

Corporate Services Scrutiny Panel

PUBLIC MEETING

Record of Meeting

Date: 11th February 2009

Meeting 8

Present	Senator S.C. Ferguson, Chairman Deputy C.H. Egré, Vice-Chairman [Apologies for part of Item 11 and Items 12 to 19] Connétable D.J. Murphy Deputy T.A. Vallois
Apologies	
Absent	
In attendance	Senator T.A. Le Sueur, Chief Minister [Item 1] Mr. W.D. Ogley, Chief Executive [Item 1] Mrs. J. Marshall, Strategic Planning Manager [Item 1] Mr. W. Millow, Scrutiny Officer Mr. M. Robbins, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p>1. Chief Minister</p> <p>The Panel held a Public Hearing with Senator T.A. Le Sueur, Chief Minister, who was accompanied by Mr. W.D. Ogley, Chief Executive. Mrs. J. Marshall, Strategic Planning Manager, was also in attendance but was not a formal witness at the Hearing.</p>	
	<p>2. Records of Meetings</p> <p>The Panel approved and signed the records of its meetings of 23rd, 28th and 29th January 2009.</p>	
	<p>3. Action Updates and Matters Arising</p> <p>The Panel noted the update on actions it had requested at previous meetings.</p> <p>The Panel received briefing notes of the Chairmen's Committee's meetings of 23rd and 29th January 2009.</p>	
[28/01/09, Item 6]	<p>4. Annual Business Plan</p> <p>It was noted that the Chairman and Connétable D.J. Murphy had not yet had an opportunity to meet the Scrutiny Officers in relation to the Annual Business Plan.</p> <p>The Panel, noting a paper prepared by the Scrutiny Office, considered the objectives and work it would wish to assign to the Finance Sub-Panel. Consideration was given to various areas that could be covered and it was ultimately agreed to provide the Sub-Panel with the remit of reviewing expenditure forecasting and resource allocation. It was noted that the Terms of References of the former Corporate Services Finance Sub-Panel could be used a basis for structuring Terms of Reference for the new Sub-Panel. The Officers were requested to produce a draft Scoping Document on the basis of the Panel's discussions.</p> <p>The Panel considered the membership of the Finance Sub-Panel and</p>	MR

	<p>agreed it would potentially be beneficial for all Scrutiny Panels to be represented. It was agreed that an invitation should be made through the Chairmen's Committee for representatives to sit on the Sub-Panel.</p> <p>It was noted that the former Finance Sub-Panel had used Mr. M. Oliver as its expert adviser. It was further noted that the Chairman had been in correspondence with Mr. Oliver regarding the possibility that the Panel would engage his services. The Panel agreed it would ultimately be happy to appoint Mr. Oliver as expert adviser but that due process relating to the scoping of the review and the engagement of advisers would need to be followed. The Officers were requested to advise Mr. Oliver accordingly. It was further noted that the Scrutiny Office provided the liaison between Panels and their advisers.</p>	<p>MR / SF</p> <p>MR</p>
<p>[28/01/09, Item 4]</p>	<p>5. Migration Law [Ref 513.6]</p> <p>The Panel noted that a confidentiality agreement relating to Migration papers had been approved and signed by the Chairman. It was further noted that the Scrutiny Office would collate the relevant documentation and circulate this in due course.</p> <p>The Panel noted that a request for volunteers to serve on the Sub-Panel had been circulated to the Chairmen's Committee. It was recalled that the Sub-Panel would comprise the Chairman, who would chair, and Deputy T.A. Vallois. The Panel was advised that Deputy G.P. Southern, Vice-Chairman of the Health, Social Security and Housing Scrutiny Panel, had expressed an interest in serving on the Sub-Panel. The Panel agreed to Deputy Southern's membership and requested the Scrutiny Officers to ascertain whether the other Panels had made a decision.</p> <p>The Panel noted that the Sub-Panel would meet, once the membership had been approved, to confirm the scope of the review.</p>	<p>WM</p> <p>WM</p>
<p>[28/01/09, Item 15]</p>	<p>6. Civil Aviation</p> <p>The Panel recalled its request for further information on MD-C-2008-0037 relating to the appointment of the Director of Civil Aviation. The Panel noted advice received from the Chief Minister's Department that the current Director would leave the position in March 2009. It was further noted that arrangements would be made for an Acting Director to be put in post until a long-term appointment could be made. The Department had further advised these circumstances provided an opportunity for consideration to be given to merging the rôle with Guernsey.</p> <p>The Panel further noted the advice of the Chief Minister's Department that the audit of the International Civil Aviation Organisation (ICAO) would be completed by 21st February 2009 and that, as a result, there would be less work for the Director to undertake after that date.</p> <p>The Panel considered its subsequent course of action in relation to this matter. It was noted that a review of the topic would need to be scoped and that it would need to be prioritised alongside other topics. In this latter regard, the Panel noted that the topic would represent a low priority. Notwithstanding this fact, it was agreed that a watching brief could be maintained and that a request for an update on who would be appointed as the new Director should be made.</p>	<p>MR / WM</p>
<p>[28/01/09, Item 18]</p>	<p>7. GAAP Accounting</p> <p>The Panel noted that, consequent to the request at its previous meeting,</p>	

