

Privileges and Procedures Committee

(13th Meeting)

9th December 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 and Connétable M.K. Jackson of St. Brelade, 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 (for a time)  
Deputy T.A. Coles of St. Helier South  
Deputy S.M. Ahier of St. Helier North

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 (for a time)  
T. Oldham, Assistant Greffier of the States, Committees and Panels (for a time)  
Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support (for a time)  
C. Fearn, Secretariat Officer, Specialist Secretariat  
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 of 11th November 2024, having previously been circulated, were taken as read and were confirmed, subject to a minor amendment to Minute No. A12, as proposed by Deputy L.M.C. Doublet of St. Saviour.

Matters arising. A2. The Committee noted the following matters arising from the Minutes of the meetings of 11th November and 2nd December 2024 –

Minute No. A9 of 11th November 2024 – Use of States Building during L'Assise d'Heritage ceremony on 20th September 2024 – The Committee was most disappointed to note that, despite correspondence from the Chair, the Vice Chair and the Greffier of the States, a response had yet to be received from the Bailiff's Chambers on this matter. It was recalled that the Chief Officer of the Bailiff's Chambers had assured the Chair that a response would be received during the week commencing 11th November 2024.

It was noted that the Greffier had contacted Members to make them aware that the States Chamber was to be used by the Court on the morning of 9th December 2024. The Vice Chair asked whether consideration had been given to using alternative venues, such as the Magistrates Court.

The Chair undertook to write to the Bailiff's Chambers to request the details of arrangements designed to overcome the challenges associated with the dual use of the States Building.

Minute No. A1 of 2nd December 2024 – Inclusion of training and development on Members' profiles on States Assembly website – this matter had been raised with the developers and would be implemented in the New Year.

Privileges and  
Procedures  
Committee:  
actions arising  
from the  
previous  
meeting.

A3. The Committee noted a list of actions and outcomes arising from the previous meeting.

The Committee recalled that an additional meeting had been held on 2nd December 2024, with the Commissioner for Standards in attendance, to discuss the responses to the survey on the Code of Conduct for Elected Members. It was noted that work would commence on revising the Code in the New Year.

On a related matter, the Committee was advised that the Greffier of the States would meet the Commissioner in the New Year to discuss the provision of training for States Members on ethical standards. The Greffier had contacted Deputy M.R. Scott of St. Brelade in order to ascertain whether there were any specific areas she wished the training to focus on.

Privileges and  
Procedures  
Sub-  
Committees:  
Minutes and  
actions arising  
from the  
previous  
meeting.

A4. The Committee noted the Minutes of the meetings of the various Sub-Committees of the Privileges and Procedures Committee and the actions and outcomes arising from the same.

The Greffier of the States advised that she had been reminded by the Commonwealth Parliamentary Association that a response was awaited to the recommendations arising from the Gender Sensitive Parliament Audit. It was noted that consideration of the same had been deferred at the most recent meeting of the Diversity Forum Sub-Committee and the Committee asked that the recommendations be considered at the next meeting, with a view to producing a response.

Risk-based  
exclusion  
policy.

A5. The Committee, with reference to its Minute No. A1 of 2nd December 2024, considered a report which had been prepared by the Members' Resources Section of the States Greffe in connexion with the development of a risk-based exclusion policy.

The Committee recalled that it had recently met Ms. K. Wright, Independent Chair of the Violence against Women and Girls Taskforce and Chair of FREEDA (Free from Domestic Abuse) in connexion with a decision of the House of Commons to support a risk-based exclusion policy for Members accused of violent and/or sexual offences (Minute No. A4 of 11th November 2024 refers). The Committee had agreed that the development of such a policy should be considered in the context of the review of the Code of Conduct for Elected Members and had requested that the States Greffe undertake topic research on the subject.

The Committee noted correspondence from the Commissioner for Standards in connexion with the above matter in which she concluded that, whilst the adoption of a risk-based exclusion policy was a matter for Members, such a policy would likely enhance standards by ensuring a safe working environment. The Commissioner had also highlighted the fact that concerns regarding the impact of such a policy on the ability of a Member to undertake their duties had been mitigated in the House of Commons policy by enabling proxy voting.

