

Corporate Services Scrutiny Panel

PUBLIC MEETING

Record of Meeting

Date: 7th January 2009

Meeting 1

Present	Senator S.C. Ferguson, Chairman Deputy C.H. Egré, Vice-Chairman Connétable D.J. Murphy Deputy T.A. Vallois
Apologies	
Absent	
In attendance	W. Millow, Scrutiny Officer M. Robbins, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p>1. Vice-Chairman The Panel appointed Deputy C.H. Egré as its Vice-Chairman.</p>	
	<p>2. Working Practices The Panel agreed that the previous Corporate Services Scrutiny Panel appeared to have worked effectively and that it would therefore be of potential benefit to continue the working practices that the previous Panel had used. In this regard, the Panel noted that it would use Sub-Panels in the same manner as the previous Panel.</p> <p>The Panel noted that, with a Membership of four, its quorum would be two Members.</p>	
	<p>3. Work Programme The Panel considered topics for eventual inclusion in its 2009 Work Programme. It noted that the priorities of the Chief Minister, Senator T.A. Le Sueur, included development of the new Strategic Plan; Migration legislation; and the Waterfront Enterprise Board (WEB).</p> <p>The Panel agreed that consideration would need to be given in due course to the areas of Information Services; Human Resources; and Emergency Planning.</p> <p>Subsequent to its discussions during the meeting, and the resultant Panel agreements, the Scrutiny Officers were requested to draft a Programme.</p>	WM/ MR
	<p>4. Meeting Schedule The Panel agreed its meeting schedule for 2009, noting that its regular meeting day would be Wednesday. It was further noted that dates on the schedule could be used by Sub-Panels if the Panel itself decided not to meet on a certain date.</p> <p>The Panel noted that requests had been received from the Chief Minister and the Minister for Treasury and Resources, Senator P.F.C. Ozouf, for meetings with the Chairman. The Panel agreed that any initial meeting with the Ministers should involve all Panel Members. It</p>	

	<p>was agreed to meet the Minister for Treasury and Resources on 23rd January 2009.</p> <p>The Panel requested that arrangements should be made for a schedule of quarterly meetings with the two relevant Ministers to be inserted in the calendar. It was agreed these meetings should take place on the Panel's regular meeting day. The Officers were requested to advise the relevant Departments of the Panel's meeting schedule.</p>	<p>WM/ MR</p> <p>WM/ MR</p>
	<p>5. Migration Law</p> <p>The Panel, noting that the previous Corporate Services Panel had established a Sub-Panel to undertake a review of Migration policy, agreed that it would most likely undertake a review relating to the imminent Migration legislation. It was further agreed that this review would be undertaken by a Sub-Panel, to be chaired by the Chairman and to include Deputy T.A. Vallois. It was also agreed that consideration would need to be given in due course to the other Members of the Sub-Panel and to the appointment of an adviser. It was agreed that an e-mail would be circulated in due course calling for volunteers to serve on the Sub-Panel.</p> <p>It was noted that the Migration legislation would be brought to the States Assembly in two parts; the first part was currently due to be debated in June 2009 with the second part due for debate in October 2009.</p> <p>The Officers were requested to research the work that had previously been done by the Corporate Services Panel and to circulate the relevant documentation to the Chairman.</p>	<p>WM/ MR</p> <p>WM/ MR</p>
	<p>6. Property Holdings</p> <p>The Panel agreed that it would most likely undertake a review relating to Jersey Property Holdings. It was further agreed that any such review would be undertaken by a Sub-Panel to be chaired by Connétable Murphy, and to include the Vice-Chairman and Deputy Vallois.</p> <p>It was noted that the previous Corporate Services Panel had appointed Mr R.E.H. Wragg as an expert adviser for its review of the proposed sale of the former Jersey College for Girls building.</p>	
	<p>7. Assessment and Scoping Process</p> <p>The Panel noted the documentation used for the assessment and scoping of Scrutiny Reviews.</p>	
	<p>8. Strategic Plan</p> <p>The Panel noted that it would be beneficial for the Chairmen's Committee to consider how Scrutiny would approach the new Strategic Plan. The Panel further noted the timetable for development of the new Plan.</p>	
	<p>9. Civil Partnerships and Residency</p> <p>The Panel noted receipt of a Topic Proposal Form relating to civil partnerships and residential qualifications. It further noted that legislation regarding civil partnerships would be brought forward in due course. It was therefore agreed to await the results of the Executive's work before deciding on how the Panel should approach this topic. It was further agreed to request a timetable of development of the legislation and to advise the proposer of this decision accordingly.</p> <p>With regard to that part of the Topic Proposal relating to residential qualifications, the Panel noted that the issues highlighted could be covered during an eventual review of Migration legislation.</p>	<p>WM/ MR</p> <p>WM/ MR</p>

