

Chairmen's Committee

PRIVATE MEETING

This meeting was held in private following a decision of the President in accordance with Standing Order 145(5)

Record of Meeting

Date: 19.03.09
Meeting No: 10

Present	Senator B. E. Shenton, President Deputy R.G. Le Hérissier, Vice-President [items 1 - Senator A. Breckon Senator S.C. Ferguson Deputy P.J. Rondel Deputy S. Pitman (representing Economic Affairs Panel)
Apologies	Deputy M.R. Higgins
Absent	
In attendance	Mrs K. Tremellen-Frost, Scrutiny Manager Mr. S. Le Quesne, Scrutiny Officer

Ref Back	Agenda matter	Action
	<p>1. Minutes of previous meetings</p> <p>The minutes of the following meetings were approved and signed:-</p> <ul style="list-style-type: none"> a) 19th February 2009 b) 20th February 2009; c) 3rd March 2009; d) 4th March 2009; e) 5th March 2009; f) 13th March 2009. 	
19.02.09 item 2 510/1 (5)	<p>2. Code of Practice amendments</p> <p>The Committee noted that the amendments had been lodged "au Greffe" and were due to be debated on 28th April 2009.</p>	
1444/5(3)	<p>3. Confidentiality of Executive documents</p> <p>The Committee considered concerns that had been expressed by some Scrutiny Panel members regarding the amount of Executive work undertaken under confidential cover. In light of this the Committee considered the following matters.</p> <p>1. Council of Ministers Part B agenda items - quantity and classification</p> <p>The Committee considered the number of items classified under The Code of Practice on Public Access to Official Information exemption 3.2.1 (a) (xiv). Whilst appreciating that some work merited being considered in confidence, and recognising that Ministers had a legal responsibility for the information they held, it was cognisant that the Code of Practice for Scrutiny Panels and the Public Accounts</p>	

Committee 9.23 stated:-

“However, if the Minister considers the material to be of a commercial or sensitive nature, or there are any exceptional circumstances surrounding the release of information, those circumstances will be explained to the relevant Panel Chairman by the Minister”.

On consideration of this, the Committee concluded that exemption 3.2.1(a)(xiv) which categorised papers as constituting a premature release of a draft policy were not necessarily of a commercial or sensitive nature, nor have exceptional circumstances attached. As a consequence of this such papers should be released automatically to scrutiny.

2. Council of Ministers Part B - additional items not on circulated agenda.

The Committee also noted that additional items are brought to the table at Council of Minister’s meetings which had not been included on the agenda circulated to scrutiny. The Committee agreed that it wished to request that all agenda items be forwarded to scrutiny.

3. Confidentiality of Executive information from Departments

With regard to the confidentiality of documents within Departments, the Committee noted that to date this had been undertaken through a demand from Departments to sign a confidentiality agreement. However, in accordance with the Code of Practice for Scrutiny Panels and the Public Accounts Committee which stated “a request should be submitted to the Panel Chairman, in advance, for the information to be treated in confidence”, the Committee agreed that all requests for confidentiality should be accompanied by a full explanation of the reasons under the Code of Practice on Public Access to Official Information so that the Panel was able to make an informed decision whether to grant the request.

The Committee agreed to write to the Chief Minister to:

1. request a justification for such a large number of items being discussed under the Code of Practice on Public Access to Official Information exemption 3.2(a)(xiv);
2. advise that documents classified under this exemption did not come under the Code of Practice for Scrutiny Panels and the Public Accounts Committee whereby the documentation must be of a commercial or sensitive nature or have exceptional circumstances attached and, consequently other papers should be automatically forwarded to scrutiny;
3. request that all matters considered under Part B of the Council of Ministers including those additional to the circulated agendas be forwarded to scrutiny;
4. advise that a request from a Department to maintain confidentiality be accompanied by a full explanation as to the reasons so that the Committee can make an informed decision whether to grant the request;
5. request that these matters are discussed at the next joint meeting on 23rd April 2009

