

# STATES OF JERSEY

## Education and Home Affairs Scrutiny Panel

**FRIDAY, 15th JUNE 2012**

**Panel:**

Deputy J.M. Maçon of St. Saviour (Chairman)

Connétable M. Le Troquer of St. Martin

**Witnesses:**

Senator B.I. Le Marquand (The Minister for Home Affairs)

Senator L.J. Farnham (Assistant Minister for Home Affairs)

Mr. S. Austin-Vautier (Chief Executive Officer)

**In attendance:**

Mr. M. Haden (Scrutiny Officer)

**Deputy J.M. Maçon of St. Saviour (Chairman):**

Good morning and welcome to this quarterly hearing for the Education and Home Affairs Scrutiny Panel. As always, I am sure you are aware of all the protocols which go along with the scrutiny hearings. Now, first of all, can I firstly congratulate the Minister on getting the Police Authority Law through the States?

**The Minister for Home Affairs:**

Thank you for your help with that.

**Deputy J.M. Maçon:**

We appreciate that it was a battle which you triumphed in and we are grateful to see the close to that particular matter and we look forward to the implementation. But if I can start by simply asking the Minister what his priorities for the next quarter are?

[11:30]

**The Minister for Home Affairs:**

Oh, right, that has caught me by surprise because I thought we were on specific questions so I will have to pick that up, unless Steven has some notes. Obviously, we have work on the police staff to be thinking about because although the law has been passed it will take some time to come back. We have to start doing our thinking in relation to the shape of what it is going to look like and so on and so forth. So there is some work to do there. I have some specific pieces of legislation largely to do with the fire service safety group, so clearly that is going to happen. We have a whole host of different projects at different stages.

**Chief Executive Officer:**

Do you want me to help you on that?

**The Minister for Home Affairs:**

Yes.

**Chief Executive Officer:**

One of the things we are taking through or intending to do quickly are the law drafting instructions for changes to the Young Offenders Law. In fact, I have just come from a meeting discussing that. We have a final draft of the Explosives Law, which I brought with me here ...

**The Minister for Home Affairs:**

Which we will need to be forwarding that to ...

**Chief Executive Officer:**

Yes.

**The Minister for Home Affairs:**

It is a final draft in the sense that it has been drafted but I have not seen it yet in detail. But I have no problem with you having a look at that at the same time as I am looking at it if you are happy with that.

**Deputy J.M. Maçon:**

We welcome that, thank you.

**Chief Executive Officer:**

Certainly, I would recommend to the Minister that that comes round for reconsultation because there has been quite a gap between this and the last draft, mostly to do with reloading powder in particular. Then we have ...

**The Minister for Home Affairs:**

Vetting and barring.

**Chief Executive Officer:**

Yes.

**The Minister for Home Affairs:**

I have just realised that my notes cover quite a lot of these issues but I had not thought of it.

**Deputy J.M. Maçon:**

Not in that context.

**The Minister for Home Affairs:**

I do not actually think of it in terms of priorities for the next 3 months. It is just one of the things we are doing at various different stages. Vetting and barring, I am trying to understand the changes they have made in the U.K. (United Kingdom) and we are going to need to be going to the States seeking approval in principle for an extension of some of the U.K. stuff to Jersey to actually bring us into line with the latest set of alterations. So what they have basically done is they have come up with a ... they have come up with an approval system that is not as complicated. It will not have the continual ...

**Chief Executive Officer:**

Monitoring.

**The Minister for Home Affairs:**

... monitoring aspect of it. It is an improvement, but as I say, I have had a look at the draft Order in Council, started to try and have a look at the law; in fact, I could not understand it. It is incredibly complex. So rather than my slaving away on it for a whole day, to get myself up to speed I have a meeting organised shortly with the person who has drafted it so he can explain it to me. But will you want to have a look at that? It is one of these things which will come to the States where effectively we go to ... we ask the U.K. to apply it but subject to a scheme that varies it for Jersey's needs. But the States never actually approves the final draft of it. The States approves the thing in principle. There tends then to be further minor alterations made as to the final drafting. It is a strange set-up but that is what happens with these things.

**Deputy J.M. Maçon:**

I think initially the panel will probably want a briefing from your department about changes and then we will decide where to go from there.

**The Minister for Home Affairs:**

Right, okay. Well, in that case ... as I say, it is very difficult to understand just by looking at the legislation, so what I will do when I meet with Stephen Harlow is I will try and ensure we have something that is more easily comprehensible than what we have at the moment.

**The Connétable of St. Martin:**

Can you tell us a little bit about it, what it relates to, please?

**The Minister for Home Affairs:**

Oh, sorry. Vetting and barring is basically a system by which people who are thinking of employing somebody or who have somebody who is acting as a volunteer in a club or organisation or whatever goes through a checking process. Now, we basically in Jersey buy into the U.K. process, so we have access to U.K.-wide information. So if you are a Scouts organisation, you have somebody who wants to join the Scouts organisation as an adult, you are going to want to get that person vetted to make sure they do not have previous convictions for sex offences or whatever. Basically, the system used to be quite complex and decentralised and

involved the request for information going off to all the individual police authorities in the U.K. Now what they have been doing increasingly in the U.K. is centralising the information in one place so that you make these requests. They were thinking about having a system which would make it a statutory requirement that you have to vet people if they were going to perform certain roles, but they have now backed off that, as I understand that, in the U.K. It was quite controversial as to what level you went down to. They were going to have a system whereby rather than a person having to write on each occasion they are being vetted ... which causes great difficulties because if a person has come to Jersey for the first time and they are going to be a teacher and they are going to be a Scout master, they are going to assist with a junior football club outside the school, they end up filling 3 sets of forms in and so on. So the idea was a system whereby you could be initially vetted and then people could ...

**Deputy J.M. Maçon:**

Yes, it is transferable.

**The Minister for Home Affairs:**

Transferable; your status will be updated automatically. They are not doing that now, but what they have done is centralised the information system. In order to make that work, they alter the law from time to time in the U.K. We then have to catch up with that, effectively, so that is what we are trying to do.

**The Connétable of St. Martin:**

That just relates to U.K. nationals? Portuguese, Polish would not fall under that?

**The Minister for Home Affairs:**

No, they would not. That is the difficulty, obviously. We are going to report into the U.K. system. That is a difficulty.

**The Connétable of St. Martin:**

For both sides.

**The Minister for Home Affairs:**

It would be open to somebody to ask a Polish national to provide a Polish criminal record.

**The Connétable of St. Martin:**

About themselves?

**The Minister for Home Affairs:**

About themselves, yes. But this is not just a criminal record. Obviously, part of it is a criminal record, but it also includes the enhanced information, the wider information about serious suspicions and so on and so forth, which are held by different police forces and so on. It is not just criminal information. At the moment there is no international system of sharing and so the best we can do is to buy into the U.K. system. Then we have the same access to the same level of information as they have in the U.K. So, actually, that has probably answered the vetting and barring part of this. You carry on, Steven. You have some more things probably.

**Chief Executive Officer:**

Yes, the other thing that is imminent is that there is an amendment to the Police Procedure and Criminal Evidence Law, not on Part 5, which is about valid detention, but the Solicitor General wanted some changes to do with the admissibility of evidence. Also, there will be new provisions about photography of suspects and who may do that and by what means. That has been drafted and that will be coming forward fairly soon. In addition, there are changes to codes. Again, you will probably be familiar with this, Constable, but the current codes are hopelessly out of date on the media you can use to take evidence, so it just does not reflect digital media and that sort of thing. So those codes are being updated as well. So there is quite a lot going on on P.P.C.E. (Police Procedure and Criminal Evidence).

