

# STATES OF JERSEY



## **COMPOSITION AND ELECTION OF THE STATES: REVISED STRUCTURE (P.72/2009) – SECOND AMENDMENT (P.72/2009 Amd.(2)) – AMENDMENT**

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Lodged au Greffe on 18th August 2009  
by Deputy T.M. Pitman of St. Helier

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**STATES GREFFE**



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**1 PAGE 2 –**

In amendment 1 for the words “49 Members” substitute the words “47 members”.

**2 PAGE 2 –**

In amendment 2 after the words “fewer than two Deputies” insert the words “with the 47 Deputies being allocated across the Parishes according to a system of representative to population ratio as set out in Table A on page 6 of the Report of Deputy T.M. Pitman of St. Helier dated 18th August 2009”.

DEPUTY T.M. PITMAN OF ST. HELIER

## REPORT

*“Living in one of the smaller parishes I do think it is important that we keep two representatives. But I accept that because Deputies in the country parishes – little St. Mary being the obvious example – will always have far less constituents to look after than those elected in the built up parishes this is still probably going to rankle with some. Personally I think it’s a minor flaw worth accepting.*

*Two Deputies or MPs – I think I prefer ‘Deputy’ – could keep the parish link with the States just fine and leave the Connétable to do what they should be doing anyway, running the day to day affairs of the parish – full time. Senators? I’m afraid they have proven the role to be obsolete because half the top jobs are now held by politicians without an Island-wide mandate anyway. Six years is far too long as well.*

*You all have one vote in the States, after all, don’t you, so it makes sense that you are all called the same. It would make it all simpler and then more people would probably vote. You would all have the same term too, which would make it a bit easier to get rid of people with a general election day if they do a lousy job, break their election promises or don’t listen to the people, etc. Yes, it makes a lot of sense. The other thing I like about this is that it will obviously make some real savings.”*

### **SOMETIMES IT IS WORTH RISKING TALKING TO STRANGERS!**

It is no secret among those who know me well that I always keep an eye out for a good political quote that will often get right to the heart of a matter in a way even the longest of speeches rarely manages. All the better too if the said quote has the added weight of being attributed to some highly respected figure from history.

The above observations, however, come from no such luminary. Just a lady who I took the risk of boring with the ideas behind the attached amendment whilst sitting at a café! Yes, unfortunately it’s true – I am sad (or should that be naïve) enough to risk asking the political opinion of complete strangers quietly enjoying a cup of coffee! This lady was one of 4 individuals I sounded out at random as it happens over a couple of days. I obviously make no claims for any ‘scientific’ methodology in this – but would suggest that it was of value just to get a ‘snapshot’ of what a random selection of ordinary people might think as to the underlying reasoning and the system’s workability.

Though pleased to find that each of the four was supportive of my take on reform, I decided to use the comments above purely because they seemed to me to sum up, in plain speaking, what I too considered were essentially the proposed system’s strengths in attempting to further enhance the Constable’s amendment –

- It was fair and equitable as far as Jersey’s geographic and political realities allowed.
- It strove to follow a logical ‘representative-constituent ratio’ (one to a targeted maximum of approx 2,000) format, but still recognised the worth in the anomaly of ensuring even the smallest parish kept at least 2 representatives in the States Assembly.
- It protected and maintained the historic tradition of the parish-States link far better than the ‘super constituency’ proposals do.
- It saved taxpayers’ money – more than a quarter of a million pounds in fact.

- Further still, it doesn't prevent any individual elected to be Father or Mother of their parish as Connétable from subsequently also standing for election to the States as a Deputy if they feel they have the time to do both.

Added to the fact that it was clear the reduction by 6 members to a total of 47 still maintained the so called 'Troy' rule and would allow the 2011 Assembly to function in relation to Executive-Scrutiny, just as the lady at the café said: it seemed to me that the acknowledged flaw/bias in favour of smaller, country parishes by opting to retain a system where even St. Mary retained 2 representatives was, indeed, well worth accepting.

