

PRIVILEGES AND PROCEDURES COMMITTEE

(29th Meeting)

30th January 2004PART A

All members were present, with the exception of Deputy J-A. Bridge, from whom apologies had been received.

Senator C.G.P. Lakeman
 Connétable D.F. Gray
 Deputy F.J. Hill, B.E.M.
 Deputy C.J. Scott-Warren
 Deputy R.G. Le Hérissier
 Deputy J.A. Bernstein

In attendance -

M.N. de la Haye, Greffier of the States
 R.W. Whitehead, Principal Legal Adviser
 Mrs. J. Marshall, Senior Executive Officer
 Miss F. Agnès, Executive Officer
 M.P. Haden, Committee Clerk.
 Mrs S. Stoten, States Greffe

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

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| Minutes | A1. The Minutes of the meetings held on 9th and 15th January 2004, having been previously circulated, were taken as read and were confirmed. |
| Administrative Appeals system - proposals for change
1386/2(71)
465/1(30) | A2. The Committee, with reference to its Act No. A9 of 9th January 2004, received a delegation representing the Administrative Appeals Panel, comprising Mrs C.E. Canavan, Chairman, Advocate R.J. Renouf, Mr. P.G. Farley, Mrs M. Le Gresley, Miss C. Vibert and Mr. T.S. Perchard, in connexion with the draft discussion document, prepared by the Greffier of the States regarding proposed changes to the current Administrative Appeals system. |
| G.O.S.
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States (2) | The delegation, having collectively discussed the draft document ahead of the meeting, acknowledged the issues raised in the draft discussion document and shared the concerns of the Committee. |

The delegation expressed the following views in particular -

- (a) there should be a formal written follow up procedure for the findings of the Board with a timescale and tracking mechanism;
- (b) the profile of the Appeal Board should be raised;
- (c) the current system was undermined by the lack of knowledge and respect from Committees;
- (d) Appeal Boards should be have at least one lawyer, with ideally three

lawyers on the Panel;

- (e) the Greffier of the States should remain the central point of contact for any appeal but that the Chairman should decide the appropriateness of each case for appeal;
- (f) the Panel did not favour an Ombudsman option as the cost could not be justified; and
- (g) the delegation indicated they would be happy to suggest and implement procedural guidelines for inclusion to a working document.

The Committee, having discussed the above with the delegation, directed the Greffier of the States to prepare the document for presentation to the States, subject to minor amendments, and hoped that publicity would be generated for the appeal mechanism as a result. The Committee also felt that a change of name for the Administrative Appeals System would promote its image. The Committee felt that ‘States of Jersey Review Board’ would be most appropriate.

The Committee expressed thanks to the members of the Panel for their personal dedication to the Administrative Appeals System and acknowledged the good working relationship that had been built with the Greffier of the States. The Committee also thanked the Sub-Committee, comprising Deputies Deputy F.J. Hill, B.E.M., Deputy C.J. Scott-Warren, assisted by the Greffier, for their work in preparing the discussion document.

Machinery of
Government:
Votes of No
Confidence in
Individual
Ministers
P.6/2004
1240/22/1(34)

C.E., P&R
P.R.E.O.
P.R.C.C.
Ex.Off.

A3. The Committee, with reference to its Act No. A8 of 9th January 2004, considered its response to the Report and Proposition ‘Machinery of Government: Votes of No Confidence in Individual Ministers’ (P.6/2004), lodged ‘au Greffe’ by Senator S. Syvret on 20th January 2004.

The Committee recalled that the States, in adopting P.191/2002, had previously agreed that Votes of No Confidence in individual Ministers would not be allowed under the structure of the new Executive government. However, it further recalled that agreement had subsequently been reached with the Presidents of the Policy and Resources and Finance and Economics Committees to allow for Votes of No Confidence in individual Ministers in the new Standing Orders and that, consequently, the draft article in the draft States of Jersey Law relating to Votes of No Confidence had been withdrawn. Thus, Senator Syvret’s proposition appeared to have been already settled.

The Committee noted facsimile correspondence, 23rd January 2004, from the President requesting Senator Syvret to withdraw his proposition on the basis of a formal undertaking from both the Policy and Resources Committee that it would not seek to amend the relevant Article of the draft States of Jersey Law, with a similar undertaking from the Privileges and Procedures Committee.

The Committee requested the Principal Legal Adviser to consider any implications the proposal might have for the new draft States of Jersey Law, and to finalise its comment on Senator Syvret’s proposition once it had received the Principal Legal Adviser’s comments. It also agreed to advise the Policy and Resources Committee of this position.

