

CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 25th April 2008

Meeting Number 78

Present	Deputy S C Ferguson, President Deputy R G Le Hérissier, Vice-President Deputy R C Duhamel Deputy A. Breckon Deputy G P Southern Deputy D.W. Mezbourian Deputy J G Reed (Item 5 to end)
Apologies	
Absent	
In attendance	Deputy F.J. Hill, B.E.M. (Item 6 only) Mrs K. Tremellen-Frost, Scrutiny Manager Mr M. Dransfield, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p>1. Minutes The Minutes of 28th March 2008 and 4th, 7th, 8th April 2008 with one minor amendment, having been approved, were signed accordingly.</p>	
	<p>2. Action Update The action update was noted. Deputy Ferguson agreed to circulate legal advice received from a third party which had been provided to the PAC.</p>	SF
	<p>3. Financial Matters The first quarterly financial report was received and noted.</p> <p>The President identified that resources could be pooled in the event that one or more Panels were likely to overspend. However, the Committee was advised that approximately £92,000 remained in the general budget.</p> <p>Subsequent to a request regarding the possibility of Scrutiny Panel Members using the Civil Service Travel Policy as guidelines for expenditure, the Committee was advised that the Greffier of the States had had some concerns regarding expense claims for entertainment. Whilst it was accepted that Members would need to host guests both on and/or off-Island, it was a question of reasonableness of expenditure of public money. The Committee was advised that draft guidelines were being prepared which would subsequently be put to the Committee.</p> <p>The Committee requested some name changes on the financial spreadsheets.</p>	KTF
	<p>4. Panel Reports The Committee considered the Panel and Public Accounts Committee's monthly reports and noted the following matters additional to those included on the Panel reports:</p>	

Corporate Services

The Committee considered whether it would be appropriate to consider employment figures as part of the Migration review. It was agreed that the Sub-Panel would consider this at a future meeting.

The Committee considered the situation regarding the draft Civil Aviation (Jersey) Law and expressed concern that it had been transferred from the Economic Development Department to the Home Affairs Department and subsequently to the Chief Ministers' Department.

Economic Affairs

The Committee noted that the Panel considered the JCRA report in respect of the Retail Strategy to be of poor quality.

Education and Home Affairs

Review of Early Years Education and Care - report writing ongoing
The Committee was advised that, subsequent to consideration of producing an Executive summary only for circulation and making the full report available on request, it had been decided that a full version (170 pages) of the Early Years Report would be provided to all Members

Environment

Waste Plant Review - The report completed by consultants would be launched at an exhibition that afternoon. The Committee noted the Environment Chairman's disappointment at the likely poor attendance by States Members at the exhibition.

Air Quality- Report in final draft and to be released before the end of April

Drainage (Jersey) Law 2005 - The Committee considered the fact that there appeared to be a disagreement between the Ministers for Health and T&TS upon the matter and the Panel would investigate.

Connex contract Legal advice was being sought in relation to the Connex contract. Subsequent to a private hearing with the Transport and Technical Services Minister a report would be prepared once the Waste Management Exhibition and work on the Annual Business Plan had been completed.

Health, Social Security and Housing

The Committee noted that statistics from the Social Security Department were awaited. It was also noted that that Department was currently extremely busy due to a back-log of income support work.

PAC

The Comptroller and Auditor General's report on the Spending Review

	<p>was scheduled to be published between 8th-10th May 2008.</p> <p>There had been some difficulties experienced in acquiring information from Harbour Officers in that the Assistant Minister had requested to be copied into all requests.</p>	
<p>04.04.08 Item 1</p>	<p>5. Annual Business Plan</p> <p>There had been some difficulties in arranging meetings with Ministers to meet the tight timescale. The Committee recalled that it had been agreed to forward Panel comments to the Scrutiny Manager by 25th April and a covering paper would be prepared the week of 28th for forwarding to the Council of Ministers before the end of that week.</p> <p>The Committee discussed the issue that it should be the work of Ministers to make decisions around and upon the Annual Business Plan, and not expect Scrutiny to undertake work on their behalf.</p> <p>It was noted that due to the commitment to the Waste Exhibition that the Environment Panel's comments on the Annual Business Plan would follow. It was also noted that the Education and Home Affairs Panel review was ongoing. It appeared that public consultation on the matter was apparently under the Chief Minister's Department, as opposed to falling under the responsibility of each individual Department. There was some concern expressed in general about the quality of responses from Ministers and whether scrutiny of the matter was valuable. Work of the Economic Affairs Panel was ongoing, although identifying a date for the Panel to meet the Minister had proved difficult.</p> <p>The Committee recalled the meeting with the Council of Ministers to be held on 15th May at 2.30pm.</p>	<p>KTF</p>
<p>28.03.08 Item 12</p>	<p>6. Scrutiny of possible violations of the Human Rights (Jersey) Law 200</p> <p>The Committee welcomed Deputy F.J. Hill, B.E.M. to the meeting to further consider the Scrutiny of Human Rights issues following his visit to the Joint Select Committee of the House of Commons and the House of Lords.</p> <p>The Committee considered Deputy Hill's concerns that there was insufficient scrutiny of Human Rights compliance and that he believed that this must be undertaken; the question was as to how it would be best undertaken. The options of whether existing Panels should incorporate this into their remit or another Scrutiny Panel be established to undertake this was considered. The Committee explained that Panels already had a full work-load and were under-resourced given the amount of work they needed to undertake.</p> <p>The Committee also explained that any scrutiny of Human Rights would require access to the legal advice provided to Ministers to understand the issues behind the final decision. Given that the States had adopted the amendment of the Council of Ministers to the Code of Practice for Scrutiny Panels and the Public Accounts Committee, no access to the legal advice given would be permitted.</p>	

