

4. Questions to Ministers Without Notice - The Minister for Home Affairs

4.1 Connétable A.S. Crowcroft of St. Helier:

Is the Minister aware that the Chief of Police who has now been suspended on full pay for over 6 months has learnt second-hand of the intention of the Chief Constable of Wiltshire to interview him for at least a week the day after he returns from leave in 7 days' time and that he has yet to receive any disclosure or representation in relation to this interview?

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

I am aware that the Chief Officer of Police has been suspended now for more than 6 months but I am not aware of any precise arrangements in relation to his questioning. I am aware that it is proposed to question him fairly shortly. This is not a matter for me to get involved with because this is an investigation.

4.1.1 The Connétable of St. Helier:

A supplementary; would the Minister explain why the Chief of Police is not entitled to legal representation which every other States employee seems to be?

Senator B.I. Le Marquand:

There is a clear differentiation between a situation in which perhaps he would be being sued by an outside party by virtue of his office on the one hand and a disciplinary matter on the other hand.

4.2 Deputy K.C. Lewis:

In the United Kingdom the police can quite legally, if they find somebody knowingly driving a vehicle without insurance, can take the car away and have it crushed. Does the Minister think that is something suitable for Jersey?

Senator B.I. Le Marquand:

That is a matter that I would need some time to consider. It is an interesting idea [Laughter] but I think it is a power which would have to be used most circumspectly, even if it existed.

4.3 The Deputy of St. John:

There are a number of clamping companies within the Island who are going around clamping vehicles, some on private property but some on publicly owned land and then demanding a payment of up to £90 to have the vehicle released. How does the Minister feel and will he be bringing in a law to control clampers, to the House? How does he feel about these clampers operating on publicly owned land?

Senator B.I. Le Marquand:

There are in fact some statutory provisions in relation to the Housing Department having the right to do things in relation to people who are parking unlawfully. This area is a very difficult area. I am aware that work has been done on it already. I happened to have done studies on it myself in the past and I am well aware that the approach taken in England is entirely different to the approach taken in Scotland, for example. It would require a statute of some sort but it is very complicated.

4.3.1 The Deputy of St. John:

A supplementary on that, if I may? Given that W.E.B. (Waterfront Enterprise Board) administer some of our land in the Weighbridge area, which until recently, and I do not know even now if the land has been transferred from States administration to W.E.B., and I am thinking of the road directly in front that was covered over in front of the former Great Western Hotel and the former bus station offices; I think it was called Caledonia Place, I am given to understand that this

probably still has not been transferred into W.E.B.'s administration. Can it be right that these contractors or these clampers are demanding money, I would say with menace because you cannot get your vehicle back unless you pay the sum; can it be right and will your department be looking at this?

Senator B.I. Le Marquand:

I accept the current position is not entirely satisfactory and my department has been looking at this for some time but it is a fairly major project which I would have to give a great deal of personal attention to and, frankly, I have a lot of other major projects which currently require my personal attention and I need to finalise some of those first.

4.4 Deputy T.M. Pitman of St. Helier:

I ask this question in response to our constituents. I fully support the Minister's view that criminalising young people is a last resort, nevertheless could the Minister clarify where he stands on the possibility of naming and shaming young people who repeat offend with anti-social behaviour?

Senator B.I. Le Marquand:

The current position in relation to naming and shaming of youth is it is discretionary in the courts. The courts have the power to lift the restrictions if they so wish. I am perfectly happy with that arrangement.

4.5 Senator B.E. Shenton:

Recently a drug dealer who has admitted supplying 695 tablets of ecstasy and 9 tablet of diazepam was given just community service. A number of parents have expressed complete and utter horror that such a light sentence should be given. Are we sending out the wrong messages to drug dealers?

Senator B.I. Le Marquand:

Sentencing is a matter for the courts and not a matter for the Minister for Home Affairs. I know that only too well because of my former role and even if I were, hypothetically, critical of a particular sentence I would not be able to say that.

4.6 Deputy M.R. Higgins:

Is the Minister aware of allegations that the Territorial Army has in the past falsified their establishment figures by including on their rolls people who have left the unit for some period of time and, if he is not aware of the allegation, would he investigate the allegations by comparing their unit pay book which shows the number of members of the unit that have been paid for attendance with those reported on the unit's strength figures and report the actual unit strength back to this Assembly, breaking down the figures between permanent and volunteer members?

Senator B.I. Le Marquand:

I think that, if Deputy Higgins has a real concern on this, it would be right for him to pose a written question so that I can provide meaningful statistics in relation to that. I am aware in general terms that such a general allocation has been made but I do not think there is any truth in it.

4.6.1 Deputy M.R. Higgins:

Can I just ask if the Minister - I accept his point about a written question but if whether he will take on the investigation and look into the matter and report a figure back to the States?

Senator B.I. Le Marquand:

I am not quite sure precisely what the allocation is because if it is an allocation that the total number of people on the books is being falsified because people are not active, the real meaningful figure is the number of people who are regularly attending, in any eventuality. That is the really meaningful figure.

4.6.2 Deputy M.R. Higgins:

If I can just say that what it is is obviously the unit strength is reported to many people and many people believe that the Territorial Army unit is much stronger than it actually is. It is a question of clarifying the figures so that we know what the States are paying for in their contribution to the defence budget.

