

PRIVILEGES AND PROCEDURES COMMITTEE

(1st Meeting)

26th April 2002PART A

All members were present, with the exception of Deputy J-A Bridge, from whom apologies had been received.

In attendance -

M.N. de la Haye, Deputy Greffier of the States  
M.P. Haden, Committee Clerk.

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

Welcome

A1. The President welcomed the new Committee members to the inaugural meeting of the Privileges and Procedures Committee and expressed his intention to lead the Committee in a spirit of openness to the public.

Terms of  
Reference  
1240/22/1/6/1  
(2)

A2. The Committee noted that the States, in disbanding the House Committee had approved the draft Transfer of Functions (Privileges and Procedures Committee) (Jersey) Act 2002. It took note of its terms of reference as set out in the proposition of the Policy and Resources Committee as amended, adopted by the States on 26th March 2002 (P.23/2002), namely -

- (i) to review the practices and procedures of the States Assembly, including access to official information by States members, and to bring forward, for approval by the States following consultation with the Bailiff as President of the States, amendments to, or the redrafting of, the States of Jersey Law 1966, as amended, and the Standing Orders of the States of Jersey to facilitate the introduction and successful operation of the new system of government, and thenceforth to keep the States of Jersey Law 1966, as amended, (or any new legislation replacing the Law) and the Standing Orders under review;
- (ii) to develop and bring forward, for approval by the States, the terms of reference, conditions and facilities for Scrutiny Committees, and the Public Accounts Committee, and the cost implications and budgetary requirements thereof and, following the introduction of a ministerial system of government, to keep under review the arrangements for scrutiny to ensure successful operation of the new system of government;
- (iii) to review, and keep under review, in consultation with the Bailiff, as President of the States, the Greffier of the States, and following the introduction of a ministerial system of government, the Chief Minister and any other member or members as appropriate, the general procedures for the timely and efficient management of public business in the States Assembly, including the arrangements for dealing with private members' propositions;
- (iv) to review, keep under review and, as necessary, bring forward for the

approval of the States, proposals for the provision of the accommodation, services and facilities for members and officers of the States Assembly;

- (v) to review, keep under review and, as necessary, bring forward for the approval of the States, proposals for changes to the remuneration and expenses available to elected members, and proposals concerning how such payments should be determined;
- (vi) to develop and bring forward for approval by the States a Code of Conduct for all members of the States, to keep this Code under review, to put in place suitable arrangements for the enforcement of the Code, and in this context to promote high standards amongst members and to champion and defend the privileges of members;
- (vii) to bring forward for the approval of the States proposals for the provision of information to the public about the work of the States Assembly, and, following the introduction of a ministerial system, about the work of the Council of Ministers, the Scrutiny Committees, and the Public Accounts Committee, and to keep these public information services under review;
- (viii) to review and keep under review the Code of Practice on Public Access to Official Information adopted by the States on 20th July 1999 and, if necessary, bring forward proposals to the States for amendments to the Code including, if appropriate the introduction of legislation, taking into account the new system of government;
- (ix) in consultation with the Greffier of the States, to bring forward proposals, including resource requirements, for the approval of the States for the establishment of a service for the recording and transcription of States proceedings and, should the States so decide, for the recording and transcription of the proceedings of Scrutiny Committees, and the Public Accounts Committee;
- (x) to bring forward proposals to the States on the future composition of the Privileges and Procedures Committee, its powers and resource requirements, following the introduction of a ministerial system and, if necessary, to make proposals for revised or additional terms of reference for the new Committee; and
- (xi) in carrying out the responsibilities described in (i)-(x) above, to have regard to the legislative programme that will be in progress to enable the transition to a new system of government.

The Committee further noted the timescale of actions set out in the above proposition, and noted that it was required to bring forward proposals to the States, as follows -

**Before the end of August 2002:**

- (i) on the formation of scrutiny committees, in accordance with the Act of the States dated 28th September 2001, including the composition of, proposed method of appointment to, terms of reference of, and provision of facilities for Scrutiny Committees together with a detailed resource plan;
- (ii) on a Code of Conduct for members;
- (iii) on the provision of appropriate accommodation, services and facilities for

members;

- (iv) on the remuneration and expenses provision for elected members of the States, including roles such as ministers, chairmen of scrutiny committees, assistant ministers and others;

**Before the end of December 2002:**

- (v) on the provision of information to the public about the work of the States Assembly, and, following the introduction of a ministerial system, about the work of the Scrutiny Committees;
- (vi) on the Code of Practice on Public Access to Official Information;
- (vii) on the establishment of a recording and transcription service for the States Assembly and, should the States so decide, on the establishment of a recording and transcription service for the Scrutiny Committees;
- (viii) on proposals for amending, or re-drafting, the States of Jersey Law 1966, as amended, and the Standing Orders of the States of Jersey.

