

CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 8th September 2006
Meeting No. 26

PUBLIC SESSION

Present	Deputy R C Duhamel, President Deputy R.G. Le Hérissier, Vice-President Deputy J. G. Reed Deputy S C Ferguson Deputy D. Mezbourian (as Social Affairs Panel representative) Senator J. Perchard (as Corporate Services Panel representative)
Apologies	Deputy P J D Ryan Deputy B. Hill
Absent	
In attendance	Mrs. K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
1.	<p>Minutes</p> <p>The Minutes of 30th June 2006 as amended and 21st, 24th and 28th July and 31st August 2006 were approved and signed accordingly.</p> <p>With regard to the minutes of 31st August 2006, it was noted that the full amendment to the draft Code of Practice Section 4.19 had been approved as opposed to a corrigendum.</p> <p>Meeting of 30th June 2006 Item 3: Scrutiny communication in general was requested as an item for consideration at a subsequent meeting.</p>	
2. 28.07.06 Item 7	<p>Correspondence to Property Holdings</p> <p>This matter had been addressed by way of an amendment by Deputy S.C. Ferguson to the Annual Business Plan (P.96/2006) Eighth Amendment.</p>	
3. 28.07.06 Item 15	<p>Livelink</p> <p>Deputy Duhamel had met Mr Ogley and discussed the extent to which LiveLink was currently useful to scrutiny. It was recognised that scrutiny needed to have access to the process which lead to a decision by a Minister and without such an audit trail, scrutiny was unable to fulfil in function in any depth. Mr. Ogley agreed to prepare a paper which would address either a change to LiveLink or a change to current provision of a chronology or bibliography.</p>	
4. 30.06.06	<p>Draft Strategic Plan 2006-2011</p> <p>The Committee received and noted a Committee Act of the</p>	

<p>Item 5</p>	<p>Privileges and Procedures Committee relating to Scrutiny's concerns that no costings were detailed in the draft Strategic Plan 2006 - 2011. The Committee noted that the Privileges and Procedures Committee had agreed that this matter should be considered as a part of the proposed review lodged "au Greffe" by Senator B.E. Shenton entitled "Ministerial Government: Review of the first 12 months" (P.77/2006)</p>	
<p>5.</p> <p>30.06.06</p> <p>Item 13.</p>	<p>Amendments to Standing Orders</p> <p>The Committee received and noted correspondence dated 14th August 2006, from the Privileges and Procedures Committee regarding a suggestion by the Economic Affairs Panel that Standing Orders be amended in respect of lodging times and the period of time allowed for a scrutiny review.</p> <p>In the first instance, a lodging period of six weeks for a Scrutiny Panel to lodge a stand-alone proposition arising out of a scrutiny review of a matter before the States was too long. The Privileges and Procedures Committee had decided that it wished to investigate in what circumstances a stand-alone proposition would arise and this should form a part of the proposed review lodged "au Greffe" by Senator B.E. Shenton entitled "Ministerial Government: Review of the first 12 months" (P.77/2006)</p> <p>With regard to the above, Deputy Southern expressed his concern as he had informed the Committee of an example of when a stand-alone scrutiny proposition had to be lodged for a six-week period. It was agreed that Deputy Duhamel would contact Connétable Gray in respect of this matter.</p> <p>Secondly, the period of time allowed by Standing Orders to review a draft Law or Regulation was too short and should be extended so that the review was completed by the sixth meeting following the debate upon the principles of the legislation. If the recess intervened this could give rise to a very long period of scrutiny and it was proposed that the period of consultation did not exceed 12 weeks where a recessed occurred.</p> <p>The Privileges and Procedures Committee had referred the latter to the Council of Ministers for comment.</p>	<p>RD</p>
<p>6.</p>	<p>Privileges and Procedures Committee - attendance at Scrutiny meetings</p> <p>The Committee received and noted correspondence dated 14th August 2006, from the Privileges and Procedures Committee regarding the funding for the establishment of a fifth scrutiny panel. It was noted that that Committee would lodge an amendment to the Annual Business Plan in order to obtain the full amount needed to fund the fifth Panel which would be drawn in equal parts from the ten Departments.</p> <p>The Committee also noted that the Privileges and Procedures Committee, being aware of the need to prepare for the above and for a debate in respect of P.77/2006, lodged "au Greffe" by Senator B.E. Shenton entitled "Ministerial Government: Review</p>	

