

PRIVILEGES AND PROCEDURES COMMITTEE

(18th Meeting)

6th November 2002PART A

All members were present. Deputies R.J. Le Herissier and C.J. Scott-Warren were not present for items A1 to A8.

In attendance -

M.N. de la Haye, Greffier of the States
 R.W. Whitehead, Principal Legal Adviser, Law Officers' Department
 S. Drew, Assistant Legal Adviser
 D.C.G. Filipponi, Assistant Greffier of the States
 P. Byrne, Executive Officer
 A. Booth, Research Assistant
 C. M. Le Quesne, Acting Committee Clerk (for a time)
 M.P. Haden, Committee Clerk (for a time).

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

Minutes	A1. The Minutes of the Meeting held on 14th and 24th October 2002, (Part A only), having been previously circulated, were taken as read and were confirmed.
Draft Comments relating to the Policy and Resources Committee: draft report and proposition on the Structure of the Executive (P.191/2002). 1240/22/1(18)	A2. The Committee, with reference to its Act No. A1 of 2nd July 2002, considered its draft Comments to the draft report and proposition of the Policy and Resources Committee on the Structure of the Executive. The Committee recalled that it had previously considered the report together with comments made by Mr R. Whitehead, Principal Legal Adviser, Law Officers' Department. The Committee approved the content of the draft comment, subject to minor typographical amendments, to be presented to the States and agreed that they be forwarded to H.M. Attorney General for information, in advance of presentation. It was agreed that following the meeting with H.M. Attorney General on 13th November 2002 the comments should be presented to the States on 19th November 2002.
Ex.Off. A.G. States (2) Pub.Ed.	The Greffier of the States was directed to send a copy of this Act to the Law Officers' Department for information.
Machinery of Government: Composition and Election of the States Assembly - P.186/2002 - report of the Special Committee	A3. The Committee, with reference to its Act No. A8 of 24th October 2002, received a report, dated 6th November 2002, prepared by the Executive Officer in connexion with its proposed draft comments to the draft report and proposition of the Special Committee on the Composition and Election of the States Assembly, excluding the Minority Report of Senator L. Norman (P.186/2002). The Committee recalled that, at its last meeting, it had been of the view that the Special Committee had missed an opportunity to make significant changes to the current composition and election of the States Assembly and had failed to respond to

on the
Composition and
Election of the
States Assembly -
comment.
1240/22/1(12)

the momentum for change initiated by the Clothier Review and taken up in the various decisions already made by the States in moving along the road towards reform of the machinery of government.

The Committee considered that the Special Committee had not made recommendations which were consistent with the decision of the States of 28th September 2001 and which would facilitate the introduction of a ministerial system of government.

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States (2)
Pub.Ed.

The Committee decided that it would await the States decision in response to the aforesaid report and proposition and that it would take the necessary action to apply the States direction accordingly.

Public Services
Committee issues
to be discussed
relating to
facilities.
1060/5/1(31)

A4. The Committee, with reference to its Act No A4 of 17th September 2002, relating to accommodation and facilities for States members, discussed items to be raised with the Public Services Committee at a meeting scheduled for 11th November 2002.

The Committee agreed that the following matters should be considered at the joint meeting -

Ex.Off.

- (a) Transfer of the buildings administration to the Privileges and Procedures Committee;
- (b) States members' parking;
- (c) cleanliness of the States building during the continued refurbishment
- (d) the completion of works relating to Phase II and securing the necessary funding to ensure that completion from the Finance and Economics Committee.

The Executive Officer agreed to apprise the Public Services Department of the matters raised by the Committee for discussion at the forthcoming joint meeting.

Report and
Proposition
relating to
facilities.
1060/5/1(31)

A5. The Committee, with reference to its Act No. A4 of 30th July 2002, gave further consideration to preparing a draft report and proposition in connexion with States members facilities following the distribution of its First Report, dated 2nd October.

