

PRIVILEGES AND PROCEDURES COMMITTEE

(17th Meeting)

16th September 2004PART A

All members were present, with the exception of Deputy C.J. Scott-Warren, Deputy J-A. Bridge, from whom apologies had been received.

Deputy R.G. Le Hérisssier
 Senator P.V.F. Le Claire
 Connétable D.F. Gray
 Deputy P.N. Troy
 Deputy J.A. Bernstein

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 Mrs. S. Stoten, Committee Clerk

Note: The Minutes of this meeting comprise Part A and Part B.

- | | |
|--|--|
| Minutes | A1. The minutes of the meetings held on 24th June, 15th July (Parts A and B) and 20th and 23rd August 2004, having been previously circulated, were taken a read and were confirmed. |
| Working Party on the Arrangements of Public Business- Amendments to Standing Orders. 1240/4(168) | A2. The Committee received and noted the minutes of a meeting of the Working Party on the Arrangements of Public Business held on 28th July 2004 and considered the trials of the closure motion and question time. |
| L.D. | The Committee recalled that the trials were due to expire at the end of October and that amendments to Standing Orders would need to be lodged and debated prior to the existing temporary amendments lapsing. The Committee noted analysis of the use of the new systems of question time and the closure motion and received an oral update from Deputy P.N. Troy, Chairman of the Working Group who had received feedback from a variety of States members. The Committee noted that Senator S. Syvret believed strongly that the closure motion severely impinged a member's democratic right to speak in the Assembly but that a ruling from the Bailiff would clarify whether it was 'Ultra Vires'. The Committee believed that the closure motion had led to the Assembly being more disciplined but that simple conventions could be highlighted in terms of giving advance notice of a closure motion. If the Bailiff's ruling proved to be in its favour, the Committee agreed it would support a permanent introduction of the Closure motion and further recognised that sufficient safeguards were in place to ensure the new system could not be abused. Deputy Troy apprised the Committee that the closure motion followed democratic principles in as much as members voted to move a closure via a majority. |

The Committee was of the opinion that the new system was effectively and fairly controlled by the Bailiff and agreed to make the necessary changes to Standing Orders to incorporate the trials on question time and closure on a permanent

basis and requested that the necessary changes were drafted by the Law Draftsman at the earliest opportunity on the basis of a brief to be prepared by the Greffier of the States. The Committee agreed that reference to voluntary compliance with the proposed Closure motion conventions should be made in the report accompanying the revised Standing Orders. Senator P.V.F Le Claire requested that his strong feelings be recorded that the Closure motion was undemocratic.

On a related matter, the Committee discussed the requirements for oral answers to be transcribed during States sittings as they were not currently recorded within States minutes. It was agreed that vital information was lost and that in light of the rejection of the Committee's amendment to the Resource Plan in respect of Hansard, an alternative recording method should be investigated.

Flat Screens in
the States
Chamber –
Submission from
Deputy R.C.
Duhamel.
1240/22(8)

A3. The Committee received and considered a submission from Deputy R.C. Duhamel with regard to a request for an investigation into the cost and feasibility of installing flat screens in the States Chamber linked to the voting system.

The Committee noted that any screen would need to be of a considerable size in order to achieve an appropriate resolution for the voting results to be visible by members. **Having considered the practicalities of the proposal it was agreed that the installation would be inappropriate in such a historic setting and concluded to reject it on the grounds of cost.**

On a related matter the Committee were minded to consider the future use of lap tops or smaller flat screens on members' desks and requested further investigation and consultation with the Bailiff.

The Greffier of the States was requested to take the necessary action to advise Deputy Duhamel of its decision.

Introduction of a
division bell in
the States
Chamber.
1240/22(44)

A4. The Committee, with reference to Act No A5 of its meeting held on 15th July 2004, recalled that it had considered whether to introduce a 'division bell' in the rooms adjacent to the States Chamber and had agreed to consult with all States members in order to establish a consensus.

The Committee noted that a balanced response had been received from members, of the fifty three members approached; thirty two had submitted a response, fifteen in favour and seventeen against with one member having no strong feelings either way. The Committee further noted correspondence from the Bailiff whose opinion had also been sought by the Committee as to whether he or the Deputy Bailiff saw any advantages to an introduction of the bell. The Bailiff had responded and highlighted his concerns that it could lead to unnecessary delay which would potentially prove irritating to members rather than beneficial.

The Committee concluded that the status quo should be maintained in light of the balanced feedback received from members.

Roll Call by
Exception –
request from
Senator P.F.C.
Ozouf.

