

AG/SC/283

PRIVILEGES AND PROCEDURES COMMITTEE

(8th Meeting)

3rd October 2013PART A

All members were present, with the exception of Deputy J.H. Young and Deputy M. Tadier, from whom apologies had been received.

Deputy J.M. Maçon, Chairman
 Senator B.I. Le Marquand
 Connétable L. Norman of St. Clement
 Deputy J.A. Martin
 Senator S.C. Ferguson

In attendance -

Deputy E.J. Noel, Assistant Minister for Treasury and Resources
 Item No. A3 only
 R. Foster, Director of Estates, Jersey Property Holdings
 Item No. A3 only
 Deputy J.A.N. Le Fondré
 Item No. A3 only
 M.N. de la Haye, Greffier of the States
 A.H. Harris, Deputy Greffier of the States
 A. Goodyear, 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 of 5th September (Parts A and B); 12th September (Part B only); 17th September (Parts A and B) and 20th September (Part A only), having been previously circulated, were taken as read and were confirmed.
- Meeting dates. A2. The Committee, with reference to Minute No. A2 of 19th December 2012 of the Committee as previously constituted, agreed the following meeting dates for the remainder of 2013:
- Friday 15th November 2013, 2.30 pm, Blampied Room, States Building
 Monday 9th December 2013, 2.30 pm, Blampied Room, States Building
- Standing Orders and Internal Procedures Sub-Committee. 450/2/1(77) A3. The Committee, with reference to its Minute No. B2 of 5th September 2013, gave further consideration to proposed amendments to Standing Order 168 of the Standing Orders of the States of Jersey following the report and recommendations of the Standing Orders and Internal Procedures Sub-Committee. The Committee welcomed the Assistant Minister for Treasury and Resources, Deputy E.J. Noel; Director of Estates, Jersey Property Holdings, Mr. R. Foster; and Deputy J.A.N. Le Fondré in this regard.

The Committee recalled that the Standing Orders and Internal Procedures Sub-

Committee had recommended that the Standing Order be amended to include reference to Deeds of Arrangement and planning obligations in paragraph (1) and that paragraph (3) be altered so that all transactions captured by paragraph (1) would be reported to the States Assembly under the 15-day rule. The Committee received documentation from Deputy Le Fondré setting out the present wording of Standing Order 168 and the proposed amendment to Standing Order 168 as drafted by Jersey Property Holdings. It was noted that the amendment proposed by Property Holdings would amend paragraph (1) to provide that the Standing Order would apply to the following actions:

- (a) the disposal, acquisition, letting or rental of land on behalf of the public of Jersey;
- (b) the grant, variation, acquisition or cancellation of rights or servitudes over land on behalf of the public of Jersey;
- (c) the renewal, extension, variation or cancellation of any lease of land on behalf of the public of Jersey;
- (d) the approval of plans for the construction or alterations of buildings where the work is to be funded wholly or partly by money voted by the States;
- (e) the agreement of new or revised boundaries and/or amendments to boundary arrangements of land on behalf of the public of Jersey;
- (f) the agreement to be party to third-party contracts of land transactions on behalf of the public of Jersey in respect of such other matters not covered by paragraphs (1)(a)-(e) hereof.

While he was content with the amendments to Standing Order 168 drafted by Jersey Property Holdings, Deputy Le Fondré expressed the view that those agreements captured under paragraphs 1(a), (b), (e) and (f) should be captured under paragraph (3) of the Standing Order and required to be presented to the States at least 15 working days prior to a binding arrangement being entered into. The Deputy contended that this would provide States members with an opportunity for challenge. Deputy Noel expressed the view that any planning obligation agreements that were likely to be of interest to the States Assembly would come to light by other means, such as the publication of a Ministerial Decision, for example. Deputy Noel contended that capturing planning obligation agreements under the 15-day rule would be inappropriate. Those present discussed examples of agreements and whether they should be required to be presented to the States in advance of a contract being entered into. Having been apprised of the views of each party in respect of the matter, the Chairman thanked Deputy Noel, Mr. Foster and Deputy Le Fondré for their attendance and they accordingly withdrew from the meeting.