**The Minister for Home Affairs:**

On the building side, obviously very important is the new police headquarters building project, and although that is being run by Property Holdings, clearly I am involved in the project. That should be going forward to the stage of seeking planning permission within the 3-month period, close on that. There have been some fairly major modifications made to the previous set of plans in order to reduce the height of

the building considerably, and that has required some design changes internally to the cells. Basically, the height has been reduced, which means that the arms of it ... I am sure you are familiar, it is sort of that shape building, a sort of L shape building. The arms of it ... no, it is more like a C shape building. The arms of it have been widened. Now, that then means that you have part above part of the cell area, which means that there is an issue then of natural light into the cells, but that is being countered effectively by using light wells, which I do not fully understand but these are the basic systems by which the light comes in at the top and then is diffused down through glass ...

**Deputy J.M. Maçon:**

Reflects it down, yes.

**The Minister for Home Affairs:**

It comes out at the bottom. This has been checked by the Home Office as to whether it is within the general U.K. standards for that, and we are. That has enabled us to reduce the height of the building.

**Deputy J.M. Maçon:**

Is that still being checked? Because I believe the Assistant Minister for Treasury and Resources has said it had been checked and confirmed with the ...

**The Minister for Home Affairs:**

Yes, it has been, yes. It has been checked I meant to say if I did not say that.

**Deputy J.M. Maçon:**

Just shows I am listening.

**The Minister for Home Affairs:**

Yes, okay. No, that is right, but the next stage is to complete the things notifying and then, assuming there is planning ... whether there is going to be a debate in the States on this or not I know not. It is not strictly necessary to be a debate but there may be those who want to provoke a debate on it.

**The Connétable of St. Martin:**

I think there are some questions this morning, is there not? Is it one of the panels or somebody ...

**Deputy J.M. Maçon:**

We believe across the hall the Environment Panel is questioning the Minister for Environment and Planning on this exact subject.

**The Minister for Home Affairs:**

Yes. Well, that is a bit unfair I think because it is actually a quasi judicial decision and, therefore, he really should not be being asked questions in relation to a specific planning application, in my view. That is what I would be saying if I was him.

**The Connétable of St. Martin:**

I was only reading last night's *J.E.P. (Jersey Evening Post)*.

**Deputy J.M. Maçon:**

I am sure he will have some very creative questions from the panel to get around that.

**The Connétable of St. Martin:**

The new library went on for as long as I can remember until the new library was built, and I think that probably ... the police station is very difficult. I know you are trying to do your best for the Chief Officer and ... whether or not it is the right spot, and that is my personal feeling. It is tucked in here and ...

**The Minister for Home Affairs:**

I think it is fine size wise. Even with the reduced heights, by just broadening out the wings, it is fine. It meets all our needs both present and anticipated, so from an operational point of view there is no difficulty. I think if there is a political question mark it is actually in relation to the parking, but that is not a shopping car park. It is a community car park. The fact is that we actually have excess capacity every day in Pier Road, significant excess capacity there. So there is no specific ... it is not going to create a situation where there is not excess capacity. The other thing is I understand that actually it is only full in the mornings but lunchtime as people start to



go out it does not refill in the afternoon. So that is what the political issue will be about, but I do not think there should be an issue in relation to the facilities aspect. The police are very happy with the facilities they are getting. They are actually getting far more in terms of cells; they are getting much better accommodation. They are very happy with it so you need to talk to the Police Chief, I think, on that one. If he was here today he would be saying what I am saying. They are not in any way feeling they are being shoehorned in.

**The Connétable of St. Martin:**

Is there room for extension?

**The Minister for Home Affairs:**

No.

**The Connétable of St. Martin:**

After it is in, is that the size?

**The Minister for Home Affairs:**

Yes. There is no room for extension but then we do not anticipate that the size of the police force is going to need to be expanding. We actually have falling crime levels, as you know, particularly youth crime levels, but we have had falling crime levels for some time. So there is no reason to expect ...

**Deputy J.M. Maçon:**

Although we have had a higher number of police officers for some time as well.

**The Minister for Home Affairs:**

Sorry?

**Deputy J.M. Maçon:**

We have had a higher number of police officers for some time and I believe the numbers are to be reduced to 1980-something level, according to the Chief of Police.

**The Minister for Home Affairs:**

It is a complex calculation because remember we got 8 additional staff. It is in this paper, the workforce organisation paper, I think you see it. I think what it says, we are about 5 above the 1988 level. I think it is in here somewhere ... I thought it was in here somewhere ...

[11:45]

**The Connétable of St. Martin:**

I think it was 130 ... 133.

**The Minister for Home Affairs:**

Right, sorry, it is the bottom bullet point of the first section: “The States of Jersey Police has no such buffer ... impact of the C.S.R. (Comprehensive Spending Review). The force currently has just 5 more police officers in 2012 than it did in 1988.” That is right. On the other hand, the fact that we got the additional posts in relation to the Financial Crimes Unit, which were needed, actually helped the rest because what was tending to happen otherwise was officers were being shifted across into that area of duty ...

**Assistant Minister for Home Affairs:**

That civilians could ...

**The Minister for Home Affairs:**

Yes, it is mainly civilians there. But no one can tell the future with any certainty. We have no reason to anticipate that we are going to have a substantial increase or the need for a substantial increase in the police force over the next 20 or 30 years.

**The Connétable of St. Martin:**

There has been a dramatic change in the amount of civilians, mind you, in the police force?

**The Minister for Home Affairs:**

Yes.

**The Connétable of St. Martin:**

That is the daytime parking as well, because they go home at 5.00 p.m. or 4.00 p.m.

**The Minister for Home Affairs:**

Yes.

**The Connétable of St. Martin:**

I have been stuck many times in Russell Street; you just cannot get out during the day because there are no facilities there really for parking for police officers.

**The Minister for Home Affairs:**

Yes.

**The Connétable of St. Martin:**

There are really no facilities for parking police cars after the fire service took most of the yard. It was a really crammed ... if you all remember the public going into the police station, you have to search for a space normally.

**The Minister for Home Affairs:**

Sometimes there is one, sometimes there is not when I visit, yes.

**The Connétable of St. Martin:**

The actual car park for staff has always been a nightmare. Not that an employer has to provide parking, but then if you have members of staff leaving at 2.00 a.m. or 3.00 a.m. or 4.00 a.m. walking the streets trying to find a car park ... that will not happen in Green Street because you have a car park next door.

**The Minister for Home Affairs:**

It will not because actually ironically there is normally space, as I say, at the moment.

**The Connétable of St. Martin:**

The day time might be a bit more difficult, although you have to provide parking.

**The Minister for Home Affairs:**

Yes.

**The Connétable of St. Martin:**

Other employers have to ... or employees in other jobs have to find their own car park.

**The Minister for Home Affairs:**

Well, if officers cannot find spaces in what is left of Green Street they will be in Pier Road. It is not actually that far away.

**The Connétable of St. Martin:**

I know the Constable wants to do residents parking in the area of Green Street and Cleveland Road ... that is one of the options he has been aiming at to be his next one, although after St. Thomas he is holding back, I think, because there was a problem.

**The Minister for Home Affairs:**

Yes.

**The Connétable of St. Martin:**

Interesting. Sorry.

**The Minister for Home Affairs:**

It is difficult. Of course, under the current plan of reunified building in one place, it is going to mean that there is going to be space given up on the existing site, which otherwise would have been occupied by the ... what the Chief calls the cop shop and the reception and so on. So there will be more capacity there than there would have been otherwise. The amount of space that that would have taken up, particularly if there had been a new build somewhere on the site, which was anticipated, would have been ...