Turning to the report which had been prepared on the subject, the Committee noted that the scope of the research which had been undertaken was wide ranging and considered risks other than those associated with violent and/or sexual offences, such as cyber security. The various approaches adopted in other parliaments were noted, together with the implications of including risks other than violent or sexual offences in a risk-based exclusion policy. Attention was also drawn to issues surrounding the mechanics of the implementation of such a policy in the Jersey context. It was recommended that, in the first instance, the Committee might wish to consult States Members on the development of an exclusion policy and seek legal advice on the impact in terms of constituency representation. It was also suggested that the States of Jersey Police be consulted, with a particular focus on the types of criminal offence which might be included in the policy.

The Committee discussed the above matter and requested that a draft policy be formulated for its consideration early in the New Year. The Committee recognised that, where a Member was excluded, it was possible to participate in meetings remotely and that this would minimise the impact in the context of fulfilling obligations.

It was noted that the Chair would discuss the subject of risk-based exclusion with the Comité des Connétables.

Automatic  
voter  
registration.

A6. The Committee, with reference to Minute No. A4 of 19th June 2023, of the Committee as previously constituted, received Messrs. P. Hamilton, Project Manager, Modernisation and Digital, I. Cope, Chief Statistician, Cabinet Office, and P. Wylie, Group Director of Policy, Cabinet Office, in connexion with the automatic voter registration project which had been supported by the previous Committee.

The Committee recalled that a working group comprising Parish/Government and States Greffe representatives had been established to consider automatic voter registration. The aim of the project was to make it easier for the electorate to vote by virtue of: the introduction of automatic registration using live data; in the longer term allowing the electorate to vote outside of their home parishes; and creating links to 'Tell us Once' (to avoid repeated requests for the same information from a household).

It was recalled that whilst there was no clear correlation between automatic voter registration and improved voter turnout, most European countries applied some form of automatic voter registration. The 2022 Jersey Opinions and Lifestyle Survey had sought to identify the reasons for low voter turnout and responses indicated that a range of factors would need to be addressed which were beyond the scope of the automatic voter registration project. There were also distinct differences in voter registration and voter turnout by Parish.

In terms of practical and data quality issues, data held by Government had been considered and whilst no single source was considered sufficient for the purpose, combining multiple sources would make it possible to accurately identify those eligible to vote, with some manual processes still being required to allow individuals to demonstrate eligibility. Considerable work to build processing models and to quantify data quality was also underway. In addition, consideration had been given to other interdependent projects which were being undertaken.

The advantages and disadvantages of embarking on the above programme of work had previously been considered and these included a reduction in the time and

money spent on encouraging the public to register (£56,000 had been spent by the States Greffe in 2022); improved access to financial products (by using the electoral roll for credit reference purposes); the provision of streamlined and secure data on voter eligibility which could lead to benefits for the future Digital Economy Strategy; and improved civic engagement. The 2021 OECD Better Life Index measured turnout as a proportion of those registered to vote. As voter eligibility would increase to 100 percent through automatic registration, the percentage who actually voted would reduce even further. Therefore, it was essential to maintain and improve efforts to encourage voter turnout for elections.

The Committee received a presentation from Mr. Hamilton and noted progress to date, which included the completion of a first draft of the revised Elections (Jersey) Law 2022 (the Elections Law) by December 2024. The Committee was also made aware of the key risks and issues associated with the project and the measures designed to mitigate against these. It was noted that data held by the Customer and Local Services Department suggested that 97.5 percent of those eligible to vote would be captured, adding an additional 4,800 people to the electoral register, if the proposed legislative changes were adopted.

The Committee discussed the work which was being undertaken in connexion with the project and recognised the importance of communicating any changes which were adopted well in advance to both the wider public and election candidates. Deputy C.S. Alves of St. Helier Central, Vice Chair, advised that she was aware that some individuals specifically chose not to register to vote as they did not wish to be summonsed for Jury service. Whilst it was acknowledged that Jury service promoted civic participation and was important to democracy, it was also recognised that there were certain situations where individuals could be excused from Jury service and this would remain the case.

