

PRIVILEGES AND PROCEDURES COMMITTEE

(3rd Meeting)

8th February 2006PART A

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

Connétable D.F. Gray of St. Clement - Chairman  
 Senator S. Syvret  
 Senator M.E. Vibert  
 Connétable K.A. Le Brun of St. Mary  
 Deputy G.C.L. Baudains  
 Deputy C.H. Egré

In attendance -

M.N. de la Haye, Greffier of the States  
 Miss P. Horton, 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 meeting held on 11th January 2006, Parts A and B, having been previously circulated, were taken as read and were confirmed.
- Matters arising. A2. The Committee noted the following matters arising from its previous Minutes -
- (a) **Act No. A6 of 11th January 2006 - Electoral expenses: questionnaire** - Deputy C.H. Egre advised the Committee that he had met with the Data Protection Commissioner to discuss the registration fee candidates are required to pay before they can obtain the electoral register. The Committee agreed that the Data Protection Commissioner should be invited to attend the next meeting on 8th March 2006 to discuss this matter and also her report entitled "The Role of the Electoral Register in Decision Processing";
  - (b) **Act No. A10 of 11th January 2006 - States roll call: Deputy P.N. Troy** - the Committee noted that Deputy Troy had been advised that the current arrangements in Standing Orders for elected members not present for the States roll call were considered to be satisfactory;
  - (c) **Act No. A11 of 11th January 2006 - Code of Conduct for Elected Members of the States: explanatory leaflet** - the Committee was advised that a copy of the leaflet would be sent to all States members;
  - (d) **Act No. A14 of 11th January 2006 - States Building (Royal Court and states Chamber): proposal for guided tours** - the Committee was advised that the Bailiff's Chief Officer would be meeting with Mr. Nicolle on 10th February 2006 to discuss this matter;

- (e) **Act No. A15(b) of 11th January 2006 - Bailiff's mace** - the Chairman advised the Committee that he had met with the Bailiff to discuss the concerns expressed by some members who were obscured from the Bailiff's vision and unable to attract his attention during proceedings. It was noted that a solution to the problem had not been established and it was agreed that the matter should be investigated further;
- (f) **Act No. A15(a) of 11th January 2006** - the Committee was advised that the Bailiff agreed that it would be appropriate for one or two States members to be given training to preside in the States. The Committee expressed the view that it might be appropriate for the Chairman of the Privileges and Procedures Committee to preside in the absence of the Bailiff or the Deputy Bailiff. The Committee agreed that the matter should be considered by the Bailiff's Consultative Panel and the Greffier of the States was requested to take the necessary action.

Bailiff's  
Consultative  
Panel.  
499/1(21)

A3. The Committee considered the composition of the Bailiff's Consultative Panel which at present had three vacancies on it. The Committee discussed the need to agree a format for the Panel as it was noted that for example, the Senior Senator could also be the Chief Minister. The Committee agreed that the Greffier of the States should circulate a draft report and proposition relating to the Panel as soon as possible so that it could, if approved, be lodged 'au Greffe'.

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

Scrutiny -  
potential division  
of the Social  
Affairs Panel.  
516(1)

A4. The Committee considered a report prepared by the Scrutiny Manager in connexion with the Social Affairs Scrutiny Panel.

The Committee was advised that an informal meeting of the Chairmen's Committee had been held in December 2005 at which consideration had been given to the workload of the Social Affairs Panel. Various options had been discussed including splitting the Panel into two, namely Health, Employment and Housing in one Panel and Home Affairs and Education in a second Panel. The alternative of forming a permanent Sub-Panel was also explored.

The Committee discussed the Social Affairs Panel which it was noted had a very heavy workload and agreed that it was imperative that Scrutiny was able to function effectively. The Committee was advised that the Chairman of the Social Affairs Panel wished to retain the Panel as currently approved by the States as it was recognised that any changes would have significant financial implications. The Chairmen's Committee had agreed that the Social Affairs Panel would remain unchanged until the end of March 2006 although the matter would be kept under review.

The Committee noted the position.

States Members'  
parking.  
1240/9/1(115)

A5. The Committee received and considered correspondence dated 13th January 2005 from Deputy G.W.J. de Faye, Minister for Transport and Technical Services in connexion with States members' parking.

The Committee was apprised that Deputy J.J. Huet, Assistant Minister for Transport and Technical Services had been reviewing the allocation of spaces and had suggested that the current system of prioritisation should be changed to a system whereby spaces were allocated to members on the basis of the number of years served in the States. Deputy de Faye was requesting the Privileges and Procedures

Committee approve this new method of allocation prior to it being implemented.

The Committee noted that, if this new method of allocation was approved, Deputy de Faye would write to advise all States members of these arrangements and the number of spaces allocated in each of the car parks, which he suggested should then be fixed. Deputy de Faye requested that the Privileges and Procedures Committee act as an appeals route for members on the proviso that any changes agreed would not affect the number of spaces allocated in each car park again.

The Committee discussed in detail the issues surrounding States members' car parking which it noted had always proved to be very controversial particularly with members of the public. The Committee agreed that, rather than revisiting the problem as a whole, it could prove more beneficial and simpler to address the problems faced by one or two States members who had an issue with their allocated space due to a particular medical or other personal need. The Committee also discussed States members' parking permits and agreed that members' parking permits should enable them to park for any length of time free of charge in any public car park whenever members' spaces were fully occupied.