**Deputy J.M. Maçon:**

Any further priorities for the next quarter?

**The Minister for Home Affairs:**

Yes, the other building project is the completion and opening of the prison visitors centre. We have had some technical difficulties with the glass there but we are still hopeful, I think, of completing within the next quarter?

**Chief Executive Officer:**

August. Yes, August is the current estimate if we sort out the current issues.

**Deputy J.M. Maçon:**

Can you just explain the delays to us, please?

**The Minister for Home Affairs:**

Yes, it is an issue in relation to the quality of the glass front. This building is the front of the prison now. There is no fence beyond it and so you have to have a sufficient level of security both in terms of people not being able to try and break in or people being able to try and break out.

**Assistant Minister for Home Affairs:**

A ram raid. You have to have something that would withstand an attempted vehicle ramming of the building.

**The Minister for Home Affairs:**

Yes. So there are issues in relation to the quality of the glass that is being fitted. We are not sure at the moment whether there is a technical problem with the manufacture of the glass or what it is, but it is doing things it ought not to be doing, if I can put it that way.

**Deputy J.M. Maçon:**

As in there was a fault with what was requested or what was requested in the first place was not right?

**The Minister for Home Affairs:**

It could be both or it could be ...

**Assistant Minister for Home Affairs:**

Probably a question for Property Holdings, is it not, who are managing the project, but the security ... the prison governor not being satisfied that the glass is secure enough and they are picking it up to make sure that ...

**The Minister for Home Affairs:**

We are making sure we get it right but that is delaying it.

**Deputy J.M. Maçon:**

Right, okay, thank you. If I can then move us on to a slightly more in-depth area that we have down, which is - although you slightly touched on it - the implementation of the Sex Offenders (Jersey) Law, I believe the review appeal routes for civil orders. Can you just explain ... can we just get an understanding of what the current situation is?

**The Minister for Home Affairs:**

The current situation is that the law as initially passed in terms of a particular Article remains in but it is not entirely satisfactory. If you remember, I brought an amendment to that and then at the last moment it turned out that was not satisfactory either, so I had to drop that and I said I would come back and do it again. We have now got to the point where we have a draft amendment to that which is satisfactory.

**Deputy J.M. Maçon:**

Can you just explain to us why the provisions were not satisfactory?

**The Minister for Home Affairs:**

I am trying to remember. It has to do with the appeal routes. The problem is that the appeal routes in relation to criminal cases and the appeal routes in relation to civil cases go in different directions. All civil appeals from the Royal Court go to the Court of Appeal, but appeals against sentencing from the inferior number - that is up to 4 years sentence - go to the superior number - that is a bigger number of Jurats - rather than to the Court of Appeal. Now, recognising there was an issue here, one of the things that I tried to do when I put through the original law was I tried to make sure they went together. The methodology I chose to do that was to say that these would be treated as being criminal. That then ran into a problem when it got to the

U.K. because they said: “Well, no, these are not criminal orders, these are civil orders.” What was agreed then was that the Privy Council would let it go through but on the basis that we would correct it. The methodology I then chose to try and correct it then had another problem, which transpired very late in the day, and I cannot actually remember what that problem was. But what we now have is basically a proposal where the original paragraph of the Article would be replaced with something which says clearly that where the criminal route is to the superior number the civil case would go there as well. It is just to make sure they go together. You could otherwise hypothetically get a person appealing against a sentence and against an order that they be placed on the sex offenders register. I am calling it the sex offenders register for the sake of convenience, although there is no such thing, it is actually notification requirements, but we will pretend it is that because that is what everybody calls it. They might also have a specific order which says you cannot be on your own with a child under the age of such and such or whatever, or you must not go anywhere near a school or whatever the specific order was. Now, if they then wanted to appeal against both, the problem would be unless there is a provision that half of the appeal would go to the Court of Appeal, civil side, and half of the appeal would go to the superior number, and that is completely unsatisfactory. You would have 2 hearings in relation to essentially the same matters. It is purely technical stuff but all this does, the proposal we have, is bring them back together again.

**Deputy J.M. Maçon:**

What timeframe are you working to on that?

**The Minister for Home Affairs:**

Should be very soon. We have a draft which I am happy with. The Law Draftsmen just have to put it together now.

**Chief Executive Officer:**

It will be lodged and debated after the summer recess.

**The Minister for Home Affairs:**

I would have thought we would be looking within a month or so on that.

**Chief Executive Officer:**

Yes.

**The Minister for Home Affairs:**

There is, of course, another issue which has arisen just in the last week or so which I need to check out in relation to the way in which a particular Article has been interpreted by the court, which is clearly contrary to certainly my intention when I was working on the drafting. I need to check with the judges whether there is a problem there and, if there is, we will need to put in further amendments to clarify that. It is to do with the way that interpretation of the small category of offences whereby the court has a discretion whether to place somebody on the register or not ... my intention was that the court would always do that where the initial offence was against or where there was a victim who was a child. We have recently had a case where they did not and that indicates that the courts have interpreted the statute in a different way to the way in which it was intended. Clearly, that is what I intended, that is what I want to happen, and we need to go back and revisit it and redraft it so that it was clearer.

**The Connétable of St. Martin:**

This is the one you spoke about on the radio?

**The Minister for Home Affairs:**

It is the one I have been talking about on the radio.

**The Connétable of St. Martin:**

In the media?

**The Minister for Home Affairs:**

Yes. It is unfortunate but the particular offence was one of those which could involve children or could involve consenting adults in some cases, and therefore it was clear that it should not always be going down the route of the sex offenders register. But my intention was the decision should be made on the nature of the offence, not upon the basis of the current risk of ... estimation of the risk of the individual. That is where it seems to be done on a different basis. I just mention that because that might



hold up this amendment. If I thought it necessary, I might then have to do some extra work to throw in a second amendment as well.

**Deputy J.M. Maçon:**

Thank you. If I can ask you then about the youth custody arrangements and how that is being dealt with, in the context of the C.S.R. we understand that there might have been a human rights issue with it. Can you tell us what progress has been made here?

**The Minister for Home Affairs:**

Yes. It is not really necessarily in relation to C.S.R. except insofar as we now accept there is not going to be any C.S.R. saving from this direction. This is an issue ... I take it you are talking about the issue of trying to get 15 year-olds and 16 year-olds, possibly some vulnerable youngsters who are older, who are serving a sentence out of prison or out of a young offenders institution or out of the female wing into Greenfields. Okay, this has been very frustrating because of the slowness of legal advice as to how we dealt with the problems caused by having a multiplicity of categories of individual in Greenfields. At the moment, Greenfields has people up to school-leaving age who are there on remand, plus those who are there on a ...

**Chief Executive Officer:**

Secure accommodation.

**The Minister for Home Affairs:**

Thank you. I can never remember what it is called: secure accommodation order, which is a civil order. Now, the proposals we have would add to that a third category, namely those who will be serving a sentence. Although in practice it makes very little difference because it is the same youngsters very often in all 3 categories, the same youngsters tend to turn up in different categories at different times ... not always but often. That does create theoretical problems and we are seeking advice on that. The advice has been very slow. The initial advice that was given was, in my view, incorrect and what the Children's Policy Group decided was to go ahead with drafting of the thing in order basically to force the pace to make this a higher priority in terms of legal advice. But this is one of these very, very frustrating situations where the

practicalities of actually achieving a better arrangement for the youngsters comes into conflict with some of the convention aspects.

**Deputy J.M. Maçon:**

Which convention is that?

