

Privileges and Procedures Committee

(26th Meeting)

18th September 2023

Part A (Non-Exempt)

All members were present

Connétable K. Shenton-Stone of St. Martin, Chair
Deputy M. R. Le Hegarat of St. Helier North, Vice-Chair
Deputy L. J. Farnham of St. Mary, St. Ouen and St. Peter
Deputy C. S. Alves of St. Helier Central
Deputy M. R. Ferey of St. Saviour
Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter
Deputy L.V. Feltham of St. Helier Central

In attendance -

L-M. Hart, Greffier of the States
W. Millow, Deputy Greffier of the States
K. Boydens, Principal Committee and Panel Officer
J. Hales, Research and Project Officer
K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat

Note: The Minutes of this meeting comprise Part A only

Minutes. A1. The Minutes of the meetings of 17th July, 23rd and 25th August 2023 (Parts A and B), having previously been circulated, were taken as read and confirmed.

Forthcoming business. A2. The Committee considered propositions, which had been lodged 'au Greffe' for the meeting of the States Assembly that was scheduled to commence on 3rd October 2023.

The Committee considered P.70/2023 'Appointment of non-elected members on Scrutiny' which had been lodged 'au Greffe' by Deputy M.R. Scott of St. Brelade and concluded that it could not support the proposition. Consequently, members requested that a comment be drafted for approval in response to the proposition.

The Committee also considered P.26/2023 – Draft Register of Names and Addresses (Amendment) (Jersey) Law 202-, which had been lodged 'au Greffe' by the Chief Minister. The Committee recognised the need to ensure that the adoption of the proposition would not delay voter registration proposals and members were advised that the Greffier was due to meet Government officials to discuss this further. The Committee decided to await the outcome of the meeting prior to presenting a comment.

Proposed amendment to Standing Order No. 19. A3. The Committee considered a report which had been prepared by the Deputy Greffier of the States in connexion with a proposal from Deputy L.M.C. Doublet of St. Saviour to amend Standing Orders to allow Assistant Ministers to lodge propositions in their own right.

The Committee noted that Standing Order 19 expressly stated that Ministers could

lodge propositions, with no such explicit provision for Assistant Ministers. Nevertheless, Assistant Ministers were able to oversee the development of propositions in accordance with the functions delegated to them by Ministers. This included the ability for Assistant Ministers to sign Ministerial Decisions approving propositions for lodging in the name of the Minister. Standing Order 68A allowed Assistant Ministers to act as rapporteurs for any proposition lodged by a Minister (even if the Assistant Minister had not formally been delegated responsibility for the specific function under the States of Jersey Law 2005). Assistant Ministers could also act as rapporteur for any proposition lodged 'au Greffe' by the Council of Ministers or the Chief Minister, but in both cases a formal delegation of functions was required so that the Assistant Minister had 'official responsibility' for the functions covered by the proposition. Assistant Ministers could also answer questions in connexion with propositions which related to activities for which they held responsibility under delegated powers.

The Committee noted that Deputy Doublet was concerned that an Assistant Minister could lead on a piece of work and see it through to fruition, but could not lodge the resultant proposition in their own name. The Committee was advised that Standing Order 19 as presently drafted reflected the fact that Ministers ultimately retained authority and that any functions exercised by Assistant Ministers were delegated. Should the Committee decided to pursue an amendment to Standing Order 19 it was suggested that consideration would have to be given as to whether the ability to lodge a proposition should be limited to areas for which Assistant Ministers had formally been delegated authority (in order to avoid the risk of introducing a conflict between Ministerial and Assistant Ministerial positions). A similar amendment could be made to Standing Order 35, which governed who was able to present a document to the States.

The Committee discussed the above matter and concluded that further work would be likely be required to identify any potential risks associated with the proposal. Members noted that the names of those who made proposal speeches (the *rappporteur*) were included in Hansard and the States Assembly Annual Report. It was also suggested that this information could be included in the Twitter feed and it was noted that the practice of preparing social media content in advance meant that the name of the *rappporteur* was sometimes incorrect. In the meantime, the Committee agreed that it would be beneficial to seek the view of the Council of Ministers on Deputy Doublet's proposal.

Code of
Conduct for
Elected
Members:
introduction of
mandatory
training.

A4. The Committee considered a report which had been prepared by the Deputy Greffier of the States in connexion with a proposal to introduce mandatory training under the Code of Conduct for Elected Members.

The Committee recalled that, in a recent report, the Commissioner for Standards had highlighted the importance of training for members in the context of the professional standards required in public life as an elected member. Whilst there was no specific mention of training in the Code of Conduct for Elected Members, an amendment to Standing Order 155 – Schedule 3 could be progressed to facilitate the introduction of mandatory training. If the Committee decided to adopt the introduction of mandatory training it was suggested that consultation could be undertaken with members to decide on which training sessions should be compulsory.

