

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Quarterly Meeting with the Minister for Home Affairs

TUESDAY, 27th JUNE 2017

Panel:

Deputy S.Y. Mézec of St. Helier (Chairman)

Deputy T.A. Vallois of St. John

Witnesses:

The Minister for Home Affairs

Assistant Minister for Home Affairs

Chief Officer, Community and Constitutional Affairs

Director Criminal Justice, Community and Constitutional Affairs

Head of Service, Customs and Immigration

Head of Training and Operations, States of Jersey Police

Chief Fire Officer, Jersey Fire and Rescue Service

[14:01]

Deputy S.Y. Mézec of St. Helier (Chairman):

Thank you for being here for this quarterly hearing with the Education and Home Affairs Scrutiny Panel. I will be chairing the hearing today. Could I ask members of the public and media just to make sure all phones are on silent? For the benefit of the recording, if we could just go around and introduce ourselves with names and titles. I am Deputy Sam Mézec, member of the panel.

Deputy T.A. Vallois of St. John:

Tracey Vallois, Deputy of St. John, member of the panel.

Scrutiny Officer:

Andy Harris, Scrutiny Officer.

Head of Training and Operations, States of Jersey Police:

James Wileman, superintendent, States of Jersey Police.

Head of Service, Customs and Immigration:

David Nurse, head of the Customs and Immigration Service.

The Minister for Home Affairs:

Deputy Kristina Moore, the Minister for Home Affairs.

Chief Officer, Community and Constitutional Affairs:

Tom Walker, Chief Officer.

Assistant Minister for Home Affairs:

Constable Deidre Mezbourian, Assistant Minister for Home Affairs.

Chief Fire Officer, Jersey Fire and Rescue Service:

Mark James, Chief Fire Officer

Director of Criminal Justice, Community and Constitutional Affairs:

Helen Miles, Director for Criminal Justice.

Deputy S.Y. Mézec:

Okay, thank you. Just to ask, have you read the notice in front of you and do you understand its contents?

The Minister for Home Affairs:

Thank you, we do.

Deputy S.Y. Mézec:

Excellent, good. Okay. Shall we crack on then with the first question? The first one we have got down is about the Criminal Procedures Law which we recently had a briefing on which was very helpful. Could you outline to us what the current timetable is for bringing forward this legislation?

The Minister for Home Affairs:

It is the Bail Law you are referring to?

Deputy S.Y. Mézec:

Yes, the Bail Law.

The Minister for Home Affairs:

Yes. Well, at the moment we anticipate that this will be ready for law drafting in the autumn.

Director of Criminal Justice, Community and Constitutional Affairs:

There are 2: there is the Bail Law and then there is the Criminal Procedure Law. Are you referring to the Criminal Procedure Law or the bail component?

Chief Officer, Community and Constitutional Affairs:

I think the Bail Law is ...

Director of Criminal Justice, Community and Constitutional Affairs:

The Bail Law was the one you are thinking of?

Deputy S.Y. Mézec:

Yes, that is right. Yes, there is one that ...

Director of Criminal Justice, Community and Constitutional Affairs:

Sorry, it is confusing, I know.

Deputy S.Y. Mézec:

Yes, there is one that is having a consultation or something, is there not? Yes.

Director of Criminal Justice, Community and Constitutional Affairs:

Yes, so there is the Criminal Procedure Law that will go for consultation. So the Bail Law has been lodged, so that is for debate on 18th July, and then there is a timetable. The Criminal Justice System Board will be meeting on 14th July to look at all the consultation documents and we are hoping to launch the public consultation on 21st July with a view to lodging hopefully on 5th December.

Deputy S.Y. Mézec:

What form do you anticipate the consultation taking?

Director of Criminal Justice, Community and Constitutional Affairs:

It is going to be a public consultation.

Deputy S.Y. Mézec:

Okay. What involvement would you like Scrutiny to have in that process then? So that is going to be lodged later and the consultation-taking part, that will be just with the public?

Director of Criminal Justice, Community and Constitutional Affairs:

I think the plan that we have is in the same way that we came to brief you about the Criminal Procedure Bail Law. We will do the same following 14th July after it has been to the Criminal Justice System Board, to give you the full briefing about the Criminal Procedure Law, and that will be myself and Matthew Berry from the Law Officers' Department.

Deputy S.Y. Mézec:

Okay.

The Deputy of St. John:

In terms of the consultation you are expecting to carry out, is it going to carry out in a Green/White Paper form? So it is going to ask the public what they think and then come forward with ...

Director of Criminal Justice, Community and Constitutional Affairs:

Yes, we will be inviting comments. It is largely a technical law, so although we are asking the public, it will be of interest to the legal profession as well. But we will be asking the public, particularly around the areas of the witness and victim protection elements of it, we will be asking their opinions on that.

The Deputy of St. John:

Okay.

Deputy S.Y. Mézec:

The next question I have got down, I am not sure if this comes under the Bail Law or the wider law, that somebody will have to come before a magistrate within 48 hours of detention but it is noted that there can be an extension to that in exceptional circumstances.

Director of Criminal Justice, Community and Constitutional Affairs:

Yes.

Deputy S.Y. Mézec:

I would just like to know just how this has been seen in the context of the European Convention on Human Rights and making sure that all of those procedures are 100 per cent compliant with that compared to other procedures elsewhere.

Director of Criminal Justice, Community and Constitutional Affairs:

Before the law is lodged, the Law Officers' Department will perform a full human rights audit and then the Minister has to sign a statement prior to the lodging of it that it is fully human rights compliant.

Deputy S.Y. Mézec:

Okay. That is all I think we have got to ask on that one unless Tracey has got anything. No?

The Deputy of St. John:

No.

Deputy S.Y. Mézec:

Okay. We want to move on to the next one then which arises out of the change in policy from the Minister for Health and Social Services regarding medicinal cannabis. We want to ask if that has any implications for your department. Obviously at the moment cannabis, completely illegal, but then when the medicinal element is thrown into that, does that have any impact in terms of enforcement from your side of things?

The Minister for Home Affairs:

Well only in terms of enforcement.

Deputy S.Y. Mézec:

Yes.

The Minister for Home Affairs:

That would depend on how it is organised at the time. At the moment that is unclear, but of course the police would enforce as appropriate, but my understanding is that it is not going to be possible for people to, say, smoke cannabis for medicinal purposes. It will be a properly-developed substance such as Subutex or another such product that would be available via appropriate channels.

