

PRIVILEGES AND PROCEDURES COMMITTEE

(23rd Meeting)

9th August 2006PART A

All members were present, with the exception of Deputy G.C.L. Baudains, from whom apologies had been received.

Connétable D.F. Gray of St. Clement - Chairman  
 Senator S. Syvret  
 Senator M.E. Vibert  
 Connétable K.A. Le Brun of St. Mary  
 Deputy C.H. Egré  
 Deputy J. Gallichan

In attendance -

Mrs. A.H. Harris, Deputy Greffier of the States  
 D.C.G. Filippini, Assistant Greffier of the States (for a time)  
 Miss P. Horton, Clerk to the Privileges and Procedures Committee

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

2nd Quarter 2006  
 Financial Report.  
 422/10/1(80)  
**Encl.**

A1. The Committee, with reference to its Minute No. A2 of 30th June 2006, received and considered the 2nd Quarter 2006 Financial Report prepared by the Assistant Greffier of the States.

The Committee was advised that in accordance with the Public Finances (Jersey) Law 2005, non-Ministerial Departments were required to submit quarterly financial returns to the Treasury and Resources Minister for each of the four quarterly periods. The States Assembly budget was forecast to be approximately 2.9 per cent underspent at the end of 2006. It was noted that the States Assembly budget was approximately 46 per cent spent as at 30th June 2006 and there were no significant financial concerns arising at the end of the 2nd quarter period.

The Committee noted the States Assembly Quarterly Financial Report for the period ending 31st March 2006 and requested that a copy of the same be forwarded to the Minister for Treasury and Resources for information purposes.

Standing Order  
 26(3) and (4) and  
 72(5) and (6) -  
 Minimum  
 lodging period.  
 1240/4(178)  
**Encl.**

A2. The Committee, with reference to its Minute No. A4 of 26th July 2006, received and considered a report prepared by the Deputy Greffier of the States regarding the lodging periods for matters referred to a Scrutiny Panel.

The Committee recalled that it had been requested to consider amending Standing Orders to increase the number of sessions that matters could be referred to a Scrutiny Panel to six, giving a period of twelve weeks to carry out a review, and reduce to two weeks the necessary period of lodging for propositions from Scrutiny which specifically related to matters referred to a Panel under Standing Order 72(1) or (2). The Committee had agreed that prior to making a decision it would require more information regarding the recent instance when the Economic Affairs Scrutiny Panel

decided to lodge a stand alone proposition which could not have formed an amendment to the original proposition. In this regard the Committee noted the proposition which, although not adopted by the States, was a valid proposition for debate and received support from 16 members. The States had resolved to consider the matter early under Standing Order 26(7) which provided that an early debate was allowed if the matter was of “such urgency and importance” that “delay would be prejudicial to Jersey”.

The Committee did not consider that the need was yet proven, and agreed that it would be beneficial for the Chairman and the Vice-Chairman to conduct a review of Scrutiny. It was agreed that they would meet with each of the Scrutiny Panels in order to discuss with them the operation of Scrutiny, this would provide the Chairman and Vice-Chairman with an opportunity to ask questions and to find out how Scrutiny functioned. The Committee further agreed that it would be appropriate to discuss the issue of lodging periods for stand alone propositions at the same time as the abovementioned review.

The Committee then considered the request to extend the period of time allowed by Standing Orders for a Scrutiny Panel to review a draft Law or draft Regulations. It was noted that the Economic Affairs Panel was recommending that the time period allowed for a review be increased from eight weeks up to twelve weeks. The Committee was of the opinion that it could be beneficial to Scrutiny Panels if the time period allowed for them to review a matter was extended with an upper limit of twelve weeks, however, prior to making a decision it was agreed that the Council of Ministers would be consulted in order to establish their views on the matter.

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

Freedom of Information Law - Consultation: recommend-ation of the Council of Ministers for an audit.  
670/1(3)

A3. The Committee, with reference to its Minute No. A3 of 26th July 2006, considered the draft Freedom of Information Law 200 - and welcomed Mr. C. Borrowman, Assistant Law Draftsman to the meeting.

The Committee recalled that it had sent the draft Freedom of Information Law out for consultation and in this regard it gave preliminary consideration to the responses which had been received.

