

PRIVILEGES AND PROCEDURES COMMITTEE

(45th Meeting)

11th December 2009PART A

All members were present, with the exception of Senator B.I. Le Marquand and Deputy C.H. Egré, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
 Deputy J.B. Fox
 Deputy J.A. Martin (not present for Item Nos. A10 to A13 inclusive)
 Deputy M. Tadier
 Deputy M.R. Higgins

In attendance -

M.N. de la Haye, 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 3rd November 2009 (Part A only), 9th November 2009 (Part A only), 20th November 2009 (Part A and Part B), 25th November 2009 (Part A only) 27th November 2009 (Part A and Part B) and 1st December 2009 (Part B only), having been previously circulated, were taken as read and were confirmed.

Meeting dates. A2. The Committee agreed to schedule its meeting dates for 2010.

It was agreed that meetings of the Committee during 2010 should take place on a Tuesday morning when the States were not sitting.

The Committee Clerk was directed to circulate a schedule of meeting dates to Members.

Efficiency during States sittings. 465/1(136) A3. The Committee, with reference to its Minute No. A1 of 25th November 2009, gave further consideration to its review of the efficiency of the States.

The Committee noted statistics in relation to States business from 2007 to 2009, including the number of meeting days, the breakdown of business, and the number of questions asked. The Committee also noted correspondence, dated 13th November 2009, from the President of the Chairmen's Committee, Senator B.E. Shenton, concerning the number of States sittings in 2009 and the need to improve the efficiency of the States.

The Committee recalled that the States Business Organisation Sub-group had been established at its previous meeting to review the efficiency of the States. Deputy M.R. Higgins recalled that he had expressed an interest in participating at the

previous meeting, and advised that he would be able to attend all meetings. The Committee accordingly agreed that the Chairman, Connétable J. Gallichan, would step down from the sub-group and that Deputy Higgins would join in her stead. The sub-group would be chaired by the Vice Chairman, Deputy C.H. Egré. It was agreed that no formal terms of reference were required, as the sub-group was involved in an information-gathering activity, and would carry out consultation with everyone who wished to make a representation.

It was agreed that a reminder would be sent to all States members in January 2010, inviting them to take part in the hearings scheduled to be held by the sub-group between 11th and 15th January 2010.

The Committee Clerk was directed to take the necessary action.

States members'
lunches.
1240/9/1(89)

A4. The Committee received a report, prepared by the Greffier of the States, in connexion with lunches for States meetings from January 2010.

The Committee recalled that the adoption by the States of the amendment of Deputy S. Pitman to the Draft Annual Business Plan 2010 (P.117/2009 Amd.(10) refers) had resulted in the cessation of free lunches for States members on States meeting days and the cessation of free sandwich lunches during all meetings of Scrutiny Panels, the Public Accounts Committee and the Privileges and Procedures Committee. The Committee considered how it would wish to proceed from 19th January 2010 with regard to lunch on States' meeting days, and had regard to the following options:

- (a) provide no lunches from January 2010;
- (b) seek to rescind the decision; or
- (c) ask members who wished to receive lunch to meet the cost.

The Committee also noted that the proposition of Senator Ferguson entitled: Provision of States members' lunches at certain meetings and car parking, which had sought to vary the decision in relation to panel and committee lunches, had been withdrawn before debate at the last meeting of the session (P.171/2009 and Minute No. A4 of the Committee's meeting of 22nd October 2009 refer).

The Committee agreed that the decision of the States should be implemented, and officers of the Greffe should therefore no longer order lunches on States days or for committees and panels. It was felt that it would be counterproductive to introduce any new arrangements for individual charging or invoicing for lunches as the associated administration would defeat the object of making a financial saving, as agreed in the Annual Business Plan debate. It was agreed that members should nevertheless be asked whether they would wish to pay a one-off annual charge to entitle them to continue to order lunches on States days. It was agreed that, if sufficient members wished to avail themselves of this facility, lunches could be provided for those members who had subscribed to the scheme. There would need to be sufficient take-up of the annual charge system for it to be worthwhile.

The Greffier of the States was requested to canvas the views of members in early course so that the possible demand could be assessed before the first States meeting of 2010.

Review of the Code of Conduct for Elected Members and disciplinary sanctions.
1240/4(166)

A5. The Committee, with reference to its Minute No. A3 of 9th October 2009, received the consultation response to its report: Code of conduct for elected members and disciplinary sanctions: review', presented to the States on 16th October 2009 (R.116/2009 refers).

