

CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 20th November 2006
Meeting No. 33

PUBLIC SESSION

Present	Deputy R C Duhamel, President Deputy R.G. Le Hérissier, Vice-President Deputy F J Hill Deputy G P Southern Deputy S C Ferguson Deputy J. G. Reed Deputy P J D Ryan
Apologies	
In attendance	Mrs K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
1.	The Minutes of 27th October (Public and Private Session) and 1st November 2006 (Private Session) were taken as read and signed accordingly.	
2. 27.10.06 Item 2	Stand-alone scrutiny propositions. The Committee noted that the Deputy Greffier of the States had followed up the situation regarding the above. It was noted that correspondence had recently been received by the Privileges and Procedures Committee. The Scrutiny Manager would follow up the matter and advise the Committee of the situation at a subsequent meeting.	KTF
3. 01.11.06 Item 1	Draft Protocol on access to Council of Ministers Part B information. A meeting of the Chairmen's Committee with the Chief Minister and officers had been arranged for 23rd November 2006 at 4.30pm in the Concord Room, Cyril Le Marquand House.	
4. 27.10.06 Item 4 Private	Alex Picot Accountancy - contract The letter expressing the Terms of Engagement and the contract had been forwarded to Alex Picot for signing. The contract was for the period 12th November to 31st December 2006 and the signed contract was awaited.	
5. 27.10.06 Item 7(b)	Register of Local Persons. Consideration of a previous decision to advertise for people interested in advising scrutiny panels on a "free of charge" basis was given and it was decided that the best approach would be to consider this at individual Panel meetings. Local contacts by individual members might provide a more efficient means of compiling such a list.	Panels
6.	Corporate Services Panel update	

The Committee noted the following decisions of the above Panel at that Panel's meeting of 9th November 2006 -

1. Papers forwarded to a Panel under confidential cover should remain confidential to those Panel members. In the event that another Panel wished to have access to those papers the correct channel of communication was through the relevant Minister not through the Panel Chairman;
2. There should be no further joint scrutiny meetings until the identity of scrutiny had been established;
3. A Sub-Panel had been formed to be chaired by Senator J. L. Perchard to review the Overseas Aid Commission and the scoping document and Terms of Reference were noted;
4. The Panel welcomed greater sharing of information between the Chairmen's Committee and scrutiny members.

The Committee also noted the necessity of the Panel to hold a hearing on the morning of the 15th December 2006 which was also scheduled for a Chairmen's Committee meeting. The Committee agreed to delay the start of its meeting until 11.30am.

The Committee was advised that the Panel might revisit the "20 means 20" issue as there was some absence of knowledge as to what effect this might have on individuals.

The Panel would also make initial enquiries about the sale of States Property. Furthermore, it might also consider the Population register which could be a Sub-Panel comprising Economic Affairs, Corporate Services and Health, Social Security and Housing Panels. This might be an important review during 2007.

Consideration was given to reviewing the fiscal strategy in its entirety but this was considered to be too vast.

Mobile Telephone Masts - Whilst this did not fall within the remit of the Corporate Services Panel, the Committee considered P144/2006 "Committee of Inquiry: Mobile Telecommunications" lodged "au Greffe" on 2nd November 2006 proposed by Deputy P.J.D. Ryan. The Committee considered Deputy Ryan's proposition: -

"(a) to establish a Committee of Inquiry in accordance with Standing Order 146 in order to investigate:-

- (i) investigate the health risks associated with the emissions from mobile network antennae and dishes;
- (ii) the environmental impact of the proliferation of multiple network infrastructures".....and

"(b) to request the Minister for Planning and Environment to suspend consideration of all new and existing planning applications involving the mobile telecommunications network infrastructure pending the results of this investigation."

