

TM/SC/027

PRIVILEGES AND PROCEDURES COMMITTEE

(4th Meeting)

13th January 2015**PART A**

All members were present.

Connétable L. Norman of St. Clement, Chairman
 Senator P.F.C. Ozouf
 Connétable D.W. Mezbourian of St. Lawrence
 Connétable J.E. Le Maistre of Grouville
 Connétable C.H. Taylor of St. John
 Deputy J.A. Martin of St. Helier
 Deputy S.Y. Mézec of St. Helier

In attendance -

M.N. de la Haye O.B.E., Greffier of the States
 T. McMinigal, 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 meetings held on 20th November 2014 (Part B only), 16th December 2014 (Part A and Part B) and 22nd December 2014 (Part A only), having been circulated previously, were taken as read and were confirmed.

Access to the
 States
 Building.
 1240/9/1(137)

A2. The Committee, with reference to its Minute No. A9 of 16th December 2014, welcomed Mr. D. Filipponi, Chief Officer, Bailiff's Chambers in connexion with the use of the States Building by outside groups.

The Committee recalled that at its meeting on 20th November 2014 it had agreed, in principle, that the rules of access should be relaxed to allow outside groups to use certain rooms in the States Building, providing they did so under the auspices of an elected member. However, upon examining the practicalities of the matter, the Committee had learned that a new airport style security system was to be installed at the main entrance of the States Building in Spring 2015, and that all visitors to the building would need to be screened before entering. Because of this, any extension of the building's opening hours would be met with an according extension of security. This carried significant cost implications for potential users.

In light of this information, the Committee had agreed to invite the Chief Officer of the Bailiff's Chambers to its present meeting to consider if there should exist some alternative which would enable the States Building to be enjoyed by the public.

The Chief Officer informed the Committee that the decision to implement full airport style security had come about as the result of a lengthy consultation process between the Criminal Justice System Board and a number of public bodies, including the Privileges and Procedures Committee as previously constituted. The Chief Officer advised that the need for improved security had been identified in March 2013 by independent research in the form of the Willets Report on security

breaches. The Criminal Justice Services Board had subsequently agreed that this was a most pressing concern and commissioned the implementation of a new security system.

After withstanding a number of delays to the project, the Chief Officer anticipated that the enhanced security system would be active by March 2015. From thereon, visitors to the States Building would undergo a bag and person search before being admitted. Members and accredited users would continue to access the building through the Members' entrance. The Chief Officer emphasised that the incoming security procedure was not intended to restrict Members' use of the building, but rather to ensure their safety.

The Chief Officer advised the Committee that the new security system would have no material impact on Members' ability to speak to constituents and outside groups during working hours. With regard to potentially relaxing security requirements either after-hours or for certain groups, the Chief Officer advanced that as the policy was designed to protect all users of the building, one should follow that policy consistently, at all times. It was considered undesirable to create a position whereby arbitrary judgements were made as to who should and shouldn't pass through security.

After a lengthy discussion on the cost and impact of the incoming security system, the Committee accepted that the initiative was a necessary one. Whilst the Committee recognised that the outlined plans potentially scuppered hopes of the building being used by the public after hours, it nonetheless restated its aspiration to find a work-around solution to enable the building to be enjoyed by outside groups. In the meantime, the Greffier of the States was directed to draft an amendment to the States Building's rules of access, permitting the entrance of lobby groups provided they were accompanied by an elected Member. It was agreed that the amendment would clearly express the responsibility of Members for those they admitted, as well as stating the potential risks of admitting outside groups into the building.

Web-streaming
of meetings of
the States.
465/4(13)

A3. The Committee, with reference to its Minute No. A4 of 16th December 2014, received an oral update from the Greffier of the States in respect of the web-streaming of meetings of the States Assembly.

The Committee recalled that at its meeting on 20th November it had agreed, in principle, that it would be beneficial to film/web-stream meetings of the States. It was noted that on 16th December 2014, the Committee had met with representatives from the Information Services Division and the Department of Electronics to discuss the proposal further.

The Greffier reported that a reasonable amount of progress had been made on the matter since that discussion. Arrangements had been made for Auditel, a broadcasting solutions provider, to visit the States Assembly on 19th January 2015 to demonstrate their web-streaming capabilities. Additionally, a quotation had been received for the supply only of the equipment required for filming the Assembly. It was estimated that 3 broadcast quality cameras, a vision mixer and ancillaries would cost approximately £23,500.

