

## CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 21st July 2008

Meeting Number 86

Present	Deputy S C Ferguson, President Deputy R G Le Hérissier, Vice-President Deputy A. Breckon Deputy R C Duhamel Deputy G P Southern Deputy P J D Ryan Deputy D.W. Mezbourian Deputy J G Reed
Apologies	
Absent	
In attendance	Mrs K. Tremellen-Frost, Scrutiny Manager

Ref Back	Agenda matter	Action
	<b>1. Minutes</b> The Minutes of 20th, 24th and 26th June 2008 were approved and signed.	
	<b>2. East of Albert Plans: Request to Chief Minister for presentation.</b> No responses had been received to the letter sent to the Chief Minister in respect of a request for a presentation on plans for the harbour area. A follow-up request will be sent.	SF/KTF
<b>20.06.08 item 9</b>	<b>3. Monitoring Government Assurances</b> The Committee noted that the Privileges and Procedures Committee had been contacted in writing with a request that that Committee considers a means of listing Member's assurances given during oral question time so that such assurances might be monitored.	
	<b>4. Ministerial decisions/subordinate legislation</b> The Committee noted concerns in respect of Ministerial Decisions. These included some being concealed behind Part B agendas so not all Members were aware of them and also the lack of background information to support the decisions. The Committee also expressed concerns regarding the making of Regulations and Orders and whether Orders were indeed made when the necessary legislation was Regulations. The Committee was advised of a future officer working group which was to be established to review Ministerial Decisions and it was agreed that its concerns should be forwarded to this group. It was noted that the Minister for Home Affairs had recently reviewed the Department's process for the making of Ministerial Decisions and the Chairman, Education & Home Affairs Panel undertook to circulate the revised protocol to the Chairmen's Committee.	KTF  DM
	<b>5. Financial Report - 2nd quarter</b> The Committee received and noted the above and also received an oral update from the Scrutiny Manager on the current manpower situation. The Committee recalled that the Privileges and Procedures Committee had supported the retention of the scrutiny budget for 2009 at the same level as this year.	

<p><b>20.06.08 item 2</b></p>	<p><b>6. Away-Day</b> The Committee noted that some Panels had considered items for discussion at an away-morning scheduled for 26th September 2008 but had no additional items for discussion. It was agreed that Panels should be reminded of the date and the topics for discussion and asked to add any further matters if necessary. It was agreed to include the interface between scrutiny and the Executive and the identification of more tools for scrutiny to undertake its work on the agenda. Deputy Mezbourian requested that her apologies be noted for the away-morning.</p>	<p>KTF</p>
	<p><b>Panel reports</b> The Committee considered the Panel and Public Accounts Committee's monthly reports and noted the following additional matters.</p> <p><b>(a) Corporate Services</b></p> <p><u>Finance Sub-Panel:</u> Based on email communication from the Comptroller and Auditor General to the Finance Sub-Panel, concerns were expressed in respect of forecasting and the use of the process for political gain. It was recognised that forecasting by its very nature would usually be inaccurate, however, it was inappropriate to use financial forecasting to suit political agendas.</p> <p><u>States Business Plan:</u> Procurement/IT/Property Plan and Human Resources: it was noted that "watching briefs" were being kept on these areas and that they were not reviews in their own right. Individual Panel Members were considering different areas. The Committee agreed that this type of approach merited discussion as information received could be useful to other Members and there should be an assurance that the information will be made available in a timely fashion.</p> <p><b>(b) Economic Affairs</b></p> <p><u>Employment and Training Review:</u> this was now underway with the employment of two advisers and forthcoming hearings. One of the advisers had met the Head of Statistics, Chief Minister's Department and the Principal of Highlands College.</p> <p><u>Jersey Finance Limited:</u> the Committee noted that the Minister for Economic Development had pre-empted the review recommendations.</p> <p><u>Retail Strategy:</u> the Committee noted that the first report had been an interim report and work would resume on this review. Concerns were expressed that the Jersey Competition Regulatory Authority (JCRA) had been enlisted to support the Minister's views and was remaining focussed on incorrect information. A further concern was that the JCRA were being politicised. The Planning Department had also undertaken work on the third supermarket but information from them was not available.</p> <p><b>(c) Education and Home Affairs</b></p> <p><u>Draft Police Force Law:</u> the Panel intended to work through summer on this. The Committee, recognising that this was a major piece of legislation, questioned the time it was likely to take to undertake a thorough review of the principles and whether the law was fit for</p>	

purpose. It was recognised that the Minister for Home Affairs intended to debate this before the end of the year. However, the Committee advised the Chairman that the Panel should identify whether it was essential that this law be brought this year and any impact it would have on the policing of the Island if debate were deferred until 2009, which would give time for a thorough piece of scrutiny to be undertaken.

