

Privileges and Procedures Committee

(21st Meeting)

17th July 2023

Part A (Non-Exempt)

All members were present.

Connétable K. Shenton-Stone of St. Martin, Chair
Deputy M. R. Le Hegarat of St. Helier North, Vice-Chair
Deputy L. J. Farnham of St. Mary, St. Ouen and St. Peter
Deputy C. S. Alves of St. Helier Central
Deputy M. R. Ferey of St. Saviour
Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter
Deputy L.V. Feltham of St. Helier Central

In attendance -

L-M. Hart, Greffier of the States
W. Millow, Deputy Greffier of the States
J. O'Brien, Head of Digital and Public Engagement
K. Boydens, Principal Committee and Panel Officer
J. Hales, Research and Project Officer
K.M. LARBALÉSTIER, Principal Secretariat Officer, Specialist Secretariat,
States Greffe

Note: The Minutes of this meeting comprise Part A only.

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| Minutes. | A1. The Minutes of the meeting of 19th June 2023 (Parts A and B), having previously been circulated, were taken as read and confirmed. |
| Welcome. | A2. The Committee welcomed Mr. L. Muir, who was attending the meeting in an observatory capacity as part of his participation in the Institute of Directors work shadowing scheme. |
| Forthcoming business. | A3. The Committee considered propositions, which had been lodged 'au Greffe' for the meeting of the States Assembly that was scheduled to commence on 12th September 2023, and had no comments to make on any of the propositions. It was likely that other items of business would be forthcoming as the lodging deadline for 12th September 2023, had not yet been reached. |
| Government Plan 2024 submission. | A4. The Committee received an oral report from the Deputy Greffier of the States in connexion with the 2024 Government Plan submission for the States Assembly and the States Greffe. |

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 Head of Expenditure for the States Assembly and the States Greffe, as proposed by the Committee. It was further recalled that, in 2022, a letter had been sent by the Chair of the Privileges and Procedures Committee to the Minister for Treasury and Resources, setting out the submission and it was envisaged that the same process could be followed in 2023, with advice awaited on the precise format of the letter. That submission would include any growth bids that were being

proposed.

The Committee was informed that the following growth bids would be submitted –

- £809,000 for 2024 (and a total of £974,000 over the period from 2024-2027) for the automatic voter registration project;
- £291,625 for 2024 (and a total of £1,116,500 over the period from 2024 - 2027) for an increase in resources in the Secretariat Officer Team to meet growing demand for the services of that Team from the Government and other bodies of the States;
- £179,000 for 2024 (and a total of £696,500 over the period from 2024 - 2027) for additional resources for the Legislative Drafting Office to ensure that it was sufficiently staffed to meet the law drafting requirements of Government and others;
- £344,000 for 2024 (and a total of £1,376,000 over the period from 2024 - 2027) for a dedicated constituency support team (as confirmed by members during an electronic meeting (Minute No. A15 of the present meeting refers));
- £26,000 for 2024 (and a total of £104,000 over the period from 2024 - 2027) to cover a funding shortfall from the 2023 Government Plan in connexion with the creative content producer post. This role had been established as a consequence of a growth bid in the 2023 Plan, but due to an administrative oversight full funding for the post had not been received and was being remedied by this bid; and,
- 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's attention was also drawn to the fact that the Commissioner for Standards was currently undertaking 10 days' work each month, as opposed to the 10 days per year which had been anticipated and budgeted for. Whilst the States Greffe could absorb the additional costs for 2023, future budgeting would have to reflect demand for the service more accurately. Deputy C.S. Alves of St. Helier Central, suggested that it would be beneficial to receive details of the number and nature of the complaints being considered by the Commissioner and members were advised that it was likely that the Commissioner would wish to meet the Committee on a more frequent basis than her predecessor.

The Committee noted the position with regard to the Government Plan submission.

Meeting dates
for 2024.

A5. The Committee, with reference to its Minute No. A7 of 26th July 2022, recalled that, in accordance with Standing Order 4 of the Standing Orders of the States of Jersey, it was required to present to the States Assembly, no later than the end of September each year, a list of days for meetings of the States for the first and second sessions in the following year. It was further recalled that, as a consequence of a decision taken by the Committee several years previously, the dates were arranged to avoid meetings during school holiday periods.

