



PARLIAMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO

FIRST REPORT

OF

**THE JOINT SELECT COMMITTEE OF PARLIAMENT
APPOINTED TO INQUIRE INTO AND REPORT TO
PARLIAMENT ON MUNICIPAL CORPORATIONS AND
SERVICE COMMISSIONS WITH THE EXCEPTION OF THE
JUDICIAL AND LEGAL SERVICE COMMISSION**

ON

**THE ESTABLISHMENT OF THE SECRETARIAT OF
THE POLICE SERVICE COMMISSION AT 62 QUEEN
STREET, PORT OF SPAIN**

PARLIAMENT

OF THE REPUBLIC OF TRINIDAD AND TOBAGO

2ND SESSION OF THE NINTH PARLIAMENT (2009)

FIRST REPORT OF THE JOINT SELECT COMMITTEE OF PARLIAMENT
APPOINTED TO INQUIRE INTO AND REPORT TO PARLIAMENT ON
MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS WITH THE
EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION

PAPER NO:.....

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**The Joint Select Committee of Parliament appointed to inquire into and
report to Parliament on Municipal Corporations and Service
Commissions with the Exception of Judicial and Legal Service
Commission**

presents its

FIRST REPORT

In accordance with Section 66A of the Constitution and its mandate under Standing Orders 71B and 79B of the Senate and House of Representatives, respectively, your Committee has begun its examination of the Police Service Commission for the year 2007 with respect to its administration, the exercise of its powers and methods of functioning. A serious challenge highlighted by the Commission was the inordinate delay in the location and renovation of a building located on Queen Street, Port of Spain to accommodate the Secretariat of the Police Service Commission. Your Committee undertook an investigation of this issue and now presents a Report of its findings together with appropriate recommendations.

Members of the Committee



*Ms. Pennelope Beckles
Chairman*



*Mr. Mustapha Abdul-Hamid
Vice-Chairman*



Mr. Mariano Browne



Prof. Ramesh Deosaran



Dr. Tim Gopeesingh



Ms. Christine Kangaloo



Mr. Wade Mark



Ms. June Melville



Dr. Adesh Nanan



Mr. Linus Rogers



Mr. Chandresh Sharma



Mr. Peter Taylor

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REPORT

COMPOSITION AND APPOINTMENT OF COMMITTEE

1.1 At the sitting held on March 14, 2008 the House of Representatives agreed to the following resolution:

*“**BE IT RESOLVED** that the House of Representatives appoint six (6) Members to serve with an equal number from the Senate to inquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission on their administration, manner of exercise of their powers, methods of functioning and on any other criteria adopted by them in the exercise of their powers and functions”.*

1.2 The Members appointed to the Committee were:

- *Ms. Penelope Beckles*
- *Mr. Mustapha Abdul-Hamid*
- *Ms. Christine Kangaloo*
- *Dr. Tim Gopeesingh*
- *Mr. Chandresh Sharma*
- *Mr. Peter Taylor”*¹

1.3 On Tuesday May 06, 2008 the Senate agreed to a similar resolution and appointed the following six Members to serve on the Joint Select Committee:

- *Mr. Mariano Browne*
- *Ms. June Melville*
- *Dr. Adesh Nanan*
- *Professor Ramesh Deosaran*
- *Mr. Linus Rogers*
- *Mr. Wade Mark*²

TERMS OF REFERENCE

2.1 Section 66A of the Constitution of the Republic of Trinidad and Tobago empowers the Committee:

“to report on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission in relation to their administration, the manner of the exercise of their

¹ Hansard (House of Representatives Meeting of March 14, 2008)

² Hansard (Senate Meeting of Tuesday May 06, 2008)

powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and function.”.

2.2 A list of entities that fall under the purview of this Committee is at **Appendix I**.

POWERS OF THE COMMITTEE

3.1 In accordance with Standing Orders 79B of the House of Representatives and 71B of the Senate, the Committee has the power to review and report on:

- i. the statute law relating to the ministry/body assigned to it;
- ii. the programme and policy objectives of the ministry/body and its effectiveness in the implementation of same; and
- iii. the management and organization of the ministry/body.

3.2 In addition, the Committee also has the power to:

- i. examine witnesses;
- ii. send for persons, papers and records;
- iii. sit notwithstanding any adjournment of the House of Representatives or Senate;
- iv. adjourn from place to place;
- v. report from time to time;
- vi. appoint specialist advisers either to supply information which is not otherwise readily available or to elucidate matters of complexity within the Committee's or the Sub-Committee's order of reference;
- vii. communicate with any Committee of Parliament on matters of common interest; and
- viii. meet concurrently with any other Committee for the purpose of deliberating, taking evidence or considering draft reports.

ELECTION OF CHAIRMAN AND DETERMINATION OF QUORUM

4.1 At its first meeting held on Tuesday November 04, 2008 the Committee elected Ms. Pennelope Beckles as Chairman and Mr. Mustapha Abdul-Hamid as Vice-Chairman. At that meeting, it was also agreed that a quorum would constitute seven (7) Members, inclusive of the Chairman, and with at least one (1) Member from either House.

SECRETARIAL ASSISTANCE

5.1 Ms. Jean Sandy was appointed to serve as Secretary to the Committee while Mr. Julien Ogilvie was appointed to serve as Assistant Secretary. Ms. Louella Joseph, Ms. Risha Pragg and Ms. Venessa Ramhit were appointed Graduate Research Assistants to the Committee with effect from December 2007. On March 03, 2009 Ms. Katharina Gokool was appointed to replace Ms. Ramhit following her resignation.

