



Education and Home Affairs Panel

Quarterly hearing with the Minister for Home Affairs

MONDAY, 8th JULY 2013

Panel:

Deputy J.M. Maçon of St. Saviour (Chairman)
Connétable M.P.S. Le Troquer of St. Martin
Deputy M. Tadier of St. Brelade

Witnesses:

Senator B.I. Le Marquand (The Minister for Home Affairs)
Mr. S. Austin-Vautier (Chief Officer, Home Affairs)
Senator L.J. Farnham (Assistant Minister for Home Affairs)

Index of issues:

- **Policy Authority** page 1
- **Disciplinary Code for States of Jersey Police and Chief Officer** page 2
- **Review of Vetting and Barring Arrangements** page 7
- **Draft Explosives Law** page 12
- **Reduction of Youth Offending - research** page 15
- **Wheel Clamping** page 22
- **Offensive communications and social media** page 27
- **Rehabilitation of Offenders** page 29
- **Tasers** page 30

Police Authority

Deputy J.M. Maçon:

Good morning, gentlemen, and welcome, and welcome to the members of the media and public who are observing. If I can begin then and dive straight in, may I begin by thanking the department for the template which has been given to us updating us on the department's work. It has made our work very much easier, so I thank you for that. But if I can start by asking about the Police Authority, we know about some of the history of this, but specifically can I ask when will the Police Authority commence work?

The Minister for Home Affairs:

The timetable we have got should lead to the final members being selected towards the end of September and therefore I think the answer to that is probably some time in October.

Deputy J.M. Maçon:

Remind me, how is their work set? Do they set their own work programmes or is it a negotiation?

The Minister for Home Affairs:

They have certain functions under the Law. One of the things I suspect they will be doing quite early is starting work together with the Police Chief on the *Annual Policing Plan* for 2014, because they have to produce that by a certain date and then obviously it has to be approved and can be amended by the Minister. So I would have thought, apart from starting to learn their role, that would be where they would be starting.

Disciplinary Code for Chief Officer

Deputy J.M. Maçon:

Is one of their top priorities not also going to be, I believe, the new disciplinary code for the Chief of Police?

The Minister for Home Affairs:

No, that is not within their remit at all.

Deputy J.M. Maçon:

So where does that now sit?

The Minister for Home Affairs:

That sits with the Minister, who will need to bring draft Regulations to the States. Ultimately the decision will be made by the States, because I thought it right when the Law was taken through that this be by Regulations. I have been stuck for quite a long time - and still am stuck - because

of the slowness in the advice that we have been seeking from an expert in this area, which has jammed things up somewhat, and once that becomes unjammed then hopefully I can start working together with my colleagues and obviously we will try and bring you in the loop as soon as we can.

Deputy J.M. Maçon:

Can we ask who is the expert?

Chief Officer, Home Affairs:

He is a Mr. Beggs Q.C. (Queen's Counsel).

The Minister for Home Affairs:

He is a Q.C.

Deputy J.M. Maçon:

What is the hold-up?

The Minister for Home Affairs:

Getting him to produce a report. He is looking not just at this area, but he is looking at the whole area of potential improvements to the police disciplinary process.

Deputy J.M. Maçon:

When are you supposed to have a response from this?

The Minister for Home Affairs:

I do not know, I am afraid. This has been a movable feast.

Chief Officer, Home Affairs:

The Minister has a meeting with Chairman of the J.P.C.A. (Jersey Police Complaints Authority) on 6th August and that will be one of the things discussed, but whether the report is through by then, I doubt.

Deputy J.M. Maçon:

So what timetable is the department working to in order to receive that report? When does it expect a formal response?

Chief Officer for Home Affairs:

It has been imminent for several months, but frankly, we are in his hands. He is not a local Q.C. and it remains imminent. That is as much as we can say.

Deputy J.M. Maçon: What pressure is the department applying then to this individual, if it has been hanging in the air and was supposed to be imminent?

The Minister for Home Affairs:

I have to say that I have not been particularly applying pressure. I have been relying upon the Police Chief to do so, because as I say, the primary purpose of this - the initial purpose - was a review of the Police Complaints Authority, and so in a sense, an extra piece of work was tacked on at my request.

The Connétable of St. Martin:

Have you any concerns about the honorary police? They are just going to go off on a tangent, are they not? I know it is not in the ...

The Minister for Home Affairs:

Of course they are separated off.

The Connétable of St. Martin:

They are separated off. You have no ...

The Minister for Home Affairs:

You are right, of course, that the disciplinary process for honorary police is contained as a sub-section in the same Law, but essentially that is a matter for the Connétables, who I view as playing the equivalent role as the Minister in relation to honorary police. If the Connétables want to change the system, obviously they need to formulate ideas and discuss with their Chefs de Police and others and then seek to take that forward. I do not view that part of the Law as being within my remit.

Deputy M. Tadier: Currently if complaints are made regarding the honorary police, they would go initially to the Connétables, is that correct, and then to Chief ...

The Minister for Home Affairs:

Oh, you are testing my memory here. I think they do initially go to the Connétable, but there is statutory involvement of the Attorney General fairly early on, but I am afraid I am not intimately involved with that, although I did once sit as Judicial Greffier in relation to advising jurors on an appeal against a disciplinary matter. So my memory just really goes back to then. That is when I looked at it. It was quite a few years ago.

Deputy M. Tadier: I am just trying to understand the difference in process, because with the adoption of the different system for the paid police, clearly if you are the equivalent of the Connétables to the honorary police, complaints would not come to you about ...

The Minister for Home Affairs:

No, you are quite right, and there is not, as I understand it, the equivalent of an independent Police Complaints Authority in relation to complaints against the honorary police. I have a feeling that the equivalent function falls to the Attorney General, but I could be wrong. I am sorry, I had not anticipated questions on the honorary side of the Law.

The Connétable of St. Martin:

I am just concerned, and I do not know if you share that concern, that you are going to have 12 authorities. Although you talk about the Attorney General, you have still got 12 authorities basically doing their own thing, where officers have got ...

The Minister for Home Affairs:

No, there is a very clear process. It is set out ... it is Police Officers Discipline and something or other Law. It is a very clear process. It is not a matter of 12 authorities doing their own thing. There is some involvement of the Connétables, there is some involvement of the Attorney General.

Chief Officer, Home Affairs:

When the Police (Complaints and Discipline) (Jersey) Law was passed in 1999, it separated out in subordinate legislation the uniformed police from the honorary police into separate processes, so they were split at that point.

Deputy M. Tadier:

I guess the question which Michel is getting at is to do with the perhaps unintended consequences of having 2 different sets of rules, one for the paid police and one for the honorary system, when I think we are all trying to make sure that the 2 work cohesively together. Is that a concern that you would share, Minister?

