Chairmen's Committee

Record of Meeting

Date: 30.06.11
Meeting No: 83

Present	Senator S.C. Ferguson, President Deputy R. G. Le Hérissier Senator B. E. Shenton, Deputy G. P. Southern Deputy S. Power, representing Chairman, Environment Panel Deputy J. Macon, representing Chairman, Economic Affairs Panel
Apologies	Deputy P.J. Rondel Deputy C.F. Labey
Absent	
In attendance	Deputy T. Pitman, Chairman, Review Sub Panel M. Haden, Scrutiny Officer

Ref Back	Agenda matter	Action
516/29(5)	**BDO Alto Report: Operation Rectangle: Review of Efficient and Effective Use of Resources** The Committee, with Deputy T. Pitman, Chairman of the Sub-Panel and the Scrutiny Officer for the above review in attendance, met to consider their response to the issues raised by BDO Alto, letter dated 28th June 2011, and the Minister for Home Affairs, letter dated 27th June 2011, in connection with the above review. The Committee also considered the Sub-Panel Chairman's letter, dated 29th June 2011, which provided a detailed response to the issues raised by BDO Alto. The President opened by saying that she was concerned about the way in which certain members of the Sub-Panel had published personal views on issues connected with the review on their personal blogs and, in the case of Deputy Pitman, in his proposition (P116/2011) on censuring the Chief Minister. It was possible to construe these remarks as taking a preconceived view of the issues. Deputy Pitman, however, contended that the remarks, in his case, were made in the context of general criticism of the Chief Minister and the Minister for Home Affairs for their handling of the inquiry into the disciplinary suspension of the former Chief Officer of Police. It was noted that many members had raised questions in the States on this matter. This did not mean that members were incapable of taking an objective view of the issues around the BDO Alto report. The Committee was advised that Deputy Tadier was commenting on the 'accredited' media lack of response to the issues. The Chairman of the Education and Home Affairs Scrutiny Panel explained that Members approached issues in Scrutiny with a range of views gathered from various sources, whether from the	

	media, personal contacts or their own research. It would be impossible to find members without previous knowledge and views on issues under review. In participating in Scrutiny Reviews, members routinely committed to laying aside preconceptions and looking at evidence in an objective fashion. The process of gathering evidence through public enquiries and submissions was transparent. In addition, Panel membership imposed its own checks and balances and conclusions could be tested and challenged. The Chairman, Health, Social Security and Housing Scrutiny Panel commented that he had previously chaired a Panel (SR 5/2007 on the privatisation of Jersey Telecom) looking into issues where he had previously stated views; he maintained that this had not prevented him conducting an objective review. The Chairman, Public Accounts Committee questioned the basis on which the Panel had agreed to undertake this review and had invited a member of the public without particular expertise to address the Sub-Panel in a hearing. The Chairman, Education and Home Affairs Scrutiny Panel stated that in the Panel's view the matter was clearly a matter of public importance (Standing Order 136(a)). The matter had been raised by a member of the public on his personal blog. This person had undertaken a considerable amount of research and had built a case where there were important questions which required investigation. Satisfactory answers had not been forthcoming from the Minister. The Chairman, Education and Home Affairs Scrutiny Panel maintained that a precedent for this kind of review had been set in the review SR8/2011 which had examined complaints about the selection process for the States of Jersey Development Company. Deputy Pitman stated that the person's research into the issues justified the Sub-Panel's invitation to an occasion where his findings could be tested and challenged. Deputy Pitman said that he strongly objected to the way in which the Chairman, Public Accounts Committee had referred to the witness. The Chairman, Public Accounts Committee questioned why a link to the witness' blogsite had been included on the Scrutiny review website. It was explained that this decision had been taken administratively precisely because the person concerned had raised the concerns about how the BDO Alto review had been conducted. The link had now been withdrawn. It was suggested that the members with blogsites should, for the period of the review, take similar action in order to avoid any appearance of an undue link with the witnesses and should also refrain from entering information onto a personal blog site about the review. The Chairman, Public Accounts Committee at this point declared a potential conflict of interest on the ground that he had participated in the preparation of a response by the Public Accounts Committee to an oral question related to the Haut de La Garenne enquiry and he withdrew from the meeting.	

	The Vice-Chairman, Economic Affairs Scrutiny Panel explained that he had opted not to take part in this review but fully supported the Sub-Panel's right to investigate the issues and the ability of all members of the Sub-Panel to undertake an objective review. It was noted that the Panel Scrutiny Officer had been referred to specifically in the witness' blog posting for 'their help and professionalism in putting this together'. It was explained that two members of the Panel and the Scrutiny Officer had met with two blog authors who had initially raised the issues but that they had not been allowed to have any undue influence or involvement in the preparation of the Sub-Panel's terms of reference. They had been advised and accepted that due process would be followed by the Sub-Panel. Members agreed that the letter of the Chairman of the Sub-Panel provided a comprehensive response to the issues raised by BDO Alto. It was noted that the Sub-Panel had agreed to change the title of the review and would offer BDO Alto an opportunity to meet with the Chairman to discuss their concerns prior to them providing any further information through a written submission or hearing. The Committee, therefore, endorsed the Sub-Panel's review and the continued participation for Deputies Pitman and Tadier. Members were confident that they would consider the evidence received in the course of the review before reaching any conclusions about the implications. It was noted that the first hearing was scheduled to take place on 4th July 2011 and it was agreed that there was no reason why this should not proceed as planned. The President undertook to write to both BDO Alto and the Minister of Home Affairs to explain the Committee's conclusions, including the Chairman's letter.	

Signed ..... Date: 29/9/11

Senator S.C. Ferguson
President