

## CHAIRMEN'S COMMITTEE

Meeting of Chairmen held on 13th April 2007

Meeting Number 44

Present	Deputy S C Ferguson, President Deputy R C Duhamel Deputy F J Hill Deputy R G Le Hérisssier Deputy P J D Ryan Deputy J G Reed Deputy A Breckon (Present for items 5, 7, 9-12)
Apologies	
Absent	Deputy G P Southern
In attendance	Mrs K Tremellen-Frost, Scrutiny Manager Mr C Ahier, Scrutiny Officer Miss L Kingston, Scrutiny Officer Mrs D Abbot-McGuire, Finance and Admin Manager (Present for Item 4)

Ref Back	Agenda matter	Action
	<b>1.</b> The meeting welcomed Deputy S. C. Ferguson as President of the Chairmen's Committee following election by the States on 27th March 2007.	
	<b>2. Minutes</b> The Minutes of 9 <sup>th</sup> March 2007 were taken as read and signed accordingly.	
	<b>3. Action Update</b> <b>(a) IdeaWorks:</b> It was noted that the Greffier of the States was pursuing the possibility of amending the template for scrutiny adverts. <b>(b) Annual Report:</b> It also noted that the Annual Report would be considered by the Privileges and Procedures Committee on 11th April and presented to the States thereafter. <b>(c) Website:</b> The Committee also noted that the new website had been launched on 2nd April 2007.	
	<b>4. Panel Position Reports</b> The Committee received and noted Panel Reports for- <b>a) Corporate Services Scrutiny Panel</b> <u>Zero/Ten Sub Panel</u> <ul style="list-style-type: none"><li>• The Sub Panel was hoping to receive a confidential copy of the draft legislation within the next few weeks.</li><li>• The Sub Panel would then present its report to the States in advance of the debate on the draft legislation, which was likely to take place during July 2007.</li></ul> <u>Overseas Aid Sub Panel</u> <ul style="list-style-type: none"><li>• The Sub Panel was in the process of drafting its report, which it</li></ul>	

was hoped would be presented to the States by the beginning of May 2007.

#### GST Sub Panel

- The GST Sub Panel had now concluded the second stage of its review into the draft GST legislation.
- The Panel's report was presented to the States on the 4<sup>th</sup> April 2007 (SR7/2007).
- The Panel had also proposed seven amendments to the draft legislation (P.37 Amd.) which would be debated by the States on the 17<sup>th</sup> April 2007.
- The Sub Panel would be continuing its review later this year when it would focus on the GST Regulations.

The Committee agreed to defer the proposed Amendments (P.37 Amd.).

#### Migration Policy Sub Panel

- The Sub Panel held a meeting with Dr Rosemary Geller, Medical Officer of Health, to discuss progress made in implementing the health screening database.
- The Sub Panel continued to search for an expert adviser to assist with this review. One focus of the adviser's work would be assisting the Sub Panel with analysis of the population modelling work that was being undertaken.
- A scoping document and estimate of expenditure for this review would be forwarded once further work had been done on the timetable for this review at the Sub Panel's next meeting on the 23<sup>rd</sup> April.

#### States Business Plan and Budget process

- The Panel had agreed that its work on this would be based on the following separate issues:
  1. Scrutiny of the process involved in the States Annual Business Plan – the Panel would present its report on this issue later this year, once it had had the opportunity to monitor the entire process.
  2. Scrutiny of the financial framework of the Business Plan – the Panel had delegated responsibility to the Chairman and Deputy Egré to conduct further work into this issue, with a particular focus on the financial forecasts, with a view to providing the Council of Ministers with the Panel's report by the end of April 2007.
  3. Scrutiny of the Cash Limits for the Chief Minister's and the Treasury and Resources Department – the Panel had delegated responsibility to Senator Perchard to conduct further work into this issue, and the Panel would then provide the Council of Ministers with its comments by the end of April 2007.

#### Sub Panel reviewing the sale of the former JCG site

- The Panel had formed a Sub Panel to conduct a review into the sale of the former Jersey College for Girls site. The Sub-Panel was constituted as follows:

Connétable Murphy (Sub Panel Chairman)  
Senator Norman  
Deputy Egré

The Committee noted the Terms of Reference and the scoping document outlining the time and resource allocations for this review.

The Committee was advised that the sale of the former JCG site was proving very controversial and more complex than initial expectations. The committee was also advised of the difficulties in recruiting local expert advisors and of the intention to look for Guernsey or UK advisors. The committee noted the tight timescale of 6 weeks for this review.

## **b) Economic Affairs Scrutiny Panel**

### Dairy Sub-Panel

The Economic Affairs Sub-Panel (Dairy Review) completed its review in January 2007.