Deputy S.Y. Mézec:

Are you being kept up to date from the Health Department to know which of those products is likely to be on that list?

The Minister for Home Affairs:

We have not received any information recently. I believe it is still a matter for consideration.

Deputy S.Y. Mézec:

Okay. In terms of a wider drugs policy, is anything being looked at this at the moment in terms of what can be done to strengthen policies with regards to harm reduction in drugs as a result of what the Health Department has decided and the *Barnes Report*? Has that led to the department giving any wider consideration to the issue of drugs in the Island?

The Minister for Home Affairs:

The *Barnes Report* was really quite narrow a subject. I think the Health Department have reached their conclusions based on the advice given to them by the Misuse of Drugs Advisory Council and then in the wider context, I think Deputy Doublet asked me a supplementary question in the States recently about that. I think I slightly misunderstood her question at the time, so I am grateful for an opportunity to give a broader response. But I think at the moment we are quite well up to speed in terms of drug policy. We have what are commonly known as the D.A.A.T. (Drug and Alcohol Action Team) who are now well established and working away at what they do which is primarily focused around that area. I am yet to see any conclusions come from that work, so I guess as and when that happens then we may have further decisions to make.

Deputy S.Y. Mézec:

Okay.

The Deputy of St. John:

Do you foresee there being any issues - potentially any issues - in terms of importation of this medicinal cannabis for use?

Chief Officer, Community and Constitutional Affairs:

Well probably Dave can clarify with his advice but my understanding is that this is about drugs, pharmaceuticals, properly-registered pharmaceuticals, so presumably whatever regime exists for the import of limited pharmaceuticals would apply. Is that right, Dave?

Head of Service, Customs and Immigration:

The basic answer is no, there are no difficulties that we foresee with that. Controlled drugs - or certain types of controlled drugs - can already be imported under a licence, the open general licence or an individual licence, and I see there would be no difference with this. So, the easiest answer is no.

The Deputy of St. John:

Good.

The Minister for Home Affairs:

Well, just to raise an issue, for all those who were able to use those products here in Jersey, one of the biggest factors may be the exportation of them ...

Head of Service, Customs and Immigration:

Yes, into the U.K. (United Kingdom).

The Minister for Home Affairs:

... because they would not be able to travel into the U.K. with them because the same laws would not apply. So if they were to take products to the U.K. for their own personal use, they would be contravening that law.

Head of Service, Customs and Immigration:

Yes.

The Deputy of St. John:

Right, okay. That could be a bit tricky for some.

Deputy S.Y. Mézec:

Do you anticipate having to do anything to take that into account in terms of information being available to tell these people that that is the law and they will get in trouble if they ...

Head of Service, Customs and Immigration:

As my Minister has mentioned, it is still early days with this at the moment, so we do not know exactly how it is going to work. But I would imagine when these things are prescribed, the people will be advised that they would have difficulties taking it into the U.K. at the moment where it is not a licensable drug. There are certain places in the world - is France one of them? - maybe where they would not have any difficulties. If it is properly prescribed, they would not have any difficulties bringing it back into the Island if it is included in the licence. It would purely be taking it into the U.K. and exporting it from the U.K., always remembering that these drugs, they will only be available on prescription from their doctors over here.

The Deputy of St. John:

Okay. Go on to the next one?

Deputy S.Y. Mézec:

Sure.

The Deputy of St. John:

Okay. There has been an independent report published recently from Northern Ireland, the *Belfong Report*?

The Minister for Home Affairs:

Yes.

The Deputy of St. John:

What actions will you be taking as a result of the recommendations made in that report?

The Minister for Home Affairs:

Okay, so there are a number of actions in the recommendations, most of which we feel quite comfortable that we have already met. For example, the Draft States of Jersey Police Force Regulations regarding the chief officer, deputy chief officer was a proposition that was brought to the States earlier this year and agreed by the States. Then in terms of other items and a recommendation, we are working with the police currently to discuss how best we maintain communication on certain points and ensure that there is strong oversight between themselves, ourselves and the Jersey Police Authority as well.

The Deputy of St. John:

Okay, because in the actual recommendations I think there was about 15 that were operational and 5, I think, particularly strategic; one in particular talks about an internal assurance framework. Would you be able to explain how that works for yourself and the police?

The Minister for Home Affairs:

Yes. That, I think, as I referred to, is about sharing information and making sure that there is a proper oversight but James can give more. I think he is keen to give you some more information.

Head of Training and Operations, States of Jersey Police:

So, the report is welcome and all of the findings here are part of an action plan, as the Minister said. We have a head of information security who reports directly to the deputy chief officer and we will work through all of these points systematically. We are comfortable that since the original complaint was made, a lot of these matters have been addressed already, but that does not mean that we will not go back through them again and check them to make sure that they are all in place. Now I do

not have all of the details to hand around the framework, and I can provide that, but I am confident that there is a good structure now in place with the information security manager reporting directly to the deputy chief and under that information security manager is a team who deals with information security such as this. At the moment we have a 100 per cent compliance record which I hope will speak for itself.

The Deputy of St. John:

That is good, 100 per cent compliance.

Head of Training and Operations, States of Jersey Police:

Yes, we are very happy with that.

The Deputy of St. John:

Okay. So most of the recommendations, as you stated, are implemented or are done before the report was produced, so what exactly is left in terms of you taking forward or what is a priority now? You just stated 100 per cent compliance, so is there anything else left to do or is it just a case of making sure that the oversight is robust?

The Minister for Home Affairs:

Well, there were some concerns raised about the Office of the Information Commissioner and that obviously is not something that falls into our area and so those are to be raised with the Chief Minister.

[14:15]

The Deputy of St. John:

Okay.

The Minister for Home Affairs:

Also, I guess, there remains the issues with the complainants themselves, who we continue to correspond with. It is very difficult to achieve a point where everybody would be happy moving forward but you can never give up hope.

The Deputy of St. John:

Okay. I will move slightly on to the police force in general, just asking questions around these. At the time with the retirement of the chief officer, what are the strengths of the force at the moment?

The Minister for Home Affairs:

Well, I think the force is in a very different place to where it was when the chief officer arrived. I think morale is very good and particularly now that they have the new headquarters. I think there is a strong collegiate atmosphere with members of the force working together, interacting well and having a better understanding of each other's roles and different areas of work. So I think there is also obviously a lot of work going on of modernisation with the mobile data project and also the THRIVE (Threat, Harm, Risk, Investigative Opportunities, Victim, Engagement Opportunities) system becoming well embedded into their culture and way of working.

