

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**SCRUTINY MANAGEMENT COMMITTEE**

**ANNUAL REPORT 2018**

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

15 April 2019

Dear Sir,

I am pleased to present the Scrutiny Management Committee's Annual Report for 2018.

In 2018, the Scrutiny Management Committee continued to hold a significant number of public hearings. We also continued to undertake major evidence-led reviews related to substantial policy issues, such as the review of 'In-work Poverty' which was debated by the Assembly in January 2019.

We have always believed that it was important to conduct regular public hearings as this allows us to monitor the progress being made by Committees against their policies, to analyse their management of resources and to help identify areas of significant concern that might justify a major review. Importantly, public hearings facilitate transparent scrutiny in the public domain allowing new information to be highlighted which may previously have been overlooked or simply not released. At the same time, conducting full evidence-centred reviews of policy and financial matters are also a critical focus for us.

The Scrutiny Management Committee continues to adopt a strategic approach ensuring we prioritise carefully matters requiring formal scrutiny. We have limited resources and cannot hope to attend to every issue that arises.

In 2019, our main focus will be on a challenging and interesting work programme comprising four new reviews: the Access to Public Information regime; the Capital Allocation process; the Recruitment and Retention of key public sector workers; and oversight of an efficiency review of Aurigny, to be carried out jointly with the States' Trading Supervisory Board.

The Scrutiny Management Committee also looks forward to considering the forthcoming Policy Letter from the Committee *for* Education, Sport & Culture due to be published in May. Additionally, we will consider issuing Letters of Comment as and when appropriate relating to government policy of significant political and public interest.

Yours faithfully



Deputy Chris Green

President, Scrutiny Management Committee



Scrutiny Management  
Committee

# Scrutiny Management Committee



2018

Annual Report

States of Guernsey

Scrutiny Management Committee

[www.gov.gg/scrutiny](http://www.gov.gg/scrutiny)

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## 1. Executive Summary

This Annual Report outlines some of the work of the Scrutiny Management Committee during 2018. It also provides the Scrutiny Management Committee with an opportunity to comment on the effectiveness of the overall scrutiny framework during the same period.

The Scrutiny Management Committee provides structured and co-ordinated scrutiny of policy and services, financial affairs and legislation. We believe that, since formation in 2016, it has had a direct influence on shaping existing and future government policy. The updated process established in May 2016 has thus far been largely accepted by Committees and it has demonstrated effective, credible scrutiny.

In this political term the Scrutiny Management Committee has introduced a number of changes in the scrutiny approach such as increasing the number and frequency of public hearings. We believe that this has increased public and political awareness of key policy areas and added to transparency in the Government. To date in this political term we have held 16 public hearings which have scrutinised the Policy & Resources Committee, all Principal Committees and the States' Trading and Supervisory Board on progress in achieving their stated policies as well as critical parts of their responsibilities.

In terms of its financial scrutiny role, undertaken by the Financial Scrutiny Panel, the Scrutiny Management Committee has conducted a review and subsequently highlighted recommendations to improve the clarity of the States' Accounts; continued to review the post-implementation reports of capital projects; examined the reports of the Internal Audit Unit; and reviewed the progress made to ensure that such recommendations are properly considered and implemented. However, in its effort to collaborate with other Committees, the Financial Scrutiny Panel work programme has been frustrated on certain reviews it decided to undertake. Currently, there are reviews in the pipeline which will be actioned in 2019.

The Scrutiny Management Committee believes through its experience gained to date that the new system of government is failing to allow sufficient scrutiny of financial matters. It is our collective opinion that the States of Guernsey must provide greater financial transparency and we continue to monitor developments closely. We believe additional access to information and the ability to influence policy, as enjoyed by other jurisdictions, would significantly improve the current position.

In addition, the Scrutiny Management Committee has overseen the work of the Legislation Review Panel which has sought, within the limited resources available and the constraints of its mandate<sup>1</sup>, to consider the ongoing legislative programme. The current Members, whilst adeptly providing due consideration of legislation presented to the Panel, are frustrated by the limitations of the current system of legislative scrutiny and collectively believe additional importance and priority should be given to legislative scrutiny by the States of Guernsey.

