

## CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 28th July 2006  
Meeting No. 24

### PUBLIC SESSION

Present	Deputy R C Duhamel, President Deputy J. G. Reed Deputy G P Southern Deputy S C Ferguson Deputy F J Hill Deputy P J D Ryan [items 4 - 24]
Apologies	Deputy R.G. Le Hérissier, Vice-President
Absent	
In attendance	Mrs. A. Harris, Deputy Greffier of the States, [item 19 only ] Mrs. K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
<b>1.</b>	<p><b>Minutes</b></p> <p>The minutes of the meetings held on 19th, 24th, 25th, 26th, 30th and 31st May and 5th June 2006, having previously been approved were accordingly signed.</p> <p>The minutes of the 19th June were approved and signed.</p> <p>The minutes of 30th June were held over to the next meeting as Item No. 20 "Public Accounts Committee Report" required an amendment to delete the last sentence.</p>	
<b>2.</b>  <b>30.06.06 Item 5</b>	<p><b>Strategic Plan</b></p> <p>The Committee recalled that it had requested the Deputy Greffier of the States to brief the Privileges and Procedures Committee about the Committee's concerns regarding the lack of financial and manpower figures in the Strategic Plan 2006 - 2011. It also asked the Deputy Greffier of the States to recommend to the Privileges and Procedures Committee that it should propose a change to the relevant Standing Orders to require the Council of Ministers to include three-year financial planning in the States Business Plan.</p> <p>Noting that the Privileges and Procedures Committee had only met that same week, it requested the Scrutiny Manager to make any necessary follow up action.</p>	KTF
<b>3.</b>  <b>30.06.06 Item 7</b>	<p><b>Scrutiny Website</b></p> <p>The Committee noted that this was in hand and costs were currently being sought to improve the website.</p>	
<b>4.</b>	<p><b>Financial report - second quarter</b></p> <p>The Committee received and noted the finance report for all</p>	

	<p>Panels and the General Scrutiny Budget for the second quarter. The Committee expressed its approval of the layout of the budget sheets.</p> <p>The Committee was advised that the general budget could be used for central costs such as members' attendance at the Centre for Public Scrutiny Conference, provision of equipment and staff development.</p> <p>The Committee recalled that, due to a total lack of budget for the Public Accounts Committee at the start of 2006, each Panel had contributed £10,000 to that Committee. Noting that that Committee did not require such a substantial amount it was agreed that £20,000 should be returned to the four Panels on an equal basis.</p>	
<p><b>5.</b></p>	<p><b>Social Affairs Panel (Income Support Sub-Panel)</b></p> <p>The Committee noted and endorsed the appointment of Dr. M. Evans, Senior Research Fellow, Department of Social Policy Sciences at the University of Bath as adviser for this review.</p> <p>The Committee noted the charge out rate of £550 per day and curriculum vitae. The Committee also decided that in future it should have sight of the full list of applicants to have a full understanding of the selection process.</p>	
<p><b>6.</b> <b>30.06.06</b> <b>Item 11</b></p>	<p><b>Access request made by Economic Affairs Panel</b></p> <p>The Committee received and noted correspondence sent to the Economic Affairs Panel from the Minister of Economic Affairs regarding access to confidential information.</p> <p>The Committee stressed that if Panels or Sub-Panels received information under a confidential cover they must fully respect this. There was also some consideration of having received permission from any particular company to release certain information, whether this was advisable.</p> <p>Deputy G. P. Southern advised that the Sub-Panel had taken separate legal advice and agreed that the draft report would be forwarded to H.M. Attorney General prior to its release.</p>	
<p><b>7.</b></p>	<p><b>All Panels work programmes</b></p> <p>The Committee noted the reviews currently ongoing by each of the Panels. The Chairman, Social Affairs Panel requested that that Panel's comments to the States made in respect of the Sexual Offences (Jersey) Law be incorporated.</p> <p>Consideration was given to the need for an investigation into the process in which States-owned properties was valued. This would come under the remit of the Corporate Services Panel but that Panel already had a full work load and had been asked to undertake another review by the Privileges and Procedures Committee. It was agreed that the Chairman, Corporate Services Panel would draft a letter, with the assistance of Deputy Ferguson, to the Property Holdings</p>	<p>PR/SF</p>