A5. The Committee received an e-mail request from Senator P.F.C. Ozouf dated 13th July 2004 in respect of modernising roll-call.

The Committee noted that the proposal, if accepted, would result in an 'appel electronique' being called by the Bailiff during the commencement of a States sitting

1240/4(167)

and the Greffier opening the electronic roll call using functionality of the voting system. Members would then be required to press the P button on their desks and the Greffier would only read the names of those members who did not press the button. Members present would still have the opportunity to interject with 'malade' or 'absent de l'Isle' where necessary.

The Committee recognised the importance of efficiency and considered the proposal fully before deciding that it would favour the retention of the existing roll-call as it was not deemed too time consuming and also maintained some elements of custom and tradition in the chamber.

The Greffier was requested to draft an appropriate response to Senator Ozouf on behalf of the Committee.

Code of Practice
on Public Access
to Official
Information -
Implementation
of changes.
955(32)

A6. The Committee, with reference to Act No A7 of its meeting held on 15th July 2004, received an oral update from the Deputy Greffier of the States in respect of implementing changes to the Code of Practice of Public Access to Official Information.

The Committee noted that the Information Asset register had come into force on 8th September 2004 and that the titles of some strategic and consultant reports had already been provided by several departments.

The Committee was advised that the register was available on the States Greffe web site and included a sort facility for ease of use.

Remuneration
Review Body –
Oral update from
the Greffier of
the States.
1240/3(73)

A7. The Committee received an oral update from the Greffier of the States in connexion with the Remuneration Review Body and recently held public hearings which enabled members of the public and States members to make submissions to the Body.

The Committee noted that submissions had been received by the Review Body in which mixed responses and proposals had been considered. It was likely that the Body's recommendations would be submitted in October and the Committee looked forward to reviewing them in due course. The Committee further noted that despite the Review Body feeling somewhat restricted by its terms of reference, it was of the opinion that sufficient information had been received from various sources to enable a comprehensive set of recommendations being put forward.

States members'
car parking
arrangements.
1240/9/1(115)

A8. The Committee, with reference to Act No A7 of its meeting held on 12th December 2003, received and considered correspondence from the Environment and Public Services Committee in relation to the issue of States members' parking arrangements. Items considered included letters dated 22nd July and 2nd September from the President and Vice President of the Environment and Public Services Committee, Act B3 of 1st July 2004 and Acts B1 of the 26th August and 1st September 2004 of the Environment and Public Services Committee and a comparative report prepared by the Greffier of the States in relation to the provision of car parking for Members of Parliament in other jurisdictions.

E.P.S.C.(2)

The Committee noted that the Environment and Public Services Committee had agreed to offer States members free parking permits for public car parks as a temporary measure during which time it anticipated the Privileges and Procedures Committee would consider the overall position of States members' remuneration and whether members should pay for their parking with effect from 31st October 2004 following the closure of the Island site. The Environment and Public Services Committee stressed that it did not support States members parking free of charge in

public car parks and considered it a matter for the Privileges and Procedures Committee and / or the Independent Remuneration Review Body to consider.

The Committee agreed that the Remuneration Review Body was not responsible for recommending whether or not States members should pay for parking although it was recognised that an annual season ticket would represent a total expense of approximately £950 per annum and that consideration should be made when the Body determined an appropriate level of expenses for States members in its recommendations. The Committee agreed that it was in the public interest that States members pay for the use of parking facilities but that issues of availability, security and accessibility would also need to be addressed. The Committee was of the opinion that it should advocate the use of public transport and highlight the environmental impact of increasing the number of free car parking spaces and ultimately the number of car drivers in the Island, in this respect, it believed the private sector should also address the allocation of free parking spaces to staff members.

The Committee further considered the proposition of Senator E.P. Vibert 'States Members' parking - withdrawal of provision P.152-2004' which requested the States to agree that the present provision of free parking for States members should cease.

Although free parking had always been available for members the Committee accepted that, with the abolition of means testing and the provision of an expense allowance to all members, it was no longer necessary to subsidise members in this way and, for that reason, the Committee believed that members should now pay for parking. Nevertheless the Committee believed very strongly that it was essential that a dedicated and secure parking area should be made available to members for parking to enable members to be able to be guaranteed a space when on official States' business. **In addition the Committee agreed that steps should be taken in parallel with the removal of free parking for members to review the provision of free parking for States employees who benefited from this perk at many workplaces in the Island.**

The Committee further noted that free parking was provided for parliamentarians in many other Commonwealth jurisdictions, the Committee's research might be of interest to members when debating the matter further.

