

Privileges and Procedures Committee

(4th Meeting)

20th May 2024

Part A (Non-Exempt)

All members were present, with the exception of Connétable M.K. Jackson of St. Brelade, from whom apologies had been received.

Connétable K. Shenton-Stone of St. Martin, Chair
Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter (for a time)
Deputy T.A. Coles of St. Helier South
Deputy S.M. Ahier of St. Helier North
Deputy C. S. Alves of St. Helier Central (for a time)
Deputy L.M.C. Doublet of St. Saviour (for a time)

In attendance -

L-M. Hart, Greffier of the States
W. Millow, Deputy Greffier of the States (for a time)
J. Lepp, Research and Project Officer
J. Hales, Research and Project Officer (via Teams)
H. Roche, Senior Secretariat Officer, States Greffe

Note: The Minutes of this meeting comprise Parts A and B.

Minutes.

A1. The Minutes of the meeting of 15th April 2024 (Part A and Part B), having previously been circulated, were taken as read and were confirmed.

The Greffier of the States confirmed, with reference to Minute No. B6, that the Chair of the Legislation Advisory Panel would attend the June 2024 meeting of the Committee.

Privileges and
Procedures
Committee –
work
programme
2024.

A2. The Committee, with reference to its Minute No. A5 of 15th April 2024, received and noted a spreadsheet of its work programme for 2024.

The Committee noted that the work in connexion with States Members' Remuneration had been completed and could be removed from the work programme.

Deputy T.A. Coles of St. Helier South noted that, with the adoption of the Children and Young People's (Jersey) Law 2022 ('the Law') in February 2022, the concept of 'corporate parenting' had been introduced and, therefore, the States Greffe would become a corporate parent under the Law and the Committee would need to prepare a plan for how it proposed to discharge its corporate parenting responsibilities.

It was recalled that the Machinery of Government Sub-Committee had been asked to consider whether amendments to Standing Orders 113 and 115 should be prepared. The potential for amendments arose following the adoption of the proposition entitled 'Vote of no confidence: Chief Minister' (P.1/2024)', and the consequent need for the Assembly to appoint a new Chief Minister and Council of

Ministers. The Greffier of the States suggested that the Committee should revisit the Report produced before the last election outlining potential changes to Standing Orders to reflect the impact of political parties on the mechanics of the Assembly and Ms. J. Lepp, Research and Project Officer, States Greffe, undertook to recirculate the report in this connexion.

The Deputy Greffier of the States informed the Committee that work to establish a Constituency Support Team was underway, and that the Principal Constituency Support Officer had been appointed. In this connexion, the scope of the work to be undertaken by the Constituency Support Team would be established and brought to the Committee for its consideration at a future meeting.

Deputy S.M. Ahier of St. Helier North raised an issue in connexion with a statement which had been placed on the Consolidated Order Paper before the last States meeting and subsequently withdrawn prior to Members having sight of the item. He questioned whether this could be addressed in Standing Orders to prevent this occurring again. The Greffier of the States reminded the Committee that Members wishing to make a statement on a matter of official responsibility were required to advise her no later than 5 pm on the day prior to the States sitting. Deputy C. S. Alves of St. Helier Central suggested that the statement, or a summary thereof, should be submitted prior to being added to the Order Paper. The Greffier of the States advised that it was unusual for items to be placed on the Consolidated Order Paper and subsequently withdrawn 'at the last minute', as had been the case in this instance.

Privileges and
Procedures
Committee:
Sub-
Committees –
update on
workstreams.

A3. The Committee, with reference to its Minute No. A9 of 15th January 2024, of the Committee as previously constituted, considered a report which set out the progress that had been made by the various Sub-Committees which had been established to support its work.

Political Awareness and Education Sub-Committee

The Committee noted that the Project Board for the introduction of a digital electoral register had met at the beginning of May 2024, and the Board had been assured that the technological solution to create a digital database would not be as complex as envisaged. One of the risks identified as part of the assessment of the project was that the Office of the Information Commissioner had intimated that it could take up to 20 weeks to undertake the necessary review of the proposals. However, this view had been challenged by the Board, noting that the same information had been accessed to set up the database for the £100 gift card, issued to all Islanders to support post-Covid economic recovery efforts and that initiative had not required such a lengthy review by the Commissioner. The Greffier of the States advised that the project was on track to be completed by the end of 2024.