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<sup>1</sup> To carry out the functions of legislative scrutiny in Article 66 of the Reform Law and also to recommend any changes to legislation from which it believes the Island may benefit

## **2. The role of the Scrutiny Management Committee**

The role of the Scrutiny Management Committee is to ensure all Committees are meeting the policy and financial objectives outlined by the States of Guernsey and that they are delivering their services effectively and efficiently. This role is undertaken in conjunction with the collective parliamentary scrutiny process that is fulfilled by individual members of the States Assembly. Scrutiny in Guernsey can only function effectively in its current form with the full cooperation of States' Members and the public sector. This requires recognition that the work of scrutinising policy, services, financial matters and draft legislation, is a vital function in our system of government.

Generally speaking, the nature of the Scrutiny Management Committee's work has to be largely retrospective if it is to deal in facts and make conclusions about evidence. Whilst our Members understand the call for 'real-time' scrutiny where possible, it is not appropriate or possible in our system of government for the Scrutiny Management Committee to question constantly the work of every States' Committee. That real time scrutiny is or at least ought to be the role of the individual members of policy making Committees who, under our system of government, are not bound by collective responsibility and are empowered to robustly challenge decisions. That said, the appropriate use of 'snap' public hearings can help to provide more timely scrutiny when possible and feasible.

The Scrutiny Management Committee's mandate also makes it clear that it is not intended to act as an Opposition would under an executive system of government. That is not how our system is designed. Nor should we react to every single development or issue within the Government, or in Island life.

The possibility of the Scrutiny Management Committee being granted the powers, customary in most parliaments, to require the attendance of witnesses at public hearings and the supply of documents as outlined in the January 2016<sup>2</sup> Policy Letter, will be a significant step forward. The expectations that are placed by some on the Scrutiny Management Committee within the current system of government are unrealistic unless they are accompanied by further powers and resources. The Scrutiny Management Committee believes the implementation of the States Review Committee's recommendations to strengthen powers available to the new Scrutiny Management Committee may allow this Committee to start to address expectations of both the public and media.

## **3. Membership**

The Scrutiny Management Committee had a change in membership in 2018. Deputy Peter Roffey resigned in March to become a Member of the Committee *for* Education, Sport & Culture, Deputy Jennifer Merrett was elected onto the Scrutiny Management Committee and Deputy Laurie Queripel was elected as Vice-President.

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<sup>2</sup> The Scrutiny Management Committee - Powers, Resources & Impartiality - Feb 2016

## **Scrutiny Management Committee Members;**

Deputy Chris Green – President

Deputy Laurie Queripel – Vice-President

Deputy Jennifer Merrett – Member

Advocate Peter Harwood – Non-States Member

Mrs Gill Morris - Non-States Member

## **4. Public Hearings**

In this term, the Scrutiny Management Committee has already conducted public hearings with the Presidents and relevant senior public servants from all of the main Committees. In 2018, the public hearings focused on the 'Transformation' agenda and how it relates to the Policy & Resource Plan. The Scrutiny Management Committee public hearings are purposely not intended to be full reviews, but they do offer a real opportunity for the public to see their political leaders being held to account. This was demonstrated to good effect in the public hearings held with the 3 major spending Committees; the Committee *for* Health & Social Care, the Committee *for* Home Affairs and the Committee *for* Education, Sport & Culture. These public hearings enabled us to establish clearly how much progress had been made regarding transformation.

The public hearings have a number of advantages over States' debates and parliamentary questions posed in States' meetings. Questioning is of a type which allows a specific line of inquiry to be pursued for longer and in greater detail; both politicians and senior officers can be questioned; and there can be an inquisitorial approach to Committee Presidents with a level of challenge that is neither discourteous nor timid allowing additional information to be extracted about States' affairs than was known previously in the public domain.

During 2018 the Scrutiny Management Committee held two area-specific public hearings in order to obtain further clarity and detail regarding significant issues of public interest. The first related to progress made on the implementation of the Disability & Inclusion Strategy which appeared to have become stagnant. The second was regarding the publication of Her Majesty's Inspectorate of Constabulary (HMIC) Report, which raised public concern over the strategic direction and management of Bailiwick Law Enforcement by the Committee *for* Home Affairs.

