

Privileges and Procedures Committee

(17th Meeting)

17th April 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 C.S. Alves of St. Helier Central  
 Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (for a time)  
 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter  
 Deputy M.R. Ferey of St. Saviour  
 Deputy L.V. Feltham of St. Helier Central

In attendance -

L-M. Hart, Greffier of the States  
 W. Millow, Deputy Greffier of the States  
 Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support (for a time)  
 K. Boydens, Principal Committee and Panel Officer  
 K. Camara, 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 held on 13th, 22nd and 31st March 2023, were taken as read and were confirmed.
Forthcoming business.	A2. The Committee noted that no propositions had been lodged "au Greffe" for the States Assembly meeting on 2nd May 2023, which required the presentation of comments by the Committee.
Digital and Public Engagement: video presentation of propositions.	<p>A3. The Committee, with reference to its Minute No. A4 of 17th October 2022, received a report which had been prepared by Ms. J. O'Brien, Head of Digital and Public Engagement in connexion with a trial of video presentations of propositions.</p> <p>The Committee recalled that it had agreed to trial the production of short video presentations of propositions by States members which would be shared on social media (with subtitles) to increase awareness of States Assembly business and encourage Islanders to share views on issues.</p> <p>The Committee was advised that, since the commencement of the trial 21 propositions and 10 amendments had been lodged "au Greffe". 7 members had taken the opportunity to record a piece to camera and the videos had been shared across 5 platforms. The Committee noted the number of views across the platforms in respect of each of the videos, which totalled 17,000. Paid promotion on Facebook had significantly increased views and engagement, as had requesting viewers to share</p>

views on topics. Comments received on propositions were shared with the Committee.

In conclusion, it was being recommended that the trial continue for a further period of 4 months, with the views of non-participating members being sought in order to understand potential barriers to engagement. Members would also be provided with additional support and new rules for social media engagement had been drafted to address inappropriate comments. It was suggested that paid promotion on other platforms should also be trialled.

The Committee discussed the results and endorsed the recommendation to extend the trial for a further period of 4 months and to trial paid promotion on other platforms.

Postal voting  
and electronic  
counting: UK  
Engage.

A4. The Committee received Mr. A. Tye of UK Engage in connexion with postal voting and electronic counting.

The Committee noted that UK Engage was a Manchester based leading election services provider and member engagement specialist organisation. Mr. Tye outlined the range of services provided by the company, which included, but was not limited to, printing ballot papers, assisting with counting processes and postal voting. UK Engage provided services for a range of elections, to include UK local authority, Royal Colleges and trade union elections. The company had also been engaged to carry out work for the Channel Islands Co-operative Society in relation to trustee elections.

The Committee received full details of the work which had been undertaken by the organisation for the States of Guernsey during the 2020 election. It was noted that 25,000 ballot papers had been processed during a 14 hour period (not including a recount), with marks on ballot papers being interpreted by scanning technology. Examples of ballot papers were viewed together with details of 'count centre' technologies (an American platform known as Democracy Suite, which was used across the United States for postal voting, was employed). Electronic data generated was ultimately passed to the relevant authority. In terms of lessons learned from the Guernsey experience, Mr. Tye advised that the use of a commercial aircraft for the delivery of ballot papers was considered prudent to ensure delivery in time for pre-polling. He confirmed that the company was confident that it could provide the services required in the Jersey election context. With regard to on line voting, Mr. Tye informed the Committee that he had discussed this with the Greffier of the States and the Judicial Greffier and he explained that significant financial investment was required to facilitate this and expressed the view that on line voting might not have the desired impact in terms of increased voter turn-out.

The Committee thanked Mr. Tye for a most informative presentation and he withdrew from the meeting.

Jersey  
Electoral  
Authority:  
report  
recommendat-  
ions.

A5. The Committee received Messrs. J. Everett, Chair, A. Hodnett, A. Clarke, Judicial Greffier of the States and Mrs. L-M. Hart, Greffier of the States, all of whom were members of the Jersey Electoral Authority (JEA), in connexion with recommendations arising from the report which had been produced by the Authority and presented to the States (R3/2023 refers).