The Deputy of St. John:

That is all going fairly smoothly, because that was from the M.T.F.P. (Medium Term Financial Plan) side of things, was it not? So the technology and the THRIVE and all those types of areas?

The Minister for Home Affairs:

That is right, yes. THRIVE has now been going for a year?

Head of Training and Operations, States of Jersey Police:

Since the end of January. 23rd January we launched as a way of risk assessing and managing demand.

The Minister for Home Affairs:

The mobile data project is going out to tender shortly, I believe, so once the 2 are up and running together then there should really be some efficiencies achieved and also just a modernisation of working practices which is good to see.

The Deputy of St. John:

Anything you want to ask here?

Deputy S.Y. Mézec:

So what general feedback are you getting from ordinary police officers about this?

The Minister for Home Affairs:

I think there is a reluctance to hand back the mobile devices when they had them for their trial period. So I think they are quite keen to see the project start properly and to get on with working. As we are all so accustomed to using mobile devices in our every-day lives nowadays, I think it is only appropriate that officers have them available during their working day.

The Deputy of St. John:

Okay. In terms of any potential legacy issues with regards to the police, are there any? If so, how will they be resolved going forward in terms of the police force?

The Minister for Home Affairs:

The legacy issues that come out of *Belfong* or are you thinking in terms of ...

The Deputy of St. John:

If there are any other legacy issues.

The Minister for Home Affairs:

... the Care Inquiry which will be published next week and any legacy which will be in that.

The Deputy of St. John:

I am not sure what will be in the Care Inquiry.

The Minister for Home Affairs:

No, exactly, we do not yet know, but we will ...

Chief Officer, Community and Constitutional Affairs:

The Care Inquiry does have a specific term within its Terms of Reference to do with going back over that territory again around the police operations at the time of the investigation. So, you would anticipate that the inquiry panel would say something about that because it is required of them in their Terms of Reference. Although, none of us know what it is going to say, we would hope that the inquiry has addressed its Terms of Reference and therefore has something to say about that.

The Deputy of St. John:

In terms of capacity in order to deal with whatever may come of the report and addressing any of those issues, are you prepped and ready for that?

The Minister for Home Affairs:

We are all ready for next week to attend at the lock-in and read the report for the first time and to see its recommendations. Then of course there will be a job of work to respond to those recommendations and decide how best we can move forward. But I think there is a keen attitude towards that and obviously great progress has been made since 2007 and I referred earlier to the force being in a very different place in terms of morale and attitude. I get the impression that they certainly are keen to carry on moving forward in that respect.

The Deputy of St. John:

Are there any potential complications with the retirement of the chief officer, not having that kind of stable head there that people are used to and having to address what potentially are legacy issues coming out? Are there any issues possibly there?

The Minister for Home Affairs:

Clearly, it is always a time of change for any organisation when the person at the head leaves and is replaced but I think that a strong part of the chief's tenure has been to implement a succession plan which has been done. We have received very positive feedback in relation to that succession plan from the Appointments Commission. I think that that is part of the strength of the work that Mr. Bowron has done in his time with the force that they are ... I am trying not to repeat the words I have used already. But they are in a good place and a forward-looking place to carry on with their good work in a constructive and positive way.

The Deputy of St. John:

I think the next one is mental health.

Deputy S.Y. Mézec:

Yes. There was a recent Freedom of Information request asking about mental health training for police officers and I think that revealed that there is no training for a professional qualification but other things do happen with regards to that. How do you see the situation right now with the ability of police officers to respond where there is potentially a difficult issue that has arisen because of somebody who might have mental health problems? We know previously there have been some difficulties in the past, what is happening at the moment to try and improve things?

The Minister for Home Affairs:

So I think the police force are very aware that the nature of their work has changed greatly as we all see crime reducing, fortunately. There is an increased call on their resource to deal with welfare matters and so the force has responded by providing internal training to skill up officers to deal with the nature of that change in their work. In the last year there has been a specific day's training provided to officers focusing on purely mental health issues, so that is a really positive sign, I think. I do not know if James has any further detail.

Head of Training and Operations, States of Jersey Police:

Yes. We have looked at the changing nature of policing, not just here in Jersey, but in the U.K. and of course it is more focused now on welfare matters; missing people, mental health plays a part, and general safeguarding. In 2015, the States of Jersey Police appointed a lead officer for this developing and emerging area of business at inspector level and that was for a number of reasons. It meant that we could really try and further relationships with the Health Service, and relationships

with Mental Health now are very, very strong in this area. We can understand at a practitioner level. So at the Emergency Department at the sharp end and the front end of Mental Health Services and provision, we were able to understand what the need was from those departments and equally explain what the police's need was. In 2016 we furthered that by giving 6 sessions to all of our staff, albeit there was a drop-in session for them over lunchtimes, where any member of the police family could come and receive input on mental health and that would be from professionals, practitioners, other agencies and services and that was very well attended. In 2017 so far we have delivered 3-hour sessions to all of our frontline uniform operations teams on the revised Mental Health Law which came in early this year so that police officers were re-trained in their powers under this law and how best to handle situations involving people suffering from mental health crises. The professional development days, which the Minister has already talked about, are planned for later this year and will focus very much on safeguarding and some of that will be around mental health. It will look at children, domestic abuse and vulnerable adults, but mental health as well. Later this year, as well as part of a policing plan action, we are bringing in a member of the College of Policing to train a number of our staff in training-the-trainer courses to be able to cascade further mental health training and awareness to all of our officers and the plan is that that will go across the force. Not just to the frontline officers who work with me but to our crime services colleagues as well because it is a subject that can cover all aspects of crime. With regard to the no formal qualification, you are quite right, there is no formal qualification but this is one of a number of facets or a number of areas that police officers will deal with on a day-to-day basis and we feel that we are giving them a good level of upskilling in this important area to better service the public.

The Deputy of St. John:

How does that compare then to other jurisdictions in terms of recognising your role in the community as a police ... it sounds like it is dramatically changing, the role of the police officer.

