

### **3.9 The Deputy of St. Martin of the Minister for Home Affairs regarding policing costs for Jersey Live:**

Given the withdrawal of P. 94/2006, which sought States' approval to introduce a new user pays charge for policing of commercial or profit-making events, will the Minister explain why the organisers of Jersey Live were charged for policing this year's event?

#### **Senator W. Kinnard (The Minister for Home Affairs):**

Following withdrawal of P. 94/2006, Ministers for Home Affairs, Economic Development and Education, Sport and Culture, met and agreed that Ministers should, in some circumstances, be able to charge for policing services, that there is a relationship between effective stewarding, honorary policing, and the States of Jersey policing costs; and that police plans should encourage effective stewarding arrangements to relieve the need for additional policing. It was also agreed that the proposition should be separated from specific issues around Jersey Live. This approach was generally endorsed by the Council of Ministers on 14th June. Further consultation has taken place with the Connétables and the Chefs de Police to finalise the new reporting proposition to be considered by the Council of Ministers. Moving to Jersey Live, States of Jersey Police were ready with their honorary colleagues to police an event over one and a half days within local resources, where there would have been no charge. It was a commercial decision of Jersey Live to stretch the festival to two days in the full knowledge of the requirement to pay for mutual aid, given that States of Jersey Police and honorary police resources were not sufficient to cover the two-day event. Sir, I want to say a huge thank you to the honorary officers who put in some 550 hours of time. The additional costs, of course, to States of Jersey Police in overtime, et cetera, will not be recovered from the Jersey Live organisers.

#### **3.9.1 Deputy of St. Martin:**

I thank the Minister for the answer, but will the Minister accept that on 21st September last year, at a meeting of the Council of Ministers to discuss P.94, the Council agreed that no user pays policing charges should be applied until the States had decided whether it would be appropriate, and therefore no charges would apply until at least 2007. Is the Minister sure that she is able to push those charges without States' approval?

#### **Senator W. Kinnard:**

The proposition, of course, that we want to bring back to the States would be the ideal in providing an express statutory regime that will give greater clarity and certainty, and in the absence of that regime, what we have now is a situation where all parties have to be amenable to an agreement. I do have in my hand the agreement that was signed by Jersey Live and ourselves. Indeed, the legal basis under which this was developed is covered by a number of pieces of legislation, which cover my role as the Minister for Home Affairs, and indeed I can go into the details if the Deputy wishes, but I do not necessarily wish to take up the time of the States at the moment, but I do have all the various articles here, which in fact I did email to him on about three occasions in the last few weeks.

#### **3.9.2 Senator B.E. Shenton:**

I collected teenagers from Jersey Live on both nights, and I must say that the people up there were exceedingly well-behaved. I was not allowed to go because it would not have been cool for their dad to be there. I find that the policing was completely over the top and rather excessive, and was it not the case that it was a case of "pay up or cancel the event"? Would the Minister also confirm that she has no plans to charge the Air Display and the Battle of Flowers?

#### **Senator W. Kinnard:**

I also had youngsters at the event, and what I would say is that my main concern, both as Minister for Home Affairs and also as a parent, is the safety of those attending the event. I have to say, Sir,

that some comments have been made about the suggestion that there were too many police. I have to say, Sir, that in the United Kingdom it is common for there to be “no go” areas for the police in the central arena of these events, and this is not something that I am prepared to sanction in Jersey. I think we can all agree, in fact, even the organisers said, that the event was a success, that the people who attended, they believed, got value for money, and I think that the safety and security of the event as a parent, knowing that my children can go and attend that event, and know that they will hopefully be able to attend it without anything untoward happening, I think is something we should be grateful for, and should take pleasure in rather than complaining about it.

### **3.9.3 Deputy G.C.L. Baudains of St. Clement:**

Given the fact that the user pays system has not yet been approved by this Assembly, it does seem to me, that the Minister has been working around the system. She has told us it is an agreement between the organisers that has allowed this to happen. Could she, therefore, confirm that if the organisers had decided they would not pay, they would not have been charged?

### **Senator W. Kinnard:**

The issue is that the commercial decision was taken by the organisers to extend the festival to 2 days, which meant that they knew from that moment on, that they were going to have to pay the actual cost of mutual aid. They freely signed the contract to agree that, and in fact they will be charged only for the actual costs when we have all the invoices in from our mutual aid assistance partners. They will not be charged anything greater than that, and it seems to me that perhaps some of the comments about the expense have been slightly wide of the mark.

### **3.9.4 Deputy S.C. Ferguson of St. Brelade:**

I may be slightly wrong in the detailed figures, but I seem to remember last year we had 20-some Jersey States’ police and seven or so U.K. police at this event. If we needed 33 U.K. police this year, does this mean that the number of States’ police employed on it was significantly reduced, and again, how many Honoraries?

