

Comité des Connétables

Minutes of the meeting held on
Monday 4th March 2019
at the Parish Hall, St Ouen.

Present:

Connétable de St Laurent - Mrs D. W. Mezbourian, Chairman
Connétable de St Hélier - A. S. Crowcroft, Vice Chairman (not present for items 10 - 13)
Connétable de St Clément - L. Norman
Connétable de St Sauveur - Mrs S. A. Le Sueur-Rennard
Connétable de St Brélade - M. K. Jackson
Connétable de St Jean - C. H. Taylor
Connétable de St Pierre - R. P. Vibert
Connétable de Ste Marie - J. M. Le Bailly

Apologies for absence were received from the Connétable de Grouville - J. E. Le Maistre; the Connétable de la Trinité - P. B. Le Sueur, the Connétable de St Ouën - R. A. Buchanan 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 meeting held on 4th February 2019, having been previously circulated, were taken as read and were confirmed.

Liberation Day
2019

2. The Comité noted the proposed notice to be placed in the Jersey Gazette online and the Jersey Evening Post regarding the issue of tickets for the service and re-enactment to mark the 74th anniversary of the Liberation of Jersey which would be held in Liberation Square, St Helier, at 11.00 a.m. on Thursday 9th May 2019.

Liberation 75 –
2020

3. The Comité, with reference to its minute no. 5 of 4th February 2019, received a report from the Chairman the most recent meeting to plan for Liberation 75 – 2020. Island events were being planned for 9th May 2020 and parochial events should be held on other dates. A reply was awaited to the enquiry about funding for events.

draft Motor
Vehicles
(Removal from
Private Land)
(Jersey)
Regulations
201-

4. The Comité, with reference to its minute no. 2 of 10th September 2018, was informed by the Connétable of St Clement, in his capacity as Minister for Home Affairs, of the progress with drafting legislation relating to the removal of vehicles from private land. The Comité considered the draft Motor Vehicles (Removal from Private Land) (Jersey) Regulations 201- which would make it an illegal practice to wheel clamp a motor vehicle on private land, while also providing private landowners with alternative remedies to remove motor vehicles from their land when they were not authorised to be there. The Comité was informed that a number of changes had been made to the draft Regulations following the discussion at its previous meeting, for example the Parish would contact the registered keeper on behalf of a private landowner, and the Comité's approval of these changes, and any further comments, is sought. Having discussed the draft, the Comité had no further comments and noted that the Minister intended to lodge the draft Regulations by 19th March 2019 for debate in April 2019.

Public Services
Ombudsman –
consultation

5. The Comité received the Director, Social Policy, and Policy Principal, Strategic Policy, Performance and Population, Government of Jersey, to discuss a report regarding the introduction of a Public Services Ombudsman, the forthcoming consultation and the application of the Ombudsman to the parishes. The Comité was reminded that a Public Services Ombudsman had been under consideration since the Machinery of Government Review Panel in 2000. The issue was reframed by the Report of the Independent Jersey Care Inquiry in July 2017, in particular at Recommendation 7. The first Jersey Law Commission Topic Report on this subject, Improving Administrative Redress in Jersey, was published in October 2017. In January 2018 the States Assembly considered both the Independent Jersey Care Inquiry Report: implementation of recommendations (P.108/2017) and the initial response to the first Jersey Law Commission Topic Report (R.1/2018). In March 2018 the proposition “Public Services Ombudsman: Establishment of Office” (P.32/2018) was approved by the States Assembly. In November 2018 the Jersey Law Commission published the Topic Report Designing a Public Services Ombudsman for Jersey. This report was a fundamental part of the response to P.32/2018.

The Comité discussed with the officers the design principles (a body would come within the remit of the Ombudsman if any public money was received or public assets managed) and that consideration was therefore being given to including the Parishes as public money was received through the payment of rates. Exclusions were proposed to follow constitutional law principles (i.e. the judiciary and legislature, Parish Hall Enquiries and the Church). Other exclusions would apply where another watchdog, regulator or Court process should more properly hear the complaint.

The principal functions proposed for the Public Services Ombudsman included the informal resolution of individual complaints about maladministration and failure of service using appropriate dispute resolution techniques, including mediation and the formal resolution of individual complaints, by investigation or adjudication. The benefits of an Ombudsman scheme versus the current Complaints Panel were outlined and the running costs were discussed, it be noted that the States supported the proposal having been advised the cost might be £200,000-£250,000 per annum. The officers advised that the cost might be higher than this figure but would depend upon the role and model for the service which would be determined following a period of public consultation later in 2019. Having discussed the proposals further, the officers were thanked for attending and then withdrew from the meeting.

Big Rideout
2019 for
Holidays for
Heroes Jersey

6. The Comité, with reference to its minute no. 8 of 12th November 2018, received the Chairman and Vice Chairman of the Comité des Chefs de Police to discuss the Big Rideout for Holidays for Heroes Jersey event on Sunday 26th May 2019. The motorcycle event had been held for the past eight years with over 1,000 motorcyclists taking part in 2018 and raising just over £10,000. The President of the Honorary Police Association was also in attendance.

