

Privileges and Procedures Committee

(10th Meeting)

9th September 2024

Part A (Non-Exempt)

All members were present, with the exception of Connétable M.K. Jackson of St. Brelade and Deputy S.M. Ahier of St. Helier North.

Connétable K. Shenton-Stone of St. Martin, Chair
Deputy C. S. Alves of St. Helier Central, Vice Chair
Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter
Deputy L.M.C. Doublet of St. Saviour
Deputy T.A. Coles of St. Helier South

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)
S. McKee, Principal Constituency Support Officer (for a time)
J. Lepp, Research and Project Officer
J. Hales, Research and Project Officer (for a time)
K. M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat
H. Cardinal, Trainee Secretariat Officer, Specialist Secretariat

Note: The Minutes of this meeting comprise Parts A only.

Minutes.

A1. The Minutes of the meeting of 8th July 2024, having previously been circulated, were taken as read and were confirmed.

Privileges and
Procedures
Committee:
2024 work
programme.

A2. The Committee, with reference to Minute No. A5 of 8th July 2024, noted the 2024 work programme, as follows –

Children and Young People (Jersey) Law 2022 – the Committee noted that a report would be prepared for consideration at the next meeting. As a member of the Corporate Parenting Board, Connétable K. Shenton-Stone of St. Martin, Chair undertook to seek clarity around the precise duties of a corporate parent. It was understood that a training programme had been devised to inform Departments of the implications but this had not been extended to the States Greffe. In her capacity as Assistant Minister for Education and Lifelong Learning, Deputy C. S. Alves of St. Helier Central undertook to obtain further information on this programme.

How Standing Orders respond to the formation of political parties - the Committee noted that there was no specific reference in Standing Orders to political parties and the membership of Scrutiny Panels. The Committee concluded that this matter might best be addressed in the existing guidance for Scrutiny Panels, as opposed to Standing Orders. It was suggested that the Scrutiny Liaison Committee might wish to supplement the guidance to clarify that membership of Panels should not comprise entirely of members of a political party. The Committee agreed that it would be

beneficial to address this matter ahead of the next election.

Commonwealth Parliamentary Association benchmarks – constituency support – it was recalled that a Constituency Support Team had been established within the States Greffe to provide a limited service to support States Members in the fulfilment of their constituency responsibilities. The Committee was advised that a pilot scheme which encompassed 3 electoral districts had been completed and the Committee was due to receive an update from officers during the course of the meeting (Minute No. A11 refers).

Monitoring of compliance with Standing Order 37A – the Committee noted that there had been no incidences of the late submission of comments recently. The Committee agreed to continue to monitor compliance with Standing Order 37A.

Remote
participation in
States
Meetings.

A3. The Committee, with reference to Minute No. A6 of 8th July 2024, received a report which had been prepared by the Deputy Greffier of the States in connexion with remote participation in States Meetings (Standing Order 55A refers).

The Committee recalled that it had previously considered comments which had been received from Members in relation to a draft proposition on remote participation. Whilst the wording of the proposition remained unchanged, the Committee's attention had been drawn to the accompanying report and the amendments which had been made to the same in response to States Members' comments.

During consideration of the matter the Committee had noted concerns expressed by Deputy L.M.C. Doublet of St. Saviour regarding the specific wording of the proposition which stated at (i) –

'After paragraph (1), insert the following –

“(1A) This standing order also applies to an elected member –

- (a) who is absent at the start of a meeting day or continuation day for a reason related either to the member's health or to the health of a family member or household member of that member; and*
- (b) who has requested to participate remotely in the meeting*

