

PRIVILEGES AND PROCEDURES COMMITTEE

(71st Meeting)

13th July 2010PART A

All members were present, with the exception of Senator B.I. Le Marquand and Deputy M.R. Higgins, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
 Connétable P.F.M. Hanning of St. Saviour (not present for item Nos. A12, B1 and B2)
 Deputy J.B. Fox
 Deputy J.A. Martin
 Deputy C.H. Egré (not present for Item Nos. A3 to A8 inclusive)

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 Miss A-C. Heuston, Clerk to the Privileges and Procedures Committee

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

Minutes.

A1. The Minutes of the meetings of 17th June 2010 (Part A only), 29th June 2010 (Part A and Part B), 30th June 2010 (Part A only) and 1st July 2010 (Part A only), having been previously circulated, were taken as read and were confirmed.

Draft Freedom of Information (Jersey) Law 201-670/1(21)

A2. The Committee, with reference to its Minute No. A2 of 15th June 2010, received the draft Freedom of Information (Jersey) Law 201- accompanying report and the draft Freedom of Information (Jersey) Regulations 201-.

L.D.

The Committee, having noted the content of the draft report, accordingly **approved** the same. The Committee then discussed the draft Freedom of Information (Jersey) Regulations 201-, as follows:

Regulation 2 – projected costs

The Committee noted that, as per arrangements under the United Kingdom legislation, Regulation 2 did not take into account any costs incurred to determine whether or not an authority held the requested information, nor did it provide that a charge could be made for considering the public interest test. The Regulation set down an hourly rate of £40 per hour and no charge would be levied for entering into the review or appeal stages in respect of requests for information.

Regulation 3 – fee payable

The Committee noted that it was for the scheduled public authority to decide whether or not to charge for supplying information if the projected costs exceeded £50. The Committee agreed that, in instances whether the projected costs exceeded £50, a fee equal to the projected costs in excess of £50 was to be charged.

Regulations 4 to 5 – prescribed excess amount and alternative means of providing information

It was noted that the Regulations as drafted inserted an upper limit of £1,000. The Committee agreed that this was too generous a limit, and would allow for significantly more work to be carried out than in the United Kingdom where the limits were set at £450 for local government and £600 for central government. The Committee accordingly agreed that the figure should be amended to provide an upper limit of £500.

Regulation 10 – publication schemes

The Committee noted that the Regulation as drafted allowed the Privileges and Procedures Committee to require a scheduled public authority to establish a publication scheme. It was agreed that this obligation should not fall to the Privileges and Procedures Committee and the Committee deliberated as to whether this should be the responsibility of another body, such as the Council of Ministers. Following some discussion it was agreed that the Regulation should be removed as there were no immediate plans to introduce publication schemes.

It was **agreed** that the draft Freedom of Information (Jersey) Regulations 201- should be included as an appendix to the report accompanying the proposition. It was also **agreed** that the draft Law should be lodged '*au Greffe*' in advance of the summer recess, as assurances had already been given to this effect. While this would not allow sufficient time for advice from the A.G. on human rights compliance to be received, any issues arising upon its receipt would be addressed prior to the debate, which would be sought on 19th October 2010. A statement of compliance with the Human Rights (Jersey) Law would be tabled before debate.

It was **agreed** that presentations for States members in respect of the draft legislation should be held on 27th and 29th September 2010 and that an invitation to attend should be sent to members in early course.

The Committee **delegated** any outstanding amendments to the report accompanying the proposition to the Chairman and requested that the draft Freedom of Information (Jersey) Law 201- be lodged '*au Greffe*' for debate by the States.

The Deputy Greffier was requested to take the necessary action.

Deposits for
election
candidates.
424/2(70)

A3. The Committee, with reference to its Minute No. A6 of 29th June 2010, gave further consideration to the possible introduction of deposits for election candidates.

