

Privileges and Procedures Committee (PPC)

Records of Meetings

2024

The following records of meetings have been approved by the Committee.

The Committee was reconstituted on 27th February 2024 and these records show all activity from that date.

Signed

Chair

Connétable Karen Shenton Stone

États de Jersey



L's Êtats d'Jèrri

Privileges and Procedures Committee

(1st Meeting)

7th March 2024

Part A (Non-Exempt)

All members were present, with the exception of Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter, from whom apologies had been received.

Connétable K. Shenton-Stone of St. Martin, Chair Deputy C.S. Alves of St. Helier Central (via Teams) Connétable M.K. Jackson of St. Brelade Deputy T.A. Coles of St. Helier South Deputy S.M. Ahier of St. Helier North

In attendance -

W. Millow, Deputy Greffier of the States

Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support (via Teams)

T. Oldham, Assistant Greffier of the States, Committees and Panels (via Teams)

J. Lepp, Research and Project Officer

J. Hales, Research and Project Officer (via Teams)

K.M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat

C. Fearn, Assistant Secretariat Officer, Specialist Secretariat (Minutes)

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

Privileges and Procedures Committee: overview of remit and procedural framework.

A1. The Chair welcomed Members to the inaugural meeting of the newly constituted Privileges and Procedures Committee.

Attention was drawn to Standing Orders 127 – 131, which set out the Committee's terms of reference. The Committee also considered a report entitled 'Privileges and Procedures Committee: Proceedings', which had been prepared by Ms. J. Lepp, Research and Project Officer, in connexion with its remit and procedural framework. The membership requirements, structure of meetings and role of the Chair were outlined, together with the specific responsibilities of the Committee in the context of the arrangement of public business for meetings of the States Assembly and the role of the Commissioner for Standards.

The Committee noted that it was obliged to maintain those Sub-Committees which had been established under Standing Orders (the Machinery of Government, Diversity Forum, and Political Awareness and Education Sub-Committees), and that these would need to be reconstituted. Whilst the Deputy Greffier suggested that a member of the Committee should act as the Chair of each Sub-Committee to assist with reporting lines, the Committee noted the contrary view of Deputy C.S. Alves of St. Helier Central that the role of Sub-Committee Chair should not be limited to members of the Committee. The challenge of obtaining a quorum at meetings of larger Sub-Committees, for example the Diversity Forum, was recalled and the Committee agreed that the number of Members on each Sub-Committee should

mirror arrangements for the main Committee (7 Members).

Turning to the Pensions Sub-Committee, which had not been established under Standing Orders, the Deputy Greffier suggested that the Committee might wish to incorporate the work of that Sub-Committee into the remit of the main Committee. However, Members concluded that it would be useful to maintain the Sub-Committee and noted that meetings had previously been held twice a year.

Appointment of Vice-Chair.

A2. The Committee discussed the appointment of a Vice-Chair, in accordance with Standing Order 131(3), and noted that any member of the Committee could be nominated, regardless of whether they held a Government position or not.

It was noted that both Deputies C.S. Alves of St. Helier Central and S. M. Ahier of St. Helier North had expressed an interest in the role of Vice-Chair.

As the Committee was not yet fully constituted (a member of the Scrutiny Liaison Committee had yet to be formally appointed), the Committee agreed to defer appointing a Vice-Chair to a future meeting.

Appointment of Scrutiny Liaison Committee member to the Privileges and Procedures Committee. A3. The Committee was informed that the Scrutiny Liaison Committee (SLC) had agreed to propose Deputy L.M.C. Doublet of St. Saviour as its representative, subject to the approval of the States Assembly, in accordance with Standing Order 127(2).

The Committee endorsed the nomination of Deputy Doublet by the SLC, and it was agreed that she should be invited to attend the next scheduled meeting of the Committee on 18th March 2024, as an observer (as the Committee meeting would precede the next States Assembly meeting).

Privileges and Procedures Committee: Working practices. A4. The Committee considered a report entitled 'Privileges and Procedures Committee – Working Practices' which had been prepared by Ms. J. Lepp, Research and Project Officer.