The Committee noted that it had received one response, from Deputy R.G. Le Hérisssier, who had focused upon the rôle of the Committee. Deputy Le Hérisssier had stated that the administration of discipline could become quickly politicised and it was difficult to 'reconstitute' the Privileges and Procedures Committee in its disciplinary rôle as an independent body. The Deputy had suggested that a possible solution could be to constitute an independent body whose decisions would be subject to the final decision of the Committee. The Committee discussed the Deputy's comments and the possible formation of a consultative body to make recommendations, and agreed that the States should be responsible for their own discipline.

The Committee discussed the use of the term 'suspension' under paragraph 21 of its report and considered that this should be replaced by the term 'sanction', or defined as 'suspension from,' or 'being barred from attending,' 'meetings of the States'.

The Committee requested the Greffier of the States to instruct the Law Draftsman to prepare amendments to Standing Orders in accordance with its Report.

States of Jersey Law: Quorum in the States
P.194/2009
450/1(13)

A6. The Committee considered the proposition entitled: States of Jersey Law: Quorum in the States, lodged '*au Greffe*' on 17th November 2009 by Deputy T.M. Pitman of St. Helier (P.194/2009 refers).

The Committee noted that the proposition asked the States to agree to increase the number of members needed for a quorum to 35 and to request the Privileges and Procedures Committee to amend the States of Jersey Law 2005 accordingly. The Committee agreed that it had no view as to whether this figure, which represented two-thirds of all States members, was the correct figure for the quorum, and had no objection, in principle, to an increase. However, the Committee agreed that there were some practicalities to be considered. It was noted that there was a risk that, the higher the quorum, the more difficult it would be for the more conscientious members to take a short break during the sitting. It was therefore agreed that States members should be reminded of their obligation, in accordance with their Oath of Office, to be present in the States Chamber throughout the sitting.

It was agreed that research should be carried out into how many times during 2009 the Chair had been required to summon members to return to the Chamber as the States were inquorate. Should the States agree to increase the quorum, it was recognised that a small number of members could monopolise the capacity for absence. It was agreed that consideration would need to be given to the introduction of a mechanism to ensure that members would remain in the Chamber. It was agreed that the ability, or otherwise, of members to use electronic devices in the Chamber following the outcome of Deputy T.M. Pitman's proposition, BlackBerries – costs for Ministers and Assistant Ministers and use in the Assembly (P.186/2009 refers) was also relevant.

The Committee agreed to present a Comment to this effect to the States in early course.

The Committee Clerk was directed to take the necessary action.

Identity cards for States members.
465/1(76)

A7. The Committee, with reference to its Minute No. A10 of 20th November 2009, considered a report in connexion with the provision of identity cards for States members.

The Committee noted that cards could be produced at a cost of £10 per member by the parish of St. Brelade, using the same process as that employed to produce warrant cards for members of the Honorary Police.

It was agreed that any such identity card should include a photograph of the holder and their name; should identify them as a member of the States of Jersey and should state on the reverse side: "Care of the States Greffe, Morier House, Halkett Place, St. Helier, JE1 1DD". **It was agreed that a template card should be produced for consideration by the Committee.**

The Committee Clerk was directed to take the necessary action.

Defibrillator.
1240/9/1(137)

A8. The Committee, with reference to its Minute No. A8 of 20th November 2009, recalled that it had endorsed the purchase of a defibrillator for the members' area of the States Building.

Deputy J.B. Fox advised that the defibrillator had been purchased, and would be installed shortly. He recalled that there was availability for 6 States members to undertake training in the use of the defibrillator and Deputy J.A. Martin volunteered.

The Chairman was requested to write to all States members to invite them to attend training, should they wish to do so.

The Committee Clerk was directed to take the necessary action.

States of Jersey Complaints Board procedures.
1386/2(84)

A9. The Committee received a report in connexion with the procedure for publicising and attending hearings of the States of Jersey Complaints Board, as requested by Deputy J.A. Martin following the Committee's presentation to the States on 10th November 2009 of a decision by the Board (R.123/2009 refers).

The Committee received a copy of the guide entitled, How to complain to the States of Jersey Complaints Board, dated 1st December 2006. It was noted that Board papers were issued approximately 10 days before a hearing and that the covering sheet of the bundle was circulated to all the accredited media. The vast majority of hearings were public, although, under the procedural guidelines, they could also be held in private at the Chairman's discretion. Following a hearing, the findings would be presented to the States by the Committee immediately following signature, and uploaded to the States Assembly website.

The Committee agreed that hearings of the States of Jersey Complaints Board should be publicised in advance on the States Assembly website.

The Committee Clerk was directed to take the necessary action.

States members' facilities.
1240/9/1(137)

A10. The Committee, with reference to its Minute No. A5 of 22nd October 2009, received a report in connexion with its survey of States members concerning facilities. Deputy J.A. Martin was not present for the consideration of this item.