The Committee discussed the proposal and, whilst it arrived at no firm conclusions on the introduction of mandatory training, noted that certified on-line training courses were provided by Virtual College, some of which were mandatory for public servants. It was recalled that access to Virtual College training had been extended to States Members and it was agreed that they should be reminded of this.

Opportunities also existed to highlight training during the induction process for new members, when uptake was likely to be greater. The Greffier of the States referenced training activities at a recent Regional Commonwealth Parliamentary conference, which might be considered beneficial in the Jersey context. Validation/certification was also highlighted as an incentive to completing training. Finally, it was noted that any training attended by Members could be added to their individual profiles, which was an extremely useful repository, especially when preparing resumés.

In conclusion, whilst some Members considered training in certain areas, such as data protection, to be essential, consultation would be necessary to ascertain which, if any, training sessions should be compulsory.

Referendum
Commission:
appointment of
Chair.

A5. The Committee considered a report which had been prepared by Ms. K. Boydens, Principal Committee and Panel Officer, in connexion with the appointment of a Chair to the Referendum Commission, which had been established in accordance with the Referendum (Jersey) Law 2017.

The Committee noted that the term of office of the previous Commissioners had expired at the end of 2022. Messrs. T. Le Sueur and M. Boothman, both of whom had been members of the Commission as previously constituted, had expressed an interest in sitting on the Commission. Consequently, it was recommended that the Committee establish a recruitment panel in accordance with Article 2(4) of the aforementioned Law to appoint a Chair in the first instance. This would enable the successful applicant to participate in the appointment of members of the Commission.

The Committee was advised that the Law required the recruitment panel to comprise the Greffier of the States and 2 other individuals nominated by the Committee. Due to previous experience of working with the Commission, it was recommended that the Deputy Greffier of the States take the place of the Greffier on the recruitment panel, together with a representative of the UK Electoral Commission, Ms. A. Irvine, Director of Electoral Administration and Guidance and the recently appointed Judicial Greffier, Advocate R. Morley-Kirk. It was noted that it had been confirmed that the involvement of the Jersey Appointments Commission was not required in this particular case.

Having considered the make-up of the recruitment panel, the Committee accordingly approved the same.

Turning to the recruitment strategy, it was suggested that the Chair should have Board level or equivalent experience and it was recommended that the position be advertised on social and local media, via parishes and other networks, such as the Chamber of Commerce and local charities. Attention was drawn to a draft advertisement and job description for the position of Chair, with the deadline for applications being 12th October 2023. It was hoped that the recruitment panel would be in a position to recommend the appointment of the Chair following interviews at the end of October/beginning of November 2023. Thereafter, Commissioners would be sought from a variety of walks of life and the Committee noted a 'person specification' for the role.

The Committee accordingly approved the approach set out above and requested that the necessary action be taken.

Amendments
to Standing
Orders relating

A6. The Committee, with reference to its Minute No. A6 of 17th July 2023, considered correspondence dated 18th August 2023, from the Chief Minister in connexion with proposed amendments to Standing Orders 64 (Questions without

to Questions
without notice
and
Statements.

notice to be answered by Ministers), 66 (Duration of periods for questions without notice) and 68 (Statements on a matter of official responsibility).

The Committee recalled that during a meeting of the States Assembly on 18th April 2023, Deputy M. Tadier of St. Brelade had proposed that statements should be made before questions without notice. Having discussed the proposal at its meeting in May 2023, the Committee had agreed that the timeframes for the receipt and distribution of statements should be revised and that the period for questions without notice should be extended. A draft proposition had subsequently been prepared to amend the relevant Standing Orders. If approved, the amendments would enable the period for questions without notice to the Chief Minister to be extended from 15 minutes to 30, with the question periods for the 2 other Ministers remaining at 15 minutes. It would also require the text of official statements to be provided by 5.00 p.m. on the day before the statement was due to be made, unless the Bailiff had given permission for that period to be curtailed. The Committee had agreed that, prior to lodging the proposition, the Council of Ministers should be consulted on the proposed amendments.

The Committee noted that Ministers had been invited to comment on the proposals and whilst the proposed amendment to Standing Order 68 was supported in principle, a deadline of 8.00 am on the morning of the sitting was suggested, as opposed to 5.00 pm on the day before the Statement was due to be made. With regard to questions without notice, the Chief Minister had advised that she believed that members already had ‘ample and extensive opportunity’ to question her through a variety of means and did not believe that changes to Standing Orders 64 and 66 were necessary.

The Committee discussed the Chief Minister’s response and concluded that it could not support the proposed deadline of 8.00 a.m. for Statements, as detailed above and decided to maintain its decision to propose an amendment to Standing Order 68 which would require the text of official statements to be provided by 5.00 p.m. on the day before the statement was due to be made, unless the Bailiff had given permission for that period to be curtailed. Turning to the proposed amendments to Standing Orders 64 and 66, the Committee decided to seek the views of the Chief Minister with regard to a revised proposal which would allow the period for questions without notice to be extended at the discretion of the Chief Minister.

