

Privileges and Procedures Committee

(9th Meeting)

8th July 2024

**Part A (Non-Exempt)**

All members were present, with the exception of Deputy T.A. Coles of St. Helier South.

Connétable K. Shenton-Stone of St. Martin, Chair  
Deputy C. S. Alves of St. Helier Central, Vice Chair  
Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter (for a time)  
Connétable M.K. Jackson of St. Brelade (for a time)  
Deputy S.M. Ahier of St. Helier North (for a time)  
Deputy L.M.C. Doublet of St. Saviour

In attendance -

T. Oldham, Assistant Greffier of the States, Committees and Panels  
Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support  
J. O'Brien, Head of Digital and Public Engagement (for a time)  
J. Lepp, Research and Project Officer  
J. Hales, Research and Project Officer  
A. Thompson (work experience student)  
K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat

Note: The Minutes of this meeting comprise Parts A and B.

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| Minutes.   | A1. The Minutes of the meetings of 13th, 24th and 28th June 2024, having previously been circulated, were taken as read and were confirmed.   |
| Ms. A. Thompson: welcome.  | A2. The Committee welcomed Ms. A. Thompson, who was undertaking work experience at the States Greffe. It was noted that Ms. Thompson had recently completed a Bachelor's degree course in Political Science at the Hague University in the Netherlands and was due to commence a Master's degree in Public Administration in September 2024.  |
| States of Jersey Law 2005 – Article 25A(1)/ Standing Order 112A (Troy Rule). | <p>A3. The Committee, with reference to its Minute No. A5 of 24th June 2024, and at the request of Deputy L.M.C. Doublet of St. Saviour, gave further consideration to a request from the Scrutiny Liaison Committee (SLC) for amendments to Standing Orders/the Code of Conduct for Elected Members to provide clarification on the management of certain situations.</p> <p>The Committee recalled that the request arose from a particular situation in which a member of the non-Executive, Deputy Sir P.M. Bailhache of St. Clement had undertaken certain work on behalf of Deputy T.J.A. Binet of St. Saviour, Minister for Health and Social Services.</p> <p>The Committee had ultimately concluded that whilst the circumstances referenced above did not appear to be in the spirit of the so called Troy rule, neither did they constitute a breach. No consensus had been reached as to whether the matter</p> |

constituted a breach of the Code of Conduct for Elected Members and, even if this was considered to be the case, it would be inappropriate for the Privileges and Procedures Committee to refer such a matter to the Commissioner for Standards given its role in the complaints process.

In the meantime, Deputy L.M.C. Doublet of St. Saviour (in her capacity as Chair of the Health and Social Security Scrutiny Panel) urged the Committee to produce specific guidance for dealing with matters of this nature. Whilst the Committee had previously given no undertakings in this respect, Deputy Doublet believed that the production of such guidance was absolutely necessary and would be welcomed by Scrutiny Panels. There was some urgency attached to Deputy Doublet's request given the ongoing situation faced by the Health and Social Security Panel. The Deputy suggested that the Committee might wish to consider producing informal guidance in the interim as this would greatly assist the Health and Social Security Panel in the management of the aforementioned matter. Deputy Doublet believed that work had already been undertaken by officers of the States Greffe in this context and this could form the basis of any guidance.

Having considered the matter, the Committee agreed that officers should commence work on the production of guidance. The Assistant Greffier, Committees and Panels advised that a broad view would have to be taken in terms of the development of guidance of this nature as it would encompass a wide range of bodies and situations and consultation with relevant stakeholders would be necessary. Consequently, the production of such guidance would require full and proper consideration and could not be designed around a specific set of circumstances and no firm deadline for completion could be provided. Deputy Doublet asked the Assistant Greffier to ensure that the matter was included on the next SLC agenda.

