

PRIVILEGES AND PROCEDURES COMMITTEE

(8th Meeting)

25th July 2002PART A

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

In attendance -

M.N. de la Haye, Deputy Greffier of the States
S. Drew, Assistant Legal Adviser
M.P. Haden, Committee Clerk.

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

Work
programme.

A1. The Committee received an update from members on the following aspects of its work programme -

Ex.Off.

(a) **Formation of Scrutiny Committees -**

- (i) The Committee discussed arrangements for a fact-finding visit on 12th August 2002 by the President, Senator W. Kinnard and Deputy R.G. Le Hérissier to Lambeth and possibly Mid-Bedfordshire Local Authorities;
- (ii) Timetable - It was agreed to aim to produce a draft report by approximately 21st August 2002;
- (iii) Shadow Scrutiny - The Committee agreed that it would pursue the possibility of conducting shadow scrutiny exercises, with the agreement of relevant Committees, on appropriate matters in the interim period prior to the full establishment of a scrutiny system. The President agreed to approach the President of the Harbours and Airport Committee with regard to a possible review of the Airport Masterplan. He further agreed to investigate the costs of employing a consultant with relevant technical experience and expertise to conduct such an exercise. The Executive Officer was requested to establish the identity of the relevant Group Accountant at the States Treasury.

(b) **Code of Conduct for Members** - It was expected that a draft report would be prepared by the end of the week ending 2nd August 2002;

(c) **Provision of accommodation, services and facilities for members** - It was noted that 30 replies had been received to date and that more were anticipated by the deadline on 26th July 2002.

It was agreed that the results should be categorised by the type of Member as this was likely to influence their requirements for facilities. Connétables, for instance, had dedicated office facilities in their Parish Hall. It was

suggested that Deputies might be encouraged to make use of Parish Hall facilities for interview rooms. The Executive Officer was requested to raise this matter with the Secretary to the Comité des Connétables and to investigate the possible cost implications.

- (d) **Remuneration and expenses provision** - The Committee, with reference to its Act No. A5 of 27th June 2002, recalled that it had endorsed a consultation paper on this issue but had deferred issuing the document pending the survey on members' facilities;
- (e) **Forward issues** - The Executive Officer was requested to establish a list of forward items for the Committee's consideration. Members were requested to notify the Executive Officer of any further issues that might arise.

Policy and Resources Committee: draft report and proposition on the Structure of the Executive. 1240/22/1(18)

Ex.Off.

A2. The Committee, with reference to its Acts Nos. A2 of 27th June and A1 of 2nd July 2002, gave further consideration to the draft report and proposition of the Policy and Resources Committee on the Structure of the Executive.

The Committee agreed that it would focus on the substantive issues in the above projet at its next meeting on 30th July 2002. It recalled that it had yet to consider the appendices to the above report and gave initial consideration to certain key issues, namely access and retention of documents and the recording of Ministerial decisions. The Deputy Greffier of the States was requested to research how these matters were dealt with in the United Kingdom. The President agreed to prepare a report on the key issues for the next meeting. It was agreed that a delegation consisting of the President, Vice President and Senator W. Kinnard would request the opportunity to discuss the Committee's views and comments with the Policy and Resources Committee at its meeting of 7th August 2002.

The Committee also recalled that it had not yet finalised its views in respect of the future role of H.M. Attorney General in relation to the Council of Ministers. The Committee recalled its concern that the position of H.M. Attorney General as impartial adviser to the States would be compromised by the perception that he/she was too closely associated with the Executive. It agreed that it would be helpful to delete the word 'entitled' in respect of the H.M. Attorney General's attendance at the Council. The Council should rather invite H.M. Attorney General to attend the Council for relevant matters. In relation to possible conflicts of interest in provision of legal advice to both Scrutiny Committees and the Council of Ministers, the Committee expressed the view that circumstances where Scrutiny Committees were likely to require legal opinion were not likely to be frequent. The Deputy Greffier of the States was requested to research this matter in other jurisdictions. The Executive Officer was requested to advise H.M. Attorney General that the Committee would be giving further consideration to the question of his role in the future structure of the Executive and would invite him to a future meeting at an appropriate time.

Machinery of Government: departmental structure and transitional arrangements. P.70/2002 1240/22/1(17)

Ex.Off.

A3. The Committee noted that the States, in approving the Report and Proposition of the Policy and Resources Committee 'Departmental structure and transitional arrangements' (P.70/2002) on 24th July 2002, had requested the Committee to bring forward for approval the necessary Transfer of Functions Acts and amendments to the Standing Orders of the States of Jersey to give effect to the decision to reduce the number of Committees in the transitional period following the appointment of Committees in December 2002 until the introduction of the ministerial system.

The Committee gave initial consideration to a number of policy issues which needed to be addressed in this respect, namely the current distinction between major and minor

Committees, the constitution of Committees and the possible limitation on the number of Committees which an individual member might join. It was agreed that it was important that all members should be able to participate in an appropriate number of Committees.

The Committee agreed to give further consideration to this matter at its next meeting.

Members' facilities.

A4. The Committee noted a request from Deputy P.N. Troy to consider the following items of facilities for Members -

Ex.Off.

- (a) additional speakers at certain points outside the Chamber;
- (b) functioning earphones; and
- (c) provision of electrical supply for laptops at each Member's desk.

The Executive Officer was requested to clarify where responsibility for such items laid.