

STATES OF JERSEY



MONITORING OF ARM'S LENGTH ORGANISATIONS AND GREEN AND WHITE PAPERS (P.65/2022): AMENDMENT

Lodged au Greffe on 14th April 2022
by the Council of Ministers
Earliest date for debate: 25th April 2022

STATES GREFFE

MONITORING OF ARM'S LENGTH ORGANISATIONS AND GREEN
AND WHITE PAPERS (P.65/2022): AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

Delete the word “supervisory” and after the words “comprising” insert the words “Executive and non-Executive”.

After the words “and to”, substitute the words “request the Minister for Treasury and Resources, in consultation with the Council of Ministers,” with the words “support responsible Ministers and the Assembly in discharging their responsibilities, and to request the Council of Ministers,”.

After the words “the next States Assembly by no later than”, substitute the words “30th September 2022” with the words “31st October 2022”.

2 PAGE 2, PARAGRAPH (b) –

After the words “agreed criteria for the preparation of”, substitute the words “‘green papers’ (initial consultations on policy or legislative proposals) and ‘white papers’ (detailed proposals for legislation)” with the words “initial consultations on policy or legislative proposals and detailed proposals for legislation”.

COUNCIL OF MINISTERS

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

- (a) that a Committee comprising **Executive and non-Executive** States Members should be established in order to monitor the performance of Arm’s Length Organisations and to **support responsible Ministers and the Assembly in discharging their responsibilities, and to request the Council of Ministers,** to commission officers to draw up options for this, so that a project can be considered by the next States Assembly by no later than **31st October 2022;**
- (b) that clear, agreed criteria for the preparation of **initial consultations on policy or legislative proposals and detailed proposals for legislation** should be established, and to request the Chief Minister to commission officers to draw up proposals for this, with a view to a report being presented to the States on the outcome of the work by no later than 30th September 2022.

REPORT

The Council of Ministers supports the proposition and the underlying work of the Democratic Accountability and Governance Sub-Committee. It is pleasing to see the Committee's work come forward, and Ministers would like to make amendments which it is hoped are helpful overall.

Paragraph (a)

A political body to monitor and coordinate the work of the ALOs has merit, recognising that we are in the very favourable position of owning a range of utilities, as well as delivery and promotional bodies. We can therefore deliver substantial benefits through enhanced monitoring and coordination, including Executive and non-Executive Members. This does already take place within government, but structural improvements in political monitoring and oversight are always possible, and will deliver greater benefits by involving the expertise and knowledge of non-Executive States Members.

At the same time, Ministers are individually accountable to the Assembly for the performance of ALOs in their areas of political and statutory responsibility, and these amendments seek to ensure that those clear lines of accountability are maintained.

Notably, the amendment deletes the word "supervisory", which implies an ability to provide direction, and makes clear that the Committee will support existing responsibilities, including governance frameworks, which include Memorandums of Understanding, as well as approaches to performance monitoring and coordination.

In this way, a new Committee can offer support, without taking on the responsibilities or accountabilities of Ministers and inadvertently blurring lines of accountability. For example, the Minister for External Relations and Financial Services is accountable for Jersey Finance, and the Minister for Economic Development, Tourism, Sport and Culture is accountable for Visit Jersey and Digital Jersey. If these clear lines of accountability were replaced by a Committee, it would likely detract materially from the ability of these Ministers to deliver in their areas of responsibilities.

The amendment also directs the responsibility for delivering the options report to the Council of Ministers as a whole, as not all the ALOs sit under the Minister for Treasury and Resources.

We would also like a small change in the timetable. Ministers will not be elected until mid-July, and to meet a September debate would require lodging in August. The new Government will, as always, have a lot of work to do on assuming office, including the need to deliver a Common Strategic Policy and Government Plan, and a debate by the end of October is therefore more practical.

Paragraph (b)

This is a minor amendment to remove the terms 'green' and 'white' papers, recognising that policy delivery involves a wide range of methodology, including deliberative consultation, and the terms green and white paper are overly constraining. If amended, the proposition would nevertheless continue to require that agreed criteria be delivered for initial consultations on policy or legislative proposals and detailed proposals for legislation.

Financial and manpower implications

There will be no additional financial and manpower implications from the amendment in respect of the proposition.