

Chairmen's Committee

Record of Meeting

Date: 14th January 2014

Present	Deputy T.A. Vallois, President Deputy S.G. Luce, Vice-President Senator S.C. Ferguson Deputy J.A. Hilton, Acting Chairman, HSSH Deputy J.M. Maçon, (item 5 onwards) Deputy M. Tadier (Education and Home Affairs Scrutiny Panel)
Apologies	Deputy K.L. Moore; Deputy J.H. Young
Absent	
In attendance	Mrs. K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
	<p>1. Minutes of previous meetings</p> <p>The records of the meetings held on 17th and 20th December 2013 were approved and signed accordingly.</p>	
<p>17.12.13 Item 2 510/1(74)</p>	<p>2. Remit of Scrutiny Panels: transfer of Housing to Environment Scrutiny Panel</p> <p>The Committee, recalling that it had agreed that it would prepare a draft report and proposition in respect of transferring the Housing element of the Health, Social Security and Housing Scrutiny Panel to the Environment Scrutiny Panel, noted that work on this had commenced.</p> <p>Although it was agreed that ideally, all amendments to Standing Orders should be brought at the same time, the Committee was eager to ensure that this report and proposition was lodged and debated to ensure that it would be in force by the 2014 elections.</p>	KTF
<p>17.09.13 Item 7 510/3(5)</p>	<p>3. Newsletter</p> <p>The Committee, noting that it was an election year, agreed that there should be one edition of the newsletter which should be circulated around June/July. This would permit Panels to, not only update the public on work undertaken during 2014, but also permit them to provide a summary of the work undertaken during this term of office.</p> <p>The Committee agreed that it wished for the newsletter to be printed on-Island and that a comparative cost should be sought to that paid for the winter 2013 edition. It was also agreed that, as the Connétable of St. Brelade had acquired such excellent printing prices for the winter 2013 edition, should be requested to pursue this for the summer 2014 edition.</p>	
<p>07.02.12 Item 7 510/1(7)</p>	<p>4. Conduct of Scrutiny Hearings</p> <p>The Committee agreed that it should be at the discretion of each Chairman whether Scrutiny Members and witnesses could remove jackets. It also agreed, however, to maintain agreed practice that</p>	

	refreshments at hearings would comprise water only and not extend to other beverages.	
17.12.13 Item 6 510/1(5)	<p>5. Codes of Practice</p> <p>The Committee agreed that there should continue to be a Code of Conduct for all States Members as at present, namely included in the Schedules of Standing Orders, however in respect of Codes of Practice, it was noted that there was one for Scrutiny but not for the Council of Ministers.</p> <p>Consideration was given to the possibility of introducing the following:-</p> <ol style="list-style-type: none"> 1. Code of Practice for Ministers (approved by the Council of Ministers only) 2. Code of Practice for Scrutiny (approved by the Chairmen's Committee only) 3. Code of Practice – joint between Chairmen's Committee and Chief Minister (approved possibly by the Chairmen's Committee and Chief Minister or by the States. This would be a public document) <p>The Committee agreed with the principle of nos. 1 and 2 above and also agreed that it would be inappropriate for these working codes to be approved by those other than the individual relevant bodies.</p> <p>Consideration was given in particular to no. 3 above in respect of a joint Code of Practice and whether this should be approved by the States or not. It was noted that formulation and adoption of the existing Code of Practice had been a lengthy process and that having to amend the Code by referral to the States was time-consuming. In order to avoid these difficulties, alternative methodology had been proposed whereby the Code would not need to be adopted by the States.</p> <p>The Committee deliberated as to whether a joint Code would have sufficient "standing" without States approval and whether Members would abide by it. Consideration was given to an alternative; the possibility of amending Standing Orders to state that a Code of Practice would be prepared between the Chairmen's Committee and the Chief Minister which would be binding on all who served on both the Executive and Scrutiny.</p> <p>This raised some concerns that States Members might not agree to signing up to a Code without prior knowledge its contents. It would mean that Members would be signing up to abide by a Code with which they might not agree.</p> <p>In view of the above, it was agreed that all Scrutiny Members should be asked for their views on:-</p> <ol style="list-style-type: none"> (a) whether the joint Code should be adopted by the States; or, (b) an amendment to Standing Orders should be brought to state that any Code agreed between the Chairmen's Committee and the Chief Minister would be binding on all Ministers and those serving on Scrutiny at any time (including Sub-Panels and ad-hoc groups, if they were to come into existence) 	KTF
17.12.13 Item 7	7. Ad-hoc Review Panels (Task and Finish Groups)	KTF

510/1(87)

The Committee recalled that at its previous meeting it had given initial consideration to the possibility of establishing ad-hoc review groups post 2014 elections. The Committee consequently considered the following matters in greater detail :-

1. How would the Chairmen's Committee ensure that Members not appointed to Scrutiny by the States and on ad-hoc groups would abide by Codes of Practice (especially if not adopted by the States)

It was agreed that this was a risk and the Chairmen's Committee, with responsibility for the budget, had the appropriate mechanism to mitigate against this.