	<p>of the first 12 months”, decided that it should appraise itself of the way that scrutiny was proceeding. It had been agreed that the Chairman and Vice-Chairman would attend Panel meetings as observers and discuss achievements and challenges with the individual Chairmen.</p>	
<p>7.</p>	<p>Constitutional Advisory Panel</p> <p>The Committee received and noted correspondence dated 16th August 2006 from the Chairman, Corporate Services Panel to the Chief Minister regarding membership of a Constitutional Advisory Panel.</p> <p>The Council of Ministers had approved this body and agreed that one of its members should be a non-Executive member of the States nominated by the Privileges and Procedures Committee. In view of the fact that the remit of the Corporate Services Panel was to hold the Chief Minister’s Department to account, that it would be appropriate for the Corporate Services Panel Chairman to serve on the Constitutional Advisory Panel.</p> <p>It was noted that the deadline for applications was this day, however, the Committee considered there were issues which merited consideration with the Chief Minister.</p> <p>The Committee considered the general process for nomination to and acceptance on this Committee and whether the involvement of a scrutiny chairman or member would compromise the independent status of that member.</p> <p>It was noted that the Chairman of the Social Affairs Panel had not been permitted to become a member of the Social Affairs Steering Group established by the Executive.</p> <p>Consideration was given to the possibility of a scrutiny member taking part on the Advisory Panel as an observer, in the capacity of such independence could be retained.</p> <p>It was agreed that Deputy Duhamel would inform the Chairman, Corporate Services Panel of the Committee’s serious concerns and also urgently discuss the issues with the Chief Minister.</p>	<p>RD</p>
<p>8.</p> <p>28.07.06 Item 9</p>	<p>Communications Sub-Group [Public Engagement Group] (PEG)</p> <p>The Committee received an oral update from Deputy Le Hérisssier. regarding the ongoing work of PEG.</p> <p>It was noted that an advert had been placed in the Jersey Evening Post on two occasions for a PR Consultancy. The advert had also been placed on the Scrutiny Website. A number of companies and individuals had expressed interest and formal written expressions of interest were due today 8th September 2006.</p> <p>The interested parties would be requested to give a brief presentation to PEG on 15th September 2006 by way of a short-listing process and those successful would be invited to give a presentation to the Chairmen’s Committee on 22nd September</p>	

	<p>2006.</p> <p>In the event that only a few companies expressed an interest there would only be one day set aside [22nd September 2006] for presentations directly to the Chairmen’s Committee.</p> <p>In view of the fact that the proposed 3 month trial included December which was generally a quiet month, it was agreed to extend the trial period to four months and would run from 1st October 2006 to 31st January 2006.</p> <p>The working relationship between the successful company and the Scrutiny Office was queried and the Committee was advised that the Office had never been included in any deliberations when considering the function and operation of the PR consultancy.</p> <p>The President asserted that the PR company would take its instructions from the Chairmen in accordance with the draft Code of Practice.</p> <p>The Committee noted and approved draft terms of engagement and a draft contract so that these could be actioned immediately upon selection.</p> <p>It was proposed that the responsibility to liaise with the PR Consultancy be extended to Sub-Panel Chairmen but this was not agreed as it would be in contravention to the Code of Practice which put responsibility on the Chairmen.</p> <p>It was agreed to amend Point 10.00 of the contract - “Force Majeur” to delete the words “States of Jersey “ and replace by the words Chairmen’s Committee.</p> <p>The Committee further agreed that members of the Public Engagement Group who were not members of the Chairmen’s Committee should be invited to attend on 22nd September 2006.</p>	
<p>9.</p> <p>28.07.06</p> <p>Item 20</p>	<p>Draft Code of Practice [legal advice]</p> <p>The Committee noted P.101/2006 Comments on the Code of Practice for Scrutiny Panels and the Public Accounts Committee presented to the States on 1st September 2006 by H.M. Attorney General.</p> <p>The Committee considered a range of issues relating to this including scrutiny forming part of government, support of the Chief Minister and the need to not be placed in apposition whereby scrutiny takes a Minister to court.</p> <p>It was noted that the Chief Minister would be absent from the States on the date the Code of Practice was scheduled for debate (26th September 2006). Due to this the Committee agreed that the debate should be deferred.</p> <p>It was agreed that Deputy Duhamel would reconsider the comments of H.M. Attorney General along with the relevant section of the Code of Practice and prepare a paper for a</p>	<p>RD</p>

