

PRIVILEGES AND PROCEDURES COMMITTEE

(2nd Meeting)

15th May 2002PART A

All members were present. Deputy J-A Bridge was present for items A1 to A9 only.

In attendance -

M.N. de la Haye, Deputy Greffier of the States  
M.P. Haden, Committee Clerk

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

Minutes

A1. The Minutes of the Meeting held on 26th April 2002, having been previously circulated, were taken as read and were confirmed.

Resources.  
1038/1/3/39(28)  
1240/22/1/6(1)

A2. The Committee, with reference to its Act No. A5 of 26th April 2002, received an oral report from the President regarding a meeting that had taken place on 10th May 2002 with the Machinery of Government Sub-Committee regarding resources for the Committee.

C.E., P&R  
P.R.C.C.  
P.R.E.O.  
C.I.Aud.  
F.E.C.C.

The President advised the Committee that he had stressed the importance of securing for the Privileges and Procedures Committee executive support which was independent of the Policy and Resources Committee's team of officers. The outcome had been agreement to establish a small team to be based in at the States Greffe in Morier House, comprising Mr D. Filippini as Executive Officer, an Administrator and the part time services of a legal assistant, Mr S. Drew, Assistant Legal Adviser, Law Officers Department. The officers would be shared for the time being with the Special Committee on the Composition and Election of the States Assembly until that Committee had completed its function. The Committee expressed its pleasure at this suitable outcome.

The Committee recalled that it was tasked with reviewing and amending or redrafting the States of Jersey Law, 1966, as amended. It agreed that it would require the services of an individual experienced in preparing law drafting instructions to assist in this task and decided to request the Policy and Resources Committee to second a suitable member of its team for this purpose. The President agreed to make an approach to the Policy and Resources Committee in this regard.

The Committee noted that it had not yet received a response from the Finance and Economics Committee regarding the financial resources it required. It was agreed that a delegation comprising the President, Vice-President and Senator W. Kinnard should request a meeting with representatives of the Finance and Economics Committee at the earliest opportunity.

The Greffier of the States was directed to send a copy of this Act to the Policy and Resources and Finance and Economics Committees.

Formation of  
Scrutiny  
Committees.  
1240/22/1(9)

A3. The Committee, with reference to its Act No. A7 of 26th April 2002, having recalled that Deputy R.G. Le Herissier had agreed to take the lead in the development of a model for appropriate scrutiny arrangements for the new ministerial system of government, considered the way forward on this issue.

The Committee agreed that it was important to discover, not just the stated principles

for scrutiny arrangements in various jurisdictions, but also to try to find out what had been the actual experience of scrutiny systems, their strengths and weaknesses, particularly in local government in the United Kingdom. The Committee agreed in principle to a proposal from Deputy Le Herissier that a study of this topic might be commissioned, subject to further information on the aims and cost of the study.

The Committee decided to give further consideration at its next meeting to formulating a statement of the core tasks for Scrutiny Committees and to clarifying the powers that might be assigned to these Committees. Deputy Le Herissier agreed to prepare a draft paper in this regard. In this connexion, the Committee noted the recommendations in the Report, dated 6th February 2002, of the Select Committee on the Modernisation of the House of Commons, which it felt might provide a useful starting point for its deliberations.

The Committee, mindful that it had been tasked by the States to bring forward proposals on the formation of scrutiny committees before the end of August 2002, decided that it would hold a seminar to consult with other States Members on scrutiny arrangements at the end of June or early July 2002, prior to finalising its proposals.

Visit to Scottish  
Parliament.  
1240/22/1(9)

A4. The Committee, with reference to its Act No. A7 of 26th April 2002, discussed arrangements for a visit to the Scottish Parliament by a delegation from the Committee to view its system of scrutiny at first hand.

D.G.O.S.

The Committee noted that 11th and 12th June 2002 had been proposed as suitable dates for a visit. It was agreed that the delegation would seek to depart on the evening of 11th June to spend 12th and 13th June in Edinburgh. The delegation would be comprised of the President, Senator C. Stein and the future Executive Officer, Mr D. Filippini. The delegation agreed to define its aims for the trip and to draw up a list of areas of scrutiny it wished to research. Other members of the Committee were asked to contribute their own ideas.

Code of Conduct  
for Members.  
1240/9/1(110)  
792/4(20)

A5. The Committee, with reference to its Act No. A8 of 26th April 2002, received a report, dated 12th May 2002, from the Deputy Greffier of the States in connexion with the preparation of a Code of Conduct for Members. In this connexion, the Committee also received copies of the Code of Members of the House of Commons and the Code of Conduct for Assembly Members of the National Assembly of Wales.

D.G.O.S.