2. Would Members opt out of serving on main Panels to wait for specific ad-hoc groups to be formed on matters which interested them?

The Committee agreed that this too was a risk but that it happened in the current structure, with Members opting out of serving on main Panels in preference to waiting for a Sub-Panel to be formed on a matter of particular interest to them. Consideration was given to it being mandatory to hold a specific office ie : Minister, Assistant Minister or Scrutiny Panel Chairman or Member.

3. The appropriateness of a Member who has never been involved in Scrutiny chairing an ad-hoc group.

The Committee was of the opinion that as all non-Executive Members would have been offered training, this would not be an issue. Members could be made aware in advance of the training, that in order to chair an ad-hoc group they would have had to have attended the training sessions.

4. Would ad-hoc groups be established solely for cross-cutting topics or when a Panel has work overload?

It was agreed that if a Panel faced an unmanageable workload, then the Chairman of that Panel could opt to report this to the Chairmen's Committee which would consider the establishment of an ad-hoc group. Deputy Luce dissented from this decision.

5. Who would appoint the Chairman of an ad-hoc group?

It was agreed that the group should decide who would be the Chairman and that this should be discussed with the Chairmen's Committee before the review was started. The Committee agreed that it would need to ensure objectivity and impartiality and avoid Chairmanship by those with specific political views.

6. Who would determine the terms of reference for ad-hoc groups?

The ad-hoc group itself should undertake to do this with regard to cross-cutting matters. For Panel specific matters it should determine terms of reference in consultation with the relevant main panel. All terms of reference should be referred to the Chairmen's Committee as was current practice.

	<p>7. Who would determine the length of the review?</p> <p>The ad-hoc group would need to determine this but the target completion date would be entered onto the scoping document and it would be the responsibility of the Chairmen's Committee to monitor this.</p> <p>8. Who would consider the Ministerial Response and follow-up on recommendations?</p> <p>As recommendations were aimed at specific Ministers, the Committee agreed that it would be the individual Panels which would need to follow-up on relevant recommendations.</p>	
510/1(44)	<p>8. Lord Carswell recommendation re: legal advice provision</p> <p>The Committee considered whether it wished to explore further the recommendation made by Lord Carswell in the report on the Rôle of Crown Officers in respect of Scrutiny's access to legal advice provided by the Law Officers' Department to Ministers. The Committee agreed that the system was currently working as it stood and no further action should be taken in this regard.</p> <p>Deputy Maçon dissented from this decision.</p>	
12.12.11 Item 11 510/1(62)	<p>9. Statement of Intent/Purpose and current protocols</p> <p>The Committee agreed that these were working well but the response from Scrutiny Members with regard to the proposed Codes of Practice structure would be awaited before any further reconsideration was undertaken.</p>	
18.12.12 Item 5 517/21	<p>10. Hospital and Full Business Cases: Health, Social Security and Housing Scrutiny Panel</p> <p>The Committee noted the scoping document in respect of the above.</p>	
	<p>11. Panel Activity Reports</p> <p>These were taken as read.</p>	
22.01.13 Item 13	<p>12. Annual Report 2013</p> <p>The Committee noted that Scrutiny Officers were currently drafting Panel Reports for Panel approval for inclusion in the Annual Report 2013. Work on the remainder of the report was underway and a foreword from the President would be drawn up shortly.</p>	
516/1(1)	<p>13. Chairmanship, Education/Home Affairs</p> <p>The Committee noted that as the Education and Home Affairs Scrutiny Report on Surveillance Cameras was to be presented this week, the Chairman of that Panel would be submitting his resignation to the States on 21st January 2014. It was noted that the Connétable of St. Brelade would be nominated and the Committee considered whether there would be other nominations.</p>	
	<p>14. Vote of dismissal – Minister for Planning and Environment</p> <p>The Committee considered whether there could be a "knock-on" effect on Scrutiny membership if the vote of dismissal were successful.</p>	
	<p>15. Alcohol and Licensing Strategy</p> <p>The Committee considered the methodology it would use to review this</p>	

	<p>Strategy which crossed a number of Departments and therefore Scrutiny Panels. Given the target date for the end of the consultation programme and the fact that the matter was controversial, it was believed that the Strategy would not be ready during this term of office.</p>	
	<p>8. Future meetings</p> <p>The Committee noted the following meeting:-</p> <ul style="list-style-type: none"> • Chairmen’s Committee meeting --11th February 2014, 9.30am - 11.30am, Le Capelain Room 	