	<p>supplementary Chairmen's Committee meeting to be held on 19th September 1.00pm. The paper would highlight the points within H.M. Attorney General's comments which might be incorporated into the Code of Practice.</p>	
<p>10.</p> <p>28.07.06 Item 11</p>	<p>Joint Scrutiny Public Meeting</p> <p>The Committee agreed that this should take place once the PR consultants had taken up their role. The 9th November 2006 for an evening public meeting was earmarked in principle with the venue to be decided.</p> <p>The Public Engagement Group and Panels should be requested to forward any topics for discussions at this event to the Scrutiny Manager.</p>	<p>PANELS/ PEG</p>
<p>11.</p> <p>28.07.06 Item 18</p>	<p>Scrutiny Away-Day</p> <p>The Committee recalled that a scrutiny away-day had been approved in principle. It was decided that it would be useful to hold this following the seminar by Sir Robert Phillis on Community Engagement but before the scheduled joint scrutiny public meeting on 9th November 2006.</p> <p>The Committee approved 23rd October 2006 in principle, commencing at 10.30am.</p> <p>Although the venue was to be decided, it was agreed that information regarding hiring Haut de la Garenne and additional housekeeping matters be investigated.</p> <p>It was also agreed that the day would need to be programmed and it was agreed that Panels would be asked to forward matters for consideration to the Scrutiny Manager. Deputies Mezbourian and Reed were tasked with arranging a draft programme in conjunction with the Scrutiny Manager. Issues might include the following -</p> <p style="padding-left: 40px;">sharing of information between Panels; communication with the Executive; public engagement.</p> <p>It was also agreed that a trained facilitator would be necessary and this would be researched by the Scrutiny Manager and Deputies Mezbourian and Reed.</p> <p>Inviting members of the Council of Minister for part of the afternoon session was considered but no decision reached.</p>	<p>PANELS JR/DM/KTF</p>
<p>12.</p> <p>28.07.06 Item 13</p>	<p>Accountancy Advice</p> <p>The Committee received expressions of interest from a number of accountancy firms.</p> <p>Following consideration of the expressions of interest, the Committee agreed that criteria needed to be drawn up by which the companies could be assessed and tasked Deputies Le Hérissier and Ferguson to undertake to do this.</p>	<p>RLH/SF</p>

