

3. Questions to Ministers Without Notice - The Minister for Home Affairs

3.1 Deputy D.W. Mezbourian:

Will the Minister advise the House when she intends to lodge the Draft Police Force States Jersey Law 200- for debate?

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

As a result of the first rounds of consultation on the Police Force Law, we received 20-odd very useful responses and of course I had the benefit of the input of the Education and Home Affairs Scrutiny Panel and as a result of that, Sir, I have decided to engage in a second round of consultation. I would like to think that I would still be able to lodge it before the end of this session, but at this stage I cannot say it because obviously we do not know what is going to come back in the second round. But this is a matter that clearly I want to get absolutely right and we do want to push forward with as soon as possible.

3.1.1 Deputy D.W. Mezbourian:

Supplementary, Sir, the Minister referred to the extensive consultation process that has taken place with this draft law. Will she advise whether following that process the law that she brings forward will still retain the establishment of a police authority?

Senator W. Kinnard:

Yes, it will, Sir. Indeed, as part of the second round of consultation I already have a meeting set up with the Comité des Connétables and hopefully with the Chefs as well for 20th October, but my intention, Sir, is most certainly that the police authority is an item that is absolutely essential in the law.

3.2 Deputy F.J. Hill of St. Martin:

Is the Minister able to confirm that an extradition order against a couple concerned with the historic child abuse inquiry has recently been rescinded and withdrawn? If the Minister is able to confirm, is the Minister in a position to inform Members why the order has been withdrawn?

Senator W. Kinnard:

Members will be aware that for legal reasons any matters which touch on the historical abuse inquiry must be referred to my Assistant Minister and I would imagine that he would want some notice of such questions.

The Deputy of St. Martin:

Well, will the Assistant Minister be able to answer the question?

Deputy A.D. Lewis of St. John:

So far as I am aware, the matter is in the hands of the Attorney General I would not believe that the Attorney General would want to comment at this moment in time, Sir.

3.3 Senator J.L. Perchard:

Is the Minister aware of the recent comments of the former Deputy Chief of Police to the Guernsey Press and the BBC (British Broadcasting Corporation) and will she inform the House as to her views on these comments?

Senator W. Kinnard:

Again, Sir, I give the answer I gave just previously that for legal reasons I cannot comment upon any such matters that may even touch upon the historical abuse inquiry.

3.4 Deputy R.G. Le Hérissier:

Yes, I have had the ground taken from under my feet as well, but would the Minister, Sir, comment on any recruitment difficulties that are occurring at the moment with the States of Jersey Police and would she briefly outline the steps that have been taken, should such difficulties occur?

Senator W. Kinnard:

We do not have any particular recruitment difficulties with the States of Jersey Police at the moment. We have just recruited a very highly experienced deputy chief, as Members will be aware, and we have recently also had a recruitment round and had some extremely good candidates going forward. The only matter that we are looking at, Sir, is that we have an awful lot of pressures on our resources and not least of all the matters that have taken up police resources this year, including the historical abuse inquiry, has meant that we are having to look to the future to see whether indeed we have sufficient resources to meet all of the jobs that are required of the States of Jersey Police in the modern day.

3.4.1 Deputy R.G. Le Hérissier:

Could the Minister clarify whether the retention rates for people such as constables are in line with those of a normally well managed police service?

Senator W. Kinnard:

I do not have any specific information on that. I am not aware that there is a particular problem, but I am happy to come back to the Deputy with more substantial information on that. But as far as I am aware, Sir, it is not a problem.

3.5 Deputy J.J. Huet of St. Helier:

Would the Minister for Home Affairs confirm that Home Affairs intend to ask for another 10 (j) category applications to be approved for staff to be employed from outside the Island as police sergeants and lower? Thank you.

Senator W. Kinnard:

No, Sir, we have no intention to ask for that.

3.6 Deputy S.C. Ferguson:

The recent report by Sir Ronnie Flanagan stated that one of the problems with policing at the moment is the way that they are swamped with vast amounts of paperwork which has meant that they are unable to get out and work at policing. They are too busy with the paperwork. Will the Minister for Home Affairs tell us (a) whether these recommendations are being taken up by the States of Jersey Police, and (b) what the Police and what the Minister intends shall be done to follow the recommendations?

Senator W. Kinnard:

Yes, indeed we do keep very much abreast of what is going on in terms of reports coming from H.M.I.C. (Her Majesty's Inspectorate of Constabulary) and Sir Ronnie Flanagan's reports indeed have informed thinking at States Jersey Police. But the one thing I would say, Sir, that in Jersey we have not always followed the formulaic approach to policing that they have in the United Kingdom. So, for instance the target setting and very target focused approach which has led to a lot of this bureaucracy in the U.K. we have not particularly followed in the same way in Jersey. But clearly bureaucracy is a matter that we should all work to reduce where possible and indeed the States of Jersey Police are reviewing their procedures to see ways in which this can be achieved. So, the recommendations of the report are very much something that the senior team is looking at, but as I say, Sir, I do not believe that our problems in terms of bureaucracy have been quite as legion as they have been in the United Kingdom.

3.7 Deputy S.C. Ferguson:

The Minister mentions performance targets and performance measures. During its recent hearings on the States of Jersey accounts the Public Accounts Committee identified weaknesses in the systems of performance measurement. The Committee has not yet turned its attention to Home Affairs, but perhaps the Minister would like to confirm that the performance measures are being reviewed so that they are of more use to the consumers of the service as well as just a measure for the people who run the service?

Senator W. Kinnard:

Yes, Sir, and I would say that where Home Affairs are concerned we are probably one of those areas where ...

The Deputy Bailiff:

I am sorry, Deputy Huet, I think if you go we may be in quorate? Let me see and just check before you go. Yes, I am sorry, Senator.