[12:00]

**The Minister for Home Affairs:**

Well, you get the International Convention on the Rights of the Child. You also have the European Convention on Human Rights. Generally speaking, the convention - I think it is the international convention - frowns upon the mixing together of those who are sentenced and those who are on remand. But as I say, the mixture of the 3 is unusual. I understand there are some other small jurisdictions that have the same issue. You get into a situation with these things where you need to virtually seek a derogation. As you know, we are keen to apply the International Convention on the Rights of the Child, the United Nations Convention I am sorry, the United Nations Convention on the Rights of the Child, but it is difficult to get all these things lined up.

**The Connétable of St. Martin:**

I took the opportunity to go on visits to both Greenfields and what was the prison to see the young people. You can see the commitment of the staff at Greenfields and the prison, they are both excellent, but the facilities ... I did not realise how brilliant they were at Greenfields.

**The Minister for Home Affairs:**

They are exceptionally good.

**The Connétable of St. Martin:**

But one person staying there?

**Chief Executive Officer:**

None this afternoon.

**The Connétable of St. Martin:**

None today? You have a fantastic facility there ...

**The Minister for Home Affairs:**

You are absolutely right, but can I say that the massive decline in the numbers, which may be temporary, may be a blip, in terms of the numbers not only of under-18s but also actually the numbers in all the young offenders institutions have almost completely collapsed.

**Assistant Minister for Home Affairs:**

But I think that is a good thing.

**The Connétable of St. Martin:**

It is a good thing.

**Assistant Minister for Home Affairs:**

You say it as if it is a bad thing; it is a good thing. I would rather it lie empty for as long as possible.

**Deputy J.M. Maçon:**

What assessment has been done to establish the underlying reasons for that trend?

**The Minister for Home Affairs:**

None so far. We do not know. We think it is a combination of very good work, early intervention work, at Somerset Hall, but to be honest in discussions with people from different agencies, none of them can come up with a definitive answer. I doubt if we ever will come up with a definitive answer.

**Assistant Minister for Home Affairs:**

One would like to think that programmes like “Prison? Me? No Way!”, which have been around for some time now, the generation that benefited from this when they were youngsters are now of the offending age and one would like to think it has had a positive effect.

**The Minister for Home Affairs:**

I think it has had more effect than I actually previously anticipated.

**Assistant Minister for Home Affairs:**

I do as well, but you are right, we do not know.

**The Minister for Home Affairs:**

The reason I think that, I know this is anecdotal and a bit ambiguous, but I happened to have a conversation with a gentleman who was actually running Greenfields in the really difficult dark days of 2001 when it was being overrun in terms of numbers and so on. He has continued to work in that area and he said something quite significant to me, which was that whereas in most years when he is with youngsters they are very often talking about other youngsters who are reoffending, sort of: "Have you heard what Freddie's done this week? He has taken another vehicle and the police chased him round town and whatever." Whatever, you know, this is a hypothetical example. Now what he said to me, which I found quite interesting, was that they are never talking about other youngsters who are offending. I do not know whether that is because the youngsters are not there or whether it represents a culture change by virtue of which to be bad is not cool. I do not know, but I found that quite significant because it suggested to me ...

**The Connétable of St. Martin:**

There is a badge coming up here.

**The Minister for Home Affairs:**

Sorry?

**The Connétable of St. Martin:**

You could get a badge with that saying on it: "It is not cool to be bad." [Laughter]

**The Minister for Home Affairs:**

Yes, being bad is not cool. We should print some badges. But that got me thinking about whether there was an underlying attitude change here.

**The Connétable of St. Martin:**

I think if there is an opportunity to get young people out of La Moye obviously and into Greenfield, which is empty, if the law has to be changed for that purpose or whatever it would be ...

**The Minister for Home Affairs:**

Well, that would do. The trouble is will we be able to get to a stage ... our concern is whether we run into difficulties with the Privy Council. That is the real issue. That is where we are trying to see a route ... first of all, I have to be satisfied that the amendments are human rights compliant. I have to have advice to that effect before I can sign it off and take it to the States. Now, if the advice comes back that we cannot find a way of making this human rights compliant, then we are really stuck. If on the other hand the advice is yes, it is okay but it is not in accordance with the United Nations Convention on the Rights of the Child, then I think we can probably still go ahead but we will need to get a derogation in relation to that. I do not know if you are aware of the piece of work that the Chief Minister's Office are doing at the moment in terms of trying to collate ...

**Deputy J.M. Maçon:**

Not entirely. Can I just ask, have any early communications been had on this issue? One would not want you to spend a lot of time on an issue and then find actually you have to apply for a derogation anyway.

**The Minister for Home Affairs:**

We think we will have to apply for a derogation anyway. Yes, we do. As I say, unfortunately we have been trying to get advice as to the right way forward and it has been very, very slow and when it did come it was wrong. I am very loath to criticise professional advice from lawyers, but in this case the advice was wrong. I only had to look at it for about 15 seconds to see it was wrong, put it that way ... **[Laughter]** which is unusual. So on the United Nations Convention issue, the Chief Minister's Department is actually collating responses from departments as to what is achievable and what is not achievable. For instance, I have indicated that one of the areas that we had outstanding in Home Affairs, which I was actually unaware of, was in relation

to the police codes, code C I think it is, in relation to interviewing of youngsters. At the moment, if you are under 17 then you have an absolute right to an appropriate adult. In fact, to be compliant with the United Nations Convention it should change from 17 to 18 and we are simply going to do that.

**The Connétable of St. Martin:**

The Honorary Police will remain at 18, a parish hall inquiry? They will not deal with a 17 year-old without an appropriate adult being present? So you can be interviewed at the police station at age 17 without an adult and as soon as you go to parish hall inquiry as a result of that offence or alleged offence, then you do have to have the adult?

**The Minister for Home Affairs:**

Well, that is right. So in fact ...

**The Connétable of St. Martin:**

So the Honorary Police are doing the ...

**The Minister for Home Affairs:**

The Honorary Police are more convention compliant in this case, yes. But it is a simple matter, it is not difficult.

**Deputy J.M. Maçon:**

You have touched on the explosive law ... Explosives Law.

**The Minister for Home Affairs:**

Yes, I hope the law is not explosive.

**Deputy J.M. Maçon:**

Indeed. [Laughter] Can you tell us - you touched on it but just for the record - when you propose that this should be lodged?

**The Minister for Home Affairs:**

As soon as possible is the easy answer. Steven has prepared a draft. What now has to happen obviously, I need to look at it and check that I am happy with it. There may need to be some consultation.

**Chief Executive Officer:**

Well, I would see it going through the summer because you will want to have a look at it and there is the Firearms Council, for example, who are an obvious source that we have always consulted with. I would imagine that it would take through the summer in that process before it is capable of being lodged.

**Deputy J.M. Maçon:**

Can I just ask ... well, I would like to make the Minister aware, of course, the panel is going to be working very heavily over the summer on the M.T.F.P. (medium-term financial plan) in particular, so if we are to look at it, we hope that that ... bear in mind we might require a little extra time in order to be able to look at it. But can I just ask what are the underlying motivators for the change in the regulations.

**The Minister for Home Affairs:**

In the law?

**Deputy J.M. Maçon:**

Yes.

**Chief Executive Officer:**

Firstly, it is a 42 year-old law so it was ready for wholesale revision anyway. Secondly, it did not deal with reloading powder adequately. Thirdly, and I think probably one of the principal reasons, the fireworks provisions are inadequate for this day and age. They were written in a time when it was all about retail sales for Catherine wheels, but actually there are not any provisions anywhere else for major displays, which we see all the time now. So you are dealing with in those instances thousands of kilograms of importation. That is a major omission in the law.