Head of Training and Operations, States of Jersey Police:

Yes, it is. We sought to demonstrate in our Policing Plan and Annual Report that the face of police in Jersey is changing. Traditional crime, if you like, burglary, theft, et cetera, is dropping and concern for welfare incidents, which is a catch-all title, if you like, is on the increase. That is not to suggest that every single concern for welfare incident has a mental health angle. Far from it. But of course some do, so the remit of a police officer is far and wide. It is about crime, it is about education, it is about deterrence and it is about safeguarding now and that is the world that we live in.

Deputy S.Y. Mézec:

Just a question about how these extra programmes in terms of resourcing them and making sure there is the money to afford to be able to do this, if money was not an issue, would you want to do

more in that area or do you feel like you have got the support to do everything that you can and should be doing in that area?

Head of Training and Operations, States of Jersey Police:

Yes, I do not think money hinders us in this. We have got a solid plan for this year going forward and part of my responsibility as head of training and head of operations is to look to next year and see what we want to do there. The force has a training budget which we are comfortable with and of course that is not just a shopping list, that has to be assessed as to what is needed and what is desirable. Now, if we found ourselves short of money in that sense, then we would have to find the money in the sense of making sure we could plug that gap and that is the challenge of modern management, if you like. I am comfortable with the plans that we are doing, I am comfortable with the training budget that we have got for now. I think we are doing well in the sense of mental health training for our force.

The Deputy of St. John:

Okay, next one? Thank you. In terms of the horrific events we have seen recently in the U.K. in terms of the terrorist incidents, how are the Border Security Services in Jersey responding?

The Minister for Home Affairs:

Deidre, do you want to ...

Assistant Minister for Home Affairs:

So are you trying to elicit from us whether as a part of the operational matters down at ports and the harbour and the airport, are you trying to find out whether we have made any changes operationally to prevent ...

The Deputy of St. John:

It is just to see how we respond in terms of those incidents. Of course, the U.K. raised their alert.

Assistant Minister for Home Affairs:

So you are talking about the threat level?

The Deputy of St. John:

Of course we have a free border technically with the common travel areas, so understanding how Jersey responds to those incidents.

Assistant Minister for Home Affairs:

Okay, so we are aligned to the U.K. national threat levels so that if and when they are changed in the U.K. we are in constant contact ... I think the police and Customs are aware when they change and we change ... our level is the same as the U.K. and that is really because we are part of the common travel area and we cannot have a level that would be different to what they are managing in the U.K.

The Deputy of St. John:

Okay.

Assistant Minister for Home Affairs:

Clearly, depending upon the level of threat, then we potentially at the ports show a stronger presence with Special Branch, although people do not know that they are Special Branch particularly. I do not know if Marc or it is probably Dave ...

Head of Service, Customs and Immigration:

Do you want to go first?

Head of Training and Operations, States of Jersey Police:

Yes, I can explain what we did in a sense of a policing response to that. Yes, the Assistant Minister is absolutely correct, the States of Jersey Police, as other forces are, are notified via a broadcast over our systems that indicate when there is a change to national threat levels. We have previously agreed to adopt the national threat level and I see no reason to deviate from that. The move to "critical" though is the first time in a number of years that that has taken place and our response in the policing sense was to increase the visibility of patrols. I do not have extra officers as such but I have got officers in the sense that I can deploy them to different things. In that sense, though, we did place an extra firearms response available to the Island and I decided that we would place those to capture maximum visibility, and therefore to demonstrate maximum reassurance to the public, in the ports. With colleagues in the Ports of Jersey we had, moreover, armed patrols at the airport and the Queen Elizabeth II Terminal for the travelling public. That made the most sense to me against the profile and the threat, which was incredibly low to Jersey, to make sure that the public had the maximum reassurance opportunities.

The Deputy of St. John:

Okay.

Head of Service, Customs and Immigration:

Okay, as far as the Customs side of it is concerned, we work very closely with our colleagues in the States of Jersey Police, even down to sharing our accommodation with the officers at the ports. We

were kept fully briefed by our colleagues as to the threat levels, so we are working very closely with the police but obviously they took the lead on it.

[14:30]

The Deputy of St. John:

Anything else? No? Okay, thank you very much. We touched on the I.T. (Information Technology) system so ...

Deputy S.Y. Mézec:

Yes, sure. Okay, can we move on to the Sexual Offences Law and could you let us know how that is progressing? I think we ask about this pretty much every hearing.

The Minister for Home Affairs:

You do. It is an extensive piece of work and so it has taken a long time but it is now in, I think, fourth draft, so progress is being made. We do have a timetable as well which we hope to go out to public consultation over the summer and then lodge the law for debate with the Assembly in December. Hopefully that means that the law will be enforced by the spring of next year.

Deputy S.Y. Mézec:

Okay. There was the launch of the Sexual Assault Referral Centre, how has that gone?

The Minister for Home Affairs:

Well, I say "very well" but obviously one hopes that ...

Deputy S.Y. Mézec:

It does not get used.

The Minister for Home Affairs:

... a person does not need to use it but I think it is a major step forward that it is there and providing an independent point for people. Testament to that is the fact that 4 self-referrals have come forward to the S.A.R.C. (Sexual Assault Referral Centre) since it was opened in May, so that, I think, speaks for itself really. It has been used by police officers 8 times to complete interviews and there have been 5 cases on the police that required forensic medical examinations in that time. So, we are talking just less than 2 months and it has seen some considerable activity. One victim has been referred to an independent sexual adviser, another victim has been given a full-up sexual health screening and the S.A.R.C. has referred 2 victims to Jersey Action Against Rape.

Deputy S.Y. Mézec:

Okay. Anything else on that?

The Deputy of St. John:

No.

The Minister for Home Affairs:

I apologise, I have missed as well that 6 calls have been made to the Help Line as well requesting information and advice so ...

Deputy S.Y. Mézec:

One thing we have got written down is, has the introduction of this centre stimulated a greater use of the Clare's Law system?

The Minister for Home Affairs:

The S.A.R.C., I think that is slightly different in that Clare's Law has been there and it has always been something that has been administered via the police. It remains so that the police would be the main point of contact. If somebody wanted to ask questions of one particular individual, that would still go through those channels.

Deputy S.Y. Mézec:

Okay, that is fine.

The Deputy of St. John:

Just in terms of communication and people being aware on a regular basis how to access S.A.R.C. or in terms of just being advertised, is that good enough in your view or do you think we could do that better in terms of people's awareness?

