

PRIVILEGES AND PROCEDURES COMMITTEE

(79th Meeting)

25th June 2008PART A

All members were present, with the exception of Senator M.E. Vibert, Deputy G.C.L. Baudains, Deputy J. Gallichan, from whom apologies had been received.

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

In attendance -

M.N. de la Haye, Greffier of the States  
 Mrs. A.H. Harris, Deputy Greffier of the States  
 Mr. T.J. Le Cocq, HM Solicitor General (for a time)  
 Mr. N. Guillou, 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  
 200-  
 670(1)

A1. The Committee, with reference to its Minute No. A6 of 11th June 2008, received an oral update from the Deputy Greffier of the States regarding the Draft Freedom of Information Law 200-.

The Committee was informed that the revision of the Draft Law by the Law Draftsman, in conjunction with the Deputy Greffier, was ongoing. In response to a query from the Chairman, it was noted that the draft would include provisions for an Appointed Day Act, which would allow States' Departments time to make arrangements to ensure compliance when the Law came into force.

The potential costs of implementing a Freedom of Information Law were discussed. The Committee recalled the response of the Departments received through the Chief Minister that the current Code of Practice on Public Access to Official Information had cost a negligible amount to States Departments. Whilst it was unclear how much the implementation of the law would cost, it was noted that past exercises had been carried out as regards the cost in other jurisdictions, and this information would be updated in time for lodging. The Chairman inquired as to how Departments would fund any extra costs. The Deputy Greffier advised that the date of bringing the law into force could be deferred in order to give Departments sufficient time to consider budgetary requirements and incorporate these into their budgetary planning processes and would be able to bid for extra funds in future years. It was also noted that Regulations could be drawn up in relation to charges which could include a provision to recoup the cost of complex requests for information and allow a Department to refuse a request for information if the cost of providing it were above a certain threshold. Regulations would be debated by the States who could determine their preferred way forward.

The Committee noted that the Law Draftsman was preparing questions in relation to amendments to the draft and these would be circulated in due course.

States Members'  
 Remuneration

A2. The Committee, with reference to its Minutes Nos. A4 of 28th May 2008 and A9 (a) of 11th June 2008, received an update from the Greffier regarding the

Review Body:  
Reconstitution.  
1240/3(86)

reconstitution of the States Members' Remuneration Review Body (SMRRB).

The Committee recalled that at its meeting of 28th May 2008, it had decided that the Jersey Appointments Commission (JAC) should be invited to be involved in the process of appointing the members of the SMRRB, and that the Greffier of the States had issued this invitation.

The Greffier informed the Committee that the JAC had declined this invitation, as the re-appointment of the SMRRB had not satisfied its criteria for involvement.

The Committee agreed the need for an independent to be involved with the procedure of re-appointing SMRRB. Consequently, it was agreed that Mr. I. Crich, Director of Human Resources for the States of Jersey, should be invited to advise on the selection process, and possibly, if he considers it appropriate, to assist himself.

Regulation of  
election  
expenses.  
1148/1(12)

A3. The Committee, with reference to its Minute No. B3 of 28th May 2008, considered information provided to the Greffier of the States by The Idea Works regarding the cost of an insert in the Jersey Evening Post (JEP) detailing the candidates standing for the forthcoming public elections.

The Committee recalled that at its meeting of 28th May 2008 the following discussion had taken place -

“The issue of free mailing to voters was discussed. It was agreed that as the costs to ensure free postage for election candidates standing for positions as Connétables and Deputies were far higher than had been envisaged, there would be no provision for this to be in place in time for the upcoming 2008 elections. In order to ensure parity, it was agreed that proposals for an insert in the Jersey Evening post detailing Senatorial candidates' proposed manifestos would also be rescinded. The Greffier advised the Committee that legislation could be put in place for the next set of elections ensuring that Jersey Post would provide a free postage service for election candidates. However, It was agreed that a website would be provided detailing the manifestos of all candidates standing for election.”

As a result, the Committee had agreed at that time that no insert should be provided. However, having considered the information presented by the Greffier, the Committee agreed that the costs involved would be far lower than had been previously expected, which would allow an insert to be prepared with details of all candidates, not simply those standing for Senator. It was agreed that the matter should be revisited.

Deputy I.J. Gorst noted that as nomination meetings were to be held on 16th September 2008, there would be insufficient time for a colour insert to be prepared before the elections in October 2008, and consequently it was agreed that the insert should be printed in monochrome. It was noted that a word limit for each candidate to provide a statement would be necessary but it was unclear at this time how much space could be afforded. Candidates who were standing for an uncontested position would not be given any space in the insert, but a note would be made listing those positions that were uncontested. It was agreed that the prior decision to provide a website should stand.

The Committee, having discussed the issue, agreed that its prior decision not to provide an insert in the JEP should be rescinded and that the approved advertising agency should be consulted regarding the potential format of the insert, so that a template for all candidates could be set out.

Code of Conduct

A4. The Committee, with reference to its Minute No. A2 of 11th June 2008,

for Elected  
Members.  
1240/9/1(110)

considered further the etiquette and attendance of members in the States Chamber.

The Committee recalled that its last meeting it had requested that the Greffier of the States draft a note to all members from the Chairman, and this was also considered. It was noted at this meeting that some members were failing in their duty to attend States sittings, and that there were numerous instances where proper etiquette had not been observed within the Chamber.

The Committee noted that there were persistent issues. Members closing doors noisily upon exiting the Chamber and failing to sit when being spoken to by the Bailiff were identified as notable issues, as well as members not standing fully when addressing the Assembly or posing a question. The possibility of providing a gavel for the Presiding Officer was also discussed.

