

PRIVILEGES AND PROCEDURES COMMITTEE

(97th Meeting)

8th March 2011

PART A

All members were present.

Connétable J. Gallichan of St. Mary, Chairman  
Senator B.I. Le Marquand  
(Not present for Item Nos. A9 to A16 inclusive)  
Connétable P.F.M. Hanning of St. Saviour  
Deputy J.B. Fox  
Deputy J.A. Martin  
Deputy M.R. Higgins  
(Not present for the conclusion of Item No. B1. Not present for Item Nos.  
A2, A3, A4, and A5.)  
Deputy T.M. Pitman

In attendance -

M. Birt, Bailiff of Jersey  
(Item No. B1 only)  
W. Bailhache, Deputy Bailiff  
(Item No. B1 only)  
Senator T.A. Le Sueur, Chief Minister  
(Item No. B1 only)  
W.D. Ogley, Chief Executive, States of Jersey  
(Item No. B1 only)  
M. Entwistle, International Relations, Chief Minister's Department  
(Item No. B1 only)  
M.N. de la Haye, Greffier of the States  
Mrs. A.H. Harris, Deputy Greffier of the States  
Miss A-C. Heuston, 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 of 8th February 2011 (Part A and Part B), 16th February 2011 (Part A only), 18th February 2011 (Part A only) and 22nd February 2011 (Part A only), having been previously circulated, were taken as read and were confirmed.
- States Assembly year end financial report 2010. 422/10/1(88) A2. The Committee, with reference to its Minute No. A2 of 9th November 2010, received the States Assembly year end financial report 2010.
- The Committee noted the full year budget of £5,011,844 and the under-spend of £126,900. There had been an under-spend of £46,000 in respect of the Scrutiny budget; a deferment of anticipated website costs amounting to £23,552; reduced activity in respect of the Assemblée Parlementaire de la Francophonie and fewer States sittings than had been anticipated. This had been offset by additional unbudgeted expenditure on items including States members' French lessons; the Committee of Inquiry into Reg's Skips; and staff costs. With reference to its Minute No. B1 of 25th January 2011, the Committee **agreed** that a transfer of £8,000 should be made to the Commission Amicale in connexion with the provision of

French tuition for States members for the remainder of 2011 (the Chairman and Connétable P.F.M. Hanning declared an interest in this matter).

The Greffier of the States was requested to take the necessary action.

Amendment No. 15 of the Standing Orders of the States of Jersey.  
450/2/1(45)

A3. The Committee, with reference to its Minute No. A10 of 8th February 2011, received Amendment No. 15 of the Standing Orders of the States of Jersey.

The Committee noted that the amendments would give effect to the decision of the States taken on 2nd February 2011 to adopt the proposition of Senator P.F. Routier 'Standing Orders: Minimum lodging periods – revision' (P.194/2010 refers), as amended by the amendment of the Deputy of St. Martin. The Committee, having noted the content of the amendment and the accompanying report, accordingly **approved** the same and requested that Amendment No. 15 of the Standing Orders of the States of Jersey be lodged '*au Greffe*' in early course for debate by the States.

The Greffier of the States was requested to take the necessary action.

Draft Public Elections (Amendment No. 4) (Jersey) Law 201- (P.14/2011): Amendment.  
424(10)

A4. The Committee, with reference to its Minute No. A10 of 25th January 2011, received the amendment of Deputy G.P. Southern to the proposition Draft Public Elections (Amendment No. 4) (Jersey) Law 201- (P.14/2011 refers), lodged '*au Greffe*' on 1st March 2011.

The Committee noted that the purpose of the amendment was to reduce the length of residence required before a person was eligible to vote. The Committee, having considered the amendment, **agreed** that it was a political matter for individual members to decide and that it did not wish to make a comment to the States in respect of the proposal.

2011 elections: voter registration and turnout.  
424/2(72)

A5. The Committee received a report in connexion with the establishment of a voter registration and turn-out campaign in advance of the 2011 elections.

