

TM/SC/49

PRIVILEGES AND PROCEDURES COMMITTEE

(5th Meeting)

10th February 2015PART A

All members were present, with the exception of Senator P.F.C. Ozouf, from whom apologies had been received.

Connétable L. Norman of St. Clement, Chairman  
 Connétable D.W. Mezbourian of St. Lawrence  
 Connétable J.E. Le Maistre of Grouville  
 Connétable C.H. Taylor of St. John  
 Deputy J.A. Martin of St. Helier  
 Deputy S.Y. Mézec of St. Helier

In attendance -

M.N. de la Haye O.B.E., Greffier of the States  
 L.M. Hart, Deputy Greffier of the States  
 (not present for item Nos. A1 – A4)  
 T. McMinigal, 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 11th July 2014 (Part B only) and 13th January 2015 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

States  
 procedures:  
 review.  
 465/4(14)

A2. The Committee, with reference to its Minute No. A6 of 13th January 2015, received an oral update from the Committee Clerk on the activities of the Standing Orders and Internal Procedures Sub-Committee.

The Committee recalled that the Standing Orders and Internal Procedures Sub-Committee had met for the first time on 12th January 2015. The Sub-Committee had considered a number of matters, including the appointment of Ministers, the arrangement of public business and the requirements for answering questions. The Committee Clerk advised that a report formalising the Sub-Committee's deliberations would be prepared and presented to the Committee upon the conclusion of its examination of States procedures.

The Committee Clerk reported that the Sub-Committee had made a reasonable amount of progress since the Committee's last meeting. At the request of the Sub-Committee, the Assistant Greffier of the States had sent electronic mail correspondence to all States Members to invite comment on the adequacies and inadequacies of Standing Orders. The responses received would guide the sub-committee in directing its ongoing review of States procedures.

In addition to the electronic mail survey, a targeted questionnaire had been drafted to hone in on specific areas of procedure, such as the lodging of propositions, the presentation of comments and rules of order, conduct and debate during States sittings. The questionnaire would be issued to all States Members in due course.

The Committee further noted that the Sub-Committee had mooted the possibility of arranging a workshop for all States Members wherein Standing Orders would be discussed. A prospective date of 25th March 2015 had been earmarked for the workshop.

The Committee was informed that a second meeting of the Sub-Committee was to be convened at an appropriate time. The Committee awaited further developments with interest.

There followed a discussion as to the voting arrangement used during the selection process for Ministers and Chairmen. Connétable J.E. Le Maistre of Grouville communicated the view of Chairmen's Committee that a secret ballot should be held, as had previously been the case. It was considered that a private vote would enable Members to vote freely in the fullness of their conscience. The point was made that under the current system Members might be influenced by a perceived pressure to publically endorse the Chief Minister's preferred candidate. The Committee recalled that the Sub-Committee had previously considered the matter and had taken the view that the current arrangement should remain, whereby a publically recorded vote would be taken in accordance with Standing Orders. Nonetheless, the position of the Chairmen's Committee was duly noted. The Chairman commented that their observations would be useful in informing the ongoing examination of internal procedures by the Sub-Committee.

States  
Assembly  
budget.  
422/10/1(92)

A3. The Committee received a report which had been prepared by the Greffier of the States in connexion with the budget of the States Assembly and its services for the period 2015 to 2019.

The Committee noted that the preparation of the second Medium Term Financial Plan was now underway at the States Treasury and that the Council of Ministers had set savings targets for States funded bodies. As part of this process the States Assembly had been asked to make recurring savings over the 5 year period 2015 to 2019 inclusive totalling £392,000. The proposed annual breakdown of savings was as follows –

Year	Recurring Savings	Accumulated total of savings
2015	£98,000	£98,000
2016	£51,000	£149,000
2017	£80,000	£229,000
2018	£82,000	£311,000
2019	£81,000	£392,000

The Committee noted that the total net revenue expenditure Assembly budget for 2015 was £5,137,927 of which £2,405,600 related to remuneration for Members. The latter sum could not be reduced until at least the 2018 elections and even then could only be reduced if there was a decision to reduce the number of Members without any other increase in Members' remuneration. Other rigid costs included the rent of the States Building and Morier House.