The Committee agreed to maintain the administrative approach, as outlined in the report, noting that it would be beneficial to continue to receive communications and documents via Microsoft Teams and electronic mail messages.

Privileges and Procedures Committee: update on workstreams. A5. The Committee considered a report entitled 'Position Paper: Privileges and Procedures Committee', in connexion with the progress that had been made by the Committee, as previously constituted.

The Committee noted details of the wide-ranging work which had been undertaken to date and the future work programme, which included a review of the Code of Conduct for States Members and voter registration reform in consultation with Government, for which funding had been approved in the Government Plan. The Deputy Greffier of the States highlighted a recent proposal from Deputy M. Tadier of St. Brelade for a review of the safety and security of States Members.

In response to a question from Deputy S.M. Ahier of St. Helier North, the Deputy Greffier advised that electoral reform work spanned the remits of a number of bodies. Deputy Ahier suggested that consideration should be given to bringing the date of the June 2026 election forward for practical purposes. It was recalled that this had been raised by the Chair at a meeting in 2023, when Members had been advised of wider support for the same. It was agreed that the matter should be included on the agenda for a future meeting.

On a related matter, Deputy C.S. Alves of St. Helier Central informed the Committee that she had been delegated responsibility for civic engagement from a Government perspective by the Chief Minister.

Privileges and Procedures Committee: Sub-Committees – remit and update on workstreams. A6. The Committee, with reference to Minute No. A9 of 15th January 2024, of the Committee as previously constituted, considered a number of reports which had been prepared in connexion with the progress that had been made by its Sub-Committees.

Machinery of Government (MoG) Sub-Committee

The Committee was informed that the MoG Sub-Committee had been tasked with reviewing the progress of the implementation of recommendations arising from previous reviews. It was noted that work undertaken by the Sub-Committee to date included: recommendations made to the Chief Minister on Democratic Accountability and Government; the review of guidance documents for the States of Jersey Law 2005, Standing Orders for the Executive and conflicts of interest; and the provision of law drafting training for States Members.

Diversity Forum

The Committee was informed that the Diversity Forum aimed to increase public engagement in democratic processes, particularly in relation to under-represented groups. It was noted that work undertaken by the Diversity Forum to date related to equality, gender balance in the States Assembly, gender pay and the inclusion of diversity in the 2022 election campaign through collaboration with the Digital and Public Engagement Team, States Greffe. It was further noted that the Diversity Forum had produced briefing papers in connexion with the responsibilities of the Minister for Housing and Communities in terms of the rights of registered voters in other jurisdictions.

Political Awareness and Education (PAE) Sub-Committee

It was recalled that the Committee, as previously constituted, had lodged 'au Greffe' a proposition entitled 'Amendment to the Standing Orders of the States of Jersey – Political Awareness and Education, Privileges and Procedures Sub-Committee' (P.92/2023), to establish the PAE as a permanent Sub-Committee.

The Committee was informed that the PAE sought to raise political awareness and engagement to nurture public interest in politics through collaboration with multiple stakeholders, including the Children, Young People, Education and Skills Department, the Jersey Youth Service, the Comité des Connétables and other key stakeholders. The PAE had worked closely with the Digital and Public Engagement Team and work to date related to the Youth Parliament, Automatic Voter Registration, the Electoral Register and various aspects of the work of the Digital and Public Engagement Team. The PAE had also discussed plans for Citizenship Day and Democracy Week.

Pensions Sub-Committee

The Committee was informed that the Pensions Sub-Committee had overseen the pension scheme for States Members, including making recommendations to the Committee on its design, leading the procurement process for pension scheme providers, establishing a service level agreement between the pension provider and the States and reviewing contribution rates annually.

In contrast with the other Sub-Committees, the Pensions Sub-Committee had not been established in accordance with Standing Orders. The Committee had decided to maintain the Pensions Sub-Committee, highlighting that it carried out a useful oversight function (Minute No. A1 of the extant meeting refers).

States of
Jersey
Complaints
Board Report:
Mrs. X – v the
Minister for
Health and
Social Services

A7. The Committee considered a report of the States of Jersey Complaints Board, in connexion with a complaint which had been made by Mrs. X against the Minister for Health and Social Services in relation to access to tertiary care/communication from health care providers/the administration of a complaint by the Patient Experience Team of the Health and Community Services Department.

