

CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 20th June 2008

Meeting Number 83

Meeting held by electronic mail

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| Present | Deputy S C Ferguson, President Deputy R G Le Hérissier, Vice-President [for items 5(d) end, 5(e),9 &10] Deputy G P Southern Deputy D.W. Mezbourian Deputy J G Reed Deputy C.H. Egré, Vice-Chairman, Corporate Services [items 1,2,3,4, 5(a)(b)(c)(d)(f),6,7] Connétable K. Le Brun, Vice-Chairman, Environment [items 5(d)(e), 7, 8 & 9] |
| Apologies | Deputy R C Duhamel Deputy P J D Ryan Deputy A. Breckon |
| Absent | |
| In attendance | Mrs K. Tremellen-Frost, Scrutiny Manager |

| Ref Back | Agenda matter | Action |
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| | <p>1. Minutes of previous meetings</p> <p>The Minutes of the meetings of 23rd and 30th May, having been approved, were signed accordingly.</p> | |
| 23.05.08 Item 3 | <p>2. Away-day [Internal review into working practices]</p> <p>The Committee recalled that it had previously agreed that Panels should be consulted as to whether there was a need for an away-day. Very few comments had been received from panels, with two Panels firmly rejecting the concept. However, subsequent to further consideration it was agreed that there were a number of process and procedural issues which had occurred over the term of office which merited discussion. It was also agreed that any ongoing political issues needed to be considered and consolidated into a political legacy report to pass on to future Chairmen's Committee and Panels. The Committee consequently agreed that a half-day, preferable a morning should be identified. The following matters were raised:-</p> <ul style="list-style-type: none"> (i) Devising the forward work programme: challenges and lessons learnt; (ii) Internal review into working practices; (iii) Lessons learnt in giving guarantees to meet deadlines which suit Executive; (iv) Code of Practice/legal advice issues; (v) Recording of Ministerial decision and making of Orders - process and accessibility. <p>It was agreed that all Panels should consider the above and add any other items for discussion to be passed to the Scrutiny Manager for</p> | |

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| | subsequent consideration by the Chairmen's Committee. All Members should also note <u>the proposed date of 26th September 2008, time and venue to be arranged.</u> | KTF |
| 23.05.08 Item 6 | <p>3. Comptroller and Auditor General's spending review The Committee recalled that the Education and Home Affairs Scrutiny Panel had already undertaken to review issues identified in the above review. It was noted that the Economic Affairs Scrutiny Panel would discuss the matter at its meeting of 25th June 2008.</p> <p>The Committee noted a response from the Comptroller and Auditor General to a Chairmen's Committee letter requesting on what basis he had identified that scrutiny could manage with a reduction of £100,000 from its budget.</p> <p>The Committee noted the response and also recalled that the Privileges and Procedures Committee had maintained its original view that the scrutiny budget should not be reduced.</p> | |
| 23.05.08 Item 5 (PAC) | <p>4. Public Accounts Committee - review of Haut de la Garenne funding The Committee received an update from the Chairman of the above Committee regarding any review of the funding of the first quarter to the Haut de la Garenne investigation. The Committee noted that the Comptroller and Auditor General would no doubt wish to review this after which the Public Accounts Committee would be likely to consider the matter.</p> | |
| | <p>5. Panel reports The Committee considered the Panel and Public Accounts Committee's monthly reports and noted the following additional matters.</p> <p>(a) Corporate Services <u>Bovine Semen Importation:</u> unanimous dissatisfaction was expressed regarding the Chief Minister's statement in the States Assembly that he would proceed with the debate irrespective of whether the scrutiny report was complete. The Committee believed that this showed a denigration of the scrutiny role, function and overall process. It also noted that the Chief Minister had recently made a statement in the Assembly about not having completed work himself as promised within three months due to the pressures of work. Also it considered that the fact that a promise to one sector of the industry to debate the matter prior to the end of the current session was not an acceptable reason as this in itself was insufficient real evidence for delaying a debate.</p> <p>The Committee agreed to write to the Chief Minister to express its concerns.</p> <p><u>Jersey Enterprise Board:</u> The Executive had suggested that it should employ scrutiny's professional adviser or the partner of the adviser to further its own work on the matter. The Committee noted that the Executive had been advised that this would be inappropriate. It was also noted that this was not the first occasion that the Executive had attempted to use Scrutiny's advisers to follow up its own work.</p> <p><u>Finance Sub-Panel:</u> a further adviser was to be appointed. It was noted that the Sub-Panel Members would remain the same. Deputy Southern requested that there be a consideration for him to join the Sub-Panel.</p> | SF/KTF |

(b) Economic Affairs

Employment and Training: Two advisers to be appointed; one an academic from Oxford University, the other from the Skill's Board from the employer's perspective.

(c) Education and Home Affairs

Customs/Immigration: Information received from the Isle of Man is under confidential cover.

Mont à l'Abbé: it was noted that funding itemised under Spending Pressures had since been found. The Panel will be questioning the Minister about this and will report.

Early Years: a presentation had been held by the Jersey Childcare Trust during which the Panel report was referred to in a positive light.

