

STATES OF JERSEY



COMPOSITION AND ELECTION OF THE STATES ASSEMBLY: ELECTION DATES FOR CONNÉTABLES

**Lodged au Greffe on 19th April 2007
by the Comité des Connétables**

STATES GREFFE

PROPOSITION

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

- (a) to agree that the 12 parish Connétables should all be elected on a single election day –
 - (i) for a term of office of 4 years;
 - (ii) with the first such election to take place in the autumn of 2008;
 - (iii) on a day that is neither an election day for Senators nor Deputies under the States of Jersey Law 2005;
- (b) to request the Privileges and Procedures Committee to bring forward for approval the necessary legislation to give effect to the proposal including appropriate transitional arrangements to ensure that all 12 Connétables can be elected on a single election day by December 2008 at the latest.

COMITÉ DES CONNÉTABLES

REPORT

Office of Connétable

1. The office of Connétable evolved at customary law and the role is included in the 1771 Code. Each Connétable serves a term of office of 3 years and, as a result of hundreds of years of evolution, there is no order in the dates of elections throughout the Island.
2. The “States of Jersey” formerly comprised the Jurats, the Connétables and the Rectors. This constitution was revised in 1948 when the Jurats were replaced by Senators, the Rectors were removed and additional Deputies were created by the “States of Jersey Law”. The Connétables remained members of the States but as their office is established under customary law the subsequent laws have referred to their membership as being “by virtue of their office” rather than as a result of that office being created by the “States of Jersey Law”.
3. The wording “by virtue of their office” gives a perception that the Connétables do not have a right to be in the States. Further, there is frequent comment that a Connétable is not elected to his office. Appendix 1 sets out the role of the Connétable taken from “The Working Party on Parish Assemblies Report” R.C.38/2001. The report includes –
 - The Connétables sit in the States not as elected members but by dint of their office of Head of the Parish. They may speak and vote in the States. They are not delegates of the Parish; they are its representative.
4. A Connétable is, however, elected at a public election under the same Law that regulates the elections of Senators, Deputies, Centeniers and Procureurs du Bien Public (the Public Elections (Jersey) Law 2002).
5. The fact that there is not a single election date for all Connétables may add to the perception that Connétables are not elected and may also mean that even when an election is contested it does not receive the same publicity as the general elections for Senators and Deputies.
6. It is clear therefore that the Connétable is elected at a public election and that he represents his Parish in the States Assembly (the Code of 1771 specifically required matters to be lodged for 14 days to enable “the Constables to consult their Constituents if they judge necessary”).

Support for a single election day for Connétables

7. There have been various propositions relating to the composition of the States Assembly but, to date, no decision has been reached on some key issues including that of a single election day. The “Report of the Review Panel on the Machinery of Government in Jersey” dated December 2000 recommended –
 - One General election only for all Members of the States and for the 12 Parish Constables.
8. In a letter to the President of the Policy and Resources Committee in March 2001, the Chairman of the Comité des Connétables wrote –
 - The Connétables also support, in principle, a single election day for all States members and for Connétables to all be elected on the same day. However, given the role of the Connétable as head of the Parish and his duty with regard to elections, it may be impractical for Connétables to be elected on the same day as other States members.
9. The Comité has therefore decided to bring this proposition for a single election day for all Connétables and, during its deliberations, has considered some of the issues relating to the role of the Connétable in the States.

Should the Connétable be a States member?