The Committee approved the report for presentation to the States Assembly with a brief covering report.

Privileges and Procedures Committee: schedule of meetings. A9. The Committee noted a schedule of monthly meetings proposed for the remainder of 2024, all of which would commence at 10.00 am on Monday mornings.

The Committee discussed the proposed meeting dates and whilst noting some scheduling conflicts, concluded that Monday mornings remained the most suitable time slot for the majority of Members. Where several Members were unable to attend on a specific date/time, the schedule could be revised. The Committee requested that electronic calendar invitations be extended for all future meetings.

The Chair informed the Committee that the agenda for the next scheduled meeting on 18th March 2024, was likely to include a number of items and that the meeting could extend beyond the 2 hours allocated.

Privileges and Procedures Committee

(2nd Meeting)

18th March 2024

Part A (Non-Exempt)

All members were present.

Connétable K. Shenton-Stone of St. Martin, Chair

Deputy C. S. Alves of St. Helier Central (for a time)

Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter (for a time)

Connétable M.K. Jackson of St. Brelade (for a time)

Deputy T.A. Coles of St. Helier South

Deputy S.M. Ahier of St. Helier North (for a time)

In attendance -

L-M. Hart, Greffier of the States

W. Millow, Deputy Greffier of the States

T. Oldham, Assistant Greffier of the States, Committees and Panels (via Teams) (for a time)

J. Lepp, Research and Project Officer

J. Hales, Research and Project Officer (via Teams)

K.M. Larbalestier, Principal Secretariat Officer, Specialist Secretariat

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

Minutes.

A1. The Minutes of the meetings held on 4th December 2023, 15th, 16th, 19th, 26th and 29th January 2024, of the Committee as previously constituted and 7th March 2024, were taken as read and approved.

Forthcoming business.

A2. The Committee considered propositions which had been lodged 'au Greffe' for the meeting of the States Assembly which was scheduled to commence on 19th March 2024, and concluded that it would not wish to comment on any of the propositions.

Standing Order Nos. 113 and 115: proposed amendments. A3. The Committee considered a report which had been prepared by the Deputy Greffier of the States in connexion with a proposal to amend Standing Orders 113 and 115.

The Committee recalled that Standing Order 113 set out the process for selecting a new Chief Minister and Minister in situations other than those which followed an ordinary election. Standing Order 115 set out the nomination process for the Chief Minister, to include the deadline by which such nominations must be received by the Greffier of the States.

Following the adoption of the proposition entitled 'Vote of no confidence: Chief Minister' (P.1/2024), it had become apparent that some challenges existed regarding the practical application of the aforementioned Standing Orders in the context of the timescales and deadlines involved. Consequently, the Committee was requested to consider amending Standing Orders so that appropriate deadlines were set for the various scenarios which necessitated the appointment of a new Chief Minister. In

this context, it was noted that, save for the death or incapacity of a Chief Minister, the incumbent remained in post until such time as a successor was appointed, giving rise to the question of political legitimacy. Concerns had been raised in this connexion following the 2022 election, when the timescale for the appointment of a new Chief Minister had exceeded that set out in Standing Order 113.

If the Committee decided to endorse the recommendation of the Deputy Greffier of the States, it was suggested that all States Members be consulted. The Committee was also requested to consider delegating responsibility for this matter to the Machinery of Government Sub-Committee, subject to wider support for the proposed amendments.

The Committee endorsed the recommendation to refer the matter to the Machinery of Government Sub-Committee.

On a related matter, the Committee noted correspondence dated 17th January 2024, addressed to the Bailiff from a member of the public, which referenced the perceived impact of the aforementioned Standings Orders in the context of the nomination of the Chief Minister following the adoption of P.1/24.

In camera debates.

A4. The Committee considered a report in connexion with *in camera* debates and was asked to consider whether it would be appropriate to amend Standing Orders so that certain business, such as appointments, was not debated *in camera*.

It was noted that concerns had been expressed by some Members regarding the decision to hold an *in camera* debate for the appointment of the Children's Commissioner in 2023. The public perception of the same and the impact on building trust had been highlighted.

