

Privileges and Procedures Committee

Machinery of Government Sub-Committee

(11th Meeting)

22nd November 2024

Part A (Non-Exempt)

All members were present, with the exception of, Deputy H.L. Jeune of St. John, St. Lawrence and Trinity, and Connétable K. Shenton-Stone of St. Martin, from whom apologies had been received.

Deputy T.A. Coles of St. Helier South, Chair
Deputy R.S. Kovacs of St Saviour
Deputy L.V. Feltham of St. Helier Central
Deputy M.R. Scott of St. Brelade

In attendance -

Y. Fillieul, Assistant Greffier of the States, Chamber and Members' Support,
States Greffe
J. Lepp, Research and Project Officer, States Greffe
C. Fearn, Secretariat Officer, Specialist Secretariat, States Greffe
E. Patterson, Assistant Secretariat Officer, Specialist Secretariat, States
Greffe
C. Tucker, Assistant Secretariat Officer, Specialist Secretariat, States Greffe

Note: The Minutes of this meeting comprise Part A only.

Minutes. A1. The Minutes of the meeting held on 18th October 2024, having previously been circulated, were taken as read and were confirmed.

Work Programme. A2. The Sub-Committee, with reference to its Minute No. A2 of 18th October 2024, agreed and noted its ongoing work programme and further details were discussed in connexion with the following items –

Government Structure

The Sub-Committee noted that, despite the adoption of the Draft Statistics and Census (Jersey) Amendment Law 202- (P.29/2024 refers) by the Assembly on 10th September 2024, which sought to guarantee the professional independence of the Chief Statistician and those working for them, Statistics Jersey was still located on Government premises. Concerns were consequently relayed regarding the degree of independence whilst the entity was still located in close proximity to, and being funded by, Government, and the Sub-Committee agreed to discuss the matter further with Statistics Jersey.

Monitoring of Arm's Length Organisations (ALOs)

The Sub-Committee recalled that a report, entitled 'Oversight of Arm's Length Bodies', had been produced by the Comptroller and Auditor General (C&AG) in accordance with Article 20 of the Comptroller and Auditor General (Jersey) Law 2014, and published by the Jersey Audit Office (JAO) on 30th July 2024. The

C&AG had made a series of recommendations aimed at strengthening the governance arrangements of ALOs, in order to ensure that opportunities to enhance accountability and value for money were realised in practice. The Sub-Committee wished to be apprised of the progress made by the Government towards the implementation of the recommendations outlined in the report, and it was agreed that Deputy R.S. Kovacs of St. Saviour would raise the item for discussion with the Public Accounts Committee.

Legislative Scrutiny

It was recalled that a report, entitled 'Governance – A Thinkpiece' (R.153/2019 refers), had been prepared by the former C&AG and published by the JAO on 18th December 2019. The report outlined a series of recommendations for enhancing the scrutiny process of Government, which included the establishment of: clear principles for the preparation of green and white papers, to provide the opportunity for a timely review of legislative proposals by Scrutiny Panels in advance of the preparation of draft legislation; unambiguous and consistent standards for legislative drafting instructions, to facilitate effective scrutiny of the extent to which policy objectives had been captured in draft legislation; and coherent standards for the preparation of 'marked-up' versions of legislation, which highlighted the differences and reasons for changes between the existing and draft legislation. The Sub-Committee noted that confusion surrounding the process for the second and third readings of legislative changes often arose during States Assembly sittings and requested that a briefing paper providing clarification of the process be prepared for all Members.

Training and Development

The induction process for elected Members was discussed and the Sub-Committee was reminded that a handbook was available for all Members. It was noted that improvements to the induction process were being implemented by the States Greffe ahead of the 2026 election, although challenges were highlighted in regard to the balance of Members having experience in their new roles and the high level of information to be retained. It was suggested that the relaying of essential information should be repeated at later dates after the induction period and this matter would further be discussed with the Privileges and Procedures Committee.

Deputy T.A. Coles of St. Helier South, Chair, noted that the Sub-Committee had progressed well through the actions, with many having been completed.

Ministerial Job Descriptions.

A3. The Sub-Committee, with reference to its Minute No. A4 of 18th October 2024, received and noted a letter, dated 11th November 2024, 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 job descriptions.

The Sub-Committee recalled that following its review of the Ministerial job descriptions outlined in the report entitled 'States of Jersey Law 2003: Article 30A – Ministerial Responsibilities' (R.10/2023 refers), which had been lodged by the former Chief Minister on 27th January 2023, it had been concluded that further detail was required with regard to the specific legislation which Ministers were responsible for and the duties which each Ministerial role entailed. The Sub-Committee had noted that an overarching description of what each role entailed, including a list of responsibilities, would be a useful tool for all Members, prospective candidates and the public.

It was acknowledged that the job descriptions, once completed, should be published

on the States Assembly website to ensure that prospective election candidates were fully apprised of the possible roles, related requirements and commitments they could assume responsibility for, prior to their successful election. The Sub-Committee further suggested that these requirements should be reiterated during the induction process for Members.

Deputy Coles informed the Sub-Committee that he had written to the Chief Minister to apprise him of the Sub-Committee's stance on the matter, and to determine whether he intended to produce a document equivalent to R.10/2023 for the current Government. It was noted that a response was awaited, and the Sub-Committee agreed to discuss the matter further at its next meeting, once a response had been received.

Amendments
to Standing
Orders Nos.
113 and 115.

A4. The Sub-Committee, with reference to its Minute No. A3 of 18th October 2024, received an oral report from Deputy T.A. Coles of St. Helier South, Chair, in connexion with the amendments to Standing Orders Nos. 113 and 115.

The Sub-Committee recalled that it had proposed amendments to Standing Order No. 113, which set out the selection process for the Chief Minister and Ministers in situations other than those which followed an ordinary election, and Standing Order No. 115, which set out the process for nominating a Chief Minister.

Deputy Coles apprised the Sub-Committee that the Privileges and Procedures Committee had considered the proposed amendments and had subsequently approved the same for lodging '*au Greffe*'. It was noted that the proposition entitled 'Amendment to Standing Orders – Timeline for Ministerial Appointments' (P.80/2024 refers) was scheduled to be debated at the meeting of the States Assembly on 10th December 2024, and that a copy of P.80/2024 had been shared with the Chief Minister prior to lodging.

The Sub-Committee noted the position.

Democratic
Accountability
and
Governance
Sub-
Committee
Report.

A5. The Sub-Committee, with reference to its Minute No. A4 of 18th October 2024, received and noted a report, entitled 'Democratic Accountability and Governance Sub-Committee Report – Recommendations', in connexion with the recommendations made by the Democratic Accountability and Governance Sub-Committee (DAGS) in the report entitled 'Democratic Accountability and Governance Sub-Committee' (R.23/2022 refers).

The Sub-Committee recalled that it had considered several of the recommendations from the DAGS Report, including those in connexion with Ministerial job descriptions and Arm's Length Organisations, as discussed previously.

Deputy T.A. Coles of St. Helier South, Chair, asked the Sub-Committee to review the DAGS recommendations ahead of the next meeting to identify any further points for discussion or action.

2025 Meeting
Dates.

A6. The Sub-Committee agreed and noted the proposed meeting dates for 2025.

Date of Next
Meeting.

A7. The Sub-Committee noted that its next meeting would be held on 20th December 2024 at 11.00am in the Le Capelain Room.

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11th Meeting
22.11.2024