

PM/SC/282

JOINT MEETING OF COUNCIL OF MINISTERS AND  
SCRUTINY CHAIRMEN'S COMMITTEE

4th October 2012

PART A

Present -

**Council of Ministers:**

Senator I.J. Gorst, Chief Minister - Chairman  
 Senator P.F.C. Ozouf, Minister for Treasury and Resources  
 Senator A.J.H. Maclean, Minister for Economic Development  
 Senator B.I. Le Marquand, Minister for Home Affairs  
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security  
 Deputy R.C. Duhamel, Minister for Planning and Environment  
 Deputy A.E. Pryke, Minister for Health and Social Services  
 Deputy K.C. Lewis, Minister for Transport and Technical Services  
 Deputy A.K.F. Green, M.B.E, Minister for Housing  
 Deputy P.J.D. Ryan, Minister for Education, Sport and Culture

**Scrutiny Chairmen's Committee:**

Deputy T.A. Vallois, President and Chairman of Public Accounts Committee  
 Senator S.C. Ferguson, Chairman of Corporate Services Scrutiny Panel  
 Deputy J.H. Young, Chairman of Environment Scrutiny Panel  
 Deputy S.G. Luce, Chairman of Economic Affairs Scrutiny Panel  
 Deputy K.L. Moore, Chairman of Health, Social Security and Housing Scrutiny Panel

In attendance -

Senator P.F. Routier, M.B.E., Assistant to the Chief Minister  
 Senator Sir P.M. Bailhache, Assistant to the Chief Minister (for a time)  
 M. King, Acting Chief Executive, States of Jersey  
 M.N. de la Haye, Greffier of the States  
 T.J. Le Cocq, Q.C., H.M. Attorney General (for a time)  
 Ms. S. Rodgers, Assistant Project and Research Officer  
 Ms. C. Keir, Communications Manager  
 P. Monamy, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A only.

Discussion of  
 matters of  
 mutual  
 interest.  
 511/1(33)  
 1444/5(11)

A1. The meeting had been convened in order to facilitate discussion on matters of mutual interest to the Council and to the Committee.

(a) **Green and White Papers and the timely inclusion of Scrutiny:**

The meeting recognised that the Chairmen's Committee had had occasion to review practices within Scrutiny over the previous 9 months and had given consideration as to the best time for Scrutiny to be involved in policy in development, given the principle and general understanding of more cohesive working practices. The meeting focussed on the intended function of Green and White Papers, and sought to identify ways of improving current practice in order to ensure