The Committee accordingly received and approved the meeting dates for the States Assembly for 2024 as follows –

First Session

	<u>Continuation (if necessary)</u>
January 16th	January 17th, 18th and 19th
February 6th	February 7th, 8th and 9th
February 27th	February 28th, 29th and March 1st
March 19th	March 20th, 21st and 22nd
April 16th	April 17th, 18th and 19th
April 30th	May 1st, 2nd and 3rd
May 9th (Liberation Day)	
May 21st	May 22nd, 23rd and 24th
June 11th	June 12th, 13th and 14th
June 25th	June 26th, 27th and 28th
July 16th	July 17th, 18th and 19th

Second Session

	<u>Continuation (if necessary)</u>
September 10th	September 11th, 12th and 13th
October 1st	October 2nd, 3rd and 4th
October 22nd	October 23rd, 24th and 25th
November 12th	November 13th, 14th and 15th
November 26th	November 27th, 28th and 29th
December 10th	December 11th, 12th and 13th

It was noted that the first meeting of 2025 would take place on 21st January 2025.

The Committee approved the dates and requested that a report be presented to the States setting out the dates.

Draft
Amendment to
Standing
Orders relating
to Questions
without notice
and
Statements.

A6. The Committee, with reference to its Minute No. A7 of 15th May 2023, received a report entitled 'Amendments to Standing Orders – Questions without notice and Statements', which had been prepared by the Deputy Greffier of the States and an accompanying draft proposition to amend Standing Orders 64 (Questions without notice to be answered by Ministers), 66 (Duration of periods for questions without notice) and 68 (Statements on a matter of official responsibility).

The Committee recalled that, during a meeting of the States Assembly of 18th April 2023, Deputy M. Tadier of St. Brelade had proposed that statements should be made before questions without notice. Having discussed the proposal at its meeting in May 2023, the Committee had agreed that the timeframes for the receipt and distribution of statements should be revised and that the period for questions without notice should be extended.

It was noted that, if approved, the amendments would enable the period for questions without notice to the Chief Minister to be extended from 15 minutes to 30, with the question periods for the 2 other Ministers remaining at 15 minutes. It would also require the text of official statements to be provided by 5.00 p.m. on the day before the statement was due to be made, unless the Bailiff had given permission for that period to be curtailed.

The Committee discussed the proposals, and general concerns were expressed regarding the regularity of late Government briefings on important issues (and the challenges this presented), together with comments relating to the absence of consequences. The Committee was anxious to ensure that such an approach was not adopted in respect of Statements and that there were real repercussions. In terms of

the proposed extended period for questions without notice, the Committee recognised the potential for debate around proposed extensions and it was noted that the Standing Order could be worded to prevent debate on extensions.

Having considered the proposed amendments, the Committee accordingly approved the same but agreed that, prior to lodging the proposition, the Council of Ministers should be consulted on the proposed amendments.

On a related matter, Deputy C. S. Alves of St. Helier Central suggested that, if a member of the States was unwell, that member should be able to delegate authority to another member to ask oral questions on their behalf. The Committee supported this proposal and requested that an amendment to Standing Orders be drafted to facilitate the same.

Determination
of the Roll of
Elected
Members.

A7. The Committee, with reference to its Minute No. A5 of 26th July 2022, received a report entitled 'Determination of the Roll of Elected Members', which had been prepared by Ms. K. Boydens, Principal Committee and Panel Officer.

The Committee recalled that, during the determination of the roll following the 2022 elections, some Members had raised issues around the rules that had been applied to Connétables and Deputies in relation to previous service, noting that whilst previous service as a Deputy did not count in determining the roll of Connétables, it did for Deputies. The question had also been asked as to why those Members who had previously been Senators appeared after returning Deputies on the roll, when the opposite might have been expected. Further, it had been suggested by Deputy M. Tadier of St. Brelade that the roll should be called on the basis of length of service alone, with no distinction drawn between Connétables and Deputies.

