

Education and Home Affairs Policing of Events - User Pays Review

Monday, 12th NOVEMBER 2007

Panel:

Deputy D.W. Mezbourian of St. Lawrence (Chairman)

Deputy J. Gallichan of St. Mary

Deputy S. Pitman of St. Helier

Witnesses:

Senator P.F.C Ozouf (Minister for Economic Development)

Mr. K. Lemasney (Economic Development Corporate Strategy Manager)

(Please note: All witnesses and Panel Members were given the opportunity to comment upon the accuracy of the transcript. Whilst the transcript remains a verbatim account of proceedings, suggested points of clarification may have been included as footnotes to the main text.)

Deputy D.W. Mezbourian of St. Lawrence (Chairman):

I will welcome you both formally to the hearing this morning of the Education and Home Affairs Scrutiny Panel and to our review of the user pays policy that is being proposed by the Home Affairs Department for the policing of certain commercial and profit making events. As you know, you are both covered by privilege and there is information of that in front of you on the desk there. I understand Minister that you have a very busy day ahead of you today and we will try and keep this to a within the hour that we have allotted for the hearing. The hearing is being recorded, it will be transcribed and eventually uploaded to the Scrutiny website as a public document. It will be sent to you for your comments on the transcription within the next few days. I think I will start by asking everyone to introduce themselves for the purposes of the recording and transcription and then, Minister, we propose to ask you to give us your views on the topic of policing of commercial and fund making events. We do have some pre-prepared questions which we will address to you when you have finished your presentation. Is that acceptable to you?

Senator P.F.C. Ozouf (Minister for Economic Development):

Absolutely fine. I have got another meeting at 11.00 a.m. so I can be with you until sort of 10.45 a.m. if that is helpful.

Deputy D.W. Mezbourian:

All right, thank you very much. I will start by introducing myself. I am Deputy Mezbourian, Chairman of the Education and Home Affairs Scrutiny Panel. On my left is ...

Deputy J. Gallichan of St. Mary:

Deputy Juliette Gallichan, St. Mary, Vice Chairman.

Mr. K. Lemasney (Economic Development Corporate Strategy Manager):

Kevin Lemasney, Economic Development Corporate Strategy Manager.

Senator P.F.C. Ozouf:

Senator Philip Ozouf, Minister for Economic Development.

Deputy S. Pitman of St. Helier:

Deputy Pitman of St. Helier.

Deputy D.W. Mezbourian:

Thank you. On my right is our officer William Millow. So we will start, Senator, by asking you for your comments on the proposal, please, and presumably in particular on the P.94 which was lodged by the Home Affairs Department.

Senator P.F.C. Ozouf:

Fine. I hope the morning and what I have to say to you is of some use to you. Obviously it is not an Economic Development strategy here. It is one obviously lodged by another Minister. Before just going to the proposition itself I could probably just state the obvious, and that is that Economic Development regards events, and an events calendar - and a vibrant events calendar - as absolutely fundamental to encouraging, maintaining and enhancing the tourist and visitor economy. I say the visitor economy but of course many of the events that Economic Development do get involved in and do fund are also Island events and could be

regarded as very much almost as part of the Island's culture. Whether or not it be Battle of Flowers, international air display, or now we are putting quite a heavy investment into celebrations around Liberation Day. There is a dual objective in funding events, that is enhancing the cultural vitality of the Island but also making Jersey an exciting place to visit. I think that I would predict that there is likely to be more events in Jersey going forward and a greater level of investment in events. So the issue of user pays charges and profit or not for profit events is something which, I think, is going to need to be well understood and well able to be dealt with as far as policing matters are concerned. The proposal put forward by Home Affairs was ... I think, we found out about it at a Council of Ministers' meeting some time shortly before the Minister put it into the public domain. So we are dealing with the consequences, we are not promoting it. Having said that, I am not ideologically opposed to the concept of a charge for policing some profit making events. I am not ideologically opposed to it. But I do think great care needs to be taken in administering or allowing a charge. I think the other thing I would also say is that we need to be very clear that the police are not there to organise and run the security and the flows of events. They are there to do what they say, which is to prevent and detect law and order and all of their other strategy responsibilities. It is, at the end of the day, up to the event organisers to prove that they have the right level of organisation and the right level of resource available to organise their events. I have been involved in a couple of events and I think one event that certainly the police will remind me of whenever I go and talk to them about events, that is Senator Freddie Cohen and I organised and were the instigators behind the screening of Live 8 in the People's Park. Now, this is an interesting situation because it apparently did go -- there were concerns by the police authorities about law and order, but of course that was a charity event and a very well attended charity event which was a global event and one in which I am very pleased we put the organisation and effort in to do it. But there were some unintended consequences to that. I think the world is changing, the world of Live 8, the world of Earth Watch and all of these other global events is also going to be a feature in the Jersey calendar, and quite right too. Jersey should be taking part in global initiatives in my view. I think that is probably appropriate enough for a short introduction. Events are important, events are going to become more important. There is a debate to be had about charity versus not for profit but I am also not