**The Connétable of St. Martin:**

Remind you about daylight fireworks now, now that we have used them. Are they in it? Would they cover it as well? Is it because of the explosive or ...?

**Chief Executive Officer:**

Yes. Well, they are going to be in regulations so the detail of that will follow the law. What the law will do will give a *vires* in order to provide regulations covering fireworks. So there will be no detail in the law on that.

**The Connétable of St. Martin:**

Fine, so they would then cover things like periods of sale and ...?

**The Minister for Home Affairs:**

The law is not going to solve that problem. The law just contains enabling stuff. That is going to be dealt with subsequently by regulations. It is like a lot of these things, the law creates the wider structure. The law is mainly interested in commercial explosives. That is the main thing it is really interested in. It then has bolted on to it 2 other bits, one of which is the fireworks but we are not going to solve the problems at this point because that is a subsequent piece of work in regulations. Then the third area which is bolted on to it at the moment is what Steven called loading powder. I tend to refer to it as black powder. It is gunpowder and variants of gunpowder. It is muzzle loading type stuff.

**The Connétable of St. Martin:**

Storage.

**Deputy J.M. Maçon:**

Can you just explain what the deficiencies were and why it needs to be corrected?

**Chief Executive Officer:**

When we send it over we will do a written note on that so that you do not have to trawl through the whole thing and wonder. But the 2 main deficiencies were about the safety of reloading powder and on fireworks. I think they were existing at the moment on the original provisions that relate to high explosives and they do work adequately, but there are these other aspects of the law which are not covered



properly. So for what the law was intended it is still, I would say, fit for purpose but it just does not sweep up these other areas in an adequate way. In terms of the importation and transportation, storage and use of high explosive, we did not have any major worries on that because we are dealing with that every day. It was just these add-ons really.

**The Connétable of St. Martin:**

I think as you get things into the House, if 4 or 5 people are going ...

**Deputy J.M. Maçon:**

Well, I am just concerned if the Minister or the department have any evidence to say that we found this many fires have increased because we found this much gunpowder has been left out or something like that, just to explain the motivation for the change.

**Assistant Minister for Home Affairs:**

We are being proactive really as opposed to reactive.

**Chief Executive Officer:**

To give you a for instance, in the current law you can have 2 kilograms of black powder in a house, but then again so could anybody else who lives there. So if there were 6 people living there and they all reloaded, you can see that it multiplies up and you can end up with larger quantities of reloading powder. So I think from a public safety point of view we wanted to tighten that up.

**The Connétable of St. Martin:**

Do you call the council together or firearms users groups and people like that or who would call ...

**Chief Executive Officer:**

We have the Firearms Law Liaison Group, which also looks at these issues. Because it is related to shooters it will also look at those issues. We have been consulting with them over a number of years on what might go into this law.

**Deputy J.M. Maçon:**

Thank you. Now, if we can move on now to the Licensing Law. We appreciate that I think it was the Minister for Economic Development was asked about this in the States recently, although we understand that from our last hearing it had been delayed because of an issue at an officer level. We understood that it was going to be referred higher to the ministerial level. So can you tell us what progress has been made?

**The Minister for Home Affairs:**

I think we have had 2 meetings involving ministerial level and at the first one we found actually a pretty high level of agreement, which surprised everybody, on a lot of issues. The outstanding difficult issue where there was not agreement at that point was in relation to the issue of minimum pricing, whether in fact we should seek to move towards a minimum pricing approach - which is what they are doing now in Scotland - or whether we should be reliant upon a tax regime. Now, we subsequently had a second meeting to specifically discuss those issues and then actually found, interestingly enough, that there was a fair degree of convergence.

[12:15]

But there was some additional work that needed to be done in relation to that. Particularly, there is work that needed to be done in relation to how the tax policy system could be used in order to promote greater consumption of lower strength drinks because clearly that is something that ought to be happening. There is also an issue as to which comes first, whether, as has been happening, Health have been tending to hold back their alcohol strategy document in order for the licensing thing to come through as part of it or whether in fact Health should not now be going ahead with their strategy document because in a sense if we have an agreed strategy then it becomes rather clearer as to what approach should be taken in relation to certain issues under the Licensing Law. I think if my memory is correct the outcome from the last meeting was actually a suggestion that Health should be going ahead and not waiting so that we can get the principles agreed. The key issue, if I can outline it, is whether the States of Jersey want to have a strategy which moves towards lower consumption of alcohol. That is the key issue. Now, if that is correct that the States does want to do that for health reasons and for law and order reasons ... we are not necessarily talking about lower consumption of drinks but lower quantities of alcohol.

If the States does want to do that, then it becomes logical to move in certain directions in terms of tax policy or in terms of a minimum pricing policy. Lyndon I know is very keen on the minimum pricing approach.

**Assistant Minister for Home Affairs:**

Well, just for the avoidance of doubt, I just register an interest that I am a director of a company that has licences, not retail licences any more, but that is just registering ... I do not have a direct pecuniary interest. But speaking independently of that, I think that in modern retailing, and especially given the tough economic climate, large supermarkets have turned to cigarettes and alcohol to drive footfall. So they have been participating in heavy discounting and in some cases below cost price discounts to gain market share of other products.

**The Connétable of St. Martin:**

So then the on-licence premises do the deals or try to do ...

**Assistant Minister for Home Affairs:**

Well, for example, you can ... I cannot be too specific but you could buy lager for less money than you could buy, say, some brands of a bottle of water because ...

**The Connétable of St. Martin:**

From off-licences or ...?

**Assistant Minister for Home Affairs:**

Well, I am not being specific but I am talking about supermarkets and especially the discounted supermarkets in Jersey, places like Wine Warehouse, but in the U.K. Tesco and Asda and those sort of people were doing very, very deep cuts, like I say, to drive footfall. Now, whether you think it is for the Government to decide to get involved in the commercial decisions ...

**The Connétable of St. Martin:**

There is nothing worse, I suppose, than saying ... well, you spoke about the 40 year-old Explosives Law. This is a 38 year-old law as well. There is nothing worse than saying: "Well, what about these other countries?" but Norway, the licence trade is run

by the Government itself, is it not? You cannot go in and buy spirits from ... the shops that are selling spirits are state-run shops and they impose the taxes.

**Assistant Minister for Home Affairs:**

I think in terms of the licensing ... it is a part of British culture anywhere in the U.K. and the British people tend to work hard all week, like to go out on Friday and Saturday nights and that is part of the culture, has been for generations and I think it is unlikely to change. Prohibition or any form of prohibition I think is not going to work. Like you say, in some countries ... in some states in the U.S. (United States) I think you are not allowed to carry alcohol around; it has to be in an enclosed ... put it in a bag and so on. But I think the issue here is people are able to purchase large quantities of alcohol, young people, for small amounts of money, which means they are drinking it. Now, I do not think, personally speaking, outside it I do not think there is much wrong with the Licensing Law or the hours. I am personally against extending ... this all-night drinking thing just has not worked, does not work. The situation where the restaurants ... fine, the restaurant licences, the bars close at a certain time and then some of the clubs close a few hours later, I think that tends to work generally quite well. The problem you have actually more important than sorting that out I think is sorting the transport policy out to make sure that during the evening time the transport is available to deliver people home safely and get people out of the St. Helier area.

**The Minister for Home Affairs:**

So there is actually a surprising measure of agreement now but ...

**Assistant Minister for Home Affairs:**

I am not sure the supermarkets will agree with interference in the retail part of what ... the retail industry will probably not be happy about interference with their licence or pricing control, but we do that anyway with duty and taxes.

**The Minister for Home Affairs:**

I think you and I said this the last time we were before this panel, certainly I take the view that the loss leader approach is downright irresponsible and it has to stop one way or another. It is just downright irresponsible.

