

STATES OF JERSEY



JERSEY CONSUMER COUNCIL: RE- APPOINTMENT OF CHAIRMAN (P.23/2024) – COMMENTS

Presented to the States on 17th May 2023
by the Economic and International Affairs Scrutiny Panel

STATES GREFFE

COMMENTS

Background

These Comments set out considerations of the Economic and International Affairs Scrutiny Panel ('Panel') in light of the Re-appointment of Jersey Consumer Council Chair ([P.23/2024](#)), lodged by the Minister for Sustainable Economic Development (The Minister) on 23rd April 2024.

P.23/204, if adopted, will reappoint Mr. Carl Walker as Chairman of the Jersey Consumer Council (JCC) for a further term of 3 years with effect from 14th April 2024. having has served as the Chair since 14th April 2018.

Changes to the Constitution

The Constitution of the JCC has recently been updated, as outlined in [R.61/2024](#), which has extended the maximum tenure of the Chair and Council members to up to nine years (increasing these from the previous six consecutive years).

The Minister informed the Panel of the anticipated changes to the JCC Constitution via a letter of [9th February 2024](#), prior to his approval via Ministerial Decision ([MD-SED-2024-308](#)) in April 2024.

The Minister first outlined that the JCC Constitution was anticipated to be updated in the following ways:

- Expansion of the objectives of the Council to include reference to:
 - i. Promoting the interests of young people as consumers and raise awareness of their rights as consumers.
 - ii. to consider the availability of choice for consumers including the ability to make resilient purchasing decisions that could include consideration of: financial, social, material, natural, cultural, experiential and intellectual forms of capital.
- Maximum tenure of the Chair and Council members to be extended to up to nine years (increasing it from the current six consecutive years).
- Removal of the limit on the number of volunteer council members permitted.
- Amendments to definitions to correct references to the now defunct CICRA to the Jersey Competition Regulatory Authority.

The Panel was provided a provisional draft of the proposed JCC Constitution, with a subsequent updated version forwarded which also:

- changed a few more incorrect acronyms (EDD rather than ECON etc.)
- removed the necessity for the JCC to formally appoint the permanent advisors
- removed the upper limit on members of the public who could be members.
- removed the requirement for volunteer Council Members to have their personal email addresses published on the Council's website.

The Panel wrote to the Minister on the [22nd March 2024](#) to outline its views of the proposed changes and question reasoning for the additional changes.

The Minister responded on [28th March 2024](#), providing clarification on the removal of the permanent advisors indicating that since 2018 a more flexible and proactive approach to engagement had been pursued and the JCC does not consider it necessary for them to be appointed as named individuals. It was highlighted that this revised approach was agreed with the outgoing Council members and overseen by the Jersey Appointments Commission.

The Panel is generally content with the altered objectives and welcomes the increased consideration of young people, and promotion of their rights, as consumers. The Panel is also pleased to see the specification for consideration of the availability of choice for consumers within the proposed constitution.

Although the Panel holds some concerns on the alteration of the specified position of advisors within the JCC Constitution it is accepting that some flexibility is needed, however, it would expect the Minister to ensure that the JCC and its Chair are indeed engaging with the previously specified advisors where appropriate.

Likewise, although the Panel notes the additional flexibility provided for by the removal of the upper limit on members of the public who could be JCC members, it would expect the Minister to ensure that this is not taken to extremes.

Chair Tenure Length

Although the Panel is generally content with the updates to the JCC Constitution, it does however, wish to highlight some points for consideration. Although the Panel does not look to pass judgement specifically on re-appointment of Mr Walker as an individual, re-appointment does raise questions about the future procedure following the extension of the maximum term from 6 to 9 years.

The Panel was initially questioning of the extension, querying the original purpose of the 6 year term. The Minister has highlighted this was established to allow for fresh ideas and visions, however, he believes a nine-year limit is still consistent with this goal and brings the JCC into line with most Arm's Length Organisations and States Owned Entities board limits. The Minister has indicated that he would not support a further extension beyond nine years.

The Minister has indicated that he believes extension of the term will allow for continuity and stability during a period of high inflation and cost of living challenges. The Minister also highlights that the current Council members have been through a unique set of challenges during their six-year tenure, including the COVID-19 pandemic and said cost of living crisis, and that the extension will allow progress on a number of projects which had been delayed by the need to urgently respond to these challenges.

The Minister has indicated that the JCC grant appraisals and Business Plans will continue to be monitored by the Economy Department and himself during the remainder of the term.

The Panel would highlight that recruitment of a future JCC Chair, by 14th April 2027 should P.23/2024 be adopted, will need to be conducted in good time. Whilst noting that the appointment will be made in accordance with the Jersey Appointments Commission Recruitment Code, the Panel believes that clarification of the recruitment and appointment process would be beneficial.

Similarly, clarification should be given as to whether the 9-year maximum tenure is counted on a consecutive basis or if individuals would be able to be appointed having previously served for a total amounting to that timeframe.

Conclusion

The Panel has undertaken consideration of the re-appointment of Mr Walker as Chair of the Jersey Consumer Council in the light of the extension of the tenure of the position from 6 to 9 years. The Panel makes no specific comment on the appointment of the Mr Walker as an individual, and is generally content with the appointment.

However, the Panel believes continued or enhanced oversight from the Minister for Sustainable Economic Development and Government of Jersey will be needed given the extension of the tenure to ensure the JCC continues to incorporate fresh ideas and visions into its Business Plan.

Clarification of the likely recruitment process and procedure for establishing length of service on a consecutive or total basis should also be provided.