasury and Resources	34	28
Home Affairs	24	25
Health and Social Services	21	14
Transport and Technical Services	19	34
Planning and Environment	19	15
Housing	17	6
Education, Sport and Culture	12	27
Social Security	8	14
Privileges and Procedures Committee	6	2
Environment Scrutiny Panel	3	0
Comité des Connétables	2	5
H.M. Attorney General	2	0
Chairmen's Committee	1	0
Education and Home Affairs Scrutiny Panel	1	0
Total	248	235

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1.9 Oral questions without notice

30 minutes is set aside at every scheduled meeting for oral questions without notice to Ministers and 2 Ministers answer for 15 minutes each on a rota basis with the Chief Minister answering at every other States meeting. There were 40 fifteen minute sessions at the 20 scheduled meetings in 2007 and Ministers answered as follows –

	2007	2006
Chief Minister	11	9
Deputy Chief Minister	0	2
Economic Development	3	4
Education, Sport and Culture	3	4
Health and Social Services	3	4
Home Affairs	3	3
Housing	3	3
Planning and Environment	4	3
Social Security	4	3
Transport and Technical Services	3	4
Treasury and Resources	3	3
Total	40	42

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 for the second year running there were less written questions than oral questions with notice in 2007.

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 209 sets of written questions answered in 2007 (although it should be pointed out that many sets contain more than one individual question on a specific topic). This is a slight increase on 2006 when 197 were answered.

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

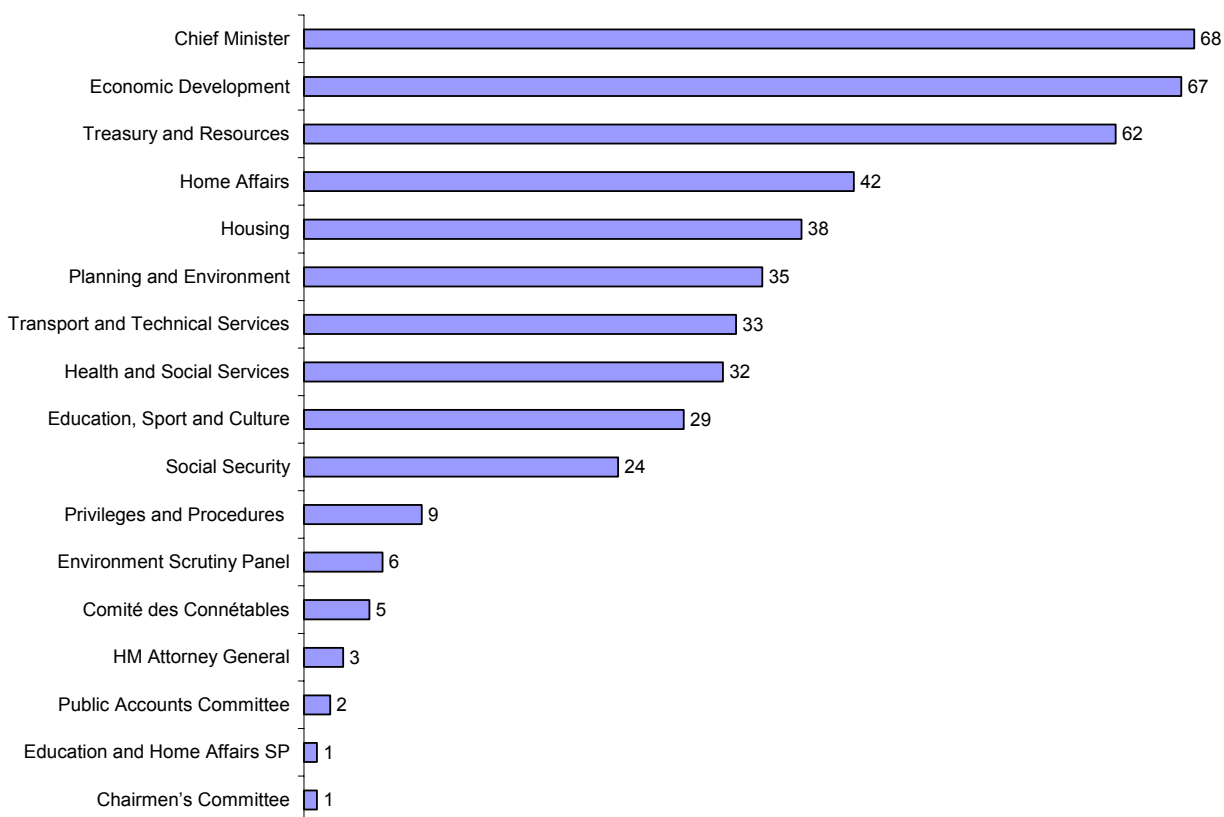
	2007	2006
Chief Minister	29	27
Treasury and Resources	28	34
Economic Development	27	25
Housing	21	10

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Home Affairs	18	12
Education, Sport and Culture	17	16
Social Security	16	17
Planning and Environment	16	13
Transport and Technical Services	14	21
Health and Social Services	11	14
Privileges and Procedures	3	4
Comité des Connétables	3	2
Environment Scrutiny Panel	3	0
Public Accounts Committee	2	0
H.M. Attorney General	1	1
Chairmen's Committee	0	1
TOTAL	209	197

1.11 Total number of questions with notice

The combined total of oral questions with notice and written questions was 457, an increase of some 5.8% when compared to the 2006 total of 432. The breakdown of the 457 questions is shown in the following graph –



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1.12 Statements

There were 45 statements made in the Assembly during the year and the total time spent on statements and the associated questioning of up to 10 minutes per statement was 5 hours, 46 minutes, an average of just over 7½ minutes per statement.

The breakdown of those making statements was as follows –

	2007	2006
Chief Minister	9	2
Privileges and Procedures Committee	7	1
Economic Affairs Scrutiny Panel	6	1
Economic Development	4	4
Chairmen's Committee	3	2
Corporate Services Scrutiny Panel	3	1
Treasury and Resources	2	2
Planning and Environment	1	3
Transport and Technical Services	1	3
Comite des Connétables	1	1
Education, Sport and Culture	1	1
Housing	1	1
Education and Home Affairs Scrutiny Panel	1	n/a
Health, Social Security and Housing Scrutiny Panel	1	n/a
Home Affairs	0	3
Public Accounts Committee	0	2
Health and Social Services	0	1
Social Affairs Scrutiny Panel	n/a	1
Social Security	0	1
Personal statements	4	4
Total	45	34

1.13 Public Business

As would be expected, time for the debate of propositions dominated the overall allocation of time in the Assembly in 2007 with 76.6% of the total time spent on Public Business, a total of 184 hours and 23 minutes.

The total number of projets debated in 2007 was 178. Some of these debates included, of course, debate on amendments relating to the proposition. The breakdown of the number of each type of propositions debated is as follows –

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	No. of projets
Laws	49
Regulations	46
Appointments	21
Private members' policy matters	20
Legislative Acts (including Appointed Day Acts)	12
Ministers' policy matters	10
Property matters	5
No confidence/dismissal/censure	4
Scrutiny Panels policy matters	3
PPC/Comité des Connétables policy matters	3
Annual Business Plan/Budget	2
Standing Orders	2
Petitions	1
'In Committee' discussion ²	0
TOTAL	178

The total time spent debating the various categories of proposition, and the average time spent on each, was as follows –

	Total time	% of total time	Average time per projet (Minutes)
Private members' policy matters	37h 55m	20.5	113.8
Laws	32h 16m	17.5	39.5
Annual Business Plan/Budget	29h 22m	15.9	881.0
Ministers' policy matters	20h 20m	11.0	122.0
Regulations	18h 1m	9.8	23.5
No confidence/dismissal/censure	13h 25m	7.3	201.3
PPC/Comité des Connétables policy matters	10h 19m	5.6	206.3
Petitions	7h 44m	4.2	464.0
'In Committee' discussion	7h 37m	4.1	457.0
Appointments	3h 13m	1.7	9.2
Scrutiny Panels policy matters	2h 12m	1.2	44.0
Legislative Acts (including Appointed Day Acts)	1h 6m	0.6	5.5
Standing Orders	45m	0.4	22.5
Property matters	18m	0.2	3.6
TOTAL	184h 33m		

² There was one 'in Committee' discussion but no proposition is debated in an 'in Committee' session.

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It is of note that the Assembly spent more time debating policy propositions lodged by private members than any other category of propositions although, as shown above, the average time spent on each was significantly less than for some other types of proposition. It is also of note that, despite its rôle as Jersey's legislature, the Assembly spent only 28.3% of the total time during Public Business debating legislation (Draft Laws, Regulations, Legislative Acts and Standing Orders).

The total number of projets lodged "au Greffe" in 2007 was 198, slightly more than the 2006 total of 171.

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

	2006	2007
Regulations	40	46
Laws	37	52
Appointments	25	21
Private members policy matters	21	30
Legislative Acts (including Appointed Day Acts)	19	9
Ministers' policy matters	12	16
Petitions	4	1
Chairmen's Committee/Scrutiny Panels policy	4	5
Annual Business Plan/Budget/Strategic Plan	3	2
Standing Orders	3	3
Property matters	3	5
No confidence/dismissal/censure	0	5
PPC/Comité des Connétables policy matters	0	3
TOTALS	171	198

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

	2006	2007
Amendments	54	60
Amendments to amendments	11	4
TOTALS	65	65

It is of note that, in 2006, 33 of the 65 amendments related to the draft Strategic Plan and the draft Annual Business Plan. 12 of the amendments, and 2 of the amendments to amendments in 2007 related to the Annual Business Plan.

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The following table shows those responsible for lodging propositions –

	2006	2007
Chief Minister	30	25
Council of Ministers	2	2
Economic Development	22	33
Education, Sport and Culture	2	5
Health and Social Services	9	2
Home Affairs	8	19
Housing	5	5
Planning and Environment	13	6
Social Security	12	18
Transport and Technical Services	4	2
Treasury and Resources	20	29
Chairmen's Committee	2	3
Comite des Connétables	1	2
Economic Affairs Scrutiny Panel	0	1
Environment Scrutiny Panel	2	0
Health, Social Security and Housing Scrutiny Panel	0	2
Privileges and Procedures	10	7
Private members	29	37
TOTALS	171	198

1.14 Significant debates

There were a number of significant debates during 2007 and some of these were as follows –

- **Annual Business Plan 2008 and Budget 2008.** 2007 was the second year of the new system of agreeing expenditure and taxation proposals for the following financial year following the introduction of the new Public Finances (Jersey) Law 2005. Decisions on expenditure were taken in September through the Annual Business Plan 2008 with decisions on taxation and income generation taken separately in the Budget 2008 in December. The debate on the 2008 spending plans in the Annual Business Plan proved to be the more controversial debate with 12 amendments lodged and 2 amendments to amendments. The debate lasted for a total of 25 hours, 25 minutes over 5 sitting days. The debate on the Budget 2008 proved significantly less controversial, lasting for less than 4 hours on 4th December 2007, with only 4 amendments being lodged.
- **Introduction of a Goods and Services Tax.** After a number of debates in previous years on the principle of the introduction of a new 3% Goods and Services Tax in Jersey, the Assembly took the final steps in 2007 to implement the tax. The Goods and Services Tax (Jersey) Law 200- was adopted in April, associated Regulations in October and the Appointed Day Act in November. The Corporate Services Scrutiny Panel published reports



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on its review of the proposed tax and lodged a number of amendments to the draft Law. The introduction of the tax was challenged on 7th November 2007 in a debate on a petition signed by 19,209 people which called for a delay until alternatives had been considered. A further debate took place on 22nd November 2007 when the States debated the possible zero-rating of food, books, magazines and children's clothing. Both propositions were rejected by the Assembly and the Assembly agreed to the introduction of the tax on 1st May 2008.

- **Reduction in voting age.** In July the States agreed by 25 votes to 21 to reduce the voting age in public elections from 18 to 16. The necessary legislation to give legal effect to the decision was approved in September and the change will be in place for the elections in the autumn of 2008.
- **President of the Chairmen's Committee and Minister for Health and Social Services.** The new procedures of the dismissal of a Minister and on votes of confidence in certain officeholders introduced at the start of the new system of government in 2005 were used for the first time in 2007. The President of the Chairmen's Committee resigned following the adoption of a vote of no confidence in March 2007 and the Minister for Health and Social Services was dismissed by the States in September.
- **Sale of former Jersey College for Girls.** A number of States procedures introduced at the end of 2005 were used in relation to a decision of the Minister for Treasury and Resources to sell the former Jersey College for Girls building to a developer. The proposed sale had been notified to members at least 15 days before the sale was due to be concluded as required by the new Standing Orders but a private member lodged a proposition asking the Minister to defer the sale pending the publication of background information. The proposition was adopted in March and during the debate it was agreed that a review should be undertaken into the proposed sale by the Corporate Services Scrutiny Panel. Following the publication of the Panel's report the Minister announced that, subject to legal advice, he proposed to re-open tenders for the property.
- **Income Support system.** The States took the final steps to introduce a new Income Support system to replace a range of other benefits delivered by the States and the 12 parishes. The debates were informed by reports by a Scrutiny Sub-Panel which lodged a number of amendments to the Income Support Regulations that were debated in October.
- **Composition of the States.** In July the States rejected proposals brought forward by the Privileges and Procedures Committee on a revised composition for the Assembly by 21 votes to 26. A number of propositions on the composition brought by private members were rejected although the States agreed to move to a single election day for all 12 Parish Connétables.