The Committee recalled that it was minded to bring forward proposals inviting the States to introduce a system of deposits for election candidates, and to amend the nomination procedures for Senators to provide that each candidate would require 2 seconders from each parish in a senatorial election. The Committee had agreed that a threshold of 5% of the votes should be applied under which a candidate would lose their deposit. The Committee discussed whether the 5% should be applied to the total number of voters or to the total number of votes cast. It was noted that in the United Kingdom the first past the post system allowed easy identification of which candidates had received more than 5% of the votes cast. However, in Jersey, where each elector could cast up to 6 votes, it would not be possible to apply the 5% test to the total number of votes cast. Having discussed the various options, the Committee **agreed** that deposits should be lost if a candidate did not receive a vote from at least 5% of the total number of voters in the election. This test would apply equally across every district irrespective of the number of candidates standing for election. Had this

system been applied previously, no candidates would have lost their deposit in the 2002 elections, one candidate would have lost their deposit in the 2005 senatorial elections, and 4 candidates would have lost their deposit in the 2010 senatorial by-election. The Committee gave further consideration as to whether different levels of deposit should be introduced for different elections, but **agreed** that a standard £500 deposit should be applied in respect of elections for Senator, Deputy and Connétable. It was **agreed** that, if a candidate's deposit had been sponsored, then this should be stated upon receipt. Candidates would only be able to stand for election if the correct deposit had been received in advance of the nomination meeting.

In respect of the nomination procedure for Senators, and the Committee's proposal that candidates be required to obtain 2 signatures from each parish, it was noted that, while the number of persons registered to vote in each parish varied widely, it would be extremely complicated to introduce a system that reflected in a proportionate way the differing electorates of the 12 parishes. The Committee therefore **confirmed** that a simple system of 2 signatures from each of the 12 parishes should be pursued.

The Greffier of the States was **requested** to draft a proposition to introduce the above amendments to the electoral process for consideration at a future meeting.

Composition and
election of the
States.
1240/22/1(50)

A4. The Committee, with reference to its Minute No. A1 of 7th May 2010, received a report prepared by the Greffier of the States in connexion with the composition and election of the States.

The Committee recalled that it had proposed a comprehensive package of reform in 2009, but that this had been rejected by the Assembly. The Committee accordingly considered smaller reform proposals, being the possible move to a spring election, and the introduction of a 4-year term of office.

During the recent debate on the introduction of a single election day there had been several calls for a move to a spring election. The Committee considered how this could be introduced, and noted the following options:

- (a) The office of the 6 sitting Senators could be terminated 6 months early and the candidates elected in October 2011 could only served for 2½ years. This would, however result in a very short term of office for the next States.
- (b) Candidates could be elected in October 2011 to serve a 3½ year term. This was not considered possible as the term of office of 6 Senators would expire in the autumn of 2014, some 6 months before the spring election in 2015.

Accordingly, in the absence of reform to the senatorial position, the only option for a spring election in the short-term would be to introduce a 2½ year term for the next States.

The Committee discussed the possibility of introducing a 4-year term of office for members and the practicalities of its introduction. It was considered that an 8-year term of office for Senators would be too long and that the only realistic option would be for all Senators to be elected together for the 4-year term. Previous work carried out by the Committee had shown that it would not be possible to mix a 4-year term of office for Deputies and Connétables with elections every 3 years for 6 Senators as this system would result in elections being held every one or 2 years. Transitional arrangements could be implemented over a period of years to work towards a final goal of having all Senators elected on the same day as other members, for a common

term of 4 years. This reform could be started in 2011 by electing the Senators in that year for 4 years alongside all Connétables and Deputies for 4 years. In due course, however, all 12 Senators would fall to be elected on the same day, requiring the electorate to select up to 12 members on one day, at the same time as making choices for Deputies and Connétables.

The Committee noted that one way to achieve a 4-year common term would be to reduce the number of States members. In the absence of major reform it was considered difficult to make any reduction in the membership of the Deputies' benches or to suggest the removal of the parish Connétables from the States. The only possible reform in relation to reducing membership in the short term was therefore a reduction in the number of Senators. Having considered the various options, the Committee **agreed** that it would be minded to bring forward proposals to move to a Spring election over time, as follows:

October 2011	Elect 4 Senators for 3½ years	Elect 12 Connétables and 29 Deputies for 3½ years
October 2014	(Term of office of 6 Senators elected in 2008 expires) Elect 4 Senators for 4½ years	
May 2015	Elect 4 Senators for 4 years	Elect 12 Connétables and 29 Deputies for 4 years
May 2019 and every 4 years thereafter	Elect 8 Senators, 12 Connétables and 29 Deputies for 4 years (General Election)	

The Greffier of the States was **requested** to draft a proposition in this respect, for consideration at a future meeting.