WORK OF THE COMMITTEE

6.1 To date, the Committee has scheduled seven (7) meetings of which one (1) was convened publicly and six (6) were convened privately. No meetings were aborted. The meetings took place on the following dates:

- Tuesday November 04, 2008
- Tuesday November 25, 2008
- Friday December 12, 2008
- Friday January 16, 2009
- Wednesday February 11, 2009
- Friday February 13, 2009
- Tuesday March 03, 2009

6.2 Given the constitutional requirements outlined in Section 66B for the submission of reports by each Service Commission, the Committee sought to decide its work programme for the future months. Particular interest was expressed with regard to the Police Service Commission and the work of the fourteen (14) Municipal Corporations.

6.3 On **February 13, 2009** the Committee held a preliminary meeting with the Officials of the Police Service Commission. The discussions undertaken served to highlight particular challenges faced by the incumbent Commission which assumed office on July 1, 2007. As a direct result of this meeting, the decision was taken that a site visit of the proposed new offices of the Police Service Commission by the Joint Select Committee was necessary. This site visit was undertaken on **Friday February 20, 2009**.

6.4 The Committee having held preliminary discussions with the Commission decided that a special report be submitted to the Parliament to highlight the challenges encountered by the Commission in respect of the building to accommodate the Police Service Commission.

6.5 The Committee will continue to engage in discussions with the Police Service Commission to facilitate a more comprehensive report on the entity at a later date.

DISCUSSION WITH THE POLICE SERVICE COMMISSION

7.1 In its preliminary meeting with the Commission on **Friday February 13, 2009**, members of your Committee were informed of the serious challenges as identified by the Commission to its current mandate and performance, and one such immediate problem has been the lack of accommodation for the establishment of the Secretariat for the Police Service Commission.

7.2 The Commission expressed a particular level of frustration with the delays in having the accommodation for its Secretariat completed to date. Cabinet approved a staff of thirty-eight (38) in 2006 but the provision of office space and the equipping of offices have been considerably delayed and have not met with any of the six deadlines given from 2007. Problems and delays have stemmed from sourcing an appropriate building initially to completing the necessary infrastructural works on the final proposed site at 62 Queen Street, Port of Spain. The completion date has now been amended to March/April 2009.

7.3 The establishment of a new Secretariat for the Police Service Commission will provide the Commission with the judicial, research, administrative, auditing and logistical support to discharge the full range of its functions inherent in the monitoring and evaluation of the performance of the Commissioner and Deputy Commissioner of Police.

7.4 Given the serious allegations with regard to delays and its impact on the Commission as highlighted by the members of the Commission, a site visit by your Committee was undertaken on **Friday February 20, 2009**. A meeting with the stakeholders of the building particularly the Director of Personnel Administration, officials of the Property and Real Estate Services Division of the Ministry of Public Administration and the various contractors hired to undertake works on the four-storey building was also arranged and held on **Tuesday March 03, 2009**.

7.5 The Minutes of the two meetings mentioned are at **Appendix II**.

DISCUSSIONS WITH STAKEHOLDERS INVOLVED IN THE RENOVATION OF THE BUILDING LOCATED AT 62 QUEEN STREET, PORT OF SPAIN

8.1 The following issues arose from the meeting on Tuesday March 03, 2009 with the various stakeholders involved in the completion of the building at 62 Queen Street, Port of Spain:

A. Initial allocation and modification of the building to meet the requirements of the Police Service Commission.

- i. The Committee was informed that following Cabinet's approval for the Secretariat in 2006, a request was made by the Director of Personnel Administration to the Property and Real Estate Services Division to begin sourcing a suitable building in Port of Spain that would serve as the offices for both the Police Service Commission and the Teaching Service Commission. The building at 62 Queen Street was offered and acquisition began in late 2007. The Chief Designs Engineer, the Chief Fire Officer, the Valuations Division and the Town and Country Division all approved the suitability of the building for conversion to office use. The building therefore had to be configured to suit the particular needs of the Police Service Commission.
- ii. Various tenders were sent out from the Director of Personnel Administration for the different aspects of the project namely, drywall and installation of partitions, electrical works, painting and protective railings installation and plumbing facilities. **A list of the various contractors and their responsibilities are listed in Appendix III.** An initial design layout for the building was utilized by the client (Director of Personnel Administration) and the various contractors, particularly the contractor employed for the partitioning of the building with an initial date of delivery expected by July/August 2008. It was not clear to the Committee the identity of the original author of this initial design.

B. Challenges stemming from modification of the design layout and contract from June 2008

- i. The Committee learnt that a site visit was conducted in June 2008 by the Director of Personnel Administration, herself a member of the Police Service Commission and the Chairman of the Police Service Commission and it was decided that adjustments to the design were necessary to properly accommodate a Tribunal Court and Judge's Chamber. According to the Director of Personnel Administration, there appeared to be some misunderstanding within her Department, namely by the Director of Corporate Services, as to the initial design layout as approved by herself, which was only recognized during the June 2008 site visit.

- ii. The Committee also learnt that modifications, specifically the enlargement and removal of the Tribunal Court from the southern side of the building on Queen Street and an adjustment to the size of the kitchen were deemed necessary by the Director of Personnel Administration and the Chairman of the Commission who based their decisions on an anticipated and presumed approval by the Parliament of the Republic of Trinidad and Tobago to the proposed legislative amendments to the Constitution (Amendment) Act 2007. This presupposition of approval by Parliament was viewed by the Committee as a matter for grave concern; a concern further exacerbated given the concomitant use of taxpayer resources to facilitate these modifications deemed necessary by the Director of Personnel Administration.
- iii. As a result of the variations to be made, new specifications were given to the contractors, and a decision was taken by the Director of Personnel Administration (client) to halt works on the building in June 2008. Alarming, all contract works have been affected by the variation design and, more importantly, the Committee learnt that as at February 2009, the final variations were not yet completed nor was the variation contract signed between the relevant contractor and the client. This was seen to be a tremendous challenge to the latest date for delivery of the building of April 2009. The unchecked authority of the Director of Personnel Administration in the modification of the building highlighted a major concern for Members of the Joint Select Committee.
- iv. It is the view of this Committee that the delays experienced have been as a result of inexperienced planning and administrative decisions taken at crucial stages in the development of the project. The status of the works on the building is as follows:
 - Partitioning works to be completed on the various rooms – described as well advanced but subject now to the variation designs still to be completed.
 - Railings/skirtings/crowns – ninety-five percent completed.
 - Plumbing works/kitchen facilities – forty-five to fifty percent completed
- v. The Committee was however informed that the project has experienced no cost overruns to date and the variation costs are still expected to be within the estimated budget of the project. The cost of the total infrastructural works for the building has been calculated at \$1.5 million as at March 2009.