The Minister for Home Affairs:

Well we were grateful to the media who all attended the press launch and there was a considerable amount of coverage, so I hope that we got a clear message across to people at that time. There is also a website now, dewberryhouse.je, so people can look at that, find their own information at a time that is convenient and suitable to them. In terms of general advertising, perhaps we need to consider doing a little more now that the service is imbedded and continuing.

The Deputy of St. John:

It is just I recognise some of these things are well intentioned to help people but sometimes it goes off with a bang, everyone knows about it, and then it kind of withers away.

The Minister for Home Affairs:

Yes.

The Deputy of St. John:

So, there might be some people that are lost.

The Minister for Home Affairs:

Well I think on the day itself, the place was absolutely packed full of stakeholders who were all there to join in the celebration. I think there is a good level of awareness so that people will know to signpost people to the S.A.R.C. if and when they might need its services.

Director of Criminal Justice, Community and Constitutional Affairs:

Certainly general practitioners and social workers who would be the traditional route ...

The Minister for Home Affairs:

More than likely through that.

Director of Criminal Justice, Community and Constitutional Affairs:

... to reporting sexual assault would be signposting, referring into that.

Deputy S.Y. Mézec:

Again, it is one that we often ask which is about hate crime legislation and if there is any progress being made in this area.

The Minister for Home Affairs:

Yes, there is indeed, and we are always grateful for your interest in this subject because it keeps it alive in the public conscience and obviously it is an issue. Many people have got agendas around the world, as we see all sorts of incidents occurring, sadly, so at the moment we expect that the legislation will be ready for law drafting in July. By the end of July. So obviously that will then happen before it comes back to us for preparation for lodging.

Chief Officer, Community and Constitutional Affairs:

Yes, I think previously you have raised concerns that because there are a number of complications to resolve with the Sexual Offences Law, and we were waiting until we have cleared that and lodged it before we have the internal officer capacity to do the hate crime work, we have managed to find a way, working with law officers, whereby the initial analysis that is needed for the hate crime legislation is being undertaken now in parallel. So even though Helen is still working away on the

Sexual Offences Law, we have work in parallel underway with law officers which will look at what we need to achieve in terms of legislative compliance. Hate crime and racial hatred is where we need to enhance our compliance with various international conventions, we are looking at similar hate crime legislation which exists across the British Isles, and also looking in more detail at what legislation already exists in Jersey law which is already in place. Those 3 strands of analysis we hope to bring together over the coming weeks and then, as the Minister said, that will then lead to a clearer view on what we need to request to be drafted into Jersey law in order to fill in gaps that might exist and then we can start instructing that work hopefully around July time and then take it forward from there.

Deputy S.Y. Mézec:

In the public, from my experience, it is not necessarily well known that we do not have this sort of hate crime legislation in the Island and because there is anti-discrimination law, some people mix up the 2 and think they cover the same thing. In terms of members of the public attempting to report things as hate crime, I know there is some work that is done monitoring that. Over the last few months, has there been any noticeable trend in anything to do with that?

The Minister for Home Affairs:

Can I first say that some aspects of such behaviour would have powers under the Communications Law which was updated last year or the year before, certainly in this term of office? Also, the police have joined the True Vision group which is on their website and a point that people can access to log incidents but James might have some up-to-date information.

Head of Training and Operations, States of Jersey Police:

Yes, for sure, from an operational perspective. Yes, we joined in with True Vision last year. That is used on occasion but, more importantly, at least one of those occasions has led to a prosecution which is great, so there is a way of reporting information to us in a more confidential format. S.O.J.P. (States of Jersey Police) has had a diversity strategy since 2014 and it has a board that governs that chaired by a senior officer within those 5-workstream areas. They all have senior office leads: age, disability, L.G.B.T. (Lesbian, Gay, Bisexual and Transgender), race and faith. We have adopted as a measurement of that the U.K. model which has 5 areas of which we focus upon. The first is preventing hate, the second is responding to hate crime, thirdly, increasing the reporting of hate crime, which is the question you are asking, I think, improving support for hate crime victims is the fourth and building an understanding of hate crime. Now all of these workstreams are underway. In 2016 we had 60 incidents reported to us of hate crime and this year to date we have had 21 so far. Your question around are there any noticeable trends, no, not as such that I am aware of. S.O.J.P. has prosecuted someone already this year for making comments on a Facebook page and they received a £1,000 fine which was very well publicised. That, I think, is testament to how the

courts deem and view that sort of behaviour. When incidents like that take place again, we will always look at them and investigate as we can and where there is evidence we will prosecute.

Deputy S.Y. Mézec:

When stories make the news, whether it is a story that you mention that was well publicised, certainly in the U.K. every now and then when something happens, they often report a spike in hate crime afterwards which they attributed to people being inspired by something that may happen. You said you have not spotted any trends, do you think that you would notice a trend if it coincided with something like that? So, what I am thinking is that if there was a publicised incident where somebody was prosecuted, that might encourage more members of the public to come forward, knowing that there is a system in place that they could complain to.

Head of Training and Operations, States of Jersey Police:

For sure. Now in the traditional sense of when an incident takes place within the U.K. or locally, for example, the Manchester attack, one person locally was arrested after that for comments that they made. It was not pursued because there was insufficient evidence to prosecute. This type of crime though is the only crime that I can think of that has such a high level of monitoring. We have a crime manager within the force who sees every crime type that comes through. In the incidence of hate crime, we have allocated a chief inspector to see every crime that comes through such is the seriousness of which we apply to it. It is for that reason that chief inspector works to me that I am confident in saying that I am not aware of trends that have come as a result of any one significant or key incident that has taken place. We are always vigilant. When we meet every day as a management team, we look at incidents that have taken place in the last 24 hours. Of course, that is not just for local incidents but that is for national incidents too. So when there is a terrible attack in Borough Market or at Manchester, we look at what the local impact of that might be, and we maintain a position of watch at that point and we will wait and see what happens. If incidents do materialise, then we will investigate.

Deputy S.Y. Mézec:

Okay, thank you. Anything on that?

The Deputy of St. John:

Interesting. Sorry, it just amazes me that it is kind of ...

Assistant Minister for Home Affairs:

It is reassuring, is it not?

The Deputy of St. John:

It is reassuring, it is just a shame that it has to be that way, that is what I was thinking.

Head of Training and Operations, States of Jersey Police:

It is, I agree.

The Deputy of St. John:

So nothing following from that?

Deputy S.Y. Mézec:

No.