**The Connétable of St. Martin:**

I think the Minister spoke this week. I do not think the Minister ... he was talking about progressing it during 2012 but I do not think that is going to happen personally. I cannot see a new Licensing Law being ready. I do not know how much more discussion has to go through with the various trade and branches and Health and every department, but really ...

**Assistant Minister for Home Affairs:**

The trade was pushing a couple of years ago to follow the U.K. where they opened the licensing hours and allowed some pubs and clubs to open all night. I think really that was one of the catalysts but I do not believe the industry really ...

**The Minister for Home Affairs:**

There is no great pressure now.

**Assistant Minister for Home Affairs:**

There is no great pressure now and I do not think there are real ... what are the problems with the existing Licensing Law?

**The Connétable of St. Martin:**

The Deputy who was sitting behind us earlier on has gone. Did he not pose a question this week?

**The Minister for Home Affairs:**

He did. I think the next stage is a White Paper and obviously you are working on that. But as I say, in terms of the ministerial meetings we have actually reached a very high degree of agreement on that.

**Deputy J.M. Maçon:**

Can you just outline to us what key areas that agreement has been in?

**The Minister for Home Affairs:**

What are the key areas that agreement has been in? I think there is general agreement that we should not be extending the licensing hours. I think there is general agreement that an attempt to control the numbers of off-licences would not particularly work. I think there is general agreement against raising the age limit for people to buy from off-licences. I think we had general agreement in relation to ... I am not sure actually where we got to on that particular issue so I will not say. I am very strongly of the opinion - I think that has now been accepted - that there ought to be political policy being set in relation to this, that it is not satisfactory that at the moment we have a situation where the Jurats and Bailiff are effectively being asked to set social policy in an area rather than actually implementing policy in individual cases, which is what the courts are very good at. So I am very firmly of the opinion that there needs to be within the law a mechanism for policy to be set at a political level probably by a group of Ministers.

**Deputy J.M. Maçon:**

If I can, and I know it is from question time a couple of months ago and I will put the same question towards you about things like minimum pricing as I am sure the argument will be put closer to the time, the justification for punishing the responsible majority against the irresponsible minority?

**The Minister for Home Affairs:**

The problem is that if people are drinking regularly beyond a certain level, a safe level, then they run the risk of losing control of their drinking and ending up with serious problems of alcoholism or serious problems of binge drinking or whatever. So the problem, the issue in relation to this, is a health issue and the issue is in relation to ensuring that less members of society go down that destructive route. That is the key issue. It is not to do with and indeed the ... I will not call it the drinks lobby because that would be unfair because there are very many very responsible people in the trade, but the less responsible drinks lobby will tend to run the argument: "Well, nothing is going to stop the drunks living in the park from getting their alcohol." It completely misses the point. The point is we are trying to avoid people eventually ending up in that situation.

**Assistant Minister for Home Affairs:**

Can I add something, Minister?

**The Minister for Home Affairs:**

Yes.

**Assistant Minister for Home Affairs:**

I think in an attempt to be helpful, the responsible drinkers do not drink the volume that a minimum price control would really show a serious impact. It is not as if you are going to get a standard lager, a bottle of whiskey or a decent bottle of wine it is going to increase. It is really to bring in a lower ... to stop large volumes being sold at a ... this is a well rehearsed argument in the U.K. from those proponents of minimum pricing. You would be surprised that the majority of responsible drinkers are not that concerned about it because it will not actually affect them, maybe by a few pennies on certain things, but it is really aimed at stopping selling 48 cans of lager for £9.99, that sort of thing, which 90 per cent of those offers go to youngsters or find their way into the hands of young people who go to the park and get absolutely inebriated.

**Deputy J.M. Maçon:**

But do youngsters still not find themselves with half a litre of vodka every weekend?

**Assistant Minister for Home Affairs:**

Yes, and I do not think you will ever stop that, but the simple calculation is that the more expensive alcohol is at the lower level or the less cheap it is, whichever way you want to put it, less will find its way into ... less volume will find its way into the hands of irresponsible drinkers, but it will not stop youngsters drinking.

**The Minister for Home Affairs:**

All the studies that have ever been done anywhere have indicated there is a direct correlation between the consumption levels of alcohol and the health-related issues, the social issues, domestic violence issues, the law and order issues, and that price does have an effect on consumption. That is the other factor. All the studies that have been done anywhere have indicated that. That is why, as I said before, I actually think that Health should be going ahead with their strategy so that the States can decide whether or not it is a States policy to be reducing the level of consumption.

**Assistant Minister for Home Affairs:**

From my understanding I think Health ... one of the problems is that Health have been quite a way apart and I think they would probably say: "Let us just not have alcohol full stop."

**The Minister for Home Affairs:**

No, that is unfair. No, there has been ...

**Assistant Minister for Home Affairs:**

There have been some fairly draconian suggestions.

**The Minister for Home Affairs:**

There has been a major move together. I think at officer level perhaps stronger views were being taken that was going to be practicable in relation to that. But that is the issue. The problem with using a taxation method without it being subtle in terms of actually moving towards people buying bottles of wine which have a low alcohol strength or drinking less strong lager or whatever, the problem with it is it is a very blunt instrument of taxation, and even if you are raising the taxation level, if supermarkets are going to run loss leaders they are going to undermine your policy. If your motivation for your taxation policy for increasing price is to reduce consumption and then somebody else is undercutting that policy by a reduced price, they are negating it. That is the issue.

**Deputy J.M. Maçon:**

I am just conscious of time because I have a few things. I wonder if you could just confirm for us that the discrimination legislation has been handed over to Social Security from the department.

**The Minister for Home Affairs:**

Yes, they were.

**Chief Executive Officer:**

Yes, quite some time ago.



**The Minister for Home Affairs:**

Some time ago, yes.

**Deputy J.M. Maçon:**

Thank you.

**Chief Executive Officer:**

Last year, in fact.

**The Minister for Home Affairs:**

I think the Minister is finding it challenging.

**Deputy J.M. Maçon:**

Thank you.

**The Minister for Home Affairs:**

There we are.

**Deputy J.M. Maçon:**

While, of course, we cannot go into detail for the M.T.F.P., other departments have for the Scrutiny Panels given over all the business case information, the reasoning and the justifications for their growth rates and for the capital projects. I wonder if perhaps this department would be happy to do the same.

[12:30]

**The Minister for Home Affairs:**

Yes.

**Chief Executive Officer:**

Yes, on a couple of sheets of paper, I think. Yes, what lies behind that is that we met the Minister for Treasury and Resources this week, yesterday, and we think we have reached an accord where our part of the M.T.F.P. is concerned. So bearing in mind

that we were not asking for much growth at all, and part of our entry is not growth, it is about really helping us to cope with our base budget pressures, really it is uncontroversial what Home Affairs is asking for, and that has been accepted. I think that is fair, Minister, is it?

**The Minister for Home Affairs:**

It is uncontroversial with the Treasury. That does not mean it will be uncontroversial with others. I can give you back of brown envelope calculations if you want to know what we are doing, but obviously you would probably want to see more detail.

**Deputy J.M. Maçon:**

That is what we are interested in is the detail, thank you very much.

**The Minister for Home Affairs:**

But Steven is actually right, until we had our meeting this week with the Minister for Treasury and Resources and the Treasurer, we could not be sure as to whether there was going to be agreement on the principle, which now we think we have agreement on the principle.

**Deputy J.M. Maçon:**

Thank you. We received a query from the parish of St. Helier and it was to do with one of the recommendations from the previous sub-panel's report into the policing of beaches and parks, that of fixed penalties.

