

Comité des Connétables

Minutes of the meeting held on
Monday 6th December 2021
at the Public Hall, St Martin.

Present:

Connétable de St Laurent - Mrs D. W. Mezbourian, Chairman
Connétable de St Hélier - A. S. Crowcroft, Vice Chairman
Connétable de St Sauveur - Mrs S. A. Le Sueur-Rennard (not present for items 1, 2, 15)
Connétable de St Brélade - M. K. Jackson (not present for items 1, 2, 15)
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 1-5, 15-17)
Connétable de Ste Marie - J. M. Le Bailly
Connétable de St Martin - Mrs K. Shenton-Stone (not present for items 6, 7, 18)
Connétable de St Jean - A. N. Jehan
Connétable de St Clément - M. O'D. Troy

An apology for absence was received from the Connétable de St Ouën - R. A. Buchanan.

In attendance:

Mrs S. R. de Gruchy, Secretary

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

Minutes

1. The minutes of the meeting held on 8th November 2021, having been previously circulated, were taken as read and were confirmed.

Parish Hall
Enquiries –
assessment under
UNCRC

2. The Comité noted the report “Assessing the system of Parish Hall Enquiries in Jersey in the light of the United Nations Convention on the Rights of the Child”, commissioned and published by the Children’s Commissioner. The Comité reviewed the recommendations of the Children’s Commissioner which were set out as the primary guiding principles.

Civil parking
penalties –
introduction

3. The Comité, with reference to its minute no. 4 of 8th November 2021, received an update on the proposed implementation of civil parking penalties on 1st February 2022 following the making of the [Road Traffic \(Parking\) \(General Provisions and Penalties\) \(Jersey\) Order 2021](#) by the Minister for Infrastructure.

Don Balleine Will
Trust – proposal
to amalgamate
with Incorp.
Assoc.

4. The Comité received Mr J Le Maistre, MBE, and Advocate C Scholefield, who sought the assistance of the Connétables to exercise a discretion conferred upon them by a deceased benefactor, the late Arthur Edwin Balleine, so as to guide the Trustees of the A E Balleine Will Trust (the Trust) as they sought to make an important decision in order to rationalise the Trust’s affairs. The Trustees were considering a decision to wind up the Trust’s activities and to transfer its remaining assets to its sister organisation known as Le Don Balleine Incorporated Association (LDBIA), which was a charity established for similar purposes.

The Comité was informed that the Trust was created by the will of the late Arthur Edwin Balleine who died in 1943. The will bequeathed the rest and residue of his estate to his trustees to invest the same and apply the whole of the net revenue arising therefrom for the preservation of the native language of the island. It empowered the trustees to form a committee comprising the Connétables for the time being of the twelve parishes of the island to formulate such conditions as might be approved by his trustees for the carrying out of his wishes in this respect. In 2012 the trustees of the Trust had created the LDBIA, an incorporated association which, under the *Loi (1862) sur les teneures en fidéicommis et l’incorporation d’associations*, might receive and hold gifts of Jersey land. The LDBIA was

registered as a charity with the Jersey Charity Commissioner (no. 194) and its constitution made specific reference to its objectives being to further the work and aims of the Trust. The important work of the Don Balleine was therefore currently being undertaken by two distinct bodies working in parallel.

The Trustees considered it was now time to rationalise this situation and proposed to wind up the activities of the Trust and to transfer its assets (cash and books) to the LDBIA (current assets of £38,837). This could be achieved in four ways but the preferred option, as charitable assets were involved and ambitious standards of prudence and integrity were required, was for the Trustees simply to resolve to transfer the Trust assets to the LDBIA having invited the Connétables endorsement. The reason for seeking such endorsement was that the Trust empowered the Trustees “*to form a Committee comprising the Connétables for the time being of the twelve parishes of the Island ... to formulate such conditions as may be approved by my Executors and Trustees for the carrying out of my wishes in this respect ...*”. As the Connétables were specifically named as a group to whom the Trustees might seek to refer, for assistance as to the conditions in which the bequest was to be carried out, and were also members of the States Assembly, which in February 2019 voted to adopt Jèrriais as an official language of the island and this further to a States cultural strategy one of whose strategic objectives was the re-establishment of the language, the Trustees considered this represented a fair and proper balance of expedience against supervision and so it was the option they wished to pursue.

