

I welcome the Government and Parish Review

My comments¹ fall under four headings.

- Areas where parish involvement could change, be scaled back or end
- Reform of Parish Assemblies
- The fundamental need for change
- Planning

1) Where parish involvement could change, be scaled back or end

specifically, Parish involvement in Road Speeds, Branchage, Firearm Licenses and Recycling. Changes in the first three are likely to involve changes in the law and therefore take time, but this shouldn't hold up change in the way Road Speeds and Branchage are administered, ensuring that this is done in a way that represents the interests of the whole community and not just, as now seems sometimes to be the case, only of a narrow part of that community.

Road Speeds

Until the Loi 1914 sur la Voirie was enacted, responsibility for roads throughout the Island rested with the parishes. The States then assumed responsibility for the main roads, so that in an Island of only 120 sq km there are 13 road authorities. Whilst perhaps quaint, this has resulted in continuing discrepancies. Around Gorey Village speed limits are 20mph on States roads, whilst on the narrower and winding adjoining parish roads the Island-wide 40mph maximum still applies. Residents often do not know which are States and which are parish roads and therefore who is responsible for road speeds and repairs on them.

Constable Mac Pollard of St Peter in 1993 established the first of Jersey's Green Lanes, on which vehicle speeds are limited to 15mph. Two parishes, St Saviour and Trinity rejected their adoption, which means that Green Lanes have never formed the joined-up network which was hoped for.

In Grouville there are three Green Lanes. An Assembly on 14 October 2021 approved further speed reductions, extending the 15mph limit from one of the existing Green Lanes and imposing a 20-mph limit on three other roads. Despite being approved by an Assembly, more than three years ago these speed reductions have yet to be implemented.

The Constable produced a list of further speed reductions in December 2022 and an amended list in December 2023, which he said should be approved by a Parish Assembly, yet to be called. The list included nine further Green Lanes, but excluded a further four roads, which together with two of those put forward by the Constable could form part of a proposed Eastern Cycle Route. The four, which were not put forward by the Constable are narrow, have restricted visibility or both, so keeping them at the Island 40mph speed limit seems wrong.

Drew Livingstone, who is now Grouville's Chef de Police, in his manifesto to be elected a Procureur wrote that, "our Roads Committee for too long have stood against the reduction of speed limits." The Committee opposed speed reductions advocated by a working group put

¹ Some of the contents were included in articles published in the JEP under the heading "Bringing the Parishes up to Date".

together by the head of Grouville School aimed at ensuring safer routes to school. It seems its opposition has contributed to rejection of speed reductions on roads which together could make up an Eastern Cycle Route. The Constable blames the difficulties on a process, which involves him, the Infrastructure Department and Infrastructure Minister, who approves the changes under powers devolved to him by the States, a process, which incurs delays. To date, despite repeated correspondence with both Parish and the Infrastructure Department, no clear explanation for the delays has been forthcoming. It is claimed it was because parishes took their turn to be reviewed by Infrastructure but why wasn't this said originally and isn't there a serious concern where a Parish Assembly was held to approve speed reductions which seems to have been ignored.

In 2023 Grouville's Roads Committee installed traffic calming on two of the roads on which speed reductions had been proposed. These two roads were chosen as apparently it was feared they would be used as "rat runs", whilst road diversions applied with resurfacing on the coast road, but the concern they would be used as rat runs applies equally to other roads on which speed reductions were suggested, leaving some residents feeling that some are treated more favourably than others, exactly what the JEP leader dated 10 July 2024 warned against, "authority {being} exercised subjectively.... [when] good governance.... requires all ...to be treated equally."

Given the convoluted process to reduce speed limits on parish roads, opposition by the Roads Committee to speed reductions with conflicts of interest in the composition of Committees contributing to a situation where road injuries are worse in Jersey even than the UK and the suggestion that not everyone is being treated equally, it is difficult not to conclude that Parish involvement in setting speeds limits should be limited to consultation. This will make it easier to ensure consistent speed limits across the Island, reducing costs, delays and the frequency of changes in speed limits, which contributes to them being ignored.