The Committee recalled that campaigns had been organised by previous Committees in advance of the 2005 and 2008 elections. The purpose of the campaigns would be to increase the number of registered electors and to encourage registered electors to vote and would be undertaken in 2 phases. It was intended that the voter registration campaign would be launched in June 2011 and would notify people of their entitlement to be registered to vote. It was noted that work had already commenced in this regard and that as much work as possible would be carried out in house. It was noted that expenditure would be required to meet the cost of advertising, design work and website development and the Committee **agreed** to allocate a budget of £50,000 for this purpose.

Code of Practice on Public Access to Official Information: Annual report for 2010.  
955/1(9)

A6. The Committee, with reference to its Minute No. A6 of 13th April 2010, received the Code of Practice on Public Access to Official Information – Annual Report for 2010.

The Committee noted that the report's findings were relevant to the development of the draft Freedom of Information (Jersey) Law 201-. It was noted that 9 requests which mentioned the Code of Practice on Public Access to Official Information had been received by departments in 2010. During the annual collation of the relevant figures a number of departments advised that the majority of requests for information were dealt with under the Data Protection (Jersey) Law 2005, or were dealt with a 'business as usual'. It was noted that it was therefore difficult to establish a definitive assessment of public use of the Code of Practice.

The Committee **noted** that it was now in a position to lodge the draft Freedom of Information (Jersey) Law 201- *au Greffe* for debate by the States (Minute No. A7 of the present meeting refers), and that the aforementioned legislation was intended to replace the Code of Practice on Public Access to Information. In the event that

the draft Law was rejected by the States, it was considered that the form of monitoring the Code of Practice would need to be reviewed as it appeared that members of the public were not generally aware of its existence and that requests for information were being dealt with regularly without the need for reference to it. The Committee **agreed** that, in the light of the forthcoming presentation to the States of the Freedom of Information (Jersey) 201-, it was not minded to present the report to the States.

Draft Freedom of Information (Jersey) Law 201-.  
670/1(37)

A7. The Committee, with reference to its Minute No. A2 of 8th February 2011 received an oral report from the Deputy Greffier of the States in connexion with the draft Freedom of Information (Jersey) Law 201-.

The Committee noted that the revised draft of the legislation had been completed and that the draft Law was ready to lodge for debate by the States. The Committee accordingly **agreed** to lodge the draft Freedom of Information (Jersey) Law 201- 'au Greffe' for debate by the States on 3rd May 2011.

The Greffier of the States was requested to take the necessary action.

Media Relations.  
1240/10(36)

A8. The Committee, with reference to its Minute No. A12 of 2nd February 2011 received a revised draft report and proposition entitled 'Media relations: draft code of conduct'.

The Committee recalled that the Chairman had agreed to meet with the members of the Media Working Party, Senator B.E. Shenton and Deputy A.E. Jeune, to discuss certain revisions to the draft code. These revisions had been proposed by the Committee following the withdrawal of the original proposition 'Media relations: draft code of conduct' (P.100/2010 refers). On 4th February 2011 the Media Working Party had approved the amendments to the draft Code and had requested that the report and proposition be updated and referred back to the Committee for consideration. The Committee had regard for the report of the Media Working Party and noted that the recommendation which had given rise to the proposal for a draft code had been intended as a mechanism to govern the visual and audio recording of States meetings. The Committee considered whether the introduction of such a code was the best approach if the main purpose was simply to ensure that the filming of meetings by members of the media was unobtrusive. It was accordingly agreed that the Chairmen's Committee should be contacted and requested to attend a future meeting to discuss whether problems continued to arise in this regard, and whether the Committee considered the introduction of a code of conduct to be the most appropriate method of addressing any concerns. The Chairman was **requested** to write to the President of the Chairmen's Committee in the above terms.

The Committee Clerk was requested to take the necessary action.

Political Education - Education, Home Affairs Scrutiny Panel.  
516/23(6)

A9. The Committee, with reference to its Minute No. A2 of 25th January 2011 received a report in connexion with the possible use of social media by the States Assembly following the recommendation of the Education and Home Affairs Scrutiny Panel in its report 'Political Education' (S.R. 14/2010 refers).