## **5. Financial Scrutiny**

The Financial Scrutiny Panel's role involves reviewing the annual Accounts and Budget of the States of Guernsey to determine any areas requiring further investigation; liaising with P&R in relation to the Audit; working closely with the Internal Audit Unit of the States whilst reviewing reports from that unit with regard to value for money issues; reviewing post-implementation reports of capital projects to ensure that 'Lessons to be Learned' are being disseminated and acted upon accordingly; and undertaking value for money reviews as agreed by the Scrutiny Management Committee.

Financial scrutiny also includes monitoring progress made by previous Public Accounts Committee, Scrutiny Committee and Scrutiny Management Committee investigations and recommendations, to ensure that such recommendations have been properly considered and implemented.

The Scrutiny Management Committee strongly believes that additional financial scrutiny should take place in future to ensure that the significant resources of the government are managed effectively. At the moment, overall financial scrutiny in Guernsey is limited in comparison with similar jurisdictions and it is clear the current approach applies less challenge and oversight than was applied under Guernsey's previous system of government or in comparative jurisdictions. The question should therefore be posed to Elected Members and the public whether Guernsey has correctly gauged the level of financial oversight required. Financial scrutiny will be applied to two specific areas in 2019; in relation to the Capital Funding process and Recruitment and Retention of States' key workers.

The Scrutiny Management Committee believes through its experience gained to date that the new system of government is failing to allow sufficient scrutiny of financial matters. It is our collective opinion that the previous system of government which included the Public Accounts Committee had greater strength in its ability to appropriately examine States' financial matters and hold those responsible for the public purse to account, for example by appointing and closely monitoring the work of the external auditors. The Scrutiny Management Committee through its Financial Scrutiny Panel works hard to provide robust scrutiny as appropriate and while some progress has been made, overall we consider this to be an area of weakness in the current system of government that should be addressed.

## **6. Legislative Scrutiny**

The Legislative Review Panel has continued to review, approve and direct legislation be transmitted to the States for consideration as appropriate. The Legislation Review Panel had a busy year in 2018 considering a plethora of legislation. The Law Officers of the Crown who, as their UK counterparts, are in the midst of drafting the exiting of the European Union (Brexit) laws were also extremely busy.

Proposed legislation has to be considered extremely promptly (usually within a 4 week period). The absence of a 'Committee' stage or the opportunity for detailed review from a second chamber places a significant burden on Members of the Legislation Review Panel.

The current Members, whilst providing due consideration of legislation presented to the Panel, are frustrated by the limitations of the current system of legislative scrutiny and collectively believe additional importance and priority should be given to legislative scrutiny by the States of Guernsey. Members have also expressed concern that on occasion the correct process for agreeing draft legislation via the Legislation Review Panel is not being followed.



## **7. Powers, Resources and Impartiality**

In pursuance of the Resolutions of the 18<sup>th</sup> February 2016<sup>3</sup> and after consideration of the Policy Letter dated 23<sup>rd</sup> December 2015, of the Scrutiny Committee and the Public Accounts Committee, it was agreed that legislation be drafted;

(a) making provision for the Scrutiny Management Committee to have the power to send for persons, papers and records as set out in paragraphs 2.3 to 2.6 of that Policy Letter and;

(b) extending legal privilege to those providing evidence to the Scrutiny Management Committee's hearings and reviews as set out in paragraph 2.24 of that Policy Letter.

This legislation will be presented to the States of Deliberation in 2019 and if agreed, will enable the Scrutiny Management Committee to undertake its work more effectively and efficiently by having access to all the relevant information it requires and hearing evidence from the most appropriate people. The proposed legislation provides the Scrutiny Management Committee with the powers to undertake its work in an open and transparent manner without hindrance.

