

PRIVILEGES AND PROCEDURES COMMITTEE

(31st Meeting)

6th December 2004PART A

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

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

In attendance -

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

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

Budget 2004:
 June 2004 pay
 awards.
 422/2(349)

A1. The Committee received a report, dated 6th December 2004, from the Assistant Greffier of the States in connexion with funding for 2004 pay awards for the period June to December 2004.

A.G.O.S.
 T.O.S.
 C.I.Aud.
 F.E.C.C.

The Committee recalled that pay negotiations in respect of civil servants were concluded in October 2004. Agreement was reached for a 2.5 per cent increase for the seven month period between 1st June and 31st December 2004. Notwithstanding the foregoing, individual Committee budgets did not contain provision for such a pay award. It was reported that the Finance and Economics Committee had therefore invited Committees to submit their respective requests for funds to meet the cost of the agreed pay awards, which would be made available from the General Reserve. The Committee noted that additional funds in the sum of £25,813 (or a rounded sum of £26,000) were required to deal with its own shortfall in funding.

The Committee agreed to forward an Act to the Finance and Economics Committee requesting that the sum of £26,000 be transferred from the General Reserve to its 2004 budget for the purpose of funding the 2004 Civil Service pay award for the period 1st June to 31st December 2004.

The Greffier of the States was requested to take the necessary action.

Shadow Scrutiny:
 allocation of
 funding for
 consultation.
 502/1(31)

A2. The Committee, with reference to its Act No. A1 of 17th November 2004, recalled that further requests from the Shadow Scrutiny Panel chaired by Senator E.P. Vibert for funding to allow for a Panel member or members, together with at least one expert advisor, to visit waste processing plants outside the Island, were anticipated.

Clerk
Scrutiny
A.G.O.S.
Encl.

The Committee received correspondence, dated 6th December 2004, from Senator E.P. Vibert, Chairman, Shadow Scrutiny Panel, concerning a request for funding in connexion with a proposed Shadow Scrutiny Panel visit to an energy from waste plant in Avonmouth, England.

Concern was expressed regarding the decision of the Shadow Scrutiny Panel to inform the media of the visit to the Avonmouth plant without having first secured permission to commit funds in respect of the said visit. Notwithstanding the foregoing, the Committee agreed that the ongoing work of the Shadow Scrutiny Panel in connexion with a waste management strategy for the Island was of paramount importance and had proved to be particularly productive.

The Committee agreed to sanction expenditure in the sum of £1,735, as outlined in the aforementioned correspondence, in connexion with the visit to the Avonmouth waste plant.

The Assistant Greffier of the States was requested to take the necessary action.

States of Jersey:
identity of the
legislative
assembly.
1240(145)

A3. The Committee received a report from the Deputy Greffier of the States in connexion with the new corporate identity and 'logo' for the States of Jersey.

It was noted that the new logo was to be introduced for all Committees and departments of the States over the course of the coming year. The logo used the title 'States of Jersey' for all public sector departments.

Clerk
G.O.S.
C.E., P&R
P.R.E.O.
P.R.C.C.

The Committee recalled that the States of Jersey was, in fact, the title of the legislative assembly, derived as it was from the original 'Three Estates'. Moreover, the Committee agreed that, in view of the major changes arising from the forthcoming introduction of the ministerial system of government, it was particularly important to maintain a clear distinction of identity and function between the executive and the legislature. Therefore, and notwithstanding the tendency of Island residents to use the 'States of Jersey' as a generic term for the whole public sector under the existing Committee system, the Committee expressed concern and disappointment at the decision of the Corporate Management Board and the Policy and Resources Committee to refer the matter to the Committee of Presidents for final approval without having first consulted with the States of Jersey.

Notwithstanding the foregoing, the Committee reluctantly accepted that the decision to introduce the new logo had effectively been made. It therefore decided that it should consider options for a separate identity for the legislative assembly. **Having noted that a common identity could be introduced for use by the Privileges and Procedures Committee, the Scrutiny Office, individual States Members and on all States publications, the Committee agreed that officers of the States Greffe should, with immediate effect, investigate options for the cost-effective introduction of a revised crest for the States Assembly.**

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

Simultaneous
electronic voting.
1240/22(8)

A4. The Committee, with reference to its Act No. A6 of 13th May 2004, received correspondence, dated 30th November 2004, from Deputy F.J. Hill of St. Martin, in connexion with simultaneous voting procedures in the States Assembly.

Bailiff
Clerk
G.O.S.

The Committee welcomed Sir Philip Bailhache, Bailiff, and Deputy F.J. Hill of St. Martin.