It was suggested that the systems which were being developed to facilitate automatic voter registration could also be used to automatically advise Islanders of residency status and work entitlement and Government officers undertook to explore the feasibility of the same. It was noted that the system would be tested at parish elections ahead of implementation.

The Committee thanked the delegation for attending and they withdrew from the meeting.

The Committee was advised that it would be asked to consider a number of proposed amendments to the Elections Law early in the New Year, many of which arose from the Commonwealth Parliamentary Association Election Observers Mission and the Jersey Electoral Authority recommendations. The Committee would also be requested to formally endorse the date of the 2026 public election.

The Committee noted the position.

2026 Public  
election:  
Hustings.

A7. The Committee considered a report which had been prepared by the Head of Digital and Public Engagement, States Greffe which considered options for the approach to the Hustings for the 2026 public election.

The Committee recalled that the Hustings formed part of the election campaign and that these had historically been organised by candidates and held at community venues.

Following the adoption of a proposition entitled 'Hustings Filming' (P.49/2022),

which had been lodged ‘au Greffe’ by former Deputy J.M. Maçon of St. Saviour on 25th April 2022, candidate films had been made and uploaded to the Vote.je website and a series of online question and answer events had been organised to test the appetite for this alternative approach to traditional Hustings meetings. In the run up to the 2022 public election, 26 conventional Hustings meetings had also been arranged by candidates in community venues across the Island and these had been filmed and uploaded to the website. 20 question and answer sessions had been live-streamed and recordings made available on the website. An education focussed event had been held at a local primary school (with no filming or streaming), an environmental event had been held at Jersey Zoo (live-streamed) and youth hustings had been organised by the Jersey Youth Service in selected constituencies.

The Committee was advised that experience of the 2022 election had highlighted some challenges with the arrangements which had been put in place. It was recalled that the Commonwealth Parliamentary Association Election Observers Mission report noted informal complaints from candidates regarding the late notice of official Hustings and the management of conflicting campaign commitments.

The Committee noted that, in advance of the 2026 election, Members were asked to consider a series of options in relation to the format, organisation and delivery of events. It was also noted that any changes which required legislative amendments would need to be agreed at least one year before the election.

The Committee considered the content of the report and was broadly supportive of the general approach set out therein. It was agreed that official hustings events should be organised by the States Greffe for each of the 12 Island parishes for both the Connétables and Deputies’ elections (with additional events in multi-constituency districts if necessary). The Committee suggested that communication in advance with organisations who wished to lobby on certain issues would greatly assist candidates when formulating manifestos. The Committee was advised that it was intended to organise a ‘freshers’ day’ event for this purpose and it was agreed that this should take place in February 2026. Deputy L.M.C. Doublet of St. Saviour suggested that the States Greffe might also wish to produce guidance on Hustings events for use by candidates and the organisers of independent third party events. The Committee supported retaining the ability for election candidates to make a 60 second introductory speech at Hustings events. The submission of written questions to the moderator at Hustings events was also proposed and whilst there was no objection to this, the Greffier of the States advised that a balance would have to be achieved in order to avoid creating the perception of ‘question planting’.

The Committee thanked the Head of Digital and Public Engagement for attending and she withdrew from the meeting.

E-petitions  
system:  
review.

A8. The Committee, with reference to its Minute No. A4 of 21st October 2024, received an oral report from 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 had recently approved terms of reference for the review, which

would include consultation with Members/the public, culminating in the findings which would be considered by the Committee, with a view to lodging a proposition seeking amendments to the system.

The Committee noted a report outlining the approach to the consultation and topic research would be included on the agenda for the meeting in January 2025.

Remote voting during meetings of the States Assembly.

A9. The Committee considered a report which had been prepared by the States Greffe in connexion with the procedures for remote voting in States meetings.

