

STATES OF JERSEY



PROPOSED GOVERNMENT PLAN 2023- 2026 (P.97/2022): SEVENTH AMENDMENT

ST. HELIER CONSEIL MUNICIPAL

Lodged au Greffe on 23rd November 2022
by the Connétable of St. Helier
Earliest date for debate: 12th December 2022

STATES GREFFE

PROPOSED GOVERNMENT PLAN 2023-2026 (P.97/2022): SEVENTH
AMENDMENT

PAGE 2, PARAGRAPH (i) –

After the words “Appendix 3 to the Report” insert the words –

“, except that in Table 21 on page 54 –

- (a) there should be inserted a new line for an additional feasibility project entitled “St. Helier Conseil Municipal” and the figure of £100,000 inserted in the column for the 2023 estimate in that line; and
- (b) the figure in the column for 2023 for “Emerging Projects” should be reduced by £100,000”

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 2023–2026 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 2023 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;
- (b) to approve the proposed Changes to Approval for financing/borrowing for 2023, as shown in Appendix 2 – Summary Table 2 to the Report, which may be obtained by the Minister for Treasury and Resources, as and when required, in line with Article 9 (2)(c) of the Law, of up to those revised approvals;
- (c) to approve the transfers from one States fund to another for 2023 of up to and including the amounts set in Appendix 2 – Summary Table 3 in line with Article 9(2)(b) of the Law;
- (d) to approve each major project that is to be started or continued in 2023 and the total cost of each such project and any amendments to the proposed total cost of a major project under a previously approved Government Plan, in line with Article 9(2)(d), (e) and (f) of the Law and as set out in Appendix 2 - Summary Table 4 to the Report;
- (e) to approve the proposed amount to be appropriated from the Consolidated Fund for 2023, 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 5(i) and (ii) of the Report;

- (f) to approve the estimated income, being estimated gross income less expenditure, that each States trading operation will pay into its trading fund in 2023 in line with Article 9(2)(h) of the Law and set out in Appendix 2 – Summary Table 6 to the Report;
- (g) to approve the proposed amount to be appropriated from each States trading operation’s trading fund for 2023 for each head of expenditure in line with Article 9(2)(i) of the Law and set out in Appendix 2 – Summary Table 7 to the Report;
- (h) to approve the estimated income and expenditure proposals for the Climate Emergency Fund for 2023 as set out in Appendix 2 – Summary Table 8 to the Report; and
- (i) to approve, in accordance with Article 9(1) of the Law, the Government Plan 2023-2026, as set out at Appendix 3 to the Report, except that in Table 21 on page 54 –
 - (a) there should be inserted a new line for an additional feasibility project entitled “St. Helier Conseil Municipal” and the figure of £100,000 inserted in the column for the 2023 estimate in that line; and
 - (b) the figure in the column for 2023 for “Emerging Projects” should be reduced by £100,000.

REPORT

Summary

This amendment seeks to allocate funding to allow feasibility work to be undertaken and proposals prepared to establish a St. Helier Conseil Municipal (Town Council). This work would be overseen by a project board charged with preparing the detailed proposals for consideration by the States Assembly.

This proposal follows an in principle decision by the Parish Assembly of St. Helier to develop proposals for a Conseil, or Council, and to establish a Shadow body to trial its operation, the outcome of which was subsequently presented to the Comité des Connétables, Parish Deputies, Parish Roads Committee and St. Helier's Parish Assembly. The Parish Assembly requested the Connétable to bring a proposition on the matter to the States Assembly.

This amendment provides a specific feasibility budget, of £100,000, providing resources for a project board to undertake the feasibility work to progress this project to a point where it can be considered by the States Assembly.

Background

The governance arrangements for the Parish of St. Helier have been debated for over two centuries, with a specific proposition to create a Conseil Municipal for the capital of the Island being approved by the States Assembly in the early years of the 20th century, albeit no evidence has been found that any action was taken to implement the States' decision of the day.

In its 2019 report, the Municipal Reform Working Group, comprising members of the Parish's municipality, representation from the Parish's Deputies in the States Assembly and the Comité des Connétables, concluded that delivery of the Parish's objectives was being hampered by a lack of control and authority, and there was a mismatch between accountability, authority, and public expectations in several areas.

