

Chairmen's Committee

PUBLIC MEETING

Record of Meeting

Date: 19.02.09

Meeting No: 4

Present	Senator B. E. Shenton, President Deputy R.G. Le Hérissier, Vice-President Senator A. Breckon Senator S.C. Ferguson Deputy M.R. Higgins Deputy D.J.A. Wimberley (Vice- Chairman, Environment Scrutiny Panel. Item 5 onwards)
Apologies	Deputy P.J. Rondel
Absent	
In attendance	Mrs K. Tremellen-Frost, Scrutiny Manager Mrs. E. Liddiard, Scrutiny Officer Miss A-C Heuston, Committee Clerk (supporting the Public Accounts Committee)

Ref Back	Agenda matter	Action
	<p>1. Minutes of previous meetings</p> <p>The minutes of the 22nd, 29th January and 4th February 2009, having been taken as read with a minor typographical amendment to the latter, were accordingly signed.</p>	
<p>22.01.09 item 6</p> <p>510/1 (5)</p>	<p>2. Code of Practice amendments</p> <p>The Committee recalled that at its meeting of 22nd January 2009, it had approved a paper relating to amendments to the Code of Practice for Scrutiny Panels and the Public Accounts Committee so that the Code of Practice would be in accordance with the revised Standing Orders.</p> <p>The Committee received and approved a draft Report and Proposition which it requested to be lodged "au Greffe" forthwith.</p>	
<p>22.01.09 item 8</p> <p>510/1 (15)</p>	<p>3. Conferences</p> <p>The Committee noted that a pro-forma for Members attending conferences without an officer to complete by way of report-back to the respective Panel had been completed.</p>	
<p>22.01.09 item 7</p> <p>510/1 (15)</p>	<p>4. Scrutiny Budget</p> <p>The Committee noted that the paper regarding the centralised management of the scrutiny budget had been accordingly circulated to all Panels.</p>	

	<p>On a related matter, the Committee noted that the Comptroller and Auditor General had previously recommended a cut of £100,000 of the scrutiny budget.</p>	
29.01.09 item 4	<p>5. Forward Work Programmes</p> <p>The Committee noted that the paper regarding the target date of the end of February 2009 for the finalisation of Panel work programmes had been circulated to all Panels.</p>	
	<p>6. Overview of Panel work</p> <p>The Committee noted the above and also noted that the majority of Panels were on target to meet the end of February 2009 deadline for the presentation of Panel annual work programmes.</p> <p>The Chairman, Economic Affairs Scrutiny Panel appraised the Committee of that Panel's meetings with the Jersey Hospitality Trust and other small businesses prior to deciding on its work programme. The Committee was also advised that that Panel would tailor its work to enable it to consider the Fiscal Stimulus Package.</p>	
22.01.09 item 2	<p>7. Panel activity reports</p> <p>The Committee noted the Panel activity reports as presented and also noted the following:-</p> <p>a) Corporate Services Scrutiny Panel</p> <p>(i) <i>Migration Sub-Panel:</i> the Panel was awaiting information regarding which member would be representing the Environment Panel on this Sub-Panel. The Vice-Chairman undertook to take this back to the next Panel meeting;</p> <p>(ii) <i>Finance Sub-Panel:</i> the Panel had also invited a member per Panel to serve on a Finance Sub-Panel, the draft remit of which was to consider corporate expenditure and resource allocation;</p> <p>(iii) <i>Fiscal Stimulus Package:</i> the Panel had not yet decided whether a review into this would be conducted as a main Panel, with co-opted member or as a Sub-Panel. At present it was keeping its options open but it would be the lead Panel given that the "package" would originate from the Treasury Minister.</p> <p>In respect of (iii) above, there was general agreement that the Fiscal Stimulus Package merited early intervention and it was agreed that the Corporate Services Panel would request draft outline information from the Treasury Minister forthwith.</p> <p>Noting that the above work programme appeared rather heavy which could strain officer support, the Committee noted that in such an event, the Chairman would discuss the matter with the Scrutiny Manager.</p> <p>b) Health, Social Security and Housing Scrutiny Panel</p> <p>The Panel was considering how it could approach scrutiny of the Williamson report, although no decision had yet been reached</p> <p>c) General</p> <p>(i) Consideration was given to "grey areas" where a</p>	

