

PRIVILEGES AND PROCEDURES COMMITTEE

(22nd Meeting)

26th July 2006PART A

All members were present.

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  
 Deputy J. Gallichan

In attendance -

Mrs. A.H. Harris, Deputy 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 23rd June 2006 (Part A only), 30th June 2006 (Part A and Part B), 5th July 2006 (Part A only) and 14th July 2006 (Part A only), having been previously circulated, were taken as read and were confirmed.

Social Affairs  
 Scrutiny Panel -  
 division to create  
 a fifth scrutiny  
 panel.  
 516(1)

A2. The Committee, with reference to its Minute No. A1 of 5th June 2006, welcomed Deputies R.C. Duhamel, R.G. Le Hérisier, F.J. Hill, S.C. Ferguson, P.J.D. Ryan and J.G. Reed of the Chairmen's Committee and Mrs. K. Tremellen-Frost, Scrutiny Manager, to discuss the proposed split of the Social Affairs Scrutiny Panel and the establishment of a fifth Scrutiny Panel.

The Committee recalled that the States had adopted the proposition entitled "Social Affairs Scrutiny Panel: Division to create a fifth Scrutiny Panel" (lodged "au Greffe" on 26th May 2006 by the Chairmen's Committee) agreeing to the principle of establishing a fifth Scrutiny Panel.

Deputy Duhamel advised the Committee that the budget set for Scrutiny was less than originally estimated in P.79/2006 "Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee" (lodged "au Greffe" on 10th June 2003 by the Privileges and Procedures Committee). It had originally been proposed that each Panel would require £150,000 for expert assistance however that amount was subsequently reduced to £90,000 per Panel. Deputy Duhamel informed the Committee that Scrutiny, by its nature, was unpredictable, and it was not possible to be precise with regard to the budgeting requirements in relation to expert assistance. Whilst in one year it was possible that not all of that figure would be used, in the following year the budgeted amount could be exceeded due to the nature of the reviews being undertaken in that year. The Committee was of the opinion that if any of the budget allocated for expert advice remained at the end of each year it could be beneficial to allow a certain amount to be carried forward into the following year, subject to a cap to be agreed, as this would enable Panels to plan for more complex reviews and obtain appropriate advice. It was noted that the original proposed budget had included funding to engage three Research Officers but as a result of the Fundamental Spending Review these posts were lost and the

research was subsequently carried out by the Scrutiny Officers. The Committee was advised that this had placed the Scrutiny Officers under considerable pressure as they now had to carry out all of the research for the various reviews of their respective panels.

Deputy Duhamel advised that the Chairmen's Committee would not be requesting the amount originally proposed but the amount required would be £90,000 for consultancy and £98,000 for two Scrutiny Officers making a total of £188,000 for the establishment of a fifth Scrutiny Panel. Its proposed way forward would be for the Privileges and Procedures Committee to prepare an amendment to the Annual Business Plan requesting the full amount of £188,000. However, the alternative suggested option would be for the Privileges and Procedures Committee to request £90,000 to fund the two additional Scrutiny Officers required with the remainder of £98,000 being made available from the current Scrutiny budget.

The Committee was of the opinion that it was imperative that Scrutiny was adequately funded and agreed that an amendment to the Annual Business Plan should be prepared requesting £188,000 for the establishment of a fifth Scrutiny Panel and that it should be suggested that each of the ten departments contribute a proportion of their budget towards the amount of £188,000. However, it was agreed that prior to preparing an amendment to the Annual Business Plan to request the funding, the Minister for Treasury and Resources should be asked whether the necessary funding could be provided from the budgets of the ministerial departments.

Senator M.E. Vibert was of the opinion that only the funding for the Scrutiny Officers should be requested with the remainder being provided from the current Scrutiny budget and requested that his dissent from the abovementioned decision be recorded.

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

Freedom of Information Law - Consultation: recommend-ation of the Council of Ministers re an audit.  
670/1(3)  
**Encl.**

A3. The Committee, with reference to its Minute No. A8 of 8th February 2006, considered correspondence dated 7th July 2006, received from the Council of Ministers regarding the Freedom of Information Law - Consultation.

The Committee recalled that it had agreed to send out the draft Freedom of Information (Jersey) Law 200- to various bodies for consultation and in this regard it was noted that the Council of Ministers had recommended that, as there was uncertainty about the resource implications of introducing a new Law, an independent person should be invited to carry out an audit of the costs involved. The Council of Ministers believed that this proposal offered a sensible way forward and would help to give the States a better understanding of the resource implications. The audit would assess the anticipated costs of responding to requests for information, implementing records management systems up to the required standard, and introducing different lead-in times for various provisions of the Law.

