

Chairmen's Committee

Record of Meeting Part A

Date: 21.05.09

Meeting No: 16

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| Present | Senator B. E. Shenton, President Deputy R.G. Le Hérisier, Vice-President Senator S.C. Ferguson Deputy P.J. Rondel Deputy M.R. Higgins Deputy D. De Sousa (representing Health, Social Security and Housing) |
| Apologies | Senator A. Breckon |
| Absent | |
| In attendance | Mrs K. Tremellen-Frost, Scrutiny Manager |

| Ref Back | Agenda matter | Action |
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| | 1. Minutes of previous meetings The minutes of 23rd April, 1st and 11th May 2009 were signed. | |
| 23.04.09 item 2 510/3 (5) | 2. Newsletter The Committee noted that questionnaires from the last page of the newsletter were being received and a central list would be compiled for the next meeting. | KTF/SP |
| 23.04.09 item 3 510/3(2) | 3. Citizenship programme Members were now signing up for sessions in one or more of the schools for this project. Work on the topic area to be used rested with the Education and Home Affairs Departments. | Chairmen/TO |
| 23.04.09 item 11 513/15(8) 513/16(8) 517/5(8) | 4. Ministerial Responses 1. The Corporate Services Scrutiny Panel was to contact the Minister for Treasury and Resources to clarify when the Ministerial response in respect of the Deemed Rent review would be received; 2. The Corporate Services Panel would also be requesting a formal Ministerial response to its report on the Waterfront Enterprise Board (P.12/2009), notwithstanding the fact that a letter from the Chief Minister had been received; 3. The Health, Social Security and Housing Panel had still not received a response of the Minister for Social Security in respect of the former Panel's review into Long Term Care for the Elderly. The Minister had been reminded and an immediate response requested but had been advised that urgent work in respect of a possible pandemic had taken precedence. | |
| 23.04.09 item 18 | 5. Legislative Scrutiny | |

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| | <p>It was noted that the Health, Social Security and Housing Scrutiny Panel had indicated that it had difficulty finding time to undertake legislative scrutiny given the size of its remit.</p> | |
| 515/16(8) | <p>6. Panel activity reports</p> <p>The Committee noted these and the following additional items:-</p> <p>Economic Affairs Scrutiny Panel - scoping documents and terms of reference for review into Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200- were noted.</p> <p>It was also noted that the report into the review on Income Support being undertaken by a Sub-Panel of the Health, Social Security and Housing Scrutiny Panel was due shortly.</p> | |
| 1240/9/1 (151) | <p>7. Members' Services</p> <p>The Committee reconsidered the lack of Members' Services and funding for backbenchers. Concern was expressed that there was no Members' Library properly staffed with a librarian. The Committee was appraised of the underspend in both the scrutiny and States Greffe budget. It was noted that the Privileges and Procedures Committee would be contacting all Members to identify what would be required.</p> | |
| 23.04.09 item 23 | <p>8. Room availability</p> <p>The Committee was advised that the Privileges and Procedures Committee would be undertaking a full survey of all the rooms in the States Building and identifying under whose responsibility the building and rooms lie. It was noted that the "rest room" was used for Members to meet constituents.</p> | |
| 23.04.09 item 22 465/1 (129) | <p>9. Scrutiny Rooms : use of by Court Services</p> <p>The Committee again expressed its dissatisfaction with the Blampied Room being taken over for use by the Court Services. This had necessitated Scrutiny Panels and the Public Accounts Committee identifying other rooms for which a cost had been incurred and had required additional administrative arrangements.</p> <p>The Committee considered withdrawing the use of the rooms and sending the bill of scrutiny expenditure to the Court Services. The Committee was advised that the Greffier of the States was looking into the matter, however, the Committee decided to write to the Privileges and Procedures Committee expressing its annoyance and explaining that it was minded to bill the Court Service.</p> | |
| 23.04.09 item 12 | <p>10. Joint Chairmen's Committee and Council of Ministers' meeting</p> <p>The Committee received and considered correspondence, dated 19th May 2009 from the Chief Minister in respect of a number of issues relating to the joint meetings between the Chairmen's Committee and the Council of Ministers.</p> <p>The Committee agreed that the President would chair the next meeting on 23rd July 2009 and that he would be responsible for the compilation and circulation of the agenda one week prior to the meeting.</p> <p>The Chief Minister had also agreed to the Chairmen's Committee's suggestion that the meeting would commence at 2.00pm in the 9th</p> | |

