

Privileges and Procedures Committee

Machinery of Government Sub-Committee

(14th Meeting)

14th February 2025

Part A (Non-Exempt)

All members were present, with the exception of Deputy M.R. Scott of St. Brelade, from whom apologies had been received.

Deputy T.A. Coles of St. Helier South, Chair
Deputy H.L. Jeune of St. John, St. Lawrence and Trinity, Vice Chair
Connétable K. Shenton-Stone of St. Martin (for a time)
Deputy L.V. Feltham of St. Helier Central
Deputy R.L. Kovacs of St. Saviour

In attendance –

Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support
J. Hales, Research and Project Officer, States Greffe
C. Tucker, Assistant Secretariat Officer, Specialist Secretariat, States Greffe
E. Patterson, Assistant 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 meetings of 17th and 27th January 2025, having previously been circulated, were taken as read and were confirmed. |
| Privileges and Procedures Committee Minutes. | <p>A2. The Sub-Committee received and noted the following Part A Minutes of meetings of the Privileges and Procedures Committee (PPC) -</p> <ul style="list-style-type: none"> - 10th January 2025; - 20th January 2025; - 24th January 2025; and - 31st January 2025. |

Due to the high volume of PPC Part A Minutes to be considered, it was agreed that officers compile a list, highlighting Acts which were relevant for consideration by the Sub-Committee, for inclusion on the agenda of future meetings.

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| Lobbying Law and Register. | A3. The Sub-Committee, with reference to its Minute No. A5 of 17th January 2025, considered the feasibility of introducing a Lobbying Law and Register to enhance transparency between Government and lobbying groups. |
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The Sub-Committee recalled that the introduction of a Lobbying Law and Register could contribute to the wider objective of enhancing transparency within the States Assembly, and the different ways in which the Law could be presented were discussed. The Sub-Committee also considered how lobbying activity would be monitored in order to enhance transparency.

The Sub-Committee concurred that a broad code of principles for members of lobbying groups, as well as guidance for Ministers, States Members and civil

servants who may experience lobbying, could be produced, which would aim to increase trust in Government and promote transparency. The Sub-Committee was advised that the Scottish Parliament had introduced transparency measures regarding lobbying activities through the Lobbying (Scotland) Act 2016 and had provided further guidance on lobbying and transparency within the Code of Conduct for Members of the Scottish Parliament. In this consideration, it was suggested that reviewing the process in Scotland would be a useful starting point for the development of any legislation.

The Sub-Committee agreed to recommend to the Privileges and Procedures Committee (PPC) that work be progressed in relation to introducing a Lobbying Law and Register. Subsequently, it was requested that officers put together a report for presentation to the PPC which summarised the importance of bringing such a proposition forward.

Work Programme.

A4. The Sub-Committee, with reference to its Minute No. A2 of 22nd November 2024, considered its ongoing work programme, which had been informed by the recommendations set out in the final report of the Democratic Accountability and Governance Sub-Committee (DAGS) (R.23/2022 referred).

It was recalled that there was a need to prioritise certain matters ahead of the 2026 Election to ensure their completion before the next parliamentary term. To aid in the evaluation of workstreams, an additional column had been appended to the work programme to identify items requiring legislative changes and, consequently, additional time and resources to complete.

With regard to the requirement to prioritise specific items in the work programme, attention was drawn to ongoing items related to Government structure, including the DAGS recommendation that each department should have one ultimately accountable Minister. It was suggested that, where the scope of a department necessitated an additional Minister, a principal Minister should be appointed to delegate responsibilities accordingly. Deputy R.L. Kovacs of St. Saviour informed the Sub-Committee that the Public Accounts Committee had held a Public Scrutiny Hearing on 12th February 2025 with Dr. A. McLaughlin, Chief Executive and Head of Public Service, Government of Jersey, in which the structure of Government was raised. A Government structure chart, dated February 2025, was presented and the Sub-Committee expressed concerns regarding the overlap of remits of Chief Officers across corresponding departments. The Sub-Committee was advised that the structure of the Government was embedded in the provisions of the States of Jersey Law 2005, which enabled the Chief Minister and Ministers to determine their respective portfolios. Concerns regarding the implementation of this Government structure in practice and the perceived misunderstandings surrounding legislations associated with Ministerial roles were also highlighted. It was agreed that to share Government structure charts with all States Members during the induction process to explicitly outline the functions, roles and responsibilities of Ministers.

Turning to the DAGS recommendation to create a Cabinet Office function *via* the merging of the Ministerial Support Unit and the Strategic Policy, Planning and Performance Department (SPPP). The Sub-Committee acknowledged that the formation of the current Cabinet Office (which had been achieved by combining the Chief Operating Office, the Office of the Chief Executive and SPPP) was arguably not what had originally been envisaged. It was also noted that changes to the Cabinet Office occurred based on the appointment of the Chief Minister, and the Sub-Committee subsequently proposed that the structure should remain consistent regardless of Executive membership to maintain cohesion.

