

Privileges and Procedures Committee

(34th Meeting)

15th January 2024

**Part A (Non-Exempt)**

All members were present.

Connétable K. Shenton-Stone of St. Martin, Chair  
Deputy M. R. Le Hegarat of St. Helier North, Vice-Chair  
Deputy L. J. Farnham of St. Mary, St. Ouen and St. Peter (for a time)  
Deputy C. S. Alves of St. Helier Central  
Deputy M. R. Ferey of St. Saviour  
Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter (for a time)  
Deputy L.V. Feltham of St. Helier Central

In attendance -

L-M. Hart, Greffier of the States  
W. Millow, Deputy Greffier of the States  
J. O'Brien, Head of Digital and Public Engagement (via Teams)  
K. Boydens, Principal Committee and Panel Officer  
J. Lepp, Research and Project Officer  
K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat

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

- |   |  |
|---|--|
| Minutes.  | A1. The Minutes of the meeting held on 18th December 2023, (Parts A and B), having previously been circulated, were taken as read and were confirmed.  |
| Forthcoming business.                             | A2. The Committee considered propositions which had been lodged ' <i>au Greffe</i> ' for the meetings of the States Assembly that were scheduled to commence on 16th January and 6th February 2024, as follows –<br><br><u>Requirement for a seconder at time of lodging a proposition (P.102/2023)</u> – the Committee agreed that it would wish to comment on the proposition and it was noted that the States Greffe had already undertaken some research on the issue. A more general discussion followed, with the proposer, Deputy M. R. Ferey of St. Saviour advising that the aim was to encourage collegiate working and enhance the quality of propositions.<br><br><u>Remote participation within the States Assembly for the purpose of election of a Chief Minister (P.3/2024)</u> – the Committee agreed that a comment should be prepared in support of the proposition on the basis of the exceptional circumstances. The Committee stressed that it would not wish its support on this occasion to be viewed as having set a precedent for other debates. |
| Remuneration Review: additional recommendations – | A3. The Committee, with reference to its Minute No. A3 of 20th November 2023, considered correspondence dated 20th December 2023, from Deputy S.Y. Mézec of St. Helier South in his capacity as President of the Scrutiny Liaison Committee (SLC) in connexion with additional recommendations arising from the Remuneration Review.   |

membership of  
Scrutiny  
Panels/Public  
Accounts  
Committee.

The Committee recalled that the Remuneration Reviewer had recommended, among other things, that States Members who were not Ministers should be required to join a Scrutiny Panel or the Public Accounts Committee (PAC). Having considered this recommendation, the SLC was of the view that this could have negative consequences for the integrity of Panels/PAC and that conscripted Members might be unwilling to fully participate. Furthermore, the SLC did not believe that such an approach aligned with the manner in which Panels/PAC operated, which saw Members join due to their particular interests and skill sets. Consequently, the SLC could not support the recommendation.

Having noted the response from SLC, the Committee agreed that it would not be appropriate to pursue this particular recommendation.

States  
building:  
access and  
security  
arrangements.

A4. The Committee considered an electronic mail message from Deputy M. Tadier of St. Brelade in connexion with access to and use of the States building by Jurors attending the Royal Court.

It was noted that on 11th December 2023, a Juror had entered the building by 'tailgating' an individual with official access. The Assistant Greffier, Members' Resources and Chamber, had written to Members suggesting that, in an effort to avoid such incidents, individuals without appropriate identification/access rights should be challenged. Deputy Tadier had expressed the view that not all Members were comfortable with challenging individuals in the manner suggested and he questioned this approach to security in a parliament building. The Committee noted that Deputy Tadier believed that Jurors should be required to access the Royal Court by another entrance which avoided areas used by States Members. He highlighted the fact that he had encountered 'strangers' in the precinct on several occasions and did not believe that this would be tolerated in other parliaments.

The Committee discussed the matter and, whilst recognising that use of the building was shared with the Court, agreed that the Greffier of the States should consult the Judicial Greffe/Viscount's Department to ascertain what access arrangements were in place for Jurors. Members highlighted the potential for a security incident and the sensitivities associated with accessing the building at the same time as a Jury. It was suggested that Jurors could be met by an officer of the Viscount's Department at Morier House and accompanied to the building. The Greffier undertook to raise the matter with the Judicial Greffe/Viscount's Department and revert to the Committee.

Amendment to  
Standing  
Orders  
117/120/135:  
changes to  
Ministerial  
titles.

A5. The Committee considered a draft report and proposition which sought approval for amendments to Standing Orders 117, 120 and 135 to reflect changes to Ministerial titles, as approved by the Chief Minister by Ministerial Order (R.76/2023 and R.102/2023 refer).

The Committee noted that the Minister for Economic Development, Tourism, Sport and Culture had been renamed as the Minister for Sustainable Economic Development and the Minister for Home Affairs would be known as the Minister for Justice and Home Affairs. It was necessary to amend Standing Orders to reflect these changes and update the names of the relevant Scrutiny Panels.

