

PRIVILEGES AND PROCEDURES COMMITTEE

(68th Meeting)

29th June 2010

PART A

All members were present, with the exception of Senator B.I. Le Marquand, from whom apologies had been received, and Deputy M.R. Higgins.

Connétable J. Gallichan of St. Mary, Chairman
Connétable P.F.M. Hanning of St. Saviour
Deputy J.B. Fox
Deputy J.A. Martin
Deputy C.H. Egré

In attendance -

M.N. de la Haye, Greffier of the States
Miss A-C. Heuston, 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 meeting of 15th June 2010, having been previously circulated, were taken as read and were confirmed.

Machinery of Government. A2. The Committee, with reference to Minute Nos. A3 and A5 of 15th June 2010, received an oral report from the Chairman in connexion with the Machinery of Government. 465/1(150)

The Committee recalled that the Chairman had been requested to invite Senator A. Breckon to attend a Committee meeting to discuss his proposition entitled: 'Machinery of Government: amended structure', lodged '*au Greffe*' on 3rd June 2010 (P.70/2010 refers), with a view to its deferral in order for a full review to be undertaken into the current system of government. The Committee noted that a meeting had taken place between the Chairman, Deputy A. Breckon, the Chief Minister and Deputy T. Vallois, at which Deputy Breckon had agreed to defer debate on the proposition, in advance of a review being undertaken. It had been agreed that a Working Party should be established, consisting of the aforementioned members, and Deputy C. Egré, in view of his rôle as the Chairman of the States Business Organisation Sub-Group.

It was **agreed** that an organisational meeting should be arranged and the Greffier of the States was requested to take the necessary action.

Questions in the States: A3. The Committee received a report in connexion with the proposition of Deputy P.V.F. Le Claire entitled: Questions in the States: Connétables and political parties (P.85/2010 refers). Connétables and political parties.

P.85/2010
450/2/1(29)
The Committee noted that Deputy Le Claire would invite the States to decide whether the current rules under Standing Order 9 of the Standing Orders of the States of Jersey, in respect of who may ask, and be asked, a question, should be amended so that questions may also be asked of any Connétable in connection with a matter relating to his or her parish and to the political leader, or a representative,

of any registered political party in connection with a matter relating to that political party. The Privileges and Procedures Committee would then be requested to bring forward for approval the necessary amendments to Standing Orders.

The Committee noted the impact that the proposition would be likely have upon question time if it were adopted, in that it would extend members' ability to ask questions to persons without any direct responsibility to the States for their duties. The Chairman expressed disappointment that Deputy Le Claire had not discussed the proposals with the Committee prior to lodging the proposition, as the Committee was always willing to discuss matters relating to Standing Orders and procedures with members.

It was **agreed** that the Committee would present a comment to the States outlining its concerns in respect of P.85/2010. The Greffier of the States was requested to take the necessary action.

States becoming
inquorate during
a meeting:
revised
procedures.
P.82/2010
450/2/1(27)

A4. The Committee considered the proposition entitled: States becoming inquorate during a meeting: revised procedures, lodged '*au Greffe*' by Deputy P.V.F. Le Claire on 15th June 2010 (P.85/2010 refers).

The Committee noted that the Deputy had proposed an amendment to the procedures in Standing Order 56 'States inquorate during meeting,' to enable an immediate electronic roll call to take place. An oral roll call would then be undertaken, should the States remain inquorate, following which the procedures under Standing Order 55(1) would come into effect, should the quorum not have been reached.

The Committee supported Deputy Le Claire's proposal that the electronic voting system be used to provide an instant list of who was in the Chamber at a particular time, as it was noted that the oral roll call currently allowed those lower down the order of seniority to return to the Chamber during the roll call and be shown as present, whereas those at the beginning did not have the same opportunity to return. Nevertheless, the Committee agreed that Deputy Le Claire's proposed revisions to Standing Orders could be simplified by removing the requirement for an oral roll call after the initial electronic roll call. The Committee also discussed the manner in which the electronic roll call was recorded in the States Minutes. It was agreed that, should the proposition be adopted, the Committee would give consideration to ensuring that it was clear in the States Minutes that members who were absent with a legitimate excuse were not present for that reason.

It was **agreed** that the Committee would lodge '*au Greffe*' an amendment to the proposition, in the above terms. The Committee **delegated** approval of the amendment to the Chairman.

The Greffier of the States was requested to take the necessary action.

Increase postage
costs.
465/4(9)

A5. The Committee received a report in connexion with the impact of increased postage costs and welcomed the Assistant Greffier of the States, Mrs. L. Hart.

