

2.5 Deputy T.M. Pitman of the Minister for Home Affairs regarding the rights of the public to be informed by the police if their neighbours keep weapons in their homes:

As it might help the Minister's answer could I just say, given the abuse that I have got after the badly edited *Channel Television* interview, this is not about requesting an additional register for responsible gun owners. Could the Minister tell us, would he advise us what rights, if any, members of the public have to be informed by the police that their neighbours have a large arsenal of weapons in their homes?

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

This question has caused unnecessary upset at the local gun, sporting and collecting communities. I, therefore, want to affirm my confidence in the many responsible gun owners, in the Connétables who issue gun licences, and in the whole local system for the control of guns which maintains high standards of safety, balanced with a proper provision for legitimate collectors and gun users. But for the addendum from the Deputy I would then have gone on to indicate that I did not think it was a good idea for information about where guns were kept to be made known to neighbours, but I understand that is not what the question is about.

2.5.1 Deputy T.M. Pitman:

Supplementary, mainstream media are great, are they not? As the Minister said this question is about protecting the safety because there are innocent people who have been attacked in their own home from people who possibly need psychiatric help and are violent. Could the Minister tell us, therefore, whether an individual who has attacked someone's house, completely unprovoked, yet has had a charge of having a sword, throwing knives and even quite sophisticated petrol bombs found at his home dismissed has then been returned home to live next door to an innocent person? Do those individuals now living in fear have any right to know the risks that they are facing?

Senator B.I. Le Marquand:

The Deputy is exaggerating, as is his wont, in relation to the extent of the issues here. I do not know of any massive sword. The individual in question, in fact, went to Police Headquarters after the original incident and surrendered 3 items voluntarily themselves. The position in relation to safety of individuals and information the police may have is a matter for discretion on the part of the police to determine issues where they would need to balance, on the one hand, safety issues and on the other hand the privacy issues. That is quite a subtle and difficult test which I have every confidence that the senior officers who would make such decisions would make correctly.

2.5.2 Deputy T.M. Pitman:

Supplementary because I am sorry the Minister is ... I do resent that comment about exaggerating. Sophisticated petrol bombs with batteries attached... perhaps he should listen to the transcripts. Is the Minister aware that the individual in question also turned up at his previous employment armed with a machete? Is that an exaggeration? Will he take his job seriously and tell us what will he do to protect people because the police have admitted they have messed this operation up spectacularly?

Senator B.I. Le Marquand:

I resent it being suggested I am not doing my job properly. The Deputy continues to exaggerate. On the last occasion he asked a question in which he said I should either apologise or resign. He then did not indicate to me, and still has not indicated, what that was about. He is prone to exaggeration.

The Bailiff:

Can you talk to the question, please?

Senator B.I. Le Marquand:

Yes, very well. I have detailed information, I anticipated what this was about not because the question tells me but because of watching exchanges of emails. I have information as to what was surrendered and there was not ... I do not have information about a machete; I have information about a katana knife, whatever that may be.

Deputy T.M. Pitman:

Different cases.

2.5.3 Deputy J.A. Martin of St. Helier:

I do not think this is wide of the mark given the Minister for Home Affairs' first answer that it is the Constables who issue gun licences. As the Minister for Home Affairs, does he not agree that it is about time we bring this under one authority and not 13? I am very sorry, it is like the Constables hanging on to Sunday Trading which I will just about admit they can possibly regulate; but gun licences, no way.

Senator B.I. Le Marquand:

No, I do not agree with that. I have every confidence, as I have said, in the Connétables, they have the local knowledge, [**Approbation**] they are most conscientious, they involve their honorary police to inspect premises as to suitability and so on and they make their decisions most seriously and if I might say, professionally.

2.5.4 Deputy G.P. Southern of St. Helier:

If I can force my way through all this resentment. Could I ask whether the Minister is saying there is no right to know in answer to the question?

Senator B.I. Le Marquand:

That is what I am saying. Matters of provision of information would be discretionary in the police who have to balance competing issues. There are human rights issues in relation to rights of privacy and so on which counterbalance issues of safety. It is a matter for decision in any individual case.