The Sub-Panel was informed that the Chief Minister had taken its recommendations into consideration, but recently the Sub-Panel members had expressed concerns over the implementation of some points, and so had agreed to meet the Chief Minister to discuss the matter on 11th April 2007.

### Retail Strategy (Interim Report)

The Panel had would soon complete an interim report into the retail policy of the Economic Development Department, based upon a report from Experian Property Consultancy.

### Retail Strategy (Final Report)

The Panel would continue the Retail Strategy Review when officer time became available in early May 2007. It was unable to provide a completion date as the exact scope of this review would be determined according to developments in the retail market at that time.

### Jersey Telecom Review

Although the Review into the sale of Jersey Telecoms had been completed, the Sub-Panel had not been formally disbanded. The recommendation in the final report that an impact assessment/cost benefit analysis be carried out by the Treasury and Resources Minister had been accepted.

The Sub-Panel was therefore in the process of re-engaging Dr. David Parker on a mutually-agreed basis to participate in a steering group to carry out the analysis. The estimated cost to the Panel of this analysis will be £5,000.

The Panel had noted that several of the Economic Development Department submissions to the 'Progress against Initiatives' document appeared to show items as 'on track' when they were in fact delayed. The Panel had sought clarification of this as it was concerned that this document represented an opportunity to follow

the work of the Executive, and it considered that the accuracy of the statements within it were of the utmost importance.

### **c) Education and Home Affairs Scrutiny Panel**

#### Review of the Centeniers Role in the Magistrate's Court:

- Work on the Panel's report was ongoing. The draft report had been distributed to stakeholders for factual comment. The Panel had engaged Professor. A. Le Sueur, Legal Adviser to the House of Lords Constitution Committee, to provide advice in relation to the report.
- The Panel was advised by H.M. Attorney General to seek independent legal advice in respect of the dual role of the Magistrate as his position as Titular Head of the Honorary Police precluded him from advising the Panel.

#### Review of the GP Out-of-Hours Service:

- The consequent Scrutiny Report was presented to the States on 10th March 2007.

The Committee noted that to date no response from the Health Minister had been received.

#### Review of the Closure of Leoville and McKinsty Wards (Overdale Hospital):

- The Panel awaited the official response from the Minister for Health and Social Services. At the States sitting of 13th March 2007, the Minister indicated that he hoped to have forwarded a completed response to the States Greffe by the end of that week.

The Committee noted that to date no response from the Health Minister had been received.

#### Review of Early Years Education and Care:

- The Panel had agreed to undertake a Review of this topic and had advised the Minister for Education, Sport and Culture of its intention. Terms of Reference had been drafted and were due to be approved.

#### Higher Education Funding:

- The Chairman made a statement in the States on 27th March 2007 in which he described preliminary work undertaken by the Panel and explained why a Scrutiny Review would not be undertaken.

#### Work Programme:

- Consideration had been given to topics that could constitute the Panel's second Review (to run concurrently with Early Years). Potential Scrutiny Reviews of the Youth Service and Police Authority had been considered in some detail; however, the Panel had agreed that its work in relation to the Annual Business

Plan might assist in identifying suitable topics.

#### Annual Business Plan:

- The Panel would invite the Ministers for Education, Sport and Culture and for Home Affairs to its meeting on 30th April 2007 in order to consider the Business Plan.

#### Visit to Westminster and Lambeth

- From 19th to 21st March 2007, the Panel visited Lambeth Council and Westminster to further its understanding of the Scrutiny process and the work of Parliamentary Select Committees. A report on the Panel's visit was to be produced and distributed to Scrutiny Members.

- Deputy Hill informed the Committee that this report should go to all States Members together with being uploaded onto the Scrutiny website.

#### **d) Health, Social Security and Housing Scrutiny Panel**

##### Telephone Mast Review

Drafting of the final report was well advanced and expected to be completed very shortly.

##### Housing Property Plan Review

The Sub-Panel had agreed the appointment of advisers from Consult CIH, a subsidiary of the Chartered Institute of Housing. A call for evidence to the general public had been made, and a variety of stakeholders being contacted. A questionnaire to housing tenants was under development and discussions were being held with the Housing Department regarding its distribution.

The Committee noted that the request for submissions had not yet expired and that a Hearing was scheduled for mid May.

##### Income Support Sub-Panel

The Income Support Sub-Panel met with the Minister for Social Security at a Public Hearing on 30<sup>th</sup> March 2007 to discuss the draft Regulations. As a result of this meeting the start date for the Income Support system had been moved to Tuesday 27<sup>th</sup> August (from the 30<sup>th</sup> July) in order to allow more time for scrutiny. The Rates had yet to be finalised but had been promised to the Sub-Panel on Friday 13<sup>th</sup> April. The Sub-Panel had invited the Minister to a Public Hearing mid-May to discuss the finalised Income Support proposals and the Sub-Panel's suggested amendments.

