

IC/SC/179

PRIVILEGES AND PROCEDURES COMMITTEE

(12th Meeting)

20th June 2012**PART A**

All members were present, with the exception of Senator S.C. Ferguson and Connétable L. Norman of St. Clement, from whom apologies had been received.

Connétable A.S. Crowcroft of St. Helier, Chairman
 Senator Sir P.M. Bailhache
 Deputy J.A. Martin
 Deputy M. Tadier
 Deputy K.L. Moore

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 I. Clarkson, 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 meeting held on 23rd May 2012 (Parts A and B), having been circulated previously, were taken as read and were confirmed.
- Pensions for States Members. 1240/3(85) A2. The Committee, with reference to its Minute No. A3 of 23rd May 2012, recalled having agreed to give further consideration to the possible introduction of a pension scheme and the related recommendation of the States Members' Remuneration Review Body made in 2009 (R.132/2009 refers).

The Committee considered a report entitled: 'Pensions for States Members.'

It was noted that a majority of comparable jurisdictions provided pension schemes for politicians, albeit that the States of Guernsey had recently abolished its pension scheme for its members in favour of a £5,000 pay increase. The Committee noted also that the terms of reference of the States Members' Remuneration Review Body (SMRRB) obligated that body, when making recommendations, to take into account several particular matters, including that the level of remuneration available to elected Members should be sufficient to ensure that no person would be precluded from serving as a member of the States by reason of insufficient income and that all elected members should be able to enjoy a reasonable standard of living, so that the broadest spectrum of persons would be able to serve as members of the Assembly.

On the one hand it was thought that the case for providing a modest pension scheme for Members was strong given the terms of reference of the SMRRB. On the other, the Committee acknowledged that the economic climate remained challenging and that Members might find it difficult to support the establishment of a pension scheme for States Members in such a climate unless it could be done without increasing the budget for the States Assembly. In this regard, the Committee recalled that Article 44 of the States of Jersey Law 2005, as it stood,

would effectively prevent the Assembly from considering the introduction of differentiated rates of pay as a method of reallocating existing monies to fund a scheme.

Recognising that the findings of the Electoral Commission and the Machinery of Government Review Sub-Committee might have a material impact on the budget of the States Assembly, the Committee **agreed** that it should revisit the matter of pensions for States Members in the first quarter of 2013.

Filming during
Committee
meetings and
webcasting.
465/1(152)

A3. The Committee, with reference to its Minute No. B1 of 19th March 2012, recalled having resolved to revisit the Media Working Party report cited in P.100/2010 ('Media Relations: Code of Conduct') and to consider whether to endorse recommendation 4 of the report concerning the recording of meetings and hearings by accredited media only.

The Committee considered a report entitled: 'Recording of Committee Meetings,' to which P.100/2010 had been appended.

The Committee was clear that the 2 principal issues of concern arising from unregulated or lightly regulated recording of proceedings were the potential –

- (a) for the misuse of footage, and
- (b) for excessive disturbance to be caused during a public meeting.

Whereas the scope for impact arising from a member of the accredited media or a member of the public wishing to take limited video footage prior to or at the very beginning of a public meeting would be limited in both respects, giving permission for any persons to film a public meeting in its entirety would carry greater risk. Although it was thought that some States Members would be content for committee chairmen to exercise discretion and permit limited filming of committee proceedings immediately prior to commencement of the formal agenda, it was believed that a number of other Members favoured a more open and relaxed approach to filming.

The Committee anticipated that any decision to re-lodge '*au Greffe*' the Media Working Party report would be met with an amendment similar to that which had been lodged by Deputy R.G. Le Hérissier. In turn, this would raise the question of a permit system for persons wishing to film, together with an appeal mechanism. Both matters would impose an administrative burden on the States Greffe and, possibly, certain other departments. Consideration would also need to be given to the scope for viable enforcement mechanisms.

Having been notified that the Chairmen's Committee intended at its next scheduled meeting to take a final decision on filming rights of the accredited media and of members of the public attending Scrutiny meetings, the Committee **agreed** that it should defer its decision on the report of the Media Working Party pending the outcome of the Chairmen's Committee's deliberations.

On a related matter, the Committee was advised that the Chairmen's Committee had recently decided to make available audio recordings of its hearings over the internet on a trial basis. The Committee welcomed this development and **agreed** that it should endeavour to trial a similar facility in due course through the States Assembly website. Recognising that not all Island residents had access to the internet, the Committee further **agreed** that it should establish whether BBC Radio Jersey might be willing to broadcast meetings of the Committee over its medium wave radio channel.

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The Greffier of the States was authorised to take the necessary action.

The Review of
the Roles of
the Crown
Officers
(R.143/2010).
499/3(22)

A4. The Committee, with reference to its Minute No. A9 of 25th April 2012, recalled that it had agreed to revisit the findings of the report entitled: 'The Review of the Roles of the Crown Officers' (R.143/2010 refers).