C. Issue of Rent

- i. Despite an inability to have infrastructural works on the building at Queen Street completed at the previous deadlines, the Committee was informed that the building was offered to the Commissions on the basis of a rental agreement accepted by the Director of Personnel Administration in 2007. However, rental

fees were to be paid only after a final approval was given by Cabinet and this approval was only received in February 2009.

- ii. The Director of Personnel Administration informed the Committee that the specific leasing agreement cost amounted to \$189,819 per month for an initial period of three (3) years. Given the protracted nature of the renovations project, it was learnt that retroactive rental fees from the period October 2008 (date of “occupation”) now stand at approximately \$950,000. The Committee found this situation (whereby scarce resources of the State are being paid for an unoccupied building) unacceptable given the current economic climate facing the country and the plethora of projects to which such resources could be more effectively channeled.

D. Dispersal of resources for contractual services on 62 Queen Street, Port of Spain

- i. Enquiries were made as to the current status of monies paid to the various contractors for services rendered to the building. The costs of the contracts awarded based on the initial design of the building are as follows:

• Initial partition of the building (Columbia Marketing and Contracting Company)	-	\$465,290.00
• Provision of electrical services (Uptown Interiors)	-	\$340,285.34
• Installation of protective railings and painting of the infrastructure (Bewil & Company Limited)	-	\$481,580.00
• Installation of plumbing services and kitchen facilities (Quality Commercial Interior Limited)	-	\$359,491.00

- ii. The Committee was informed that most payments to the various contractors are based on the terms of each contract. Payments are, however, still to be made to these private entities upon completion of the project which would have been agreed upon at the beginning of the contractual relationship.
- iii. An area of concern however has been the admission by some contractors that the delays in the project, though no basic fault of their own, have proven to be costly to their companies. In certain instances, they have asked that whatever adjustments need to be made be facilitated by the client so that work can continue and be ultimately completed. The Committee was given the assurance by the Director of Personnel Administration that such finalization would be possible within the shortest possible time.

FINDINGS OF THE COMMITTEE:

9.1 After preliminary discussions with the Director of Personnel Administration and the various stakeholders on the completion of the building earmarked for the Secretariat of the Police Service Commission located at 62 Queen Street, Port of Spain, your Committee publishes its findings as follows:

1. There was a lack of expertise at the office of the Director of Personnel Administration to ensure the delivery of the project. The Committee took note that the Director of Public Administration acknowledged that use of external experts in the modification of building was an option available to her, but that she clearly did not utilize this mechanism effectively. Unfortunately, this has contributed to the delay of the project which began in early 2008.
2. The timing and variation of the initial infrastructural works contributed to the primary delay of the project and has affected all other contracts dependent on the design of the building, namely, the electrical and painting contracts.
3. There was a lack of proper co-ordination and communication between the relevant parties, namely within the office of the Director of Public Administration and some contracted service providers, which further affected the timely completion of the project.
4. There appeared to be little supervision of the authority of the Director of Public Administration in the execution of this particular project.
5. As at March, 2009, important aspects of the infrastructural work were not yet finalized: namely the variation design and agreement on the variation cost quotations. These are expected to further cause setbacks to the latest deadline date of April 2009.
6. The Committee noted that the decision of the Parliament was pre-empted insofar as the proposed amendment to the legislation to allow for the mechanism for the hearing of appeals of officers by the Police Service Commission. The Committee recognized that the Commission was proactive in taking the decision to renovate the building in anticipation of the proposed legislation to be brought to Parliament. However, the Committee emphasises that such a practice should not be condoned.

RECOMMENDATIONS

10.1 Having reviewed the evidence, the Committee is extremely dissatisfied with the manner in which this project proceeded and with the ultimate negative consequences to the Police and Teaching Service Commissions. Therefore, in keeping with the terms of reference and with the general objective of improving the operations and functioning of the Police Service Commission, the Committee now makes the following recommendations:

General Recommendations:

- i. The Minister of Public Administration, under whose jurisdiction the Property and Real Estate Services Division falls should intervene by providing the necessary expertise within the Ministry to expedite the project as soon as possible.
- ii. That there be some imposition of a proper oversight mechanism within the office of the Director of Personnel Administration with respect to modifications made for this project in particular and to future projects.
- iii. That the accountability of the Director of Public Administration be clearly delineated to ensure an effective reporting system. Also, in undertaking projects outside the area of competence of the Director of Personnel Administration, it is advised that the DPA avail its office of the requisite assistance of suitable agencies in order to avoid the pitfalls encountered during the execution of this particular project.
- iv. That an effort be made by the Property and Real Estate Services Division to advise its clients about the building alternatives located outside the City of Port of Spain and, as such, source buildings for occupation in those outside areas. This has become necessary given the current challenges with regard to the finite locations and traffic challenges within the City.
- v. On-site activities should be properly co-ordinated within the various departments to eliminate a further delay in the transferral of building to the Service Commissions.
- vi. Allow the Teaching Service Commission to occupy the first and second floors since work in those areas has already been completed.
- vii. Allow the owners of properties to undertake renovations in a timely manner based on the client's needs to avoid the client being engaged in the construction process.