Dress code in
the States
Assembly.

A8. The Committee, with reference to its Minute No. A8 of 17th July 2023, considered a report entitled ‘Dress Code in the States Assembly’ which had been prepared by Ms. K. Boydens, Principal Committee and Panel Officer.

The Committee recalled that whilst there was no written guidance relating to dress code for Members during meetings of the States Assembly, it was a long-established convention for men to wear jackets and ties and for women to be dressed in business attire. The Committee had previously expressed support for retaining the status quo but had agreed to consult the Diversity Forum in the first instance.

The Committee was advised that the Diversity Forum had discussed the matter at its meeting on 5th September 2023, and had proposed that the dress code should be defined as formal ‘office attire’. In doing so, the Forum had also suggested that Members should be permitted to remove their jackets in the States Chamber without the consent of the Bailiff or seeking leave of the Assembly.

The Committee discussed the view of the Diversity Forum and expressed a preference for the dress code to be defined as ‘formal business/office attire’. The

Committee also supported the view that Members should be permitted to remove their jackets without seeking permission to do so. It was agreed to consult the Bailiff in the first instance on the aforementioned matters. If approved, reference would be made to the dress code during the induction process and would be included in the handbook for States Members.

Legislation
Advisory Panel
– ability of the
Chair or Vice-
Chair to act as
rapporteur.

A9. The Committee, with reference to its Minute No. A12 of 17th July 2023, considered correspondence dated 18th August 2023, which had been received by the Chair of the Committee from the Chief Minister in relation to discussions with the Chair and Vice-Chair of the Legislation Advisory Panel ('LAP') in connexion with their ability to act in the States Assembly on behalf of the Panel.

It was recalled that the LAP considered areas of Jersey Law that did not naturally align with one particular Minister and were often largely technical and apolitical. As an example, the Panel was currently reviewing the legislation around succession. When proposals for Ministerial Government had been advanced, it had been agreed that responsibility for the former Legislation Committee should be transferred to the Chief Minister. It was now being suggested that the Chair of the LAP would be best placed to act as *rapporteur* when the matters which the Panel had considered were debated by the States Assembly.

On considering the above matter, the Committee had agreed to support a proposal which would allow the Chair or Vice-Chair of the Legislation Advisory Panel to act as *rapporteur* in the States Assembly in matters where the Panel had taken the lead. Members had requested that the necessary amendments to Standing Orders be drafted for approval by the Committee. In doing so, the Committee had endorsed a recommendation of the Deputy Greffier of the States that the Chief Minister be requested to present a report to the States which set out the functions of the Panel ahead of lodging amendments to Standing Orders.

The Committee noted that whilst the Chief Minister had presented a report to the States which included an outline of the functions of the Panel when the current members had been appointed, she was prepared to present fuller details of the Panel's remit and terms of reference and had instructed officers to take the necessary action.

The Committee noted the position.

Privileges and
Procedures
Committee:
Sub-
Committees –
update on
workstreams.

A10. The Committee, with reference to its Minute No. A13 of 17th July 2023, considered a report which set out the progress that had been made by the various Sub-Committees which had been established to support the work of the Privileges and Procedures Committee.

It was noted that the Political Awareness and Education Sub-Committee had met on 7th September 2023, and had discussed, among other things, the plans for Democracy Week (25th – 29th September 2023), the status of the new States Assembly website and the provision of information packs from Parish Authorities for Islanders aged 16 (this suggestion had arisen in the Island Identity report). The Chair had also proposed that the Sub-Committee should be established under Standing Orders.

The States Members' Pensions Sub-Committee was due to meet on 10th October 2023, and consideration would be given to arranging a briefing for those members who had not yet joined the pension scheme. The view was expressed that training in the use of the on-line pensions' portal was required.

The Diversity Forum had met on 5th September 2023, and had discussed the dress

code for States Members (Minute No. A8 refers), had received a presentation from the Chief Statistician on sex disaggregated data and had considered remote participation in the States Assembly (the Forum had requested that views also be sought on proxy voting). With regard to proxy voting, the Committee noted that a paper which set out the approach adopted in other jurisdictions would be circulated and the matter could be raised during a forthcoming briefing to all States Members. It was recalled that the Committee had previously decided not to support proxy voting and this conflicted with the adoption of P.63/2022 'States Meetings – remote participation and proxy voting', which had been lodged 'au Greffe' by Deputy I. Gardiner of St. Helier on 10th March 2022. Consequently, the matter would need to be brought back to the States.

Privileges and
Procedures
Committee:
2023 work
programme.

A11. The Committee, with reference to its Minute No. A14 of 17th July 2023, considered its 2023 work programme and the progress which had been made to date.

It was recalled that the Committee was due to brief States Members on proposals for remote participation in the Assembly and the Committee was reminded that the Diversity Forum had requested that views also be sought on proxy voting (Minute No. A10 refers). The Committee was also due to receive a report outlining a project plan for the 'Life After Parliament' study.

The Committee noted the position.