The Greffier reiterated that although no funds were available in the States Assembly budget for the capital costs of installation, it was considered that the day-to-day operation of the system could be managed within existing resources, although some extra provision might be required for annual maintenance costs. It would, however, be necessary for funding to be made available before any equipment could be purchased or installed.

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The Greffier also informed the Committee that local media outlets had expressed an interest in using footage of the States Assembly as part of their news output.

The Committee regarded these developments positively. However, it was considered that a full estimate of costings and a timetable for implementation was required before the Committee could lodge 'au Greffe' a proposal seeking to introduce web-streaming of meetings of the States Assembly. In particular, the Committee coveted an understanding of the additional cost of additional facilities such as archiving, indexing and high-definition streaming. The Committee considered that it would be useful to store and enable the replay of footage of crucial debates which affected the whole Island.

The Greffier undertook to progress the matter and present a written report detailing costings and timings at the Committee's next meeting, with a view to a reaching a final decision as to whether to lodge 'au Greffe' a proposal seeking to introduce web-streaming of meetings of the States Assembly.

Installation of
digital clocks
in the
Chamber.
465/4(14)

A4. The Committee, with reference to its Minute No. A5 of 16th December 2014, received an oral update from the Greffier of the States in connexion with the installation of digital clocks in the States Assembly.

The Committee recalled that it had directed the Deputy Greffier of the States to liaise with representatives from the Department of Electronics to discuss the practicalities and cost of fixing digital clocks in the States Assembly. It was considered that the digital timer/timers would act as a disciplining force, alerting members to the length of their speeches/debates.

The Greffier of the States reported that a quote had been received in the sum of £1,748.64 for the supply and installation of 3 elapsed time counters in the States Chamber. Originally, the Committee had intended to trial the operation of the clock. Presently, in view of the magnitude of the quotation, the Committee considered that the installation of clocks should be considered a permanent measure, for it would be difficult to justify such an expense on a trial. Nonetheless, the Committee remained steadfast in its view that the installation of clocks would be beneficial to the conduct of business in the States Assembly.

With regards to the implementation of the proposed changes, the suggestion was tabled that, as the matter was not an urgent one, it might be considered as part of the possible States debate on the web-streaming of meetings of the States (Minute No. A3 of this meeting refers). It was advanced that as both proposals sought to affect physical change to the States Chamber, they might be considered together as part of an 'omnibus' projet. The Committee agreed that a consolidated proposition would be most appropriate.

It was acknowledged that any changes to the Chamber would need to be notified to the Bailiff and also the Planning and Environment Department, given that the States Building was listed. The Greffier undertook to discuss the relevant minutiae with the noted authorities and providers, and to report back at the Committee's next meeting.

Composition
and election of
the States
Assembly.
465/1(195)

A5. The Committee, with reference to its Minute No. A6 of 16th December 2014, gave further consideration to the reform of the States Assembly.

The Committee recalled that it had agreed to establish a sub-committee to investigate the possibility of further modifying the composition and election of the States Assembly. The Committee had previously confirmed the Chairmanship of

Connétable L. Norman of St. Clement and appointed Deputy S.Y. Mézec of St. Helier to serve as a member of the sub-committee.

The Committee Clerk reported that the Chief Minister had, on 12th January 2015, nominated Senator P.F.C. Ozouf and Connétable D.W. Mezbourian of St. Lawrence to serve as members of the sub-committee. With the question of membership now settled, the Committee Clerk undertook to liaise with the Chairman to arrange a convenient date for the first meeting of the sub-committee proper.

The Committee recalled that advice and administrative support would be provided by officers from the Chief Minister's Department and the States Greffe. The Committee noted that a preliminary meeting of the officer group had taken place on 6th January 2015, during which some initial consideration had been given as to the potential aims of the sub-committee, the process it might follow to affect change, and the elements of reform which it might wish to review. The Committee Clerk advised that an agenda for the first meeting of the sub-group was being prepared and would include a report on the officer group meeting as an item for discussion.

States
procedures:
review
465/4(14)

A6. The Committee, with reference to its Minute No. A7 of 16th December 2014, discussed again certain States procedures, to include the appointment of Ministers, the arrangement of public business and the requirements for answering questions.

