

CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 22nd February 2008

Meeting Number 73

This is Part A of two parts of these Minutes

Present	Deputy S C Ferguson, President Deputy R G Le Hérissier, Vice-President Deputy R C Duhamel Deputy A. Breckon, also representing Economic Affairs Scrutiny Panel Deputy D.W. Mezbourian Deputy J G Reed Deputy C.H. Egré, representing Corporate Services Scrutiny Panel (item 1 - mid item 13)
Apologies	Deputy G P Southern Deputy P J D Ryan
Absent	
In attendance	Mr. M. de la Haye, Greffier of the States (Item 15 only) Mrs A. Harris, Deputy Greffier of the States (item 13 only) Mrs K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
	<p>1. Minutes The Minutes of 18th and 28th January and 8th February 2008 having been taken as read were signed accordingly.</p>	
	<p>2. Economic Affairs Panel Minute of 7th February 2008 concerning the Chairman, Corporate Services Scrutiny Panel.</p> <p>The Committee noted the above Minute which recorded the dissatisfaction of the Chairman of that Panel in the Chairman of the Corporate Services Scrutiny Panel in respect of the action that Panel took regarding the Jersey Enterprise Board Review. The Committee recalled that it had agreed at its previous meeting that in future, it would be advised of all topics considered for review by Panels including those which it was decided not to review and the reasons for this. Consideration was given as to whether a Panel Minute was the appropriate forum to express such views and whether it was representative of the Panel's view in so much as the Minute recorded a personal view. There being no consensus on the matter, it was agreed that the President would discuss this particular matter with both the Chairmen of the respective Panels.</p>	
	<p>3. Code of Practice on Public Access to Official Information</p> <p>The Committee noted that the Privileges and Procedures Committee had decided to consider the effectiveness of the above Code prior to undertaking any consideration of the Freedom of Information Law.</p>	
	<p>4. Environment Panel consideration of statement on work undertaken on New Island Plan</p>	

	<p>It was noted that it was not appropriate for the Environment Panel to be considering this at the moment and a report would be prepared when the need arose.</p>	
	<p>5. 18 month - 2 year Business Planning</p> <p>It was agreed that consideration of the possibility of the above would be incorporated into the Terms of Reference of the Corporate Services Finance Sub-Panel (subsequently termed the Corporate Services Annual Business Plan Sub-Panel)</p>	
	<p>6. Internal Review into Working Practices</p> <p>It was agreed that the report on the above would be incorporated into an overall report on scrutiny successes currently being prepared.</p>	
	<p>7. Panel work programmes.</p> <p>The Committee noted 7.15 of the draft Code of Practice regarding Panel work programmes and considered the existing Panel's work programmes. It was noted that some Panels had experienced difficulties preparing work programmes due to the lack of information coming from the Executive (delay of New Directions was given as an example). It was noted that there was a range of approaches from the Executive, with some Ministers being readily forthcoming with information and others treading more cautiously. The success of the Education and Home Affairs Panel of interviewing the Ministers at the start of the year, which had also provided a list of legislation coming forward this year for Home Affairs, was noted. There was no consensus regarding the approach of interviewing of Ministers in this way. The Committee also considered whether it was appropriate to challenge Minister's perceived deficiencies in a public forum and to comment on them, however, there was also no consensus on this issue. The Committee was reminded to advise the Scrutiny Manager of all difficulties regarding release of information or unwillingness to attend before Panels.</p> <p>Consideration was also given to the possible comparison by Panels of the Annual Business Plan to the Strategic Plan and the feasibility of this approach. Also it was suggested that Panels could ask Ministers the plans they currently had in comparison with the previous year, whether there had been progression from the previous year and if so how and in which areas and any difficulties encountered and clarifications. It was recognised that consideration of the Annual Business Plan was time-consuming which could necessitate stopping all other work. It was also noted that the Corporate Services Scrutiny Panel's target of completion of the review into the Jersey Enterprise Board of March was unlikely to be met with April now being the target.</p> <p>The Committee supported the use of the standardised format for scrutiny's annual work programme and requested that these be completed as fully as possible so that they could be forwarded to the relevant Ministers and uploaded onto the Website in accordance with 7.15 of the draft Code of Practice.</p>	<p>Chairmen /Officers/ KTF</p>
	<p>8. Annual Business Plans.</p>	

	<p>The Committee recalled the six monthly reports noting progress on the Strategic Plan and that it could be a useful tool for Scrutiny Panels when considering the Annual Business Plan. It also agreed that all Panel comments would be centrally co-ordinated by the end of April and forwarded as a single bundle to the Executive. The comments would not necessarily be finalised comments and could take the form of an interim briefing sheet. The Scrutiny Manager should be informed of details of any difficulties experienced in acquiring information or of Ministers being unwilling to attend before Panels.</p>	
	<p>9. Panel Reports Matters additional to written reports:-</p> <p>(a) Corporate Services</p> <p>(i) The Committee noted the Corporate Services Scrutiny Panel's contract with an adviser for the review into Level Playing Field</p> <p>(ii) Deputy Egré agreed to seek out some background information in respect of the change from VRD to VED to identify whether it merited a review, in which case it was believed to fall into the remit of both Corporate Service and Environment Panels.</p> <p>(b) Economic Affairs</p> <p>(i) Concern was expressed by the Chairman, Education and Home Affairs Scrutiny Panel regarding the production of the Terms of Reference by the Economic Affairs Scrutiny Panel in respect of a review into training and employment. This review cut across the work of that Panel yet the Terms of Reference had been produced without any consultation with the Chairman. It was agreed that in future similar circumstances, an offer should be made to the relevant Chairman to be involved in the discussions when planning a cross-cutting review.</p> <p>(ii) The Vice-Chairman of the Economic Affairs Panel anticipated no difficulties in requesting information from the Minister of Education in respect of the above review; despite education not falling within that Panel's remit.</p> <p>(c) Health, Social Services, Housing</p> <p>(i) Advisers had been interviewed in London for the Review into New Directions. Following release of New Directions the Panel would have a clearer view of its 2008 work programme.</p> <p>(d) Education and Home Affairs</p> <p>(i) Education and Home Affairs Scrutiny Panel would finalise its 2008 work programme the following week. It had interviewed Ministers about spending pressures and would subsequently decide what comments to make in respect of the matter.</p> <p>(e) Environment Panel</p> <p>(i) The purpose of the current public meetings being held by the Environment Panel was to ask the public their views on waste</p>	<p>CE</p>