The Committee recalled that the report sought to describe particular aspects of the 2022 election process and any issues which had arisen. The report addressed nomination of candidates; voter engagement; campaigning; postal and pre-poll

voting; election day and the immediate aftermath; electoral expenses; the Commonwealth electoral observers' report; and, the role and performance of the JEA.

Mr. Everett addressed the Committee, advising that the main issues for the JEA concerned security for postal voting, continued pre-poll voting, proxy voting, ballot paper production, the provision of a central electoral register and both a tactile and/or audio solution at every polling station and a large version of the ballot paper to ensure that blind and partially sighted people were guaranteed an independent and secret vote. Furthermore, the make-up of the JEA itself had been considered and it had been concluded that elements of tension existed when it came to the roles of the Greffier of the States and the Judicial Greffier. Finally, in the context of complaints and disputes resolution, it was believed that, in some cases, expectations might not have been met due to the parameters which had been set and the resources available. It was suggested that if the remit of the JEA was to be expanded in this context additional resourcing and appropriate training would be required.

The Greffier of the States advised that the Committee had considered some of the recommendations arising from the report during the course of the extant meeting (Minute No. A6 refers). The Greffier of the States went on to advise that both she and the Judicial Greffier were involved in a project group which had been established to consider the provision of an electronic electoral register. The membership of this group was diverse and this was viewed as positive in the context of the success of the project. The Greffier acknowledged the challenge of balancing her role as a member of the JEA with her duties as Greffier of the States.

The Chair highlighted the significant responsibility and commitment required by members of the JEA and the fact that the work was unpaid and it was suggested that, at the very least, reasonable 'out of pocket expenses' should be considered. It was noted that one member had been able to fly to the Island to attend the elections by taking advantage of a workplace volunteering arrangement which allowed staff to take special leave. However, this trip had been entirely at his own cost. It was recognised that the accelerated speed at which the Authority had been required to work (having only been established a short time before the election) and the need to build expertise, prepare terms of reference and a code of conduct within a very short time frame had been a major factor. It was likely that the process would be much more streamlined ahead of the next election. The Greffier of the States suggested that, with hindsight, the establishment of a shadow JEA body might have been beneficial. Mr. Everett stated that if the role of complaints and disputes handling was expanded, consideration would have to be given to attracting additional members (it was recalled that this had originally been envisaged when the constitution of the JEA had been approved and there was scope to increase the membership by 2 to 4 ordinary members). Mr. Hodnett also highlighted the fact that additional members would allow for a proper appeals process. The Judicial Greffier of the States reminded the Committee that the expiry of the 4 year term of office for members of the JEA would co-incide with the next election so it would be necessary to attract members well ahead of that time. He, too, stated that consideration should be given as to whether it remained appropriate for the constitution to include both the Greffier of the States and the Judicial Greffier given their statutory responsibilities and potential perception issues around independence. That said, the Judicial Greffier recognised the benefits of the participation of both officers in terms of knowledge of processes. He invited the Committee to formally acknowledge the sheer volume of work which had been undertaken by the JEA, especially the Chair and the 2 ordinary members, and the Committee expressed its sincere appreciation for this. In terms of the impact on the workload of the Judicial Greffe, the Committee was advised that difficulties had been experienced with regard to the tight timetable

which had been set in relation to nominations and the postal voting process. If the number of postal votes had been higher (as had been anticipated), the Judicial Greffier advised that the process would have failed. He urged the Committee to ensure that the Judicial Greffe was kept informed of the details of any discussions with external election service providers in order that the impact could be assessed. The Greffier of the States assured the Committee that the views of the Judicial Greffe would be sought in relation to any legislative changes. The Judicial Greffier explained that he had considered the services which could be provided by UK Engage immediately prior to the 2022 election and had concluded that the estimated cost of £73,000 did not represent good value for money. He also remained to be convinced that the service provision was appropriate in the Jersey context. The Judicial Greffier advised the Committee that he was due to leave his position in the near future and wished to ensure that his experiences and observations informed any proposed changes, particularly as his successor was unlikely to have previous experience of managing an election.

