

STATES OF JERSEY

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MACHINERY OF GOVERNMENT: RELATIONSHIP BETWEEN THE PARISHES AND THE EXECUTIVE (P.66/2005) – AMENDMENT

**Lodged au Greffe on 5th April 2005
by the Connétable of St. Helier**

STATES GREFFE

MACHINERY OF GOVERNMENT: RELATIONSHIP BETWEEN THE PARISHES AND THE EXECUTIVE
(P.66/2005) – AMENDMENT

At the end of paragraph (a), after the words ‘native welfare’ insert the words ‘but to request the Policy and Resources Committee to bring forward to the States for approval alternative proposals to establish an equitable system to ensure fairness between the parishes in relation to the costs of maintenance of public amenities such as public parks, gardens and toilets within St. Helier and the other parishes;’.

CONNÉTABLE OF ST. HELIER

REPORT

An unfortunate and, I believe, undesirable result of the changes to the 'MACHINERY OF GOVERNMENT: RELATIONSHIP BETWEEN THE PARISHES AND THE EXECUTIVE' proposed by the Policy and Resources Committee is that the lack of equity in the treatment of St. Helier ratepayers that was set to be removed following the States' adoption of my amendment to P.40/2004 (reproduced below as Appendix 1) will no longer be removed, if the proposals in P.66/2005 are accepted unamended. The Policy and Resources Committee have not sought to conceal this side-effect of the revised proposals, as it is stated in paragraph 8 of their Report that–

As a consequence, it is no longer proposed that the Parishes should take on the responsibility for the costs of maintaining public parks, gardens and toilets within St. Helier, as had been proposed in paragraph (a (iii)) of P.40/2004, as amended.

The arguments in support of there being a 'level playing field' in terms of who pays for public amenities provided around the Island were set out in the Report accompanying my original amendment, and need not be repeated here. The central point at issue and the fundamental unfairness of the present situation is that the ratepayers of St. Helier, uniquely, pay for such public parks as Parade Gardens, the People's Park, La Collette Gardens, and the well-used toilet facilities dotted around the Parish, whereas the ratepayers of other parishes do not contribute to the costs of maintaining similar facilities within their boundaries.

During the debate it emerged that one of the potential obstacles to the successful passage of the amendment was that it referred uniquely to such public services as are provided in the Island's capital and not, for example, to such small areas of parkland or other facilities as are provided for general use at the expense of the ratepayers in other parishes. Concerns were also raised about those amenities that all parishes provide, such as hanging baskets around the parish halls, and there was a danger during the debate that the 'hanging basket' argument – which is *de minimis* – would distract the minds of States members. (How States members voted on the amendment to P.40/2004 is shown in Appendix 2.)

There was also discussion concerning the fact that the Parish of St. Helier delivers the public amenities in question using its own labour force, whereas the rest of the Island's public amenities are maintained by the Public Services Department. I would argue that the key issue, however, is not who delivers the services but who pays for them. At the same time, it is worth pointing out that discussions between the Parish and the Environment and Public Services Committee into how common services may be delivered more efficiently and with less duplication of effort are well advanced, following the signing of a Memorandum of Understanding at the end of 2004.

This amendment differs from the previous one in that it simply asks the States to agree that the unfairness surrounding 'the position of St. Helier' – one of the original objectives of the entire 'Machinery of Government' project (Act of the States dated 28th September 2001) – will be addressed by the Committee. Clearly there is a variety of ways of achieving this, including the requirement that the ratepayers of all parishes fund the public amenities within their boundaries, or that St. Helier receives an appropriate contribution towards its costs in this area from the Island-wide rate.

The financial or manpower implications for the States in this amendment will depend on which mechanism is proposed by the Committee for dealing with the 'position of St. Helier', if this amendment is adopted.

For over 2 years I have been a member of the Steering Group set up by the Policy and Resources Committee to come up with solutions to the unfair burden of welfare, so I was shocked to discover that one of the important recommendations of the Group had not been included in the Committee's proposals.