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- **Major new policy items.** The States agreed a number of new policy items brought forward for approval by Ministers during the year. These included the Social Housing Plan from the Minister for Housing, new provisions for student loans from the Minister for Education, Sport and Culture and the Criminal Justice Policy from the Minister for Home Affairs.
- **Income Tax ‘zero/10’ proposals.** Following an ‘in principle’ decision on a new Fiscal Strategy in 2004, the Assembly approved amendments to the income tax legislation in November 2007 to give effect to the new system of corporate taxation in the Island, commonly known as the ‘zero/10’ system.

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 2007 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 continued to play an active part in the work of the Commonwealth Parliamentary Association during 2007. The various conferences and seminars attended by members during the year were as follows –

- 2 young people from Jersey, Leigh Elston and Barnaby Crowcroft, attended the Commonwealth Day Observance in London in March organised by the CPA Secretariat.
- Deputy S.C. Ferguson (Leader), Deputy C.J. Scott Warren, Deputy S. Power and Deputy K.C. Lewis attended the British Islands and Mediterranean Regional Conference hosted by the UK Branch in Belfast in May.



Delegates at the Regional Conference in Belfast with First Minister Rev Ian Paisley

- Deputy R.G. Le Hérisssier (Leader), Deputy J.G. Reed and Deputy J. Gallichan attended the annual Small Countries and Plenary conferences in New Delhi, India in September.
- Deputy J.A. Martin attended the 19th CPA Parliamentary Seminar in Edinburgh in October.
- Deputy G.P. Southern and Deputy A.E. Pryke attended a Canadian Branch seminar in Ottawa in October.

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The Jersey CPA Branch continued to publish a newsletter during 2007 giving reports of conferences and seminars attended, together with details of forthcoming events and general information for members of the Branch.

2.3 Assemblée Parlementaire de la Francophonie (A.P.F)

The Jersey Branch of the Assemblée Parlementaire de la Francophonie had a busy year in 2007, participating in the following –

- (a) The Branch hosted the Conférence des Présidents in April 2007, and welcomed the Presidents of 12 European branches to the Island. The meeting considered and approved the agenda for the European Regional meeting to be held in October. The President of the Jersey Branch was pleased to be able to host the official dinner in the Great Hall, Mont Orgueil Castle. The Jersey Branch recommended that Madame Pierrette Corsane receive an honour at the level of ‘Chevalier’ of the ‘Ordre de la Pléiade du Dialogue et de la Culture’, in recognition of her contribution over a long period to the cultural links between Jersey and France, and this honour was presented by M. Jacques Legendre, Parliamentary Secretary General of the APF.



**Connétable Ken Vibert, President of the APF Jersey Branch
and Mme. Pierrette Corsane**

- (b) The Branch nominated Deputy Sean Power of St. Brelade to attend the XXXIII session of the APF in Libreville, Gabon from 3rd–6th July 2007. The topic under discussion during the week was Migration in French-Speaking Countries, and discussion ranged from the reception of immigrants and their integration into the country of their choice to good governance. There are always administrative challenges associated with running a conference of some 600 representatives, and this was no exception in Gabon.

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Deputy Power and other delegates at the XXXIII session of the APF in Libreville, Gabon

- (c) The Jersey Branch selected 2 representatives to attend the French Youth Parliament ('Parlement des Jeunes') which was also held in Libreville, Gabon alongside the plenary conference. The students were divided into 4 groups depending on the topic they had chosen during the selection procedure. Jamie McCormick attended the group considering Aids, Immigration and Education, while Lucy Corbet attended the group considering Youth Conflict. Both of the students acquitted themselves well at the conference and were good ambassadors for Jersey.



Lucy Corbet and Jamie McCormick

- (d) In October 2007, Jersey was represented at the XX European Regional Assembly in Skopje, Macedonia by the President and Vice-President of the Jersey Branch, Connétable K.P. Vibert and Deputy J. Gallichan of St. Mary. Deputy Gallichan delivered a speech in French on the Migration Policy of Jersey. The European Regional conference continues to be the focus for Jersey as it can make the most impact in the European setting, and can derive the most benefit from developing good relationships with its neighbours.

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Deputy Juliette Gallichan addressing the APF Regional Conference

The Jersey delegates enjoyed the challenges of different cultures within the APF family, and continue to be impressed by facilities in other Assemblies!



**Connétable Ken Vibert and Deputy Juliette Gallichan
at the APF Regional Conference**

2.4 Commission Amicale

Much of the liaison between the States of Jersey and the authorities in Normandy and Brittany is now undertaken through Executive working groups co-ordinated through the Chief Minister's Department. Members of the States were nevertheless invited by the Conseil Général de la Manche to visit the Foire de Lessay on 8th September to meet members of the Conseil and view the enormous fair at Lessay which is one of the largest in France.

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**Sénateur Jean-François Legrand, Président of the Conseil Général de la Manche,
with the Bailiff and Lady Bailhache at the Foire de Lessay**

The Commission has continued to arrange 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.

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. The Connétable of Grouville attended a plenary meeting of the Body in Dublin in March 2007 and Deputy Breckon attended the second 2007 plenary in Chipping Norton in November.



Deputy Breckon and other B-IIPB delegates at Chipping Norton

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2.6 Cricket match against the States of Guernsey

Members of the States had the opportunity to meet colleagues from the States of Guernsey in an informal setting during a cricket match organised by the Deputy of St. Martin at the F.B. Fields in Jersey on Saturday 14th July 2007. Members from both Islands spent an enjoyable day both on and off the cricket pitch and the only disappointment for the States of Jersey was that the trophy was awarded to the Guernsey team after a very closely-fought match which was won by one run.

After the match the participants were invited to a reception at Government House before the Guernsey visitors returned home.



The Jersey team on 14th July 2007



Deputy Ivan Rihoy of Guernsey receives the trophy on behalf of the winning team



3. PRIVILEGES AND PROCEDURES COMMITTEE



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3.1 Membership

The membership of the Privileges and Procedures Committee at the start of 2007 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

Senator Syvret resigned from the Committee on 27th March 2007 and Deputy Egré resigned on 5th June 2007. Deputy I.J. Gorst and Deputy S.C. Ferguson were appointed to fill the vacancies on 5th June 2007.

3.2 Meetings

The Committee held 22 formal meetings during the year and recorded another 8 meetings as telephone/e-mail meetings. Meetings were normally held on a fortnightly basis in the meeting rooms in the States Building.

3.3 Significant items dealt with by the Committee

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

- **Composition and election of the States.** This issue dominated the Committee's agenda in the early months of 2007. As mentioned in the 2006 Annual Report, the Committee began work soon after taking office to research in depth the options for reform of the composition of the States and to seek the public's views on this matter. The work continued in 2007 with the issue of a leaflet to every household in Jersey in January setting out a number of options for reform. 3 public meetings were held at the time of issue of the leaflet and a second MORI opinion survey was commissioned to gauge public opinion on the options. This process was followed by an 'in Committee' discussion in the States in March 2007 when all members were able to express their views on the appropriate way forward.

After careful consideration of all possible options the Committee lodged a proposition on 5th June 2007 proposing a revised structure for the Assembly. The proposal was for an Assembly of 48 members with the retention of the 12 Parish Connétables and 36 other members elected in 6 new large electoral districts. The proposal was debated on 17th July 2007 but narrowly defeated by 21 votes to 26 votes. This effectively brought an end to the Committee's work on this matter although, as mentioned below, the Committee had to respond to propositions brought by others relating to the term of office of members.

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- **Term of office of Connétables and Deputies.** In July the States adopted a proposition of the Comité des Connétables and agreed that all Connétables should be elected on the same day and for a period of 4 years. In September this was followed by an ‘in principle’ decision to extend the term of office of Deputies to 4 years. PPC considered its response to these decisions and brought forward the Connétables (Jersey) Law 200- in late 2007 to give effect to the proposal for a single Connétables’ election. In addition the Committee proposed reform of the term of office of Senators as it felt strongly that reform to the term of Deputies in isolation was unworkable. The relevant legislation was debated in early 2008 when the States agreed to introduce the single election day for Connétables from October 2008 but reversed previous decisions on a 4 year term of office for Connétables and Deputies.
- **Review of the first 12 months of Ministerial government.** At the end of 2006 the Committee established a sub-committee to conduct the review of the first 12 months of ministerial government approved by the States. The sub-committee comprised the Connétable of St. Clement, Chairman, and Senator M.E. Vibert and the Deputy of St. Mary. The sub-committee held a series of public hearings in the first few months of 2007 and heard evidence from a wide number of States members and officers. The sub-committee’s report was accepted by the full Committee and presented to the States in November 2007 (R.105/2007). The report contained 55 recommendations and these are being pursued with appropriate bodies in 2008 so that any agreed changes can be put in place.
- **Election expenses.** The Committee took steps to bring forward proposals on the regulation of election expenses for persons standing for election to the States. A consultation paper (R.2/2007) was issued in January 2007 and the Committee considered the responses and legal advice on this matter later in the year. Law drafting instructions for the new legislation were prepared with a view to putting in place the appropriate legislation in time for the 2008 Senators’ and Deputies’ elections.
- **Registration of political parties.** The Committee lodged a proposition on a system of registration of political parties in June and the proposition was adopted in July. Law drafting instructions were prepared after the debate and the necessary legislation to introduce a system of registration will be debated in 2008.
- **Voting at 16.** Following the decision of the States in July to reduce the voting age from 18 to 16 years PPC brought forward the necessary amendments to the Public Elections (Jersey) Law 2002 to give effect to the change which will come into effect in April 2008.
- **Freedom of Information (Jersey) Law.** The Committee issued a second consultation draft of the Law in June 2007. The consultation period was extended into the autumn to allow for some late responses and the Committee considered the outcome of the consultation at the end of the year. The Committee agreed that it was appropriate to obtain further information on the effectiveness of the current Code of Practice on Public Access to Official Information and the cost of a new law before lodging any draft legislation for debate.

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- **Code of Conduct for Elected Members.** The Committee dealt with a small number of investigations under the Code during the year and a sub-committee on complaints met 4 times and held one telephone/e-mail meeting. The Committee published 2 Reports and the Chairman made one statement in the Assembly in relation to the outcome of investigations under the Code.
- **Public Elections (Jersey) Law 2002.** The Committee set up a working party under the Chairmanship of the Committee's Vice-Chairman, Deputy Juliette Gallichan, to work with the Connétables and other stakeholders on finalising amendments to the Public Elections (Jersey) Law 2002. A series of firm recommendations were made and amendments to the Law will be lodged by the Committee in 2008.
- **Powers, Privileges and Immunities of Committees of Inquiry.** The States approved Regulations under the States of Jersey Law 2005 lodged by the Committee, which granted powers to Committees of Inquiry, in certain circumstances, to require the production of evidence or the appearance of witnesses. The Regulations also grant a range of immunities in relation to the work of such Committees.
- **States of Jersey Complaints Panel.** The members of this independent Panel, under the Chairmanship of Mrs. Carol Canavan, continued to review the actions of ministerial departments referred to them by complainants. Under the amended legislation introduced in December 2006, PPC is now required to present the findings of Complaints Board hearings to the States and one such report was presented in 2007. 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.
- **Members' facilities.** Minor improvements were made to the facilities available to members in the States Building such as the introduction of an electronic scanning facility. In addition, the Committee agreed to convert a little-used kitchen into a shower room for members. In addition, the Committee issued a set of guidelines on the usage of the facilities in December so that all members were clear on appropriate usage.
- **Annual Report.** The requirement for PPC to compile an Annual Report on the work of the States was introduced in 2006 and the first ever such report was presented to the States in April 2007. The Committee believes that the Annual Report will not only provide a useful record of the work of the Assembly and its committees/panels but will also, in due course, enable members and others to compare the workload of the States over a period of years.

4. SCRUTINY PANELS AND PUBLIC ACCOUNTS COMMITTEE



SECTION SUBMITTED BY THE CHAIRMEN'S COMMITTEE

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FOREWORD

The second year of Scrutiny has seen some very positive developments: Panels have been busy undertaking reviews into some very important and technical issues. This has meant an increase in the number of reports produced during 2007, each containing recommendations for the relevant Ministers to consider in order to enhance the work they undertake. It has been particularly pleasing that a protocol for Ministerial responses to Scrutiny Reports has been agreed as it requires the Executive to pay heed to the work of the Scrutiny Panels and to advise the States as to any actions that will be taken in light of the recommendations.

I am also very pleased with the development of public engagement, particularly in the area of contact with the Island's young people, which is an innovation completely new to Jersey since the move to Ministerial Government. Thanks must go to Mr. Cliff Chipperfield and Mr. John Renouf of the Education Department, other Personal and Social Education teachers and Year 10 pupils at Les Quennevais School for their input into this.

The new Scrutiny website was launched during Spring 2007 alongside the publication of the first issue of the Scrutiny newsletter "Scrutiny Matters". This was initiated by Orchid Communications Limited who undertook some robust work and provided Scrutiny with a framework for future developments before their departure. Scrutiny then went on to produce the second issue which followed in the autumn.