The Comité recalled that Connétables had indicated that they could not give permission for a parade or procession in their parish. The primary concern had to be for the general safety of all road users and ensuring the flow of traffic was not impeded. However, the Chairman of the Comité des Chefs de Police spoke of the difficulties in policing an event of this size and that, in previous years, road junctions had been closed for the motorcyclists.

The Comité was reminded of the current legislation including Article 3(1)(b) of the Policing of Roads (Jersey) Regulations 1959 and the Road Works and Events (Jersey) Law 2016 (under which the highway authority might decide to licence an “event”, which included a parade, and impose conditions to be observed). The Comité decided to invite the organisers of the event to attend its next meeting so that traffic management on the day could be discussed.

St Helier speeding enforcement

7. The Comité received the Chairman and Vice Chairman of the Comité des Chefs de Police regarding speeding enforcement in St Helier. The President of the Honorary Police Association was also in attendance. The Comité was reminded that a 20 m.p.h. speed limit applied within the ring road from 1st March 2019 and the Parish of St Helier had considered the resources available to effectively enforce speed limits. The Connétable of St Helier said that some of the parking wardens employed by the Parish were also members of the St Helier Honorary Police; he therefore proposed that the Parish would permit them time off during their usual working hours to undertake speed enforcement duties as an Honorary Police officer. The Comité, having recalled that it had not previously supported the introduction of fixed penalty notices, was advised by the Connétable of St Helier advised that he did not propose this as a method of speeding enforcement.

Honorary Police Association – accounts for 2018/19 and budget 2019/2020

8. The Comité received the President of the Honorary Police Association (HPA) who presented the Association's accounts for the year ended 28th February 2019 and the proposed budget for 2019/2020. The Chairman and Vice Chairman of the Comité des Chefs de Police were in attendance for this item.

The Comité noted the accounts for 2018/19 showed income of £3,528 and expenditure of £1,073 resulting in a surplus of £2,455 with a balance carried forward of £9,566. However the accounts included funding for recruitment/promotional materials to assist with the election of new members to the Honorary Police which had not been spent in recent years and this would be available to fund future work. The Comité then approved the proposed budget expenditure for 2019/2020 of £3,320 and decided that the parishes would fund a subscription of £17 per officer (based on the number of officers at 1st May) but, as this committed members of the Comité to expenditure and its rules required the assent of all members on the first occasion, the Comité agreed it should be further considered at the next meeting.

The President was thanked for his work on behalf of the Association and for attending the meeting and the delegation then withdrew from the meeting.

LICAR – Public Sector paperless award entry 2019

9. The Comité, having considered a suggestion from Teleologica Ltd, agreed to nominate the parishes' Renew or Replace Your Driving Licence Online service for the 2019 Public Sector Paperless Awards Best Customer Experience category. The national award was open to entries from Jersey and service demonstrably ticked the boxes for innovation, imagination and ambition, a clear strategy and increased use of online self-service.

Draft Explosives (Amendment) (Jersey) Law 201- P.21/2019

10. The Comité, with reference to its minute no. 9 of 5th April 2018, noted the draft Explosives (Amendment) (Jersey) Law 201- (P.21/2019) had been lodged "au Greffe" for debate on 30th April 2019. The draft Law amended the Explosives (Jersey) Law 2014, principally to provide power for the States to make Regulations in respect of all types of pyrotechnic articles, as defined, which included fireworks. That Law was not yet in force and would be brought into force on a day that the States by Act appoint. Subordinate Regulations had yet to be drafted.

Firearms and inspection of land for shooting – contract with Law at Work (CI) Ltd

11. The Comité was reminded that, since 2013, it had adopted a more rigorous policy to ensure due diligence was undertaken by a Connétable when determining a firearm certificate application (FAC) which requested permission to possess a .22LR rifle for pest control/hunting. The Comité had engaged with Law at Work (Channel Islands) Limited to prepare reports on the suitability of the land for such a purpose, the cost being met by the firearm certificate applicant. Law at Work (Channel Islands) Limited had proposed an increase in the cost from £65 to £80 per hour and had provided a 'contract for services'

and Terms of Business. The Comité agreed that the contract should be between the company and the parish which requested the report.

Arising from this the Comité noted that, to assist with determining a request to undertake pest control using an air rifle between sunset and sunrise (under Article 45 of the Firearms (Jersey) Law 2000), a Connétable would be requesting a similar report regarding the land on which it was intended to shoot.

Jersey Evening
Post - Parishes
vs Plastics
campaign

12. The Comité, with reference to its minute no. 12 of 4th February 2019, noted that the date for the Jersey Evening Post 'Parishes v Plastics' campaign event had been changed from 24th March to 7th April 2019.

Next meeting

13. The Connétable of St Ouen was thanked for his hospitality and the Comité noted the next meeting would be on 8th April 2019.

Chairman Date