

STATES OF JERSEY



GOVERNMENT PLAN 2020–2023 (P.71/2019): FIFTEENTH AMENDMENT

Lodged au Greffe on 11th November 2019
by the Connétable of St. Helier

STATES GREFFE

PAGE 2, PARAGRAPH (c) –

After the words “of the Report” insert the words “, except that in Summary Table 3(i), the proposed 2020 Revenue Head of Expenditure for the Office of the Chief Executive should be increased by £15,000 in order to fund the establishment of a Policy Development Board to consider and identify the activities, responsibilities and services that could be delivered by a Conseil Municipal of St. Helier; the Council of Ministers are requested to engage with the shadow Conseil for St. Helier, established by the St. Helier Parish Assembly on 6th November 2019, and the Policy Development Board, to explore opportunities to improve services to parishioners through devolution and delegation; and by the end of September 2020 the Policy Development Board is requested to make any recommendations deemed advisable to the States concerning the delivery of public amenities and the devolving of appropriate responsibilities from the States to the Parish of St. Helier”.

CONNÉTABLE OF ST. HELIER

Note: After this amendment, the proposition would read as follows –

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

to receive the Government Plan 2020–2023 specified in Article 9(1) of the Public Finances (Jersey) Law 2019 (“the Law”) and specifically –

- (a) to approve the estimate of total States income to be paid into the Consolidated Fund in 2020 as set out in Appendix 2 – Summary Table 1 to the Report, which is inclusive of the proposed taxation and impôts duties changes outlined in the Government Plan, in line with Article 9(2)(a) of the Law; and
- (b) to approve each major project that is to be started or continued in 2020 and the total cost of each such project, in line with Article 9(2)(d), (e) and (f) of the Law and as set out in Appendix 2 – Summary Table 2 to the Report; and
- (c) to approve the proposed amount to be appropriated from the Consolidated Fund for 2020, for each head of expenditure, being gross expenditure less estimated income (if any), in line with Articles 9(2)(g), 10(1) and 10(2) of the Law and set out in Appendix 2 – Summary Tables 3(i) and (ii) of the Report, except that in Summary Table 3(i), the proposed 2020 Revenue Head of Expenditure for the Office of the Chief Executive should be increased by £15,000 in order to fund the establishment of a Policy Development Board to consider and identify the activities, responsibilities and services that could be delivered by a Conseil Municipal of St. Helier; the Council of Ministers are requested to engage with the shadow Conseil for St. Helier, established by the St. Helier Parish Assembly on

6th November 2019, and the Policy Development Board, to explore opportunities to improve services to parishioners through devolution and delegation; and by the end of September 2020 the Policy Development Board is requested to make any recommendations deemed advisable to the States concerning the delivery of public amenities and the devolving of appropriate responsibilities from the States to the Parish of St. Helier; and

- (d) to approve the estimated income, being estimated gross income less expenditure, that each States trading operation will pay into its trading fund in 2020 in line with Article 9(2)(h) of the Law and set out in Appendix 2 – Summary Table 4 to the Report; and
- (e) to approve the proposed amount to be appropriated from each States trading operation’s trading fund for 2020 for each head of expenditure in line with Article 9(2)(i) of the Law and set out in Appendix 2 – Summary Table 5 to the Report; and
- (f) to approve –
 - (i) the establishment of a “Climate Emergency Fund”, in accordance with the provisions of Article 6 of the Law, as set out at Appendix 3 to the Report; and
 - (ii) the estimated income and expenditure proposals for the Climate Emergency Fund for 2020 as set out in Appendix 2 – Summary Table 6 to the Report; and
- (g) to approve the amounts to be transferred from one States fund to another for 2020 in line with Article 9(2)(b) as set out in Appendix 2 – Summary Table 7 to the Report; and
- (h) to approve the estimated income and expenditure of the Social Security, Health Insurance and Long-Term Care Funds for 2020 set out in Appendix 2 – Summary Tables 8(i), (ii) and (iii) to the Report, with –
 - (i) the estimated income to be raised from existing social security contributions defined in the Social Security Law and the proposed changes to contribution liability; and
 - (ii) the estimated expenditure to be paid to support the existing benefits and functions defined in the Social Security Law, the Health Insurance Law and the Long-Term Care Funds and new benefits, if any, to be paid from the Funds; and
- (i) to approve, in accordance with Article 9(1) of the Law, the Government Plan 2020–2023, as set out at Appendix 4 to the Report.

REPORT

“In 1892 the Chamber of Commerce, seeking more representative administration for Saint Helier and what they hoped would be a more vigorous local government, set up a working party which brought its recommendations to a public meeting. Debate in the newspapers was lively. The outlines of the proposal were as follows: ‘That a corporation be created for the parish and that a council be elected, to be called ‘Conseil Municipal de St. Helier ...’