	<p>This proposition was due to be debated in the States on 22nd November 2006.</p> <p>The Committee considered whether it was appropriate for the matter to be reviewed by a Committee of Inquiry or by the scrutiny function. If it were the latter, it would fall mainly into the remit of the Health, Social Security and Housing Panel, (50 per cent) once constituted. However, it would also involve the Environment and Economic Affairs Panels (25 per cent each).</p> <p>Deputy Ryan agreed that within part (b) of the proposition he would request the Minister of Planning and Environment that there be a six month moratorium on the erection of such masts whilst the matter was investigated whether this be by a Committee of Inquiry or a scrutiny sub-panel of the above Panels.</p> <p>The Committee had no unanimous view regarding whether it should be a review by a scrutiny sub-panel or by a Committee of Inquiry. Consequently it was agreed that Deputy Ryan's approach to the States debate would be awaited and a decision as to whether to invoke the relevant Standing Order to suspend the debate for the purposes of scrutiny, to review the issues contained within the proposition, would be made during the debate.</p>	
<p>7.</p>	<p>Economic Affairs Panel</p> <p>Sale of Jersey Telecoms - the Panel had identified two possible suitably-qualified advisers, one of whom lived in Milan. It had, therefore been agreed that this adviser (Signor Florio Massimo) would be inappropriate in terms of costs. However, he had been invited to the Island on 12th December 2006 to give a talk on privatisation. His fee would be the local "going-rate" and the total cost would be under £2,000.</p> <p>Hearings on the above review were ongoing and were leading to essential areas which required follow-up.</p> <p>Dairy Review - Promar Report has been forwarded to the Chairman of the Sub-Panel and issues relating to the covenant situation were known. The working practice of working alongside a Minister would be evaluated on completion of the review.</p> <p>With regard to officer support it was noted that the officer working on the Planning Process report had produced the first draft and would now be reverting to working with the Economic Affairs Panel on the Sale of Jersey Telecoms Review.</p>	
<p>8.</p>	<p>Social Affairs Panel</p> <p>Overdale Review - the report was currently being drafted. Alex Picot was assisting with the review in respect of confidential financial information at a cost below £500.</p> <p>GP Out-of Hours - this report would be drafted following completion of the above report.</p>	

	<p>Centeniers review - this was being drafted and was scheduled to be finalised before Christmas.</p> <p>Review into H.M La Moye Prison - delayed since May 2006 as the Performance Improvement Plan had not been forwarded to the Panel despite having been considered by the Council of Ministers.</p> <p>Youth Policy - the Panel had been advised by the Education Minister that the policy would go before the Council of Ministers in November, be forwarded to the Scrutiny Panel in December and implemented in January. The Panel intended to call the Education Minister to discuss this time schedule. On a related matter the Panel was concerned about the unwillingness of the Education Minister to share information with the Panel. It was agreed that the Panel should contact the Chief Minister to advise of its concerns.</p>	
<p>9.</p>	<p>Environment Panel</p> <p>Planning Process Review - report drafted and was currently with relevant review members awaiting their comments. This should be completed by year end.</p> <p>Waste Management - this is about half way through the review process.</p> <p>Design of Homes - the Panel had organised a stand at the Lifestyle and Homes Exhibition and distributed a number of questionnaires. It had been questioned, however, as to whether the results of the questionnaire might not show biased sources. The Statistics Unit had assisted with the drawing up of appropriate questions. This review would continue into 2007.</p> <p>On a related matter, it was noted that the stand at the Lifestyle and Homes Exhibition had been a Panel initiative and it had been praised by Orchid Communications as a good initiative in public engagement. Some concerns were expressed, however, that whilst the initiative was a sound one, other Panels should have been encouraged to do the same or that a joint scrutiny stand should have been arranged to promote the scrutiny function in general.</p> <p>2007 workplan - energy and sustainability would be the two main review areas. It was noted that the Terms of Reference would have to be well-defined to make the reviews manageable. Consideration was also given to whether these areas would also involve Corporate Services, Economic Affairs and Social issues. It was noted that a small working group comprising the Chief Minister, Ministers of Health, Economic Development and Planning and Environment were forwarding papers to the Chairman of the Panel.</p>	
<p>10.</p> <p>27.10.06 Item 5</p>	<p>Scrutiny Away-Day</p> <p>The Committee received and noted a report on the group sessions and related outcomes from the away-day held on 3rd November 2006 (appended to these Minutes)</p>	