From early on in the work of the Steering Group it was accepted that the cost of maintaining public parks, gardens and toilets within the Parish of St. Helier currently met by the ratepayers of St. Helier should be funded from the Island-wide Services Fund. The logic of this is inescapable: the cost of maintaining public parks and gardens in St. Saviour (Howard Davis Park), St. Lawrence (Millbrook Park), St. Brelade (Sir Winston Churchill Park St. Martin (Devon Gardens), is currently funded by the taxpayer, as is the cost of providing public toilets around the Island, and transferring their cost to the Island-wide Services Fund under the proposals in P.40/2004 was never questioned. The unfairness of the present arrangements which mean St. Helier ratepayers alone bear the cost of parks, gardens and toilets provided in the Island's capital for the benefit of all had to be addressed, and indeed, was going to be addressed until the eleventh hour.

The officer who headed up the project on behalf of the Policy and Resources Committee confirmed this in an email on 8th April this year: *'from the time of my involvement St. Helier costs were included. The reference in the Phase 2 report is Figure 7.4 page 71.'*

This part of the 'package' was important when it came to presenting the Steering Group's proposals to the Policy and Resources Committee and Comité des Connétables on 25th March 2003: the 3rd slide of the presentation said –

Issues – St. Helier

Paying for services other Parishes do not – parks and toilets (up to £1 million per quarter or 0.3p per quarter)

and the 6th slide included under the heading –

Main recommendations – financial ...

The cost of parks and toilets currently met by the St. Helier ratepayer should be paid for on an Island-wide basis

More importantly, addressing the unfairness of the current situation was an important factor in the support given to the Steering Group's proposals by the Procureurs du Bien Public of St. Helier, and by the Constable when the proposals were explained in the public meeting in the Town Hall on 4th June 2003. Indeed, the 5th slide in the presentation made to Parishioners said the following –

Recommendation: The cost of all parks and gardens and public toilets currently met by the ratepayers of St. Helier, should be met on an Island-wide basis

- St. Helier is currently the only Parish whose ratepayers are funding the cost of parks and gardens and public toilets.
- These costs are adding **0.3p** to the St. Helier rate per quarter.

Although there was no specific mention of this part of the proposals in the draft Proposition prepared last autumn, the draft Report included the following paragraph –

'In addition to the costs shown in Figure 7, the Steering Group recommended that the cost of parks and gardens and public conveniences currently met by the ratepayers of St. Helier should be funded on an Island-wide basis. It would not be fair for St. Helier's ratepayers to fund these costs when the cost of all

other parks and gardens and public toilets were to be shared across all ratepayers in the Island.’ (para. 29, p.13).

Given the fact that the Proposition was seeking in principle approval for the detailed work to commence on the transfer of welfare to the States and the transfer of other services to the Parishes, I judged this a sufficient commitment that the long-standing issue was going to be settled as part of the package of measures to be worked up following a positive States’ decision.

That commitment to correct a fundamental unfairness in the position of St. Helier was dropped following a meeting of the Comité des Connétables on 23rd February 2004, during half-term week when the Constable of St. Helier was out of the Island.

The minutes of the meeting record that –

‘the Connétables queried whether (the cost of St. Helier parks and gardens of £830,000) featured as part of the costs of services to be transferred and pointed out that other Parishes incurred costs in maintaining public areas. Senator Ozouf said that whilst this could be met from the central services fund it was a separate issue. The ‘cost neutrality’ related to the costs transferred between the Parishes and the States and it was the commercial ratepayers, who were mainly in St. Helier, who would be paying the increased costs under the proposals. Following discussion it was agreed this paragraph should be deleted from the report as there was uncertainty as to whether or not St. Helier parishioners wished to give up their parks and gardens (*sic*)’.