Vice President -  
appointment.

A3. The Committee, in pursuance of Article 31(1) of the States of Jersey Law 1966, as amended, appointed Deputy J-A Bridge as Vice-President.

States (2)

Authorised  
signatory.  
1240/22/1/6/1  
(3)

A4. The Committee approved the Committee Clerk, Mr M.P. Haden, as authorised signatory for the payment of Committee invoices and accounts.

The Greffier of the States was directed to send a copy of this Act to the States Treasurer accordingly.

C.I.Aud.  
T.O.S.

Carry Forward  
from House  
Committee 2001.  
1038/1/3/39(28)

A5. The Committee received a letter, dated 11th April 2002, from the Treasurer of the States with regard to the carry forward from 2001 to 2002 of the revenue balance of the House Committee in the sum of £20,003.

F.E.C.C.  
T.O.S.  
C.I.Aud.  
D.G.O.S.

The Committee, having noted that £14,955.86 of the 2001 revenue balance related to Public Access on Freedom of Information and that there was currently no ongoing project relating to the Code of Practice to which this sum had been committed, agreed to request the Finance and Economics Committee for authorisation to use this sum at its own discretion for work related to the tasks assigned to the Committee under its terms of reference.

The Committee further noted that the President had written to the President of the Finance and Economics Committee requesting a meeting to discuss resources for the Privileges and Procedures Committee.

The Greffier of the States was directed to send a copy of this Act to the Finance and Economics Committee.

Working method.

A6. The Committee considered its working method as follows -

Clerk

- (a) It was agreed that papers would be circulated as far as possible by e-mail, with copies to the Committee Clerk for central reference;

- (b) It was agreed that Committee Minutes would be made available to all States Members once signed, preferably through e-mail.
- (c) It was agreed that the Committee would welcome observers, including the media, to all its meetings;
- (d) The Committee considered the question of executive support and recalled that the States had agreed that adequate resources, both financial and manpower, be made available to the Privileges and Procedures Committee from the date of its establishment. It agreed that executive support, such as a research officer, would be required over and above the time the Deputy Greffier of the States and the Committee Clerk were able to commit to Committee business. The Committee recognised that a secondment process would take a considerable amount of time to secure an appropriate appointment. It considered the possibility of requesting assistance from the Machinery of Government team but was aware that there was an expectation that the Privileges and Procedures Committee should be seen to be independent of the Policy and Resources Committee in seeking to establish a robust system of scrutiny for the future ministerial style of government. It was agreed that the President and certain other representatives of the Committee would seek an early opportunity to meet with the Policy and Resources Committee to discuss the support that the Committee required to fulfil its terms of reference;
- (e) It was noted that Dr S. Chiang, Director of Computer Services, was keen to link into the work of the Committee;
- (f) It was agreed that a Gantt chart would be used to help plan the work of the Committee over the coming months.

Formation of  
Scrutiny  
Committees.  
1240/22/1(9)

D.G.O.S.

A7. The Committee noted that it was required to bring forward to the States before the end of August 2002 proposals for the formation of scrutiny committees, in accordance with the Act of the States dated 28th September 2001 including the composition of, proposed method of appointment to, terms of reference of, and provision of facilities for Scrutiny Committees together with a detailed resource plan.

The Committee recalled that the Implementation Plan referred to some models that would inform the Committee's work. It agreed that it needed to consider a model based on the decision-making process for Jersey, with a clear understanding of what scrutiny was and should be. This task should be given the highest priority in the Committee's initial workload. Deputy R.G. Le Hérisier was requested to take the lead in this respect.

The Committee agreed that it should examine scrutiny arrangements in Westminster and Scotland in the first instance. It confirmed the arrangements for members who were to visit the House of Commons on 30th April 2002 to hold discussions about the Select Committee system and to see Select Committees in action. It requested the Deputy Greffier of the States to investigate suitable dates and costings for a visit to the Scottish Parliament. It was further agreed that the Committee should examine the system of scrutiny in local government in the United Kingdom which might more closely parallel the scale and dynamics of the future system in Jersey. In addition, the Committee should look for the possibility of inviting to the Island visiting speakers from other jurisdictions with effective forms of scrutiny.