		MR
	<p>10. Overseas Aid</p> <p>The Panel noted that the previous Corporate Services Panel had presented <i>Review of Jersey's Overseas Aid</i> (SR11/2007). It was agreed that the Panel would follow up the Report's recommendations in due course by meeting with Deputy I.J. Gorst, Chairman of the Jersey Overseas Aid Commission. It was further agreed to write to Deputy Gorst to advise him that the Panel would meet him in due course.</p>	WM/ MR
	<p>11. Earned Income in Retirement</p> <p>The Panel noted receipt of a Topic Proposal Form relating to income earned in retirement. It further noted that the proposed topic was potentially broad in scope and that it linked to issues of the ageing population and, more particularly, pension provision. It was ultimately agreed that the Panel would not review the proposed topic and that the proposer would be advised of the Panel's decision.</p>	WM/ MR
	<p>12. States to Pay Rates</p> <p>The Panel noted receipt of a Topic Proposal relating to the possibility that the States should pay rates on its properties. It further noted that discussions on this subject had been undertaken by the Comité des Connétables and that further work was anticipated from the Comité and the Council of Ministers. It was further noted that Connétable A.S. Crowcroft of St Helier had lodged a proposition on this matter, <i>Rates – the States' Liability</i> (P.147/2008). Given that work was therefore already being undertaken elsewhere, the Panel agreed not to review the topic and to advise the proposer accordingly.</p> <p>It was noted that the proposal related to other topics that fell outside the Panel's remit. The Panel was advised that the proposal had also been forwarded to the relevant bodies.</p>	WM/ MR
	<p>13. Legacy Reports</p> <p>The Panel considered the legacy reports of the previous Corporate Services Panel and the former Corporate Services Finance Sub-Panel.</p>	
	<p>14. Annual Business Plan</p> <p>The Panel noted that the legacy report of the former Corporate Services Finance Sub-Panel provided a useful framework for work on the Annual Business Plan. The Panel considered the work undertaken by the former Sub-Panel and noted that it had been unable to meet all the Terms of Reference although it had presented <i>Review of States of Jersey Financial Forecasting</i> (SR13/2008). It was further noted that the Sub-Panel had appointed Mr M. Oliver as expert adviser for its work.</p> <p>The Panel agreed that it would establish a Finance Sub-Panel, under the chairmanship of the Chairman. The Panel considered potential membership of the Sub-Panel, noting both the membership of the former Sub-Panel and the recommendation from the legacy report that each Scrutiny Panel should have representation on the Sub-Panel. The Panel noted it would be of potential benefit to have representation from the Economic Affairs Scrutiny Panel.</p> <p>The Panel considered the Terms of Reference under which the former Sub-Panel had operated. It was noted that the new Sub-Panel would need its own Terms of Reference. It was agreed that the Chairman and Connétable Murphy would meet the Scrutiny Officers and consider the matter.</p> <p>During its discussions, the Panel considered the possibility of overlap between its own work and that of the Public Accounts Committee. It</p>	SF/DM/ WM /MR

	<p>was agreed that a meeting with Senator B.E. Shenton, Chairman of the Committee, would be beneficial and the Officers were requested to check the Senator's availability on 23rd January 2009. It was further agreed that Deputy Vallois, as a member of the Committee, would raise the matter at the Committee's first meeting on 19th January 2009.</p>	<p>WM/ MR TV</p>
	<p>15. Ministerial Decisions</p> <p>The Panel noted that a report on Ministerial Decision MD-TR-2008-0147 by the Minister for Treasury and Resources had recently been presented to the States as <i>States of Jersey Law 2005: delegation of functions – Treasury and Resources</i> (R.133/2008). The Panel noted Paragraph 3.16 of the Ministerial Decision in which the Minister had delegated responsibility for the signing of certain contracts. The Panel was advised that clarification had been sought from the Department of Treasury and Resources and that it had been confirmed the delegation concerned overall responsibility for overseeing and approving contracts, and not merely signing the contracts on behalf of the Minister.</p> <p>The Panel also noted that R.133/2008 stated that the Minister for Treasury and Resources had agreed that States-funded bodies would be allowed to retain and use additional income in certain instances. It was noted that this provision repeated those of a Ministerial Decision made by the previous Minister.</p> <p>The Panel noted that no Ministerial Decisions by the Chief Minister had been recorded on www.gov.je as of 19th December 2008. It further noted that the following Decisions had been taken by the previous Minister for Treasury and Resources, Senator T.A. Le Sueur and recorded on www.gov.je as of that date:</p> <ol style="list-style-type: none"> 1. Endorsement of award for Fisheries vessel refit (MD-TR-2008-0143) 2. Approval for Additional Funding to Procure Major Foam Tender (MD-TR-2008-0140) 3. Budget Transfers in respect of Historic Child Abuse Enquiry (MD-TR-2008-0141) 4. Esplanade Quarter Site - Lease to Waterfront Enterprise Board Limited (MD-PH-2008-0099) <p>The Panel was advised that the Chairman had been in contact with the Deputy Greffier of the States regarding the accessibility of Ministerial Decisions. It was noted that some Ministerial Decisions were potentially confidential and so would not be available on www.gov.je. Given this fact, the Panel requested the Officers to ascertain the status of MD-TR-2008-0142 as it had not appeared on the website.</p>	<p>WM/ MR</p>
	<p>16. Waterfront Enterprise Board</p> <p>The Panel noted that the previous Corporate Services Panel had undertaken a review of the proposed Jersey Enterprise Board (JEB). It was further noted that, whilst plans for JEB were uncertain, revised plans for the Waterfront Enterprise Board (WEB) were due to be brought forward in 2009. The Panel agreed to request a timetable for this work and to decide upon its course of action upon receiving further information.</p>	<p>WM/ MR</p>
	<p>17. Public Finances Law</p> <p>The Panel noted that a review of <i>Public Finances (Jersey) Law 2005</i> was due to be held in 2009 and that amendments to the Law were also imminent. It was agreed to request a timetable of work that would be undertaken on the Law.</p>	<p>WM/ MR</p>
	<p>18. Departmental Business Plans</p>	

