

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Policing of Parks and Beaches Sub-Panel

THURSDAY, 25th NOVEMBER 2010

Panel:

Deputy J.M. Maçon of St. Saviour (Chairman)
Connétable A.S. Crowcroft of St. Helier

Witness:

Senator B. I. Le Marquand (The Minister for Home Affairs)
Acting Chief Inspector **Tim Barnes**

Also Present:

Ms. E. Liddiard (Scrutiny Officer)

[14:02]

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

Hello, Minister and Acting Chief Inspector. Thank you for coming to this hearing of the sub-panel of the Education and Home Affairs Scrutiny Panel, which is doing a review into the policing of parks and gardens. Just to point out, I believe both of you have been to Scrutiny before, is that correct? So you are aware of the protocols and of the statement which is before you and the rights that it gives and protects you by. Just to make you aware that we unfortunately have received apologies from our other 2 panel members, Deputy Tadier and Deputy De Sousa, who unfortunately are both ill today so are unable to attend. Simply for the record we all state who were are so, when this is transcribed, the people who are typing it know who we are. I shall begin. I am Chairman of the sub-panel, Deputy Jeremy Maçon of St. Saviour.

Connétable A.S. Crowcroft of St. Helier:

The Constable of St. Helier.

Acting Chief Inspector:

The Acting Chief Inspector Tim Barnes, States of Jersey Police.

The Minister for Home Affairs:

Ian Le Marquand, the Minister for Home Affairs.

Deputy J.M. Maçon:

We have our Scrutiny Officer, Liz Liddiard with us today and Denny(?) at the back doing the recording. If I may begin with the opening question, Minister. What does the department do with regards to the promotion of public awareness of littering and drinking in public spaces?

The Minister for Home Affairs:

Absolutely nothing, as far as I know, but if we do anything then Tim would know about it.

Acting Chief Inspector:

No. From my perspective, you look at the Ministers responsible for policing of parks and beaches and the Constable of the parishes, depending on who is responsible for those venues. My personal view is it is those Ministers that should look at promoting such issues. Some suggestions I would put forward would be that people abide by the law, act with consideration. What could be looked at is signage at the venue and at near-by commercial premises so, for example, if there was a review done of the actual venues themselves to see if there is adequate signage, if there are adequate bins in the areas. Also schools, under their P.S.H.E. (Personal, Social, Health, Education), they could give input into seeing young adults acting considerately and just give them an awareness that there are actual offences committed by littering and the such like. Our crime reduction officer, he could potentially be used to survey the sites for designing out crime. If the venues are laid out in such a way that would reduce opportunities for crime, then that is one potential way forward. Clearly, I have already mentioned, I personally think it is a ministerial issue for the promotion of the subjects you are looking at but also the Chamber of Commerce, and the licensing trade, I think they have got a role to play as well. So for example, commercial premises and licensed premises in the area of particular venues could have signage within their premises in terms of littering and alcohol abuse in the area - I will come on to alcohol later - and, potentially, funding extra bins and signage in the area is a public-spirited thing to do.

The Connétable of St. Helier:

Do you think that signage is that important? Do most people not realise that it is wrong to drop litter, do you think people genuinely need to be reminded that it is illegal to throw their cigarettes on the ground? It is extraordinary how many people still do it so what is it people do not understand about litter, do you think?

Acting Chief Inspector:

I think, to answer your question, it would not do any harm to have signage. You have got a person potentially about to drop some litter, they see the sign and might think: "Go and put it in the bin." I appreciate there are other organisations in the Island that are anti-signage, there has got to be a balance struck between the 2 extremes.

The Minister for Home Affairs:

My rather flippant opening remark: "Absolutely nothing as far as I am aware" would seem to be the correct answer. Can I say that I do agree with Acting Chief Inspector Barnes that the role of the police force is law enforcement but in relation to many different areas, it is really up to the responsible authority who has control of the area to be dealing with the issues. I think that otherwise we should think about it. Home Affairs would have to have a policy whereby we advertised against that and we advertised against malicious damage. We have been notifying people that this that and the other was a crime. I think that where I could see there may be a difficulty, particularly, shall we say, with some of the parks, is people understanding what the legislation is that applies to parks. Because although while we are thinking of parks, the Connétable will no doubt be thinking of the St. Helier ones, because the legislation in relation to parks and gardens has now been expanded out to such an

extent that it includes all sorts of places like Ouaisne Common so we added another area with Mt. Bingham, and so there are lots of areas which, to the general public, will look like just open common land, which they may not realise in fact is a public park covered by the parks and gardens.

The Connétable of St. Helier:

But I suppose, particularly with regard to cigarette litter, there may be a case that people need to be reminded that to throw your cigarette butt on the ground is punishable by £500, I think.

The Minister for Home Affairs:

I think it is 3 or 4 offences, from memory. That is right, I think there are 2 distinct issues, there is people understanding that this is a controlled area and that is why to put general signage might be appropriate, although it is difficult in some places. For instance, the large park with the white figures on it, is that ...

The Connétable of St. Helier:

People's Park.

The Minister for Home Affairs:

People's Park. People can enter that from umpteen roads in umpteen directions and therefore not perhaps realise that it is covered by regulations. Certainly, if you are talking about Ouaisne Common, or somewhere like that, people out there will probably think that it is some sort of common and not realise that it is also governed.

Acting Chief Inspector:

Even under policing of roads, that covers the majority of public areas in any case, literally.

The Connétable of St. Helier:

Is a States of Jersey police officer then not going to do anything on a States main road where the parish does not have jurisdiction if there are people throwing litter?