The Committee agreed to give further consideration to the issue of future scrutiny

arrangements at its next meeting.

Code of Conduct  
for Members.  
1240/9/1(11)  
792/4(20)

A8. The Committee noted that it was required to bring forward to the States before the end of August 2002 proposals on a Code of Conduct for members. Prior to consideration of the preparation of a draft Code, the Committee requested -

- (a) that a paper be prepared for its next meeting on the current arrangements in respect to the conduct expected of members;
- (b) that copies of the Code of Members of the House of Commons be circulated to members before the next meeting; and
- (c) that a paper be prepared on the key principles to be set out in the Code, for agreement by the Committee at its next meeting.

D.G.O.S.

On a related matter, the Committee requested the Deputy Greffier of the States to prepare a set of guidelines for States members regarding access to Committee Minutes.

Accommod-  
ation, services  
and facilities for  
members.  
1060/5/1(18)

A9. The Committee noted that it was required to bring forward to the States before the end of August 2002 proposals on the provision of appropriate accommodation, services and facilities for members.

The Committee recalled that the House Committee had already done a considerable amount of work on this issue and requested the Deputy Greffier of the States to prepare a paper for its next meeting summarising the current options.

D.G.O.S.

The Committee gave initial consideration to future requirements for a library, research facilities and distance learning. It agreed to consider the creation of a Facilities Sub-Committee at its next meeting.

Remuneration  
and expenses  
provision for  
members.  
1240/3(64)

A10. The Committee noted that it was required to bring forward to the States before the end of August 2002 proposals on the remuneration and expenses provision for elected members of the States, including roles such as ministers, chairmen of scrutiny committees, assistant ministers and others.

The Committee recalled that the House Committee had done a considerable amount of work on this issue, including a consultation document (R.C. 33/2001). It was also noted that the Commonwealth Parliamentary Association had recently issued a report on remuneration and the Committee requested that copies of this report be circulated to its members before the next Committee meeting.

D.G.O.S.

The Committee recognised that the matter of responsibility payments required very careful consideration and requested that a report be prepared for its next meeting to include some options and costings for the new system of government.

States of Jersey  
Law, 1966, as  
amended, and  
Standing Orders  
of the States of  
Jersey.  
1240/4(138)

A11. The Committee noted that it was required to bring forward to the States before the end of December 2002 proposals for amending, or re-drafting, the States of Jersey Law 1966, as amended, and the Standing Orders of the States of Jersey.

The Committee considered a request from Mr J. Harris, Manager, Machinery of Government Reform, to give high priority to the work on the States of Jersey Law in view of its crucial importance to the reform process. The Committee agreed that it would address this issue once the immediate tasks set down for the Committee had been commenced.

With regard to the Standing Orders of the States of Jersey, the Committee recognised that the review of Standing Orders carried out by the House Committee in 2000, which

had been suspended pending the publication of the Clothier Report on the review of the Machinery of Government, would have to be completely revisited in the light of the new ministerial form of government agreed by the States.

Special  
Committee to  
consider the  
Relationship  
between  
Committees and  
the States -  
President's  
statement on  
administrative  
appeals system,  
1386/2(61)

A12. The Committee considered the statement made to the States by the President of the Special Committee to consider the Relationship between Committees and the States on 23rd April 2002 regarding the operation of the administrative appeals system.

The Committee noted that the Special Committee intended to issue procedural guidelines on the operation of the administrative appeals system in the very near future. The Committee welcomed the measures being considered by the Special Committee and expressed the hope that the Special Committee would consult closely with it in any further reforms they might propose, in order to make the best use of resources and to link into the work on the formation of Scrutiny Committees.

The Greffier of the States was directed to send a copy of this Act to the Special Committee accordingly.

Special  
Committee

Proposed  
establishment of  
a Public  
Accounts  
Committee and  
an Auditor to the  
States of Jersey.  
1240/22/1(18)

A13. The Committee noted that, under its terms of reference, it was responsible for the development of a Public Accounts Committee. It recalled that the Public Accounts Committee and Auditor General Working Party had been established in October 2002 and was due to present its report shortly to the Policy and Resources Committee.

The Committee agreed that it was important to gain a clear understanding of the future relationship between Scrutiny Committees and the Public Accounts Committee.

The President agreed to write to the Policy and Resources Committee requesting that the report of the above Working Party be made available to the Committee once this report had been presented.

Date of next  
meeting.

A14. The Committee agreed that its next meeting would take place on 15th May 2002 commencing at 2.30 p.m. in the Peirson Room, Morier House.