

PRIVILEGES AND PROCEDURES COMMITTEE

(53rd Meeting)

2nd March 2010PART A

All members were present.

Connétable J. Gallichan of St. Mary, Chairman
 Senator B.I. Le Marquand (not present for item Nos. A1 to A4 inclusive, not present for item No. B3)
 Deputy J.B. Fox
 Deputy J.A. Martin
 Deputy C.H. Egré (not present for item Nos. A7 to A12 inclusive, not present for item No. B4)
 Deputy M. Tadier
 Deputy M.R. Higgins

In attendance -

Mrs. A.H. Harris, Deputy Greffier of the States
 Miss A-C. Heuston, Clerk to the Privileges and Procedures Committee

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

Draft Freedom of Information (Jersey) Law 201-. 670/1(21)

A1. The Committee, with reference to its Minute No. A1 of 9th February 2010, gave further consideration to the draft Freedom of Information (Jersey) Law 201-. Senator B.I. Le Marquand was not present for the consideration of this item.

a) Records management

The Committee referred to a memorandum circulated by the Deputy Greffier of the States dated 12th February 2010 which summarised the Committee's previous decisions. Consideration was given to the final point in connexion with records management, and it was **agreed** that the draft legislation should include a requirement to manage documents appropriately and to keep records in good order sufficient to meet the requirements of the proposed Law. It was **agreed** that the Public Records (Jersey) Law 2002 should also be amended to include a corresponding provision.

b) Draft Freedom of Information (Jersey) Regulations

The Committee received the draft Freedom of Information (Jersey) Regulations and had particular regard to fees payable and the prescribed excess amount, as set out under Regulations 3 and 4 of the draft. The Committee noted a prospective figure of £1,000 had been included in respect of what constituted an excessive cost for supplying information under Article 15(1) of the draft Freedom of Information (Jersey) Law 201-. The Committee noted that the U.K. Freedom of Information Act denoted appropriate costs limits of £600 for central government and £450 for other public authorities, and **agreed** that research should be carried out to determine how those figures had been arrived at. The Committee also wished to be advised as to how the standard rate for staff costs of £25 per hour had been calculated.

c) Council of Ministers

The Committee received correspondence dated 12th February 2010 from the Chief Minister, Senator T.A. Le Sueur. The Committee noted that the Council of Ministers had discussed the proposed legislation at its meeting of

11th February 2010, and wished to invite the Committee to attend a meeting in the near future. The Committee noted that a provisional date of 1st April 2010 had been scheduled, and **agreed** that it would attend.

d) Information Commissioner, Cayman Islands

The Committee noted that Mrs. J.P. Dilbert M.B.E., J.P., Information Commissioner, Cayman Islands, would be in Jersey on 22nd and 23rd March 2010 and had agreed to discuss the implementation of freedom of information legislation. Mrs. Dilbert would attend a meeting with the Committee at 10.45 a.m. on 22nd March 2010, followed by an officer meeting in the afternoon, and would give a presentation to all States members at 12.45 p.m. on 23rd March 2010.

The Deputy Greffier of the States was **requested** to take the necessary action in respect of the aforementioned decisions.

States Members' Remuneration Review Body recommendations for 2009 to 2011: pension scheme.
1240/3(85)
1240/3(73)

A2. The Committee, with reference to its Minute No. A1 of 27th November 2009, gave further consideration to the possible provision of a pension scheme for States members. Senator B.I. Le Marquand was not present for the consideration of this item.

The Committee recalled that it had presented the report: States Members' Pension Scheme, to the States on 30th November 2009 (R.132/2009 refers). Consultation on the report had closed on Friday 29th January 2010, by which date no responses had been received. The Committee received e-mail correspondence dated 25th February 2010 addressed to all States members from Deputy P.V.F. Le Claire which suggested that the Committee had allowed the matter to 'slip' and suggested that consultation on the report be extended. The Chairman had responded on the same date to advise that a decision on the way forward would be dealt with shortly.

The Committee noted that the revised Article 44 of the States of Jersey Law 2005 had come into force on 3rd April 2009 and had specified that 'remuneration' did not include payments out of the consolidated fund to an elected member as an allowance in respect of his or her contributions to a superannuation fund or pension scheme for his or her benefit. The Committee considered that it was required to pursue the recommendation of the Review Body in the light of the revised Article 44, and **agreed** to invite the Review Body to develop a scheme, to be brought to the States for debate.

The Chairman was **directed** to write to the Chairman of the Review Body to invite consideration of the development of a scheme through which the States would make matched contributions to individual States members' private pension schemes. The Chairman was also **directed** to write to Deputy Le Claire to advise him of the Committee's decision.