Acting Chief Inspector:

We are never not going to do anything but, with limited resources, we have got to concentrate on our current policing priorities which are antisocial behaviour, violent crime, priority on prolific offenders and serious and organised crime and what you have got to bear in mind is, and of what I am sure you are acutely aware, we only have 236 police officers to deal with all of that, this is from the Chief Officer to your newest recruit walking through the door. You have to focus on those areas. What I would say also is we have what is called a Tasking and Co-ordination group, T.T.C.G. is the acronym, and they meet weekly. What they do is they look at intelligence coming in, they look at the amount of calls coming in and what we do from that tasking group is prioritise our resources so we are using effective use of our resources. So if we have lots of calls coming in, a specific spike if you like in a particular public park or open venue, we task officers to police it, whatever the offences are.

Deputy J.M. Maçon:

That brings us on to our next question and I think you have just answered it, but is littering seen as a problem?

Acting Chief Inspector:

No, it is not. I took the liberty to look at some statistics over the last few years and since 2004, we have only received 4 calls from the public concerning littering, 3 relating to parks and one relating to beaches. As I say, it goes back to the T.T.C.G., if we are getting the calls and the concerns then we will look at it but currently we are not.

The Minister for Home Affairs:

This is kind of incongruous because we all know that people on Friday nights and Saturday nights, particularly later on, that there is a mound of litter being dropped by people, maybe some perhaps got food from takeaways, maybe for other reasons because the Connétables' street cleaners are having to do an awful lot of work. But I think that presumably what happens is that people just do not ring up the police and say: "I want to make a complaint, I have just seen a man drop a fish and chip bag outside such and such, this is what he looked like." Of course, the trouble you would also have is the very time when the littering is probably the worst, is also the very time when the police are at their busiest in terms of major issues, you cannot really expect then to despatch a van or a car with 2 police officers to try and find a man who answers a certain description who has dropped a fish and chip packet. Whereas there may be some major fight going on somewhere else.

Acting Chief Inspector:

If we see someone littering then we deal with it, if it is in front of our feet; I have dealt with incidents myself over the years.

Deputy J.M. Maçon:

It is just interesting in that with our Scrutiny review this has generated quite a lot of public interest compared to perhaps other Scrutiny reviews where we do not receive as many phone calls and letters and emails in. Obviously we are looking at several things here at once, but it had been a subject which does get public interest. How do the police balance things which the public do perceive as a problem but do not necessarily always make a report to the police? For example, we know crimes go on that people do not report but it does not mean, of course, it is not happening.

Acting Chief Inspector:

As I mentioned before if we look at the amount of calls that come into the police and prioritising accordingly, in terms of established protocols, in terms of multi-agency working on various routes, if we pick up particular issues then we will look at them but there simply is not, as far as we can see, an issue concerning littering in these venues.

The Connétable of St. Helier:

But if you had got more calls so that the people who have written in to us, if they were to contact the police with their concerns, that would have the effect of pushing it up the priority order, would it?

Acting Chief Inspector:

It would have an effect of us looking at it in terms of our 236 police officers and our policing priorities and we would look at it in terms of (a) whether we can look at it and (b) to what frequency.

The Connétable of St. Helier:

Because there is no doubt there are some parts of the world where, if you do drop a piece of gum, you will be marched straight to the nearest police station and charged, and there are countries that take it extremely seriously, like Singapore. I have not been there but one hears that.

The Minister for Home Affairs:

I think there are issues also that one has to think of in terms of costings in relation to these areas in trying to come up with a solution because my opinion is that employing police officers who, an average P.C.s (Police Constables) cost ... it used to be £55,000, it is now £57,000 a year, is a very expensive option in relation to that.

[14:15]

In a way, although we have a tradition in Jersey of the Honorary Police force, we have not always been very creative in relation to what we have done. I am thinking, for instance just as an example, of the status of the gardier(?) at Victoria College who has the powers of arrest of a Centenier. If one wanted to do something in this sort of area, then it would be more effective to create public officers of some sort who would be given specific statutory powers in order to do something about it. They would be people like traffic wardens, except they would be policing litter or whatever. The cost of them per person would be much lower.

Acting Chief Inspector:

I was going to make the point in this hearing in terms of other bodies that could look at policing it, as the Senator mentions, for example at the moment under the current legislation, it mentions authorised persons and those authorised persons have the power to demand name and address of a person if they have seen them breach one of the particular offences, if you like, under the Article. So consideration could be given to train the ones we have got, potentially employing more and giving them more powers, as Minister Le Marquand mentions.

The Connétable of St. Helier:

Do you mean those current wardens?

Acting Chief Inspector:

No, your actual authorised officers under the law which 3 different Ministers have the power to appoint. As it happens, I have got parish wardens, parking control officers, Honorary Police. There are other bodies within the Island that could be given the powers to look at these issues.

The Minister for Home Affairs:

Could I ask via the Chair, who the 3 Ministers are specifically?

Deputy J.M. Maçon:

Yes. The Minister for Economic Development who has charge over the tourism laws which affects the beaches; Transport and Technical Services which affects parks, commons, et cetera.

Acting Chief Inspector:

Education, Sport and Culture.

The Minister for Home Affairs:

There is an irony, not the Minister for Home Affairs. But that does correspond to what we were saying before about the responsibility of the administering body in relation to that. One of the difficulties we have got in Jersey is that our policemen are called upon to play roles already in Jersey - and, bearing in mind they are an expensive commodity - which they would not be called upon to play in other places. For instance, if somebody is psychiatrically ill and represents a risk to themselves, rather than there being men in white coats, or whatever the modern equivalent of that is who come along, very often it is the police officers who do that. When youngsters run away from children's homes, and we have hundreds of cases every year, it is police officers who go looking for them. We were discussing recently at the poshpack(?) meeting the issue of enforcement in licensing laws and I have been speaking about cigarette enforcement in terms of underage things to the Acting Chief Officer recently and, of course, elsewhere these things are done by trading standards officers. So we have this peculiarity in Jersey that everything seems to be devolving down towards the States of Jersey Police, which is a very expensive way of doing it, and also means that you do not get the degree of specialisation, if I can put it that way, that you could get in a specialist enforcement environment. I think we have gone in the wrong direction on some of these things.