The Committee approved the report and proposition and requested that it be lodged "*au Greffe*".

Committee  
agenda.

A6. The Committee noted that, having been alerted to concerns which had been raised by some States Members in connexion with certain descriptors which had been used on the Committee's public agenda, Deputy M. R. Ferey of St. Saviour had requested that the Committee consider the matter.

It was noted that the sensitive nature of certain information which had appeared on the public agenda had been highlighted and the Committee recognised the need to balance transparency with discretion.

Concerns had also been raised regarding the nature of the information which had been displayed by the States Greffe on the door of a meeting room in the States building during the consideration of a complaint which had been made to the Commissioner for Standards. The Greffier of the States explained that such notices were displayed when audio recordings of meetings were being made. The Committee recalled that it had recently endorsed a recommendation of the Deputy Greffier of the States that audio recordings of such meetings should be made for use by the Committee and the Member(s) concerned, alongside the production of the official written record of the meeting, which was prepared by the States Greffe Specialist Secretariat. In such instances the administrative approach mirrored that adopted in respect of Scrutiny Hearings which were audio recorded, and a notice of the event was placed on the door of the meeting room. The Greffier expressed the view that in cases where the Committee was considering complaints made to the Commissioner for Standards there was a need to recognise the emotive nature of the same and it was probably unnecessary for notices to be displayed in these circumstances. The Greffier also undertook to ensure that the appropriate wording was used to describe agenda items.

Ethical  
Standards  
(P.75/2023).

A7. The Committee, with reference to its Minute No. B2 of 30th October 2023, welcomed Deputy M.R. Scott of St. Brelade in connexion with her proposition entitled Ethical Standards (P.75/2023).

The Committee recalled that it had met Deputy Scott on 30th October 2023, to discuss 2 propositions which she had lodged “au Greffe”, one of which had been P.75/2023. However, due to time constraints, it had not been possible to discuss the Ethical Standards proposition at that time. However, the Committee had later presented comments in response to the proposition.

Deputy Scott began by expressing appreciation for the considerable support she had received from the Greffier of the States in connexion with her proposition, which she stated had helped her articulate her concerns in a constructive manner. She referenced documentation she had prepared ahead of the meeting to inform the discussion and was assured that this had been circulated to Members. Deputy Scott went on to discuss the aims of her proposition and advised that she was willing to consider refinements.

The Chair advised that the Committee had already agreed to undertake a review of the Code of Conduct in consultation with Members and with the support of the Commissioner for Standards. The review would obviously inform any changes to the Code and all States Members would have an opportunity to participate in the consultation process. Deputy Scott suggested that the Committee might wish to make its intention to review the Code known to Members, indicating that she hoped the issue could be addressed in a manner ‘which avoided debate’.

Deputy Scott went on to discuss her own experiences of the complaints process, to include reference to the content of reports produced by the Commissioner for Standards. She suggested that consideration could be given to providing Members with an opportunity to review reports ahead of publication. Deputy Scott also discussed the introduction of mandatory training for Members and the Committee recalled that it had previously presented comments in response to this and other elements of the proposition. It was acknowledged that the issues raised by Deputy

Scott in her proposition and the supporting documentation provided ahead of the meeting could be considered in the round as part of the review of the Code.

The Committee thanked Deputy Scott for attending and she withdrew from the meeting.

Members acknowledged that the driver for the proposition appeared to emanate from a desire for greater clarity and less ambiguity in the context of the Code. The Committee agreed that the Chair should advise States Members of its intention to review the Code.

It was recalled that part (b) of Deputy Scott's proposition proposed the establishment of a support framework for Members to provide recourse to an independent third party to offer informal rulings and advice on conduct issues before matters were referred to the Commissioner. The Greffier drew attention to Articles 9 and 10 of the Commissioner for Standards (Jersey) Law 2017, which set out the functions of the Commissioner and the independence of the role. Article 10 made it clear that the Commissioner must not be directed on any function. The Committee had previously taken the view that it could not support the establishment of such a framework, but recognised that this and any other issues raised could be considered as part of the review.

On a related matter, it was noted that the Commissioner had agreed that individuals referenced in reports should be interviewed in future as part of the complaints process.

Publication of  
Freedom of  
Information  
requests.

A8. The Committee noted correspondence dated 10th January 2024, addressed to the Greffier from Mr. S. Harrison in connexion with the publication of Freedom of Information (FOI) requests.

The Committee noted that Mr. Harrison had made several suggestions which were designed to improve the information published in connexion with FOI requests.

The Committee noted that whilst the Privileges and Procedures Committee as previously constituted had progressed the Freedom of Information (Jersey) Law 2011, the Committee did not hold responsibility for operational aspects of the legislation. Consequently, members agreed that Mr. Harrison's suggestions should be forwarded to the FOI unit. The Committee also endorsed a recommendation of the Deputy Greffier of the States that the States Greffe undertake work to ascertain whether the legislation was sufficiently broad in the context of Mr. Harrison's suggestions.

