

TM/SC/166

PRIVILEGES AND PROCEDURES COMMITTEE

(11th Meeting)

9th June 2015**PART A**

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

Connétable D.W. Mezbourian of St. Lawrence  
 Connétable C.H. Taylor of St. John  
 Deputy J.A. Martin  
 Deputy S.Y. Mézec of St. Helier

In attendance -

M.N. de la Haye O.B.E., Greffier of the States  
 L.M. Hart, Deputy Greffier of the States  
 A.C. Goodyear, Assistant Greffier of the States  
 (not present for item Nos. A5 – A8)  
 T. McMinigal, Clerk to the Privileges and Procedures Committee

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

Minutes.

A1. The Minutes of the meetings of 19th May 2015 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

States meeting  
 dates for 2016.  
 1240/2(86)

A2. The Committee received a report prepared by the Greffier of the States in connexion with the proposed States meeting dates for 2016.

The Committee noted that, in accordance with Standing Order 4 of the Standing Orders of the States of Jersey, it was required to propose dates and present them to the States by the end of September. The proposed 2016 meeting dates were accordingly agreed as follows:

**First Session**

**January 19th**  
**February 2nd**  
**February 23rd**  
**March 8th**  
**March 22nd**  
**April 12th**  
**April 26th**  
**May 10th**  
**May 24th**  
**June 14th**  
**June 28th**  
**July 12th**

**Continuation (if necessary)**

January 20th and 21st  
 February 3rd and 4th  
 February 24th and 25th  
 March 9th and 10th  
 March 23rd and 24th  
 April 13th and 14th  
 April 27th and 28th  
 May 11th and 12th  
 May 25th and 26th  
 June 15th and 16th  
 June 29th and 30th  
 July 13th and 14th

## Second Session

|                       | <b>Continuation (if necessary)</b> |
|-----------------------|------------------------------------|
| <b>September 13th</b> | September 14th and 15th            |
| <b>September 27th</b> | September 28th and 29th            |
| <b>October 11th</b>   | October 12th and 13th              |
| <b>November 1st</b>   | November 2nd and 3rd               |
| <b>November 15th</b>  | November 16th and 17th             |
| <b>November 29th</b>  | November 30th and December 1st     |
| <b>December 13th</b>  | December 14th and 15th             |

The Greffier of the States was requested to arrange for the report entitled “States meeting dates for 2015” to be presented to the States in due course.

Composition  
and election of  
the States  
Assembly.  
465/1(201)

A3. The Committee, with reference to its Minute No. A2 of 19th May 2015, received an oral update from the Deputy Greffier of the States on the activities of the Sub-Committee on the Composition and Election of the States Assembly.

The Committee recalled that the Sub-Committee’s first open-forum workshop with all States Members had taken place on 2nd June 2015. A total of 32 Members had participated in the session, which had concentrated on the objectives for reform and the categories, districting and numbers of States Members. The Committee was informed that the presentation and survey questions would be issued to those Members who were unable to attend, in order that they might express their views on the above matters. Once the survey responses had been collected in their totality, officers would analyse the results and attempt to identify any majority view-points or demographic trends.

The Deputy Greffier reported that an Officer Group meeting had been held on the morning of 9th June 2015. The Meeting had discussed the outcomes of the initial consultation and had identified the Sub-Committee’s forthcoming milestones. The Committee noted that officers had secured a date of 14th July 2015 for the Sub-Committee’s second open-forum workshop, which would likely focus on the topic of voting systems. A meeting of the Sub-Committee proper would be convened towards the tail-end of June, with a view to finalising the materials to be presented at said session. It was expected that the themes of categories, districting and numbers of States Members would be revisited at a later session in September 2015.

The Committee noted the position accordingly and awaited further developments with interest.

States  
procedures:  
review  
465/4(14)

A4. The Committee, with reference to its Minute No. A6 of 21st April 2015, considered a discussion paper from the Standing Orders and Internal Procedures Sub-Committee.

The paper set out several ‘discussion points’ which were discussed in turn by the Committee:

- 1) *Standing Orders relating to the answering of oral questions with and without notice should be amended to provide that “an answer must be directly relevant to the question.”* The Committee regarded the principle of this proposal favourably, but recognised that its enforcement had practical implications for the Presiding Officer. In light of this, the Sub-Committee was directed to write to the Bailiff to enquire as to the

impact which the introduction of such an amendment would have on the chairing of question time in the Assembly.

