

PRIVILEGES AND PROCEDURES COMMITTEE

(82nd Meeting)

9th November 2010PART A

All members were present, with the exception of Deputy C.H. Egré, from whom apologies had been received.

Connétable J. Gallichan of St. Mary, Chairman
 Senator B.I. Le Marquand (not present for item No. B4)
 Connétable P.F.M. Hanning of St. Saviour (not present for item Nos. B1 to B4)
 Deputy J.B. Fox
 Deputy J.A. Martin
 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-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 meetings of 21st September 2010 (Part A and Part B); 29th September 2010 (Part A only), 5th October 2010 (Part A and Part B), 7th October 2010 (Part A only), 8th October 2010 (Part A only) and 13th October 2010 (Part A only) were taken as read and were confirmed.
- States Assembly second quarter financial report 2010.
 422/10/1(53) A2. The Committee, with reference to its Minute No. A1 of 27th July 2010, received the States Assembly third quarter financial report and welcomed Finance and Administration Manager, Mrs. D. Abbot-McGuire.
- The Committee noted the full year budget of £5,138,766 and the predicted under-spend of £236,546. The Committee, having discussed the provision of French lessons for States members, **agreed** that consideration should be given to the aggregation of the listings for the Commission Amicale and the Assemblée Parlementaire de la Francophonie in future quarterly financial reports. The predicted under-spend of £206,350 within the Scrutiny budget was noted, and the Committee acknowledged that any discussions in respect of a possible reduction in the Scrutiny budget should be held in connexion with the 2012 budgeting process.
- The Committee **noted** the position and, having been thanked by the Chairman for her attendance, Mrs. Abbot-McGuire withdrew from the meeting.
- Removal of names from Hansard.
 1240/10/1(13) A3. The Committee, with reference to its Minute No. B2 of 7th September 2010, received a draft report and proposition prepared by the Greffier of the States in connexion with the retrospective removal of names from the official record, "Hansard".

The Committee recalled that, on 10th March 2009, the States Assembly had approved amendments to Standing Orders to provide that, where a name was spoken in the Assembly by a member in breach of Standing Orders, the presiding officer could, having made a determination that the use of the name was in breach of Standing Orders, direct that the name be omitted from the transcript of the meeting, with a note inserted in the transcript to that effect. The Committee also recalled that it had requested the Greffier to prepare a proposition which, if adopted, would enable the retrospective removal of names from the Official Report. The draft proposition asked the States whether they were of opinion to agree that the Bailiff should be empowered to direct that any names found in the transcript of States proceedings to be removed from the transcript, provided that the presiding officer had, at the time the name was used, ruled that the use of the name had been in breach of Standing Orders. The States would also be asked to agree that a note should be inserted in the revised transcript to state that the name had been omitted in accordance with the States decision of the relevant date.

The Committee **approved** the report and proposition and requested that it be lodged '*au Greffe*' for debate by the States in early course. The Committee noted the dissent of Deputy M.R. Higgins.

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

Amendment (No. 14) of the Standing Orders of the States of Jersey.
450/2(15)

A4. The Committee received the draft Amendment (No. 14) of the Standing Orders of the States of Jersey and accompanying draft report.

The Committee noted that the amendments made four separate and unrelated amendments to Standing Orders, as follows:

Amendments 2, 3 and 4 related to the States Employment Board, and, if adopted by the States, would enable the Board to lodge propositions or present reports to the States in its own name. The amendment was considered appropriate because the States had recently approved amendments to legislation to expand the membership of the Board to include 2 States members, who were not Ministers or Assistant Ministers.

Amendment 5 would amend Standing Order 39 to improve efficiency by permitting the Greffier to produce only a consolidated Order Paper when convenient, rather than a principal Order Paper and Supplementary Order Papers. It was noted that the ability to produce a Supplementary Order Paper would remain, for use when required.

Amendment 6 had been drafted following the adoption by the States of the proposition: States becoming inquorate during a meeting: revised procedures (P.82/2010 refers) and would serve to amend Standing Orders 55 and 56.