The Committee noted that Jersey Post had introduced new postal charges from 8th May 2010, and postage was now categorised in respect of the delivery service required, and priced in accordance with size and weight. The Committee noted that total postage costs had remained at around £15,000 per annum for the past 5 years, however, it was anticipated that the new postal charges would have significant cost implications for the Department, during a period when it was seeking savings in respect of the Comprehensive Spending Review. It was agreed that postage charges should be reviewed. The Committee considered various options, including-

- (a) continue to send documents in hard copy through the post and monitor the postage charges then review the matter in early 2011;
- (b) send matters pertaining to propositions (including amendments and comments) to members in hard copy through the post and all other documents by e-mail, with members able to request a hard copy to be collected from the States Assembly Information Centre;
- (c) send all documents by e-mail on a daily basis with members requiring hard copies to be collected from the States Assembly Information Centre;
- (d) send everything by e-mail, but have hard copies of the public business items available in the Chamber for each States meeting;
- (e) continue to send everything in hard copy, but hold back bulky items, such as reports, and alert members that they would be available for collection from their pigeon holes on the next States meeting day;
- (f) alert members by e-mail when documents had been left in pigeon holes after a States meeting and advise them that they would be available for collection in the States Assembly Information Centre for a set period of time.

The Committee discussed the rôle of the States Greffe in distributing information, and did not consider it to be the Department's responsibility to meet the cost of posting documents on behalf of other departments. It was agreed that the Committee should adopt a policy of working towards the electronic delivery of documentation. It was proposed that, in order to save postage and printing costs, a revised procedure for the circulation of States Assembly documents should be introduced as follows:

- (i) reports would be available for collection from the States Assembly Information Centre in Morier House;
- (ii) propositions and amendments would be sent electronically on a daily basis and members could indicate by return if they required a hard copy for collection from their pigeon hole/to be posted;
- (iii) an option would be available for members to state that they wished to receive all documents in hard copy.

It was agreed that members should be able collect documents on a 24-hour basis. It would not therefore be appropriate to store members' documents in the States Assembly Information Centre at Morier House. It was accordingly agreed that the possibility of installing lockable pigeon holes should be investigated on the ground floor of the States Building in order to allow permanent access. The pigeon holes on the first floor of the States Building could be retained, for use during States sittings, and any documents not retrieved by members at close of business would be placed in the locked pigeon holes for collection, if these were introduced.

It was **agreed** that a letter should be sent to all States members to advise them accordingly. The Assistant Greffier was requested to take the necessary action, and, having been thanked by the Chairman for her attendance, withdrew from the meeting.

Deposits for
election
candidates.
424/2(70)

A6. The Committee received a report in connexion with the possible introduction of deposits for election candidates.

The Committee noted the current election deposits and thresholds for the U.K.,

European and Scottish Parliaments, the National Assembly for Wales and the Northern Ireland Assembly, as well as for the Greater London Authority, local and parish elections. It was noted that the U.K. and Scottish Parliaments and the National Assembly for Wales had a deposit of £500, which would be forfeited if candidates failed to obtain 5% of the votes cast. It was suggested that an alternative to introducing a deposit could be adopted in Jersey, such as restricting anyone who was not already a sitting States member from standing for the office of Senator. It was, however, felt that this would give rise to human rights issues, and noted that some of the current Senators had been elected to that office without having previously held office in the States Assembly.

It was suggested that an alternative would be to require senatorial candidates to be nominated by 2 persons from each of the 12 parishes, to prove an element of Island-wide support for their nomination. It was agreed that the Committee would be minded to consider the adoption of this approach, alongside the possible introduction of a deposit at £500, to be returned if the candidate received 5% of the votes cast. The deposit system would apply to elections for the post of Senator, Deputy and Connétable. Any deposit not returned, as a result of to the candidate failing to meet the threshold, would be put towards the cost of running the election.

The Committee **agreed** that the feasibility of this approach should be investigated, for further consideration at a future meeting. The Greffier of the States was requested to take the necessary action.

Media Working
Party
1240/10(36)

A7. The Committee, with reference to its Minute No. A6(a) of 1st June 2010, gave further consideration to the report of the Media Working Party.

The Committee recalled that the Chairman had written to the President of the Chairmen's Committee on 19th May 2010 to invite an overall response in respect of the recommendations of the Media Working Party. The Chairman had subsequently attended a meeting of the Chairmen's Committee and had been advised that there would be no collective comment from the Committee, only the individual responses of the Scrutiny Panels outlined in the President's letter, dated 4th May 2010.

Having discussed the findings of the Media Working Party and the views expressed by the Scrutiny Panels in this regard, the Committee agreed to take forward recommendations 1 to 3 of the Working Party's report in respect of the improved provision of information to the public, and the live broadcast of States sittings and recorded Committee and Scrutiny Panel meetings. Recommendation 4 suggested that a Code of Conduct should be adopted to introduce standards of behaviour for members of the public and the media in the States Building, and to permit the visual or audio recording of States meetings and hearings by accredited media organizations only. The Committee agreed that the adoption, or otherwise, of this recommendation was a matter for the States to determine.

The Committee accordingly **agreed** that a proposition should be drafted in respect of recommendation 4 of the Working Party's report. The full report of the Media Working Party and the letter from the President of the Chairmen's Committee dated 4th May 2010 should be appended to the report accompanying the draft proposition.

The Greffier of the States was requested to take the necessary action.

