

PRIVILEGES AND PROCEDURES COMMITTEE

(27th Meeting)

28th October 2004PART A

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

Deputy R.G. Le Hérisier  
 Senator P.V.F. Le Claire  
 Connétable D.F. Gray  
 Deputy P.N. Troy  
 Deputy C.J. Scott-Warren

In attendance -

M.N. de la Haye, Greffier of the States  
 Mrs. A.H. Harris, Deputy Greffier of the States  
 P. Monamy, Senior Committee Clerk

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

Draft States of  
 Jersey Law 200-:  
 amendments of  
 Senator S. Syvret  
 - comments.

450(1)

Clerk  
 States (2)  
 Pub.Ed.

A1. The Committee, with reference to its Act No. A2 of 14th October 2004, considered a number of new amendments to the draft States of Jersey Law 200- (P.124/2004) which had been lodged 'au Greffe' by Senator S. Syvret on 26th October 2004.

**Having recalled that it had previously approved its comments in respect of a number of other amendments the Senator had proposed to the draft States of Jersey Law 200-, the Committee decided, as follows -**

Amendment No.  
as it appears in  
P124 Amd.(3):

- (1) to remove the reference to unanimous opposition;
- (3) to revise its comment so as to reflect the Committee's decision to support the amendment;
- (17) to revise its comment so as to indicate that the Committee would have considered supporting the proposal to insert a paragraph to provide that a Minister should not be prevented from speaking publicly, etc. in relation to, or of relevance to, his or her portfolio, had the amendment been drafted differently to include, for example, Assistant Ministers;
- (24) to comment that it did not support the amendment as it considered that it would unduly restrict the ability of the States to take decisions in the future about members' remuneration. Senator P.V.F. Le Claire asked that his dissent to the Committee's decision be recorded;

(27) to delete from its comment the example quoted.

The Greffier of the States was requested to circulate amongst members of the Committee a revised version of the Committee's comments and, subject to no further matters being raised, to arrange for those comments to be presented to the States on 2nd November 2004.

Draft States of Jersey Law 200-: amendments of Senator E.P.

A2. The Committee considered amendments to the draft States of Jersey Law 200-(P.124/2004) which had been lodged 'au Greffe' by Senator E.P. Vibert on 26th October 2004.

Vibert - comments. 450(1)

The Committee considered that, whilst the issues raised by the Senator in relation to the unelected members of the States were of considerable importance to the Island and needed to be reviewed and discussed, it should be for the Special Committee on the Composition and Election of the States Assembly (as stated on the Special Committee's proposition (P.171/2004) to consider the matter as part of the overall reform of the composition of the Assembly.

Clerk States (2) Pub.Ed.

The Committee noted that the President had written to all the unelected members notifying them of the impending review and that the Committee intended to move forward with this issue as soon as the debates on the draft States of Jersey Law 200- and the Composition of the States Assembly had been concluded. The Committee confirmed that it would take note of any views expressed during the debate.

**The Committee decided to comment on Senator Vibert's amendment in appropriate terms and the Greffier of the States was requested to circulate amongst members of the Committee a revised version of the Committee's comments and, subject to no further matters being raised, to arrange for those comments to be presented to the States on 2nd November 2004.**

Draft States of Jersey Law 200-: amendments of Deputy S.C.

A3. The Committee considered amendments to the draft States of Jersey Law 200-(P.124/2004) which had been lodged 'au Greffe' by Deputy S.C. Ferguson on 19th October 2004.

Ferguson - comments. 450(1)

The Committee recognised that the Deputy's amendment sought to provide that the future Public Accounts Committee (PAC) would be composed of an elected member of the States as Chairman together with a number of other members, half of whom would be States members and half of whom would not be States members.

Clerk States (2) Pub.Ed.