**The Minister for Home Affairs:**

Oh, yes.

**Deputy J.M. Maçon:**

The Minister at the time, which was you in fact, commented: "There could be merit in taking the fixed penalty notice system forward in tandem with the Honorary Police." The target date for that was set for 2013. Could you please tell us whether the department is still willing to progress it with the States or where has this fallen, this matter?

**Chief Executive Officer:**

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**The Minister for Home Affairs:**

Page 7. I had forgotten about it, I have to say, and I am grateful for being reminded in relation to that. That is one of the problems, I have to say, sometimes with reports and implementation. Unless we feed them into our other documentation in terms of an action plan they get overlooked. So I am grateful to be reminded about that. It is 2013 but we do need to start doing some thinking.

**Chief Executive Officer:**

Yes, we have recently been asked by the Law Draftsmen to reprioritise. Of course, the main focus is still on 2012 so the Minister has done that. What we can do is feed in this because it is basically about ... there is a confiscation issue and there is a fixed penalty issue. We can feed that into our 2013 programme, but then the Minister will have to prioritise it against the other things for 2013, clearly.

**Deputy J.M. Maçon:**

Thank you. Also, we wonder if you could just update us with the situation. We note that on again for your priorities for 2013 is the wheel clamping alternative. Can you please tell us what progress has been made with that or not as the case may be?

**Assistant Minister for Home Affairs:**

We are planning to have a consultation period, I think running from July through to September, and then work on accordingly for that with a view to obtaining law drafting time next year. So the proposal is to have something to the States second half of next year. We have done a lot of background work and, like I say, we will be going to public consultation ... I think we are planning July. I need to speak to the Executive Officer who is dealing with it just for an update, but that is what we ...

**The Minister for Home Affairs:**

It is very helpful that the U.K. has changed its policy and has brought in some legislation which is on very similar lines to the way that I think we have gone, but I was finding myself having to reinvent the wheel.

**Assistant Minister for Home Affairs:**

Generally, the idea would be to replace clamping with a civil fining system and the regulating people would be able to police that.

**Deputy J.M. Maçon:**

Thank you very much. One query, although we think it is pretty much a done and dusted matter now, which is the passport situation.

**The Minister for Home Affairs:**

Yes, the position in relation to that is that we are awaiting a formal communication from the U.K. through what is called the usual channels, in other words a formal communication as to their position. Their position is definitely that they are insisting that the printing be centralised. That is how I understand ...

**Assistant Minister for Home Affairs:**

We have asked them to explain why, the reasoning behind it.

**The Minister for Home Affairs:**

We have asked them to explain that, that that is a firm decision and their reason behind that. Whereas communications previously have been done on an informal basis, we are now going to get a formal explanation. This has been looked at by a high-level group involving the Chief Minister's Department and various different departments and we accept that if the U.K. insist on that, that although we would have liked to have had the option to have local printing that we will not be in any position to argue with them. The reason why we will not be in any position to argue with them is because our passports are essentially ... what we think of as a Jersey passport is essentially a variant of the U.K. passport. Indeed, if you had a passport with you I could show you where on your passports the letters "U.K." are cunningly hidden. You have to hold your passport at a particular angle for the light to find it. So it is advantageous that our passports are a variance of a U.K. passport because that is why our passports are also E.U. (European Union) passports whereas we are not part of the E.U., so there are definite advantages to that. But, as I say, we still wanted to retain the option to make a decision as to whether or not to print locally or not, and we

understand that a firm decision has been made not just for us but also affecting passports which are issued in various different parts of the world. We have asked them to say is that their final, definite decision and what are their reasons for it, but if they are firm on it we accept that we cannot really do anything about it. That is right?

**Assistant Minister for Home Affairs:**

Yes. I cannot see any other option, particularly in light of the position. There might be nothing we can do.

**The Minister for Home Affairs:**

The only other thing I should say is that negotiations have not yet started with the printers as to timescales because clearly there are issues there. We will want to have contractual arrangements by which we will know how quickly they will despatch passports which have been printed.

**Deputy J.M. Maçon:**

Okay, thank you. Slightly back on track now, if I can just ask you then about Part 5 of the P.P.C. (Privileges and Procedures Committee) changes? Can you just inform us what progress has been made?

**The Minister for Home Affairs:**

I have raised this issue and we are about to raise it again with the body whose name I can never remember, Justice Law, more formally. The issues and difficulties in relation to this have been around 2 things. They have been around the law as currently drafted requiring courts to sit at times on Saturdays, sometimes also on Bank Holiday Mondays. That is one problem. The second problem was that the law as currently drafted would have meant that at times judges would have to turn out in the middle of the night to sit in their court with all the rest of the court officers, which is completely impracticable. A lot of work had been done in relation to alteration to that to alleviate some of the problems, but the core issues that remain were court staffing for Saturday courts and Monday courts, and also whether or not lawyers would be willing to attend. Those are the two areas of difficulty in relation to that. There have been various ideas to try and reduce the burden, as it were, and the costing of running these things and so on, some of which did not work. The key issue is the human

rights requirement that there should be no more than 96 hours between the arrest of a person and their first presentation to a court, whether or not they have been charged. We will raise the issue again because I cannot solve this issue alone unless the courts also solve the issues of staffing and so on and so forth. If we can get to a point where we know we can get the necessary staffing and the necessary lawyers to turn up to represent clients where that is necessary, then we can be going ahead with the amendment to the law in a particular shape. In the meanwhile, of course, what has happened is that we effectively have been running in a human rights compliant way in the sense the police have been making sure that people are not held for more than 96 hours. But it should be embodied ultimately in statute, which it is not at the moment. In short, what was passed originally by the States was unworkable but it has proved very difficult to come up with a workable alternative which does not cost an arm and a leg.

**Deputy J.M. Maçon:**

For example, the courts sitting on Saturday?

**The Minister for Home Affairs:**

Yes.

**The Connétable of St. Martin:**

It often sits on the Monday, does it not, and Tuesday, the 4-day Bank Holidays in particular? Because we have been operating there for the last ...

**The Minister for Home Affairs:**

Yes, it is available to sit. Part of the problem was the legislation as passed also said the moment that one case came up, the moment a court actually convened for one case, then that become the next court for all cases. That was not properly thought through because it is one thing to ask people to come in just to deal with one case, but then if you suddenly find a long weekend you have all the Monday morning list ...

**The Connétable of St. Martin:**

All the custody remands, yes.

**The Minister for Home Affairs:**

All the custodial remands, yes.

**Deputy J.M. Maçon:**

Thank you. To move on to the P.P.C. e-codes, which I believe are different, can you just explain what does this involve?

**Chief Executive Officer:**

That is what I mentioned much earlier in terms of updating the codes so that they reflect modern media, digital recording and such like. That is the main change there.

**The Minister for Home Affairs:**

I mentioned the moving from 17 to 18 years, which is an issue.

**Deputy J.M. Maçon:**

I wonder perhaps if you could just provide us with a document detailing all that for us.

**Chief Executive Officer:**

Yes, I do have the draft codes here which you are welcome to, but they are subject to checking by the police. But if you want these, these are ...

**Deputy J.M. Maçon:**

Is that a marked-up copy?

**Chief Executive Officer:**

This is draft 4 dated yesterday.

**The Minister for Home Affairs:**

Is it directly by order or how do they come ...

**Chief Executive Officer:**

Basically, they are the amendments to codes C, D, E and a new code G, but they may change slightly. Obviously, the Minister has to review them yet, but they do exist. If you like I could email them across.

**Deputy J.M. Maçon:**

That would be great and if you could just ... a marked-up copy so we know what the changes are in the particular areas.