States Building -
request to transfer

A4. The Committee, with reference to its Act No. A7 of 28th November 2003, received Deputy M.F. Dubras, President of the Environment and Public Services

Committee Room
to Jurats.
1060/5/1(27)

Committee, to discuss the proposal in the revised draft Report and Proposition of the Environment and Public Services Committee on the Use and Allocation of Rooms within the Royal Court/States Building to re-assign to the Jurats the room currently designated within the States members area as the third Committee Room.

Bailiff
E.P.S.C.(2)
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The Committee recalled that it had been opposed to the proposed transfer of this room, which was currently intended for use as Members' Quiet Room, on the grounds that it was necessary to monitor and assess the provision of rooms for States members in the light of experience. It further recalled, in her absence, the Vice President's views with regard to this matter, which had been set out in her letter to the Bailiff on 17th November 2003. However, the Committee was advised by the President that, in his view, a compromise was essential in view of the safety of the Jurats and the respect owing to their office. In addition, the Court of Appeal required an appropriate room to meet and work. Deputy Dubras expressed his shared concerns that the Jurats would be forced to mix with members of the public and alleged criminals if an acceptable solution could not be found.

Deputy Dubras indicated to the Committee that three remote witness rooms, administered by the Judicial Greffe, would be made available to States members in exchange, on a shared-use basis, provided they were not required for use by the Court. The Committee, however, was of the opinion that these rooms would not be an adequate replacement for the Members' Quiet Room due both to their restricted size and their primary use for the Court. The Committee recognised that only two of the witness rooms offered represented a usable space to the members and noted that only experience would determine their suitability in the long term.

The Committee also raised the matter of the furniture for the Members' Quiet Room which had been ordered at a cost of £16,000 in good faith, prior to the discussions on the possible transfer of the room. It was of the view that this expense should be reimbursed to enable the funding to be used for other purposes within the facilities for States members.

On a related matter, the Committee also voiced concerns about the use and management of the Royal Court/States Building, namely -

- (a) the delay in concluding an acceptable Service Level Agreement for the building;
- (b) problems which had been experienced with the shared use of the Old Library and the cost of disassembling the temporary Court setting when the space was required for States functions and receptions; and
- (c) occasions when Jurors had wandered through the area around the States Chamber when the States were in session.

It was agreed that the Judicial Greffe should be asked to give urgent consideration to the management of the building during Assize trials, including the movement and proper protection of Jurors.

The Committee, after some discussion, came to the conclusion that the practical concerns of the Jurats had to be addressed and that the transfer of the third Committee Room was ultimately the best solution to these difficulties. The Committee, however, wished to secure a formal assurance from the Environment and Public Services Committee that the States Members allocation of rooms would face no further reduction.

Deputy Dubras having left the meeting, the Committee returned to the question of the furniture which had been ordered for the Members' Quiet Room and which was due to be delivered on 2nd February 2004.

It was agreed that the furniture should be installed, for the time being, in the Quiet Room and the Committee reiterated its view that compensation for the expenditure should be sought.

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

States Building:
artwork in
Atrium of Main
Entrance.
1060/5/1(47)

A5. The Committee received a report, dated 21st January 2004 from the Executive Officer in relation to proposals for Artwork to be housed in the Atrium of the States Building.

The Committee were apprised of the three available options -

Ex.Off.

- (a) To commission a piece of artwork expected to be in the region of £15,000 to £20,000. This was considered inappropriate in light of the Financial Spending Review;
- (b) To invite commission by competition which would entail complex arrangements regarding sponsorship, prize money and / or a community project; and
- (c) To loan artwork from the Jersey Heritage Trust on a rotation basis, with management and display responsibility being offered at no cost by the Trust.

The Committee agreed that the latter option was advantageous, not least because it was the cheapest but also because it would provide a variety of prestigious artwork. Establishing confirmation that pieces would be adequately covered by the building's existing insurance, with respect to theft or damage, was considered by the Committee to be of primary importance. Therefore, the Committee directed the Executive Officer to make the necessary arrangements on its behalf.

Freedom of
Information:
Public Records
Management.
308/3(4)

A6. The Committee considered a Memorandum, dated 23rd December 2003, from Deputy C.F. Labey in connexion with policy relating to Public Records Management.

The Committee, conscious that the Vice President would share its interest in this particular issue, was minded to defer discussion to its next meeting. The Committee requested that Deputy Labey be invited to the next meeting to discuss the topic. The Committee felt it appropriate to seek legal advice and directed the Senior Executive Officer accordingly.

