

# Chairmen's Committee

## PUBLIC MEETING

### Record of Meeting

Date: 17.12.09

Meeting No: 33

Present	Deputy R.G. Le Hérisier, Vice-President [Chairman of meeting in absence of President] Senator A. Breckon Senator S.C. Ferguson Deputy P.J. Rondel Deputy M.R. Higgins Connétable J. Refault [representing the Public Accounts Committee]
Apologies	Senator B. E. Shenton, President
Absent	
In attendance	Mrs K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
	<b>1. Minutes</b> The minutes of 12th November 2009 were approved and signed.	
	<b>2. Panel Activity reports</b> These were noted.	
<b>515/1(24)</b>	<b>3. Economic Affairs- proposed workload</b> The proposed large number of reviews for Economic Affairs for 2010 was considered and the Chairman apprised that these would be reduced and prioritised.	
<b>513/1(32)</b>	<b>4. Corporate Services Scrutiny Panel and Public Accounts Committee [PAC] work duplication and overlap</b> Given that there were a number of areas where there could be duplication between the Corporate Services Scrutiny Panel and the PAC it was agreed that communication between the two bodies should be improved. The Corporate Services Panel was planning a review into HR policies in 2010 and this conflicted with the PAC review into Sickness Levels	
<b>512/5(8)</b>	<b>5. Public Accounts Committee: sickness levels review</b> It was noted that this review was on hold until the Comptroller and Auditor General had considered the matter. It was noted that background information on this matter had been sought on behalf of the PAC but that subsequent to this no scoping document nor Terms of Reference had been brought to the Chairmen's Committee. It was important for this to occur in a timely manner so that any perceived duplication could be discussed at the Chairmen's Committee meeting before a review was launched.	
<b>1444/4(18)</b>	<b>6. Comprehensive Spending Review</b> The Committee considered that scrutiny needed to plan its approach in preparation to scrutinise this. This would be an item for discussion at the away-morning.	<b>KTF</b>
<b>515/16(8)</b>	<b>7. Economic Affairs: Draft Sea Fisheries (Bag Limits) (Jersey) 2001</b>	

	The report on this was currently being finalised, despite the Assistant Minister having withdrawn this without advising scrutiny in advance. This matter would be included in the report as evidence of the disregard of scrutiny. Consideration was given to whether this was withdrawn due to public pressure.	
<b>515/3(6)</b>	<p><b>8. Economic Affairs: review into Harbours and Airport</b></p> <p>The Committee considered a proposal by the Chairman of the Economic Affairs Scrutiny Panel to review the Harbours and Airport on which Deputy Rondel had been invited to sit. The latter expressed a potential conflict of interest in reviewing Harbours and the Committee considered a potential conflict of interest of Deputy Higgins in reviewing the airport. The latter advised the Committee that he had expertise in aviation law and that the Greffier of the States had advised him at the start of the year that he would not be conflicted in reviewing the airport as all reviews were evidence-based and others would be involved on a Sub-Panel to ensure no conflict. The Chairman was advised to check this again with the Greffier of the States.</p>	<b>MH</b>
<b>510/1(35)</b>	<p><b>9. Officer allocation to Panels &amp; officer support.</b></p> <p>The Committee noted that allocation of officers was the responsibility of the Scrutiny Manager in accordance with the Job Description and the Code of Practice to Scrutiny Panels and the Public Accounts Committee (12.1). The Scrutiny Manager was also responsible for ensuring that newly appointed officers were allocated in such a manner to enable them to train as quickly as possible. With regard to recent re-allocation of a newly appointed officer, the Scrutiny Manager advised that she could have advised the Chairman of the Economic Affairs Scrutiny Panel prior to reallocation but this was not a prerequisite.</p> <p>The Committee noted that the officers were obliged to work within the procedures adopted by the States ie: Standing Orders and the Code of Practice for Scrutiny Panels and the Public Accounts Committee and were unable to undertake work which fell outside this.</p>	
<b>510/1(5)</b>	<p><b>10. Code of Practice for Scrutiny Panels and the Public Accounts Committee</b></p> <p>Given the number of concerns regarding the restrictive nature of the Code of Practice for Scrutiny Panels and the Public Accounts Committee it was agreed that a review of the document was required. The Committee considered that this might best be undertaken by Members elected at the last elections who were new to the Code. The matter would be discussed at the away-morning on 14th January 2010.</p>	<b>KTF</b>
<b>515/3(7)</b>	<p><b>11. Jersey Competition Regulatory Authority [JCRA]</b></p> <p>The Committee noted that the Chairmen of the Corporate Services and Economic Affairs Scrutiny Panels would jointly consider how a review into the JCRA could be best undertaken.</p>	
<b>513/3(5)</b>	<p><b>12. Economic Affairs: Intellectual Property</b></p> <p>The Chairman of the Economic Affairs Scrutiny Panel advised that the Economic Development Department wanted Intellectual Property to be the subject of a scrutiny review. The suggestion to take this forward was to employ an expert in the area to undertake work on behalf of the Panel and subsequently decide whether it was worth scrutinising on the back of the expert's report.</p>	
<b>516/17(8)</b>	<p><b>13. Education and Home Affairs: evaluation of Prison Board of Visitors Review</b></p>	