In July 2022, the Committee had decided that the total length of service as an elected Member of the States Assembly, irrespective of the category of Member and when that service had taken place, should be the determining factor in where a Member was located in the roll. In order to garner the views of other Members, a question had been placed in the annual survey asking whether the way in which the roll was established should be changed. 9 Members had responded in the affirmative (all of whom were Deputies) and, of these, 2 had suggested roll call by seniority and 2 alphabetically.

A change to the way in which the roll was established could be effected by an amendment to Standing Order 2 and the Committee was asked to consider whether the Connétables and Deputies should continue to be called separately, whether the total length of service should be the overarching determination of a Member's location on the roll or whether the roll should be called alphabetically. Members concluded that the total length of service should be the overarching determination of a Member's location on the roll and the Committee agreed to consult with Members on this ahead of seeking to amend Standing Order 2, whilst agreeing that this approach would come into effect following the 2026 election.

With respect to the seating plan of the States Chamber, the Greffier of the States was required under the provisions of Standing Order 171 to maintain a seating plan, but no further directions were included. As a consequence, the seats were determined on the basis of convention, which resulted in all the Connétables sitting together and all the Deputies together. Seats were then chosen based on a Member's position in the roll. Due to the increased prevalence of political parties in the 2022 election, the Bailiff had made a ruling relating to the allocation of seats that enabled a political party to opt out of the process to enable their members to sit together.

Whilst acknowledging that it was unlikely that the seating plan would need to be

reviewed until the next election in 2026, the Committee was asked to consider whether it was minded to make any changes to existing practice. Specifically, it was asked for its views on whether members should continue to sit with their fellow Deputies or Connétables; whether there should be any specific provision for Members to highlight personal requirements and to determine what provision should be made for the allocation of designated seating for political parties. It would be possible to amend Standing Order 171 to stipulate how the seating plan of the Chamber was to be determined or guidance could be issued by the Committee.

The Committee discussed the seating plan and whilst it arrived at no firm conclusions, support for and against retaining the existing arrangements was noted.

Dress code.

A8. The Committee, with reference to its Minute No. A5 of 15th May 2023, considered a report entitled 'Dress Code in the States Assembly' which had been prepared by Ms. K. Boydens, Principal Committee and Panel Officer.

The Committee recalled that whilst there was no written guidance relating to dress code for Members during meetings of the States Assembly, it was a long-established convention that men wore jackets and ties and that women dressed in business attire. It was further recalled that there had been a number of instances when a request for Members to be able to remove their jackets during a period of warm weather had resulted in a debate and vote. The Committee was informed that any change to the dress code that it wished to make would need to be discussed with the Bailiff as it was based on tradition and convention rather than written rules.

It was noted that, as part of the annual survey to States Members, a question had been asked as to whether the dress code should be changed. Two thirds were content with the *status quo*. In the United Kingdom and in accordance with the parliamentary procedures manual (Erskine May), Members of Parliament were required to wear business-like attire. Similar wear was expected by the Bailiff in Guernsey, albeit that there was no official dress code. Speakers in Canada required contemporary business attire, with exceptions made for a relaxation of the standards for medical reasons, for example. In Australia, parliamentarians chose to wear business or professional dress and it had been acceptable for members to remove their jackets when the chamber was particularly warm.

It was proposed that any change to the dress code should be included in the induction process and handbook for States Members. The possibility of requesting the view of the Diversity Forum was also noted.

The Committee discussed the above matter and members expressed support for retaining the status quo, but agreed to consult the Diversity Forum in the first instance. On a related matter, Deputy C. S. Alves of St. Helier Central advised of difficulties associated with achieving a quorum at meetings of the Diversity Forum Sub-Committee. It was suggested that reducing the number of members might be beneficial and it was noted that this was a matter for the Sub-Committee.

Ethical
Training for
States
Members/inter
pretation of
Code of
Conduct:
presentation
from Deputy

A9. The Committee welcomed Deputy M.R. Scott of St. Brelade to the meeting and heard from her in connexion with a number of matters, to include ethical training for Members of the States Assembly and the Code of Conduct for Elected Members.