- 2) *Consideration should be given to the allocation of a period of question time to topic areas identified by Scrutiny and led by the relevant Scrutiny panel, on rotation.* The Sub-Committee had expressed the view that certain recent examples of question time had been routine, even lacklustre. It had considered how question time might be reinvigorated, and had decided to share the above idea with the full Committee, so that it might be discussed at greater length. The Committee shared a common vision, that question time should be an energetic, tenacious affair, but some reservations were expressed as to the proposed mandatory involvement of Scrutiny. It was pointed out that the role of Scrutiny was to make objective, unbiased observations on government policy. This approach contrasted with question time, which was an inherently politicised event. Nevertheless, the Committee considered that every effort should be made to protect the vitality of question time. It was suggested that the Sub-Committee might send electronic mail correspondence to all States Members requesting thoughts on how this could best be achieved. The Greffier of the States also undertook to liaise with the Bailiff to ensure that an announcement would be made at the end of each States sitting declaring which Ministers would face questioning at the next meeting. The Committee noted the position accordingly.
- 3) *Consideration should be given to allowing members to specify during questions without notice if they wish their question to be answered by the Minister or the Assistant Minister.* The Committee agreed, by majority, that it should be possible to question Assistant Ministers on areas for which they had been delegated responsibility, but considered that the scope of this provision should extend only to oral questions with notice. Connétable C.H. Taylor of St. John abstained on the matter.
- 4) *Procedures for appointing Ministers should be amended to require all candidates to submit a written statement to the Greffier of the States prior to their nomination in the States.* The Committee rejected this concept on the basis that it might restrict the number of candidates for Ministerial positions. Members considered that the pursuance of discussion point #5 (see below) would go far enough towards ensuring that all future Ministerial candidates would be well-researched and possessed of policy ideas.
- 5) *All candidates for the position of Minister and Chairman should make a speech and answer questions, whether or not the position is contested.* The Committee considered this to be a useful suggestion, approving it unanimously. Members noted and accepted an omitted addendum to discussion point #5, that unopposed candidates for the position of Minister and Chairman should face a vote and require the endorsement of at least 50 per cent of the Assembly to be duly appointed. Consequently, the Sub-Committee was directed to define the procedure in instances where this endorsement was not forthcoming, before presenting a final recommendation on the matter. The Committee noted the position accordingly.
- 6) *The Privileges and Procedures Committee should consider whether the current procedure, whereby Ministers and Chairmen are elected by recorded ballot, should remain, or whether Ministers and Chairmen should be elected by secret ballot.* The Committee considered that the wisest course of action would be for the Sub-Committee to review balloting procedures in other jurisdictions, before making a

recommendation. Officers from the States Greffe agreed to undertake this research, and to present a report on the matter to the Sub-Committee at its next meeting.

- 7) *Consideration should be given to the establishment of a Business Committee for the scheduling of States business.* Whilst the Committee was not positively disposed to the notion of a Business Committee, believing that it would create an unnecessary additional layer of bureaucracy, it agreed not to make a final judgement on the matter until Senator P.F.C. Ozouf was present and had been given the chance to explain the idea at greater length. The topic was accordingly put into abeyance by the Committee, for reconsideration at a future meeting.

The Committee considered an outstanding matter which was yet to be explored by the Sub-Committee. Deputy S.Y. Mézec of St. Helier had submitted that it should be possible for political parties to be named on propositions brought by party members. The Deputy explained that certain propositions were linked not solely to an individual but to a party more broadly. He opined that the present situation was disadvantageous, whereby if the proposer of a party-associated proposition was unable to attend a States sitting due to urgent and/or adverse circumstances, the proposition would be deferred, even if fellow party members were willing and able to act as a rapporteur in place of their absent colleague. He remarked that these unnecessary deferrals could have severe consequences in instances where the debate of a proposition was time-critical.

The Committee reflected on this suggestion in a broader sense, discussing whether it might be practical to extend the existing rapporteur arrangements defined under Articles 68A and 70 of the Standing Orders of the States of Jersey, so that they might apply to all propositions. It was proposed that under such an arrangement, an individual might name a rapporteur upon lodging a proposition, who would act only if the proposer was unable to attend the debate in question due to unforeseen circumstances. Returning to Deputy Mézec's submission, the point was made that if it was applied as read, a perception might arise that the procedure gave an advantage to political parties over individuals. After a substantive discussion, Members agreed that the Sub-Committee should consider both the Committee's ruminations and Deputy Mézec's original proposal, before making a final recommendation on the matter.

Finally, it was agreed that the Sub-Committee should review whether Ministers should be able to vote on elections for Chairmen of Scrutiny panels. The view was expressed that it was inappropriate for Ministers to vote on those individuals who would later scrutinise their policies.

The Assistant Greffier of the States expressed gratitude for the Committee's exhaustive input, stating that its feedback would be considered in full by the Sub-Committee in due course. She added that the Sub-Committee would progress the matters discussed and update the Committee at its next meeting. The Committee noted the position accordingly.

States  
Assembly  
budget.  
422/10/1(92)

A5. The Committee, with reference to its Minute No. A5 of 16th March 2015, received a report which had been prepared by the Greffier of the States in connexion with the budget position of the States Assembly and its Services in 2016.

The Committee recalled that it had already taken a number of decisions in relation to the States Assembly budget for the next Medium Term Financial Plan period

(2016-2019). Firstly, the Committee had agreed to meet savings targets as identified by the Council of Ministers, which were in line with those set for other States funded bodies. Secondly, notwithstanding the above decision to make savings, the Committee had decided, by majority, to include a growth item of £100,000 per annum from 2016 to cover the cost of introducing pensions for States Members (Minute No. B2 of 19th May 2015 refers). Thirdly, the Committee had specified in P.39/2015, “States Assembly: filming proceedings and the installation of clocks”, that the costs associated with web-streaming the proceedings of the States would be covered from existing budgets.

