

TM/MH/141

PRIVILEGES AND PROCEDURES COMMITTEE

(10th Meeting)

19th May 2015**PART A**

All members were present, with the exception of Connétable J.E. Le Maistre of Grouville, from whom apologies had been received.

Connétable L. Norman of St. Clement, Chairman
 Senator P.F.C. Ozouf
 (not present for Item Nos. A6 and B3)
 Connétable D.W. Mezbourian of St. Lawrence
 Connétable C.H. Taylor of St. John
 Deputy J.A. Martin
 Deputy S.Y. Mézec of St. Helier

In attendance -

M.N. de la Haye O.B.E., Greffier of the States
 L.M. Hart, Deputy Greffier of the States
 T. McMinigal, Clerk to the Privileges and Procedures Committee

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes. A1. The Minutes of the meetings of 21st April 2015 (Part A and Part B), having been previously circulated, were taken as read and were confirmed.

Web-streaming of meetings of the States and installation of clocks. A2. The Committee, with reference to its Minute No. A4 of 21st April 2015, received an oral update from the Greffier of the States in relation to the web-streaming of meetings of the States and installation of clocks.

465/4(13) The Committee recalled that the report and proposition "States Assembly: filming proceedings and the installation of clocks" (P.39/2015 refers) had been lodged "au Greffe" on 16th April 2015.

The Committee was informed that the debate on the proposition had been deferred until 23rd June 2015, in order to enable the organisation of a briefing which would demonstrate the benefits and capabilities of a web-streaming facility to all States Members. Officers had arranged this briefing for 16th June 2015 and the Chairman had duly issued an invitation to all Members of the Assembly.

With regard to the forthcoming debate, the point was made that some Members might be more favourably inclined towards the introduction of web-streaming than the installation of clocks, and vice versa. The Committee noted that the two elements would be voted on separately by the Assembly. In any case, the Committee agreed on the need to espouse with clarity the rationale behind each initiative both at the arranged briefing and during the debate on the proposition.

The Committee noted the position accordingly.

Connétable C.H. Taylor of St. John maintained his dissent from the Committee's decision on the basis that the cost of web-streaming could not be justified in the current economic context.

Composition
and election of
the States
Assembly.
465/1(195)

A3. The Committee, with reference to its Minute No. A7 of 21st April 2015, received an oral update from the Chairman on the activities of the Sub-Committee on the Composition and Election of the States Assembly.

The Committee noted that the Sub-Committee had met on 12th May 2015, wherein it had finalised an array of materials. It was reported that the Sub-Committee had produced its Terms of Reference, a prospective timeline for reform and a report summarising the principles of the Code of Good Practice in Electoral Matters and its implications for Jersey's electoral system. The Committee was informed that these documents had been published on the States Assembly website, on a page dedicated to the work of the Sub-Committee. Officers from the States Greffe were directed to draft a press-release announcing the availability of these materials.

The Sub-Committee had also reviewed materials to be used at its first open-forum workshop with States Members, which was due to take place on 2nd June 2015. Its Members had directed that this first session with the wider Assembly should concentrate on certain fundamentals of the electoral system, for example the objectives for reform and the categories, districting and numbers of States Members.

The Committee observed that, following the meeting of the Sub-Committee, the Chairman had issued a letter of invitation to all States Members publicising the commencement of the consultation process.

The Committee noted the position accordingly and awaited further developments with interest.

Correspon-
dence from
Mr. B. Cooper
1135/19/1(17)

A4. The Committee, with reference to its Minute No. A11 of 13th January 2015, noted correspondence dated 30th April 2015 from Mr. B. Cooper concerning the agreement relating to the ownership of the foreshore adjacent to La Fief de la Fosse (P.117/2003 refers).

Mr. Cooper had called on the Chief Minister's Department to rescind its decision concerning the agreement relating to the ownership of the foreshore adjacent to La Fief de la Fosse, on the grounds that the decision was unlawful and/or in breach of the Human Rights (Jersey) Law 2000.

The Committee re-emphasised that it could not refer the concerns raised by Mr. Cooper to the Bailiff or the States Assembly. It was considered that the decision to settle litigation proceedings with Les Pas Holdings Limited in the case of La Fief de la Fosse was political, unaffected by legal considerations and perfectly within the competence of the States Assembly.

It was agreed that the Chairman would write to Mr. Cooper to detail the nature and content of the Committee's deliberations.

Correspon-
dence from
Mr. P.
Grainger
1386/2/1/21(5)

A5. The Committee considered correspondence dated 7th May 2015 from Mr. P. Grainger in connexion with the failure of the sea wall at Le Bourg, the impact this caused to his property, and the appropriate channels of complaint.

Senator P.F.C. Ozouf declared that he had previously interacted with Mr. Grainger over the matter in question. He accordingly withdrew from the meeting.

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Mr. Grainger asserted that the Transport and Technical Services Department had displayed negligence in failing to stabilise the base of Le Bourg sea wall. He opined that the Department had refused to accept responsibility for the resulting destruction of his garden patio. Mr. Grainger advised that he had written to the Chairman of the Complaints Panel to request a hearing on the matter. However, the Chairman had decided not to refer the case to a Complaints Board on the basis that it could not act as a determiner in relation to an issue which was, in essence, a legal dispute. This decision had been confirmed on appeal to the two Deputy Chairmen.

Mr. Grainger did not accept that the pursuit of legal proceedings was the sole route which an aggrieved member of the public should have to follow. He requested the Chairman to instruct the Chairman of the Complaints Panel to review and reverse his previous decision not to grant a hearing.

The Committee noted that it was not within its jurisdiction to intervene in decisions made by the Complaints Panel. As an independent body, Members recognised that the Chairman possessed no powers of instruction over the Chairman of the Complaints Panel. The Committee maintained that the appropriate route of recourse for the issue was through the Royal Court.

It was agreed that the Chairman would write to Mr. Grainger to detail the nature and content of the Committee's deliberations.