10. The question of whether a Connétable should “by virtue of his office” be a member of the States continues to be raised. It has been suggested that a Connétable could stand for election both as a Connétable and as a member of the States if he wishes to retain a seat in the States. However, the Connétables believe this overlooks a number of issues which it seems sensible to address before commenting further on a single election day for Connétables.
11. Public discussion about the constitution of the States Assembly, and options for reform, frequently suggest that parishioners elect their Connétable to run the Parish and not because he/she is a member of the States. The Connétables consider this is erroneous as, in their experience, those who do turn out to vote do so in the certain knowledge that the person elected will represent them in the States as well as run the Parish. Indeed, the Connétable’s role as a member of the States has deterred some from standing for Connétable because they have not wished to commit to that States role.
12. The Comité has considered whether the role of Connétable would be clearer if the words “who are members of the States by virtue of their office” were removed from Article 2(1) of the States of Jersey Law 2005. However, the Comité is advised that such a change would necessitate a number of other changes to the law as the States of Jersey Law sets out the criteria in respect of qualification and disqualification for office for other States members, declaration on nomination, the oath of office, etc, and these would have to be amended. Bringing the office of Connétable within the States of Jersey Law would also cut some of the ties between the Connétables and the Court; the Royal Court has no powers to discipline a Senator or Deputy whereas it is able to rebuke a Connétable. The office of Connétable is a mix of parochial and States administration.
13. The argument is also frequently used that a Connétable is not elected because the election is uncontested. The Review Panel on the Machinery of Government reported that during the period of its review 4 new Connétables had been elected and a fifth re-elected, all of them unopposed. This statistic is misleading when considering the current Connétables as the following shows that 9 have faced a contested election at least once during their terms of office.
 - St. Peter– 3-way contest in 2001; re-elected unopposed in 2004
 - Grouville – 2-way contest in 2003; re-elected unopposed in 2004
 - St. Saviour– 3-way contest in 1998; re-elected unopposed in 2001 and 2004
 - St. Clement– elected unopposed in 2001; 2 way contest in 2004
 - St. Helier– 2-way contest in 2001; re-elected unopposed in 2004
 - Trinity – 2-way contest in 2002; re-elected unopposed in 2005
 - St. Brelade– 2-way contest in 2005
 - St. Lawrence– 2-way contest in 2003; re-elected unopposed in 2006
 - St. Martin– 3-way contest in 2006
 - St. Ouën– elected unopposed since 1994
 - St. Mary– elected unopposed since 2000
 - St. John– elected unopposed in 2006.
14. A similar exercise for the office of Deputy would show that at every general election some are elected for the first time, or returned for further terms, unopposed for example at the November 2005 elections, 6

Deputies were returned unopposed (one of whom was standing for the first time). Although recent elections for Senator have been fiercely contested, there have been years when there were so few candidates that many were virtually guaranteed a place.

Policing role of Connétables

15. Is a Connétable just a “police officer” who should not sit in a legislative assembly because of his policing powers? Certainly the views expressed by the Review Panel on the Machinery of Government of a tendency for Connétables to come up the honorary police ladder and/or be elected uncontested can be shown to be less and less the case. Of the current Connétables, only 3 were serving as an Honorary Police officer when elected although 4 others have served at some time in the Honorary Police of their Parish as well as in other honorary roles.
16. Further, the Connétables have accepted that they should cease to fulfil an operational policing role so that they may sit in the States (although they will retain overall responsibility for the effective and efficient policing of their parish). The position of Chef de Police has been formalised in recent years as the officer responsible for operational policing in the Parish and the Comité des Chefs de Police has also been created by statute. These changes were agreed by the States on 19th May 1998 (P.49/1998 – see Appendix 2).

Are Connétables active States members?

17. Do the Connétables speak less than other States members and therefore play a less active role in the States? Whilst it could be said that some Connétables do tend to speak less (and listen more?) than other categories of member, when they do speak they speak more concisely. Generally they don’t believe in restating what’s already been said in the debates – they therefore follow Standing Orders!
18. Further, the Connétables are (and always have been in the past) every bit as involved in States work and Island politics as other categories of member, whether in Scrutiny, the Executive, as back benchers, or under the previous system as Committee Presidents and members. In the current States Assembly, four Connétables serve as Assistant Ministers and on the Privileges and Procedures Committee and Legislation Advisory Panel (both the P.P.C. and L.A.P. are chaired by a Connétable) and all the remainder serve in some capacity on the Planning Applications Panel, the Scrutiny Panels and sub-panels.
19. It is also said that the Connétables vote ‘en bloc’ when matters are debated by the States. There is no evidence of Connétables voting en bloc other than when they happen to agree on issues. It could be argued that there are groups of other members who consistently vote en bloc on various issues.
20. It has been suggested that the States should comprise only Senators and/or Deputies and that each Connétable should stand, if he so wishes, in that capacity. Unlike Parish Deputies, the Connétable actually has to live in the Parish (other than the Connétable of St. Helier who may live in or be a ratepayer of the Parish) whereas a Deputy need have no tie to the district he/she represents. This is one reason why many standing for the first time as Deputy choose to represent a St. Helier district as the number of seats gives a greater chance of election than standing in a rural Parish, perhaps against a sitting Deputy. If a person serving as Connétable had also to stand for election to the States, there would be some (see paragraph 11 above) who would choose to stand as Connétable only and this would create significant imbalance between the parishes as some will have direct access to political solutions to their particular problems while others won’t. The functioning of the Comité des Connétables would be altered with empowered and disempowered members.
21. The ability of an individual member including a Connétable to take a matter to the States is a precious thing and no parish should be without that avenue.
22. The States have been promoting the ideal of “joined up government” for some years but it is often forgotten that government in Jersey is exercised at local level – in the parishes – and at Island level – by States departments. Whilst a Senator and Deputy will seek to represent his/her constituents, it is only the

Connétable who is actively involved in the administration of the Parish and who can thus ensure that the “local government” functions of the Parishes are properly taken into account when the States take decisions on Island issues and policy. This has been demonstrated in the past as the Connétables have brought amendments to legislation and propositions being debated by the States thus ensuring that policy can be practically delivered within the Island. States members elect the Ministers for the States departments – decisions now rest with the Minister, rather than a ‘broad church’ of committee members, and thus may impact on constituents who have had no say in electing the Minister.

