

## Comité des Connétables

Minutes of the meeting held on  
**Monday 14<sup>th</sup> September 2020**  
at the Parish Hall, St Saviour and virtually.

### **Present:**

Connétable de St Laurent - Mrs D. W. Mezbourian, Chairman  
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 Grouville - J. E. Le Maistre  
Connétable de la Trinité - P. B. Le Sueur  
Connétable de St Pierre - R. P. Vibert (not present for items 11-14, 20, 21)  
Connétable de Ste Marie - J. M. Le Bailly  
Connétable de St Ouën - R. A. Buchanan (attended virtually, not present for item 17)  
Connétable de St Martin - Mrs K. Shenton-Stone (present for items 1-4)

Apologies for absence were received from the Connétable de St Hélier - A. S. Crowcroft, Vice Chairman and the Connétable de St Jean - C. H. Taylor.

In attendance:

Mrs S. R. de Gruchy, Secretary

### **Non-exempt (public) under Freedom of Information (Jersey) Law 2011**

Minutes

1. The minutes of the meetings held on 6<sup>th</sup> July and 28<sup>th</sup> July 2020, having been previously circulated, were taken as read and were confirmed.

Connétable of  
St John -  
conviction

2. The Comité, with reference to its minute no. 1 of 28<sup>th</sup> July 2020, considered correspondence received by the Chairman regarding the Connétable of St John's conviction for dangerous driving. The correspondence, shared with the writer's permission, proposed that "*the committee should put a resolution to vote at their next meeting that Connétable Taylor consider his position, so that islanders can see where their Parish Constables sit when it comes to condoning or condemning criminal behaviour in office.*"

The Comité recalled that in accordance with its rules it discharged "such functions as by custom or under any enactment are or have been discharged or exercised by the Connétables of the 12 Parishes, acting together". This did not extend to condoning or condemning criminal behaviour in office though it acknowledged that the Connétable of St John had, in the Magistrate's Court, been convicted for dangerous driving.

The terms of the Connétables (Jersey) Law 2008 did not disqualify the Connétable of St John from holding office and, should parishioners wish to request that the Connétable consider his position they might do so in accordance with Article 9 of the *Loi (1804) au sujet des Assemblées Paroissiales*. Article 9 required that a Parish Assembly should be convened within a fortnight after being requested by 10 or more principals of the Parish, provided that the request was made in writing, was dated, and mentioned the subject for which the convening of the Assembly was sought.

The Chairman was requested to reply accordingly.

Emergencies Council meeting and Steering Group Task Force meeting

3. The Comité, with reference to its minute no. 3 of 6<sup>th</sup> July 2020, received a report from the Chairman on the recent Emergencies Council meeting.

The Comité, with reference to minute no. 2 of 22<sup>nd</sup> June 2020, also received a report from the Connétables of Grouville and St Martin on the recent Steering Group Task Force meeting and noted that meetings would now be held monthly.

COVID-19: lifting of restrictions – Parish Hall room hire

4. The Comité, with reference to its minute no. 4 of 6<sup>th</sup> July 2020, discussed the letting of rooms at Parish Halls and whether this might recommence as restrictions were eased in the COVID-19 exit strategy. Whilst the Government’s “guidance for ‘gatherings’” referred to gatherings of up to 20 people in an ‘uncontrolled’ way, that was to say that good hygiene and physical distancing was in place, for gatherings up to a total of 40 risk assessments needed to be carried out for the event and must adhere to the full gatherings and events published guidance.

The Comité heard from Connétables that there was increasing pressure to permit groups to use Parish premises and it was thus essential the guidelines were clear for all concerned. The Comité accordingly decided to seek clarity to ensure best practice was adopted to minimise the spread of COVID-19 whilst ensuring the safe use of Parish premises should an event or gathering be held.

Redress and Accountability Systems in Jersey - review

5. The Comité, with reference to its minute no. 6 of 6<sup>th</sup> July 2020, considered the draft submission in response to the Redress and Accountability Systems in Jersey Review. In its report S.R.12/2019 “Response to the Care Inquiry: Update Report November 2019”, the Review Panel had stated (Section 7.2) that –

“Many of the submissions spoke about inadequate systems for redress and a lack of an effective complaints system within the public sector. One particular theme that also emerged was the fear of repercussions for speaking out on an issue or matter of concern.”

The Comité noted that its submission was in two parts covering the holding to account of staff, elected officials and voluntary staff and also covering complaints about systems (where appeals procedures were set out in the relevant legislation). Whilst the number of complaints received by Connétables was low, the Comité agreed that the primary duty of all elected officials and staff was to serve their parishioners and none should behave in a way which was likely to bring discredit upon the Parish. Elected officers were required to swear an oath of office in the Royal Court (or Ecclesiastical Court for church officers) and, in doing so, had a duty to uphold the law in accordance with their oath of office and to act on all occasions in accordance with the public trust placed in them. A Discipline Code existed in relation to members of the Honorary Police and similarly high standards were expected of all elected officers. As part of its current review of equality and diversity training for all Parish employees and honorary personnel (minute no. 9 of 22<sup>nd</sup> June 2020 refers) a similar code might be considered for members of the municipality.