Amendment 7 had been drafted following a request from the Chief Minister in relation to propositions brought under Article 31 of the States of Jersey Law 2005 (Minute No. A10 of the Committee's meeting on 29th June 2010 refers). The amendment would allow for propositions lodged under Article 31 of the Law to be proposed by another Minister. It would also serve to codify conventions in respect of who may act as Rapporteur for propositions by introducing a new Standing Order 68A(2).

The Committee, having considered the relevant amendments, accordingly **agreed** that the report and proposition should be lodged '*au Greffe*' for debate by the States in early course.

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

Review of
Standing Orders
155 to 158.
450/2/1(36)

A5. The Committee, with reference to its Minute No. A2 of 5th October 2010, received a draft report for presentation to the States entitled: “Code of Conduct review – consultation report”.

The Committee recalled that the Greffier of the States had prepared a report for consideration at its meeting in October 2010 in connexion with its review of Standing Orders 155 to 158 of the Standing Orders of the States of Jersey. It had been agreed that the views of stakeholders should be obtained prior to any procedural changes being proposed, and it had accordingly been agreed that the report should be revised for presentation to the States in the ‘R’ series of reports. The Committee, having noted that the current draft of the report did not contain information pertaining to the complaints process in Guernsey or the Isle of Man, **agreed** that this information should be included prior to its publication.

The Greffier of the States was requested to carry out the necessary research and to amend the draft report accordingly, for consideration at a future meeting.

Informal Boards.
465/1(158)

A6. The Committee received correspondence from Senator B.E. Shenton, President, Chairmen’s Committee, dated 1st November 2010 in connexion with the formation of ‘informal’ Boards by Ministers.

The Chairmen’s Committee expressed concern in respect of the apparent intention of Ministers to establish Boards involving Scrutiny and non-executive members and invited the Privileges and Procedures Committee to look into the matter. The Committee heard from the Chairmen’s Committee representative, Deputy M.R. Higgins, who advised that 2 Scrutiny members had been approached to become members of a Board being established by the Minister for Economic Development. The Committee **agreed** that the Chairman should be requested to seek clarification from the Ministers in respect of this matter. The Chairman was also requested to write to the President of the Chairmen’s Committee to advise him accordingly.

The Committee Clerk was invited to take the necessary action.

On a related matter the Chairman notified the Committee that she was reviewing the outcome of the debate on the proposition of Senator A. Breckon: ‘Machinery of Government: Establishment of Ministerial Boards and a Revised System of Scrutiny’ (P.120/2010 refers) and would report back to the Committee on this matter in due course.

Media relations:
Code of Conduct.
P.100/2010
1240/10(36)

A7. The Committee, with reference to its Minute No. A1 of 5th October 2010 gave further consideration to the comments of the Deputy of St. Martin in respect of the proposition: Media Relations: Code of Conduct, lodged ‘*au Greffe*’ on 15th July 2010 by the Privileges and Procedures Committee (P.100/2010 refers).

The Committee recalled that the Deputy of St. Martin had attended its meeting in October to discuss certain possible amendments to the aforementioned proposition. Following that meeting, the Deputy had e-mailed the Committee Chairman with a request for the debate to be deferred until the New Year. The Committee noted that, in accordance with Standing Order 34(2) of the Standing Orders of the States of Jersey, the proposition would be taken to have been withdrawn on 15th January 2011. The Committee considered the matter and agreed that it would be preferable for consultation to take place in respect of the proposals detailed within P.100/2010 prior to its debate by the States. It was therefore **agreed** that the proposition should be withdrawn and the proposals presented to the States in the form of a White Paper. It

was **agreed** that such a paper should be drafted for consideration by the Committee at a future meeting. The Committee also requested that Deputy Hill be advised of the aforementioned decision.

On a related matter, the Greffier of the States advised that he had been invited to meet with a representative of B.B.C. Parliament to discuss the possible filming of the States Assembly. The Greffier was requested to notify the Committee of the outcome of the meeting.

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

Use of electronic devices during voting.
450/2/1(38)

A8. The Committee received e-mail correspondence dated 29th October 2010 from Deputy P.J. Rondel regarding the use of Blackberries and similar electronic devices during voting in the States Chamber.