The Committee requested that an appropriate comment in line with its decision be drafted in response to Senator E.P. Vibert's proposition and that a copy of this Act be forwarded to the Environment and Public Services Committee for its information.

States of Jersey
Law 200-
450(1)

A9. The Committee, with reference to Act No. A4 of its meeting held on 24th June 2004, received an oral update from the President with regard to a briefing held for all States members on the draft States of Jersey Law 200- held on 8th September 2004.

The Committee noted that several members had attended the briefing which had proved useful in gaining an insight into their opinion of the new Law and its implications.

On a related matter, the Committee was apprised that Senator S. Syvret had proposed several amendments to the Law and had requested the opportunity to present them to the Committee in the near future. **The Committee agreed that a meeting should be scheduled on the 5th October 2004 for this purpose and that Senator Syvret should be notified accordingly.**

The Committee Clerk was requested to make the necessary arrangements.

Scrutiny –
Progress in last
six months from
a political
perspective.
Senator E.P.
Vibert and
Deputy J.L.
Dorey.
502/1(15)

Scrutiny

A10. The Committee received a delegation of Senator E.P. Vibert and Deputy J.L. Dorey, Shadow Scrutiny Chairmen who updated the Committee on progress to date on establishing Shadow Scrutiny and taking it forward politically in the previous six months.

The Committee received and considered a written submission from Deputy Dorey's Panel and was apprised orally by the Deputy of observations he and his Panel had made whilst conducting their enquiries. Deputy Dorey praised the Scrutiny Officers' professionalism and collective efforts in assisting his Panel. He stressed that in taking on the role of Chairman he believed he would be a steep learning and very public process that would nevertheless, have to be done right. The Committee noted that Deputy Dorey recognised the benefits of having two very different Panels and that he had learnt a great deal with regard to improving procedures.

Senator Vibert outlined to the Committee the structure he had chosen to adopt within his Panel which included nominating key members to act as Chairmen at public meetings. This enabled the sharing of responsibilities and members could see different methods at work. It was noted that the Vibert Panel had encountered various difficulties in respect of submissions at public hearings, disputes of consultant advice and conflicts of interest declared by a Committee President. An enormous amount of work had been carried out over the previous six months and the Vibert Panel had found the services of a professional transcription company invaluable. Transcripts of hearings were available on the scrutiny website.

The Committee further noted the request of Deputy Dorey that training should be given to States members who intended to sit on a Scrutiny Panel, specifically addressing question and answer techniques and Chairmanship skills. Both Chairmen believed that a change of members' attitude had been triggered by the existence of Shadow Scrutiny. As a final observation, the Panel Chairman concluded that facilities and training for Shadow Scrutiny had been excellent but that in the future the Scrutiny rooms would undoubtedly prove to be too small.

The Committee thanked both Chairmen for their presentations and the work carried out by the Shadow Scrutiny teams to date, Senator Vibert and Deputy Dorey and withdrew from the meeting.

The Deputy Greffier of the States was requested to address the issue of future training for Scrutiny Panel members in conjunction with the Scrutiny Office. The Greffier of the States was requested to draft a letter to Deputy Dorey suggesting that his Panel utilise professional transcription services having proved valuable to the Vibert Panel.

Public Accounts
Committee –
delegation.
570/1(2)

Scrutiny

A11. The Committee received a delegation of Deputy S.C. Ferguson, Shadow Chairman of the Public Accounts Committee (PAC) and Mrs L. Vince, Chief Internal Auditor who updated the Committee on work carried out by the PAC during the first half of 2004.

The Committee noted the strongly held view of the Shadow Chairman that the independent members of the Committee were highly valued for their expertise and contributions made to the PAC's investigations. It was further noted that the current membership would need to be expanded in the future as the workload was deemed too heavy for the current four member structure. It was also noted that the restrictions placed on Privileges and Procedures, Finance and Economics Committees and any President from holding PAC membership had proved appropriate given the nature of the investigations carried out by the Committee, and that this had also been

prescribed in the new draft States of Jersey Law.

The PAC were due to hold an 'away day' as the public hearing on training had been postponed, arrangements for a visit to the PAC of the States of Guernsey was also anticipated in the short term. The Committee recalled that it had agreed the appointment of a new PAC member and that a suitable candidate had come forward amongst States members, a proposition would be lodged in due course.

The appointment of a Comptroller and Auditor General was briefly discussed and it was confirmed that funds for the post would not be available until October 2005 and that the States Human Resources Department and the Appointments Commission would need to start preparatory work to develop a job description and recruitment plan.

The Committee thanked Deputy Ferguson and Mrs Vince for their joint update after which both attendees withdrew from the meeting.

