

KS/SB/360

PRIVILEGES AND PROCEDURES COMMITTEE

(52nd Meeting)

9th December 2019**PART A (Non-Exempt)**

All members were present, with the exception of Connétable A.S. Crowcroft of St. Helier, from whom apologies had been received.

Deputy R. Labey of St. Helier, Chairman
 Connétable C. H. Taylor of St. John
 Deputy J.M. Maçon of St. Saviour (not present for part of the discussion on item A2)
 Deputy M.R. Le Hegarat of St. Helier
 Deputy C.S. Alves of St. Helier (not present for item A1)
 Deputy J.H. Perchard of St. Saviour

In attendance -

Dr. M. Egan, Greffier of the States
 L.M. Hart, Deputy Greffier of the States
 D. Le Marquand, Policy Principal, Strategic Population, Planning and Performance Department (in attendance for items A1-A2 and B1 only)
 B. Jehan, Administration and Research Officer, Chief Minister's Private Office (in attendance for items A1-A2 and B1 only)
 K.L. Slack, 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 held on 10th October 2019 (Part A only) and 11th November 2019 (Part A and Part B) were taken as read and were confirmed.

Forthcoming business for debate by the States Assembly. 465/1(210) A2. The Committee received a list of forthcoming business for debate by the States Assembly at its meetings to be held on 10th December 2019 and 21st January 2020.

The Committee noted that Deputy J.M. Maçon of St. Saviour had lodged a Proposition entitled, 'Diversity Working Group' (P.118/2019), which requested the Council of Ministers to set up a working group of States Members to consider the implementation of policies, which proactively encouraged greater diversity (in respect of, for example, sexual orientation; race/nationality; class; disability; age and gender) in applicants who wished to sit on various States-owned, or funded, Boards and arm's-length bodies. Deputy Maçon was not present for the discussion of this item. The Committee recalled that it had established the Diversity Forum, of which Deputy Maçon was a member, as a Sub-Committee and noted that the Chair of the Forum, Deputy L.M.C. Doublet of St. Saviour, was in agreement that the Forum could act as the proposed 'working group' in this regard. The Committee noted that the Diversity Forum was due to meet during the week commencing 16th December 2019 and it was suggested that this matter could be raised at that meeting. Connétable C.H. Taylor of St. John opined that most Members would not vote against the Proposition, on the basis that the Forum already existed; although, Deputy J.H. Perchard of St. Saviour indicated that she would do so, on the grounds that it was duplication. The Deputy Greffier indicated that in drafting the proposition Deputy Maçon had felt that a disproportionate emphasis was placed on gender, rather than the other characteristics covered by the Discrimination (Jersey) Law 2013, so wished to bring these more to the fore.

It was noted that the Connétable of St. Martin's Proposition, 'Public Elections: declaration of donations exceeding the current threshold for declaration in law' (P.120/2019) was due to be considered at the meeting on 21st January 2020. Deputy Maçon indicated that he intended to lodge a minor Amendment to the *projet*, to change the deadline for the publication of donations, received by election candidates, from '2 days of receipt' to '2 working days of receipt'; and he queried the origins of the *de minimis* threshold for declarations of £120. The Committee recalled that work was currently underway to prepare a consultation document, which it proposed to issue in February 2020 and which would address various matters, relating to the Public Elections (Expenditure and Donations) (Jersey) Law 2014, *inter alia* the process for declaring expenditure and the online publication of expenditure returns, which had been contained within P.6/2019 and P.7/2019, both of which had been adopted by the States Assembly on 26th February 2019. Moreover, Proposition P.7/2019 had requested the Committee to consider introducing a means by which political parties could declare their election costs, which aligned with sub-paragraph (b)(ii) of the Connétable's Proposition, which dealt with donations to political parties. The Committee noted that, for the previous 2 elections, the Judicial Greffier had permitted candidates standing for Reform Jersey to provide a return, which set out the total expenditure by the Party, divided by the number of candidates that it fielded. As a consequence, there was a lack of clarity over how much had been spent on each candidate, which was not considered to be equitable. The Committee was of the view that the changes proposed in P.120/2019 should be incorporated into its consultation document and instructed the Greffier to prepare a draft Amendment to the Proposition to include reference to that consultation. It agreed that Deputy Maçon should act as *rapporteur* in respect of the Amendment.

The Committee gave consideration to the Proposition of Deputy I. Gardiner of St. Helier, entitled 'Policy Development Boards' (P.122/2019), the third paragraph of which would, if approved, require it to bring forward amendments to Standing Orders, to permit questions to be asked of the Chairs of Policy Development Boards and for them to be able to make official statements in the Chamber. The Greffier indicated that a Ministerial Decision was required in order for a Policy Development Board to be established, so there was no ambiguity around what was – and was not – such a Board. He stated that it would be helpful to have a list of all the Policy Development Boards. The Committee decided that it did not wish to comment on P.122/2019 at this juncture.

Complaints
Panel:
membership.
1386/6/1(5)

A3. The Committee, with reference to Minute No. A1 of its meeting of 8th August 2019, received and considered a report signifying its intention to re-appoint Mr. Stuart Catchpole QC as a Deputy Chairman and member of the States of Jersey Complaints Panel for a further period of 5 years, with effect from 20th January 2020.

The Committee recalled that the Panel was established under the Administrative Decisions (Review) (Jersey) Law 1982 ('the Law') and enabled any person who was aggrieved by a decision made by a Minister, or Department, to apply to the Greffier of the States to have the matter reviewed by a Complaints Board. Article 5(2) of the Law required the States to appoint the members of the Complaints Panel. In accordance with Article 2 of the States of Jersey (Appointment Procedures) (Jersey) Law 2018, the Committee further recalled that it was required to provide at least 2 weeks' notice to the States before approving the re-appointment.

The Deputy Greffier of the States indicated that she was delighted that Mr. Catchpole was willing to serve for a further term and emphasised the significant attributes that he had, which made him an excellent Deputy Chairman and member of the Panel.

The Committee approved the presentation of the Report to the States by a majority. Deputy J.H. Perchard of St. Saviour and Deputy M.R. Le Hegarat of St. Helier requested

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that their dissent should be recorded. Whilst they had no doubts about the calibre of Mr. Catchpole, they expressed the view that whenever the opportunity arose to improve diversity on a Panel, it should be taken and, accordingly, felt that a recruitment process should have been undertaken.