Thus an important part of the proposals were discarded without any consultation with the Parish whatsoever. It is worth remembering that a consideration of ‘the position of the Parish of St. Helier’ was one of the key objectives of the entire project under the terms of the Act of the States dated 28th September 2001.

Senator Ozouf was right to point out to the Connétables on 23rd February that the issue of what services are paid for out of the Island-wide (or ‘central’) services fund, does not affect which States’ services are transferred to the Parishes in exchange for native welfare. However, this is not ‘a separate issue’ for St. Helier. Commitment to ending this aspect of the unfairness of St. Helier’s position is required from the States, especially as St. Helier’s contribution to the Island-wide (or ‘central’) services fund, if a commercial rate is introduced to help meet the cost of Island-wide services, will be so large.

The Comité des Connétables have queried whether the public areas in other Parishes and currently funded parochially would also be met from the central fund [Minute No. 1 of 23rd February 2004 refers]. At their meeting on 5th April 2004 it was agreed that if I were to put forward an amendment to P.40/2004 as I indicated I wished to do, that amendment should refer to public areas including parks and gardens in all Parishes, and I reflected this logical approach in the drafting of the amendment.

This approach was supported by the President of the Policy and Resources Committee and the Vice-President of the Finance and Economics Committee when I met with them to discuss the matter on 22nd April. Indeed, Senator Walker said that he was more than happy to recommend to his Committee that commitment to funding public amenities in St. Helier be put back into P.40/2004 by way of an Amendment in the name of the Policy and Resources Committee.

However, when Senators Walker and Ozouf attended the Comité des Connétables on 26th April 2004 to put forward the suggestion that the proposed amendment be lodged by the Policy and Resources Committee, there was no agreement among the Constables over either the principle of St. Helier’s public amenities being funded from the Islandwide Services Fund, or the principle of funding all such facilities around the Parishes. Questions were also raised about the cost of St. Helier’s parks, gardens and toilets, and how much expenditure was entailed. As a result, it was agreed that I would lodge an amendment to address the need, in principle, for publicly funded amenities in the Island’s capital.

The details, I would argue, are not required for this debate. The actual costs of providing such public amenities were calculated and taken into account in the preparation of the Steering Group’s reports, (as were the actual costs incurred by the Public Services Department for their provision of services – which have now been revised in the

wake of the FSR), and these reports are available to all members. There is no doubt that if the principle of meeting the costs of public amenities from the Islandwide Services Fund is agreed, there will be a good deal of discussion further down the line about how those costs are calculated, the need for competitive tenders, and so on. Indeed, the mechanism by which the future Conseil des Connétables arrives at a sensible and fair allocation of expenditure from the Islandwide Services Fund is bound to be highly contentious, if recent discussions on the Comité are anything to go by.

APPENDIX 2

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning the Machinery of Government: relationship between the Parishes and the Executive, (P.40/2004 lodged “au Greffe” on 9th March 2004), as amended by the Policy and Resources Committee, (P.40/2004 Amd.(2) lodged “au Greffe” on 11th May 2004), and adopted an amendment of the Connétable of St. Helier that in paragraph (a) there be inserted a new paragraph (iii) –

“(iii) the cost of maintaining public parks, gardens and toilets within St. Helier should be funded by the Island’s ratepayers;”

and that the following paragraph be renumbered accordingly.

Members present voted as follows –

“Pour” (37)

Senators

Le Maistre, Walker, Kinnard, Le Sueur, Routier, M. Vibert, Ozouf, E. Vibert, Shenton.

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Mary, St. Clement, St. Helier, Trinity, St. Lawrence, Grouv St. John.

Deputies

Trinity, Breckon(S), Huet(H), Le Main(H), Dubras(L), Dorey(H), Voisin(L), Farnham(S), Le Hérissie (S), Bridge(H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), Ryan(H), Grouville, Hilton(H), De Faye(H).

“Contre” (7)

Connétable

St. Peter.

Deputies

Duhamel(S), St. Martin, St. John, Baudains(C), St. Ouen, St. Peter.