The Committee noted that research undertaken by Deputy Scott revealed an absence of ethical training for States Members and Civil Servants and she was considering lodging 'au Greffe' a proposition to seek members views on the introduction of the same. The Deputy also highlighted difficulties associated with interpreting the Code of Conduct for Elected Members and wished to understand what, if any, action was

M.R. Scott of
St. Brelade.

being taken by the Committee to address the aforementioned.

Deputy Scott considered the existing process, whereby members made a complaint to the Commissioner for Standards when they considered that a breach of the Code had occurred, to be problematic and confrontational, and she did not believe that the Commissioner should be required to interpret the Code. She suggested the introduction of an interim step whereby Members (and Civil Servants) could seek advice as to whether a breach had occurred as she believed that there was a divergence of understanding in respect of conduct. Deputy Scott explained the challenges which arose for Members in this context and the impact this had on the working environment.

Deputy M.R. Le Hegarat of St. Helier North reminded the Committee that a cultural training event had been organised by the States Greffe and this had touched upon standards of behaviour. The Deputy had attended the training and had found it to be most beneficial, but had been disappointed that more Members had not attended. She suggested that consideration should be given to making such training mandatory and it was noted that compulsory attendance could form part of the Code of Conduct. Deputy Scott highlighted the potential impact of mandatory attendance at training events in the context of Members' overall workloads and the danger that non-attendance could attract unfair criticism, particularly if details of courses attended were added to Members' profiles.

The Committee thanked Deputy Scott for attending and undertook to give further consideration to the points raised.

Deputy Scott withdrew from the meeting.

Greffier of the
States: one-to-
one meetings
with Members.

A10. The Committee, with reference to its Minute No. A8 of 15th May 2023, received an oral report from the Greffier of the States in connexion with one-to-one meetings which Members had been offered to discuss any issues associated with their individual roles or the States Assembly in general.

The Committee recalled that, as well as providing procedural advice, there was a pastoral element to the Greffier of the States' role. Invitations had been extended to all Members to meet with the Greffier as she was particularly concerned about the number of Members who had approached her to discuss difficulties in their working relationships with other elected Members.

The Greffier reported that, to date, she had met 12 Members and remained concerned about the significant difficulties being experienced by many States Members in the context of relationships with each other. The Greffier suggested that consideration might be given to creating more opportunities for Members to come together on a personal level. She also suggested that it might be appropriate to consider the provision of an independent professional counselling service for Members as recent experiences could be viewed as a disincentive to standing for election. Whilst it was noted that trained Mental Health First Aiders existed within the Civil Service, it was recognised that some Members might not feel comfortable discussing certain issues with staff members.

The Committee discussed the above matter and shared the Greffier's concerns. The Chair noted that some members attended French lessons together and this not only resulted in improved linguistic skills, but also afforded a valuable opportunity to develop relationships outside of the Assembly. Attendance at conferences with Members was also cited as an opportunity to interact with Members. Ultimately, the Committee agreed to consider appropriate future social events such as pétanque in September 2023, and plans for a Christmas lunch before the last sitting of the States.

The Greffier was also asked to explore the feasibility of the provision of independent counselling for Members.

Findings of the
Voter Turnout
Report by the
Policy Centre
Jersey.

A11. The Committee welcomed Sir Mark Boleat to the meeting to discuss his report entitled 'Election Turnout in Jersey', which had been published on 11th April 2023, by the Policy Centre, Jersey.

It was noted that turnout in Jersey elections over the past 30 years had averaged 44.1 per cent, but there had been significant variations in the figures over that period, with 50.4 per cent in 1993 being the highest and the lowest (33.9 per cent) in 2014. Turnout in the 2022 election, at 41.7 per cent, had been the third lowest in the last 3 decades. Turnout in Jersey was lower than in all Organisation for Economic Cooperation and Development (OECD) countries, with Switzerland (45 per cent) being the only country where turnout was below 60 per cent. Conversely, in Guernsey, the turnout had been almost 80 per cent in the most recent election.