The Committee noted that this was a highly involved and detailed review of regulation and policy formation which was proving to be very time consuming. The Committee was informed that the Panel advisor was also assisting the Social Services Department.

The Committee noted the possibility that the Minister for Health might be considering future funding of Health services through increased Social Security contributions. As this was within the

	<p>Strategic Plan it was anticipated that the Minister would take this change to the States.</p> <p><b>e) Environment Scrutiny Panel</b></p> <p><b>Waste review:</b> report continued to be drafted but would only be presented when it was of a sufficient standard to make an impact.</p> <p><b>Design of Homes:</b> work on this was suspended until the officer on loan to the Mast review Sub-Panel had been released. The Committee noted that new Panel members might assist in completing this review.</p> <p>The Committee noted that one of the officers who supported the Environment Panel had been “loaned” by that Panel to the Health Social Security and Housing Phone Mast review in late December 2006, whilst the Scrutiny Manager was on annual leave. The agreement had been that the review would be completed and report presented to the States by end-February. However, due to the volume of work involved, this review had taken longer than planned and had left the Environmental Panel with one officer for the first quarter.</p> <p>The Committee considered a joint review (Environment and Corporate Services) into Environmental taxes / VRD replacement. It was proposed that Deputy Duhamel should lead the Sub-Panel and that Deputy Ryan be included as a panel member. The committee noted that this would not be considered until the completion of the Design of Homes report.</p> <p><b>f) Public Accounts Committee (PAC)</b></p> <p>The Committee was advised that PAC was still awaiting the audit of accounts and a report on Special Funds.</p> <p>The Committee was informed of the areas covered by the PAC review of Early Years to avoid duplication with the Education and Home Affairs review on the same topic. The PAC review focused on the historical efficiency and costs of nursery education.</p> <p>The Committee noted that all PAC reviews provided a retrospective analysis of efficiencies, and might provide good historical data for future Scrutiny reviews.</p>	
	<p><b>5. Financial Report</b></p> <p>The Committee and welcomed the Finance and Admin Manager to the meeting.</p> <p>The Committee noted the first quarterly financial report and was advised that the reporting structure had changed and that the Treasury had been very supportive in this process.</p> <p>The Committee noted that the President would receive monthly Panel accounts and that the Committee would continue to receive them quarterly.</p> <p>The Committee was advised that an underspend for the first quarter</p>	

	<p>had been recorded.</p> <p>On considering whether the budget would be better held in one central fund, it was agreed that this should be considered within the Working Practices review.</p> <p>The Committee expert advisors were a key aspect of the review process and, therefore, were a significant proportion of review costs. The Committee proposed a register of expert witnesses be implemented as a tool for Panels but not as a prescriptive list.</p> <p>The Committee requested that an appendix of miscellaneous expenditure over £100 be added to the quarterly reports.</p>	DAM
<b>19.02.07 Item 1</b>	<p><b>6. Invoices from Orchid Communications</b></p> <p>The Committee noted the invoices from Orchid Communications and the related activity reports.</p> <p>The Committee considered whether the purpose of Orchid's initial engagement to set a foundation for public engagement for the scrutiny function had been achieved and agreed that an interim assessment was required before the contract expired on 31st July 2007. The Committee agreed that all Panels would discuss Orchid's input to date and consider future PR and public engagement requirements and report back to the Chairmen's Committee at a subsequent meeting.</p> <p>In view of the fact that the Public Engagement Group (PEG) had been formed by the Committee to develop public engagement for scrutiny, the future of that group was considered but no decision taken.</p>	
	<p><b>7. Media Feed</b></p> <p>The Committee agreed the expenditure for a media feed for both Blampied and Le Capelain Rooms. The Committee noted that the introduction of the media feed might lead to more publicity and consequently, encourage public engagement.</p>	
<b>02.02.07 Item 1</b>	<p><b>8. Junior Admin Assistant</b></p> <p>The Committee agreed to appoint a junior administrator on a one year contract, on the understanding that such a contract was compliant with Employment (Jersey) Law 2003. Deputy R.C. Duhamel requested that his dissent from this decision be recorded.</p>	KTF
	<p><b>9. Working Practices</b></p> <p>The Committee discussed whether to undertake a review of the Scrutiny function and whether a greater degree of Panel standardisation in the approach to reviews and reports would be beneficial. It was noted that current guidelines set out the need for an evaluation after each review had been concluded and that the Annual Report also constituted a review of working practices. The Committee noted that some members were concerned about additional layers of control being imposed upon Panels and a resulting loss of autonomy.</p>	

