

IC/SC/156

PRIVILEGES AND PROCEDURES COMMITTEE

(29th Meeting)

23rd May 2013PART A

All members were present, with the exception of Deputy J.A. Martin, Deputy M. Tadier, from whom apologies had been received.

Connétable A.S. Crowcroft of St. Helier, Chairman  
 Senator S.C. Ferguson  
 Senator Sir P.M. Bailhache  
 Connétable L. Norman of St. Clement  
 Deputy K.L. Moore

In attendance -

M.N. de la Haye, Greffier of the States  
 A.H. Harris, Deputy Greffier of the States

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

- Minutes. A1. The Minutes of the meetings held on 12th April (Part A only) and 25th April 2013 (Parts A and B), having been circulated previously, were taken as read and were confirmed.
- Matters arising. A2. The Committee noted the following matters arising from the Part A Minutes of its meetings held on 12th and 25th April 2013 –
- (a) Minute No. A5 of 25th April – the Committee noted that the Chief Minister had responded to the interim report of the Machinery of Government Review Sub-Committee and that the Chairmen's Committee was due to submit its response imminently;
  - (b) Minute No. A6 of 25th April – the Committee was advised that the Committee Clerk had been corresponding with the Project Director – Pensions and that a further update would be given at the Committee's next scheduled meeting; and,
  - (c) Minute No. A7 of 25th April – the Committee noted that the Chairman had written to the Chairman of the Corporate Services Scrutiny Panel outlining the Committee's views on the proposed establishment of the office of Minister for External Relations.
- States of Jersey Complaints Panel: report for 2012. 1386/6/1(2) A3. The Committee, with reference to its Minute No. A2 of 23rd May 2012, received the draft States of Jersey Complaints Panel Report 2012.
- The Committee welcomed a delegation of the Complaints Panel comprising: Advocate R.J. Renouf, Chairman; C. Vibert and G.G. Marett.
- Having noted that C. Vibert was due to retire in January 2014, the Committee thanked Miss Vibert warmly for having given sterling honorary service to the Complaints Panel over the previous decade.

During its review of the draft report the Committee noted that, whereas in previous years the majority of cases had concerned decisions made by the Minister for Planning and Environment, complaints received in 2012 had related to decisions made by a broad range of Ministers. In the case of a complaint made against the Minister for Education, Sport and Culture, the Committee noted with regret that the Department had not felt able to follow the recommendations of the Board and improve its appeals system to meet well established standards of best practice. The Committee was nevertheless reassured to learn that the majority of complaints made were considered not to relate to matters of maladministration.

The Committee sought feedback from the Board regarding the effectiveness of the existing procedure and, in particular, whether there might be grounds to consider enhancing the role of the Complaints Panel such that it might broadly replicate the function of an ombudsman. In this regard, the Chairman of the Complaints Panel undertook to submit a report in due course for consideration by the Committee.

The delegation commended the Assistant Greffier of the States for the diligent and knowledgeable service she provided for the Complaints Panel and for repeated successes in diffusing complaints fairly and at an early stage. The Greffier's Secretary was also warmly thanked for having provided excellent administrative support throughout the year.

The Committee, having noted the content of the draft report and the Chairman's forward, **approved** the same and agreed that it should be presented to the States in the report series on or before 4th June 2013.

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

Code of  
Practice on  
Public Access  
to Official  
Information:  
2012 Annual  
Report.  
955/1(11)

A4. The Committee, with reference to its Minute No. A4 of 25th April 2012, received the 2012 Annual Report on the number of requests received by departments which mentioned the Code of Practice for Public Access to Official Information.

The Committee noted that, in accordance with Standing Order 128(g) of the Standing Orders of the States of Jersey it was the responsibility of the Committee "to keep under review the procedures and enactments relating to public access to official information and the procedures relating to access to information for elected members". In this regard and pending implementation of the Freedom of Information (Jersey) Law 2011, a report was compiled annually detailing the number of requests that had been received by departments which had mentioned the Code of Practice on Public Access to Official Information. Figures provided by departments did not fully reflect the number of requests for information that were received during the year, as many requests received made no mention of the Code and were dealt with as business as usual.

The Committee noted the content of the Annual Report on the Code of Practice on Public Access to Official Information and **agreed** that the report should be presented to the States forthwith.

The Committee Clerk was authorised to take the necessary action.

On a related matter, the Committee Clerk was asked to establish the number of requests for information processed annually by the Health and Social Services Department.

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Draft States of  
Jersey  
(Amendment  
No.7) Law  
201-: lodging.  
450(15)

A5. The Committee, with reference to its Minutes Nos. A3 and B6 of 25th April 2013, recalled having agreed that the process of implementing the outcome of the referendum held on 24th April 2013 should commence in early course with preparation of the law drafting instructions for an amendment to the States of Jersey Law 2005.

The Committee considered the draft States of Jersey (Amendment No.7) Law 201-, together with an accompanying report.

It was understood that several States Members had been less than satisfied with the outcome of the referendum and were considering whether to lodge a proposition calling for the referendum verdict to be set aside. In this regard, the Committee concluded that a considered debate on the draft States of Jersey (Amendment No.7) Law 201- and any amendments that might be lodged '*au Greffe*' would provide the States with the most appropriate mechanism for considering in detail the outcome of the referendum and the final report of the Electoral Commission, in accordance with which the referendum had been devised.

The Committee noted that the report accompanying the draft Law included an appendix discussing the operation of the States Assembly with 42 elected members. A minor amendment was made to the text of the same to confirm the Committee's position on the matter.

The Committee **approved** the draft States of Jersey (Amendment No.7) Law 201- and delegated to the Chairman the authority to lodge the same '*au Greffe*' once advice had been received from the Law Officers' Department regarding the human rights compatibility of the draft Law.

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

On a related matter, the Chairman confirmed that he was considering whether to invite Senator Sir P.M. Bailhache to act as rapporteur for the draft Law. The Committee confirmed that it would be content with either the Chairman or Senator Bailhache acting as rapporteur.

Standing  
Orders:  
submission of  
comments.  
450/2/1(75)

A6. The Committee recalled a discussion held during the course of the meeting of the States held on 14th May regarding the late presentation of the comment of the Council of Ministers to the second amendment to P.33/2013 ('The Reform of Social Housing'), the Council having attributed the delay to the Liberation Day holiday.

The Committee recalled that the executive had a generally good record of presenting comments in advance of the deadline specified in Standing Order 37A. There had, however, been several occasions during 2012 and 2013 when comments had been submitted to the States Greffe after the deadline and the statement provided in accordance with Standing Order 37A had arguably been open to challenge.

The Committee **recommended** that the Chairman write to the Chief Minister inviting him to review procedures and consider whether anything might be done to further limit the number of occasions on which the executive presented a late comment to the States Assembly.

Draft  
Amendment  
No.21 of the

A7. The Committee noted that the draft Amendment No.21 of the Standing Orders of the States of Jersey was being prepared for consideration by the Committee in early course. As drafted, the amendment would –

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Standing  
Orders of the  
States of  
Jersey.  
450/2(22)

- (a) extend to 8 weeks the minimum lodging period for a draft Budget, so as to provide sufficient time for the Annual Report of the Fiscal Policy Panel to be considered by States Members in advance of the deadline for amendments to the Budget;
- (b) provide for open ballots for the election of the Chief Minister, Ministers and Chairmen of committees/panels as per the decision of the States Assembly in respect of P. 188/2011, and
- (c) make permanent the permission to use electronic devices in the States Assembly, following the success of the trial held since the summer of 2012.

The Committee noted the position and resolved to consider the draft amendment via e-mail.