Deputy Doublet was of the view that the wording did not appear to extend to those with caring responsibilities. As an example, she had referenced a situation whereby a parent might have to leave a meeting of the States to collect a child who was unable to remain at school due to illness and the Member concerned wished to continue to participate in the meeting remotely. Deputy Doublet had suggested that the wording should be amended so that it read 'Members who became absent'. Connétable M.K. Jackson of St. Brelade and Deputy S.M. Ahier of St. Helier North disagreed with this, stating that if a Member was called away for the reasons set out in (a) it was unlikely that they would be in a position to participate in the meeting remotely. However, Deputy Doublet argued that these were matters for individual Members to judge and she stated that she did not wish to be disenfranchised. Deputy Alves had also provided examples of situations where she had been unable to attend meetings of the States in person due to attendance at medical appointments but had participated remotely. She believed that Deputy Doublet had raised a valid point and stated that the proposed amendment as drafted could be perceived as unfair. Whilst not present during the discussion on this item, Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter had later expressed similar concerns to those of Deputy

Doublet with regard to the wording of the amendment and expressed the view that it did not cover parental responsibility.

The Committee noted that, as agreed, an alternative draft proposition had been produced for consideration by the Committee. This made provision for remote participation in circumstances where an elected Member left the Chamber for health related reasons (which affected the Member directly or a household/family member). This aligned with current practice whereby Members could leave during a States sitting for health related reasons and request a Teams link in order to participate remotely. The accompanying report and draft guidance had also been revised to take the aforementioned changes into account. If the Committee was unable to reach a consensus on the approach to remote participation, it was recognised that the status quo would remain.

The Committee approved the revised proposition and requested that the Greffier of the States make the necessary arrangements for it to be lodged 'au Greffe' for debate at the States meeting on 22nd October 2024.

Various amendments to Standing Orders.

A4. The Committee considered a report which had been prepared by the Deputy Greffier of the States, in connexion with various amendments to Standing Orders designed to: update Ministerial titles (Standing Order 117) and the terms of the reference of the Privileges and Procedures Committee, remove a redundant provision relating to the dismissal of Ministers by the States Assembly (Standing Order 26 refers) and remove part of Standing Order 170 (weekly publications) to reflect current practice.

Having considered the background to the various amendments, the Committee accordingly approved the same and requested that they be lodged 'au Greffe' for debate in December 2024.

Scrutiny Liaison Committee representative.

A5. The Committee considered correspondence from the Scrutiny Liaison Committee (SLC) President in connexion with the adoption of a more flexible approach to SLC representation on the Privileges and Procedures Committee.

The Committee recalled that Deputy L.M.C. Doublet of St. Saviour had been appointed by the States Assembly as the SLC representative, in accordance with Standing Order 127(2).

It was noted that the SLC wished to ensure that it was continuously represented at monthly meetings of the Privileges and Procedures Committee and was requesting that, on those occasions when Deputy Doublet was unable to attend, another Member of SLC be permitted to represent SLC in her stead.

The Committee concluded that whilst it had no objection to another Member of SLC attending in Deputy Doublet's absence in an observatory capacity, it was not appropriate for a States Member who had not been officially appointed to the Committee by the States to vote on proposals. It was agreed that if a situation arose where Deputy Doublet was unable to attend and the Committee was due to consider a matter of particular interest to her, the business could potentially be conducted via an electronic meeting or the matter could be deferred until she was able to attend.

The Greffier of the States undertook to write to the President of the SLC to advise of the Committee's decision.

States of Jersey

A6. The Committee considered a report of the States of Jersey Complaints Board in connexion with a complaint submitted by Mrs. N. Hay against the Minister for

Complaints Board report: Hay versus the Minister for the Environment.

the Environment in respect of planning application reference P/2023/0229, for which permission had been granted to La Mare Vineyard, La Rue de la Houge Mauger, St. Mary.

The Committee noted that the Board had found in favour of the Complainant in accordance with the provisions of Article 9 of the Administrative Decisions (Jersey) Law 1982.

The Committee requested that the report be presented to the States and noted that Standing Orders required the Minister to respond within 12 weeks.

Review of Code of Conduct for Elected Members.

A7. The Committee, with reference to its Minute No. A8 of 24th June 2024, considered responses to a survey which had been undertaken on 2 separate occasions to gauge the views of all States Members in relation to a review of the Code of Conduct.