	<p>MD-HSS 2008-0057 had been circulated to Panel Members. The Panel was advised that the Chairman had consequently e-mailed the Ministerial Decision to Mr. C. Swinson OBE, Comptroller and Auditor General, for his view and that the Comptroller and Auditor General was working on the matter.</p>	
<p>[04/02/09, Item 2]</p>	<p>8. Deemed Rent [Ref. 513/4]</p> <p>The Panel recalled its agreement to appoint Mr. R. Teather as expert adviser for the review. The contract with Mr. Teather was approved.</p> <p>It was noted that the Panel would meet its adviser on 16th February 2009 ahead of its Hearing with Deputy E.J. Noel, Assistant Minister for Treasury and Resources, at 10:15am on 17th February 2009.</p> <p>The Panel was advised that the Chairman had been in correspondence with a former tax inspector of the Inland Revenue in the United Kingdom. It was noted that the person in question had views that the Panel should consider and it was consequently agreed to invite the individual to meet the Panel at 9:30am on 17th February 2009.</p> <p>The Panel received the following documents in relation to the review:</p> <ul style="list-style-type: none"> • Two written submissions that had been received by the Scrutiny Office; • Legacy Report of the former Corporate Services Finance Sub-Panel; and • Draft Question Plan for the Hearing with Deputy Noel. <p>In relation to the Question Plan, the Panel was requested to forward any further questions it would wish to have added. It was agreed, however, that the Plan as it currently stood should be forwarded to Deputy Noel in accordance with Paragraph 10.3 of <i>Code of Practice for Scrutiny Panels and the Public Accounts Committee</i>.</p> <p>During its deliberations, it was noted that the Chairman had received from the Scrutiny Office a paper on the manner in which Hearings could be conducted. The Officers were requested to circulate the paper to the remainder of the Panel.</p> <p>The Panel considered lines of enquiry relating to that part of <i>Draft Income Tax (Amendment No. 32) (Jersey) Law 200- (P.161/2008)</i> which proposed the repeal of Article 115(g) of <i>Income Tax (Jersey) Law 1961</i>. Consideration was given to whether an approach should be made to the Department of Property Holdings for advice on the matter; however, it was ultimately agreed to question Deputy Noel on the matter in the first instance.</p> <p>The Panel considered a list of potential witnesses that had been identified by the previous Corporate Services Scrutiny Panel during its review of the topic. The Panel agreed that further information on the list was required and requested the Officers to take the necessary action. It was further agreed to request the views of the previous Panel's Chairman, the former Deputy Mr. P.J.D. Ryan, on the list.</p> <p>The Panel noted that the decision of Senator P.F.C. Ozouf, Minister for Treasury and Resources, to defer the debate on P.161/2008 would afford more time for the Panel's review. Consideration was given to the implications of this and it was agreed to make a decision on the course of the review subsequent to the Hearing with Deputy Noel. It was further noted that the course of the review could be affected once the views of</p>	<p>MR</p> <p>MR</p> <p>MR</p> <p>MR</p> <p>MR</p>