Senator B.I. Le Marquand:

The States are paying for the number of people who attend, if we are talking about members who are in training. It is the actual number of attendances that people get paid for; not the number of people who are theoretically on the books. The fact is that people may not attend for a good reason and then may come back again.

4.7 Deputy M. Tadier:

Following on from a question last week to the Attorney General about the interception of communications, would the Minister for Home Affairs give an undertaking to review all phones which are currently being tapped or bugged, including specially States Members and report back to the House with assurances that good practice is being maintained?

The Bailiff:

Deputy, that question is out of order, I am afraid because it does not fall within the remit of the Minister for Home affairs. Deputy Shona Pitman.

4.8 Deputy S. Pitman:

Could the Minister give an opinion as to whether he believes the Customs and Immigration Department is adequately staffed to cope with the demands within its remit and, if not, in what areas?

Senator B.I. Le Marquand:

The Customs and Immigration Department really should have one additional person per shift. I mean, that has been looked at objectively in the past and that is the situation but it is able to function with the one less, which it currently has, and particularly this summer where there are slightly less pressures caused by there being only one boat coming from France carrying cars and so on. The demise of HD Ferries has slightly simplified things this year. I mean, virtually every department within Home Affairs is under-staffed; virtually every department. Possibly the only one that is not is the T.A.(Territorial Army) and the prison numbers are now moving up towards a level that they would be. It is not unusual in the States for departments to have less staff than have been approved because the money simply is not there to pay for them. I have this difficulty in every single major department apart from the T.A.

4.8.1 Deputy S. Pitman:

A supplementary; is he satisfied then, the Minister says that there is one staff short; could he first say what he is undertaking to try and gain that member of staff and also, with that in consideration, is the department meeting its remits?

Senator B.I. Le Marquand:

Yes, the department is meeting its statutory remit. There have been occasions in the past when in order to comply with the common travel area matters, that is immigration matters, where temporarily the Customs side has not been manned. That does happen occasionally and that is a

risk that we have to take. But the reality is this Island is facing major future financing problems. I am quite determined to run an efficient Home Affairs Department and I am going to seek to run that within our existing budget if I can.

4.9 Deputy S. Power of St. Brelade:

The Minister may or may not be able to answer this because it relates to the definition of headwear. Can the Minister for Home Affairs comment on the phenomenon of drivers wearing a hood while driving a car? Is he aware of any concerns by the States of Jersey police in the reduction in visibility splays caused to the driver by the wearing of hoods?

Senator B.I. Le Marquand:

Any person who is driving has a duty to be able to see where they are going. So if they are wearing a hood or a large hat or crash helmet which impinges on their visibility, they could be driving without due care and attention. But it is difficult to prove in reality what a person can see or cannot see. I am aware anecdotally of occasions in which people have been obscured and arguably they were driving without due care and attention. But to prove that in a court would be very difficult.

4.10 Deputy R.G. Le Hérissier:

Several times the Minister has stated that the major new laws which he inherited have got major issues and problems. Could he outline to the Assembly whether he has now made progress with these issues and problems around the Discrimination Law, the Police Authority Law, et cetera and when he will be bringing these laws to the Assembly?

Senator B.I. Le Marquand:

We are working very hard on the Sex Offenders Law and think we have now solved most of the problems which were there. There are issues in relation to a proper assessment of what it is going to cost but we are fairly close to being able to bring that back to the House. In relation to discrimination, progress has been made in terms of trying to run this but much more cheaply than was previously envisaged, utilising an expanded form of the existing Employment Tribunal. My excellent colleague, Deputy Hilton, is working particularly in relation to this area. Sorry, I have forgotten what ...

Deputy R.G. Le Hérissier:

Police Authority.

Senator B.I. Le Marquand:

Police Authority. In relation to police authority, I have taken a decision that until the dust has settled in relation to a number of current matters it will be very difficult to take forward any sensible proposals. I am, therefore, leaving that over for consideration towards the end of the year. I have been doing some thinking on that and my own thinking is moving towards the formation of some sort of police authority committee which would include States Members and non-States Members. I think we need something which is going to have more oomph as it were - more power, more clout - than the previous arrangements.

4.11 The Connétable of St. Helier:

The Minister I think was unintentionally misleading when he said in his answer to my previous question that legal representation was not supplied for people under disciplinary matters. Surely it is the case that every other police officer facing an internal disciplinary inquiry would be receiving legal representation.

Senator B.I. Le Marquand:

If the implication of the question is legal representation paid for by the States then I do not think that is right. I think the position is that they work through - I am trying to remember the name of the police officers' union - through the Police Association. It so happens that my understanding is the Chief Officer of Police opted out of the equivalent arrangements by his own decision when he was appointed. I understood the question to be legal representation paid for by the States. That was the context of my answer.

4.12 The Connétable of St. Lawrence:

A working group is reviewing speed limits in the Island. If they recommend the introduction of speed cameras will the Minister support that and, if not, why not?

Senator B.I. Le Marquand:

It is not strictly in my area because it will fall, as I understand it, within Transport and Technical Services. I have mixed feelings about speed cameras, I have to say. They can operate well in certain areas. In other areas I think they can simply operate as a method of generating revenue and annoying the general public [**Approbation**] so the placement of them if we use them would have to be very carefully thought through. I am undecided at the moment.

The Bailiff:

Thank you, Minister. That concludes the time allowed for questioning the Minister for Home Affairs.