As with any period of major change, there have also been frustrations and setbacks: the matter of legal advice continues to be unresolved and although the Code of Practice had been lodged and withdrawn during 2006, it was again lodged in June, following a joint Scrutiny meeting in May. However, it was decided that it would be withdrawn yet again in July to afford further consideration of the matters surrounding access to legal advice. Fortunately, the Code was reconsidered by all Scrutiny Members and relodged on 28th December with an anticipated date for debate early in 2008.

Scrutiny has experienced a number of Membership changes during the year, not least my own appointment to the rôle of President of the Chairmen's Committee in March. Certain members have moved from Scrutiny to the Executive. We are grateful to all of them for their contribution to the work of Scrutiny and trust that the understanding so gained will enable them to appreciate the value of a "critical friend" in their new roles.

A large amount of work has been undertaken since March to progress a large number of initiatives and I take this opportunity of thanking all Members who have dedicated time to working on Scrutiny Panels, Sub-Panels, and the Public Accounts Committee. In connection with this latter Committee, our thanks are due to the independent members whose participation has made a significant contribution to the work of the Public Accounts Committee.

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Thanks are also due to the Chairmen who have supported me and to those who have been willing to take on additional responsibilities to progress particular initiatives. I would emphasise that much of the work undertaken by Scrutiny could not have been achieved without the excellent support of the Scrutiny Team and our thanks are due to them for their dedication and patience.

Deputy Sarah Ferguson
President, Chairmen's Committee from 28th March 2007

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4.1 Introduction

Scrutiny started 2007 with an additional Scrutiny Panel, making the total of main Panels 5 in number. This was due to the States having recognised during 2006 that the remit of the former Social Affairs Scrutiny Panel was too large. It had previously been responsible for considering the work of the: Health and Social Services, Housing, Education, Sport and Culture, Social Security and Home Affairs Departments. The fifth Panel was named the Health, Social Security and Housing Scrutiny Panel and the Social Affairs Scrutiny Panel was renamed the Education and Home Affairs Scrutiny Panel.

Due to the creation of the fifth Panel, there were a number of changes in membership across some of the Panels. In fact during 2007, there have been a number of membership changes of Panels for a variety of reasons, mostly resignations in order to take on alternative responsibilities. The full details of Membership of Panels and Sub-Panels and membership changes are shown in Appendix A.

Some changes were particularly significant, however. Deputy Sarah Ferguson was elected as President of the Chairmen's Committee to succeed Deputy Robert Duhamel in March 2007. Deputy Bob Hill, BEM, resigned as Chairman of the Education and Home Affairs Scrutiny Panel on 6th June 2007 and the States elected Deputy Deidre Mezbourian to that position on 19th June 2007.

Scrutiny lost 3 active Members of Scrutiny Panels and Sub-Panels to the Executive: Deputy Anne Pryke took up the post of Assistant Minister for Planning and Environment on 30th January 2007, Senator James Perchard resigned as a Member of the Corporate Services Scrutiny Panel to take up the post of Assistant Minister for Health and Social Services on 21st September and Senator Ben Shenton, who, although not a Member of a main Scrutiny Panel, served on a number of Sub-Panels, also resigned from Scrutiny when appointed as Minister for Health and Social Services on 18th September 2007.

4.2 Scrutiny Officer and administration changes

The creation of a fifth Panel necessitated the appointment of 2 additional Scrutiny Officers, and Mr. Malcolm Orbell and Mr. Tim Oldham took up these posts on 1st January 2007. There have also been some staffing changes within the Scrutiny Office during the year.

Mr. Ian Clarkson decided to move from the rôle of Scrutiny Officer back to the rôle of Clerk, thereby remaining on the staff of the States Greffe, and Mrs. Elizabeth Kingston-Walsh was recruited to fill this vacancy taking up the post on 19th March 2007.

Mrs. Jane Rueb, Scrutiny Administrator, was successful in being appointed to the post of Personal Assistant to the Bailiff, taking up this position during December 2007. The gap left by this has, unfortunately, not yet been filled and it is planned to re-advertise this position early in 2008.

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4.3 Work of Panels

The majority of Panels carried over ongoing reviews into 2007. This, together with the fact that Scrutiny had started to gather more impetus towards the end of 2006, has led to an exceedingly busy year with some 20 major reviews having been undertaken and reports produced. Details of Panel activity are included in the following individual Panel reports.

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4.4 PANEL REPORTS

4.4.1 CORPORATE SERVICES SCRUTINY PANEL

Message from the Chairman

During 2007 the Panel has continued to focus on the key elements of the Fiscal Strategy – the Zero/Ten Corporate tax structures and the introduction of GST. However, this does not mean that we have ignored other issues: for example the Property Holdings Department came under the spotlight in a short but quite sharp review into the sale of the Jersey College for Girls building.

Regarding GST and Zero/Ten we have found several further avenues that need scrutiny that perhaps were not apparent at the start. The latest of these involve the arrangements for ‘Deemed Rent’ on owner-occupied commercial property (the Blampied proposal) and the low value GST waiver on personal imports. Both of these items will continue the 2 tax-based reviews well into 2008.

Overall tax, spending, business plan and budget overview will be handled by a new ‘Corporate Finance Sub-Panel’ to be formed in the New Year. We hope that we can give more focus to these areas through organising in this way and retaining a specialist adviser just for this work.

Also in 2008, although we will be giving more emphasis and spending a little more time on the Chief Minister’s Department, Jersey’s international ‘personality’ will increasingly become the focus as we look at ‘Level Playing Field’ and Jersey’s constitutional relationship with the UK.

Many thanks to our team of officers and advisers for their continuing hard work in 2007.

Deputy Patrick Ryan

The Panel’s work and successes during 2007

The Panel had a very busy year throughout 2007, resulting in many notable successes from each of its reviews. Much of the Panel’s work throughout the year was focused on continuing its work looking at various strands of the fiscal strategy.

Zero/Ten

The Panel began the year with the presentation of its second report on the updated Zero/Ten proposals, and the first stage of the Zero/Ten legislation. Following this, the Panel turned its attention to a potential equity issue with the Zero/Ten system. The Panel was concerned that under Zero/Ten, non-Jersey owned businesses will escape tax liability in Jersey, giving them a competitive advantage over local firms. In response to this issue, the Panel received a proposal from Jurat Peter Blampied for the reintroduction of Schedule A tax. The Panel looked into this possibility, and made a recommendation to the Minister for Treasury and Resources for a deemed rental on owner-occupied business property. This recommendation has been accepted by the Minister, who has made a commitment to bring forward proposals within the 2009 Budget.

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The Panel's final Zero/Ten report focused on the proposals for taxing shareholders under the Zero/Ten system, which received a very positive response from the Minister for Treasury and Resources. The Panel proposed 2 amendments to the draft legislation, the first being to remove the exemption from deemed distribution for quoted companies, and the second to reduce the proposed *de minimis* limit from 5% to 2% – the Minister accepted both recommendations.

Goods and Services Tax

The implementation of the Goods and Services Tax [GST] has been a major part of the Panel's work programme throughout 2006 and 2007. We presented 2 reports to the States in 2007 in April and October based on the primary legislation and the supporting Regulations respectively. A number of our recommendations have been incorporated into the legislation, including the beneficial arrangements for charities, the margin scheme for used cars, the removal of zero-rating from extensions, maintenance and repair of domestic property and the addition of zero-rating for the conversion of non-domestic buildings. We have monitored closely the proposals relating to the GST scheme for the Financial Services Industry and we believed that the legislation was over-complicated. We are pleased to see that these concerns have been recognised and that the legislation is being reviewed.

Finally, we have spent a great deal of time investigating the implications of setting a high *de minimis* waiver on personal imports. We have made a suggestion which we believe will mitigate the unfair elements of this proposal without creating an undue resource burden for the States. Work on this will be ongoing in 2008.

Proposed sale of the former Jersey College for Girls site

A major success for the Panel during 2007 revolved around its review of the proposed sale of the former Jersey College for Girls site. Following a debate in the States on a proposition from Deputy Duhamel, a Sub-Panel was formed, chaired by Connétable Murphy, to undertake this review. The Sub-Panel found a number of failings in the methods used to come to the arrangement that had been agreed with the preferred developer, and therefore made a strong recommendation to put the site out to an open market tender process. This recommendation was taken on board by the Minister for Treasury and Resources, who is now progressing with this method of sale. We are confident that this course of action will yield better value for the States from this valuable asset.

Jersey's Overseas Aid

Another highlight of the year for the Panel was its review into Jersey's Overseas Aid, conducted by a Sub-Panel chaired by Senator Perchard. This review was launched as a result of a call from a member of the public to investigate the Island's overseas aid contributions in comparison to other jurisdictions. This review attracted a huge amount of interest from interest groups and members of the public, many of which were lobbying for an increase in the Island's contributions to the Third World. The Sub-Panel made a strong recommendation for the establishment of a working party to address the issue of a funding formula for the Island's overseas aid contributions, which was accepted by the Jersey Overseas Aid Commission. This working party has subsequently supported

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the Sub-Panel's recommendation that the Island should strive to reach the United Nation's target of contributing 0.7% of Gross National Income to overseas aid, and has further recommended that this target should be reached by 2020.

Waterfront Development

The Panel also formed a Sub-Panel chaired by Deputy Egré, which turned its attention to the proposed Waterfront Development and the proposal to sink La Route de la Libération. The Panel was invited to examine the commercial arrangements with the developer Harcourt and agreed to conduct a review on this narrow focus. Following consideration of all paperwork, and meetings with the Managing Director and officers of the Waterfront Enterprise Board, and with the Chief Executive of the States, the Sub-Panel concluded that it was satisfied that the arrangements with Harcourt had been carried out professionally and with regard to obtaining value for money for the States within the confines of the Hopkins Proposals. The Sub-Panel therefore agreed it was in full support for the proposed land transaction proceeding in this manner.

What the future holds

The Panel has spent some time throughout the year considering and monitoring the Business Planning process and the Council of Ministers' financial strategy, and has agreed to form a Sub-Panel to review both the 2009 Business Plan and Budget. This issue will therefore be a major part of the Panel's work in 2008.

At the request of the Privileges and Procedures Committee, the Panel will be conducting a review into the resource implications of the proposed Freedom of Information Legislation during the beginning of 2008.

Finally, the Panel has launched its review into the Migration Policy, which will involve consideration of both the proposals for a Population Register, and the Imagine Jersey 2035 Consultation exercise. These issues will form a focus of the Panel's work throughout 2008, and are likely to create a great deal of public interest.

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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 remit is to conduct 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, to scrutinize draft Laws, international conventions and agreements, and to scrutinize the draft Annual Business Plan and the Budget.

The Panel is empowered to the 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.

The membership of the Panel is –

Deputy Geoff Southern of St. Helier, Chairman
Deputy Alan Breckon of St. Saviour, Vice-Chairman
Connétable Michael Jackson of St. Brelade
Deputy Judy Martin of St. Helier
Deputy Kevin Lewis of St. Saviour

Sub-Panels

The Economic Affairs Panel is empowered to create subordinate bodies 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 through the full Panel, and it retains ultimate responsibility for the actions of its Sub-Panels.

There is currently one Sub-Panel operating under the Economic Affairs Scrutiny Panel –

Economic Affairs Sub-Panel (Telecoms Privatisation)

Deputy Geoff Southern of St. Helier, Chairman
Deputy Judy Martin of St. Helier, Vice-Chairman
Deputy James Reed of St. Ouen
Deputy Gerard Baudains of St. Clement

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Reviews

Retail Strategy review

This review centred on the analysis of the policy used by the Economic Development and Planning Ministers to decide how much additional retail space to permit in the Island (the 'Retail Framework'). The Panel concluded that the original report by the consultants 'Experian', on which this policy was founded, was so fundamentally flawed as to be 'unfit for purpose'. The figure produced for overtrading in Jersey's convenience retail sector, for example, was a 45% overestimate compared to data later gathered for the Household Expenditure Survey 2004.

The Panel found that the Retail Framework document relied on flawed data. As a result the proposal for a significant increase in the amount of retail space in the Island which could permit a UK chain supermarket to operate in Jersey was found to be ill-conceived.

The Panel concluded that such a policy could have a significant detrimental effect on local businesses.

Draft Price and Charge Indicators (Jersey) Law 200- review

This enabling Law was lodged by the Minister for Economic Development, and was intended to regulate the display of Goods and Services Tax on goods and services following its introduction.

The Panel challenged some of the assertions in the Law, not least that inclusive price marking was the best method to implement. After holding Public Hearings and gathering evidence from both pro-inclusive and pro-exclusive sources, the Panel concluded that inclusive price marking was in fact the best method for Jersey. However, it sought assurances from the Minister that there would be provision made either in this or other relevant legislation that mandatory receipts would be provided by vendors indicating the amount of GST that had been incurred.

The Law was later debated in the States and adopted, the Minister having provided the assurances that the Panel requested.

Telecoms Privatisation review

This Sub-Panel was set up in 2006 to examine the rationale for the privatisation of Jersey Telecom, and the methods that were to be employed. The Panel felt that it was essential that the States entered into a debate on such an important matter with all the relevant information.

Following the initial report of the Sub-Panel in March 2007, the Executive established a working group to determine if Jersey Telecom should be privatised, and if so the best way to do this. The Sub-Panel's advisor, Dr. David Parker, was invited onto this group and made a significant contribution to the outcome.