The Committee considered a report entitled: 'Review of the Roles of the Crown Officers.'

It was recalled that no further action had been taken in respect of the recommendations made in R.143/2010 since the in committee debate of 30th March 2011. In light of the foregoing, the Chairman invited the Committee to consider whether it should lodge '*au Greffe*' a proposition inviting the States to determine whether any or all of the recommendations made should be taken forward.

The Committee considered whether the recommendations made in R.143/2010 should be reviewed by the Electoral Commission. Although it acknowledged that the terms of reference for the Electoral Commission might be regarded as including the role of the Bailiff, it was thought that the review chaired by Lord Carswell had already considered the matter in detail and that the Commission might consider it unnecessary to reconsider the matter afresh. Notwithstanding the foregoing, it was anticipated that the findings of the Electoral Commission might have some bearing on one or more of the recommendations in R.143/2010.

Consideration was given to the interaction between recommendations 2 and 3 of R.143/2010. The Committee questioned whether a Bailiff who was no longer the President of the States could continue to act and be recognised as the civic head of Jersey. It further considered whether other benefits arising from the Bailiff's dual role would also be lost, including the existing ability of the Chief Minister to obtain constitutional advice on matters such as the implications arising from the draft Tax Information Exchange Agreements and other matters.

Ultimately the Committee concluded that public demand for implementation of the recommendations made in R.143/2010 was generally less than strong. Given the foregoing, and having noted the partial relevance of the ongoing work of the Electoral Commission, the Committee **agreed** to give further consideration to the recommendations made in R.143/2010 once the findings of the Electoral Commission were known.

Electronic
devices in the
States
Chamber.
465/1(169)

A5. The Committee, with reference to its Minute No. A6 of 23rd May 2012, recalled having agreed to conclude its review of facilities for States Members by considering a draft report and proposition proposing, amongst other things, the permitting of tablet-style electronic devices in the Chamber.

The Committee considered a report entitled: 'States Members' IT Provision,' which offered a viable definition for an acceptable handheld electronic device and which recommended that a body of work be undertaken to better understand the IT needs of States Members.

Regarding the matter of a viable definition of an acceptable handheld electronic device, the Committee recalled that the report and proposition entitled: 'Hand-held Devices in the States Chamber: Trial' (P.77/2011 refers) had cited the report of the Procedure Committee of the UK House of Commons, dated 24th March 2011. Devices '*no bigger than an A4 sheet of paper in width and length*' and which were

'not laptops' had been proposed by the Procedures Committee, which had further concluded that such devices should be used in a silent mode and in a way that would not impair decorum. Having considered the rationale that had underpinned the conclusions of the Procedures Committee, the Committee **agreed** that it should propose the adoption of a similar definition of an acceptable device to that which had been recommended to the House of Commons. Recognising, however, that the layout of the States Chamber was such that States Members' access to their individual desks and seats was generally poor, the Committee agreed that it should aim to apply an additional requirement that such devices be untethered to battery chargers or other wired connections.

There followed a discussion regarding the extent to which mobile telephones connecting to the mobile phone networks were causing audible interference that affected the audio recording system in the States Chamber, notwithstanding the requirement for such devices to be in silent mode when brought into the Chamber. It was recognised that a proposition enabling the use of a broader range of electronic devices in the Chamber might further increase the levels of audible interference. The Committee therefore instructed the Committee Clerk to raise the issue with Communications Services and identify options to alleviate the problem.

Having given further thought to the extent of progress made on certain other matters relating to States Members' facilities that the Committee had reviewed since November 2011, the Committee **agreed** that it was minded to take forward a proposition on hand-held electronic devices in isolation. On that basis the Committee Clerk was instructed to prepare for the Committee's next scheduled meeting a draft standalone proposition to enable a trial of such devices in the Chamber.

Turning to the general question of States Members' IT provision, the Committee agreed that a States debate on hand-held electronic devices would inevitably turn Members' attention to the cost and value for money achieved from existing facilities and arrangements. In this regard, the Committee recalled that previous consultations on Members' facilities, though useful, had provided insufficient detail to allow for a detailed specification of States Members' requirements to be drawn up. The Committee considered that it should commission the development of such a specification with a view to submitting the same to the States Information Services Department, in order that that department might be in a position to re-evaluate the application of existing resources and recommend improvements. To that end, the Committee **agreed** that the Committee Clerk should commence a programme of consultation with a range of States Members..

Standing
Orders and
Internal
Procedures
Sub-
Committee:
proposed
Business
Management
Committee.
465/4(11)

A6. The Committee, with reference to its Minute No. A7 of 23rd May 2012, gave further consideration to a report from the Standing Orders and Internal Procedures Sub-Committee concerning the possible formation of a business management committee.