It was recalled that under the provisions of Article 24B of the Public Finances (Jersey) Law 2005 such savings could not be 'imposed' on the Committee by Ministers. However, in practise the Committee had always taken note of the proposed policy of the Council of Ministers when preparing estimates and had previously co-operated with requests to make savings under programmes such as the Comprehensive Spending Review.

The Committee agreed to the savings targets identified by the Council of Ministers

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in respect of the States Assembly budget. The Greffier of the States advised that savings amounting to the figures above could clearly not be made without some impact on the services provided by and to the States Assembly, with the budget for Scrutiny likely to be affected in particular. It was also considered that the acceptance of savings might have implications for potential growth items such as the web-streaming of meetings of the States and/or the introduction of pensions for Members.

The Committee Clerk undertook to draft a letter for the Chairman's signature notifying the Minister for Treasury and Resources that the Committee would endeavour to comply with the Council of Ministers' expenditure reduction goals. The Greffier of the States was directed to prepare a full breakdown of States Assembly expenditure for consideration by the Committee at its next meeting, in order that areas of possible over-spend might be identified.

Access to the  
States  
Building.  
1240/9/1(137)

A4. The Committee, with reference to its Minute No. A2 of 13th January 2015, considered a set of draft amendments to the 'Conditions of use for Members' areas and facilities within the States Building'. Under the current conditions it was stated that facilities *'must not be used at any time for meetings of outside organisations'* (R.112/2007 refers).

The Committee recalled that at its meeting on 20th November 2014, it had agreed, in principle, that the rules of access should be relaxed to allow outside groups to use certain rooms in the States Building, providing they did so under the auspices of an elected Member.

At the Committee's meeting on 13th January 2015, the Greffier of the States had been directed to draft an amendment to the States Building's rules of access to the above effect. It was agreed that the amendment would clearly express the responsibility of Members for those they admitted, as well as stating the potential risks of admitting outside groups into the building.

The Greffier of the States had worked in conjunction with the Committee Clerk to draft an amendment to the conditions of access which stated that *"access to the States Building is generally restricted to Members and employees of the States Greffe and Royal Court with States Building passes. Outside organisations such as interest groups, charities and political lobbying groups are allowed to access the building, but only if they are admitted, accompanied and escorted at all times by an elected Member. The ushers must be notified in advance if an outside group is to be admitted to the building. If the presence of an usher is considered necessary to ensure adequate security a charge may be levied. Any meetings of outside groups taking place within the States Building must in no way prevent or inhibit free access to and use of the building by Members. Members are responsible for their visitors while they are on site."*

The Committee approved all which had been included but requested that an additional clause be added to the amendment, to state that the States Building should not be used by Members or outside groups for any activities related to the planning, organisation or execution of an election campaign.

The Committee Clerk undertook to work with the Greffier of the States to draft such a clause. Once this had been completed an electronic mail meeting of the Committee would be convened so that the proposed amendments to the 'Conditions of use for Members' areas and facilities within the States Building' could be approved by Members. At this point the amendments would be published and presented to the States in the form of a Report.

Standing  
Orders:  
declaration of  
parliamentarians' assets  
450/2/1(83)

A5. The Committee noted an electronic mail exchange between the Bailiff and Professor K. Coghill of Monash University, Australia, in connexion with Article 106 of the Standing Orders of the States of Jersey, which required Members to declare their interests at the start of their term of office. The Committee also received a written report prepared by the Greffier of the States which provided background information as to the genesis of the discussion.

The Committee noted that Professor Coghill had been selected by the Commonwealth Parliamentary Association to undertake a research project on codes of conduct for parliamentarians. Upon his appointment Professor Coghill had inferred that he might seek to make the recommendation to the Association that Commonwealth parliamentarians should be required to make a full public declaration of all assets held at the start of their term of office and again at the end. Currently, whilst Members had to declare their interests under Article 106 of the Standing Orders of the States of Jersey, they were not required to state the extent or financial size of those interests.

The (then) Deputy Bailiff had pointed out that although such a declaration could be useful to combat corruption in certain countries, it could act as a barrier to encouraging people to stand for office in a small community such as Jersey where Members might have a greater expectation of privacy in relation to their purely personal financial circumstances. The (now) Bailiff had referred his electronic mail exchanges with Professor Coghill to the Committee in order to ascertain whether it shared his viewpoint.