Issues at a Glance:

- Reconfiguration of the building to accommodate the Police Service Commission and Teaching Service Commission.
- The Director of Personnel Administration's power to make final decisions particularly in terms of redesign of the building and the lack of expert involvement in the decision-making process.
- The lack of qualified and competent staff within the office of the Director of Personnel Administration with reference to the redesign and/or construction of this project. Additionally, the consequent challenges caused by this area of responsibility as balanced by the primary role of the Director of Personnel Administration of facilitating employment in the public service.
- The undue length of time and concomitantly the cost to taxpayers incurred for rental of the building, especially at a time when the country is experiencing an economic downturn.
- Owners of properties undertaking the task of renovating and doing so in a timely manner based on what the client recommends.

ACKNOWLEDGEMENTS

11.1 The Committee records its deep appreciation for the co-operation given by the Chairman and members of the Police Service Commission, the Director of Personnel Administration and staff, the officials from the Property and Real Estate Services Division of the Ministry of Public Administration and the various contractors who met with the Committee. This has contributed significantly to the Committee's understanding of the pertinent issues involved.

CONCLUSION

12.1 In this report, the Committee has focused on the issues relating to the functioning of the Police Service Commission, particularly, the lack of accommodation for the Commission at the earmarked location in Port of Spain. It has been gratifying to us, as legislators, to fulfil our constitutional mandate and put forward recommendations which are intended not only to expedite the occupation of the building by the Commissions but also to improve the system of accountability in project design within the Public Service, the benefits of which would redound to future generations.

12.2 It is therefore anticipated that our comments, concerns and recommendations would be responded to in accordance with the procedure outlined in Standing Orders 71B (13) and 79 B(13) of the Senate and House of Representatives, respectively.

Ms. Penelope Beckles
Chairman

March 10, 2009

LIST OF MUNICIPAL CORPORATIONS

- ❖ Port of Spain City Corporation
- ❖ San Fernando City Corporation
- ❖ Arima Borough Corporation
- ❖ Chaguanas Borough Corporation
- ❖ Point Fortin Borough Corporation
- ❖ Diego Martin Regional Corporation
- ❖ San Juan/Laventille Regional Corporation
- ❖ Tunapuna/Piarco Regional Corporation
- ❖ Sangre Grande Regional Corporation
- ❖ Couva/Tabaquite/Talparo Regional Corporation
- ❖ Rio Claro/Mayaro Regional Corporation
- ❖ Siparia Regional Corporation
- ❖ Penal/Debe Regional Corporation
- ❖ Princes Town Regional Corporation

LIST OF SERVICE COMMISSIONS

- A. The Public Service Commission**
- B. The Police Service Commission**
- C. The Teaching Service Commission**
- D. The Statutory Authorities' Service Commission**

MINUTES OF THE SIXTH MEETING OF THE JOINT SELECT COMMITTEE (NINTH PARLIAMENT) APPOINTED TO CONSIDER AND REPORT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS, WITH THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION, HELD IN THE PARLIAMENT CHAMBER, THE RED HOUSE, ABERCROMBY STREET, PORT OF SPAIN, ON FRIDAY FEBRUARY 13, 2009

PRESENT

Ms. Pennelope Beckles	Chairman
Mr. Linus Rogers	Member
Mr. Chandresh Sharma	Member
Dr. Tim Gopeesingh	Member
Ms. June Melville	Member
Mr. Wade Mark	Member
Dr. Adesh Nanan	Member
Ms. Jean Sandy	Secretary
Mr. Julien Ogilvie	Assistant Secretary
Ms. Louella Joseph	Graduate Research Assistant
Ms. Risha Pragg	Graduate Research Assistant

ABSENT

Mr. Mustapha Abdul-Hamid	Vice-Chairman (Excused)
Mr. Peter Taylor	Member (Excused)
Mr. Mariano Browne	Member (Excused)
Ms. Christine Kangaloo	Member (Excused)
Prof. Ramesh Deosaran	Member (Excused)

THE POLICE SERVICE COMMISSION

Ambassador Christopher Thomas	Chairman
Mr. Seenath Jairam, S.C.	Member
Mr. Jewan Singh	Member
Ms. Jacqueline Cheesman	Member
Pastor Clive Dottin	Member
Dr. Kerry Sumesar-Rai	Director of Monitoring, Evaluation and Education, Police Service Commission Secretariat

Ms. Gloria Edwards-Joseph

Director of Personnel
Administration,
Service Commissions Department

Ms. Dawn Harding

Deputy Director of Personnel
Administration, Service
Commissions Department

Ms. Natasha Seecharan

Legal Advisor, Service Commissions
Department

COMMENCEMENT

1.1 The Chairman called the meeting to order at 10.10 a.m. and welcomed Members present.

DISCUSSIONS WITH MEMBERS OF THE POLICE SERVICE COMMISSION

2.1 The Committee agreed to first consider the issues relating to the Police Service Commission and then deal with administrative matters.

2.2 The Committee discussed its approach for dealing with matters arising out of the reports of the Police Service Commission. It agreed that the examination will begin with the 2007 Report. It also agreed that the dialogue with the Police Service Commission will be done with a view to obtaining an understanding of the issues confronting the Police Service and the solutions required. It was further agreed that the following issues, among others, will be raised with the Police Service Commission:

- Succession planning within the executive level of the Police Service.
- The lack of an appellate body as an avenue for redress available to the Commissioner of Police and Deputy Commissioner of Police.
- Extra-judicial killings and the lack of an appropriate mechanism to facilitate the filing of public complaints against police officers.
- The provision of Annual Reports from the Commission to the Secretary of the Committee in electronic format, after being laid in Parliament.

[Officials of the Police Service Commission entered the Chamber]

2.3 The Chairman welcomed the Officials present. Introductions were made by both sides.

2.4 The Chairman informed the Officials that the meeting was of a preliminary nature to acquire feedback and recommendations from the Commission in terms of any challenges experienced by them in the fulfillment of their mandate. She also promised that the Committee will do everything in its power to assist the Commission in alleviating these problems.