On a related matter in connexion with the content of Minute No. A5 of 24th June 2024, Deputy Doublet referenced a statement in the Minute to the effect that, in her capacity as the Chair of the Health and Social Security Panel, she had set a target date of 23rd April 2024, for the completion of any work being carried out by Deputy Bailhache on behalf of Deputy Binet. It was noted that whilst this statement had been made in a letter from the President of the SLC to the Chair of the Privileges and Procedures Committee, Deputy Doublet believed that she had, in fact, asked for the work to cease, as opposed to setting a specific deadline for completion. She advised that she had also set out certain principles in relation to openness and transparency, which aligned with codes of conduct formulated for Policy Development Boards.

Postal voting  
and electronic  
counting: UK  
Engage.

A4. The Committee, with reference to Minute No. A4 of 17th April 2023, welcomed Mr. A. Tye of UK Engage and Advocate R. Morley-Kirk, Judicial Greffier, in connexion with postal voting and electronic counting.

The Committee noted that UK Engage was a leading election services provider and member engagement specialist organisation which was based in Manchester. 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 authorities, 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 during the recent UK General election and for the States of Guernsey

during the 2020 election. It was noted that 25,000 ballot papers had been processed in Guernsey 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. Additional scanners would also reduce the processing time by half and the provision of training to local staff at least one week before the election was considered appropriate. There was very little system error with 100 per cent accuracy rates reported during the recount in the Guernsey election. Mr. Tye confirmed that the company was confident that it could provide the services required in the Jersey election context and he confirmed that the company could offer multi-lingual instructions based on copy text provided by the client.

Mr. Tye undertook to provide an electronic copy of the presentation, which the Committee agreed could be shared with the Comité des Connétables.

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

On a related matter, and in response to a question from Deputy C.S. Alves of St. Helier Central, Vice Chair, it was noted that work was ongoing in relation to the compilation of a survey designed to seek the views of all States Members in relation to a number of matters.

Privileges and  
Procedures  
Committee:  
2024 work  
programme/  
Sub-  
Committee  
updates.

A5. The Committee, with reference to Minute No. A2 of 24th June 2024, noted the 2024 work programme.

Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter, Chair of the Diversity Forum, requested that the work programme be updated to reflect the fact that a particular work stream which involved modelling inclusive leadership and behaviour in the States Assembly and Civil Service had been allocated to the main Committee.

The Committee was advised that there were no new or substantive updates from the various Sub-Committees since its recent meeting on 24th June 2024. Deputy L.M.C. Doublet of St. Saviour requested an update at a future meeting from the Chair of the Machinery of Government Sub-Committee on progress in respect of work on role descriptors. She expressed the view that this work should be completed at least one year prior to the 2026 election.

Remote  
participation in  
States  
Meetings.

A6. The Committee, with reference to Minute No. B4 of 15th April 2024, received a report which had been prepared by the Deputy Greffier of the States in connexion with remote participation in States Meetings and States Members’ responses to a draft proposition relating to the same (Standing Order 55A refers).

The Committee recalled that the debate on the proposition entitled ‘Amendment to Standing Orders – Remote Participation in States Meetings’ (P.21/2023) had commenced on 23rd May 2023. During the debate, the proposition had been referred back to the Committee, as previously constituted, for further consultation and revision, after which the proposition had been withdrawn.

The Committee noted the comments which had been received from Members in

relation to the draft proposition and the proposed responses to the same. Whilst the wording of the proposition remained unchanged, the Committee's attention was drawn to the accompanying report and the amendments which had been made to the same in response to States Members' comments.

The Committee noted concerns expressed by Deputy L.M.C. Doublet of St. Saviour regarding the specific wording of the proposition which stated at (i) –

*'After paragraph (1), insert the following –*

*“(1A) This standing order also applies to an elected member –*

- (a) who is absent at the start of a meeting day or continuation day for a reason related either to the member's health or to the health of a family member or household member of that member; and*
- (b) who has requested to participate remotely in the meeting*