## **8. Review – In-work Poverty**

The 'In-work Poverty Review' commissioned by the Scrutiny Management Committee set out to review the current policies and strategies of the States regarding 'in-work poverty' and the effectiveness of their implementation. The aim of the review was to make recommendations leading to a meaningful reduction in the number of Islanders experiencing in-work poverty in a timely manner. The review process was conducted throughout 2017 and 2018 in two main phases. The first report, published in 2017, made comment on the Panel's interim findings whilst the second report, published in November 2018, made substantive recommendations and was debated by the States in January 2019.

The Scrutiny Management Committee made a number of recommendations for future action aimed at reducing in-work poverty. These include a proposed review of the relevant elements within the current benefit and tax system, recommendations to improve data collection relevant to in-work poverty, a review of aspects of existing housing policy and, a review of possible measures to improve equity of access to both primary and emergency care.

When this Policy Letter was considered by the Assembly a successful amendment was placed by the Policy & Resources Committee changing the original Propositions from being 'to direct' action into being 'to note' and including this work stream within the next iteration of the Policy & Resources Plan. In the opinion of the Scrutiny Management Committee this is likely to result in a significant delay in action being taken to address this key issue.

In their explanatory note the Policy & Resources Committee also expressed their view that the Scrutiny Management Committee should not seek to direct Principal Committees, despite

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<sup>3</sup> [The Scrutiny Management Committee - Powers, Resources & Impartiality - Feb 2016](#)

acknowledging that this is permissible within the Rules of Procedure. This assertion is deeply troubling for the Scrutiny Management Committee and if it becomes the accepted position clearly limits the powers and potential effectiveness of the Committee moving forward.

## **9. Public Engagement**

Since the beginning of its term of office, the Scrutiny Management Committee continues to hold regular public hearings with all the principal Committee Presidents in order to explore progress being made on the implementation of government policy and the management of public resources. A Hansard transcript is produced following each public hearing and is available online. The public hearings regarding the implementation of the Disability & Inclusion Strategy and the Committee *for* Education, Sport & Culture were also filmed and all these details along with comments from the Scrutiny Management Committee President can be accessed at <http://gov.gg/scrutiny> . We hope in the future the public hearings can also be live streamed.

### **Public Hearings held during 2018;**

<b>January</b>	Implementation of the Disability & Inclusion Strategy
<b>May</b>	Committee <i>for</i> Health & Social Care - Transformation
<b>September</b>	Committee <i>for</i> Home Affairs – Transformation
<b>November</b>	Committee <i>for</i> Education, Sport & Culture – Transformation
<b>December</b>	Committee <i>for</i> Home Affairs – Her Majesty’s Inspectorate of Constabulary Report

## **10. Member & Staff Personal Development**

A number of personal development activities have been undertaken in 2018 by both elected Members and staff. This has taken the form of in-house training, attending parliamentary conferences in Jersey and the Isle of Man and formal qualifications being undertaken as appropriate to support the work of the Scrutiny Management Committee.

In April Guernsey hosted the Committee Secretariat Network Meeting, which was attended by parliamentary clerks from the House of Commons, House of Lords, Isle of Man, States of Jersey, the National Assembly for Wales, the Northern Ireland Assembly, the Scottish Parliament and the Oireachtas. In September, Mrs Gill Morris and a staff member attended a Public Accounts Committee networking event in the Isle of Man along with politicians and staff from the above jurisdictions. This event was aimed at sharing best practice and developing approaches in the scrutiny of public finances and was found to be informative and beneficial, especially from a networking perspective.

In 2018, two members of staff achieved success on relevant academic qualifications. Suzanne Randle successfully completed a Chartered Management Institute Level 5 Diploma in Leadership

and Management and Lisa Wonnacott successfully completed the first year of a Post Graduate Diploma in Law.

## **11. Conclusions**

The Scrutiny Management Committee believes that during 2018 it played a significant role in scrutinising key areas of government policy and spending. It has done so through increasing the number and frequency of public hearings held as well as undertaking formal reviews, but also through dialogue that has influenced policy decisions. The work of the Scrutiny Management Committee is now much more visible than in the past. This effort to raise the public profile of the formal scrutiny process was a deliberate choice by the Scrutiny Management Committee and we are pleased by the positive feedback we have received from Members of the States and the wider community.