All complaints or concerns about the conduct or actions of elected officers and members of the municipality should be addressed to the Connétable, as head of the Parish, and he or she would seek appropriate advice and guidance, depending on the issue, and take the necessary action. A decision taken by a Parish Assembly might also be subject to further discussion, in accordance with the *Loi (1804) au sujet des Assemblées Paroissiales*, should ten or more members of the Assembly make such a request in writing, dated, and mention the subject (*‘sujet’*) to be put forward (which must be a lawful one), and the proposition (which must relate to a matter within the competence of the Parish Assembly).

The Chairman was requested to write to the Review Panel accordingly.

Mobile Speed  
Cameras  
P.91/2020

6. The Comité considered the proposition of the Connétable of St John on Mobile Speed Cameras (P.91/2020) which requested the Minister for Home Affairs to bring forward legislation to -

- a) enable the Honorary Police to use mobile speed cameras; and
- b) introduce stricter sentences for motorists who are found guilty of travelling 30 miles per hour or more over the speed limit.

The Connétable of St Clement informed the Comité that comments were being drafted by the Minister for Infrastructure and would incorporate comments in his capacity as Minister for Home Affairs.

The Comité noted that the proposition and report gave little information in relation to whether the mobile speed cameras would be covert or visible, whether offences would be dealt with within the current Parish Hall Enquiry system or of evidence or research on effectiveness of such cameras. The Comité decided not to submit comments to the States Assembly prior to the debate scheduled for 22<sup>nd</sup> September 2020 but asked that Connétables receive views from their Chefs de Police ahead of the debate.

Deployment  
and use of  
Energy  
Conductive  
Devices  
(‘Tasers’) by  
the States of  
Jersey Police  
(P.97/2020)

7. The Comité considered correspondence from the Children, Education and Home Affairs Scrutiny Panel which had agreed to conduct a scrutiny review in relation to the proposition “Deployment and use of Energy Conductive Devices (‘Tasers’) by the States of Jersey Police (SOJP)” (P.97/2020). The Comité discussed the terms of reference for the Review and the specific questions put by the Panel. Whilst noting that each Connétable would make their own decision on P.97/2020, the Comité commented in general terms that the SOJP should be appropriately equipped to undertake their role and this could include, subject to appropriate safeguards, the use of a Taser by an SOJP officer who was properly trained. In relation to the potential impact of a Taser on situations where there were significant concerns in relation to a person’s mental wellbeing or vulnerable individuals (including children and young people), the Comité agreed the Review Panel should seek expert advice. The Chairman was requested to reply accordingly.

Green Lanes  
and Quiet  
Lanes: priority  
to pedestrians,  
cyclists and  
horse riders  
(P.79/2020) –  
development of  
scheme

8. The Comité, with reference to its minute no. 1 of 6<sup>th</sup> July 2020, recalled that the States, on 15<sup>th</sup> July 2020, had adopted the proposition as amended on “Green Lanes and Quiet Lanes: priority to pedestrians, cyclists and horse riders” (P.79/2020) and had decided –

(a) that priority should be given in law to pedestrians, cyclists and horse riders in designated roads in the Parishes and that vehicular traffic should only be allowed in such designated roads for essential travel;

(b) to request the Comité des Connétables, to designate roads in Parishes where priority should be given, as requested in paragraph (a) above;

(c) to request the Comité des Connétables, in consultation with the Minister for Infrastructure, to bring forward for approval the necessary changes to legislation to give effect to paragraphs (a) and (b) by the first quarter of 2021, if considered practicable by the Comité and the Minister;

(d) to request the Comité des Connétables, in consultation with the Minister for Infrastructure, to update the current road signs and markings for designated roads in order to show that priority is given in the use of designated roads to pedestrians, cyclists and horse riders; and

(e) to request the Comité des Connétables to undertake a public awareness campaign in conjunction with third parties, as appropriate, regarding the use of designated roads and the priority given to pedestrians, cyclist and horse riders.

The Comité received a discussion document setting out current legislation and guidance in relation to roads, vehicles, pedestrians, cyclists and horse riders to assist with the work to determine what was meant by ‘priority’ and ‘essential travel’. The Comité

accepted the offers of the Connétables of St Peter, St Mary and St Ouen to form a sub-committee to progress the consultation and asked that it consider its terms of reference and who might be co-opted to assist with the work.