2.5 The Chairman directed the Commission's attention to the under-mentioned issues which it intends to pursue at its next meeting along with issues coming out of Reports that have been laid so far:

- i. The new mandate of the Police Service Commission.
- ii. Succession planning at the management level of the Police Service.
- iii. The existing lacuna in the Constitution (Amendment) Act, No. 12 of 2007.
- iv. Public perception as it relates to killings by members of the police service and the need to institute appropriate mechanisms for addressing complaints by the public.

2.6 The Chairman requested the submission of reports to the Secretariat also in electronic format, if possible.

2.7 The Commission was commended for the submission of all its Reports. The Chairman of the Police Service Commission indicated that when he took office the reports were two years behind and he gave a commitment to the then Committee to submit its Annual Reports on time. He also mentioned the need to involve the officials of the Service Commissions Department.

2.8 Areas of questioning and the responses received are stated hereunder:

(A) The Mandate of the Police Service Commission

i. Challenges hindering the Commission in achieving its mandate

The Chairman of the Commission explained that part of its new mandate was the function of evaluating the effectiveness and efficiency of the Commissioner and Deputy Commissioner of Police. Consequently, Cabinet approved a staff of thirty-eight (38) but only seven (7) were recruited so far, because there was no accommodation to house the full complement of staff. He further stated that accommodation was identified over a year ago but there had been numerous delays.

ii. Contractor for the project

The Director of Personnel Administration indicated that several contractors were involved in the project but that she was not in possession of the names at that time.

iii. Responsibility for completion of building

The Committee learnt that the Director of Personnel Administration was responsible for engaging the consultants to oversee the completion of the project. However, the Town and Country Planning Division, the Port of Spain City Corporation and the Ministry of Labour and Small and Micro Enterprise Development were also stakeholders.

iv. Completion date, Budget for Renovations and Cost Overrun

The project has had several completion dates with the latest being February or March of this year. The budget for internal work and furniture, among other things, was about \$5 million. The project is currently within budget.

v. Recruitment of Employees

Persons from within and outside the Public Service have been interviewed and will be recruited as soon as renovations are completed.

(B) Appointment of a Commissioner and Deputy Commissioner of Police

- i. The Chairman of the Commission informed the Committee that the legal notices in respect of the appointment of the Commissioner and Deputy Commissioner of Police were being processed. He also indicated that the first draft of the legislation should be ready by next week Monday.
- ii. The Commission was never involved in damage control and had always kept the public abreast of the process and status of its work through press releases and other media programmes.
- iii. A Member of the Commission expressed his disappointment with the delay in the completion of the amendments to the current legislation. He added that the Commission had recommended a ranking or merit list to ensure that there were sufficient options from which a Commissioner may be selected, rather than having a single person being rejected and thus resulting in the entire process being repeated. The proposed amendments will allow for a more condensed selection process; include provision for a firm to screen applicants; responsibility for funds to be handed to the Director of Personnel Administration and, also, candidates with adverse reports being granted a specific timeframe in which to respond.

- iv. The Chairman of the Commission was asked to give his view on the ability of the country to get a new substantive Commissioner of Police in the context of the inevitable expiration of the term of the Acting Commissioner of Police. In response, he stated that unless the legislation is passed, then the Commission would be obligated to operate within the confines of the law and extend the term of the Acting Commissioner of Police.

(C) Performance Evaluation

The Commission is unable to undertake performance evaluation of the Commissioner of Police because the full complement of staff has not yet been recruited, as stated previously. Just last week the Director of Monitoring and Evaluation was recruited. The appointment of Deputy Commissioners is also dependent upon the amended legislation.

(D) The Commission's contribution to improving the availability of resources to the police through its Outreach Programme

The Chairman of the Commission explained that the Outreach Programmes are used as a means to evaluate the Commissioner of Police and also to bring to the attention of the Ministry of National Security and the Commissioner of Police crucial matters both parties need to address. It was further pointed out that the Commissioner of Police does not have the necessary resources to carry out his duties efficiently and effectively.

(E) Guns belonging to the Police Service being used to perpetrate crimes

A member of the Commission informed the Committee that the Commissioner of Police has introduced a system where every official firearm is tested by ballistic experts.

(F) Whether the Commission has considered revisiting or revoking the appointment of the Acting Commissioner of Police, in the context of the disturbing level of criminal activity in the country

A member of the Commission reiterated that Mr. Philbert's appointment was a temporary measure until the new legislation is brought to the Parliament. He added that the Commission has received positive feedback from the public regarding Mr. Philbert's performance and that the Commission is also satisfied that efforts are being made by him to deal with the situation.

(G) Education of the Public

The last press release was issued in either December or January and the shortage of staff was highlighted.

(H) Trivializing of the process of appointing a Commissioner

A member of the Commission expressed the view that the Parliament had trivialized the process of appointing a new Commissioner of Police. He also felt that there was a lack of urgency in the provision of the requisite tools for the Commission to effectively undertake its monitoring functions.

(I) Employee Assistance Programmes (EAP)

The Commission has received no response with regard to its appeal for an Employee Assistance Programme so that police officers could receive assistance in coping with the stresses that exist in their work environment.

(J) Legislation

The Commission appealed to all stakeholders in the legislative process to work assiduously to have the relevant amendment brought to the Parliament.

(K) Nationwide Survey on Crime

The Chairman of the Commission informed Members that the nationwide survey on crime was put on hold in favour of some of the more crucial activities in which the Commission had been engaged.

(L) Avenues for redress by the Commission for unacceptable treatment from other entities

The Chairman of the Commission explained that approaching the President for redress was an option which has not been seriously considered. Rather, the Commission has explored a number of avenues through which it could expedite its work. The outreach programme that fosters continuous interaction with stakeholders in law enforcement is one such approach that has been adopted.

(M) The number of active vs. inactive officers in the Police Service

A member of the Commission addressed the issue of recruitment of persons into the Police Service. He lamented the fact that the Police Service had to compete with other branches of the protective service for suitable candidates.