Mr. Hodnett sought the views of the Committee in relation to the recommendations arising from the JEA report and the Greffier of the States advised that many of the practical changes would be relatively easy to implement and that the process had commenced. However, political decisions were required in respect of some of the recommendations, such as pre-polling. The Committee undertook to provide fuller feedback on its response to the recommendations in the near future and thanked the delegation for attending before they withdrew from the meeting.

States of  
Jersey Law  
2005,  
Elections  
(Jersey) Law  
2002 and  
Public  
Elections  
(Expenditure  
and Donations)  
(Jersey) Law  
2014: proposed  
amendments.

A6. The Committee received a comprehensive report which had been prepared by the Greffier of the States which dealt with some of the recommendations of the Jersey Electoral Authority (JEA) and the Commonwealth Parliamentary Electoral Observation Mission and, in particular, potential consequential amendments to the States of Jersey Law 2005, the Elections (Jersey) Law 2002 and the Public Elections (Expenditure and Donations) (Jersey) Law 2014.

The Committee noted that the Greffier's report focussed on registration, ballot papers and postal voting and that details of other proposed changes arising from the above recommendations would follow.

Members were being asked to consider the following –

simplifying the registration and voting criteria so that all individuals aged over 16 were eligible, after 2 years' residency: having discussed the aforementioned and noted some examples of how registration and voter criteria were determined in other jurisdictions, the Committee requested that the Greffier of the States explore best practice internationally.

centralising the ordering of ballot books; the Committee endorsed this recommendation, subject to outsourced arrangements being in place.

whether to continue to have counterfoils on ballot papers – the Committee supported retaining counterfoils.

the provision of both a tactile and/or audio solution at every polling station and a large version of the ballot paper to ensure that blind and partially sighted people were guaranteed an independent and secret vote – the Committee expressed support for the provision of the aforementioned solutions for blind and partially sighted persons.

whether a pre-poll was required if postal voting was offered on demand - the Committee agreed that the ability to pre-poll should be retained but that efficiency could be achieved by reviewing the hours of opening to align with the busiest periods (with a suggestion to include Saturdays being noted). The potential for future improvements arising from the creation of a more accessible centralised register were also noted.

the introduction of proxy voting – the Committee expressed reservations with regard to the introduction of proxy voting on the basis of the complexities of the same and decided that it would not wish to pursue this at present.

allowing the verification process for postal votes to be undertaken earlier (purely for the purpose of opening the first envelope for verification purposes - votes would not be opened until election day) – the Committee expressed support for this proposal on the basis that risks could be mitigated and that certain functions were outsourced.

providing voters with all available ballot papers (as opposed to specifically asking which ballot they wished to participate in) - the Committee endorsed this recommendation.

In response to further suggestions around accessibility in relation to postal voting, the Committee noted that these could be addressed by outsourcing certain functions and further discussions would follow in this respect (Minute No. A4 refers).

Proposed amendments to Standing Order 55A: remote participation in meetings of the States.

A7. The Committee received a draft report and proposition entitled ‘Amendment to Standing Orders – remote participation in States meetings’, the aim of which was to request the States to rescind its decision to adopt a proposition entitled ‘States Meetings: Continuation of Remote Participation’ (P.87/2021 refers) and to make certain amendments to Standing Order 55A.

The Committee noted that it was proposed to amend Standing Orders to reflect the improved public health situation and the removal of restrictions imposed in response to the Covid-19 pandemic. The proposed amendment would not preclude remote participation in certain circumstances and draft guidance had been formulated to assist with the interpretation and application of the Standing Order. The second part of the proposition responded to P.63/2022, which permitted remote participation from outside the Island (in the event that circumstances prevented participation in the Island) at any time when remote participation in meetings of the States was permitted generally. P.63/2022 had included a corresponding request to bring forward amendments to Standing Orders to enact this decision.