Deputy J.M. Maçon:

If I can just ask the question, then, because it was touched on: how does the Home Affairs Department, or the police in this example, work together with other key bodies such as T.T.S. (Transport and Technical Services) and the Honorary Police to address these issues? Is it pretty much left to them?

Acting Chief Inspector:

As I mentioned earlier, we do interact with partner agencies to establish working practices and we have also got a recent geographical policing initiative; are you aware of what that is?

Deputy J.M. Maçon:

If you could just elaborate.

Acting Chief Inspector:

Sure. Essentially, the Island is being split into different areas for the 5 operational shifts at work, so you have 5 duty officers. They have areas within Jersey that they have specific responsibility for, so if you did have an issue, like any particular sort of issue like this, or a long-term issue, and the duty officer from that particular shift either themselves, or delegated a responsibility to one of their team, they would look at those issues with the people so, you know, it could be parochial authorities, licensees, sort of key players, if you like. For example, I had a meeting recently with the Housing and Tenants Association just to get some good interaction there. The

geographical police initiative is one area where, if these kinds of issues did present, then they could actively start working with them on it. I mean, our response really would be it is a sort of problem-solving policing response like P.S.P. so in terms of you get the various agencies and people together and look at the solutions. As the Minister has touched upon, the police cannot do everything for everyone for every single type of issue that presents itself, it is wider than that, is it not, I think? I am just trying to think of the ... what is it called in England, this new initiative?

Deputy J.M. Maçon:

The Big Society.

Acting Chief Inspector:

Yes, Big Society. So people have to take responsibility, there are issues, everyone has to get involved with it, in my view. But, as I mentioned, parish wardens, parking control officers, Honorary Police, give more power to the authorised officers. As I say, T.T.C.G., if these kinds of issues present then we would look at it, as I mentioned to you earlier.

The Connétable of St. Helier:

There is possibly an argument for sharing the load with the other agencies, with appropriate training and so on. Do you not agree that there would be a problem if these offences were regarded as too trivial for the police to deal with? Because they do come at the end of the spectrum of offences, and certainly the previous New York Mayor's experience was that if you tackle the so-called trivial offences like graffiti, urinating in public, the things that he dealt with in New York under his zero-tolerance regime, it has an effect all the way up the tree on the more serious offences.

The Minister for Home Affairs:

Well, those are 2 examples we have always dealt with.

The Connétable of St. Helier:

I know, perhaps they are not good examples, but certainly littering is regarded by some people as too trivial to worry about, but the sort of person who takes their dog out early in the morning and allows them to foul the pavement or who discretely drops their wrappers, and they know it is against the law, is the same sort of person who will probably be, or may be, guilty of more serious offences because they have a disregard for the society.

Acting Chief Inspector:

I mean, in answer to your question, the States of Jersey Police we have the public's consent to police, do we not, so we look carefully at what the public want through the J.A.S.S. (Jersey Annual Social Survey) survey, for example, through our own crime surveys that we have put out to people. There is a lot of data there of what concerns the public. Littering has not featured, if it did feature and it did become an issue then, you know, we would look at it along with anything else. But the point I made earlier of 236 officers and everything else we have to deal with, we have to prioritise and police effectively with the resources we have got. Also in terms of 236 police officers, we should have 249 but we are down to 236 because of current budgets and with the C.S.R. (Comprehensive Spending Review) coming that could change again. It has already caused us to look at our force structure and realign it to try and police as

effectively as we can and not affect frontline services and it may be we have to do that again.

Deputy J.M. Maçon:

Does the Minister acknowledge any problems with the enforcement of the littering laws, in particular the processing of fines?

The Minister for Home Affairs:

I do not think the police have because they are not dealing with very many cases. But I think there is a problem generally in relation to the enforcement of what one might think of as a relatively low-level criminality and it pops up in things like people cycling on the pavement or the wrong way along. There are wider issues there to do with trying to encourage people to cycle on the one hand and then take the one-way system around in a circle for a long distance, without any provision. But I think there is generally an issue and a problem in relation to low-level enforcement, the cost of it for instance, the cost of taking people through a full prosecution process and so on and so forth. I do not have the figures in relation to that but the costs of preparing files, shall we say, on minor speeding cases in order to take people to a parish hall inquiry is quite significant in itself. This is always going to be a challenge, I think, in terms of what it is costing to seek and to what level you seek to deal with things by enforcement. My background is, of course, in law and in the courts system, both as Judicial Greffier and as a magistrate; I am painfully aware that the criminal justice system is a very expensive tool. It is there, basically, ultimately with a view to changing behaviour and protecting the public, would be the 2 key issues. But it is a very expensive way of going about it compared with education processes or even peer pressure. It seems to me that when it becomes socially unacceptable among people to throw something down when, if you throw your cigarette on the floor, someone else walking past is going to tell you off or whatever, that is when society starts to change.

The Connétable of St. Helier:

But part of that process of educating the public presumably would be helped if there were some successful prosecutions because people would suddenly think: “My goodness, I could get done for £500 if I throw a cigarette butt on the street.” Because that never happens, people do not think it is very serious.

The Minister for Home Affairs:

That presumes that people who do things work on the basis of consequential thinking and are influenced by the fact they may be embarrassed, but the vast majority of people do. One of the frustrations of the criminal justice system is there is always a hard core of people who just really just do not care, or they just do not think ahead and, therefore, they do not respond in that kind of way. It is the old phrase: “You have to be tough on a few pour encourager les autres” and so on. But there are some who will not be “encourager”, they just do not think that way.