Deputy F.J. Hill recalled that Standing Order 31B of the States of Jersey, which allowed for votes to be recorded using an electronic voting system, had been introduced with the intention of improving the efficiency of voting procedures. He noted that Standing Order 31B (2) required the Bailiff to call upon members to return to their designated seats before asking the Greffier of the States to open a vote. Deputy Hill contended that the inclusion of Standing Order 31B (2) had resulted in an increased number of members remaining outside of the Chamber during the course of the debate. He further suggested that the delay resulting from the call for members to return to their seats was such that the simultaneous electronic voting procedure was often taking far longer to complete than had been anticipated. In order to rectify the alleged problem, Deputy Hill proposed that the Standing Orders of the States of Jersey be amended to remove the requirement for the Bailiff to call upon members to return to their designated seats.

The Committee acknowledged that, during the course of a States sitting, members had to leave the Chamber on occasion in order to liaise with various departments and individuals. It further acknowledged that States sittings were becoming more frequent and were, on occasion, extending well beyond five o'clock in the afternoon. Notwithstanding the foregoing, it considered that several members were leaving their seats to spend an increasing amount of time within the precincts of the States Assembly. Although the Committee recalled that it had declined to proceed with a proposition for the introduction of a division bell, the Committee agreed that steps needed to be taken to encourage members to spend a greater proportion of their time in the Chamber.

The Bailiff clarified that his interpretation of Standing Order 31B was such that he allowed sufficient time for members within the precincts on the first floor of the States Building to return to their seats. Nevertheless, he agreed that there was scope for other persons presiding to interpret the provision in a different way. Therefore, and in order to clarify matters, the Bailiff explained that he was prepared to meet with the Deputy Bailiff and the Greffier of the States in order to formulate a policy on simultaneous electronic voting that would take account of the views expressed.

The Bailiff and Deputy F.J. Hill having been thanked by the Committee for their attendance, withdrew from the meeting.

The Committee discussed the possibility of introducing a short adjournment during the course of the morning and the afternoon of a sitting, so as to provide members with comfort breaks and a designated time to conduct business.

The Committee agreed that the Bailiff should be invited to formulate an appropriate policy on simultaneous electronic voting.

Propositions for
closure of debate.
1240/4(168)

A5. The Committee, with reference to its Act No. A1 of 8th October 2004, received correspondence from Deputy F.J. Hill of St. Martin in connexion with propositions for closure of a debate in the States Assembly.

Bailiff
Clerk
G.O.S.

The Committee welcomed Sir Philip Bailhache, Bailiff, and Deputy F.J. Hill of St. Martin.

Deputy F.J. Hill contended that he was aware of a number of instances where individual members had been denied the opportunity of speaking as a direct result of the closure motion being used. He suggested that certain members found it difficult to attract the attention of the President during the course of a debate and he therefore proposed that an electronic system be introduced so as to allow members to indicate to the President during a debate that they wished to speak.

A discussion took place in connexion with the siting of the Royal Mace within the Chamber and, in particular, whether it obstructed the President's view of certain members. The Bailiff clarified that he did not consider the siting of the Royal Mace to be particularly obstructive and he reminded the Committee that members who were anxious to speak during the course of a debate were entitled to pass notes to the President through the ushers.

The Bailiff and Deputy F.J. Hill having been thanked by the Committee for their attendance, withdrew from the meeting.

The Committee acknowledged that it was less than unanimous in its support for the closure motion. It nevertheless accepted that an inevitable consequence of the closure motion was that certain members who wanted to speak would be prevented from doing so.

The Committee considered options for refining the procedure associated with propositions for closure of a debate. It noted that a similar motion in Guernsey required a two-thirds majority to succeed. Consideration was also given to amending Standing Order 26A to allow only those who had yet to speak in a debate to vote on a closure proposition. Finally, the Committee recalled that members had originally been invited to give the States ten minutes notice of their intention to move for closure of a debate. However, this practice had failed to become established.

The Committee decided to refer the issue to the Working Party on the Arrangement of Public Business for further consideration.

On a related matter, the Committee noted that the number of propositions to move to the next item on the order paper had reduced significantly since the introduction of the closure motion.

Freedom of information – progress and research.
955(36)

Encl.

A6. The Committee, with reference to its Act No. A4 of 25th November 2004, recalled that work was continuing on the production of provisional drafting instructions for a freedom of information law.

The Committee received a report, dated 1st December 2004, prepared by the Instructing Officer, in connexion with administrative oversight of freedom of information procedures and appeals processes within the forthcoming law.

It was acknowledged that four separate entities would have to work together in order to establish effective administrative oversight. They were –

- (a) States of Jersey Committees (Ministries), their associated departments and other related authorities;
- (b) an Information Commissioner;
- (c) the Royal Court; and,
- (d) the Committee.