He also acknowledged that there were a number of officers on various types of leave which, along with a number of outstanding disciplinary matters, must be dealt with in order to attain a satisfactory complement of officers on active duty.

(N) Evaluation of the Human Resource strength in the Police Service

The Chairman of the Commission indicated that the issue of civilianising specific departments in the Police Service was raised with the Commissioner, in order to have officers trained in policing to practise their skills, rather than having them function in administrative capacities.

(O) Relationship between the lack of enthusiasm and the Compensation Package

It was felt that police officers were not receiving the level of compensation they deserved; they should be better paid and higher standards of performance demanded.

(P) Refusal of an extension of term of office

If the Commissioner of Police were to refuse an extension of his acting appointment, the Commission has the authority to appoint someone else.

(Q) Perception of Extra-Judicial Killings

A member of the Commission denied any knowledge of “political” killings. He stated that a Police Complaints Authority existed, but argued that the Authority was in urgent need of new leadership in order to bring it to an acceptable standard of performance. One recommendation made in the past was for Police Officers to be offered VSEP because of all the rumours about some of them being involved in criminal activities. The Commission has also requested reports on these killings.

(R) Interventions to ensure the Independence of the Police Complaints Authority

The Commission indicated that the matter of a Police Complaints Division stationed within the Police Service was raised with the Commissioner of Police and the Government. The Police Complaints Authority also needs a Director who is independent.

(S) Recruitment of officers from rural areas as a means of ensuring diversity in the Police Service

The Committee was informed that this approach was already being practised. However, recruitment was now primarily under the purview of the Police Commissioner and the Commission could only advise. The gender issue at the executive level was also raised with the Commissioner.

(T) The legality of the Special Anti-crime Unit of Trinidad and Tobago (SAUTT)

In response, a member of the Commission stated that the SAUTT ought not to operate as a parallel police service. Also, there was need for legislation to govern the operations of the agency and to ensure that there are mechanisms through which the unit can be held accountable.

(U) Increase in Gang Activities

This matter has to be discussed with the Commissioner of Police.

(V) Joint Police/Army Operations

The Chairman of the Commission held that he was not in a position to elucidate on the Commission's view on joint police/army patrols. However, he acknowledged that in some instances the arrangement had produced positive outcomes.

(W) Appeals by Police Officers

The Chairman of the Commission explained that the amended Constitution gave the Commission the authority to hear appeals from police officers in relation to disciplinary or promotional action by the Commission. However, the Commission is yet to establish an appropriate mechanism through which these appeals could be addressed.

Also, there was no avenue available to the Commissioner or Deputy Commissioner of Police to hear their grievances, apart from judicial review, which could be a relatively lengthy process.

2.9 The Chairman allowed the Chairman of the Commission to make final comments on behalf of the members of the Commission.

2.10 The Chairman thanked the members of the Police Service Commission and other officials for their comments and indicated that the Committee was going to meet immediately after the Carnival.

[Officials of the Police Service Commission exited the Chamber]

CONFIRMATION OF MINUTES (February 11, 2009)

3.1 The Chairman drew the attention of Members to the Minutes of February 11, 2009.

3.2 The Minutes were confirmed by Ms. June Melville and seconded by Mr. Wade Mark.

MATTERS ARISING FROM THE MINUTES

Sub-Committees

4.1 The Chairman stated that the issue in respect of sub-committees will be discussed at the next meeting.

OTHER BUSINESS

Meeting with Chairmen of Regional Corporations

5.1 The Chairman indicated that the Committee will meet with the Chairmen of the Municipal Corporations next. A possible meeting date will be discussed with the Secretariat.

Site visit

5.2 The Committee agreed that a site visit to the Police Service Commission building be undertaken by a small delegation next week.

Special Report of the Committee

5.3 The Chairman proposed to Members that the Committee submit a report on the urgent matters that were brought to their attention by the Police Service Commission, with particular reference to the need to expedite the introduction of relevant legislation to Parliament.

ADJOURNMENT

6.1 The meeting was adjourned at 11:56 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 25, 2009

**MINUTES OF THE SEVENTH MEETING OF THE JOINT SELECT COMMITTEE (NINTH
PARLIAMENT) APPOINTED TO CONSIDER AND REPORT ON MUNICIPAL
CORPORATIONS AND SERVICE COMMISSIONS, WITH THE EXCEPTION OF THE JUDICIAL
AND LEGAL SERVICE COMMISSION, HELD IN THE PARLIAMENT CHAMBER, THE RED
HOUSE, ABERCROMBY STREET,
PORT OF SPAIN, ON TUESDAY MARCH 03, 2009**

PRESENT

Ms. Penelope Beckles	-	Chairman
Ms. Christine Kangaloo	-	Member
Mr. Mariano Browne	-	Member
Mr. Peter Taylor	-	Member
Mr. Linus Rogers	-	Member
Dr. Tim Gopeesingh	-	Member
Ms. June Melville	-	Member
Mr. Wade Mark	-	Member
Dr. Adesh Nanan	-	Member
Prof. Ramesh Deosaran	-	Member
Ms. Jean Sandy	-	Secretary
Mr. Julien Ogilvie	-	Assistant Secretary
Ms. Louella Joseph	-	Graduate Research Assistant
Ms. Risha Pragg	-	Graduate Research Assistant

ABSENT

Mr. Mustapha Abdul-Hamid	-	Vice-Chairman (Excused)
Mr. Chandresh Sharma	-	Member (Excused)

SERVICE COMMISSIONS DEPARTMENT

Ms. Gloria Edwards-Joseph	-	Director of Personnel Administration
Ms. Dilliana DeGannes	-	Executive Assistant to the Director of Personnel Administration
Mr. John Harris	-	Director of Corporate Services
Mrs. Yolande Charles-Mottley	-	Facilities Officer

