

PRIVILEGES AND PROCEDURES COMMITTEE

States Business Organisation Sub-Group

(1st Meeting)

14th January 2010PART A

All members were present.

Deputy C.H. Egré, Chairman
 Deputy J.B. Fox
 Deputy M.R. Higgins

In attendance -

M.N. de la Haye, Greffier of the States
 Mrs. A.H. Harris, Deputy Greffier of the States
 Miss A Heuston, Clerk to the Privileges and Procedures Committee

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

Efficiency during
 States sittings.
 465/1(136)

A1. The sub-group, with reference to Minute No. A3 of the meeting of the Privileges and Procedures Committee on 11th December 2009, recalled that it had been established to consider the organisation and efficiency of States business.

Correspondence had been sent to all States Members by the Chairman of the Privileges and Procedures Committee on 25th November 2009, advising of the establishment of the sub-group and requesting input into the review. The Chairman expressed disappointment with the overall response, including the level of input from the executive and scrutiny panel chairmen. The sub-group noted that Deputy S. Pitman of St. Helier, Deputy T.M. Pitman of St. Helier, and Deputy D.J.A. Wimberley of St. Mary would attend today's meeting. Deputy P.J. Rondel of St. John had also expressed an interest in attending, but was no longer able to do so.

Deputy S. Pitman and Deputy T.M. Pitman

The sub-group welcomed Deputy S. Pitman of St. Helier and Deputy T.M. Pitman of St. Helier. Both Deputies felt that members should be responsible for the length of their speeches in the Chamber, and a time limit on speeches would be anti-democratic. Guidance should be given to members on being concise, avoiding repetition, and not speaking on every issue. It was noted that a clock could be used to make members more aware of the length of their speeches. Both Deputies felt that a strong warning should be given to members regarding 'insults' made in the Chamber and the Chair should not be solely relied upon to deal with this matter. Members' departure from the Chamber during debates was considered to be disrespectful. It was acknowledged that some breaks may be needed but that members should not be outside the Chamber for long periods. It was suggested that the Privileges and Procedures Committee could monitor absence and that attendance could improve if States' sittings were video streamed. The view was expressed that Ministers' answers during questions were too lengthy, and the process was being deliberately drawn out to reduce the number of questions that could be asked in the time period. Deputy S.

Pitman commented that the Dean had asked questions on occasion, and should not be permitted to speak during questions for Ministers without notice, as there was only limited time available. More time should also be allocated to questioning Ministers without notice during States sessions. The increase in the number of questions being asked in the Chamber was thought to be partly due to information not being forthcoming when requested through the Scrutiny process. It was noted that members were fined if their mobile phones rang during a States sitting, but they were freely able to use their BlackBerries in the Chamber. The Chairman advised that the Privileges and Procedures Committee was currently examining the possible use of information technology in the States Chamber.

Deputy S. Pitman recalled an incident when a member had made a false accusation against herself and Deputy G.P. Southern during a States sitting, which had been dealt with by the Chair at the time. The Deputy advised that the incident had not been investigated by the Privileges and Procedures Committee, despite being mentioned to the Committee Chairman. The Deputy asserted that other less serious incidents had been investigated by the Committee. The sub-group Chairman recommended that a formal complaint should be made to the Committee should a member wish for an investigation to be carried out in accordance with Standing Orders. The Deputies contended that all members should receive equal treatment from the Privileges and Procedures Committee, and some members felt that this was not being achieved.

Other issues arising included the timing of the Business Plan and the Strategic Plan and the level of consideration given to the decision to accept or reject amendments by the Council of Ministers. The Deputies, having been thanked by the Chairman for their attendance, withdrew from the meeting.

Deputy of St. Mary

The sub-group heard from the Deputy of St. Mary, who expressed reservations about the process of the review itself. The Deputy stated that the review should be fair, unbiased, and/or seen to be such, but it was not. The Deputy referred to the letter sent to all States Members by the Chairman of the Privileges and Procedures Committee on 25th November 2009, which outlined possible areas for review, and expressed the view that none of these areas implied that there might be shortcomings on the part of the Executive or the Council of Ministers, an assertion which the Deputy said was borne out by the press coverage. The Deputy distributed a number of press cuttings and stated that the coverage was an ‘attack on the ability of the House to hold the Executive to account’. Deputy Wimberley invited the sub-group to ‘undo the damage’ and demonstrate that it would act in the review in an impartial and fair way by ensuring media coverage which highlighted the issues raised in a letter to the sub-group dated 8th December 2009 which had been signed by 8 States members. The Deputy requested that press coverage be given to the following points raised in the correspondence:

- *“a proposition was brought by a Minister recently with no supporting information at all which resulted in a one-and-a-half-hour debate;*
- *answers to questions, propositions and comments from Ministers frequently have misleading or deliberately incomplete information;*
- *backbenchers have to bring propositions to force the Council of Ministers to do what they have promised to do; and*
- *comments and explanations from Ministers routinely arrive the day before the debate or on the very day of the debate.”*

The Deputy requested that these issues be covered in the report of the sub-group, and asked that they be quantified. The sub-group Chairman considered that this was a subjective matter and could be difficult to quantify. Deputy Wimberley suggested that members could be invited to state how many answers to questions which they had asked in a year had been misleading, or unsatisfactory, and how many propositions and comments had been misleading or incomplete. The sub-group was also requested to consider the context within which States sittings operated, including the amount of legislation, policy and programmes to be scrutinised, debated and approved by the States, alongside comparisons with the amount of work handled by other jurisdictions. The Deputy considered that there may be a systemic issue which would not be solved by making debates more focused or filtering propositions, because there may simply be too much work to be carried out in the time available.

The sub-group Chairman advised that the review would cover the entire process of States business and would be carried out in a robust and objective manner. It was noted that the suggested areas for discussion had originated from a letter from the President of the Chairmen's Committee to the Privileges and Procedures Committee, dated 13th November 2009, which stated that the work of scrutiny was being severely impeded by the excessive number of States Assembly sittings, and which had suggested that avoiding such lengthy sittings: "*may necessitate imposing time limits on proposers, speeches and summing up*".

The annual number of States meeting days from 1999 to 2009 was noted, as was the number of hours of States meetings per annum from 2006 to 2009. The number of States meetings days had almost doubled since 1999 and those present considered that this would have had an impact upon members' and officers' time. It was considered that this could be a contributory factor in connexion with the late lodging of comments on propositions. The Chairman advised that the sub-group would consider the matters raised in the letter from 8 States members, as well as the points raised in all other submissions received.

The Deputy, having been thanked by the Chairman for his attendance, withdrew from the meeting.