	<p>The Committee noted that a part of the outcome was to prepare a handbook for members. (Item 11 of these Minutes refers)</p> <p>Scrutiny Guide - this was also noted as one of the outcomes and also that the matter was being forwarded by the Public Engagement Group. (Item 11 of these Minutes refers)</p>	
<p>11.</p> <p>19.09.06</p> <p>Item 2</p>	<p>Public Engagement Group</p> <p>The Committee noted that the Group had had a very successful meeting recently with Orchid Communications and advised the Committee of its way forward as follows -</p> <ol style="list-style-type: none"> 1. The production of a scrutiny members' handbook. Work on this would be initiated by the Scrutiny Manager; 2. Scrutiny Guide. Work on this would be commenced following a meeting between the Scrutiny Manger and Orchid Communications; 3. Public Engagement Strategy. Work on this would be commenced by Orchid Communications following a meeting with the Scrutiny Manager; 4. Orchid Communications would move away from formulating and issuing press releases in order to focus on Nos 1 and 2 above. Orchid would supply the scrutiny office with an appropriate template for press releases and its circulation list. Officer would prepare press releases on behalf of or in conjunction with the Chairman of the relevant Panel. 5. With regard to raising the profile of scrutiny in the Secondary School Curriculum it was hoped that this would be progressed shortly. <p>It was anticipated that a clearer programme with more details might be presented to the Chairmen's Committee early in the New Year 2007.</p>	<p>KTF</p> <p>KTF/Orchid</p> <p>KTF/Orchid</p> <p>Orchid</p>
<p>12.</p> <p>27.10.06</p> <p>Item 1</p>	<p>Orchid Communications</p> <p>The Committee received a summary of activity of the above from 2nd October 2006 to 3rd November 2006. It was agreed that, in order to release Orchid fully to allow it to work on the Public Engagement Strategy and scrutiny leaflet, it need no longer scan the Jersey Evening Post for scrutiny related articles to forward to the scrutiny office.</p> <p>It was also agreed that Orchid Communications would relinquish its rôle in writing and circulating press releases (Minute 11 of these Minutes refers)</p> <p>The invoice for 50 hours work was received and consideration was given to Orchid Communications having outsourced the design of the Environment Panel questionnaire to IdeaWorks. Consideration was given to whether, in the long term, it would be more advantageous to train officers in this area.</p> <p>The Corporate Services Panel was still to hold its meeting with Orchid Communications. It was hoped, however, that the</p>	