Machinery of Government Sub-Committee

The Committee discussed the procedures and effects on Government of either a Vote of No Confidence Proposition being lodged against the Chief Minister, or the death in service of a serving Chief Minister and agreed that the timescales for the submission of the nomination document for a new Chief Minister should be extended in such circumstances. The Greffier of the States advised that the Draft States of Jersey (Deputy Chief Minister) Amendment Law 202- (the Law) was due to be lodged *au Greffe* for debate at the July 2024 sitting of the Assembly. The Law would expand on the role of the Deputy Chief Minister and clarify that he or she would be the authorised substitute for an executive decision whenever the Chief Minister was out of the Island or otherwise indisposed.

It was noted that the order in which Members speak in the States Assembly had been discussed (Minute No. B6 of 15th April 2024 referred) and would be referred back to the Committee in order to bring forward a Proposition in this regard.

The Committee considered whether the structure of Government should include a minimum number of Assistant Ministers and whether the core functions of Assistant Ministers should be clarified within Standing Orders. Members were keen for there to be greater clarity around the roles and responsibilities, and it was suggested that the Digital and Public Engagement team could include the elements of the Assistant Minister role in the upcoming campaign to encourage candidates to stand for election.

The Committee discussed the potential date for the 2026 elections and Deputy S.M. Ahier of St. Helier North indicated that May would be preferred to allow for sufficient time after all of the appointments were made for the Assembly to meet once or twice before the summer recess, which had not been possible after the 2022 elections. Following a suggestion to move the election date towards Autumn, the Greffier of the States advised that, whilst this could be considered for 2030, Members should not extend their period of office in the present term. The Committee requested that officers compile a report outlining potential election dates for 2026 and that the matter, along with a review of postal voting, be presented for consideration at a future meeting of the Committee.

Infrastructure
and
Environment
Department –
highway
election
advertising
guidelines.

A4. The Committee welcomed Messrs. T. Renouf, Project Manager, and W. Vogt, Senior Network Manager, both of the Infrastructure and Environment (IE) Department, and considered a draft report entitled 'Highway Election Advertising Guidelines' and received a PowerPoint presentation entitled 'Election Advertising Guidelines - Infrastructure and Environment Department Recommendations', in this connexion.

The Committee was informed that, under the Highways (Jersey) Law 1956 (the Law), the Island's Highway Authorities would accept election advertising placed above the highway only in accordance with these guidelines failing which, consideration might be given as to whether an offence had been committed. The candidate would be expected to remove any non-compliant advertising, but costs would be recovered if the IE Department or Highway Authorities were forced to remove the offending items.

Mr. Vogt advised the Committee that the previous guidelines had failed to clearly outline certain activities resulting in confusion and leading to lack of compliance. The areas of concern and relevant safety issues in connexion with the placement of previous election advertising were outlined to the Committee and it was noted that civil servant time had been expended in the removal of dangerously situated banners and posters.

The Committee noted that the IE Department had made improved recommendations which were detailed within the report. Revised guidelines, which had been formed on the basis of advice from the Law Officers' Department, would be approved by the Minister for Infrastructure in order to avoid public and candidate complaints and reduce the safety impacts.

Images of 'best practice' when placing election advertising were displayed and the Committee suggested establishing pre-approved Vote.je election advertising boards or a map of authorised zones in each of the Parishes. It was noted that the guidelines would need to be widely communicated in order to avoid further infractions of the Law and the Greffier of the States added that Vote.je and the Jersey Electoral

Authority would also publicise the guidelines. In response to questions from the Committee, Mr. Vogt advised that the use of roundabouts would not be encouraged as this initiated a range of further safety issues. Mr. Vogt also confirmed that the 35-millimetre letter sizing outlined in guideline 5 was a recommendation and, within reason, the lettering could be smaller or slightly larger.

Deputy T.A. Coles of St. Helier South, having noted that all lampposts had an identification serial code, suggested that IE could consider producing a list of those which posed the most safety issues if utilised, so that candidates would be aware of which posts to avoid. Mr. Vogt acknowledged that this would be a very practical way of ensuring the guidelines could be followed and thanked Deputy Coles for his suggestion.

