

Privileges and Procedures Committee

(11th Meeting)

21st October 2024

**Part A (Non-Exempt)**

All members were present, with the exception of Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, from whom apologies had been received.

Connétable K. Shenton-Stone of St. Martin, Chair  
Deputy C. S. Alves of St. Helier Central, Vice Chair (for a time)  
Deputy L.M.C. Doublet of St. Saviour  
Deputy T.A. Coles of St. Helier South  
Connétable M.K. Jackson of St. Brelade (for a time)  
Deputy S.M. Ahier of St. Helier North

In attendance -

L-M. Hart, Greffier of the States  
W. Millow, Deputy Greffier of the States  
Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support  
(for a time)  
C. Fearn, Secretariat Officer, Specialist Secretariat  
E. Patterson, Assistant Secretariat Officer, Specialist Secretariat (via Teams)  
C. Tucker, Assistant Secretariat Officer, Specialist Secretariat (via Teams)  
K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat

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

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| Minutes.   | A1. The Minutes of the meeting of 9th September 2024, having previously been circulated, were taken as read and were confirmed.   |
| Privileges and Procedures Committee: actions arising from the previous meeting.                  | A2. The Committee noted a list of actions and outcomes arising from the previous meeting.<br><br>Members were advised of revised arrangements in relation to the provision of support for the Committee and its Sub-Committees. This would see officers from across the States Greffe having greater involvement in the work of the Committee.  |
| Privileges and Procedures Sub-Committees: Minutes and actions arising from the previous meeting. | A3. The Committee noted the Minutes of meetings of the various Sub-Committees of the Privileges and Procedures Committee and a list of actions and outcomes arising from the same.<br><br>The Committee noted that, with effect from September 2024, officers of the Specialist Secretariat team of the States Greffe had assumed responsibility for the production of the official records of the Sub-Committees and would also produce action lists following the meetings.<br><br>It was agreed that the Committee should receive Sub-Committee Minutes and action lists on a monthly basis so that it was kept abreast of the work which was being undertaken. This would also avoid any duplication of work and ensure the |

Committee took the lead where appropriate.

The Committee received brief oral reports from the Vice Chair of the Diversity Forum and the Chair of the Machinery of Government Sub-Committee. It was noted that the most recent scheduled meeting of the Diversity Forum had been cancelled due to a conflict with a Crown Dependencies event. The Forum would meet on 21st November 2024, when it would consider, among other things, a Commonwealth Parliamentary Association Gender Sensitive Parliament self-assessment report, which sought to evaluate developments since the internal gender audit conducted by the Diversity Forum in 2019.

It was also agreed that the Chief Officer of the Bailiff's Chamber should be invited to attend the next meeting of the Diversity Forum to discuss an Access Audit report of the States Building, which had been produced in 2018. The Greffier of the States highlighted the constraints associated with access arrangements in the States Building, both in terms of the shared use with the Courts and the heritage aspects.

Deputy L.M.C. Doublet of St. Saviour raised the issue of workplace assessments for States Members. It was recognised that Members were able to leave the Chamber during meetings of the States for comfort breaks. However, it was not clear whether the live audio feed was restricted to the tea room, which could be noisy, or whether it could be heard in other rooms in the precinct. The Greffier of the States undertook to clarify the position.

Deputy Doublet also raised the issue of the seating plan for Members and it was confirmed that whilst convention dictated that Members be seated by category, consideration was also given to the individual needs of Members in the context of accessibility. If the Committee wished to make changes to the current arrangements this would require a States' decision and whilst policy could be formulated around this, direction would be required.

Deputy T.A. Coles of St. Helier South advised of a decision of the MOGR Sub-Committee to revise Standing Orders 113 and 115. The Committee recalled that, following the adoption of P.1/2024 ('Vote of no Confidence: Chief Minister'), it had become apparent that some challenges existed regarding the practical application of the aforementioned Standing Orders in the context of the timescales and deadlines involved. The Sub-Committee proposed that, in the event of a successful Vote of no Confidence in the Chief Minister, a period of 3 working days be allowed for interested parties to declare their intention to stand for election as Chief Minister. The Committee also noted proposed procedural amendments in respect of the timescales for the appointment of a new Chief Minister in the event of the death of the incumbent. It was proposed that the declaration period be extended to 3 weeks. The Committee requested that the States Greffe prepare draft amendments to the Standing Orders for consideration at a future meeting.

It was noted that the Political Awareness and Education (PAE) Sub-Committee had discussed arrangements for 'Coming of Age' events, designed to encourage young Islanders to engage with the democratic process. It was noted that it had been agreed that such an event would be held at St. Martin's Public Hall.

