



XXII
2012

BILLET D'ÉTAT

WEDNESDAY 26th SEPTEMBER, 2012

**STATES REVIEW COMMITTEE –
ELECTION OF INDEPENDENT MEMBERS**

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **26th SEPTEMBER, 2012**, pursuant to Rule 1 (4) of the Rules of Procedure of the States of Deliberation, to consider the item contained in this Billet d'État which has been submitted for debate.

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey
14 September 2012

STATES REVIEW COMMITTEE

ELECTION OF INDEPENDENT MEMBERS

1. Executive Summary

- 1.1 This report should be read and considered in conjunction with the report entitled “Review of the Structure and Functions of the Legislature and Government in Guernsey” also presented by the States Review Committee and published as Item 15 in Billet d’État XX for consideration at the September 2012 States Meeting. That report sets out the background to the Committee and the proposed election of two independent members.
- 1.2 The purpose of this report is to ask the Assembly to appoint two persons independent of the States, which election was deferred from being considered at the June 2012 States meeting.
- 1.3 This report has been published as a separate Billet, with the permission of the Presiding Officer, to allow sufficient time for the Committee to seek expressions of interest in membership.
- 1.4 The Committee would like to nominate Mrs Claire Smith and Mr Terry Le Sueur for election. This report provides the case in support of their nomination.

2. Background

- 2.1 The election of the two independent members of the Committee was deferred from the June 2012 States meeting (Item 6, Billet D’Etat XV). As noted in Section 3 of the Committee’s report “Review of the Structure and Functions of the Legislature and Government in Guernsey” (Item 15, Billet d’État XX September 2012), the Committee took into account concerns expressed by States Members in the June debate and wished to ensure that all avenues for finding suitable candidates locally should be explored.
- 2.2 The Committee extended the deadline for expressions of interest, approached business groups directly, such as GIBA, and publicised its search in the media and via Twitter.
- 2.3 In total, the Committee received 12 expressions of interest. The Committee met with a short-list of six potential candidates during August 2012.
- 2.4 The Committee would like to thank those that expressed an interest in membership.

3. Preferred candidates

- 3.1 The Committee was looking for candidates who would be sufficiently 'independent' of the States of Guernsey and who would bring an objective perspective together with experience of governance arrangements elsewhere.
- 3.2 The Committee is delighted to have found two such candidates and formally puts forward the names of Mrs Claire Smith and Mr Terry Le Sueur for the positions of independent member.
- 3.3 Mrs Claire Smith is a U.K Solicitor specialising in UK and Channel Island planning and environmental work who moved with her family to Guernsey in January 2012 as Senior Associate of Spicer & Partners Guernsey LLP. Mrs Smith has extensive experience of UK Public Law and the governance arrangements of local government in the UK, including advising on the implementation of the Local Government Act 2000. She is a member of the Law Society of England and Wales, the Association of Women Solicitors and is a member of the Guernsey International Legal Association.
- 3.4 Mr Terry Le Sueur was a member of the States of Jersey for 24 years and has had experience both as a member of, and chairman of, States committees both major and minor, and more recently of course as a Minister and ultimately Chief Minister. Mr Le Sueur has had experience of the Jersey system before and after the most recent machinery of government changes and served on the committee (the former Policy and Resources Committee) that carried out the review of the system. Mr Le Sueur retired 12 years ago as a practising Chartered Accountant.
- 3.5 The Committee believes that the skills and knowledge Mrs Smith will bring to this role coupled with Mr Le Sueur's experience of a different but similar administration will complement and balance the breadth of experience and expertise of the other members of the Committee.

4. Resource Requirements

- 4.1 The Committee will need to meet the travel expenses of Mr Le Sueur to attend meetings. This can be accommodated in the budget requested in the Committee's States Report "Review of the Structure and Functions of the Legislature and Government in Guernsey" (Item 15, Billet d'État XX).

5. Recommendations

- 5.1 The States are asked:
- i. to agree that the members to be elected to that Committee who are independent of the States shall not be required to satisfy the residency requirements prescribed in Article 8 of the Reform (Guernsey) Law, 1948, as amended, notwithstanding Rules 11(1) and 18 of the Rules for the Constitution and Operation of States Department and Committees;
 - ii. To elect two members of that Committee who are independent of the States.

(N.B. The Chairman of the States Review Committee will be proposing Mrs Claire Geneviève Lesley Smith LLB (Hons) and, subject to the approval of proposition (i), Mr Terence Augustine Le Sueur OBE as members of the Committee.)

Yours faithfully

P A Harwood
Chairman

6th September 2012

M J Fallaize, Vice Chairman G A St Pier R Conder M H Dorey

(NB As there are no resource implications identified in the report, the Treasury and Resources Department has no comments to make.)

(NB The Policy Council has no comment on the proposals.)

The States are asked to decide:-

- I.- Whether, after consideration of the Report dated 6th September, 2012, of the States Review Committee, they are of the opinion:-
1. That the two members to be elected to that Committee who are independent of the States shall not be required to satisfy the residency requirements prescribed in Article 8 of the Reform (Guernsey) Law, 1948, as amended, notwithstanding Rules 11(1) and 18 of the Rules for the Constitution and Operation of States Department and Committees.
 2. To elect two members of that Committee who are independent of the States.

[NB Paragraph (6) of Rule 20 of the Rules of Procedure of the States of Deliberation provides:-

“(6) On a proposition to elect members of a Department or Committee the Presiding Officer shall first invite the Minister or Chairman of the Department or Committee concerned, and thereafter other Members, to propose eligible candidates. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak, for not more than 5 minutes in respect of each candidate proposed by him, before voting takes place; and neither the candidates nor any other member shall be entitled to speak.]