Operational
Development of
Scrutiny – an
Officers'
perspective.
502/1(27)

A12. The Committee received and considered a progress report prepared by the Deputy Greffier of the States dated 11th September 2004 to provide an update on the establishment of Shadow Scrutiny from the Officers' perspective over the first six months.

Scrutiny

The Committee was apprised of the roles undertaken by the Officers and the Deputy Greffier of the States which included administrative support, research, organising and preparing for hearings and resultant transcripts and notes. The Committee further noted that final written reports were due to be drafted on each review, the first of which was under preparation. It was noted that the Shadow Scrutiny Website had 'gone live' and that training programmes for both States members and Officers had proved successful.

On a related matter, the Committee was apprised of an issue whereby Officers required direction when reviewing transcripts of meetings with regard to the removal of jokes or irrelevant discussion during hearings. The Committee agreed this would be appropriate and that the Scrutiny Officers should apply accepted conventions where applicable.

The Committee noted the situation.

Resource Plan
and Hansard
amendment.
1038/1/1/59(2)

A13. The Committee, with reference to Act No A12 of its meeting held on 15th July 2004, recalled that it had requested that an amendment be submitted to the 2005 Resource Plan in order that additional funds would be made available in the Committee's 2005 budget for the establishment of a Hansard system.

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

The Committee recalled that the Resource Plan was debated by the States on 14th September 2004 and that its amendment was rejected. Whilst the Committee recognised that members were not prepared to adopt its amendment for more funding, they were sympathetic to the needs of the Committee to effectively and accurately record States proceedings although the timing of the request was more unpalatable than the principle.

The Committee agreed that it should pursue a positive response and assurance from the Finance and Economics Committee that funding would be made available for a Hansard style system by 2006. The Committee would therefore endeavour to find funding from mid 2005 if a commitment from Finance and Economics was identified.

The Greffier of the States was requested to draft a suitable letter on behalf of the President setting out the Committee's request.

In the meantime, the Greffier was requested to send a copy of this Act to the Finance and Economics Committee and the Policy and Resources Committee.

Machinery of Government Reform - amendments to Legislation.
1240/22/1(28)

A14. The Committee noted correspondence from the Business Manager of the Policy and Resources Department dated 19th and 23rd July 2004 in respect of the Machinery of Government Reform and general amendments to legislation.

The Committee recalled that as a result of the States decision in September 2001, amendments were necessary to facilitate the move from a committee to ministerial system of Government. The Committee noted the consequential changes to legislation administered by the Policy and Resources Committee and further batches of legislation relating to the Housing, Education, Sport and Culture and the Home Affairs Committee.

C.E., P&R
P.R.E.O.
P.R.C.C.
T.O.S.
F.E.C.C.

The Committee further noted that the Finance and Economics and Privileges and Procedures Committee were invited to submit comments on the legislation before it was finalised no later than 30th September 2004.

The Committee gave full consideration to the draft legislation and agreed that it should be formalised accordingly. It was further agreed that it would not be necessary to forward similar amendments to the Committee in the future.

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

Liberation 60 Sub-Committee – request for use of the States Building.
314/5(40)

A15. The Committee received and considered an e-mail request dated 1st September 2004 from the Chief Officer of the Bailiff's Chambers regarding the temporary use of the media room on the second floor of the States building by the executive of the Liberation 60 Sub-Committee.

The Committee recalled that planning for the sixtieth anniversary celebrations of the Island's liberation had commenced and that the executive of the Sub-Committee required an office to occupy between the present time and Liberation Day next year.

The Committee, mindful that the room was unlikely to be used for media purposes, authorised the use by the executive on the condition that the Sub-Committee would be responsible for any direct costs associated with use of the room such as telephone charges.

Allocation of accommodation in the Royal Court and States Building.
1060/5/1(27)

A16. The Committee, with reference to Act No. A3 of its meeting held on 23rd April 2004 noted correspondence dated 7th September 2004 from the Bailiff of Jersey addressed to the President of the Environment and Planning Committee regarding the allocation of accommodation in the Royal Court and States Building.

The Committee recalled the ongoing issue of relinquishing a room within the members' area of the States Building to accommodate the needs of the Jurats. The Bailiff had written to confirm that the Jurats had deemed the Members quiet room as inappropriate and that they would remain in their present accommodation for the time being.

The Committee welcomed a conclusion to the matter and anticipated the allocation of accommodation in the States building would be confirmed when the Environment

and Public Services Committee re-issued its proposition in this respect.

Next meeting.

A17. The Committee agreed that its next meeting would take place on 23rd September 2004 in order to conclude consideration of the agenda.