

Chairmen's Committee

Record of Meeting

Date: 15.06.11
Meeting No: 80

Present	Senator S.C. Ferguson, President Deputy Le Hérissier, Vice-President Senator B. E. Shenton, Deputy G. P. Southern Deputy P.J. Rondel Deputy C. Labey
Apologies	Senator B. Shenton
Absent	
In attendance	Mrs. K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
	1. Minutes The minutes of 24th and 29th March, 8th April, 12th May and 7th June 2011 were approved and signed.	
12.05.11 item 1	2. Minutes of 8th April 2011 Comments made on the Minutes of 8th April by the former Chairman, Economic Affairs were noted and appended to these minutes. The Committee also noted that the claims made by the former Chairman that at the meeting of 8th April 2011 as follows: "The leaking of the discussions to the media the same day they took place convinced me of the need to await the advice of the AG was received" was inaccurate as the media became aware of the matter subsequent to the meeting.	
	3. Panel Reports The Committee noted the Panel activity reports for the previous month.	
513/18(8)	4. Corporate Services Scrutiny Panel: updated Migration scoping document and Terms of Reference The Committee noted the above updates scoping document and Terms of Reference.	
516/29(8) 516/30(8)	5. Education and Home Affairs Scrutiny Panel: Civil Partnerships and BDO Alto report: Operation Rectangle review of efficient and effective use of resources - scoping documents and Terms of Reference The Committee noted the above updates scoping document and Terms of Reference. It was noted that the Panel had put out a call to all Non-Executive Members to invite expressions of interest to sit on this Sub-Panel.	
	6. Comprehensive Spending Review (CSR): Scrutiny Reviews	

517/15(8)	<p>The Corporate Services and Health, Social Security and Housing Scrutiny Panels were reviewing the CSR and had previously forwarded the Committee the scoping documents and Terms of Reference.</p> <p>On asking when the reviews into the CSR had to be completed, the Chairman of Economic Affairs was advised there was no compulsion to review specific matters and that if the Panel were to review the CSR it should not deal with any detail but that it would be preferable at this stage to produce comments.</p>	
	<p>7. Information from Executive: lack of timeliness</p> <p>Concern was expressed at the delays in Executive policies such as the draft Energy Policy, the Economic Growth Plan, the Education Green Paper etc. It was believed that, with the vast amount of business outstanding for the States to consider prior to the recess and the Annual Business Plan debate in September followed by the elections, it was unlikely that any major policies would be produced for consultation or lodged.</p> <p>The Chairman, Economic Affairs Scrutiny Panel expressed her dissatisfaction with documentation recently received from the Economic Development Department and explained that that Panel had devised its own spreadsheet which it had requested the Minister to complete.</p>	
	<p>8. Economic Affairs Scrutiny Panel: reviews</p> <p>The Committee was advised that the following topics had been identified as some for possible review: Comprehensive Spending Review, Economic Growth Plan, Airport, Sunday Trading and Intellectual Property. The Chairman of that Panel was advised that most Panels were stopping scrutiny work at the end of July and the start of the States Recess, that the Panel was not obliged to review everything and that it needed to select a review which it could successfully complete in the short-term, bearing in mind the number of States sittings until end of July and then the States summer recess, followed by the Annual Business Plan debate and the elections.</p> <p>In accordance with the Code of Practice for Scrutiny Panels and the Public Accounts Committee, it was noted that for a budget and officer support to be allocated, reviews needed to be scoped and forwarded to the Chairmen's Committee.</p>	
<p>12.05.11 item 12</p> <p>510/1(5)</p>	<p>9. Code of Practice Review</p> <p>The Committee noted the comments received from the three respondents to the recommendations of the Code of Practice Review group.</p> <p>Following consideration of some of the recommendations, the Committee considered whether Non-Executive Members should be compelled to sit on Scrutiny Panels, irrespective of their commitments to other Panels and/or Committees, including the Public Accounts Committee.</p> <p>Consideration was also given to the use of questions in the States Assembly as a starting point for scrutiny and also, as to whether</p>	