The Scrutiny Management Committee believes that additional financial scrutiny should take place in future to ensure that the significant resources of the Government are managed effectively. It is clear that the current approach is both cost effective and arguably proportionate. However, it is also clear that the current approach applies less challenge and oversight than was applied under the previous system of government in Guernsey or in comparative jurisdictions. It is important that the reality of the current position in this regard is understood.

The Scrutiny Management Committee are frustrated by the limitations of the current system of legislative scrutiny and collectively believe additional importance and priority should be given to legislative scrutiny by the States of Guernsey.

In 2019, the Scrutiny Management Committee will concentrate on conducting extensive reviews of four areas of significant concern. We will undertake major reviews of access to public information locally; the efficiency of Aurigny; the Capital Funding process; and the efficiency and effectiveness of the current Recruitment and Retention policy for key workers within the States of Guernsey. Additionally, we will conduct public hearings as and when required regarding matters of public concern that may arise periodically. In conclusion, we expect to build upon the strong 'scrutiny' foundations already laid during this political term and ensure that the scrutiny function continues to go from strength to strength.

## Appendix 1 - Scrutiny Reviews to date in this Political Term

### In-work Poverty Review

In 2003, the States of Guernsey considered a policy letter for an 'anti-poverty strategy' which was advised by research from the Townsend Centre, University of Bristol. This strategy identified a number of areas for action. In the subsequent years, further policy letters have been considered within the States of Guernsey that include, The Minimum Wage (2007); The Living Wage (2015), Measuring Poverty & Income Inequality (2016) and, Comprehensive Social Welfare Benefits Model (2016).

The 'In-work Poverty Review' commissioned by the Scrutiny Management Committee set out to review the current policies and strategies of the States regarding 'in-work poverty' and the effectiveness of their implementation. The aim of the review was to make recommendations leading to a meaningful reduction in the number of Islanders experiencing in-work poverty in a timely manner. The review process was conducted throughout 2017 and 2018 in two main phases. The first report published in 2017 made comment on the Panel's interim findings whilst the second report, published in November 2018, made substantive recommendations and was debated by the States in January 2019.

The review panel comprised: Deputy P Roffey (Chair), Deputy Laurie Queripel, Deputy Rhian Tooley, Mr Wayne Bulpitt, Dr Sue Fleming and Mr Paul Ingrouille. The Terms of Reference included the following areas;

- the adequacy of Guernsey's minimum wage;
- the impact of Guernsey's taxation and Social Security System on low income households;
- the current and future provision of In-Work benefits;
- the issues related to access to affordable healthcare provision;
- the issues related to access to affordable housing; and the impact of other States' charges on low income households.

### Conclusion

The In-work Poverty Policy Letter was released in November 2018<sup>4</sup> and was debated in the States of Deliberation in the early part of 2019. The main recommendations of the Report are;

- The issue of in-work poverty needs to be given higher priority by government
- Guernsey must do more to ensure those on modest incomes can access affordable accommodation

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<sup>4</sup> [Scrutiny Management Committee - In-work Poverty Review - Policy Letter](#)

- The cost of accessing primary and emergency health care is now a major issue for a substantial proportion of the local population and it is time for action
- A more focused approach is needed towards helping the less well-off through our tax and benefit system
- Improved information is required to quantify and monitor in-work poverty in Guernsey

## Appendix 2 - Attendees at Scrutiny Management Committee and Financial Scrutiny Panel Meetings

The Scrutiny Management Committee and Financial Scrutiny Panel received briefings from and posed questions to the following attendees at meetings held during 2018:

<b>January</b>	Scrutiny Management Committee	Briefing from a Crown Advocate – Legal Privilege
<b>March</b>	Scrutiny Management Committee	Policy & Resources Committee & the States’ Treasurer
<b>April</b>	Scrutiny Management Committee	The States’ Trading & Supervisory Board & Senior Management, Aurigny Air Services Limited
<b>May</b>	Scrutiny Management Committee	Policy & Resources Committee – The P&R Plan
<b>May</b>	Financial Scrutiny Panel	Policy & Resources Committee - Grants & Subsidies Review
<b>June</b>	Scrutiny Management Committee	The States’ Trading & Supervisory Board & Senior Management, Aurigny Air Services Limited
<b>June</b>	Financial Scrutiny Panel	The Head of Assurance, Mr Z Cheshire
<b>August</b>	Financial Scrutiny Panel	The Chief Operating Officer, Mr J Moriarty
<b>November</b>	Scrutiny Management Committee	Members’ workshop with Mr A Doherty
<b>December</b>	Scrutiny Management Committee	Personal representation from a States Member – Aurigny aircraft purchase