Attention was drawn to Standing Orders 81 and 82, which set out the circumstances in which an *in camera* debate could be held. It was noted that the appointment of the Greffier of the States was debated *in camera* and, in this context, the Greffier declared an interest.

Following a most comprehensive discussion, the Committee concluded that it would not wish to amend Standing Orders as suggested on the basis of the wider consequences of the removal of the ability to debate such matters *in camera*.

Code of Conduct: review.

A5. The Committee, with reference to Minute No. A7 of 15th January 2024, of the Committee as previously constituted, considered a report in connexion with the review of the Code of Conduct for Elected Members.

The Committee noted that the previous Committee had agreed to undertake a review of the Code of Conduct for States Members in consultation with all Members and with the support of the Commissioner for Standards. The review would inform any changes to the Code.

It was recalled that the previous Committee had also met Deputy M. R. Scott of St. Brelade in connexion with her proposition entitled 'Ethical Standards' (P.75/2023) and had advised the Deputy of its intention to undertake a review of the Code. In response, Deputy Scott had indicated a willingness to withdraw her proposition.

Turning to the terms of reference for the review, the Committee was asked to consider the following key questions for inclusion in the consultation –

Should the Commissioner for Standards make recommendations in terms of the sanctions imposed following the identification of a breach?

Should declarations of interest in relation to non-pecuniary matters be more explicit and extend to all areas of public life to avoid a perceived conflict of interest in decision making? (The Committee noted the contents of an electronic mail message dated 5th March 2024, from the Bailiff of Jersey in this connexion and was advised that the Greffier of the States would ascertain the status of guidance from the Bailiff regarding conflicts of interest). Attention was also drawn to the Ministerial Code of Conduct which made reference to non-pecuniary matters.

Should the submission of complaints pertaining to alleged breaches of the Code be time limited?

Should expected behaviours be more clearly defined within the Code?

The Committee agreed to invite general submissions on the Code of Conduct as well as posing the above questions and noted that the consultation would encompass all Members and the network of Commissioners for Standards.

Social media community rules: proposed review. A6. The Committee considered a report in connexion with the existing social media community rules for the States Assembly, which had been developed in 2022/23 in response to certain messages which had been received by some Members via social media.

In this connexion, the Committee noted the contents of an electronic mail message dated 6th March 2024, from Deputy M. Tadier of St. Brelade requesting the establishment of a Sub-Committee to consider the security and safety of Members and expressing a willingness to act as Chair. Whilst the Committee was supportive of a review of security and safety, it concluded that this work could be undertaken by the Privileges and Procedures Committee.

Attention was drawn to the current rules, which were available on the States Assembly website and it was noted that any review of the same could form part of wider considerations in relation to the security and safety of Members.

The Committee noted the view of Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter that the existing rules could be made more visible and she also suggested the development of a social media charter. Deputy Stephenson drew attention to the social media rules established by Bailiwick Express, which made it clear that comments which did not adhere to the rules would be removed. She also suggested that legal advice should be sought in terms of the specific responsibilities of the States Greffe (and perhaps the Government as a whole) in this area.

The Committee endorsed the recommendation to review the existing rules as part of a wider review into the security and safety of Members and noted that a paper would be presented at a future meeting.

States building: access and security arrangements. A7. The Committee, with reference to Minute No. A1 of 19th January 2024, of the Committee as previously constituted, discussed access to and the use of the States building by Jurors attending the Royal Court and other external parties.

It was recalled that agreement had recently been reached with the Judicial Greffe/Viscount's Department in relation to a short-term solution for the access and use of the States building by Jurors. In the longer term, it was hoped that accommodation could be secured in Hill Street for use by the Courts. It had also been agreed that all staff accessing the building through the Members' entrance should display their identification fobs at all times.

Turning to the use of the building by external parties, the Committee recalled that concerns had been expressed on a number of occasions with regard to security arrangements when the building was being used for presentations/meetings organised by external groups.