#### **(d) Environment**

Waste Plant: the Committee noted the Chairman's appreciation to those who had supported the Environment Panel's views during the debate on the Energy from Waste Plant. It was noted that the Chairman questioned why those who had not supported the Panel had selected not to do so. The Panel had been attempting to save the Island money which seemed pointless if the States were going to vote against this attempt. Approaches other than presenting comments to the States at the last minute were discussed such as a full scrutiny report well in advance of the debate. It was noted that the proposition had been lodged "au Greffe" on 20th May which had not afforded much time for a full report to be prepared well in advance. The possibility of bringing propositions and amendments was considered, however, the Chairman advised the Committee that, following advice from the Greffier of the States, he had been unable to bring a proposition as it would have involved alternative policy which he clearly recognised was not the function of scrutiny. The Chairman expressed his concerns about the cost of commissioning technical reports when the findings were ignored and he questioned the effectiveness of the scrutiny system as a whole as it was not holding the Executive to account through any proper means. The Committee was advised that in respect of the Energy from Waste debate, the Executive had put across incorrect facts and the Environment Panel had put across the correct facts with alternatives. This should have raised the level of the debate and been acknowledged but the Executive had not been prepared to enter into a debate. The Committee noted that the Environment Panel had been most concerned about an erroneous remark made in the States by the President that the Panel's advisers had a small incinerator company. The Chairman requested that the President withdraw the statement and formally apologise to Juniper.

Island Plan consultation: the Chairman advised the Committee that the Panel had been party to talks during the preparation of the Island Plan and had attended meetings in relation to the matter. He believed that the direction of the Plan had been influenced by other Ministers and that whatever scrutiny contributed it would be ignored.

#### **(e) Health, Social Security and Housing**

Telephone Masts: [Deputy Ryan recorded his declaration of interest in the matter]. It was noted that the Jersey Competition Regulatory Authority's website would show the location of all the masts, where to get information and there would also be independent monitoring of the masts. The Sub-Panel would comment on the response from the Minister and then it would be disbanded.

Housing: a statement had been made in the States that scrutiny would be participating in a working group with the Executive. The Committee was advised that this was not the case as if scrutiny were to be involved in policy formation, it would be subsequently be unable to

	<p>scrutinise that policy. The Chairman was advised to ensure that no members of the Scrutiny Panel and/or Sub-Panel would be involved in this working group.</p> <p><u>Income Support</u>: The Committee noted that this review was continuing as there were more changes to be made to the policy by the Minister for Social Security.</p> <p><b>(f) PAC</b></p> <p>The Committee noted that meetings had been held with both the Internal and External Auditors regarding accounting reports and that the Committee considered that there was room for improvement. Hearings have been held with the Principal of Highlands College, Director of Education and Chief Officer, of Employment and Social Security. Future hearings would shortly be held with Accounting Officers for housing, income tax and property holdings and finally with the Treasurer of the States. The Committee remained concerned about the financial management across the States and about the property maintenance budget which had not yet been transferred to Property Holdings.</p>	
	<p><b>Access to information and effectiveness of scrutiny</b></p> <p>In respect of the difficulties experienced by the Environment Panel in acquiring information from the Transport and Technical Services Department, it was suggested that, in the first instance the Panel should call the Minister to a hearing to answer questions relating to withholding information. The Chairman considered that this would not be a valuable exercise. The Committee subsequently suggested that the Chief Minister and the Chief Executive should be informed. The Chairman of the Environment Panel believed that such an action would not result in a positive outcome either and that information would still not be forthcoming, believing that the Committee system had worked better in terms of access to information. There was some agreement that more information was forthcoming if a Member requested it as an individual backbencher rather than as a Scrutiny Member. It was recognised that the willingness to provide information varied across Departments and from Minister to Ministers. Consideration was given to the effectiveness of scrutiny, the benefits or otherwise of the Committee system and the evolution of political parties to form an opposition.</p>	
20.06.08 item 3	<p><b>Spending review: Comptroller and Auditor General</b></p> <p>The detailed reports on spending pressures of individual departments should be due soon. The Committee agreed that this needed to be followed up.</p>	
18.01.08 item 7	<p><b>Home and Lifestyle Exhibition</b></p> <p>It was agreed that officers would man the stand between 6th and 9th November with Members attending if available. The Committee agreed that Deputy Reed should be delegated the political oversight of the exhibition which involved such matters as political sign off of expenditure. It was noted that this was just before the Deputies' elections and that attendance at the exhibition by Members should not be used for electioneering purposes.</p>	
20.06.08 item 8	<p><b>Annual Business Plan 2009</b></p> <p>The Committee again expressed its concerns at the timing of the circulation of the States Annual Business Plan to Members. Such timing restricted scrutiny to undertaking its work during the summer</p>	

	<p>recess which was not possible for a large number of Members who took holidays during the States recess in August. Consideration was given to whether it would be advantageous to move to the same timings as the United Kingdom. The Committee also questioned whether the degree of confidentiality during preparation of the Annual Business Plan was necessary as it had seemed to be excessive.</p>	
	<p><b>Standing Order amendment: co-option</b></p> <p>The Committee, having made one minor amendment to the report, approved the draft report and proposition on co-option of a non-Executive Member to a review Panel for lodging “au Greffe” and requested that the necessary action be taken.</p>	KTF
	<p><b>Scrutiny of legislation</b></p> <p>The Committee received a report and associated documents in respect of legislative scrutiny for consideration at a subsequent meeting. The Scrutiny Manager advised the Committee that work was currently being undertaken within the office to enable information on forthcoming legislation to be Panel specific.</p>	

Signed

Date:

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President, Chairmen’s Committee