The Committee agreed that it would wish to advise Deputy de Faye that it did not consider it necessary to change the allocation procedure at this present time as it was felt that this would replace the perceived problem with another. The Committee agreed that newly-elected members could, in the future, be given lower priority for spaces which would effectively establish a system of allocation by length of service over a period of years. The Committee further agreed that whilst it was happy to provide input on the matter of parking it would not wish to be involved in an appeal system.

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

2004/2005 carry  
forward balance.  
422/10/1(76)

A6. The Committee considered a report prepared by the Greffier of the States concerning unspent funds remaining from 2004/2005.

The Committee was advised that at the end of 2004 it had an unspent balance of £340,507 which had arisen principally because the Shadow Scrutiny function, which had been allocated its own budget, had not began work in earnest until well into 2004 and, as a result, there had been an unspent balance at the year end. The Committee had applied for a carry forward to 2005 and, in accordance with the States Treasury rules, the maximum 3 per cent of the total budget was allowed as a carry forward, namely £159,306. The balance of £181,201 was not available to the Committee and was therefore deemed to be returned to central revenues.

The Committee was advised that it was being requested by the States Treasury to authorise the release of the £181,201 to be applied to the Economic Growth Plan. It was noted that the Minister for Treasury and Resources had no authority to release the funds for a purpose other than the purpose to which they were voted by the States without the authorisation of the Privileges and Procedures Committee. If the Committee did not authorise the transfer of these unspent funds to the Economic Growth Plan they would be returned to the Consolidated Fund.

The Committee, having noted the above, agreed that the funds could be applied to the Economic Growth Plan. On a related matter, the Committee was advised that it would be requested to consider a report concerning the carry forward balance from 2005 to 2006 at a subsequent meeting and it was noted that it could be necessary to request more than 3 per cent of the total budget for the Scrutiny function.

Draft  
Administrative  
Decisions  
(Review)  
(Amendment No.  
2) (Jersey) Law  
200-  
(P.195/2005):  
Amendment -  
comments.  
1386/4(16)

A7. The Committee, with reference to its Minute No. A7 of 11th January 2006, received the 'draft Administrative Decisions (Review) (Amendment No. 2) (Jersey) Law 200- (P.195/2005): amendment' lodged by the Deputy of St. Martin.

The Committee agreed to present a comment to the States confirming that it supported the amendment.

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

Draft Freedom of  
Information  
(Jersey) Law  
200-  
670(1)

A8. The Committee welcomed Mr. C. Borrowman, Assistant Law Draftsman to the meeting and considered the draft Freedom of Information (Jersey) Law 200-.

The Committee recalled that the Attorney General had expressed concerns in connexion with the matter of resource implications as he envisaged that his department would require two additional lawyers. The Committee considered that the impact on departments would be determined by the number of applications received and although the number could be high at first it was envisaged that these would balance out as time progressed. It was recognised that it would be beneficial to encourage authorities to develop records and document management schemes which would facilitate retrieval of requested information as it was hoped that this would lower the resource implications. The Committee was advised that all individuals would have a right to apply for information regardless of their nationality or residency and although it was expected that in general information would be offered free of charge there was provision for an authority to charge a fee for providing information if necessary.

The Committee expressed concern regarding the inclusion of a publication scheme in the law however it was confirmed that this Article could be implemented at a later date if necessary. The Committee agreed that it, as opposed to the Minister, should be responsible for issuing any codes of practice and for bringing the Law into force.

The Committee agreed that the notes which had been included by the Law Draftsman had been invaluable when considering the law and requested that they remain in the document when it went out to consultation. The Committee requested that the draft law be circulated to various bodies for consultation including the Attorney General, Jersey Financial Services Commission, the Media, and the Minister for Economic Development, the Chairmen's Committee and the Data Protection Commissioner and that all comments should be received by the end of April.

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

Standing Orders  
of the States of  
Jersey -  
amendment of  
lunch  
adjournment.  
1240/4(175)

A9. The Committee discussed the States meeting lunch adjournment which under Standing Orders of the States of Jersey was from 1pm until 2.15pm.

The Committee noted that the lunch period, which had previously been from 12.45pm until 2.30pm, had been adjusted at a time when the States was experiencing a heavy workload. Definite dates if needed for the continuation of States meetings had now been scheduled. The Committee was of the opinion that a longer lunch adjournment would be useful to allow meetings to be held and to allow members to catch-up with e-mails and other States business. The Committee agreed that an amendment to the Standing Orders of the States of Jersey should be prepared outlining the business which took place during the lunch break to allow the newly elected States members to vote on the length of the break. It was suggested that the

length of the break should be from 12.45pm until 2.15pm and it should be referred to as a midday recess rather than lunch adjournment.

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

States Members'  
remuneration.  
1240/3(80)

A10. The Committee recalled that the former Deputy of St. John had raised a question in the States on 29th November 2005 in connexion with members receiving sickness benefit and their remuneration.

The Committee agreed that it would request the Minister for Social Security to clarify the position of States members claiming sickness benefit and the definition of work for members who were unwell. A request would also be made to consider whether a change in the relevant legislation could be made to enable States members to be treated as 'employed' which would resolve the double tax issue relating to the reimbursement of Class 2 Social Security payments.

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

Matters for  
information.

A11. The Committee noted the following matters for information -

- (a) that some States members had requested the provision of lockers. The Committee was advised that the Assistant Greffier of the States was investigating the matter and a request for funding for lockers would be made from the carry forward budget;
- (b) the Committee confirmed that its next meeting would be held on Wednesday, 8th March 2006, commencing at 9.30 a.m. in the Le Capelain Room, States Building, Royal Square, St. Helier and that the main item of business would be the issue of election expenses and campaign funding.