

Privileges and Procedures Committee

Machinery of Government Sub-Committee

(9th Meeting )

20th September 2024

**Part A (Non-Exempt)**

All members were present.

Deputy T.A. Coles of St. Helier South, Chair  
 Connétable K. Shenton-Stone of St. Martin  
 Deputy M.R. Scott of St. Brelade  
 Deputy R.L. Kovacs of St. Saviour  
 Deputy L.V. Feltham of St. Helier Central  
 Deputy H.L. Jeune of St John, St Lawrence, and Trinity

In attendance –

J. Lepp, Research and Project Officer  
 H. Roche, Senior 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 meeting held on 21st June 2024 (Part A), having previously been circulated, were taken as read and were confirmed.  |
| Work Programme.  | A2. The Sub-Committee, with reference to its Minute No. A3 of 21st June 2024, agreed and noted its ongoing work programme.   |
| Standing Order Nos. 113 and 115 - proposed amendments. | <p>A3. The Sub-Committee, with reference to its Minute No. A5 of 21st June 2024, considered a report which had been prepared by Ms. J. Lepp, Research and Project Officer, in connexion with a proposal to amend Standing Orders 113 and 115.</p> <p>The Sub-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.</p> <p>Following the adoption of the proposition P.1/2024 - Vote of no confidence: Chief Minister, 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 Sub-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.</p> <p>The Sub-Committee received a timeline of events following the lodging and adoption of ‘P.1/2024 - Vote of no confidence’ and discussed the same. Consideration was also</p> |

given to the Elections (Jersey) Law 2002 and Standing Orders in connexion with processes following the death of a Member in service and subsequent by-elections.

The Sub-Committee proposed that, in the event of the death of a serving Chief Minister, the timeline to elect a replacement ought to be extended to a period of 3 weeks. This would allow for a 7 day period of respect, followed by a 2 week duration to allow for nominations to be submitted by interested parties and the election of the new Chief Minister to take place. It was noted that the incumbent Deputy Chief Minister would step up during this period.

The Sub-Committee proposed that, in the event of a successful 'vote of no confidence' against the Chief Minister, a period of 3 working days be allowed for interested parties to submit their intention to stand for election of Chief Minister, along with 6 signatures of support from sitting Members and a manifesto. The Sub-Committee felt that the current 24 hour time limit had proved to be problematic and stressful for candidates following the approval of 'P.1/2024 - Vote of no confidence' in January 2024.

Connétable K. Shenton-Stone of St. Martin undertook to table the proposed amendments to Standing Orders for discussion with the Privileges and Procedures Committee.

Democratic  
Accountability  
and  
Governance  
Sub-  
Committee  
Report.

A4. The Sub-Committee, with reference to its Minute No. A4 of 21st June 2024, considered correspondence received from Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter, Chief Minister, dated 19th July 2024, in connexion with the Democratic Accountability and Governance Sub-Committee (DAGS) Report - recommendations on Arm's Length Organisations (ALOs).

The Chief Minister had noted, in connexion with recommendation No. 7 of the DAGS report, that, whilst ALOs required effective management, the significant differences between them in terms of aims, structure and Ministerial accountability should be acknowledged. Therefore, a single Committee overseeing all ALOs would be insufficient, although in some form this would be part of the solution as Ministers were mindful of the States Assembly decision to establish such a Committee in adopting the proposition entitled 'Monitoring of Arm's Length Organisations and Green and White Papers' on 28th April 2022 (P.65/2022 referred).

Consultation would take place with the Comptroller and Auditor General and other parties to discuss the direction of travel, which would be guided by the results of an audit on the oversight of ALOs. The focus was expected to be on how best to deliver specific improvements, such as new frameworks for Ministers, remuneration guidance and categorisation of the ALOs in order that governance arrangements can be tailored accordingly.

The Sub-Committee noted that the 'Arm's Length Bodies and States Owned Entities Group', to support the effective coordination and development of arrangements between Government and bodies owned by the public, had been established in December 2023 but had never met (MD-CM-2023-889 referred). The officer based group entitled 'Arm's Length Bodies Oversight Board' was active and appeared to have most matters arising in this connexion designated to it.

The Sub-Committee discussed the current situation and noted that more oversight and accountability from ALOs was required in order to form a structure around reporting to Government. It was suggested that 'interested' Ministers or the Shareholder (the Minister for Treasury and Resources) should sit on the Board of ALOs in order to forge an ongoing relationship with, and gain a better understanding of the arrangements of, the various bodies. This would further increase transparency and lead to improved accountability.

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20.09.2024

The Sub-Committee noted the position.

Date of next  
meeting.

A6. The Sub-Committee noted that its next meeting would be held on 18th October 2024 at 11.00 am in the Le Capelain Room.