	Department to advise that there was an interest at looking into this process.	
<b>8.</b>  <b>24.07.06</b> <b>Item 1</b>	<p><b>Review into the proposed sale of Jersey Telecoms</b></p> <p>The Chairman, Social Affairs Panel appraised the Committee that members had been approached to form a Sub-Panel to undertake this review. Unfortunately it appeared that Deputy Ferguson and Connétable Murphy had a conflict of interest due to their rôles on the Public Accounts Committee. Deputy Southern would be seeking other members to join the Sub-Panel. These would include Senator B. E. Shenton and Deputy J.A. Martin.</p> <p>The Committee noted that the draft terms of reference would be finalised, with a call for evidence during August and to aim for a public meeting in early September.</p> <p>Consideration was given to the proposed length of the review and Deputy Southern undertook to note this and reconsider the timescale.</p>	GS  GS
<b>9.</b>  <b>30.06.06</b> <b>Item 3</b>	<p><b>Communications Sub-Group [Public Engagement Group] (PEG)</b></p> <p>The Committee welcomed Deputies S.P.A. Power and J. Gallichan to the meeting as representatives of the above group. The meeting recalled that Deputies Ferguson, Reed and Le Hérisier were also members of this Sub-Group as well as members of the Chairmen's Committee.</p> <p>The Committee received a paper prepared on behalf of the group which outlined issues regarding communication with the media, use of the Communications Unit, Personal and Social Development Programme in schools and a seminar for all States members on public engagement to be run by Sir Robert Phillis.</p> <p>The delegation was questioned as to why it had not circulated the paper prior to the meeting and why it had not actioned the following instructions tasked to it at the Chairmen's Committee meeting of 30th June 2006 -</p> <ul style="list-style-type: none"> <li>• To provide a list of prospective PR consultants;</li> <li>• To make necessary arrangements for the consultants to make a presentation to the Committee;</li> <li>• To develop an engagement strategy in more detail.</li> </ul> <p>The delegation explained that during its work to fulfil these tasks, it had become clear that scrutiny did not have a collectively agreed image of its own function. In that regard the PEG had recommended a self-evaluation be undertaken prior to making any moves to employ a PR consultant. Consideration was given as to whether scrutiny should be examining existing policies, al be they in draft form or whether it should be raising alternative policies as appeared to be the case.</p> <p>Concern was expressed as to the lack of information shared between Panels, between the Council of Ministers and</p>	

scrutiny and in the fact that there appeared to be a difference in philosophy between scrutiny members as to what the rôle of scrutiny was.

With regard to any potential use of the Communications Office it was agreed that, whilst it had been useful for PEG to have communicated with the Manager of that Office, it was not an appropriate channel to filter through for media relations and community engagement for scrutiny.

Consideration was also given to the draft Code of Practice 4.6 bullet point 8 whereby all media contact would be through the Chairman of the individual Panel.

With regard to the seminar by Sir Robert Phillis, it was noted that Deputies Power and Gallichan had been invited to assist the Communications Manager in devising the programme. IN view of the fact that this seminar was for all States members, the Committee approved those members' involvement. It agreed that the Chairmen's Committee would communicate this to the Communications Manager.

The Committee agreed the following -

- PEG should place an advert seeking expressions of interest in a part-time PR post on behalf of the scrutiny function;
- PEG should shortlist from those expressions of interest;
- PEG should arrange for the shortlisted candidates to give a presentation to the Chairmen's Committee;
- PEG should consider the current approach to scrutiny and identify any differences of approach in the scrutiny function.
- A sum of £5,000 per Panel would be allocated to the employment of a PR assistant.

RD

PEG

10.

**Social Affairs Panel - Sub-Panel Review into the proposed sale of Overdale**

The Committee noted the importance of undertaking a review into the above but also noted that if officer support from the existing team were to be utilised, other work programmes would slip. This was due to the lack of officer time available due to heavy workloads.

The Committee explored various ways of undertaking this review as follows -

- Release the Scrutiny Manager from responsibilities to the Chairmen's Committee and Human Resource/managerial responsibilities;
- Seek to appoint an officer on a short-term contract post;
- Defer the Youth Service Review to be undertaken by the Social Affairs Panel until later in the year to release officer time to support the Overdale Review.