Following discussion, the Connétables gave their support to the proposal that the Trustees should resolve to transfer the Trust assets to the LDBIA. Mr Le Maistre and Advocate Scholefield were thanked for attending the meeting and then withdrew.

Strategic Road
Safety Review
(P.5/2021) – IHE
presentation

5. The Comité, with reference to its minute no. 2 of 15th March 2021, received the Head of Transport, Highways and Infrastructure and the Principal Engineer – (Road) Network Management, Infrastructure, Housing and Environment (IHE) and Inspector C O’Connor, States of Jersey Police (SOJP) who gave a presentation on the recommendations arising from the Strategic Road Safety Review (P.5/2021). The States had requested the Minister for Infrastructure to undertake a structural review of Road Safety in the Island in order to identify ways of improving road safety, with a focus on the needs of vulnerable road users, and to publish its initial findings with strategic policy recommendations by the end of 2021. The States also agreed to review existing legislation and the Island’s Highway Code to identify the benefits of introducing a hierarchy of responsibility for road users, based on the level of risk presented to road users in the event of a collision and this would be addressed through the separate work stream within the ongoing IHE Roads Law Review project (minute no. 5 of 11th October 2021 refers).

The Comité was informed that the structural review had examined and compared the magnitude of historic collision and casualty data (recorded by the States Police) against other relevant jurisdictions, had interviewed key stakeholders, surveyed best practice globally and considered how this might translate into the local context. The full recommendations would be available in due course, but the review concluded that working towards the ‘Vision Zero’ aspiration and adoption of the ‘Safe System Approach to Road Safety’, aligned to ‘interim casualty reduction targets’ would be the best means of shifting road safety outcomes. Vision Zero was an ultimate goal that there would be no road traffic related fatal or serious injuries and there were five component pillars to the Safe System Approach - Safe Roads, Safe Speeds, Safe Vehicles, Safe People, and Post-Crash Response. Each of these pillars required appropriate actions and behaviour from a variety of parties, including the public, to enable them to succeed, and the logic was that if one of the five pillars failed to perform as it might in any situation the other pillars would compensate, with the net result of reducing the number and severity of casualties. The SOJP fully supported the Safe System Approach.

The review identified that road safety was currently undertaken across a number of Government Departments, arm’s length agencies, a public road safety panel and Parish authorities, etc. There was, however, no overarching co-ordination or connected awareness of these individual functions and an aligned approach with clear objectives related to a

proven casualty reduction methodology was now needed. The review recognised that while Jersey was not in a position to set a date for reaching Vision Zero, it was strongly placed to start by introducing a challenging (but achievable) interim target of a 50% reduction in fatal and serious casualties over the ten-year period 2023 to 2032 (this from a baseline average yearly figure for the period 2017 to 2019). Further to publishing the review findings, work would continue with key stakeholders towards developing a detailed Road Safety Strategy by the middle of 2022 with the aim of adoption as Government policy before 2023 when the first interim period would start. This work would include budget and funding details, for inclusion in a business case, though it was anticipated that, with the exception of two dedicated officers, most costs could be met from existing budgets or on a case-by-case basis.

The Comité welcomed the recommendations but pointed out that each Parish had a Roads Committee and it was essential they were involved and consulted; the Parishes should also have involvement with the road safety panel. Comments were also made about a minority of cyclists who did not observe the Highway Code, the protracted timescales for changing speed limits, issues on specific roads, the problems caused by the clutter of signs now required for road safety enforcement and the proposed timeframe for ongoing work. The Comité was assured that IHE would engage with the Parishes' Roads Committees and make available to them the SOJP data now being collated on road traffic collisions so that proposals could be evidence based. Education for cyclists was being considered and the long-term goal was for legislation that would enable mobile speed cameras to be used. IHE had produced a local code of practice in relation to road signs for the Street Works Law and said a road safety partnership would steer governance. IHE was asked about the officer road safety panel which met to consider correspondence about specific issues and agreed this group could invite the Connétable to attend for items relating to his/her Parish. Following discussion, the Comité thanked the officers for their work and, having also been thanked for attending, they then withdrew from the meeting.