States members'
facilities
1240/9/1(137)

A8. The Committee, with reference to its Minute No. A5 of 27th April 2010 received an update in connexion with the provision of facilities for States members.

It was noted that progress was being made in respect of the installation of computers in the Members' Room adjacent to the States Chamber on the Hill Street side. With regard to increasing the areas where the audio from the States Chamber would be

broadcast, it was noted that the cost of installing speakers in the bathrooms on the ground floor of the States Building would cost in excess of £3,000. It would not be possible to install a speaker in the disabled bathroom on the first floor as this would interfere with the electronic equipment in the Royal Court. Having noted the cost, it was agreed that radios should instead be placed in the bathrooms.

The Committee Clerk was requested to take the necessary action.

States Members
Remuneration
Review Body:
recommendations
for 2011.
1240/3(73)

A9. The Committee, with reference to its Minute No. A4 of 15th June 2010 received the report of the States Members Remuneration Review Body in connexion with its recommendations for 2011.

The report recommended an increase in States members' remuneration of £800 per annum, to apply from 1st January 2011. This would take the annual remuneration of States members from £40,382 to £41,182. It was also recommended that the expense allowance of £3,650 per annum remain unchanged. While the Review Body remained committed in principle to its recommendations that a matched-contributions pension scheme be introduced for States members, this was not considered appropriate at the present time, due to the ongoing Comprehensive Spending Review and the lack of available budget to fund the development of such a scheme in 2011. The Committee noted that, in accordance with the terms of reference of the Review Body, and procedures agreed by the States, the Committee was obliged to present the recommendations to the States, and, unless challenged by the lodging and adoption of a proposition, the recommendations would be implemented by default one month after the date of presentation.

The Committee **agreed** that a foreword to the report of the States Members' Remuneration Review Body should be drafted for approval, and the report presented to the States by the Committee in the 'R' series.

The Greffier of the States was **requested** to take the necessary action.

Standing Order
69 of the
Standing Orders
of the States of
Jersey:
amendment.
450/2(14)

A10. The Committee received correspondence, dated 24th June 2010 from the Chief Minister in connexion with Article 31 of the States of Jersey Law 2005 and the possible amendment of Standing Order 69 of the Standing Orders of the States of Jersey.

The Committee noted that, in accordance with Article 31 of the States of Jersey Law 2005, when it was proposed that an Act of the U.K. Parliament or an Order in Council should apply directly to Jersey, the Chief Minister was required to lodge the proposal '*au Greffe*' for debate by the States. The consequence being that, even when the subject matter related to the responsibilities of another Minister, the Chief Minister was formally required under Standing Order 69 to move the proposition, speak in its support, reply to the debate and make the proposition. It was suggested that this could cause difficulty if the proposition dealt with a complex issue, and it might be preferable for such propositions to be presented by the Minister responsible. The Chief Minister had therefore requested that an amendment to Standing Orders be considered by the Committee. Having discussed the matter, the Committee recognised that the particular circumstances of propositions brought under Article 31 of the States of Jersey Law 2005 meant that there were good reasons why another Minister might be better placed than the Chief Minister to present the proposition. As a result, while the States of Jersey Law 2005 would continue to require the Chief Minister to lodge the proposition, the Committee agreed that the suggested amendment to Standing Orders should be brought forward to allow the Chief Minister to nominate another Minister to present the proposition in the States on his/her behalf.

The Committee **agreed** that an amendment to Standing Order 69 be drafted, for

consideration at a future meeting. The Chairman was **requested** to write to the Chief Minister to advise him of the Committee's decision.

The Greffier of the States was requested to take the necessary action.

Ongoing work programme.

A11. The Committee noted its ongoing work programme, with particular regard to the following:

- (i) Deputy C.H. Egré would liaise with the Director of Information Services, Mr. N. Wells, to facilitate a trial for the use of Apple iPads by States members. It was suggested that the trial be carried out by Deputy Egré, Deputy M. Tadier, and a representative from the Council of Ministers. The Greffier of the States was requested to discuss with the Bailiff the possible use of the equipment in the States Chamber by those taking part in the trial;
- (ii) The draft Freedom of Information (Jersey) Law 201- had been forwarded to H.M. Attorney General for human rights compliance consideration, and it was anticipated that a response would be received in August 2010. It was, however, noted that the Committee had hoped to lodge the draft legislation '*au Greffe*' in July 2010.

Matters arising.

A12. The Committee noted the following matters arising –

- (a) the air conditioning in the States Chamber was considered to be problematic, and it was suggested that a louvered screen could be installed to assist in dispersing the cool air from the vents.
- (b) the Committee recalled that, following an amendment to Standing Orders, it was now possible for the President to declare that a name spoken in the Chamber during a States sitting be struck from the official report 'Hansard'. It was, however, noted that this did not apply retrospectively. It was accordingly agreed that consideration should be given to introducing a mechanism whereby a person's name could be removed from the record retrospectively. The Greffier of the States was requested investigate the feasibility of such an approach and report back to the Committee.