

# Comité des Connétables

Minutes of the meeting held on  
**Monday 9<sup>th</sup> October 2023**  
at the Parish Hall, St Mary.

## **Present:**

Connétable de St Brélade - M. K. Jackson, Chairman  
Connétable de St Laurent - Mrs D. W. Mezbourian, Vice Chairman  
Connétable de St Héliér - A. S. Crowcroft  
Connétable de la Trinité - P. B. Le Sueur  
Connétable de St Pierre - R. P. Vibert  
Connétable de St Jean - A. N. Jehan (present for items 1-5, 14, 15)  
Connétable de St Clément - M. O'D. Troy  
Connétable de Grouville - M. Labey  
Connétable de St Ouën - R. Honeycombe  
Connétable de Ste Marie - R. D. Johnson  
Connétable de St Sauveur - K. C. Lewis

An apology for absence was received from the Connétable de St Martin - Mrs K. Shenton-Stone.

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 4<sup>th</sup> September 2023, having been previously circulated, were taken as read and were confirmed.

Jersey Police  
Dependants  
Trust

2. The Comité, with reference to its minute no. 12 of 14<sup>th</sup> February 2022, noted that a resolution had been passed that the funds in The Jersey Police Dependants Trust were to be distributed to The Jersey Community Foundation where they would be held in a restricted fund for the benefit of any policeman or honorary policeman injured in the line of duty; their families or dependants; or any member of the public injured helping the police. The Jersey Police Dependants Trust was now terminated. All applications for funds should now be made to The Jersey Community Foundation.

Licensing  
Assembly and  
garage  
forecourt  
licences

3. The Comité was informed by the Chairman that a St Brélade Parish Assembly had supported the variation of the licence for a garage forecourt business in that Parish wishing to offer on-line sales. Subsequently, at the September 2023 Licensing Assembly, the introduction of a new condition relating to on-line sales was announced which would apply when a holder of a Sixth Category Off Licence for a forecourt garage store applied to renew that licence.

Planning and  
Building  
(Caravans)  
(Jersey) Order  
2023

4. The Comité, with reference to its minute no. 4 of 5<sup>th</sup> June 2023, received correspondence from the Minister for the Environment replying to the concerns and queries raised by the Comité about the Planning and Building (Caravans) (Jersey) Order 2023 which came into force on 31<sup>st</sup> May 2023. The Order provided that those visitors staying for 31 days or fewer would no longer need to apply for and display a Caravan-Motorhome permit when bringing their caravans, motorhomes, campervans and trailer tents to Jersey. The existing rules which stipulated that caravans, motorhomes and campervans must not be used by visitors as overnight accommodation, unless stationed at a designated campsite, remained in place. Caravans, specifically, would also continue to

be banned from public roads in Jersey, unless travelling from the harbour to a campsite. Visitors intending to keep their caravan, campervan or motorhome in Jersey for longer than 31 days would still need to apply for permission.

draft Planning and Building (Commencement of No. 8 Amendment Law) (Jersey) Act 202- (P.71/2023) – trees legislation

5. The Comité, with reference to its minute no. 16 of 24<sup>th</sup> April 2023, received the Minister for the Environment, the Group Director for Regulation and the Head of Regulatory Improvement and Licensing, Infrastructure and Environment, Government of Jersey (GoJ), who provided an update on the ‘trees law’ as set out in the draft Planning and Building (Commencement of No. 8 Amendment Law) (Jersey) Act 202- (P.71/2023). In accordance with the Comité’s decision the meeting was open to members of the public to attend (minute no. 5 of 18<sup>th</sup> July 2022 refers). Deputy T Binet accompanied by over 40 persons involved in the agricultural and horticultural sector, whom he was representing, were present. The Chairman welcomed them to the meeting and reminded of the guidelines including that attendance was as an observer and not as a participant.

The Minister informed the Comité that the original plans for new legislation to better protect Jersey’s trees had been withdrawn following feedback from Islanders and those working in the industry. Under the new proposals the definition of ‘routine management’ had been revised and the Minister proposed by Order to allow for more routine work to take place on trees without the need for planning permission or notification. This included that works to trees would not be classed as development if the tree was 25cm or less in diameter (previously 8cm) at 1.5m above the ground; to allow works to domestic and commercial fruit trees; and greater detail in the specification of works that were allowed as part of ‘routine management’.

‘Routine management’ would be published in separate guidance alongside the new Order. This guidance would follow the best practice for tree management in the United Kingdom and examples included provision for crown thinning, crown lifting, re-pollarding and for the cutting, trimming and shaping of hedgerows. Diseased trees and those that posed a danger to the public or were damaging buildings were also among a series of exemptions and would not require permission. Dead branches could still be removed from trees and works on trees that were specifically required under other laws – including “branchage” under the *Loi (1914) sur la Voirie* – were also exempt.