Despite the interest aroused by the scheme and it being presented to the States by Deputy Clement Le Sueur, no progress was made ... In 1900 Deputy E.B. Renouf put forward a projet to replace the Parish Assembly of Saint Helier with a Municipal Council ... The Deputy explained his proposals to an assembly of constituents in the Town Hall chaired by the Connétable, Philippe Baudains ... The meeting overwhelmingly commended the projet, with only one vote against ...

On 17 January 1901 the States debated the projet ... the principle of the preamble was adopted, and having generally accepted the creation of a municipal council the States sent the whole scheme off into a black hole.”

(Geraint Jennings, December 2009)

One hundred and fourteen years later, Deputy S.Y. Mézec of St. Helier (now Senator) sought to [amend](#) the Draft Strategic Plan 2015 – 2018 ([P.27/2015](#)) – the first such plan in recent years to give particular focus to the improvement of St. Helier – to include a new ‘Desired Outcome’, namely ‘An improved municipal government structure and powers for the Parish of St. Helier.’ His report argued that –

“The Council of Ministers’ inclusion of St. Helier as a unique strategic priority is an admission that St. Helier is a special case which can, and must, be looked at as our capital, separately to other Parishes, to ensure that it is best able to fulfil its role as our Island’s main commercial centre, as well as home to a third of the population.

...

It would also provide grounds for devolving more areas of responsibility (and perhaps byelaw-making powers) to the Parish to be able to take the load off various States departments and provide better efficiency. Examples of areas which could be considered are entertainment licences, retail promotion and various parking matters. These areas of administration would be better dealt with at Parish level rather than bogging down States departments.”.

The report stresses that –

“The reform of the municipal government structure in St. Helier would in no way undermine the system of governance which continues to work well in the other Parishes, and cannot be said to be the start of a slippery slope to abolishing the current system which many hold dear, and which has served us well so far.

Example can be taken by the Isle of Man, where their equivalent of Parishes have a governance structure based in legislation as we do, yet they also have a

“Borough” status as defined in law, which, as it happens, has only been adopted by the capital, Douglas, to provide a more relevant structure for a capital with significant commercial activity and population.

This proposition is also not intended to be a green light to diminish the position or responsibility of the Connétable of St. Helier, who should continue to act as the Father/Mother of the Parish, directly elected by the Public to serve in that role.

It must also be said that this proposal in no way intends to undermine the ultimate powers of the Parish Assembly as a democratic forum for the final say to be held in the hands of ordinary voters a cornerstone of Parish governance for so long”.

Although the majority of the 8 speakers in the subsequent debate on 29th April 2015 supported the amendment, it was defeated by 25 votes to 20. Senator P.F. Routier had argued that ‘if things need to change within the Parishes it would be something that would come through the Parish authorities themselves and through the Comité des Connétables’, which is the case with this amendment: it results from the Municipal Reform Working Group established by the Parish of St. Helier at the beginning of the year, whose recommendations were supported in principle by the Comité des Connétables on 14th October 2019 and adopted by the St. Helier Parish Assembly on 6th November 2019 (Projet 6/2019 is attached as an **Appendix** to this Report).

The terms of reference, composition, etc., of Policy Development Boards are within the gift of the Chief Minister, but I would hope that the Board would include representation from the Comité des Connétables and St. Helier Deputies, as well as other Members with relevant responsibility and with access to relevant officials. The date proposed for completion of this work (September 2020) may seem ambitious, but the Parish is seeking to keep to the following timetable for municipal reform –

November 2019:

- Parish Assembly debates proposal to establish a shadow Conseil Municipal for St. Helier;
- Amendment to the Government Plan seeking the establishment of a Policy Development Board to investigate the potential role of a Conseil Municipal for St. Helier;

December 2019:

- Parish Assembly elects 5 members, including a youth representative, to join the Connétable, Procureurs du Bien Public and Roads Committee in a shadow Conseil Municipal for St. Helier during 2020;
- Establishment of Policy Development Board;

September 2020:

- States’ Policy Development Board reports to the States outcome of discussions with the shadow Conseil Municipal for St. Helier and the Council of Ministers;

December 2020:

- Parish Assembly debates Proposition and Report setting out detailed proposals for a Conseil Municipal for St. Helier;

Early 2021:

- States Assembly debates detailed proposals for a Conseil Municipal for St. Helier;

May 2022:

- Conseil Municipal for St. Helier established.

Financial and manpower implications

An estimate of a one-off cost of £15,000, representing a part-time officer to support the Policy Development Board.