	<p>Jersey Scrutiny could be better based on the United Kingdom Select Committee model. The Committee was advised that there were a number of factors both in the United Kingdom and with the Select Committee model which would require significant changes for Jersey if it were to model itself totally on that system.</p> <p>The Scrutiny Manager was requested to condense the various points into the major issues, separating political from administrative. It was also noted that the points could be raised during the review of Ministerial Government.</p>	KTF
510/1(5)	<p>10. Access to departmental officials below Senior Officer status</p> <p>Consideration was given to the possibility and appropriateness of scrutiny having direct access to departmental officials who ranked lower than Senior Officer status. The Committee considered whether such officials should be invited to attend hearings without their Chief Officers being present and/or even knowing that their departmental staff had been invited.</p> <p>The Committee recalled that this had been considered at the last joint meeting with the Council of Ministers and that the former Chief Executive of the States had advised strongly against this. The minute of that meeting stated:</p> <p><i>“The Council, recalling its understanding that Scrutiny Panels were charged with reviewing draft policy and that the Public Accounts Committee was charged with reviewing the implementation of policy in respect of expenditure, confirmed its firm opposition to a proposal that paragraphs 10.7 and 10.8 of the Code of Practice be revised to permit Scrutiny Panels to call individual officers to give evidence unaccompanied”</i></p> <p>The Committee considered a paper on the matter which detailed the provisions within the existing Code of Practice, whereby Panels could access all levels of staff through fact-finding visits. The Committee was advised that Chief Officers were responsible for both their staff and for ensuring governmental policies were implemented and that should “junior” officials wish to complain about departmental matters or Senior Officers there was a Whistleblowing Policy in place.</p> <p>The Committee agreed to focus on accessing staff through fact-finding visits and to reassess the matter at a later stage if required.</p>	
24.02.11 item 13	<p>11. Future training needs</p> <p>It was noted that five Members from those who had been involved in scrutiny during this session had responded to a questionnaire on future training needs. It was agreed that the questioning training was very useful and training in Chairing would also be useful. The view was expressed that visits from officials from other jurisdictions which had occurred during the previous session with the former Head of Committee Office, Scottish Parliament, had also been valuable.</p>	
510/1(3)	<p>12. Number of Members working on scrutiny</p>	

510/1(59)	The Committee noted a paper which identified that 25 out of the existing 28 Non-Executive Members had worked on scrutiny (main/PAC/Sub-Panels or co-opted) during this session to date. 18 out of 28 Non-Executive Members were currently serving on main Panels.	
04.03.11 item 3 510/1(59)	13. P49/2011: number of Members on Sub-Panels The Committee noted that the above had been withdrawn from the States on 19th May 2011 due to a number of Members' dissatisfaction with the proposition. It was agreed at this time to take no further action.	
511/1(33)	14. Joint meeting with the Council of Ministers Given that the joint meeting scheduled for 16th June 2011 had been cancelled, it was agreed that a meeting should be arranged during States lunch recess on 19th or 20th July 2011 to be held in Le Capelain Room. Items from the previous meeting had been: transfer of Scrutiny Members to Executive roles, delays in information to scrutiny from Departments and the provision of advance question plans for hearings. The Committee considered whether it should request the Council of Ministers to define scrutiny and ask where Ministers believed scrutiny fitted into their work programme. The Committee also considered asking the Council of Ministers what their objective was in holding joint meetings with the Chairmen's Committee.	
	15. Chairmen's Committee meetings in private The Chairman, Health, Social Security and Housing Scrutiny Panel queried why the majority of the meeting had been held in private and was advised that a decision had been made in January 2010 to hold Chairmen's Committee meetings, which were "working" meetings, in private, with the exception of the approval of minutes. The Chairman, Health, Social Security and Housing requested that his objection to this be recorded. It was agreed that the newly formed Chairmen's Committee post elections should revisit this matter.	
	16. Date of next meeting The Committee agreed to meet on 14th July 1.00pm-2.00pm during States lunch recess. It was noted that the Chairman, Economic Affairs Scrutiny Panel may have a hearing on that day so might be unable to attend.	

Signed

Date:

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Senator S.C. Ferguson
President

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