The Committee recalled that it had met with Panel Chairman Deputy R.G. Le Hérissier and Panel member Deputy M. Tadier in January to discuss the Panel's recommendation that the Committee should oversee the establishment of States sites on Facebook and Twitter. It had been agreed at that time that research should be carried out into the use by other parliaments of social media and networking sites. The Committee considered the use of social media sites including Facebook, Twitter, YouTube and Flickr by other parliaments, as well as by States of Jersey departments. With regard to its Minute No. A5 of the present meeting, the Committee **agreed** that it would be most appropriate to trial the use of such sites during the campaign to encourage people to register to vote in the 2011 elections.

The Deputy Greffier of the States was requested to take the necessary action.

Scrutiny reports.  
465/1(156)

A10. The Committee, with reference to its Minute No. A8 of 2nd February 2011, received a report in connexion with the debate of scrutiny reports in the States Assembly.

The Committee recalled that it had received correspondence from the Chairmen's Committee in January 2011 which had requested that arrangements be made to permit certain options to enable the debate of scrutiny reports in the States Assembly. The Committee considered the various options, as follows:

1. Present the report with a verbal statement and the possibility of questioning the review chairman

It was noted that no amendments would be required to Standing Orders to allow statements to be made in this way.

2. Present the report and to request a debate once the ministerial response has been received

It was understood that the Committee envisaged an 'in committee' style debate, to occur at the next States sitting following the elapse of 6 weeks from the date of presentation of the report when the ministerial response would be available. An 'in committee' debate would not require a proposition to be lodged '*au Greffe*', rather it would be possible for the scrutiny report and the ministerial response to be the documents on which the debate would be based.

3. Present the report with a verbal statement and the possibility of questioning the Chairman and a debate after receipt of the ministerial response

No amendments would be required to Standing Orders would be required to allow statements to be made in this way and it was understood that an 'in committee' style debate was envisaged.

The Chairmen's Committee had also made further procedural recommendations, should a report be debated in accordance with options 2 or 3. It was considered that time limits of 10 minutes should be permitted for presentation; 10 minutes for the Minister to respond; and 30 minutes for an open debate. The Committee noted that, if the proposed time limits were to be used on every occasion an amendment to Standing Order 97(2)(e) would need to be introduced. The Chairmen's Committee also considered that members should be permitted to speak more than once and it was noted that Standing Orders already allowed members to speak more than once during an 'in committee' debate. It was also considered that provision should be made for a review chairman to present the report and take questions, rather than the main scrutiny panel chairman. The Committee noted that Standing Order 17(2) allowed any member to make a statement during a meeting on a public matter for which the member had an official responsibility and that this had been interpreted in the past to allow the chairman of a sub-panel to make official statements. It was, however, agreed that an amendment to Standing Orders might be needed so as to allow the Chairman of a sub-panel to take the lead during an 'in committee' debate. It was noted that panels were also able to lodge a proposition for debate and vote in the usual way under Standing Order 19(h) and that this route was available should a panel consider that a Minister had not implemented a recommendation correctly, for example.

The Committee agreed that an amendment should be drafted to Standing Orders to specifically provide for the debate of scrutiny reports. It was felt that this should include a summing up mechanism. In practice it was considered that it may be appropriate for a new Standing Order to be drafted to set out the procedure for debating scrutiny reports and it was **agreed** that the advice of the Law Draftsman should be sought in this respect. It was **agreed** that it may then be helpful for

members of the Chairmen's Committee to attend a future meeting to agree any amendments to the draft before it was lodged for debate. The Chairman was **requested** to write to the President of the Chairmen's Committee in these terms.

The Committee Clerk was requested to take the necessary action.

Business cards  
for States  
members.  
511/1(42)

A11. The Committee received correspondence dated 2nd March 2011 in connexion with the provision of business cards for States members.

