

Chairmen's Committee

Record of Meeting

Date: 24.03.11
Meeting No: 75

Present	Senator B. E. Shenton, President Deputy R.G. Le Hérissier, Vice-President Senator S.C. Ferguson Deputy G. P. Southern Deputy P.J. Rondel Deputy M.R. Higgins
Apologies	
Absent	
In attendance	Mrs. K. Tremellen-Frost, Scrutiny Manager Mr. Michael De La Haye, Greffier of the States (item 2 only)

Ref Back	Agenda matter	Action
	<p>1. Minutes</p> <p>The minutes of 24th February (as amended), 1st, 4th, 10th and 11th March 2011, having been approved, were signed.</p>	
<p>24.02.11 item 4</p> <p>515/19(8)</p>	<p>2. Economic Affairs Scrutiny Panel: Sub-Panel Review of Jersey Airport</p> <p>The Greffier of the States (hereafter referred to as "Greffier") was in attendance for this item.</p> <p>The Committee recalled that, for a number of months, consideration had been given to the matter of whether the Chairman of the Economic Affairs Scrutiny Panel was conflicted in chairing a review into Jersey Airport due to his involvement with the airport in his capacity as Director of the Jersey International Air Display (JIAD arl), Vice-Chairman, JIAD arl Board and Air Display Organiser.</p> <p>The Committee also received and considered correspondence dated 4th March 2011 from the Minister for Economic Development, in which the Minister expressed the following concerns:-</p> <ol style="list-style-type: none"> 1. "I fail to see how Deputy Higgins can carry out a review of Jersey Airport when he has for such a long time been the Director of the Jersey International Air Display. There is most certainly a conflict of interest and this concerns me greatly; 2. A Sub-Panel comprising two members - Deputy Higgins and Deputy Tadier - is surely on the light side; 3. And finally I fail to see any reference to policy in the Terms of Reference" 	

The Committee received advice from the Greffier that the correspondence from the Minister for Economic Development was a secondary issue and that the Committee should not be unduly influenced by this. The main issue was to ensure that best practice was followed in order to keep scrutiny's "house in order".

The Greffier also explained that there was no suggestion that the review would be undertaken in a biased or non-evidenced based way. The issue was whether there could be a perception of conflict of interest by the Chairman in his involvement with the JIAD and the access he therefore had to airport employees.

The Greffier advised on the relevant sections of the Code of Practice for Scrutiny Panels and the Public Accounts Committee which referred to a conflict being an appearance of prejudice. He also advised that Schedule 2 of the Standing Orders of the States of Jersey stated '.....the elected member believes might reasonably be thought by other persons to influence his or her actions as an elected member".

The Greffier further advised on good practice elsewhere and it was noted that the way in which the involvement was viewed by others was extremely important in considering conflicts of interest. Quoting from elsewhere, the Greffier advised that the best option of dealing with perceived conflicts of interest was to remove oneself from the matter altogether.

Finally, in order to identify a solution to this matter, the Greffier suggested that it might be preferable for someone else to chair the Sub-Panel and that it could be more appropriate for Deputy Higgins to be a witness rather than sit on a body reviewing the airport. However, the Greffier stressed that he could only offer advice and it was ultimately a matter for the Committee to take the political decision on whether or not to proceed with the review.

Some consideration was given as to whether the President had the power in his own right to put a review on hold and it was noted that the Chairmen's Committee oversaw the allocation of resources. Notwithstanding this matter, it was agreed that the matter crucial to the Committee, was whether there was the perception of a conflict of interest on the part of the Chairman of the Economic Affairs Scrutiny Panel in reviewing Jersey Airport.

The Chairman of that Panel apprised the Committee that he had beneficial knowledge and information from airport employees and that, in itself, justified him chairing a review. He also informed the Panel that correct procedures at the airport in respect of appointments had not been followed and that he had evidence to support this through a written answer to a question to the Minister for Economic Development in the States. He further explained that there were issues with French air space and safety and such matters were of public concern. The Chairman stressed that the review would have no bearing on the JIAD and would be evidence-based. He further explained that he was principled and would explain in his foreword in the final report that he had no conflict of interest. He stressed his strength of feeling in respect of the matter and explained that he would resign if the Committee decided he