The Deputy of St. John:

Okay, Customs. We noticed in the media that there is a plan to contact Facebook to cut down on the selling of tobacco. Have you been in contact with them and, if so, how is that working or will it work?

Head of Service, Customs and Immigration:

We have not been in contact with them as yet but we are going to be in contact with them to see whether we can get them to do it because it is against their policy.

The Deputy of St. John:

Okay.

Head of Service, Customs and Immigration:

It is very much a work in progress at the moment.

The Deputy of St. John:

In terms of the duty free side of things, historically we have seen some issues where people have managed to purchase duty free and sell it.

Head of Service, Customs and Immigration:

Yes.

The Deputy of St. John:

Have we seen a decline in that or ...

Head of Service, Customs and Immigration:

I think it is safe to say that people are making full use of their duty-free allowances. They are not allowed to sell it. Have we seen an increase in it? I do not think we have seen a particular increase in it. We have seen people, as I say, making full use of their duty-free allowances and we have seen people bringing in more than their duty-free allowances but only for their own ... it is not a commercial smuggling or anything like that. But as far as people selling them on, my officers do look at Facebook, we do get intelligence coming through that people are selling it on but it is not a huge problem in the big picture but it is something that we do clamp down on.

The Deputy of St. John:

Minister, in terms of the States are pushing, I think in terms of impôts duties and all those types of things, to reduce people smoking or even encourage giving up smoking, do you think there is a place to get rid of duty free in terms of trying to encourage a clamp down on smoking?

Assistant Minister for Home Affairs:

I think that is a question for the Minister for Health and Social Services in the first instance but I think that clearly I have not heard that they have given any consideration to that. I do not know if the Minister has.

The Minister for Home Affairs:

We would certainly stand out against other neighbouring jurisdictions if we were to take such action.

[14:45]

Head of Service, Customs and Immigration:

Could I mention something about duty free?

The Deputy of St. John:

Yes.

Head of Service, Customs and Immigration:

The legal advice that we have obtained on behalf of the Treasury is that we cannot completely get rid of duty-free allowances. We can reduce them but we cannot get rid of them.

The Deputy of St. John:

Okay. The other area on Customs is with regards to Jersey passports. I believe they were passed over 2 years ago or something like that to the U.K. to print. Has that been working well, has it made efficiencies, or are there improvements that could be made?

Head of Service, Customs and Immigration:

Do you want me to answer this? It has been working very well. The efficiencies, some people are now getting their passports quicker than they would have done in the past, surprisingly enough. We have agreements with the U.K. suppliers to send the passports over and they have complied with all of that. We have had no complaints whatsoever from people who are getting their passports. They are getting them on time; it is working well.

The Deputy of St. John:

Great. The next one, Brexit. It is a simple question but may not be such a simple answer. What preparations is the Minister making in relation to Brexit, if any?

The Minister for Home Affairs:

Okay. Well we have conducted our own consultation briefing with States Members to listen to States Members' views and we are also interacting with the External Relations Department who are out to consultation with the public. The name escapes me for the moment. The name of the campaign?

Chief Officer, Community and Constitutional Affairs:

Let's Talk Brexit.

The Minister for Home Affairs:

Let's Talk Brexit. Yes, it has obviously made a good impact with me. But it has made a good impact with a number of members of the public and I think there have been a considerable number of comments received, and so those that are specific to our area it is obviously down to us. We have allocated 2 officers within Customs and Immigration and we have one policy director in C.C.A. (Community and Constitutional Affairs) who is working specifically on Brexit.

The Deputy of St. John:

Okay. One person that is working directly?

The Minister for Home Affairs:

A policy director, yes.

The Deputy of St. John:

All right, okay. What specific areas appear to come out as the most concerning for people and you believe will be a priority to take forward with regards to Brexit for your area?

The Minister for Home Affairs:

The subject that is currently being addressed by the U.K. in their initial announcements has been one of the key points regarding the ability of E.E.A. (European Economic Area) nationals to remain within the British Isles following Brexit. That is obviously an area of concern and that is one that the Chief Minister, right from the very beginning, went to some trouble, I think, to reassure people that they would be able to remain following Brexit.

The Deputy of St. John:

In terms of the difficulties that surround these discussions or these decisions in terms of the U.K., I believe Theresa May has come out and talked about within the last 5 years the E.E.A. nationals being in the U.K., how does that work in part with our common travel area agreement in terms of their cross-border and the ability to move across? Is there an ability for people to move across and it not necessarily being applied to us as well because we are not really a part of the E.U. (European Union)? There are some complications there, surely.

Chief Officer, Community and Constitutional Affairs:

There are and I expect that we are in the “too early to tell” category. Because the press speculation has been around 2 different regimes in which the U.K. have tentatively floated a regime for people who are already in the British Isles and a different regime for people that then enter the British Isles after Brexit and what conditions would apply to those 2 different groups, which is something that the U.K. is floating. Whereas, of course, as you are aware, the E.U. is arguing for a completely different position. So the other 27 member states are arguing for a very different solution based on harmonised rights both for those who are in the British Isles already and those who would arrive in the British Isles after Brexit. So, at the moment, you can see through the public reporting, the U.K. has one position and the 27 member states have another, and they have not yet started to engage on that. They have only both published their positions. I do not know whether that is a fair summary, Dave?

Head of Service, Customs and Immigration:

Yes, it is. It is something that I have asked my officers who are dealing with Brexit to look at since the publication of the Prime Minister’s statement yesterday and before the weekend what was said but it is something that we are looking at. As you are surely aware, our immigration legislation to do with foreign nationals over here is based on the U.K. legislation; it is almost identical. So it is something that is going to affect the Island and it is something we are looking at as to what we can do.

Chief Officer, Community and Constitutional Affairs:

Then of course in the Queen’s speech in the U.K. Parliament Her Majesty outlined a number of pieces of legislation which she expected her government to bring forward over this period. That

included an immigration bill to re-write U.K. immigration law into a standalone system because the current system leans on the E.U. law and a separate Customs bill and a number of others. So, in parallel to the negotiations between the U.K. and the E.U., there is also a new legislative programme. Those bills obviously are not published and are still being developed and quite what the new U.K. legislation will say or how that will be structured is something that Her Majesty's Government will not have decided fully upon yet. So there are a fair number of variables ...

The Deputy of St. John:

So we are in a process of "wait and see" at the moment?

