

PRIVILEGES AND PROCEDURES COMMITTEE

(2nd Meeting)

17th January 2003PART A

All members were present, with the exception of Senator C.G.P. Lakeman, from whom apologies had been received.

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 (for a time)
 Mrs. A. Harris, Deputy Greffier of the States
 P. Byrne, Executive Officer
 Mrs. J. Bourke, Administrator
 M.P. Haden, Committee Clerk.

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

Acting
 President/Vice
 President.

A1. The Committee, having been advised that the President, following medical advice, had decided to withdraw from States work for a period of two months, and in accordance with Article 31(2) of the States of Jersey Law 1966, as amended, noted that the Vice President would exercise the functions of the President during his period of absence.

Scrutiny Function
 - development of
 proposals.
 1240/22/1(9)

A2. The Committee, with reference to its Act No. A6 of 10th January 2003, gave further consideration to the following aspects of its proposals for the development of the Scrutiny function under the new ministerial system -

Ex.Off.

- (a) **The 'Call-in' Mechanism** - The Committee recalled that several key issues surrounding this mechanism remained to be resolved (such as how to decide which decisions to 'call in' and who would make those decisions). The Committee requested its officers to research the criteria used in local government authorities in the United Kingdom in respect of key decisions that might be subject to 'call in' and to prepare a draft set of criteria which would be appropriate for the Jersey context.

As part of this exercise, the Committee recognised that it was important to clarify how Executive decisions made by the Council of Ministers and by individual Ministers would be recorded and made available to Scrutiny members. The Executive Officer was directed to liaise with the Manager of Government Reform to see how far the Policy and Resources Committee had progressed in its plans in this respect;

- (b) **‘Shadow’ Scrutiny Panels** - The Committee reaffirmed its confidence that it should be possible to conduct a trial scheme in advance of the formal establishment of Scrutiny Panels. The challenge was to produce a meaningful activity that would be a practical learning process for both members and officers. The Committee was confident that States members possessed the necessary basic skills and experience in order to scrutinise. However, it was also aware that a major cultural change was involved in developing a proper Scrutiny Function and that training would be vital to ensure the success of this new part of the machinery of government. Some generic training should be provided to both members and officers in advance of a trial scheme, with the understanding that more targeted training would become available as the new system developed.
- (c) **Membership of ‘Shadow’ Scrutiny Panels** - The Committee agreed that the trial scheme should be open to all members without a conflict of interest in the particular topics chosen for the trial reviews. It was considered important that a broad range of members should be enabled to have experience of working with a Scrutiny Panel as part of the learning process.
- (d) **Powers of ‘Shadow’ Scrutiny Panels** - The Committee was aware that, under the existing States of Jersey Law, a Scrutiny Panel would have no powers to call for documents or for people to attend. It hoped that the Panel would receive voluntary co-operation from Presidents and officers during this learning process. It recognised that it might be necessary to counter defensive attitudes among chief officers who might fear that scrutiny was principally a post hoc investigation into flawed policy implementation, whereas, as the First Report (2.8) had indicated, the intention was for Scrutiny Panels to act as ‘critical friends’, to play a part in enhancing the quality of policy development and implementation.

The Committee agreed that the question of privilege in respect of both witnesses and papers called for by Scrutiny Panels needed to be carefully considered. It was likely that some Scrutiny sessions would need to be conducted in private or confidential session. Few officers had previously been in the position of being scrutinised in this way. They would need to feel comfortable in an exercise which was clearly orientated as a non-threatening learning process.

The Committee requested that a letter be written to all Committee Presidents asking them to consider the extent of assistance a Shadow Scrutiny Panel would be likely to receive if their department was to participate in the trial scrutiny exercise. It also requested that the advice of the Law Officers’ Department be sought in respect of creating an appropriate mechanism which would take account of access to information and privilege for a trial scrutiny exercise.

- (e) **Role of individual member in Scrutiny system** - The Committee considered the position of the individual member who wished to pursue a single issue interest through the Scrutiny system. It recognised that the Scrutiny system was designed to move away from the individualistic culture which was prevalent among many members at present. It was envisaged that Scrutiny would focus on a limited number of major reviews, although some flexibility should be retained to respond to ad hoc issues. The programme of reviews would be selected and co-

ordinated by an over-arching Scrutiny Management Board. It would be possible for an individual member to approach the Board with proposals for a review of particular issues. The Board would then need to be convinced of the purpose and value of the proposal and its priority within the overall Scrutiny plan.

