

PRIVILEGES AND PROCEDURES COMMITTEE

(15th Meeting)

15th May 2009**PART A**

All members were present, with the exception of Senator B.I. Le Marquand.

Connétable J. Gallichan of St. Mary, Chairman
 Deputy J.B. Fox
 Deputy J.A. Martin
 Deputy C.H. Egré
 Deputy M. Tadier
 Deputy M.R. Higgins

In attendance -

M.N. de la Haye, Greffier of the States
 Miss A-C. Heuston, Clerk to the Privileges and Procedures Committee

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

Minutes.

A1. The Minutes of the meetings held on 12th and 13th March (Part A and Part B), 2nd (Part B only), 9th (Part A only), 24th (Part A only) and 28th April (Part A only) 2009, having been previously circulated, were taken as read and were confirmed.

Public Elections
 (Jersey) Law
 2002.
 FILE
 424(8)

A2. The Committee, with reference to its Minute No. B7 of 27th March 2009, received Jurats J.L. Le Breton and J.M. Clapham and the Deputy Judicial Greffier, Advocate P. Matthews, to discuss the 2008 elections in connexion with the Public Elections (Jersey) Law 2002, and Article 39A, which Article related to postal voting.

The Committee recalled that in response to Deputy G.P. Southern's report and proposition entitled 'Public Elections (Jersey) Law 2002: Rescindment of Article 39A' (P.18/2009 refers) it had agreed to review the procedures in respect of postal voting. However, the Committee had decided to defer consideration of the matter pending discussions with the Jurats.

The Committee noted a number of statistics which had been compiled and which detailed, among other things, the number of postal votes which had been cast in the various parishes during the 2008 elections. The Jurats thanked the Committee for the opportunity to discuss the elections and commented that, while huge efforts had been made in 2008 to encourage people to register to vote, Islanders had not turned out in the numbers that had been hoped.

The Jurats informed the Committee of a number of matters arising from the 2008 elections. The Committee were requested to reflect prior to holding 3 separate elections on one day; to consider producing the electoral list in ring binders with tabs separating the letters of the alphabet; and to reconsider the role of the Jurats in connexion with referendums, as it was felt that these could be managed by parish officials. The Jurats felt that the practice of having a welcoming table slowed the process on election day, and advised that they would encourage more *Adjoints* to be

appointed on election days due to the long hours worked.

With regard to postal voting, the Committee questioned whether it would be possible to extend a version of the sick vote to enable those who experienced difficulties completing a postal vote to be visited by a parish official. The Committee also asked whether it would be possible for a contact telephone number for the parish hall or Judicial Greffe to be included with the postal voting forms. It was noted that, at present, the law did not provide for postal voting on demand, and would need to be amended should the Committee wish to enable Islanders to choose their preferred means of voting. The Committee noted that the Judicial Greffier was required by law to publish in the Jersey Gazette on 2 different days a notice that Islanders may register for postal voting. The Deputy Judicial Greffier agreed to provide the Committee with copies of the 2008 notices.

The Committee discussed whether it would be appropriate for candidates to have their picture on the ballot paper, and whether the name by which a candidate was generally known should appear alongside their full name. Concern was expressed regarding the locations of district polling stations and it was agreed that the matter needed to be taken up with the Deputies.

The Jurats informed the Committee that primary school pupils were invited to attend the polling stations on election day, and it was agreed that this should be extended to secondary school students.

It was agreed that the Committee would discuss the triennial Public Elections (Expenditure and Donations) (Jersey) Regulations 2008 with the Deputy Judicial Greffier and consider bringing forward permanent legislation at a future meeting. It was also agreed that the Committee would consult with H.M. Attorney General with regard to whether a change in the law would be required to make it clear that a tick on the ballot paper in the place of a cross could be accepted by the *Autorisé* when the voter's intention was evident.

The Jurats and the Deputy Judicial Greffier, having been thanked by the Chairman for their attendance, withdrew from the meeting.

Composition and
election of the
States: draft
report and
proposition.
465/1(75)

A3. The Committee, with reference to its Minute No. A4 of 1st May 2009, considered a report dated 11th May 2009, in connexion with a revised draft report and proposition in relation to the composition and election of the States.

The Committee recalled its previous discussions in connexion with the above and noted amendments which had been made to take account of decisions made by the Committee on 27th March and 1st May 2009. The Committee noted that the revised draft showed a total membership of 49 elected members, made up of 12 Connétables and 37 members elected in 6 large electoral districts. The draft had also been revised to take account of the Committee's decision not to enter into a further round of public consultation and it explained that whilst a structure without Connétables was a workable reform option it was also one that was unlikely to succeed.