Article 8(2) of the States of Jersey Law 2005.
450(9)

A3. The Committee received e-mail correspondence, dated 18th February 2010 from Deputy J.B. Fox, in connexion with the possible revision of Article 8(2) of the States of Jersey Law 2005. Senator B.I. Le Marquand was not present for the consideration of this item.

The Committee recalled that, at its meeting of 18th February 2010, Deputy Fox had drawn members' attention to Article 8(2), which provided for a member to be automatically disqualified if they were not resident in Jersey for a period of more than 6 months (Minute No. A1 of the Committee's meeting of 18th February 2010 refers). Concern was expressed that 6 months may be too long a period of absence, and that the Article would not apply if a member remained in Jersey but chose not to attend meetings of the Assembly. The Deputy therefore requested that prompt consideration be given to the revision of Article 8(2). The Committee **agreed** that it would be minded to strengthen the current provision and that information should be sought in respect of eligibility for electoral registration as a voter, in order to assess

whether there should be a link between the 2 matters.

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

Information
technology
provision for
States members.
1240/9/1(137)
1240/26(9)

A4. The Committee, with reference to its Minute No. A2 of its meeting of 9th February 2010, received a report in connexion with the process followed for the issuing of BlackBerries to States members and the bill payment process. Senator B.I. Le Marquand was not present for the consideration of this item.

The Committee noted that BlackBerries had been provided on a pilot scheme, with the cost being met by Information Services until November 2009, when responsibility was transferred to departments. Under the current policy, applicants were required to complete an acceptable use policy and agreement, and an authorisation form, before a BlackBerry would be issued. The user would then be billed by Cable and Wireless, with the bill being sent to the Parish Hall for Connétables; to the department for Ministers and approved States employees; and to States members' home address. The Committee discussed the need for parity and agreed that consideration should be given to the centralised provision of BlackBerries to all States members in the same way as members were provided with a laptop and telephone line. The Committee **agreed** that the cost of the contract should be met centrally, but bills should be paid by individual members. It was noted that, under the present contract, calls to Team Talk numbers were free, so the majority of business-related calls would not incur a charge. Members could also use wireless internet access where possible. Personal calls and roaming charges should be paid for by the member themselves, and, should a member wish to be reimbursed for costs incurred in respect of States business outside of the Team Talk framework, they should settle their bill in the usual way and submit an itemised, annotated, copy centrally with a request for reimbursement.

It was **agreed** that the Chairman should contact Information Services to invite the department to comment in respect of the feasibility of such an approach, and its administration. The Chief Minister should then be contacted to discuss a suitable way forward.

Review of the
Code of Conduct
for Elected
Members and
disciplinary
sanctions
1240/4(166)

A6. The Committee, with reference to its Minute No. A5 of 11th December 2009, received a report prepared by the Greffier of the States in connexion with disciplinary sanctions, and a draft amendment to Standing Orders prepared by the Law Draftsman in accordance with the Committee's report: Code of Conduct for Elected Members and disciplinary sanctions: review, which had been presented to the States on 16th October 2009 (R.116/2009 refers).

The Committee discussed the draft report and proposition entitled: Amendment (No. 13) of the Standing Orders of the States of Jersey, and **agreed** that further clarification was required in the report in respect of the need for 6 signatures on any suspension proposition brought by the Privileges and Procedures Committee. The Committee also **agreed** that the report should emphasise that investigations under the Code would be dealt with expediently, and that a protocol should be drafted detailing the timetable for dealing with complaints.

It was **agreed** that the Greffier of the States should be requested to amend the report accompanying the proposition accordingly.

Identity cards for
States members.
1240/9/1(154)

A7. The Committee, with reference to its Minute No. A7 of 11th December 2009, received 3 template identity cards in connexion with the provision of identity cards for States members. Deputy C.H. Egré was not present for the consideration of this item.

The Committee recalled that it had requested the production of a template identity card in order to assess whether it would be suitable to offer to all States members. Having considered 3 different formats, the Committee **agreed** upon its preferred

version. It was **agreed** that the identity cards should be made available on a voluntary basis and that members should be able to specify how their name would appear on the card.

The Chairman was accordingly **requested** to write to all States members to advise them that identity cards were available.

States members'
facilities.
1240/9/1(137)

A8. The Committee, with reference to its Minute No. A10 of 11th December 2010, gave further consideration to a report in connexion with its survey of States members regarding facilities. Deputy C.H. Egré was not present for the consideration of this item.

The Committee noted that 71 per cent of States members had responded to the questionnaire. The Committee noted the frequency with which the communications room, the interview rooms and the common room were used by States members, and the additional facilities which members would like the Committee to consider. The Committee noted that, while the installation of more computers and printers, larger workstations, and the allocation of greater privacy in the communications room would be of benefit, this would be most easily accommodated through the conversion of the common room, which 65 per cent of respondents thought should remain as per its current use. It was **agreed** that the Finance and Administration Manager should investigate the cost of installing improved printers, and that consideration should be given to the alternative option of installing computers in the coffee room so that members would have computer access in closer proximity to the States Chamber.

