

CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 28th March 2008

Meeting Number 74

Present	Deputy S C Ferguson, President Deputy R G Le Hérissier, Vice-President [after item 1] Deputy R C Duhamel Deputy A. Breckon Deputy G P Southern [after item1] Deputy D.W. Mezbourian Deputy J G Reed [items 1 -mid item 5]
Apologies	Deputy P J D Ryan
Absent	
In attendance	Mrs K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
	<p>1. Minutes The Minutes of 22nd February 2008 [Parts A and B], subsequent to some typographical amendments, were agreed and signed accordingly.</p>	
	<p>2. Panel work programmes All Panel work programmes had been completed, centralised and forwarded to the Executive and to respective Ministers.</p>	
	<p>3. PAC staffing The Committee was advised by the Chairman of the Public Accounts Committee that there was a 0.5FTE post available within the States Greffe and that use of this for a support officer for the PAC was being progressed through the Deputy Greffier of the States.</p>	DGoS
	<p>4. Scrutiny Budget 2009 The Committee approved a paper, subject to some minor amendments, seeking to maintain the existing budget in 2009 based on developing scrutiny practices. It was agreed that the paper, as amended, would be forwarded to the Privileges and Procedures Committee.</p>	KTF
	<p>5. Panel Reports The Committee noted the Panel reports and the following additional information: -</p> <p>(a) Corporate Services The Committee noted a set of possible questions to assist Panels in their scrutiny of Departmental Business Plans. These would be forwarded to all Panels through panel agendas.</p> <p>(b) Economic Affairs</p>	

Employment and Training Opportunities review - the first report would focus on apprenticeships;

Telecoms Privatisation Treasury and Resources Minister's response - The Panel will question one area. The approach to circulating key findings and recommendations prior to publication had encouraged further dialogue which could have otherwise been avoided;

Financial Legislation - there were approximately six pieces of financial legislation due and there was the likelihood that one of these would be reviewed [possibly Foundations Law.]

(c) Education/Home Affairs

Final work programme for 2008 : this was circulated;

Early Years report - this had been delayed by the Health and Social Services Minister;

User Pays report - there had been disappointment at not having received JEP coverage despite circulating the report to them. The Chairman was reminded to include a press release with reports which appeared to achieve better results. The Home Affairs Minister had stated orally that she was happy with the report;

Custom and Immigration Terms of reference - concern was expressed by some Committee members that these made the assumption that there was a problem rather than identifying whether there actually was. Although accepting that difficulties had been flagged up by the Minister of Home Affairs, and that the issue was included as a spending pressure in the Annual Business Plan, the Committee expressed concerns that these had been accepted by the Panel rather than explored. The Chairman agreed to take the matter back to the Panel but confirmed that the Terms of Reference as set were the ones to which the Panel would be working;

Prison Board - the Panel would issue comments in the future in respect of Jurats sitting on the Board of Visitors;

Early Years Report - in view of the fact that this was a substantial report in size, the Panel would trial circulating the full report by e-mail and circulate just the précis booklet to all States Members, advising that the full report would be made available for those who requested it. The Committee expressed concerns with this as it was felt that it would discourage Members from reading the full report. The Chairman agreed to discuss this further with the Panel.

(d) Environment

Juniper Consultancy - following a question about who Juniper was, the Chairman advised that it was a highly reputable environmental consultancy.

Success of public meetings - in answer to a question as to how the success had been measured, the Chairman explained that the numbers attending had been good and that members of the public had been willing to speak. It was noted that the people in attendance had not been asked for their views on the meetings.

Complaint from member of the public - this related to a planning issue and the Chairman explained that it was not within the scrutiny remit to investigate individual applications and would, consequently be looking into policy issues. This would follow the report on the particular application which was currently being prepared by Deputy Power.

BDO Alto forensic services - this group was still awaiting a document from the Minister of Transport and Technical Services in respect of a

	<p>cost benefit analysis towards the tendering process for a new incinerator which that Minister was requested to undertake by the States. It was noted that it was not possible to fully scrutinise a matter without the base information.</p> <p><u>Bovine Semen Importation Order</u> - it was noted that the Panel would be considering reviewing this but would find it difficult to do so if access to the legal advice provided to the Minister was not made available.</p> <p>(e) Health, Social Security and Housing</p> <p><u>Telephone Mast Review responses</u> - Economic Development and Planning Ministers had responded. The Panel was currently awaiting the JCRA to undertake its work.</p> <p><u>Income Support Review</u> - a meeting had been held the previous evening at Mont à l'Abbé regarding Attendance Allowance. A number of parents attended and a report would be produced prior to the debate on the Annual Business Plan. A large number of submissions had been received.</p> <p><u>New Directions</u> - The Terms of Reference and scoping document were circulated. A formal request has been made regarding the future of this programme as it seemed to be subject to substantial delays.</p> <p>(f) Public Accounts Committee</p> <p><u>Jersey Enterprise Board</u> - The PAC amendment to this was currently with H.M Attorney General and the amendment might be superseded by the Corporate Services' scrutiny report. The Committee considered the fact that H.M Attorney General had given advice to Bedell and Cristin which had been passed to the PAC. Following a request by a Committee Member to have access to that legal advice under confidential cover, the Chairman agreed to check the status under which she had been sent it and take the necessary action.</p>	SF
	<p>6. Code of Practice: legal advice.</p> <p>A number of issues had arisen relating to scrutiny's access, or lack of access to legal advice provided by the Law Officers Department to Ministers. Concerns were expressed that it was not possible for non-Executive Members in their capacity as legislators in the States Assembly to vote in a properly prepared fashion to adopt legislation without all the information relating to the preparation of that legislation being made available. The Bovine Semen Importation Regulations and Civil Aviation Order were given as examples. It was agreed that a review of the States' decision to adopt the amendment of the Council of Ministers would be considered at the next meeting.</p>	
	<p>7. States Annual Business Plan.</p> <p>The Committee considered its co-ordinating role and agreed that it was important to have a united approach to the co-ordination of Panel's scrutiny of the States Annual Business Plan. It also considered the rôle of the Corporate Services Finance Sub-Panel and, whilst agreeing that the co-ordinating rôle fell within the remit of the Chairmen's Committee, agreed that a meeting between the two groups should be held on Friday 4th April with the Sub-Panel's adviser in attendance if possible in order to clarify responsibilities.</p> <p>It also agreed that finalisation of a scrutiny response by 8th May 2008</p>	