The first option was dismissed as the commitments the Manager had to the Chairmen's Committee and to Managerial

	<p>responsibilities could not be removed.</p> <p>With regard to the third option the Committee noted that it could take four to six weeks to appoint staff, they would be untrained. Furthermore, if the fifth Panel were to be approved with staffing there might be an obligation to retain the contracted appointee under the terms of the Employment Law. If the appointee were of lesser calibre than required for a full time post, this would not be beneficial in the long term.</p> <p>Consequently, the Committee, noting that the documentation for the Youth Service Review would not be available until December 2006, the Chairman, Social Affairs Panel agreed that he would request that his Panel deferred that review and undertook the review into Overdale. The Chairman, Social Affairs Panel agreed to advise the Chairmen's Committee of the decision subsequent to its forthcoming meeting.</p>	BH
<p><b>11.</b> <b>19.05.06</b> <b>Item 7</b></p>	<p><b>Joint Scrutiny Public Meeting</b></p> <p>The Committee considered the previous public meeting held at Hautlieu School on 18th May 2006. It had been considered by some to have been successful but had received criticism.</p> <p>The Committee agreed that the principle of public meetings across the scrutiny function was important and considered topics for discussion which might encourage the public to attend.</p> <p>Consideration was given to selecting one appealing topic which influenced all the Panels and the public at large. It was agreed that all Panels and the Public Engagement Group should be asked to submit topic areas for discussion at a public meeting.</p> <p>It was agreed to aim for the third week in September, a venue to be decided.</p>	Panels/PEG
<p><b>12.</b> <b>30.06.06</b> <b>Item 13</b></p>	<p><b>Sub-Panels (constitution and powers)/Co-option</b></p> <p>The Committee noted that there had been some areas of concern when forming Sub-Panels in that a Panel could not co-opt members onto a full Panel.</p> <p>It was also noted that Sub-Panels did not have the power to present a report to the States in its own name even though only one member of the full Panel might be sitting on the Sub-Panel.</p> <p>It was agreed that, with the forthcoming establishment of a fifth Panel, it would be inappropriate to consider this further at this time. It recommended, however, that these matters be included in any overall review which might occur at the end of the year.</p>	
<p><b>13.</b> <b>30.06.06</b> <b>Item 14</b></p>	<p><b>Accountancy Advice for Scrutiny Panels</b></p> <p>The Committee received a list of companies which had been contacted and expressed an interest and an accompanying</p>	

	<p>draft letter to be forwarded to those companies if approved.</p> <p>The Committee decided that it should advertise in accordance with Financial Code 5.1 and invite formal expressions of interest. The companies which had expressed interest would be advised of the advert.</p>	<p>Scrutiny Office</p>
<p><b>14.</b></p> <p><b>30.06.06</b></p> <p><b>Item 6</b></p>	<p><b>States Annual Business Plan and Budget</b></p> <p>The Committee received a chronology from the Corporate Services Scrutiny Panel detailing events which had occurred in consideration of the Panel of the Annual Business Plan. It also received a copy of the correspondence sent to the Chief Minister by the President, Chairmen's Committee dated 7th July 2006 and a response received in the States Greffe on 24th July 2006.</p> <p>The Committee expressed its concern of the following -</p> <ul style="list-style-type: none"> <li>• The process regarding scrutiny involvement with the Annual Business Plan and Budget;</li> <li>• The Chairman, Corporate Services Panel not informing Chairmen's Committee of ongoing issues in respect of Annual Business Plan and Budget; and,</li> <li>• The President, Chairmen's Committee not circulating Business Plans to Chairmen's Committee.</li> </ul> <p>In the first instance, the Chairmen's Committee had expected to be included in the process earlier in the year. The Committee noted that the letter from the Chief Minister had stated: "A typical non-strategic plan year is likely to include the meetings that you describe and I hope that scrutiny will participate in these". It was agreed that scrutiny would ensure its involvement in this at the end of 2006 when considering 2007 budget.</p> <p>With regard to the second issue above, concern was expressed that when the matter had been considered at the Chairmen's Committee of 30th June 2006, and it had been agreed to write to the Chief Minister, the Chairman, Corporate Services Panel had not advised the Committee that that Panel had been considering the Business Plans and Budget. This could have placed the Chairmen's Committee in a difficult position.</p> <p>In respect of the third issue above, further concern was expressed that that the President had had Departmental Business Plans in his possession earlier in the year but had not circulated them to other Panel Chairmen. If the Chairmen had had access to these at the same time as the President, there would have been considerably more time to prepare amendments. Currently there was only four weeks.</p> <p>The Committee agreed that communication between the President and other Chairmen and between Chairmen themselves needed improvement. Also that if a Chairman were in possession of confidential documents, other</p>	