23. Unlike Senators and Deputies, who can only be held to account by their electorate every 6 or 3 years, the Connétable is accountable each year to his/her parishioners and ratepayers at the Parish Assembly to set the rate. The Connétable is thus far more aware of the views of his electorate throughout his/her term of office and this ensures the views of voters are well represented in the States Assembly.

A single election day for Connétables

24. The issue has been discussed at length both in the States and the media and the Connétables believe that introducing a single election day for the position of Connétable will find favour with the electorate.

25. It has been suggested that the term of office for other States members be 4 years, instead of the current 6 or 3 years, and the Comité is therefore taking the opportunity to propose that the term of office for a Connétable be extended from 3 to 4 years. However the proposition is framed so that it may be amended or voted on in parts, if members so decide.

26. The report dated August 2006 “States of Jersey Survey on Electoral Reform” shows that of those surveyed 37% favoured a 3 year term compared with 30% who favoured a 4 year term. The “Report of the Review Panel on the Machinery of Government in Jersey” recommended the interval between elections should be not less than 4 years, nor more than 5 years. The length of office is a matter for the States to decide but, given that members might agree to a 4 year term when this comes before the House it is appropriate to consider a similar term for the office of Connétable.

27. The States has still to decide whether the Senators and Deputies will share the same election day although the concept appears to have gained in popularity since 2000 (see “States of Jersey Survey on Electoral Reform”). However, if such a change is agreed this will be achieved by amending the States of Jersey Law – the election dates of Connétables is not set out in this law and therefore it is appropriate for legislation to be brought separately on this matter if the principle is agreed.

28. The Comité has always maintained that there could be practical difficulties if the Connétables are elected on the same day as Senators and Deputies and therefore favours a separate day for the Connétables election. Although anxious to avoid an “election overload” for the electorate in any one year, the Connétables believe the introduction of a single election day is most important and should not be further delayed beyond 2008 when Senators and Deputies are next elected. The proposition is therefore that the first single election day should be in the autumn of 2008.

29. Without predicting what the Privileges and Procedures Committee will bring forward, there has been suggestion that the elections for Senators and Deputies should be moved to the spring as this would permit canvassing in the lighter evenings and may encourage a greater turnout at the election. Whilst this would also be beneficial to those standing for election as Connétable, it would introduce a further delay in progress towards a single election day for all Connétables and is not being proposed at this time.

30. Whether or not the States agree to a single election day for Senators and Deputies (and the Comité considers the practicalities of this must be established before a vote is taken to ensure the effect is not misunderstood by the electorate) it may be advantageous to continue with the election of Connétables at a different time of the year to other States members. The Comité considers a single election day for all Connétables, whenever that day may be, is unlikely to affect those standing for election as a Senator or Deputy. Whilst many have moved from Deputy to Senator, and the reverse, and some have moved from Deputy (or even Senator) to serve as Connétable it is most unusual for a person to stand for election to

another post having served as Connétable.

31. The question that remains is how to achieve a single election day given the range of terms of office as shown below –

Connétables election dates – dates current terms end

July 2007 – St. Peter
July 2007 – Grouville
August 2007 – St. Saviour
December 2007 – St. Clement
December 2007 – St. Helier
November 2008 – Trinity
November 2008 – St. Brelade
February 2009 – St. Lawrence
June 2009 – St. Martin
August 2009 – St. Ouen
August 2009 – St. Mary
December 2009 – St. John.

