

**QUESTION TO BE ASKED OF THE PRESIDENT OF THE HOME AFFAIRS COMMITTEE ON
TUESDAY 24th JUNE 2003, BY DEPUTY J.L. DOREY OF ST. HELIER**

Question

A recent Home Office White Paper entitled 'Respect and Responsibility – taking a stand against anti-social behaviour', Cm 5778 published in March 2003, has affirmed the UK Government's intention to -

- (i) control excessive noise at night by granting Environmental Health Officers the power to shut down with immediate effect establishments that persistently create noise nuisance;
- (ii) wholeheartedly support a Private Member's Bill that will address the abusive use of fireworks;
- (iii) tackle anti-social behaviour in and around pubs, clubs and entertainment outlets by granting the Police the power to close licensed premises within a specified geographical area; and,
- (iv) give the Police and local residents the power to call for a review of a premises licence at any time, which could lead to a range of measures including revocation, suspension or modification of the conditions of the licence.

On each of these issues, does the Home Affairs Committee have plans to adopt a similar approach in the Island, and if so, on what timescale?

Answer

For the information of members, 'Respect and Responsibility' is the U.K. Government's latest initiative to crack down on anti-social behaviour. The White Paper lists a range of measures to deal with the specific problems that the U.K. faces. My impression is that the measures listed in the question are those that Deputy Dorey feels are relevant to Jersey.

Turning to the measures listed in the question -

- (i) My understanding is that such powers to control excessive noise already exist under the Statutory Nuisances (Jersey) Law 1999, as administered by the Health and Social Services Committee. The particular nuisance mentioned is covered by Article 2(1)(h).
- (ii) The Home Affairs Department is currently reviewing drafting instructions for a replacement of the Explosives (Jersey) Law 1970. These include measures to further control the use of fireworks and I expect them to come before the Committee in the autumn.
- (iii) At its meeting of 27th March 2003, the Committee received and endorsed a report from the Chief Officer, States of Jersey Police on public order legislation. The report outlined three specific offences in the U.K. that may be relevant in Jersey in order to tighten existing common and statute public order legislation. The offences – Sections 5, 4A and 4 of the Public Order Act 1986, are concerned with the use of threatening, abusive and insulting words or behaviour and range from acts of verbal disorder to occasions when violence is threatened. It is the opinion of the Chief Officer that the incorporation of these offences may remedy deficiencies that currently exist and assist in the maintenance of law and order and the preservation of the peace. It is also important to highlight that none of these offences require drunkenness to be present; however, it can of course be a contributing factor. The report has been passed to the Attorney General for his consideration.
- (iv) There is already a power that can be exercised through the Attorney General. Article 9 of the Licensing (Jersey) Law 1974 states –

'Whenever the Attorney General is of the opinion that any matter relating to a licence should be referred to the Licensing Assembly, he may submit such matter to the Assembly and in such case the Assembly shall consider the matter and, having regard to all the circumstances of the case, may suspend or revoke the licence in relation to which the submission is made or may attach thereto such conditions as may seem desirable.'

This procedure can be invoked very quickly, if the circumstances warrant it, by the Attorney General or the Solicitor General calling an extraordinary meeting of the Assembly at short notice.

I should add that (iii) and (iv) are encompassed by the Alcohol Strategy which I understand the Health and Social Services Committee will shortly be lodging for debate. Having already seen the draft proposals, these include a review of the Licensing Law and give as an example - *'the introduction of new powers enabling the Police to close premises when a serious breach of licensing regulations, risk of injury or disorder is apparent.'*

On a more general point, the measures outlined in 'Respect and Responsibility', which are comprehensive and involve both intervention and enforcement, will be considered as part of the review of our own Community Safety Strategy which is currently taking place and during the development of a criminal justice policy.