	<p>Chairmen should be informed of this fact. Deputy S.F. Ferguson requested that her strong concerns about the lack of communication be minuted.</p> <p>Consideration was given to the following sentence in the Chief Minister's letter -</p> <p>"This [timetable of Strategic Plan and Annual Business Plan] was also discussed the following week with the Corporate Services panel who also confirmed that they were the proper liaison point regarding the draft Annual Plan 2007". This was not the recollection of the Chairman of the Corporate Services Panel and the Manager was requested to seek out the notes of that meeting.</p> <p>On a related matter, the Committee agreed that if officers were forwarded confidential information which a Panel had received, it was for the Panel Chairman to advise the Minister that the information would be circulated to other Chairmen under confidential cover and to action accordingly.</p> <p>The Committee noted a briefing paper prepared by the Greffier of the States regarding the process of making amendments to the Annual Business Plan.</p>	KTF
<p><b>15.</b></p> <p><b>30.0606</b></p> <p><b>Item2</b></p>	<p><b>Livelihood</b></p> <p>The Committee received correspondence from Mr. W. Ogley, Chief Executive, dated 19th July 2006 regarding general access to information by scrutiny and access to the Livelihood system.</p> <p>It was agreed that Deputy Duhamel would meet Mr. Ogley.</p>	RD
<p><b>16.</b></p> <p><b>30.06.06</b></p> <p><b>Item 11</b></p>	<p><b>Guidelines for Executive Officers in dealing with scrutiny requests.</b></p> <p>The Committee received an noted correspondence dated 19th July 2006 regarding the above which it noted accordingly.</p>	
<p><b>17.</b></p>	<p><b>Suspension of draft Code of Practice 5.4 - Corporate Services Sub-Panel Zero Ten</b></p> <p>The Committee noted a Minute of the above Sub-Panel to suspend the 5.4 of the draft Code of Practice to permit the adviser to ask questions of witness [who would not be Ministers] at public hearings.</p> <p>The Committee recalled that it had taken advice on this matter from the Greffier of the States and in recognition of the fact that advisers were not covered by immunity agreed that this should be retained in the Code of Practice. Irrespective of the fact that Advisers should be covered by personal indemnity insurance, the Committee agreed that there were other methods of working which could be employed and decided that it would be inappropriate for the draft Code of Practice to be suspended.</p>	

18.	<p><b>Away-day</b></p> <p>After some consideration in respect of the reasons and value of an away-day, the Committee agreed that such an event should be held during October on a date and at a venue to be decided.</p>	
<p>19.</p> <p><b>30.06.06 Item 8</b></p>	<p><b>Establishment of fifth scrutiny Panel</b></p> <p>The Committee welcomed the Deputy Greffier of the States to the meeting. The Committee noted that following the Privileges and Procedures Committee Meeting with the Chairmen’s Committee on 26th July 2006, the former had written to the Minister, Treasury and Resources in respect of the following -</p> <ul style="list-style-type: none"> <li>• The concerns that scrutiny was unable to fully undertake its function due to insufficient manpower;</li> <li>• A request that any underspend at the end of the year be carried forward subject to a cap to be agreed; and,</li> <li>• A request as to whether the Minister considered a request for £188,000 could be absorbed by budgets of ministerial departments.</li> </ul> <p>It was agreed that an amendment to the States of Jersey Law was required.</p> <p>With regard to the appointment of two new officers, the Committee noted that, whilst advertisements could be placed, no appointments could be made until after the debate on the Annual Business Plan.</p> <p>The Committee considered staffing allocation once the fifth Panel had been established and noted that there would have to be some movement of officers between Panels dependant on experience and workload which would be organised by the Scrutiny Manager.</p>	
<p>20.</p> <p><b>21.07.06 Item 1</b></p>	<p><b>Draft Code of Practice</b></p> <p>The Committee considered the following -</p> <ul style="list-style-type: none"> <li>• Legal advice: it was agreed that the latest version should be included in the draft Code</li> <li>• Establishment of fifth Panel 4.2: an amendment would be brought to the draft Code of Practice at the appropriate time.</li> <li>• Work programming 2.7 and 7.14: it was agreed that the word “provisional” would be entered before “future” and “work programme” respectively.</li> </ul> <p>The Committee agreed that the draft Code of Practice once amended would be circulated to Chairmen’s Committee for final checking and would be lodged forthwith with a date for debate of 26th September 2006.</p>	
21.	<b>Transcription</b>	



