

PRIVILEGES AND PROCEDURES COMMITTEE

(19th Meeting)

23rd September 2004PART A

All members were present, with the exception of Senator P.V.F. Le Claire, Deputy C.J. Scott-Warren, from whom apologies had been received.

Deputy R.G. Le Hérisier  
 Connétable D.F. Gray  
 Deputy P.N. Troy  
 Deputy J-A. Bridge (not present for items A1, A2, A5 and A7)  
 Deputy J.A. Bernstein

In attendance -

M.N. de la Haye, Greffier of the States  
 Mrs. S. Stoten, Acting Committee Clerk

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

Electronic Voting  
 - publication of  
 results of appels  
 on States  
 Assembly  
 website.  
 1240/22(8)

A1. The Committee considered a report, dated 23rd August 2004 from the Greffier of the States regarding the feasibility of publishing the results of appels on the States Assembly website to provide the public with information regarding members' voting record.

Following deliberation it had been determined that the information would be entered into a database to enable the results to be displayed either by vote (how each of the members present voted in a particular debate) or by member (how a particular member had voted over a certain period of time on a range of issues). The latter information was deemed especially valuable at election time. Members noted that the each voting record would be recorded by one of the following –

- (i) voted “pour”;
- (ii) voted “contre”;
- (iii) abstained from voting;
- (iv) absent through illness;
- (v) out of the Island;
- (vi) “en défaut”; or
- (vii) not present in the Chamber for the vote.

In light of the above, the Committee gave consideration to the votes which should be included in the database. The Greffier of the States advised that it may be prudent to withhold unimportant procedural voting to avoid complexity when conducting a

search, thereby ensuring that the system was accessible. **The Committee expressed its support for this tool and agreed that Closure Motions should be included in the records but that purely procedural propositions such as adjoining motions did not warrant inclusion.**

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

Draft Public  
Finances  
Administration  
(Jersey) Law  
200- propositions  
with financial  
implications.  
447(1)

A2. The Committee, with reference to its Act No. A8 of 5th March 2004, considered a report, dated 18th June 2004, prepared by the Greffier of the States regarding the Draft Public Finances Administration (Jersey) Law 200- and, in particular, the two areas of outstanding disagreement between the Committee and the Finance and Economics Committee. In this regard, it was recalled that it might be appropriate for the Committee to bring forward amendments on these issues.

The Committee recalled that the two issues of contention related to –

L.D.

- (a) the future funding mechanism for the Assembly; and
- (b) the ability of members to bring forward propositions with financial implications for the new system.

Having regard to the former, the Committee had agreed on 5th March 2004 to propose an amendment to ensure that the independence of the budget of the States Assembly was preserved and not unduly influenced by the Council of Ministers, particularly in relation to the scrutiny budget.

In respect of the latter, the Committee was apprised of the details and consequence of the current system wherein at present there was no restriction on propositions being brought forward which, if adopted, would have financial consequences. Notwithstanding the above, it was often the case that while these propositions were approved by the States they were effectively “ignored” as no funds were made available from the Finance and Economics Committee or identified in process such as the Fundamental Spending Review. In this accord, the Committee noted that the new draft Public Finances Law would, as drafted, stop any such proposition being brought forward by members in the new system.

Having been apprised fully of all related matters, the Committee was of the opinion that the present system was extremely unsatisfactory given that it effectively allowed the States to be ignored. Accordingly, it deliberated whether an amendment, contrary to the strong advice of the Finance and Economics Committee, should be proposed to require the Council of Ministers to include any spending decisions approved by the States in the next Annual Business Plan.

**Following careful consideration, the Committee was minded to accept the draft Law in its current form although it agreed that the lodging period should be extended to eight weeks.**

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

Freedom of  
Information -  
progress and  
research.  
955(36)

A3. The Committee, with reference to its Act No. A1 of 23rd August 2004, received an oral report regarding progress made to date on the Freedom of Information Law and arrangements for further research support and Law Drafting assistance.

With regard to Law Drafting assistance it was noted that Piers Baker, Strategic Development Co-ordinator, Jersey Harbours would be available to offer assistance.

**Accordingly, the Committee requested the Vice-President to work with the said Officer to progress the Law.**

States members' income support and expense allowance – publication of a list.  
1240/3(76)

A4. The Committee, with reference to its Act No. A7 of 16th September 2004, considered whether to re-introduce the publication of a list to identify the amount of remuneration received by each member.