Having recalled that it had discussed the proposed amendment with Deputy Ferguson in her capacity as Shadow Chairman of the Shadow PAC, together with Mr. T. Dunningham, Chairman, the Committee agreed that it accepted the Deputy's view that the non-States members on the Shadow PAC played a very valuable part in the work of that body and brought a range of skills and expertise that might not be readily available if the Committee were to be composed exclusively of States members.

Whilst the Committee had some concerns about the inclusion of non-elected people in the work of the PAC, which could in future make far-reaching decisions about the administration of public finances, it concluded that the benefit that such members could bring outweighed those concerns. The Committee reiterated, however, that in the event that the amendment were to be adopted by the States, it considered that two conditions should be imposed, namely (i) that the members who were not States members should not have the ability to vote, and (ii) that they should swear an oath of confidentiality before taking-up their positions.

**The Committee decided to comment on Deputy Ferguson's amendment in appropriate terms and the Greffier of the States was requested to circulate amongst members of the Committee a revised version of the Committee's comments and, subject to no further matters being raised, to arrange for those comments to be presented to the States on 2nd November 2004.**

States members' parking: provision of alternative sites on the basis of payment to be made.

1240/9/1(115)

Clerk  
E.P.S.C.(2)

A4. The Committee, with reference to its Act No. 5 of 14th October 2004, discussed with Senator P.F.C. Ozouf, President, Environment and Public Services Committee, and Mr. J.D. Richardson, Chief Executive Officer, Environment and Public Services Department, the provision of car parking for States members.

The Committee heard from the President of the Environment and Public Services Committee that, in view of the imminent loss of the existing parking area for States members located at the rear of the Jersey Tourism building on the 'island site', it was evident that alternative provision was needed. The Committee noted that the officers of the Public Services Department had identified two potential solutions - both involving the payment by States members for the special permit to be made available to them upon request.

**Having considered the relative merits and demerits of the two alternative proposals, including the prospective financial cost of each, as well as the potential disruption that would be caused to the public who presently used the existing provision, the Committee agreed that it favoured the use of the northern area of the Snow Hill surface car park (12 spaces) and, if necessitated by demand, the basement area of the Sand Street multi-storey car park (approximately 23 spaces).** The Committee recognised that both areas would be reserved for official use and that the cost to States members would be equivalent to the annual cost of the season parking ticket (currently £936).

The Committee noted that the Environment and Public Services Committee would shortly be asked to present to the States a report and proposition relating to the matter, and it was agreed that no press release would be issued until such time as a projet had been approved by that Committee.

The President of the Environment and Public Services Committee and the Chief Executive Officer, having been thanked by the President for their assistance and for their attendance, then withdrew from the meeting.

Shadow Public Accounts Committee: membership - exclusion of Chairmen of Shadow Scrutiny Panels.  
570/1(2)

Clerk

A5. The Committee was apprised by the President of an approach which had been made by Deputy S.C. Ferguson, Shadow Chairman of the Shadow Public Accounts Committee (PAC), together with Mr. T. Dunningham, Chairman, seeking the removal of Senator E.P. Vibert as a member of the Shadow PAC.

The Committee recalled that the States had previously agreed that, during the experimental period until the end of December 2004, the Chairmen of the Shadow Scrutiny Panels should be *ex officio* members of the Shadow PAC. However, both Chairmen of the Shadow Scrutiny Panels had recently requested that they should be permitted to relinquish that responsibility in view of the pressure of work arising from their Chairmanship of their respective Panels.

The President suggested that further consideration should be given to implementing the previously stated intention of creating a formal "Chairmen's Committee" in order that the Chairmen of the Scrutiny Panels and of the Public Accounts Committee might be provided with a forum in which to discuss matters of mutual interest relating to the work of their respective bodies.

**The Committee, having recognised that, in any event, the situation would be due to be reviewed by the States at the beginning of the 2005 Spring Session, decided that the existing position should be maintained until then.** The Connétable of St. Clement asked that his dissent from that decision be recorded.

The President was requested to write to Deputy Ferguson and Mr. Dunningham in appropriate terms.