The Committee was invited to constitute a shadow business committee with the following membership –

Chairman, Privileges and Procedures Committee
President, Chairmen's Committee
A member of the Council of Ministers

It was explained that the shadow business committee was being proposed as a modest attempt at applying a degree of additional discipline to the Assembly's proceedings. The shadow business committee would discuss the programme of

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forthcoming public business and conduct a prioritisation exercise. Its shadow order of business would be circulated to members at the start of every States meeting and could then be reviewed and retrospectively assessed against the actual rate of progress achieved by the Assembly. The shadow business committee would aim to achieve a schedule in which the duration of meetings of the States would not exceed 2 days.

In considering the proposal, the Committee acknowledged that the volume of public business hitherto conducted by the States Assembly since November 2011 had been comparatively limited and, further, that a notable increase in States activity could be anticipated in the second and third years of the Assembly's term of office. There was, therefore, a reasonable likelihood that a significant number of propositions would be deferred during the second and third years of a term of office if the shadow business committee's 2 day meeting schedule was to be maintained in practice.

The Committee recalled that backbench Members had lodged a significant number of propositions in recent years. As it was not being recommended that the shadow business committee include a backbench Member, the Committee considered whether safeguards would be needed to ensure that backbenchers' propositions were debated in a reasonably timely fashion.

There followed a discussion concerning the various constraints affecting the orderly organisation of future business, as set out in the report. During this discussion, Members reflected on the extent to which the operation of a shadow business committee might yield relevant data concerning the operational efficiency of the States Assembly over and above that which was already available in the States Minutes, the Official Report and the States Assembly Annual Report.

The Committee **agreed** that it should defer its decision on the matter in order that the Chairman could contact the Chief Minister and the President of the Chairmen's Committee seeking the views of both parties on the proposal.

Standing
Orders and
Internal
Procedures
Sub-
Committee:
progress
report.
465/4(11)

A7. The Committee, with reference to its Minute No. A10 of 23rd May 2012, received an oral briefing from the Chairman, Standing Orders and Internal Procedures Sub-Committee regarding the Sub-Committee's ongoing work programme.

Senator Sir P. Bailhache notified the Committee that the Sub-Committee expected to conclude work on its final report by the end of July.

The Committee noted the position.

Public
Elections Sub-
Committee:
progress
report.
465/8(6)

A8. The Committee, with reference to its Minute No. A9 of 23rd May 2012, received an oral briefing from the Chairman, Public Elections Sub-Committee regarding the Sub-Committee's ongoing work programme.

It was noted that a public meeting in the Town Hall would be held later that evening. Feedback received would supplement the significant number of responses already received to the questionnaire printed in the Jersey Evening Post newspaper and to a further questionnaire made available on the internet. Drafting of the Sub-Committee's final report would commence in July.

The Committee noted the position.

Machinery of
Government
Sub-
Committee:
progress
report.
1240/22/1(61)

A9. The Committee, with reference to its Minute No. A7 of 23rd May 2011, received an oral briefing from the Chairman, Machinery of Government Review Sub-Committee regarding the Sub-Committee's ongoing work programme.

Deputy M. Tadier confirmed that members of the Sub-Committee had completed in excess of 30 interviews of States Members and officers since 30th April. It was anticipated that approximately 50 interviews would be completed by the end of June. Analysis of the various interview summaries prepared by the States Greffe would lead to the development of an issues paper in July. This would be submitted to the Committee for consideration in due course.

The Committee noted the position.

Open Ballot
for Ministers
and Chairmen
(P.188/2011)
450/2/1(66)

A10. The Committee, with reference to its Minute No. A8 of 23rd May 2012, recalled that on 29th May 2012 the States had adopted the proposition entitled: 'Open ballot for Ministers and Chairmen' (P.188/2011 refers) and had thereby agreed –

- (a) that the election of the following should be undertaken by way of an open ballot and no longer by a secret ballot –
 - (i) Ministers,
 - (ii) Scrutiny Panel Chairmen,
 - (iii) Chairman of the Privileges and Procedures Committee,
 - (iv) Chairman of the Public Accounts Committee;
- (b) to charge the Privileges and Procedures Committee to bring forward for approval the necessary legislative amendments to give effect to the above proposals;
- (c) that the election of the Chairman of the Jersey Overseas Aid Commission should be undertaken by way of an open ballot and to charge the Chairman of the Commission to bring forward the necessary amendment to the constitution of the Jersey Overseas Aid Commission accordingly.

The Committee, having recalled that the Standing Orders and Internal Procedures Sub-Committee was preparing its final report, **agreed** that the Greffier should make contact with Deputy T. Pitman and establish whether he would be prepared for the necessary amendments to Standing Orders to implement P.188/2011 to be taken forward in conjunction with those identified by the Sub-Committee.

The Greffier of the States was requested to take the necessary action.