If such changes are made, Parish Roads Committees will continue to be responsible for branchage, repairs on parish roads, responding to planning applications, and road naming.

Branchage

The Loi 1914 sur la Voirie also contains Jersey's branchage provisions, aimed at controlling overhanging and protruding branches. This, like the naming of all public roads in a parish, remains its responsibility and that of the Constable. The law and the way it is operated are however no longer suited to modern circumstances and are a source of increasing disquiet.

Originally hedges and trees were cut by hand. Concerned about being fined, it has become normal for landowners to over cut. The tractors and strimmers, used by some, now damage hedgerows, wildlife and the precious peace of the countryside. The Société Jersiaise working with others including the National Trust for Jersey on last year's annual Scenic Lanes competition noted that "Particular attention was paid to the state of the branchage, as a radical cut kills the wildlife, and leaves their habitats decimated."

The Parishes share a notice on their websites informing Parishioners of Branchage requirements and emphasising the penalties for non-compliance. St John goes further by including a link to a pamphlet on good branchage practice. As this was published in 2019, shouldn't the other Parishes do the same?

The situation has worsened with over wide and powerful vehicles driving too fast, including on parish roads on which road speeds have not been reduced, as they should have been, to make roads safer and protect and enhance the landscape. This has resulted in undercutting banks and landowners installing obstacles to prevent damage to banks and hedges. Some of these are acceptable, others are not, in particular rocks, which are both ugly and potentially dangerous for cyclists and riders. Their installation should be prohibited.

Visites de Branchage, checking that branchage has been carried out, take place twice a year, at times dictated by the former farming calendar. In Grouville the visites took place on eBikes during Lock Down. Unhappily, they have reverted to being by minibus.

The branchage rules may breach human rights, as there is no right of appeal against the imposition of penalties. Its backers claim branchage is a safety measure. This is ridiculous, given the failure to introduce speed calming measures which would genuinely improve road safety.

In Trinity, Nikki de Gruchy challenged parish widening of roads adjoining her land and branchage damaging her hedges. The parish pressed on saying it was dangerous that branchage had not been carried out. She objected and made a Clameur de Haro against her hedges being cut at the direction of the parish.

Ms de Gruchy could be praised for seeking to protect the landscape. Instead, the parish pursued the case against her, incurring legal costs of more than £ 106,000. This is wholly disproportionate when the maximum penalty under the rules is £100 per infringement.

Constable Jéhan, the Infrastructure Minister, has confirmed that the branchage law will be changed as part of an overall rewriting of our Traffic and Roads legislation. With other pressures on law writers' time, this will not happen immediately but is very welcome.

It is not suggested that parish responsibility for branchage should cease, but that significant changes should be made to the rules and that they be applied so landscape and environment are enhanced not damaged. If this were to happen, Branchage, contributing to Island identity will have been brought up to date for the benefit of everyone.

Firearm Licenses

Questions have been raised whether Constables should continue to issue firearms licenses, which are then recorded on a central register. There is a mismatch as the current law was passed in 2000, since when in 2012 the Constables position as head of the parish Honorary Police, has ended. The Honorary Police are now headed by the senior Centenier, the Chef de Police, with the Attorney General having supervisory jurisdiction.

In June 2014 the JEP indicated that a Freedom of Information request had revealed the extent of gun ownership in Jersey, with more than 8,300 firearms – including an anti-tank gun, a bazooka, two walking-stick guns and nearly 1,500 semi-automatic pistols –under 1,162 licences. So many licensees own several weapons. The present law allows weapons and unlimited ammunition to be stored at home and does not require social-media background checks.

The prevalence of gun ownership in the Island reflects historic involvement with the militia. Cultural continuity is shown in Grouville where the Stanley England Memorial Rifle Range (named after a former Constable) adjoins the Parish Hall.

Constable Shenton-Stone of St Martin in February called for the firearms law to be updated, having been unchanged since 2000 in a period of changing weapon technology and insecurity. She described it as “not fit for purpose.” Gun licensing is an onerous obligation. The cost of a firearms licence, £45, no longer covers the costs of administration by the parishes, in particular note that the fee is per licence not per gun. If the law is to be updated for security reasons and to increase the charges, given the obligations involved in licensing guns (a good thing), then consideration should be given to including consultation of the Constable within the process but taking gun licensing responsibilities away from the Constables and vesting them centrally.