necessarily opposed to the concept of some form of user pays charge for additional policing costs where they are proven to be necessary.

Deputy D.W. Mezbourian:

Thank you, Minister. I think that leads us nicely into the question that we have prepared for you. You mentioned that events are fundamental to the tourist and visitor economy. I wonder if you can tell us how and explain in detail the reasons behind that?

Senator P.F.C. Ozouf:

Well, if I was to take a list of the events that Jersey Tourism or Economic Development are supporting this year, and if I was to say to you that in 2007 we invested approximately £315,000 in cash in events plus had additional resources allocated to the actual organisation with a team led by Donna Le Marrec who assists with ... at the moment I have not got the total costs of that but there is an additional couple of hundred thousand pounds probably of staff costs that are put in. The calendar of events goes all the way through from Winter Warmers to a tennis tournament in March; to petanque; to MG Owner's Rally celebration, a festival of motoring; Tour de Port; Battle of Flowers, our single biggest grant this year at £150,000; second biggest grant, International Air Display of approximately £70,000; a street theatre running through the summer of £50,000; Tennerfest gets a small contribution of £10,000 for their marketing; Sea Bass Festival, £1,000; Heritage Trust, various different events are supported to the tune of £12,000. There is a whole list of events which ensure that Jersey is a vibrant destination in which to come and enjoy a holiday. I will ask Kevin to come in there.

Mr. K. Lemasney:

Yes, I was going to say, if I could add to that. The events that the Minister has mentioned there are events that are either organised by Jersey Tourism or supported, funded, in some way or another by Jersey Tourism and Economic Development. One can add to that the whole host of events that take place independent of States' funding and all of those events are carried on Jersey.com/events so the visitor to the Island does not necessarily differentiate between a funded event or a non-funded event. They just see the whole panoply of events that take place during their visit.

Senator P.F.C. Ozouf:

To reinforce the importance of events in the context of tourism and the visitor economy, one report which you might wish to review if you have not seen it is the *Locum Consulting Review of Jersey*, of which we helpfully brought you 3 copies, which basically sets out and did an audit of exactly Jersey's tourism economy and the things that one needed to do. In there it is supported, as a recommendation, the importance of events and having a vibrant programme. Effectively we have very stringent criteria to judge which events get financially supported from Economic Development's point of view. So that is not only ... at the end of the day we are looking to attract more people to Jersey and to provide activities which will bring people to Jersey that otherwise would not have come. But at the same time, also understanding the loyal number of people that return to Jersey and come to Jersey without a particular catalyst for an event, we also want to ensure that they have an exciting time while they are here. That is why events such as International Air Display, towards the end of the season, Fête de Noué at this time of year with Christmas, which is a very successful branded event bringing people to the Island, particularly people from our sister Channel Islands I am told and also from France and for shopping. They are all part of what we are doing in terms of encouraging more people to come to Jersey.

Deputy D.W. Mezbourian:

Thank you, Minister. Not having seen this document, is it recorded in there the impact that different events have on the economy?

Mr. K. Lemasney:

It will be recorded in general terms that events are important to the strategy, the tourism strategy.

Deputy D.W. Mezbourian:

So I can ask you then, do you assess at all how certain types of event impact upon the economy?