Deputy Doublet was concerned that the wording did not appear to extend to those with caring responsibilities. As an example, she referenced a situation whereby a parent might have to leave a meeting of the States to collect a child who was unable to remain at school due to illness and the Member concerned wished to continue to participate in the meeting remotely. Whilst the Assistant Greffier, Chamber and Members' Services suggested that such situations were covered under (b), both Deputies Doublet and C.S. Alves of St. Helier Central, Vice Chair, disagreed, stating that the conditions set out in (a) had to be met first. Deputy Doublet suggested that the wording should be amended so that it read 'Members who became absent'. Other Members disagreed with Deputies Doublet and Alves, stating that if a Member was called away for the reasons set out in (a) it was unlikely that they would be in a position to participate in the meeting remotely. However, Deputy Doublet argued that these were matters for individual Members to judge and she stated that she did not wish to be disenfranchised. Deputy Alves provided examples of situations where she had been unable to attend meetings of the States in person due to attendance at medical appointments but had participated remotely. She believed that Deputy Doublet had raised a valid point and stated that the proposed amendment as drafted could be perceived as unfair.

The Chair drew attention to an item which appeared later in the agenda (Minute No. A7 refers) which related to proposals for a second roll call after the lunchtime adjournment and asked whether this might address concerns but Deputy Doublet advised that it would not. The Assistant Greffier, Chamber and Member's Support suggested that the Committee might wish to consider replacing the word 'and' in paragraph (a) with the word 'or'. However, Deputy Doublet cautioned against this stating that it would not have the desired effect and repeated the suggestion that the wording in paragraph (a) should refer to 'Members who became absent'.

Connétable M.K. Jackson of St. Brelade advised that he was satisfied with the amendment as drafted and this view was supported by Deputy S.M. Ahier of St. Helier North. Connétable Jackson reminded the Committee that the States Assembly met only once every 3 weeks with meeting dates set well in advance. Consequently, he believed that those Members with caring responsibilities should be able to make alternative arrangements on meeting days. The Connétable highlighted the serious nature of the work of States Members and their duties as elected representatives. He was firmly of the view that Members should attend meetings of the States in person, save for in those circumstances described above, and he was concerned that any

amendment to the wording could result in abuses and might further diminish the public perception of Members. The Chair agreed that there was a need to tighten up procedures around remote participation as the situation at present was not ideal. Deputy Doublet stated that the Assembly should be inclusive and that Members should not be disenfranchised due to caring responsibilities. She added that those with caring responsibilities took their duties seriously. The Chair commented that it was likely that the majority of Members of the States had caring responsibilities in one form or another.

Whilst not present during the discussion on this item, Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter later expressed similar concerns to those of Deputy Doublet with regard to the wording of the amendment and expressed the view that it did not cover parental responsibility.

The Assistant Greffier, Committees and Panels highlighted the fact that any amendment to the wording could potentially have an impact on other Standing Orders and this would have to be considered. In light of the views expressed, he suggested that consideration might also have to be given to what actually constituted an absence in the context of remote participation in meetings of the States.

The Committee agreed to defer consideration of the matter pending further review by the Greffier of the States. It was agreed that an alternative draft should be produced for consideration by the Committee at its meeting in September 2024.

Proposed  
amendment to  
Standing  
Orders:  
absence  
outside of roll  
call.

A7. The Committee, with reference to its Minute No. B7 of 15th April 2024, considered a report which had been prepared by the Deputy Greffier of the States, in connexion with a proposed new Standing Order which would allow for a roll call in the States Assembly immediately after the lunchtime adjournment.

It was recalled that the question of recording absences which occurred outside of the morning roll call had been raised on a number of occasions in the past, and most recently by Deputy A.F. Curtis of St. Clement.

The Committee had previously considered proposals which allowed for a declaration to be made to the effect that an elected Member, who had been present at roll call, was unable to continue to participate and would be marked as ill (*malade*), absent on States' business (*absent de l'île*), excused (*excusé(e)*), or fulfilling parental responsibilities. When the declaration was made, it would be necessary for the Assembly to be informed of the start and, where appropriate, finish times of the absence and it was proposed that a Member would be marked *en défaut* if they had not returned to the meeting by the time their absence was due to finish. Ultimately, the Committee had concluded that the proposals were overly burdensome and had expressed a preference for a roll call (without prayers) to take place after the lunchtime adjournment.