Acting Chief Inspector:

If you ask the public would they prefer the States of Jersey Police to take out a serious crime drugs cartel or go and prosecute people for littering, what do you think their answer would be?

The Connétable of St. Helier:

They would probably say do both, I think.

Acting Chief Inspector:

With 236 officers we have to prioritise and I know what my answer would be.

Deputy J.M. Maçon:

Can I go on to the next question, then. Has the Minister considered on-the-spot fines to deal with littering?

The Minister for Home Affairs:

The whole issue about on-the-spot fines is something that was considered by the working group which was what they referred to as the: "1864 Group." Some people think that is because that was when we started work, but this was a group which the former Attorney General put together to look at criminal procedure generally and to review it, and we produced a great deal of useful work. But it all went nowhere when the Attorney General moved on and became Deputy Bailiff and there have not been the resources to pick it up, so this is rather sad. The issue is slightly complicated in Jersey by the existence of the Honorary Police system and the fact that they do have fines and so on. So what you would be talking about would be giving States of Jersey Police officers a power of fining for the first time. That would be controversial, if only because it would seem to take away from the role of the honoraries, so all these issues have got to be considered.

The Connétable of St. Helier:

But in terms of what you were just saying about the cost of the whole process of even getting someone to a parish hall inquiry for a littering offence, it would certainly cut the cost down to have on-the-spot fines, would it not?

The Minister for Home Affairs:

Yes, it would. Again, part of the ambit of the study which may be done in relation to law enforcement in order to seek to achieve significant savings within the Home Affairs Department, would be to look at this. At the moment there is the scoping study being done in relation to that. The hope - I think, a somewhat optimistic hope - is that, by a process of review of the criminal justice system and also the law enforcement systems in parallel, that the Home Affairs might be able to make savings of the order £1.5 million a year.

[14:30]

I think that is very optimistic. That is on top of everything else in the C.S.R. process. A scoping study is being done at the moment and I imagine that one of the areas the scoping study will talk about is the decision that has to be made whether to go ahead with the full study, which will be expensive. The scoping study itself is quite expensive. I imagine that one of the areas that we look at would be exactly this. Does it make sense that it is so costly to go via the parish hall system in relation to fines in terms of speeding matters or would it be better to have an on-the-spot system? The answer is, of course, it will be much cheaper administratively to have an on-the spot system, there is no question about it.

Acting Chief Inspector:

Yes, and it would be even cheaper if other people did it, as the Minister mentioned before. See, if you have appointed persons under the policing of roads, parks and beaches that have those powers to do it, then that ...

The Connétable of St. Helier:

That would be less threatening, perhaps, for the honorary system.

The Minister for Home Affairs:

The honorary system not only requires an investigation and a file to be sent to the Honorary Police officer, but the person would have to attend then at a parish hall inquiry in order for a decision to be made as to whether to fine or not. In a number of cases in some of the parishes people who attending there, shall we say, on speeding matters where the Centenier knows that he has not got the power to deal with it anyway so they are then being sent off to a court, in any eventuality. Some of the parishes are very keen and they still do that because they want to check they really should be prosecuting them and so on and so forth, although administratively that has always seemed to me to be extraordinarily slow. But, at the end of the day, there will be a political decision being made as to whether there are greater efficiencies involved in such a system - assuming that safeguards can be built in of human rights compliance and so on and so forth in relation to it - if it outweighs the possible taking away from the honoraries a part of their role. But that is the sort of area where a decision would be made, at the end of the day.

Acting Chief Inspector:

They may not have the capacity either. But if you have appointed persons that have those powers then that could be the way ahead, potentially.

Deputy J.M. Maçon:

Is the Minister of the opinion that crisis strikes a change?

The Minister for Home Affairs:

Crisis strikes a change; I do not think we are quite in a litter crisis. I know that there is a lot of litter on Friday nights and Saturday nights and so on but I do not think we are in a litter crisis. Part of the problem is, of course, the Connétables' people come and clear it all up and that costs ...

The Minister for Home Affairs:

It costs the parish money but from a public point of view it is not there the next day, but we are not in a Naples situation.

Deputy J.M. Maçon:

Sorry, I meant more in the case of the C.S.R. process and the downturn of the economy strikes change to possible processes.

The Minister for Home Affairs:

Sorry, I have misunderstood you, the economic crisis.

Deputy J.M. Maçon:

Yes, because we are looking at the way the honorary system interacts with the way the police interact with how they process things.

The Minister for Home Affairs:

I think if you have not got the money to do the things that you want to do in the way that you have done them in the past then you are forced to look at other ways of doing it and, indeed, an economic downturn forces us into those sorts of issues. When you are short of money then just having the ability to get the job done may force you down a road which you would not have gone down if you had more money to do it. But, let us say, I am not pre-judging the situation but the whole business of on-the-spot fines has got to be seen as part of a wider debate.

Deputy J.M. Maçon:

Moving on now. Does the department see the consumption of alcohol in public places as a problem?

The Minister for Home Affairs:

Yes, very much so. As much of a problem or more of a problem is people who have pre-loaded, they have been drinking before they go out on the streets, before they come in, or people who have had excessive quantities on licensed premises. Either way, they are coming out of where they have been drinking, whether it is their home or whether it is the licensed premises, and they are not in a fit state, so that is obviously a major source of problems. I was looking yesterday at the 2009 B.a.S.S. (Building a Safer Society) report and that was very interesting because they were scoring the areas in which they had made successes or improvements that had been made over the last 3 to 5 years. The areas of conspicuous failure were all those which related to the Friday, Saturday night nightlife issue, where we have really not made much progress at all. The police are effectively fire fighting in relation to this, they are picking up the consequences of things. But separately from that - I am going on rather long - is the drinking in public places, which is what your question was about, and of course there is the issue of under-age drinking in public places which is a specific issue and then, secondly, there is the issue of people, perhaps we might call them street drinkers, who regularly will drink alcohol and be the worse for wear in public parks and so on. That is a problem, although that is a fairly localised problem.