Mr. K. Lemasney:

Absolutely. From a tourism perspective there are 2 types of events one could argue. You have the event that of itself will bring additional business to the Island, and those are not necessarily the bigger events but an event that has the possibility to bring visitors to the Island for that event. You then have the second category of events which visitors to the Island will avail themselves of during their trip to the Island. From a community perspective, we have many community events and those are events that tourists to any destination will particularly like. That sets us apart from any of our competitors. When one reads the tourism audit, the locum audit, one will see that many of our events in Jersey do not necessarily distinguish us from other seaside type resorts. There is a danger that if many of your events are the seaside type resort event we do not differentiate it ourselves from the Blackpools or the Bournemouths, the other seaside type destinations. So it is very important in developing in particular the new events, but in looking at funding of events in our criteria is the possibility of that event bringing new business to Jersey. To somehow differentiate Jersey the destination from other destinations.

Deputy D.W. Mezbourian:

How would you describe the current working relationship between the parties involved in the organisation of these events? Particularly in relation to yourselves at E.D.D. (Economic Development Department) and through tourism.

Senator P.F.C. Ozouf:

We have relationships with each of the different event organisers and our key relationships are obviously those events that receive significant amounts of public money. I think the experience we have had in respect of how we deal with events particularly, if I may use the example of the Battle of Flowers, we have learnt a lot about how we must fund, organise and make decisions concerning events. It has to be said that we are also encouraging event organisers, and this is not always very easy, to take a more commercial approach to the raising of money and particularly to try and almost act as an intermediary of identifying where potential sponsors may well be for particular events. I am thinking particularly recently of the Jersey Film Festival which was ... I did not agree with the decision of a previous committee that cut back on events on their event programme. Some events, such as the film festival was axed from Jersey Tourism's calendar. Partly because, while accepting that it added to

vitality for existing people, at the time it was regarded that it did not bring any more people to the Island and it was more of a community thing. Now the Jersey Film Festival is a good example where there is a very keen organiser but that organiser perhaps needs assistance with identifying commercial sponsors and also needs some business advice to develop their own business plan and develop their case in order to go to sponsors. I am not going to say anything today in open session but we do think that we have found a very major sponsor for the Jersey Film Festival which will mean that the Film Festival will happen and happen on a fairly exciting scale.

Mr. K. Lemasney:

Could I add to that that one should not think in terms of Tourism support or States' support as pounds only. I think there is a little bit of a legacy where many event organisers feel that the first port of call and the last port of call will be one of the States of Jersey departments and it is a question of: "Well, give us the money, trust us and we will go off and we will do a very nice event that everybody will have a jolly good time at." With Economic Development in particular, trying to change that mindset so that if appropriate, yes, we can give some pounds but as well that we can give some business advice and that we can work through the enterprise and business development arm of Economic Development and work with event organisers so that they can develop their business plans. Donna Le Marrec I am sure will have spoken to you last week about the events manual that she and her team have developed which gives advice of a different nature. It is really how to engage with the honoraries, States of Jersey Police, and other advice such as that. But it is very important as well that we work with event organisers to try to reduce the reliance on States' grants and look also to the private sector on other ways of raising funds. For our money the best example of that recently has been our work with Jersey Live where, at the critical time in the genesis of that event, we provided some funding and a lot of business advice. In the second year we provided less funding and more business advice. In the third year, no direct funding, some indirect funding for marketing and P.R. (public relations) and, again, a little advice. Now heading into 2008, no direct funding, some joint marketing, which we would do with any of our partners in the industry, and less business advice but a little of the P.R. advice, et cetera. Now, if we could adopt that type of model with some of the other big events that the Minister has referred to and reduce the reliance on some of the legacy funding, those funds could be used to

launch new events and, in turn, continue that virtual circle where we would launch the new ones and reduce the reliance.

Deputy D.W. Mezbourian:

Thank you, Mr. Lemasney. We have just covered the current situation, and of course you have mentioned Jersey Live there, and we will go on to discuss that later. I am going to ask Deputy Gallichan now to come in and speak to you about the development of the proposals of the user pays charge.

The Deputy of St. Mary:

Deputy Gallichan was not prepared for that at all, I was thinking about something else. What is your view on the proposal that a user pays charge be introduced? When it was first introduced and discussed by the Council of Ministers you did express yourself some reservations about it, like the potential impact of it. What were your reservations precisely?