The Committee recalled that States members had been asked to respond to the aforesaid report with regard facilities required by members. It was agreed that, as few responses had been received to date, States members might be provided with an opportunity to participate in a seminar to discuss the proposed facilities and other aspects of the First Report. The Vice President agreed to take the necessary action in this connexion.

Ex.Off.

The Committee noted that, whilst some offices within the refurbished building were being used, no signs had been attached to the doors in accordance with the States decision that no rooms be allocated until completion of the entire project.

The Committee noted the position accordingly.

Broadcast
media's legal
obligations in
English law and
chairing of
hustings

A6. The Committee, with reference to its Act No. A5(b) considered research, dated 28th October 2002, prepared by Mr. S. Drew, Assistant Legal Adviser, in connexion with the broadcast media's legal obligations in English law regarding air time for politicians around elections.

The Committee gave detailed consideration to issues of consistency in connexion with

meetings.
424/2(7)

media guidelines and matters such as chairing hustings meeting. It was agreed that with regard to the media some inconsistencies had been highlighted. The Committee agreed that it would seek the views of the Legislation Committee particularly in respect of administration of hustings meetings.

Ex.Off.
A.G.
Leg.C.(2)
H.R.C.(2)

The President agreed that he would approach the media to seek clarification regarding the guidelines to which they were required to adhere and, in particular, the author of those guidelines to discuss the criteria used in their application. The Committee, having discussed experiences relating to hustings, suggested that some further consideration should be given to the participation of civil servants in election campaigns and post election events. The Committee decided to request the Human Resources Committee to consider the matter with regard to practices in other jurisdictions.

The Committee noted a letter from BBC Radio Jersey outlining the guidelines adopted by the BBC in Jersey during election time. Mr. S. Drew, Assistant Legal Adviser, was tasked with examining what the force of these guidelines were by, inter alia, looking at the scope of the Broadcasting Acts 1990, as extended to Jersey by Orders in Council.

On a related matter, the Committee noted that H.M. Solicitor General had provided one of the Parishes with advice relating to candidates and the potential conflict of their permanent employment when associated to Parish function. The President agreed to seek a copy of that advice from the Solicitor General for the Committee's information. The Committee was mindful that the Human Rights (Jersey) Law 2000 with regard to the Article on freedom of expression might have some implications on the current Civil Service General Rules. It was agreed that the view of H.M. Solicitor General should be sought in this connexion.

The Greffier of the States was requested to send a copy of this Act to the Legislation and Human Resources Committees accordingly.

Draft report and proposition relating to States members remuneration - comment of the Finance and Economics Committee sought.
1240/3(68)

A7. The Committee, with reference to its Act No. A2(c) of 14th October 2002, discussed the possible lodging of a report and proposition relating to the remuneration of States members.

The Committee recalled that it had previously agreed that the principle of a basic remuneration available to all members was essential in order to encourage a wide range of candidates to present themselves for election to the States. The level of remuneration proposed was considered to be modest. It was difficult to predict whether or not there would be an overall increase in the cost to the States compared to the current situation as this would be dependent on the number of members accepting remuneration.

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The Committee noted that the issue of remuneration had been included in its First Report, dated 22nd October 2002, which had been circulated to all States members as a consultation document. It was noted that the proposals had been forwarded to the Finance and Economics Committee for comment.

The Committee agreed that upon receipt of those comments its draft report and proposition relating to States members remuneration should be lodged 'au Greffe'.

The President agreed to discuss the matter with the President of the Finance and Economics Committee and the Greffier of the States was requested to apprise the Treasurer of the States of the Committees intention.

Election of

A8. The Committee received a report, dated 29th October 2002, from the then Deputy

Committee
Presidents.
1240/4(153)

Greffier of the States regarding a proposal that the current procedures for the election of Committee Presidents, as prescribed in Standing Order 41(1B), be amended to allow for a period of questioning of candidates by members before the ballot was held following a suggestion made by Deputy R.G. Le Hérissier.