The Committee noted that, following the States meeting on 24th October 2024, Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter had raised concerns regarding a vote she had cast via Teams when she was participating remotely. The Committee was advised that the vote had not been received in the Teams chat until 5.38 pm, after the vote had closed and the States had adjourned. Consequently, the vote had not been counted. Deputy Moore had provided a screenshot to illustrate that she had cast her vote at approximately 5.14 pm, albeit that it had not been received on the Teams chat until 5.38 pm.

The Committee was advised that the Greffier of the States had contacted Deputy Moore via electronic mail on 28th October 2024, advising that remote participation was not without risk given the reliance on WiFi connections. The Greffier advised that a consistent approach had been applied in previous instances in relation to votes received after the announcement in the Teams chat of the closure of the vote. It was noted that, in some instances, votes had been received seconds after the closure of the vote and had not been counted. Whilst the Greffier was sympathetic to the Deputy's situation, the view was maintained that votes received after the vote had closed could not be counted, a situation which was mirrored when Members voted in the Chamber. The Deputy Bailiff had concurred with the stance of the Greffier and agreed that votes received after the vote had closed could not be counted.

The Committee noted the procedural basis for votes made by Members participating remotely, as set out under Standing Order 55A, paragraph 4(c). It was considered that the approach adopted in respect of Deputy Moore's endeavour to vote was consistent with the provisions of the aforementioned Standing Order and the convention for the administration of voting by remote participants. Consequently, no changes to current practice were recommended.

The Committee confirmed its satisfaction with the current arrangements and concluded that no revisions to existing practice were required.

Written Questions: timeline for challenges to responses.

A10. The Committee considered a report which had been prepared by the States Greffe in connexion with the process set out under Standing Order 12(4), which related to challenges to responses to Written Questions.

The Committee noted that Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter had requested a review of the process by which a Member could challenge a response to a Written Question.

The Committee recalled that, if the questioner believed that the reply to a Written Question did not accord with the aforementioned Standing Order, the matter had to be referred to the Bailiff before 12.45 pm on the day of the meeting at which the question was listed on the Order Paper. Members were able to submit Written Questions when the Assembly was in session, with an Order Paper being produced every 3 weeks to align with the States Assembly meeting cycle.

The Committee was advised that Deputy Moore had tabled a Written Question to the Minister for Infrastructure on 14th October 2024 (WQ349.2024 refers). The response from the Minister had been provided on Monday 21st October 2024 and had appeared on the Consolidated Order Paper published that day for the States Sitting which commenced on Tuesday 22nd October. On Wednesday 23rd October, Deputy Moore had written to the Deputy Greffier of the States challenging the response received. The Deputy Greffier of the States had advised Deputy Moore that the challenge had come too late and could not be progressed.

The Committee considered the above matter and whether an amendment to Standing Orders was required. It was suggested that reference to the Order Paper in Standing Order 12(4) might be clarified so that it was clear that this related to the Principal Order Paper, as opposed to the Consolidated Order Paper. The Committee endorsed this approach on the basis that Members should have the opportunity to raise challenges to responses in the time between the States Meeting and the publication of the next Principal Order Paper.

The States Greffe was requested to draft an amendment to Standing Orders for consideration by the Committee.

Roll call  
arrangements/  
guidance on  
absence from  
meetings of the  
States  
Assembly.

A11. The Committee, with reference to its Minute No. A7 of 21st October 2024, considered draft guidance in relation to absence from meetings of the States Assembly, which had been prepared by the Deputy Greffier of the States.

The Committee recalled 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 provisions for the roll call were set out in Standing Orders 51 and 53 and responsibility for attendance at States Meetings formed part of a Member's oath of office. Members were also required to prioritise attendance at States Meetings under the Code of Conduct for Elected Members.

The Committee discussed the guidance and the broader topic of the approach to prolonged absence from States Meetings. This included the existing arrangements in respect of Members who were malade (ill). In these circumstances convention required the administration of an oath, whereby a States Member confirmed that another Member was unable to attend due to illness. The Committee noted a suggestion that Members could be requested to submit a medical certificate when they were absent from consecutive meetings of the States. This had the added benefit of perhaps assisting with the identification of any additional support which the Member might require. Ultimately, the Committee concluded that it could not require Members to submit medical certificates as they were not 'employees'. It was recognised that reasonable adjustments could be made to facilitate attendance, where appropriate. Support on returning to work could also be provided after a period of absence if the Member concerned was comfortable with this. The Committee recalled that there was a pastoral care element to the role of the Greffier of the States, and it was confirmed that support occurred on an informal and ad hoc basis and was entirely dependent upon the wishes of the Member concerned.