Public Elections
June 2022 –
Centeniers and
Connétables/
Deputies

6. The Comité considered a paper relating to the public elections in 2022 for which Parishes were preparing, namely the election of Centeniers (polling day would be Wednesday 8th June 2022) and the elections of Connétables and Deputies (polling day would be Wednesday 22nd June 2022).

The Comité recalled that the Public Elections (Jersey) Law 2002 had been amended by the States. Part of the 'Constitution of the States and Public Elections (Jersey) Law 2021' had come into force on 30th July 2021 and the remainder would come into force on either 22nd December 2022 (at this date a vacancy in office of Senator or Deputy would not be filled at a by-election as it was within 6 months of the next elections) or on 22nd June 2022. An Appointed Day Act was still required for the 'Elections (Miscellaneous Amendments) (Jersey) Law 202-' and it was these amendments which would create the Jersey Electoral Authority (JEA), amongst many other changes. The most recent advice from the Deputy Greffier of the States was that the earliest date that the Appointed Day Act could come before the States would be 18th January 2022. In the interim, the recruitment process had commenced for JEA members.

The Parish Secretaries, who would each become the 'electoral administrator' for their Parish, were therefore planning for the elections in June 2022 each with different arrangements. The Electoral Register System (ERS) would be required for all elections and the Parishes could not now consider any changes to ERS, including change to the OIS access, until September 2022 at the earliest. The Comité agreed the Chairman should write to the Chief Operating Officer, Government of Jersey, seeking an assurance that access to the ERS, which would remain hosted by GoJ, would be maintained together with the OIS user access (including the network required).

The Comité then considered the template for the Notice of Registered Voters, to be sent to every unit of dwelling accommodation between 1st – 15th March 2022 in accordance with Article 7A of the Public Elections (Jersey) Law 2002. The form of the Notice was as approved by the Comité (as the States had not prescribed the form) and it required information on polling stations (these were decided by each Parish) and on postal/pre-poll

voting arrangements (to be confirmed by the JEA and the Judicial Greffe). The Comité sought clarification of the requirements for polling stations, including the layout and whether the number should relate to the size of the electorate, so that appropriate arrangements might be made in each Parish. The Comité heard from several Connétables who might wish to provide a second polling station, as an alternative to the Parish Hall, so that every elector had a choice of where to cast their vote on polling day. Following discussion, the outline for the Notice was approved by the Comité.

The Comité considered when the count might take place and was informed that the Parish Secretaries were supportive of holding the count the day after polling day; this took into account that staff and volunteers would have been on duty for over 12 hours on polling day (the polling stations were open from 8am to 8pm) and the age of many of the traditional volunteers. Following discussion, the Comité decided the count should continue to be held immediately the polling stations closed with the results announced later that evening/night.

Driving licences – medical changes – 7. The Comité, with reference to its minute no. 16 of 7th December 2020, received a report prepared by officers of Driver and Vehicle Standards, Infrastructure, Housing and Environment Department, which provided an update on the changes to medical requirements for a Jersey driving licence following amendments to the Road Traffic (Jersey) Law 1956. The amendments reduced the validity for certain driving licence categories and, as a result, the driver would have to meet the cost of renewing the licence at each validity period. The amendments would also permit a Connétable to issue a licence for less than 10 years where there were medical grounds so to do. The fee for a driving licence was set in the Motor Vehicles (Driving Licences) (Jersey) Order 2003 and was calculated at a rate of £5 for each year, or part of a year, that the licence would remain in force or £15, whichever was the greater amount. The Comité decided that the calculation of the prescribed fee remained appropriate including when a licence was issued for a reduced validity period. The Comité also noted that the current fees had been in force since 2017 and could be amended by the Minister for Infrastructure following a formal approach by the Comité.

Island identity 8. The Comité, with reference to its minute no. 16 of 11th January 2021, considered correspondence from Deputy C Labey, Assistant Chief Minister and Minister for International Development, enquiring about progress with specific recommendations in the Island Identity report so that a report could be given to the Council of Ministers and to Scrutiny. In particular, the report had identified the opportunity of “measures to reinvigorate Parish Assemblies, such as production of a guide for young people and newcomers, coverage of Parish elections on ‘vote.je’, increasing digital participation”.