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The Sub-Panel was reconstituted following the subsequent lodging by the Minister for Treasury and Resources of a proposition to privatise Jersey Telecom, and intends to comment upon the proposition. These comments are to be lodged for consideration when the proposition is debated in January 2008.

Meetings

The Panel and its Sub-Panels conduct much of their business outside of meetings, and are in daily contact with the Scrutiny office 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.

The full Panel met 22 times in 2007.

The Economic Affairs Sub-Panel (Telecoms Privatisation) met 7 times in 2007.

Overall

The Panel feels that 2007 year has been a successful year, and it has met its 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 2008, and confidently hopes to exceed it.

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4.4.3. EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

Chairman's Introduction

The remit of the Education and Home Affairs Scrutiny Panel encompasses the work of the Ministers for Education, Sport and Culture and Home Affairs. In 2007, the Panel membership changed: Deputy Anne Pryke left in January to become Assistant Minister for Planning and Environment. Thanks are extended to the Deputy for her contribution whilst a Panel Member. Deputy Bob Hill, B.E.M. resigned as Chairman in June, following which Deputy Deidre Mezbourian was elected by the States as Chairman and Deputies Juliette Gallichan and Shona Pitman were appointed as members.

As Chairman, I would like to take this opportunity to thank those members of the public who have assisted with our reviews by submitting evidence for our consideration, those who have shown interest by attending our Public Hearings and those who have taken part in those Hearings.

I must acknowledge too the valuable contribution made to the Panel by Deputy Bob Hill, B.E.M. who served as Chairman until his resignation in June 2007. His broad States experience and knowledge were welcome assets to a Panel that consisted of Members who were themselves newly elected to the States in 2005.

However, things move on and as a Panel newly constituted by the States Assembly, we quickly established our way of working and dealing with the issues facing us. This smooth transition could not have been achieved without the full support given to me as Chairman by Deputies Juliette Gallichan and Shona Pitman, for which I thank them unreservedly.

Finally, the vital Scrutiny process itself would falter, and possibly fail, without the excellent professional support provided to Members by the Scrutiny Team within the States Greffe. My personal thanks must go to Mrs. Kay Tremellen-Frost, Scrutiny Manager, as well as to Mr. William Millow and Mr. Tim Oldham, who have both provided officer support to the Education and Home Affairs Scrutiny Panel. Their high standards of advice and administrative support are invaluable and in fact, are crucial, to the delivery of Scrutiny as a "critical friend".

Deputy Deidre Mezbourian

Scrutiny Reviews

During 2007, the Panel completed 3 reviews that had begun in 2006 and commenced work on 2 others.

Rôle of the Centenier in the Magistrate's Court

Work on the review of the Centenier's rôle in the Magistrate's Court began in April 2006. Further to this work, in March 2007 the Panel engaged an expert advisor to assist completion of the review. The Panel also sought legal advice in relation to Human Rights issues. The final report was presented to the States on 28th September 2007 and included recommendations that consideration



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be given to whether the system met Human Rights requirements and that efforts should continue to increase the training provided to Centeniers.

In her response, the Minister for Home Affairs accepted all the recommendations that had been made to her. H.M. Attorney General also responded to the report. He advised that Legal Advisers would in future take responsibility for all prosecutions in the Court where there was a not guilty plea.

Early Years Education and Care

Consideration had been given by the Panel in 2006 to undertaking a review of early years education and care, however a busy work schedule had prevented this review from being effected. Nevertheless, the Panel remained aware of the continued public interest in this matter and of the many issues it raised. Consequently, in May 2007, the Panel began a review of the objective of the Minister for Education, Sport and Culture that all 3 to 4 year olds should receive 20 hours of early years education per week for 38 weeks a year. The Panel engaged the professional services of Dr. Cathy Hamer as expert adviser for the review. Public Hearings were held in October and November 2007 and by the end of the year, work had begun on preparing the Panel's report. This comprehensive report was due to be presented to the States early in 2008.

Policing of Events – User Pays

Following questions raised in the States Assembly, and the wide public interest shown in the proposal of the Minister for Home Affairs to introduce a 'user pays' charge for the policing of certain commercial and profit-making events, the Panel began work on a review of this topic in September 2007. As proof of the public's interest in the matter, over 100 submissions were received from them in relation to the review and Public Hearings were held in November 2007. Work on the final report was ongoing at the end of the year and it was anticipated that this report too would be presented early in 2008.

Overdale Hospital

The bulk of work on the review of the decision to close 2 wards at Overdale Hospital and transfer patients to private care homes was undertaken in 2006. However, the resultant report was presented to the States on 10th January 2007 and the Ministerial Response was subsequently presented on 17th July 2007. Responsibility for following up the recommendations lies with the Health, Social Security and Housing Scrutiny Panel.

G.P. Out-of-Hours

Similarly, the majority of work on the review of the G.P. Co-Operative Out-of-Hours Service was undertaken in 2006. The Panel's report was presented to the States on 8th March 2007. One of the Panel's recommendations was that the Minister for Health and Social Services provide the Health, Social Security and Housing Scrutiny Panel with an update on the co-operative service at the beginning of 2008.

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Other Work

- In addition to the reviews listed above, the Panel also undertook work in the following areas:
- At its regular meetings, the Panel kept abreast of the work undertaken by the 2 Ministers within its remit and considered all the propositions they lodged *au Greffe*. In 2007, the Panel considered 29 such propositions and, on occasion, forwarded comments and questions that it felt would need to be addressed when the proposition in question came to be debated by the States Assembly. For example, the Panel forwarded comments on the *Draft Customs and Excise (Amendment No. 4) (Jersey) Law 200-* to the Minister for Home Affairs.
- In January 2007, the Panel considered the Minister for Education, Sport and Culture's proposals regarding financial support for students in higher education. On 27th March 2007, a statement was made to the States Assembly indicating that the Panel would maintain a watching brief on this matter.
- In 2006, the Panel had undertaken work in relation to H.M.P. La Moye. In February 2007, the Panel received an update from the Minister and Prison Governor on progress in implementing the Prison Improvement Plan (PIP).
- Following a request from the Privileges and Procedures Committee in February 2007, the Panel submitted comments for the Machinery of Government Review.
- The Panel visited Westminster and Lambeth in March 2007. The purpose of the visit was to increase the Panel's understanding of both the Select Committee system used at Westminster and the Scrutiny function in place at Lambeth. The visit allowed the Panel to make comparisons with its working practices, in order to help gauge best practice and potential areas for improvement. The Panel produced a report on its visit for all States Members.
- In March 2007, the Panel worked on Pillar 9 of the Criminal Justice Policy prior to it being lodged by the Minister for Home Affairs. Pillar 9 dealt with the rehabilitation of offenders. The Panel submitted comments and questions on the Pillar to the Minister, to which a response was received in June 2007. This work was acknowledged by the Minister in the Policy.
- In accordance with its responsibilities under Standing Orders, the Panel worked on the *Annual Business Plan 2008*. To this end, it met not only the 2 Ministers within its remit, but also the Chief Minister to consider issues arising from the Plan.
- The Panel identified Critical Skills and Assessment for Learning as areas where it would wish to increase its understanding. The Panel was therefore briefed on these matters by the Head of Evaluation and Standards on 17th September 2007. In order to develop its understanding still further, the Panel arranged to observe the delivery of Critical Skills training in January 2008.
- In October 2007, the Panel received a copy of the *Draft Crime (Disorderly Conduct and Harassment) Jersey Law 200-*. It considered the draft Law on 10th December 2007 and subsequently forwarded comments to the Minister for Home Affairs with the hope that these would assist subsequent drafting of the Law.

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- A number of topics were considered for potential inclusion in the Panel's Work Programme. For these topics, the Panel undertook preliminary work in order to assess the viability of undertaking a review as well as to begin an initial exploration of the relevant issues. In 2007, work was therefore undertaken on the Criminal Injuries Compensation Scheme and the financial constraints placed upon the Department of Home Affairs by having to fund the Scheme. Consideration was also given to potential reviews in relation to the Youth Service; the proposed Police Authority; and Customs and Immigration. These topics may be considered once again when the Panel considers its reviews selection for 2008.

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4.4.4 ENVIRONMENT SCRUTINY PANEL

At the start of 2007 the Environment Scrutiny Panel Members were –

Deputy Rob Duhamel of St. Saviour (Chairman)	Deputy Gerard Baudains (Vice-Chairman)
Connétable Ken Le Brun of St. Mary	Deputy Roy Le Hérissier of St. Saviour
Deputy Sean Power of St. Brelade	

The following changes occurred. Resignations were accepted from Deputy Roy Le Hérissier on 30th January, Deputy Gerard Baudains on 13th February and Deputy Sean Power on 13th March. The following appointments were accepted: Deputy Paul Le Claire was elected a Member on 30th January, Connétable Ken Le Brun was elected Vice-Chair on 22nd February, Connétable Simon Crowcroft was elected a Member on 22nd February and Deputy Celia Scott Warren was elected a Member on 23rd October 2007. The Panel now comprises –

Deputy Rob Duhamel of St. Saviour (Chairman)	Connétable Ken Le Brun of St. Mary (Vice-Chairman)
Connétable Simon Crowcroft of St. Helier	Deputy Paul Le Claire of St. Helier
Deputy Celia Scott Warren of St. Saviour	

Reviews

2007 has once again been a busy year for the Environment Panel. Four reviews have been finalised or started throughout the year, together with a number of fact-finding visits and responses to consultation documents.

- Waste Management: Report finalised and printed.
- Planning Process: Report finalised and printed.
- Design of Homes: Report finalised and printed following a visit to Vienna.
- Waste Plant Review: launched due for completion in the first quarter of 2008.
- Air Quality Review: Review and evidence completed with minor work remaining on the report to be printed early in January 2008.

Waste Recycling Review

The Panel completed its Waste Review and presented its report to the States on 3rd July 2007. The report was the culmination of over a year of research and evaluated evidence in the following areas including Waste arisings, Recycling and collection methods, Economics, Food waste and Public participation.

The main recommendation was that the Panel strongly recommended Transport and Technical Services took the opportunity to review the estimates of both waste arisings and recycling rates for the period of the strategy. The Panel believed that the residual waste arisings estimated in 2005 for the next 25 years were seriously overstated and that recycling rates were seriously underestimated. This combination would lead to an estimate for residual waste that is unjustifiably high. The Panel

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offered 15 other recommendations to which the Minister for Transport and Technical Services presented his response on 31st July 2007.

Planning Process Review

The Panel completed the Planning Process Review report in January 2007, although the main body of the review had been undertaken during the course of 2006. The Panel found that the planning process had been improved significantly by Senator F. Cohen and that the improvements had been enhanced by the coming into force of the Planning and Building (Jersey) Law 2002. Some issues remained of concern with regard to process, and those were addressed in the Minister for Planning and Environment's positive response dated 15th March 2007. The recommendations were noted and changes were being made where resources permitted.

Design of Homes Review

The Design of Homes Review was completed in 2007, its aim was to show in what direction the design of homes in Jersey should be going, taking into account what is happening elsewhere. The report was based around 2 separate themes critical to the success of homebuilding – community and design. The findings of the report were mainly positive, with many examples of existing good practice in Jersey. The Panel's findings were as a result of an extended period of research and 2 fact-finding visits to London (3rd to 4th August 2006) and Vienna (3rd to 8th February 2007) where innovative projects focusing on community and sustainable building were visited.

The report explored issues such as the need for people's homes to be part of a community, and the impact of planning practices over the years that may not have always encouraged that, with the development of large housing estates built with no regard to leisure activities or shopping facilities. It examined the need for mixed residential tenures, amenities and facilities, together with mixing both commercial and residential opportunities.

The Panel examined areas where the public was involved in developments at an early stage, and noted the successes achieved on its fact-finding visits. It highlighted the importance of high quality design, not just the aesthetics but the form and function combined with sustainability which was considered a key issue for building today. The Panel considered many technologies relating to environmental issues, and suggested that an "eco-house" project should be adopted, to include modern technology which provides the opportunity to increasingly work from home, and for older people to remain at home independently, even when quite frail.

The Panel's evidence suggests that building design needs to adapt to the variety of uses required from a living space, and that designers need to consider the use of configurable spaces, to allow buildings to evolve during the lifetime of the occupier.

The Panel was encouraged by the positive response from the Minister for Planning and Environment presented to the States on 3rd December 2007 which stated –

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'The report addresses and examines some fundamentally important issues about housing design, and sets out good practice examples from the U.K. and from wider international experience, notably sites visited in London and Vienna, as well as from the Island. Though obviously not intended as a 'housing blueprint', I believe it can make a valuable contribution towards improving the quality and design of future housing in the Island, which has always been one of my prime objectives.'

The Panel considers it essential to monitor progress in design and building techniques, and continued to do that when it attended a fact-finding visit to Malmo and attended a sustainable building conference.

Air Quality Review

The Panel has undertaken an Air Quality Review and has almost completed a report which will be presented to the States in the first quarter of 2008. In an effort to increase the involvement of the public with the work, the Scrutiny Panel adopted a new approach for this review and used a radio advertising campaign to raise awareness. The Panel will repeat the approach with its Waste Plant Review, and again combine that with notices in the local press to ensure that it reaches a wide cross-section of the public.

