

PRIVILEGES AND PROCEDURES COMMITTEE

(4th Meeting)

14th June 2002PART A

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

In attendance -

D.C.G. Filipponi, Executive Officer
M.P. Haden, Committee Clerk.

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

Minutes

A1. The Minutes of the Meeting held on 24th May 2002, having been previously circulated, were taken as read and were confirmed.

Resources:
Financial
requirements for
remainder of
2002.
1038/1/3/39(28)
1240/22/1/6/2
(1)

A2. The Committee, with reference to its Act No. A2 of 15th May 2002, received a report, dated 30th May 2002, prepared by the Deputy Greffier of the States and the Executive Officer regarding its financial requirements for the remainder of 2002.

The Committee recalled that the only funding currently available was the small budget of the former House Committee (which was required to pay for States Members' lunches and the fax/copier in the Members' room) and a 'windfall' carry forward of the £14,955 from the budget of the former Special Committee on Freedom of Information which was transferred to the House Committee in 1999 and which it had requested it could use at its own discretion for any of its work.

C.I.Aud.
F.E.C.C.
T.O.S.
Ex.Off.

The Committee noted that the following items and estimated costs had been identified as the principal requirements -

Office administration costs of Privileges and Procedures team	£ 7,000
Rental of office in Morier House (to be confirmed)	£ 8,000
Research/seminars	£10,000
Facilities for seminars - hire of rooms charges	£ 5,000
Travel - visits to other jurisdictions	£10,000
Books - to be added to any future members' library	£ 5,000
Total	£45,000

The Committee decided to request the Finance and Economics Committee -

- (a) to approve the provisional budget of £45,000 as detailed above in respect of its budget for the remainder of 2002; and
- (b) to confirm that the carry forward from the House Committee might be used by the Privileges and Procedures Committee for any of its work.

The Committee noted that the President and Executive Officer would attend the

Finance and Economics Committee at its meeting of 19th June 2002 to discuss this request.

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

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

A3. The Committee approved the Executive Officer, Mr D.C.G. Filipponi, and Mrs J. Bourke, Administrator, as authorised signatories for the payment of Committee invoices and accounts.

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

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

Financial report
31.05.02.
1240/22/1/6/2
(1)

A4. The Committee, with reference to its Act No. A5 of 26th April 2002, received a Financial Report for the period ending 31st May 2002 and noted that its balance, including carry forwards from the House Committee and Freedom of Information, stood at £22,490.84.

Ex.Off.

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

A5. The Committee, with reference to its Act No. A3 of 24th May 2002, gave further consideration to arrangements for the planned Seminar on Scrutiny to be held on 1st July 2002.

Ex.Off.

The Committee noted that Dr C. Game of the Institute of Local Government Studies, Birmingham had agreed to be main speaker at the Seminar on different models of scrutiny in the United Kingdom. The President had met with Dr C. Game in London to brief him on the local situation in Jersey. Senator W. Kinnard agreed to act as Facilitator in the Group session. The Executive Officer was requested to prepare an issues pack for States members in advance of the seminar.

On a related matter, the Committee noted that the President of the Health and Social Services Committee had agreed to allow recent agenda papers and Minutes from his Committee to be used as part of a 'shadow scrutiny' exercise, on condition that confidential information relating to individuals was not included in the papers so used. The President undertook to review the papers to select the items to be considered.

The President also gave an oral report on the recent visit to the Scottish Parliament made by a delegation from the Committee, including himself, Senator C. Stein and the Executive Officer. The officers whom they had met in Scotland were keen to share the results of the research they had already carried out into models of scrutiny. The delegation had also obtained a video of question time in the Scottish Parliament. The Committee was advised that this time was seen as a key element in the Parliament and an opportunity for effective, robust questioning rather than political point scoring.

On a further point related to Scrutiny, the Committee noted the response of H.M. Attorney General to the request made by the President to visit Professor J. Jowell who had been advising the Policy and Resources Committee on the constitutional relationship between the States and the United Kingdom. H.M. Attorney General had expressed the view that it would be more appropriate for a joint meeting to take place including himself in order that relevant advice would be consistent. The Committee agreed that this instance highlighted the requirement for clarification of the responsibilities of H.M. Attorney General to provide legal advice under the new Ministerial system and for Scrutiny Committees in the future to have access to independent legal advice.

Accommodation, services and facilities for States members.
1060/5/1(18)

Ex.Off.

A6. The Committee received an oral report from the Vice President regarding a recent meeting of the P.70 group on the refurbishment of the States building.

The Committee noted that Stage 1 of Phase I of the refurbishment contract was nearing completion. Stage 2 involved work which was much closer to the States Chamber. The Committee recalled that the original plan was to stop work during planned States meetings and provision was allowed in the contract for a certain number of pre-planned days. However, with the extra sittings being proposed it was unlikely that the extra days allowed in the contract would be sufficient with the result that additional costs would be incurred. The Committee was advised that the former House Committee had considered the feasibility of the States meeting at an alternative venue for the remainder of Phase 1 but had rejected this option on the grounds of cost. The Vice President agreed to review the relevant papers of the House Committee and the Committee agreed to give further consideration to the matter at its next meeting.

The Committee also gave further consideration to the appropriate manner in which to consult with members on the requirements for accommodation, services and facilities. It was agreed that a list of suggested items should be drawn up rather than an open style questionnaire.

