

PRIVILEGES AND PROCEDURES COMMITTEE

(9th Meeting)

5th April 2006PART A

All members were present, with the exception of Deputy J. Gallichan, from whom apologies had been received. Senator S. Syvret and Deputy C.H. Egré were not present for Item No. B1.

Connétable D.F. Gray of St. Clement - Chairman
 Senator S. Syvret
 Senator M.E. Vibert
 Connétable K.A. Le Brun of St. Mary
 Deputy G.C.L. Baudains
 Deputy C.H. Egré

In attendance -

M.N. de la Haye, Greffier of the States
 Miss P. Horton, Clerk to the Privileges and Procedures Committee

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

- Minutes. A1. The Minutes of the meetings held on 2nd March 2006 (Part B only), 8th March 2006 (Parts A and B) and 20th March 2006 (Part A only), having been previously circulated, were taken as read and were confirmed.
- Matters arising. A2. The Committee noted the following matters arising from its previous Minutes -
- (a) **Minute No. A6 of 8th March 2006 - States Members' parking** - The Committee noted that Deputy Baudains had not been the only member to receive a parking permit, several members had been issued with them and more permits were due to be issued in the future. The Committee was concerned to note that Transport and Technical Services vehicles had been parking in the spaces allocated for States members in Sand Street Car Park. It had also been noted that some members were parking in the allocated spaces on States days when their permit did not allow for this. The Committee requested that a letter be sent to the Minister for Transport and Technical Services outlining the problems and requesting that they be addressed; and
 - (b) **Minute No. A4 of 8th March 2006 - Candidate's registration fee to receive the Electoral Register** - The Committee was advised that the statutory requirement was notification under the Data Protection (Jersey) Law, 2005. Notification provided a mechanism for data controllers to publicise details of their processing activities and served the interest of individuals by assisting them to understand how personal data was being processed by data controllers.

Scrutiny -
potential split of
the Social Affairs
Panel.
516(1)

A3. The Committee, with reference to its Minute No. A4 of 8th February 2006, received and considered a report dated 29th March 2006, prepared by the Greffier of the States, regarding the proposed split of the Social Affairs Scrutiny Panel and welcomed Deputy R.C. Duhamel, President of the Chairmen's Committee, to the meeting in connexion with the same.

The Committee recalled that an informal meeting of the Chairmen's Committee had been held in December 2005 at which consideration had been given to the workload of the Social Affairs Panel. Various options had been discussed including splitting the Panel into two. The alternative of forming a permanent Sub-Panel had also been explored. At that time the Chairmen's Committee had agreed that the Social Affairs Panel would remain unchanged until the end of March 2006 although the matter would be kept under review.

Deputy Duhamel advised the Committee that, at its meeting held on 17th February 2006, the Chairmen's Committee had agreed that it wished to initiate steps to create a fifth Panel by splitting the current responsibilities of the Social Affairs Panel. Deputy Duhamel further advised that the workload of all the Panels had been analysed, each of the other three Panels had responsibility for two departments and it had been concluded that this was a sufficient workload. The Social Affairs Panel had responsibility for five departments and there was concern that it would not be possible for this Panel to achieve proper scrutiny oversight of the areas within its remit as they were so extensive. The possibility of creating a sub-panel had also been considered however it was felt that without extra resources, both in terms of manpower and finance, this would only result in the current resources being spread more thinly and it was unlikely that any significant increase in the work programme could be achieved. The Chairmen's Committee was of the opinion that the only solution would be to divide the Social Affairs Panel into two and create a fifth Scrutiny Panel.

The Committee noted that it was being asked to decide if it supported the proposal to split the Social Affairs Panel, and if it did, whether it would be willing to take the matter to the States. The resource impact of the proposal would be an increase in the scrutiny budget of £188,348 from 2007 onwards, with an additional two staff being recruited. If the Committee supported the proposal the additional funding would need to be inscribed in the estimates which the Committee would submit to the States in the Annual Business Plan as part of the overall estimates for the States Assembly and its services. If a fifth panel were to be created it would be necessary for amendments to Standing Orders to be drafted and the States would need to address the issue of resources.

The Committee advised Deputy Duhamel that it would be preferable for the Chairmen's Committee to bring a proposition to the States asking them to agree to the principle of a fifth Scrutiny Panel and, if it was agreed, request the Privileges and Procedures Committee to bring the necessary amendments to the Standing Orders for the creation of an extra Panel and also to include the additional funding required in the Annual Business Plan for members' approval.

Code of Practice
on Public Access
to Official
Information:
Annual Report
2005.
955(32)

A4. The Committee received and considered a report entitled 'Code of Practice on Public Access to Official Information: Annual Report for 2005.

The Committee recalled that a report concerning the operation of the Code of Practice on Public Access to Official Information was presented to the States annually. It was noted that a total of 62 applications under the Code had been recorded by individual departments of the States, the majority of which had been made to departments administered by the Health and Social Services Committee.

The Committee approved the Code of Practice on Public Access to Official Information: Annual Report for 2005 and agreed that it should be presented to the States at the next available opportunity.

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

Appointment of
States Members
to public bodies.
465/1(74)

A5. The Committee received and considered a report dated 30th March 2006, prepared by the Greffier of the States in connexion with the appointment of States members to public bodies.

