

States - 21st November 2006.

THE STATES, adopting the proposition, as amended, of Senator Ben Edward Shenton –

- (a) requested the Privileges and Procedures Committee to present to the States as soon as practicable, and no later than 30th June 2007, a report reviewing the first 12 months of Ministerial Government, together with any recommendations for improvement, following consultation with the Council of Ministers, members of the States and any other interested parties, and to include comment on the operation of both the Council of Ministers and Scrutiny, examining the strengths and weaknesses of current processes, and paying particular attention to the structure of the strategic plan, its relevance, and its separation from the States Business plan.
- (b) agreed that the review should have the terms of reference, as amended, set out in the Appendix to the report of the Privileges and Procedures Committee dated 7th November 2006, as follows –

Ministerial Government Review – terms of reference

- (1) to review the operation of the Council of Ministers and, in particular –
 - (i) the nature of matters listed on the agenda of meetings of the Council and the timeliness and effectiveness of decision-making;
 - (ii) the extent to which decisions are taken by the Council as opposed to individual Ministers;
 - (iii) the relationship between the Council and other members of the States;
 - (iv) the provision of information to members of the States and the public about the work of the Council.
- (2) to consider the rôle of Ministers and Assistant Ministers and, in particular –
 - (i) the relationship between Ministers and the Council of Ministers;
 - (ii) the relationship between Ministers and Assistant Ministers;
 - (iii) and the timeliness and effectiveness of decision-making by Ministers and the manner in which ministerial decisions are recorded and disseminated;
 - (iv) the level of administrative support available to the Council of Ministers, Ministers and Assistant Ministers.
- (3) to review the structure and operation of the scrutiny function (namely the scrutiny panels and the PAC) and, in particular –
 - (i) whether the panels and the PAC are fulfilling their terms of reference as set out in Standing Orders and whether those terms of reference remain appropriate;
 - (ii) the relationship between the panels/PAC, Ministers and the Council of Ministers;
 - (iii) whether the present allocation of subject areas to the 5 scrutiny panels is appropriate;

- (iv) whether the level of financial and manpower resources allocated to the scrutiny function is appropriate and whether adequate financial control is in place;
 - (v) the degree and nature of co-operation received from Ministers and Departments
 - (vi) whether the procedures governing the manner in which the scrutiny function is able to review draft policies and draft legislation are appropriate;
 - (vii) the impact of the establishment of the scrutiny function on the workload of other States Departments, including the non-Executive Departments;
- (4) to review the operation of the Chairmen's Committee and, in particular –
- (i) whether the Committee is fulfilling its terms of reference as set out in Standing Orders and whether those terms of reference remain appropriate;
 - (ii) the relationship between the Committee and the scrutiny panels/PAC;
 - (iii) the relationship between the Committee and the Privileges and Procedures Committee;
 - (iv) the relationship between the Committee and the Council of Ministers.
- (5) to consider the impact of the introduction of the machinery of government changes on the operation of the States Assembly as the Island's legislature, and in particular –
- (i) whether the statutory provisions on the approval of the common strategic policy of the Council of Ministers ("the Strategic Plan") are appropriate;
 - (ii) the relationship between the Strategic Plan and the Annual Business Plan;
 - (iii) whether any changes have been made to the authority of the States Assembly by the new system and, if so, whether those changes have been appropriate.
- (6) to review the success or otherwise of the operation in December 2005 of the current procedures for the appointment of the Chief Minister, Ministers, Assistant Ministers and the Chairmen and members of the Chairmen's Committee, the PAC and the scrutiny panels.
- (7) To consider any other matters deemed relevant to this review.