On a related matter, Deputy S.M Ahier of St. Helier North expressed concerns with regard to the organisation of a 'pop-up' event held on 23rd September 2024, during Democracy Week when Islanders had been invited to meet States Members at Charing Cross. It was recalled that stands had been set up at different locations throughout the week. Deputy Ahier advised that the event at Charing Cross had been poorly arranged with States Members arriving to find that the stand had not

been set up and that members of staff were not present. This has caused considerable embarrassment. The Greffier of the States apologised and undertook to investigate the circumstances.

It was noted that the new States Assembly website was due to be launched at the end of November 2024, and that feedback had been sought from Members on the layout and improved functionality. Deputy Coles believed that the website interface required modification so that it worked with all screen sizes and, in particular, mobile devices. He advised that he had provided feedback on other aspects, to include the layout, and had noted that not all amendments submitted by Members were visible. The Deputy was uncomfortable that the structure of the website might create the perception of prioritising executive roles over Scrutiny roles. Deputy S.M. Ahier of St. Helier North sought assurance that the search function had been improved and he highlighted the difficulties associated with searching Hansard on the existing website. The Greffier of the States advised that all feedback would be considered.

The Committee noted that a particular action arising from the PAE Sub-Committee which related to access to the electoral roll was not actually necessary as this issue would be addressed as part of proposed amendments to the Elections (Jersey) Law 2002, which would mean the end of public access to the electoral roll for data protection reasons. Some discussion followed regarding the nomination of election candidates and the need to verify that proposers lived in the requisite electoral district. It was noted that candidates would still be able to obtain the necessary verifications from the relevant Parish authorities.

E-petitions  
system:  
review.

A4. The Committee considered a report which had been prepared by the Deputy Greffier of the States in connexion with a review of the e-petition system and the terms of reference for the same.

The Committee recalled that, following a discussion during the meeting of the States Assembly on 11th September 2024, the Chair had agreed to a review of the e-petition system.

The e-petition system had been established in accordance with the adoption of P.123/2017 (E-petitions: introduction), which had been lodged 'au Greffe' by the Committee as previously constituted.

The Committee considered the proposed terms of reference for the review, which included (but was not limited to) the following –

- the rules and process used to determine the acceptability or otherwise of e-petitions;
- the means by which Islanders could sign e-petitions, the eligibility criteria and the verification process that applies;
- the signature thresholds at which action is prompted in response to e-petitions;
- the nature of the actions required by either the States Assembly or the Government of Jersey in response to e-petitions; and,
- the relationship between the e-petition system and hard-copy petitions (as set out in the Standing Orders of the States of Jersey).

It was noted that a simple desktop review could be undertaken by the States Greffe in tandem with consultation with Members/the public, culminating in the findings being considered by the Committee, with a view to lodging a proposition seeking amendments to the system.

The Committee agreed that it would be useful to understand the e-petition process

more fully and requested that arrangements be made for a demonstration of the same at the next scheduled meeting.

Deputy C.S. Alves of St. Helier Central, Vice Chair suggested that consideration also be given to reviewing the approach to Ministerial responses to petitions, with consideration being given to virtual question and answer sessions when a certain number of signatures had been received. This was viewed as a valuable public engagement tool and, in her capacity as Chair of the Political Awareness and Education Sub-Committee, Deputy Alves advised that the Sub-Committee would consider this at a future meeting.

The Committee approved the terms of reference and requested that the States Greffe consult the public and States Members.

Risk based  
exclusion  
policy.

A5. The Committee, with reference to its Minute No. A8 of 9th September 2024, considered a report in connexion with the introduction of a risk-based exclusion policy for Members accused of violent and/or sexual offences.

The Committee recalled that the House of Commons had agreed to support a risk-based exclusion policy earlier in the year. The policy aimed to strike a balance between the duty of care to protect the parliamentary community with the right of an elected Member of Parliament (MP) to represent constituents.

A risk-based exclusion policy did not currently exist for States Members. The States of Jersey Law 2005 made provision for the disqualification of a Member convicted of an offence and imprisoned for no less than 3 months without the option of a fine. However, until the individual was convicted, they were able to continue as a States Member. If a Member was arrested and charged with a serious crime, the Committee (or 6 States Members acting as a collective) could seek the approval of the States for the suspension of the Member concerned for a maximum of 28 days. It was noted that no such proposition had ever been lodged 'au Greffe'.

The Committee had previously considered the benefits and implications of introducing a risk-based exclusion policy and had agreed that it would be useful to understand the context in the wider workplace. It was noted that the policy applied in respect of Government employees accused of violent and/or sexual offences was to suspend the employee on full pay whilst an investigation was undertaken. During the suspension period the employee would be denied access to Government premises, unless they were required to visit a building for a specific purpose and were accompanied by a member of staff. Employees would be permitted to access the General Hospital for medical reasons. It was recognised that States Members were not employees and there was a risk that the adoption of such a policy could prevent a Member from undertaking their duties. Reservations had also been expressed with regard to the fundamental legal principle of innocent until proven guilty. The view of the Commissioner for Standards had also been sought on the matter.

