

PRIVILEGES AND PROCEDURES COMMITTEE

(11th Meeting)

3rd June 2004PART A

All members were present, with the exception of Deputy J.A. Bernstein, from whom apologies had been received. Deputy P.N. Troy was absent for Items A1-A4.

Deputy R.G. Le Hérisssier
 Senator P.V.F. Le Claire
 Connétable D.F. Gray
 Deputy P.N. Troy
 Deputy C.J. Scott-Warren
 Deputy J-A. Bridge

In attendance -

M.N. de la Haye, Greffier of the States
 D. Woodside, Legal Advisor
 Miss S.A. Lewin, Committee Clerk

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

Minutes.

A1. The Minutes of the meeting held on the 23rd April 2004 (Part A only), having been previously circulated, were taken as read and were confirmed.

Code of Conduct
 for States
 members, projet
 and report
 content and
 States debates -
 Deputy M.
 Dubras.
 1240/4(166)

A2. The Committee, with reference to its Act No. A2 of 23rd April 2004, recalled that it had agreed to give further consideration to the Code of Conduct for States members as part of its review of Standing Orders following a meeting with Deputy M. F. Dubras. In this connexion, the Committee received a copy of the Report and Proposition entitled 'Code of Conduct' (P32/2003), lodged au Greffe on 25th March 2003 by the Committee, as then constituted, and a transcript of the States debate of the said Report and Proposition.

The Committee, with reference to its Act No. A7 of 13th May 2004 recalled that it had agreed to establish a Working Party on the Code of Conduct chaired by Senator P.V.F. Le Claire with Deputy C.J. Scott Warren as a member. In this regard, Senator Le Claire advised the Committee that the Working Party required additional time in which to conduct its deliberations. The Committee was apprised of the Working Party's efforts to date and noted the issues which required further consideration, including the complaints procedure and the declaration of financial interests.

Following discussion, the Committee agreed to defer further discussion pending a report from the said Working Party at its next meeting.

States members'
 attendance at
 States meetings.
 1240(155)

A3. The Committee received a report, dated 3rd June 2004, from Mrs. S. Stoten, Executive Officer, concerning attendance at meetings of the States Assembly and, specifically, members' failure to remain in the chamber wherein a quorum could not be achieved. In this connexion, the Committee noted a letter from the former President of the House Committee, Deputy K.W. Syvret M.B.E, and recalled that this concern had previously been raised and considered by the Committee.

The Committee recalled that at the last sitting of the States a quorum had not been attained and the States had been suspended until the requisite number of members had been present. Accordingly, the Greffier informed the Committee that it was not uncommon for the Bailiff to be delayed in entering the House for this reason. The Committee was advised that, in accordance with the States of Jersey Law 1966, the Bailiff would no longer wait outside the Chamber at 2:30pm, as had been his custom, until the House was quorate but that he would adjourn the States for a short period of time so that a quorum of members could be found. With this regard, the Committee noted the following –

- (a) members temporary absence from the Chamber was not addressed by Articles 18 or 19 of the States of Jersey Law 1966 and an amendment as part of the review of Standing Orders and the Code of Conduct for States Members might be required;
- (b) Articles 18 and 19 of the States of Jersey Law 1966 held members liable (by virtue of a £1 fine) for their failure to attend when this resulted in an inquorate House. The new States of Jersey Law did not contain any provision for penalties of this kind for the reason that it had been supposed that subsequent Standing Orders would address this matter;
- (c) the Vice President had suggested using the new electronic voting system to analyse voting trends and attendance records;
- (d) the Committee could make a statement at the next States sitting to encourage members to maintain a quorum in the Assembly and, in particular, to remind them of their obligations under the States of Jersey Law (1966) to attend meetings and to ensure a quorum was maintained at all times.

With reference to the aforesaid, the Committee decided that no action was required.

States of Jersey
Law 200- :
Seminar.
450/1(1)

A4. The Committee, with reference to its Act No. A4 of 13th May 2004, recalled that it had decided that the States of Jersey Law 200- (SOJL) should be distributed to all States members, Chief Officers and the media and that it had agreed to hold a seminar wherein the President would brief members on the Law and the implications of the same.

The Committee decided that the proposed seminar should be held after the draft Law had been lodged at the end of June 2004 but that it should not be held during the lunchtime period.

On a related matter, the Committee noted that Senator P.V.F. Le Claire and Deputy P.N. Troy, as the newest members of the Committee, had not been party to the development of the Law and, as such, it was requested that the said members be provided with the draft Law, associated Minutes and the President's Brief. **It was agreed that following receipt of the said, the members would have ten days in which to give their approval or otherwise. If any matters arose from these deliberations it was decided that a Committee meeting should be convened.**

Public Accounts
Committee:
attendance
protocols.
502/1(11)

A5. The Committee received a report, dated 3rd June 2004, from Mrs S. Stoten, Executive Officer, with regard to a query from Deputy S.C. Ferguson, Shadow Chairman, Public Accounts Committee (PAC), on the protocols for the PAC and, in particular, the matter of requisite attendance at its hearings and the difficulties it was experiencing in maintaining a quorum at its meetings. In this connexion, the Committee welcomed the Shadow Chairman and Mr. T. Dunningham, Chairman, to its meeting.

Members were informed that the Shadow PAC was only quorate if two States members were in attendance and in this connexion it was advised that the two Chairmen of the Shadow Scrutiny Panels were finding it difficult to attend all meetings of the PAC due to their heavy work commitments. The Chairmen expressed concern that public hearings might have to be cancelled at short notice if two States members were not able to attend. Alternatively, concern was expressed that it would be necessary for both Deputy Ferguson and Deputy Reed to attend every meeting to ensure that the PAC was quorate. Accordingly, the Chairmen proposed that two additional members of the States be appointed to serve on the PAC.