Having discussed the matter fully, a majority of Members favoured the stance adopted by the Bailiff. Members were of the view that a requirement to make a full public declaration of all assets would represent a severe intrusion of privacy. Furthermore, it was considered that such an imposition could have the unintended consequence of deterring prospective candidates from standing for election. The Committee Clerk undertook to draft a letter for the Chairman's signature informing the Bailiff that the Committee supported and seconded his position for the reasons stated above.

Deputy S.Y. Mézec of St. Helier requested that his dissent from the Committee's decision be recorded on the basis of his belief that the public had a right to know the extent of the interests of its elected politicians. He observed that the existing requirement to declare interests as set out by Article 106 of Standing Orders was both unguarded and unchecked. Deputy Mézec warned against complacency when considering the possibility of corruption, advancing that a requirement to make a full public declaration of all assets upon assuming and leaving office would act as a bulwark against fraudulent behaviour.

Deputy J.A. Martin of St. Helier requested that her dissent from the Committee's decision be recorded. She stated that whilst she was ambivalent towards Professor Coghill's suggestion, she did not agree entirely with the rebuttal offered by the Bailiff.

Public  
Elections:  
amendments to  
legislation and  
administration.  
424/2(88)

A6. The Committee, with reference to its Minute No. B1 of 13th January 2015, noted correspondence from H.M. Attorney General in respect of ongoing works to the Public Elections (Jersey) Law 2002.

The Committee recalled that at its meeting on 13th January 2015 it had considered correspondence from H.M. Attorney General dated 23rd December 2014, which had elaborated on certain difficulties within the Public Elections (Jersey) Law 2002.

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H.M. Attorney General had made a number of recommendations in respect of Article 61 of the Public Elections (Jersey) Law 2002, the Article which dealt with challenges to the legality of an election. The Committee had agreed to invite H.M. Attorney General to prepare the drafting instructions for the necessary amendments to the 2002 Law.

The Committee noted that the matter had been placed with the Law Officers' Department's Legislation Team who had begun the process of preparing drafting instructions.

Register of  
Names and  
Addresses  
(Comparison  
with Electoral  
Registers)  
(Jersey)  
Regulations  
201-  
424/2(87)

A7. The Committee, with reference to its Minute No. B3 of 11th July 2014, received a written report in respect of the "Draft Register of Names and Addresses (Comparison with Electoral Registers) (Jersey) Regulations 201-."

It was recalled that, in December 2013, the Committee as previously constituted had appointed the Association of Electoral Administrators to conduct a feasibility study to establish whether the Names and Addresses Register could be used to generate the electoral register automatically without the need for the current annual registration process. It had been agreed that a trial would be conducted to investigate whether this could be possible by the 2018 elections. It had been agreed that, rather than holding the trial at the same time as the October 2014 elections, it should be conducted in 2015 as the accuracy of the Names and Addresses Register continued to improve over time. It had been further agreed that, as the Chief Minister was responsible for the legislation, he would lodge the draft Regulations to enable the trial to take place.

The position was noted. The Committee recognised its ultimate responsibility to report the outcomes of this work to the States, including conclusions and recommendations as to the most appropriate way forward for electoral registration in Jersey with a view to any new system or variations to the present system being in place to be used at the general election in 2018.

Discrimination  
(Jersey) Law  
2013: training  
of States  
Members.  
1240/9/1(161)

A8. The Committee received an oral report from the Greffier of the States regarding States Member's training. The Greffier reported that he had received correspondence from Mrs. G. Hibbeard, Head of Learning and Development, Human Resources Department, offering States Members training on the recently introduced Discrimination (Jersey) Law 2013.

The Greffier informed the Committee that a related training session had been held as part of the induction programme organised for those Members first elected in October 2014. The Greffier reported its recipients had welcomed this training, a statement which Connétable C.H. Taylor of St. John corroborated.

The Committee agreed that it would be most useful to offer such training to all States Members, although it was recognised that not all Members would be able to attend. The Greffier of the States undertook to liaise with Mrs. Hibbeard in order to organise an appropriate date for the delivery of training.

Date of next  
meeting.

A9. The Committee Clerk, with reference to Minute No. A1 of 16th December 2014, advised the Committee that its scheduled meeting for 17th March 2015 would have to be re-arranged due to a clash with the annual Youth Assembly, an event with which a number of Members were involved.

The Committee Clerk undertook to liaise with Members to arrange a suitable alternative date.