	<p>subject could cut across a number of Ministers, such as the Skills Executive which had a rotating Minister as Chairman. The Committee noted that the Chairmen's Committee had no rôle in formalising Sub-Panels as these were formed by the main Panels which determined their respective work programmes and working arrangements based on the Departments within their remit. It was clarified that Sub-Panels reported to the main Panel which had established it and not to the Chairmen's Committee.</p> <p>(ii) Joint Housing Review</p> <p>The Chairman, Economic Affairs Scrutiny Panel referred to a joint review which would be undertaken with the Health, Social Security and Housing Scrutiny Panel. However, the Chairmen's Committee noted that the latter Panel had not yet met the Minister for Housing and awareness of current issue would be raised after that meeting.</p>	
	<p>8. Support for Private Members' work</p> <p>The Committee noted some concerns that there appeared to be no support for members undertaking work as a private Member. As this was not a matter for discussion by the Committee, it was agreed that it would be referred to the Privileges and Procedures Committee.</p>	BS/KTF
	<p>9. Legislative Scrutiny: referral of matters in the States to Scrutiny</p> <p>The Committee considered the process and outcome expectations of a Scrutiny Panel when a matter had been referred to it, or "called in" by it in the States. The Committee agreed that early receipt by Panels of marked-up copies of legislation within the Panel's remit was appropriate. Consideration was also given to the Code of Practice for Scrutiny Panels and the Public Accounts Committee regarding scrutiny work being based on evidence rather than on Members' views. Further consideration was given to the various depths to which scrutiny could go in order to undertake its work.</p> <p>The Committee also considered the rôle of the Legislation Advisory Panel which it was noted, considered legislation outwith the remit of the other Departments and had no remit to scrutinise legislation.</p> <p>The Committee was advised of the original intention of legislative scrutiny from P.79/2003 and it was agreed that a paper on legislative scrutiny would be prepared for consideration at the next meeting.</p>	KTF
	<p>10. Adviser contracts</p> <p>The Committee agreed that it did not require to have sight of every full contract drawn up between Panels and Advisers but would welcome the basic information, such as name and fees charged and any other matters which might arise.</p>	
	<p>11. Scrutiny Assessment Documents</p> <p>The Committee noted that use of the Scrutiny Assessment documents had been discontinued due to a perceived overlap with the scoping documents. This was welcomed.</p>	
510/1 (44)	<p>12. Legal advice for scrutiny panels</p> <p>The Committee, being cognisant of the possible need for Scrutiny Panels to seek legal advice outside the Law Officers' Department, agreed that a range of legal firms should be contacted to ascertain</p>	

	availability and fees. A central list could then be retained in the office which Panels could draw on as and when required.	KTF
22.01.09 item 10 510/3 (5)	13. Newsletter The Committee recalled that it had previously expressed concerns regarding the costs for preparation and circulation of a newsletter to every household, especially given the current economic climate. However, other options were considered but it was agreed that this was the only option which gave scrutiny editorial control. It was also believed that it was early days and the newsletter was just becoming recognised. Some Members were encouraged by positive feedback they had received following previous circulations. A majority agreed that there should be another newsletter and that an effort should be made to market it as appropriate. The Scrutiny Manager would investigate circulation possibilities and progress the matter.	KTF
510/1 (43)	14. 20/20 The Committee noted that an approach by the Chief Executive of the above magazine had been made to the Scrutiny Manager. The magazine was circulated on an annual basis near Christmas. However, having considered this, the Committee decided it did not wish to pursue this avenue. The Chief Executive of the magazine would be notified accordingly.	BS/KTF
517/1 (13)	15. Correspondence from the Editor, Jersey Evening Post to the Chairman Health, Social Security and Housing Scrutiny Panel The Committee noted that the Health and Social Security and Housing Scrutiny Panel had received correspondence dated 4th February 2009 in respect of the fact that the Panel had moved into private session during a hearing on 2nd February 2009. The Committee noted that a response had been sent to the Jersey Evening Post which explained that the nature of the matter which was to be discussed: the Williamson Report "An Inquiry into Child Protection in Jersey" implementation plan had, at that time been confidential under Article 3.2.1 (a) (xiv) of the Code of Practice on Public Access to Official Information as the document had not at that time been in the public domain, it having been made public on 4th February 2009. The correspondence further assured the Editor of the Chairman's commitment to open government and that private Panel meetings would only occur in exceptional circumstances. The Committee, having noted the above, fully endorsed the response.	
510/1 (42)	16. Use of recording equipment by members of the public at public scrutiny meetings and/or hearings The Committee received a paper from the Scrutiny Manager outlining some concerns which had been received by the Chairman of the Privileges and Procedures Committee and the Minister for Education in respect of a member of the public having taking a personal video recording of part of a scrutiny hearing. The Committee was advised of the occurrence and the fact that a request had been to the Chairman at very short notice for a member of the public to take personal video footage. Given that it had been a	