The Connétable of St. Helier:

Do you think there is a tendency for people to over-emphasise the problems of young people drinking and possibly also the street drinkers, but is it not the case that, statistically, the biggest area of problem is young adults drinking to excess and all that flows on from that?

The Minister for Home Affairs:

I think it is but Mr. Barnes would put it better.

Acting Chief Inspector:

Yes, clearly, statistically it would be sort of older people and there are more older people on the Island than younger people. But as it happens, from my interaction with other agencies, the Youth Service, for example, recently report there are far less young people coming on to their buses et cetera that have been drinking previously, so it looks like it is improving. But, as the Minister touched upon before, in terms of young persons, there is legislation for us to seize alcohol off young persons under the Liquor Restrictions on Consumption (Jersey) Law 2005 if they are not with a

responsible adult. One potential way ahead under policing of roads, beaches and parks would be to mirror that power, if you like, but for adults. So if you have got someone who ... it is not quite antisocial behaviour but they have had a few and you do not particularly want to arrest them or prosecute them, but if we had a power of seizure to say: "Look, you are upsetting those people over there, we are taking your beer." My view is we should not penalise the majority for the minority. So if you have got a family in a public park enjoying a picnic and having a couple of beers, or a beach barbecue having a couple of beers and they are causing no problem, then I do not think we should be penalising them in terms of alcohol-free zones, if you like. But if we had those kinds of powers where we could take alcohol off people that are going on the fringes up that scale then I think that could potentially be the way ahead.

Deputy J.M. Maçon:

Yes, just looking at the Policing of Parks Regulation 2005, sub clause 3(i)(a) the wording is: "Indulge in any behaviour in a park that unreasonably interferes with the comfort or convenience of other users of the park, causes them annoyance or interference with their enjoyment of the park." Presumably that type of wording is the type of thing you would like to see.

Acting Chief Inspector:

Maybe even slightly below that. The point I am trying to make, you have got a scale of behaviour and it might even be slightly below that where it does not warrant prosecuting someone for that offence, but we just want it to stop. As the Minister has already said, prosecutions are expensive so if we can nip things in the bud, say: "Look, mate, you are just being a bit silly here, I am going to take your beer, end of story, come and get it tomorrow." There is plenty of legislation in terms of enforcement of drunkenness. It is not an offence, per se, of drinking alcohol in a public place, but if someone is drunk and disorderly, drunk and incapable, we can deal with them. You have got the Crime, Disorderly Conduct and Harassment (Jersey) Law 2008 which is a very good piece of legislation for where people are potentially feeling threatened by words, what people are saying, abusive words, behaviour, we can deal with them with that legislation as well as the legislation you mention there, but we cannot take alcohol off them at the beginning.

The Connétable of St. Helier:

It would be a matter of extending the 2005 law to apply to adults as well as young people. That could be quite ...

Acting Chief Inspector:

Yes, that would probably make more sense, to extend that legislation or under policing of roads, beaches and parks.

The Minister for Home Affairs:

Yes, that is interesting, is it not, you would have to have some sort of trigger test of behaviour which would warrant you to do it because otherwise you would have a human rights problem because of interference with people's rights of property. They are owners of ...

The Connétable of St. Helier:

Which does not apply if they are children, is that right, because if they are underage you could take the alcohol off them?

Acting Chief Inspector:

That is right, but not with responsible adults. Yes, it is very good legislation.

The Minister for Home Affairs:

There would be a public safety issue there in relation to the empties themselves, as well other issues which would probably warrant that. But one has got to be always aware that things have got to be human-rights compliant. Therefore, it has got to be necessary and ...

Acting Chief Inspector:

Justified. Proportionate, necessary ...

The Minister for Home Affairs:

Proportionate, yes, necessary and proportionate. That is why you would have to have some sort of appropriate test of disturbing other people. You could have that generally in public places, the difficulty, if you put it just as the parks and gardens thing then, if they step out of the public pavement, they are no longer covered by it. So it might be preferable. It would be interesting, there must be similar legislations.

The Connétable of St. Helier:

A lot of these councils have got these alcohol-exclusion zones or zones where, if your drinking interferes with the rights of others, you will be asked to desist or something.

The Minister for Home Affairs:

Yes, because I saw something the other day on television where the police have the right to require people to move out of the area and they were using that particularly at weekends where people were a bit tipsy and a bit troublesome, to tell them to go and give them an opportunity to go without having to arrest them. Because, obviously, arresting is an expensive business, it takes up manpower, you have to take them back, you have to charge them, et cetera. Just being able to say: "Look, go. If you do not go now that we have told you to, we will then have the right to arrest you."

Acting Chief Inspector:

Well we can do that anyway for refusing to obey the lawful orders of a police officer.

The Minister for Home Affairs:

Yes, you can of course in Jersey, yes.

Acting Chief Inspector:

I am thinking more about taking alcohol from them before we get to that point.

Deputy J.M. Maçon:

In regards to consumption of alcohol in public places, how is police manpower used to enforce the legislation?

Acting Chief Inspector:

Which legislation, policing of parks, or ...?

Deputy J.M. Maçon:

Yes, parks and beaches, if at all.

Acting Chief Inspector:

Currently, we are not using our resources to enforce this legislation because we do not perceive that there is a problem of offending in these areas at this time.

The Minister for Home Affairs:

Ultimately, it will get us to a different place.

Acting Chief Inspector:

Yes, well I have already mentioned that earlier in terms our tasking process. If we are getting the calls then our tasking group looks at it.

Deputy J.M. Maçon:

What happens, say, for example, there is a beach party out at St. Brelade, someone calls the States police because they feel that people are getting too rowdy, what happens then, is it delegated to honoraries or if you receive the call you go?

