

PRIVILEGES AND PROCEDURES COMMITTEE

(30th Meeting)

15th November 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
 P. Monamy, Acting 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 18th October (Part A and Part B), 26th October (Part A only) and 6th November 2006 (Part A only), having been previously circulated, were taken as read and were confirmed.

Jersey Business
 Brief:
 subscription
 to Confidential
 Section.
 465/1(80)

A2. The Committee, with reference to its Minute No. A2 of 18th October 2006, received confirmation that a copy of the Confidential Section of the Jersey Business Brief was available in the Reference Section of the Jersey Library.

The Committee asked that Deputy P.V.F. Le Claire, who had suggested that a subscription to the above publication should be taken out and a copy kept as part of Members' facilities as a shared resource, be advised that it was available at the Jersey Library upon request.

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

A3. The Committee, with reference to its Minute No. A7 of 26th July 2006, considered a summary report on "The role of the Electoral Register in Decision Processing", dated January 2006, prepared by the Data Protection Commissioner; together with a letter, dated 11th April 2006, from Mrs. G. Key-Vice, Director of Regulatory Affairs, Experian International.

The Committee received Mrs. Key-Vice and Mr. P. Vane, Deputy Data Protection Commissioner, and discussed the possibility that the Jersey Electoral Register might be made available to United Kingdom credit reference companies for credit referencing purposes.

Following a presentation from Mrs. Key-Vice, the Committee asked whether the United Kingdom electoral registers were used for purposes other than credit referencing. It was noted that whilst the relevant information was also used in respect of savings products, prevention of fraud and/or money laundering, etc., only the 'edited electoral register' was used for marketing purposes. It was apparent that the

protection afforded to the United Kingdom electoral register did not presently apply to Jersey and that, consequently, legislative change would be required in the event that use of Jersey electoral registers were to be permitted. It was recognised that, following such legislative provision, it would then be possible for sanctions under Jersey law to be imposed upon outside mis-users of the Island's electoral registers. The Committee decided that it would wish to seek legal advice on this aspect of the matter.

The Committee noted that the relatively high number of enquiries on Jersey residents received by Experian in relation to the Island's population arose, *inter alia*, through multiple applications which might or might not have subsequently been pursued. Mrs. Key-Vice explained that a disadvantage of the Jersey electoral registers not being available to Experian and other credit referencing companies was that it could take up to a week longer for credit references to be obtained on Island residents than for U.K. It was recalled that the credit reference agencies had last been able to purchase the Jersey registers in 2001 and that, because information on Island residents was now out of date, a significant number of queries arose during the credit referencing process. It was emphasised that it was of benefit both to consumers and to business organisations for regular credit reference checks to be made as this ensured regular verification of details held in records, and for any incorrect information to be amended. The Committee was informed that it would be possible for only the full version of the Jersey electoral registers to be made available for credit referencing purposes, rather than any edited version.

It was noted that the Comité des Connétables had provided the Committee with information compiled by the Parishes regarding the number of requests for confirmation that a person was listed on the electoral register between August and October 2006. It was recognised that a total of 21 such requests had been received, which included those in St. Helier required for banking purposes. It was further noted that the Comité maintained its view that the electoral registers should not be sold to credit reference agencies.

The delegation, having been thanked by the Chairman for its attendance, withdrew from the meeting.

The Committee considered that the matter of the use of the Jersey electoral registers (one held by each of the Island's Parishes) might not be a matter under its remit; rather that it should be for consideration by the Comité des Connétables as a 'civic' matter rather than as a 'commercial' one. In any event, the Committee considered that no overwhelming case had been made in favour of making Jersey's electoral registers available for credit referencing purposes.

The Committee asked that Experian and the Data Protection Commissioner be apprised of the outcome of its deliberations.

The Committee recalled that Deputy G.P. Southern had asked when the Committee proposed to give consideration to amending the Election Law in order to allow access to the electoral register for credit checks to facilitate Islander's loan applications and for the purpose of enabling political parties to encourage additional voters to register in between elections.

It was agreed that once the registration of political parties for data protection purposes had been achieved, then it would be in order to provide the electoral registers to such parties for electoral purposes. The Committee also agreed to give consideration to requiring registration for electoral expenses purposes, and to address the situation whereby advertising for election purposes might be commissioned by

persons other than candidates.

The Committee asked that Deputy Southern be apprised of the outcome of its deliberations on these matters in terms of the status of political parties being under consideration.

States Assembly
budget: 3rd
quarter financial
report and year-
end forecast.
422/10/1(80)
Encl.

A4. The Committee received a third quarter financial report and year-end forecast in relation to the States Assembly Budget, prepared by the Greffier of the States.

The Committee noted that the balances on the budget of the States Assembly and its services managed by the Committee amounted to a predicted year-end underspend of at least £439,859. Having further noted the details of the predicted underspend, the Committee recognised that the functions covered by the budget had gone through a significant transformation prior to and upon the move to Ministerial government, and that it had consequently been very difficult to gauge the impact of the transformation in financial terms. It was agreed that, as there had been a number of unexpected consequences, it would be appropriate, in 2007 and 2008, when the new system would have been in place for some time, to review the whole budget on a 'zero base basis' in order to determine whether the current cash limit was appropriate.