### **Senator W. Kinnard:**

I do not have the figures for last year, but I have to say the figures quoted by the Deputy do not sound at all familiar. It was mentioned earlier on, I think, in the beginning of question time - I cannot remember whether the figure was given last year of the number of States’ police. I doubt it was given in open session, and I suspect that if the figure was given to States’ Members it would have been circulated in confidence. However, Sir, I am happy to check that and provide what further information I can. In terms of honorary officers, I am told that there were 34 honorary officers on the Saturday and 26 on the Sunday. I think I have already made it quite clear - or at least it has been clear in the press - that there were 33 officers from Devon, Cornwall, Isle of Man, and Guernsey.

### **3.9.5 Deputy for St. Martin:**

I could help the Minister. It was 61 officers last year, plus nine from outside. I have the figures here from last year. But, given the uncertainty, really, and one could almost feel that the organisers, if indeed they had chosen not to pay, would not have had to pay - we did not get the answer that Deputy Baudains asked. But, given the confusion, will the Minister give this House assurance that she will bring back a proposition similar to P.94, so the States can decide what should be charged and when it should be charged, and there will be transparency so people like Jersey Live do not feel they have a gun held to their head, either they pay up or they do not run a show.

### **Senator W. Kinnard:**

Can I just reiterate? We offered to police this event for a day and a half. It was a commercial decision by the organisers to extend it to 2 days in the full knowledge that we could not police it

within our local resources. Again, I say a huge thank you to the honorary officers who assisted us, because in fact they worked together to bring together officers from across the Island to reduce the costs of getting mutual aid from outside. But the decision was a commercial one in their full knowledge that we could not police the event within our own resources on the extra day, on the Sunday. Yes, Sir, I can give an assurance that a proposition similar to P.94 will be coming back to the States for the States to debate it as soon as the Council of Ministers has given it its full consideration.

### **3.9.6 Deputy J.A. Martin:**

I really feel that the Minister is missing the point. In questions and even before P.94 last year, I can remember, and I will be getting the tape, that we were given assurances that nobody would be charged for policing unless it came to this House. As for it being a commercial decision, to hold it for the second day, we brought over 10,000 youngsters to Jersey, a new tourist age. Now, was it not, a commercial decision for the Battle of Flowers to have the moonlight parade at no extra cost, but also a lot of extra policing? That average age group attracts about 60-year-olds. Does the Minister not, in hindsight, think that this has been very short-sighted and that it should have been brought to the Assembly so that all States' Members could have had a say in this?

### **Senator W. Kinnard:**

Let me make it clear. P.94, or the similar P.94, would allow for extra things of charging for policing, including perhaps some aspect of charging for imports that are necessary even to our honorary police colleagues, so it is much wider than the provisions that have been used in this circumstance. The legal basis on which Jersey Live has signed the agreement to pay for mutual aid is under the legal basis of the Police Force (Jersey) Law, which provides that the Minister can make an agreement for mutual aid from another force to meet any special demands on its resources, and it is that special mutual aid for which Jersey Live organisers are paying. They are not paying for any extra overtime, which costs we have had to absorb with States of Jersey Police. They are not paying for that; we are going to absorb that. So I think, Sir, that it is quite clear that the legal basis on which the contract here is set, signed by both parties, is perfectly sound. The proposition of P.94 goes much wider than the powers I have already existing under the States of Jersey Police Force (Jersey) Law, and indeed, under the States of Jersey Law.

### **Deputy A.D. Lewis of St. John:**

Could I correct Deputy Martin? The event did not attract 10,000 visitors into the Island from outside. The majority of the attendees were local residents.

### **Deputy J.A. Martin:**

I never said that. I said out of the 10,000 we attracted a younger age group from outside the Island.

### **3.9.7 Deputy J.B. Fox of St. Helier:**

Recognising in policing terms that sometimes you have to bring in people from outside the Island, because we cannot rely on just bringing additional forces from adjoining counties or whatever, if the Minister recognises this, could the Minister explain whether it was considered to bring another proposition before the actual event, as with last year, or was that not taken to the House for consideration?

### **Senator W. Kinnard:**

The decision was taken at the meeting between the Ministers, as I explained in my opening question, the Ministers for Home Affairs, Economic Development, and Education, Sport and Culture, that the issue of Jersey Live would be completely separate from the issues that we would be bringing forward in the equivalent of P.94, given that that was a much wider proposition. So this has been dealt with under existing legal powers that I have as the Minister, and I have to say that

apart from the thanks to honorary officers, I really think that we ought to be giving some thanks to the States of Jersey Police. It was incredibly hard for us to get together a team to give us mutual aid, given that in the United Kingdom many forces had been stretched, particularly with the recent floods, and that they were very reluctant to release their officers to give aid to Jersey. The fact that we were working right up to the last moment to be able to provide those officers for this event to go on, I think, should be cause for the Members who support this event to give thanks and not to criticise as much as they are.