

# STATES OF JERSEY



## CODE OF PRACTICE FOR SCRUTINY PANELS AND THE PUBLIC ACCOUNTS COMMITTEE: AMENDMENTS

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Lodged au Greffe on 6th July 2009  
by the Chairmen's Committee

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STATES GREFFE

## PROPOSITION

### THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 12th March 2008 in which they approved the Code of Practice for Scrutiny Panels and the Public Accounts Committee and to approve the following amendments to that Code to include statements that the taking of any type of footage of scrutiny hearings and meetings by members of the public will not be permitted as follows –

- (a) in paragraph 6.9, after: “Their attendance will be on the basis of an observer” insert the words –

“and no taking of any form of footage will be permitted”;

- (b) after paragraph 9.3, insert an additional paragraph –

“9.4 Within the context of an information-gathering session, members of the public will not be permitted to take any form of footage.”;

- (c) after paragraph 10.4, insert new paragraphs to read –

“10.4 In accordance with Standing Order 138(6) whereby the public are permitted to observe a meeting or hearing of a scrutiny panel, members of the public will not be permitted to take any form of footage of the proceedings.

10.5 Only those people working professionally for a recognised commercial media organisation who can identify themselves as such will be permitted to take footage of proceedings held in public, with the permission of the Chairman and the Panel.

10.6 Witnesses will be advised prior to the hearing whether it will be in public and that if it is, the professional media may be present.”,

and renumber the Code as necessary.

### CHAIRMEN’S COMMITTEE

## REPORT

The Committee is cognisant that its terms of reference, in accordance with Standing Order 143(f) state: “to prepare, keep under review and lodge for approval by the States, codes of practice for the proceedings of the PAC and scrutiny panels which shall include –

- (iii) the manner in which a hearing by the PAC or a scrutiny panel must be organized and conducted;
- (iv) the manner in which a person called to give evidence before the PAC or a scrutiny panel is dealt with before, during and after the hearing.

Over the last few months, the Chairmen’s Committee has been considering Scrutiny’s public engagement from the point of view of media reporting of various Scrutiny events. Concurrently with this, Members will be aware of approaches made to Scrutiny Chairmen and Panels by members of the public requesting permission to take private footage of Scrutiny meetings and hearings, to be subsequently used on private websites.

Bearing in mind that one of the underlying principles of Scrutiny is that it is an open, transparent process, Scrutiny has developed a Public Engagement Strategy which identifies ways of informing the public of its work and requesting public input. One of these means is through a good working rapport with the local professional media, such as the Jersey Evening Post, Channel Television, Radio Jersey and Channel 103, etc. They have always been welcomed to Scrutiny events, indeed Scrutiny has worked hard to establish good working relationships between the Scrutiny Office and the professional media since the days of Shadow Scrutiny in an attempt to promote the public image of the function. No complaints have been received about their attendance to date. However, in the case of professional media there are official routes which can be followed in the event of misuse of information or any other complaints.

Recently, there have been requests from members of the public to take private footage of Scrutiny hearings and other Scrutiny events with the purpose of uploading part or all the footage onto a private website. This has raised concerns with some Members, be they involved in the Scrutiny or the Ministerial aspect of government. Those concerns have centred on the fact that this is a private operation and the data is subject to no regulatory controls.

Research into other jurisdictions has shown that in-house broadcasting is standard practice, with each jurisdiction having total control of its own broadcasting. No-one, including the professional media, is permitted to take independent footage of proceedings. The professional media have access via media feeds but cannot adapt or manipulate the footage in any way. These procedures have been put in place to avoid any improper use of material. The Committee has considered this option, and whilst this might be ideal in order to permit everyone access under the same terms and conditions, it has determined that the very high cost implications at this time would be unacceptable to the States and to the public.

Family court hearings in the United Kingdom in county courts and the High Court are now open to the professional media. It has been made clear that media representatives attending must be accredited through the UK Press Card scheme. It is interesting to note that the UK Press Card Authority only issue press cards to those representing

official professional business media and is not open to individual members of the public. Indeed, it expressly states that these hearings are not open to bloggers as well as those who write an occasional newsletter, or to foreign media not working in the UK.

The Assembly will be aware that the Chairmen's Committee originally put in place a protocol for members of the public which permitted filming if 3 days' notice were given and only with the permission of the witness. The Committee then created protocols for members of the public attending a variety of Scrutiny events –

- Scrutiny working meetings held in public (no footage);
- Scrutiny public hearings (footage only with permission of Panel and witness);
- Scrutiny information-gathering meetings (footage only with permission of Panel and witness/presenter);
- Chairmen's Committee meetings (no footage).

Concerns have been raised by some Members that the 3 day notice for members of the public included in the protocols is prejudicial in favour of the professional media who do not have to give any notice. In light of this, the Committee has reviewed its protocols, and although the Chairmen's Committee it is not unanimous in its views, believes that, as this affects all States Members, it is a matter for the States to decide as an important principle is involved.

#### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from this proposition.