The Committee was advised that concerns had been expressed regarding the manner in which States members were approached to serve as Directors of the Waterfront Enterprise Board and to sit on the Legislation Advisory Panel. It was recalled that with regard to the British-Irish Inter-Parliamentary Body the Committee had agreed to invite all States members to participate in the selection of Jersey's two representatives. The Treasury and Resources Minister had also written to all members seeking expressions of interest to sit on the Law Revision Board.

The Committee agreed that the current procedures should be amended so that all States members were given the opportunity to put themselves forward to be appointed to a public body. The Committee further agreed that the matter should firstly be considered by the Council of Ministers as it was noted that at present the majority of appointments were made on the recommendation of Ministers.

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

States members'
remuneration.
1240/3(80)

A6. The Committee, with reference to its Minute No. A10 of 8th February 2006, considered correspondence received from Senator P.F. Routier, Minister for Social Security in connexion with States members' remuneration.

The Committee recalled that it had requested Senator Routier to clarify the position of States members claiming sickness benefit and the definition of work for members who were unwell. Senator Routier was also requested to consider whether a change in the relevant legislation could be made to enable States members to be treated as 'employed' which would resolve the double tax issue relating to the reimbursement of Class 2 Social Security payments.

Senator Routier had outlined what would constitute 'work' in relation to States members who were receiving Short Term Incapacity Allowance (STIA). It was noted that 'work' would include attending States meetings and work of a voluntary or honorary nature. It was further noted that meeting a constituent at home to take on States matters would be undertaking the 'work' of a States member and the meeting should be rescheduled or the person referred to another member. However, depending on the nature of the incapacity a claimant might be capable of reading a States report whilst recuperating at home.

With regard to the situation whereby States members who were claiming benefit could also receive remuneration, Senator Routier advised that this was a contractual matter between the members and their paying authority. It was common practice with many employers both in the private and public sector for the employee to 'hand over' the benefit payment to their employer who would then pay the employee their normal wage. The Committee requested that the matter be raised with Treasury to establish the abatement procedures they applied to all public sector employees in relation to salaries and benefit payments.

The Committee recalled that it had requested Senator Routier to consider amending the Law so that all States members could be treated as employees for the purposes of social security contributions. This request had come about as a result of the partial refund by the Treasury of member's Class 2 contributions being treated as income for income tax purposes. This meant that income tax was effectively paid twice on the amount involved, firstly on the original income amount and again on the refund. The Committee noted that Senator Routier maintained that he could see no reason to amend current Social Security legislation to change the classification to treat States members as 'employed'. The Committee agreed that it would therefore bring a proposition to the States itself requesting that the relevant Order be amended so that States members could be treated as employees for Social Security purposes.

The Committee further agreed that the Treasury and Income Tax departments should be consulted on the abovementioned matters and that advice should be sought on the appropriate steps to be taken to close any loopholes which could allow members of the States to avoid income tax liability on the remuneration they received as members and to lessen their liability for social security contributions.

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

Composition and
election of the
States.
1148(40)

A7. The Committee received and considered a report dated 30th March 2006, prepared by the Greffier of the States, in connexion with the composition and election of the States.

The Committee discussed the issue of low voter turnout at elections and noted turnout figures for the Senatorial elections since 1999 and turnout figures for the 2005 Deputies elections. The Committee agreed that low voter turnout was a real issue which needed to be addressed and decided that it would be beneficial to establish the reasons behind the low voter turnout by conducting a questionnaire to determine the public's views on the matter. It was agreed that it would be appropriate to determine the cost that would be incurred if a professional company were to carry out an official questionnaire on behalf of the Committee.

The Committee considered the matter of election expenses and reiterated its previous decision to carry out a questionnaire of all States members regarding the amounts spent on their election campaigns. The Committee agreed that if it were to fix a limit on campaign expenditure it would be beneficial to require candidates to declare the total amount they had spent on their respective campaigns, the source of their election funding and how the money was utilised. The Committee agreed that consideration would be given to the possibility of allowing candidates to post any communication relating to their campaign free of charge either according to a certain weight or the number of pages enclosed and it was further agreed that the issue of negative campaigning would be addressed.

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

Matters for
information.

A8. The Committee noted the following matters for information -

- (a) correspondence, dated 14th March 2006, sent to the Chief Minister regarding the Draft Strategic Plan 2006-2011;
- (b) correspondence, dated 14th March 2006, sent to Mr. Lindsay Hoyle M.P. regarding the All-Party Parliamentary Channel Islands Group;
- (c) correspondence, dated 17th March 2006, sent to the President of Jersey Bankers Association regarding the Electoral Register;

- (d) correspondence, dated 17th March 2006, sent to the Comité des Connétables regarding the Electoral Register;
- (e) correspondence, dated 17th March 2006, sent to Equifax PLC regarding the Electoral Register;
- (f) correspondence, dated 24th March 2006, received from Equifax PLC confirming receipt of the abovementioned correspondence;
- (g) correspondence, dated 17th March 2006, sent to Experian regarding the Electoral Register; and
- (h) correspondence, dated 28th March 2006, sent to all members of the States regarding the British-Irish Inter-Parliamentary Body.