Campervans  
and ‘aire’  
proposal

9. The Comité considered a paper setting out a proposal for creating a ‘Camping Aire’ in Jersey for Motorhome users to find a solution to the problem of finding suitable stopover locations for motorhome users. The writer invited Connétables’ views on the idea and whether they would support it in their parishes. In relation to this the Comité decided that Connétables should reply individually but it also noted that it had yet to meet with the Minister for Infrastructure and Growth, Housing and Environment (GHE) officers to discuss a paper on motorhome and campervan use in Jersey following from the States debate on 21<sup>st</sup> May 2019 which adopted the proposition of Senator S W Pallett (P.33/2019).

Loi (1928) sur  
la Voirie  
(Emprunts  
paroissiaux) -  
repeal

10. The Comité, with reference to its minute no. 8 of 6<sup>th</sup> July 2020, recalled it had been of the view that, rather than repeal the Loi (1928) sur la Voirie (Emprunts paroissiaux), it should be amended to authorise the Connétable and Procureurs du Bien Public of each Parish to contract to borrow, on behalf of the Parish, a higher sum. The Comité was informed that in the 1982 judgement in Manning [1982 J.J. 183] the Royal Court had said:

*“We are in no doubt that a Parish is to be treated as a Corporation, having a legal entity separate from that of its parishioners. It has perpetual succession, and it can transact in property through its officers.”*

As this judgement post-dated the Loi of 1928 (and the statutory reaffirmation of that Law in the Roads Administration (Jersey) Law 1960) it had made clear that a Parish had the attributes of a body corporate. It was therefore not in doubt that a Parish had perpetual succession, and the power – possessed by any body corporate – to acquire, hold and dispose of land or other property. This had rendered otiose the statutory authority that the 1928 Law purported to confer and, this being so, there was no adverse effect in the Loi of 1928 being repealed, and the reference to it in the Law of 1960 being deleted consequentially. The Comité noted the position.

Jersey  
Electricity/  
Parish “Micro-  
forest”  
Partnership

11. The Comité considered a letter from the Chief Executive of the Jersey Electricity Company Limited about developing a partnership between all Parishes and Jersey Electricity on a potentially impactful new scheme that, with Parish support, could rally the Island’s communities, effect lasting improvements to Jersey’s environment and help mitigate its impact on climate change. The Chief Executive had explained that whilst the proposed scheme could never replace a rainforest, micro-forests which were all similarly planted with indigenous species across all 12 Parishes in Jersey when combined could have a very meaningful impact on the Island ecology and could promote all that was great about the Parishes and the community and how all worked together to solve a problem. The request was for Connétables to identify an area of Parish land which could be used to plant a ‘micro forest’ and the Comité agreed that Connétables should individually contact the Chief Executive to progress the initiative.

Freedom of  
Information  
(Jersey) Law  
2011 – report  
on first 5 years

12. The Comité received a report regarding the Freedom of Information (Jersey) Law 2011 and requests received by parishes in the first 5 years (the law having applied to the parishes since 1<sup>st</sup> September 2015). A total of 115 requests had been received over the last 5 years; the most (29) in the first year and since then 20 to 25 each year. Approximately 30% of the requests related to all parishes; 32% to St Helier and the other 38% spread across ten other parishes. To date 111 responses, grouped by subject, had been issued and published on the parishes’ website.

Office accounts  
2019/2020 and  
budget  
2020/2021

*This is also  
recorded in the  
minutes of the  
Supervisory  
Committee*

13. The Comité received the audited accounts for the Comité des Connétables/Supervisory Committee for the year ended 30<sup>th</sup> April 2020 and noted expenditure of £104,881 and income of £106,113 thus resulting in a surplus of £1,232 for the year. The audited accounts for the Comité des Chefs de Police showed a small surplus of income over expenditure and a budget of £1,500 for 2020/2021. The balance sheet, which included the Comité des Chefs de Police, showed net current assets of £24,406. The auditors Alex Picot had reported that they would be issuing a clean audit report. The accounts were adopted with all in favour.

The Comité also considered the proposed office budget for 2020/2021. The Comité approved the renewal of the licence for the office premises at the Royal Jersey Showground, Trinity, for a further three years to 30<sup>th</sup> April 2023, the rent to be increased by the movement in the retail price index and would be £8,569.25 per annum. The budget also included provision for the IT strategy, contract with Focused IT and new office equipment. Following discussion, the Comité approved the budget showing expenditure in a sum of £115,520, with a budget of £1,500 for the Comité des Chefs de Police, and agreed that each Parish would contribute a total of £9,750.

However, the Comité recalled its rules on voting required that where the matter would commit either the Comité or any of the members to any expenditure, the matter should be done and decided by 12 votes in favour on the first occasion and, as 12 members were not present, it agreed the matter should be considered again at the next meeting.

Next meeting

14. The Connétable of St Saviour was thanked for her hospitality and the Comité noted the next meeting would be on 12<sup>th</sup> October 2020.

Chairman ..... Date .....