Having considered the proposed amendments, the Committee accordingly approved the same and requested that the Greffier of the States arrange for the report and proposition be lodged “au Greffe”.

Members’ training: Negotiation for Success in Politics.

A8. The Committee, with reference to its Minute No. A6 and A4 of 27th February and 13th March 2023, respectively, considered a report which had been prepared by Mr. W. Millow, Deputy Greffier of the States, in connexion with a proposed training programme for States members entitled ‘Negotiating Success in Politics’.

The Committee recalled that it had previously considered a draft training and development programme for members, which responded to the increasing desire for the provision of structured Continued Professional Development for members. The Committee had endorsed a programme which encompassed a number of training opportunities, to include the abovementioned training course.

Attention was drawn to a proposal which had been prepared by The Resolution Centre for the delivery of the training. Members noted that 10 x 2 hour sessions were proposed at a cost of £32,800. Whilst Continued Professional Development points would not be accrued, certification would be awarded on completion of the course. It was proposed to launch the course in July 2023, with training commencing in September 2023. A maximum of 32 members across 2 cohorts was proposed and funding was available, subject to procurement processes.

The Committee endorsed the proposal and requested that information be sought from the service provider as to the impact a lower uptake than anticipated would have.

No. 23 Hill Street, St. Helier: States members office accommodation – update.

A9. The Committee considered a report which had been prepared by Mr. Y. Fillieul, Assistant Greffier, Chamber and Members' Support in connexion with the provision of office accommodation for States members at No. 23 Hill Street, St. Helier.

The Committee noted the manner in which the building would be accessed (both externally and internally), together with information on the provision of other facilities type arrangements. The building would be used in conjunction with the States of Jersey Police, which necessitated certain safeguarding and security requirements, meaning that public access would be precluded. The building included meeting rooms on the ground floor, which would be shared with the States of Jersey Police and members were reminded of the availability of other meeting spaces in the States building and in Morier House. Desk space would be allocated based on demand, with dedicated desks being provided for those who wished to work 3 or more days per week and 'hot desking' arrangements for others who used the accommodation less frequently. Lockable storage cabinets would also be supplied but members would be discouraged from bringing personal electronic equipment into the building. Wi-Fi was due to be installed in April/May 2023, and it was anticipated that the building would be ready for occupation in June/July 2023. Members would be afforded the opportunity to visit the accommodation prior to occupation. Staff from the States Greffe administration team would be on hand to support members during office hours. Whilst access would be unrestricted, it was envisaged that members might wish to use the office space between the hours of 7.30 am – 8.00 pm.

The Committee noted the position and endorsed the approach set out in the report.

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

A10. The Committee considered a report which set out in detail the progress being made by the various Sub-Committees, which had been established to support the work of the Privileges and Procedures Committees.

The Committee recalled that 4 Sub-Committees had been established to focus on: political awareness education; States members pensions; diversity and the provision of constituency offices. Updates on the work being carried out by each of the Sub-Committees were noted and the Committee's attention was drawn to the terms of reference of the States members' pensions Sub-Committee, which were identical to those agreed by the Sub-Committee as previously constituted.

It was noted that a citizenship day which was being organised by the Political Awareness Education Sub-Committee would be held at the end of June/beginning of July 2023 and the invitation would be extended to those aged between 16 – 25 years. Deputy C. Alves of St. Helier Central, Vice Chair advised that she had suggested that the cost of a provisional driving licence for those attending be waived.

On a related matter, it was noted that those attending a Commonwealth

Parliamentary Association programme for newly elected members in May 2023, would be afforded the opportunity of visiting a constituency office in Putney.

Privileges and  
Procedures  
Committee:  
2023 work  
programme.

A11. The Committee considered the 2023 work programme and noted the progress which had been made to date.

Among other things, it was noted that the pan-Island Commissioner for Standards was expected to visit the Island in June.