The Committee further recalled that it had requested that consideration be given to enhanced Disclosure and Barring Service (DBS) checks for election candidates, a matter which had been considered in 2023, by the Committee as previously constituted. It was noted that enhanced checks applied to certain professions, as set out in the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002, and that the role of States Member was not included. If Members wished to apply for a basic DBS check this could be done via the States Greffe. Deputy S.M. Ahier of St. Helier North advised that he had contacted People Services in an attempt to obtain an enhanced DBS check, but had been advised that this was not possible given that

the role had not been included in the Law. He had subsequently obtained and paid for an enhanced DBS check by directly approaching the private company who undertook the checks. The Greffier of the States undertook to seek clarity on the position with regard to obtaining enhanced DBS checks for Members and to contact People Services regarding Deputy Ahier's experience. It was also agreed that further investigation should be undertaken into whether it was possible for election candidates to undergo DBS checking. If the latter was possible, the candidate nomination form could be amended to include reference to this. It was noted that a revised nomination form would be presented to the Committee for consideration at a future meeting.

Finally, the Committee recalled that Ms. K. Wright, Independent Chair of the Violence against Women and Girls Taskforce, who had recently been appointed as Chair of FREEDA (Free from Domestic Abuse) had been invited to attend to discuss the introduction of a risk-based exclusion policy for Members accused of violent and/or sexual offences. It was noted that, due to an oversight, Ms. Wright had been unable to attend and would be invited to attend the next scheduled meeting.

Various amendments to Standing Orders.

A6. The Committee, with reference to its Minute No. A4 of 9th September 2024, considered a report which had been prepared by the Deputy Greffier of the States, to accompany a proposition which related to various amendments to Standing Orders.

The Committee noted that the proposition proposed amendments to the following Standing Orders - 26 (minimum lodging periods), 117 (Ministerial selection process), 118 (Chair of Privileges and Procedures Committee: appointment process), 119 (Chair of the Public Accounts Committee: appointment process), 120 (Chair of a Scrutiny Panel: appointment process), 120AA (Chair of the Planning Committee: appointment process), 120A (Jersey Overseas Aid Committee: appointment process), 121 (President of the Scrutiny Liaison Committee: appointment process), 128 (terms of the reference of the Privileges and Procedures Committee) and 170 (duty of the Greffier in relation to internet publishing).

Having recalled that it had previously considered the proposed amendments, the Committee approved the accompanying report and requested that it be lodged 'au Greffe' for debate in December 2024.

Roll call arrangements.

A7. The Committee considered a report which had been prepared by the Deputy Greffier of the States in connexion with arrangements for the roll call at the start of meetings of the States Assembly.

The Committee noted that Deputy T.A. Coles of St. Helier South had requested that consideration be given to whether any detail should be provided when a Member was marked absent de l'île (on States' business) and whether there should be more clarity around the reasons when a Member was marked excusé (excused attendance).

The Committee recalled that the provisions for the roll call were set out in Standing Orders 51 and 53. During the second roll call if a Member had not been present during either of the 2 roll calls, they were marked as en défaut (absent without reasonable excuse) unless a reason for their absence was provided or the Assembly agreed that the Member concerned could be marked excusé.

Responsibility for attendance at States Meetings formed part of a Member's oath of office and it was a requirement of the Code of Conduct for Elected Members to prioritise attendance at States Meetings unless they had very compelling reasons not to do so. Procedurally, the provisions of Standing Orders 51 and 53 provided reasons which justified absence and these included States' business, illness and

parental responsibilities. Whilst there was no explicit provision within Standing Orders for the management and administration of these reasons for absence, some guidance was in place. No explanation was required in terms of the nature of the States' business which had caused the Member to be absent and an oath was administered by way of convention when a Member was ill. The provisions in respect of parental responsibility were administered in the context of guidance prepared by the Diversity Forum and presented to the States (R.3/2022 refers). There could be no challenge in the meeting to the aforementioned reasons for absence and any perceived abuse of process had to be addressed via a complaint to the Commissioner for Standards. Standing Order 53 also dealt with absences for reasons other than those set out above and it was a matter for the Assembly to consider whether to approve such an absence. Any challenges were addressed at the conclusion of the roll call and, whilst a debate on the matter was permissible, this rarely occurred but was not without precedent.

The Committee was asked to consider whether any issues arose from the current arrangements and, if so, decide how these should be addressed.

