

Chairmen's Committee

Record of Meeting

Date: 13th March 2012

Present	Deputy T.A. Vallois, President Senator S.C. Ferguson, Deputy J.H. Young Deputy K.L. Moore Deputy S.W. Pallett, (representing Economic Affairs and Education and Home Affairs Scrutiny Panels)
Apologies	Deputy S.G. Luce, Vice-President, (off-Island) Deputy J.M. Maçon, (ill)
Absent	
In attendance	Mrs. K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
	<p>1. Minutes of previous meetings</p> <p>The minutes of the meetings of 7th and 8th February 2012 and of Part B minutes of 7th February 2012, having been approved, were accordingly signed.</p>	
	<p>2. Panel Activity Reports</p> <p>These were noted.</p>	
<p>07.02.12 Item 9 510/1(68)</p>	<p>3. Medium-Term Financial Plan (MTFP)</p> <p>The Committee recalled that it had previously given some initial consideration as to how the Medium Term Financial Plan (MTFP) could best be scrutinised. The Committee also recalled that it had originally considered the feasibility of Panels undertaking some initial work on areas within their individual remits, producing short papers by way of outcomes and submitting these papers to two Sub-Panels of the Corporate Services Scrutiny Panel.</p> <p>However, following some reflection, the Committee considered that the establishment of two Sub-Panels would not be appropriate and considered the following as a more appropriate and realistic methodology:-</p> <ul style="list-style-type: none"> • Each Panel would hold briefings with relevant Ministers and Departments. This would be prior to the lodging of the MTFP so would require Panels to respect the confidential nature of the briefings and related papers; • Each Panel could hold a hearing after the lodging date of 3rd July 2012 by way of a public follow-up on the private briefings. This would need to be completed very soon after lodging due to the number of subsequent States meetings prior to the Summer Recess; • Each Panel should consider the following: <ul style="list-style-type: none"> a) The business cases put to the Treasury; b) The budget for each area of responsibility within the 	

	<p>respective Departments;</p> <ul style="list-style-type: none"> c) Any further bids above current levels with reasons for these; d) The risks to specific services should the budget not be provided; e) Invest to save mechanisms; f) Access to central contingencies; g) Cross-Departmental areas. <ul style="list-style-type: none"> • Each Panel would prepare a brief paper outlining its findings which would be forwarded to the Sub-Panel of Corporate Services which would comprise one Member per Panel; • The Sub-Panel would consider all cross-cutting matters to identify whether there had been appropriate cross-departmental communication and to identify whether services could be adversely affected in any way. <p>Having agreed the principle of the above, the Committee gave consideration to timings. Noting that it would not be feasible for Panels to complete their individual work until possibly the end of July when the States recess started. Noting that amendments would be due to be lodged by 11th September and considering the difficulties in arranging meetings and hearings during the States recesses due to absences of Panel Members, Ministers and Departmental Officers, the Committee considered various alternatives.</p> <p>Given that the timing posed a particular threat to any Scrutiny of real merit, it was agreed that the President would request the Chief Minister to defer the debate proposed for 23rd October 2012 for at least two weeks. This would provide Scrutiny with the opportunity of undertaking some work at the end of July and at the beginning of the September with some Panels undertaking some work during the summer recess as their circumstances determined.</p>	TV
514/19	<p>4. Ash Disposal Review: Environment Scrutiny Panel</p> <p>The Committee noted the scoping document and Terms of Reference for a review by the Environment Scrutiny Panel into Ash Disposal. The Committee was advised that a thorough review of this was essential in order to raise the knowledge of States Members prior to the debate on the matter.</p> <p>The Committee noted that the review would be undertaken around any Panel review of the Medium Term Financial Plan and the Officer resource available to the Panel.</p> <p>In respect of a possibility of a claim that the Panel Chairman had a perceived conflict of interest to his previous rôle as a Senior Public Employee, the Chairman advised the Committee that he had no such conflict of interest.</p>	
516/32	<p>5. Introduction of Tasers Review: Education and Home Affairs Scrutiny Panel</p> <p>The Committee noted the scoping document and Terms of Reference for a review by the Education and Home Affairs Scrutiny Panel into the introduction of Tasers. The Committee considered the rôle of the Connétables on the Panel given their involvement in policing matters. The Committee agreed that there was no direct conflict in this regard. It</p>	