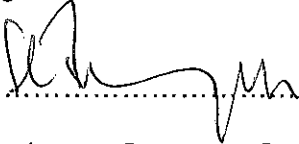
	<p>Deputy Noel on the practicalities of the proposition had been gleaned.</p> <p>The Panel agreed it would be beneficial to ascertain the current situation in Guernsey and the Isle of Man and requested the Officers to take the necessary action.</p> <p>The Panel noted and approved the Assessment Form recording its decision to review P.161/2008.</p>	MR
[04/02/09, Item 1]	<p>9. Waterfront Enterprise Board [Ref. 513/16]</p> <p>The Panel noted and approved the Assessment Form recording its decision to review <i>Waterfront Enterprise Board: revised Memorandum and Articles of Association (P.12/2009)</i>.</p> <p>The Panel noted that Hearings had been held by the Sub-Panel with Mr. C. Swinson OBE, Comptroller and Auditor General, and Senator B.E. Shenton on 16th February 2009; and with Senator T.A. Le Sueur, Chief Minister, on 17th February 2009.</p> <p>It was noted that, consequent to the Hearings, a draft report would be produced. Consideration was given to the issues the Sub-Panel would wish to cover in the report and, in particular, to whether amendments to P.12/2009 should be lodged. In that latter regard, it was noted that any amendments would need to be lodged in the name of the main Panel although Connétable D.J. Murphy, as Chairman of the Sub-Panel would act as <i>rapporteur</i>.</p> <p>The Panel noted that further consideration would need to be given to the issues for insertion in the report once transcripts of the Hearings had been received. It was further noted and agreed that the Scrutiny Officers would contact the Chief Minister's Department to clarify matters arising from the Public Hearing with the Chief Minister, if need be.</p>	WM WM
[28/01/09, Item 13]	<p>10. Rapporteur: Information Technology, Human Resources and Emergency Planning</p> <p>The Panel recalled its agreement to appoint the Vice-Chairman as Rapporteur in relation to Information Technology; Human Resources; and Emergency Planning. Consideration was given to a framework in which the Rapporteur would operate. It was noted that the Vice-Chairman had previously undertaken work of this nature for the previous Corporate Services Scrutiny Panel. The Panel was advised by the Vice-Chairman that the work had allowed a watching brief to be maintained and had engendered trust between the Panel and relevant Departments.</p> <p>The Scrutiny Officers were requested to draft a framework for the work of the Rapporteur on the basis of the Panel's discussions. It was noted that the Rapporteur's work would potentially be provided with a focus by the recent appointment of a Deputy Chief Executive who would oversee the establishment of a closer working relationship between the areas of Human Resources, Information Services, corporate software systems and Property.</p>	MR / WM
[28/01/09, Item 11]	<p>11. Work Programme</p> <p>The Panel noted a paper from the Chairmen's Committee regarding the requirements for Panels' Work Programmes and, in particular, the Committee's request that all Panels determine their Work Programme by the end of February 2009.</p> <p>The Panel noted a schedule of forthcoming propositions (to be lodged by</p>	

	<p>the Chief Minister and Minister for Treasury and Resources) that had been identified by the Council of Ministers.</p> <p>The Panel considered its draft Work Programme. It was noted that the Work Programme was potentially full and that, in the event that a new topic arose, the Panel would have to re-prioritise accordingly. The Panel considered how its Work Programme met Standing Order 136 and the Terms of Reference for Scrutiny Panels. In this regard, it was noted that no specific provision had yet been made to meet Standing Order 136 (d), the scrutiny of subordinate enactments made by a Minister. The Panel further noted, however, that the scrutiny of Ministerial Orders had previously been subject to study and remained to be clarified.</p> <p>Consideration was given to whether work on Tax Information Exchange Agreements (TIEAs) should be retained in the Work Programme. It was agreed to retain the provision for work in this area and that it should be subject to further discussion.</p> <p>The Panel approved the Work Programme as it stood and noted that the Programme would be forwarded to the Chairmen's Committee accordingly.</p>	WM / MR
[28/01/09, Item 3]	<p>12. Public Accounts Committee</p> <p>The Panel was advised by Deputy Vallois that the Public Accounts Committee (PAC) had merely met informally in January 2009 as its membership had remained to be confirmed at the time. The PAC would meet formally on 16th February 2009, at which time the PAC's Work Programme would become clearer.</p> <p>It was agreed that regular provision would be made on the Panel's agenda for an update from Deputy Vallois on the work of the PAC.</p>	
[28/01/09, Item 7]	<p>13. Freedom of Information</p> <p>The Panel was advised that the Vice-Chairman had informed the Scrutiny Office that the Privileges and Procedures Committee would consider Freedom of Information legislation in due course.</p>	
[28/01/09, Item 14]	<p>14. Bovine Semen</p> <p>The Panel noted that correspondence had been dispatched to Professor G. Simm, Chairman of the National Standing Committee on Farm Animal Genetic Resources, in accordance with the Panel's request. It was further noted that correspondence, that awaited approval from the Chairman, had been drafted to the Chief Minister; the Minister for Economic Development, Senator A.J.H. Maclean; and the Royal Jersey Agricultural and Horticultural Society.</p>	
	<p>15. Forthcoming Propositions</p> <p>The Panel noted that the following propositions had been lodged <i>au Greffe</i> by the Chief Minister for debate on 24th February 2009:</p> <ul style="list-style-type: none"> • <i>Public Employees Contributory Retirement Scheme: membership of the Committee of Management (P.14/2009)</i> • <i>Manual Workers' Joint Council: Employers' Side membership (P.15)</i> <p>It was noted that Standing Order 72 would not apply to these propositions.</p>	
	<p>16. Ministerial Decisions</p> <p>The Panel noted the Ministerial Decisions made by the Chief Minister</p>	

	and Minister for Treasury and Resources that had appeared on www.gov.je between 21st January and 3rd February 2009.	
	17. Questions without Notice The Panel noted that the Minister for Home Affairs, Senator B.I. Le Marquand, and the Chief Minister would take questions without notice at the States sitting on 24th February 2009.	
	18. Future Meetings The Panel noted that its next scheduled meeting would occur on 4th March 2009.	

Signed

Date:



24/02/09

Chairman, Corporate Services Scrutiny Panel