The Minister for Home Affairs:

Their constitution is very different, that is the problem in relation to that. Obviously Connétables are still technically police officers and heads of their police force and will be until the Appointed Day Act in relation to that. My own personal view is that with that change taking place, there will be a need for a review of process. Now, whether then as part of that review of process they would be wanting to buy into the Police Complaints Authority, but the trouble that then arises is who

investigates, because obviously in relation to complaints against police officers other than the Chief Officer and the Deputy Chief Officer, the investigation is not conducted by the Police Complaints Authority, it is overseen by them. If the officer concerned is above a certain rank, above the rank of inspector, then normally it will be conducted by an outside force as well. So the difficulty is who is going to conduct the investigation. That is the problem, because I do not think honorary police officers would be happy at the idea of having States police officers conducting investigations in relation to them for disciplinary purposes. So you have to have some alternative means, even if you had oversight of that process by the independent Police Complaints Authority.

Deputy M. Tadier:

But surely there is that problem at the moment, is there not? If there is a complaint against an honorary police person, it would be done internally in the sense that it could be somebody on-Island doing that.

The Minister for Home Affairs:

I think the Attorney General oversees the process. I am looking at Steven, but that is my understanding.

Chief Officer, Home Affairs:

I think there may be confusion too in talking about disciplinary matters at the same time as bringing the Police Authority into formation, because the 2 are quite separate. The new Jersey Police Authority will not be involved in disciplinary matters, so that is quite distinct from the Jersey Police Complaints Authority.

The Minister for Home Affairs:

Unless the States, in their wisdom, were to decide that they should have a role in relation to the Police Chief and the Deputy Police Chief. I mean, my own personal view, which is shared by the preferred candidate, is that they should not have such a role.

The Connétable of St. Martin:

What we are seeing at the moment, we have the Connétables, if you like, some of them, doing their own policing plans - we have done one in our parish - but there could be 12 different policing plans and nobody to oversee them. The Connétable really ...

Assistant Minister for Home Affairs: If I can come in, the parishes have always worked that way and worked very effectively that way. Are you concerned that the structure of the parish policing is going to be affected?

The Connétable of St. Martin:

My concern is you have got 12 views, you have 12 different Connétables ...

Assistant Minister for Home Affairs: That is the nature of the beast, really.

The Connétable of St. Martin:

It is the nature of the beast, but you could have one parish totally dedicated to public order maybe, that is all they are interested in, and another one will just be parking: "That is all I am interested in, parking."

The Minister for Home Affairs:

Can I say that if I were asked - and I certainly would not poke my nose in unless I was asked - by the Comité des Connétables how I think they should attempt to operate, I think I would expect that there might be common issues which were common to all 12 parishes' policing plans. But I would expect there to be variations in the individual parishes, because one parish might have a particular issue in relation to speeding on particular roads; another parish at St. Helier or perhaps St. Saviour, perhaps St. Brelade, might have public order issues. I would expect there to be differences in emphasis.

The Connétable of St. Martin:

If I could just say, there has been a working party with the Comité des Connétables working on it already to try to get together. They might agree with the 12 parishes, between the 12 parishes what the missing link is, either the Chairman of the Comité des Connétables and yourself. That is the liaison that might be missing at the moment and there is nothing in place for that to happen, I do not think.

The Minister for Home Affairs:

Yes. I do not think the Minister for Home Affairs should be poking his nose in, as it were, unless he is asked for advice in relation to matters. That is my own personal view.

Review of Vetting and Barring Arrangements

Deputy J.M. Maçon:

We note that in the review of vetting and barring, the Minister has agreed that the U.K. (United Kingdom) Act should be extended by Order in Council and not by Jersey Law. Minister, could you please explain why you have chosen this way forward?

The Minister for Home Affairs:

I think that this is the way forward we have normally done in the past. We have bought into, as it were, the U.K. system for vetting and barring, because we cannot really have a completely separate system. We need access to their information and also they have always taken the view that if we were going to have that access that we ought to have similar systems in place so that they were satisfied that the information we were providing was commensurate. I think the potentially sensitive area, as I see it, is going to be the issue in relation to at what level of contact with children vetting and barring processes are compulsory. Now, they have been through quite a lengthy process in the U.K. in relation to this. At one stage, they probably were trying to take it down to too low a level. They have reviewed it and they have come up with certain proposals. My starting point, as it were, is going to be looking at those. I do not at this point in time understand precisely what they are, and obviously if I were to find that there was some aspect that I was unhappy with in relation to that, I then would probably have to seek some sort of variation in the application of the Law to Jersey in order to reduce it or increase it to a level I thought appropriate. But I think we would have the flexibility to do that while buying into the general system, because when you extend a piece of legislation, you always do it according to a particular scheme as to which bits you take on board and so on and so forth, and you have some flexibility in changing it. It is much easier and is going to be a much faster process, frankly, than trying to run our own separate piece of legislation. We get the work done through the Law Officers' Department rather than through the Law Draftsman, and very often the process is faster, because we are not starting from scratch.

Deputy J.M. Maçon:

I believe when we last reviewed this, the main problem was that the U.K. - and you touched on this - was still deciding about what they were going to do when it came to vetting and barring.

The Minister for Home Affairs:

Yes.

Deputy J.M. Maçon:

Can you just explain what the conclusions of that have been and therefore ...

The Minister for Home Affairs:

I do not know the precise details.

Chief Officer, Home Affairs:

They did have a major review when the Coalition Government came into power and I think there have been 2 key changes which have simplified the system. The first is that they have removed

continuous monitoring. It had been the case that everybody who registered would be continuously monitored so that when something changed, that would be known about immediately. I think the resource implications of that they were very nervous about and they have taken that out. The other key change is that in the old Law, there were 2 key groups of people. There were the people who would be in contact with children most of the time and those people would be subject to monitoring. The others were involved in what was called at the time controlled activity, and those are the people that had a less direct contact with children or vulnerable adults, for example, they were working in hospitals and had access to records, but they were not in contact with anybody. So they have scrapped the controlled activity part from the safeguarding Law. So those 2 things together have made quite a difference. I suppose there is one other thing: they did have an intention to create a separate body called the Independent Safeguarding Authority, separate from the Criminal Records Bureau. They have now amalgamated both those organisations in one place in Liverpool to set up the Disclosure and Barring Service. So those 3 things together have made quite a difference, so it is now a much more manageable Law and one that we think we can buy into now.

The Connétable of St. Martin:

Do you think sometimes society goes overboard? If we have got people working in the parishes and want to be on a support team, they are going to go around and assist elderly people maybe writing Christmas cards, there might be children there, and they are subject to so much legislation to be checked out. People are still committing offences against children or against vulnerable people, yet it just seems to me sometimes it is always: "You have got to do it. You have got to do it." You are protecting your back, basically, and things are still happening. I just sometimes wonder if ...