**Chief Executive Officer:**

Yes, okay.

**Deputy J.M. Maçon:**

Thank you very much.

**The Minister for Home Affairs:**

I have to do that by order, not by regulation, so it will not come up for the States debate, but if you want to have ...

**Deputy J.M. Maçon:**

Thank you. We have discussed the vetting and barring. Did you have any further questions on vetting and barring?

**The Connétable of St. Martin:**

No.

**Deputy J.M. Maçon:**

Was there anything further you wanted to say on the vetting and barring?

**The Minister for Home Affairs:**

No. I wish I understood it. As I say, you would be surprised, it would have taken me a day to sit down and work it out. All the pieces of legislation as amended and so on is very complex.

**Deputy J.M. Maçon:**



Thank you. Then we have the review of work permits and the position of spouses. Can you update us as to the position on that?

**The Minister for Home Affairs:**

Yes. Unfortunately, when I went to talk to the Migration Advisory Group I was keen that I was not operating a policy totally independently of the Migration Advisory Group, but we had a misunderstanding. They actually thought I was going there that day to see how they operated. But we have now fixed a date when I will be going, as it were, as a person bringing an issue before them. I think that is in early July from memory. Customs and Immigration have written a paper that covers the issues and so we know what we are discussing. I am keen to get validation as to whether in general our policies correspond with the general approach in terms of immigration and migration.

[12:45]

**Deputy J.M. Maçon:**

Thank you. Do you have any further questions for the Minister?

**The Connétable of St. Martin:**

The taxi marshalling funding, this is interesting.

**Assistant Minister for Home Affairs:**

Have you replied yet?

**The Connétable of St. Martin:**

I have written my reply.

**The Minister for Home Affairs:**

I should do an imitation of the Chief Minister now and say: "That is what we hoped you were not going to raise." [Laughter]

**The Connétable of St. Martin:**

It is obviously a problem of funding.

**Assistant Minister for Home Affairs:**

Such a good scheme. I mean, the evidence that it has improved things from the policing point of view is anecdotal ... not anecdotal, it is evident it worked, but you are right, nobody wants to fund it. Everybody seems to think it ...

**The Minister for Home Affairs:**

Lyndon has been working producing a draft letter to go out to people to see if we can obtain some funds - and thank you very much for your reply, which I read yesterday - but so far there is not an overwhelming degree of support for funding. Times are hard. Home Affairs did not want to get into a position where we alone were funding it. It started off as a private/public partnership. It started off as self financing. Because of the difficulties of raising the costs from advertising, which was the initial methodology, shortfalls have appeared. We have had quite a lot of help from time to time, but it is very difficult to pin people down in terms of regular funding.

**The Connétable of St. Martin:**

We put the argument to people and parishioners out of St. Helier and the majority ... I say the majority, I am plucking that out of the air, I cannot prove that, but a lot of people who are taking taxis are going to the other parishes, so I can see that angle. The view back from the people I have spoken to is if the licensees in St. Helier allow their customers to get drunk, they should be picking up the bill.

**Assistant Minister for Home Affairs:**

But not everybody who gets a taxi is drunk.

**The Connétable of St. Martin:**

No, no, you are right. No, you are right, but then they do not need a marshall, but they might need it for protection.

**Assistant Minister for Home Affairs:**

Putting my hospitality hat on, the licensed trade should pay. The hoteliers and the bars, some are prepared to make contributions, some are not. In fact, the bigger operators say: "Hang on, we are paying millions. We are collecting millions in G.S.T.

(goods and services tax). We are paying hundreds of thousands in rates. We are paying taxes on everything. We are paying through the nose.”

**The Minister for Home Affairs:**

Times are hard.

**Assistant Minister for Home Affairs:**

Times are hard: “This should be covered. We are paying our dues. This should be covered. We are not paying another penny.” Other hotels say: “Yes, we think it is valuable and we are prepared to put something in.” Others are saying: “Well, if they are not paying, I am not paying.” Some parishes are saying: “Okay, we will put something in” and others are saying: “Well, no.”

**The Connétable of St. Martin:**

We did the same for the youth service. Some parishes are providing vehicles, they are providing youth clubs ...

**Deputy J.M. Maçon:**

Can you just explain to us what the shortfall is?

**Chief Executive Officer:**

It costs £20,000 a year to run the scheme.

**Assistant Minister for Home Affairs:**

A bit more I think, Steven, about 25.

**Chief Executive Officer:**

22?

**Assistant Minister for Home Affairs:**

No, about 25.

**Chief Executive Officer:**

25 altogether. There is a little bit of income through advertising on taxis, I suppose to the tune of about 4,000 a year, but then you are left with that residue of about 20, 21, and the difficulty, I think, for the department is that we recognise it is a good scheme but we would be bailing it out effectively if we picked up the whole tab, good though it is.

**Assistant Minister for Home Affairs:**

The idea was to try and get Home Affairs to pay a quarter, parishes to pay a quarter, taxi drivers to pay a quarter, and the licensed trade to pay, you know, 5,000 each.

**Deputy J.M. Maçon:**

What is the formula at the moment?

**Assistant Minister for Home Affairs:**

That was roughly the formula but it is running out of money.

**Chief Executive Officer:**

That is still the formula but we are having to keep it going on a month by month basis while this consultation period is running, but it will come to the point where we have to decide whether it is sustainable because, of course, we do not have money sloshing around any more than anybody else. That is a difficult decision that we will have to take.

**The Connétable of St. Martin:**

I mean, 21,000 is not even the cost of dealing with an injured person who may suffer a serious eye injury or something or a trip to the U.K. because of a fractured skull or something through one fight.

**Assistant Minister for Home Affairs:**

A fight with 8 people because somebody has jumped the taxi queue that involves days of court time and people going to prison.

**The Connétable of St. Martin:**

The prison as well, that is right.

**Deputy J.M. Maçon:**

I am just conscious of time, so if I can add ... just because the room is booked, they are starting another group at 1.00 p.m. If I can just advise the Minister and his department that we are coming very much to almost the publication of our tasers report, and that will be hopefully out within the next month or 2. You will be well aware of that. We are just drawing up our findings and recommendations and should be filing that shortly.

**Assistant Minister for Home Affairs:**

What does it say? [Laughter]

**Deputy J.M. Maçon:**

That would be telling.

**The Minister for Home Affairs:**

Oh, that is not fair. [Laughter] They ask the questions.

**Assistant Minister for Home Affairs:**

Yes.

**Deputy J.M. Maçon:**

But as always, Mr. Minister, I always give the opportunity if there is anything perhaps you think we have missed, perhaps got the wrong end of the stick or anything else perhaps you would like to tell us, now is your opportunity.

**The Minister for Home Affairs:**

I think that when you come to look at the C.S.R. stuff, you will see that what we think we will be achieving will be a maintenance, effectively, of the current levels of service. We are not consciously reducing the level of service in any area. It is always a sensitive area as to how many policemen we do need or how many staff at the police headquarters we do need. There is an interesting piece of work being done on that internally within the police force, which is not going to be completed in time but nevertheless will give us some guidance on that eventually. We cannot go further in

terms of savings without it infringing upon numbers of police staff, but we think that the amount of money that we will be receiving under the 3-year programme will be adequate to enable us to maintain current levels of operation. There may be a slight reduction in numbers but if there are that will be because there would have been efficiencies in the organisation made to compensate for that.

**Deputy J.M. Maçon:**

On behalf of the panel, may I thank you all for attending today. Thank you very much.

**The Minister for Home Affairs:**

Thank you.

**Deputy J.M. Maçon:**

May I ask that members of the media and members of the public clear the hearing room, please?