	also agreed that this review would be undertaken around any review of the Medium Term Financial Plan.	
510/1(69)	<p>6. Scrutiny-Executive Relationship</p> <p>The Committee considered an excerpt from a Minute of the Education and Home Affairs Scrutiny Panel in respect of some concerns pertaining to the practice of Scrutiny Chairmen conducting regular informal meetings with Ministers. Although the value of such opportunities was recognised, there had been some concern expressed that the Chairman's position could be compromised if the relationship were to become too "cosy". That Panel also commented on the importance of keeping Panels fully informed about the outcome of such meetings.</p> <p>The Committee noted that if the meeting with the Minister pertained to Scrutiny a Scrutiny Officer should be present to keep an independent record of the meeting. Through that means information would be reported back to the Scrutiny Panel.</p> <p>The importance of separating independent Members work from Scrutiny work was stressed as was making it clear to others in which capacity a Chairman or Member was operating.</p>	
510/1(71)	<p>7. Legislative Scrutiny</p> <p>The Committee considered a suggestion by the Minister for Home Affairs which he made at the Scrutiny briefing to all States Members that an appropriate time for Scrutiny to consider draft legislation was when it was forwarded for Human Rights Compliancy.</p> <p>The Committee was mindful that it did not wish to delay the debates on draft legislation, but equally was cognisant that legislative Scrutiny was within its terms of reference.</p> <p>Consideration was given to communicating with the Law Draftsman about the status of each piece of legislation, however, it was agreed that the President would discuss this matter with the Chief Minister and request that the Chief Minister advises Ministers to factor in sufficient time for Scrutiny of draft legislation.</p>	TV
510/1(5)	<p>8. Code of Practice for Scrutiny Panels and Public Accounts Committee</p> <p>It was noted that considerable work had been undertaken on updating the Code of Practice for Scrutiny Panels and the Public Accounts Committee in the past. However, the Code still required updating due to inaccuracies and lack of clarity.</p> <p>The Committee was advised that a Sub-Committee of the Privileges and Procedures Committee had been formed to consider the Machinery of Government. It was also advised that there were many concerns in respect of over-prescription within government and a suggestion was made that the Scrutiny resources, both financial and manpower could be put to better use elsewhere.</p> <p>Noting that further consideration of webcasting could result in the requirement for amendments to the Code of Practice, the Committee agreed to defer this matter.</p>	

	<p>9. Work Programmes of Panels and the Public Accounts Committee [PAC]</p> <p>The Committee noted the status of ongoing and planned work by each of the Panels and the Public Accounts Committee [PAC]. In respect of the latter, it was also noted that the PAC would be following up on all recommendations made in reports issued by the Comptroller and Auditor General.</p> <p>The need for good co-ordination between the Corporate Services Scrutiny Panel and PAC was noted.</p>	
<p>12.12.11 Item 17</p> <p>510/3(5)</p>	<p>10. Newsletter: Scrutiny Matters – reminder of dates</p> <p>The Committee noted the dates for distribution of the newsletter.</p>	
<p>07.02.12 Item 10</p> <p>510/1(70)</p>	<p>11. Inclusive Scrutiny Meeting: topics for discussion</p> <p>The Committee agreed to remove the newsletter from the draft agenda and to replace this with webcasting should the work of the focus group be completed by that date.</p> <p>It was agreed to ask all Scrutiny Members if they had any matters for discussion.</p>	KTF
<p>510/1(45)</p>	<p>12. Hearings and briefings : written documentation for Panels and Public Accounts Committee</p> <p>The Committee considered the number of occasions when witnesses attending hearings and/or Departmental Officers briefing Panels had, on arrival, presented the Panel with a very large amount of written documentation.</p> <p>The Committee considered that, in order for the hearings and briefings to be beneficial for all concerned, all written documentation should be forwarded to the Scrutiny Office well in advance. The Scrutiny Office should advise witnesses and officials of this when inviting them to Panel hearings and briefings and advise of a date by when the documentation would be expected.</p>	KTF
	<p>13. Future meetings</p> <p>The Committee noted the following meetings:</p> <p style="padding-left: 40px;">21st March 2012: 1.00pm – 2.00pm, Blampied Room: all Scrutiny Members</p> <p style="padding-left: 40px;">24th April 2012: 9.30am – 11.30am, Blampied Room, Chairmen’s Committee</p>	