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| | <p>floor meeting room, Cyril Le Marquand House. Furthermore, it was agreed that the meeting would be minuted by the Committee Clerk with the draft minutes being circulated to both parties via the Chairman of the meeting.</p> | BS/KTF |
| <p>23.04.09 item 13</p> <p>510/1(41)</p> | <p>11. Ministerial Decisions</p> <p>The Committee noted that the Chief Minister had agreed that all 'Part A' Ministerial Decisions would be forwarded directly to scrutiny. As none had been forthcoming, it was agreed that the Chief Minister would be asked whether the instruction to do this had been given.</p> <p>It was also agreed that the Chief Minister would be asked whether the flowchart in the associated guidelines had been amended.</p> <p>It was noted that the Chief Minister had stated that "Ministers were also encouraged to share 'Part B' decisions relating to policy formulation with their respective Panels on a confidential basis, where appropriate." It was agreed that the addition of "where appropriate" merited qualification.</p> <p>It was also agreed to ask the Deputy Greffier of the States for Ministerial Decisions to be listed numerically as well as by name.</p> <p>Lastly, it was noted that the Council of Ministers was to consider sending the number and title of all 'Part B' Ministerial Decisions to scrutiny. The Committee agreed to leave this until its next meeting and to follow-up accordingly.</p> | BS/KTF |
| <p>23.04.09 item 15</p> <p>510/1(41)</p> | <p>12. Confidentiality of Part B Council of Ministers background reports</p> <p>The Committee noted that all requests for background papers were granted unless they were particularly sensitive. Noting that the Chief Minister had commented on the possibility of Panels having more informal, private meetings with Ministers, more information could be shared, the Committee agreed that, whilst there was a place for such meetings, the quarterly meeting should be formal and in public with the proviso that they could move into private session if necessary.</p> <p>The Committee accepted that Ministers were legally responsible for the information they held and that in other jurisdictions the 'Part B' agenda was confidential to the Cabinet.</p> | |
| <p>23.04.09 item 16</p> <p>1444/5(3)</p> | <p>13. Confidentiality: departmental documentation</p> <p>As no reference had been made to this matter in the correspondence from the Chief Minister, dated 19th May 2009, the Committee agreed to respond to the Chief Minister to advise that the expectation that a full explanation for the reasons of the confidentiality be explained would be enforced.</p> | BS/KTF |
| <p>510/1(41)</p> | <p>14. Council of Ministers Part B agenda items and related minutes</p> <p>The Committee noted that policy under development, if considered on a public agenda, could compromise the Council should an item require change.</p> <p>It was noted that practice had changed regarding minuting of items and that at the end of each Council of Ministers meeting, a decision was made as to which items should be recorded as Part A even though</p> | |

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| | <p>they had been listed as Part B for the discussion.</p> <p>It was agreed that Panels should be robust when requesting reasons for confidentiality.</p> | |
| <p>19.03.09 item 16</p> <p>1444/1 (41)</p> | <p>15. Strategic Plan</p> <p>The Committee considered papers from the Corporate Services, Education and Home Affairs and Environment Scrutiny Panels in respect of the draft Strategic Plan 2009 - 2014 (P.52/2009) and agreed to combine these to make the following comments to the States:-</p> <ul style="list-style-type: none"> • The reason for no scrutiny panels having undertaken work on the draft Plan. This was due to the high level at which the draft Plan was written and consequent lack of detail which did not lend itself to being scrutinized; • Explanation of the work which had been undertaken; • An explanation that the critical rôle of scrutiny was at the Business Planning stage; • The draft Plan was too rigid and lacked flexibility to respond to developing financial pressures and that if Departments continued on current spending trajectories, there was a danger of building structural deficit into States budgets; • Adoption of the Plan by the States would prevent the ability of responding creatively to new challenges; • Scrutiny Panels' work on the Strategic Plan would come when more detailed and verifiable evidence was available for Panels to assess delivery of the Strategic Plan; • That future Strategic Plans should be the "manifesto" of the Council of Ministers and presented to the States rather than debated. <p>Comments would be prepared for Committee approval for lodging "au Greffe".</p> | <p>BS/KTF</p> |
| <p>23.04.09 item 17</p> <p>510/1(42)</p> | <p>16. Public footage of scrutiny meetings and hearings/protocols</p> <p>The Committee reconsidered the issue of members of the public being permitted to take footage of scrutiny meetings. It was noted that there was an omission in the Protocol for members of the public attending information gathering meetings in that the protocol should have included that permission could be given <u>with the agreement of the Chairman and the witness/presenter</u>. The Protocol would be amended as necessary.</p> <p>Consideration was given to the different treatment of the "accredited" media and members of the public. It was noted that there was a formal complaints process in the case of any concerns in respect of the "accredited" media but not in the case of a citizen's blog site.</p> <p>The Committee considered the following options and related pros and cons:-</p> <ul style="list-style-type: none"> • To continue at present; • To continue with present protocols and bring a report and proposition to the States; | <p>KTF</p> |