The Committee noted a suggestion that, as a matter of courtesy, Members who were aware that they were unable to attend a meeting of the States Assembly due to attendance on States business should extend apologies for absence ahead of the scheduled sitting. The Committee also agreed that it would wish the nature of the business to be made explicit during the meeting for inclusion in Hansard.

Deputy L.M.C. Doublet of Saviour suggested that consideration should be given to including reference to wider caring responsibilities within Standing Orders as a justified reason for absence from the States Assembly. She advised that this had previously been discussed at the Diversity Forum but had not been supported. Deputy Doublet stated that she was anxious to ensure that those with caring responsibilities other than parental responsibilities were not precluded from being marked excusé. However, Deputy Doublet did not wish Members to benefit from any arrangements which were not enjoyed across the public sector. Deputy C.S. Alves of St. Helier Central pointed out that where employees were unable to attend work as a result of caring responsibilities this absence was not visible in the same way as the absence of a States Member was. She stated that employees could use annual leave for this purpose and it was noted that existing policy arrangements allowed employees 5 days special leave each year, which could be used for caring responsibilities. Both Connétable M.K. Jackson of St. Brelade and Deputy S.M. Ahier of St. Helier North disagreed with Deputy Doublet's proposal, highlighting the fact that the States Assembly met every 3 weeks and that this should provide sufficient time for Members to make alternative arrangements. The public perception of absence from meetings of the States Assembly was also highlighted, together with the responsibility to attend States Meetings in accordance with Member's oath of office and the requirement under the Code of Conduct for Elected Members to prioritise attendance at States Meetings.

The Committee agreed that guidance should be produced by the States Greffe on the above matter for consideration at a future meeting.

Forthcoming  
business.

A8. The Committee considered items which had been lodged 'au Greffe' for the meeting of the States Assembly, which was scheduled to commence on 22nd October 2024.

The Committee discussed a proposition entitled 'Public Election: Extension of eligibility criteria' (P.64/2024), which had been lodged 'au Greffe' by Deputy M. Tadier of St. Brelade on 26th September 2024. The proposition proposed removing

the requirement for those standing for election as a Connétable or Deputy to be British citizens and requested the Committee to bring forward the necessary legislative changes to facilitate the same in time for the 2026 election. In support of his argument, Deputy Tadier had cited, among other things, changes to the eligibility criteria for Jury Service.

The Committee requested that a comment be prepared for its consideration.

States  
Member's  
survey.

A9. The Committee considered the 2024 States Members' Annual Survey, which collected feedback on the services provided by the Member's Resources team, with a view to ensuring that these remained relevant and accessible.

The Committee noted that the Survey had opened on 9th July 2024, and closed on 12th August 2024. 32 Members had completed the Survey (equating to a 65 per cent response rate).

Members discussed the Survey results with Mr. Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support and noted that overall feedback had been positive. Improvements to facilities and support for Members were acknowledged.

The Committee thanked Mr. Fillieul for attending and he withdrew from the meeting.

Privileges and  
Procedures  
Committee:  
2025 meeting  
dates.

A10. The Committee considered proposed meeting dates for 2025, as follows –

Monday 20th January 2025  
Monday 24th February 2025  
Monday 17th March 2025  
Monday 28th April 2025  
Monday 19th May 2025  
Monday 16th June 2025  
Monday 7th July 2025  
Monday 8th September 2025  
Monday 6th October 2025  
Monday 10th November 2025  
Monday 8th December 2025

The Committee noted that all meetings would commence at 10.00 a.m. and would be held in the Blampied Room, States Building (unless otherwise advised). The proposed dates had been shared with Government officers in order to avoid potential conflicts.

The Committee approved the meeting schedule for 2025 and noted that calendar invitations would be sent out shortly.

Assise  
d'Heritage (use  
of States  
Building).

A11. The Committee noted that both Connétable K. Shenton-Stone of St. Martin, Chair and Deputy C. S. Alves of St. Helier Central, Vice Chair had written to the Bailiff's Chambers in connexion with certain issues which had arisen in relation to the use of the States Building during the recent Assise d'Heritage ceremony.

It was noted that considerable noise and disturbance had been experienced by Members in a meeting being held in the Blampied Room. Some Members had also been treated discourteously by a Member of staff from the Bailiff's Chambers.

The Greffier of the States advised that, during the event, the security system in the building had been disabled, exits and entrances to rooms blocked, a number of doors had been wedged open and heavy ceremonial robes had been hung from fragile light

fittings. Members had also been unable to use certain rooms and there had been no advance notice of the event. The Greffier had also written to the Bailiff's Chambers to express concerns regarding the issues which had arisen but had received only a holding response.

The Greffier undertook to share the response from the Bailiff's Chambers with Members at a future meeting.

Date of next meeting.

A12. The Committee noted that the next scheduled meeting would be held on 11th November 2024, at 10.00 am in the Blampied Room.