Senator P.F.C. Ozouf:

In an ideal situation I would hope that the police would not need to have additional resources in order to assist with such events. Because just as Kevin has explained, if we go back to the Jersey Live example we would have had to pay for the police costs on day one. Okay, the event has got bigger. But if we had had to have the additional cost of the police then maybe we would not have been able to start the virtual circle with Jersey Live. So I would prefer a situation that the police did not need to have that. Because in that situation, of course, it would mean effectively money going from one States' department to another, which is a kind of merry-go-round funding which does not make much sense. So in an ideal world I would hope that we would not have one. I certainly am very aware that the threat of a significant additional charge by the police may well put off events which would be running precisely against what I have been describing as being the kind of world of vibrancy and an exciting event calendar which we want to have. So those are my concerns. It is reluctantly ... if that is what the police say, and I am not in a position to judge whether or not the police are right in what they are saying that their resources are going down. I notice in one of the early reports that I was looking at this morning

they said their resources are going down. I am not sure the police resources have been going down in the last few years but that is something for other people to test.

The Deputy of St. Mary:

I understand. So it could impact right at the beginning in this self generating function that you have described.

Senator P.F.C. Ozouf:

One potential compromise would be is if the case is made that a requirement is for there to be funding for events, there is to be a charge for events, and we are trying to take an event through the lifecycle starting with pump priming. Now, perhaps one thing could be that events are not charged, even if they may become profit making events, for the period of time when they are loss making and they get assistance from Economic Development. Maybe there could be a 3-year amnesty or something for a new event.

The Deputy of St. Mary:

I understand. Can you tell me, things have obviously moved on since P.94 was put there and then withdrawn, has your department been involved in any way in the development of the proposals to a new stage?

Senator P.F.C. Ozouf:

Yes. Kevin has been involved with that, that is why he is with me today. He has been very much involved right the way through in the drafting of a memorandum of understanding and with my full knowledge and blessing. I should say, by the way, that the one thing that we are trying to do, and it might have been picked up by you, is that we are trying to build a much more close relationship with culture in Education, Sport and Culture. I think there is another debate to be had for another day of the extent to which there is ... I would have willing adopted another Assistant Minister with responsibilities for events and culture. I think you cannot divide the 2 so we do try and have a very good working relationship with Rod McLoughlin and Deputy Labey.

Deputy D.W. Mezbourian:

Thank you.

Mr. K. Lemasney:

Could I just add to that that from the work that has taken place between the officers on the development of the working agreement that we have already put into place some of the suggestions from that working agreement. So where it was advised that the Tourism Department or Economic Development in general would advise the States of Jersey Police, Education Sports and Culture and Home Affairs about events in a timely fashion, that for the 2008 programme has already taken place in recent weeks where we have provided States of Jersey Police and Home Affairs with a full briefing on the 2008 programme so that they can start to see that which will fall into place in the fullness of time and take the appropriate planning steps at this point in time rather than at a later point in time.

Deputy D.W. Mezbourian:

I am not sure, Minister, if we are able to ask Mr. Lemasney about the talks that he was involved with. You referred to the memorandum of understanding.

Senator P.F.C. Ozouf:

Kevin is a very experienced official, he will tell you anything. He will refer to me if there is any problem.

Deputy D.W. Mezbourian:

I think we are interested in the input from other departments into the new proposals.

Senator P.F.C. Ozouf:

There has been a working group, as I understand it, with Kevin, with Liz Middleton from Home Affairs, Rod McLoughlin from Culture and States of Jersey Police.

Mr. K. Lemasney:

Following the Council of Ministers' meeting that took place at Highlands College - I am not quite sure of the date of it, but it was pre the initial retraction of the proposal - Economic Development was charged to go and speak to the other parties and develop a working framework. We did that with the Chief of Police and the Chief Executive

from Economic Development and out of those first meetings came the working group to put together a working agreement. Latterly, the Honorary Police were also consulted about that and there have been some recent minor modifications to take account of their future possible financial constraints. We set out to create a road map which would allow for the new events where there would be additional policing costs. I think that is very important. Our understanding from the outset was that it would be the additional costs, that if they were the regular - if I can call them that - policing costs of an event that that would be taken in as a normal event policing, but where you had additional costs - and if I can use again the example of Jersey Live where you needed mutual aid, specifically trained people to come in from the U.K. (United Kingdom) - that is seen very clearly as an additional cost. The framework was to allow us to look at these additional costs and ascertain how they would be paid for.

The Deputy of St. Mary:

Could I just ask, do you have any concerns about how these additional costs are identified and quantified, bearing in mind ...