The Committee recalled that it had agreed to establish a sub-committee to review States procedures. Senator P.F.C. Ozouf and Deputy J.A. Martin of St. Helier had been appointed as members of the sub-group. Deputy Martin reported that the sub-committee had met for the first time on 12th January 2015. A number of recommendations had emerged as a result of this meeting.

In respect of the appointment of Ministers, the sub-committee considered whether candidates should be required to notify the Assembly in advance of their intention to stand for a position. The sub-committee recommended that Standing Orders be amended to require Ministerial candidates to produce a policy statement ahead of their appointment. It was considered that this would ensure that candidates were serious in their intentions. Moreover, it was felt that the issuance of a 'mission statement' would help guide the evaluation and scrutiny of Ministers' performance.

In the case of unopposed Ministerial elections, the sub-committee suggested that candidates be required to speak, answer questions and gain a majority of approval in the Assembly before being elected. If a candidate was unable to command a majority in the Assembly, nominations would be re-opened. The Committee was informed that some consideration had been given as to whether the Chief Minister's nominations for the Council of Ministers should be unopposed in the first instance. The sub-committee had undertaken to review this matter further before issuing a firm recommendation.

The sub-committee considered the possible introduction of a Business Committee for the scheduling of States business. The function of such a body would be to provide a basic timetable of business for States meetings. It was pointed out that this procedure might ensure that the Order of Business was arranged in such a way as to maximise the potential productivity of the Assembly, as well as securing appropriate portions of time for issues of high importance. Once again, the sub-committee had undertaken to review this matter further before issuing a firm recommendation.

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With regard to the requirements for answering questions, the sub-committee noted that some jurisdictions had enshrined more detailed requirements for respondents under their Standing Orders. Having undertaken comparative analysis, the sub-committee recommended rewriting Standing Orders 63 and 65 to state that “*answers must be directly relevant to the question.*” The current requirement, that answers should be *concise*, was deemed insufficient by the sub-committee. It was noted that a similar topic-related condition existed within the Australian House of Representatives’ Standing Orders.

Deputy Martin advised that a report formalising these recommendations was currently being prepared for the Committee’s review. In the meantime, the sub-committee was to continue its examination of States procedures to include, amongst other matters, the appointment of Assistant Ministers and Chairmen. Further to this, Senator Ozouf informed the Committee that electronic mail correspondence would be sent to all States Members requesting that they identify any Standing Orders with which they had concerns. The Assistant Greffier of the States was directed to review the questions asked of the Chairman during his nomination speech, in order to ascertain if any related to Standing Orders.

States
Members’
facilities:
provision of
lunches
1240/9/1(89)

A7. The Committee, with reference to its Minute No. A13 of 16th December 2014, considered a report which had been prepared by the Committee Clerk in respect of proposed arrangements for the re-introduction of States Members’ lunches.

The Committee recalled that it had selected a preferred provider for the reintroduction of lunches for States Members on States meeting days. The Committee Clerk had been directed to make the necessary arrangements for the recommencement of lunchtime service on 20th January 2015.

The Committee Clerk reported that arrangements had been made with the vendor of choice to resume lunchtime service on 20th January 2015, pending final confirmation from the Committee. It was estimated that the annual cost of catering for the States Assembly would amount to £5,310. The Committee Clerk advised that lunch would not be provided during sessions unlikely to stretch beyond the morning, nor on days where catered lunchtime briefings were being hosted by external organisations.

The Committee recalled that it had recognised that some Members would be more comfortable personally meeting the expense of their lunches. The Committee Clerk informed the Committee that, to that end, an honorarium payment system would be established to enable Members to pay for their food if they so wished.

The Committee confirmed its decision to reintroduce States Members lunches. Deputy S.Y. Mezec of St. Helier maintained his dissent from the Committee’s decision on the basis that he was fundamentally opposed to the provision of ostensibly free working lunches for Members.

The Committee Clerk was directed to make the necessary arrangements for the resumption of lunchtime service on 20th January 2015. The Chairman undertook to issue a statement to Members forthwith, announcing the decision.

Standing
Orders: draft
amendment to
Standing Order
No. 68A(2).

A8. The Committee considered a report which had been prepared by the Greffier of the States in connexion with a proposed minor amendment to Standing Order 68A of the Standing Orders of the States of Jersey.

The Greffier advised the Committee that an approach had been received from the

Legislation Advisory Panel (LAP) with the support of the Chief Minister, asking whether the Committee would be willing to promote a minor amendment to Standing Order 68A, which set out who could act as ‘rapporteur’ to propose a proposition.