(d) Environment

Waste Management: (a) the report would be available shortly. With hindsight the review would have been better carried out in sections but it would not have been advantageous to have employed an adviser earlier in the review. The Panel fully accepted that the debate would go ahead as planned on 8th July.

Waste Management (b) Visit to UK of Panel Chairman with a number of Connetables: the Committee noted that the Accounting Officer had expressed concerns as to whether this constituted scrutiny or whether at this stage it was more "political lobbying" and therefore an inappropriate use of scrutiny funds. The Committee considered the background to this visit and how it had been proposed together with the responsibility of the Connétables in waste management. The Committee recalled that the scrutiny budget had been divided amongst the Panels for ease of management and that the money did not then become the Panel's own budgets to spend as each Panel so wished. Oversight of prioritisation of expenditure remained within the remit of the Chairmen's Committee. It also considered the proximity of the visit to the debate on the Energy from Waste Plant and agreed unanimously that such a visit [and also that of a proposed speaker to the Island] at this stage were an inappropriate use of scrutiny funds. In view of this decision, it was agreed that it would also be inappropriate for scrutiny officer support to be provided for such matters. The Committee also considered that, had the Chairman brought the matter to the prior attention of the Committee, they would have had the opportunity of advising him in advance that this was an inappropriate use of public funds. The Committee also considered a vote of censure in the Chairman of the Panel, however decided that a written warning should be sent to the Chairman which requested assurances that he would not take this or similar action again and a guarantee that he would bring any such matters to the attention of the Committee in advance. Noting that the Chairman had since funded the visit personally, and would be requesting a reimbursement, the Committee agreed that, as it had not supported the use of public money for the visit it would not be appropriate to then reimburse the Chairman. The President undertook to communicate the Committee's decision to the Chairman.

Air Quality: the report had been circulated

Draft Sea Fisheries: The Committee noted the scoping document and Terms of Reference for this review. The Panel agreed to consider the Coastal Zone Management Strategy to identify any information therein

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| | <p>relating to the review.</p> <p><u>Transdev:</u> Noting that there was as yet no Transport and Travel Strategy, the Committee questioned the work which had been undertaken recently by the Panel into this matter. The Committee noted that an approach had been made to the Panel which one Member believed to be a good idea but it had not been a Panel decision to consider it.</p> <p>(e) Health, Social Security and Housing</p> <p><u>Housing Sub-Panel:</u> the Panel was asked whether it was to review the “Jersey Homebuy” proposals. It noted that comments had been produced but not published.</p> <p><u>New Directions:</u> it appeared that this had been held up whilst more detailed figures were worked up.</p> <p>(f) PAC</p> <p><u>St Helier Yacht Club Lease:-</u> report published recently. It appeared that plans for the harbour area were well-advanced without States Members being aware of this. It was agreed to request a presentation from the Chief Minister.</p> <p><u>Hearings:</u> hearings have been held with the Internal Auditor regarding financial controls across the States. There will be follow-up hearings with other Accounting Officers in July</p> | |
| 25.04.08 Item 6 | <p>6. Scrutiny of Human Rights compatibility statements</p> <p>The Committee recalled that a proposition (P.78/2008 Human Rights Committee and Statements of Compatibility) had been lodged “au Greffe” on 29th May 2008 by the Deputy of St. Martin. The Committee considered draft comments and decided that it would lodge an amendment to the proposition.</p> <p>Having given careful consideration to the structure and content of the amendment, it agreed that this would be redrafted and circulated to the Chairmen’s Committee for approval prior to lodging.</p> | KTF |
| | <p>7. Panel work arrangements Autumn Term 2008</p> <p>The Committee agreed that some Panels would undoubtedly continue to work on scrutiny matters on the run up to the elections. However, it was agreed that all Members should be particularly careful not to use any ongoing scrutiny work to promote personal election viewpoints. It was also recognised that the scrutiny officers were employed to be impartial and objective and they must not be seen to be supporting any political views whilst undertaking work on behalf of the Panels.</p> | |
| 25.04.08 Item 5 | <p>8. Annual Business Plan - update</p> <p>The Committee received an updated schedule for the Annual Business Plan and noted that the Council of Ministers was unlikely to be in a position to give a presentation of the final proposals in advance of the scheduled presentation of 14 July;</p> <p>It also noted that the Council of Ministers would consider a release of the draft report and summary tables from 26th June to Scrutiny, subject to the normal confidentiality agreement and recognising that there are likely to be further changes prior to lodging;</p> | |

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| | <p>An additional briefing meeting to which all States members had been invited would be held on 24 July. This would include a number of improvements to the 2009 process arising out of comments made at and around last year's debate.</p> | |
| | <p>9. Monitoring Minister's undertakings in the States Assembly. The Committee was apprised of a system in other jurisdictions whereby there are Committees of Government Assurances which monitor undertakings/promises made by government. The Committee considered that a similar monitoring system should be undertaken for the States Assembly based on undertakings given in answer to oral questions only. It agreed that there was not a need for a separate Committee. The Scrutiny Manager undertook to identify a mechanism for managing this.</p> | <p>KTF</p> |

Signed

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President, Chairmen's Committee