

CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 24th March 2006

Present	Deputy R C Duhamel, President Deputy R.G. Le Hérissier, Vice-President (some of the time) Deputy F J Hill Deputy G P Southern Deputy S C Ferguson Deputy P J D Ryan
Apologies	
Absent	
In attendance	M. de la Haye, Greffier of the States (for items 10 and 11 only) Mrs. K. Tremellen-Frost, Scrutiny Manager N. Fox, Scrutiny Officer

Ref Back	Agenda matter	Action
1.	<p>Minutes of previous meetings</p> <p>The Minutes of 27th January 2006 were signed as being an accurate record of the meeting.</p> <p>17.02.06 Item 2</p> <p>The Minutes of 17th February 2006 were signed as being an accurate record of the meeting, after the replacement of the word 'conduct' with the word 'absence' in reference to the non-attendance of the Chairman's of Corporate Services Scrutiny Panel (item 2 of those minutes refers).</p> <p>The Minutes of 9th March 2006 were signed as being an accurate record of the meeting.</p> <p>Matters Arising</p> <p>17.02.06 Item 2</p> <p>Deputy F.J. Hill confirmed that the Social Affairs Panel had recently written to the Home Affairs Minister again requesting details of the consultation carried out by that Department in respect of the Sexual Offences (Jersey) Law 200-. He advised the Panel that, if no response were forthcoming, the panel would consider corresponding with the Chief Minister.</p> <p>Deputy P.J. Ryan clarified that he had advised the Minister of Home Affairs not to delay the debate on the Sexual Offences (Jersey) 200- Law in account of his absence from the Island on the scheduled date of debate.</p>	
2.	<p>Attendance at Chairmen's Committee meetings: protocol</p> <p>The Committee discussed the attendance protocols for Chairman's Committee meetings, and concluded that they should take precedence over Panel meetings and other engagements, and that were a Panel Chairman to be unavailable, the Vice-Chairman should attend, or in the event of their availability, then a substitute member of that Panel would attend in their place.</p>	
3.	<p>Display facilities</p>	

	<p>The Committee discussed the provision of display space for the Scrutiny function, and noted that a meeting had taken place with officers of the Judicial Greffe in this regard. As a result of that meeting, a joint display board had been approved, to be placed on the door of the States building in the same position as the existing board. This was to be in keeping with the building and was to cost £750 from the scrutiny budget. Additionally, notice boards in the States bookshop were being used for the display of Panel agendas.</p> <p>The Committee noted that the Judicial Greffe anticipated the installation of a 'LCD' screen in the foyer of the States building, and that this was to be made available free of charge for scrutiny use.</p>	
<p>4.</p> <p>17.02.06 item 10</p>	<p>Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 200- (P.15/2006)</p> <p>The Panel received a memorandum from the Greffier of the States regarding the draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 200- (P.15/2006).</p> <p>The Committee noted that Regulation (3) 1 linked the ability to use powers of summons to the topics assigned to each Panel under Standing Order 135. Concerns had previously been raised as to the possibility that a person could make an argument against the exercise of the powers of summons on the grounds that the Panel was operating outside of its remit.</p> <p>Due to the overlapping nature of some of the work undertaken by various Departments, it was anticipated that reviews could, with prior agreement, cross into the remit of other Panels.</p> <p>It was therefore noted that the Privileges and Procedures Committee would be requested not to present Regulation 3 at the time of debate, and that an amendment would be lodged 'au Greffe' to delete sub-paragraph 6 (1) (a), and to renumber the remaining sub-paragraphs accordingly.</p>	
<p>5.</p>	<p>Correspondence received from the Comptroller and Auditor General</p> <p>The Committee noted correspondence to the effect that the Comptroller and Auditor General would be willing to offer limited accountancy advice if formally requested to do so, although a strict view of the C&AG function would probably place this outside of the statutory functions of that office.</p> <p>The Committee welcomed this offer, noting that any provision of assistance would be given in private and that the independence of the C&AG would be respected at all times.</p>	
<p>6.</p> <p>09.03.06 item 3</p>	<p>President's oral feedback from a meeting with the Editor of the Jersey Evening Post</p> <p>The President stated that he had met Mr. C. Bright, Editor, JEP, in order to discuss the possibility of a regular submission from</p>	