While I will enlarge upon one or two of the broader issues briefly later within the report, I also believe that, set alongside other elements of the original PPC proposals, which I too fully support, i.e. –

- standard 4 year terms,
- a general election,
- the whole proposal going before the public in a referendum,

this amendment gives us the best way forward for the future of those systems proposed, whilst retaining the best – and still relevant – aspects from our political past. I further believe that, viewed in total with the indicated suggestions from PPC, it gives us the opportunity to achieve the type of workable reform of the States that the vast majority of Jersey's people believe to be way overdue. I accept, of course, that we will never come up with a system that will satisfy everyone: the recent history of numerous States debates on reform has surely proven that to us, if nothing else.

But I hope all Members, whatever their current position, be it Senator, Connétable or Deputy, will give the amendment and this report a full and un-jaundiced consideration and hopefully eventually be similarly convinced to support the amendment. The argument for a 3- or even 2-tiered system of representation is, I believe, like so many others I talk to, no longer sustainable.

Just as one of the members of the public I sounded out observed, it is time we put serving the interests of democracy and effective government first, and that of any suggestion of looking after members' own interests/aspirations out of mind all together. After all, everything else in life moves on, changes with the passing years as circumstances alter – why should the make up of the Island's government be in any way different? The truth is our present system is out of date – let's move on.

#### **47 x STATES MEMBERS: A FORMAT FOR LOGICAL AND EQUITABLE REPRESENTATION**

Studying the original proposition, it appears to me that the decision by PPC to settle on the figure for a States Assembly made up of 49 members actually has no real analytical basis underlying it at all; other than using their suggested removal of the Senators to make a token cut in the number of States Members: a boon, perhaps, to curry favour with those within the population who are critical? Indeed, PPC's proposition actually admits that the issue of financial savings was not even a consideration! I find this admission disappointing to say the least. Likewise that it wasn't mooted specifically to make government more effective.

While I fully support the amendment of the Connétable of St. Clement in its general thrust of ensuring the maintenance of parish links, this too appears to accept the reduction to 49 without any analysis of the reasons underlying it. Worse than both of

these failings, however, I view to be the reluctance for any other proposal to get to grips with the real nitty-gritty of trying to work out where increases or, possibly, even any reductions, should be made as to locating the handful of ‘new’ Deputies arising from the removal of the Senatorial positions.

As I have acknowledged, there is no 100% fair system of reform to be found – or at least not one that is fair through everyone’s eyes. My amendment, however, does at least attempt to get to grips with these issues, and does so in a way that is demonstrably logical and based on a principle of all parish equality based on population or potential electorate. That is to say that –

- It strives for an ideal of one x representative to approximately 2,000 population maximum;
- But accepts the limitation that all parishes shall have at least 2 politicians;
- It reduces the Assembly to 47 – the minimum number needed to function.

It is quite clear from this that, while at first glance the most populous parish, St. Helier, would appear to benefit from a much bigger number of Deputies, the reality is that it is St. Mary, St. John and Trinity that actually benefit from a significantly disproportionate number of representatives relative to their population; while the Island’s capital is, beyond any tenable argument, in fact under-represented.

Indeed, if we were to focus on a format based strictly upon ‘ratio fairness’, the case for St. Mary continuing to have 2 representatives is wholly unsustainable. These facts can perhaps best be demonstrated by studying the table on the following page (Table A).

I believe it is also worth highlighting here that the figures PPC were forced to use for their proposition, i.e. the 2001 Census, are less than ideal for they, of course, fail to breakdown individually those larger parishes that are split into districts due to their size. Wishing to actually go further with this amendment and break down the proposed number of Deputies to include specific districts, I sought assistance from the parish of St. Helier. Unfortunately, I was advised that such breakdowns do not exist.