Acting Chief Inspector:

We have set protocols for that depending on resource issues on any sort of given time, if you like, but we will deal with it accordingly. So, you know, if we attend a beach party and there are reports of disorderly behaviour and so on then we will deal with it accordingly.

Deputy J.M. Maçon:

There must be a seasonal manpower implication for you.

Acting Chief Inspector:

Absolutely, yes.

Deputy J.M. Maçon:

Presumably they are worse in the summer and better in the winter. From the submissions that we have received from the public there is a perception that, while the legislation is available, it is not a priority to enforce it - and I know that you touched on this - but how would you react to that perception?

Acting Chief Inspector:

In terms of our policing priorities, which I mentioned right at the beginning, States of Jersey Police have a policing plan. Just to reiterate what it is, we deal with antisocial behaviour, violent crime, priority and prolific offenders and serious and organised crime. Those are the States of Jersey Police policing priorities for this year and also for next year as well.

The Minister for Home Affairs:

They are, of course, set down by the Minister as part of the annual policing plan. The annual policing plan is my thing, although obviously I sign up to it based upon advice.

[14:45]

If I thought that there were other issues that specifically warranted attention then it is open to me to say: “Well, I want to raise this as a priority” and the police will then follow it through and when we get a Police Authority it would be no different, essentially. The Police Authority will come to me with a draft business plan worked out, no doubt, by the Chief Officer, and I will then approve, or my successor will approve it. Then it will become the responsibility of the police authority to check that the police are carrying it out. But all that can only be done within the resources and priorities.

Acting Chief Inspector:

We simply do not have the capacity to focus on these types of offences at this time.

Deputy J.M. Maçon:

Could you explain, Minister, the annual policing plan, how is that influenced in that you mentioned you take advice, who do you take advice from? Is there a wider way to get into all of that or is that left to you just to use your political savvy and manage it that way?

The Minister for Home Affairs:

At the moment, what happens is that the police force acting leadership at the moment will produce a draft plan and will produce it to me and then I will discuss it with them and will amend it as I think appropriate. Of course I have only done that once because the 2009 policing plan had really been agreed before I came on the scene. I could not be expected to be doing that straight away having only become Minister in December of 2009.

The Connétable of St. Helier:

How far is that influenced by public feedback because I understood that antisocial behaviour only got on to it, but was surprisingly high in the last plan because of public request for antisocial behaviour to be tackled?

Acting Chief Inspector:

We have various surveys we do, plus there is the J.A.S.S. survey as well, where there are specific questions in there and that helps scope the policing plan.

The Connétable of St. Helier:

One of the problems may be that, of course, some of the complaints are coming to maybe the parish Constables rather than to the Minister. I get a lot of complaints about dog fouling. The dog fouling seems to me to be quite a problem in certain parts of St. Helier but it would not seem a problem to the police if those complaints are coming to me rather than to the police.

The Minister for Home Affairs:

Do you get complaints about that?

Acting Chief Inspector:

It would not be fair for me to comment without looking at the statistics. Put it this way, I monitor what is called our I-logs on a fairly frequent basis, the calls that come into the police, and that is not one that I recall seeing.

The Connétable of St. Helier:

Quite a lot of the written submissions talked about dog fouling, particularly on beaches. A lot of people have written in to say that they are very upset that people let their dogs foul the beaches.

Acting Chief Inspector:

But again is that not an issue for the Minister with responsibility for the beaches, to look at how they are going to police that?

The Minister for Home Affairs:

That is an offence, presumably, under the policing of beaches to allow your dog to foul it, yes. Again, the practicalities of the police dealing with that are not great. It would require somebody to notice a dog fouling in a particular area to make a note of what the dog looked like, what the person looked like and then to call the police in to investigate it, by which time the dog and the person would no doubt have disappeared and, unless the person fouling was known or the dog was known to the person, how on earth are the police going to set about trying to ... they presumably would have to take samples into possession of the offending ... It is just not practical to investigate it.

Acting Chief Inspector:

Again, with limited resources.

Deputy J.M. Maçon:

But nevertheless that is a frustration that has been put towards us.

The Minister for Home Affairs:

I think that is right but it is interesting though, is it not, that there were complaints in general being directed towards the civil authorities rather than towards the criminal authorities, which suggests that they themselves are saying: "Well, yes, we will call a police officer to look at this but we want a solution."

The Connétable of St. Helier:

Presumably, if the civil authorities or rather the parochial authorities in this case, were to, despite their plan, prioritise so that we are really going to tackle say dog fouling and litter in the coming year but some of the States of Jersey Police could consider working in partnership and so that there would be an agreement that ... I think, possibly, it is worrying as a Constable if you feel you are going to get your Honorary Police to do something and that the States Police would regard that as not important enough to bother with.

Acting Chief Inspector:

But again, as I mentioned before, the Honorary Police, as you are acutely aware, have resourcing issues as well, particularly St. Helier but the people should be doing it like the authorised persons. To me, that is the key: let the Ministers appoint the appointed persons, give them more powers, get them to deal with it.

The Minister for Home Affairs:

Beach wardens you mean.

Acting Chief Inspector:

Well they are called “appointed persons” under the Law.

Deputy J.M. Maçon:

If I may ask ...

The Minister for Home Affairs:

But it is quite interesting because there is no doubt whatsoever that the way that finances are going, not just in Jersey but generally, the government is no longer able to have the resources to try and do everything and I do not think that the government has ever been very good at doing everything anyway but they certainly cannot do it now, it seems to be that some of these problems are only going to be solved in partnership with the general public in some ways. I find it interesting in the sense that the Honorary Police historically obviously came out of a need for policing and public safety and so on. I see no reason why, in more modern times, they cannot be ...