	<p>Scrutiny to the paper, in the form of a dedicated page.</p> <p>The President had made the point that the Panels were submitting a significant number of adverts to the paper, and that a regular Scrutiny section would counterbalance the reduction in political coverage in the JEP resulting from a new editorial policy.</p> <p>The Committee considered the advertising submitted to the JEP to date, and discussed its cost and effectiveness. It also noted that the level of readership of the JEP had declined dramatically in recent years and currently reached approximately 19,000 households as opposed to some 37,000 households a few years previously.</p> <p>The President had established that approximately £750,000 of advertising was submitted to the JEP by the States annually. It had also been determined that an eight-page insert would cost £4,200 per week, totalling £218,400 per year. The Committee discussed the possibility of using this as a format for all States advertising.</p> <p>This would represent a saving of approximately £500,000, and the President was of the opinion that such a change in advertising method was both desirable and achievable.</p> <p>The Committee agreed that the matter should be considered in greater depth and delegated further action on the matter to the President and Deputy Ferguson.</p>	RD SF
7.	<p>Proposed People’s Forum</p> <p>The Committee noted a report on the subject of a Scrutiny People’s Forum which had been proposed by Deputy Southern with the aim to reach out to the community..</p> <p>Whilst the Committee approved the concept in principle it considered the fact that various Panels were holding meetings which engaged the public. Whilst this kind of public interaction was a valuable tool for awareness-raising there was a risk of “overkill”.</p> <p>After discussing the matter, the Committee decided that it would be advantageous to consolidate community engagement meetings between the four Panels. It was agreed to aim to attend a public venue monthly in order to discuss matters of concern with the public.</p> <p>It was also agreed that a member of each Panel would replace the Chairman if unavailable, and that this idea would be circulated to all members for consideration.</p>	Panel Chairmen
8. 17.02.06 Item 3a	<p>Proposed Citizen’s Panel</p> <p>The Committee noted that this proposition was to be debated in the Assembly in the future and that such a debate would afford the proper opportunity for discussion.</p> <p>The Panel was advised that an approach from the Chief Minister’s Department was anticipated on this subject, and the</p>	

	<p>Committee directed officers to suggest that any such approach be made in the form of formal correspondence to the President through the Scrutiny Office.</p>	
<p>9.</p> <p>27.01.06 item 9</p>	<p>Scrutiny website</p> <p>The Committee discussed the current design and operation of the website, and the options for future improvement. It was suggested that the website would benefit from better differentiation between Panels and an improved search engine.</p> <p>The Committee was informed that on officer group, the Scrutiny Website Liaison Group (SWAG), had met recently and was progressing work in respect of the website.</p> <p>The Chairmen were requested to identify any members with previous experience within their Panels who would wish to join SWAG in progressing the Scrutiny Website and to forward the names to the Chairmen.</p> <p>The President and Deputy Fergusson were delegated to liaise with the SWAG.</p>	<p>Chairs</p> <p>RD SF</p>
<p>10.</p> <p>27.01.06 Item 5</p>	<p>Carry-forward of Scrutiny 2005 underspend</p> <p>The Committee noted that the President had accompanied the Chairman of the Privileges and Procedures Committee to the Council of Ministers meeting the previous day in respect of the carry-forward request for the full 2005 underspend.</p> <p>It was noted that the full carry-forward was not supported and that only 3 per cent of the total PPC 2005 budget was permitted in accordance with the Treasury Code of Directions. Consideration was given to the ability of operating a fifth Panel for a time with the limited carry-forward available.</p> <p>The President reported that he had been concerned at some comments made by Ministers that scrutiny was not progressing as it should in that it was promoting its own political agendas and revisiting topics already reviewed. It was unsure whether the meeting had been minuted.</p> <p>The discussion of this item was incorporated with items 11 and 12 of these minutes.</p>	
<p>11.</p> <p>17.02.06 item 4</p>	<p>Split of Social Affairs Panel</p> <p>The Panel received a report from the Greffier of the States in connection with the proposed split of the Social Affairs Scrutiny Panel which summarised the Committee's conclusions from its last meeting.</p> <p>It was noted that the Committee had previously agreed that this split would not proceed until additional Scrutiny Officers had been appointed and consequently, financial resources been made available for these appointments to be made. The Committee noted, however, that such a split was the only realistic option if the Social Panel were to carry out in-depth work on the departments within its remit.</p>	