The savings targets requested by the States Treasury for 2015 and 2016 were as follows –

| Year | Recurring Savings | Accumulated total of savings |
|------|-------------------|------------------------------|
| 2015 | £98,000           | £98,000                      |
| 2016 | £51,000           | £149,000                     |

The Committee recalled that the 2015 savings had been achieved, partly by the removal of the post of Personal Assistant to the Greffier of the States upon the retirement of the previous incumbent, partly by the reduction in the overall membership of the States by 2 elected members. These savings for 2015 in fact exceeded the £98,000 by £6,300. Thus, the proposed cash limit for 2016 sent from Treasury had been recalculated as follows –

|   |                  |
|---|------------------|
| <b>2015 Cash Limit (taking account of savings made)</b>       | <b>5,137,900</b> |
| 2015 2% Savings overachievement                               | (6,300)          |
| Transfer of budget to TTS to fund Corporate Health and Safety | (500)            |
| 2016 Savings  | (45,000)         |
| States Members' Pensions                                      | 100,000          |
| <b>2016 Net Revenue Expenditure (cash limit)</b>              | <b>5,186,100</b> |

The Committee was informed that the £45,000 saving requested by the Treasury for 2016 could be accommodated by the loss of the post of States Liaison Officer to the Committee of Inquiry when the inquiry finished and the post-holder retired. Savings in administrative functions in the States Greffe could also be made to offset the cost of web-streaming if the States adopted P.39/2015.

The Committee was aware that although an initial indication had been given in January 2015 that further savings would be sought for 2017 to 2019, an amendment to the Public Finances (Jersey) Law 2005 had since being lodged by the Minister for Treasury and Resources. That amendment, if adopted on 16th June 2015, would mean that no detail of 2017 to 2019 cash limits would be debated or agreed until June 2016. The Treasury had recently indicated that it did not therefore wish to receive any information about budgets for the years beyond 2016 until the overall budgetary policy was clearer. Nevertheless, the Greffier reported that he had met the Chairmen’s Committee to discuss the impact of savings on the scrutiny function. The Chairmen’s Committee had helpfully suggested that it would be willing to see a reduction of £100,000 in the amount allocated to Scrutiny. The Committee considered that although this saving was not needed for 2016, it might be helpful to meet future savings targets from 2017 onwards when the budgetary position for 2017 to 2019 was clarified.

The Committee noted the position accordingly.

of meetings of  
the States and  
installation of  
clocks.  
465/4(13)

discussed again matters related to P.39/2015, “States Assembly: filming proceedings and the installation of clocks.”

The Committee recalled that the proposition was due to be debated on 23rd June 2015. In the meantime, an associated briefing had been arranged for 16th June 2015, to which all States Members had been invited. The briefing would seek to demonstrate the benefits and capabilities of a web-streaming facility.

The Greffier of the States reported that preparation had commenced for this session. He invited the Committee to advise as to the optimal format for the impending presentation. The Committee considered that, in the main, Members would be most interested to understand how footage would be packaged and presented online, what the likely cost of a web-streaming facility would be, and why the Committee had considered the initiative to be an important one. The Committee further agreed that, if possible, both the Chairman and Senator P.F.C. Ozouf should be involved in the briefing, as strong, positive voices for the proposal.

Officers from the States Greffe thanked the Committee for their input and undertook to make the necessary arrangements in order that the session might be delivered successfully.

States  
Members’  
facilities:  
support for  
elected  
representatives  
1240/9/1(137)

A7. The Committee considered the appropriateness of the current level of secretarial, administrative support and office accommodation offered to States Members.

The Committee recalled that Deputy M. Tadier of St. Brelade had addressed a written question to the Chairman on the above matter at the States sitting of 2nd June 2015, wherein he requested that research be undertaken on the level of support offered to elected representatives in comparable jurisdictions. Within his response, the Chairman observed that the Committee had not discussed the topic. He had therefore asked the Committee to decide whether it would be worthwhile to undertake the study requested by the questioner.

The Committee agreed that it would be beneficial for officers from the States Greffe to research the matter. Officers undertook to prepare a paper for consideration by the Committee at its next meeting.

States  
Members’  
Remuneration  
Review Body:  
Review of  
States  
Members’ pay  
1240/3(73)

A8. The Committee, with reference to its Minute No. A8 of 21st April 2015, received an oral update from the Greffier of the States in connexion with the activities of the States Members’ Remuneration Review Body (SMRRB).

The Committee recalled that it had accepted the SMRRB’s invitation to attend an informal meeting wherein the two bodies would reflect on the role and responsibilities of States Members. The Greffier reported that 20th July 2015 had been suggested by the SMRRB as a potential date on which this conversation might take place. The Committee considered the mooted date to be expedient.

The Greffier undertook to inform the Chairman of the SMRRB accordingly.