Mr. K. Lemasney:

Absolutely, it is probably our primary concern. That is where in the working group agreement, a working agreement, such as this is a road map. It establishes some guidelines but it is absolutely essential that the parties to the working agreement make it work, and therefore our relationship with Home Affairs, Education Sport and Culture is of the utmost importance but also the respective relationships with the individual event organisers.

Senator P.F.C. Ozouf:

I would say that this is quite delicate territory because it seems to me that the police will always say there are good intelligent operational reasons for doing X, Y and Z and that is the reason why they say that they cannot go into the details of how much money they have spent on what and the reasons, et cetera. That is a very difficult situation for us to be in. I do not criticise it but certainly we want events to happen and we are put in a very difficult position, and certainly in the case of Jersey Live I have had to make views known very clearly to Home Affairs and to the police that we want Jersey Live to happen, and I do not think it should be a situation where the

police are almost in a sort judge and jury situation where they say, because of their decisions, the event will not happen. But it is very, very delicate. I would be happy to say something in a closed session more about that, because we are dealing with issues of supposed intelligence et cetera, at the end if that is of interest to you.

The Deputy of St. Mary:

You must be very conscious that the Island is vying all the time with other sources of entertainment for these things, would you like to see some sort of parity? I know the Island is in a special situation because we are isolated in regards to police response times, et cetera, but would you feel you need to see some sort of economic justifier for a comparison base?

Senator P.F.C. Ozouf:

Again we are a relatively small department and it is very difficult to have the time to do research on these issues which is why I welcome the Scrutiny Panel doing this. I would like to understand the extent to which local authorities in the U.K. have agreements with police about additional costs. I am not sure that I understand exactly how big events are dealt with and funded by supposed profit making organisations. It would be useful ... I do not think that events should necessarily be put at a disadvantage because of the geographic nature of Jersey. I am a very strong supporter, I had never been to Jersey Live. My only first time I went to Jersey Live was this year because it happened almost to be the time when I was taking my holidays. I have to say that I thought it was a great event. I was very impressed with the way that it had been organised. I was a natural supporter of it anyway because of the representations that are given to me but I was incredibly impressed by the cross cutting nature of the attendance. There were people my age, there were people 10-15 years older than me with their children, it was a very good event for Jersey. I think also repositioning Jersey, as Kevin said about this *Locum Report* that I have in front of me, which does say of the opportunities for improvement that we have as far as Jersey's image is concerned, that we need to move on from being a sort of old fashioned event ... and I do not criticise the Battle of Flowers at all, they are part of our D.N.A. (Deoxyribonucleic acid), they are part of our culture, but we also need to move on in having events such as Jersey Live. I think Jersey Live is a very interesting symbol of what Jersey can do.

Deputy D.W. Mezbourian:

I think it is important then, as you have just been so complimentary about the Jersey Live festival and the benefits it can bring to the Island, to ask you what your views would be if through the introduction of a user pays charge the organisers decided to no longer go ahead with it?

Senator P.F.C. Ozouf:

I will argue the case for Jersey Live to avoid that to happen. That is something that would be a matter of huge regret for the Island community and for what we are trying to do. I hope it will not happen. I think there are some positions that people do take in public, but at the end of the day the Jersey Live organisers are, to their great credit, putting on a great event in an interesting time of year for the Island community. So I will persuade them not to do that. But, of course, there is a very real concern about the scale of the additional costs that were being asked of them.

Deputy D.W. Mezbourian:

Who would you make the arguments to?

Senator P.F.C. Ozouf:

I think people have to be reasonable. I think Jersey Live and organisers of events have to show that they are competent and capable and have the sufficient resources to organise the ingress and organisation of people and dealing with all of the problems that inevitably flow from having events with alcohol, et cetera. So it is important that the event organisers are sufficiently well organised to deal with the consequence of that, but then the authorities, police, et cetera, do need to, I think, recognise that there is a public policy objective now of having events and that they are going to have to resource themselves accordingly. I have to say I think the police have learnt a lot about dealing with large events. I think the Live 8 concert was almost a sort of watershed in terms of understanding of what you have to do. I think it is a case of equipping ourselves to be able to deal with such events and having the right organisation skills and the proper risk assessments, et cetera, to be able to deal with them.