	<p>public meeting and the “recognised” media had been present, the Chairman had given his approval, although he had not advised the witnesses of the permission granted.</p> <p>Consideration was given to the possibility of intimidation of witnesses by such actions and the fact that there were no constraints on any subsequent action taken with the video/picture footage by a member of the public as exists for the “recognised” media who have editorial guidelines and a complaints procedure.</p> <p>The Committee was cognisant of the potential rôle of a “citizen’s media”, and noted that there may well be circumstances when organisations or student groups might wish to take such footage for respective projects.</p> <p>It was noted that practices in other jurisdictions had been investigated and advice taken from the Data Protection Commissioner. In respect of the former the taking of any personal recording including drawing, sketching, painting, use of cameras and recording equipment was forbidden. In the case of the latter, Standing Order 138(6) provided that “The public may observe a meeting of or a hearing by a scrutiny panel unless the scrutiny panel decides otherwise” and the word “observe” was a restriction in itself, not extending to an unqualified right in respect of photographic footage. Furthermore, the Commissioner advised that the making of video tapes could be intrusive and subject to abuse. Having advised as such, the Commissioner also drew the Committee’s attention to the fact that it did not appear to fall within Article 35 (domestic purposes exemption) under the Data Protection Law (Jersey) 2005, especially is it were to be transmitted to third parties and/or broadcast online. If such processing were undertaken without the permission of the Panel, however, it could be argued that none of the conditions within Schedule 2 was satisfied and such processing might contravene the First Data Protection Principle and might trigger a requirement to notify under Article 17 of the above Law.</p> <p>Given the above, the Committee agreed that the protocol for Members of the Public attending Scrutiny Meetings/Hearings should be amended to include a statement to the effect that, in the event that a member of the public wished to take visual footage of a scrutiny meeting/hearing a request to the Chairman through the scrutiny office should be made 72 hours in advance of that meeting on condition that the witness gives consent.</p>	KTF
510/1 (4)	<p>17. Jersey Evening Post Advertising and Ideaworks</p> <p>The Committee received and noted information in respect of the advertising procedure in respect of the Jersey Evening Post. It was noted that, in accordance with Financial Direction 5.7. it was mandatory for all States Departments to use contracts awarded by the Purchasing and Supply Department unless an exemption was agreed by the Treasurer of the States in writing.</p> <p>It was noted that a contract was held between the States of Jersey and Ideaworks for all advertising in the Jersey Evening Post which gave a 40% discount. The Committee further noted that there was no compulsion to use the agreed template for scrutiny adverts and that Panel had the flexibility of forwarding a specific design and requesting a certain size. This could, however, incur an additional expense in</p>	

	<p>artwork.</p> <p>The Committee agreed that this information should be circulated to all Panels for clarification.</p>	KTF
510/1 (4)	<p>18. Radio 103 advertising</p> <p>The Committee noted opportunities and costs for radio 103 advertising.</p>	
510/1 (4)	<p>19. Successful media coverage</p> <p>The Committee noted a press release in respect of a hearing of the Education and Home Affairs Scrutiny Panel with the Minister for Home Affairs and the significant amount of publicity this had generated.</p>	
29.01.09 item 8 510/1 (3)	<p>20. Training - questioning skills</p> <p>The Committee received a progress update and noted that Mr. J. Sturrock QC had agreed to lower his fees by £500 per day and that the 11th and 12th June 2009 had been scheduled.</p> <p>These dates did not currently coincide with any other scheduled States business or school holidays. The Environment Scrutiny Panel meeting scheduled for the 11th June could proceed as normal as the time commitment for Members would be one session of four hours, permitting the Environment Panel members to be scheduled at an alternative time.</p> <p>The Committee noted and approved the above costs and arrangements.</p>	
22.01.09 item 12	<p>21. Naming "Scrutiny Panel"</p> <p>The Committee received an Act dated 6th February 2009, of the Privileges and Procedures Committee in response to a suggestion of the Chairmen's Committee that the name "Scrutiny Panel" should be changed to "Select Committee".</p> <p>The Committee noted that all members of the Privileges and Procedures Committee, with the exception of Deputies M.R. Higgins and M. Tadier, would not be minded to support a proposal to change the name of Scrutiny Panels to Select Committees.</p> <p>Given that the proposer of the matter was unable to attend the meeting, it was agreed that the matter would be held over for discussion at a subsequent meeting when the proposer was in attendance.</p>	
510/1 (45)	<p>22. Scrutiny Panel records of meeting/Minutes</p> <p>The Committee considered the status of records of meetings/minutes taken by Scrutiny Officers of the States Greffe for Scrutiny Panels. Consideration was given to the "ownership" of such records and that if a Chairman believed a record to be incorrect, even if the Scrutiny Officers were both 100 percent confident that the minute was an accurate recording of the discussion at that meeting, whether the minute could be amended.</p> <p>In view of the fact that the Chairman, Economic Affairs Scrutiny Panel had sought prior advice of the Greffier of the States in this matter, the advice he had received was made available to the Committee. This was that Minutes could be changed if the members and officers all</p>	

	<p>incomplete record but there were occasions when officers might not be willing to change a Minute if they were genuinely 100 percent satisfied as independent and impartial officers that what was written was correct and reflected what had been said. This was not a big issue - a further Minute could be recorded as a "matter arising" that could rescind or amend the decision or record a change.</p> <p>The Chairman, Economic Affairs Scrutiny Panel was unwilling to accept this and by way of a compromise, a proposal was made that the Minute about which there was concern could be annotated by the Chairman of the relevant Panel that the Panel did not believe it to be a true record. The Scrutiny Manager advised that, although she would be prepared to accept this compromise, as this matter had now been advised upon by the Greffier of the States, it would have to be referred back to him. The Scrutiny Manager undertook to refer back to the Committee following the discussion with the Greffier of the States.</p>	KTF
--	--	------------

Signed

Date:

.....
Senator B Shenton
President

..... 19th March 2009