	<p>management. They were evidence-gathering sessions and were being recorded and transcribed. Concern was expressed by the President that, having attended the previous meeting and having received a complaint about an earlier meeting there was a lot of rhetoric from the platform, inappropriate comments had been made by a Panel Member and it was not a factual meeting. This was refuted by the Chairman of the Environment Panel who expressed his satisfaction with the meetings. The President requested that the Environment Panel remained factual at its next meeting at St. Brelade and requested that she be forwarded the transcript of the St. Saviour meeting.</p> <p>(f) PAC</p> <p>(i) The Committee was waiting for three reports on Pension Schemes from the Comptroller and Auditor General and monitoring the Savings Plan and developing a report.</p>	
07.12.07 Item 10	<p>10. Newsletter</p> <p>The Committee considered whether to produce a third Newsletter in Spring 2008. Consideration was given as to whether it provided good value for money and it was agreed that it was too early to decide this. It was also agreed that it was one of few ways of circulating the facts and that it would go ahead with political leadership remaining with Deputies Mezbourian and K. Lewis.</p> <p>A view that a fourth newsletter should be ready for circulation in early 2009 was noted.</p> <p>Deputy Duhamel recorded his dissent from the decision to produce a third newsletter as it did not represent value for money.</p>	
18.01.08 Item 6	<p>11. Citizenship</p> <p>The secondary school citizenship and scrutiny programme was noted and Members agreed to encourage other Scrutiny Members to support this by indicating their availability for the sessions to the Scrutiny Manager. A request was made for a Member of the Health, Social Security and Housing Panel to be present at each of the schools as the topic was linked to New Directions.</p>	
	<p>12. Committee Secretariat Network</p> <p>It was noted that the Scrutiny Manager and two officers had attended a recent meeting of the above group at the House of Commons and that in some areas, scrutiny in Jersey was working in more innovative ways than other more established scrutiny functions. A fuller report on scrutiny successes was being prepared.</p>	
18.01.08 Item 2	<p>13. Resources - scrutiny of legislation, budget and staffing for PAC</p> <p>The Committee considered a paper in respect of resources for legislative and budget scrutiny and the Public Accounts Committee and was advised that the Chairmen's Committee needed to justify any claims for maintaining the same level of budget in 2009.</p>	

	<p>The Committee was advised that there had been over 200 legislative items during 2007 and very few had been scrutinised. Consideration was given to whether the quantity of legislative scrutiny was more important than the quality and who should determine the importance of legislation. The Committee agreed that, prior to consideration of whether scrutiny had performed a satisfactory function in respect of scrutiny of legislation, the current checks and balances within the Executive of proposed legislation needed to be identified.</p> <p>It was agreed that for valuable scrutiny of legislation, scrutiny should ideally be involved at the time of the law drafting brief and certainly at the time of Ministerial consultation. Currently few Ministers were forthcoming with information relating to proposed legislation and target dates for related lodgings “au Greffe”. Certainly, the Committee was unaware of any Green papers in respect of forthcoming legislation.</p> <p>It was also considered that legislative scrutiny was, in the main, determining whether the legislation fulfilled policy intentions and in that respect, could form an integral part of a policy review.</p> <p>There was also a Member-time issue when considering scrutiny additional to current work-loads. It was recognised that there was a substantial difference between scrutiny of new legislation and scrutiny of amendments. It was agreed, however, that there was work to be undertaken in respect of scrutiny of legislation and that scrutiny remained a developing function. In that respect it agreed that the budget needed to be maintained for the purpose of either additional staff or expert advisers in the future.</p> <p>It was agreed that Deputy Le Hérissier would lead a Sub-Group to consider the scrutiny of legislation.</p> <p>With regard to staffing for PAC, there was a suggestion to increase the scrutiny officer team by one additional officer who could work for PAC as and when required and offer assistance to other scrutiny officers for the remainder of the time. The President maintained the view that an officer supporting PAC needed to be numerate but not have any in-depth numerical ability; the importance was a good ability in report-writing. The Committee considered employing a person on an hour-by-hour basis and agreed that the PAC Chairman would discuss with the Comptroller and Auditor General the degree of numeracy an officer supporting PAC would require and the preferred way forward.</p>	<p>RLH</p> <p>SF</p>
	<p>14. Scrutiny of possible violations of the Human Rights (Jersey) Law 2000: paper from Deputy Hill.</p> <p>The Committee received and noted a paper from Deputy Hill and agreed to consider it before the next meeting (28th March 2008) to which Deputy Hill had been invited.</p>	
<p>07.12.07 Item 7</p>	<p>15. Draft Code of Practice for Scrutiny Panels and PAC</p> <p>The Committee received a briefing from the Greffier of the States in respect of the Council of Minister’s amendment (a) and also</p>	

	considered its approach to the forthcoming debate.	
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Signed

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President, Chairmen's Committee