**MINISTRY OF PUBLIC ADMINISTRATION
(Property and Real Estate Services Division)**

Mr. Randolph Badall	-	Building Services Engineer
Ms. Linda Ottley	-	Senior Property Management Officer
Mr. Vishan Maharaj	-	Property Management Officer

CONTRACTORS

Mr. Owen Lawrence	-	Chief Executive Officer Columbia Marketing and Contracting Company
Mr. Marcus Rochard	-	Manager, Quality Commercial Interiors Limited
Mr. Berry Ferdinand	-	Managing Director, Bewil & Company Limited
Ms. Sharon Vasquez	-	Branch Manager, Bewil & Company Limited

COMMENCEMENT

1.2 The Chairman called the meeting to order at 10:58 a.m. and welcomed Members present.

CONFIRMATION OF MINUTES (February 13, 2009)

2.1 The Committee considered the Minutes of Friday February 13, 2009 following which the Chairman asked that the Minutes be confirmed.

2.2 The Minutes were confirmed by Mr. Linus Rogers and seconded by Ms. June Melville.

MATTERS ARISING FROM THE MINUTES

Site Visit

3.1 The Chairman apprised Members of the nature of the site visit conducted by a contingent of the Committee on Friday February 20, 2009.

3.2 A query was raised about the terms of reference used by the Committee to conduct the site visit to a building earmarked for the Police Service Commission. He contended that the issue of constructing buildings for public officers fell within the purview of the Executive. The Member cited section 66(D) of the Constitution, which outlines the mandate of the Committee.

3.3 In response, the Chairman solicited the views of other Members of the Committee in relation to the objection raised by the Member.

3.4 One Member agreed with the merits of the objection raised as they relate to site visits. However, he thought that it was an issue to which further consideration should be given.

3.5 The Chairman expressed the view that the issue of a building to house the offices of the Police Service Commission was highlighted both in the Reports of the Police Service Commission and during discussions between the Committee and the Commission. The Chairman stated that the issue was sufficiently significant to warrant a site visit, particularly because it related to the inability of the Commission to fulfil its mandate because of a lack of infrastructure to house its staff. In light of this, the Chairman held that the site visit allowed the Committee to acquire a better appreciation of the situation.

3.6 The Chairman indicated that the site visit revealed that the Public Service Commission had requested adjustments to the layout which resulted in the delay. This position conflicted with the initial position that the contractors were at fault. Therefore, in order to clarify the situation with regard to the building the Contractors were invited to a meeting with the Committee.

3.7 Other matters arising out of the Ministers were deferred to the next meeting.

[Officials entered the Chamber]

DISCUSSION WITH DIRECTOR OF PERSONNEL ADMINISTRATION, OFFICIALS OF THE MINISTRY OF PUBLIC ADMINISTRATION AND PRIVATE CONTRACTORS

4.1 The Chairman welcomed the officials to the meeting. Introductions were made by Members and other Officials.

4.2 The Chairman informed the Officials that the Committee wished to obtain an update on the infrastructural works on the building at No. 62 Queen Street, Port of Spain and the expected date of completion.

4.3 The Director of Personnel Administration provided the following information:

- a) The process of acquiring a building to house both the Public Service Commission and the Teaching Service Commission began in the latter part of 2007 and the building located at 62 Queen Street, Port of Spain was identified in early 2008.
- b) A contract in the sum of \$465,290 for the installation of drywalls and partitions was awarded to Columbia Marketing and Contracting Company between January/February, 2008.
- c) The original date set for the completion of the renovations was May/June, 2008.
- d) Cabinet's approval for lease of the building was received in February, 2009.
- e) Approval was obtained from PMCD to commence discussion with the contractors for the internal infrastructural works.
- f) The first and second floors were earmarked for the Teaching Service Commission and the third and fourth floors for the Police Service Commission.
- g) The Chairman of the Police Service Commission and the Director of Public Administration toured the building in June 2008 and determined that the building was inadequate on the following grounds:
 - the renovations could not adequately provide for the staff of the structure as approved by Cabinet.
 - the location of the court room – overlooking Queen Street – was not suitable because of the noise level in that area.
 - the Judge's Chamber was larger than the court room;
 - the judge could not access the court room from the back as is the norm in court room design;
- h) Consequently, the contractors were directed to cease work on the building in June 2008, pending a reconfiguration of the internal structures.
- i) In January, 2008, a contract in the sum of \$320,285.34 was negotiated for electrical works and was signed in May 28, 2008. By June, 95% of the work was completed. However, it was found that electrical work to accommodate IT

infrastructure was not included in the initial scope of works; this led to a variation of the contract.

- j) In November, 2008, a contract was awarded to Bewil and Company for the painting and installation of protective rails to the tune of \$348,381 and \$133,199 respectively. This work is 85% completed.
- k) In December 2008, a contract for plumbing works was awarded to Quality Commercial Interior Design at a cost of \$359,491. It is anticipated that these works will be completed within six weeks' time.
- l) The contract for the variation to the original design is now being negotiated and, if successful, the building could be ready for occupation by April/May.
- m) Some computer equipment and furniture have been purchased and are in storage.
- n) Although work on the first and second floors has been completed and those floors are ready for occupation by the Teaching Service Commission, the dust problem in the building prevents this from happening.

Further discussion ensued on the under-mentioned issues and the following responses were received:

i. Initial design

The Director of Personnel Administration approved the initial dimensions of the design. However, there was a misunderstanding as it relates to the approved design and what was communicated to the contractor by the Director of Corporate Services. Bewil was provided with an organisational structure and also apprised of the use for which the building was intended.

Although the design was signed off on by the DPA, it did not explicitly state where various rooms were located. Therefore, it was only during the site visit that it was recognised that the court room was positioned in an inappropriate location.