The Committee recalled that the survey sought views on a variety of issues, to include the ability of the Commissioner for Standards to make recommendations to the Privileges and Procedures Committee on appropriate sanctions, declarations of interest, the introduction of time limits for the submission of complaints to the Commissioner for Standards, revising definitions of appropriate behaviours within the Code of Conduct and the introduction of a recall mechanism where a Members was deemed to have lost the trust of the electorate following a breach of the Code.

The Committee discussed the responses received in the context of potential amendments to both the Code of Conduct and Standing Orders. The Greffier expressed disappointment at the lacklustre response to the survey given the significance of the Code to Members. She suggested that an 'in-committee' debate might provide an opportunity for a more focussed examination, allowing all Members to play a part and encouraging a collaborative approach to shaping the Code of Conduct. Deputy L.M.C. Doublet of St. Saviour suggested an 'in camera' debate but this was not supported. As an alternative, it was proposed that Members be invited to remain after the conclusion of the States meeting on 1st October 2024, to complete the survey as a group and the Chair would contact Members in this regard.

On a related matter, Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter suggested that consideration be given to the search ranking for the Code of Conduct as it was not easy to find at present and the online version was outdated. Similarly, it was considered difficult to locate the Code on the Commissioner for Standards' website.

Risk based exclusion policy.

A8. The Committee considered a report in connexion with the introduction of a risk based exclusion policy in the United Kingdom for Members accused of violent and/or sexual offences.

The Committee was advised 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 contacted the Greffier of the States asking whether a risk based exclusion policy for elected representatives existed in Jersey.

It was noted 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.

The Committee was advised that when notification was received from the Police regarding serious allegations or the arrest of an MP for a violent or sexual offence, a Risk Assessment Panel (comprising senior MPs) assessed the risk based on information from the Police in order to ascertain whether exclusion or other measures were warranted. Such measures might take the form of restricting access to certain areas, proxy voting, exclusion from the parliamentary estate and funded travel. The policy included safeguards against undue influence, the receipt of advice from legal and security officials and periodic reviews of effectiveness.

It was recognised that 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. In recent years 2 Members had chosen not to attend States meetings whilst under investigation. In other instances Members who had been arrested and charged had voluntarily withdrawn from Ministerial duties. It was noted that 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 was asked to consider the benefits and implications of introducing a risk based exclusion policy similar to that which had been adopted in the House of Commons for Members accused of violent and/or sexual offences.

Members discussed the policy and agreed that it would be useful to understand the context in the wider workplace and particular reference was made to teaching/social work roles. However, 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 were also expressed with regard to the presumption of innocence and the fundamental legal principle of innocent until proven guilty. The Deputy Greffier of the States suggested seeking the view of the Commissioner for Standards on the matter.

On a related matter, the Greffier of the States undertook to explore the potential for enhanced Disclosure and Barring Service checks for election candidates.

The Committee agreed to invite Ms. Wright to attend a future meeting to discuss the matter further.

Voting rights
for prisoners.

A9. The Committee considered a report in connexion with proposals to extend the right to vote in public elections to all prisoners, and not just those serving sentences which did not exceed 4 years.

It was recalled that in adopting the Public Elections (Amendment No. 7) (Jersey) Law 2017, the States had agreed to allow prisoners servicing a sentence not exceeding 4 years to vote in public elections.

The Committee noted the position in other jurisdictions in relation to the right to vote in a public election. In the United Kingdom individuals who had been convicted and were serving a custodial sentence were not permitted to vote. However, individuals on remand, those who had been convicted but not yet sentenced, civil prisoners, those served with a default judgement for non-payment of fines, persons committed to prison for contempt of court, those on home detention curfew or

released on temporary licence were permitted to vote. In Guernsey inmates were permitted to vote by post if they had registered to vote. In Scotland any prisoner serving less than 12 months was permitted to vote and in Wales prisoners serving sentences of less than 4 years were able to vote in local Government elections by proxy or postal voting. In Ireland prisoners could vote by post if they were registered to do so and in Canada, those over the age of 18 years on polling day who were in a correctional institution or a federal penitentiary were permitted to vote by special ballot in an election or referendum.