	<p>The Committee received and approved a draft letter of engagement and a draft contract subject to some amendments.</p>	
13.	<p>Corporate Services Panel - Evaluation of Financial Framework and Age of Consent Reviews</p> <p>The Committee received and noted an evaluation of the above review and also noted that the overall cost was £260 which had been for transcription services.</p> <p>Performance Indicator - the Panel's amendment engendered a key debate in the Assembly's consideration of the Strategic Plan.</p> <p>£844.95 - Age of Consent. The Committee received and noted an evaluation of the above review. It was noted that this referral to scrutiny was early in the year and no work programme had been established. Had a work programme been established reviewing matters referred back by the States would not always be possible.</p> <p>The importance of keeping terms of reference as wide as possible was also noted as the terms of reference for this review had had to be amended due to the constrictiveness of the original terms of reference.</p>	
14.	<p>Corporate Services Panel Update Report</p> <p>Work was ongoing on GST and Zero Ten.</p>	
15.	<p>Economic Affairs Panel - formation of Sub-Panel (Jersey Telecoms)</p> <p>The Committee noted the establishment of an Economic Affairs Sub-Panel (Jersey Telecoms), its terms of reference and its membership.</p> <p>The Committee was advised that the terms of reference had been amended since circulation of the agenda and the Committee noted these by way of an oral report by Deputy Southern. The Panel was investigating the appointment of an adviser and it had held its first public meeting the previous evening which had been well attended. A wide range of topics had been discussed which had given rise to some new issues.</p> <p>With regard to the venue, it had been held at Hautlieu School which was a good venue and there was also recording facilities. Some of the media coverage about members expressing anger was considered to be inappropriate.</p> <p>The Chairman, Economic Affairs Panel assured the Committee, that whilst he was opposed to the principle of privatisation in general, if the evidence proved in this case, that privatisation was the best option, the report would reflect this.</p> <p>He stressed the importance of maintaining an objective view irrespective of individual political beliefs.</p>	
16.	<p>Economic Affairs Panel Update Report</p>	

	<p>The Economic Affairs Sub-Panel (Dairy) - the Sub-Panel had visited some dairies and work was ongoing.</p> <p>The drafting of the Fulfilment Report had been put on hold for some time due to the long-term illness of a Scrutiny Officer. However, the Scrutiny Manager, having considered the current workload of officers and identified capacity in one of the Corporate Services Officers, who is nearing the end of the review into Zero Ten.</p> <p>All Corporate Services Panel members had been advised of this decision and it was anticipated that the fulfilment report drafting would not take much longer than four weeks.</p>	
17.	<p>Social Affairs Panel - formation of Sub-Panel (Overdale)</p> <p>The Committee noted the establishment of the above Social Affairs Sub-Panel, its terms of reference and its membership.</p>	
18.	<p>Social Affairs Panel Update Report</p> <p>The Panel had met all Department Ministers regarding the Annual Business Plans and had decided not to submit any amendments as a Panel.</p> <p>H.M. Prison La Moye - the Chairman has prepared a draft paper regarding work undertaken to date on behalf of Panel but this had not been a formal review. Senator Kinnard had expressed her concern that this was not a formal review and expressed the opinion that the Panel should not, therefore, be asking questions on the matter.</p> <p>The Income Support Review figures required for this review to move forward would not be available until December so a draft interim report was currently being drafted.</p> <p>The Youth Service review had been deferred due to the establishment of the review into Overdale, but the report on the Youth Service from the Minister of Education, Sport and Culture would not be available until December.</p> <p>The Panel was due to meet the Minister of Health on 14th September 2006.</p> <p>GP Out of Hours had been awaiting the circulation of the report from the JCRA which had now been made available. The next formal hearing would held on 29th September 2006.</p> <p>The role of Centeniers review - the Panel had undertaken a fact-finding visit to Southampton the previous week and found the visit very beneficial. There would be a public hearing on 19th and 21st September 2006. It was anticipated that the report might be ready to be presented by the end of October.</p>	
19.	<p>Environment Panel Update Report</p> <p>The following three reviews were ongoing -</p>	

Planning process - this was drawing to a close. There were a few final meetings with Ministers during September and the review would be concluded shortly afterwards.

Waste - there was a large volume of work waiting to be written up. An exhibition related to the review was being held by the Panel at the Royal Jersey Horticultural and Horticultural Society Hall, Trinity on 15th /16th September 2006. A wide range of people had been invited to the event on 16th September 2006.

Consideration was given to whether this was an appropriate use of scrutiny funds and whether this was, in fact, organising a change to policy but the Committee was assured that the purpose was for data acquisition. The Committee was also advised that the Zero Waste trial currently being undertaken by the Parish of St. Helier was also a means of data collation in that it would determine the extent to which food waste could be composted with other waste. The Committee noted that the trial had been organised by the Parish of St. Helier and not scrutiny as the latter was only interested in statistical information arising from the trial. There had been some difficulties however these had mainly been overcome. The Scrutiny Panel had agreed to pay £5,000 by way of a grant towards the trial in order to obtain statistics arising therefrom. That money had not yet been paid. It was noted that the Parish of St. Helier was paying in the region of £20,000 for the trial.