The Panel retained the services of an advisor, Professor Duncan Laxen, Managing Director of Air Quality Consultants Limited, to assist it with this review. The key areas of focus for the review have been related to the allocation of responsibility and resources to ensure air quality monitoring. The lack of legislative framework to enable any preventative or corrective action to be taken and the priority afforded to environmental issues. The Panel will deliberate over the submissions and other evidence and make recommendation as appropriate within its report.

Waste Plant Review

P.95/2005 required the Minister for Transport and Technical Services to investigate fully alternative and conventional technologies to provide the final disposal route for the residual waste remaining following the implementation of certain systems and facilities, and to recommend a preferred solution for a replacement of the Bellozanne incinerator to the States, with an accompanying cost/benefit analysis, environmental and health impact assessment, no later than December 2008.

The Minister has stated that the preferred solution is a recycling target of 32% with the residual waste being burned in a new Energy from Waste Plant at La Collette which is expected to cost the Island approximately £80 million.

The Panel believes:

- the premise upon which the Minister's decision has been based is flawed as it precludes anything but a 'one-stop shop' for dealing with the residual waste.

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- there are other options or combinations of options which may be cheaper, are more environmentally friendly and/or which may be more suited to the Island's needs than the preferred option of the Minister.

The Panel therefore launched a review into the Waste Plant which it intends to complete by March 2008. At the turn of 2007 and 2008, the Panel engaged Juniper to offer advice with the technical issues and BDO Alto Limited to assist with the financial matters.

Consultation Responses

The Panel Members have spent considerable time responding to the following consultation documents during 2007 –

Review of the Island Plan to rezone land for life-long retirement dwellings for the over 55's and first-time buyer homes –

The Panel will follow up its response with a meeting with the Assistant Minister for Planning and Environment to discuss its concerns on 10th January 2008.

Loi (1914) sur la Voirie – Branchage consultation from the Comité des Connétables –

The Panel sought advice from professional environmentalists prior to responding to the consultation document in December. The Panel also requested information on the number of complaints relating to access that led to the proposed changes.

Hill Street – Town Cycle Network Project proposals

The Panel responded to the Parish of St. Helier in respect of the proposals.

Draft Energy Policy Consultation Document

The Panel commenced working through this substantial document in the latter part of 2007 and has scheduled an all-day meeting on 3rd January 2008 to ensure its completion.

The Masterplan for the Esplanade Quarter, St. Helier

The Panel commenced working through this document in the latter part of 2007 and has scheduled it as an item for completion at its 10th January 2008 meeting.

Conferences and Fact-Finding Visits

The Panel has been busy with its reviews but has also been preparing itself for forthcoming reviews by attending relevant conferences and visiting sites where new technology and approaches are the norm.

Malmo – Sustainable Development Conference

The Panel participated in the sustainable development conference in Malmo, the aim of which was to promote the achievement of long-term sustainable development which would require a revision of the use of fossil fuels and a move towards sustainable energy. Malmo has made huge efforts to introduce innovations that enable it to move towards sustainability, and many of the courses at its

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University focus on related subjects. The attending delegation included Deputy R. Duhamel (attendance from 13th–16th September), Deputy P. Le Claire, the Panel Architectural Advisor: Mr. D. Mason, and Mrs. C. Le Quesne, Scrutiny Officer. The members visited a number of sustainable development initiatives in Malmo on the waterfront. The developments were a mix of social and private rental and/or ownership. Delegates also tested the extensive cycle network and noted significant encouragement and initiatives to promote alternative transport methods.

The Chairman will be accompanying the Minister for Planning and Environment to Malmo to view the initiatives.

Tidal Energy Conference

In preparation of a section of the Panel's response to the Minister for Planning and Environment's Energy Consultation Paper, Members attended a Tidal Energy Conference in London. This was considered to be specific to the Panel due to the exceptionally high tides around Jersey. Attendance provided the Panel with information about this embryo industry. There is clear, strong political drive in the UK, which is backed up by availability of finance, for progressing technology for renewable energy sources. This sort of encouragement is maintained across Europe and beyond.

Interest was shown by several companies who have noticed the extremely high tides and shallow water around Jersey and in the bay of Mont St. Michel. The involvement of some very large companies in this conference suggests that this area is already attracting the tangible commercial support so badly needed to move these technologies from prototypes to operational farms working for the community.

The full response to the Energy Consultation Paper will be submitted in January 2008.

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4.4.5 HEALTH, SOCIAL SECURITY AND HOUSING SCRUTINY PANEL

Chairman's comments

The work of the Panel in 2007 was to the greatest extent determined by the actions, or lack of, by others.

The Sub-Panel that reviewed 'The Perceived Health Effects of Mobile Phone Masts' did a very thorough job, connecting with the Jersey public, absorbing much technical information and reaching conclusions suitable for Jersey's ongoing situation. A follow-up report will be produced early in 2008. Thanks are due to Deputy Collin Egré of St. Peter, Senator Ben Shenton and Connétable Mike Jackson of St. Brelade, with excellent service and support from Scrutiny Officers Carol Le Quesne and Malcolm Orbell.

Thanks are due to Deputy Judy Martin of St. Helier who put in a tremendous amount of work as Chairman of the Income Support Sub-Panel. She worked tirelessly over a near 2 year period and did influence the outcome in a positive manner, assisted by Sub-Panel members Deputy Geoff Southern of St. Helier, Deputy Shona Pitman of St. Helier and Senator Ben Shenton. The Sub-Panel as re-constituted continues to monitor the implementation of Income Support into 2008.

Deputy Sean Power of St. Brelade did an excellent job leading the Sub-Panel that reviewed the Social Housing Property Plan 2007–2016, assisted by myself, Deputy Roy Le Hérisssier of St. Saviour, Connétable Graeme Butcher of St. John and Connétable Silva Yates of St. Martin. I am not convinced that enough weight was given to the resulting report produced by the Housing Sub-Panel. However, I believe the content will stand further scrutiny when a future review examines the actual outcomes of the Property Plan. I believe much of what the Sub-Panel reviewed and predicted will prove to be robust.

Scrutiny of major health system reform under the 'New Directions' banner was frustrated because of the lack of a draft comprehensive policy document. Although this was promised in February 2007 it never appeared. A Sub-Panel was to be formed, the review had been scoped, Terms of Reference prepared, a budget had been agreed and a shortlist of suitable advisers drawn up. However, all was to no avail and resulted in 12 months wasted.

Social Security has important areas of responsibility that affect the day-to-day outcomes of people's lives. The Panel is mindful of this and has taken a watching brief in monitoring statistical information. The Panel will continue this action through 2008. However, major reform is perhaps not far away and I am sure this issue will continue to occupy the minds and efforts of the Panel.

The work of the Panel and Sub-Panels in 2007 has established effective and robust methods of working. It has brought together States members to review important matters, relate with trade and industry, connect with the public and produce measured findings leading to sensible outcomes with meaningful recommendations, for which I thank them all most sincerely.

Deputy Alan Breckon

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Introduction

The Health, Social Security and Housing Scrutiny Panel works with the respective Ministers of those departments within its remit: Health and Social Services; Social Security and Housing. The Panel was established on 21st November 2006 when the former Social Affairs Scrutiny Panel was split and 2 Panels were created: Education and Home Affairs; and Health, Social Security and Housing. Deputy Alan Breckon was elected Chairman by the States and Deputy Judy Martin, Deputy Roy Le Hérisier and Deputy Sean Power were appointed as members. The Panel subsequently elected Deputy Martin as Vice-Chairman.

The Panel continued with one review that had commenced under the former Social Affairs Panel and undertook 2 new 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 35 Public Hearings during the course of the year.

Aside from meetings for its reviews, the Panel held 12 formal meetings in 2007.

Reviews

Income Support

The Sub-Panel began their review of the proposed Income Support system in February 2006, before suspending their work for a period of 4 months whilst the Social Security Department developed their proposals sufficiently to enable further scrutiny.

The Sub-Panel was chaired by Deputy Judy Martin and had a membership of Deputy Shona Pitman (Vice-Chairman), Senator Ben Shenton and Deputy Geoff Southern. On 19th September 2007 Senator Ben Shenton resigned to take up the position of Minister for Health and Social Services. The Sub-Panel produced their final report, S.R.17/2007, on 2nd October 2007 and the Social Security Department's proposals were debated on 9th October 2007.

The review of the Social Security Department's Income Support proposals resulted in a number of the Sub-Panel's recommendations being adopted. Amongst these successful amendments was the recognition of Jersey Childcare Trust registered nannies under this scheme. The Sub-Panel was generally applauded for the detailed and comprehensive work carried out in the course of the review.

The Sub-Panel will continue to monitor the implementation of Income Support through 2008.

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.

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The Sub-Panel was chaired by Deputy Anne Pryke of Trinity and had a membership of Deputies Roy Le Hérissier of St. Saviour (Vice-Chairman), Sarah Ferguson of St. Brelade, Deidre Mezbourian of St. Lawrence and Sean Power of St. Brelade. The resulting report was presented to the States on 10th January 2007.

The Panel met informally with the Minister and Assistant Minister for Health and Social Services on 27th November to receive an update on the plans for Overdale.

Review into the Perceived Health Effects of Mobile Telephone Masts

The review into the Perceived Health Effects of Mobile Phone Masts responded to mounting public anxiety at the increasing number of phone masts in the Island.

The Sub-Panel was chaired by Deputy Alan Breckon of St. Saviour and had a membership of Deputy Collin Egré of St. Peter (Vice-Chairman), Senator Ben Shenton and Connétable Mike Jackson of St. Brelade.

The Sub-Panel considered vast amounts of scientific and technical evidence and had to balance this against public concerns about health issues. The report made specific recommendations for testing and monitoring mast sites and making more information available to the public, which have been accepted by Ministers and States Departments. The continued precautionary approach recommended is supported by recent studies in the UK and Europe. The Sub-Panel continues to monitor this issue of great public concern and is currently assessing the Ministerial responses to their recommendations.

Social Housing Property Plan Review

The Sub-Panel was chaired by Deputy Sean Power of St. Brelade and had a membership of Deputy Alan Breckon of St. Saviour (Vice-Chairman), Deputy Roy Le Hérissier of St. Saviour, Connétable Silva Yates of St. Martin and Connétable Graeme Butcher of St. John.

The review of the Housing Department's Social Housing Property Plan 2007–2016 drew attention to a number of shortcomings identified by the Sub-Panel within the Plan. It was successfully completed within very tight timescales, and since the States debate in August the Department has adopted several of the report's recommendations, which should add to the robustness, transparency and equity of the sale process for properties under the Plan.

The Sub-Panel agreed to continue with the same membership to report on the Department's internal Review of Social Housing in 2008.

New Directions

The Panel had developed a draft scoping document, terms of reference and commenced the process to appoint an adviser when Senator Syvret was replaced by Senator Shenton as Minister for Health and Social Services. Following the change, the new Minister chose to review 'New Directions' and develop a budget to accompany the proposals. As a result of this delay, the Panel postponed their

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review until such time as a revised version approved by the new Minister is available to them and ready for wider consultation.

Long Term Care of the Elderly

Following the postponement of the review of 'New Directions', the Panel decided to address another area within their Health and Social Services remit. After consideration, the Panel developed a draft scoping document and terms of reference. The Panel have also initiated the selection process for an Adviser.

What the future holds

Early in 2008 the Panel will give due consideration to Departmental Business Plans. The review of 'Long Term Care of the Elderly' will go ahead in 2008, and the Panel will consider the most appropriate way forward for a review of 'New Directions' once the revised document is published. The Housing and Income Support Sub-Panels will continue with their existing work, and the Panel will consider additional reviews within its Departmental remit while continuing to monitor responses to previous reviews.

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4.4.6 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 and will attend all meetings of the Public Accounts 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 Public Accounts Committee. The Public Accounts 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 summonses 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

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Ministers. This 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 cooperates 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 has been established for the Committee, www.pac.gov.je.

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 47. This provides for a Chairman and an even number of members, 50% of whom are elected States Members and 50% of whom are independent members. The minimum number of members is four.

Membership

The current membership of the Public Accounts Committee (as at 31st December 2007) consists of –

States Members:

Deputy Sarah Ferguson of St. Brelade (Chairman)

Deputy James Reed of St. Ouen (Vice-Chairman)

Deputy Alan Breckon of St. Saviour

Connétable Tom du Feu of St. Peter

Connétable Dan Murphy of Grouville

Senator Len Norman

Independent Members

Mr. Tony Grimes

Advocate Alex Ohlsson

Mr. Chris Evans

Mr. Roger Bignell

Mr. Martin Magee

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The independent members continue to contribute a wealth of knowledge and experience to the work of the Public Accounts Committee. Their contribution to the work of the Committee is much appreciated.

Meetings

The Public Accounts Committee holds regular public 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. Depending on the nature of the information to be discussed some meetings are held in private.

This included a private meeting on 25th June with representatives of PricewaterhouseCoopers, States Auditors, for the purposes of discussing the implications of their Report to Management. Following this meeting a public hearing was then held with the Treasurer of the States when the Annual Accounts were discussed.

Annual Accounts of the States

In previous years the only independent comments on the States' Accounts have come from the Shadow Public Accounts Committee. For the year ended 31st December 2006, however, the audit of the Accounts came under the responsibilities of the Comptroller and Auditor General and the Committee.

The Committee interviewed the Treasurer of the States, the Chief Officer of Social Security and the Chief Officer of Housing, the transcripts of which are available on the Committee website, www.pac.gov.je.