## Appendix 3 - Legislation Review Panel

The Legislation Review Panel (Legislation Review Panel) has reviewed, approved and directed the following legislation be transmitted to the States for consideration. The Panel also reviewed emergency legislation to be transmitted to the Policy & Resources Committee for enactment under provisions of Article 66A (1) of the Reform (Guernsey) Law, 1948.

### Legislation Review Panel Membership

Deputy C. J. Green (Chair)  
Deputy L. B. Queripel  
Deputy D. de G. De Lisle  
Deputy J. A. B. Gollop  
Deputy D. A Tindall  
Non-States Member - Advocate S. W. F. Howitt  
Non-States Member - Advocate M.G.A. Dunster

### Legislation Reviewed by the Panel in 2018

#### January

1. Liquor Licensing (Amendment) Ordinance, 2018
2. Administrative Decisions (Review) (Guernsey) (Amendment) Law, 2018
3. Armed Forces (Offences and Jurisdiction) (Bailiwick of Guernsey) Law, 2018

#### February

1. Social Insurance (Guernsey) (Amendment) Law, 2018

#### March

1. Data Protection (Commencement, Amendment and Transitional) (Bailiwick of Guernsey) Ordinance, 2018
2. Data Protection (Law Enforcement and Related Matters) (Bailiwick of Guernsey) Ordinance, 2018

#### April

1. European Union (Brexit) (Bailiwick of Guernsey) Law, 2018
2. European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018
3. International Trade Agreements (implementation) (Bailiwick of Guernsey) Law, 2018
4. Income Support (Implementation) (Amendment) Ordinance, 2018
5. Alderney (Application of Legislation) (Income Support) Ordinance, 2018
6. Income Tax (Guernsey) (Approval of Agreement with San Marino) Ordinance, 2018
7. Electoral System Referendum (Guernsey) Law, 2018 (Commencement) Ordinance, 2018

**May**

1. The Land Planning and Development (Exemptions) (Amendment) Ordinance, 2018
2. The Alderney (Application of Legislation) (Adoption) Ordinance, 2018
3. The Road Traffic (Miscellaneous Amendments) Ordinance, 2018

**June**

1. Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 (Commencement and Amendment) Ordinance, 2018
2. Income Tax (Guernsey) (Amendment) Ordinance, 2018

**July 19 – Emergency Meeting**

1. The Republic of Maldives (Restrictive Measures) (Guernsey) Ordinance, 2018

**September**

1. Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018
2. Parochial Collection of Waste (Guernsey) Ordinance, 2018
3. Waste Management Services (Charging) Ordinance, 2018
4. Transfrontier Shipment of Waste (Guernsey) Ordinance, 2018
5. Sark Machinery of Government (Transfer of Functions) Ordinance, 2018
6. Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018

**October**

1. Income Tax (Guernsey) (Approval of Agreement with United Kingdom) Ordinance, 2018
2. Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018
3. Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018
4. Health Service (Benefit) (Amendment) Ordinance, 2018
5. Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2018
6. Severe Disability Benefit and Carer's Allowance Ordinance, 2018
7. Family Allowances Ordinance, 2018
8. Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2018
9. Probation (Bailiwick of Guernsey) Law, 2018
10. Referendums (Enabling Provisions) (Guernsey) Law, 2018
11. Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2018
12. Sanctions (Bailiwick of Guernsey) Law, 2018

**October 25 – Emergency Meeting**

1. The Chemical Weapons (Restrictive Measures) (Guernsey) Ordinance, 2018



**November**

1. Income Tax (Zero 10) (Company Intermediate Rate) (Amendment) (Guernsey) Ordinance, 2018
2. Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018
3. Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2018
4. Terrorist Asset-Freezing (Bailiwick of Guernsey) (Amendment) Ordinance, 2018
5. Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2018
6. Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) Ordinance, 2018
7. Merchant Shipping (Miscellaneous Repeals, etc.) (Bailiwick of Guernsey) Ordinance, 2018
8. Register of Driving Instructors (Guernsey) Law, 2018

## Appendix 4 - Scrutiny Management Committee Mandate

Constituted as a committee of the States with effect from the 1st of May, 2016 by resolutions of the States of the 9th of July, 2015 and the 27th of November, 2015.

