

3.2 Deputy M. Tadier of the Minister for Treasury and Resources regarding the current balance and recent uses of the Criminal Offences Confiscation Fund:

Further to the response given in a written answer on 17th June this year, will the Minister advise Members of the current balance of the Criminal Offences Confiscation Fund and also advise Members how these funds have been used in the last 6 months, explaining who has received what and for what purposes?

Senator P.F.C. Ozouf (The Minister for Treasury and Resources):

Sir, without incurring your wrath, can I just ask; I am confused about the vote on questions. Members voted against 4 minutes per answer so what is the guidance that we are being given in terms of answering oral questions? I just do not understand where we stand.

The Deputy Bailiff:

You are please to do what Standing Orders requires, which is to be as concise as possible in giving factual responses.

Senator P.F.C. Ozouf:

How many minutes do we have per answer?

The Deputy Bailiff:

Well, the usual rule has been 90 seconds for a Minister to answer.

Senator P.F.C. Ozouf:

Thank you. The current balance of the C.O.C.F. (Criminal Offences Confiscation Fund) not paid out is £13.5 million and I have sent an email to all States Members with a comment dealing with all of the matters that have been spent from the Criminal Offences Confiscation Fund. Members had that on Saturday and the comment will be formally lodged during the course of the afternoon or by the earliest tomorrow.

Deputy M. Tadier:

Thank you. Nothing for the moment.

3.2.1 Deputy J.A. Martin:

From memory, the Minister when he sent round the figures said he had recently changed the ruling on how to withdraw money from this fund. Could the Minister inform the House exactly when and why?

Senator P.F.C. Ozouf:

Yes, very happy to do that. I wanted to strengthen the arrangements by requiring a Council of Ministers step, ensuring that any recommendations that I would be presented by the Treasury after having gone through the modalities of checking with the Attorney General that they fall within the purposes of the law, that I would not make that decision by myself but rather I would take it to the Council of Ministers. I also looked at the delegations that could be made under Treasury delegated arrangements and clarified them so that no possible situation could be where an official signed-off expenditure that I thought politically should be done so. So now the new arrangements are much stronger than they were previously.

3.2.2 Deputy G.P. Southern:

Does the Minister not accept that his use of this particular Fund to indirectly pay for Plémont, while it may be legal, stretches the bounds of what constitutes the outcomes of crime to a point of absurdity?

The Deputy Bailiff:

I will allow that question only because of the forthcoming debate, but we are not going to get into supplementary questions on a supplementary.

Senator P.F.C. Ozouf:

No, I do not think it is. I think it is perfectly correct for Deputy Southern to say one thing: indirectly taxpayers' money is going to fund Plémont. I think that is absolutely right to say that and any statement by the National Trust or otherwise is incorrect. It is a 2-stage process and it is the only process that the Treasury, upon advice, has been able to do. If building a police station does not fulfil the requirements of the use of the Fund, then I do not know what does, because clearly it does. Secondly, I am pleased to inform Members that the Attorney General has confirmed that it does fulfil the requirements of the Fund. Therefore, in the event of the States approving it, then I will be able to process the decision with Member certainty. So I hear the Member saying: "Shame." That is the reality of the way that this is. It is a taxpayer-funded decision and Members need to decide.

The Deputy Bailiff:

Deputy Martin, do you have a supplementary to the question rather than a supplementary on Plémont?

3.2.3 Deputy J.A. Martin:

Well, the supplementary is a supplementary which you did allow, and I know I have been away for the week, but did the Minister for Treasury and Resources just tell me we are building the police station at Plémont?

The Deputy Bailiff:

Deputy, if you have a question to put to the Minister for Treasury and Resources in relation to building the police station using the monies from the Criminal Offences Confiscation Fund, that is broadly a legitimate question.

Deputy M.R. Higgins of St. Helier:

Can I give notice that tomorrow I hope the Attorney General is here because I want to question him about his decision making?

3.2.4 Deputy J.A. Martin:

Then the question I asked before, the Minister said he has strengthened to allow the money to go out of the Fund to be made by the Council of Ministers, not just himself. Did he change the criteria of getting money out of this Fund? Because I just do think it is a very long stretch, the criteria.

Senator P.F.C. Ozouf:

On the contrary, the criteria have not changed. What I was concerned about well before even the opportunity for doing the 2-stage process by the police station and, therefore, being able to fund Plémont, I changed the rules for the C.O.C.F. well before any of that was discussed. The arrangements, what you can use the Fund for, is again not the Minister for Treasury and Resources' decision only. It has to be requested by a department and then cleared by the Attorney General's Office as to whether or not it is a legitimate use. I would have thought that Members would be pleased with the fact that I have put a further layer of controls so that the Minister for Treasury and Resources is not in a position of adjudicating over the appropriateness of the use of the funds that are legitimately for that so that it is clear and transparent and more eyes on the decision. It has been strengthened, not weakened, but none

of the purpose of the funds have been changed, of course. That would be a matter for this Assembly under law.

3.2.5 Connétable P.J. Rondel of St. John:

Could the Minister for Treasury and Resources explain, since he is taking this decision - reference funding for Plémont - to the Council of Ministers, given a number of Ministers have shown their hand in favour of Plémont, can they now be in a position to sit and make judgment on whether the money should go or should not go? That seems rather absurd to myself.

Senator P.F.C. Ozouf:

It is going to be a matter for Members. The proposition asks 2 things. It asks whether or not the States approves the grant and then requests the Minister for Treasury and Resources to implement it. I would be criticised if we start the debate without telling Members how to do it. I can say to Members that the only way of funding it is through the route that has been proposed: reduction in the police budget and increase, therefore, to allow it. If Members do not like it, they will vote against it, but there is no other way that the Treasury can deliver on the amount of money in that period of time. We just cannot do it. Members would be surprised if we could find £3.5 million just like that.

3.2.6 Deputy M. Tadier:

The Minister has commented elsewhere that using the funds in such an unprecedented way would not create a precedent. Does he agree that if we proceed on this proposed course of action the Criminal Offences Confiscation Fund could be used for any ordinary spending of the States? Can he confirm that that has not been the case up until now, that this Fund is not and has not been used for ordinary spending of the States, of which the Police Department is?

[15:00]

Senator P.F.C. Ozouf:

I would not describe the new building of the police station as ordinary. It is capital. It is one-off. I think that Members have seen the list of grants that have been made by the C.O.C.F. and they are all absolutely legitimate for the purposes of this Fund. Perhaps it would have been in retrospect better but we did not know when we set the police station budget that this would be the balance in the C.O.C.F. Now, the Fund can be used for the prescribed purposes, of which the detection and prevention of crime is a source. So perhaps it would have been a fair criticism to say that we should have thought of this earlier in order to fund the police station but, of course, we did not know that. No, it does not create a precedent: (a) because there is only a finite amount of money available in the Fund; and (b) the uses of the Fund are the uses that it can be used for, of which the police station building is one of them.

Deputy M. Tadier:

It does not cover the detection and protection of puffins, though, does it?