

Comité des Connétables

Minutes of the meeting held on
Monday 13th January 2020
at the Parish Hall, St Ouen.

Present:

Connétable de St Laurent - Mrs D. W. Mezbourian, Chairman
Connétable de St Clément - L. Norman (present for items 1-6, 10-14)
Connétable de St Sauveur - Mrs S. A. Le Sueur-Rennard (not present for items 1-5)
Connétable de St Brélade - M. K. Jackson
Connétable de Grouville - J. E. Le Maistre
Connétable de la Trinité - P. B. Le Sueur (not present for items 1-2)
Connétable de St Pierre - R. P. Vibert
Connétable de Ste Marie - J. M. Le Bailly
Connétable de St Ouën - R. A. Buchanan

Apologies for absence were received from the Connétable de St Hélier - A. S. Crowcroft, Vice Chairman; the Connétable de St Jean - C. H. Taylor and the Connétable de St Martin - Mrs K. Shenton-Stone.

In attendance:

Mrs S. R. de Gruchy, Secretary

Non-exempt (public) under Freedom of Information (Jersey) Law 2011

Minutes

1. The minutes of the meetings held on 9th and 16th December 2019, having been previously circulated, were taken as read and were confirmed.

Electoral
Reform 2020
P.126/2019

2. The Comité, with reference to its minute no. 5 of 16th September 2019, discussed the Privileges and Procedures Committee (PPC) proposition 'Electoral Reform 2020' (P.126/2019) which had been lodged for debate by the States on 4th February 2020. The proposition was for nine electoral districts electing, in total, 46 States members, that a person holding office as Connétable should be entitled to membership of the States of Jersey in a non-voting capacity but with the ability to participate in debate and non-executive committee work; and that legislation to change the composition and election of the States Assembly as outlined in the proposition should only come into force if it won the support of the majority of Islanders who vote in a YES/NO referendum to be held during 2020.

The Comité, having discussed the proposition, agreed it should present comments to the States Assembly. In particular the Comité saw no merit in the Connétable having membership of the States in a non-voting capacity and considered this misinterpreted the views expressed by the electorate. Connétables were concurrently elected as father/mother of their parish; in this respect the principle of the equality of the vote was observed since the vote of every elector carried equal weight within the boundaries of the parish. The report referred to the removal of the Senators but, in practice, this was the most fair and democratic of the current positions and the preference of many of the electorate.

The proposal for 9 districts totally removed representation of the parish administrations from the legislature of the States Assembly and, whilst the report stated the survey and focus groups were based on robust methodology, the views expressed did not align with the expressed wish of the electorate in the referenda in April 2013 and October 2014 and more recent public meetings. The Venice Commission stated that

constituency boundaries might be determined on the basis of geographical criteria and the administrative or indeed historic boundary lines, which often depend on geography. Degressive proportionality in one form or another was also practiced in other countries.

The Comité considered the survey methodology and results but was concerned to hear from Connétables of feedback received from parishioners who had been invited to take part in the survey and who had expressed surprise at how difficult it was to answer as they wished. Such comments, and the absence of the context and full survey questions, undermined confidence in the headline results on which PPC relied in promoting acceptance of its proposition. The results also differed from the views expressed in referenda held in 2013 and 2014. From discussions with members of the EOM, the Connétables' understanding was that the EOM recognised that a referendum was absolute as it expressed the will of people.

In conclusion, the Comité considered there was no single correct electoral system and it was universally recognised that this was ultimately a matter for the people of each country. The Comité accordingly requested that draft comments be circulated for approval prior to presentation to the States.

Sustainable
Transport
Policy
P.128/2019

3. The Comité, considered the proposition 'Sustainable Transport Policy' P.128/2019 which had been lodged for debate by the States on 25th February 2020. The Comité considered there was an overlap between this subject and that of carbon neutrality (minute no. 4 of this meeting refers). The Comité agreed that the Minister for Infrastructure should be invite to brief the Comité at the next meeting as the briefing session for States members clashed with this meeting.