	<p>company would have some input into advising how to better publicise the bi-annual meetings of the Panel with the Chief Minister and Treasurer and Resources Minister</p> <p>In general terms the Committee was impressed by the enthusiasm Orchid Communications was showing to raise the profile of scrutiny and praise was given to the presentation given to members at the Away-Day. It was also generally agreed that it was appropriate that Orchid Communications had no political bias.</p>	
<p>13.</p> <p>01.11.06 Item 1</p>	<p>Draft Code of Practice</p> <p>It was agreed that the above should not be re-lodged for debate either with the inclusion or exclusion of the section on legal advice until the latter had been pursued. The Chief Minister and the Privileges and Procedures Committee had agreed to consider the matter and to revert to the Chairmen's Committee.</p> <p>It was agreed, however, that the Code of Practice should be followed on an accepted basis by Panels in the interim.</p> <p>Consideration was given to the content of the letter sent to all States Members by Deputy R.C. Duhamel.</p> <p>Deputies Reed and Le Hérissier withdrew from the meeting for the remainder of this item.</p> <p>It was agreed that the Chairmen's Committee, Council of Ministers and Privileges and Procedures Committee would consider this issue at a later stage.</p>	
<p>14.</p> <p>20.04.06 Item</p>	<p>Role of Advisers at Scrutiny Panel Hearings</p> <p>The Committee recalled that, on the advice of the Greffier of the States, it had previously been agreed to amend its draft Code of Practice, to disallow advisers to Panels from participating in asking questions at hearings. This was due to the fact that they were not covered by immunity.</p> <p>The Committee considered that there were genuine occasions when matters were of such a technical nature in which members were inexperienced, that it was appropriate for advisers to be able to ask questions. It was clarified that the proposal was that advisers should be permitted to ask questions of other technical experts and similar, not of Ministers.</p> <p>The Committee agreed to request the Greffier of the States to consider a means of either: -</p> <ol style="list-style-type: none"> 1. Seeking a means by which advisers might be covered by immunity; or 2. Seeking a means of adding a clause to the contract whereby they would be enabled to ask questions of non-Ministers. <p>Deputy Le Hérissier was not present for this item.</p>	<p>GoS</p>

<p>15.</p>	<p>2007 Joint Public Meetings</p> <p>The Committee considered that, in order to better engage the public, be that at hearings or at general public meetings, these, on occasions, needed to be held in the evenings. It was noted that, to enable hearings to take place in the evenings, mobile recording equipment had been ordered by the States Greffe.</p> <p>The Committee again noted the Corporate Services Panel's comment that no further joint scrutiny meeting should be held until the identity of scrutiny had been clarified and agreed. (Item 6(2) of these Minutes refers)</p> <p>It was noted that if the Chairmen's Committee agreed that no joint meetings would be arranged, the Environment Panel would continue its independent public meetings as it had arranged at the start of 2006.</p> <p>It was agreed that the Public Engagement Group would consider this matter at its next meeting.</p>	
<p>16.</p>	<p>Training</p> <p>The Committee considered a paper produced by Orchid Communications in respect of media training. Having noted that there were, to date, 13 interested members and that the cost was £450 per delegate, it agreed to defer this matter.</p> <p>In relation to other training, the Committee noted that the Education and Home Affairs Panel had considered questioning training dedicated to its specific area. In respect of this, and noting that an Investigative Interviewing course was available for public employees, the Committee agreed that it should seek out whether this could be made available for members.</p> <p>The Committee also considered that seeing a Select Committee in action at Westminster was also a very valuable experience.</p>	<p>KTF</p>
<p>17.</p>	<p>Departmental Business Plans</p> <p>The Committee gave consideration to the current status of Departmental Business Plans and noting that no Chairmen had received these, agreed that information about this matter should be sought.</p> <p>The Scrutiny Manager agreed to contact the Strategic Planning Manager who was co-ordinating this.</p> <p>The Committee also noted that the Strategic Planning Manager was preparing a 2007 plan of all newly proposed legislation and policy which would be circulated for consultation during 2007 and that this plan would be forwarded to the Scrutiny Panels once complete.</p>	<p>KTF</p>
<p>18.</p>	<p>Christmas Arrangements</p> <p>The Committee decided that a Christmas function for all</p>	

	<p>scrutiny members and officers should be arranged either pre-Christmas if possible or early January if not.</p> <p>The dates of 18th, 19th and 20th were earmarked and the scrutiny office undertook to arrange this.</p> <p>With regard to payment, it was agreed that it would be improper to use the scrutiny funds and that it should be paid for by individual members and officers.</p>	KTF
19.	<p>Meeting dates for 2007.</p> <p>These were agreed as follows -</p> <p>January 12th February 9th March 9th April 13th May 11th June 1st June 29th July 27th August 17th September 7th October 5th November 2nd December 7th</p>	

Signed

Date:.....

President, Chairmen's Committee