Questions in the States:
Connétables and political parties.
P.85/2010
450/2/1(29)

A5. The Committee, with reference to its Minute No. A3 of 29th June 2010, received a draft comment in connexion with the proposition of Deputy P.V.F. Le Claire entitled: Questions in the States: Connétables and political parties, lodged '*au Greffe*' on 18th June 2010 (P.85/2010 refers).

The Committee, having noted the content of the draft comment on P.85/2010, accordingly **approved** the same, and requested that it be presented to the States in early course.

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

Pension scheme for States Members
P.93/2010.
1240/26(29)

A6. The Committee received a proposition entitled: Pension scheme for States Members, lodged '*au Greffe*' on 6th July 2010 by Deputy P.V.F. Le Claire (P.93/2010 refers).

The proposition invited the States to request the Committee to ask the States Members' Remuneration Review Body to finalise its proposals for a pension scheme for States members as soon as possible to enable them to be lodged for consideration by the States within 6 months. The proposer expressed disappointment with the Chairman of the Committee, stating that she had 'maintained a veil of secrecy' over the matter and considered that the Committee had failed to protect members' rights and privileges by not insisting that a scheme be introduced. The Committee disputed this, and contended that it was not the appropriate time to bring forward a pension scheme for members, due to the economic climate, the ongoing Comprehensive

Spending Review, and the associated cost of developing the scheme any further.

The Committee **agreed** that a comment should be drafted detailing the Committee's consideration of the matter to date, and reiterating the reasons for the postponement of the development of such a scheme at the present time.

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

Media Working
Party.
1240/10(36)

A7. The Committee, with reference to its Minute No. A7 of 29th June 2010, received a draft report and proposition in respect of the recommendations contained within the report of the Media Working Party.

The Committee recalled that at its meeting on 29th June 2010 it had agreed to take forward 3 of the recommendations contained within the report of the Media Working Party. It had, however, agreed that the fourth recommendation - that a media relations code of conduct should be introduced - was a matter for the States. Accordingly, a draft proposition had been prepared which would ask the States to decide whether to adopt the recommendation of the Media Working Party in this respect.

The Committee, having considered the draft report and proposition, accordingly **approved** the same, and requested that it be lodged '*au Greffe*' for debate by the States.

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

Online
broadcasting of
hustings
meetings.
465/7(12)

A8. The Committee received e-mail correspondence from Mr. G. Risoli, dated 2nd July 2010 in connexion with the possible recording and broadcast of hustings meetings during elections.

Mr. Risoli suggested that the States should upload recordings of all hustings meetings to a relevant website in order to enable members of the public to watch the hustings at their own convenience. Mr. Risoli considered that the site could have many uses to allow the instant delivery of government policy to Islanders' homes. The Committee discussed Mr. Risoli's comments, and agreed that the option of broadcasting hustings meetings on the internet should be considered alongside other ways to increase public engagement in the electoral process in advance of the 2011 elections.

The Chairman was **requested** to write to Mr. Risoli to advise him accordingly.

Drinking water.
465/1(147)

A9. The Committee received correspondence dated 7th July 2010, from the Chairman of the Environment Scrutiny Panel, Deputy P.J. Rondel, in connexion with the use of bottled water by the States Assembly.

The Committee noted that the Panel was concerned by the substantial quantity of bottled water provided to States buildings. It was noted that the bottled water industry required fossil fuels to manufacture and transport products; that the bottles contributed to the thousands of tons of plastic thrown away on an annual basis, and that bottled water cost 500 times more than tap water. It was understood that the current annual cost of providing bottled water to the States Building and the States Greffe amounted to approximately £3,500. The Panel was therefore fully supportive of the Time for tap water campaign, which had been launched by the Environment Department through Eco-Active, and the Committee considered brochures provided in this respect. The Panel requested that the States Assembly take a lead in respect of the campaign by replacing bottled water with carafes of tap water. The Committee considered whether the carafes designed as part of the Eco-Active campaign should be used by the Assembly, but agreed that they were not suitable for use in the States

Building as they could easily be knocked over, were difficult to clean, and did not pour effectively. It was therefore **agreed** that bottled water should be replaced by tap water, but that more suitable vessels with lids should be sourced for States Assembly use. The Committee also discussed the possibility of filtering the tap water, and **agreed** that the cost of installing filters should be investigated.

