

PRIVILEGES AND PROCEDURES COMMITTEE

(77th Meeting)

28th May 2008**PART A**

All members were present, with the exception of Senator M.E. Vibert, from whom apologies had been received. Deputy I.J. Gorst was absent for part of items A3 and A6

Connétable D.F. Gray of St. Clement - Chairman
 Connétable K.A. Le Brun of St. Mary
 Deputy J. Gallichan
 Deputy G.C.L. Baudains
 Deputy S.C. Ferguson
 Deputy I.J. Gorst

In attendance -

Mr. M.N. de la Haye, Greffier of the States
 Mrs. A. Harris, Deputy Greffier of the States
 Miss P. Staley, Law Draftsman, States Greffe (for a time)
 Mr. N. Guillou, Clerk to the Privileges and Procedures Committee
 Mr. I. Clarkson, States Greffe

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

Minutes

A1. The Minutes of 18th April (Part A and Part B), 2nd May (Part A only) and 7th May 2008 (Part A and Part B), having been circulated previously, were taken as read and were confirmed.

Draft Freedom of Information (Jersey) Law 2000-: application of Code of Practice on Public Access to Official Information. 670(1)

A2. The Committee, with reference to its Minutes Nos. A2(b) of 20th February and A9 of 7th May 2008, recalled that it had expected to receive a response from the Chief Minister's Department on the operation of the Code of Practice on Public Access to Official Information

The Committee recalled that on 1st April 2008 the Committee had tabled a response to a written question from Deputy R.G. Le Hérissier in which the Deputy had sought clarification regarding the date on which the Committee would decide whether to proceed with a Freedom of Information Law. In response the Chairman, acting on advice received from the Chief Minister's Department, had informed the States Assembly that the Committee would determine its position following consideration of relevant information to be collated by the Chief Minister's Department and which was to be provided to the Privileges and Procedures Committee by 12th May 2008.

The Committee was disappointed to note that the response of the Chief Minister's Department regarding the practical administration of the Code of Practice on Public Access to Official Information had not been forthcoming.

It was agreed that this item would be discussed at the Committee's next meeting. In the intervening period the Committee instructed officers to establish when

the Chief Minister's Department would be in a position to forward the necessary information to the Committee.

Scrutiny budget:
2009
510/1(15)

A3. The Committee, with reference to its Minute No. A8 of 7th May 2008, recalled that it had reached a conclusion that there should be no reduction in the Scrutiny budget for 2009. It was noted that since the meeting of 7th May 2008 when this had been agreed, the Comptroller & Auditor General (C&AG) had issued a report on the States Spending Review, recommending a £100,000 reduction in the 2009 Scrutiny budget.

The Committee considered the draft 2009 cash limit for the States Assembly following the publication of the Spending Review Report. It was noted that under Article 10 of the Public Finances (Jersey) Law 2005, the Committee would be free to put forward whatever budget it considered appropriate, which would be included un-amended in the draft Annual Business Plan 2009. However the budget would nevertheless be sent to the C&AG for comment prior to its incorporation within the Annual Business Plan document, and any comment made by the C&AG would be published as a part of the States Assembly budget estimates.

Deputy S.C. Ferguson, in her capacity as President of the Chairmen's Committee informed the Committee that the Chairmen's Committee had discussed this issue. In this regard, Deputy Ferguson distributed the relevant draft Minute of the Chairmen's Committee, dated 23rd May 2008. It was noted that as the Chairmen's Committee was barely quorate, the matter would be discussed further at its next meeting. However, it was noted that correspondence had been sent to the C&AG requesting an explanation of the rationale behind the proposed reduction in the Scrutiny budget.

The Committee noted that any underspend within the budget would be returned to the States' Treasury at the end of the year. Concerns were raised about whether the budget reduction would represent a genuine saving in the overall cash limit of the States, or that the £100,000 would simply be redistributed by the Treasury and Resources Minister and spent by another department. The Committee were uncertain what had happened the funds returned to the States Treasury due to Scrutiny's underspends in 2006 and 2007, and agreed that this matter should be investigated.

The issue of how Scrutiny Panels would be funded were they to reach their cash limit was discussed. It was noted that in order to gain this extra funding the Treasury and Resources Minister would have to be persuaded to take a proposition to the States Assembly for members' approval. The £100,000 cut from the cash limit could not simply be recalled, were that reduction to be made. The Committee noted that as the workload for Scrutiny was variable, it was very difficult to estimate the necessary expenditure. If a budget reduction were made and Scrutiny were to reach its cash limit, it would take considerable time for new funds to be reassigned, which would cause a halt in the work of Scrutiny. It was also noted that Scrutiny had been carrying out ever more work and that more expert advice had been sought, and consequently would be making an increasing expenditure over time. Furthermore it was noted that the creation of a new Panel had been discussed. Consequently it was broadly agreed that a permanent reduction in the cash limit of Scrutiny would be undesirable and could set a precedent for further cuts, which might ultimately undermine the Scrutiny process.