With regard to the foregoing, the Committee noted that an Information Commissioner would oversee an Information Asset Register and would address complaints from aggrieved parties where there was evidence of a refusal to allow access to information and where due process at ministerial level had already been followed. It was envisaged that the Data Protection Registrar would fulfil such a rôle,

although an extended remit was thought likely to result in resourcing implications.

On the matter of an appeals process, it was suggested that the existing Data Protection Tribunal could also operate as the Information Tribunal. Draft processes for appeals against a notice to release information and appeals against a refusal to issue a notice to release information were outlined to the Committee.

The Committee was advised that evidence from comparable jurisdictions suggested that an appropriately constructed law, if operated effectively, was unlikely to result in an excessive number of appeal cases.

The Committee agreed that individual members would forward comments to the Instructing Officer in due course. In the intervening period, the Instructing Officer was directed to co-operate further with Deputy J-A. Bridge on production of a position paper for presentation to the States later in December 2004.

Shadow Scrutiny:
Agri-environment
scheme report.
502/5/3(1)

A7. The Committee received undated correspondence from Senator E.P. Vibert in connexion with the Scrutiny Report on the Agri-environment Scheme.

Clerk
Scrutiny

The Committee noted that the aforementioned report included a section concerning the matter of alleged conflicts of interest that were highlighted during the course of the investigation conducted by the Shadow Scrutiny Panel. It considered that the section on conflicts of interest contained material that was of direct relevance to the Code of Conduct Working Party.

The Committee agreed that the Code of Conduct Working Party should review the Scrutiny Report on the Agri-environment Scheme and, if necessary, make recommendations to the Committee accordingly.

Shadow Scrutiny
Panels:
vacancies.
502/1(12)

A8. The Committee, with reference to its Acts Nos. A5 of 4th November 2004 and A3 of 25th November 2004, recalled that it would be necessary to reappoint the Chairmen of the Shadow Scrutiny Panels in January 2005. It further recalled that it had decided to bring a proposition to the States that would allow for members of the Committee to serve on Shadow Scrutiny Panels. Although a letter had been circulated to all members of the States inviting them to serve on Shadow Scrutiny, no expressions of interest had been received other than from certain members of the Committee.

D.G.O.S.
Clerk
Scrutiny

The Committee received a draft report and proposition, prepared by the Deputy Greffier of the States, in connexion with the matter of eligibility for membership of the Shadow Scrutiny Panels and the appointment of Chairmen.

The Committee recalled that the workload of the Chairmen of the Shadow Scrutiny Panels remained substantial. It was therefore pleased to note that the draft proposition would have the effect of removing the Chairmen as ex-officio members of the Shadow Public Accounts Committee.

The Committee agreed that it would consider lodging the draft report and proposition 'au Greffe' once a final decision had been made on which members of the Committee should be nominated to serve on the Shadow Scrutiny Panels.

The Committee noted that Connétable D.F. Gray would be excluded from membership of the Shadow Scrutiny Panels by virtue of the fact that he continued to hold the presidency of the Legislation Committee.

States Members' income and expense allowance – publication of a list.
1240/3(76)

G.O.S.
Clerk
Pub.Ed.
States (2)

A9. The Committee, with reference to its Act No. A4 of 23rd September 2004, recalled that the States of Jersey had elected to abolish the means tested system of remuneration for States Members. Since that time, information on the remuneration paid to individual Members had become unavailable to the Public.

The Committee received a draft report and proposition, prepared by the Greffier of the States, in connexion with a Register of States Members' remuneration and expenses.

It was explained that the proposed Register would show whether or not a States Member received remuneration and / or expenses and that it would indicate the total amount claimed. The Committee, having recalled that the previous Register had not specified the amounts claimed by individual Members, considered that the system proposed was more equitable than that which had preceded it.

The Committee, having concluded that there were no significant issues of privacy or confidentiality arising, approved the draft report and proposition and agreed that it should be lodged 'au Greffe' at the next available opportunity.

The Greffier of the States was requested to take the necessary action.

Meeting dates for 2005.

G.O.S.
D.G.O.S.
Bookshop
Clerk

A10. The Committee agreed to meet on the following dates in 2005 –

13th January
3rd February
24th February
17th March
7th April
28th April
19th May
9th June
30th June
28th July
8th September
29th September
20th October
10th November.

It further decided that all meetings would be held in the Le Capelain Room, States Building and would start at 2.00 pm unless otherwise agreed.

Matters for information.

A11. The Committee noted the following items for information –

- (a) a list of outstanding Committee actions and matters pending;
- (b) correspondence, dated 1st December 2004, from the President to the Presidents of the Policy and Resources and Finance and Economics Committees in connexion with Budget scrutiny; and,
- (c) Act No. A5, dated 11th November 2004, of the Finance and Economics Committee concerning the composition and election of the States Assembly.