

CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 29th June 2007

Meeting Number 54

Present	Deputy S C Ferguson (President) Deputy R G Le Hérissier (Vice-President) Deputy G P Southern (Items 1 - 7 and 11 -13) Senator J L Perchard (standing in for Deputy Ryan) Deputy J G Reed Deputy A Breckon (items 1-6 only) Deputy R C Duhamel Deputy D W Mezbourian Deputy S. Power (Items 5 and 6 only) Deputy J. Martin (Items 5 and 6 as Sub-Panel Chairman, item 7 in place of Deputy Breckon, items 8,9 and 10 to replace Deputy Southern)	
Apologies	Deputy P J D Ryan	
Absent		
In attendance	Senator F.H. Walker, Chief Minister Mr. W. Ogley, Chief Executive Mrs. J. Marshall, Strategic Planning Manager Mrs K Tremellen-Frost, Scrutiny Manager Mr M. Orbell, Scrutiny Officer	(Item 6 only) (Item 6 only) (Item 6 only)

Ref Back	Agenda matter	Action
	<p>1. Minutes</p> <p>The Minutes of meetings of 18th May and 1st, 13th (X2), 15th, 18th and 19th June 2007 were approved and signed.</p>	
<p>1st June 2007 Item 3(c)</p> <p>1st June 2007</p> <p>1st June 2007</p> <p>13th June 2007 Item 1</p>	<p>2. Action Updates</p> <p>Standing Order 121 amendment: Presidency of Chairmens' Committee. Some fine detail was being dealt with by the Greffier and Law Draftsman.</p> <p>Environment/HSSH Panel letter to Minister for Planning and Environment re: Sheltered Housing. It was noted that the 8 week consultation period for this had never officially commenced; P.61 had subsequently been withdrawn.</p> <p>Paper on areas where Scrutiny would benefit from PR input.</p> <p>A paper from Deputy J. G. Reed on this matter was pending following input from the review of working practice meetings.</p> <p>Scrutiny Guide. Copies were distributed to the meeting. External distribution was being arranged.</p>	
	<p>3. Panel Position Reports</p> <p>Having noted the Panel Reports, the Committee noted the following further matters arising:</p> <p>a) Corporate Services Scrutiny Panel</p> <p><u>Migration Policy Sub-Panel</u> The Sub-Panel's activities were frozen as a result of lack of information forthcoming. The Population Register was due to be</p>	

lodged on 17th July 2007 which meant that the Sub-Panel would have to proceed by means of amendments.

Waterfront Review

Terms of Reference and the scoping document for this review to be chaired by Deputy Egré were distributed to the meeting and endorsed.

b) Economic Affairs Scrutiny Panel

Jersey Telecom Review

The adviser to the review body had been instructed that he could feed back information on the ongoing impact assessment to the Panel Chairman, but the Chairman was not to see the report in progress. The Chairman felt that this demonstrated obstruction in what should be a co-operative venture.

Retail Strategy

The second part of the review was not able to progress until it was confirmed that the impact assessment requested into a third supermarket would be carried out. A reply was awaited from the Minister for Economic Development. Meanwhile the Panel was looking at the costs of doing business in the Island with assistance from the Co-operative Society.

Money Laundering

The terms of reference for the review had been drafted, and some preparatory work had been undertaken towards the selection of an expert adviser. Changes to international money laundering regulations were leading into aspects of 0/10, the staffing of the Jersey Competition Regulatory Authority (JCRA) and the Financial Crimes Unit, from where three top officers had just transferred to the Jersey Financial Services Commission (JFSC). It was intended to complete the review before the next IMF supervisory visit to Jersey, expected in the second quarter of 2008. This would be a potentially controversial review which would not receive industry support unless it was seen to be objective. The terms of reference were reflective of legitimate concerns. Noting that some Members were aware of communications between the Chairman and a members of the Tax Justice Network, it was considered by the Committee that involvement of that organisation would be inappropriate. The Committee was assured of the Sub-Panel's objectivity and advised that the Tax Justice Network agenda was broadly up for debate within the industry, although it was recognised that this was politically a very sensitive issue.

c) Education and Home Affairs Scrutiny Panel

Review of the Centeniers' Rôle in the Magistrate's Court:

The Panel had received advice from H.M. Attorney General. It was hoping to issue its report before the new Chairman went on holiday, but failing that it could be delayed until the end of August.