**Table A**

Parish	Population	Current number of Deputies + Connétable	Amended number of Deputies	Population per new Deputy System	Increase In Representatives
St. Helier	28,310	11	14	2,022	3
St. Mary	1,591	2	2	795	–
St. Clement	8,196	3	4	2,049	1
St. Saviour	12,491	6	6	2,082	–
St. Lawrence	4,702	3	3	1,567	–
Grouville	4,702	2	3	1,567	1
St. Peter	4,293	2	2	2,146	–
St. Martin	3,628	2	2	1,814	–
St. Brelade	10,134	4	5	2,027	1
Trinity	2,718	2	2	1,359	–
St. John	2,618	2	2	1,309	–
St. Ouen	3,803	2	2	1,901	–
<b>Relevant Totals</b>	<b>87,233</b>	<b>41</b>	<b>47</b>	<b>1,856</b>	<b>6</b>

\*It should be noted that the above table does not seek to indicate figures in terms of fifths, thirds or other fractions of a person to representative ratios.

## THE CASE FOR ALLOCATING PARISH INCREASES

Of one thing we can be certain: no-one amongst us would suggest that the population has decreased since 2001. Further still, even by utilising a combination of 2008 electoral registration and the 2001 census figures, I would suggest that the case for the specific proposed increases can be easily made by examining just a couple of examples. Again, remember we are focussing on parish total populations or constituents here.

The long-standing anomaly of Grouville sharing equal population figures with St. Lawrence, yet having one fewer representative, clearly warrants there being an increase of one to achieve parity. St. Helier, even at a 2001 population of 28,310, is clearly under-represented by 3 (the 2001 ratio being one representative to the better part of 2,600 people (2,574)). Similarly so, St. Brelade is under-represented by one – the 2001 figures revealing a ratio of one representative to 2,533.5 people. At a 2001 figure of 8,196 population, St. Clement's case for an additional representative is yet stronger still: currently judged at one representative to 2,732 people.

I believe the above figures speak for themselves. However, if accepted by the Assembly, any 'tweaking' of these allocations when it comes to the issue of districts can easily be worked through with the provision of proper resourcing. As already acknowledged, the system is not perfect by any means; yet if we are to accept that all parishes – even St. Mary – is to retain 2 representatives and retain the parish-States link, this format does provide a far more logical equation in tackling the problem than anything else offered to us so far.

As indicated above, rather than the easily formed initial misconception that is the larger parishes, particularly St. Helier, who are over-represented due to the apparently 'high' number of representatives, the fact we really need to agree to accept as an anomaly worth retaining is the over-representation of several of the country parishes. Again, this can perhaps best be illustrated within the following table (Table B) which compares current figures for the 3 most densely populated urban parishes with the 3 least populated country parishes.

**Table B**

Urban Parish	Population	Current number of Deputies + Connétable
St. Helier	28,310	11
St. Saviour	12,491	6
St. Brelade	10,134	4
<b>Totals</b>	<b>50,935</b>	<b>21</b>

Country Parish	Population	Current Number of Deputies + Connétable
St. Mary	1,591	2
St. John	2,681	2
Trinity	2,718	2
<b>Totals</b>	<b>6,990</b>	<b>6</b>
<b>3 x largest urban Parishes – ratio = one x Representative to 2,425 people</b>		
<b>3 x smallest country Parishes – ratio = one x Representative to 1,165 people</b>		

\*As the comparison in Table B shows, clearly it is the over-representation of the smaller country parishes – not the larger urban – that we need to accept as a worthwhile and ultimately beneficial anomaly to a format of targeted equal representation.

### **MAINTAINING THE PARISH LINK**

I have no desire to reiterate everything said about standard 4 year terms, a general election or public referendum, as it seems the original proposition and both amendments fully agree on these – as do I. So I will conclude with only the following observations enlarging upon the 3 issues outlined below.

