

# Chairmen's Committee

## Record of Meeting

Date: 6th December 2016

Present	Deputy J.A.N. Le Fondré, President and Chairman, Corporate Services Scrutiny Panel Deputy S.M. Brée, Chairman, Economic Affairs Scrutiny Panel Deputy D. Johnson, Chairman, Environment, Housing and Technical Services Scrutiny Panel Deputy A.D. Lewis, Chairman, Public Accounts Committee Deputy T.A. Vallois, Vice-Chairman, Education and Home Affairs Scrutiny Panel
Apologies	Deputy L.M.C. Doublet, Vice-President and Chairman, Education and Home Affairs Scrutiny Panel Deputy R. Renouf, Chairman, Health and Social Security Scrutiny Panel
Absent	
In attendance	Mr T. Oldham, Scrutiny Manager Mr T. Nicolle, Scrutiny Officer

Ref Back	Agenda matter	Action
	<b>1. Records of meetings</b>  The Committee approved the records of its meetings held on 22nd and 28th November 2016, which were signed by the President.	
<b>20.09.16 Item 2</b>	<b>2. Activity Reports</b>  The Committee noted Panel and PAC activity reports.	
<b>20.09.16 Item 4  510/1(91)</b>	<b>3. Panel Names and Remits</b>  The Committee approved draft amendments to the Standing Orders of the States of Jersey and to the States of Jersey (Powers, Privileges and Immunities) Regulations. These related respectively to the remits of the Corporate Services and Economic Affairs Panels, and introduction of the ability for Panels to place witnesses giving evidence in person on oath. It was agreed that a decision on the timing of lodging the amendments would be taken in due course, as it would need to be informed by the evolving timetable for completion of the Protocol for Engagement between Scrutiny Panels/PAC and the Executive and the Scrutiny Proceedings Code of Practice.  In addition, the Committee noted correspondence sent to the Privileges and Procedures Committee regarding concerns about the way in which parliamentary privilege had been codified in Jersey in relation to the Assembly's Committees and Panels.	
<b>20.09.16 Item 5  510/1(86)</b>	<b>4. Protocol for Engagement between Scrutiny Panels/PAC and the Executive</b>  The Committee recalled that the draft Protocol had been forwarded to the Council of Ministers by the President, and noted that a preliminary	

	response from the Chief Minister was expected to be received later that day.	
20.09.16 Item 6  511/2/1	<p><b>5. Residential Property Transactions Review Panel</b></p> <p>Deputy D. Johnson, Chairman of the Review Panel, updated the Committee about the progress of the Review. It was noted that it would no longer be necessary to hold two previously planned stakeholder meetings, but that presentation of a report was nevertheless most likely to be deferred until after the Christmas recess. The Panel intended to meet before the recess to progress the report and agree the timetable for its presentation.</p> <p>As there was insufficient capacity amongst the Scrutiny Officers to resource the Review Panel due to commitments to main Panel work programmes, the Scrutiny Manager would provide the necessary administrative and procedural support.</p>	DJ  TO
510/1(92)	<p><b>6. Timeframe of Scrutiny Reviews</b></p> <p>The Committee discussed the timeframe challenges that occasionally arose when scrutinizing Propositions and legislation, although it was noted that the ability for a Panel to ‘call in’ legislation mitigated some issues around the time available for the scrutiny of draft legislation.</p> <p>It was noted that Ministers were largely agreeable to Panel requests to extend the minimum lodging period, albeit some more willingly than others and sometimes not to the extent that would have been conducive to a more satisfactory scrutiny process. The Committee agreed that it was advisable for Panels not to wait until the moment of lodging to begin background work on a Review topic, but to seek to secure appropriate access to draft policy and legislation during the course of its development to assist the Panel’s preparations, which in turn could lead to more time efficient Reviews. This was often dependent on a constructive relationship between Minister and Panel, but that Panels also had formal means by which a Minister could be encouraged or required to co-operate with a Panel in providing helpful updates about, or access to, draft policy or legislation. In certain instances, despite the limitations of not having a ‘final’ proposal to scrutinise a Panel might also consider the merits of formally launching its Review prior to lodging.</p> <p>In instances when a Panel was faced with non-cooperation over a request to extend to a lodging period, which could seriously compromise the ability of Panel to carry out an appropriate scrutiny Review, the Committee noted that recourse could be sought via the Chairmen’s Committee and, ultimately, the States Assembly.</p> <p>The Committee also agreed that Ministers should not treat a Panel having pre-lodging sight of draft legislation or policy, or receiving briefings, as an indication that it had ‘reviewed’ a matter, nor should they infer Panel support for a matter based on such engagement. It was for Panels, not Ministers, to publically report on their work and state their conclusions, which it was agreed they should seek to do on any issue that had been subject to scrutiny review regardless of its scale.</p>	

	It was agreed that the Committee's consideration of these issues would be relayed by the President to the Chief Minister.	
<b>510/1(93)</b>	<p><b>7. Propositions lodged independently by Panel Members</b></p> <p>The Committee considered the impact on Scrutiny of members of Panels lodging Propositions or Amendments in an independent capacity on matters directly related to the remit of their Panel. In recent examples discussed, Members had also used information gathered during ongoing Panel work that had yet to be subject to a Panel report.</p> <p>It was agreed that whilst Members were entitled to take such a course of action, he or she would demonstrate appropriate respect for the Scrutiny process and courtesy to colleagues by discussing their planned course of action with their respective Chairman before lodging.</p> <p>It was further agreed that Chairmen would relay the discussions and agreement on this matter to their Panels at forthcoming meetings.</p>	
	<p><b>8. Future Meetings</b></p> <p>The Committee noted that its next meeting was scheduled to take place on 24th January at 9.30am, Le Capelain Room, States Building.</p>	