There were unforeseen delays in the publication of the Accounts following which the period for conducting hearings was interrupted by the August break and the pressure of States business in September. As a result not all Chief Officers were interviewed. The planning for the public hearings after the publication of the 2007 Accounts has been reviewed to ensure that all Chief Officers are interviewed before the August recess in 2008.

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. It was also concerned with the growth of States expenditure. It will return to these points in 2008 in the context of the Spending Review currently being conducted by the Comptroller and Auditor General.

A watching brief will be kept on the transition to the adoption of GAAP as the Committee is of the view that introduction of GAAP accounts is well overdue.

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Reports

The Committee issued comments on certain of the Comptroller and Auditor General's reports. These were:

Overseas Aid Commission

The Public Accounts Committee concurs with the view of the Comptroller and Auditor General that it is unsatisfactory for such a significant amount of expenditure to fall outside the normal arrangements for managing public finance.

It is accepted that an independent approach should be taken to administering such funds. In particular, the Public Accounts Committee accepts that the donations should not be subject to any form of political bias. Equally, it is unacceptable for proper oversight not to be in place in accordance with the States' Financial Directions.

It is not the place of the Public Accounts Committee to suggest which of the options suggested by the Comptroller and Auditor General are appropriate. This is more properly the task of the States Officers and the Commission. It is, however, essential that a solution is found and the Committee will keep a watching brief on developments.

Jersey Financial Services Commission

Given the increasing demands on the Jersey Financial Services Commission ("JFSC"), the Public Accounts Committee concurs with the Comptroller and Auditor General's view that it is unlikely that costs will reduce. The JFSC is currently understaffed and this needs to be addressed with some urgency so they are able to prepare for and host the IMF Review in 2008.

The report identifies areas for improvement and the Public Accounts Committee's view is that high on the list of priorities must be the alignment of the Strategic Plan with the Operational Management Plan, without which there must be doubts as to whether the Commission can deliver a cohesive, coherent and focussed service. In addition to this, the Commission needs to define and deliver an effective IT Strategy.

It is in the context of preserving support from the industry, the public of Jersey and Government that the Public Accounts Committee would encourage the JFSC to ensure that there is relevant, informative and effective communication with all these "stakeholders". The JFSC should seek to create more awareness with its stakeholders as to its function relative to the economic wellbeing of Jersey and the impact this has on the lives of the Jersey public.

Notes on control of States' Expenditure

The notes of the Comptroller and Auditor General dovetail with the concern of the Public Accounts Committee in that the Accounts of the States do not easily allow analysis of the performance of Departments from year to year.

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What is clear from the paper is that the States have found it extremely difficult to control expenditure and work within allocated budgets. Given that there are no clear comparatives in the accounts and given that budgets have, in some cases, been supplemented by carry forwards and drawings from Special Funds, it is not clear that Departments themselves have been sufficiently aware of their spending to be able to control their budgets.

Public expectation is that if savings are made, there should be a corresponding reduction in spending. Savings identified to date, the full detail of which has not yet been published, have already been earmarked for spending in other sectors. From the point of the public, there does not appear to have been any overall financial benefit linked to an increase in efficiency and lowering of costs in running the public sector.

The 2007 Business Plan suggests that: “. . . *there may be limited scope for delivering further major efficiency savings*”. This suggests a mindset that can only consider efficiency savings as finite events at a specific time and, once identified, no further action need be taken. The Public Accounts Committee was dismayed to see that this philosophy still exists as the drive to efficiency should be an ongoing process for any organisation.

Other Reports:

The Public Accounts Committee intends to issue a note on the Comptroller and Auditor General's Reports on Drugs Trafficking and Criminal Offences Confiscation Funds once all relevant comments have been received.

Other Activities

The Public Accounts Committee brought an amendment to the Annual Business Plan for 2007 which aimed to –

- Reduce Net Revenue Expenditure by approximately £12.5 million;
- Require the accounts to show the voted figures as comparatives in Departmental accounts;
- Request the Minister for Treasury and Resources to bring the reallocation of underspends to the States for an in principle approval.

The proposal to reduce Net Revenue Expenditure was withdrawn in view of the Chief Minister's agreement to a thorough Spending Review and the other 2 amendments were agreed by the Assembly.

A review of the effectiveness and efficiency of States Expenditure has been commenced by the Comptroller and Auditor General. The Public Accounts Committee fully supports this review. The Committee will hold public hearings on matters of public interest highlighted in the reports which will be published by the Comptroller and Auditor General.

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Chairman's comments

This has been a year of development and consolidation. The Committee is also reviewing its operation. The volume of work that is starting to come through will require more support for the Committee. The review is coordinating with the Scrutiny Panels through the Chairmen's Committee so that best value for money may be obtained.

The analysis of the accounts by the Comptroller and Auditor General has enabled the Committee to achieve a better comprehension of the figures. As a result, the hearings with the Chief Officers were extremely useful in gaining a better understanding of the pressures and problems which can arise when dealing with States expenditure.

Whilst there have been a number of detailed reports issued by the Comptroller and Auditor General, the thrust of the Committee this year has been in the high level analysis of the structure and arrangement of States Finances. At the same time, the contributions made by the political members of the Committee have served to ensure that the States should be in no doubt that the Public Accounts Committee is serious, not only about achieving value for money in States Expenditure, but also in making sure that there is the minimum of wastage and extravagance and that best practice is followed in corporate governance practices.

The programme planned by the Public Accounts Committee to follow the forthcoming reports of the Comptroller and Auditor General arising from his review of the efficiency and effectiveness of States Spending will enable the Committee to continue this work.

As in previous years, the contribution from the independent members has been invaluable. However, the Public Accounts Committee could not function without the reports and input from the Comptroller and Auditor General. This is greatly appreciated by the whole Committee.

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4.5 ISSUES FACED BY SCRUTINY DURING 2007

There has always been the recognition that significant change, such as the change of government structure, would take some time to “bed in” and would create challenges that needed to be addressed over a period of time. A number of matters were carried over from 2006 into 2007.

The Chairmen’s Committee has endeavoured to fulfil its rôle of co-ordinating body for Scrutiny to address, resolve or develop these matters, as appropriate. It held a Scrutiny Away-Day during May, work has been undertaken in raising the public profile of the Scrutiny function in general, in reviewing its own working practices, in reconsidering and revising the draft Code of Practice and establishing improved working practices with the Executive. As the Committee has had such important, strategic matters on which to focus throughout 2007, these have become a priority. However, the Committee has continued to keep the operation of Scrutiny under review, aiming to ensure that all areas of the work of the Council of Ministers will be reviewed over time and overseeing the prioritisation and allocation of financial resources. It has also undertaken large amounts of work on the following matters –

1. Draft Code of Practice/access to Legal Advice
2. Access to Part B information of Council of Ministers’ meetings
3. Engaging with the public and the media
4. Executive Responses to Scrutiny Panel reports
5. Scrutiny of the Annual Business Plan and Departmental Business Plans
6. Internal review of Scrutiny working practices.

Code of Practice

Due to a lack of resolution during 2006 about legal advice issues; both access by Scrutiny to legal advice provided to Ministers and Scrutiny’s own access to legal advice, further work was undertaken on this during 2007. These issues form an important section of the draft Code of Practice. Consequently that Code of Practice, having been withdrawn from the States towards the end of 2006, was awaiting a resolution to this important issue prior to lodging “au Greffe”.

However, following consideration of this at a Scrutiny Away-Day in May, the Chairmen’s Committee agreed to lodge the draft Code of Practice in its entirety inclusive of the legal advice issue as previously agreed by the Chairmen’s Committee, and to seek a resolution through debate in the States. The draft Code was accordingly lodged “au Greffe” on 5th June 2007. It was then withdrawn on 27th July 2007 with the intention of giving further consideration to legal advice matters and inviting all Scrutiny Members to meet H.M. Attorney General to discuss the issues.

A meeting co-ordinated by the Chairmen’s Committee for this purpose could only be convened at the beginning of October, subsequent to which, all Panels gave further consideration to the entire draft Code. The issues surrounding Scrutiny’s access to legal advice remains and it has become necessary for this matter to be resolved through a States’ debate. The draft Code was lodged “au Greffe” on 28th December 2007 for debate in early 2008.

Access to information from Council of Ministers

Work continued on the preparation of a protocol between the Council of Ministers and the Chairmen’s Committee on access by Scrutiny to background papers from Council of Ministers’

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Part B agendas. Although a Confidentiality Agreement was agreed and each Chairman has signed these during the year in order to be able to access information, the section relating to this matter within the draft Code of Practice for Scrutiny Panels and the Public Accounts Committee did not reach a final agreement. As mentioned above, the draft Code was lodged “au Greffe” on 27th December 2007 and includes a section on this matter which will form part of the debate early in 2008.

Engaging with the Public

The work of the Public Engagement Group established during 2006 continued into 2007 and, working with Orchid Communications Limited, a Scrutiny Public Engagement Strategy and Scrutiny Guide were produced. In March, again working with Orchid Communications, the first newsletter, “Scrutiny Matters” was produced and distributed to every Island household. At the same time, following a considerable number of months under development, Scrutiny launched its new website on schedule on www.scrutiny.gov.je. This mirrored the newsletter by using the brand of the lighthouse image. The website has been successful as an information-giving tool but as Scrutiny develops further, it is hoped that members of the public might become more willing to enter comments and suggestions for reviews using the “forum” facility.

Orchid Communications Limited, having undertaken a sound body of work on behalf of Scrutiny in respect of public engagement, decided to resign from its contract just prior to the contract termination date.

The second edition of Scrutiny Matters was co-ordinated within the Scrutiny Office, with political oversight delegated by the Chairmen’s Committee to Deputies Deidre Mezbourian and Kevin Lewis. The newsletter was distributed to every household in early November. This was the first time that a newsletter had been developed and co-ordinated “in-house” within the Scrutiny Section and it is hoped that the experience will stand the office in good stead for any future publications of this nature. Although the number of comments, submissions, and queries from the public were limited, there was an increase in the number of responses from the first newsletter. It is hoped that as Scrutiny develops and its work becomes better publicised, that the public’s confidence in its work will increase, thereby leading to greater involvement.

The Public Engagement Group pressed forward with an initiative on which it had been working on behalf of the Chairmen’s Committee and Scrutiny as a whole, which was designed to reach out to Island school-age youngsters. Working with Mr. Cliff Chipperfield, Head of Evaluation and Standards, Education, Sport and Culture Department and Mr. John Renouf, Head of Personal and Social Education at Les Quennevais School, the Public Engagement Group arranged a pilot programme to inform youngsters about the rôle of Scrutiny and about Ministerial Government in general. This was carried out within the Citizenship programme of the Personal and Social Education [PSE] Curriculum. Half the Year 10 group at Les Quennevais School trialled the programme, which involved a number of Scrutiny Members and a Minister with a Senior Departmental Officer, together with the PSE teachers. The work of Mr. Chipperfield, Mr. Renouf and all those teachers who co-ordinated this is appreciated.

The trial was felt to be such a success that work has been underway and will be ongoing in 2008 to enable the programme to be rolled out into the main four 11 to 16 Secondary Schools and Hautlieu during 2008.

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Public hearings have also formed a means of reaching out to the public, with some of these having been held in the evenings to enable attendance of those who work during the day. There has also been the opportunity for members of the public to put questions to Ministers in relation to specific issues being considered by Panels.

Executive responses to Scrutiny Panel reports

As Scrutiny settled into its work programme, with a large amount of background work having been undertaken during 2006, it meant that more reports were being finalised from the start of 2007. Below is the list of Scrutiny reports and dates presented to the States in the “S.R.” series during 2007. The table also shows the date of the response from the relevant Minister.

Each of these reports made recommendations to the Executive for certain actions. Whilst it is recognised that there is no obligation on a Minister to carry out such recommendations, it should be incumbent on Ministers to advise the Panels and the Public on their actions based on the recommendations. Responses from the Executive to the recommendations took differing forms during the early part of 2007. Some Ministers responded formally to the States, others responded in private. Some responded within a reasonable timescale, others took up to 6 months. Due to these variations, a protocol was established that requires Ministers to respond to Scrutiny Reports through the States within 6 weeks of production of the report. Should the Scrutiny Report be lengthy or deal with matters of a technical nature, an initial Executive response should be published within 6 weeks with a detailed response within 3 months.

It is reassuring that, since the introduction of this protocol, responses have been timely and all have been presented to the States.