On a related matter, members expressed concerns that the FOI legislation still did not encompass arms-length organisations which received public funding.

Political  
engagement.

A9. The Committee noted correspondence dated 10th January 2024, addressed to the Chair from Mr. S. Harrison in which he provided suggestions designed to improve political engagement.

The Committee noted that Mr. Harrison had made several suggestions which aimed to enhance political engagement, such as the establishment of all party parliamentary groups, a reduction in the e-petition threshold, States Member's blogs, the return of 'ask the Minister' sessions and reviewing the use of laptops in the States Assembly.

The Committee heard from Ms. J. O'Brien, Head of Digital and Public Engagement, who advised that some of the suggestions made had already been included in the operational plan for the Digital and Public Engagement Section, which she

undertook to share with the Committee.

The Committee endorsed a recommendation made by the Deputy Greffier of the States that the suggestions regarding Ministerial sessions be forwarded to Government officers for consideration. It was also agreed that Mr. Harrison's correspondence should be included on the next Political Awareness and Education Sub-Committee agenda. In terms of comments regarding the use of laptops in the Assembly, the Committee recognised that technology was an inevitable part of modern life and initiatives to reduce the amount of paper used meant that Members relied upon electronic devices in the course of their work.

The Greffier of the States undertook to write to Mr. Harrison to advise him of the Committee's views/the work which was in train and the actions which would be taken.

Privileges and  
Procedures  
Committee:  
Sub-  
Committees –  
update on  
workstreams.

A9. The Committee, with reference to its Minute No. A8 of 18th December 2023, considered a report which set out the progress that had been made by the various Sub-Committees which had been established to support its work.

It was noted that the Political Awareness and Education Sub-Committee was due to meet on 22nd January and the Diversity Forum on 24th January 2024. The States Members' Pensions Sub-Committee had met on 10th January 2024, and, in response to consultation undertaken as part of the remuneration review, had agreed that a public event should be held on 15th May 2024, to provide a better understanding of both the remuneration review and the States Members' pension scheme. Whilst it had been suggested that Ms. J. Long, who had carried out the review, could be invited to attend the event, the Greffier of the States suggested that it would be more appropriate to invite officers of the Pensions Section of the Treasury and Exchequer Department as Ms. Long's role had ended with the publication of the review. On a related matter, Deputy C. S. Alves of St. Helier Central repeated concerns regarding the use of the pensions portal and it was noted that whilst information had been provided in relation to the same at a presentation to States Members, ongoing support was available to Members as required.

The Machinery of Government Sub-Committee had met on 20th December 2023, and had considered the determination of procedures by Scrutiny Panels, such as the establishment of a quorum, and had concluded that this was a matter for individual Chairs. The Sub-Committee was due to meet again on 24th January 2024, when it would consider recommendations from the Democratic Accountability and Governance Sub-Committee. The Deputy Greffier of the States advised that any comments in relation to the recommendations would need to be presented by the Privileges and Procedures Committee.

Privileges and  
Procedures  
Committee:  
2024 work  
programme.

A10. The Committee, with reference to its Minute No. A9 of 18th December 2023, considered its 2024 work programme.

It was recalled that, with the adoption of the Children and Young People's (Jersey) Law 2022 ('the Law') in February 2022, the concept of 'corporate parenting' had been introduced and, therefore, the States Greffe would become a corporate parent under the Law and the Committee would need to prepare a plan for how it proposed to discharge its corporate parenting responsibilities.

A report entitled 'How might the Standing Orders of the States of Jersey respond to the formation of political parties' had been published in 2021. It was suggested that the Committee might consider establishing a Sub-Committee in order to consider the report in more detail and determine which areas to prioritise for implementation.

On a related matter, it was noted that recommendations arising from the report of the Jersey Electoral Authority were being progressed and that consideration would have to be given to the future membership of the Authority. Work in relation to the establishment of a Boundaries Commission was yet to commence, although some consideration had been given to potentially combining the role with that of the Referendum Commission, and the view was expressed that there should be at least one States Member on the Boundaries Commission.

Vote of no confidence in the Chief Minister (P.1/2024).

A11. The Committee requested that the Greffier of the States alert Members to the possibility of the States sitting on 16th January 2024, ending later than usual given the fact that the vote of no confidence in the Chief Minister (P./1/2024) was due to be debated.

Report of the Commissioner for Standards: complaint against Deputy K.F. Morel of St. John, St. Lawrence and Trinity.

A12. The Committee recalled that a report for publication in connexion with the Commissioner for Standards report into a complaint against Deputy K.F. Morel of St. John, St. Lawrence and Trinity had been approved for presentation to the States at a meeting convened electronically and members requested that the decision be placed on record.

Date of next meeting.

A13. The Committee noted that its next scheduled meeting would be held on 26th February 2024, at 10.00 am.