This funding is non-recurrent and one-off in nature, only being required to support the Policy Development Board's work during 2020. These costs may well be funded by reprioritising existing support resources. The implementation of the proposals outlined in this report support many of the principles described in the Government Plan, and will contribute to improved services and the efficiency programme by reducing Government expenditure.

St. Helier Municipal Reform: establishment of a shadow Conseil Municipal for St. Helier during 2020

For consideration by the Parish Assembly on 6 November 2019 at 7.00 p.m.

PARISH OF ST. HELIER

P.06.2019



PROPOSITION

PARISHIONERS are asked to take into consideration and if deemed advisable to approve the establishment of a shadow Conseil Municipal for St. Helier during 2020.

REPORT

Background

Procureur du Bien Public, Geraint Jennings, has been asking the Parish of St. Helier to consider the establishment of a Conseil Municipal for many years, recommending that the informal arrangements introduced by the Constable of St. Helier in 2002 to develop the role of the Roads Committee should be put on a more formal footing. These arrangements, including the holding of regular monthly meetings in public, the publication of agendas and minutes, the holding of public consultations and presentations (both on matters of local interest and on wider issues such as the development of Island Plans), and the discussion of strategies and policies that are outside the remit of the Committee, have enabled individual members to take on responsibility for particular areas of interest, such as tackling the problems of speeding and littering, encouraging recycling, advising on legal aspects of the purchase and sale of Parish property, and so on. The Constable has welcomed the greater involvement of the Roads Committee, together with that of the Procureurs du Bien Public in the running of the Parish, and believes that the evolution of the Committee into a Conseil Municipal, with additional members elected including a youth representative, would allow the expertise and interest of more parishioners to be harnessed for the benefit of all. At the same time, the formation of a Conseil could enable the Parish of St. Helier to add to the list of delegated responsibilities it already has with respect to the administration of Jersey's capital and to negotiate with the States the transfer of various additional responsibilities which, it is believed, could be more effectively managed at the local level.

The Municipal Reform Working Group

In order to develop this idea further the Constable of St. Helier set up a working group on 13th March 2019 consisting of the St. Helier Roads Committee and Procureurs du Bien Public and a representative of the Parish Deputies and the Comité des Connétables,

with the purpose of establishing how the elected local administration of the Parish of St. Helier could be adapted to meet the needs of the Parishioners more efficiently and effectively.

The group met on seven occasions and agreed its first report on 24th September which was presented to the Comité des Connétables on Monday 14th October where it received unanimous in principle support. The monthly meetings held by the Constable with the Parish Deputies have also been kept updated with the working group's progress.

The working group's starting point was to agree the aim of the Parish's operations as making St. Helier 'a vibrant, safe, engaging and attractive Parish where people choose to live, work and visit', with the specific objectives of:

1. delivering a safe, clean, attractive, environmentally friendly, natural and built environment;
2. facilitating and promoting a vibrant, inclusive, engaging, accessible capital;
3. enabling and facilitating social inclusion, well-being and community engagement for all Parishioners;
4. providing modern, pro-active services whilst retaining and promoting local traditions, culture, arts and history;
5. facilitating and promoting a town where businesses can flourish and parishioners are able to participate in economic activity;
6. delivering value for money to rate payers while keeping the Parish Rate low.

In carrying out its work, the group agreed to:

- a. identify and consider what works well and what could be improved, i.e.,
 - areas where the current arrangements effectively support and enable the Parish to deliver its objectives,
 - areas where the current arrangements hamper the delivery of the Parish's objectives, and
 - changes that would further support the delivery of the Parish's objectives;
- b. research principles of good local government and how other jurisdictions operate, i.e.,
 - the principles of effective devolved local government, and
 - how other jurisdictions deliver devolved government at a similar level;
- c. identify feasible changes / options to improve delivery of Parish objectives, i.e.,
 - options for different arrangements,
 - options in terms of benefit, cost and risk, and
 - a preferred option.

The working group's objectives set out above were considered within the context of the existing Parish structure with the clear intention of considering matters and identifying proposals that would work within and support the overall Parish system, structures and traditions; and that would not, if implemented, require other Parishes to change the way they are governed, operated, or function. The role of the Parish Assembly, in particular, its qualities of transparency and accountability, was considered vital, and it was agreed

from the outset that it would remain the ultimate decision-making authority of the Parish.