	<p>might be premature although it would work towards that date. It also agreed that it would not be appropriate for scrutiny to give a presentation to the Council of Ministers and other States Members.</p>	
	<p>8. Scrutiny successes</p> <p>A report on the above was received and noted. It was suggested that information from this report and the paper in respect of the 2009 budget would be appropriate to include in the forthcoming newsletter. Noting that there were matters to consider, namely the recommendation in the internal working practices report that the Chairmen’s Committee should provide “a high level of direction to all involved in scrutiny” and that there was the absence of one Panel’s paper on status of recommendations made in reports, it was agreed to reconsider the matter at its next meeting.</p>	KTF
	<p>9. Newsletter</p> <p>The Committee noted that, despite the lack of support by the Chairman of the Environment Panel, that that Panel had agreed to contribute. It was also noted that the newsletter would need to be signed off by 25th April for circulation the week beginning 19th May.</p>	
	<p>10. Machinery of Government Reforms Report</p> <p>The Committee considered Panel responses to Recommendation 19 and 20 of the above report and noted that the Economic Affairs and Health, Social Security and Housing Panels had initially decided not to provide any comments due to their views that the MOGR report itself was not worthy of any consideration. However, the Economic Affairs Panel had very recently discussed the Recommendations since the circulation of the Chairmen’s Committee agenda and perceived that in respect of Recommendation 19, Sub-Panels required the right to present reports in their own name. Its view was that it was the Sub-Panel which had undertaken the work and was aware of the subject not the main Panel and that subsequent involvement by Members who had not been involved in the Sub-Panel’s work was inappropriate. It did not support Recommendation 20, however.</p> <p>The Committee considered the option and benefits or otherwise of minority reports, however, agreed that the Committee summary report be revised to incorporate the views of the Economic Affairs and Health, Social Security and Housing Panels, the Chairman of the latter having agreed to discuss the matter with the Panel.</p> <p>It was agreed that once the comments from all Panels had been received, that a draft amendment to the Standing Orders in respect of Sub-Panels should be prepared.</p>	HSSHSP
	<p>11. Powers of Panels to co-opt Members</p> <p>The Committee received a report based on a number of Panel Chairmen wishing to co-opt other Members onto full Panels for specific reviews and not having the possibility of doing so within the confines of Standing Orders. It was accepted that the purpose of co-option was to permit a Member to work on one specific review and would not involve attendance of that Member at other meetings including general administrative Panel meetings. The Committee agreed that there would not be a problem co-opting members onto a</p>	

	<p>Panel who had previously been rejected by the States as a Member of that Panel.</p> <p>The alternative approach that a Member with knowledge or specialism could be invited to give evidence to a Panel was explored, however it was agreed that that did not allow that Member to ask questions of other witnesses which was advantageous.</p> <p>It was agreed that a draft amendment to Standing Orders be prepared to permit the powers of co-option to main Panels.</p> <p>Deputy Duhamel requested that his dissent from this decision be recorded.</p>	KTF
	<p>12. Scrutiny of possible violations of the Human Rights (Jersey) Law 2000.</p> <p>The Committee welcomed Deputy Hill to the meeting. The Deputy asserted that scrutiny of this area had been overlooked and he was exploring ways to cover this area. A number of possibilities were considered -:</p> <ol style="list-style-type: none"> 1. Each Scrutiny Panel takes on responsibility for scrutinising every HR statement; 2. A separate Scrutiny Panel is formed to take particular responsibility for this; 3. An amendment be brought to Article 16 of the Human Rights Law (statement of compatibility) to require a full impact assessment on the HR implications with the reasoning behind the statement. <p>It was noted that the Deputy had discussed the matter with the Privileges and Procedures Committee and that Committee had accepted that there was a vacuum. The Committee reiterated the view that when laws and policies were based on legal advice, they could not be efficiently scrutinised due to lack of access to that advice.</p> <p>It was also noted that the Deputy would be visiting the Joint Select Committee at Westminster shortly and he agreed to advise the Committee of any information gathered. Consideration was given to a combination of the above options: to amend Article 16 and give responsibility to each Panel for examining all Human Rights issues.</p> <p>Deputy Hill withdrew from the meeting and the Committee agreed that if the final decision were to amend Article 16 this would be within the remit of the PPC.</p>	

Signed

Date:

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President, Chairmen's Committee