The Committee agreed that the above Codes, together with the Code for Members of the Scottish Parliament, would provide a useful starting point for a Jersey Code. It was agreed to form a Sub-Committee, comprising Senator C. Stein and Deputy C.J. Scott-Warren, with assistance of the Deputy Greffier of the States, to take responsibility for this issue.

The Sub-Committee was requested to prepare an initial draft for the consideration of the Committee, which might be circulated as a consultation paper in June, with a view to presenting a finalised report to the States by the required deadline of the end of August 2002.

Accommod-  
ation, services  
and facilities for  
members.  
1060/5/1(18)

A6. The Committee, with reference to its Act No. A9 of 26th April 2002, received a report, dated 10th May 2002, from the Deputy Greffier of the States in connexion with proposals for the provision of accommodation, services and facilities for members.

D.G.O.S.  
D.P.S.  
P.E.C.(2)

The Committee noted that, following the work already carried out by the House Committee in trying to identify possible accommodation, it appeared that there were only three realistic options available, namely -

- (a) existing premises in the vicinity of the Royal Square;
- (b) accommodation in the refurbished States Building, probably in the area covered by Phase 2 (existing Public Registry); and

- (c) accommodation in Morier House.

The Committee recalled that no budget had as yet been identified for the purpose of providing facilities for members. It was advised that whichever options was chosen it was likely that there would be significant rental costs.

The Committee agreed that it was important, in the first instance, to assess the actual requirements of States Members in terms of library facilities, office accommodation, and meeting rooms. In addition, it was necessary to assess the accommodation required for Scrutiny Committees. The President agreed to liaise with the Deputy Greffier of the States in drawing up a preliminary list of requirements, which might be used as a basis for consultation with other States Members. Further work would be carried out on this issue once the Executive team were in place.

The Committee also raised the following related matters and agreed that they merited further consideration at a subsequent meeting -

- (i) Smoking in the States Building - Deputy J-A Bridge agreed to prepare a paper on the issues involved;
- (ii) Security arrangements for the States Building;
- (iii) Security arrangements for rooms in which Members could meet constituents;
- (iv) Electronic voting; and
- (v) Transfer of responsibility for States Chamber from Public Services Committee to Privileges and Procedures Committee.

The Greffier of the States was directed to send a copy of this Act to the Department of Property Services and the Planning and Environment Committee for information.

Remuneration  
and expenses  
provision for  
States members.  
1240/3(64)

A7. The Committee, with reference to its Act No. A10 of 26th April 2002, received a report, dated 12th May 2002, from the Deputy Greffier of the States regarding the provision of remuneration and expenses for States members.

D.G.O.S.

The Committee was advised that the current 'means tested' income support system appeared to be unique as it was common practice in other jurisdictions for all members to receive some form of basic remuneration irrespective of their income from outside sources. In addition, the majority of other jurisdictions provided a pension of some sort to members. The Committee recognised that this issue was one of the most difficult and potentially sensitive within its terms of reference. Jersey's traditional honorary system of public service remained highly valued in the Island, although it was increasingly clear that political representation was becoming a full time occupation for many members.

The Committee further recognised that some fundamental political decisions about remuneration issues were required; in particular, the following questions needed to be addresses -

- (a) Should all members receive a basic salary irrespective of income from outside sources?
- (b) If so, at what level should payment be fixed? Should it be sufficient to encourage well-paid professional persons to give up their employment and stand for the States? To what extent should the payment made reflect the nature of a member's responsibilities (for example, Minister, Chairman of Scrutiny Committee)?

- (c) Was it necessary to take account of the present financial situation of the States when making recommendations or was this issue one that had to be tackled irrespective of that situation? and
- (d) Should a pension scheme be established for members or would it be simpler to pay members adequately so that they could make their own financial arrangements for retirement?

The Committee was mindful of the research already carried out in this respect by the Remuneration Working Party under the former House Committee and of the consultation paper produced by that Committee (R.C. 33/2001). Members were asked to study this document together with the subsequent comments received from States members. The Committee agreed to give the matter further consideration at its next meeting.

E-government  
Working Group.

A8. The Committee received a report, prepared by the e-government Working Group regarding, responsibility for the States Members Business Communications Package (Laptop Project).

The Committee was advised that, since the House Committee no longer existed, the project team needed a body to ensure that its approved policy and procedures were addressed. The Committee recognised that the scheme to provide members with equipment and training was almost complete and that further development was now required, including policies for issues including phasing out paper based documents, appropriate use of e-mail by States Members, developing the States Assembly website and building links with Departments in line with new demands under the ministerial system.

The Committee was also advised that no revenue funding for rentals and further installations and replacements had been identified beyond July 2004.

The Committee agreed that further consideration need to be given to the financial and technical issues involved with this project. Deputy J-A Bridge agreed to represent the Committee on the aforementioned e-government group.