Chief Officer, Community and Constitutional Affairs:

I am afraid so.

The Deputy of St. John:

Because of our leaning on their legislation, we need to wait and see what their legislation says?

Chief Officer, Community and Constitutional Affairs:

Yes.

The Deputy of St. John:

Okay. Just following on quickly to the ... we are talking about the immigration side of things. I did ask 2 questions last week in the States Assembly with regards to the change to our immigration law. It was about the Privy Council and when we expect to receive that back in a States decision. The other question was about ... and it is going to go completely out of my head now, is it not?

Chief Officer, Community and Constitutional Affairs:

Shall I answer the first one?

The Deputy of St. John:

Yes, answer the first one and I will try and remember the second one.

Chief Officer, Community and Constitutional Affairs:

So, now that the Assembly has indicated that they would be willing to accept such an Order in Council, then the process is usually that the Law Officers' Department would then go back to Her Majesty's Government and ask that they now proceed to make the order and that that is progressed through the Privy Council and is made. Then once that has been made in the U.K. through the Privy Council, then that gets transmitted back to us through the official channel. Then it has to be registered in the Royal Court and once it has been registered in the Royal Court, then it comes into

effect. That process has a variable timescale because you can see that it will be somewhat dependent upon Her Majesty's Government to make the Order in Council and then sittings of Privy Council. I think it was something that we had asked to clarify after the Assembly debate but I have not got an exact timetable yet. Generally it is a number of months, as you can imagine, and with the summer in between, that might end up in the autumn. But once the Law Officers' Department have contacted the U.K. Home Office and seen how quickly they can progress it, we should then know how quickly it can go to Privy Council which is a long way of saying I can email the panel once we have it.

The Deputy of St. John:

That would be useful. The second question on this immigration law was that there is a set of rules that are set out by the Lieutenant Governor that was agreed in 2014. I think my question to you, Minister, last week was about whether there will be consideration as to whether any of those rules will be changed and whether it is a discussion with States Members or a wider debate with the public about what those rules look like under a Minister's portfolio rather than previously as the Lieutenant Governor's portfolio.

Head of Service, Customs and Immigration:

Do you want me to come into this? The rules have been evolving for many, many years. The rules are not as set ... we have a set of rules. They do change and they are based, again, very highly on to the U.K. rules; the U.K. have exactly the same rules.

The Deputy of St. John:

Okay, so it is dependent on Brexit then?

Head of Service, Customs and Immigration:

It is dependent on Brexit. The rules, as I say, have changed over the years anyway.

The Deputy of St. John:

Okay.

Head of Service, Customs and Immigration:

We keep a weather eye on what the U.K. are doing, we speak to the law officers and see whether it is appropriate. If it is appropriate, then they would be drafted and put before His Excellency to see whether he considers ... at the moment. With this change to ministerial, the same things do happen exactly the same for the Minister and a Ministerial Decision and this kind of thing but they are based very much on the U.K. It is to make sure that we are not out of synch with the U.K. with the common travel area and this kind of thing. There are some slight differences but it is basically the same.

The Deputy of St. John:

That is great, thank you.

Chief Officer, Community and Constitutional Affairs:

I believe, Minister, that you accepted the Scrutiny Panel's recommendation that changes to the Jersey Immigration Rules would be shared with Scrutiny?

The Minister for Home Affairs:

We did.

Chief Officer, Community and Constitutional Affairs:

Before we make changes, whatever is proposed, you will see.

The Deputy of St. John:

That would be useful, thank you.

The Minister for Home Affairs:

I think afterwards there was a slight confusion with the chairman. As I best explained to her that what we meant was that we would, rather than you seeing an M.D. (Ministerial Decision) after it had been signed, that if it was not of an individual basis but if it was something that was a change to the rules, then we would show you the Ministerial Decision prior to it being signed.

The Deputy of St. John:

Okay, that would be useful. There is going to be a lot coming to us at the end of the year, is there not? Right, on to you, unless you have got anything else?

Deputy S.Y. Mézec:

No. I find it impossible thinking of questions to do with Brexit, to be perfectly honest.

The Deputy of St. John:

I think of too many. There are no answers to my questions.

Deputy S.Y. Mézec:

Everything is up in the air, what can you ask?

Assistant Minister for Home Affairs:

We find it impossible to come up with the answers.

Deputy S.Y. Mézec:

Yes, exactly. Exactly, so since that is futile, let us move on to the final one I have got here which is about the Fire Service. One thing that I think we have asked at a couple of hearings has been about the planned reduction in one post in fire prevention which at the last hearing had not been implemented at that point. But the reason that we are motivated to ask about it this time was because of a report 2 weeks ago about the backlog in fire safety certificates, I believe, where it was explained that apparently there is a 15-month waiting list for applications to be concluded and also that a total of 174 of the 432 applications were still in progress and that was as a result of a change in legislation in 2013. So the question is, how is the planned reduction of one post in the Fire Prevention Department going to have an impact on this and does that change still make sense in the context of these details we have since found out?

Assistant Minister for Home Affairs:

Well I can answer some of that, so just to go back to what you were saying. The Fire Precautions Law and the Designated Premises Regulation changed in 2012/2013 which resulted then in a large influx of applications for fire certificates and they added obviously an increased burden on the service. So, we have been aware that there has been that increased backlog and we have asked the chief to come up with solutions for that and they have been working hard for 4 years. So, just to be clear, when they have addressed what they are calling the backlog, that term is a bit misleading, because it refers to the time period from the initial enquiry from a member of the public to when all the work has been undertaken and the fire certificate issued. So, that can take a very long time because it may be that there is a lot of work that needs to be done on a building and it may be that in fact there are not contractors available to do the job in a short timescale. It may be that the building owner has difficulty in funding the work that needs to be done, so there can be delays there. So the backlog is a bit misleading, the term. However, when everything has been managed, the ongoing process will be absolutely fine to be managed because there are resources there and the officers are trying to improve the processes and minimise the time that it is taking to deal with this. I understand that enquiries have been made with the U.K. I think to potentially find out whether there are specialists there who would be able to come over in the interim to provide the specialist work that is needed and provide backup. I think that is right, is it not?