The Chairman was **requested** to write to the Chairman of the Environment Scrutiny Panel with regard to the above.

The Committee Clerk was requested to take the necessary action.

Public Accounts
Committee:
Jersey Heritage
Trust – Financial
Review.
P.A.C.3/2010
512/7(6)

A10. The Committee received a request from the Public Accounts Committee for a response to key findings and recommendations contained within its report: Jersey Heritage Trust – Financial Review, lodged ‘*au Greffe*’ on 6th July 2010 (P.A.C.3/2010 refers).

The Committee noted the relevant findings referred to it for consideration, which advocated the need for the realities of funding to be considered by the States Assembly when adopting policy and legislation. The Committee also considered recommendation 3.6 of the report as follows:

“The Privileges and Procedures Committee should examine this issue and review current arrangements. There is no point in passing aspirational strategies unless there is some realism in respect of execution and funding.”

The Committee noted that Standing Orders contained a requirement for draft propositions to include a financial and manpower statement. The Committee **agreed** that a response to this effect should be drafted.

The Committee Clerk was requested to take the necessary action.

States meeting
dates for 2011.
1240/2(76)

A11. The Committee received a report in connexion with States meeting dates for 2011.

The Committee noted that, in accordance with Standing Order 4 of the Standing Orders of the States of Jersey, the Committee was required to draft a list of meeting dates for the following year and present it to the States by the end of September. It was agreed that it would be preferable for the list to be issued for 2011 in advance of the summer recess. It was noted that, while the Greffier of the States had suggested to the States Business Organisation Sub-Group that a 3-week cycle might be preferable to the currently fortnightly cycle, the proposed dates for 2011 had been drawn up on the fortnightly basis due to 2011 being an election year. The proposed dates had also been drafted in line with the decision of the previous Committee that States meetings should not take place during the school holidays if at all possible.

Having considered the proposed schedule, the Committee accordingly **agreed** the following meeting dates for 2011, and **requested** the Greffier of the States to give notice to the States in accordance with Standing Order 38 of the Standing Orders of the States of Jersey:

First Session

	Continuation (if necessary)
January 18th	January 19th and 20th
February 1st	February 2nd and 3rd
February 15th	February 16th and 17th
March 1st	March 2nd and 3rd
March 15th	March 16th and 17th
March 29th	March 30th and 31st
April 5th	April 6th and 7th
May 3rd	May 4th and 5th
May 17th	May 18th and 19th
June 7th	June 8th and 9th
June 21st	June 22nd and 23rd
July 5th	July 6th and 7th
July 18th (Monday)	July 19th, 20th and 21st

Second Session

September 13th (Annual Business Plan 2012)	September 14th and 15th
September 20th	September 21st and 22nd
November 8th (Budget 2012)	November 9th and 10th

Second Session (new States)

November 14th (Monday) Election of Chief Minister	
November 17th (Thursday) Election of Ministers and Chairmen	November 18th
November 22nd (Tuesday) Election of members of Committees and Panels	
December 6th	December 7th and 8th

Ongoing work programme.

A12. The Committee noted its ongoing work programme, with particular regard to the following:

- (a) Deputy C.H. Egré had consulted with Mr. N. Wells, Director, Information Services, and it had been agreed that a pilot study would be carried out to check the feasibility of States members' using iPads to carry out work both outside and within the States Chamber. It was noted that the Bailiff had been consulted and considered any decision in this respect to be a matter for the Committee.

Matters for information.

A13. The Committee noted the following matters arising:

- (i) Deputy M.R. Higgins had not attended the past 3 Committee meetings. The Chairman was requested to write to the Deputy to invite him to provide an assurance that he would attend forthcoming meetings, having due consideration for his role on the Committee as the Chairmen's Committee representative;
- (ii) a Refreshments Assistant for the States Assembly was being recruited through the Workwise scheme at Social Security;
- (iii) draft answers to 2 written questions to be tabled by the Chairman on

Monday 19th July 2010 were received, and, having agreed certain amendments, the Committee approved the same.