The Minister for Home Affairs:

It is difficult to get the balance right on that and I have never made any secret of the fact that no matter how good the systems would be, both in terms of vetting and in terms of Sex Offenders Law and reporting conditions and so on and so forth, that there would still be those who would slip through the net, simply because they had no previous track record. All you can do, I think, here is to seek to achieve high standards, but you do not want to achieve ridiculously high standards which are unnecessarily bureaucratic. As I say, I have not looked in detail at where the line has ended up in the U.K. I am waiting for a piece of work to come back with that, and clearly then I will look and see whether we think that is in the right place. But it is a much lower test now than it was going to be under their previous arrangements.

Chief Officer, Home Affairs:

Yes. The other key point is that this is a tri-initiative with Guernsey and the Isle of Man and both those other 2 jurisdictions have already decided a while ago to go down the Order in Council route rather than domestic legislation. So if we were to be firm about creating our own Law, which is a perfectly legitimate way to go, we might be out of kilter by some time while we catch up, which is not a desirable thing.

The Minister for Home Affairs:

I do not think the Law, first this Order in Council, is the issue. I think the issue is which bits of the Order in Council we put into force and to what level. I think that is the issue.

The Connétable of St. Martin:

What cost is it to the Island or do the people pay individually? You are going to pay to have yourself checked?

The Minister for Home Affairs:

At the moment, of course, you have got a situation where lots of organisations are voluntarily checking people according to principles and there are issues there.

The Connétable of St. Martin:

But somebody is paying though. The voluntary organisations are paying to have the checks done.

The Minister for Home Affairs:

When it is charitable, it is going to be free.

Chief Officer, Home Affairs:

At the moment, the checks that we do, we exempt them to the charities.

Deputy M. Tadier:

Can I ask a question about how vetting and barring applies to those immigrants who are not from the U.K. and obviously people who are not already Jersey residents?

The Minister for Home Affairs: That is a difficulty, because ...

Deputy M. Tadier:

There is presumably nothing to stop other nationals working with children or the elderly, so what safeguards are there in place to ...

The Minister for Home Affairs:

I think that once you have a system which says you must do appropriate checks, then obviously you get access to the information under that, but you are quite right, there could be individuals who have not spent much time in the United Kingdom and therefore completing the appropriate checks will not throw up all the information. That is inherently, I think, an issue. Until there is a Europe-wide exchange of information availability, I think we will have that problem. But I think the problem we have is the same problem as they have in the U.K., essentially.

Deputy M. Tadier:

Given the fact we can make presumably ad hoc exchanges with other countries, as we do for our financial services ...

The Minister for Home Affairs:

I think the difference is this: you can say as part of a process you must get the person to do a local police check or the equivalent on their criminal record, but the difficulty will be the additional information which you access where if someone has not been convicted, but there is strong suspicion.

Deputy M. Tadier:

But does that happen at the moment if a foreign national from Europe comes to Jersey to work? Are they required to see their ...

The Minister for Home Affairs:

Nothing is compulsory. I wonder if we know what the process is, shall we say, with people working at the hospital or ...

Chief Officer, Home Affairs:

Yes. I think the other point here though is that most of the people coming in from the U.K. in terms of there is a free flow in the job market, and so what this seeks to do for the majority situation is marry our provisions up with those that operate in the U.K. Although it is not my field, I do know, and the Minister, I think, would agree that it is very variable, depending on which other nation you are dealing with as to what information you can get back.

Deputy M. Tadier:

But surely the hospital is probably a good case in point. I would imagine they have got a variety of different nationals even outside the U.K. who work at the hospital, and presumably they do need to safeguard the backgrounds similarly for education.

The Minister for Home Affairs:

The way it works at the moment, shall we say, in relation to private nursing homes and whatever, is that there are conditions placed upon the licence. Now, we have this peculiar situation of course that where, as the Law stands at the moment - although I think we have just amended it for certain organisations - there is a lower standard for Government-run bodies than there is for the private ones. But precisely what that condition is and how it works, I am afraid I just do not know. But that is the way it is operating at the moment, via a condition.

Deputy J.M. Maçon:

I wonder if you could just help me. You said that while you want to extend the Order in Council to Jersey, you are not entirely sure what the provisions within that order are. So can you just explain kind of the mechanism and then how you will choose, what will apply in them, what will not apply?

The Minister for Home Affairs:

What would happen in practice is I would expect to get a very detailed report with probably a draft Order in Council done, which would basically say: "Look, this is what it might look like". At that point, obviously my staff will be looking at it as well, but I will start looking at it at the same time to see is this what we want; is this an appropriate way forward? Then of course the process, as you know, is that if I am happy with what is being proposed, it then goes to the Chief Minister's Department, because he brings a proposition to the States for general approval, although the States never approves precise wording, but normally what we seek to do is to take to the States a draft Order in Council so you can pretty well see what it is going to look like. The reason for that is we do not know whether at the last minute there might be some slight technical alterations required by the U.K. in terms of the wording. Obviously if there was some major issue that came up, it would probably be necessary to go back to the States a second time, but that has not happened so far. So the States will be approving the general principles underlying it and then the final wording will get sorted out between the Law Officers' Department and myself and the U.K. authorities.

Draft Explosives Law

Deputy J.M. Maçon:

Any other questions? The draft explosives Law which has been produced, I wonder if you can just explain, Minister, do you expect any reservations to be expressed from the stakeholders with regard to the new Law?

The Minister for Home Affairs:

Yes, I think there are 2 different areas. Unfortunately, the first time we really seriously went at this one, we did not make it sufficiently clear to stakeholders the sort of areas of exemption. The basic problem here is that you have got 2 ways you could possibly approach this. One is that you include in a wide definition of explosives initially and then take out things like airbags or other things which you are clearly not trying to control. The other way would be that you attempt a complete and exhaustive definition of the things you do want, but that is going to change all the time as different types of explosives are developed. So at the end of the day, after much thought, we have come around back to the initial starting point, which was that we need to have a wide definition, but with appropriate exemptions. Where we went wrong in terms of our consultation process last time is we did not tell people about the exemptions and therefore they thought everything was going to be in there, and so when we go out to consultation this time, we need to say: "It is going to be a wide definition, but exempted from it will be all these different categories."

The Connétable of St. Martin:

Things like airbags?

The Minister for Home Affairs:

Airbags.

Chief Officer, Home Affairs:

Seat-belt tensioners.