Interestingly, turnout for Senatorial elections had been higher before the decision had been taken to hold the elections for Senators and Deputies on the same day. In the 2022 election, only 17 per cent of eligible voters aged under 35 years had voted, compared with 53 per cent in those aged over 65 years and the turnout in rural areas, at 40 per cent, had been more than twice that of urban areas (18 per cent). Of the owner occupiers, 41 per cent had voted, compared with only 16 per cent of tenants. When compared with the United Kingdom, voting in Jersey was predominantly by older individuals and owner occupiers.

In response to survey questions which sought to identify reasons for not voting in the 2022 election, similar numbers of respondents (30 per cent and 28 per cent respectively) had indicated that it would not have made a difference or that they did not trust the political system. Almost a quarter (24 per cent) were not interested in the election and 22 per cent had stated that they had insufficient knowledge of the candidates. Despite the move to larger voting districts and the removal of the role of Senator, only 3 per cent had signalled that they did not know where or how to cast their vote.

In addition to low turnout, voter registration was also relatively low. In 2022 only 75 per cent of eligible individuals had registered to vote and, of those, only 31 per cent had cast a vote. Voter registration was much higher in the rural parishes such as St. Mary (96 per cent) compared with St. Helier (57 per cent). It was noted that when individuals informed Government of a change of address, this information was not shared with Parishes to enable them to amend electoral registers.

Sir Mark's report suggested a number of ways in which voter turnout could be increased, as follows –

- including within voter registration forms an option to vote by post, thereby increasing the number of postal votes;
- simplifying the wording on the voter registration form;
- augmenting the number of polling stations;
- introducing polling stations at which any eligible voter could cast their vote, irrespective of their electoral district; and
- enhancing information sharing arrangements between officials involved in the election and making use of other data sets, including those from Social Security and Revenue Jersey.

The Committee discussed the content of the report with Sir Mark and noted that the report gathered information from other reports and that no independent research had

been carried out by the Policy Centre due to budgetary constraints. There had, however, been considerable interest in the content of the report and in the wider work of the Policy Centre from Government Departments. Sir Mark referred members to the Policy Centre's website which, he believed, provided information on Government policy in a much more cohesive and user friendly manner than the Government website. Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter advised that work was underway to improve the Government website and make it more accessible.

In response to a question from the Chair regarding voter turnout, Sir Mark advised that he did not support compulsory voting and believed that improved Government outputs would have the most impact on voter turnout. He was also opposed to a return to the Committee system, as favoured by some members who had become disenchanted with Ministerial Government, on the basis that there was a lack of accountability.

Sir Mark advised of high level discussions which had been held with officials in relation to the work of the Policy Centre and stated that he was particularly interested in establishing a commission which would comprise individuals from outside the States Assembly and Government to produce a report with recommendations. However, financial support would be required.

Sir Mark also referred to the Government's policy making process, which he considered to be flawed as it lacked proper analysis in terms of the impact of policies. It was recognised that this issue fell outside of the remit of the Privileges and Procedures Committee.

Sir Mark challenged the Committee to produce a comprehensive report which explained Jersey's political system and discussed the need to provide better education in this context. The Greffier outlined the full range of work which was underway to bridge the knowledge gap for those in education and the wider public.

The Committee thanked Sir Mark for attending and agreed that it had been useful to receive his report, which pulled together information from various reports which had been produced on the subject of voter turnout and registration.

Sir Mark withdrew from the meeting.

Legislation
Advisory Panel
– ability of
Chair or Vice-
Chair to act as
rapporteur.

A12. The Committee, with reference to its Minute No. A15 of 19th June 2023, welcomed Connétable R.D. Johnson of St. Mary, Chair of the Legislation Advisory Panel and Deputy P.M. Bailhache of St. Clement, Vice-Chair of the Panel to discuss a proposal which would allow the Chair or Vice-Chair of the Legislation Advisory Panel to act as *rapporteur* in the States Assembly in matters where the Panel had taken the lead.

The Committee recalled that it had considered correspondence dated 6th June 2023, from the Chief Minister in relation to the above. Responsibility for bringing forward any legislative propositions that did not naturally fall within another Minister's area of responsibility currently lay with the Chief Minister. An amendment to Standing Orders was proposed to enable a proposition to be lodged in the name of the Chief Minister, but for the Chair or Vice-Chair of the Panel to act as *rapporteur* and to answer any questions in the Assembly in respect of that proposition.