The Minister reminded that there were already requirements to protect the natural environment, for example it was an offence to cut down a tree if a bird or bat was nesting in it, but it was not sufficient. The Bridging Island Plan made it clear that trees must be protected but a developer might still decide to clear trees prior to submitting a planning application. As Environment Minister he was committed to protecting and enhancing the environment and natural diversity; much had been lost over the years, and he wished to increase biodiversity and expand the marine protected areas.

The Comité discussed the proposals with the Minister and officers and, in reply to questions and comments, the following was noted:

- Details of the scheme would be set out in an Order. The outline was set out in P.71/2023 but it was not the usual practice to publish a draft Order in advance, however the Minister would discuss advance publication with his officers.
- The scheme to list trees as an SSI (a site of special interest) was not a tree preservation order. The SSI scheme would continue though comments were made that this process was difficult. The law did not currently protect trees and the protection proposed would be effective from the date of the law amendment.
- The administrative process would have 3 stages:
  - Exemption – this would include a tree causing damage to a building (to the extent required to repair the building and for public safety) and diseased/dangerous trees etc. In reply to a question, it was confirmed a branch blocking agricultural machinery from entering a field for could be cut.
  - Notification to the Department (with deemed consent if no reply was received within 28 days) and

- Application for planning permission (with the standard appeal process if the application was refused).
- A landowner/occupier could seek advice from a contractor or could make their own judgement as to whether or not a tree was diseased or dead. Should a complaint about the work be received, it would be referred to the Department's compliance team to investigate. The contractor's advice could be accepted or, if found to be incorrect, a decision would be made (with legal advice) as to whether or not it was in the public interest to prosecute.
- The Department would be able to identify whether or not work had been undertaken e.g. using Digimap (mapping service), photographs from any site visit, professional advice of an arboriculturist, interviews with people in the area etc; all prosecution decisions were based on the evidence available.
- The penalties for breaching legislation would be those under the Planning legislation including those relating to unauthorised demolition (where a remedy might be to replant or rebuild).
- Following feedback about the management of larger areas, the proposals provided for a woodland management plan to be agreed. All work in the specified period, e.g. 10 years, would be permitted development and such a plan could encompass the creation or maintenance of wildlife corridors thus improving the area's natural diversity.
- There were no new financial and/or staffing implications for the States arising from the adoption of P.71/2023 as the extra staff were part of the Department's growth bid in 2021 so the staffing was already in place. The team administering the new legislation was not a new section but included a person with experience as a landscape architect who, whilst not a statutory consultee, would comment on applications. In 2023, 78% of applications were dealt with within the published timescale.
- Research of other jurisdictions had been undertaken to establish the potential number of applications; an aerial tree survey map had also provided some guidance.

The Minister concluded by reminding that the planning process involved judgements and grey areas; the proposals were an attempt to manage trees but it would not be correct to regard this as providing perfection. Officers had consulted though it was recognised that not everyone accepted the proposed changes. Following discussion, the Minister and GoJ officers were thanked for the presentation, the meeting was closed to the public and all those present then withdrew.

Elections of Centeniers

6. The Comité noted that the Royal Court would, on 13<sup>th</sup> October 2023, be asked to consider a representation to order the elections of Centeniers in accordance with Article 3 of the Centeniers (Terms of Office) (Jersey) Law 2007; if there were more candidates than vacancies then a ballot would be held on 13<sup>th</sup> December 2023.

draft Register of Names and Addresses (Amendment) (Jersey) Law 202- (P.56/2023)

7. The Comité, with partial reference to its minute no. 22 of 20<sup>th</sup> February 2023, recalled that the States Assembly had approved the draft Register of Names and Addresses (Amendment) (Jersey) Law 202- (P.56/2023). The draft Law followed from publicity that Jersey residents were having difficulty accessing certain financial products as the United Kingdom credit reference agencies (CRAs) were unable to verify their identities (the CRAs were last able to purchase Jersey Electoral Registers in 2001, prior to the Elections (Jersey) Law 2002 (originally the "Public Elections" Law) coming into force). The CRAs also wished to operate an 'automated' checking process so the provision of separate subject access request (SAR) documentation from electoral registers, as advised by the Jersey Office of the Information Commissioner, was no longer sufficient. The Comité welcomed the change as it would ensure details of all those resident in Jersey for a continuous period of 3 months or more were available to the CRAs (the electoral registers

only holding information on those meeting the criteria as an elector i.e. resident 2 years or more, or 6 months plus other periods totalling 5 years).