The Minister for Home Affairs:

Yes. Apparently, the list of things that need to be exempted is not that great and by following this form below, we can buy into equivalent legislation elsewhere in the U.K. But what did spook the firearms community initially was the fact we did not tell them about what the exemptions were going to be. The other area which is still up for debate is the quantity of black powder, because obviously I had certain advice, had some demonstrations of this with my previous Assistant Minister and arranged that, and came to certain conclusions which were more generous than the advice. But in the meanwhile, of course, as I understand it from a very recent meeting, they wanted the increase in the quantities in the U.K. The difficulty with black powder, gunpowder, it is the stuff that was used to fire the very noisy 21-gun salute, if you were there, at the Lieutenant Governor's place, and it is used by the old flintlocks but it is also used in cannons and so on. It is potentially explosive if you do not store it properly. If it catches fire in an enclosed space, it fires cannonballs great distances, but it is also a substantial fire risk, so I think it is fair to say we are going to need to look again at the quantities. I need to get advice from explosives experts and see

what the fire people think. It may be that I will come to the conclusion that we can now raise the limits even more because of the approach that has been taken elsewhere.

The Connétable of St. Martin:

Prior to the changes, that was per person.

The Minister for Home Affairs:

Yes, that is right. The proposal was going to be per premises.

The Connétable of St. Martin: Premises, yes.

The Minister for Home Affairs:

Because per person really does not make much sense.

Deputy M. Tadier:

Presumably though it is about the storage as well, because a small amount of badly-stored powder could ...

The Minister for Home Affairs:

Yes, it is. I think where you can have an exemption, you are going to have to ensure that it is appropriately stored, and normally it is in half kilogram bags which are separate from each other and they are stored in a rack, like a wooden rack. Then if they caught fire they were a fire risk, but they are not going to explode, but if somebody was foolish enough to store them in a contained space, even something like a filing cabinet - I have seen exploding filing cabinets with this inside - it can go off with quite a bang.

The Connétable of St. Martin: Is the premises examined by ...

The Minister for Home Affairs: We want to achieve an exemption provision in relation to this. The vast majority of people who are storing this stuff are far more expert in relation to it, because they are ...

Deputy J.M. Maçon: Enthusiasts, mostly.

The Minister for Home Affairs: ... enthusiasts for this kind of sport.

Deputy M. Tadier:

What would the exemptions entail then? How would they be applied?

The Minister for Home Affairs:

I think it is going to end up as a maximum quantity and we will need to have some sort of provision as to it is exempt provided it is a maximum quantity and it is stored in an appropriate way, but we would probably need to define that. That is my view. That may be different from the current draft, but I think that is the right way to approach it.

Chief Officer, Home Affairs:

Yes, there was an issue from the re-enacters, clearly, because they use more reloading powder, but in the draft Law it says they apply to the Minister if they want to hold a higher level because they are a re-enacter. They would need to have a licence from the Minister, and in that instance, then there would be an inspection.

Deputy J.M. Maçon:

You talked about in the first draft how it was not made clear enough that there would be these exemptions. Can you just explain why and how that happened?

The Minister for Home Affairs:

I do not know. It was a consultative document. It contained references to part 1, I think, of the United Nations definitions. The Minister, in his innocence, assumed that part 1 was only part of the options and there was a part 2 and a part 3 which we were not doing, and then of course when it went out to consultation, I discovered that part 1 was everything, essentially. So I did not pick it up and I think the department always knew what it intended to do.

Chief Officer, Home Affairs:

Originally, you see, you would not need exemptions if you were going to, in your own Law, specify what explosives were covered by the Jersey Law. But the more you get into that, you realise there are a vast quantity of different definitions of explosives. In the end, we flipped it round and have gone for the U.N. (United Nations) code on it, which has all the explosives, and then you exempt from that. So it is an easier way round to do it. So it is in the course of researching the new Law you obviously formulate the best way of doing it, so it was an evolutionary process to arrive at what we have got now.

Reduction of Youth Offending - research

Deputy J.M. Maçon:

Community safety arrangements: a research paper into the reduction of youth offending to be tabled to the Child Protection Group. When will this study be available?

The Minister for Home Affairs:

It has been done. Presumably it was due to go to the next C.P.G. (Children's Policy Group) meeting.

Chief Officer, Home Affairs:

Yes, on 26th July.

The Minister for Home Affairs:

Yes. It is nothing terribly earth-shattering, I can tell you, but it does contain the view of the writer of report, having consulted with other people in other places. I understand this reduction in youth crime is happening pretty well all over the British Isles; it is not just a Jersey phenomena. Obviously it may be a bit more dramatic here in terms of numbers going to the youth courts, but the generality of reduction is happening and therefore other people have looked at this and come to certain conclusions. Without revealing all the secrets, one of the key issues seems to be young people, instead of going out and congregating together in public places, sitting at home and using social media, but there are other factors as well.

Deputy M. Tadier:

Has it been established what the initiatives are, for example, from the E.S.C. side of things, which are responsible for seeing an improvement in youth criminality?

The Minister for Home Affairs: We have always known that.

Deputy M. Tadier: What are they?

The Minister for Home Affairs:

What are they? As part of BASS (Building A Safer Society), they have the sporting programme, the football type of programme. They have within individual schools people who work - I cannot remember what they are called - with individual youths who are whatever it is called.

Chief Officer, Home Affairs:

Yes. They have got social work teams in schools in certain places now, but frankly, the biggest thing I think is the way the Youth Service operates now. There is a very vibrant Youth Service, if I can give it a bit of a plug, but there are a whole range of intervention projects which run through the Building of Safer Society strategy and other things allied to it, like Prison! Me! No Way! I will not go on reeling them off, but we think that when you look at all these things together over a long period of time, over the last decade, it has made a difference to intervention programmes with youth and the way that they responded to that.

Assistant Minister for Home Affairs:

I believe that the Prison! Me! No Way! scheme has had a major impact. You look at the time it has been going in the primary schools: a lot of the primary children that saw it a number of years ago about that age and they remember the lesson very well, I think.

Deputy M. Tadier:

Are you happy that those are effective tools, Minister, in keeping ...

The Minister for Home Affairs: Yes, of course, because we think that a major factor is other issues, use of social media and so on and so forth. It is very difficult to determine the specific impact of specific schemes, but you have to wait and see them in greater detail over the full term.

Deputy M. Tadier:

Can I ask just on the basis of that, are you fighting at Council of Ministers level to increase or at least secure the funding for all of these initiatives which seem to demonstrate a reduction in youth criminality?

The Minister for Home Affairs:

We have them within the 3-year plan, of course. If you recall, there were some difficulties with Prison! Me! No Way! funding because it was being funded initially 4 ways. Now it is being funded entirely by Home Affairs and the funding is within the 3-year budget. So the funding is secure for these for this year, next year and 2015.

Deputy M. Tadier:

Things like the sports, because I know, for example, St. Brelade used to run a very effective late-night football, which was attributed to some success to reducing the juvenile figures, but I am not sure that is continuing. Do you liaise with the Education, Sport and Culture area to make sure that these initiatives are safeguarded?