The Committee considered the position in Jersey and the wider perceived benefits of extending voting rights to all prisoners, to include creating social ties and a commitment to the common good. Research suggested that disenfranchisement had no significant deterrent effect. Attention was also drawn to statistics relating to voter turnout in the Island, which had been prepared by the Policy Centre Jersey and which revealed that turnout in Jersey at the 2022 election had been the third lowest in the last 30 years (at 44.1 per cent) and that, overall, voter turnout was lower than all Organisation for Economic Co-operation and Development countries.

Having discussed the matter, the Committee agreed that it would wish to extend voting rights to all prisoners at HMP La Moye (via postal voting) and that this proposal should be encompassed within wider legislative changes to be considered by the States.

2026 election date.

A10. The Committee, with reference to Minute No. A3 of 20th May 2024, gave further consideration to the question of the date of the 2026 election and considered a report in this connexion.

The Committee recalled that it had briefly discussed the above matter in May 2024, and had noted support for both Spring and Autumn elections (with the latter not being possible until 2030, in order to avoid an extension of the term of office of current Members). The Committee had requested that the States Greffe produce a report outlining potential election dates for 2026.

The Committee discussed the above matter and agreed that the next public election should be held on 7th June 2026. It was recalled that the election day was set by Order of the Royal Court in accordance with Articles 6 or 13 of the States of Jersey Law 2005 (or the Connétables (Jersey) Law 2008). The nomination period in relation to an ordinary public election had to begin at least 6 weeks, but no more than 7 weeks, before the day on which the election was held.

Constituency Support Service pilot scheme and extension.

A11. The Committee considered a report regarding the services which would be provided by the newly established Constituency Support Services team and heard from Ms. S. McKee, Principal Constituency Support Officer and Mr. Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support in this connexion.

The Committee recalled that the previous Government had included proposals for constituency offices within its 100-day plan. This aligned with Commonwealth Parliamentary Association benchmarks to provide adequate resources to legislators to fulfil their responsibilities. The Privileges and Procedures Committee, as previously constituted, had supported a pilot scheme which involved constituency support being tested in St. Helier North and Central and St. Mary, St. Ouen and St. Peter. This support included case work and research, drop-in sessions for constituents and calendar, inbox and communications support for Members.

It was noted that the pilot scheme had commenced in April 2024. A total of 20

enquiries had been received to date, 45 per cent of which related to requests for research and 20 per cent of which fell outside the core services offered. With regard to the latter, increased flexibility in terms of service provision would allow for constituency related ad-hoc work. 6 out of the 17 Deputies within the electoral districts in the pilot scheme had declined the support offered.

It was noted that it was intended to extend the constituency support offer to all States Members at the end of September 2024. The team would be headed up by the Principal Constituency Support Officer and supported by 3 Research and Project Officers. An annual growth bid of £344,000 for constituency work had been approved in the Government Plan for 2024 – 2027, with an annual sum of £50,000 being made available to Members to support constituency work. Certain parameters had been established to ensure value for money together with a direct benefit to constituents. For example, funds could not be used to subsidise constituents or to cover travel expenses. It was intended to review the criterion in September 2025, and the Committee was requested to endorse the proposed approach in relation to the allocation of funds.

The Committee discussed the parameters proposed for the funding available to Members for constituency support work and noted the view of Deputy L.M.C. Doublet of St. Saviour that the use of the fund for travel expenses should not be ruled out entirely. Deputy Doublet highlighted personal experiences of collaborative work and relationship building arising from visits to other jurisdictions. In this connexion, the Greffier of the States reminded Members of opportunities which existed via the Commonwealth Parliamentary Association and the Crown Dependency network. The Deputy Greffier of the States also highlighted the important distinction between constituency support work and the support offered by the Members' Resources Team. The Assistant Greffier of the States, Chamber and Members' Support added that the constituency support service provision included, among other things, topic research and the co-ordination of remote meetings with elected representatives/subject experts in other jurisdictions. Deputy Doublet believed that there were occasions when a face to face meeting and the opportunity to visit another jurisdiction was beneficial. It was noted that the Constituency Support team was already building a list of contacts, to include service providers, charities and other organisations which could assist with issues raised by constituents.