The working group went on to identify which elements of the current arrangements support and enable the delivery of Parish objectives and which hamper their delivery, by examining a number of areas where the Parish operates or other bodies operate, where those operations have a major contribution to the successful delivery of Parish objectives. The areas of operation are: town and transport planning, parking, road management, environment, policing, licensing, housing, town vibrancy, accountability, engagement and administration. The working group found that the delivery of the Parish's objectives is hampered in a number of areas and that there is often a mis-match between accountability and authority, where the Parish finds itself held to account but lacking the authority to address or resolve a particular issue; the working group believes that fuller responsibility for certain administrative functions, therefore, should be sought from the States of Jersey in certain areas. There are many examples contained in the working group's report of administrative functions which could be carried out by the Parish rather than by the States of Jersey; in general terms, the devolution of certain administrative functions to the Parish from the States would achieve such benefits as:

- improved customer service and responsiveness that matches Parishioners' expectations with the Parish's ability to meet those expectations;
- removal of duplication of activity, with improved consistency, efficiency and cost control of administrative activities;
- clearer lines of communication resulting from a single point of administrative contact;
- reduction in administrative burden on the States of Jersey and other public authorities, allowing them to focus their energy and resources on the pressing affairs of state and the judiciary;
- greater influence for the Parish on Island policies that impact St. Helier;
- enhancement of the Parish system;
- increased opportunities for involvement by Parishioners in local government;
- maintaining the primary role of the Parish Assembly.

The working group believes that its proposals are achievable without any increase in Parish rates, as any new, transferred or expanded services would be funded through existing user pays fees or sources other than rates. Funding and resourcing will, however, be a key consideration as each area of administration is discussed and as any developments or changes are taken forward.

The Constable and Procureurs du Bien Public are currently elected in public elections on four-year and three-year terms of office respectively, while the members of the Roads Committee are elected by the Parish Assembly on three year terms. The working group sees merit in retaining the electoral procedures in respect of the Constable and Procureurs du Bien Public as this is consistent with the way their counterparts in other parishes are elected; it suggests that the aim would be, subject to a successful outcome to the operation of a shadow Conseil during 2020, and the approval of the Parish and States Assemblies, to ensure that the law by which the Parish's administration will function in future will be modern, accessible, clear, understandable and tailored to the needs of our community; this might be effected by amendments to existing laws, or involve a standalone law.

A shadow ‘Conseil Municipal’ for St. Helier

At present the authority of the Constable and Roads Committee comes from legislation. The working group realises that the opportunities for administrative changes and certain devolved responsibilities outlined in its report, if deemed desirable by Parishioners, would need to be agreed by the Parish Assembly and the States Assembly. However, the Group decided that operating a shadow form of the Conseil in the first instance, for a period of one year, would provide an excellent opportunity to test and develop the proposals in terms of feasibility, practicality and impact of the Parish’s objectives, before seeking legislative change. The shadow Conseil de St. Helier would meet monthly in public on Roads Committee meeting days during 2020, with the intention of preparing a final report and recommendations at the end of the year. In the meantime it is possible that there may be some ‘early wins’ that can be agreed with the States of Jersey via memorandums of understanding, as have been used successfully in the past. If the next stage of the municipal reform process is successful and meets with the agreement of the Parish Assembly and the States of Jersey, it is anticipated that any necessary legislative changes could be made in 2021 and beyond.

Composition of the shadow Conseil

Having reviewed the operation of local government in a number of jurisdictions, the working group has concluded that a shadow Conseil Municipal for St. Helier for 2020 should consist of fourteen members: the Constable, the two Procureurs du Bien Public, the six members of the Roads Committee and five other Parishioners, one of whom should be a youth representative. Subject to the agreement of the Parish Assembly to this proposal, it is anticipated that the five new members of the shadow Conseil could be elected by the Parish Assembly before the end of 2019.

Timetable for Municipal Reform of St. Helier

The following timetable is proposed:

November 2019:

- Parish Assembly debates proposal to establish a shadow Conseil Municipal for St. Helier;
- States Assembly debates amendment to the Government Plan seeking in principle support for the proposal;

December 2019:

- Parish Assembly elects five members to join the Constable, Procureurs du Bien Public and Roads Committee in a shadow Conseil Municipal;

January to November 2020:

- Shadow Conseil Municipal meets monthly on Roads Committee days, its business being conducted directly after that of the Roads Committee;

December 2020:

- Parish Assembly debates Report and proposition setting out detailed proposals for a Conseil Municipal;

2021:

- States Assembly debates detailed proposals for a Conseil Municipal;

2022:

- Conseil Municipal for St. Helier established.

Conclusion

The working group considers that the Parish could deliver its aim and objectives more effectively through the evolution of the current Parish system, retaining traditional administration where it works well, but adapting other procedures and seeking devolved powers where necessary, through negotiation with the States of Jersey, to meet the changing demands and needs both of Parishioners and of Islanders as a whole.