the inclusion of Scrutiny in a timely manner, thereby encouraging greater effectiveness. Having noted the House of Commons definition of Green and White Papers, the meeting accepted that they should form part of the process of consultation and the drawing-up of proposals in Jersey. The meeting recognised that as Green Papers tended to contain a number of options for the way ahead on any given subject, the scrutiny of White Papers tended to be rather more straightforward as they would usually concentrate on the Minister's preferred policy option. It was emphasised that whilst there was a willingness to share information with Scrutiny at as early a stage as possible, there was merit in not doing so too early in the process but waiting until a proposal was at a more advanced, though still preliminary, stage. It was agreed that it would be desirable for a planned programme of work to be undertaken by departments to be provided to Scrutiny and for this to be updated regularly. It was emphasised that it was for Scrutiny to choose where to apply the resources available to it, and that consideration of a stream of proposals at too early a stage could be wasteful of effort in the event that some were not to be taken through to completion. However, it was accepted that it would not necessarily be appropriate for Scrutiny to examine only matters covered by White Papers; and it was suggested that an *ad hoc* approach might be preferable, recognising that on some issues the involvement of Scrutiny at Green Paper stage could provide the Minister with a broader view from the outset. It was further suggested that not only should Scrutiny be involved in policy formulation, but also at the stage of preparing business cases for policy and/or strategic matters to be considered by the States and thus have some involvement in the longer-term strategic thinking. The Chief Minister indicated that it was not only Scrutiny that could provide 'sounding boards' for Ministerial ideas and suggested that the main forum for long-term planning was the Strategic Plan. It was agreed that it was desirable wherever possible to bring matters to a conclusion and not to leave them unresolved, and that setting out the way ahead in a timetable at the outset and aiming for milestones along the way (even if they were to be subsequently revised) was preferable. It was suggested that there was a need to have the end in sight at the beginning of the process. Communication was considered to be key, both formally and informally, including the wide circulation of updated plans/programmes which it was agreed should always include provision for Scrutiny in some form or other. Consistency and timing of review work to be undertaken was also an issue for Scrutiny, although the importance of retaining a degree of flexibility was emphasised. The Chief Minister suggested that whereas some issues might benefit from the production of one or more interim scrutiny reports, others could be satisfactorily concluded through a single report or comment. The Minister for Treasury and Resources outlined the importance of adhering to timetables within his Department and indicated that 'slippage' was always of concern and was to be avoided wherever possible. Whereas it was recognised that many Green and White Papers did contain timetables - although some tended to be rather tight - it was accepted that on occasions 2 or more significant policy proposals matters arose concurrently which fell within the remit of a single Scrutiny Panel which then placed extreme pressure on its available resources. Although it was possible for some matters to be examined by Scrutiny Sub-Panels, it was accepted that the level of officer support available within Scrutiny as a whole was a limiting factor. The Chief Minister emphasised that it should be recognised that Ministers had been appointed to determine certain matters, whilst other issues could more appropriately be

subjected to Scrutiny review and, ultimately, determination by the States Assembly. It was suggested that a 'Working Practice Note' or similar guidance could be produced in order to facilitate access by Scrutiny to departmental officers, and also to emphasise the importance of developing and adhering to workable timetables. It was suggested that such a document might indicate the preferred approach to be adopted in cases where one Minister was required to bring forward a matter on behalf of another Minister (perhaps as a requirement of legislation) and where more than one Scrutiny Panel had an interest. The desirability for the draft business plans of departments to be available to all Ministers was suggested as a means whereby information could be 'pooled' and where referral to Scrutiny could be useful. However, concern was noted regarding the potential for the premature release of policy ideas in such circumstances. It was confirmed that there was agreement within the Council of Ministers regarding the approach of departments to public Scrutiny hearings, and also to 'questions without notice' sessions on a quarterly basis. The President of the Chairmen's Committee indicated that each Scrutiny Panel produced its own schedule of questions and would not wish to see any 'weakening' of such a process. The Minister for Home Affairs commented on the difficulties which arose for Ministers, in particular, from inaccurate press coverage of hearings, with considerable time often needed to be spent in correcting mis-information generated through potentially sensational headlines and/or poor reporting. In summary, the Chief Minister undertook that the Council of Ministers would commence work on the production of a 'Working Practice Note' with a target date of end of October 2012; and the Minister for Treasury and Resources indicated that it was expected that the programme of work for the next 2 years would be provided to Scrutiny prior to the year-end 2012;

(b) **Strategic Plan: delivery:**

The meeting noted that a paper entitled: "Strategic Plan: Delivery" had been circulated and recalled that the Strategic Plan had been adopted by the States in May 2012 and that clear strategies, action plans and success criteria were presently being agreed for each of the Priorities in order to ensure –

- clarity in what needed to be done;
- clarity on how it would be done and who would do it;
- co-ordination where appropriate; and
- that progress could be measured and reported.

The political oversight and leadership to be put in place for each of the priorities as set out in the paper was noted, as well as the executive support and implementation envisaged for each, and the progress and performance monitoring that would be applied. It was noted that a progress report was currently being compiled to coincide with the end of the first year of office of the present Council of Ministers and the 6-month period since the Strategic Plan had been agreed by the States. It was further noted that the Annual Performance Report for 2012 would be published in June 2013.

13/11/12. J. JSA  
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