

2.8 The Connétable of St. Helier of the Minister for Health and Social Services regarding the use of the Statutory Nuisances (Jersey) Law 1999:

Would the Minister advise on how many occasions officers of the Health Protection Department have taken action or otherwise utilised the Statutory Nuisances (Jersey) Law 1999? Would the Minister undertake to consider whether the law should be amended to include nuisance caused by traffic movements?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

The department has served 2 abatement notices so far this year. Noise from vehicles, where the vehicle is not roadworthy should be addressed by the States of Jersey Police Officers, Honorary Officers and the States of Jersey Vehicle Inspectors. Vehicle movement and the traffic impact is a material planning consideration and part of the planning process. I do not believe we should duplicate legislation. I have therefore come to the opinion that there is little merit in extending the Statutory Nuisance (Jersey) Law 1999 to include vehicle movements.

2.8.1 The Connétable of St. Helier:

I did hope the Minister would tell me a longer period of action under the Nuisance Law than just 2 abatement notices this year, which I must say is not a great deal of use of a law. Would the Minister not reconsider her views that traffic, such as can be created by a home delivery service of a takeaway restaurant in a quiet residential area, constitutes nuisance in the terms of the law? That is why it was brought to this House. Surely it should be able to take action in those kinds of situations.

The Deputy of Trinity:

I know that the Constable and the Parish Deputies have been in great discussion with my department, as they have been with the Planning and Environment Department. Officers have met him as well as the person who was complaining. At this present moment in time, under the Nuisance Law, it is nuisance on private land which we can do, like barking dogs, if there was an issue regarding audible car alarms going off, then that is something that we can do. Actual traffic movements do not come under this legislation. As regarding the number of abatement notices, I can go back to 2007, there were 8; in 2008 there were 11; 2009 there were 5.

2.8.2 Deputy T.M. Pitman:

Given that, as my Constable is aware, I appear to have exhausted every possible avenue: police, harbour authorities, attached youth service, *et cetera*, in trying to assist residents at Albert Quay plagued by problems with traffic movement - traffic that has no reason to be there - does the Minister not concede that this could be a possible last resort for helping people and could she not genuinely consider or reconsider her attitude to perhaps doing as the Constable asks?

The Deputy of Trinity:

The department is always ready to help in any way it can. It does do in different ways. It takes all inquiries and complaints very seriously. At this moment in time, the actual vehicle movements do not come under the statutory legislation. It can be addressed through other ways, like States of Jersey Police, Honorary Officers and Vehicle Inspectors but also is part of the planning process, of which the health protection is a strategy consultee to any planning process.

2.8.3 Deputy M.R. Higgins:

Would the Minister give us an indication of the types of enforcement notices and the reasons the enforcement notices have been given, certainly this year? Also, would she not agree that the department is basically, because of the inadequacy of the law, not carrying out its functions and dealing with the complaints that are affecting residents of this Island? Will she bring forward changes to the law?

The Deputy of Trinity:

I can understand. Again, I say that the department has been in great discussions with the Constable as well as the Deputies of that area. This particular restaurant, I understand, has had a change of use. It went through the planning process. It went to the Parish Assembly for licensing. But, as it stands, traffic movements do not come under the Nuisance Law. As I said, it can be dealt with in other ways and I would not wish to duplicate legislation. I know the department has been in touch with the complainant down there and has offered to see if it can help in any other way. I think that was refused at that time.

2.8.4 Deputy M.R. Higgins:

The Minister did not answer the question. What were the nature of the enforcement notices and does she think the law needs to be changed because it is not adequate?

The Deputy of Trinity:

I do not have that information about the type of abatements, but I can say they can range from barking dogs, and I know there was an issue in St. Brelade this year or last year about seagulls.

2.8.5 The Connétable of St. Helier:

Given that the Minister does not see a need to beef-up the law - I do not agree that it is going to duplicate - would she at least support a Private Members Bill seeking to amend the Nuisance Law to include traffic noise and traffic nuisance?

The Deputy of Trinity:

I wait to see, but I understand that the department is always willing to talk to the Constable, as with the Deputies in that district. But, as I say, it could be duplicating existing legislation. This is about traffic movements and it does not come under the Nuisance Law because there are other laws that it can be dealt with through.