Review of Early Years Education and Care:

The Panel was in the process of appointing an adviser. The review was expected to commence once the Centeniers' review was complete; slow progress with this had hindered the Panel's

other work. The Panel Chairman confirmed that a decision on whether or not the 'Cooper Opinion' was to be published would be made when the Panel was considering its final report..

A decision was still to be made on a second review to run concurrently with Early Years.

d) Health, Social Security and Housing Scrutiny Panel

Telephone Mast Review

There was some 'tidying up' to do dependent on responses still awaited from the Health and Social Services and Education, Sport and Culture Departments.

Housing Property Plan Review

A meeting was planned with the Comptroller and Auditor General to look into financial matters arising from the review.

Social Security Business Plan Sub-Panel

The Sub-Panel had not been able to make any progress with this review owing to the general nature of the information presented, a lack of detail and comparative information. Huge sums were not broken down in any detail and were thus incapable of meaningful analysis.

Dairy Sub-Panel

The Sub-Panel had met with the Chief Minister the previous week to request a progress report. It was suggested that he could make a statement to the House to clarify the real state of affairs, as opposed to reports in the media.

e) Environment Scrutiny Panel

The Committee Members who had signed the vote of no confidence in the Environment Panel withdrew from the meeting at the request of the Chairman.

On a related matter, it was agreed that it was courteous of Members who had signed such votes to make this known to the person or people against whom the vote was made.

Waste Report

It was confirmed that the Waste Report would be ready for presentation to the States on 3rd July 2007. Major problems had been caused by the vote of no confidence which had involved timescales being brought forward.

f) Public Accounts Committee

It was agreed that the report from PAC would be covered under Item 10 of the meeting agenda.

4. Orchid Communications

A meeting with Mrs S. Watts was held in Private Session.

5. Preparation for Meeting with Chief Minister

Discussion centred on the consultation process. The President confirmed that the Chief Minister had primarily been invited

because of his request to PPC to investigate the Social Housing Property Plan Review. It was felt that Ministers needed to formulate a way of responding to sometimes critical Scrutiny reports.

However, it was also an opportunity to discuss Green and White Papers, which the Committee believed were not being employed to best effect. Members agreed that too much policy was emerging at a late stage of development. Scrutiny was not able to contribute to the development of policy under these circumstances, and was limited to a critical rôle 'after the fact'.

It was accepted that some Ministers were more open than others when informing Scrutiny of their intentions, but it was important that the culture should change to enable Scrutiny and the public to see options under consideration and the thinking behind the formulation of policy. It was suggested that a cross-disciplinary working group could be set up to address the difficulties between Scrutiny and Ministers. This could focus on matters such as Green and White Papers (timeliness and details included therein), reasons for papers being sent under confidential cover to Scrutiny, Ministers' responses to Scrutiny reports and Scrutiny updating Ministers of ongoing work, access to Part B Council of Ministers' information and timeliness of involvement of Scrutiny in business planning.

6. Meeting with Chief Minister

The Committee welcomed the Chief Minister, the Chief Executive and the Strategic Planning Manager to the meeting.

Release of information

The President explained that the meeting was seeking to improve how Scrutiny worked with Ministers and Departments and how Green and White Papers could assist with this. The Chief Minister stated that he was unaware of any concerns with Green and White Papers, other than comments made in the States by Deputy Le Hérisier. Both 'New Directions' from Health and Social Security and the Social Policy Framework document were available for consultation and were some time from completion. The Council of Ministers had not yet discussed 'New Directions'.

The need for Scrutiny to see options under consideration in the form of Green Papers was raised; the Chief Minister insisted that Ministers saw nothing more than Scrutiny, but that some Ministers might be taking policy further before publication, so options were not available for consultation at an early stage. It was suggested that early involvement made for a smooth passage of policy with value added, whereas late involvement implied a critical approach. The Chief Minister disputed that Scrutiny was being involved at a late stage.

Difficulties in respect of requests for information regarding the Population Register were explained by the Chief Executive; Scrutiny had requested papers prior to the Migration Advisory Group (MAG) itself having seen them, and it would have been inappropriate for MAG to enter into public discussion without Ministerial input.

Working Group – Consultation Procedures

The Chief Minister welcomed the suggestion that a small working group including himself, another Minister, two Scrutiny members and appropriate officers be set up to consider all the issues surrounding consultation procedures as detailed in Minute 5 above.