Senator S. Syvret raised several points on various exemptions in the proposed Law and requested that a public interest disclosure clause be included in the legislation, it was agreed that the Assistant Law Draftsman would prepare a report outlining suggested revisions to the Law. The Assistant Law Draftsman also invited Members to advise him of any further changes they would like made to the proposed Law.

The Committee asked that the working draft Law incorporate a note of all comments received at the appropriate point in the document, together with the States' Greffe comment and recommendation.

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

Social Affairs Scrutiny Panel - division to create a fifth scrutiny panel.  
516(1)  
**Encl.**

A4. The Committee, with reference to its Minute No. A2 of 26th July 2006, discussed the proposed split of the Social Affairs Scrutiny Panel and the establishment of a fifth Scrutiny Panel.

The Committee recalled that the States had adopted the proposition entitled “Social Affairs Scrutiny Panel: Division to create a fifth Scrutiny Panel” (lodged “au Greffe” on 26th May 2006 by the Chairmen’s Committee) agreeing to the principle of establishing a fifth Scrutiny Panel. The Committee had been advised that the funding

required for the establishment of an additional Scrutiny Panel would be £90,000 for consultancy and £98,000 for two Scrutiny Officers making a total of £188,000. The Committee had agreed that an amendment to the Annual Business Plan should be prepared requesting £188,000 and that it should be suggested that each of the ten departments contribute a proportion of their budget towards this amount, However it was agreed that prior to this the Treasury and Resources Minister should be asked whether the necessary funding could be provided from the budgets of the ministerial departments.

In this regard the Committee considered correspondence dated 9th August 2006, received from the Minister for Treasury and Resources in connexion with the budgetary issues and the establishment of a fifth Scrutiny Panel. It was noted that the Minister would be prepared to support the Committee in making a case for utilising funding from carry forward balances to operate the additional Panel in 2007. The Committee agreed that the Chairman should convene a meeting with the Minister to discuss how best to move forward with this issue.

The Committee considered an amendment to the Annual Business Plan which had been prepared by the Deputy Greffier of the States and it was agreed that, if a way forward was not established with the Treasury and Resources Minister, then it would lodge an amendment to the Annual Business Plan which would seek funding from each of the Ministries in equal amounts..

Senator M.E. Vibert was of the opinion that the funding requirements for each Scrutiny Panel should be looked at as it had been noted that whilst one Panel had already spent its allocated budget other Panels had not and requested that his dissent from the abovementioned decision be recorded.

Matters for information.

A5. The Committee noted the following matters for information -

- (a) correspondence dated 28th July 2006 sent to Senator T.A. Le Sueur, Minister for Treasury and Resources regarding Scrutiny - establishment of 5th Scrutiny Panel and other budgetary matters;
- (b) correspondence dated 28th July 2006 sent to Deputy P.J.D. Ryan, Chairman, Corporate Services Scrutiny Panel regarding the Freedom of Information Law - Scrutiny;
- (c) correspondence dated 28th July 2006 sent to Mr. J.M.E. Harris, Policy Adviser, Chief Minister's Department regarding the Freedom of Information Law consultation;
- (d) correspondence dated 28th July 2006 sent to The Secretary, Comité des Connétables regarding the Electoral Register;
- (e) correspondence dated 28th July 2006 sent to all non-executive Members of the States regarding the Constitutional Advisory Panel;
- (f) correspondence dated 28th July 2006 sent to Mr. I. Black, Treasurer of the States regarding States members remuneration: Social Security contributions;
- (g) correspondence dated 1st August 2006 sent to Mrs. A. Brée regarding a complaint about Senator T.J. Le Main's statement during the debate on the "Island Plan 2002, Policy H2: Field 91, St. Clement (P.70/2006)";

- (h) the Assistant Greffier of the States advised the Committee that there had been some developments with regard to member's Social Security contributions being paid direct to Social Security and he would prepare a report in connexion with this for consideration at its next meeting;
- (i) the Committee recalled that at its meeting held on 26th July 2006, it had agreed that a letter would be sent to Members reminding them of their responsibilities in respect of 'in camera' debates. The Committee was advised that following the meeting the Chairman had given further consideration to this matter and decided that a letter was not the best means of communicating this decision, consequently a letter had not been sent to Members; and
- (j) the Committee confirmed that its next meeting would be held on Wednesday 20th September 2006, commencing at 9.45 a.m. in the Le Capelain Room, States Building, Royal Square.