

KS/MH/117

PRIVILEGES AND PROCEDURES COMMITTEE

(32nd Meeting)

19th April 2016**PART A (Non-exempt)**

All members were present, with the exception of Senator P.F.C. Ozouf, from whom apologies had been received.

Connétable L. Norman of St. Clement, Chairman  
 Connétable D.W. Mezbourian of St. Lawrence  
 Connétable C.H. Taylor of St. John  
 Deputy J.A. Martin of St. Helier (in attendance for items A1, A2, B1 and part of B2 only)  
 Deputy S.Y. Mézec of St. Helier  
 Deputy S.M. Brée of St. Clement

In attendance -

Dr. M. Egan, Greffier of the States  
 L.M. Hart, Deputy Greffier of the States  
 A.C. Goodyear, Assistant Greffier of the States (in attendance for items A1-A5, B1 and B2 only)  
 M. Waddington, Assistant Law Draftsman (in attendance for item B2 only)  
 G. Crill, Chairman of the States of Jersey Complaints Panel (in attendance for item A2 only)  
 G. Marett, member of the States of Jersey Complaints Panel (in attendance for item A2 only)  
 D. McGrath, member of the States of Jersey Complaints Panel (in attendance for item A2 only)  
 J. Eden, member of the States of Jersey Complaints Panel (in attendance for item A2 only)  
 L. Monamy, Consultant (in attendance for item B1 only)  
 K.L. Slack, 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 held on 11th March 2016 (Part A only), 16th March 2016 (Part A and Part B) and 23rd March 2016 (Part A only), having previously been circulated, were taken as read and were confirmed.
States of Jersey Complaints Panel Report 2015. 1386/6/1(2)	A2. The Committee, with reference to its Minute No. A2 of 7th July 2015, considered the States of Jersey Complaints Panel's Annual Report for 2015. In this connexion, the Committee welcomed Mr. G. Crill, the Chairman of the Panel, and Messrs. G. Marett and D. McGrath and Mrs. J. Eden, members of the Panel.  It was noted that the Panel comprised 10 members, of whom 3 would sit as a Board whenever a complaint progressed to a formal hearing. There had been a change of membership during 2015, but the new members had settled in well and the Chairman of the Panel informed the Committee that the Panel felt robust and confident in relation to its role and function. Formal complaints hearings only took place when complainants had exhausted any internal complaints procedures available and the

Panel encouraged the use of informal resolution and mediation.

The Chairman of the Panel explained that he was somewhat concerned that the complaints process, which was meant to be responsive and prompt, was becoming rather laboured and he indicated that he was likely to insist on greater momentum in the future. It was noted that the Complaints Board had so far sat twice during 2016 and that both cases had started in 2013 and had involved lawyers.

Mindful that under Article 9 of the Administrative Decisions (Review) (Jersey) Law 1982, the Board could request a Minister or Department to reconsider a matter and, whilst accepting that it would not be appropriate for the Panel to have powers, the Chairman of the Panel indicated that there was no obligation on a Minister to take the Board's recommendations on board and he felt that it would be helpful to have a process whereby a Board could keep a matter 'live'. The Chairman of the Committee advised the Panel representatives that if a Board felt that a Minister had not taken its recommendations seriously, it could refer the matter to the Committee, who could request the Minister to attend before it. It was also open to the Committee, or a member of the States, who had an interest in the matter, to bring a Proposition to the States in respect thereof.

The Committee expressed its gratitude to the Chairman and members of the Panel and having noted with interest the content of their annual report, approved the same and agreed that it should be presented to the States in the Report series at the earliest opportunity.

Web-streaming  
of meetings of  
the States.  
465/4(13)

A3. The Committee, with reference to its Minute No. A2 of 16th March 2016, received an oral update from the Assistant Greffier in connexion with the web-streaming of meetings of the States.

The Assistant Greffier informed the Committee that planning permission had been sought in respect of the installation of the cameras and that a decision was likely during the week commencing 2nd May 2016. Subject to permission being obtained, the hardware could be ordered thereafter, with a view to having the cameras in place by July 2016.

States  
procedures:  
review.  
465/4(14)

A4. The Committee, with reference to its Minute No. A4 of 16th March 2016, received an oral update from the Assistant Greffier on the activities of the Standing Orders and Internal Procedures Sub-Committee.

The Assistant Greffier indicated that although a meeting of the Sub-Committee had been scheduled, it had been cancelled because one of the 2 members had been unable to attend.

States  
Assembly and  
Scrutiny  
websites.  
871/1(8)

A5. The Committee received an oral update from the Assistant Greffier on work that was underway to redevelop the States Assembly and Scrutiny websites.

The Assistant Greffier notified the Committee that workshops had taken place on 13th and 14th April 2016 with States members and officers from the States Greffe and other Departments that used the websites. These had been well attended and valuable feedback had been received thereafter. Further workshops involving members of the media and the general public would take place in the future. The general consensus was that the websites held all the relevant information, but that it was not always easy to find, as the search facility needed improvement. Committee members indicated that they would find it useful to participate in a workshop to include elements of training on the existing site. The Assistant Greffier was requested to organise the same.

32nd Meeting  
19.04.16

Composition  
and election of  
the States  
Assembly.  
465/1(201)

A6. The Committee, with reference to its Minute No. A6 of 16th March 2016, received an oral update from the Deputy Greffier on the activities of the Sub-Committee on the Composition and Election of the States Assembly.

The Deputy Greffier informed the Committee that officers supporting the Sub-Committee were due to meet on 25th April 2016, and that the Sub-Committee itself was scheduled to meet on 28th April 2016. It was noted that lunchtime slots on 10th May 2016 and 14th June 2016 had been reserved for the Sub-Committee to make a presentation to States Members. Having canvassed the views of the members of the Sub-Committee, it was agreed that the presentation on 10th May would relate to the composition and election of the States Assembly and that the 14th June would be used for a presentation on the role of the presiding officer.

The Committee noted the foregoing accordingly.

Standing  
Orders:  
Proposition by  
Deputy S.M.  
Wickenden to  
amend  
Standing Order  
168.  
450/99(2)

A7. The Committee considered a draft Proposition by Deputy S.M. Wickenden of St. Helier to amend Standing Order 168. The Greffier informed the Committee that the Deputy had agreed to delay the lodging thereof until such time as the Committee had been able to give it some consideration.

The Committee recalled that Standing Order 168 dealt with Land Transactions and noted that Deputy Wickenden proposed that paragraphs 2, 4 and 6 of that Standing Order should be removed.

The Committee noted that the Deputy had prepared his draft Proposition following the renewal of the lease on La Collette Fuel Farm. The Deputy was concerned that Standing Order 168, as currently drafted, had permitted the Minister for Infrastructure to renew the Fuel Farm lease by way of Ministerial Decision, without the requirement for him to give 15 days' notice to States Members. This, according to the Deputy's Report, "[gave] far too much discretion to the Minister to make extremely strategic important decisions for Jersey without any ability for proper scrutiny..."

The Greffier advised that there were some drafting problems with the Proposition, which would need to be resolved before it could be lodged.

The Committee felt that the Deputy's proposal, if successful, would impact more on Jersey Property Holdings than itself. Accordingly, it requested officers to advise the Deputy to meet with a representative from that Department, and the Minister for Infrastructure, as well as the Greffier, in order to evaluate the effect that his Proposition would have, before seeking to progress it.