Provision of  
Information to  
the Public.

A9. The Committee recalled that it was required to bring forward to the States before the end of December 2002 proposals on the provision of information to the public about the work of the States Assembly. Senator W. Kinnard and Deputy J-A Bridge agreed to take the lead on this item.

Public Accounts  
Committee and  
Auditor General  
Working Party -  
report.  
1240/22/1(18)

A10. The Committee, with reference to its Act No. A13 of 26th April 2002, received and noted correspondence, dated 8th May 2002, from the President, Policy and Resources Committee, in connexion with the second report of the Public Accounts Committee and Auditor General Working Party.

The Committee noted that this report had been forwarded with the approval of the Finance and Economics and Policy and Resources Committees. The Committee noted Act B3, dated 25th April 2002, of the Policy and Resources Committee in which that Committee had expressed its disagreement with the Working Party's recommendations concerning the membership of the Public Accounts Committee and its views in relation to the role of the Scrutiny Committees. The Policy and Resources Committee remained of the view that the Scrutiny Committee Chairmen should form the majority of the membership of the Public Accounts Committee and that Scrutiny Committees should be permitted to scrutinise Ministers and senior civil servants on financial matters. The Policy and Resources Committee, however, recognising that the responsibility for implementing the Public Accounts Committee and the Auditor General now rested with the Privileges and Procedures Committee, had made it clear that it had not made a decision regarding the composition of the Public Accounts Committee but was merely

forwarding its views.

The Committee agreed to receive representatives of the above Working Party at its next meeting to afford them the opportunity of presenting their conclusions.

Special  
Committee to  
consider the  
Relationship  
between  
Committees and  
the States -  
proposed  
amalgamation  
with Privileges  
and Procedures  
Committee.  
1386/2(61)

A11. The Committee noted that the Policy and Resources Committee, in its report and proposition (P.70/2002) to the States on the proposed Departmental Structure and Transitional Arrangements under the Machinery of Government Reforms, proposed to amalgamate the Special Committee to Consider the Relationship between Committees and the States with the Privileges and Procedures Committee.

The Committee agreed that this would be a sensible arrangement and decided to advise the Policy and Resources Committee accordingly.

The Greffier of the States was directed to send a copy of this Act to the Policy and Resources Committee.

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

States ownership  
of commissioned  
studies.  
371(29)

A12. The Committee noted correspondence, dated 6th March 2002, from Mr C. Gibaut, Strategic Development Officer, Department for Economic and Commercial Development, on behalf of the Emerging Industries Board, regarding States ownership of commissioned studies.

I.C. (2)

The Committee was advised that the Emerging Industries Board had recently commissioned a piece of research and report which had now been completed. The Board had decided that the report should be released into the public domain but, in the process of carrying this out, the consultants contended that the report was confidential to the Board and that only the executive summary could be released generally. The Board had sought the opinion of the Law Officers as to where it stood in law if it continued with publishing the report against the wishes of the consultant. The Law Officers had advised that the United Kingdom Copyright Act of 1911, as it had effect in the Island, vested ownership of literary work in the author (in the absence of contrary agreement or assignment). The Board would therefore have to agree a case by case licence, or negotiate assignment of the ownership, if it wished to publish the report further and avoid potential claims for damages from the authors. The Board had decided to bring this situation to the attention of the House Committee, which still existed at the time of writing, to ensure that States Departments consider ownership issues when considering work by consultants.

The Committee, however, formed the view that the Industries Committee was the appropriate body to take up this matter and decided to request that Committee to consider the issues involved.

The Greffier of the States was directed to send a copy of this Act to the Industries Committee.

Acts of other  
Committees and  
matters for  
information.

A13. The Committee noted the following Acts of other Committees and matters for information -

- (a) Act A2, dated 25th April 2002, of the Policy and Resources Committee regarding its report and proposition on the restructuring of governmental departments under the ministerial system;
- (b) Act A4, dated 25th April 2002, of the Policy and Resources Committee regarding the outcome of the Resource Allocation Workshops;

- (c) Act B7, dated 25th April 2002, of the Policy and Resources Committee regarding administrative support for the Privileges and Procedures and liaison with the Legal Working Group;
- (d) letter, dated 25th April 2002, from the Treasurer of the States regarding the proposed Committee Cash Limits for 2003 from the Revenue Allocation process; and
- (e) that the President would write to update all States Members on the progress made by the Committee after its first two meetings.

Dates of future meetings.

A14. The Committee agreed the following dates for future meetings -

- (a) Friday, 24th May 2002, commencing at 11 a. m; and
- (b) Friday, 7th June 2002, commencing at 9.30 a. m.

Both meetings to take place in the Halkett Room, Morier House.