The Committee was of the opinion that as many of the responses received from the consultees had raised concerns regarding the cost implications of introducing the Law it would be appropriate to request the Corporate Services Scrutiny Panel to review the resource implications of introducing the Freedom of Information Law.

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

Standing Order 26(3) and (4) and 72 (5) and (6) - Minimum lodging period.  
1240/4(178)

A4. The Committee received and considered a report from the Economic Affairs Scrutiny Panel regarding the lodging periods for matters referred to a Scrutiny Panel.

The Committee noted that currently Panels could have a matter referred to them for a period of four sessions, usually spanning eight weeks. If a matter was referred to a

**Encl.**

Panel and the Panel decided to lodge a stand-alone projet of its own for concurrent debate it only had a period of two weeks in which to carry out a review and develop the projet. The Committee was requested to consider amending Standing Orders to increase the number of sessions that matters could be referred to a Panel to six, giving a period of twelve weeks to carry out a review and reduce to two weeks the necessary period of lodging for propositions from Scrutiny which specifically related to matters referred to a Panel under Standing Order 72(1) or (2).

The Committee was of the opinion that Scrutiny could, once they had carried out a review of a matter, lodge an amendment and either support a proposition or oppose it. Having discussed the matter, the Committee agreed that prior to making a decision it would require more information regarding the recent instance when the Economic Affairs Scrutiny Panel decided to lodge a stand alone proposition which could not have formed an amendment to the original proposition.

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

Strategic Plan  
feedback.  
1444/1(6)

A5. The Committee received and considered a report dated 5th July 2006, prepared by the Deputy Greffier of the States in connexion with the Strategic Plan.

**Encl.**

The Committee noted that the Chairmen's Committee had reviewed the experiences of members of the Assembly involved in Scrutiny following the recent debate of the first draft Strategic Plan considered under Ministerial government. The Chairmen's Committee had lodged an amendment, the purpose of which was to require costings to be produced in relation to each initiative or action point. Also by indicating in which year of the duration of the plan each initiative would be implemented or progressed, relative priorities could be established. Although the amendment was lost the Chairmen's Committee was still concerned at the lack of costings and information relating to priorities during the debate and requested that this matter be reviewed.

The Committee recalled that a proposition entitled "Ministerial Government: Review of the first 12 months" had been lodged "au Greffe" on 20th June 2006 by Senator B.E. Shenton, asking that the Privileges and Procedures Committee be requested to present a report reviewing the first 12 months of Ministerial Government, together with any recommendations for improvement. The Committee agreed to hold this matter under review and, in the event that Senator Shenton's proposition was adopted, then it should be fully investigated as part of that independent review.

Public Elections  
(Jersey) Law  
2002.  
465/1(78)  
424(5)

A6. The Committee received and considered correspondence dated 5th July 2006, from Connétable M.K. Jackson of St. Brelade regarding the Public Elections (Jersey) Law 2002.

**Encl.**

The Committee noted that the Connétable of St. Brelade was concerned that at present it was possible for a candidate to run concurrently for the offices of Connétable and Deputy or Senator. This situation could occur because the election for Connétable was required to take place on the nearest day when the term of office expired.

The Connétable suggested that a solution to this situation would be to amend the Public Elections (Jersey) Law 2002 so that when a term of office for Constable, Procureur de Bien Public or Centenier expired during the period when there was an election for Senator or Deputy then the term of office be extended so that the nomination meeting was held after the taking of the poll for the position of Senator or Deputy.

The Committee noted a situation within the correspondence whereby a person could have been nominated as a candidate for election as Connétable of St. Brelade at a

nomination meeting held on 11th October 2005 and also as a candidate for Deputy at any of the nomination meetings for Deputies which were held on 25th October 2005 as the result of the election for Connétable would not be announced until 9th November 2005 if that election was contested.

The Committee agreed that prior to considering the matter in detail it would request the Attorney General to advise whether it was acceptable to amend the length of a term of office for a Connétable in order to prevent a candidate from standing concurrently for several offices.

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

Jersey Electoral  
Register.  
424/2(34)  
**Encl.**

A7. The Committee, with reference to its Minute No. A7 of 3rd May 2006, considered an e-mail dated 12th July 2006 received from Mrs. Gillian Key-Vice, Director of Regulatory Affairs, Experian International in connexion with the Jersey Electoral Register.

The Committee recalled that it had been advised that although the Draft Public Elections (Jersey) Law had been passed on 23rd October 2001, the Appointed Day Act had excluded the commencement of a number of Articles including Article 12 (2)(b). As a result of this, credit reference agencies were no longer able to access the electoral register to verify the identity of Jersey residents for credit or other purposes and an increasing number of such checks were either being refused or further information being requested thus delaying the application process. Experian had made contact with the Data Protection Commissioner in an attempt to resolve this problem. The Committee had agreed that it would be beneficial to receive further information and requested that the true extent of the problem be investigated before deciding if the electoral register should be made available to the public.