The Minister for Home Affairs:

That is monitored by the same lady who produced the report as part of Building a Safer Society and I am unaware of changes. Of course, we have a forum in terms of the Children's Policy Group for discussion of cross-boundary interests as well, but I am not aware of change. I can see they might change the particular venue or particular times or whatever, depending on what the needs were, but it is still happening.

Deputy M. Tadier:

We need to check the details. You would not favour a C.S.R. (Comprehensive Spending Review) cuts being applied to these areas which seem to be affected?

The Minister for Home Affairs:

No. As I say, we have our budget. Our proposals for C.S.R. cuts are not going to impact on that.

Chief Officer, Home Affairs:

No. When we embarked on C.S.R. - which I suspect we will come to - there is £1 million in BASS is split between Health and Home Affairs. It was not touched, apart from one post, a person took voluntary redundancy. So we took that post rather than affect the frontline programmes, if you like. So there was a small saving there, but not in the delivery of these programmes.

Deputy J.M. Maçon:

Okay. So you said this report will go to the Child Protection Group on 26th July.

The Minister for Home Affairs:

Children's Policy Group.

Deputy J.M. Maçon:

Children's Policy Group on 26th July. So who else will this document be available to? Will it be a public document or ...

The Minister for Home Affairs:

I would have thought it would be a public document. Obviously it is up to my 2 other colleagues, but I favour it being a public document.

Chief Officer, Home Affairs:

It will end up being Law, so it will.

Deputy J.M. Maçon:

When will that then be available to the public?

Chief Officer, Home Affairs:

I think once the C.P.G. have taken it, then you could have it after that, once the proposal is in and the Minister is happy with the proposal.

The Minister for Home Affairs:

The C.P.G. need to look at these things in advance, because obviously we need to assess whether there are further changes, alterations or improvements that we would want to do as a result of that or whether it is steady as you go. So it is quite a normal thing, but we have got to be in a position when the report goes out to be able to say, respond to the question: "What are you going to do about it?"

The Connétable of St. Martin: I think the difficulty with that ...

Deputy J.M. Maçon: Which is why I was asking timelines, you see?

The Minister for Home Affairs: Yes.

The Connétable of St. Martin:

Having the 2 or 3 departments involved, you are saying at the prison less prisoners, less work for the courts, there is less work for the Probation Service because we have got less child crime, if you like, juvenile crime, and they say: "We have saved that money, but that money could be invested in the sports activities, which is other departments." Other Ministers will not need the money. You are saving it, because you have got less prisoners because of the work they are doing. Surely you deserve it.

The Minister for Home Affairs: I wish life were that simple.

The Connétable of St. Martin: I am simple, yes.

The Minister for Home Affairs:

My conversations with my counterpart in the Isle of Man over the weekend and my visit to the brand new Isle of Man - well, it was brand new when it was built - prison just confirmed that they have exactly the same situation which we have, which is that there are fixed costs in relation to running a prison and the savings are not proportionate to the numbers. There are savings, but they tend to be savings only when you can either close floors or units or reduce the number of staff in the unit because the numbers are less.

The Connétable of St. Martin:

But there is less court work, less police work involved, less overtime for the police if you have got less crime, juvenile crime, and you have got all these savings.

Assistant Minister for Home Affairs:

They are variable costs, and I think if people persuade the Minister for Treasury to budget on variable costs and give us the balance, that would be tremendous, but I do not think it is going to happen. You are right, it can go the other way. In 10 years' time, we might be seeing it going the other way.

The Connétable of St. Martin: But you would give him the balance.

The Minister for Home Affairs:

The Chairman, like a canny Connétable, is looking for some sort of public dividend from these things, some sort of reduction, and this is a very interesting question. Savings in the prison, while you have to maintain multitudes of units, are not as great, but there may come a time where the reductions in crime levels produce a situation where we could be confident that we could operate with less police officers and I think that day may arrive. The Police Chief may not like me for saying that, but I think that is so. For instance, I can tell you that up until the briefing for the Chief Minister last week, we were running 20 per cent down on our crime levels this year compared with the previous year. I do not think that is going to be maintained.

Deputy J.M. Maçon: It is because it has been cold and wet, Minister.

The Minister for Home Affairs:

No, it is not. It is very interesting, because visiting - as I have done over the weekend - the Isle of Man and talking to people from other jurisdictions who were there also as guests it is apparent the patterns of crime reduction which we are seeing are common and have been common for some time. The question is at what stage ... obviously if you have got less crime, you try to provide a better service in relation to your existing staff. The question is at what stage do you say: "Okay, now we can manage with less police officers" because if you started to create a better service level, more officers in town, more visible policing et cetera and then say: "Oh, we do not need as many police now. We are going to cut it down a unit" people do not like that. They get used to the service they have.

Deputy M. Tadier:

Presumably that is something that may come up, enhanced C.C.T.V. (closed-circuit television), the way in which we use our police officers can change and has changed already.

The Minister for Home Affairs:

I think greater use of technology is likely to produce greater efficiency of use of officers.

Deputy M. Tadier:

What about in terms of the Customs and Immigration side of things? Obviously they are responsible for seizures and people entering into the Prison Service via that route. Have you seen many changes?

The Minister for Home Affairs:

We started talking about youth offending here, so in that context, no, but there may be some drugs couriers who are under age and I certainly have come across some in the past.

Deputy J.M. Maçon:

Deputy Tadier, would you like to lead on the next section, please?

Deputy M. Tadier:

Yes. Before I do, can I just ask how is the Children's Policy Group currently constituted?

The Minister for Home Affairs:

Okay. There are 3 Ministers, obviously Health and Social Services, Education, Home Affairs; also the Assistant Minister from Health and Social Services, Deputy Martin; the Chief Probation Officer and then in addition to that a number of different officers, Steven and a representative of the police force, who is normally Superintendent Gull, on our behalf, a whole host of people from Health.

Chief Officer, Home Affairs:

The Chief Officers of the other departments.

The Minister for Home Affairs:

The Chief Officers of other departments, a whole host of people from Health and Social Services who have a variety of different ...

Deputy M. Tadier:

Are there lay people on that?

The Minister for Home Affairs:

No. It is an attempt to create a political body with officers that would co-ordinate work in relation to Children's Services and work.

Deputy M. Tadier:

How often would that group tend to meet?

The Minister for Home Affairs:

We meet now, what ...

Chief Officer, Home Affairs:

Every 6 weeks, 2 months.

The Minister for Home Affairs:

It is a bit longer now, is it not?

Chief Officer, Home Affairs:

That is all because of situations that crop up, but I think that is the intention.

Deputy M. Tadier:

Thank you. That is just useful background.

The Minister for Home Affairs:

There is a whole host of work programmes, some of which come from previous reports. We will shortly be getting an updated report from the people who used to be called S.C.S.W.I.S. (Social Care and Social Work Improvement in Scotland), but now have a far more rational, logical name which I cannot remember, but this is the independent Inspectorate of Care Standards, is it?