The Committee recalled that the previous means tested scheme required the Treasurer of the States to prepare a list showing which members received income support and which members received expenses allowance. This list was retained in the States Bookshop and was available for consultation to anyone who wished to see it. This consisted of a list of names with ticks alongside those who claimed either or both allowances. It did not contain details of the amount of money received. On abolishing the means testing, the Committee had been minded that a list was no longer required since all members were entitled to receive remuneration and, therefore, was not deemed appropriate to maintain a list.

A.G.

In this respect, the Committee recognised that there had been concern expressed by the public that a list was no longer in existence. Following discussion the Committee was minded of the benefits of such a list and **it agreed that the States should be asked to agree that a list should be published. Further, the Committee felt that in the interests of openness and transparency the list should show the actual amounts claimed by each member rather than just the ticks used on the old list. The Committee decided that no further action should be taken until H.M. Attorney General had been consulted regarding whether there were any issues of privacy/confidentiality which might arise from this action.**

The Greffier of the States was requested to consult H.M. Attorney General accordingly.

States of Jersey Law 200-450(1)

A5. The Committee, with reference to its Act No. A9 of 16th September 2004, received an update from the Greffier of the States on the States of Jersey Law 200- and, in particular, noted that Senator S. Syvret had proposed amendments to the said Law.

The Committee recalled that a seminar had been held on 8th September 2004 at which the President had briefed all States members of the proposed changes introduced by the new Law and their implications. Of those members in attendance, the response had been both positive and inquiring.

The Committee noted that the matter would be debated on 9th November 2004 and agreed that the President should notify all States members that whilst amendments were anticipated it very much hoped to pursue a date of debate for 9th November 2004.

Schedule of States sittings for 2005– oral report from Deputy M.F. Dubras.  
1240/7/1(78)

A6. The Committee, with Deputy M.F. Dubras in attendance, considered the schedule of States sittings for 2005, and the Committee also received and noted notes of meeting held on 23rd August 2004 regarding the scheduling of elections, budget and appointment of Council of Ministers in November/December 2005, attended by the Bailiff of Jersey. H.M. Attorney General, Law Draftsman and the Greffier of the States.

**Encl.**

The Committee noted Deputy Dubras' proposal, a copy of which forms part of this Act, in particular and the general principles as follows –

- (i) the identification in advance of all potential 'extra' continuation days; and

- (ii) a break in meetings before the 2 sets of elections.

The Committee was advised that under Deputy Dubras' proposals, in addition to the traditional scheduled Tuesday sittings of the States, the Assembly would be reconvened on the Wednesday following a meeting and if necessary the following Tuesday (subject to amendments as necessary to accommodate Easter, Bank Holidays etc). Deputy Dubras felt strongly that Committees and Scrutiny Panels should be able to schedule their meetings without the risk of being disrupted. By introducing a break in meetings before the elections it was hoped that members would have more time available during the busy husting period.

The Committee recognised that there was a real need for consistency and continuity when planning the States sitting and thanked Deputy Dubras for the thought and hard work he had put into his submission. It was noted that there would be no need for changes to the current Standing Orders and that the publication of the scheduled dates would encourage members to effectively plan their timetables and introduce more control and discipline to future States sittings.

The Committee was conscious that there would be a considerable amount of business for the States to consider in the period leading up to the elections and the subsequent move to the new system of government. Taking account of the above factors, it concluded that it was likely that the Assembly would need, in 2005, to meet on a significant number of extra days on top of the normal schedule of fortnightly meetings set out in Standing Orders. The Committee was sure that members of the States would appreciate some certainty on the dates of possible additional meetings.

**The Committee endorsed the suggested approach proposed by Deputy Dubras with regard to the States schedule and agreed to take a proposition to the States in respect of these discussions. It was agreed that all States members should be consulted on the draft proposition prior to lodging.**

Joint Working  
Party on Electoral  
Reform - oral  
report from  
Chairman.  
424/2(15)

A7. The Committee, with reference to Act No. A1 of its meeting held on 13th May 2004, received an oral report from Deputy P.N. Troy as Chairman of the Joint Working Party on Electoral Reform.

The Committee recalled that it had agreed that the Working Party should investigate the whole area of electoral reform using revision of the public elections (Jersey) Law 2002 as a starting point. The Committee noted that the Working Party had discussed issues such as preferential voting, and alternative voting procedures. In this connexion it received a report, dated 18th August 2004, prepared by Mr. A. Lee entitled 'electoral systems and formulae: options for a multi-member districted non-party system'. The Committee recognised that many of the proposals and insights made by Mr. Lee would be more relevant when the composition of the States Assembly and the States of Jersey Law had been debated. Mr. Lee had been invited to take up a consultant role for the Committee with regard to future research but as yet no response had been received.