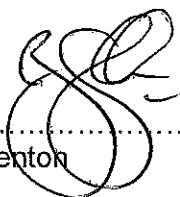
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| | <ul style="list-style-type: none"> • Stop all visual and aural recordings and draw up a Service Level Agreement for all those wishing to take footage; • Stop all recordings and consider own broadcasting facilities which would be controlled by scrutiny (as in other jurisdictions); <p>The Committee agreed that the current situation was unsatisfactory and a majority of Members present agreed that it was inappropriate for members of the public to be allowed to take footage.</p> <p>In consideration of its responsibilities under Standing Order 143(f) (iii) and (iv) to keep the Code of Practice for Scrutiny Panels and the Public Accounts Committee up to date in respect of the manner in which hearings were organised and conducted and the manner in which witnesses were dealt with before, during and after hearings, the Committee agreed to prepare a report and proposition to request support of the States not to permit the taking of any footage of any scrutiny events by members of the public.</p> <p>Deputies Le Hérisser and Higgins requested that their dissent from this decision be recorded.</p> | KTF |
| 23.04.09 item 19 | <p>17. Renaming “Scrutiny Panel” to “Select Committee” - proposal</p> <p>The Committee noted that the majority of Panels had agreed that it was inappropriate to change the name of scrutiny at this stage. The Committee agreed that this would be reviewed in a year’s time.</p> | |
| 447/1/1/4 (1) | <p>18. Annual Business Plan</p> <p>The Committee considered a paper prepared by Senator S.C. Ferguson in respect of the above. Noting that the Committee had previously agreed that scrutiny of the draft Strategic Plan was inappropriate as the detail came within the Annual Business Plan, it agreed that scrutiny of this was important. It agreed to invite the Comptroller and Auditor General to give a briefing to all scrutiny members on the approach which might be taken in the scrutiny of the Annual Business Plan.</p> <p>It was agreed to request the dates and schedule for the development and lodging of the Annual Business Plan.</p> | KTF |
| 23.04.09 item 21 510/1(28) | <p>19. Home and Lifestyle Exhibition 2010</p> <p>The Committee noted that a stand had been booked in the Gloucester Hall, Fort Regent.</p> | |
| 510/1(3) | <p>20. Chairing skills</p> <p>The Committee noted that a course in Chairing Skills for Scrutiny Chairmen was being lead by the Institute of Local Government Studies, University of Birmingham. Unfortunately this coincided with a continuation day of the States Assembly when there was likely to be a lot of business. As the Committee believed that this course would be useful to provide to all scrutiny members as a number of members chaired Sub-Panels, it agreed to look into the possibility of offering the course on-Island.</p> | KTF |
| | <p>21. Informal meeting of Scrutiny Panels and Ministers</p> <p>The Committee recalled that there had been a request at the last joint</p> | |

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| | <p>meeting with the Council of Ministers for Panels to meet Ministers on a more informal basis, which would enable Ministers to share information which is of a confidential nature.</p> <p>Although the Committee recognised that there was a place for such meetings, it agreed that the quarterly meetings with Ministers should be held in public.</p> | |
| <p>23.04.09 item 3 510/3(2)</p> | <p>22. Citizenship Programme</p> <p>The Committee noted that there were a number of spaces which remained to be filled by Members to attend schools for the above programme. It was agreed that Connétables Mezbourian and Gallichan and Deputies Martin, Power and Lewis should be invited to take part as they had previously been involved and did not have Ministerial responsibility although the latter three were Assistant Ministers.</p> | <p>KTF/TO</p> |
| | <p>23. Staffing matters</p> <p>The Committee was apprised of forthcoming staffing changes.</p> | |
| | <p>24. States Members' absence from States sitting</p> <p>The Committee considered members absence from the States Assembly and the use of absence excusé for differing reasons for absence. It was agreed that this was a matter for the Privileges and Procedures Committee and the matter would be forwarded to the Greffier of the States.</p> | <p>KTF</p> |
| | <p>25. A.O.B</p> <p>The Committee considered adding AOB to the agendas. The Committee was requested to forward any agenda items to the Scrutiny Manager prior to the meeting so that they could be included as an agenda item, thereby permitting Members to give them consideration prior to the meeting.</p> | |
| | <p>26. Date of next meeting</p> <p>It was noted that the date of the next meeting would be 25th June 2009 at 12.30pm in Le Capelain Room.</p> | |

Signed

Date:

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 Senator B. Shenton
 President



15th June 2009