BS/KTF

1444/5(3)	<p>4. Ministerial Decisions</p> <p>The Committee received documentation entitled "Recording of Ministerial Decisions - Guidelines for States Departments" which had been published by the Chief Minister's Department.</p> <p>The Committee took particular note of the flow chart on page 8 of the document where it stated:</p> <p style="padding-left: 40px;">"The officer considers forwarding the MD to the Scrutiny Office for the relevant panel to determine whether it is interested."</p> <p>The Committee recalled that at the joint meeting between the Chairmen's Committee and the Council of Ministers on 29th January 2009, it had been agreed that Ministerial Decisions would be sent to scrutiny as a matter of course. The Minute of that meeting stated:-</p> <p style="padding-left: 40px;">"there would be merit in each department sending a copy of each decision made to the Chairman of the relevant Scrutiny body"</p> <p>In light of the above, the Committee agreed to write to the Chief Minister to request the guidelines be amended to concord with the above Council of Minister's minute. It would also request assurance that all Ministerial Decisions would automatically be forwarded to scrutiny panels by electronic mail to the Scrutiny Office. This could be undertaken on a weekly basis and, if there were Ministerial Decisions which were confidential, the Committee would accept the number and title of the decision only.</p> <p>The Committee requested that this be an agenda item for the joint meeting scheduled for 23rd April 2009.</p>	BS/KTF
	<p>5. "From the Chief Minister's Desk" publication</p> <p>The Committee considered the above communication and noting that the Scrutiny Office had been approached to include scrutiny dates of meetings/hearings, agreed that it would not be appropriate for scrutiny to be seen to partake in this circular.</p>	
	<p>6. Joint meetings with the Council of Ministers</p> <p>The Committee considered the benefit of these meetings and, noting that it had requested a number of items to be considered at the next meeting, concluded that these meetings would continue.</p>	
19.02.09 item 2	<p>7. Panel activity reports</p> <p>The Committee noted these and considered the following additional and financial matters:-</p> <p>a) Corporate Services Scrutiny Panel</p> <ol style="list-style-type: none"> 1. the Migration Sub-Panel would also consider population; 2. the Finance Sub-Panel would consider Treasury policies which would be cross-cutting and consequently one member from each Panel would be welcomed; 3. the fiscal stimulus package would be worked on by the Corporate Services Scrutiny Panel who had corresponded with Deputy M.R. Higgins to request he be co-opted onto the Panel 	

	<p>for the purposes of that review.</p> <p>b) Health, Social Security and Housing Scrutiny Panel</p> <p>Consideration was given to the "Williamson Report Implementation Plan" and concerns expressed as to how it could be scrutinised due to the matter being so large. It was noted that the report had already been reviewed and scrutinising it could lead to rewriting the policy. It also impacted on other areas which came within the remit of other Panels and that areas of it such as the funding could be considered by the Corporate Services Scrutiny Panel. There was general agreement that the funding aspect might be "called in" to scrutiny.</p> <p>c) Corporate Services Scrutiny Panel - rapporteur</p> <p>The Committee noted that a rapporteur would undertake work on Human Resources, Information Services, Shared Services and Emergency Planning. There would be no costs involved.</p> <p>d) Health, Social Security and Housing Scrutiny Panel - Conference attendance</p> <p>The Committee noted that the above Panel with two officers would be attending an Employment Seminar on 8th April 2009 at a total cost of £150.00</p>	
	<p>8. Legislative Scrutiny and referral of matters in the States to Scrutiny</p> <p>The Committee agreed to defer this item upon the request of the Chairman of the Economic Affairs Scrutiny Panel.</p>	
<p>19.02.09 item 12</p> <p>510/1 (44)</p>	<p>9. Legal advice for scrutiny panels</p> <p>The Committee noted that work on this was ongoing and a list would be circulated once finalised.</p>	KTF
<p>19.02.09 item 13</p> <p>510/3 (5)</p>	<p>10. Newsletter</p> <p>The Committee noted that this project was being managed by Miss S. Power, Scrutiny Officer as part of the Modern Manager Programme. The Committee noted that there was a choice between a six-page roll-out version which would mean one Panel was featured on the front cover or an eight-page version which would necessitate some generic information for the front and back pages. In the event that the latter was preferred ideas regarding content would be welcomed.</p> <p>Although there was no requirement to have a Panel Member profile per Panel, the Committee noted that the Corporate Services Panel had decided to include a Panel Member profile of a new member.</p> <p>The Committee was also advised of the tight deadlines.</p>	KTF
<p>22.01.09 item 11</p> <p>510/3(2)</p>	<p>11. Citizenship Programme</p> <p>The Committee noted that this project was being managed by Mr. T. Oldham as part of the Modern Manager Programme.</p> <p>A further two schools had expressed an interest to participate in the project making this a total of seven schools. The Committee considered the impact this would have on Members time given that there were twenty members involved in scrutiny and each school</p>	