	<p>Consideration was given to the £40,000 (£10,000 per Panel) which, it was agreed, had been transferred to the PAC budget as a temporary measure whilst awaiting the outcome of the carry-forward discussions.</p> <p>After discussion of the various actions necessary to achieve the split and after receipt of advice from the Greffier of the States, the Committee remained adamant in the importance of creating a fifth Panel.</p> <p>It was agreed that the Chairmen's Committee and the Chairman of PAC should concurrently send independent letters to the Treasury Minister requesting that the remaining £30,000 in the 2005 PAC budget be carried forward and that an increase of £20,000 in the scrutiny budget for 2007 should also be requested on behalf of the PAC so that funding of £90,000 for each of the 4 scrutiny panels could be restored for 2007.</p>	RD/SF
<p>12.</p> <p>27.01.06 item 5</p>	<p>Scrutiny Budget for 2007</p> <p>The Committee noted a report detailing the expenditure of the Scrutiny function to date, and estimating the cost of an additional Panel to be £188,000, with the creation of two new Scrutiny Officer posts. This would provide the new Panel with the same annual budget as the four currently existing if the level of funding was restored to £90,000 per panel in 2007.</p> <p>It considered forwarding the paper prepared by the Greffier of the States to the Privileges and Procedures Committee to ask if that Committee wished to progress the matter to the States or whether it would be more appropriate for the Chairmen's Committee to forward this in its own name. It was agreed that, if the principle of establishing a fifth panel were approved by the States, the Assembly would effectively have sanctioned the consequential increase in staffing and funding even though a formal States' decision on the extra resources would be needed in the Annual Business Plan debate in September 2006. If further money was not made available it would necessitate splitting the budget five ways and the Committee agreed that this was not an acceptable way to proceed.</p> <p>The Committee agreed that the paper should be forwarded to the PPC with a request that it be considered at that Committee's next meeting.</p>	
<p>13.</p> <p>09.03.06 item 1</p>	<p>Access to legal advice</p> <p>The Committee received a letter sent from the President to the Chief Minister, together with an e-mail reply from the acting Chief Minister expressing confidence that the matter of legal advice would soon be resolved. Correspondence was also received stating that H.M. Attorney General was to provide advice on this matter to the Council of Ministers on 6th April 2006.</p> <p>The Committee noted that little progress had been made in this regard, and that Panels still did not have access to the legal advice passed to Departments. It was understood, however,</p>	