In this regard Experian had advised that they had received a total of 107,740 enquiries from local residents between the period of 1st January 2005 and 31st March 2006. The Committee had felt that this was a significant number of enquiries from an Island with a population of approximately 87,000 and requested that Experian provide further information with regard to the figures.

The Committee noted that Mrs. Key-Vice felt that the most effective way to deal with the matter would be for her to discuss it directly with the Committee. In this regard Mrs. Key-Vice requested to attend a future meeting of the Committee which would provide Members with an opportunity to ask questions and discuss any concerns.

The Committee, having considered the abovementioned, agreed to invite Mrs. Key-Vice to a future meeting and further agreed that the Comité des Connétables should be requested to advise how many requests they received for confirmation that a person was listed on the electoral register during the months of August 2006 through to the end of October 2006.

The Committee Clerk was directed to take the necessary action.

Revised  
letterhead for  
States Assembly.  
465/6(3)  
**Encl.**

A8. The Committee received a report dated 20th July 2006, prepared by the Greffier of the States in connexion with a revised letterhead for use by States members, the States Assembly, Assembly Committees and Panels and the States Greffe.

It was recalled that the Committee as previously constituted had agreed that with the move to ministerial government it was important that the identity of the Assembly, as Jersey's legislature, was separate from the identity of the Executive. In this regard the Committee noted a revised letterhead which, in order to reflect the

Assembly's French heritage and dual language, incorporated both French and English wording. The Committee was advised that the design was intended to reflect the 'formality' and 'gravitas' of the States as a legislature with the use of a more formal version of the Island's crest rather than the 'stylized' one used by ministerial departments. It was noted that the letterhead would be adopted for use by the Committee, the States Greffe, Scrutiny Panels, as well as individual States members by overprinting the name of the member or body sending the letter under the crest for greatest economy. The logo would also be used in the future for the States Assembly website.

The Committee, having been advised that there would be no wastage of existing letterhead paper, considered the revised letterhead and accordingly approved the same.

Constitutional  
Advisory Panel.  
1444/1(13)  
**Encl.**

A9. The Committee, with reference to its Minute No. A2 of 13th June 2006, considered correspondence dated 24th July 2006, received from Mr. Mike Entwistle, International Relations, Chief Minister's Department, regarding the formation of a Constitutional Advisory Panel.

The Committee noted that the Council of Ministers had agreed to the formation of an External Constitutional Advisory Panel. The Panel would be chaired by the Chief Minister with Connétable K.P. Vibert of St. Ouen, and Senators P.F.C. Ozouf and M.E. Vibert as members and the Committee was requested to nominate a non-executive member of the States as a member of the Panel.

The Committee agreed that it would give all non-executive States Members the opportunity to express an interest in being appointed to the Panel and that the selection would be made by all Members of the States by means of a ballot to be held after the formal adjournment at the next States sitting on 12th September 2006.

The Committee Clerk was directed to take the necessary action.

Matters for  
information.

A10. The Committee noted the following matters for information -

- (a) correspondence, dated 27th June 2006, sent to all Members of the States, regarding the Composition and Election of the States Assembly;
- (b) correspondence, dated 28th June 2006, sent to Mr. Neil Munroe, Director, External Affairs, Equifax PLC, regarding the Jersey Electoral Register;
- (c) correspondence, dated 28th June 2006, sent to Ms. Gillian Key-Vice, Regulatory Affairs Director, Experian, regarding the Jersey Electoral Register;
- (d) correspondence, dated 5th July 2006, sent to Deputy G. de Faye, Minister for Transport and Technical Services regarding States Members' Car Parking;
- (e) correspondence, dated 5th July 2006, sent to Mr. S.W. Pallett, Jersey Democratic Allowance, regarding Electoral Reform;
- (f) a booklet on the Festival of Politics, The Scottish Parliament, 23rd to 26th August 2006;
- (g) Senator S. Syvret advised the Committee that he had been corresponding with the Treasury in order to establish whether it would be possible for the Treasury to pay a member's Social Security contributions direct to Social Security. The Committee agreed that it

would write to the Treasury to enquire whether there might be a way for direct transfers to be made on an optional basis. The Deputy Greffier of the States was directed to take the necessary action; and

- (h) Deputy C.H. Egré requested that all States Members be reminded that they should make no comment if they were approached by the media in connexion with debates held in camera in the States Chamber. It was agreed that Members should be advised that the Committee considered this to be a very serious matter and a breach of the Code of Conduct for Elected Members of the States.