Recycling waste

The Island’s recycling performance is unacceptable. The recycling rate was just 27% in 2020, when Guernsey’s was 72% and the UK’s 44%. Jersey’s rate apparently increased to 37% in 2021 but fell back again to 35% in 2022 and 2023. So, there is clearly a problem, which is reflected as a blot in the landscape in the unsightly piles of waste at La Colette, providing an unwelcome to Jersey impression to overseas visitors.

The reasons for the problem may be complex, but individual parish responsibility for recycling when Guernsey’s response is Island wide, cannot be ignored. Infrastructure Minister, Constable Andy Jehan, said. "I'd like to see recycling done in a uniform way. We still have some parishes that don't do kerbside recycling, and I'd really like to encourage them to get that across the line."

Grouville is one of the parishes, which has failed to adopt kerbside recycling. A proposal to adopt it was rejected at a Parish Assembly on 17 October 2022 for a number of reasons, specifically that no briefing documentation of this complex matter was provided to parishioners in advance of the Assembly being held. The Assembly unanimously deferred adopting recycling, but no subsequent Assembly to consider this matter has been called.

Comparisons

The situation in Guernsey provides a comparison with Jersey with both all Island functions and functions still provided by the parishes. In Guernsey there is a single road authority, Traffic and Highway Services, and a single company responsible for waste recycling. Apart from any efficiencies, the level of waste recycling is considerably better than In Jersey. There is also a central gun licensing authority with a requirement for health checks, including on mental health, on applications and renewals of gun licenses, something not yet required in Jersey. In these areas Guernsey seems to show the direction of travel

2) Reform of Parish Assemblies

The Key institution of Parish activity is the Parish Assembly. Jersey really should be proud that ,like one or two of the smaller Swiss cantons, the parishes continue to hold public assemblies of citizens. Unfortunately, Parish Assemblies are too often held with few present, so hardly effective direct democracy.

Whilst they are institutions of customary law, the Assemblies are subject to the (French Language) Lois 1804 and 1905 au Sujet des Assemblées Paroissiales. The Law Commission has now recommended that these two laws should be replaced, in particular to narrow the number of those able to attend and vote to those residents in the Parish concerned. Presently it includes

the Bailiff, Jurats, Attorney General, Viscount, Rectors, Constables and Centeniers regardless of in which Parish they live.

More significantly there will be provision for overdue administrative changes to be proposed to Assemblies by both the States and the Comité des Connétables covering such matters as notice, publicity, quorums, supporting documentation and timing and regularity of Assemblies. The problem is that with other demands on legal drafting, revision of the Parish Assembly law has not been given priority. In my view it should be given priority, as without it and change pushed into the long grass, there will be a further loss in confidence in the Parishes and Parish Assemblies.

3) The Fundamental Need for Change

Following concerns raised over administration of the rates, specifically that property assessments in Grouville were too high and out of line with those in other parishes with the result that Grouville residents were bearing a disproportionate share of the Island-wide rate, it appeared that the weaknesses of Grouville's rates administration were known about as long ago as when the Constable before last, Dan Murphy, was in office. If so, why didn't he or his successor, John Le Maistre, address the problem, which has come to a head under the present Constable, Mark Labey?

The matter was raised in the States by Deputy Jonathan Renouf.

Each of the parishes has its own means of assessing rateable values. (Grouville and St Mary adopting theirs late.) Deputies went on to ask Constable Jackson, to adopt the same methodology across the Island (St Lawrence and St Ouen having taken a lead by sharing theirs.) A common methodology would ensure fairness and avoid disparities in assessment. Constable Jackson committed to the rates system in the Parishes continuing to evolve.

A subsequent leader in the JEP went further stating that the Parishes "need to evolve and reflect a changing world, to ensure their own relevance, standing and survival."