Deputy Doublet felt that a more flexible approach to the use of the fund should be adopted to take account of Members' individual needs and preferred methods of working and she stated that the emphasis should be on equity not equality. She also referenced socio economic inequalities in the States Assembly which, she believed, could have a direct impact on the level of support individual Members could provide to constituents. Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter stated that whilst transparency around the use of public funds was absolutely essential, it was important to recognise that this might also inform requests for financial support for constituency work. Whilst not wishing to rule out financial support for travel associated with constituency work, Deputy T.A. Coles of St. Helier South expressed reservations about the public perception of the same.

The Committee was reminded that whatever approach it decided to adopt in respect of the use of the fund, requests for financial support would need to meet all of the parameters set out in the report.

It was confirmed that constituency support would not be restricted to supporting constituents in the District for which a Member had been elected as representative, as it was recognised that it was not uncommon for Members to assist individuals who lived outside of their constituencies.

The Committee endorsed the recommendations set out in the report and requested that the wording contained within the parameters relating to financial support for travel costs be amended to show that the fund would not ordinarily be used for travel costs.

The Committee thanked the Principal Constituency Support Officer and the Assistant Greffier of the States, Chamber and Members' Support for attending and they withdrew from the meeting.

Constituency
Support
Service:
funding.

A12. The Committee, with reference to its Minute No. A11 of the meeting, received Deputy D. J. Warr of St. Helier South, who wished to discuss the funding criteria for Members in respect of Constituency Support Services with a view to securing funds for a recent fact finding trip to Guernsey.

Deputy Warr advised the Committee that he was part of a group which had been established to safeguard the future of the historic Havre des Pas bathing pool. As part of the work of that group, he had visited Guernsey to meet his namesake, Mr. D. Warr, Chair of the Vive La Vallette organisation. The organisation had established a public/private partnership to restore a bathing pool in Guernsey. Mr. Warr of Guernsey had subsequently visited Jersey to meet Government representatives.

It was noted that Deputy Warr had approached the States Greffe with a retrospective request for funding for the aforementioned trip on the basis that it constituted constituency support. Deputy Warr believed that the restoration of Havre des Pas bathing pool was important not only for St. Helier but for the Island as a whole. His request for funding was considered to be outside the parameters set for constituency support funding for Members. He asked whether the Committee would reconsider the request and suggested it might wish to allocate a sum of up to £500 for each Member for constituency support work. Deputy Warr referenced a trip he had made to Poland in his capacity as the former Minister for Housing and Communities, which had been organised and funded by Government and he highlighted the contrast between the financial support provided for Ministers and that provided for those in the non-executive. Deputy Warr also noted that significant funding was allocated for Commonwealth Parliamentary Association (CPA) business trips from the relevant budget. The point was made that the budget for constituency support was modest by comparison and would rapidly diminish if it was used to fund travel. The Constituency Support service was in its infancy and, with time and experience, the budget and service provision could be reviewed.

Deputy L.M.C. Doublet of St. Saviour advised Deputy Warr of a slight change to the wording contained within the parameters set for funding constituency support which involved travel costs, as agreed by the Committee and detailed in Minute No. A12 above, which she believed offered some flexibility. The Greffier of the States highlighted the requirement to comply with all of the parameters, which included demonstrating value for money and a direct benefit to the constituency. Deputy Doublet suggested that future funding requests should include information which clearly demonstrated compliance with these parameters.

In response to a question from the Chair, Deputy Warr confirmed that he had not sought funding from Government for his trip to Guernsey.

Democracy
Week.

A13. The Committee noted the plans for Democracy Week, an annual event which aimed to provide opportunities for Islanders to engage with local politics.