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2007	Panel	Report Title	Date of Report	Date of response
1	Ed/HA	Overdale: Closure of Leoville & McKinstry Wards	10/01/2007	17/07/07
2	Environment	Planning Process	16/01/2007	15/03/07
3	Corporate	Zero/Ten Design Proposals (2nd Report)	23/01/2007	Ongoing review
4	Economic	Dairy Industry	25/01/2007	Immediate
5	Economic	JT privatisation	06/03/2007	27/03/07
6	Ed/HA	GP Co-Operative Out-of Hours Service	08/03/2007	17/07/07
7	Corporate	GST (2nd Report)	04/04/2007	17/4/07
8	HSSH	Perceived Health Effects of Mobile Phone Masts	20/04/2007	Economic: 30/05/07 Planning: 05/06/07
9	Economic	Retail Strategy (interim)	27/04/2007	25/09/07
10	Corporate	Proposed Sale of JCG site	22/05/2007	03/07/07 written response to question in States
11	Corporate	Jersey's Overseas Aid	30/05/2007	29/06/07 (private response) 18/09/07
12	HSSH	Social Housing Property Plan	18/06/2007	17/10/07
13	Environment	Waste Recycling	03/07/2007	31/07/07
14	Corporate	Zero/Ten taxing Foreign-owned trading companies	04/09/2007	Response in States during budget speech 04/12/07
15	Environment	Design of Homes (Part 1)	11/09/2007	03/12/07
16	Economic	Draft Price and Charge Indicators (Jersey) Law	25/09/2007	No formal response
17	HSSH	Income Support	02/10/2007	Awaited
18	Ed/HA	Role of Centenier in Magistrate's Court	28/09/2007	19/11/07 (Home Affairs Minister) 07/11/07 (H.M. Attorney General)

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19	Corporate	GST – Draft Regulations (3rd Report)	11/10/2007	20/11/07
20	Corporate	Zero/Ten Design Proposal – draft shareholder legislation	07/11/2007	16/11/07

Scrutiny of the Annual Business Plan and Departmental Business Plans

Scrutiny of the Annual Business Plan and of many Departmental Business Plans during 2007 did not occur, partly due to the tight deadlines and general presentation of the information. In order to ensure scrutiny during 2008, the Chairmen’s Committee has been working with the Executive to identify ways of improving this. A process and programme has been agreed which should enable early involvement of Scrutiny Members, provide a clearer understanding in general and hopefully permit Scrutiny to undertake more meaningful work in this important area. Although this work has been undertaken, it is an area which will continue to evolve with both Scrutiny and the Executive. Consequently, the process and timings will continue to be monitored during 2008.

Internal review into Scrutiny working practices

During mid-2007, the Chairmen’s Committee undertook its own internal review into its working practices. It delegated this responsibility to the 2 independent Members of that Committee, Deputies Roy Le Hérissier and James Reed. This became quite a major piece of work with all Chairmen, some Scrutiny Members, the Greffier and Deputy Greffier of the States, the Scrutiny Manager, all Scrutiny Officers and the Scrutiny Administrators being interviewed. Whilst it of course gave rise to some areas of possible improvement, it mainly identified that an enormous amount of excellent work was being undertaken which was setting a solid foundation on which to continue building. The final report based on these findings will be considered by the Chairmen’s Committee in the New Year.

4.6 OTHER WORKING PRACTICES

Chairmen’s Committee

The 2006 Annual Report commented that Scrutiny would continue to find ways of meeting further challenges and overcoming tensions which exist within the new system of government. During 2007, the Chairmen’s Committee and Scrutiny as a whole has indeed lived up to that and continued to identify ways of improving.

As can be seen in the sections above, the Chairmen’s Committee itself has explored different ways of working in an aim to fulfil its Terms of Reference within the Standing Orders of the States of Jersey. It has also borne in mind its co-ordinating rôle and the benefit of including other Scrutiny Members who do not sit on the Chairmen’s Committee. Thus it has agreed to delegate responsibility for certain functions, as appropriate, to one Member of the Chairmen’s Committee and one other from the Scrutiny Membership. This has been very successful in progressing the respective issues such as the Citizenship Programme, the Scrutiny Matters Newsletter, and the internal review into working practices, for example.

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In line with this small working-group arrangement, following a Chairmen's Committee meeting with the Chief Minister during June, a Scrutiny/Executive working group was established. It comprised the Chief Minister, Senator F.H. Walker and Senator M.E. Vibert on behalf of the Executive with the President and Vice-President of the Chairmen's Committee, Deputies S.C. Ferguson and R.G. Le Hérissier. Officers on the working group were the Chief Executive, the Greffier of the States, the Scrutiny Manager and the Strategic Planning Manager. One very fruitful meeting was convened at which matters such as the release of information from the Executive to Scrutiny, access to information, Ministerial responses to Scrutiny Reports and Scrutiny of Annual and Departmental Business Plans were discussed. This meeting was particularly helpful in progressing the latter two areas.

The President and Vice-President attended a knowledge-sharing meeting with representatives of the Scrutiny Panel in Guernsey on 31st August 2007. The Members also met the Chief Minister, States of Guernsey Chief Executive and the Chairman and Chief Officer of the Public Accounts Committee for part of the discussion. The meeting was most informative and it was recognised that the rôle of Scrutiny within the two Islands was very different due to the system of government arrangements. However, it was interesting to note that very similar problems were encountered and similar topics examined. It is anticipated that liaison with the Guernsey Scrutiny Panel will continue and good relationships will be fostered.

Sub-Panels

The Scrutiny Panels have been very keen to undertake thorough and effective reviews. Due to the volume of work which this entails, all but one of the Panels opted to create Sub-Panels to undertake specific reviews. This also gave opportunities for non-Executive Members not elected onto a Scrutiny Panel to take part in the Scrutiny process and a number of Members took up this opportunity, some on more than one occasion. **[Membership: see Appendix A]**

Advisers

Due to many of the reviews being of a technical nature, the engagement of advisers has increased, with all Panels having engaged an adviser for one or more reviews during the year. This has proved to be a most effective way of working, and the financial ability to employ advisers as appropriate must be maintained. A list of advisers employed by the various Panels during 2007 and related expenditure is included in **Appendix B**.

Machinery of Government Reforms Review

The report of the Sub-Committee of Privileges and Procedures Committee reviewing the first year of the change from the Committee system to Ministerial Government was presented to the States on 9th November 2007. Unfortunately, due to the Sub-Committee's Terms of Reference restricting them to the first year of the transition, the many developments which have occurred after the first year were unable to be taken into account. This meant that many of the recommendations relating to the Scrutiny function, had, therefore, already been superseded by ongoing work within Scrutiny as it continued to evolve.

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APPENDICES

A: Membership

Main Panels

Chairmen's Committee

President – Deputy S.C. Ferguson (from 28.03.07)

Deputy R.G. Le Hérisssier – Vice-President

Deputy R.C. Duhamel

Deputy A. Breckon

Deputy P.J.D. Ryan

Deputy G.P. Southern

Deputy J.G. Reed

Deputy D.W. Mezbourian (from 19.06.07)

Deputy F.J. Hill, B.E.M (until 06.06.07)

Public Accounts Committee

Chairman – Deputy S.C. Ferguson

Deputy J.G. Reed – Vice-Chairman

Senator J.L. Perchard (until 21.09.07)

Senator L. Norman (from 25.09.07)

Connétable D.J. Murphy of Grouville

Connétable T.J. du Feu of St. Peter

Deputy A. Breckon

Mr. T. Grimes

Advocate A. Ohlsson

Mr. C. Evans

Mr. R. Bignell

Mr. M. Magee

Health, Social Security and Housing

Chairman – Deputy A. Breckon

Deputy J.A. Martin – Vice-Chairman

Deputy R.G. Le Hérisssier

Deputy S. Power

Economic Affairs

Chairman – Deputy G.P. Southern

Deputy A. Breckon – Vice-Chairman

Connétable M.K. Jackson of St. Brelade

Deputy J.A. Martin

Deputy K.C. Lewis

Education and Home Affairs

Chairman – Deputy D.W. Mezbourian (from 19.06.07)

Deputy J. Gallichan – Vice-Chairman

Deputy S. Pitman

Deputy F.J. Hill, BEM (Chairman until 06.06.07)

Deputy A.E. Pryke (until 30.01.07)

Corporate Services

Chairman – Deputy P.J.D. Ryan

Deputy C.H. Egré – Vice-Chairman

Connétable J.L.S. Gallichan of Trinity

Connétable D.J. Murphy of Grouville

Deputy R.G. Le Hérisssier (from 06.11.07)

Senator J.L. Perchard – Vice-Chairman (until 21.09.07)



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Environment

Chairman – Deputy R.C. Duhamel
Connétable K.A. Le Brun of St. Mary – Vice-Chairman
Connétable A.S. Crowcroft (from 27.02.07)
Deputy P.V.F. Le Claire (from 31.02.07)
Deputy C.J. Scott Warren (from 23.10.07)

Deputy R.G. Le Hérissier (until 30.01.07)
Deputy G.C.L. Baudains – Vice-Chairman (until 13.02.07)
Deputy S. Power (until 13.03.07)

Scrutiny Sub-Panels

Economic Affairs

Telecoms Privatisation Sub-Panel

Chairman – Deputy G.P. Southern
Senator B.E. Shenton (until 18.09.07)
Deputy J.G. Reed
Deputy G.C.L. Baudains
Deputy J.A. Martin

Economic Affairs

Dairy Review Sub-Panel

Chairman – Deputy A. Breckon
Deputy S.C. Ferguson
Deputy R.G. Le Hérissier
Deputy K.C. Lewis
Deputy A.E. Pryke

Corporate Services **0/10 Sub Panel**

Chairman – Senator J.L. Perchard (until 21.09.07)
Senator B.E. Shenton
Deputy P.J.D. Ryan
Deputy G.P. Southern (until 30.01.07)

Corporate Services **GST Sub Panel**

Chairman – Deputy P.J.D. Ryan
Connétable J.L.S. Gallichan of Trinity
Connétable M.K. Jackson
Connétable D.J. Murphy of Grouville

Corporate Services **Overseas Aid Sub-Panel**

Chairman – Senator J.L. Perchard
Connétable J.L.S. Gallichan
Connétable D.J. Murphy of Grouville
Connétable S.A. Yates of St. Martin

Corporate Services **JCG Sub Panel**

Chairman – Connétable D.J. Murphy of Grouville
Senator L. Norman
Deputy C.H. Egré



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**Corporate Services
Waterfront Sub-Panel**

Chairman – Deputy C.H. Egré
Senator L. Norman
Connétable D.J. Murphy of Grouville

**Corporate Services
Migration Sub-Panel**

Chairman – Deputy P.J.D. Ryan
Deputy G.P. Southern
Deputy J. Martin
Deputy C.H. Egré
Senator J.L. Perchard (until 03.07.07)

**Health, Social Security and Housing
Income Support Sub-Panel**

Chairman – Deputy J. Martin
Deputy G.P. Southern
Deputy S. Pitman
Senator B.E. Shenton (until 18.09.07)

**Health, Social Security and Housing
Telephone Masts Sub-Panel**

Chairman – Deputy A. Breckon
Senator B.E. Shenton (until 18.09.07)
Connétable M.K. Jackson
Deputy C.H. Egré

**Social Affairs
Overdale Sub-Panel**

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

**Health, Social Security and Housing
Housing Sub-Panel**

Chairman – Deputy S. Power
Deputy A. Breckon
Deputy R.G. Le Hérissier
Connétable G.F. Butcher of St. John
Connétable S.A. Yates of St. Martin

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B. Panel review dates 2007

Scrutiny Panel Review Dates 2007

Panel	Review		Start Date	Report Date	2007 Costs £
Corporate Services	GST – 2nd Report	Sub-Panel	October 2006	04 April 2007	24,032.42
	GST – 3rd Report	Sub-Panel	April 2007	11 October 2007	
	GST – 4th Report	Sub-Panel		2008	
	Zero Ten – 2nd Report	Sub-Panel	October 2006	23 January 2007	18,268.93
	Zero Ten – 3rd Report	Sub-Panel		04 September 2007	
	Zero Ten – 4th Report	Sub-Panel	January 2007	07 November 2007	
	Overseas Aid	Sub-Panel	November 2006	30 May 2007	7,065.79
	Sale of JCG	Sub-Panel	April 2007	22 May 2007	5,903.09
	Migration Policy	Sub-Panel	January 2007	2008	6,094.97
	Waterfront		June 2007	2008	1,918.30
	Level Playing Field	Sub-Panel	March 2007	2008	28.00
					63,311.50
Economic Affairs	Telecoms Privatisation	Sub-Panel	August 2006	06 March 2007	11,519.29
	Dairy Industry	Sub-Panel	July 2006	25 January 2007	12.00
	Retail Strategy (interim)		01 June 2007	27 April 2007	2,335.57
	Draft Price and Charge Indicators (Jersey) Law		11 July 2007	25 September 2007	2,009.52
	JFL		14 November 2007	2008	1,368.53
					17,244.91

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Education and Home Affairs	GP Out of Hours		February 2006	08 March 2007	11.10
	Centeniers Role in the Magistrates Court		April 2006	28 September 2007	7,399.95
	Overdale	Sub-Panel	August 2006	10 January 2007	0.00
	Early Years		01 May 2007	2008	13,977.09
	Policing of Events		04 September 2007	2008	1,218.15
					22,606.29
Environment	Planning Process		February 2006	16 January 2007	0
	Design of Homes		February 2006	11 September 2007	9,894.55
	Waste recycling		February 2006	03 July 2007	3,083.10
	Air Quality		August 2007	2008	9,651.42
	Energy		Background only	2008	8,355.14
	Waste Plant		November 2007	2008	2,258.76
					33,242.97
Health, Social Security and Housing	Income Support – 2nd phase		October 2006	02 October 2007	26,664.39
	Telephone Masts		December 2006	20 March 2007	7,530.88
	Social Housing Property Plan		February 2007	18 June 2007	16,483.35
					50,678.62