Mr. K. Lemasney:

Can I just add 2 points to that as well. The first one comes back to Deputy Gallichan's point, just under the economic models, and I think that is very important in what we are doing when we are speaking about the grants. I believe Donna Le Marrec would have briefed you on the criteria she used last year but you have tangible benefits that can be very easily measured. How many tickets were sold. How many people came to the Island. How many bed nights, et cetera. Those are very tangible but you also have the intangible benefits to any of these events and where we can use it as a media story, where we can change the perception of the destination, those are things that in economic terms today and tomorrow we will not be able to measure. But in the fullness of time we will certainly, as a destination, reap the benefits for that. The second thing, I think, is we have to avoid these emotive arguments and that Jersey Live might leave the Island and might go to another Channel Island or might go elsewhere because of a policing cost. Certainly, in my personal opinion, that is not going to happen. It is not because of a certain fee that an event is going to pack up and go. Certainly not an event which is now becoming a part of the calendar. But the key word in this is engagement. None of us like paying taxes, none of us like paying rates, but we do and we get a service in return for it. In the same way an event organiser, in particular a commercial event organiser, has to understand that there are costs that come with organising an event, that those costs have to be paid by somebody. Therefore the engagement comes about in deciding who pays those costs or what is the actual percentage break down of those costs. I come back again to the point of the additional policing costs. Not the total policing costs but additional policing costs. In engaging with the States of Jersey Police and in identifying in a timely fashion what those additional costs might be then one starts to negotiate who pays what and when. I think that is, for me, one of the most important points, that point of engagement. We have met already, in recent weeks, with States of Jersey Police, we already know the dates for the events next year, we already know the numbers of potential visitors to that event, so we can approach the 2008 events in a very timely fashion and carry out those negotiations.

Deputy D.W. Mezbourian:

Thank you. Senator Ozouf just mentioned the stewarding arrangements for the events and I know that Deputy Pitman has a question on that.

Deputy S. Pitman:

Who should judge whether event organisers are competent?

Senator P.F.C. Ozouf:

That is a very interesting and important question. What happens is that I am sure that you ... have you been briefed on the arrangements of the Bailiff's Panel? My understanding is that it is the Bailiff's Panel which is the collective of the necessary authorities that are organised at events, the ambulance service, fire and police, Honorary Police, et cetera. That they are the body that meets and test the plans at the risk assessments of events and ultimately it is the Bailiff. I know the Bailiff does not like these powers of deciding whether or not events are going to go ahead and he does, of course, take it upon advice and nobody has thought of anybody better in order to give that final ... but it is that group of people. I think it is important that that group of people is balanced. We have asked, and have been sadly refused, to have a seat on the Bailiff's Panel because we think it is important not only for there to be representatives of the different licensing authorities but that there should also be a voice of culture and events there to explain what the importance is. Because if we ... I was reading a Sunday newspaper yesterday about a book that has been published on health and safety issues and apparently some school has banned pencil cases just in case a sharp pencil would fall out. I mean, taken to its illogical conclusion you would say no to any event because there is a risk of somebody getting hurt. But there is a balance to be taken. I think the responsibility ultimately for an event and its business plan or its operational plan is the Chief of Police. That is ultimately who is responsible, I think. As far as the charging issues are concerned, we wanted there to be some sort of appeal against the police decision on charging which we suggested ... I think we suggested that it should be another Minister and it seemed like the Treasury Minister was the right and obvious person to deal with in terms of being an impartial appellate body.

Deputy D.W. Mezbourian:

I would just like to remind you, Senator, that during the States sitting of 16th July when we were discussing the draft Unlawful Entertainments (Jersey) Regulations, the

Home Affairs Minister did make the commitment to taking up with the Bailiff's office again your recommendation that a member of E.D.D. sit on the panel.

Senator P.F.C. Ozouf:

You are very well researched, Chairman.

The Deputy of St. Mary:

Could I just broaden that out for a second. Obviously you said that you would like to see a broadening of the panel to include one of your representatives. Do you think that it would also benefit from having a non involved but experienced event organiser, because I have already become aware that there is an awful lot more to planning an event than just picking a day and hoping for the best.

Senator P.F.C. Ozouf:

Yes, I think we need to look at the operational activities and appeals mechanisms available for the Bailiff's Panel. The Bailiff's Panel are the final body for deciding whether or not events go ahead.