	<p>that the Council of Ministers supported the Panels' right to see that advice, to an extent.</p> <p>The Committee noted that the Economic Affairs Panel was currently receiving advice from HM Attorney General in respect of one of that Panel's reviews.</p>	
14.	<p>Strategic Plan – way forward</p> <p>The Committee discussed the manner in which the Panels should proceed in respect of scrutinising the draft strategic Plan 2006 – 2011. It received a briefing document produced for the Environment Panel in respect of that plan.</p> <p>It was noted that this process was made more difficult by the separation of this high-level strategy and the more practical business plans that had not yet been finalised by some Departments. It was agreed that this problem was simply a result of the current year being the first strategic planning 'cycle'.</p> <p>After some discussion, the Committee agreed that each Panel should undertake a similar study of the Strategic Plan as that of the Environment Panel. These were to be collated by the Scrutiny Manager, who would produce an overarching executive summary. This was to be returned to the Committee before its next meeting. With regard to the latter, the Committee agreed to meet on 20th April 2006 and not on 21st April as scheduled.</p>	Panel Chairs/KTF
15.	<p>Attendance at meetings/workshops of the Council of Ministers</p> <p>The Committee noted that there was a variance of opinion between ministers in the level of appreciation for the involvement of Scrutiny in these meetings.</p> <p>Some Ministers welcomed Scrutiny's input from the outset of the initiative and were willing to be open and inclusive, whilst others appeared less keen to engage with the scrutiny function.</p> <p>It was, however, agreed that a clear and effective channel of communication needed to be developed between the Council of Ministers and the Chairmen's Committee.</p> <p>It was noted that all States Members had previously been able to be observers during the former Fundamental Spending Review process and that there should still be the opportunity to observe budget discussions.</p>	
16. 17.02.06 item 3	<p>Chairmen's Committee meetings: open session</p> <p>The Committee discussed the relative merits of sitting in public session, and concluded that it would be appropriate in order to demonstrate that scrutiny was committed to transparent and open government. It was agreed that sensitive and confidential matters were to be placed on a second agenda, and that the headings of these items would be available to the public, although the discussion and any related minutes would not be accessible.</p>	

<p>17.</p>	<p>Terms of Reference - Economic Affairs Panel review into the incorporation of Jersey Post (P.9/2006)</p> <p>Deputy Southern, having previously informed the Committee of his intention to undertake a review as above, made the draft terms of reference available for the Committee's consideration.</p> <p>Deputy Southern explained that the matter of incorporation was directly affected by the Economic Development Minister's recent policy settlement in respect of the fulfilment industry. His intention was to 'call in' the Draft Postal Services (Transfer) (Jersey) Regulations 200- (P.9/2006), due to concerns that once Jersey Post was incorporated it would be impossible for the decision to be rescinded were the review to uncover facts that revealed it to be untenable.</p> <p>Deputy Reed expressed concerns that this was delaying incorporation, and was of the opinion that Jersey Post would be in a position once incorporated to react to changes in local policy in the manner of any other business.</p> <p>Deputy Southern noted those concerns and undertook to present his report to the States by 23rd May 2006.</p>	
<p>18.</p>	<p>Media Training</p> <p>The matter of media training for Scrutiny members was discussed, as it had previously been raised during the members' initial training secessions.</p> <p>The Committee concluded that this was a generic matter and should be referred back to the States Greffe.</p>	<p>KTF</p>
<p>19.</p>	<p>Health and Safety Training for Scrutiny Officers</p> <p>The Committee noted that, in view of the number of meetings planned to be held in external venues, the Scrutiny Office had been advised that risk assessments be undertaken. As no officers had any experience in this matter, training had been investigated.</p> <p>A number of quotes for training had been sought and that the method which was to be significantly cheapest was the engagement of T.F. Management and Training Limited for a two and half hour session.</p> <p>However, the Scrutiny Manager noted that this company was operated by her spouse, and had brought it before the Committee for this reason.</p> <p>The Committee had no objection, and directed the Scrutiny Manager to engage the above business to undertake the training.</p>	
<p>20.</p>	<p>Communication of major decisions to all States Members.</p> <p>The Committee considered communication from Senator J.L. Perchard in which he suggested that all major decisions made by Scrutiny Panels such as review topics, terms of reference,</p>	

	<p>should be forwarded to all States members.</p> <p>The Committee noted that it was tasked with providing a yearly work programme and that this should be forwarded to all members. However, whilst accepting the Senator's suggestion it was queried what issue had arisen that had encouraged him to make the proposal.</p>	
<p>21.</p>	<p>Refusal of Ministers to answer questions in the States when matter is subject of scrutiny review.</p> <p>Deputy G. Southern raised his concerns of the above as scrutiny operated in many forms, one of them being questions in the States. It was agreed to put questions to the Chief Minister on this matter at the next Chief Minister's question time.</p>	

Signed

Date:

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President, Chairmen's Committee