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Machinery of
Government
Reform:
Ministerial
Decisions -
recording and
promulgation.
1240/22/1(35)

A7. The Committee, with reference to its Act No. A3 of 12th December 2003, received a report, dated 23rd January 2004 from the Senior Executive Officer in connexion with proposals for the recording and promulgation of Ministerial decisions under the new system of government.

The Committee noted the report and agreed to give further consideration to this matter at a subsequent meeting and on the Vice President's return.

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Simultaneous
Electronic Voting
- draft
amendment to
Standing Orders.
1240/22(8)

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Pub.Ed.
States (2)

A8. The Committee, with reference to its Act No. A3 of 9th January 2004, gave further consideration to draft amendments to Standing Orders required to enable the introduction of simultaneous Electronic Voting.

The Committee was apprised of the current situation regarding planning permission and installation of the voting buttons in the States Chambers, the former being approved and the latter being proposed for 4th March 2004. The Committee gave due consideration to the subject of abstaining and notification of the Appel and agreed the amendment adequately covered all scenarios.

The Committee approved the draft Amendment (No.26) of the Standing Orders of the States of Jersey , subject to minor typographical revisions, and directed the Greffier of the States to prepare an accompanying report with a view to the Amendment being lodged ‘au Greffe’ on 10th February 2004. The Greffier of the States was requested to discuss with the Law Draftsman an appropriate date for the Amendment to come into force.

Working Party on
the Organisation
of States
Business.
1240/7/1(78)

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A9. The Committee, with reference to its Act No. A1 of 17th November 2003, considered how it should take forward the suggestions made by the Working Party on the Organisation of States Business at its meeting on 17th December 2003.

The Committee noted that the inaugural meeting had raised many interesting and useful points with various suggestions which might be trialled in the coming months.

The Committee requested that a second meeting of the Working Party be arranged as soon as possible with a view to agreeing a programme for the proposed trials.

Code of Practice
on Public Access
to Official
Information :
Register of
Reports
(P.196/2003)
- second
amendment
955(32)

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A10. The Committee, with reference to its Act No. A1 of 15th January 2004, considered the amendment lodged by Deputy P.N. Troy to his own report and proposition ‘Code of Practice on Public Access to Official Information: Register of Reports’ (P.196/2003).

The Committee was of the opinion that the inclusion of the amendment would increase the scope of the proposition and would ultimately raise questions as to what reports were considered in the public interest. It felt that departments would, as a consequence, be at liberty to withhold reports on the basis that they were not in the public interest.

The Committee noted that the President had attempted to meet Deputy Troy but had been unable to agree a convenient date.

States Members’
Remuneration:
increases for
2004 -
rescindment
(P.11/2004) -
comment.
1240/3(74)

Ex.Off.

A11. The Committee, with reference to its Act No. A1 of 20th October 2003, considered its position with regard to the Report and Proposition of Deputy T.J. Le Main, ‘States Members’ Remuneration: increases for 2004 - rescindment (P.11/2004).

The Committee agreed to oppose the rescindment proposal which would deprive States members of their annual increase in remuneration. It was noted that this increase was significantly less than the public sector increase at June 2003.

The Committee requested that comments be drafted for its consideration, drawing attention to the number of times the issue of States members’ remuneration had been debated in recent times by the States and the fact that the establishment of an

independent Remuneration Review Body had been agreed by the States. It also requested that the comment include graphs showing how States members' remuneration was falling behind public sector pay increases year on year.

States Members'
Remuneration:
Class 2 Social
Security
Contributions
1240/3(67)

A12. The Committee, with reference to its Act No. A11 of 22nd August 2003, received correspondence, dated 15th January 2004, from the President of the Employment and Social Security Committee together with an undated report from the Senior Executive Officer in connexion with the treatment of States members' social security contributions.

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The Committee noted that the House Committee in R.C.33/2001 had referred to advice received from the Employment and Social Security Department to the effect that a minor amendment to the Social Security (Classification)(Jersey) Order 1975 would enable States members to be treated as 'employed' for Social security purposes with the employer's contribution being met by the States. The Committee's request that Employment and Social Security Committee consider amending the Law had been based on this advice. It further noted that the Employment and Social Security Committee had questioned the basis for this apparent special treatment for States members.

The Committee agreed to seek a meeting with the Employment and Social Security Committee in order to discuss the matter more fully with a view to reaching agreement on the way forward. The Senior Executive Officer was directed to take the necessary action.

Matters for
information

A13. The Committee noted the following matters for information -

- (a) an article from The Ombudsman magazine regarding the Scottish Parliamentary Standards Commissioner, together with a copy of the Scottish Parliamentary Standards Commissioner Act 2000; and
- (b) date of next meeting scheduled for 20th February 2004