

MH/AG/SC/089

PRIVILEGES AND PROCEDURES COMMITTEE

(6th Meeting)

14th March 2012PART A

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

Connétable A.S. Crowcroft of St. Helier, Chairman
 Senator Sir P.M. Bailhache
 Deputy J.A. Martin
 Deputy M. Tadier
 Deputy K.L. Moore

In attendance -

Mrs. A.H. Harris, Deputy Greffier of the States
 Mr. M. Haden, Acting 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 8th February 2012 (Part A and Part B) and 28th February 2012 (Part A only), having been previously circulated, were taken as read and were confirmed.

Electoral
 Commission:
 composition
 and terms of
 reference:
 States debate
 (P.5/2012).
 1240/22/1(59)

A2. The Committee, with reference to its Minute No. A1 of 28th February 2012, discussed the States debate in respect of the proposition 'Electoral Commission: composition and terms of reference' (P.5/2012 refers), in which Deputies J.A. Martin and M. Tadier had spoken against Committee's proposition in line with their Minority Report.

The Chairman suggested that the Committee should establish ground rules in situations where members dissented from the Committee's agreed position. It was recognised that members had a right to give their views on a contentious issue such as this. It was suggested that there should have been an opportunity to discuss in advance how members might perform in this debate.

2011 Annual
 Report of the
 States
 Assembly.
 1240/25(6)

A3. The Committee received the 2011 Annual Report of the States Assembly and thanked the officers for their work in preparing the report. It was noted that the report presented graphic evidence of the increase in the number and length of States meetings.

The Committee agreed to present the report to the States and requested the Greffier of the States to take the necessary action.

Code of
 Conduct for
 Elected
 members:
 consultation.
 1240/4(166)

A4. The Committee, with reference to its Minute No. A2 of 8th February 2012, received a draft consultation paper in respect of the proposed review of the Code of Conduct for Elected Members and agreed to present it to the States as a Green Paper with a consultation period of six weeks.

The Committee requested that an advert be prepared and a press release to draw

the attention of the general public and former States members to the consultation.

British-Irish
Parliamentary
Assembly.
956/1(1)

A5. The Committee received a report in respect of membership of the British-Irish Parliamentary Assembly. The Committee agreed that States members should be given the opportunity to renew the appointment of the member and reserve member and further agreed to adopt the same approach to the selection process as that which had been taken on the previous occasion in 2006.

Electoral
Commission
composition
and terms of
reference:
States debate
(P.5/2012).
1240/22/1(59)

A6. The Committee, with reference to its Minute A1 of 28th February 2012, received a report on the next steps to be taken following the conclusion of the States debate on P.5/2012 'Electoral commission: composition and terms of reference,' which proposition had been lodged *au Greffe* by the Committee on 13th January 2012.

The Committee noted the actions that had been taken to implement the decision of the States on 7th March 2012 to adopt the proposition and agreed to delegate authority to the Chairman and Senator Sir P.M. Bailhache to approve the final text of the proposition relating to membership of the Electoral Commission. Members noted that it was intended to lodge this proposition in early April 2012 with a view to a States debate at the beginning of May 2012.

Questions in
the Assembly.
1240/4(184)

A7. The Committee received correspondence dated 2nd February 2012 and copied to the Committee from the Bailiff of Jersey, Mr. M.C.St.J Birt, regarding the answering of questions in the Assembly. The Committee requested that the letter be forwarded to the sub-committee reviewing Standing Orders and Internal Procedures.

States
members'
lunches.
1240/9/1(89)

A8. The Committee received electronic correspondence dated 1st March 2012 from Deputy G.C.L. Baudains regarding States members' lunches.

The Committee recalled that, on 24th September 2009, the States had adopted the proposition: 'Draft Annual Business Plan (P.117/2009): tenth amendment' and had accordingly agreed to decrease the net revenue expenditure of the States Assembly and its services by £11,300 through the cessation of free lunches for States members on meeting days and of free sandwiches lunches during all meetings of Scrutiny panels, the Public Accounts Committee and the Privileges and Procedures Committee. The Committee noted the Official Report ('Hansard') of the debate in this regard. On 1st March 2012 Deputy Baudains had requested that PPC be invited to consider to the practicality of the decision of the States to cease the provision of lunches, having been advised that lunch could not be provided during a meeting of the Machinery of Government review sub-committee.

The Chairman advised that he wished to deal with this matter in the broader context of facilities for members. He proposed to conduct a walkabout around the States Building to assess the utilisation of rooms with a view to providing further accommodation for members and he invited other members of the Committee to join him. He also proposed to issue a questionnaire to States members in order to ascertain what facilities they aspired to.