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C 2007 statistics per Panel

2007 Statistics		PANEL							
		Totals	Corporate	Economic	Environment	E&HA	HSSH	General	PAC
Number of public hearings			2	17	10	17	0	n/a	
Number of reviews undertaken			7	4	4	3	3	n/a	
Number of reports issued (S.R. series)			7	2	3	3	3	n/a	
Number of matters referred to and accepted by scrutiny in the States			0	0	0	0	1	n/a	
Number of submissions over year period			104	63	60	148	156		
Budget 2007		£ 524,708.00	£ 80,000.00	£ 80,000.00	£ 80,000.00	£ 80,000.00	£ 80,000.00	£ 104,708.00	£ 20,000.00
Expenditure 2007 (JDE)		£ 230,786.83	£ 54,904.95	£ 18,731.41	£ 29,926.47	£ 21,142.75	£ 50,950.33	£ 51,526.07	£ 3,604.85
Advisers and Speakers			£ 53,141.96	£ 10,663.97	£ 6,828.29	£ 18,549.61	£ 38,523.44		
<i>Advisers</i>	<i>Centeniers' Role – Magistrate's Court</i>					£7,086.58			
	<i>Overdale</i>					£175.00			
	<i>Early Years</i>					£11,288.03			
	<i>GST</i>	£21,216.90							
	<i>Zero-Ten</i>	£15,902.31							
	<i>JCG</i>	£4,628.40							
	<i>Overseas Aid</i>	£5,926.69							
	<i>Migration Policy</i>	£5,467.66							
	<i>Waterfront</i>	£1,900.00							
	<i>Air Quality</i>								



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	<i>Housing Property Plan</i>						
	<i>Income Support</i>						
	<i>Telecoms</i>		£10,663.97				
<i>Speakers</i>	<i>Phone Masts</i>						
<i>Number of Sub-Panels</i>		6	1	0	0	3	
			<u>Telecoms</u>			<u>Income Support</u>	
Sub-Panel Hearings		9	3			9	
		—					
Sub-Panel Hearings		10				18	
Sub-Panel Hearings		4				8	
Sub-Panel Hearings		2					
Sub-Panel Hearings		0					
Sub-Panel Hearings		2					

5. THE STATES GREFFE



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5.1 Introduction

The 2006 Annual Report referred to the significant transformation of the services provided by the States Greffe in December 2005 as a result of the move to ministerial government. 2007 showed that the new structures that had been put in place were working well and the States Greffe was able to continue to offer an effective service to the Assembly and its members.

5.2 Committee Clerks' Section

The Clerks have maintained strong links with Departments, especially in relation to the 'LiveLink' system for recording Ministerial Decisions. A total of 1,414 Ministerial Decisions were dealt with in 2007 (*1,259 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 continued to ensure that items which needed to be brought to the States were notified to the States Greffe by the Executive.

Department	Number of decisions	
	2007	2006
Planning and Environment	332	241
Economic Development	233	231
Treasury and Resources	140	134
Property Holdings	107	110
Transport and Technical Services	119	98
Home Affairs	85	87
Housing	87	84
Education, Sport and Culture	56	78
Social Security	93	67
Health and Social Services	86	67
Chief Minister's	75	58
States of Jersey Police	1	4
TOTAL	1,414	1,259

The Clerks also provided impartial and professional support and advice on procedural matters to Executive and non-Executive Departments and produced official records of proceedings for 192 meetings during 2007 (*182 in 2006*).

Meetings	2007	2006
Overseas Aid Commission	35	38
Council of Ministers	30	38
Privileges and Procedures Committee	29	32
Planning Applications Panel	26	19
Planning Hearings (Minister for Planning and Environment)	16	6
Public Accounts Committee	14	<i>n/a</i>

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States Employment Board	12	<i>14</i>
Legislation Advisory Panel	7	<i>6</i>
Probation Board	6	<i>6</i>
PPC Sub-Panel on Complaints	5	<i>1</i>
Tourism Development Fund Advisory Panel	5	<i>5</i>
Manual Workers' Joint Council	3	<i>2</i>
Criminal Injuries Compensation Board	2	<i>5</i>
Commission Amicale	2	<i>3</i>
Tourism Development Board	0	<i>5</i>
Civil Service Forum	0	<i>2</i>
TOTAL	192	<i>182</i>

The Clerks' Section also has responsibility for editing the Official Report ('Hansard') of States meetings (see 5.9 below) which was a considerable task, particularly in busy periods when the Assembly sat for several consecutive days.

5.3 Scrutiny Office

The Scrutiny Office that began work in earnest in late 2005 is now a very significant Section within the States Greffe. The Section grew to a total of 13 staff in 2007 in response to the creation of a 5th Scrutiny Panel. Section 4 of this Annual Report explains in detail the work of the Scrutiny function and gives information about the work and staffing of the Scrutiny Office.

5.4 Publications Editor

The new Ministerial Decision system required procedural changes to be implemented to ensure that States matters were notified to the States Greffe in a timely and efficient manner. Whilst Committee Clerks monitored the LiveLink system and informed the Publications Editor of matters for lodging, officers from other Departments were now also required to play a more proactive role in this process. Throughout 2007 procedures were adjusted and modified to ensure that all matters, especially Orders, could be effectively processed by the Publications Editor and included on the States Order Paper.

Changes in Standing Orders in December 2005 relating to the timescale for lodging propositions meant that instead of matters being lodged weekly, items can be lodged on a daily basis. Although it was anticipated that this would spread the work out more evenly, experience has shown that there remains a last-minute rush to lodge items on States meeting days to fit with the required minimum lodging periods before debate.

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5.5 States Assembly Information Centre

Towards the end of 2007 plans were developed to refurbish and revamp the States Bookshop.

With the increase in online downloads of documents, Bookshop sales levels have fallen considerably in recent years, and it was considered an appropriate time to reconsider how the staff and space could best be utilised.

In early 2008, a new system will be installed in the public area which will allow leaflets, reports and other data to be displayed in a more creative, attractive and accessible manner. It is envisaged that the area will provide designated display areas for the work of the States Assembly, Scrutiny, the Public Accounts Committee, Controller and Auditor General, as well as information about the Commonwealth Parliamentary Association, Assemblée Parlementaire de la Francophonie and various initiatives such as the Jersey Youth Assembly and Primary School visits to the Chamber.

Whilst some displays will be static, several, particularly those pertaining to the work of the States Assembly, will be updated on an almost daily basis to ensure that the information on display is current, relevant and engages the public's interest.

5.6 Registry

In addition to its existing role providing an organised and thorough source of information, the Registry Section has 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 www.gov.je website to be accessed by the public.

5.7 Reprographics

Although the demise of the Committee system at the end of 2005 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 Reprographics Section produced all Scrutiny Reports as well as a large number of documents for other Departments. The work of the States and the printing of all legislation continued to provide the bulk of the Section's workload.

5.8 Staffing changes

In March 2007, Mrs. Lisa Hart commenced work as Assistant Greffier, having been recruited from the Committee Clerks' Section. Her vacant position was filled by

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Mr. Ian Clarkson, who returned to the Committee Clerks' Section after a period working in Scrutiny. The Department said farewell to Mrs. Vicki Lavarack, the Greffier's Secretary, who retired in July 2007 after 20 years at the Greffe, and welcomed Mrs. Lyn Houguez who took up her post in September 2007.

Mr. Tim Oldham, Mr. Malcom Orbell and Mrs. Liz Kingston-Walsh joined the Greffe as Scrutiny Officers during 2007 and the Department said farewell to Mrs. Jane Rueb, Scrutiny Administrator in early December 2007, when she left to take up her new post as the Bailiff's Personal Assistant.

The Department was deeply saddened by the loss of its longest serving member of staff, Mrs. Kristine Kelly, who passed away suddenly and quite unexpectedly on 15th December 2007. Kris had worked at the Greffe for over 30 years as the senior Administration Assistant and had been looking forward to retirement at the end of January 2008.

5.9 Official Report ('Hansard')

January to December 2007 saw 3,438 pages of States Assembly and 4,304 pages of Scrutiny Panel/Public Accounts Committee proceedings transcribed and uploaded to the States Assembly website (www.statesassembly.gov.je and www.scrutiny.gov.je). *[December 2005–December 2006 figures were 3,098 and 3,444 respectively.]*

The method of transcription of proceedings is an example of modern technology in action. Following each sitting of the Assembly the digital audio recording is uploaded from the recording equipment in the States Chamber to a secure website and then downloaded by transcribers in New Zealand who work for the transcription company selected following a tendering process in 2005.

The resultant 'first draft' of text is e-mailed to the States Greffe from New Zealand the following week. This is then edited to remove any hesitations and redundancies in the spoken word and to verify the spelling of local names, etc. prior to uploading to the States Assembly website. The style of the Official Report will be kept under review in the light of experience as the service is operated. As a parliamentary record, it is important that Jersey's 'Hansard' accurately and fairly reflects proceedings, and some light editing is sometimes required to achieve this.

Experience in 2007 has shown that the transcript of proceedings has become a very useful service for States members and others to check on what was actually said in the Assembly and it is an important tool to hold Ministers and others to account.

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5.10 States Assembly website

The States Greffe continued to maintain the States Assembly website www.statesassembly.gov.je throughout 2007 and the site has clearly become the principal source of information about the work of the Assembly for many people.

Activity statistics relating to the site show an ever-increasing usage, with a total of 2,181,100 hits during the year and a monthly average of 16,637 visitors. This compared to a monthly average of 15,882 visitors during the last 6 months of 2006 (statistics filtered to exclude automatic access by search engines during indexing).

	<i>Hits</i>	<i>Visitors</i>
January	248,029	17,268
February	224,078	16,869
March	250,687	19,281
April	228,089	16,558
May	212,875	17,127
June	163,747	16,612
July	124,624	15,972
August	111,140	14,962
September	159,777	15,757
October	161,334	16,791
November	167,235	18,648
December	129,485	13,809
TOTALS	2,181,100	199,654

5.11 Primary School visits to the States Chamber

In June 2007, the Assistant Greffier, Mrs. Lisa Hart, and the Cultural Development Officer from the Education, Sport and Culture Department, Mr. Rod McLoughlin, piloted a States visit scheme which was then implemented from autumn 2007.

The scheme, which involves all Year Five (aged 9 and 10) primary school children from both the States funded and private sector, runs throughout the school terms and enables each school to visit the States Chamber on a Monday morning. The children sit in the seats usually occupied by States Members and use the voting system during a mini debate on a topic of their choice. Three of the children take the rôles of the Greffier, the Dean and the Usher.

The children receive a leaflet before their visit, prepared by the Assistant Greffier and Publications Editor, using photos taken by our Registry Assistant and artwork by the Assistant Greffier, which gives an overview of the work of the States. A DVD/PowerPoint presentation has also been developed by Rod McLoughlin to be downloaded by the schools prior to their visit, in order to prepare the children for their 'sitting'. The DVD provides some historical information regarding the Chamber and

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the evolution of the States. In addition it highlights the procedural aspects of a States meeting, which the children's visits mirror as closely as possible.

During the first autumn session 15 schools and a total of 487 children visited the Chamber. Each child was presented with a copy of their proposition, an Order Paper, an information sheet concerning the States member whose seat they had taken and a certificate to commemorate their involvement in the visit. It is anticipated that the scheme will encourage local children to take more of an interest in how their Island is governed and will dovetail with the citizenship curriculum to promote participation in elections, especially since the reduction in the voting age to 16.

A number of visits from secondary school children also took place during the year, with some groups coming into the Chamber gallery during States meetings, whilst others came into the Chamber with officers of the States Greffe at other times when a presentation on the work of the Assembly and a question and answer session can take place.

5.12 Jersey Youth Assembly – 21st March 2007

The tenth Youth Assembly was held in the States Chamber on the afternoon of Wednesday 21st March 2007. The event, which is sponsored by the Jersey Branch of the Commonwealth Parliamentary Association, included debates on topics selected by the students as well as a Question Time, all of which mirror a normal States meeting. This was the first year in which the event was held on a Wednesday, in order to ensure that Ministers would be able to attend for Question Time (as the event had previously clashed with Council of Ministers meeting dates).

During the Assembly, which was presided over by the Vice-Chairman of the Jersey CPA Branch, Senator Len Norman, the prospective politicians followed the same protocols as their adult counterparts. Deputy Guy de Faye, Minister for Transport and Technical Services, Senator Mike Vibert, Minister for Education, Sport and Culture and the Chief Minister, Senator Frank Walker answered questions from the young participants regarding recycling, the possibility of the Island becoming independent from the United Kingdom, States Members' conduct, the cost of a university education and the provision of more facilities for young musicians. The Chief Minister also 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 the raising of the legal driving age to 18, an increase in resources for young people, the affordability of returning to Jersey after graduation, the adoption of an authoritarian regime in the Island and the proposal that criminals should only receive a custodial sentence in extreme circumstances.

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Appendix D

MEMBERSHIP OF THE STATES ASSEMBLY ON 1st JANUARY 2007

(Article 2 of the States of Jersey Law 2005)

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

His Excellency the Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E., His Excellency the Lieutenant Governor (Appointed June 2006).

	<i>First elected</i>
Senator Stuart Syvret	13.12.90
Senator 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 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 Michael Keith Jackson of St. Brelade	11.11.05
Connétable Silvanus Arthur Yates of St. Martin	30.06.06
Connétable Graeme Frank Butcher of St. John	08.12.06
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 Hérisier 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).