	Concern was expressed that pressure may have been put on the Minister for Home Affairs in respect of his ministerial response to the Panel's review recommendations.	
<b>514/9(8)</b>	<b>14. Environment: Ramsar review - budget increase</b>  The Committee noted that due to the necessary extension of the contract of the expert adviser the budget estimate had increased from £25,000 to £28,000.	
<b>517/5(8)</b>	<b>15. Health, Social Security and Housing: Long Term Care for the Elderly</b>  The Committee noted that a confidential paper had been received from the Social Security Department in respect of the Long Term Care for the Elderly Review. The previous adviser had been employed to consider this and the issue might need revisiting.	
<b>512/1(16)</b>	<b>16. Public Accounts Committee: Emerging Issues</b>  The Committee noted the scoping document and Terms of Reference for Emerging Issues- States Spending Review. It also noted a fact-finding visit of the Committee to the Jersey Meteorological Department. The Chairman of the Economic Affairs Panel explained that that Department would come within the Panel's review of the Airport.	
<b>510/1(3)</b>	<b>17. Charing training: evaluation</b>  Given that there was general disappointment with the training on charing skills, with the exception of a few, it was agreed that it would not generally be appropriate to use trainers whose background was linked to Local Government. Most successful training providers had been identified by other jurisdictions or had come from other jurisdictions themselves.	
<b>510/1(46)</b>	<b>18. Scrutiny : Ministerial Government</b>  The Committee considered that a number of members believed that Ministerial Government and scrutiny weren't working and some non-Executive Members believed that it was preferable to work as an independent member as opposed to serving on scrutiny as more could be achieved. As the majority of Members were not involved in the decision-making process it meant more matters were debated in the Assembly.  The alternative view was given that the most recently elected members needed to spend longer learning what the job entailed before attempting to change it. Also the Committee considered that nothing happened quickly in the Executive nor would it merely because of the change from the Committee system to Ministerial Government.  The Committee again considered blanket confidentiality of documents when only a number actually needed to remain confidential.  The difficulty of constantly monitoring the implementation and follow-up to report recommendations when new work was underway was considered and reference made to the new template.	
<b>510/1(47)</b>	<b>19. Away-morning</b>  The Committee considered a draft outline format for the away-day given the limited number of Member's responses to a request for agenda items. It was agreed that it would not be appropriate to have a presentation from the Chief Executive on the Comprehensive Spending Review at the away-morning but that the opportunity should be taken to discuss the	

	<p>strategy scrutiny wished to adopt in order to scrutinise this. It should be suggested to the Chief Executive that he identified an alternative date to show the presentation to all non-Executive Members.</p> <p>The Committee agreed that the Vice-President would work with the Scrutiny Manager in finalising a schedule which would be circulated to all Members.</p>	<b>KTF</b>
<b>510/3(5)</b>	<p><b>20. Executive flyers in Scrutiny Matters newsletter</b></p> <p>This could be appropriate dependant on the content of the Executive material. If a flyer were to be included, it should be mentioned within the content of the appropriate Panel page. Consideration should also be given to a financial contribution from the Executive Department.</p>	
<b>510/1(50)</b>	<p><b>21. Annual Report</b></p> <p>This would be drafted over the Christmas period with the intention of the draft being considered at the meeting of 28th January 2010</p>	<b>KTF</b>
<b>511/1(9)</b>	<p><b>22. Panel/Committee hearings: quorum</b></p> <p>The Committee considered that hearings were formal meetings of the Panel/Sub-Panel or Committee in order to receive oral evidence. As such they must be quorate otherwise protection against legal action would be lost. As this matter had arisen in recent days, a paper would be prepared for a subsequent Chairmen's Committee for consideration.</p>	<b>KTF</b>
<b>511/1(9)</b>	<p><b>23. Future Chairmen's Committee meetings - public or private?</b></p> <p>The Committee needed to be able to hold open and frank discussions and in order to do this it was necessary to include more items on a private (Part B) section of the agendas, with attention being drawn to which were open to the public or not. This was agreed as of 28th January 2010.</p> <p>It was noted that this would leave very few items on the public (Part A) agenda.</p>	
<b>510/1(15)</b>	<p><b>24. Scrutiny of Budget</b></p> <p>The Chairman of the Environment Panel expressed concern about the limited amount of scrutiny of the budget. The Committee noted that other work had taken priority and that there was insufficient time and resources for scrutiny to fulfil this in any meaningful way.</p>	
	<p><b>25. Dates of future meetings</b></p> <p>The Committee noted the following meetings:-</p> <p>14th January 2010 - 9.30-12.30 away-morning - all scrutiny members [private meeting]</p> <p>28th January 2010 commencing 12.30-2.30, Le Capelain Room</p> <p>The 2010 meeting schedule for the Committee was reconfirmed.</p>	