	<p>The Committee noted that the standard of transcriptions of hearings was extremely poor and the view was expressed that the company should not be retained. The Committee also noted that the matter was being investigated by both the Scrutiny Manager and the Deputy Greffier of the States.</p>	
<b>22.</b>	<p><b>Corporate Services Panel Update Report</b></p> <p>The Committee noted that the Zero Ten Design Proposal Sub-Panel had requested that Treasury deferred the in-principle States debate on the zero/ten tax proposals from late September/early October until the States sitting on the 24th October 2006. The Panel aimed to present its final report no later than the 3rd October 2006.</p> <p>However, the GST Review appeared to be extending due to the complicated nature of the subject and an interim report might be necessary.</p> <p>Realistically, the Panel would not have been able to commence work on a Jersey Telecom review until October.</p> <p>The Panel would not be putting any amendments to the Annual Business Plan due to a lack of manpower.</p>	
<b>23.</b>	<p><b>Economic Affairs Panel Update Report</b></p> <p>The fulfilment review was proceeding to schedule and a report might be available first week in September, but advice from external lawyers was currently awaited.</p> <p>The Connétable of St. Brelade was acting as rapporteur for the Panel and identifying the situation with regard to marine fuel. It was noted that there was no conflict of interest as the Connétable did not sell marine fuel through his business.</p> <p>The Skills Gap Review would be deferred until 2007.</p> <p>There was a Dairy Industry Sub-Panel which was working very closely with the Chief Minister's Department and noted that £5,000 had been agreed to contribute to a consultant to be utilised by both the Chief Minister and Scrutiny. It was also noted that despite such close working relationships, the Sub-Panel had reserved its right to hold its independent opinion. Deputy Ferguson requested details of the hourly rate of the consultant.</p> <p>Privatisation of Telecoms (These minutes Item 8 refers)</p> <p>There would be no Panel amendments to the Business Plan due to both lack of time and manpower.</p>	
<b>28.07.08Item 8</b>		
<b>24.</b>	<p><b>Social Affairs Panel Update Report</b></p> <p>The Income Support Sub-Panel has held a public hearing but was unable to progress thereafter until figures had been made available towards the end of this year. There was the possibility of producing an interim report, suspending the</p>	

review until such time as the figures were available and revisiting the matter thereafter.

GP Out-of -Hours Review - still awaiting the JCRA report but the Panel had written to request information about when this report would be available.

Centeniers in the Magistrates' Court - the Panel had requested that it attended a Parish Hall Inquiry but H.M. Attorney General had advised that this would be inappropriate as Parish Hall Inquiries are not a part of the political process.

There remains the Criminal Justice Policy to review.

The Panel was meeting its Ministers shortly to discuss the Annual Business Plan. Consequently no decisions could be made as to whether amendments from the Panel would be forthcoming at this time.

25.

**Environment Panel**

The Planning process review was being lead by Deputies Baudains and Le Hérissier. Hearings had been held and there had been some divergence from the Terms of Reference due to the size of the subject. However, the Committee noted that the Chairman believed that this review merited staying within its terms of reference.

The Design of Homes Review was being lead by Deputy Power and progress had been rather slow. However, a visit to London was being undertaken shortly.

The Waste Management Review had been delayed by the late commencement of the zero waste trial in St. Helier. Consequently the report which had been anticipated by end of July had been delayed. The Committee noted that the Parish of St. Helier was intending to extend the scheme across the Parish. There had been some difficulties in respect of the unions but it was hoped that it would be running smoothly during August.

There was consideration as to whether this trial formed a correct part of the scrutiny function as it appeared to be seeking alternative policies as opposed to concentrating on commenting on current policy. It could, however, be recognised as evidence gathering to support recommendations.

With regard to the Waste Review, the Panel was continuing to take evidence from Dr. Haden Taylor as it was believed that there were elements of the technology he was proposing which could be useful.

The Panel might submit amendments to the Annual Business Plan regarding the Transport and Technical Services expenditure on sewage and the Panel hoped to meet the Minister in respect of this.

**26.**

**Date of next Meeting**

The next scheduled meeting was 25th August 2006, however, noting the number of members' absence it was agreed to seek an alternative date for this meeting.

Signed .....

Date:.....

President, Chairmen's Committee