	<p>The Committee agreed to establish a working group comprising Deputies J. Reed and R. Le Hérissier to investigate scrutiny working practices and they would work with panel members and officers to propose improvements to working practices.</p> <p>The Committee discussed the role of the Chairman of Scrutiny Panels and agreed that it was within the remit of the Chairman to monitor ongoing work of the areas within the relevant Panel's remit and, as such, could request an officer to seek background information without Panel agreement.</p>	JR/RLH
	<p><b>10. Code of Practice</b></p> <p>The Committee considered the draft Code of Practice and discussed H.M Attorney General's comments. The Committee was informed that H.M. Attorney General had asked to meet the President in order to discuss the draft Code of Practice.</p> <p>The Committee noted that H.M. Attorney General had advised that the States of Jersey Law precluded him from releasing legal advice given to the Executive. The Committee discussed whether this assertion had been verified by independent legal advisers.</p> <p>Having discussed the unresolved issue of access to legal advice, the Committee agreed that Deputies Ferguson and Duhamel would request copies of correspondence between the Chief Minister and H.M. Attorney General for consideration at a subsequent Chairmen's Committee meeting.</p>	SF/RD
12.02.07 Item 1(d)	<p><b>11. Annual Business Plans and Budget</b></p> <p>The Committee discussed scrutiny of the States Annual Business Plans and Budget. It was agreed that the proposed timeframe for scrutiny was insufficient to complete any detailed reviews and that busy work programmes also compromised detailed consideration in this area. It was agreed that the President would correspond with the Chief Minister and request a two week delay in order to allow more time for Scrutiny.</p> <p>The Committee discussed how best to approach scrutiny in this area. It was noted that most Panels had made arrangements to discuss the departmental Business Plans within their remit with the relevant Ministers. It was further noted that the Environment Panel's response to the 2007 States Business Plans, which addressed high level issues, could provide a model for future scrutiny in this area given the tight timeframe involved.</p> <p>It was agreed to form a Sub-Panel, comprising Deputies Ferguson; Le Hérissier; Reed and Ryan to consider the Annual Business Plan of a department within the Health, Social Security and Housing Panel's remit. It was further agreed that Deputy Le Hérissier would chair the Sub-Panel and that an accountant would be appointed as an adviser.</p>	RLH
12.02.07 Item 1(b)	<p><b>12. Draft protocol on access to Council of Minister's Part B information</b></p> <p>The Committee discussed the revised protocol as proposed by the</p>	



	<p>Council of Ministers. It was agreed that Panels needed to have access to all information in order to make an informed decision as to whether a full scrutiny review should be initiated. As such the Committee agreed to remove 'unless undertaking a full review.' from point 8. The Committee agreed that '...or explain reasons for non-disclosure.' be added to point 5. It was agreed to circulate the amended draft as proposed by the Council of Ministers plus the Chairmen's Committee last updated version to the Chairmen's Committee members for comparison and amending prior to lodging the Committee's draft for a States debate.</p>	KTF
<b>09.02.07 Item 3</b>	<p><b>13. Council of Ministers - policy on public consultation</b></p> <p>The Committee considered the above policy and discussed the possibility of Scrutiny using the Communications Unit. It also considered whether discussions with the Communications Unit Manager should be held prior to correspondence being sent to the Chief Minister. It considered a draft response to the policy which had been prepared by the Public Engagement Group and it was agreed to send the letter as drafted to the Chief Minister. It was noted that Deputy Reed could subsequently hold discussions with the Communications Unit Manager as an independent member but not as a representative of the Chairmen's Committee.</p>	KTF
	<p><b>14. Standing Order 141</b></p> <p>The Committee considered amending Standing Order 141 to allow non-Chairmen to stand and agreed to give further consideration at its next meeting.</p>	
<b>09.02.07 Item 14</b>	<p><b>15. Lodging periods for propositions brought by Scrutiny Panels</b></p> <p>The Panel agreed to defer consideration of the proposed lodging periods for propositions brought by Scrutiny Panels until Deputy G. Southern was present.</p>	
	<p><b>16. Mobile Recording Equipment</b></p> <p>The Panel noted the information regarding the Mobile Recording Equipment and agreed that, whenever possible, the Department of Electronics be used to erect and dismantle equipment rather than Scrutiny staff.</p>	KTF
<b>09.03.07 Item 6</b>	<p><b>17. Investigative Interviewing training</b></p> <p>The Panel noted the arrangements for the Investigative Interviewing training on 26th and 27th April 2007 and the list of confirmed attendees.</p>	