The Committee discussed the above matter and concluded that it would wish to encourage the use of facilities other than the States Building for external meetings due to the safety and security issues which arose. However, if a States Member was prepared to 'sponsor' an event and act in accordance with agreed guidelines (which would require, among other things, the presence of that Member at the event) the use of specific rooms within a confined area could be permitted. It was recalled that the use of certain rooms by Scrutiny Panels was prioritised and that arrangements were in place with the Court for Jurors to wait in Le Capelain and Blampied rooms prior to their accompaniment to the Royal Court for empanelment.

On a related matter, the Committee noted some concerns from Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter in connexion with perceived safety risks posed by protestors gathering immediately outside the States Members' entrance. The Greffier of the States suggested that, where advance notice of protests was received, participants could be requested to maintain a certain distance from the door, whilst retaining a direct line of sight. Members expressed a range of views in connexion with the perceived risk, with some noting the predominantly peaceful nature of protests and the presence of the States of Jersey Police at protests.

Privileges and Procedures Committee: appointment of Sub-Committee Chairs. A8. The Committee, with reference to its Minute No. A6 of 7th March 2024, gave further consideration to the appointment of Chairs of the various Sub-Committees of the Privileges and Procedures Committee.

The Committee recalled that the Deputy Greffier of the States had suggested that a member of the Committee should act as the Chair of each Sub-Committee to assist with reporting lines, but the Committee had noted the view of Deputy C.S. Alves of St. Helier Central that the role of Sub-Committee Chair should not be limited to members of the Committee. The challenge of obtaining a quorum at meetings of larger Sub-Committees had also been discussed and the Committee had agreed that the number of Members on each Sub-Committee should mirror arrangements for the main Committee (7 Members).

The Greffier of the States explained the rationale for the appointment of members of the Committee as the Chairs of the Sub-Committees. It was noted that this ensured a direct connexion with the Committee, providing oversight and avoiding duplication of work.

Returning to the appointment of the Chairs of the respective the Sub-Committees, the Committee agreed that the following Members should Chair the Sub-Committees –

Machinery of Government – Deputy T. A. Coles of St. Helier South Diversity Forum – Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter Political Awareness and Education – Deputy Deputy C. S. Alves of St. Helier Central

Pensions - Deputy S.M. Ahier of St. Helier North

The Committee noted that the States Greffe would extend invitations to all States members to join the above Sub-Committees.

Referendum

A9. The Committee, with reference to Minute No. A5 of 18th September 2023, of

Commission: appointment of Chair.

the Committee as previously constituted, received an oral report from the Deputy Greffier of the States in connexion with the appointment of a Chair to the Referendum Commission, which had been established in accordance with the Referendum (Jersey) Law 2017.

The Committee noted that it had been agreed to establish a recruitment panel in accordance with Article 2(4) of the aforementioned Law to appoint a Chair. This would enable the successful applicant to participate in the appointment of members of the Commission. The former Committee had approved a recruitment strategy and the membership of the recruitment panel.

It had been hoped that the recruitment panel would be in a position to recommend the appointment of the Chair following interviews at the end of October/beginning of November 2023. Thereafter, Commissioners would be sought from a variety of walks of life and a 'person specification' for the role had been developed. However, the Committee was advised that interest in the role of Chair had been limited necessitating a re-run of the recruitment campaign.

The Committee was advised that 2 former members of the Commission had expressed an interest in continuing in their roles and that one individual, who had applied for the position of Chair, was considered suitable for appointment as a Commissioner. Consideration was also being given to merging the Referendum Commission with another body such as the Jersey Electoral Authority or the (yet to be established) Boundaries Commission in the future.

The Deputy Greffier undertook to report back to the Committee on progress in relation to the appointment of a Chair and future arrangements for the Commission.

On a related matter, Deputy S.M. Ahier of St. Helier North requested that Members be provided with details of the total amount of voters in each electoral district.

Proposed amendments to Standing Orders: appointment of Ministers and Panel Chairs – order in which candidates speak/absence outside of roll call.

A10. The Committee considered a report which had been prepared by the Deputy Greffier of the States in response to suggestions from Members which sought amendments to Standing Orders to (a) address the order in which candidates spoke during Ministerial/Committee/Scrutiny Panel Chair appointments and (b) permit Members to be marked absent at times outside of the roll call.

