

PRIVILEGES AND PROCEDURES COMMITTEE

(11th Meeting)

17th September 2002PART A

All members were present, with the exception of Senator W. Kinnard, from whom apologies had been received.

In attendance -

M.N. de la Haye, Deputy Greffier of the States
 R.W. Whitehead, Principal Legal Adviser, Law Officers' Department
 S. Drew, Assistant Legal Adviser
 D.C.G. Filipponi, Executive Officer
 P. Byrne, Executive Officer Designate
 A. Booth, Research Assistant
 M.P. Haden, Committee Clerk.

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

Appointments

A1. The Committee welcomed Mr. P. Byrne, Executive Officer Designate, to the meeting.

Ex.Off.

In addition, it welcomed Mr. A. Booth, who had been assisting for a period of time with the preparation of the Committee's report to the States.

The Committee agreed that it would be valuable for such assistance to continue, in view of the workload facing the Committee over the next few months. It endorsed a proposal that the question of employing Mr. Booth on a more formal basis should be explored.

States of Jersey
 (Declaration by
 Candidate) Order
 2002.

1240/1/2(27)

1240/1/7(1)

A2. The Committee received an oral report from the President regarding an enquiry from a member of the public questioning the legal authority for making public the declaration made by candidates for election as Senator or Deputy under the States of Jersey (Declaration by Candidate) Order 2002.

Ex.Off.

The Committee noted the advice of the Law Officers' Department in this respect, confirming that the above Order was *intra vires* and was to be followed at forthcoming nomination meetings.

Publicity during
 election
 campaign.

A3. The Committee, mindful of the forthcoming elections, considered the issue of fair representation of all election candidates in the local media.

Ex.Off.

The Committee considered a draft letter from the President to all States Members and Chief Officers requesting the views of Members and other candidates on the following issues -

- (a) the suggestion that new candidates who were not holding office at the time of election were disadvantaged; and
- (b) whether there should be a general election during the time the Committees and ultimately Ministers would assume a 'caretaker' role.

The Committee also noted that the issue of the use of the States crest on correspondence had been raised once again. The Committee agreed to remind States

Members that the use of the States crest was intended only for items in connexion with a Member's duties.

Members were requested to forward any further comments that they might have on the draft letter to the President.

Draft Report to
the States.

1240/22/1/6/1

(2)

Ex.Off.

A4. The Committee considered the latest draft, dated 17th September 2002, of the report it was to present to the States in accordance with the Act of the States of 26th March 2002 (P.23/2002).

The Committee discussed the following sections of the draft report -

- (a) **Formation of Scrutiny Committees** - A Sub-Committee, comprising the President, Vice-President and Deputy R.G. Le Hérisier, together with officers, adjourned at the end of the meeting to give further consideration to this section of the report;
- (b) **Code of Conduct for Members** - The Committee, with reference to its Act No. A3 of 8th August 2002, noted that an introduction prepared by the Deputy Greffier of the States was to be included in the report. In addition, comments had been received from the Bailiff on the Complaints Procedure;
- (c) **Accommodation and facilities for Members** - The Committee, with reference to its Act No. A4(c) of 30th July 2002, viewed plans of the proposals for the Registre. It noted that a section was to be added to the report on existing facilities for members together with the possible uses of the Bailiff's former room. It was further noted that there had been very little response from States members to a suggestion from Deputy A. Breckon that more comprehensive facilities for Members should be provided in alternative premises close to the States buildings. Various options in this respect had been investigated but had not proved feasible. The Committee recalled that funding had not be allocated for any such development;
- (d) **Remuneration and expenses provision** - The Committee, with reference to its Act No. A5 of 8th August 2002, gave further consideration to the proposed level at which remuneration for States members might be set. It recalled that it had endorsed a proposal that an appropriate benchmark for Members' remuneration would be the equivalent of Grade 11/3 on the Civil Service pay scale. The Committee was mindful that it was not possible to make a strict comparison between the work of a politician and the work of a Civil Servant. The proposed Grade related to a 'middle manager' in the Civil Service. It could be argued that the true worth of a States Member should be set at a much higher level, but it was recognised that this would be politically unacceptable. The Committee agreed that, while it would support the proposed level of remuneration as a balanced starting point, the remuneration of States members should not remain tied to Civil Service Grades. It was recognised that such a linkage would create complications in Members agreeing Civil Service annual pay increases as Members would have to declare an interest in the matter. Furthermore, it was acknowledged that the level of pay for States Members was essentially a political issue and should remain in the public domain.

The Committee considered what form of mechanism might be appropriate to determine annual increases and other adjustments to the level of remuneration. It was agreed that members' remuneration should increase each January by a figure equivalent to the percentage rise in the Jersey Retail Price Index (RPI) as at the previous December. The Committee considered the current practice of applying a figure 0.5 per cent lower than the Jersey RPI. It rejected this suggestion on the grounds that it would

result in the level of remuneration continually falling behind public sector pay settlements. It was further agreed that rates should be reviewed on a regular basis, say every three years, by the Committee in place at the time. This review should be transparent but might not necessarily require debate in the States on every occasion.

The Committee went on to consider a number of amendments to the language and tone of this section of the report.

The Committee noted that an enquiry had been received from a prospective candidate regarding the level of remuneration for States members. It was agreed that it would not be appropriate to release details of the Committee's proposals to candidates in advance of the publication of its report. The Deputy Greffier of the States was authorised to prepare a brief statement of the current position.

The Committee agreed on a tentative date, Friday 20th September 2002 at 4pm, to meet to finalise and sign off the report.