[15:00]

Chief Fire Officer:

Yes, you see, the difficulty is even on the ... as you say, the backlog is a process in time and the specific elements really are due to the Fire Service delays, if you like, that they will make their initial application and it may take a little while for us to get to process that application. We are trying to

reduce that. The challenge, I think, even when we reduce it is sometimes we have building managers and that that might apply 20 premises that they want us ... so, we will go from nought to 20 in one day and of course then suddenly we have to prioritise those and process those. So, I think going forward with that, that would be the only challenge but it is driven by the customer to a certain element; however, at the moment we are still processing that initial big chunk when we changed the law. We are confident that we will also reduce the initial 36 that are outstanding at the moment probably in the next couple of months subject to not having a big influx because there may be some ... as I say, we are managing a number of buildings more than expected. We are looking to see if we can bring support from the U.K. maybe only on an occasional basis where we get a spike or where we get a particular ... the other thing is we have "business as usual" we have to manage at the same time. So at this time of year we will be doing all the petroleum inspections at all the 4 ports which we do annually, so at the same time that we need to do that obviously other things have to take priority. So, it is really managing the flow of work with regards to the house in multiple occupation but these are not high-rise because obviously there is a bit of confusion I think between a high-rise and a house in multiple occupation.

Deputy S.Y. Mézec:

Yes ...

Chief Fire Officer:

The main difference that I know is it is a converted building, it is a building that started out probably as a house and now it has been converted to flats and because of that conversion, particularly if that was done a number of years ago, it might not be up to the current Fire Service standards. Of course, as the Assistant Minister said, that may mean that they need to spend a significant amount of money and have a number of structural changes, maybe even a new staircase put in. So, obviously that takes time in itself but that is the way the backlog as described is processed at the moment but we are doing what we can to speed that up.

Deputy S.Y. Mézec:

Has that post gone now? Because when I last asked it was in the process of being implemented. What status is that today?

Chief Fire Officer:

The 2 things that are probably worth clarifying is the difference between what we call "fire prevention" and what we call "fire protection". So fire prevention is very much the community fire safety education programme: working in schools, working with the elderly, working with fire safety in the home and other charities. That is what we call "fire prevention". Fire protection is what we call the regulatory role that we do, the inspection programme, so anything to do with the fire certification is

all what we call “fire protection”. So we are not planning to reduce the number of people in the fire protection team; that is a specialist dedicated team to do all that regulatory work. What we are proposing is to reduce the ... we have only got one fire prevention officer now, to remove that post, but not planned to come until the end of 2018 which is to do with the financial savings associated within the M.T.F.P. It is part of that we are then looking to transfer those roles on to the operational watches so that when they are not training and responding to emergencies, they can undertake more fire prevention work. So we are looking at how we are going to co-ordinate that and deliver that with the operational watches, so at the moment we are still working out the plan with the watches. The post is still occupied and that will be the case until the end of next year.

The Deputy of St. John:

Can I just ask? Just from what I hear in the news with the whole Grenfell Tower situation, when we say, for example, our States social housing stock is up to fire safety standard, but yet you hear that they are currently testing all of the properties over there and they are coming out as not the case. Are we testing ours and are we holding Andium to account to make sure that that is the case?

Chief Fire Officer:

I get daily updates now from what is called the National Fire Chiefs Council which is the lead body obviously of all the fire services that work for the Government in the U.K. They have agreed an inspection programme with the U.K. and local authorities. We are following that guidance and as far as we are aware to date that all the Andium properties have not got the similar type of cladding which is called, for short, A.C.M. (Aluminium Composite Material). It is a specific type of cladding that was used at Grenfell and are the ones that are failing the tests because they are all of a similar design, if you like, which is just 2 thin panels of aluminium and some foam, in effect, inside. So none of the Andium Home properties have that type of cladding. Clearly it has raised a whole discussion around cladding, cladding design, how the cladding is fitted and the safety of cladding, so we are working ... we had a meeting yesterday with Andium Homes and we are working with them to look at those elements. We are still to get samples of the cladding they used but there is an assurance that it is not the type of cladding that is failing all the tests in the U.K. We have had guidance on how to identify that.

The Deputy of St. John:

Okay.

Chief Fire Officer:

We are also widening the scope to include other buildings on the social housing, other types of flats that have been built. Clearly, they all comply to the current building standards through Building Control but, again, I suppose the fire does mean we should review those standards and of course

information will come out in due course from the U.K. as well. In the meantime, we are starting to look at those and see particularly if the A.C.M. cladding has been used on any of the high-rise buildings or any other buildings we have in Jersey.

The Deputy of St. John:

Minister, I will ask you directly, because what was concerning in the report with regards to these fire certificates, what was in the *Jersey Evening Post*, was about 100 properties that were visited in the first year that legislation came out that at least 40 per cent were seriously at risk if a fire took hold. Do you think there is a piece of work there that needs to be done with the Minister for Housing in terms of ensuring that under regulation building housing - and with the Minister for Environment maybe - that occupation of these types of properties should be reconsidered until the fire safety is brought up to an appropriate standard or the certificate is in place?

The Minister for Home Affairs:

It is really a matter for the Minister for Housing and the Minister for Environment. I am aware that they kind of speak and I think the Minister for Housing has always, in her previous role, been a great supporter of improving standards within the rental sector particularly, although sometimes those efforts have not found favour with the Assembly.

The Deputy of St. John:

Well I am on another panel so I am aware that the Minister for Housing is looking at regulation, particularly social housing at the moment, so I do not know whether it is something that you would raise as a Minister from a fire safety or security-safety perspective in terms of ensuring that that is within the regulations.

The Minister for Home Affairs:

We have all been horrified by what happened at Grenfell and there has been a lot of discussion about what is best for the community here and there is great concern about standards and ensuring that everybody is reassured that they live in good-quality, safe housing. I think we have to applaud Andium and the Fire Service who, the day after the fire, went out to knock on doors and reassure those members of the public who live in places where they might be concerned, that they were safe.

The Deputy of St. John:

Thank you. Anything else?

Deputy S.Y. Mézec:

No, not for me, unless you have got anything.

The Deputy of St. John:

No, unless the Minister has anything to add?

Deputy S.Y. Mézec:

Yes, anything at all as a result of any of this.

The Minister for Home Affairs:

No.

The Deputy of St. John:

Okay.

Deputy S.Y. Mézec:

Okay. So, to say thank you for your answers this afternoon and thank you for the ongoing briefings you have been providing us with. We look forward to future ones of those and consider any issues that might arise as a result of that. I therefore call the meeting to a close. Thank you very much.

[15:09]