Having discussed these matters, Deputy T.A. Coles of St. Helier South, Chair

requested that a Comments Paper outlining the Sub-Committee's position on the above be drafted, with the intention of presenting the Comments to the States Assembly prior to the end of 2025.

Ministerial
Role
Descriptions.

A5. The Sub-Committee, with reference to its Minute No. A4 of 17th January 2025, received and noted correspondence, dated 28th January 2025, addressed to Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter, Chief Minister, from Deputy T.A. Coles of St. Helier South, Chair, in connexion with the implementation of Ministerial role descriptions.

It was recalled that previous correspondence from the Chief Minister, dated 20th December 2024, outlined the perceived challenges associated with revising the current Ministerial role descriptions. One such concern was that a prescriptive approach may constrain Ministers in discharging their duties and invoke additional remuneration reviews. Nevertheless, the Chief Minister was supportive of the publication of information pertaining to Ministerial roles and the production of a consolidated list of legislation which demonstrated Ministerial responsibilities. Subsequently, the Chief Minister had been invited to attend a future meeting of the Sub-Committee to discuss the matter further. The Sub-Committee was advised that, whilst the Chief Minister was amenable to further consultation, scheduling conflicts had prevented his attendance at Sub-Committee meetings thus far.

Whilst it was acknowledged that no formal response had been received to the letter sent by the Chair on 28th January 2025, Deputy L.V. Feltham of St. Helier Central informed the Sub-Committee that she had liaised briefly with officers in this connexion. Subsequently, it was proposed that Deputies Feltham and M.R. Scott of St. Brelade, as members of both Government and the Sub-Committee, act as representatives for the Chief Minister in future discussions. Having considered the positive benefits of progressing the project, it was agreed that correspondence would be sent to the Chief Minister to confirm this operational arrangement, and an invitation would be extended to relevant officers to attend the next scheduled meeting of the Sub-Committee.

Some confusion was noted regarding the ownership of role descriptions, particularly in relation to Ministerial roles. Accordingly, it was agreed that officers would ascertain the current process for determining role descriptions for Ministers and the Chairs and members of Committees and Panels ahead of the next scheduled meeting of the Sub-Committee.

Democratic
Accountability
and
Governance
Sub-
Committee
Report.

A6. The Sub-Committee, with reference to its Minute No. A6 of 17th January 2025, received and noted a report entitled, 'Democratic Accountability and Governance Sub-Committee Report - Recommendations', which responded to the recommendations set out in the final report of the Democratic Accountability and Governance Sub-Committee (DAGS) (R.23/2022 referred).

The Sub-Committee recalled that confusion had arisen with regard to the DAGS recommendation concerning the creation of a Cabinet Office function, and it was questioned whether current arrangements aligned with what had been envisaged in the recommendation (Minute No. A4 of the current meeting refers). Additional uncertainty was noted with regard to the role and function of the Cabinet Office. It was noted that the above matter would remain under review and could be discussed in a future meeting with Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter, Chief Minister, in attendance.

It was recalled that the Sub-Committee had requested further refinement to the DAGS Recommendations report, to include links to relevant correspondence, which would enable smoother navigation throughout the document and to ensure it

reflected the current status of the ongoing work programme.

The Sub-Committee discussed several of the DAGS recommendations in connexion with the Scrutiny function, which had not yet been considered, and decided not to take forward recommendation Nos. 19, 20, or 21, and to give further consideration to recommendation Nos. 22 and 23. Discussions regarding the following recommendations ensued –

Recommendation No. 19 – Scrutiny Panel Membership

This recommendation suggested that Chairs of Scrutiny Panels should be elected by the States Assembly, but should be responsible for determining their own Panel membership. The Sub-Committee concurred that although several of the DAGS recommendations provided the States Assembly with more control, recommendation No. 19 devolved the Assembly's authority. Further concerns were raised due to the possibility for bias in giving Chairs the choice to select whomever they wished to form the Panel's membership. Subsequently, the Sub-Committee was minded not to take this recommendation forward.

Recommendation No. 23 – Scrutiny Panel Members' Behavioural and Attendance Expectations to be set out in Standing Orders

This recommendation suggested that Standing Orders should provide a list of expectations for members of Scrutiny Panels, to include an expected level of attendance at meetings. The recommendation further proposed that it should be provided for in Standing Orders that if members were not in attendance for a long period without good reason, their membership on the Panel would be terminated, subject to the discretion of the Scrutiny Liaison Committee (SLC). The Sub-Committee noted that this recommendation would be beneficial in upholding member accountability within Scrutiny Panels, and Deputy T.A. Coles of St. Helier South, Chair, suggested that the matter be raised with the Privileges and Procedures Committee (PPC) for further discussion.

The Sub-Committee noted the position.

Date of Next Meeting.

A7. The Sub-Committee noted that the next scheduled meeting would be held on 14th March 2025 at 11.00 am in the Blampied Room.