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

The Committee considered the suggestion that a maximum of 15 minutes questioning for each candidate following their five minute address would be appropriate. It would allow all members, particularly those newly elected, to learn more about a candidate's reasons for seeking a presidency. The Committee, however, was concerned that this would result in a lengthy session. Furthermore, there was a possibility that the question session might be abused by means of 'planted' questions.

The Committee decided that the States should be asked to agree to implement the revised procedure as an experiment in the forthcoming election of Committee Presidents on 12th December 2002, but only in respect of the principal Committee of the States, namely the Policy and Resources Committee. This would allow the new procedure to be assessed before any permanent changes were made to standing Orders.

The Committee accordingly decided to request the Bailiff to consider whether the States would be required to suspend Standing Orders for this purpose. The Greffier of the States was agreed to draft a letter for the President to advise the President of the Policy and Resources Committee of the proposed experimental procedure and to draft the necessary draft proposition for the Committee's approval by means of a telephone meeting.

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

First Report -
timescale for
future work.
1240/22/1/6/1
(22)

A9. The Committee considered the timescale for future work on issues, other than Remuneration and Facilities, contained in its First Report to the States, as follows -

(a) **Scrutiny -**

(i) **Shadow Scrutiny Pilot-** The Committee gave further consideration to the question of setting up a 'shadow scrutiny' pilot exercise. It was agreed that such an exercise without proper training and resourcing might result in scrutiny getting off to a 'false start'. It was agreed accordingly to defer this matter for the time being;

(ii) **Training -** The Committee noted that the Deputy Greffier of the States Designate was due to attend a training seminar on Scrutiny at Birmingham University later in November 2002. It was agreed that the possibility should be explored of inviting Mr. C. Game, Institute of Local Government Studies, to return to Jersey to lead a local training seminar.

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(b) **Code of Conduct -** The Committee noted that the only remaining work in this connexion related to the finalisation of work on the declaration of members' financial interests, which was being undertaken by the Deputy Greffier of the States. It was envisaged that a proposition would be presented to the States early in 2003.

Second Report to
the States -
progress report.
1240/22/1/6/1

A10. The Committee considered the following matters in relation to progress with its Second Report to the States -

(a) **Provision of Information to the Public -**

(23)

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- (i) **States Bookshop** - that the States Bookshop might be better utilised to provide information to the public. The Assistant Greffier of the States was requested to explore the possibilities and to prepare recommendations for the Committee to consider at a subsequent meeting;
- (ii) **School visits** - that tours of the States Chamber by school groups should be encouraged;
- (iii) **States Assembly website** - that the addition of a search engine should be investigated. The Greffier of the States undertook to explore costings; and
- (iv) **Public Relations Role for Scrutiny** - the Committee requested that a job description be obtained from Birmingham County Council.

The Committee requested that the draft section of the Second Report, in respect of provision of information to the public, be prepared for its consideration by the end of November 2002.

- (b) **Freedom of Information** - The Committee received an update on work being done in relation to Freedom of Information. It was envisaged that a draft paper would be presented to the Committee for consideration by the end of November 2002;
- (c) **Recording and Transcription Service** - The Greffier of the States was requested to prepare a report for the Committee's consideration, including the provision of an electronic voting system; and
- (d) **Drafting new States of Jersey Law and Standing Orders of the States of Jersey** - that it had been agreed that Mr. M. Entwistle would undertake the work on drafting the new States of Jersey Law working on a part-time basis with a 50/50 split with his responsibilities in the Health and Social Services Department. It was intended that, following initial research, Mr. Entwistle would prepare broad-brush proposals for the Committee's consideration at its meeting on 6th December 2002.

Matters for information.

A11. The Committee noted the following Act of the Policy and Resources Committee
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Act No A14, dated 24th October 2002 in connexion with the comments on the proposition of Senator P.V.F. Le Claire for a referendum regarding changes to the constitution and membership of the States.