

STATES OF JERSEY



‘USER PAYS’ CHARGES: STATES OF JERSEY POLICE (P.176/2009) – AMENDMENT

**Lodged au Greffe on 6th November 2009
by the Deputy of St. Martin**

STATES GREFFE

‘USER PAYS’ CHARGES: STATES OF JERSEY POLICE (P.176/2009) –
AMENDMENT

PAGE 2 –

After paragraph (b) insert a new paragraph (c) as follows –

- “(c) to agree that the new user pays charging system should not be introduced by the Minister for Home Affairs until full details of the proposed charging system, together with an appeal mechanism for anyone aggrieved by the proposed charge, have been presented to the States for approval.”.

DEPUTY OF ST. MARTIN

REPORT

The origins of the “user pays” principle go back to 2000 (P.125/2000) however it was not until 24th June 2003 following a debate on Senator Syvret’s proposition P.63/2003 that the States agreed that no new “user pays” charges could be introduced by Committees of the States without any such charge receiving prior in principle approval by the States Assembly.

Senator Syvret had quite rightly drawn Member’s attention to the possibility of a variety of new – so-called “user pays” – charges being introduced for services that had hitherto been funded through taxation. The Senator likened the introduction of “user pays” charges to a Stealth Tax.

I do not have a problem with the “User Pays” principle however it is imperative that before any charge is contemplated or levied, there are clearly defined guidelines which have received States approval. P.176/2009 only asks Members to give ‘in principle’ approval but not to the detail of what is being approved.

As mentioned in P.176/2009, Home Affairs previously lodged a proposition (P.94/2006) seeking States approval for the introduction of “user pays” charges. The reports states that P.94/2006 was withdrawn to enable further discussions to take place between Home Affairs, Economic Development and Education, Sport and Culture.

However I submit that it was as a result of concern being raised and questions being asked in the States which led to Home Affairs withdrawing its proposition. It was more than apparent that the proposition was withdrawn because it lacked detail and there was a good possibility of it being rejected.

In P.94/2006 Members were asked “to refer to their Act dated 24th June 2003 in which they agreed that no new ‘user pays’ charges should be introduced without the prior approval of the States, and to agree that a new ‘user pays’ charge should be introduced and levied by the States of Jersey Police for the policing of commercial or profit-making events.”

As mentioned above, much of the criticism levelled at the Proposition was that it contained too little detail. Whilst Members may well have supported the principle they wished to see what checks and balances were in place and that there would be an even handed approach adopted between the police and the event organisers.

It is disappointing that despite a 3 year gap and having the benefit of a Scrutiny Panel’s findings and recommendations; Home Affairs is lodging another proposition very much on the same lines as P.94/2006.

Normally when Members seek “in principle” approval, if approved they return with a proposition containing the details of whatever was approved and seek States approval before whatever proposal is implemented. This is not the case with P.176/2009 because Home Affairs is again asking Members to give “in principle” approval but has no intention of returning to the States with the details.

This is evident because on page 4 of its report it states “The ‘in principle’ approval of the States Assembly is sought for the introduction of a new ‘user pays’ charge rather than approval of any detailed administrative arrangements and processes that will be developed with the Home Affairs and Economic Development Departments, the Department for Education, Sport and Culture, States of Jersey Police and the Honorary Police.”

This is Government by Committee which I submit is not acceptable and before any 'user pays' policy is adopted by any Minister it should be approved by the States.

No explanation is given as to why Members are not being given the opportunity of having sight of the "detailed administrative arrangements and processes that will be developed," nor is why they will not be asked to consider or approve what ever decided by the bodies above.

There is also an absence of any procedure to arbitrate should there be disagreements on the level of stewarding. This is evident because on page 4 of its report Home Affairs states "If an event is identified that may require additional police resources early discussions can be held with the event organisers to agree the level of stewarding required in order to minimise the need for additional police resources." However there is no mention as to how disagreements will be resolved. This is unsatisfactory and Home Affairs should ensure there is an arbitration mechanism in place to cater for disagreements.

On 11th March 2008 the former Education and Home Affairs Scrutiny Panel lodged a Report, S.R.4/2008, "Policing of Events: User pays?", the Report contained a number of recommendations which were considered by the former Minister for Home Affairs with her response being recorded in a Report presented to the States on 29th April 2008. In its conclusion the Minister stated, "I accept the review's key findings and recommendations and thank the Panel for a comprehensive review of an issue that has, and no doubt will continue to, attract Members' and the public's interest."

The former Panel had recommended at 3.3.6, that "The Minister for Home Affairs should provide more detail on the assessment criteria for the proposed 'user pays' charge before the States Assembly is asked to approve the proposition."

The only mention made to assessment in P.176/2009 is on page 4 which states "The discussions would be influenced by a risk assessment of the proposal, and any previous like events." This is an example of detail which should have been included in P.176/2009 or if not, it should be included in the criteria or policy which should be brought back to the States for final approval.

My amendment is simple and does not deviate from normal good government practice. It asks Members to agree that Home Affairs does not implement its user pay charging system until full details of the proposed charging system together with an appeal mechanism for anyone aggrieved by the proposed charge, had been presented to the States for approval.

Financial and manpower implications

There are no financial or manpower implications for the States other than work required preparing the requisite reports and propositions.