Mr. K. Lemasney:

Sorry, it is the Bailiff that is the final ...

Senator P.F.C. Ozouf:

Yes, but he acts upon advice obviously. I am not sure that I am aware of where he has overridden a decision of the panel. So he will be acting upon advice. Whoever it is, whether or not it is the Bailiff or somebody else, they obviously do need to have all aspects of the components of the ingredients of the event. Which is not only the risk assessments but also the benefits and the importance of the cultural events and all the rest of it. I have heard of quite a few events that have been proposed, for example, screening of World Cup events which have effectively never happened because - and I am not saying it necessarily should have happened - effectively the view was they would not get them through the Bailiff's Panel. I do not know whether that is right or not but certainly people ... then it does need to be a balance of not only the health and safety people.

Deputy D.W. Mezbourian:

Thank you, Minister. I would like to move on now to the proposed arrangements if the user pays proposition is successful and Deputy Pitman has some questions.

Deputy S. Pitman:

What involvement would you expect the department to have in the administration of the proposed user pays charge?

Senator P.F.C. Ozouf:

The actual administration being the actual cost of it, the level of it, et cetera?

The Deputy of St. Mary:

How it would work.

Deputy D.W. Mezbourian:

Because your understanding is that the chief officers of E.D.D., Home Affairs and E.S.C. (Education Sports and Culture) would look at the events to ...

Senator P.F.C. Ozouf:

Yes.

Mr. K. Lemasney:

If you take it in a timely fashion we would present the calendar of events for 2008 as we have done in recent weeks. States of Jersey Police will now review those and see if any of those events warrant additional policing costs. Certainly from our first meeting with States of Jersey Police last week, the only one again that shows on the radar for 2008 would appear to be Jersey Live. They are now in possession of the dates, they know the dates. They know the numbers of people, they will now start to do their planning and see what costs are involved. We see our role really as acting almost as the go between, between the event organiser and, in this case, the States of Jersey Police so that we can work together with both parties to examine the costs. If I come back to the first question of Deputy Pitman, who would decide on these costs? Obviously when it comes to the costs of security the States of Jersey Police have the responsibility, and therefore they would be the first body to decide what security

arrangements they felt were appropriate. There is also 2 other parties providing security of one form or another. One is the event organiser, and that tends to be the intra mura security, and you have the Honorary Police who are doing a certain amount extra mura. I think at that stage we would hope that the States of Jersey Police would interact with the other 2 bodies and that together the 3 bodies would explore their joint security arrangements for the event and identify where there is possible duplication or where there is no cover at all and look at that. I think it is very important that any event organiser would understand that the States of Jersey Police could not be 100 per cent transparent in showing all of their security. There has to be what I would call “below the radar” interest that the police would have. I think those should be below the radar. But there is a lot above the radar that we would hope States of Jersey Police would discuss and negotiate and come to an agreement at the end that everybody is satisfied with, that everybody is comfortable with, and that the client, the event organiser - and in the case of Jersey, parents of those who go to these events - know that the clients are going to a safe, secure environment and have a pleasurable event. I think that is the ultimate goal of everybody.

Deputy S. Pitman:

It is apparent that your department has previously offered to contribute funding towards training for event led tourism, how much would you be prepared to contribute?

Deputy D.W. Mezbourian:

I think the question is that we know that E.D.D. have offered to contribute towards the States of Jersey Police to have training for event led training ...

Mr. K. Lemasney:

Yes, that came out of the first meeting and goes back to a point I made earlier about how Economic Development can help event organisers. That it is not just giving money to an event for them to spend and that where Donna Le Marrec, as an event organiser from Jersey Tourism, might work with an event organiser; that Mike Tait the P.R. manager might also work with an event organiser for P.R. advice; somebody like Simon Le Huray, who is the marketing manager from Jersey Tourism, might work with a different person for events but also through our Enterprise and Business

Development arm, the likes of Sean Pritchard, for example, could work with event organisers to give business advice. The training issue came out of the Enterprise and Business Development arm of E.D.D. where we do work with bodies to provide some grant funding for training. That we might have to work with the States of Jersey Police to enable them to train some of the local officers to provide that service locally rather than having to bring in for every event. I am sure States of Jersey Police will point this out to you during their submission. They have, since those first meetings, gone out and attended some like events in the UK and in France. So they are building up their body of knowledge as well on how to deal with events.