Like the Connétable of St. Clement, and, indeed, the Deputy of St. Martin, I believe the historic link between parish and States must be maintained. Also, like the Connétable and Deputy, I too share the view that this can very satisfactorily be achieved without the Connétables continuing to sit in the Assembly. Where I part company with the Deputy is on the best way to achieve this as in his view of ‘super constituencies’. I would stress, however, that I have no problem with the basic concept in itself: there just happens to be an even better way. I part company with the Connétable only in as much as the size of reduction in the number of States Members and his reluctance to identify a fair and workable system of re-allocation.

As a Deputy in the biggest urban parish, I have to say that my constituent workload and thus parish contact is very significant, as is surely to be expected with a large population if you are doing your job – in a parish word undoubtedly does get around very quickly if you gain a name for helping people with their issues. I know this is also the case for all three of my JDA colleagues, and would imagine that it should be so for all the St. Helier Deputies.

I would also point out that the current Connétable of St. Helier ensures that a high degree of information is passed on from his office to the Deputies. He is also always keen to garner our views and involve people as much as they choose or are able to be involved, depending on commitments; doing this by both e-mail contact and organising regular meetings.

Why do I mention the above points? Simply because I can see no reason why these contacts and links would alter or lessen simply because the Connétable no longer sat in the Assembly. I believe a system of government with all members being ‘Deputies’ most definitely could protect the link between parish and States. Indeed, as dialogue/meetings would in all probability increase, such a system may even improve that link. Which neatly brings us to...

### **CONNÉTABLES IN THE STATES: STILL A MATTER OF CHOICE**

While I strongly believe that it is long past the time when Jersey should have implemented a system of government where there was just one type of member – whatever that might be called – I have no issue whatsoever with any individual elected to be a parish Connétable subsequently also putting him or herself forward for election as a Deputy/States Member. My only personal caveat on this would be the proviso that all Connétables who did so subsequently made the time to play a full part in either the Executive or Scrutiny – just as all members should if the system is not to collapse due to growing resentment that some commit many long hours to Scrutiny, for example, while others do not.



## **THE FADING CASE FOR THE ROLE OF SENATOR**

I maintain considerable support for the view that ideally a system where all States members could be elected on an Island-wide vote would be best. Unfortunately, the reality is that it is impossible to create such a system in Jersey that would be workable – certainly to ever get this to happen on one general election day: the almost certain number of candidates up in the 80 to 100 range simply make this a non-starter.

It has also become apparent to me, just as it has with many others in the Island, that having an Island-wide mandate is no guarantee of political quality in a candidate. Indeed, without intending any disrespect to past candidates, to suggest that a person gets elected as a Senator purely on their ability to do the job is an argument that holds no credibility. The fact must also be acknowledged that a true so-called ‘Island-wide’ mandate has never really existed – certainly in modern times – and never will until we can get electoral turnouts of the majority of voters.

Just as importantly, I believe, is the reality that it is now entirely unnecessary to be a Senator if a candidate’s ambition is to achieve a particular ‘top post’. Of course there have always been Deputies over the course of our political history that could easily hold their own with their Senatorial counterparts in terms of ability. But the make up of our present Council of Ministers demonstrates that, with election to the Senatorial benches no longer being the ‘rubber stamp’ on a Ministerial position, the role is largely effectively redundant in all but enhanced status and extended length of office. In my view this is sad in many ways but nevertheless quite true.

Anyone doubting this should just consider a fact also highlighted by PPC; we currently have 3 Deputies who are Ministers and one Connétable who holds this position. Three of the four did not even face an election in 2008 (not that this is any fault of their own). One of the four has never faced an election at all.

I thus share the view of many that we now must move on.

### **Financial and manpower implications**

I do not believe that there are any financial or manpower implications for the States arising from this amendment, other than potential outlay on researching the population/demographics of those parishes split into districts. However, any such financial outlay would be covered many times over due to the £264,000 saving on the reduced number of States members’ salaries.