The Committee considered a draft amendment to Standing Orders which would, if adopted, provide for a roll call after the lunchtime adjournment. Attention was drawn to the administrative impact of the proposals, with particular reference to the Minutes of the States Assembly. It was suggested that the Committee might wish to seek the view of States Members in relation to the proposal.

Having considered the proposed amendment, the Committee concluded that it would be administratively burdensome and that it would not wish to progress the same. The Committee concluded that the issue would be better addressed by amendments to standing orders around remote participation (Minute No. A4 refers).

The Committee noted the view of Connétable M.K. Jackson of St. Brelade that the focus should be on those Members who were present in the Assembly as opposed to those who were not.

Referendum  
Commission:  
appointment of  
Chair.

A8. The Committee, with reference to Minute No. A13 of 24th June 2024, received a draft report for presentation to the States which had been prepared by the Deputy Greffier of the States in connexion with the appointment of Members of the Referendum Commission, which had been established in accordance with the Referendum (Jersey) Law 2017.

The Committee recalled that it had recently approved the appointment of 3 Commissioners. It had been advised that one of the Commissioners, Advocate M. Boothman, had expressed an interest in chairing the Commission on a permanent basis and it was noted that the Recruitment Panel was recommending his appointment to the position of Chair.

The Committee endorsed the recommendation of the Recruitment Panel with regard to Advocate Boothman's appointment as Chair and requested that the aforementioned report be presented to the States, in accordance with the requirements of the Law. It was noted that a recruitment campaign would commence thereafter to secure the appointment of 2 additional Commissioners.

Draft Treaties  
(Jersey) Law  
202-

A9. The Committee's attention was drawn to the Draft Treaties (Jersey) Law 202-, the purpose of which was –

to recognise Jersey's autonomous capacity in domestic affairs;  
ensure that domestic legislation enabled the performance of international obligations that were binding on Jersey;  
that Jersey had an international identity separate from that of the United Kingdom and may develop further a limited internal personality; and,  
that Jersey had an ever-growing need to participate in international affairs

The Committee was asked to consider the provisions of the draft legislation and refer any comments in relation to the same to the States Greffe.

States meeting  
dates for 2025.

A10. The Committee, with reference to its Minute No. A6 of 24th June 2024, recalled that, in accordance with Standing Order 4 of the Standing Orders of the States of Jersey, it was required to present to the States Assembly, no later than the end of September each year, a list of days for meetings of the States for the first and second sessions in the following year. It was further recalled that, as a consequence of a decision taken by the Committee several years previously, the dates were arranged to avoid meetings during school holiday periods.

The Committee recalled that having previously considered proposed dates for 2025, it had requested revisions.

The Committee noted the proposed revised meeting dates for the States Assembly for 2025 as follows –

First Session

January 21st  
February 4th  
February 25th

Continuation (if necessary)  
January 22nd, 23rd and 24th  
February 5th, 6th and 7th  
February 26th, 27th and 28th

March 18th  
April 1st  
April 22nd  
May 9th (Liberation Day)  
May 13th  
June 3rd  
June 24th  
July 8th

March 19th, 20th and 21st  
April 2nd, 3rd and 4th  
April 23rd, 24th and 25th  
  
May 14th, 15th and 16th  
June 4th, 5th and 6th  
June 25th, 26th and 27th  
July 9th, 10th and 11th

Second Session

September 9th  
September 30th  
October 21st  
November 11th  
November 25th  
December 9th

Continuation (if necessary)  
September 10th, 11th and 12th  
October 1st, 2nd and 3rd  
October 22nd, 23rd and 24th  
November 12th, 13th and 14th  
November 26th, 27th and 28th  
December 10th, 11th and 12th

The Committee approved the revised dates and requested that the Greffier of the States make the necessary arrangements for these to be presented to the States.