Wheel Clamping

Deputy M. Tadier:

We will move on to the exciting subject of wheel-clamping now which I know there are at least a couple of enthusiasts in the room. Can you tell us, what is the current legal position with wheel-clamping?

The Minister for Home Affairs:

My opinion, as a lawyer, not as a Minister, is well-known, that it would be unlawful, that is not criminal, but would give rise to a claim in damages if someone were to wheel-clamp, but having had discussions with other lawyers, and some quite senior, that is not the universal view. One of the problems is that there has never been a test case. When I was Magistrate, we had a number of agencies who were wheel-clamping and suing people for amounts of money. I am sorry, what I am talking about? I have gone off on a tangent there. No, we had 2 things happening in parallel. We had some who were wheel-clamping and then obviously also trying to force people to pay. We had others issuing civil-type penalty tickets and then suing for those, and the court got to a point

that we were not happy to give judgment on those unless it had been tested in law and it never was tested in law.

Deputy M. Tadier:

I will just stop you, because I know we have spoken about this in the States, but that was the position prior to 2009, as I understand, when you were Magistrate, but in 2009 we did debate a proposition which asked the States to pass a Bill ...

The Minister for Home Affairs:

Asked me to.

Deputy M. Tadier:

Yes, to make wheel-clamping illegal unless it was specifically authorised by law.

The Minister for Home Affairs:

Yes.

Deputy M. Tadier:

What has been the consequence of that decision?

The Minister for Home Affairs:

Nothing has happened because it was not possible to do that, it was not possible to make it illegal without making some alternative proposal.

Deputy M. Tadier: Why not?

The Minister for Home Affairs:

Because you would have complete and utter chaos.

Deputy M. Tadier:

But at the moment you have been asked by the States to do that, you were asked to go away and make it illegal unless it is specifically authorised by law.

The Minister for Home Affairs:

My view was that I could not do that. I could not do that unless we had an alternative process in place. I did some work personally on that and came up with some ideas which you will remember we discussed, but that ran into difficulties. What has now happened of course is the U.K. has

reversed their position ... sorry, England and Wales has reversed their position and have now come up with a scheme of ...

Assistant Minister for Home Affairs:

I thought it was Scotland, Scotland have or England and Wales are working on it and it is currently work in progress for us since that has been done, which is essentially a system of civil fining backed by ...

Deputy M. Tadier:

What I do not understand, Minister, is I appreciate you are trying to find an alternative, but the States' request was very simple. It was to say: "Make wheel-clamping illegal" and then surely you should do that first and then if you want to consider another way ...

The Minister for Home Affairs: That would have created complete chaos. It was chaotic enough as it was.

Deputy M. Tadier: How?

Assistant Minister for Home Affairs:

Illegal parking on private land would become prevalent, too prevalent, if there was not some way of controlling it. Fortunately we are currently seeing wheel-clamping as a deterrent. I mean, there is ...

Deputy M. Tadier: But it is not legal though, is it?

Assistant Minister for Home Affairs: It is arguable.

Deputy M. Tadier:

It just seems to me that purely - and you could call me naïve - if the States has asked you to do something, Minister, you should do it, and then if it becomes a problem, find a solution for that when it becomes a problem.

The Minister for Home Affairs:

I did not think I could do that. I probably made that clear in the debate ... because I did not propose the proposition, but going back to the debate, I think I would be very surprised if I did not make it clear that I would have to come up with an alternative system. What they have done in the U.K. is they have now moved away from the wheel-clamping and created their own alternative

system and that is what we are seeking to buy into, essentially, to apply in Jersey, but we have run into difficulties with law-drafting time on that.

The Connétable of St. Martin:

Although the Deputy said ... is it your responsibility or is it the Minister of Transport and Technical Services (T.T.S.)?

The Minister for Home Affairs:

No, it is not the Minister for Transport and Technical Services, because it is not public roads, you see? We are talking about on private land. It is not clear whose responsibility it is. It is ...

The Connétable of St. Martin:

So legislation to sort out the mess over parking tickets - or parking notices, as they are called now - would be T.T.S. and clamping would be you?

The Minister for Home Affairs: Yes.

Assistant Minister for Home Affairs: We are talking private, not ...

The Minister for Home Affairs:

We are talking about private land, so we are talking about private penalty notices, which is what some of the people had been doing for some time anyway, but you have to have some sort of regulation of that process as well.

Deputy M. Tadier:

Is your personal opinion, with your previous knowledge, do you think that following the 2009 States decision now, any court would make it ... would it be more likely or less likely that they would uphold the right of somebody to wheel-clamp?

The Minister for Home Affairs:

If you are asking me how the judiciary would view that, I do not know it would make any difference. I think they would have to determine it in accordance with existing Law. The fact that the States may have said: "We want to do something to change this" is not going to change the Law. I suppose if it was in a sort of toss a coin situation, if it was so close on the legal principles that it could go either way then a judge might have been influenced by the direction which was preferred by the legislature, but only in that situation.

Deputy M. Tadier:

Do you accept though, given the decision that a layman who maybe recalls the debate, had listened to it, had read the media coverage about that, wheel-clamping is now going to be made illegal, they might think it is quite reasonable that they were not going to be wheel-clamped?

The Minister for Home Affairs:

What I had hoped would happen was that there would be an individual who would get wheel-clamped and who would be so affronted by it that he would tell them - which is what I would do if someone had wheel-clamped my car, not that I ever park it somewhere I should not - that he would pay them nominal damages and if they did not release the car, he would go out and hire another car and he would then sue them for that. That would precipitate a court case, but of course it has never happened in that way. That is what I would do, but unfortunately I am not minded to park it unlawfully on private land to resolve the situation.

Chief Officer, Home Affairs:

In case there is any doubt, what the department has done is go down the route of doing a law drafting brief to attack this via the civil route, a civil penalty notice. We have done that and that law drafting brief is with the Law Officers for them to have a look at. But there is not law drafting time until next year, so the department has done all it can on that issue so far.

Deputy M. Tadier:

Yes, but my concern - and it is partly a constitutional one in terms of the way the States do business - is that you have done a lot of work, it sounds like, on something the States has not asked you to do, although there would have been concerns raised during the debate, and you have not done what the States has asked you to do.

The Minister for Home Affairs:

I think I probably made it clear in the States what I was minded to do. I could not have brought a proposition back to the States to make it a criminal matter with any reasonable chance of success. In fact, I would not have expected to get my colleagues on the Council of Ministers to support it. I just could not have done it. It would be a ridiculous situation: "I am bringing this proposition because the States have asked me to do it; I think this proposition is barking mad without the other provisions and I am going to vote against it. It is up to you what you want to do."

Deputy M. Tadier: But you did support the proposition though, as far as ...