The Committee recalled that it intended to request that £188,000 of the above-mentioned underspend be carried forward to 2007 in order to provide funding for a fifth Scrutiny Panel in that year in accordance with the undertakings given in the Assembly during the debate on the Annual Business Plan 2007. The Committee agreed to request that this proposed carry forward should be in addition to the 'normal' percentage carry forward usually allowed for all departments.

Privileges and
Procedures
Committee:
States Greffe
carry forward
2006 - Scrutiny
function.
422/10/1(79)

A5. The Committee, with reference to its Minute No. A4 of this meeting, decided to request the Minister for Treasury and Resources to allow the Committee to carry forward the sum of £188,000 from its predicted year-end underspend in respect of the Scrutiny function to enable the operation of the agreed fifth Scrutiny Panel in 2007.

The Committee asked for confirmation from the Minister that the carry forward requested would be allowed from within the Scrutiny area, without prejudice to the standard carry forward allowed in other areas covered by the Committee's budget, such as support to the States Assembly.

The Committee confirmed its understanding that the budgeting process for 2008 would be used to determine what the budget requirement for Scrutiny would be from 2008 onwards, and that the Chairman's Committee would have an important role in this regard.

Standing Orders
26(3) and (4) and
72(5) and (6):
minimum lodging
period and period
of time for
reference of
matters to
Scrutiny.
1240/4(178)
Encl.

A6. The Committee, with reference to its Minute No. A2 of 9th August 2006, noted a response from the Deputy Chief Minister to a proposal by the Economic Affairs Scrutiny Panel to increase the time currently allowed under Standing Order 72(6) for reference to Scrutiny.

The Committee noted that the Council of Ministers had suggested that it would be a little early to take a decision of this nature, relatively soon after the introduction of Ministerial government, and that it would be better if the matter were considered as part of Senator Shenton's proposed review of Ministerial government ("Ministerial government: review of the first 12 months" - P.77/2006), which would enable the proposal to be considered in the wider context of the Executive and Scrutiny functions. It was further noted that the Council of Ministers had indicated that it would be willing to discuss any concerns that Scrutiny might have about a particular item of legislation, and that it would also be willing to consider granting an additional

period for reference to Scrutiny if this were felt to be necessary, although any concerns on the part of Scrutiny Panels should in the first instance be addressed with the relevant Minister.

The Committee agreed that it would be appropriate to await the outcome of such review of Ministerial government

The Committee, having noted the view of members involved in Scrutiny that there was considered to be insufficient officer support for Scrutiny and that it took considerable time to determine each set of terms of reference for the appointment of experts or consultants, decided to urge a greater use of external expertise on the part of Scrutiny Panels. The Chairman was requested to write to the President and members of the Chairmen's Committee accordingly.

Meeting dates in 2007.

Encl.

A7. The Committee, having considered a list of prospective meeting dates for 2007, agreed to set aside dates at two-weekly intervals (commencing from 10th January 2007) for its meetings, on the basis that it would seek to utilise alternate dates for discussion of specific matters of policy, as necessary.

'Official Record' in States Minutes: Deputy P.V.F. Le Claire.

422/1(15)

Encl.

A8. The Committee considered an approach from Deputy P.V.F. Le Claire concerning the manner in which the 'official record' in the Minutes of the States recorded who was present at roll call and who then voted or declined to vote in subsequent individual votes.

It was noted that in the event that a States Member who had been present at roll call did not vote (either because he or she was out of the Chamber or in the Chamber but not voting), his or her name was simply not included on the list of those who voted. However, it was recognised that Deputy Le Claire sought to be marked as "present, but did not vote" (or similar).

The Committee recalled that Standing Orders 92(5) required that "An elected member shall push the appropriate button (a) to vote; or (b) if he or she so wishes, to record his or her abstention." It was recognised that there was no provision in Standing Orders for elected members to be present in the Chamber but not to vote.

The Committee, agreed that Deputy Le Claire should be reminded of his obligation to vote and requested the Chairman to write to him to explain the position.

'In camera' debate: call for release of transcript - actions by Channel 103fm. 1367/3(25)

A9. The Committee considered an email addressed to the Chief Minister concerning an item which had been broadcast on radio station Channel 103fm at 9 a.m. on 9th November 2006 in relation to the transcripts of the 'in camera' debate in relation to the appointment of a new Chairman of the Waterfront Enterprise Board (P.89/2006) which had been held in the States on 19th July 2006, whereby the announcer had called on "those politicians who were at the secret debate to leak the transcripts to Channel 103."

Whereas the originator of the email has indicated that he considered it to be "outrageous journalism" and that he could not "believe that the Channel 103 news team has lowered itself to this", and given that the Chief Minister had considered that the matter should be brought to the Chairman's attention, the Committee agreed that it would be preferable for an individual States Member to raise the matter by way of a formal complaint to the regulatory body, Ofcom.

The Chairman was asked to respond to the Chief Minister to apprise him that the Committee was sympathetic to the complaint and, although it considered what

Radio 103fm had done to be deplorable, it nevertheless considered that it would be appropriate for an individual to approach Ofcom direct.

Additional
meeting:
29.11.2006.

A10 The Committee agreed to convene an additional meeting on Wednesday, 29th November 2006, commencing at 9.30 p.m. in the Le Capelain Room, States Building in order to discuss further the "Composition and Election of the States Assembly - Options for Change" paper.