The Committee, having noted that draft figures needed to be sent to the Treasury and Resources Department by 30th May 2008, agreed that it would not propose a reduction in the States Assembly cash limit for 2009 at this time.

It was also agreed that the Chairman should write to the Minister for Treasury and Resources in order to establish where previous underspends in the Scrutiny budget had been reallocated.

States Members' Remuneration Review Body: Reconstitution. 1240/3(86)

A4. The Committee considered a report concerning the reconstitution of the States Members' Remuneration Review Body (SMRRB). The Committee noted the terms of reference for the SMRRB as previously constituted and recalled that the last report of the SMRRB was presented to the States Assembly on 13th September 2005.

The Committee discussed the process by which the SMRRB should be reconstituted. Once in receipt of the SMRRB's report, the Committee would be obligated to present it to the States, and should no Member of the States seek a debate on the proposition, its recommendations would be implemented.

It was agreed that the Jersey Appointments Commission should be invited to be involved in the process, that previous members of the SMRRB should be informed in writing of the Committee's intention to pursue the reconstitution of the Body in 2008, and that an appropriate advertisement should be placed so that expressions of interest from other members of the public could be sought.

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

Machinery of Government review: proposed amendments to States of Jersey Law. 465/1(91)

A5. The Committee, with reference to its Minute No. A6 of 7th May 2008 discussed the process by which the members of the Privileges and Procedures Committee would be appointed following elections. The Committee recalled that at its previous meeting it had agreed that "one member of the States who is a member of the Chairmen's Committee" should sit on the Committee.

It was agreed that the majority of the members of the Privileges and Procedures Committee should be appointed at the 3rd meeting after the elections had taken place, but that one position on the Committee would be appointed at the 4th meeting after the elections, so that the Chairmen's Committee would be fully constituted before one of its number was appointed to the Privileges and Procedure Committee.

Public Elections (Amendment No. 3) (Jersey) Law 200-. 424(7)

A6. The Committee, with the Law Draftsman in attendance for part of the item, and with reference to its Minute No. A1 of 2nd May 2008, considered proposed amendments to the draft Public Elections (Amendment No.3) (Jersey) Law 200-(P.65/2008): amendments, lodged au Greffe by Deputy G.P. Southern on 27th May 2008.

The Committee discussed proposed amendments to Article 5 of the principal law, which detailed the length of residency that was required before an individual may register to vote. It concluded that the proposed shortenings in the length of residence required to register would not have any significant impact on increasing voter registration.

The Committee considered issues concerning registration during the election period. It was noted that if adopted, this new law would allow for the creation of a rolling electoral register, in that once a person had registered, they would remain permanently on the register, in contrast to the current arrangement, where individuals had been deregistered after a three year period. It was further noted that as the law currently stood, the election register would be closed the day before nominations for candidates occurred. Consequently there had been 3 or 4 weeks during the lead up to elections where no-one had been able to register. The proposed amendment discussed would allow individuals to register at their respective Parish Halls up to one week

before polling. The Committee felt that in light of the fact that the new amendments would ensure that people were never deregistered, the problem of late registration would disappear over time. Concerns were raised that those who were registered during the nomination period would be unable to utilise the postal voting system; nevertheless, the Committee acknowledged that the Parish Halls could liaise with the Judicial Greffier to overcome this problem. The Law Draftsman agreed to investigate the consequences of Deputy Southern's amendment on the postal voting system and to advise the Vice Chairman before the debate

Concerns regarding the distribution of registration forms were noted, and that under the amendments individual residents within lodging houses, for example, might not receive the necessary registration forms.

The Committee agreed that it would pass no comment on Deputy Southern's proposals.

Matters for
information.

A7. The Committee noted the following matters for information -

- a) the Deputy Greffier informed the Committee that the Code of Practice on Public Access to Official Information - Annual Report for 2007 had been completed and would now be presented to the States
- b) Deputy J. Gallichan informed the Committee of concerns regarding safety issues in the States' Building, and recommended that provision be made to extend the existing emergency light to allow members to see when negotiating the stairway leading to the ladies' toilet, as the light in this area was switched off at night, which had rendered the stairway unsafe as the switch was difficult to locate in the dark.
- c) The Committee agreed that its next meeting would be held on Wednesday, 11th June 2008, commencing at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square.