The Comité heard from Connétables of the measures being trialled including greater media exposure, the use of social media platforms and distributing leaflets to every home to advertise forthcoming meetings. Action groups had been established in some parishes to consider specific topics such as the climate, environment, housing, or infrastructure, and Q&A sessions had also been offered after Parish Assemblies. Wider age participation was being encouraged through links with youth clubs (e.g. to develop a ‘youth Parish Assembly’) and primary schools in the Parish. There had been an increase in digital participation during the coronavirus restrictions and the options for Parish Assemblies, including in relation to voting, were being considered. The Chairman was requested to reply accordingly.

Draft Children (Convention Rights) (Jersey) Law 202- (Due Regard Law) 9. The Comité, with reference to its minute no. 6 of 13th January 2020, considered correspondence from the Minister for Children and Education regarding the draft Children (Convention Rights) (Jersey) Law 202- (Due Regard Law) asking whether all parishes wished to be a public authority duty bearer. The Comité was reminded that the draft related to proposals for indirectly incorporating the United Nations Convention on the Rights of the Child (UNCRC) into domestic legislation. The United Kingdom’s ratification of the UNCRC was extended to Jersey in 2014. The policy ambition was for a culture change which would implement, protect and promote Children’s Rights and develop and embed rights-based practice. The duty to have ‘due regard’ to the UNCRC would fall on the

proposed ‘duty-bearers’ which included named public authorities delivering relevant functions, such as the parishes. From 2023 a children’s rights impact assessment (CRIA) could be required although there could be other ways of evidencing that children’s rights had been considered. Following discussion, the Comité agreed that all the Parishes should be proposed as public authority duty bearers from June 2023 under the draft law.

Comité des
Connétables
meetings – public
access

10. The Comité, at the request of the Connétable of St Helier, discussed whether its meetings might be opened to the public to attend. He reported that, for a number of years, meetings of the Parish of St Helier Roads Committee had been open to the public and the agenda and minutes had been published in two parts, Part A being open and Part B closed.

The Comité was supportive of greater transparency and openness, wherever possible, but was also mindful that the issues it considered were quite different to those discussed by a Roads Committee. Its minutes were published, following approval, unless exempt under the Freedom of Information (Jersey) Law 2011, but publication of the agenda in separate parts (open and closed) would require additional resources. The Comité was also reminded that parliamentary privilege only applied within the States Assembly so Connétables would need to be circumspect during discussion of items. The Comité also considered the issue of a press release following meetings so that the public were informed of the work undertaken. The Secretary was requested to consider whether agenda items might be arranged to facilitate a meeting being open for appropriate items.

Procureurs de
Bien Public -
training

11. The Comité, with partial reference to its minute no. 19 of 6th September 2021, at the request of the Connétable of St John considered the provision of training for Procureurs du Bien Public. He outlined the wide range of issues which the Procureurs might have to consider and commented on regulatory requirements in the areas of data protection, health and safety, human resources, and corporate governance. In addition, a Procureur du Bien Public might be a trustee of a Parish trust. He referred to the annual update for directors provided by Jersey Business and suggested something similar might be considered. The Connétable of Trinity, having also served as a Procureur du Bien Public, supported the proposal and the Connétables of St John and Trinity were requested to work with the Secretary to prepare a paper for consideration at a future meeting.

Data Protection
registration

12. The Comité, with reference to its minute no. 7 of 21st December 2020, was reminded that the Parishes Data Protection registrations, which were due for renewal in 2022, also covered the role of the Connétable. However, a separate registration might be required if standing as a candidate in an election.

JE Parish Earth
Partnership

13. The Comité, with reference to its minute no. 5 of 8th November 2021, received an update from Jersey Electricity plc (JE) on the Parish Earth Partnership to develop micro forests and undertake planting schemes with the aim to promote and improve carbon neutrality. The Comité noted that the planning application for the Trinity site had been approved and a meeting had taken place with the aim of progressing planting on the St Clement site. The Comité also heard from Connétables about how the scheme was evolving following the launch of the Queen’s Canopy initiative. Whilst acknowledging the support given by JE to the Parishes, where sites had been identified these might now be developed using private donations rather than the JE sponsorship.

Next meeting

14. The Connétable of St Martin was thanked for her hospitality and the compliments of the season and best wishes for Christmas and for 2022 were extended to all. The Comité noted the next meeting would be on 10th January 2022.

Chairman Date