The Connétable of St. Helier:

The wheel will turn full circle then we can see, after the Honorary Police who went to the States Police and now, in a sense, the work may be handed back to the Honorary Assistant ...

The Minister for Home Affairs:

Yes, maybe, but we almost always get into a situation where there are street wardens and so on of getting people to start to take an interest in their local beach or their local park, or whatever. If you are going to get increasing number of retired people, people taking pride in ... The danger has tended to be, I think, of: “The State will provide everything, the government will provide everything”, therefore there is no role for them any longer.

Assistant Chief Inspector:

It is going back to this Big Society.

The Minister for Home Affairs:

Well, that is right. I have some not dissimilar people ideas in terms of community, retention of community, but I think that is what it is about; we are finding a role, in terms of caring for their surroundings, rather than expecting everything to be delivered ...

The Connétable of St. Helier:

The Honorary Police have a policy of asking their officers not to police their own patch, like you do not issue parking tickets in your own street.

The Minister for Home Affairs:

Yes.

The Connétable of St. Helier:

I think, to some extent, what you are saying is it might require a revision of that policy because to get people who are really interested in the state of their street in

terms of litter and dog mess, you have really got say: “Well, take ownership of your street.”

The Minister for Home Affairs:

Yes, I think that is right. It is really what community is meant to be about, is it not, people caring for their environment and just as they may care for their own house and their own garden, saying: “I care about the state of my street or my local park or whatever”? I think if we could get people ... society is going to change. There are going to be far more elderly people. There are going to be far more retired people and yet they are going to have a higher quality of life in terms of life expectancy and so on and so forth. I generally hope that we can start to get some of these, well I am pretty well one of them myself now, a grey-haired gentleman, and ladies, to say: “Well I want to do something useful.” Whether that will happen through the conventional honorary thing or whether it will happen through initiatives, I mean we have had some very successful things in the past in some of the estates of the States, I am thinking of Clos Gossett for instance, where the whole culture was very difficult there. They were getting youngsters coming in from other estates and causing a lot of trouble and the turning-around points, as I understood it, was when they had a particular gentleman with a real heart for the area who organised a committee venture and started it, some of the youngsters from the estate itself getting involved with tidying it up.

The Connétable of St. Helier:

That was a Residents’ Association approach.

The Minister for Home Affairs:

Extension of a Residents’ Association, yes.

Acting Chief Inspector:

There has been a Clean a Beach initiative recently, has there not, where children have gone down and cleaned the beach?

The Connétable of St. Helier:

I know one parish is looking at having people who are sort of champions of their street, and I forget which parish it is ...

Acting Chief Inspector:

St. Lawrence.

The Connétable of St. Helier:

St. Lawrence.

The Minister for Home Affairs:

Oh, is it? That is interesting.

The Connétable of St. Helier:

What are they called? I do not remember what they are called. It is not champions?

Acting Chief Inspector:

I cannot remember either, it is adopt a lane I think.

The Minister for Home Affairs:

I think that is very interesting and my instincts are that we must be going to get some further in terms of financial but I do not think we are. We are going to have to look at these sorts of bigger issues. It sounds a bit like a bit of a cop out, of course, when the Home Affairs say that, but I think it is in reality a bigger picture.

Deputy J.M. Maçon:

If I can ask, how many people have been prosecuted for littering in the last 2 years?

Acting Chief Inspector:

None but having said that there may be, and I will stress the word “may”, some Honorary Police activity that has not come back to us, that the States of Jersey Police have not recorded any prosecutions, either from our activity or have the activity come in to us.

The Minister for Home Affairs:

I came across absolutely no prosecutions in my period as magistrate, so it is late 1999 until June 2008 there were absolutely none. I assumed if anything was happening it was happening at a parish or inquiry level.

Deputy J.M. Maçon:

This must be a Deputy Tadier question, given that there have been no prosecutions: should littering be legalised?

The Minister for Home Affairs:

Decriminalised.

Deputy J.M. Maçon:

Decriminalised, yes.

The Minister for Home Affairs:

That is always a problem, is it not, the issue about a piece of legislation which you know you do not have the resources to deal with it? I think the answer to that is no because the vast majority of the public are law-abiding and the fact that, if you create a law, whether it is a seatbelt law or whatever, but people will then abide by it because it is the law for the land and because it sets standards and so on. That has a certain value and that is the power of ... we had a debate recently, did we not, in relation to cycle helmets? The Minister for Home Affairs stands up and says: “Well there is absolutely no earthly hope that the police have the resources to effectively enforce this” but it is going to get support anyway because responsible parents and responsible adults will comply. So criminal law is not always necessarily always there in order to be enforced, if that is not a paradox and, if you agree with that, there is probably enough for the police officers to ... [Laughter]

Acting Chief Inspector:

Is that a political question?

Deputy J.M. Maçon:

Very well done.

The Minister for Home Affairs:

Yes, well done.

Deputy J.M. Maçon:

In 2 parts, then, what training is given to officers in relation to the enforcement of (a) littering and (b) anti-social behaviour from the over-consumption of alcohol?

Acting Chief Inspector:

Well police officers receive a 2-year probationary training period under our Training Department and they do receive input on policing of parks, beaches and roads' legislation. So it is their frontloaded map, if you like, in the classroom environment. Then they go out on what is called a Street Development Unit, along with Tutor Constables and Training Sergeants, where they will look at reinforcing that learning out on the street. In terms of littering, per se, it is probably not but as you know from reading legislation, if you have input on all that legislation and say: "We will have an awareness that it is an offence to litter" in terms of anti-social behaviour, I mean that comes under the whole gambit of offences that I mentioned before, obviously they get input on how to deal with drunk and disorderlies, refusing to obey public order remove things, if you like, so yes they certainly have received the input.