	<p>The Panel noted that the 2009 Departmental Business Plans for the Chief Minister's Department and Department of Treasury and Resources had been distributed. It was agreed that Panel Members would read the Plans and forward any comments identified to the Officers. The Officers were requested to prepare a briefing paper on the Plans, to include the Panel Members' comments.</p>	<p>Panel WM/ MR</p>
	<p>19. Data Protection The Panel considered whether issues relating to <i>Data Protection (Jersey) Law 2002</i> fell within its remit. It was noted that the Data Protection Registrar was a non-ministerial funded body. It was further noted that issues relating to Data Protection legislation would potentially fall within the remit of a review of Freedom of Information legislation.</p>	
	<p>20. Legislative Programme The Panel noted the 2009 legislative programme for the Chief Minister; Minister for Treasury and Resources; and Privileges and Procedures Committee as outlined in the 2009 Annual Business Plan. It was agreed that the following issues would most likely require attention from the Panel in due course:</p> <ul style="list-style-type: none"> • Legislation arising from the visit of the International Monetary Fund (IMF); • Freedom of Information legislation; and • Amendments to the Public Finances Law. <p>During its discussions, the Panel considered the rôle of the Legislation Advisory Panel (LAP) and, in particular, its relationship with Scrutiny in relation to legislative Scrutiny. It was agreed that the Chairmen's Committee should be asked to consider the question of liaison and establish the precise rôle of the LAP. The Panel further agreed that confirmation should be sought of the current membership of the LAP.</p> <p>The Panel agreed that further clarification on the legislative programme would be beneficial. The Officers were therefore requested to obtain further details on the legislative items in order that their purpose might be clarified.</p>	<p>WM/ MR</p> <p>WM/ MR</p>
	<p>21. Freedom of Information Subsequent to its consideration of the 2009 legislative programme, the Panel considered the matter of Freedom of Information legislation. It was noted that the Panel would need to await the work of the Privileges and Procedures Committee. It was agreed that the Vice-Chairman, as a Member of that Committee, would endeavour to ascertain the current status of the legislation.</p>	<p>CE</p>
	<p>22. Forthcoming Propositions The Panel noted that the following propositions had been lodged <i>au Greffe</i>, all for debate on 20th January 2009:</p> <ol style="list-style-type: none"> 1. <i>Draft Taxation (Exchange of Information with Third Countries) (Amendment) (Jersey) Regulations 200-</i> (P.172/2008) 2. <i>Draft Gender Recognition (Jersey) Law 200-</i> (P.174/2008) 3. <i>Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 10) (Jersey) Regulations 200-</i> (P.176/2008) 4. <i>Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 13) (Jersey) Regulations 200-</i> (P.177/2008) 5. <i>Ratification of Agreement for Exchange of Info Re Tax Matters - Federal Republic of Germany & States of Jersey</i> (P.171/2008) 	

	The Panel agreed that it would not seek to have the items of draft legislation referred to it under Standing Order 72. Consideration was given to whether the Panel should present comments on P.176/2008 and P.177/2008. It was agreed that further consideration on the matter would be given by the Chairman.	SF
	23. Questions to Ministers The Panel noted that the Minister for Economic Development and the Chief Minister would answer questions without notice at the States sitting on 20th January 2009.	
	24. Conflicts of Interest The Panel considered whether there were any areas where Panel Members might potentially have a conflict of interest. It was noted that the Chairman held a directorship in a hotel but that this was unlikely to lead to any problematic conflict of interest. It was further noted that the Vice-Chairman was also a Member of the Privileges and Procedures Committee and the Planning Applications Panel; whilst Deputy Vallois was a Member of the Public Accounts Committee.	
	25. Chairmen's Committee The Panel noted a paper outlining the requirements of the Chairmen's Committee with regard to information from Scrutiny Panels.	
	26. Scrutiny Documentation The Panel noted that the following documents had been distributed: <ol style="list-style-type: none"> 1. Draft Guide for Scrutiny Members 2. Code of Practice for Scrutiny Panels and the Public Accounts Committee 3. Public Engagement Strategy 4. Financial Direction 5.1 5. States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 2006 	
	27. Scrutiny Training The Panel noted that 14th and 15th January 2009 had been set aside for training of Scrutiny Members. The Chairman and Deputy Vallois confirmed their attendance.	
	28. Next Meeting The Panel noted that its next scheduled meeting would take place on 28th January 2009.	

Signed

Date:

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Chairman
Corporate Services Scrutiny Panel