The Committee, having considered the matter, agreed that it would be minded to request that an amendment be drafted to Standing Order 168(1) in line with the proposal put forward by Property Holdings as set out above. The Committee was not minded, at the present time, to pursue any further amendment to Standing Order 168 in order to alter what was required to be reported to the States under the 15-day rule set out in paragraph (3) of Standing Order 168. It was noted, however, that any member of States could propose such an amendment, should they so wish. It was requested that law drafting be sought in respect of the proposed amendment to Standing Order 168(1). The amendment would then be considered alongside the remaining amendments to be taken forward by the Committee in response to the recommendations of the Standing Orders and Internal Procedures Sub-Committee. The Committee Clerk was requested to take the necessary action.

8th Meeting
03.10.13

members’
Christmas
lunch.
1240(186)

Deputy R. Bryans in connexion with arrangements to be made for the States members’ Christmas lunch.

Deputy Bryans had proposed that the Christmas lunch be held at the Academy Restaurant at Highlands College, rather than at the Town Hall where it had been held in previous years. The Committee agreed that arrangements should be made to hold the Christmas lunch at the Academy Restaurant on Wednesday 18th December 2013. The Committee Clerk was requested to take the necessary action.

Code of
Conduct for
Elected
Members:
Commissioner
for Standards.
465/1(185)

A5. The Committee, with reference to its Minute No. A3 of 5th September 2013, received correspondence from Deputy M.J. Fallaize, Chairman, States Assembly and Constitution Committee, States of Guernsey, dated 5th September 2013, regarding the possible establishment of a joint Commissioner for Standards for Jersey and Guernsey, and noted the Chairman’s reply of 12th September 2013.

The Committee recalled that it had lodged ‘*au Greffe*’ the proposition ‘Commissioner for Standards: establishment’ on 9th September 2013 (P.107/2013 refers), and that the proposition was scheduled for debate on 22nd October 2013. The Chairman had committed to apprise Deputy Fallaize of the outcome of the debate in respect of the proposition and had advised that, should the States adopt the proposition, the Committee would wish to discuss the possibility of establishing a joint Commissioner. The position was noted.

Public
Elections –
Single
Transferable
Voting System
(STV) and an
Alternative
Voting System
(AV)
(P.86/2013).
424/2(86)

A6. The Committee, with reference to its Minute No. B2 of 17th September 2013, received a report entitled ‘Single Transferable Vote (STV) and Alternative Vote (AV)’ dated 26th September 2013 and prepared by the Greffier of the States.

The Committee recalled that Deputy M. Tadier had lodged ‘*au Greffe*’ a report and proposition entitled: ‘Public Elections – Single Transferable Voting System (STV) and an Alternative Voting System (AV)’ (P.86/2013 refers). The proposition asked the States to bring forward plans for the implementation of STV for multi-member constituencies and AV for single member constituencies in advance of the 2014 elections. Deputy Tadier had advised the Greffier’s office that he intended to delay debate on the proposition until after 5th November 2013, when the States would consider a number of propositions for the reform of the composition and election of the States Assembly (P.93/2013; P.94/2013; P.98/2013; P.116/2013 and P/117/2013 refer).

The Committee considered an extract from Dr. A. Renwick’s report entitled: ‘The Jersey States Assembly in Comparative Perspective: a report for the States of Jersey Electoral Commission’ regarding the workings of the AV and STV systems. It was noted that the recommendation of the Electoral Commission that AV and STV should be introduced from 2018 had been made in the context of recommendations on overall reform of the States Assembly. The Committee discussed the difficulties that could arise as a result of using different counting systems within one parish should either the *status quo* remain, or should its reform proposals be adopted, with some parishes being required to use AV for the single member districts and STV for the multi-member districts. The Committee expressed concern regarding the proposal to introduce two different voting mechanisms for the 2014 elections, and was not minded to lodge the proposition in its own name, as had been requested by Deputy Tadier.

The Committee agreed that further consideration should be given to the presentation of a comment in respect of the proposition. It was agreed that any comment should be prepared in the light of the outcome of the reform debates to

be held on 5th November 2013. The matter was accordingly deferred.