A proposal was subsequently developed to introduce a Conseil Municipal (Town Council) with delegated responsibilities, resources, and powers, which would be run by elected officials from within St. Helier. To test the concept, the Parish introduced a Shadow Conseil Municipal from January 2020 to June 2021, consisting of the Parish's Roads Committee and additional members elected by the Parish Assembly. The Shadow Conseil held its meetings in public and divided its members into 'Portfolio Committees' to examine various aspects of municipal administration which were considered potential areas for greater delegation. Discussions took place with Government departments and at Ministerial level. Whilst clearly hampered by the Covid pandemic, the subsequent evaluation concluded that that the trial had been successful and that there was merit in the concept.

Proposal

Whilst the Connétable already has some delegated responsibilities and authorities, there are numerous functions of local administration which are, at present, carried out by the

Government of Jersey which could be delegated to a new elected body in St. Helier. This would allow Government to concentrate on its core business, whilst allowing the Parish of St. Helier to focus on providing more efficient and timely administrative services to its resident and business communities, whilst also supporting visitors. Indeed, greater delegation of powers was given to the Connétable of St. Helier during the Covid-19 pandemic to improve flexibility and reduce bureaucracy for town businesses, and this worked well.

It is envisaged that the Government would continue to set overall policy in respect of delegated functions, as well as establishing an independent appeal process. As such, the principle focus of the Conseil Municipal would be:

- to act as a formal consultation body for Government policy and strategy where these may impact on St. Helier, and
- to administer a greater range of delegated functions on behalf of the Government. For example, to support improvements in environmental practices (littering and noise pollution), approve non-controversial and St. Helier-specific planning applications, and take on greater leadership for the administration of roads in St. Helier. Central to achieving this is the ability set and enforce some by-laws.

Perhaps the best example is in respect of alcohol licensing which is a complex, lengthy, and costly process, involving not only attendance at a Parish Licensing Assembly, but also applications made through the Planning and Treasury departments, with the final decision being taken by the Licensing Bench. With Government plans in recent years to reform the Licensing Law having made little progress there is an ideal opportunity for the application process and decision making to be transferred to the Parish, freeing the time of both Government departments and the judiciary, whilst also making it a simpler process and improved experience for applicants.

There are other examples where the existing functions require reform, or the customer experience is equally complicated and where individuals and businesses complain about stifling red tape and frustration.

The Trial Shadow Conseil Municipal identified the following areas that are worthy of further review:

- Town planning
- Transport planning
- Roads management
- The environment
- Making and enforcing by-laws
- Licensing of premises
- Town centre management and vibrancy (including events)

The proposal to create a new elected body for St. Helier is not driven solely by the need for a more efficient and simpler delivery of administrative functions at the local level. It supports Government decentralisation and provides an avenue for parishioners who wish to be involved in the improvement of their quality of life and environment, but who have, for whatever reason, concluded that membership of the States Assembly is not for them.

The operations of the Parish Assembly is already the subject of a review by the Comité des Connétables and it is hoped that these reforms will run in parallel with the work being requested of Government by this proposition; the feedback received during the Trial Shadow Conseil Municipal has included the express wish that the primacy of the Parish and Rates Assemblies should not be affected by the creation of a new, additional elected body for St. Helier. It is, therefore, intended that ratepayers should continue to be able to examine the accounts of the Parish and to determine its budget were a Conseil Municipal to be established.

The “in principle” proposal for the creation of a new elected body, provisionally named a Conseil Municipal, was presented to the St. Helier Roads Committee in February 2022, the Parish Deputies and Comité des Connétables in March 2022 and the St. Helier Parish Assembly in April 2022. The proposal gained support at each stage, and the Parish Assembly requested the Connétable to bring the matter to the States Assembly.

Next steps

Further work is required to develop more detailed proposals before the States Assembly can consider this proposal. This amendment seeks to allocate resources to enable this work to be undertaken as part of the Government’s 2023 programme of work. It is envisaged that this feasibility work would:

- establish a project board to provide oversight of the work and that the project board should include Ministers or Assistant Ministers, the Comité des Connétables and Parish of St. Helier representatives with relevant officer support;
- conduct the necessary research and analysis to develop detailed proposals to establish a viable and effective Conseil Municipal (Town Council) for the Parish of St. Helier, including any law changes that would be necessary;
- prepare a report on the proposal for consideration by the States Assembly, so that the Assembly may make an appropriately informed decision on the matter by June 2024;
- take into account any consultation by the Jersey Law Commission or other developments concerning the operation of Parish Assemblies.

Financial and manpower implications

The proposed sum of £100,000 is an estimate of the resources required to bring the project to fruition.