Report and Proposition on Restriction of the Length of Question Time (P.93/2002)
1240/22(23)
1240/4(149)

Ex.Off.
Pub.Ed.
States (2)

A7. The Committee received a report, dated 30th May 2002, prepared by the Deputy Greffier of the States in connexion with the Report and Proposition on the Restriction of the Length of Question Time (P.93/2002), lodged by Deputy A.J. Layzell on 28th May 2002.

The Committee was aware of the concern that had prompted Deputy Layzell's proposition due to the length of question time on a number of recent occasions together with the cost in Department time in researching answers. It recalled a recent instance when a question had been based on hearsay which had turned out to be without foundation, yet had caused the relevant Department a great deal of time, effort and cost to discover the facts of the matter. The Committee, however, agreed that it would be inappropriate at this stage to express any strong support for the proposal in isolation. It recognised that some members would perceive the measure as a severe restriction on the rights of individual members and, as a result, support for the proposition could damage the Committee's credibility as the independent 'champion' of members. The Committee intended, as part of its revision of the Standing Orders of the States of Jersey, to seek the views of all members and to look at best practice in other jurisdictions. It was possible that changes might be suggested to the manner of asking questions but if this were the case there would need to be adequate safeguards to ensure that all members were afforded adequate opportunities to obtain information and scrutinise Committee Presidents (and, in due course, Ministers). It was possible that alternative mechanisms would need to be in place before limitations could be imposed on question time.

The Committee accordingly agreed to request Deputy Layzell to withdraw the proposition to allow the issue to be considered in a wider context. It endorsed the draft comments prepared by the Deputy Greffier of the States, subject to the inclusion of a number of revisions put forward by the Vice President.

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

Policy and Resources Committee: Draft

A8. The Committee gave initial consideration to the draft Report and Proposition of the Policy and Resources Committee on the Structure of the Executive.

<p>Report and Proposition on the Structure of the Executive. 1240/22/1(18)</p>	<p>The Committee noted that the draft report and proposition had been released to all States members before it had been afforded the opportunity to make any considered comments. It was of the opinion that it would have been better to delay releasing the draft projet in order that any comments it might wish to make might have been incorporated in the draft report and proposition before publication. This would avoid the impression of the Committee seeking to introduce amendments to the Policy and Resources Committee's proposition.</p>
<p>Ex.Off. C.E., P&R P.R.E.O. P.R.C.C.</p>	<p>In addition, the Committee noted that some initial comments made informally by the President to another member had been conveyed to the Policy and Resources Committee in advance of the Privileges and Procedures Committee having the opportunity for proper consideration of its comments. The Committee expressed its regret at this course of action.</p>
	<p>The Committee requested that all States Members be informed that it had begun consideration of the draft report and proposition and that it intended to finalise its comments shortly. The President agreed to prepare his suggested amendments and revisions to the draft report and proposition over the weekend and the Committee agreed to consider them as soon as possible.</p>
	<p>The Greffier of the States was directed to send a copy of this Act to the Policy and Resources Committee.</p>
<p>Draft Code of Direction - Financial information to be provided in support of matters to be considered by the States. 1038/1(48)</p>	<p>A9. The Committee, with reference to its Act No. A7(b), of 24th May 2002 considered the draft Code of Direction prepared by the States Treasury on Financial Information to be provided in support of matters to be considered by the States. It noted Act No.B1, dated 5th November 2001, of the former House Committee in which the Deputy Treasurer had made a presentation to that Committee in this regard.</p> <p>The Committee noted that the House Committee had expressed reservations regarding the ability of individual members to provide the required information without adequate impartial assistance. The Deputy Treasurer had agreed to redraft the Code of Direction taking the House Committee's concerns into account.</p>
<p>C.I.Aud. F.E.C.C. T.O.S. Ex.Off.</p>	<p>The Committee agreed that it would be happy to consider any new draft Code of Direction that had been prepared following the above meeting.</p> <p>The Greffier of the States was directed to send a copy of this Act to the Finance and Economics Committee.</p>
<p>Disqualification of States Members. 1240/1/2(27) Ex.Off. Leg.C.(2)</p>	<p>A10. The Committee was advised by Senator W. Kinnard, in her capacity as President of the Legislation Committee, that her Committee had been considering the question of the possible disqualification of candidates for election as States members on the grounds of supplying false information about themselves in their election nomination papers. The Legislation Committee considered that a declaration form should be devised for candidates to sign in this respect. It further considered that it would be appropriate for the Privileges and Procedures Committee to take the matter forward.</p> <p>The Committee agreed to the request and directed the Sub-Committee currently examining the Code of Conduct for Members to bring forward a proposal for consideration at a subsequent meeting.</p> <p>The Greffier of the States was directed to send a copy of this Act to the Legislation Committee.</p>
<p>Provision of</p>	<p>A11. The Committee gave initial consideration to the question of provision of</p>

Information.
1240/22/1/6/1
(11)

information to the public about the work of the States.

Ex.Off.
All Ctts.

The Committee was advised of the difficulty experienced by the Vice President in obtaining certain documents from the Policy and Resources Department on behalf of a constituent. These documents had not been available at the States Bookshop. The Committee agreed that, pending the implementation of a fully considered strategy on the provision of information to the public, it would request all Committees to review its policies in this respect and to ensure that documents of public interest were made available in the States Bookshop.

The Greffier of the States was directed to send a copy of this Act to all Committees.

Outstanding
Committee items.

A12. The Committee received and noted a report outlining its outstanding action items.

Date of next
meeting.

A13. The Committee confirmed that its next meeting would be held on Thursday 27th June 2002, commencing at 3 p.m. in the Halkett Room, Morier House.