Senator W. Kinnard:

I think where performance measurement is concerned in the areas of Home Affairs we are probably the most performance measured of just about any department and certainly where policing is concerned we have the policing plan and we have regular updates on how the police are performing towards that plan, and those are sent out to all Members and also to the media on a quarterly basis. We are very keen in Home Affairs that performance managed measures are meaningful. Indeed, Sir, these are matters that we do keep very much under review and try to improve our performance measurements wherever we can. But I really believe, Sir, that when Home Affairs comes to be looked at by the Public Accounts Committee in this area that we will not be found wanting.

3.8 The Deputy of St. Martin:

I would like to draw the Minister's attention to R.99 which has just been put on our table obviously today, *Prison! Me! No-Way!* and like to compliment all those people involved with it who are doing a very good job. But on page 11, reference is made to the Vice Chairman, Carol Canavan who is presently working on the Haut de la Garenne inquiry. Is the Minister in a position to tell us what inquiry Mrs. Canavan is involved with, please?

Senator W. Kinnard:

I believe, Sir, that Ms Canavan is involved as one of those receiving, if you like, information from the community and forms part of that I.A.G. (Independent Advisory Group).

3.9 Deputy J.A. Hilton:

In a report published today on the Strategic Plan Progress against Initiatives it is stated: "In 2007 bring forward measures that will have the effect of deterring criminal elements entering Jersey" and it has been marked as amber, slightly behind schedule or off track. Is the Minister able to tell the Assembly exactly where we are with this initiative, please?

Senator W. Kinnard:

Yes, really, Sir, it is quite odd in a sense that that initiative has remained with us because it is largely dependent on really what happens in terms of the migration policy and also the legal advice that has been received in relation to what is possible to be achieved. So, in a sense, my particular objective there is reliant on others.

Deputy J.A. Hilton:

Would it be possible to ask a question of the Attorney General because the Minister referred to information or advice given by the Attorney General on this matter?

The Deputy Bailiff:

Well, I am afraid not really. This is question time to the Minister for Home Affairs.

Senator W. Kinnard:

I am happy to elaborate a little bit more. I, as Minister, have put forward proposals that are in conjunction with the States of Jersey Police force to perhaps try to deal with this particular area, but as I say we are dependent on others and advice that we receive in order to progress it. So far the advice that we have received is perhaps what we are suggesting is not necessarily going to be compatible with other international obligations that we have. So, we are in a sense held up with it.

3.10 Deputy S. Power:

Could the Minister confirm whether the Prison Governor's House has been rented to a non-prison official and if so, can she confirm whether this house has been previously offered to a prison officer or a senior prison officer given that all the accommodation adjacent to the La Moye is full?

Senator W. Kinnard:

I would need notice of the detail of that question.

3.11 Deputy R.G. Le Hérissier:

I wonder if the Minister could inform us what lessons have been learnt from last year's rather traumatic investigation into the customs drug enforcement area.

Senator W. Kinnard:

I think a lot of lessons have been learned and the first thing I would like to say is that certainly my 3 stage plan that I brought to this House to restore normal relations between customs and the police is being progressed and certainly a working party which was constituted by the States Chief Executive, the Attorney General, the Police Chief and the Head of Customs and Immigration have looked at all the relevant issues and looked at lessons that they have learned and how, if any such a situation was to arise on either side in the future, it might be handled differently. So, I think, Sir, certainly the early signs are very promising, but there is broad agreement already being reached on the general principles and all parties seem to be, I think, signed up to normalising relations and making sure that we do not have the situation happening ever again.

3.11.1 Deputy R.G. Le Hérissier:

We have heard some very good words about how everything is jolly and moving along, but we have not learnt, Sir, what those lessons were?

Senator W. Kinnard:

Many of the meetings that went on went on behind closed doors in a sense with the Attorney General and the Chief Executive of the States because some of the discussions involved material to which I was not party. So, I cannot specifically say in those particular areas what lessons have been learned, but the overall general lesson that has been learned, I think, is that it is important that relationships are restored to such a level that there is not a breakdown in communication that we have seen in recent times last year. I think that that will set the basis upon which that if there are any concerns that might be raised on either side in the future, that they may not escalate quite as quickly as they did in the past.

3.12 Deputy K.C. Lewis of St. Saviour:

Can the Minister inform the Assembly what action she intends to take in consultation with the Minister for Health and Social Services with regards to the so-called legal highs, spice and

salvia, and can the Minister clarify for the Assembly if someone should take these so-called cannabis substitutes if they were to be stopped at a road-check that they could be prosecuted for driving under the influence of drink or drugs? Thank you, Sir.

Senator W. Kinnard:

Well, if I can take the questions in reverse order, the last question asked is in fact, yes, someone could be prosecuted for being under the influence. In terms of legal highs, Sir, at the moment BZP (Benzylpiperazine) I think is the general term that is used, and that is not currently a controlled drug, but it does fall within the definition of a medicinal product and therefore apparently is subject to the medicines legislation where its sale can be restricted to only being sold from a registered pharmacy, and I know that the Minister for Health and Social Services is looking into that. But while that legislation prohibits the importation of commercial quantities, it does nothing about the importation of BZP of a non-commercial nature. So, what I have done, Sir, this week is I have signed a Ministerial Decision so that BZP will be made subject to control under the Customs and Excise Import and Export Control Laws border which will control and probably prevent the importation by individuals of non-commercial quantities. So, we have a 2-pronged approach at the moment, but I am aware that the Council on the Misuse of Drugs is looking at this whole area.

The Deputy Bailiff:

Very well, that, I am afraid, completes the time for questioning of the Minister for Home Affairs.