Access to information from Departments

Problems obtaining information from some Departments were discussed. It was felt that some Officers were defensive of Departmental information, to a point where this could be seen as obstructing the Scrutiny process. It was agreed that any problems arising should be addressed initially:

1. By the Scrutiny Officer via Scrutiny Manager to the Chief Officer of the Department and by the Panel Chairman to the relevant Minister;
2. Where the Chief Officer might appear to be withholding information, via the Scrutiny Manager to Chief Executive;
3. The Scrutiny Manager clarified that contact with Departmental Officers should always be from the Scrutiny Officer. It was agreed that it was inappropriate for Members to engage directly with Officers in Departments but should take the political approach of contacting the relevant Minister.

Response from Ministers to Scrutiny

There was discussion about differing approaches to Scrutiny demonstrated by Ministers. The Chief Minister advised that some Ministers believed that Scrutiny was not sufficiently open with them; however, a draft code of conduct for Ministers was in preparation. Recent issues which had arisen with individual Departments could be looked at to prevent difficulties arising again in future.

Scrutiny of Business Plans

Some budget information provided in March had subsequently changed to such an extent that it was incapable of being reconciled. The Economic Affairs Panel believed that a review into the whole budgetary process needed to be undertaken as it was not sufficiently robust. The Chief Executive advised that the changes in the Economic Development Department's budget reflected ongoing structural changes in the Department. Other Panels had also experienced difficulties with Business Plans; concerns were expressed regarding the general nature of information provided by Social Security, which lacked detail and comparative data, making meaningful analysis difficult. It was noted that Income Support was a massive undertaking for Social Security which meant that it was very difficult for them to devote time to other business.

Following a request for a change to the timing for the next planned meeting with the Chief Minister on 13th July 2007 it was agreed that the Scrutiny Manager and the Strategic Planning Manager would liaise and confirm.

The delegation withdrew from the meeting

	<p>7. Public Engagement Group [PEG]</p> <p>The Committee agreed that PEG had completed its remit and should disband following a meeting with Chairmen's Committee on 10th July 2007 at 3.30pm to discuss the future of Scrutiny PR.</p> <p>The Committee was advised that two Panels (Economic Affairs and Health, Social Security and Housing) proposed to meet on the day following States Sittings to prepare their own press briefings in future. In response to some reservations expressed by other Committee Members it was confirmed that the Panels intended to meet separately, to decide what, if anything, should be released to the media on matters relating solely to their own remit.</p>	SF
	<p>8. Communications Unit</p> <p>Deputy Reed reported back to the Committee on a meeting with Mrs K. Le Quesne, Communications Manager. There could be areas where closer links with the Communications Unit could provide Scrutiny with more information. The Unit had developed consultation groups involving senior Officers from a number of Departments; one possibility was that Scrutiny Officers could become involved in these groups. It was confirmed, however, that it was not appropriate for Scrutiny to use the Communications Unit for its own publicity. Communications would be discussed further at a meeting specially convened on 10th July 2007.</p>	
	<p>9. Code of Practice</p> <p>The Committee approved amendments received from the Education and Home Affairs Panel.</p>	
	<p>10. Annual Business Plan Timetable – 2008</p> <p>The Chairman had written to the Chief Minister requesting that next year's information be made available earlier. The Public Accounts Committee believed that the Public Finances (Jersey) Law should be amended so that Departmental under-spends from the previous year could not be reallocated in the next year's Departmental budget, but must be returned to the Consolidated Fund.</p> <p>It was agreed that a statement should be made to the States on the scrutiny of Business Plans; this was to be discussed at a meeting between the President and the Comptroller and Auditor General prior to the sitting on 17th July 2007.</p> <p>The meeting was informed that the Corporate Services Panel had shelved the review of the Business Plan process. The Committee agreed to recommend that this be completed; the key question for the review being how did Treasury arrive at its projected bottom line figure.</p>	SF
	<p>11. Revised Template for Scrutiny Advertisements</p> <p>The new template from Ideaworks for advertisements in the Jersey Evening Post was much improved; the Committee</p>	

	approved the format with a slight amendment to the wording.	
	12. Scrutiny Website Statistics relating to the website were noted and the revised website received positive comments.	
	13. Non-Appointment of Junior Administrative Assistant The Committee heard that no appointment had been made following interviews in May 2007 owing to a lack of suitable applicants. This would now be put on hold until the completion of the internal review into Scrutiny working practices.	

Signed

Date:

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President, Chairmen's Committee