Members discussed the possibility of re-establishing the provision of lunches for members on States days on the basis of a contribution from members by deducting a certain amount from their expenses. Members recognised that there was a distinction to be made between the provision of lunches on States days and the provision of sandwiches to members undertaking a working lunch on Scrutiny Panels and other Committees of the States. However, the latter had been prohibited following the States decision to adopt an amendment to the States Business Plan in

8th Meeting
14.03.12

2009. States members' views on the possible reinstatement of working lunches would be canvassed in the questionnaire to States members.

Public
Elections sub-
committee.
465/8(1)

A9. The Committee, with reference to its Minute No. A4 of 8th February 2012, received an oral update from the Chairman of the Public Elections (Jersey) Law 2002 review sub-committee, Deputy J.A. Martin.

It was noted that terms of reference had been agreed; a meeting had been arranged with the Jurats to discuss the elections; a discussion had been held with Professor Lee and a visit to Guernsey had been planned for May 2012.

Standing
Orders and
Internal
Procedures of
the States sub-
committee:
proposed
Business
Management
Committee.
465/4(11)

A10. The Committee, with reference to its Minute No. A6 of 8th February 2012, received a paper from the Standing Orders and Internal Procedures review sub-committee regarding a proposal to trial the use of a Business Management Committee in order to improve the time management of the Assembly.

The sub-committee had agreed that time was valuable, that there should be a certain discipline to States debates and that members should be able to organise meetings outside scheduled States days with confidence. The sub-committee was therefore in favour of establishing an 'envelope' defining the length of States meetings. The sub-committee proposed that the Business Management Committee would shadow the current arrangements throughout 2012 prior to formally establishing a procedure in 2013. The Business Management Committee would prepare a paper in advance of each States meeting setting out the priority believed to be appropriate to items on the Order Paper indicating how long each item of debate was expected to take. It was hoped that members would become used to having a framework for States meetings and would appreciate its benefits. Over the course of time it was expected that the Business Management Committee would become more experienced at correctly estimating the length of debates.

It was noted that most jurisdictions had some form of Business Management Committee; however, it was noted that the States of Jersey was different from other jurisdictions where a party system was in place. In Jersey there was a strong tradition based on the right of individual members to bring forward propositions and to have their say on debates.

The Committee was content to allow the trial period to proceed but requested that the paper be placed as a formal item on the next agenda to give members adequate time to consider the implications.

Machinery of
government:
Sub-
committee.
1240/22/1(61)

A11. The Committee, with reference to its Minute No. A5 of 8th February 2012, received an oral update from the Chairman of the Machinery of Government review sub-committee.

The Committee was informed that the sub-committee had met to consider how its remit related to the work of the Electoral Commission and had written to Senator Bailhache in this regard. The sub-committee proposed to prepare a survey to enable States members to express their views online in addition to making formal submissions. It was suggested that the terms of reference for the sub-committee were very broad and that the sub-committee should liaise with the Chief Minister to request his observations in this respect.

Work
programme.

A12. The Committee noted an update report in respect of its ongoing work programme.

Medium Term

A13. The Committee received correspondence dated 28th February 2012 from the

Financial Plan:
proposed
amendments to
Standing
Orders.
450/2(19)

Minister for Treasury and Resources, Senator P.F.C. Ozouf, in respect of proposed amendments to the Standing Orders of the States of Jersey in order to facilitate the Medium Term Financial Plan and new style documentation.

It was noted that States procedural matters relating to the Annual Business Plan and Budget had previously been included in the Public Finances (Jersey) Law 2005. However, following the recent amendments to legislation to accommodate the Medium Term Financial Plan and new style Budget, a conscious decision had been made to remove all States procedures matters from the Law and to incorporate them into the Standing Orders of the States of Jersey. The Committee received a list of proposed changes to Standing Orders which reflected many of the procedures previously included in the Public Finances Law, as well as the agreement of the States that the Medium Term Financial Plan should be lodged for a minimum 12 week period. While the Minister was aware that responsibility for Standing Orders fell under the remit of the Committee, it was considered that it would be more appropriate for the amendments to be taken forward by the Minister in this instance. The Minister would, however, seek to liaise with the Committee and the Council of Ministers in respect of the final draft amendments, prior to their being lodged *au Greffe* for debate by the States.

The Committee agreed that it would be appropriate for the Minister to take forward the proposed amendments to Standing Orders as they were consequent upon his own proposals for the Medium Term Financial Plan.

Written
question.

A14. The Committee noted the draft response which had been prepared in respect of the written question from the Connétable of St. John, to be tabled on 20th March 2012, regarding the publication of interests of members' spouses or partners.

Agendas.

A15. The Committee discussed the allocation of items to A (public) and B (confidential) agendas. The Committee was advised that certain items were placed on the B agenda in accordance with the Code of Practice on Public Access to Official Information. Should a particular item be classified as exempt under the Code this would be because it would not be appropriate for the agenda papers to be released into the public domain.