

STATES OF JERSEY



DRAFT AMENDMENT (No. 49) OF THE STANDING ORDERS OF THE STATES OF JERSEY (P.143/2020): COMMENTS

**Presented to the States on 4th November 2020
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

The Privileges and Procedures Committee (PPC) wishes to draw the Assembly's attention to a number of issues with [‘Draft Amendment \(No. 49\) to the Standing Order’ \(P.143/2020\)](#), lodged by Deputy Scott Wickenden of St. Helier.

Firstly, there are a number of factual inaccuracies and misrepresentations in the report accompanying the proposition. The report accompanying the proposition says:

“Some may try to argue that the Chairs of select committees are held by the same rules as the Chairs of our Scrutiny Panels. A member of the Conservative Party can be the Chair of a Parliamentary Select Committee even though they are in power. This is because the UK select committees do not scrutinise Ministers, that is what shadow ministers are for; select committees scrutinise subjects.”

This is not correct. Departmental select committees in the U.K. House of Commons scrutinise the policy, administration and expenditure of government departments, which necessarily entails shadowing the work of ministers in much the same way as scrutiny panels operate here. Select committees hold inquiries into subjects within the department's remit but also scrutinise the work of ministers, holding oral evidence sessions which are identical to Scrutiny Panel quarterly review hearings.

The report continues:

“Select committees therefore do not have the opportunity to elect truly independent chairs.”

This is also a misrepresentation of the situation in London. Select committee chairs are elected by the whole House not by the committee, similar to here. The party distribution of chairs is agreed by the House. Some of the most effective scrutineers in recent years have been Members from the governing party – such as Andrew Tyrie, Chair of the Treasury Committee, and Gwyneth Dunwoody, Chair of the Transport Committee.

Furthermore, the Deputy's report goes on to refer to a recent dispute about who should chair the Intelligence and Security Committee. However, this committee is not a select committee. It is a statutory committee, whose members must be approved by the Prime Minister. There is no parallel with Scrutiny Panels in Jersey.

The Committee is also concerned that the proposition seeks to change the Assembly's rules with immediate effect, rather than after the next election. This has the effect of disqualifying Deputy Ward from his position as a Panel chair and prohibiting him from standing again, thus making the change more draconian than a proposition of no confidence. However, the Deputy has not had to meet the procedural requirements of a no confidence proposition – 3 additional signatures and a report which makes the case for ‘no confidence’. In PPC's view, this has put Deputy Ward and the Presiding Officer in a difficult position as it would not be in order to suggest in debate that Deputy Wickenden lacks confidence in Deputy Ward as a Panel chair, although it would not be unreasonable to consider this to be the obvious implication of insisting that this change to the rules have immediate effect. Deputy Wickenden has not provided any evidence

of how public confidence in the Assembly or the scrutiny system has been diminished because Deputy Ward leads the Panel scrutinising the work of the Children's Minister.

PPC's view is that this is a procedural loophole which could be exploited in other contexts and the Committee will consider whether Standing Orders should be amended to deal with this.

Finally, PPC does not favour *ad hoc* changes to Standing Orders to deal with problems, or apparent problems, caused by there being a political party represented in the Assembly. Any changes in relation to political parties should be considered holistically and with a view to the possibility of there being more parties and more States Members who are party members in future. There is also a manifest unfairness in targeting political parties when there are other groups of Members, whether formal or informal, which it may be argued often operate in a co-ordinated manner in the Assembly.