The Committee, having noted all of the revisions, considered that the report should be amended to show the outcome of the 2007 consultation more prominently with regard to the retention of the Connétables, and that statistics from the consultation should be included in the report. It was also agreed that the report should state that, in view of the importance of the issue, the Committee had agreed to request an 8-week lodging period, rather than the 6-week minimum.

Subject to the afore-mentioned revisions, the Committee accordingly approved the

report and proposition entitled: 'Composition and Election of the States: revised structure' and requested that it be lodged "au Greffe" for debate on 14th July 2009.

The Committee noted the dissent of Deputy C.H. Egré who advised that, while he had no objection to the proposal being put forward by the Committee, he would vote against it as he did not support the concept of 6 large constituencies.

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

Protocol in
respect of
visual/aural
footage of
Scrutiny
meetings.
510/1(42)

A4. The Committee, with reference to its Minute No. A2 of 27th March 2009, considered correspondence dated 7th May 2009, addressed to the Chairman from Senator B.E. Shenton, President of the Chairmen's Committee, in connexion with the protocol which had been adopted in respect of the taking of visual or aural footage at scrutiny meetings/hearings.

The Committee noted the revised protocols which had formulated in respect of the above. It also noted the view of Senator Shenton that the issue was wider than that of the scrutiny function and applied to other Committee meetings and States Assembly meetings. Senator Shenton had advised that whilst the Chairmen's Committee would be happy to meet the Committee to discuss the matter it was believed that a more holistic approach to the issue should be taken.

The Committee considered and discussed the protocol which had been adopted by the Chairmen's Committee in respect of the above and again considered that the matter should be lodged for approval by the States in line with Standing Order 143(f) of the Standing Orders of the States of Jersey.

Following discussion with Deputy M.R. Higgins, in his capacity as a member of the Chairmen's Committee, it was agreed that the Committee would await the outcome of the meeting of the Chairmen's Committee to be held on 21st May 2009, prior to taking any further action.

Support for States
members.
1240/9/1(151)

A5. The Committee, with reference to its Minute No. A7 of 27th March 2009, considered a letter dated 27th April 2009, addressed to the Chairman from Senator B.E. Shenton, President of the Scrutiny Chairmen's Committee, in connexion with the issue of financial and resource support for States members.

The Committee recalled that Senator Shenton had previously written to the Chairman in connexion with the above matter and that at its meeting on 23rd April 2009, the Chairmen's Committee had reiterated the view that it was the responsibility of the Privileges and Procedures Committee to address the issue of financial and resource support for States members. The Chairman's Committee had also requested that the Committee consider using an existing rest room for members in the States building as an additional meeting room.

The Committee, having discussed the matter, agreed that a questionnaire should be compiled and circulated to all States members asking them to identify what additional facilities would be of most benefit to them. The Chairman was requested to write to the President of the Chairmen's Committee to advise him of its decision.

With regard to current facilities, the Committee requested that a microwave be installed in the kitchen.

The Committee Clerk was directed to take the necessary action.

Financial report:

A6. The Committee considered a report and appendices dated 31st March 2009,

first quarter -
2009.
1446/1 (21)

which related to the financial report for the first quarter of 2009. The Committee received Mrs. D. Abbot-McGuire, Finance and Administration Manager in connexion with this item.

The Committee recalled that, in accordance with the Public Finances (Jersey) Law 2005, non Ministerial bodies were required to submit quarterly financial returns to the Treasury and Resources Minister. Consequently, a report had been prepared detailing the financial position for the first quarter of 2009.

The Committee noted that an over-spend of £373,013 had occurred during the first quarter and that this could be directly attributed to one-off payments for premises and maintenance within Morier House and the States building. An overspend at the year end was also predicted in respect of States members' remuneration as the costs had been transferred from the grants and subsidies area to the manpower costs area. It was also predicted that the number of members receiving the remuneration would increase. Under-spends for the first quarter had occurred in the supplies and services and administrative costs areas but, most significantly, in the scrutiny area. A 5 per cent under-spend was forecast for the year end.

The Committee discussed the position and noted the recommendation of the Comptroller and Auditor General in his May 2008 report, "States' Spending Review – Emerging Issues," that the scrutiny budget should be reduced by £100,000. The Committee also noted that, despite the recommendation of the C&AG, the previously constituted Privileges and Procedures and Chairmen's Committees, had agreed to retain the 2009 budget at the 2008 level. It was therefore agreed that the Chairman should write to the President of the Chairmen's Committee to request that the matter of the scrutiny under-spend be reviewed in early course.

Mrs. Abbot-McGuire, having been thanked by the Chairman for her attendance, withdrew from the meeting.