The Committee was apprised that whilst there were some opposing views held by the Working Party members, it anticipated a draft proposition would be available in due course for the Committee's consideration.

The Committee noted the position and looked forward to receiving a report in the near future.

Administrative Appeals System – Law Drafting brief.

1386/2(71)  
465/1(30)

E.D.C.(2)  
L.D.

A8. The Committee, with reference to its Act No. A2 of 30th January 2004, received an oral report from the Greffier of the States concerning the law drafting brief for the proposed amendments to the Administrative Appeals System.

The Committee recalled that it had approved a number of measures to improve the effectiveness of the said system and the Greffier of the States had been instructed to prepare the necessary documentation to present to the States.

In this accord, the Committee was advised that the consultation period for the brief had concluded at the end of July. During this process, no substantive comments had been received however, Deputy C.F. Labey had requested that the remit of the Appeals System be extended to include consumer utilities and generic consumer ombudsman. Whilst the Committee expressed its support for this provision, it was mindful that this System would not be the appropriate forum for consumer or utility specific appeals. The Greffier of the States was requested to advise Deputy Labey and Deputy Breckon, who had expressed similar view to that of Deputy Labey, accordingly.

The Committee recognised that the Economic Development Committee would be better placed to consider the notion of a consumer ombudsman and requested that a copy of this Act should be sent to their Committee.

Members noted the current position and agreed that the Appeals System complemented the Committee's work in respect of the Freedom for Information Law and Code of Conduct.

Committee's Action List.

A9. The Committee considered its Action List and priorities for the remainder of the year.

The Committee was apprised that the review of Standing Orders would be its highest priority up to the end of the year and that this work would include the development of a formal code of conduct for States members.

The Committee was requested the Committee Clerk to amend the action list where appropriate and noted that it would become a regular feature of future agenda to update the Committee on progress.

Budget 2005 – submission for States of Jersey Budget.

422/10/1(71)

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

A10. The Committee, with reference to Act No. A12 of its meeting held on 15th July 2004, received a draft submission in respect of its contribution to the 2005 Budget Book of the Finance and Economics Committee.

The Committee noted that its cash limit had been revised and the figure now stood at £5,233,400, which included the Fundamental Spending Review (FSR) growth and savings outcomes, corporate efficiency savings but excluded all general pay awards. It was further noted that the bid of £148,000 additional funding in respect of Hansard had been unsuccessful and this was excluded from the cash limit figure.

The Committee was apprised that the various narratives for submission to the Budget Book showed the allocation of its budget across its service areas and included a breakdown of expenditure and income, main aims and objectives, comparison of the net revenue expenditure to 2004 and a reconciliation of the budgeted full time equivalents for 2005.

**The Committee approved the draft submission and authorised its entry for incorporation in the States of Jersey Budget Book for 2005. The Assistant**

**Greffier of the States was authorised to forward the necessary information to the Treasurer of the States.**

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

Correspondence signed by the President for noting.

A11. The Committee noted various correspondence signed by the President as a result of actions from the previous meetings.

Security in the States Chamber. 1060/5(176)

A12. The Committee, with reference to Act A10 of its meeting held on 13th May 2004, recalled a letter had been sent to the President of the Environment and Public Services Committee in relation to security in the States Building.

E.P.S.C.(2)

Whilst the original letter had recommended a review of security procedures should be carried out every two years, **the Committee agreed such a review should take place annually. In light of the recent breaches in the Houses of Parliament, the Committee further requested that protocols should be distributed to all States members advising them of the appropriate course of action during a security breach, where necessary the police advice should be sought.**

It was further agreed that proper fire evacuation procedure should be re-issued to members to ensure that all were aware of the correct exits and collection points.

The Greffier of the States was requested to send a copy of this Act to the Environment and Public Services Committee

Items for Information.

A13. The Committee noted the following matters for information –

Act No. A2 of 30th July 2004 of the Home Affairs Committee regarding Corporate Efficiency Savings.

Scottish Parliament – gift for opening. 465/1(38)

A14. The Committee noted correspondence, dated 1st September 2004, from the Bailiff's chief officer regarding the purchase of a gift to commemorate the opening of the new Scottish Parliament Building, Holyrood House.

Bailiff

**The Committee agreed that a gift should be purchased up to the value of £250 and set the proviso that a piece of art work from the Foundation Art Course at Highlands College could be commissioned for this purpose.**

The Committee Clerk was requested to inform the Bailiff's Chambers accordingly.