32. The Comité has been advised that whilst it is not possible to extend a term of office, it is possible to shorten that term albeit that a disgruntled member might be able to make an application through the Courts or to the Privy Council to get the legislation invalidated if the shortening was excessive. If a single election was introduced in autumn 2008 this would result in 7 Connétables having their terms of office shortened by between 1-2 months and 13-14 months– unlikely to be considered an excessive period.
33. The 5 Connétables who will be elected in 2007 and whose terms of office will expire in 2010 would have their terms shortened by up to 2 years and this might be considered excessive. However, the current incumbents are unanimous that a single election day should be introduced and, if still in office, are therefore unlikely to seek redress for the curtailment of their office. The other option, in respect of those elected in 2007, is to provide that their successors in 2010 will serve only a shorter term to bring all terms of office into line in 2012 (assuming a 4 year term of office from 2008).
34. Unlike other States members, the Law provides that a Connétable remains in office until his successor is sworn in and so a Connétable may resign without causing a vacant seat in the States for several weeks. However, the resulting election might be to complete the term of office rather than for a new full term and would not therefore achieve a permanent alignment of the election day in future years.
35. The Comité des Connétables has already lodged “au Greffe” a proposition to bring into line the terms of office of the 56 Centeniers across the Island. This was approved by the States on 28th March 2007 and will result in each Parish having an election every nine months and will ensure that some parishes no longer risk having to find several new Centeniers at the same time. It should therefore not be difficult to achieve a single election day for 12 Connétables.
36. Having regard to the spread of election dates and the timing of the next “general election” of States members, the Connétables favour the first single election day in the autumn of 2008, after those of Senator and Deputy (which may by then be on a single day). A specific date has not been included in the proposition as this will depend, in part, upon other changes which might be brought forward by the Privileges and Procedures Committee and agreed by the States. The principle is that the single election day for Connétables should not be a day that is an election for either Senators or Deputies.
37. All the Connétables are unanimous that there should be a single election day – it will provide an excellent opportunity to lift the profile of the role of Connétable, as the election day will be the same in all 12 Parishes, and will be a step towards harmonising the election days for all States members.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of this proposition.

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Role of Connétable – taken from **THE WORKING PARTY ON PARISH ASSEMBLIES: REPORT R.C.38/2001**

2.1 The Connétable

- 2.1.1 The first known reference to a Connétable in the records of the Island is dated 1462, but it is more than possible that the office came into being long before that date. The functions and status of the Connétables increased to the point at which the Connétable was head of the “Civil Parish” and Chief of the Parish Police.
- 2.1.2 The Connétables are elected by the electorate of their Parish for a period of three years but they remain in office notwithstanding their discharge from office at the expiration of that period until their successor has been sworn into office. There is no apparent age limit for the office nor, ostensibly, any disqualification such as incapacity, criminal record, or other civil offices. However, the Royal Court exercises a supervisory jurisdiction when the Connétable is in office. It is submitted that a similar jurisdiction is exercisable by the Royal Court (on a representation by the Attorney General) to decline to administer the oath to a newly elected Connétable if he or she is for whatever reason unfit for office.
- 2.1.3 The Connétables sit in the States not as elected members but by dint of their office of Head of the Parish. They may speak and vote in the States. They are not delegates of the Parish; they are its representative. If the Connétable was unable to be present in the States, the Parish used to be represented by the senior Centenier who was normally the *Chef de Police*. This was enshrined in Article 17(1) of the States of Jersey Law 1966, but that Article was repealed in 1974.
- 2.1.4 A Connétable is required to inform the Attorney General in writing, at least six weeks before the date on which three years will have expired from the date of his/her election to office or of that of a Centenier in the Parish. The Attorney General must in turn inform the Royal Court, which then orders an election to be held as soon as may be on or after the date that the term of office expires. If a Connétable dies when in office, the senior Centenier assumes the office of Connétable until the new Connétable, after the trial of the contested election, is sworn into office. The trial of contested elections have preference before all other civil suits when they are ready for hearing.

Excerpt from States Minutes 19th May 1998: Policing of the Island – P.49/98, P.84/98 and P.86/98

THE STATES, adopting the proposition as amended –

- (3) approved the recommendations in paragraph 2.2 of the Report of the Working Party on Policing in the Island dated 5th December 1997, as follows –
- (a) that the office of Chef de Police for each parish, be established by law to have charge of the honorary police within the parish and perform such other duties as may be prescribed by law; and that the Connétables should cease to fulfil an operational policing role but retain overall responsibility for the effective and efficient policing of their parish;
 - (b) that posts of Chairman, and Deputy Chairman, of the Honorary Police, and the responsibilities of the respective posts, be established by law;
 - (c) that the Centeniers Association and the Association of Vingteniers and Constables Officers be recommended to merge into a single association;
 - (d) that the senior Procureur du Bien Public in a parish should be empowered by law to deputise for the Connétable in the event of the latter's incapacity or absence from the Island;
 - (e) that the Attorney General be requested to prepare and maintain a Code of Practice covering Parish Hall inquiries and to monitor the consistency of awards and procedures at such enquiries.

Members present voted on the proposition, as amended, as follows –

“Pour” (45)

“Contre” (1).