The Standing Order read as follows –

68A Who may propose proposition

- (1) *A proposition lodged by the Council of Ministers may be proposed by the Chief Minister or any other Minister.*
- (2) *A proposition lodged by the Chief Minister under Article 31 of the Law may be proposed by any other Minister.*
- (3) *A proposition lodged by the Chief Minister or any other Minister may be proposed by any of that Minister’s Assistant Ministers.*
- (4) *A proposition lodged by a body that is a committee or panel established by standing orders, the Comité des Connétables or the States Employment Board, may be proposed by any member of that body.*

The proposed change related to Standing Order 68A(2). The Legislation Advisory Panel had suggested that it would give greater flexibility, particularly for matters dealt with by the LAP, if any proposition lodged by the Chief Minister could be proposed by any other Minister and not just propositions under Article 31 of the States of Jersey Law 2005, as specified at present. Propositions relating to the extension of UK legislation to Jersey had, under Article 31 of the States of Jersey Law 2005, be lodged by the Chief Minister even if the UK legislation in question relates to a matter within the remit of another Minister and it was for this reason that Standing Order 68A(2) had been inserted in Standing Orders in 2011.

The Committee agreed that it seemed logical to accede to the Legislation Advisory Panel’s request, so that any type of proposition lodged by the Chief Minister could be proposed by another Minister. This would not only allow the Minister for External Relations (as Chairman of the Legislation Advisory Panel) to propose matters that had been considered by the Legislation Advisory Panel (which could not lodge in its own name as it was not a formally constituted States’ body) but would also give greater flexibility to the Chief Minister and Ministers to agree an appropriate ‘rapporteur’ for other propositions.

The Committee supported the proposed amendment and invited the Chief Minister to lodge ‘au Greffe’ a projet to the discussed extent.

Amendment to terminology:
Deputy vs
Député.
465/4(16).

A9. The Committee, with reference to its Minute No. A14 of 16th December 2014, considered a report which had been prepared by the Greffier of the States with regard to the benefits of using the term ‘Député’ instead of Deputy.

The Greffier advised the Committee that an issue had been raised by the Chairmen’s Committee as to the use of the term ‘Deputy’ versus the French equivalent, ‘Député.’ The Committee noted that a preference had been expressed by the Chairmen’s Committee towards the latter term.

Having discussed the matter, the Committee was unanimous in its view that an amendment to the current terminology was not required. It was pointed out that Jersey had two official languages, English and French, and that as such the terms ‘Deputy’ and ‘Député’ were equally valid.

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The Committee noted the position accordingly.

States
Members'
facilities:
access cards.
1060/5(236)

A10. The Committee considered a report which had been prepared by the Assistant Greffier of the States in respect of the potential introduction of charges for the replacement of access cards to the States Building.

The Committee noted that the current policy was to issue replacement access cards free of charge. However, a States Member had recently asked to be charged for his. As Members had never previously been charged for replacement cards, the Committee was asked to agree whether a charge should be made and to agree the level of the same. The Department of Electronics had advised that a box of 50 cards costs £204, or £4.08 per card.

The Committee agreed that it was appropriate to levy a charge on Members for the cost of replacement access cards forthwith. A fee of £5 was considered reasonable. The Committee noted that access cards would continue to be made available to States Members on short-term loans from the Ushers free of charge.

The Committee Clerk undertook to draft a statement for the Greffier's approval informing Members of the change in policy.

Correspon-
dence from
Mr. B. Cooper
1135/19/1(17)

A11. The Committee noted correspondence dated 16th December 2014 from Mr. B. Cooper concerning the agreement relating to the ownership of the foreshore adjacent to the Fief de la Fosse (P.117/2013 refers).

Mr. Cooper had called on the Chief Minister's Department to rescind its decision concerning the agreement relating to the ownership of the foreshore adjacent to the Fief de la Fosse, on the grounds that the decision was unlawful and/or in breach of the Human Rights (Jersey) Law 2000.

The Committee emphasised that it could not refer the concerns raised by Mr. Cooper to the Bailiff or the States Assembly. It was considered that the decision to settle litigation proceedings with Les Pas Holdings Ltd in the case of Fief de la Fosse was political, unaffected by legal considerations and perfectly within the competence of the States Assembly.

The Greffier of the States agreed to write to Mr. Cooper to detail the nature and content of the Committee's deliberations.

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