The Committee noted that whilst there were issues regarding etiquette, on the whole members had achieved a good standard of conduct. It was felt that many problems simply stemmed from the fact that members had forgotten Standing Orders. Consequently it was agreed that a copy of Standing Order 99, relating to conduct and etiquette, should be appended to any note circulated to members so that they could be reminded of the requirements.

Deputy S.C. Ferguson raised the issue of circulation of States' Minutes. It was noted that at present these were mailed to all members, but that this was an unnecessary and costly activity, as members had access to this information via the States Assembly website. It was agreed that the Minutes could simply be placed in members pigeon holes within the States Building. It was agreed that members should be asked as to how they would like to receive this information in future.

Standing Order  
53 - 2nd roll call  
450/2(10)

A5. The Committee considered a request from Deputy J.A. Martin to revisit Standing Order 53 so that the status of members who were absent from a States sitting as they were off-island to conduct States business could be clarified.

Deputy S.C. Ferguson proposed that if a member was not present as they were conducting States business on the island during a scheduled States meeting, they should be recorded as "en défaut", as States meetings should always take precedence over other business. However, should any member be absent due to other commitments relevant to their role as a member of the States during an unscheduled sitting, they should be recorded as "excused".

The Chairman queried the role of the "défaut" and stated that perhaps it might be simpler if members were simply recorded as being "present" or "absent". However it was agreed that raising the "défaut" was a necessary provision that had provided an element of discipline within the Chamber.

The Committee inquired as to the procedure for raising the "défaut" on a member who had been recorded as "excused". The Greffier of the States advised the Committee that under Standing Order 54 (1) the return of a member under those circumstances would not require that the "défaut" be raised.

Pursuant to this, the Deputy Greffier of the States noted that Senator B.E. Shenton had tabled a written question which had asked the Committee to consider the publication of a summary of members' attendance and voting statistics. The Deputy Greffier presented the Committee with a draft answer, which stated the Committee's belief that the issue was not of sufficient importance to justify the resources required to undertake the task properly. The Committee approved this draft answer.

The Committee agreed that this item should be deferred for further consideration at its next meeting when the full Committee would be present. It was noted that any member off-island on States business would be recorded as "excused", regardless of

whether they were a Minister or a member of a Scrutiny Panel. Consequently it was also agreed that the Chairman would request Deputy Martin to specify the circumstances to which her inquiry had related.

Regulation of  
election  
expenses.  
1148/1(12)

A6. The Committee, with reference to its Minute No. A8 of 11th June 2008, received correspondence, dated 13th June 2008 from Mr. C. Bright, Editor of the Jersey Evening Post (JEP).

The Committee recalled that at its meeting of 11th June 2008 it was agreed that Mr Bright should be invited to attend the Committee's next meeting, in order to explain what the Committee had hoped to achieve with the regulations they had drawn up, and what procedures the Jersey Evening Post employed in the lead up to elections.

It was noted that Mr. Bright had reassured the Committee that the new regulations had been taken into account by the JEP, and that the Committee's concerns had been noted. Mr. Bright had declined to attend the meeting, but had extended an invitation to any member of the Committee to meet with him to discuss any concerns if they so wished.

Voter  
registration/  
turnout campaign  
for the 2008  
elections -  
2007 year end  
transfers and  
carry forwards.  
424/2(46).

A7. The Committee, with reference to its Minute No. A7 of 7th May 2008, gave further consideration to the voter turnout campaign for the forthcoming public elections in November 2008.

The Committee recalled that at the meeting of 7th May 2008, it was agreed that an advertisement would be placed in the Jersey Evening Post seeking expressions of interest from public relations companies in relation to management of the campaign, and that the Chairman and Vice Chairman had been delegated the responsibility for selection of the appropriate company.

The Committee was informed that five responses had been received, but that the Chairman and Vice Chairman had rejected three of the bids. Of the final two companies considered, it had been decided that The Idea Works had proposed the best ideas for the campaign. The Chairman informed the Committee that he had been impressed with the level of quality of the company's plans and the extent of research that they had carried out. It was noted that the proposal would include provision for establishing a website for candidates, and that the overall plans came well within the budget allocated. The Chairman noted that it would be possible, by re-allocating parts of the budget, for advertisements to be placed on the back of buses, and informed the Committee that this and other particulars would be discussed with the company in due course.

Deputy I.J. Gorst declared an interest and took no part in the discussion or resolution of this item

Scrutiny budget:  
2009  
510/1(15)

A8. Deputy I.J. Gorst, with reference to its Minute No. A3 of 28th May 2008, raised the issue of the Scrutiny budget for 2009.

The Committee recalled that at its meeting of 28th May 2008 it had agreed that the proposed reduction of Scrutiny's budget by £100,000 set out in the Comptroller and Auditor General's Spending Review Report should not be made. The Committee recalled that all unspent balances were returned to the Treasury at the end of the year, and that this would continue to occur. In addition, the Committee was not confident that this would be a genuine saving, but that the money would simply be re-allocated by the Treasury. It was noted that if the Committee wished to make the reduction, that in order to ensure it would be a definitive saving, a proposition to bring an amendment to the Business Plan, once lodged "au Greffe" would be the best way for this to be achieved.

The Committee discussed the matter further and agreed that whilst any reduction in States spending would be well received, the Scrutiny function could be compromised, as it was still a developing and expanding area, and that future budgetary cuts could be made based on the precedent set by any reduction approved. Deputy Gorst expressed the view that that this was a very viable reduction and that it should definitely be given strong consideration.

The Committee agreed that its prior decision would remain, and that the Scrutiny budget should not be reduced. Deputy Gorst requested that his dissent from the Committee decision be recorded.