Arising from this the Comité noted that Deputy C Labey had asked to attend a meeting as she had convened a group which included Senator S Pallet and Senator K Moore, as well as representatives of Cycle 4 Jersey and the Parish of St Helier, to discuss the development of cycle infrastructure and the cycle route network across the island. The Comité agreed to invite Deputy Labey to a future meeting.

Carbon Neutral
Strategy
P.127/2019

4. The Comité, with partial reference to its minute no. 8 of 11th November 2019, discussed the proposition 'Carbon Neutral Strategy' P.127/2019 which had been lodged for debate by the States on 25th February 2020. Having heard from Connétables of action being taken in their respective parishes with regard to a carbon neutral strategy the Comité noted the proposition and decided not to present comments thereon.

Firearms
(Jersey) Law
2000 – shooting
club approval
St Ouen Rifle
Club

5. The Comité was informed that the Minister for Home Affairs had received an application from St Ouen's Rifle Club for approval as a shooting club under Article 15 of the Firearms (Jersey) Law 2000. Before granting or refusing to grant an approval or varying or withdrawing an approval, the Minister was required to consult the Comité in accordance with Article 15(3) of the law. The conditions had been met for approval as a shooting club and, having discussed the application, the Comité agreed it had no comments to make on the approval as a shooting club of St Ouen's Rifle Club.

United Nations
Convention on
the Rights of
the Child
(UNCRC) –
incorporation
into domestic
legislation

6. The Comité received a presentation from the Senior Policy Officer - Children's Policy and the Head of Policy, Community and Constitutional Affairs, on proposals for indirectly incorporating the United Nations Convention on the Rights of the Child (UNCRC) into domestic legislation. The proposals included consideration of the role of the Parishes in implementing the UNCRC.

The Comité was informed that the U.K.'s ratification of the UNCRC was extended to Jersey in 2014. Subsequently the Independent Jersey Care Enquiry report was published in 2017; the first Children's Commissioner and Minister for Children for Jersey were appointed in 2018 and reports, outlining plans to 2023, were published in 2019. The policy

ambition was for a culture change which would implement, protect and promote Children's Rights and develop and embed rights-based practice. It would also increase knowledge and understanding of the UNCRC and establish a robust foundation ahead of potential direct incorporation.

The duty to have 'due regard' to the UNCRC would fall on the proposed 'duty-bearers' which included named public authorities delivering relevant functions, such as the parishes. From 2023 a children's rights impact assessment (CRIA) could be required although there could be other ways of evidencing that children's rights had been considered. The impact of mandatory CRIA screening when lodging amendments was illustrated having regard to amendments lodged with the States 2017-2019.

In reply to questions the Comité was informed that the Convention stipulated the age of a child was up to 18 years. Concern was expressed at the additional work which would be required to comply with new legislation and the limited resources available to parishes. The Policy officers offered to provide training opportunities to assist in meeting the policy ambitions and said that the States Greffe might also be able to assist as it was providing additional resources to Scrutiny and to back benchers. Following discussion the officers were thanked for attending and then withdrew from the meeting.

Liberation 75 –
2020

7. The Comité, with reference to its minute no. 8 of 9th December 2019, noted information from the Bailiff's Chief Officer advising that as part of the communications plan there would be a Liberation website that would be the one stop shop for anyone wanting to know about events during 2020. Parishes were invited to provide their own event details to be uploaded to the Liberation Website when in a position to share that information.

St Helier Yacht
Club – parish
round-island
race

8. The Comité was informed by the Connétable of Grouville that the St Helier Yacht Club round-island inter-parish yacht race would be held on 27th June 2020 as a sponsored handicap event.

Next meeting

9. The Connétable of St Ouen was thanked for his hospitality and the Comité noted the next meeting would be on 10th February 2020.

Chairman Date