The Committee noted the request of the Chairmen's Committee that consideration should be given to the introduction of business cards for all States members following the elections in October 2011. The Committee noted that it was already possible for members to request the production of business cards by contacting the States Greffe. It was agreed that business cards should not be funded centrally by the Committee, but that the costs should be met from members' expenses allowance. It was noted that the same position had been adopted by the former House Committee in October 1999 when the same matter had been considered. The Chairmen was **requested** to write to the President of the Chairmen's Committee to advise in the above terms.

The Committee Clerk was requested to take the necessary action.

Arrangement of  
States business  
for 2011.  
1240/7/1(1)

A12. The Committee received e-mail correspondence dated 15th February 2010 from Deputy P.V.F. Le Claire in connexion with the arrangement of States business for the remainder of 2011.

The Committee noted that Deputy Le Claire had included in his e-mail a copy of a statement made by the Chairman of the Privileges and Procedures Committee in 2005 regarding the arrangement of States business for the remainder of that year. The Committee **agreed** that, as it was not possible to know what business would be lodged during the forthcoming months, no such statement could be made at the present time in respect of business for 2011. Instead, it was **agreed** that members should be reminded that the final lodging date for propositions requiring a 6-week lodging period was 7th June 2011 and 21st June for propositions with a 4 week lodging period. The Chairman was **requested** to inform Deputy Le Claire of its decision accordingly.

Seventh Annual  
Freedom of  
Information  
Conference.  
670/1(39)

A13. The Committee received correspondence dated 24th February 2011 in connexion with the Seventh Annual Freedom of Information Conference, to be held in London in May 2011.

Committee representatives had attended the annual conference in 2010 and it was considered that, while the Committee had now agreed to lodge the draft Freedom of Information (Jersey) Law 201- (Minute No. A7 of the present meeting refers), some of the workshops on offer could be of interest, and that the cost of attending the 2011 conference should be ascertained.

The Deputy Greffier was requested to take the necessary action.

2011 elections:  
correspondence  
from Deputy Le  
Claire.  
424/2(72)

A14. The Committee received correspondence dated 5th March 2011 from Deputy P.V.F. Le Claire in connexion with the promotion of the 2011 elections.

Deputy Le Claire wished to know when the Committee would consider the way in which people would be informed about the changes in the election process and suggested that leaflets should be distributed to all households and in King Street, and that consideration should be given to the establishment of a dedicated web page. The Committee, with reference to its Minute No. A5 of the present meeting, recalled that work had begun in this respect and the Chairman was **requested** to advise Deputy Le Claire accordingly.

Public Holidays  
and Bank  
Holidays:  
designation of  
19th October  
2011.  
P.33/2011  
316/2(16)

A15. The Committee received the proposition 'Public Holidays and Bank Holidays: designation of 19th October 2011,' lodged *au Greffe* on 3rd March 2011 by Deputy G.P. Southern of St. Helier (P.33/2011 refers).

The proposition asked the States to agree that Wednesday 19th October 2011 should be designated as an extra public and bank holiday and to ask the Chief Minister to bring forward the necessary Act under the Public Holidays and Bank Holidays (Jersey) Law 1951 to give effect to the decision. The Committee **agreed** that this was a political matter for individual members to decide and that it was not minded to present a comment to the States in this regard.

Ongoing work  
programme.

A16. The Committee received its ongoing work programme, and had particular regard for the following:

States members facilities

It was **agreed** that a paper should be prepared for consideration at a future meeting with regard to the future provision of information technology for States members.

Standing Orders: time limits on speeches during debates (P.1/2011)

Following the approval by the States of P.1/2011, lodged *au Greffe* on 4th January 2011 by Senator P.F. Routier, the Committee **agreed** that a paper should be prepared in this regard for consideration at a future meeting. The Committee considered that difficulties could arise in respect of the implementation of time-limited speeches should it be necessary for those limits to take account of additional time used to seek advice from H.M. Attorney General or to request a point of order, for example. Also, there would be no practical way to guard against members sharing speeches in order to circumvent time limits. The Committee was of the view that it should only seek to bring forward proposals to change procedures if it considered these to be workable.