The Minister for Home Affairs: Yes, but I think I made it clear - I would be very surprised if I didn't make it clear - that I have to do the alternative thing.

Assistant Minister for Home Affairs:

Can I also make clear that the department has acted and carried out a great deal of consultation and the hope is that wheel-clamping will be outlawed in the not too distant future. The brief is now with the Law Officers, the department. If there was drafting time this year, I would have certainly hoped it would have been dealt with this year, but there is not, so there is a chance - correct me if I am wrong, Chief Officer - that this wheel-clamping could be replaced by a system of civil fining by the end of next year.

Deputy M. Tadier:

Minister, will you be able to provide the summary of the consultation to the panel?

The Minister for Home Affairs:

Yes. I do not have the details of that at the moment. It is being dealt with between ...

Deputy M. Tadier:

Not now, but subsequently.

Chief Officer, Home Affairs:

Do you mean who we asked when we were working up the drafting structure?

Deputy M. Tadier: Yes, thanks.

Offensive communications and social media

Deputy J.M. Maçon:

Okay. Yes, if we can move on then, offensive communications and social media. Can we ask when will the drafting instructions be available?

The Minister for Home Affairs:

I was somewhat alarmed from the briefing notes to find I am no longer in charge of this. Initially I was ... sorry, I have got the right one, have I, to do with offensive communications?

Deputy J.M. Maçon: Yes.

The Minister for Home Affairs:

Initially I was approached by the Law Officers' Department as to whether I would front this for them if they produced the law drafting instruction and so on, and I said yes, I would, but it seems now that they are going down a different route which is involving a different Minister. I am a bit

concerned about that because whereas this is relatively high priority for Home Affairs, I do not think it is going to be as high priority for the Economic Development Department (E.D.D.). So I am a bit alarmed to find that perhaps I have ceased to be the lead Minister, because I think I should be the lead Minister on something like this, unless it is going to be dealt with by the Legislative Advisory Panel.

Deputy M. Tadier: Why would it have gone to Economic Development?

The Minister for Home Affairs:

This is the first I knew that, I have to say, when I read this brief while I was away. This is the first I have heard of this. It seems to be because they want to do it under the Electronic Communications (Jersey) Law, and that is reckoned to be an E.D.D. Law.

Deputy M. Tadier:

Have you got reservations about putting this into Law, about offensive communications?

The Minister for Home Affairs:

No, I have not. Of course I have to see the details, and again, there is a balancing act here, because unfortunately the nature of life in Jersey is that those who tread close to the line, some will claim that they are being constantly abused and there ought to be criminal prosecutions of those who are abusing them, whereas they themselves are probably abusing other parties, but they feel that they should not be. It is a very difficult line as to where you have got justifiable comments on freedom of speech and so on on the one hand and where you have got abuse. But I have not seen any detail on this.

Deputy M. Tadier:

How does it differ? What is the necessity for having it specifically targeted at online? Are there provisions already, for example?

The Minister for Home Affairs:

That is the problem, there is a gap.

Deputy M. Tadier:

So what about non-electronic abusive communications, how would that be dealt with?

Assistant Minister for Home Affairs:

That would be covered by slander or libel.

The Minister for Home Affairs:

No, this is not the area of slander. I mean, obviously we have got ...

Deputy M. Tadier: Harassment.

The Minister for Home Affairs:

... harassment legislation, we have got data protection legislation, but when it was first raised with me, I think the point was that there was a grey area as to online communications, as to whether they fell within data protection or did not fall within data protection. That is how it was approached. But as I say, I am not in possession of great detail on this because I was merely approached, asked to front it. Drafting instructions were being produced by the Law officers and nothing ever came back to me in terms of detail. I am well aware how difficult it is to get the balance, but there are some U.K. precedents for this, of course.

Deputy J.M. Maçon: I am just conscious of time. Any other questions on this?

Rehabilitation of Offenders

Deputy M. Tadier:

It is related and it is to do with the rehabilitation of offenders' principles, and I see the human rights implications of that. How do you feel, Minister, about when information is published online which could either be ... when I say "published online" it is published via the media because it is in the public domain and somebody who may have been to court is found innocent or who may have been to court for a relatively minor offence then that information is in the public domain forever, irrespective of when that crime becomes spent, that conviction becomes spent. Is that an issue?

The Minister for Home Affairs:

I think that is going to happen, is it not, because of the fact that the newspapers have a policy of publicising all criminal cases, that is their policy, and whether they do all or not I know not these days. I think what is very difficult is a situation that arises where people have got a previous conviction which may be spent, but people who do not like them, if I may put it that way, for whatever reason, will seek to republicise that. I am not aware that the proposed legislation seeks to meet that particular problem.

Deputy M. Tadier:

Again, related to that, we understand from a different hat, we have been made aware by the Data Protection Commissioner when she spoke to the Jersey Human Rights Group that there are

issues about disclosure, that there is only one level of disclosure in Jersey when one goes to the police and asks for a background check, for example, which is not the case in the U.K.

The Minister for Home Affairs:

Yes. The difficulty is, as I have said, I think numerous times, that when the Rehabilitation of Offenders (Jersey) Law was set up, no provision was made in Jersey for an organisation that could provide people with a record which had been reduced in size in accordance with those principles. That is the difficulty. There is something called Disclosure Scotland that will do that in relation to U.K. records, which would include far more serious matters than our own records, but we just never made that provision.

Deputy M. Tadier:

Is that something on the cards that you may be ...

The Minister for Home Affairs: Sorry?

Deputy M. Tadier: Is that something that you are able and willing to do?

The Minister for Home Affairs:

It is a cost issue, is it not? It is something I have thought about, but we have not had the resourcing. Ever since I have been Minister, we have been cutting budgets and so on. You would have to have a charge for it and we probably would need to set that up on a cost recovery basis. I have no idea what that would cost. You would also have to have expertise which could also not only deal with the Jersey records but also deal with the records from away. But I understand that there is an inherent difficulty in the Law, that it says: "These are spent" but there was no provision for a practical mechanism in relation to that. It is left to individuals to work out which of theirs are spent and then to provide information to potential employers on those which are not spent.

Tasers

Deputy J.M. Maçon:

We will move on very quickly on the issue of Tasers. We know that the revised report is being worked on. Can you tell us when that is going to be presented to the States?

The Minister for Home Affairs:

I do not know. I have said in answer to questions from the States that I was provided with a huge amount of information eventually from a particular police officer who was dealing with it, but it was completely in the wrong format. It came in a format of detailed answers to specific points raised in

the Scrutiny report and of course that is not the same thing at all as a Report to support a Proposition. So we sent it back, tried to give some better guidance to the police as to how to produce that and hopefully that will come back in the right format next time so that I can lodge a Report and Proposition.

The Connétable of St. Martin:

Are you concerned about the delay? I mean, we are talking ...