The Committee thanked Mr. Renouf and Mr. Vogt for the presentation and they withdrew from the meeting.

Government
Plan 2025 -
2028.

A5. The Committee, with reference to its Minute No. A4 of 17th July 2023, of the Committee as previously constituted, considered a report entitled 'Draft Government Plan 2025-2028', dated May 2024, which had been prepared by the Deputy Greffier of the States.

The Committee recalled that, in accordance with the provisions of Article 10 of the Public Finances (Jersey) Law 2019, there was a requirement for the Government Plan to include a submission for the States Assembly and the States Greffe, as proposed by the Committee. It was further recalled that a letter would be sent by the Chair of the Privileges and Procedures Committee to the Minister for Treasury and Resources, setting out the submission before the end of May 2024, in accordance with the lodging timetable for the Draft Plan.

The Committee's attention was drawn to the fact that 4 additional budgetary pressures had been identified which required growth within the Government Plan beyond the 2024 base budget as follows –

- funding to address increases to States Members' remuneration and pension contribution, in light of the recommendations of the States Members' Remuneration Review. The recommendations would take automatic effect and could not be altered, in line with the States of Jersey Law 2005;
- funding to ensure sufficient budget for the work of the Commissioner for Standards, which the States was obliged to provide in accordance with the Commissioner for Standards (Jersey) Law 2017;
- funding in 2026 to allow for the additional expenditure incurred for the administration and holding of elections to the States Assembly, ensuring functions prescribed by the Elections (Jersey) Law 2002 were fulfilled; and
- funding for the Legislative Drafting Office to ensure delivery of the legislation programme and to address a shortfall in the provision of technical and specialist advisory services.

It was noted that increased expenditure in 2023 and 2024 in relation to States Members' remuneration and pensions and the work of the Commissioner for Standards had been absorbed from underspends from staffing vacancies, but with those vacancies either filled or due to be filled it would not be feasible or sustainable from 2025 onwards to accommodate the increased expenditure within the existing budget.

The Committee was informed that a fifth item (improved facilities at 23 Hill Street), which had initially been communicated by the States Greffe to the Treasury and Exchequer Department, had not been pursued at this time.

The Committee was advised that, once the above items had been incorporated within the 2024 budget for the States Assembly, the following budget would be included for the States Assembly in the 2025-2028 Government Plan –

- £2,254,000 for 2025 (and a total of £9,016,000 over the period from 2025-2028) for the Committees and Panels Team;
- £899,000 for 2025 (and a total of £3,796,000 over the period from 2025-2028) for the Digital and Public Engagement Team;
- £3,817,000 for 2025 (and a total of £15,764,000 over the period from 2025-2028) for States Assembly – General and Members’ Remuneration;
- £1,938,000 for 2025 (and a total of £7,752,000 over the period from 2025-2028) for States Assembly – Administration and Members’ Services; and,
- £1,997,000 for 2025 (and a total of £7,988,000 over the period from 2025-2028) for the Legislative Drafting Office;
- funding to support an index linked pay increase for States members from 2024 onwards (and potentially 2023 – which would have to be dealt with separately).

The Committee noted the position and approved the Government Plan 2025-2028 submission.

Appointment
of the
Referendum
Commission.

A6. The Committee, with reference to its Minute No. A9 of 18th March 2023, considered a report entitled ‘Appointment of the Referendum Commission’, dated May 2024, which had been prepared by the Deputy Greffier of the States.

The Committee noted that it had been agreed to establish a recruitment panel in accordance with Article 2(4) of the Referendum (Jersey) Law 2017 (the 2017 Law), in order to appoint a Chair and Commissioners to the Referendum Commission (the Commission).

Following 2 recruitment campaigns, the recruitment panel were able to recommend 3 candidates as Commissioners, as follows –

- Advocate M. Boothman;
- Mr. T. Le Sueur, OBE; and
- Mr. C. Dobbing.

The Committee was advised that Advocate Boothman and Mr. Le Sueur, OBE, had been members of the previous Commission. If the 3 recommended candidates were approved by the Committee, 2 Commissioner vacancies including the position of Chair would remain unfulfilled.

