

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

REGULAR STATEMENTS BY COMMITTEE PRESIDENTS

The States are asked to decide whether, after consideration of the attached policy letter, they are of opinion:-

1. To amend the Rules of Procedure of the States of Deliberation and their Committees with immediate effect as follows:

insert at the end of Rule 1(1) the following sentence:

“With effect from the 1st September, 2018 the policy letter referred to above shall also include proposals setting out the Committee or Committees whose President or Presidents will be obliged to make statements under the provisions of Rules 10(4) and (5) at each ordinary Meeting during the said period.”

and insert before the “.” at the end of Rule 10(1) the following text:

“;

Provided that the Member has supplied the Presiding Officer with the text of the statement in advance”

and delete the proviso at the end of Rule 10 and replace it with the following new Rules:

“10(4) In addition to the right to make a statement set out in paragraph (3) above, the President of the Policy & Resources Committee and the President of each Principal Committee shall be obliged twice every twelve months and the President of the following other Committees of the States, namely the Development & Planning Authority, Overseas Aid & Development Commission, Scrutiny Management Committee, States' Assembly & Constitution Committee, States' Trading Supervisory Board, and Transport Licensing Authority, shall be obliged once every twelve months (or in every case in his or her absence the Vice-President) to make a statement setting out his or her Committee's recent activities, forthcoming work and the like at an ordinary Meeting. Such a statement shall not cover any topic which is part of another item of business at the Meeting in question.

10(5) Any statement made under the provisions of paragraph (4) shall not exceed 10 minutes in duration. In respect of statements made under the provisions of paragraph (4) only, after the statement has been made, the Presiding Officer shall allow a period not exceeding 20 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked on any matter within the mandate of the Committee, except any topic which is part of another item of business at the Meeting in question;

Provided that:

the Member to whom questions are addressed may decline to answer a question if, in his or her opinion, any answer given might be inaccurate or misleading. Each individual question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration.

Provided also that:

in respect of questions asked on statements made under the provisions of paragraphs (3) and (4) no question may be asked by a member of the Committee on behalf of which the statement is being made until all other Members who wish to ask a question on the statement have had the opportunity to do so."

and insert after Rule 11(4)(d) the following new paragraph:

"(e) no supplementary question may be asked by a member of the Committee whose President was asked the principal question until all other Members who wish to ask a supplementary question on the principal question have had the opportunity to do so;"

and insert after Rule 12(5)(d) the following new paragraph:

"(e) no supplementary question may be asked by a member of the Committee whose President was asked the principal question until all other Members who wish to ask a supplementary question on the principal question have had the opportunity to do so;"

and insert after Schedule 1 to the Rules an additional Schedule as follows:

"Schedule 1a

Rota of statements by Presidents of Committees of the States

2017

States Meeting	Committee/s to make Statement
6 September	Policy & Resources Committee
27 September	Committee <i>for</i> Economic Development and Development & Planning Authority
18 October	Committee <i>for</i> Education, Sport & Culture
7 November (Budget)	n/a
8 November	Committee <i>for</i> Home Affairs and Overseas Aid & Development Commission
29 November	Committee <i>for the</i> Environment & Infrastructure
13 December	Committee <i>for</i> Health & Social Care

2018

States Meeting	Committee/s to make Statement
17 January	Committee <i>for</i> Employment & Social Security
7 February	Scrutiny Management Committee and States' Assembly & Constitution Committee
28 February	Policy & Resources Committee
21 March	Committee <i>for</i> Economic Development
18 April	Committee <i>for</i> Education, Sport & Culture and States' Trading Supervisory Board
16 May	Committee <i>for the</i> Environment & Infrastructure
5 June (P&R Plan Phase 2)	n/a
6 June	Committee <i>for</i> Employment & Social Security and Transport Licensing Authority
26 June (Accounts)	n/a
27 June	Committee <i>for</i> Health & Social Care
18 July	Committee <i>for</i> Home Affairs

”

And

To agree in respect of the twelve-month period beginning on the 1st September, 2017 that such statements shall be made by the Presidents according to the rota set out in Schedule 1a to the Rules. In respect of any States' Meeting after the 1st September, 2018 the States' Assembly & Constitution Committee shall propose the rota in accordance with the provisions of Rule 1(1).

