

PRIVILEGES AND PROCEDURES COMMITTEE

(13th Meeting)

21st May 2003PART A

All members were present.

Senator C.G.P. Lakeman
 Connétable D.F. Gray
 Deputy F.J. Hill, B.E.M.
 Deputy C.J. Scott-Warren
 Deputy R.G. Le Hérissier
 Deputy J-A. Bridge
 Deputy J.A. Bernstein

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 P. Byrne, Executive Officer
 P. Monamy, Senior Committee Clerk.

Note: The Minutes of this meeting comprise Part A only.

Executive
 Officer:
 recruitment.
 465/3(1)

A1. The Committee received an oral report from the Deputy Greffier of the States regarding the recruitment process currently ongoing for the post of Executive Officer, Privileges and Procedures Committee, to replace the present postholder when he departed on 4th July 2003.

Ex.Off.

The Committee noted that, of the four applications which had been received, only two of the applicants could be released on secondment. In view of the high quality of both of these applicants, the Committee agreed that it would be appropriate to restructure the Committee's office and appoint both of them as Executive Officers, given that the previous role of Administrator was no longer appropriate to the Committee's needs.

The Committee accordingly approved the appointment of Mrs. Janet Marshall (presently Value for Money Auditor, Audit and Risk Management Division) and Miss Fiona Agnes (presently Trainee Valuer/Estates Surveyor, Department of Property Services), both with effect from 30th June 2003. The Deputy Greffier of the States was requested to take the necessary action.

Having heard from the President regarding the possible creation of "Student Internships" as a research resource for the Committee, the Committee noted that the Deputy Greffier of the States would investigate the matter further in consultation with the President with a view to a report being presented to the Committee in due course.

Matters for
 information.

A2. The Committee noted the following matters for information -

Ex.Off.

- (a) correspondence which had passed between the President and Deputy T.J. Le Main and the Greffier of the States regarding the complaint against the Deputy, in his capacity as President of the Housing Committee, about his actions at a hearing of the Board of Administrative Appeal on 26th March 2002. The Committee, whilst noting that Deputy Le Main had been absent from the Island on States' business, nevertheless considered that the matters which had been raised in its Sub-Committee's report and in the previous correspondence were relatively straight forward and that it was in the interest of all parties and for the credibility of the States for the matter to be resolved expeditiously. Accordingly, the President was directed to inform Deputy Le Main that his comments in respect of the report were required by the end of May 2003 (as previously indicated). Once those comments were to hand, the Committee agreed that it should be informed of the Deputy's response and, subject to what that response might be, it was further agreed in principle that the report of the Committee should be presented to the States for their information;
- (b) an Act, dated 13th May 2003, had been received from the Policy and Resources Committee concerning a report by the I.T. Director in relation to the policy for the use of electronic mail (e-mail) by States members. The Committee, having noted the conclusion reached by the report, recognised that it was considered that there had been a minor breach of the policy on incidental use of e-mail involved in the e-mail containing a joke which had been sent by Deputy P.N. Troy. Having noted that the Policy and Resources Committee had agreed that the Computer Services Department should progress the implementation of an appropriate mechanism by which States members might be informed of relevant changes to the systems use and information security policies, the Committee concluded that no action was need on its part and that the matter was now considered to be closed. [The President withdrew from the meeting during consideration of this item];
- (c) the President had received an informal complaint (by telephone) against Deputy T.J. Le Main in respect of an alleged breach of the Island's Data Protection legislation. In addition, an anonymous complaint had been received against another member but this was to be disregarded as it was unable to be investigated and the Committee was as a matter of principle, not willing to entertain anonymous complaints;
- (d) a complaint had been received via the Deputy Bailiff against Senator L. Norman in respect of alleged 'electioneering' on behalf of Mr. A.J. Layzell during his recent campaign for the Senatorial by-election.

Scrutiny - draft
report.
502/1(6)

A3. The Committee, with reference to its Act No. A2 of 12th May 2003, gave further consideration to a draft report regarding the proposed Scrutiny function within the new machinery of government.

Ex.Off.

The Committee, in particular, considered members' views on the 'Call-In' procedure, having noted the subsequent written comments of H.M. Attorney General following his discussion with the Committee on 12th May 2003. The differences between local authorities and Sovereign Assemblies were noted, with recognition being given to the range of issues with which the Island had to contend. It was suggested that, as Jersey was not coming from a 'party' system, it could be considered that 'Call-In' would provide members with additional powers they would not otherwise have. However, it

was considered that such 'powers' would be illusory as decisions could not be changed through 'Call-In', but merely delayed for reconsideration. It could be that some decisions might be altered following their being 'Called-In', but this by no means certain and, in effect, the likely outcome was that much work would be created in delaying the implementation of a decision, only for that decision to be implemented at a later stage, with potential cost and resource implications.

The Committee considered that it would be preferable for the initial scrutiny arrangements to exclude 'Call-In', on the basis that, following the experience gained during the first year or so of the new ministerial system, a review could be undertaken (perhaps by the Chairman of the Scrutiny Panels) in order to determine whether 'Call-In' should be added at a later stage. It was suggested that an appropriately sophisticated computerised information system might in any event obviate the need for 'Call-In', as the relevant details of decisions arrived at by the Executive could be easily accessed by those involved in the scrutiny role.

The Committee decided, therefore, not to include 'Call-In' in its recommendations to the States, recognising that it would be open to any member of the States to propose an amendment to the Committee's proposition, as well as to the subsequent draft provisions to be considered for the revised States of Jersey Law and/or the associated Standing Orders. Deputy R.G. Le Hérissier asked that his dissent from this decision be recorded. The Committee agreed that all members of the States would need to be provided with adequate information to assist in their understanding of the Committee's decision.

The Committee, having placed on record its appreciation of all the work which had been undertaken by Deputy Le Hérissier on the Committee's behalf, invited him to act as its rapporteur for this matter in the States.

The Committee agreed that it accepted the Attorney General's comments on the legislative process, and also that it would not wish to pursue proposals that non-elected members co-opted onto Scrutiny Panels should not have a vote for the purposes of any decision taken by such a Panel.

The Committee agreed that it would be desirable for discussions to be held with the Treasurer of the States regarding budgetary process and resourcing, and it was agreed that its next meeting should be held on Friday, 30th May 2003, commencing at 9.30 a.m. The Executive Officer was directed to take the necessary action.

Joint Steering
Group: proposals.
465/1(42)

Ex.Off.
C.E., P&R
P.R.E.O.
P.R.C.C.
T.O.S.
C.I.Aud.
F.E.C.C.

A4. The Committee noted a letter, dated 14th May 2003, from the President of the Policy and Resources Committee inviting the Committee to his Committee's meeting scheduled for 29th May 2003. for discussion of progress generally on Machinery of Government Reform matters and, in particular, to consider the merits of establishing a joint Steering Group, comprising the Policy and Resources, Privileges and Procedures and Finance and Economics Committees, and the potential terms of reference for such a Group.

The Committee, having agreed that there might be merit in representatives of the three Committees meeting together for discussion of such matters, considered that this would be best accomplished through a meeting of the Presidents of the three Committees, together with relevant officers.

The Greffier of the States was directed to send a copy of this Act to the Policy and Resources and Finance and Economics Committees.