- **Constitution**

A President who shall be a member of the States: provided that the President of the Scrutiny Management Committee shall not be the President or a member of the Policy & Resources Committee or the President or a member of any of the six Principal Committees; and two members who shall be members of the States: provided that a member of the Scrutiny Management Committee shall not be the President or a member of the Policy & Resources Committee or the President or a member of more than one of the six Principal Committees; and two voting members who shall not be members of the States and who shall be elected by the States.

- **Duties & Powers**

To lead and co-ordinate the scrutiny of committees of the States and those organisations which are in receipt of public funds, or which have been established by legislation, by reviewing and examining legislation, policies, services and the use of monies and other resources.

As far as is reasonably practicable, to appoint scrutiny panels (whether task and finish or standing panels) to carry out the work of reviewing and scrutinising committees' policies and services and their management of monies and other resources entrusted to them: provided that neither the President nor the members of the Policy & Resources Committee shall serve on such scrutiny panels and also provided that the Committee retains the power, if it so wishes, to carry out any review itself rather than through an appointed panel and also provided that the Committee shall at all times be responsible, and accountable to the States, for everything done by the Committee and any panels it has appointed, including the content of any report issued under its name.

To appoint a Legislation Review Panel to carry out the functions of legislative scrutiny in Article 66 of the Reform Law and also to recommend any changes to legislation from which it believes the Island may benefit: provided that the Committee shall at all times be responsible, and accountable to the States, for everything done by the Legislation Review Panel; and to constitute the Legislation Review Panel as follows: a President who shall be a member of the Scrutiny Management Committee and also a member of the States, a minimum of four other States' members, a minimum of two non-voting members who shall not be members of the States, and any number of additional and occasional non-voting members as the Scrutiny Management Committee sees fit for the purposes of review of any item of legislation or any other matter: provided that such additional and occasional non-voting members may or may not be members of the States and also provided that neither the President nor the members of the Policy & Resources Committee shall serve on the Legislation Review Panel.

To scrutinise any matter contained in a policy letter which has been referred to the Committee by resolution of the States in accordance with any terms set out in the resolution and to submit to the

States its findings thereon within a period of time set out in the resolution, which findings, together with the original matter, shall be laid before the States.

To promote and facilitate the participation in scrutiny of the widest possible range of States' members and persons independent of the States.

When determining the subject of its reviews and examinations, to pay particular attention to the performance of committees in contributing to States' objectives and policy plans and to matters which are of substantial importance or of significant public interest.

To recognise that the carrying out of scrutiny in public where possible is likely to contribute positively to public perceptions of scrutiny.

To submit a report to the States annually which reviews the work of the Committee and its panels over the previous 12 months and which sets out the Committee's objectives and, to the extent that it is possible while retaining a flexible and responsive approach to scrutiny, an indicative programme of work over the next 12 months.

To represent the work of scrutiny in the States, and publicly to promote and champion the value of scrutiny.

To advise the States if and when in its opinion circumstances justify the establishment of a Tribunal of Inquiry in accordance with the Tribunals of Inquiry (Evidence) (Guernsey) Law, 1949, as amended.

To exercise powers and perform duties conferred on the Committee by extant States' resolutions, including those resolutions or parts of resolutions which relate to matters for the time being within the mandate of the Scrutiny Management Committee and which conferred functions on the former Legislation Select Committee, Public Accounts Committee and Scrutiny Committee.

To fulfil the responsibilities set out in Annex One to the mandates of committees of the States.

- **Operational Functions**

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee in Annex Two to the mandates of committees of the State.