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

REGULAR STATEMENTS BY COMMITTEE PRESIDENTS

The Presiding Officer,
States of Guernsey,
Royal Court House,
St Peter Port

27th April, 2017

Dear Sir,

1 Executive Summary

- 1.1 The States' Assembly & Constitution Committee believes that a minor addition should be made to the Rules of Procedure of the States of Deliberation and their Committees with immediate effect. The change would oblige the Presidents of all States' Committees to provide updates to the Assembly on their Committee's recent activities, work ahead, etc. at periodic intervals. The succeeding paragraphs of this policy letter set out the Committee's case in support of the Rule changes proposed in the Propositions to which the policy letter is attached.

2 Reasons for the changes proposed

- 2.1 Recently, there have been occasions when a President of a Principal Committee has made a statement to the States not on any specific item but generally to update the Assembly on his or her Committee's recent activities, work ahead, etc. As is routine with statements made in the States, they were followed by a period of questions. Some States' Members approached the States' Assembly & Constitution Committee to suggest that it bring a change to the Rules of Procedure of the States of Deliberation and their Committees to require such statements to be made regularly by rotation. The Committee has consulted with the Presidents of the Policy & Resources and Principal Committees to establish their views on whether they should be obliged at intervals to make statements in States' Meetings on the work of their Committees. Most of them were decisively in favour of introducing this practice; none said they would oppose it if it was proposed to the States.

- 2.2 The statements which would be made under the proposals in this policy letter would be in addition to any statements which a President chose or was otherwise obliged to make to a States' Meeting. It is intended that they would be for the purpose of providing updates to the States and the wider public on the activities and intentions of Committees at periodic intervals.
- 2.3 The Committee believes that such statements could help to strengthen openness and accountability. They would support Committee Presidents in their efforts always to be well-briefed by officers on all areas of their Committee's mandate. As with statements which are made under the present Rules, the Committee proposes that this new style of statement would be followed by a period of questions. Generally Members are keen to take advantage of the opportunity to ask questions and they can contribute positively to the States' scrutiny of their Committees and may be particularly useful because proceedings of the States are held in public. Committee Presidents will be able to benefit from making such Statements too because of the opportunity they will give them publicly to explain the work of their Committee.
- 2.4 The Committee believes that it should be a requirement in the Rules for Presidents to have to make such statements (rather than having them simply by practice) to ensure that they happen and to ensure that they are made regularly. In that way they can be scheduled into the agenda of each ordinary States' Meeting and become part of the way that each Meeting runs. Statements should be made by Committee Presidents by rotation.
- 2.5 The recommended rota for the initial period of 12 months from the 1st September, 2017 is set out in the Propositions as a proposed new Schedule 1a to the Rules. Committees are listed in no particular order other than to ensure that a Committee statement is not scheduled for a States' Meeting at which it is already known that a Committee will have a major item of business. For example, the Committee *for* Employment & Social Security brings its annual uprating of benefits report to the States' Meeting immediately after the Budget Meeting. The Committee proposes that Rule 1 should be amended so that after that initial period there is a requirement for the rota for statements to be included in the policy letter to the States each September which proposes the dates of future States' Meetings. The Committee believes that the business of special States' Meetings, such as for the Accounts and the Budget, should continue to be only the item for which the Meeting has been established and should not include this new type of statement.
- 2.6 The Committee proposes that the Presidents of all States' Committees should be obliged to make these new-style statements. In order to reflect the different responsibilities and breadths of mandates, it is proposed that the Presidents of the Policy & Resources Committee and the six Principal Committees should be obliged to make such statements twice every 12 months and the Presidents of the other six Committees once every 12 months.
- 2.7 The Committee believes that it is reasonable to impose a limit of 10 minutes' duration on each statement. The Committee also believes that Presidents should

not be permitted to cover any topic which is part of another item of business at the Meeting in question, which would replicate the arrangements for question time.