The Committee noted the provisions of Standing Order 117, which required the Presiding Officer to seek nominations from the Chief Minister designate for Ministerial positions. This provision also applied to the Chairs of the Privileges and Procedures, Planning and Public Accounts Committees, the 5 Scrutiny Panels and the President of the Scrutiny Liaison Committee. However, the selection process for the Chief Minister stipulated that the Presiding Officer should draw lots to determine the order in which nominees would speak and answer questions. It was noted that Deputy M. Tadier of St. Brelade had suggested that the Committee might wish to amend Standing Orders so that the drawing of lots applied in respect of all appointments. The Deputy was of the view that there was profitability in speaking first so it should be left to chance in order to avoid any unfair advantage. No administrative difficulties were envisaged. The Committee concluded that the status quo should remain in terms of Ministerial appointments, but that all other appointments should be subject to the same arrangements as those which applied in respect of the Chief Minister (which involved the drawing of lots to determine the order in which nominees spoke and answered questions).

On a related matter, Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter asked why some votes were secret and others were open. It was noted that this had

arisen as a result of changes undertaken on an *ad hoc* basis to certain Standing Orders which had not filtered through to others. Deputy Stephenson requested that this issue be considered by the Committee at a future meeting.

Turning to Standing Orders 51, 52 and 54, which governed the roll call at the start of each meeting or continuation day, it was noted that there was currently no provision for absences which occurred after the roll call. In practice this meant that it was not evident from the States Minutes when a Member had absented themselves from the meeting after the roll call, albeit that it was possible to obtain this information by other means. It was recalled that Members frequently announced forthcoming absences during the course of meetings and that this was recorded in Hansard. The Committee noted that the issue had been raised on a number of occasions in the past and most recently by Deputy A.F. Curtis of St. Clement. It had also been considered by the Diversity Forum. Consequently, the Committee was being requested to consider whether it would wish to amend Standing Orders to allow Members to be marked absent at any time during the course of a meeting. In practical terms, this would impact on the manner in which votes were recorded on the States Assembly website and some work would be required in this connexion. In addition, consideration would have to be given to the administrative implications. If the Committee supported the principle of the proposed changes, it was suggested that consultation with Members and the Bailiff be undertaken in the first instance. Having been unable to reach a majority decision in respect of this matter, the Committee was advised that the Deputy Greffier of the States would prepare a report for consideration at a future meeting which would illustrate how the proposed changes would work in practice.

On a related matter, and in response to a desire by some for periodic announcements by the Chair in relation to the number of Members who had indicated a wish to speak in debates, the Greffier of the States undertook to raise this matter with the Bailiff.

Privileges and Procedures Committee: 2024 work programme. A11. The Committee, with reference to Minute No. A9 of 18th December 2023, of the Committee as previously constituted, considered its 2024 work programme.

It was recalled that the adoption of the Children and Young People's (Jersey) Law 2022 in February 2022, introduced the concept of 'corporate parenting' and the Committee was required to prepare a plan which set out how it would discharge its corporate parenting responsibilities. It was noted that further information had been sought by a Scrutiny Panel with regard to the statutory responsibilities of a corporate parent and guidance had recently been published (R.7/2024 refers). A report would be presented to the Committee in April 2024.

A report entitled 'How might the Standing Orders of the States of Jersey respond to the formation of political parties' had been published in 2021. It was suggested that the Committee might wish to consider establishing a Sub-Committee in order to consider the report in more detail and determine which areas to prioritise for implementation. A report on this subject would be presented to the Committee in April 2024.

It was noted that work was ongoing in terms of the establishment of constituency offices and an update would be provided in due course.

The Diversity Forum work programme would include the continuation of work on the behaviour codes in other jurisdictions.

Further consideration would need to be given to remote participation in meetings of the States Assembly, with amendments to Standing Order 55A being presented to the Committee in April 2024.

The application of Standing Order 37A would continue to be monitored by the States Greffe with a view to amending the same to disallow the late presentation of comments.

The Committee would receive an update in connexion with the automatic voter registration project at the meeting in May 2024.

The Committee noted the position.

Date of next meeting.

A12. The Committee noted that the next meeting would be held on 15th April 2024, at 11.00 am.

12 2nd Meeting 18.03.2024