Composition
and Election of
the States
Assembly –
reform
proposals.
465/1(194)

A7. The Committee, with reference to its Minute No. A1 of 24th September 2013, received the proposition ‘Composition and Election of the States Assembly: Reform Proposal 4’ lodged *au Greffe* on 30th September 2013 by Deputy A.K.F. Green of St. Helier (P.117/2013 refers).

The Committee noted that the proposition constituted one of a number of reform proposals that had recently been lodged ‘*au Greffe*’ (P.93/2013; P.94/2013 and P.98/2013 refer) and discussed whether it would wish to present comments to the States in respect of the aforementioned propositions and related amendments. The Committee agreed that it would be helpful to obtain expert analysis of the various options that were being proposed in order to assist States members during the debates. The Greffier of the States was accordingly requested to appoint an expert to review the content of each of the reform propositions, and related amendments, and to report their findings to the Committee, with a view to the report subsequently being presented to the States.

Machinery of
Government
Review Sub-
Committee.
465/1(182)

A8. The Committee, with reference to its Minute No. A4 of 5th September 2013, considered the approach to be adopted for the forthcoming ‘in Committee’ debate on the final report of the Machinery of Government Review Sub-Committee (R.105/2013 refers) and received a draft guidance note in this regard.

The draft guidance note proposed that the duration of the debate should not exceed one full morning or afternoon, and that the debate should be divided into five sections, as follows: (i) The Executive; (ii) Non-executive members; (iii) Scrutiny; (iv) Other matters (v) Conclusion. The Committee, having considered the draft guidance note and relevant appendices, agreed the proposed approach, with the proviso that members should be able to extend the length of the ‘in Committee’ debate beyond the proposed time limit should they see fit, and requested that it be circulated to members for their reference. It was agreed that members of the Sub-Committee should be invited to introduce each section of the report during the ‘in Committee’ debate, which was due to be held on 8th October 2013.

States
Members
Remuneration
Review Body:
recommenda
tions for 2014.
1240/3(73)

A9. The Committee received a report entitled: ‘States Members’ Remuneration Review Body: recommendations for 2014’, which report contained the recommendations of the States Members’ Remuneration Review Body (SMRRB) with regard to remuneration for States members for 2014.

The Review Body recommended an increase of £600 in members’ basic remuneration effective from 1st January 2014 to £42,600. It recommended no increase in the current expense allowance of £4,000. It was noted that the Committee was obliged to present the recommendations to the States and that the recommendations relating to the actual level of remuneration and expenses payable to elected members would be implemented automatically unless a proposition seeking a debate was lodged ‘*au Greffe*’ within one month of the date of presentation.

The Committee agreed that a foreword should be prepared and that the recommendations should be presented to the States as a Report. It was suggested that consideration could be given to reducing the frequency of such reports from the SMRRB, which were usually received on an annual basis. The Greffier of the States was requested to take the necessary action.

8th Meeting
03.10.13

Oral question
from Deputy
T.M. Pitman
regarding
Standing Order
109(7).
450/2/1(79)

A10. The Committee noted that an oral question would be asked of the Chairman by Deputy T.M. Pitman of St. Helier during the States sitting on 8th October 2013 in connexion with the operation of Standing Order 109(7), which related to the removal from the Official Report ('Hansard') of the names of individuals named within the course of States questions or debates.

Deputy Pitman would ask whether the Committee would agree to review the current operation of the aforementioned Standing Order to ensure that it was operating adequately. The Committee, having considered the matter, noted that Standing Order 109(7) was only used when members had breached Standing Orders by naming an individual during a States sitting. The view was expressed that members should abide by Standing Orders so that intervention by the Presiding Officer under Standing Order 109(7) would not be required. It was considered that the Presiding Officer would be grateful for the guidance of members, who could raise a Point of Order to draw the attention of the Presiding Officer to the use of a name in contravention of Standing Orders if necessary. If a member was not content with a decision made by the Presiding Officer, then that decision would be subject to appeal though a proposition lodged for that purpose. The Committee concluded that Standing Order 109(7) was not used frequently and that it had received no evidence to indicate that it was not operating adequately. It therefore did not intend to carry out a review.

The Chairman was requested to provide an answer to the question in the above terms.