	<p>required six/seven members to dedicate a full morning or full afternoon.</p> <p>However, it was agreed that such a request reflected the success of the programme and members should be encouraged to participate. It was agreed that dates for the five schools which had participated previously should be circulated in the first instance with dates for the other two schools being circulated subsequently. The Committee noted that dates were currently being identified after which members would be requested to sign up. Consideration was given as to whether it might become necessary to have a rolling programme in future if yet more schools wished to take part.</p>	
<p>05.03.09 item 1</p> <p>510/1 (42)</p>	<p>12. Use of recording equipment by members of the public at public scrutiny meetings and/or hearings</p> <p>The Committee recalled that at its meeting on 19th February 2009, it had agreed to permit members of the public to video hearings on condition that:-</p> <ol style="list-style-type: none"> 1. a request was made of the relevant Panel Chairman at least three working days before the hearing; 2. the Chairman of the relevant Panel gave consent for the videoing to take place; 3. the witness also gave consent. <p>If any of the above did not occur, the taking of video footage would not be permitted. The Committee noted that the matter had widened to include scrutiny meetings, the taking of audio footage and verbal interruptions. The Committee received a letter of the Privileges and Procedures Committee dated 3rd March 2009 in which that Committee requested assurance that:-</p> <ul style="list-style-type: none"> • a witness has the right to decline to appear if the Panel has agreed that the proceedings can be videoed by a member of the public; • a witness can demand that the video be stopped; • a witness can request that their evidence be heard <i>in camera</i>. <p>The Committee agreed to respond that it was of the opinion that the matter was wider than that of scrutiny and applied to all States meetings including those of the States Assembly. In that regard, it agreed to request the Privileges and Procedures Committee to undertake a full review of the matter inclusive of seeking advice relating to Data Protection and Human Rights issues. The Committee also agreed to advise that Committee that in the interim, it would continue to follow its amended protocol as specified above and agree that, if a witness had agreed to video footage being taken and a matter arose whereby the witness did not want video footage to be taken, the member of the public would be required to cease operation. Also if it were agreed that a matter should be considered <i>in camera</i>, no video footage would be authorised.</p> <p>The Committee also received correspondence dated 6th March 2009, from the Chief Minister in which the Council of Ministers recommended that no authority for the taking of moving or still photographs of States' procedures be permitted without the authorisation of all the parties</p>	<p>BS/KTF</p>

	<p>including any member of the public or representatives of other bodies in attendance.</p> <p>The Committee did not agree that authorisation from any member of the public or representatives of other bodies in attendance be sought and agreed to advise the Council of Ministers accordingly and to advise that it had requested the Privileges and Procedures Committee to undertake a full review of the matter and that, in the interim, it would continue to follow its recent protocol.</p> <p>It also agreed that it would undertake no further work on the matter until the Privileges and procedures Committee had undertaken a review.</p> <p>Deputy P.J. Rondel requested that his dissent from the decision to request the Privileges and Procedures Committee to undertake a full review be recorded.</p>	BS/KTF
19.02.09 item 20	13. Training - questioning skills	
510/1 (3)	The Committee received and noted an update including groups and length of session.	
19.02.09 item 8	14. Support for private members' work	
	The Committee reconsidered the necessity for support for members working in the capacity of a private member. It was noted that this, in the main, applied to non-Executive members, although it could apply to a Minister working on a matter outwith the remit of his/her Department. The Committee recalled that the matter had been referred to the Privileges and Procedures Committee and it would await the outcome of its consideration.	
19.02.09 item 21	15. Naming "Scrutiny Panel"	
	The Committee agreed to defer this item upon the request of the Chairman of the Economic Affairs Scrutiny Panel.	
	16. Strategic Plan	
	The Committee considered scrutiny of the Strategic Plan given that a number of issues cut across Panels' remits. The Committee recognised that there was a legal binding on the Council of Ministers through Article 18 (2)(e) of the States of Jersey Law 2005 to lodge a statement of the Council's common strategic policy within four months of its appointment, however, given the current economic climate, the Committee queried how it could approach this by producing a brand new Plan. The Committee agreed to write to the Chief Minister to request an explanation of this and to request it be listed as an agenda item for the joint meeting on 23rd April 2009.	BS/KTF

Signed

Date:

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 Senator B. Shenton
 President

..... 23.04.09

19.03.09