The Minister for Home Affairs:

I am concerned about the delay in a sense that we have still got the gap, the gap which we believe exists and do not want to exist.

The Connétable of St. Martin:

I am not sure when we completed the report, but many months.

The Minister for Home Affairs:

Yes. One of the problems that I have got is we do not as a department have that much in the way of firepower in terms of ability to produce Reports and Propositions and so on. This is a police matter. Peculiarly enough, the police ... unfortunately, this was not meant to be a police issue, that is why I do not have my Chief. But the police do not have huge amounts of expertise in relation to this area of drafting reports. That is why it is normally done by Home Affairs, but this was one of their projects. There is a disparity within departments in terms of management time that is available to run projects and so on and so forth. Some have got a lot and some do not, and we are in the latter category. I do not know if Steven would agree with that.

Chief Officer, Home Affairs:

We could achieve very much better timescales if I had a lot more people, but what we achieve with what we have is remarkable, I think.

Deputy J.M. Maçon:

Can you explain what timeframe you have given to the officer to complete that work by?

The Minister for Home Affairs:

I have not. It is their project. They want it and it is up to them to jolly well get on with it as soon as possible.

The Connétable of St. Martin:

I think it is difficult to expect a police officer ... because police officers are supposed to be policemen, and to be preparing States reports or propositions, and you wonder if there is a fault in the system, that it should be just sent to a civil servant and not a police officer to do something; I do not know.

The Minister for Home Affairs:

That would be an alternative approach, for me to ask one of my people at Home Affairs to have rejigged all the information into the correct format, but we are rather busy at the moment. I mean, you have seen the extent of the programme we are attempting to achieve. I have got now probably 12 months in which to lodge matters, maybe less than 12 months in which to lodge statutory matters with any hope of debate within this Assembly. I am already prioritising my time in relation to that to achieve all the other objectives.

The Connétable of St. Martin: There is no criticism of the staff that you have and the team you have got, but should there not be more people, because some Ministers seem to have a lot of staff to prepare things.

The Minister for Home Affairs:

This is a very good question. I was quite surprised at my visit over the weekend to find how large the Home Affairs Department is in the Isle of Man as compared with ours. As I say, I think we achieve remarkable results with a small team. It does help having a Minister and an Assistant Minister who can be proactively involved and obviously at times my own Law draftsman in preliminary stages and my own legal adviser and so on. Whether I should be is another matter.

The Connétable of St. Martin:

There should be a Constable there.

The Minister for Home Affairs:

Yes.

Deputy J.M. Maçon:

But, Minister, to answer my colleague's question, is there enough resource for everything that you want to achieve with regards to that level of work?

The Minister for Home Affairs:

I think ideally we would have a bit more in terms of firepower. One of the problems is that historically the Law officers did things which they now do not do to the same extent, but I have

highlighted this issue over and over again in the Council of Ministers and other organisations, that it is not enough just to come up with ideas, you have got to have the firepower, the project management, the legislative things to take them through. I think it is a problem, frankly, right across the States system, right across the ministerial system.

Deputy M. Tadier:

Not Chief Ministers or Treasury, some would say. It does not seem to be a problem for those ...

The Minister for Home Affairs:

What is happening is there is a stronger central resource being produced and to be fair, that is central resource on matters which cross boundaries is sometimes now being deployed in terms of pushing forward faster social programmes, which historically had always been under-supported. I think there are times when organisations like Home Affairs really need to buy into that resource as well or to borrow project management time.

Chief Officer, Home Affairs:

We do operate lean government at Home Affairs. There is only me and my assistant to do everything, but there is an important point I think we have to record and that is despite the fact that if you gave me 3 more people, there are still subjects which are so technical - police, prison, fire, Customs and Immigration - you would have to go to the specialist to get the first brief even if we were then going to sort of convert that into a Law drafting brief. So you are forced to go to the police or the specialist anyway, irrespective of how many people I might have centrally.

The Connétable of St. Martin: I think out of the whole thing this morning, the whole meeting, this is probably the most important thing that has come out.

Deputy M. Tadier:

I think we are keen that you are lean, but we do not want you to be anaemic, so is there anything we can do to make sure that you are sufficiently well-nourished, to keep the analogy going?

The Minister for Home Affairs:

I think that there are times when probably departments like ours ought to seek some project management assistance from outside to assist us with some of the things. The fact is in the period I have been Minister for, 4.5 years, we have achieved an enormous amount in terms of major legislative things right across a wide range. We are now hitting the law of diminishing returns, in the sense that the things we are now doing are perhaps less vital. Maybe we have not been willing enough to ask for help at times.

Deputy M. Tadier: If you could create a new post, for example, what one area would that be in that could really optimise your productivity?

The Minister for Home Affairs:

We did have a period during which we had 3 rather than 2, but that was only for one year, and that was specifically to take forward the vetting and barring work. That enabled us to take it forward. Unfortunately then the U.K. changed their mind on it, otherwise we would have been able to do this much quicker. I think what has to happen sometimes is that people have to be brought in to do specific projects, either from inside or outside.

Chief Officer, Home Affairs:

We prioritise. I would have to be certain myself that we were not taking or spending money that you need not, because as long as you are dealing with the priority items, everything has its day, but as long as the priorities are being addressed, then I feel comfortable with that.

Deputy J.M. Maçon:

Okay, as I am conscious that we are due to close soon, just one final question from me. We note the independent inspection of the prison report. We would like to know when the department anticipates to produce a formal response to that report.

Chief Officer, Home Affairs: I would say is one necessary? What sort of response did you have in mind?

Deputy J.M. Maçon: To the recommendations within that report.

Chief Officer, Home Affairs:

Oh, yes. We would do that automatically. We had obviously a prison performance improvement calendar last time, but a similar process will happen, but clearly after the good report that we have had, it will not be anything like the last one. So the prison governor will start work now on formulating the actions that were put in place to do those recommendations.

Deputy J.M. Maçon: When is that expected to be ...

Chief Officer, Home Affairs: We do not have a project planned just at the moment, because it was only last week that we had the report, but yes, we will do a formal plan. I cannot tell you what the dates on that will be just at the moment.

Deputy J.M. Maçon: All right. Any final questions, members? Given the time then, finally, as always, just to give you the opportunity: is there anything you think we have missed, anything you think you would like to emphasise, to give you the opportunity to be able to do that.

The Minister for Home Affairs:

I think what I would say is that it is going to be tight to achieve all the things within the remaining timescale and although we have already prioritised things down in terms of what is achievable within the 3-year timescale, I may well have to do that again and may have to cut some things from the programme. You have to do this. It is the only way you can end up achieving things within a 3-year timescale, but at the moment we are trying to do as much as we can, but keep the programme going on as much as we can, but it may be necessary to further prioritise.

Deputy J.M. Maçon:

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