The Chairman explained that the Panel was not working closely with the Minister of Transport and Technical Services and had not invited him to do so as it was not for the Minister to be involved in a Parish trial but to be consider the outcome of that trial.

It was noted that the Transport and Technical Services Department had been unprepared to consider alternative options, consequently, whilst some unorthodox methodology seemed to have occurred, data acquisition had to be obtained.

The Chairman also explained that £240 had been paid towards the shipping costs of the glass imploding machine, £750.00 for that machine's rental and that the total cost of the composting exhibition was £4,000. There was uncertainty as to whether all the glass collected had been processed.

Consideration was also given to an EU Directive which prohibited farmers spreading sludge on the land which had been derived from food waste. Deputy Duhamel explained that the United Kingdom had heavy metal contamination due to industrial effluents in drains but those issues did not apply to the Island.

The Chairman advised the Committee that the report on the waste review would be completed by the end of 2006.

Design of Homes: the report was due by the end of 2006. In order to minimise delays in the planning process, the Minister had requested an interim report on two specific items.

	<p>The Panel had submitted a comment to the Annual Business Plan regarding paragraph (g) of the Plan as there might be alternative solutions for sludge drying which could affect the costings. The costings in the Plan could only, therefore, be aspirational.</p> <p>Water Resources: Drilling would commence on 18th September 2006 and drill as deeply as the drillers would wish to. It was recalled that a letter had been sent to the Conseil General de la Manche earlier in the year to request access to findings from research undertaken.</p>	
20.	<p>Public Accounts Committee</p> <p>Deputy Ferguson had lodged an amendment to the Annual Business Plan regarding the methodology used to arrive at the decision of which properties to sell. The draft Terms of Reference in the proposition might change as the Comptroller and Auditor General had asset disposal on his agenda for next year.</p> <p>The Comptroller and Auditor General had recently published a report on the Jersey Childcare Trust.</p> <p>The Comptroller and Auditor General had been asked to undertake a review of the Battle of Flowers expenditure. He would probably also undertake a review of the expenditure on Battle of Britain and it was noted that Deputy Ferguson would withdraw from either of these due to a conflict of interest</p>	
21.	<p>Use of Blampied Room by Treasury and Resources Department</p> <p>The above room had been booked by the Treasury and Resources Department for the appointment of advisers for Jersey Telecoms on 26th September 2006. It was noted that this was a States meeting date and the Chairmen's Committee perceived no problem with this use.</p>	
22.	<p>General Working Practices.</p> <p>Deputy Mezbourian explained the process that the Social Affairs Panel had undertaken regarding discussions with Ministers about the Annual Business Plan. It was noted that in-depth questions were not asked however there was consideration given to future plans in light of discussions held with the Ministers held earlier in the year.</p> <p>The Committee considered that a report in the Jersey Evening Post which had stated that scrutiny had not produced many reports was inaccurate and did not account for the amount of work being undertaken.</p> <p>With regard to the establishment of a fifth Panel, it was noted that there might be some members of the existing Social Affairs Panel who would wish to move once the new Panel had been established.</p>	
23.	<p>Christmas Arrangements</p>	

	<p>There was a suggestion that the officers should be treated to lunch nearer to Christmas by the Chairmen's Committee and Scrutiny Members. There was also consideration that individual panels would wish to treat their own officers to a lunch. The Committee was requested to consider whether it would be considered good practice to use the scrutiny budget for this purpose. A lunch was agreed in principle with no decision on how it would be funded.</p>	
<p>24.</p>	<p>Next Scheduled Meeting</p> <p>The Chairmen's Committee meeting of 22nd September 2006 would be dedicated to presentations from PR consultancies.</p>	

Signed

Date:.....

President, Chairmen's Committee