The Committee noted that the Deputy's main concern appeared to be that Ministers were using Blackberries in the Chamber to instruct Assistant Ministers in respect of their vote. The Deputy stated that Assistant Ministers were not elected to their position by the Assembly, but were appointed by the Minister, and that Ministers should not hold such a significant level of influence over Assistant Ministers. The Committee considered whether preventing the use of electronic devices in the Chamber before voting would reduce a Minister's ability to influence the decision of an Assistant Minister. It was agreed that this would not reduce the level of influence, as members' votes could be influenced in a number of ways, including the passing of notes in the Chamber and discussions held in the coffee room, for example. The Committee **agreed** that a decision to prevent members from using Blackberries during the voting period was unlikely to have the results the Deputy hoped to achieve and it was not, therefore, minded to bring a proposition to that effect. The Chairman was requested to write to Deputy Rondel to advise him accordingly.

The Committee Clerk was requested to take the necessary action.

Review of Standing Order 84 of the Standing Orders of the States of Jersey.
450/2/1(37)

A9. The Committee received e-mail correspondence from Deputy E.J. Noel dated 21st October 2010 in connexion with the possible reduction of the 30 minute notice period to bring a debate to a close under Standing Order 84 of the Standing Orders of the States of Jersey.

Deputy Noel considered that no notice period, or a significantly shorter notice period, would be more appropriate. The Committee noted the content of Standing Order 84 and received advice from the Greffier of the States in respect of the development of the Article. The Committee noted that, prior to the establishment of Ministerial Government, the provisions under Article 84 were frequently used by members to bring debates to a close. Thereafter, safeguards had been introduced to ensure that: the proposal to close the debate could only be made after one hour had elapsed after the end of the proposer's speech; the proposal could only be made by a member who had yet to speak on the proposition; the member who intended to propose the closure motion would be required to give 30 minutes notice of his or her intention. The Committee **agreed** that it did not, at this stage support a reduction in the 30 minute period; however, it would review the whole matter of the closure procedure in the New Year as part of its ongoing work programme. The Chairman was requested to write to Deputy Noel to advise him accordingly.

The Committee Clerk was requested to take the necessary action.

Questions and answers.

A10. The Committee received e-mail correspondence dated 12th October 2010 from Deputy M. Tadier in connexion with the management of question and answer

sessions during States sittings.

Deputy Tadier expressed concern regarding the allocation of speaking time to members during oral questions. The Deputy also invited the Committee to consider what mechanisms could be made available to ensure that questions were answered satisfactorily. The Committee agreed that, in accordance with Standing Order 63(6) (b) and 63(7) of the Standing Orders of the States of Jersey, both questions and answers should always be concise. The Committee was informed by the Greffier of the States that Deputy Tadier and Deputy T.M. Pitman had scheduled a meeting with the Bailiff and the Deputy Bailiff in the near future to discuss the matters raised by Deputy Tadier. The Committee therefore **agreed** to defer further consideration of the points raised by Deputy Tadier pending the outcome of that meeting, at which stage it would be content to discuss any outstanding issues. The Chairman was invited to write to Deputy Tadier in these terms.

The Committee Clerk was requested to take the necessary action.

Meeting dates
2011.

A11. The Committee **agreed** to schedule the following meeting dates for 2011:

10th January, 2p.m. (*to discuss freedom of information*)
25th January
8th February
8th March
22nd March
10th May
24th May
14th June
12th July
6th September
27th September

If required, a further meeting would be held on 4th October 2011. All meetings would take place in the Blampied Room, States Building, and would commence at 9.30 a.m. unless members were advised otherwise.

Ongoing work
programme.

A12. The Committee noted its ongoing work programme, and agreed to include the following additional items:

1. to conduct a review of Standing Order 84 of the Standing Orders of the States of Jersey (see Minute No. A9 of the present meeting);
2. to issue a White Paper in respect of media relations.

In connexion with mailing options for election candidates (Minute No. A7 of 30th March 2010 refers) it was **agreed** that the current procedures should be restated in relation to the 2011 elections.

With regard to members' facilities, Deputy M.R. Higgins **requested** that research be carried out into the cost of access to online research facilities Questia and Jstor.

The Committee Clerk was requested to take the necessary action.