- (f) **Seminar** - The Committee agreed to invite members and Chief Officers to participate in a Seminar at the end of February to raise awareness of the key issues involved in establishing a Scrutiny system in the Jersey context, which was rather different from local government in the United Kingdom. This Seminar would involve chiefly local resources, with some input from external sources who could give direct experience of the lessons learnt in the early stages of establishing local government scrutiny systems. The Seminar would be used, in part, as a consultation exercise on a draft 'in principle' report and proposition on the development of the Scrutiny Function in Jersey.
- (g) **Training issues** - The Committee requested the Deputy Greffier of the States to prepare proposals for a framework of training requirements for Scrutiny, together with relevant costings.

The Committee expressed the view that the current training and development programme provided by the States Human Resources Department for States employees should be reviewed in order to match the requirements of officers who will be involved in the new Scrutiny function. The Executive Officer was requested to write to the Policy and Resources Committee on behalf of the Committee in this regard.

- (h) **Staffing for 'Shadow' Scrutiny Panels** - The Committee was assured that the States Greffe would support the work of the Scrutiny Panel to the extent that current resources and commitments would allow. Some members of the States Greffe staff had already been freed up to commence work on research to assist developments being pursued by the Privileges and Procedures Committee and training requirements for the change in culture under a Scrutiny system were already being addressed. The Committee was requested to give adequate notice should it be considered that further staffing might be required on secondment to assist Scrutiny Panels.
- (i) **Visits to see Scrutiny in action** - The Committee was mindful of the value of observing scrutiny in action. It was keen that new members, as well as former members of the Committee, should have the opportunity to visit local authorities in the United Kingdom. It was aware that other members too had expressed enthusiasm in this respect but was also mindful that such visits were a costly exercise and needed to be prioritised against other budgetary demands. It agreed that there was added value in a visit made by current members of the Privileges and Procedures Committee who could feedback their experience directly to the Committee.

Resources.

A3. The Committee considered its position within the States resource allocation process, given that its future funding requirements had yet to be clarified.

It was agreed that an estimate should be made of the funding required for the following three main elements, scrutiny, departmental costs and training

requirements, together with some contingency.

The Executive Officer was requested to liaise with the Treasurer of the States with regard to the Committee's place within the States resource allocation process.

States Building
Refurbishment
Phase 2: approval
of drawings -
comments.
1060/5/1(21)

A4. The Committee considered the Report and Proposition of the Environment and Public Services Committee on the States Building Refurbishment Phase 2: approval of drawings and agreed to comment as follows -

'The Privileges and Procedures Committee notes that the proposals are in line with those contained in its First Report to the States, dated 22nd October 2002, and it fully supports the proposition of the Environment and Public Services Committee accordingly.'

Pub.Ed.
States (2)
Ex.Off.

Accommod-
ation, services
and facilities for
Members.
1060/5/1(18)

A5. The Committee, with reference to its Act No. A2(d) of 10th January 2003, gave further consideration to the facilities available in Morier House in the event of the ground floor area being vacated by the Viscount's Department.

The Committee considered that the ground floor area might be very suitable for accommodation for Scrutiny Panels. It might also provide appropriate accommodation for a members' library and research facility and be linked to proposals to develop a Visitors Centre and expand the service provided by the States Bookshop.

Ex.Off.

The Committee requested the Deputy Greffier of the States to prepare a comprehensive report on the issues and costings involved in renting and re-organising the space available in Morier House.

Proposals for
Recording and
Transcription
Service for States
Assembly
(‘Hansard’).
1240/10/1(1)

A6. The Committee received an oral report from the Deputy Greffier of the States on progress in the preparation of a report on the costs involved in setting up a ‘Hansard’ recording and transcription service for the States Assembly.

The Committee agreed that the following basic principles should apply -

- (a) that a verbatim transcript should be prepared (without signs of hesitation in speech);
- (b) that the transcript should be available for the next scheduled States meeting (that is within a two week period);
- (c) that audio tapes would remain available to members who wished to review a debate;
- (d) that members would not be invited to check through their speeches in advance of publishing the transcript; and
- (e) that an erratum would be published subsequently, if required, to note any transcription errors (but not for members wishing to clarify something that they might have said in a debate).

Ex.Off.

The Committee requested that a draft report and proposition be prepared for its consideration by the end of February 2003.

Freedom of

A7. The Committee requested that the draft paper, prepared by the Department, on

Information.

Freedom of Information be distributed to Committee members with a view to considering the draft at its meeting of 7th February 2003, following which the paper would be circulated to States members and other interested parties for consultation.

Connétable D.F. Gray agreed to join the Joint Working Party on Freedom of Information in place of Senator C.G.P. Lakeman.