- 2.8 The Committee also believes that Presidents should, as much as possible, cover only policy issues in their statements and not operational issues. The Committee accepts that there will be occasions when it might be appropriate to include operational issues: for example, if there had been a problem with an operational area within a Committee's mandate and the President wished to provide the States with information about the matter and how it had been resolved. Nevertheless the Committee would hope that these would be rare.
- 2.9 The Committee also proposes that questions should be permitted on any area of the Committee's mandate, even if not specifically mentioned in the statement. This would allow the States' Assembly, as well as the President of the Committee, to influence the subjects under discussion. However, in order to prevent the period of questions following a statement being merely an introduction to a debate later in the Meeting they will not be permitted on a topic which is part of another item of business later in the Meeting.
- 2.10 In respect of the period of questions, the Committee believes that it should be a little longer for this new type of statement than for other statements and should be up to 20 minutes per statement. This reflects the likely breadth of the statements and the fact that Members will be allowed to ask questions on areas which have not been mentioned in the statement. This longer period will also lessen the need for the Presiding Officer to have to exercise his discretion if there are numerous Members who want to ask questions on a statement which may be politically charged and where the Presiding Officer's curtailment of the period may be construed as unfortunate.
- 2.11 Also in respect of the period of questions, the Committee believes that there should be some control on who can ask questions in order to ensure that the questions properly scrutinise the contents of the statement. If the members of the Committee whose President is making the statement are given free rein to ask questions then the opportunity for scrutiny and challenge may be diminished. The Committee therefore proposes that no question could be asked by a member of the Committee on behalf of which the statement is being made until all other Members who wish to ask any question on the statement have had the opportunity to do so.

3 Questions asked under other Rules

- 3.1 The Committee believes that the new provisions proposed in the preceding paragraph should also be extended to the questions which can be asked after other Committee statements, under Rule 10(3) and those asked in relation to Questions in the States under Rules 11 and 12. That is, no question could be asked by a member of the Committee on behalf of which the statement is being made or whose President has been asked a question until after other Members who wish to ask a question on the statement or the question have had the opportunity to do so.

4 Statements of a personal nature

- 4.1 The Committee believes that, while making a number of adjustments to the Rules, it is appropriate to amend the Rule concerning statements of a personal nature. It proposes that any Member who wishes to make a statement of a personal nature should be obliged to provide the Presiding Officer with a copy of the proposed text in advance of making the statement.

5 Recommendation

- 5.1 For the reasons set out above, the Committee believes that the requirement for Committee Presidents to have to make periodic statements about the activities of their Committees should be included in the Rules and that they should follow an agreed rota. It therefore recommends the States to approve the Proposition to which this policy letter is attached, namely that those minor additions and changes to the Rules should be made with immediate effect.

6. Compliance with Rule 4

- 6.1 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 6.2 In accordance with Rule 4(2), the Committee requests that the matter be considered at the States' Meeting to be held on the 7th June, 2017.
- 6.3 In accordance with Rule 4(3), the Committee confirms that there are no financial implications to the States of approving the Propositions.
- 6.4 In accordance with Rule 4(4), it is confirmed that the proposition to which this policy letter is attached has the support of all members of the Committee.
- 6.5 In accordance with the provisions of Rule 4(5), the Committee informs the States that its duties and powers include advising the States on "the practical functioning of the States of Deliberation". The Committee has consulted the Presiding Officer and the President of the Policy & Resources Committee and the Presidents of the Principal Committees in respect of these proposals.

Yours faithfully,

Deputy M. J. Fallaize
President

Deputy P. J. Roffey
Vice-President

Deputy M. H. Dorey
Deputy M. K. Le Clerc
Deputy H. L. de Sausmarez