

3.6 Deputy J.M. Maçon of St. Saviour of the Minister for Treasury and Resources regarding the recent erection of fencing at St. Catherine's [1(631)]

I do appreciate in some ways I have been superseded by events. Will the Minister as shareholder representative explain why the fencing which Save Jersey's Heritage has been reported as describing as inappropriate has been erected at St. Catherine? Will he request the Ports of Jersey to remove it and deal with the area differently and, if not, why not?

Senator A.J.H. Maclean (The Minister for Treasury and Resources):

I am going to ask my Assistant Minister to take this question as he has responsibility for shareholder matters.

Connétable J.M. Refault of St. Peter (Assistant Minister for Treasury and Resources - rapporteur):

The Ports of Jersey have advised me that a rock stability survey was carried out at the beginning of this year. This showed increased safety concerns that crumbling rock may fall on to members of the public passing nearby and that their responsibility for the safety of the public is uppermost in their minds. Furthermore, there have also been recorded incidents of unauthorised attempts by persons trying to climb the unstable rock face of Gibraltar Rock without any permissions or protective equipment, placing themselves and passing members of the public in further danger. Public safety in all areas of the port's responsibilities remains an absolute priority for the Ports of Jersey at all the sites they control and the installation of this fencing was considered to be necessary in order to maintain the safety of the public.

3.6.1 Deputy J.M. Maçon:

I appreciate that since this time Ports is looking to change - I believe has changed - the look of it. Therefore, does the Minister think that perhaps a change to the memorandum of understanding or articles of association for the protection of the public realm for this and other States-owned bodies should be looked at and reviewed and brought forward? Because, of course, the big issue about this is not only heritage but the tourism aspects of the area.

The Connétable of St. Peter:

I personally do not think that it is appropriate to change the memorandum and articles on this particular topic. That is a matter for the Minister for the Environment if he feels it appropriate to look at the ability for Ports to do certain works without first taking through his department. I think it would be fair to say that Ports of Jersey have recognised their error in racing in with this work with some equipment they already had in stock rather than buying in more suitable equipment to provide that public safety element.

3.6.2 Senator S.C. Ferguson:

I wonder would the Assistant Minister like to explain how we are going to put the whole of the Island into cotton wool to prevent people falling over and hurting themselves.

The Connétable of St. Peter:

I am not quite sure I can answer that question. I do not think there is an attempt to do so, but however in these modern days of litigation we have to be prepared to protect ourselves from that very litigation.

3.6.3 Connétable S.A. Le Sueur-Rennard of St. Saviour:

Just going off-piste ever so slightly, if the Port authorities are worried about the Islanders, why did they withdraw our lifeboat?

The Bailiff:

No, that is not for Treasury and Resources. Deputy Labey.

3.6.4 Deputy R. Labey:

How many people have been killed or injured by falling rocks in the Island which would call for the fences to be erected?

The Connétable of St. Peter:

None to my knowledge. However, the Deputy and other Members may recall that part of the Snow Hill Car Park has been closed for quite a fair number of months by the Department for Infrastructure for that very purpose, to avoid rocks coming from the high ground above that on to people walking through the car park. I am afraid we have a responsibility as States departments to make sure that when we are advised that there is an inherent danger to members of the public that we take steps to remove that danger.

3.6.5 Deputy J.M. Maçon:

If the Assistant Minister does not think that the memorandum and articles are the way to do this, while I appreciate the Ports authority has now accepted that a different approach is needed, the individuals in post, of course, are only temporary. Can the Assistant Minister suggest what could be done in order to make the protection of the public realm, of lands owned or organised by Ports ... that the protection of the public realm is ... there is agreement on an ongoing basis that that type of thing should be protected? Do we need something in writing? That is what I am trying to get at.

The Connétable of St. Peter:

The Deputy makes a good point there. I certainly am quite happy to undertake to raise this matter further with Ports of Jersey. Whether there is a requirement for them, although in many cases they do not require planning permission for some works, I do not consider it to be inappropriate that the Minister for the Environment would be advised of works they intend carrying out to ensure that he on our behalf is happy with them.