The Chair of the Panel outlined its main functions, constitution, frequency of meetings and some details of the current work programme. Connétable Johnson understood that amendments to Standing Orders 19 and 68A would be required to facilitate the above proposal, which was supported by the Chief Minister. Deputy L.

Feltham of St. Helier Central noted that the Panel was not currently established under Standing Orders and she suggested that this might be appropriate. The Deputy Greffier of the States advised that Standing Orders referred to parliamentary committees and panels. He recommended that, if the Committee decided to support the proposal, a report setting out the remit of the Panel be presented by the Chief Minister ahead of, and to inform, any proposed amendments to Standing Orders. Deputy Bailhache suggested that a simpler and more straightforward approach might be for such a report to accompany the proposed amendments to Standing Orders.

The Committee thanked the Chair and Vice-Chair of the Legislation Advisory Panel for attending and they withdrew from the meeting.

Having considered the above matter, the Committee agreed to support the proposal which would allow the Chair or Vice-Chair of the Legislation Advisory Panel to act as *rporteur* in the States Assembly in matters where the Panel had taken the lead. Members requested that the necessary amendments to Standing Orders be drafted for approval by the Committee. In doing so, the Committee endorsed the recommendation of the Deputy Greffier of the States that the Chief Minister be requested to present a report to the States which set out the functions of the Panel ahead of lodging amendments to Standing Orders.

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

A13. The Committee, with reference to its Minute No. A9 of 19th June 2023, considered a report which set out the progress that had been made by the various Sub-Committees which had been established to support the work of the Privileges and Procedures Committee.

It was noted that the Political Awareness and Education Sub-Committee was scheduled to meet on 7th September 2023, and would discuss the organisation of a ‘Citizenship Day’ in 2024, which was being led by the Digital and Public Engagement Team. On a related matter, Deputy C. S. Alves of St. Helier Central advised that she had been contacted by a politics student who wished to shadow a States Member and Deputy Alves asked whether this would be appropriate. The Greffier of the States confirmed that this was perfectly acceptable and should be encouraged. It was, of course, incumbent upon individual Members involved in work shadowing opportunities to make colleagues aware of the attendance of students at meetings.

The States Members’ Pensions Sub-Committee was due to meet in September/October 2023. The Diversity Forum had been due to meet on 11th July 2023, but had been inquorate. It was hoped to arrange a meeting before the summer recess, but this was currently proving challenging.

The Constituency Office Sub-Committee had completed its work on a report to the Committee outlining its key findings and recommendations. A growth bid for inclusion in the Government Plan, as referenced at Minute No. A4 of the current meeting, was currently in preparation. The Machinery of Government Sub-Committee was due to hold its inaugural meeting on 26th July 2023.

Privileges and
Procedures
Committee:
2023 work
programme.

A14. The Committee, with reference to its Minute No. A10 of 19th June 2023, considered its 2023 work programme and the progress which had been made to date.

It was noted that the Committee would need to prepare a plan for discharge of its corporate parenting responsibilities under the Children and Young People (Jersey) Law 202-, which had been adopted in February 2022, and under the provisions of which the States Greffe would become a corporate parent.

The Committee noted the position.

Government
Plan bid 2024 -
Constituency
Office support
service

A15. The Committee, with reference to its Minute No. A4 of the present meeting, recalled having considered a report which had been prepared by the Constituency Office Sub-Committee which had presented several key findings and recommendations. On the basis of the recommendations, the Committee had decided to submit a growth bid to support the States Greffe Members' Resources Team in the establishment of a constituency support service, initially in 3 constituencies

As Members had considered the aforementioned item outside of the normal meeting schedule and the business had been conducted electronically, the Committee wished to formally record its decision to submit a growth bid.

Matters for
information.

A16. With reference to Minute No. A10 of the present meeting, noted that Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter would organise a social event for Members in September 2023. The Greffier also confirmed that the States Greffe would arrange a Christmas lunch for Members to be held during the week prior to the final sitting of the States Assembly.