The Parish honorary system developed in close-knit farming communities, the system in its present form dating essentially from the 19th century. Since then, society has changed with more residents either working in St Helier or remotely and immigration ensuring fewer of the population have been brought up here. As a result, fewer understand either the Parish system or how Jersey's States are elected or functions, contributing to the low rate of participation in elections for both.

The JEP leader referred to the suspicion that the Parishes treat "different people differently for a variety of reasons, not least nepotism". Such suspicion has only increased with the indication that not only are properties in Grouville over assessed compared to those with similar attributes in other Parishes, but that there are unjustified variations between assessments within the Parish.

Leslie Norman, the son of one Constable and brother of another, and awarded an MBE for his work with people with learning difficulties, has written both to the Comité des Connétables and the Chief Minister. "Whilst historically the system suited the limited

population and farming community well, it is now verging on the undemocratic and certainly lacks transparency. In this respect, the parish system is in danger of being brought into disrepute. ... Inappropriately, the same individuals [are] reappointed to the same roles for decades creating a sense of entitlement rather than service to the community. Challenges to this situation, which are starting to happen, can result in behaviour at Assemblies verging on intimidation."

The response in some parishes to criticism has been to close ranks, look inwards and restrict debate. The JEP Leader described the view that the parishes see themselves as "Beyond criticism, criticism of them [as] profoundly anti-Jersey." Some Parishes have done better.

Under Grouville's present Constable, Mark Labey, the provision of information on the rates was refused to those seeking to have their assessments reviewed, as was the offer from critics of ideas to improve rates administration. Such refusal resulted in comments both in this paper and on social media and questions being raised under Freedom of Information provisions, leading to an increasing perception of "us and them". Here the role of the Constable as "Father (or Mother) of the Parish" is critical, to speak to and for the Community as a whole. If he (or she) doesn't, the system will fail.

Participation in some, but not all, Parishes by other than insiders has not always been welcomed. In 2021 I stood for Grouville's Roads Committee, championing safer roads and joined-up cycle routes. I had also written about improving access to Grouville's Promenade. With the incumbents having been in office for a long time, I thought a fresh approach would be welcomed. I couldn't have been more wrong, 250 attended on the night, itself quite a compliment, ensuring I wasn't elected.

On reflection I was defeated by the system by standing against three incumbents. Their supporters each got three votes, mine only one, if they chose to vote for none of the other candidates. Opponents were marshalled to vote against me. I was told (by a Deputy) that the only way to get in was to turn up on the night, hardly a transparent system.

My candidacy was followed by two more challengers for places on the Roads Committee and two to serve as Rate Assessors. Challengers were themselves challenged, including being told that if off Island at the time of election, they couldn't stand, a comment which was then withdrawn. There was suspicion that the system of too short notice of Assemblies to vote in Honorary Officers was manipulated favouring insiders. All the challengers were defeated but the pressure is mounting and the need for change increasing. As the JEP leader read, "If the parish system is going to survive and thrive, it needs to welcome new ideas and approaches to complement its traditions and strengths. If it does not do that, its future looks increasingly uncertain."

On 20 September last year the Constable wrote on the Parish website that, "It is a shame that a tiny minority of individuals do nothing but criticise instead of contributing in a positive way." This is frankly unfair. What should have happened is for those with opposing views to have been welcomed into the tent. It is also wrong to post with no right of response.

4) Planning

There have been clear cases in St Martin and Grouville of Parish elected officials flagrantly breaching planning rules, with all techniques of delay employed and no evidence of Planning enforcement. In St Martin eventually the Parish did comment expressing concerns about the breaches. In Grouville I am unaware that they ever did. These seem clear cases of breach of conflict.

The Parish then contributed to damage to the trees and hedges in Rue des Marais a la Cocque and denied its involvement.

Roads Committees become involved in a wide range of matter including responding on road speeds and other planning responses and negotiating refuse contracts. Their composition including the Rector seems outdated. Is it time they were replaced by a Parish Council, similar to the Guernsey Douzaine? Specifically, there could be provision for a Parish/Community response to Planning proposals. I think those standing on the Planning Committee shouldn't recuse themselves from voting on matters covering their Parishes, what else are Constables and Deputies there for in looking after Parish interests?