Deputy J.M. Maçon:

Thank you. We had the Chief of Honorary Police Officers with us earlier this morning and he did cite something very interesting in that he informed us that one parish authority, when they are knowing beach parties are coming up, they will send out an Honorary Officer and will identify certain individuals within the group, take their details and get them to hold them responsible for making sure the area is cleaned and ready with ... the next day they only come down and check. Has that way of thinking been communicated to the police and do they have a perspective on it?

Acting Chief Inspector:

Personally, I have not heard of that. I can see the virtue of it but I cannot see the legality of it.

[15:00]

The Minister for Home Affairs:

I thought you have to have the permission of the Connétable of the parish to hold a beach party ...

Acting Chief Inspector:

Yes, for some aspects it is public entertainment I think ...

Deputy J.M. Maçon:

I thought it was above a certain amount of people you would have to get ... you are a Constable.

Acting Chief Inspector:

It is this one here though.

The Connétable of St. Helier:

Yes, we do not get requested very often for that.

Acting Chief Inspector:

Yes, it is that one there.

The Minister for Home Affairs:

I say that it is perhaps the Minister and not the Connétable.

Deputy J.M. Maçon:

That is of E.D.D. (Economic Development Department) then beaches.

Acting Chief Inspector:

Any particular beach party that is ongoing, I mean we would look at it dynamically, so what is happening, who is doing what, how they are doing it, why they are doing it and if we feel offences have not been committed at that point then we will give them words of advice and we will just sort of advise them as to what kind of conduct we would expect. If they go outside of that conduct then we could look at offences like refusing to obey or use some of the legislation there. But if it is 2.00 a.m. or 3.00 a.m. and it is not particularly causing a discomfort to other people, depending on the venue, somewhere like, I do not know let us say a slipway or somewhere remote that is not going to particularly be upsetting other people. We do have an operating procedure with lots of protocol between how we are going to deal with large gatherings, beach parties, with the Honorary Police in conjunction with them. It is something that we do look at and we have duty officers on duty they will look at the policing response; a combination of States of Jersey Police and/or Honorary Police. It is adequate we are doing this properly. Where we can nip things in the bud then clearly that is the best outcome.

The Minister for Home Affairs:

The fact if there was going to be any music they would be put under pressure under 3(1)(f): “Hold any meeting on a beach at which any musical instrument or any apparatus for the transmission, reception, reproduction or amplification of sound, speech or images by electrical or mechanical means is used.” That can be any kind of music. What I found interesting about that of course is it is quite lawful for people to go on a beach and hold a party provided they do not leave their litter behind and provided they do not play a musical instrument.

Acting Chief Inspector:

Where they do get permission, we receive correspondence from the authority that permission has been granted and like we do get them. There was one down at Havre des Pas not that long ago and there was a little reception there.

The Connétable of St. Helier:

No, I think that has been very useful.

Deputy J.M. Maçon:

We have come to the end of our questions now. Is there anything you feel that perhaps we have got the wrong end of the stick of, anything which perhaps you might

like to re-emphasise or anything else that you would like to communicate to us, please take the opportunity?

The Minister for Home Affairs:

I think that this is a very useful exercise because I hope people start rethinking and me thinking and other people thinking about the whole issue of how we, in the future, can respond to issues at a time when policing resources are going to be increasingly finite. In fact I think there are much wider issues there in terms of how the community operates and moving away from the assumption that our government does everything through agencies. I think this is a very big issue. I think it is going to apply not just in this sort of area of policing but it is also going to apply in many other areas of public life in the years to come, as we move away from a State-dependent. I have ties, for instance, with the sort of people who are street pastors and I find that very interesting, obviously that is a church-based group that is incidental to that, but there you have got an issue where people are going out and getting involved in doing something positive into the St. Helier nightlife and by holding a presence there, by helping people, by even clearing away glasses and bottles which have been left around and putting them into bins and so on, they could become potential weapons and so they pick it up. I think that is very interesting. Society has almost moved from a stage where things were amateur, that the policing was amateur, with the Centenier and the Vingtenier and so on, to a stage where everything became professionalised and if you did not have the professional training and everything else, you were seen as a sort of well-meaning amateur who got in the way. But now I think we are going back to a degree, to a stage where the well-meaning amateur, with a certain level of training, can become really useful again. I am sure this is a direction that the government is going to need to encourage and to explore. But anyway, that is my thought of wisdom for the day, for what it is worth, but I see the Connétable agrees with me, I think. It is interesting though, is it not?

The Connétable of St. Helier:

Yes, I mean the only problem could be, and I mentioned this to the Chefs de Police this morning, in that you could get the transfer of the payment of some policing functions from the taxpayer to the ratepayer, depending on, for example, the parish wardens were mentioned this morning: the more parish wardens that we appoint and equip with these skills, that that particular policing bill is being picked up by the ratepayer and not the taxpayer, there are obviously issues about that.

The Minister for Home Affairs:

Yes, I do not think it should be an issue of who pays for it. But I think it is an issue as to how we mobilise the goodwill, which I believe is there, for the public to serve.

The Connétable of St. Helier:

More of the voluntary sector.

The Minister for Home Affairs:

Yes. If we think about it as the first sector of it rather than as the Honorary Police, which is a sort of expanded second sector, I am sure that is the sort of ...

Acting Chief Inspector:

That is why I touched upon the Chamber of Commerce and licensing trade to take their part. For example, you have probably heard on the news earlier the taxi marshals looking at funding there from licensed premises in the area. It is another example of their sector, if you like.

The Connétable of St. Helier:

Timely interaction ...

The Minister for Home Affairs:

Yes, that is right, they were very keen to keep that going.

Acting Chief Inspector:

Absolutely.

Deputy J.M. Maçon:

Well, then if you have got nothing else which you feel you would like to add, I shall bring this session to a close. Thank you very much.

[15:07]