The Committee expressed concern with the proposal to appoint additional members as it believed that, when the States appointed Senator E.P. Vibert and Deputy Dorey as Chairmen of the Shadow Scrutiny Panels, members hoped that they would be able to devote sufficient time to their work on scrutiny and the PAC and, if necessary, divest themselves of some of their other responsibilities. Nevertheless, the Committee accepted the concern of the Chairmen, particularly with regard to the potential embarrassment of having to cancel public hearings and accordingly it agreed that it would propose that two additional members of the States be appointed to serve on the shadow PAC during the transitional period.

The Greffier of the States was requested to take the necessary action to prepare and for the Committee's approval a report and proposition recommending the said revision to the membership of the shadow PAC.

On a related matter, the Shadow Chairman requested clarification on the issue of required attendance at hearings. The Committee confirmed that States business should take precedence over the PAC but it agreed that further discussion was required to clarify whether the PAC would take precedence over Committee business. **Following consideration it was agreed that Deputy Bridge would raise the matter at a meeting with Mr. W.D. Ogley on 14th June. It was further determined that the Greffier of the States would prepare a report for the consideration of the Committee Presidents at their next meeting and the Corporate Management Board.**

The Chairman extended an invitation to the Committee to attend any of its meetings (including preparation meetings wherein a quorum was not required) and in this respect the Chairman resolved to send all members a revised meeting list.

Freedom of
Information
Working Party:
update.
955(30)

A6. The Committee, with reference to the Minutes of the Freedom of Information Working Party, dated 26th April 2004, received an oral report from the Vice-President with regard to the same.

Mr D. Woodside, Legal Advisor, informed the Committee of the latest deliberations of the Working Party and in particular, the structure and form this legislation might take. The Committee was advised that Deputy Bridge and the Deputy Greffier of the States were to meet with Mr. W. Ogley, Chief Executive, Policy and Resources Department to discuss the potential Freedom of Information Legislation and how it could be integrated into the five year visioning process. Deputy Bridge informed the Committee that the Attorney General had requested that a clear case be presented to support the requirement for new legislation and in this connexion, she requested that the Committee provide further executive assistance to support the research process.

Following consideration, the Committee was minded to provide additional resources. It was agreed that a comprehensive brief should be prepared to address the Attorney General's comments.

The Greffier of the States was requested to take the necessary action to secure the additional resource, with the terms of reference to be agreed with Deputy

Bridge.

Data Protection:
briefing.
939/1)61)

A7. The Committee, with Miss E. Martin, Data Protection Registrar, in attendance, considered whether, in light of recent actions in the States, members would benefit from a briefing on data protection and the Data Protection (Jersey) Law 1987. In this connexion, the Committee received a paper providing compliance advice with regard to the new Law.

The Committee noted the aforesaid guidelines which had been distributed to all States members in 1992 in conjunction with the Committee. The Data Protection Registrar informed the Committee that following the breach of confidential information on the Trinity Landfill Site a proactive approach should be taken to ensure that members were aware of their legal obligations. It was advised that the guidelines would require updating to include information on members privilege and limitations on the distribution of information for Committee purposes but that it may be of benefit to members if the said information was reissued. In this connexion it was noted that the Code of Conduct should be clearer on data protection issues.

Following consideration it was agreed that the Data Protection Registrar should run a series of seminars for States members on the Data Protection Law and that a revised guidance note should be reissued to all members. Further, it was decided that Senator P.V.F. Le Claire and Deputy C.J. Scott Warren should liaise with the Data Protection Registrar to identify if any amendment was required to the Code of Conduct in this regard.

B. Cooper

A8. The Committee received correspondence, dated 21st May 2004, and associated reports from Mr. B.R. Cooper regarding a draft proposition sent to the Greffier of the States on behalf of the said individual and further matters of dispute.

The Committee considered the correspondence and agreed that this matter did not fall within the remit of the Committee and that no further action could be taken.

Tripartite
Meeting: Policy
and Resources
and Finance and
Economics
Committees.

A9. The Committee noted that a meeting with the Policy and Resources and Finance and Economics Committees was to be held in the near future. **Accordingly, the Committee requested the Greffier of the States to provide Mr. J. Harris, Business Manager, Policy and Resources Committee with convenient dates on which to hold the said meeting.**

Meeting dates

A10. The Committee confirmed the date of its next meeting to be 24th June 2004. In view of the workload, the President requested that the meeting time be extended to 2 p.m..

Matters for
information

A11. The Committee noted the following matters for information –

- (a) Act No. A8, dated 13th May 2004, of the Finance and Economics Committee regarding the Annual Business Plan and Budget and future Scrutiny arrangements;
- (b) Act No. A9, dated 6th May 2004, of the Policy and Resources Committee regarding guidelines for officers attending Scrutiny Panels;
- (c) Act No. A6, dated 20th May 2004, of the Policy and Resources Committee regarding a consultation report proposing improvement to the Administrative Appeals System;
- (d) Act No. A7, dated 20th May 2004, of the Policy and Resources

Committee regarding the Code of Practice and access to official information:
measures to improve implementation;

- (e) the Jersey Youth Service would be displaying some of its work in the Members Room on Tuesday 8th June 2004; and
- (f) the Jersey Law Review would be holding a conference on 2nd July 2004 in London. The Committee agreed that it would provide £250.00 towards costs for any member that wished to attend.