The Committee was advised that Democracy Week would be held between 23rd – 28th September 2024, with a broad range of events and activities planned, to include the first People’s Debate on 28th September 2024, tours of the States Chamber and walking tours designed to uncover Jersey’s political history, pop-up stands in various Parishes, an introduction to Jersey politics in the Portuguese language, school visits, a photography competition and podcasts.

The Committee was advised that a States Member had asked whether there would be an opportunity for Members to clear their desks ahead of the People’s Debate. The Greffier of the States advised that etiquette around the use of Members’ desks would be communicated to those participating in the event.

Jersey Public Sector Ombudsman/ continuation of Complaints Panel.

A14. The Committee noted that the reappointment of Members to the States of Jersey Complaints Panel following the decision to delay the introduction of a Jersey Public Sector Ombudsman (JPSO) had been approved outside of the meeting schedule at an electronic meeting. The Committee had approved a report prepared by the Greffier of the States for presentation to the States in connexion with the matter.

The Committee recalled that in adopting P.32/2018, which had been lodged “au Greffe” by former Senator P.C.F. Ozouf (now Deputy Ozouf), the States Assembly had agreed to the establishment of the JPSO. The Council of Ministers, as previously constituted, had included the establishment of the same in its 100 Day Action Plan and had identified this as a priority in the legislative programme for 2023. However, the legislation had yet to be lodged ‘*au Greffe*’ and, on taking office in early 2024, the Chief Minister had indicated that the matter was under review. The Council of Ministers had ultimately decided to delay the introduction of the Ombudsman and had agreed that the service provided by the States of Jersey Complaints Panel should continue for at least another 3 years.

With the foregoing in mind, the Greffier of the States had met the Chair of the Jersey Appointments Commission (JAC) who, in taking the particular circumstances into account, had confirmed approval of an extension to the term of office of the current Chair and Deputy Chair to 31st March 2027. In doing so, the Chair of the JAC had been mindful of the need for continuity and to retain expertise. It was recognised that following the election in May 2026, a new Council of Ministers would be established and the extension to March 2027 would allow Ministers to consider whether to maintain the Panel or to proceed with the establishment of the JSPO.

In the meantime, the term of office of those Members of the Panel who had not yet completed 9 years’ service would be extended to meet the 9 year limit set by the JAC for such appointments and the terms of office of the Chair and Deputy Chair be extended to 31st March 2027, as detailed above.

On a related matter, it was noted that a recruitment exercise would also commence in the autumn of 2024, to secure new Members, to include a new Deputy Chair to replace Mr. C. Beirne in tandem with a focus on succession planning.

Commonwealth Parliamentary Association/ Assemblée Parlementaire de la

A15. The Committee noted that the presentation to the States of a newsletter which provided an insight into the breadth and depth of Jersey’s involvement in the Commonwealth Parliamentary Association (CPA) and also the work of the Jersey Section of the Assemblée Parlementaire de la Francophonie (APF) had been approved by Members outside of the meeting schedule at an electronic meeting.

The Committee recalled that through participation in the CPA Members were able

Francophonie: to discuss common issues with parliamentarians from other jurisdictions and share newsletter. knowledge. It was noted that during 2023, Deputy M.R. Le Hegarat of St. Helier North had been selected as the CPA representative on the Executive Council and a representative on the Women's Political Leaders' summit in Brussels.

Turning to the work of the APF, it was noted that whilst English predominantly used in the States Assembly, French was the original language and could still be spoken in the Assembly alongside Jerriais and English. The linguistic, cultural and historical importance of the French language allowed the Assembly to participate in the work of the APF and membership brought similar opportunities to that of the CPA.

Having noted the contents of the newsletter, the Committee requested that it be presented to the States for Members' information.

States Greffe A16. At the request of Members, the Greffier of the States undertook to circulate organisation chart. an up-to-date organisation chart for the States Greffe, complete with photographic images of the staff.

Date of next A17. The Committee noted that the next scheduled meeting would be held on 21st meeting. October 2024, at 10.00 am in the Blampied Room.