A request had been received for the removal of the code on the photocopier, however, members recalled that this had been applied in order to prevent misuse, and it was **agreed** that it should be retained for this purpose. An interest was expressed in obtaining the official report "Hansard" more immediately following a States sitting and the Committee **agreed** that the possibility of uploading the unedited transcript to the intranet upon receipt, to be removed once the edited transcript became available, should be looked into. The Committee **agreed** that Skype and webcams should be included as standard when States members were next issued with laptops. The Committee discussed whether daily newspapers should be made available, and **agreed** instead that a copy of the Economist should be ordered on a 6 month trial basis. The Committee **agreed** that stationary should be paid for using members' expenses allowance.

The Committee discussed office facilities for States members, and **agreed** that a site visit should be made to the old library building in Library Place. The Committee recalled that Deputy M.R. Higgins had agreed at its meeting on 11th December 2009 to prepare a report concerning online resources. The Deputy advised that he would do so in early course and the Committee **agreed** that discussions regarding the possible provision of a library for States members would be held at that time.

Draft Annual
Business Plan
2011.
447/1/1/5(1)

A9. The Committee received correspondence, dated 25th February 2010, from the Chief Minister, Senator T.A. Le Sueur, in connexion with the draft Annual Business Plan 2011. Deputy C.H. Egré was not present for the consideration of this item.

The Committee noted that the Chief Minister's Department was developing a detailed timetable for the Comprehensive Spending Review (C.S.R.) and was considering an appropriate date for the debate of the draft Annual Business Plan 2011. Following discussions between departmental officers and the Greffier of the States a suggested date of 14th September 2010 had been proposed. Concern was expressed regarding the amount of work to be carried out by Scrutiny during that time period. The Committee **agreed** that the draft plan should be lodged as early in July 2011 as possible, in order to allow sufficient time for its scrutiny, and that the States sitting should begin on Monday 13th September 2011, allowing the debate on the Business Plan to begin on Tuesday 14th September 2011.

The Chairman was **directed** to write to the Chief Minister in the above terms.

Trial Saturday
election.
424/2(68)

A10. The Committee considered a draft proposal of the Public Elections Working Party to trial an election on a Saturday. Deputy C.H. Egré was not present for the consideration of this item.

The Committee noted a draft recommendation of the Working Party, as follows:

“The Comité des Connétables advised that consideration would be given to the use of alternative buildings, such as schools, if lack of space proved problematic. However, this would require the school to be shut, or the election to take place on a Saturday. The Working Party believes it would be worthwhile to trial an election on a Saturday to ascertain if this would increase turnout, and recommends that this could perhaps be done initially for a by election.”

The Committee noted that elections were held on a Wednesday at present, in accordance with Article 17 of the Public Elections (Jersey) Law 2002, and that any amendment to the day upon which an election would fall could be made by Regulation. The Committee was minded to consider holding a trial Saturday poll, should a casual vacancy arise in the office of Senator, Deputy or Connétable.

The Committee **agreed** to request the Law Draftsman to prepare draft Regulations to enable the trial of a Saturday poll and to meet on Monday 8th March 2010 to discuss the matter further.

States of Jersey
Complaints
Board: meeting.
1386/6/1(1)

A11. The Committee was advised of a written question from Deputy F.J. Hill of St. Martin, to be asked of the Chairman during the States sitting of 9th March 2010 in connexion with the human rights cases before the States of Jersey Complaints Board. Deputy C.H. Egré was not present for the consideration of this item.

The Committee recalled that it had received correspondence from the Deputy of St. Martin dated 2nd June 2009 at its meeting on 19th June 2009 (Minute No. A4 of 19th June 2009 refers) in which the Deputy had expressed concern in respect of a previous decision of the Board to decline to consider human rights matters raised as part of a complaint. The Committee had noted that a recruitment process to identify new members of the States of Jersey Complaints Panel had been underway at the time, and that it had agreed that a meeting should take place with the Panel once it had been fully reconstituted.

The Committee noted that the Complaints Panel had been reconstituted on 11th September 2009 and the Chairman was **directed** to write to the Chairman to invite its members to attend a future meeting.

Work
programme.

A12. The Committee noted its ongoing work programme, as follows:

- (1) to continue to develop the draft Freedom of Information (Jersey) Law 200-
- (2) to discuss the single election day and free mailing for election candidates with Senator P.F.C. Ozouf at the Committee's meeting on 16th March 2010;
- (3) to receive updates from the Public Elections Working Party and the States Business Organisation Sub-Group;
- (4) to await further information from Property Holdings in respect of Standing Order 168 "Land Transactions".

Deputy C.H. Egré was not present for the consideration of this item.