2.5.5 Deputy G.P. Southern:

Supplementary, if I may? Does the Minister consider that it might be a good idea and will he investigate the possibility of giving such a right to neighbours of such people?

Senator B.I. Le Marquand:

In my view that would be clearly contrary to human rights principles for the reasons I have already said. It is a matter of balancing differing issues. There are issues here of what we are talking about, in terms of size. Every household has got knives which potentially are extremely dangerous. Are we going to have a situation where the police have to inform a neighbour that because their neighbour may be unwell or psychiatrically ill, as was the case in this case, that they have kitchen knives which are dangerous? That really does not make sense.

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

Does the Minister have any empirical evidence that centralising the function of firearms for licensing would be in any way more efficient or provide a better security for the public?

Senator B.I. Le Marquand:

No, I do not. I also have full confidence in the ability of the Connétables to balance the risks... the issues which are involved because inevitably in relation to gun licences there will also be, then, a balancing of different types of issues. I have great confidence in their ability to do that sort of exercise sensibly. The alternative, frankly, would be to centralise the control in the States of Jersey Police Force and there is no doubt that the States of Jersey Police would give the overriding

concern in relation to public safety. I personally have my doubts as to whether they can provide the same independent degree of balance as is provided excellently by the Connétables.

2.5.7 Deputy S. Pitman:

Could the Minister tell Members under the Human Rights Law what protection does the victim neighbours have against such criminals?

Senator B.I. Le Marquand:

Well they have the normal protection of the criminal law.

2.5.8 Deputy M. Tadier:

While I do not have any particularly strong views on this, would the Minister not agree that he has given a spurious answer to Deputy Southern when he compares kitchen knives being a general threat and guns because surely he realises that one does not need a licence issued from a Connétable or anyone else in order to own a kitchen knife? Would he clarify that statement or accept that it is a spurious argument?

Senator B.I. Le Marquand:

This is exactly the problem that arises when a Member asks a question that looks as if it is about guns and then says it is not about guns. I am trying to answer the question in the context of what Deputy Trevor Pitman says it is about, which was not about guns.

2.5.9 Deputy T.M. Pitman:

Absolutely. If I have got a reputation for exaggerating the Minister has got a reputation of incompetence and it is well merited. This is not about the Constables or criticism of the Constables, my question is petrol bombs with batteries, quite sophisticatedly made up; the constituents have been living in fear for 14 months; the case was dismissed. They have been attacked in their own home, 8 ball bearings shot through their windows, been told by the police to live with their curtains closed and their doors locked. Does the Minister take that seriously? I am not exaggerating.

Senator B.I. Le Marquand:

Of course I take that seriously but now the Deputy is going into the area of the prosecution which is not a matter for the police at all. The police produce a report: they did so professionally. They dealt with this matter professionally. They then passed that on to prosecutors. Prosecutors then decide which cases are charged and the matter then comes to court and judges then decide what happens. Now, it so happened in this particular case that some charges were withdrawn by the prosecution. I have no idea why that is but that is nothing whatsoever to do with the police.

2.5.10 Deputy T.M. Pitman:

Could the Minister just answer the question because could he tell us, and my constituent who is listening, why that elderly couple could not be told that their next door neighbour had petrol bombs?

Senator B.I. Le Marquand:

I do not know the answer to that. I do not know in fact whether they were told or were not told in relation to that. If the Deputy would care to write to me in the normal way - email would do fine - to ask me specific questions, I will take those up, as I normally do, with the police and find out specific answers.

2.5.11 Connétable P.J. Rondel of St. John:

Before you move on could I just say that Deputy Pitman mentioned that gun owners were criminals. There is no such thing as a criminal getting ...

Deputy T.M. Pitman:

I did not say that all.

The Connétable of St. John:

No, your good Deputy Shona Pitman said gun owners were ... if you would want to listen to Hansard, I am sure that is what she said, and therefore can I assure the House, as a Connétable, and we have been discussing guns recently at various meetings, no criminals are issued gun licences. Statistics will show that, in fact, the number is less than 5 per cent of any crimes are committed by non licensed holders of weapons.

Deputy S. Pitman:

Can I just clarify that I did not say that everyone who has guns are criminals; I meant those who have committed offences.