It was noted that, at this point in time, there would be no Commission to advise on the wording of a proposed referendum question which was a necessary step for a Referendum Act to be considered and adopted by the States Assembly. Consequently, there was a requirement to constitute the Commission, subject to the Committee’s approval, and to fill the remaining vacancies. The 2017 Law allowed for the Commission to operate with vacancies and its quorum was 3 members.

The options to progress the matter were outlined to the Committee as follows –

- appoint the 3 above candidates, as recommended by the recruitment panel, with no identified Chair;
- appoint the 3 above candidates, as recommended by the recruitment panel, and ask one of the returning members to act as Chair; or
- do not appoint at this time and embark upon a new recruitment campaign (a new recruitment campaign would be undertaken regardless of the decision in order to fulfil the current vacancies). Deputy C. S. Alves of St. Helier Central requested that all Members be made aware of any future recruitment campaigns.

The Committee was advised that, due to the recent low response to recruitment campaigns, it might wish to consider the status of the Commission and how its membership could be filled. Appointment to the Commission was on an unpaid basis, which could be reviewed as a means of encouraging applicants, and consideration could also be given to merging the Referendum Commission with another body such as the Jersey Electoral Authority. It was noted that the Committee might wish to await the results of any further recruitment campaign before taking a view in respect of the future arrangements for the Commission.

The Committee approved the 3 appointments, and the Deputy Greffier of the States undertook to provide an update at a future meeting with regards to the recruitment of a Chair.

States of
Jersey
Complaints
Panel: Annual
Report.

A7. The Committee, with reference to its Minute No. A12 of 18th December 2023, of the Committee as previously constituted, received and considered the States of Jersey Complaints Panel Annual Report for 2023.

The Committee approved the Complaints Panel's Annual Report for 2023 and agreed that it should be presented to the States at the earliest opportunity. The Greffier of the States advised that a draft foreword would be sent to the Chair for final approval and that the Annual Report would be published thereafter.

Changes to the
Jersey
Electoral
Authority.

A8. The Committee, with reference to its Minute No. A5 of 17th April 2023, of the Committee as previously constituted, considered a report entitled 'Changes to the Jersey Electoral Authority (JEA)', dated May 2024, presented by the Greffier of the States.

The Committee noted the remit of the JEA prior to, during and after an election, which aligned generally with the responsibilities of the United Kingdom's (UK) Electoral Commission with one or two exceptions. It was noted that the JEA considered that its role in dealing with disputes required reconsideration, as the current scope of complaints it could address were significantly limited by Article 13 of the Elections (Jersey) Law 2002 (the 2002 Law) to just candidates. Recommendation 12 of the Commonwealth Parliamentary Association Election Observers Mission Report published after the elections in 2022, had also recommended that consideration should be given to extend redress to persons other than the election candidates. Extending the JEA's complaint handling jurisdiction to the general public would accord with the UK Electoral Commission's role. There was sufficient time before the 2026 election to publicise clear guidance regarding the functions of the JEA and what it would and would not adjudicate upon. It was noted that Article 13D of the 2002 Law would require an amendment to provide for

the extension of the election dispute resolution to include complaints from the public.

The Committee discussed whether it was minded to consider a form of remuneration for JEA members to compensate for the increased activity around the election period, but were reluctant to do so. It was noted that the current Chair, Mr. J. Everett had written to the Chair tendering his resignation with effect from 30th June 2024 and that a recruitment process was planned to add to the JEA's membership, bringing the complement from the existing two lay members to 4 in addition to the Chair. The Committee agreed that this increase in members should ensure that the workload in the period around the election was less burdensome than in 2022.

The Greffier of the States confirmed that the remaining members of the JEA would be asked whether they wished to continue once their term of office expired at the start of 2026, to ensure continuity into the next election.

Forthcoming
business.

A9. The Committee considered items which had been lodged '*au Greffe*' for the meetings of the States Assembly, which were scheduled to commence on 21st May and 11th June 2024, and concluded that it would not wish to comment on any of the propositions.

Date of next
meeting.

A10. The Committee noted that its next meeting would be held on 24th June 2024, at 10.00 a.m. in the Blampied Room, States Building.