Clameur de Haro - Trinity

8. The Comité was informed by the Connétable of Trinity that the *Clameur de Haro* had been raised in Rue Becq, Trinity on 5<sup>th</sup> October 2023. In accordance with the *Loi (1914) sur la Voirie*, and following the failure of the occupier to cut the branchage to the required width, the Parish had contracted for the work to be undertaken; the raising of the *Clameur de Haro* had stopped the contractor's work. The owner (and occupier) of the land disputed the width of the road and claimed that the road had been illegally widened over the years and now encroached on her land. The matter would be heard by the Royal Court.

Road Works and Events (Jersey) Law 2016 - trench reinstatement

9. The Comité discussed the provisions of the Road Works and Events (Jersey) Law 2016 and the conditions which might be imposed on a permit to excavate a trench in a road. The Comité recalled the duty and the powers of a highway authority under the 2016 law (minute no. 4 of 11<sup>th</sup> January 2021 refers) including the need to protect the structure of the road (Article 9(2)(c)). In granting a 'road works permit' a highway authority might, having regard to the particular circumstances of the proposed works to which the permit related, make a permit subject to such other conditions as it thought fit to the extent that such other conditions did not conflict with the standard conditions (Article 15(5)). Part 7 of the law dealt with damage and reinstatement, with Article 34 permitting notice of enhanced reinstatement or making good works to be given by a highway authority. Such a notice might be served if either or both of the following applied:

- (a) the relevant highway authority reasonably considered that, by reason of carrying out the undertaker works, or as the case might be, the reinstatement or making good works, such works as were specified in the notice were required in order to preserve any existing features (including visual benefits) in or adjacent to the part of the road to which the duty to reinstate or make good applied;
- (b) the relevant highway authority reasonably considered that more stringent requirements than those determined by the Minister under Article 33(1)(a) were needed in order to minimise the risk of defects occurring in the reinstatement or making good works.

The Comité heard from all Connétables of the policy adopted by their highway authority to require full-width reinstatement on a permit to excavate a trench including where the road surface was in excellent condition having not previously been excavated. Where the road surface was in a poor condition, including due to previous excavations, consideration was given to requiring full-width reinstatement with the Parish making a contribution to the cost.

Children and Young People (Jersey) Law 2022 – update

10. The Comité, with reference to its minute no. 7 of 20<sup>th</sup> February 2023, was reminded that the Children and Young People (Jersey) Law 2022 made provision to promote and support the wellbeing, and safeguard the welfare, of children and young people, and for connected purposes. Under the Law the Parishes were Corporate Parents on whom general duties, as specified in the Law, were placed. The Minister for Children and Education would lodge a proposition, for debate on 16<sup>th</sup> January 2024, to bring the Law into force. In anticipation of this, statutory guidance and supporting training materials would be released at the end of October 2023, with appropriate publicity/information, and a presentation would be made at the Comité's next meeting.

Arising from this, the Comité also recalled the Children (Convention Rights) (Jersey) Law 2022 had been adopted by the States to give further effect in Jersey to the rights and obligations set out in the United Nations Convention on the Rights of the Child. Persons described as "duty-bearers" under Article 4 of the Law, which included the Parishes, would be required to have due regard to the requirements of Part 1 of the Convention and 2 of its Optional Protocols whenever they were to make certain decisions that might have

a direct or indirect impact on children. This would include the requirement prepare a Childrens' Rights Impact Assessment (CRIA) (minute no. 11 of 4<sup>th</sup> April 2022 refers).

Island Energy –  
gas supply  
failure

11. The Comité was informed by the Chairman of the current situation in relation to the loss of the gas supply to homes and businesses over the weekend. The Island Energy Group (IEG) had reported that the gas plant at La Collette, St Helier, went into safe mode on the morning of 7<sup>th</sup> October 2023. This was related to a software issue which caused the power loss and pressure loss; the issue had been identified and a remedial plan was in place. Due to the safe mode being activated, the network closed and would need to be purged and re-pressurised to reopen and resupply customers. Some 4,000 customers were affected; all commercial customers including Government of Jersey sites had been notified and would be visited and domestic customers were being given advice and invited to contact IEG.

Jersey Law  
Commission –  
consultation on  
Parish  
Assemblies

12. The Comité, with reference to its minute no. 16 of 9<sup>th</sup> January 2023, was informed by the Connétable of St Mary, in his capacity as Chair of the Legislation Advisory Panel, that the Jersey Law Commission had published on its website a Consultation Paper “Parish Assemblies: A Better Legislative Framework” and invited comments in writing before 31<sup>st</sup> October 2023. The Topic Commissioner and author of the paper was Advocate S Pallot. The Comité decided to invite Advocate Pallot to make a presentation at a future meeting and to seek an extension to the closing date to allow for this presentation and for its comments to be submitted following that meeting.

Next meeting

13. The Connétable of St Mary was thanked for his hospitality and the Comité noted the next meeting would be on 13<sup>th</sup> November 2023.

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