

PRIVILEGES AND PROCEDURES COMMITTEE

(15th Meeting)

14th October 2002PART A

All members were present, with the exception of Senator C. Stein, from whom apologies had been received.

In attendance -

M.N. de la Haye, Deputy Greffier of the States  
D.C.G. Filipponi, Executive Officer  
P. Byrne, Executive Officer Designate  
A. Booth, Research Assistant  
M.P. Haden, Committee Clerk.

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

Visit to  
Birmingham  
County Council -  
scrutiny  
arrangements.  
1240/22/1(9)  
Ex.Dir.

A1. The Committee received an oral report, together with a draft press release, from the delegation, consisting of the President, Vice President, Deputy R.G. Le Hérisssier and Mr. P. Byrne, Executive Officer designate, in connexion with their visit to Birmingham County Council to view their scrutiny arrangements at first hand.

The Committee was advised that useful discussions had taken place with Councillor M. Olley, Chair of Scrutiny, and Mr. J. Cade, Head of Scrutiny. The delegation had received an insight into the way issues were chosen by the Chair of Scrutiny, the training of Committee members and lessons learnt from the Birmingham perspective. The delegation also observed a session of the Health and Social Services Scrutiny Committee and obtained information on the internet accessible database system used by Birmingham to record details of work in progress and decisions made where applicable. The delegation had taken notice of the data protection guidelines in force.

The delegation had also had useful discussions with both the Public Accounts Committee and the National Audit Office in London.

Pre-poll voting.  
424/2(2)

A2. The Committee discussed the experience of pre-poll voting which was taking place for the first time in the current senatorial elections.

F.C.

The Committee was advised by Deputy J-A Bridge that she had recently visited the Judicial Greffe to register her vote for the above elections. She had found that the attitude of staff was unnecessarily inquisitive and rather unhelpful. The Committee felt that voters should not have to give their reasons for choosing to vote in this way.

The President undertook to write to the Judicial Greffier in this respect..

Draft Report to  
the States.  
1240/22/1/6/1  
(2)

A3. The Committee, with reference to its Act No. A3 of 30th September 2002, gave further consideration to the latest draft of the report it was to present to the States in accordance with the Act of the States of 26th March 2002 (P.23/2002), as follows -

Ex.Off.

(a) **Section 1: Introduction** that reference should be made to the recent visit to Birmingham County Council.

- (b) **Section 2: Scrutiny** - The Committee noted that Deputy R.G. Le Hérisssier had made further changes to the ordering of this section in order better to make the argument for scrutiny moving from the general to the particular, from experience elsewhere to proposals appropriate for Jersey.

In addition, the Committee agreed, as follows -

- (i) **Public Accounts Committee (PAC)** - to insert an additional paragraph indicating that it did not accept the conclusions of the Policy and Resources Committee's Working Group on the Public Accounts Committee and Auditor General on the membership of the PAC. The Committee agreed to pursue further discussions with the Working Group in this respect and also to seek clarification of the respective roles of scrutiny and the PAC. The Committee intended to publish a separate report with its views in due course. In the meantime, the Committee reserved its position on the PAC;
- (ii) **Comptroller and Auditor General (CAG)**- to use this title in preference to Auditor General to avoid confusion with H.M. Attorney General (AG);
- (iii) **Terms of Reference for Scrutiny Panels** - to revise the draft terms of reference to clarify the proposed consultation process for draft legislation to include both green and white papers. The Committee requested that flow charts, obtained from Birmingham County Council, showing the processes for Executive decision making and the Call-in mechanism should be included in the appendices to the report;
- (iv) **'Regular' scrutiny** - to clarify its intention that scrutiny in Jersey should encompass every major area of government on a regular basis. It was not, however, intended that scrutiny should be confined to a rigid cycle in which every area was examined accordingly to a pre-arranged schedule. Forward planning was necessary for budgetary purposes but Scrutiny Panels should also be responsive to immediate issues of concern;
- (v) **Accountability** - to highlight the possible impact of positive endorsement of policies by Scrutiny Panels as well as their more critical functions;
- (vi) **Call-in mechanism and access to information** - to accept proposed amendments prepared by Mr. S. Drew, Assistant Legal Adviser. The Committee agreed that Scrutiny Panels should have the powers currently afforded to Committees of Inquiry to call for people to attend and papers to be made available. It was not intended that Scrutiny Panels should be heavy handed in their approach; rather co-operation was to be encouraged. However, it was important that Scrutiny Panels should have the power, in the last resort, to summon witnesses and demand records; and
- (vii) **Data Protection issues** - that further consideration was required in this respect. The Committee decided to invite the Data Protection Registrar to a subsequent meeting.

- (c) **Section 3: Code of Conduct** - The Committee noted that the Bailiff had indicated that was content with the proposals.
- (d) **Section 4: Facilities** - The Committee agreed that an urgent meeting with the Public Services and Finance and Economics Committees was required in order to clarify the position with regard to progression to Phase II of the States Building refurbishment contract. The Committee also agreed that a briefing was required in respect of the provisions for Phase II proposed by the design team.
- (e) **Section 5: Remuneration** - The Committee discussed the mechanism whereby the value of members' remuneration might be maintained from one year to the next without the need to discuss annual increases and other adjustments on a yearly basis. The Committee agreed that it would be appropriate for members' remuneration to rise each January in line with the Jersey Retail Price Index as at the previous December. There should be a review carried out by the Privileges and Procedures Committee every three years or coinciding with the cycle of elections, with a view to rates falling significantly out of step with public sector pay settlements.

The Committee agreed to point out in its report that the primary purpose of its recommendations was to remove the current bar on members with outside sources of income from claiming remuneration for their work as States members, rather than to seek an increase in levels of remuneration. The Committee had accepted the conclusions reached by the former House Committee in its consultation document (R.C. 33/2001) on the subject, particularly the point made following detailed comparison with other jurisdictions that Jersey was unique in discriminating with the means tested system currently in place. The Committee believed that the principle of a basic income available to all members was essential in order to encourage a wide range of candidates to present themselves for election to the States. The level of remuneration proposed was considered to be modest. It was difficult to predict whether or not there would be an overall increase in the cost to the States compared to the current situation.

- (f) **Section 6: Next steps** - The Committee agreed that its proposals on members' remuneration should be presented to the States as a proposition for debate once its report had been published and as soon as possible before the end of the current session. It was considered important that the current Assembly should take responsibility for deciding the question of remuneration for the next Assembly. The Committee decided to seek a meeting at the earliest opportunity with the President of the Finance and Economics Committee to discuss the issue. In addition, it agreed that a proposition should be prepared on its recommendations in respect of members' facilities to be presented to the States as soon as possible after the publication of the report.

The Committee requested that a timetable identifying key actions and responsibilities should be inserted into the final section of the report. It requested that the report be circulated to relevant Chief Officers drawing attention to this timetable.

The Committee approved the above report, subject to further minor amendments, and requested that it be presented to the States on 22nd October 2002. It was agreed that the report should be made available to the media in advance under embargo and that a pre-press conference should be held on 21st October 2002 for broadcast the following

day.

The Executive Officer was directed to take the necessary action to ensure that the report was widely available through the States Bookshop and Website.

The Committee expressed its appreciation of all those who had been involved in the preparation of the report, which gave clear evidence, especially in its appendices, of the amount of research and enquiry undertaken by the Committee and its officers.

Next Meeting.

A4. The Committee agreed that its next meeting would take place on 24th October 2002, commencing at 1 p.m. in the Halkett Room, Morier House. The Committee would take an initial look at its work on the Freedom of Information, the States of Jersey Law and the Standing Orders of the States of Jersey.