Deputy M. Tadier advised the Committee that he had recently viewed the facilities available at the United Kingdom Houses of Parliament and the Welsh Assembly, and expressed the view that, while members of the States of Jersey had more facilities than had been available 10 years ago, further improvements could be made. The Deputy considered that members should have the provision of staff and office space in States-owned or rented property.

It was agreed that Deputy M.R. Higgins would carry out research into online resources and report back to the Committee in due course. It was also agreed that the Committee would consider the suggestions put forward by members for additional facilities at its next meeting.

Rôle of the Dean
within the States
of Jersey.
1240/6(56)

A11. The Committee, with reference to its Minute No. A10 of 27th March 2009, received a report concerning religious representation in parliaments in other jurisdictions. Deputy J.A. Martin was not present for the consideration of this item.

The Committee recalled that on 4th February 2009 the States had agreed to undertake a review into the rôles of certain un-elected members of the States. The Deputy of St. Martin's original proposition (P.5/2009 refers) had asked the States to agree that an independent review be conducted into the rôles of the Bailiff, the Lieutenant-Governor, the Attorney General, the Solicitor General and the Dean. However, the States had accepted an amendment of the Privileges and Procedures Committee (P.5/2009 Amd.(2) and Minute No. A8 of 23rd January 2009 refer), to remove the rôles of the Lieutenant-Governor and the Dean from the scope of the review. At the time, the Committee had argued that the future of the Dean's role as an un-elected, non-voting, member of the States, appeared to be a purely political matter. Following this decision, the Committee had decided to carry out research into religious representation in parliaments in other Commonwealth jurisdictions.

The Committee noted that, of the 22 jurisdictions which had responded, 2 (the United Kingdom and the Isle of Man) had religious representation in parliament and the majority had some form of prayers. The Committee agreed that it would not pursue any form of action in respect of the findings, but agreed that the information should be drawn to the attention of all States members.

The Committee accordingly agreed that a foreword should be drafted and that the Greffier of the States should be requested to present the paper to the States in the Report series.

Composition and
election of the
States: single
election day.
1240/22/1(50)

A12. The Committee, with reference to its Minute No. A8 of 9th October 2009, received correspondence, dated 5th November 2009, from Senator P.F.C. Ozouf, Minister for Treasury and Resources, in connexion with the single election day. Deputy J.A. Martin was not present for the consideration of this item.

The Committee recalled that the Chairman had written to Senator Ozouf on 13th October 2009 with regard to the practical difficulties which could arise in respect of the timing of the Annual Business Plan and the Budget, were the single election day to be held in October 2011. The Committee noted that Senator Ozouf hoped to be in a position to discuss the matter once plans for the Comprehensive Spending Review had been finalised. However, draft legislation needed to be presented to the Assembly early in 2010 so that it could progress to the Privy Council and be in place by the beginning of 2011.

It was agreed that the Committee's current preference was for the 2011 single election day to be in mid to late October, with the successful candidates being sworn in as soon as possible after that date. The new Council of Ministers would then take office in the last few weeks of 2011. As a result, it was likely that the Annual Business Plan and the Budget would need to be debated before the elections in late September 2011. The Committee agreed that it would not wish to proceed in this respect without having discussed the proposal with the Minister for Treasury and Resources.

The Chairman was requested to write to the Minister to request that a meeting be held in early 2010 to discuss the practicalities of a revised election date.

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

Media Working
Party.
1240/10(36)

A13. The Committee, with reference to its Minute No. A2 of 1st September 2009, received correspondence from Deputy R.G. Le Hérisier, Chairman, Education and Home Affairs Scrutiny Panel, dated 19th November 2009, in connexion with the constitution of the Media Working Party. Deputy J.A. Martin was not present for the consideration of this item.

The Committee noted that the Education and Home Affairs Scrutiny Panel was concerned that the current constitution of the Working Party did not accurately reflect the backbencher and Scrutiny representation of the States, and had suggested that a member of a Scrutiny Panel should be included in the group. The Panel had also advised that the Working Party should consist of 5 members.

The Committee noted that the constitution currently comprised the Committee Chairman, Connétable J. Gallichan of St. Mary; the President of the Chairmen's Committee, Senator B.E. Shenton (Working Party Chairman); and the Assistant Minister for Social Security, Deputy A.E. Jeune. The Working Party had considered the correspondence from Deputy Le Hérisier at its meeting of 3rd December 2009 and had agreed that it was content with the current constitution. The Committee agreed that there was sufficient representation for Scrutiny, being as the President of the Chairmen's Committee was Chairman of the Working Party.

The Chairman was requested to write to Deputy Le Hérisier to advise him of its decision.

The Committee Clerk was directed to take the necessary action.