The DPA further stated that she was not in a position to indicate whether or not it is normal not to include the names and locations of rooms on a design.

ii. Professional advice on the redesign

Bewil and Company provided some initial design work.

iii. Selection of Building

In 2006, the Property Management Division of the Ministry of Public Administration with responsibility to source office space was asked to locate a building. It was further indicated that checks on the building were conducted by the Valuations Division, the Chief Designs Engineer, the Chief Fire Officer and the Town and Country Planning Division, who all subsequently declared the building as suitable for accommodating the offices.

iv. Ownership of the Building/Monthly Rental

The building is not owned by the Government and is being rented for a three-year period at a cost of \$189,819.00 per month. "Occupation" began in October 2008 and, therefore, the rental payment will be retroactive. Also, the lease has not yet been signed since approval was only just received.

v. Rationale for Judge's Chamber

The initial Act provides for the Commission to hear and determine appeals. However, based on legal advice received, that the Commission should not determine matters and hear appeals, discussions were held with the Chief Personnel Officer, the Ministry of National Security and the Attorney General's Office on the matter. Subsequently, a recommendation was made to Cabinet for an appeal body to be staffed by a retired judge and two senior attorneys, to which it agreed.

vi. Location of Government Buildings

The Property Management Officer informed the Committee that the client, the Police Service Commission, requested a location in Port of Spain. Additionally, she stated that there was a minuscule difference in the rental rates for buildings across the country, therefore location within or outside of Port of Spain did not make a significant economic difference.

vii. Contracts

Once the services to be contracted fall under \$500,000, the Director of Personnel Administration has the authority to award contracts. Moreover, the established tender procedures were adhered to.

All contracts have been signed except that for variation works on the building. These variations relate particularly to the judge's chamber and the judge's office.

viii. Recruitment of Staff and development of job specifications

Persons have already been interviewed and selected for positions. Furthermore, the Chief Personnel Officer has determined the terms and conditions of the positions. In the interim, a core team of ten (10) employees have been recruited to assist the Commission in its work.

ix. Pre-empting Parliament

The DPA stated that it was not normal practice to preempt the 'Executive', however, because Cabinet approved the legal staff for the Commission's appeal body, it was decided to begin configuring the organizational structure, pending Parliament's approval of the requisite legislative amendments. She also contended that her actions did not represent an attempt to confer executive powers unto herself.

x. Initial deadline date for occupation

It was hoped that works on the building would have been completed by August or September, 2008.

xi. Expertise within the Office of the DPA

The DPA explained that her Department has one officer with the responsibility for Office Management and it has therefore engaged Mrs. Charles-Mottley, Facilities Officer, on contract.

Sign off on the design was done based on past experience in making variations to the new building to which they had relocated.

xii. Variations to Buildings not owned by Government

The Senior Property Management Officer indicated that any adjustments to the space in a building for lease by a Government agency was dependent on the Ministry since some owners are not willing to undertake additional work.

xiii. Payment to suppliers

The DPA indicated that some suppliers had been paid for works they have completed, whilst others are yet to receive final payments.

xiv. Overall cost of for the project?

The overall cost of the infrastructural work is estimated to be \$1.5 million.

4.4 The contractors were asked to provide the Committee with an overview of each of their roles in project and the status of their work.

A. Bewil and Company limited

The Branch Manager indicated that as it relates to their areas of responsibility: painting, installation of moulding, skirting, crowning and protective railings, she would estimate that the work is about 95 percent complete.

B. Columbia Marketing and Contracting company

The Chief Executive Officer of the company stated that his primary concern with the project was the execution of variation works. He also indicated that works on the partitions were well advanced. He further explained that he received details of the variations on the Friday before the meeting in question and his company has since forwarded the estimated cost of these variations to the DPA's Office. He estimated that his work should be completed within six weeks.

He also indicated that a basic contract is required to be signed.

C. Quality Commercial Interiors Limited

The Manager informed the Committee that his company was contracted to do plumbing work and completion of kitchen facilities. He stated that these works were 45-50 percent complete and should be completed in totality in two and a half weeks.

4.5 At the conclusion of the meeting between officials and the Committee, the Chairman thanked the officials for attending and for the information provided to the Committee.

4.6 The meeting reconvened in-camera in Committee Room No. 3.

4.7 The Chairman solicited comments from Members pertaining to the just ended discussions.

4.8 The following findings were noted:

- The DPA utilised a layout as a design for the internal works.
- The DPA's Department does not have the requisite expertise in the area of architecture but yet a decision was taken to vary the design.
- Variation to the original layout was undertaken without expert advice, thereby resulting in the delay to the completion of the project.
- There was a lack of adequate co-ordination around the different areas of activities and contracts.
- The officials concerned pre-empted the decision of Parliament by varying the layout to accommodate a structure not yet approved by Parliament.

4.9 The Committee recommended that:

- (a) the first and second floors should be occupied by the Teaching Service Commission since works in that area have been completed;
- (b) proper oversight mechanism should be employed on projects of this nature;
- (c) renovation/redesign activities should be properly co-ordinated to avoid overruns;
- (d) the Minister of Public Administration should intervene in the project by providing the expertise to enable completion and occupation of the building as soon as possible.

4.10 The Committee agreed that copies of the Hansard should be sent to Members along with a draft of the recommendations.

OTHER BUSINESS

5.1 There was no other business.

ADJOURNMENT

5.2 The meeting was adjourned at 1:10 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

March 10, 2009

APPENDIX III

LIST OF CONTRACTORS INVOLVED IN THE COMPLETION OF BUILDING EARMARKED FOR THE SECRETARIAT OF THE POLICE SERVICE COMMISSION AT 62 QUEEN STREET, PORT OF SPAIN

1. Columbus Marketing and Contracting Company (assigned responsibility for partitioning and carpeting)
2. Uptown Interiors (electrical works). This Company has subsequently merged with Columbus Marketing and Contracting Company
3. Quality Commercial Interior Limited (plumbing)
4. BEWIL (tinting, painting, railings and blinds)