Having considered the draft guidance, the Committee approved the same and requested that it be circulated by electronic mail to all Members.

On a related matter, and at the request of Deputy L.M.C. Doublet of St. Saviour, the Chair undertook to contact Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, who was currently on parental leave, to receive feedback on the existing arrangements for Members.

Forthcoming business.

A12. The Committee considered items which had been lodged 'au Greffe' for the meeting of the States Assembly, which was scheduled to commence on 10th December 2024.

The Committee recalled that it had presented comments on a proposition entitled 'Public Election: Extension of eligibility criteria' (P.65/2024), which had been lodged 'au Greffe' by Deputy M. Tadier of St. Brelade on 26th September 2024. The Committee's proposition on remote participation in States Meetings (P63/2024) was also due to be debated on 10th December 2024.

Privacy film for States Members' devices.

A13. The Committee noted that a recent article in the Evening Post indicated that a reporter had been able to view Members' devices from the gallery of the States Chamber. Consequently, the States Greffe was enquiring about privacy filters for devices.

Remote participation in States Meetings: use of cameras.

A14. The Committee noted a proposal from Deputy S.M. Ahier of St. Helier North to the effect that States Members' should be required to turn on their cameras when participating remotely in States Meetings. This would ensure active participation and that the States was quorate at all times. The Committee noted that, at present, the States Greffe intermittently messaged Members who were participating remotely to ensure that the States was quorate.

Deputy Ahier also requested that a screen be displayed in the Chamber so that it was obvious which Members were participating remotely.

The Greffier of the States undertook to report back to the Committee in the New Year in connexion with the above proposals.

Electronic circulation list: all States Members and/or ex-officio Members.

A15. The Committee noted that the Chair had received an electronic mail message from Deputy M. Tadier of St. Brelade expressing concern that the Interim Chief Executive and Head of the Public Service was included in the electronic circulation list for all States Members and ex-officio officers.

Having received confirmation that this was not the case, the Greffier of the States undertook to contact Deputy Tadier advising him of the same.

States Meeting dates: 2025.

A16. The Committee received an oral report from Deputy L.M.C. Doublet of St. Saviour in her capacity as the Scrutiny Liaison Committee (SLC) representative, in connexion with States Meeting dates for 2025, one of which conflicted with an inset day set by some schools (22nd April 2024).

Deputy Doublet sought advice as to whether Members would be marked as excused from attending States Meetings on the grounds of parental responsibility where a conflict with an inset day arose. She also suggested that an area could be set aside within the States Building for children so that those Members with parental caring responsibilities who wished to do so, could attend States Meetings in person. The Greffier of the States highlighted the safeguarding and health and safety challenges which such an arrangement would present and stated that it would be inappropriate



for staff within the States Greffe to be asked to provide childcare. Deputy Doublet clarified that she envisaged an arrangement whereby Members would absent themselves from the Chamber on a rota basis during the course of the day to share responsibility for childcare.

The Committee discussed the above matter and noted that the States Meeting dates for 2025 had been set well in advance (in July of 2024), to afford Members sufficient time to plan ahead. School inset days had been arranged after this date. When planning the schedule of States Meeting dates the focus was on avoiding term time and this had been achieved. However, it was impossible to accommodate individual arrangements for inset days for each of the Island's schools. Deputy Doublet advised that SLC had also asked her to highlight the fact that term times for some fee-paying schools differed from States schools.

On a related matter, Deputy Doublet reported difficulties with locating States Meeting dates on the new States Assembly website. It was agreed that these should be added to the States Members' Teams channel for ease of reference.

Date of next meeting.

A17. The Committee noted that the next scheduled meeting would be held on 20th January 2025, at 10.00 am in the Blampied Room.