	<p>It also noted that during 2007 there had been a considerable number of Human Rights Compliancy Statements and questioned how either existing Panels or a stand-alone Panel would manage this.</p> <p>It further considered the fact that it was the responsibility of the Executive to undertake a thorough piece of work through the Law Officers Department in identifying Human Rights Compliancy. It was not the rôle of scrutiny to undertake this work on their behalf. Furthermore, it noted that the Joint Select Committee had dedicated legal advice support which was not the case in Jersey as such advice was funded out of its own budget.</p> <p>The Committee agreed that the best way forward would be to amend Article 16 of the States of Jersey Law so that Ministers were obliged to give a full explanation of the reasons behind the acceptance or otherwise of Human Rights Compliancy.</p> <p>Deputy Hill agreed that he would consider further a way forward and advised the Committee that he would be attending on the Privileges and Procedures Committee on 7th May in respect of the matter.</p> <p>Deputy Hill withdrew from the meeting.</p>	
	<p>7. Machinery of Government Reforms Report: Recommendations 19 and 20</p> <p>The Committee noted updated Panel comments on Recommendations 19 and 20 of the MOGR Report and agreed to respond to the Privileges and Procedures Committee stating that the matter would be reviewed by the Chairmen’s Committee itself.</p>	KTF
28.03.08 Item 6	<p>8. Code of Practice, legal advice, Panel remit of Departments/topics.</p> <p>The Committee considered difficulties that States Members were experiencing in fulfilling their rôle as legislators. It was considered that without access to all the information, including the legal advice given, that they were being requested to make serious decisions about legislative matters when the full facts were being denied to them.</p> <p>Further consideration was given as to how best approach matters such as the Bovine Semen Importation Regulations and the Civil Aviation Order. These matters, along with others had been moved from one Department to another, eventually being transferred to the Chief Ministers’ Department. The Committee considered the apparent restriction on Panels for them to scrutinise matters only being developed within the Department to which that Panel was allocated. It was agreed that the matter of importance within the Code of Practice was that the States had agreed that Scrutiny Panels should have access to all information within their <u>topic</u> areas irrespective of which Department was progressing a certain matter.</p>	
28.03.08 Item 11	<p>9. Powers of Panels to co-opt Members.</p> <p>The Committee considered a draft report in respect of its previous agreement to proceed with the preparation to lodge a report in respect of the need for powers of co-option of other non-Executive Members onto Scrutiny Panels. It was agreed that it should be lodged “au</p>	

	<p>Greffe" in the name of the Chairman's Committee. It was also agreed to advise the Privileges and Procedures Committee of the decision. Deputy Duhamel recorded his dissent on the decision to pursue the principle of co-option and on the decision that it should be lodged in the name of the Chairmen's Committee.</p>	SF/KTF
<p>28.03.08 Item 8</p>	<p>10. Working Practices Internal Review/Scrutiny successes</p> <p>The President outlined the line management structure within the States Greffe and Scrutiny and reminded Chairmen that the officers were not Panel Officers but Scrutiny Officers within the management structure of the States Greffe who were allocated to reviews as lead officers.</p> <p>It was agreed that the President, Deputy President and Scrutiny Manager would progress the matter in respect of the successes paper. The working practices document will be separated and circulated to all Scrutiny Panel Members, advising them that a discussion on working practices shall subsequently be held on an away day.</p>	SF/RLH/ KTF
	<p>11. Staffing</p> <p>The Committee noted that, in view of prolonged staff absence and a heavy Environment Panel workload, additional support had become available to assist the Scrutiny Officer leading on the Waste Review. This was for a short period only. An officer currently supporting another Panel had indicated capacity to assist the Economic Affairs Panel to finalise its Jersey Finance Limited report during officer absence. Staffing for this Panel would be resolved on 12th May. It was also noted that any additional support which might be able to be provided at any time for scrutiny would be for use by the Scrutiny Officers and not Panels as such support would not be employed on a full-time basis, and with no intention of training in the rôle of Scrutiny Officer.</p>	

Signed

Date:

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President, Chairmen's Committee