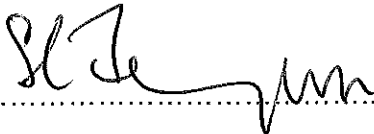
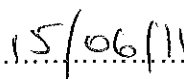
	<p>should not chair the review. This action was supported by Deputy Southern who advised that he too would take the same action, should that be the conclusion of the Committee. A view was expressed that threats of resignations could be perceived as blackmail.</p> <p>The Vice-President stated his concerns about an apparent conspiracy theory driving a scrutiny review and expressed his regret at not having formally dissented at a previous meeting when the Scoping Document and Terms of Reference for the review had been noted.</p> <p>The Committee reiterated that this was not a question of bias or of whether a review would be evidence-based but was one of a perception of conflict of interest.</p> <p>The Chairman was questioned over a payment he received from the Economic Development Department to organise the JIAD. However, the Committee was advised that he would take a salary even without a grant from the Department and that, in any case, the review would be distanced from all Air Display matters.</p> <p>Some Members also expressed their concerns that the correspondence from the Minister was tantamount to bullying tactics and that if the Committee acquiesced it would set a dangerous precedent whereby Ministers believed they could control the work of scrutiny.</p> <p>Prior to taking a vote on the matter, the Committee noted that Deputy Power would join the Sub-Panel which currently comprised Deputy Higgins as Chairman and Deputy Tadier. Deputy Southern also volunteered to join the Sub-Panel and this was accepted.</p> <p>The Committee voted by a majority to permit the review to proceed with Deputy Higgins as Chairman and with the Terms of Reference as noted at the meeting of 24th February 2011.</p>	
	<p>3. Panel Reports</p> <p>The Committee noted the Panel activity reports for the previous month.</p>	
<p>27.01.11 item 5</p> <p>513/21(8)</p>	<p>4. Corporate Services Scrutiny Panel: States of Jersey Development Company (SoJDC)</p> <p>Deputy Le Fondré was in attendance for this item. Senator Ferguson and Deputy Rondel withdrew from the meeting for this item due to a conflict of interest.</p> <p>It was noted that a review had been agreed and a Sub-Panel was being formed. The Committee considered a number of issues and the timing of the review given the Easter recess and the number of Bank Holidays. It was noted that the target deadline for presentation of a final report was 31st May 2011 to permit Members to be fully conversant with the facts before the debate on 7th June 2011.</p>	
	<p>5. Corporate Services Scrutiny Panel: Comprehensive Spending Review 2: amended Terms of Reference.</p>	

513/27(8)	The Committee noted the revised Terms of Reference for the above review.	
04.03.11 item 3 510/1(5)	6. Code of Practice for Scrutiny Panels and the Public Accounts Committee: proposed amendment. The Committee approved a draft report and proposition which would effect changes to the Code of Practice for Scrutiny Panels and the Public Accounts Committee so that there would be provision for a quorum of more than one Member at Sub-Panel meetings and hearings. The proposition also sought to make the role of rapporteur more explicit.	KTF
27.01.11 item 10 465/1(156)	7. Raising the profile of scrutiny reports Having noted a letter from the Privileges and Procedures Committee (PPC), the Committee agreed that representatives of PPC should be invited to its next scheduled meeting of 12th May 2011.	
27.01.11 item 11 511/1(41)	8. Transfer of Members from Scrutiny to Executive positions Having noted a letter from the Privileges and Procedures Committee (PPC), the Committee agreed that representatives of PPC should be invited to its next scheduled meeting of 12th May 2011.	KTF
17.06.11 item 4 1240/10(36)	9. Media and filming of scrutiny meetings and hearings Having noted a letter from the Privileges and Procedures Committee (PPC), the Committee agreed that representatives of PPC should be invited to its next scheduled meeting of 12th May 2011.	KTF
24.02.11 item 8 511/1(42)	10. Business Cards Having noted a letter from the Privileges and Procedures Committee (PPC), the Committee agreed that representatives of PPC should be invited to its next scheduled meeting of 12th May 2011.	KTF
450/2/1(55)	11. Membership of Scrutiny Panels: proposed amendment to Standing Orders The Committee considered the possibility and practicability of bringing an amendment to Standing Orders that all non-Executive Members would be expected to serve on Scrutiny Panels. The Committee was advised that the Privileges and Procedures Committee had agreed that Members could not be compelled to serve on scrutiny.	KTF
511/1(33)	12. Joint meeting of Chairmen's Committee and the Council of Ministers The Committee considered the following matters in preparation for the joint meeting with the Council of Ministers:- <ol style="list-style-type: none"> 1. Strategic Plan; 2. Public Accounts Committee addendum 2009 Accounts; 3. Recommendations in respect of the Code of Practice for Scrutiny Panels and the Public Accounts Committee; 4. Supplementary issues considered by the Chairmen's Committee in respect of the Code of Practice for Scrutiny Panels and the Public Accounts 	

Committee.		
04.03.11 item 3 510/1(5)	13. Code of Practice Review The Committee noted that only three Scrutiny Members had responded to the request to comment on the recommendations of the working group on the Code of Practice for Scrutiny Panels and PAC and the supplementary recommendations of the Chairmen's Committee. It was agreed to reconsider the matter at its next meeting.	
	14. Email from member of the public The Committee noted an email from a member of the public and agreed that he should be invited to the next scheduled meeting.	KTF
	15. Date of next meeting The Committee noted that the date of the next meeting was scheduled for 12th May 2011.	

Signed

Date:

Senator S.C. Ferguson
President

Note: Senator B.E. Shenton resigned from the rôle of President of the Chairmen's Committee on 29th March 2011. Senator S.C. Ferguson was appointed to the post on 5th April 2011.