Deputy D.W. Mezbourian:

Has E.D.D. helped to fund ...

Mr. K. Lemasney:

No, we have not been asked to fund ...

Senator P.F.C. Ozouf:

But what is clear to me is that there is a raising of the bar and a raising of the capacity of events organisers and, for example, marshalling. I now know that there is now one team of people that are now accredited and trained marshals. You do need that. If you are going to have events and ... sadly if we continue to see a decline in the number of Honorary Police available ... the Honorary Police also provide an incredibly important support to events, I think it is fair to say that without the support of the Honorary Police and Trinity Honorary Police, Jersey Live would not happen. But I think the future also is more trained accredited marshals in order to support, supplement, the existing resources available from the Honorary Police. But events also must understand that they must plan a calendar in conjunction with other people. There is no point in us having a situation where there would be 2 major events on 2 following weekends because effectively people need time off, especially when they are doing pro bono work or if you are having to pay marshals, et cetera, and this is a part time job or a second job. There needs to be some common sense about the way to do that. But my conclusion is that marshalling firms and security firms are much more able now to deal with large scale events because of the support they have had. We give any organisers support to try and do that.

Deputy S. Pitman:

How would your department ensure that events were treated equitably if this proposal gets through?

Senator P.F.C. Ozouf:

Ultimately the suggestion is that the appeal to the Treasury Minister hopefully will make sure that events are dealt with but I think it is important that - and I restate the words “engagement” that Kevin stated earlier. It is important that all parties, including the police, do engage to ensure that there is a ... we should not need to be in a position where if a charge is recommended and if a charge is passed by the States that there should be an appeal to the Treasury Minister. All parties should agree what all the necessary arrangements are and it is important that event organisers do show themselves competent, capable and sufficiently resourced in order to ensure that they are not asking the police to do their security. Because that has been the concern in the past. It seems to me that the police have not been sufficiently confident in the organisers of previous events that they think almost that they have to supplement it. I think it is important that we do not also turn the atmosphere at events into as though we are living in a very police dominated world. Difficult to say but it is important that we do not have that feeling when we do go to events.

Deputy D.W. Mezbourian:

I think regarding the appeals process it may be that from my reading of all the background evidence, because the police, as Mr. Lemasney said, will have operational procedures and police taking part in an event that are not known to the event organisers, if the policing charge is then levied and the organisers see that they are being charged for a very number of police presence then that may be the time when they would want to appeal because they may not understand the necessity for such a large presence.

Senator P.F.C. Ozouf:

Event organisers say to me: “What is the risk that you are trying to mitigate? We are the event organisers, we do not want a problem, why can you not tell us what the problem is that you are trying to solve here because we are part of this?” But they are

told for operational security, intelligence reasons we cannot. It is very difficult but what I would say is that in consideration of the appeal if it got to that stage I would expect the Treasury Minister or the Minister making that decision to be in on the normal arrangements for confidentiality and all the rest of it, and should be able to be properly briefed so that he can make a fully informed balanced decision on both sides of the argument, not effectively just being told there are particular intelligence or security reasons.

Deputy D.W. Mezbourian:

As far as an appeals process is concerned, Minister, would you expect to see clear guidelines so that every appeal is treated in the same way?

Senator P.F.C. Ozouf:

Yes, but I really hope that we are not going to end up into a situation where we are going to have appeals.

Deputy D.W. Mezbourian:

I think it would be necessary that an appeals process is clear and equitable for all appellants.

Senator P.F.C. Ozouf:

Absolutely.

Deputy D.W. Mezbourian:

Thank you. I think there may just be a couple more questions that we would like to ask you.

The Deputy of St. Mary:

Could I just ask for a little bit more clarification on one thing? To charge or not to charge. To charge commercial or not non commercial, charitable, profit making. The split I think from my viewpoint probably is not necessarily always clear cut. Have you got any guidelines that you would like to see for which kind of events are charged?

Senator P.F.C. Ozouf:

I think the guidelines are not ... this is difficult, especially when you are dealing with events that, as we have described, start off in a loss making situation and need almost seed corn(?) funding in order to get them going. I think the definition is either not for profit or for profit eventually. But, again, you might need to take a longer term role. Do you want to add to that?

Mr. K. Lemasney:

I think so because certainly in our talks with Jersey Live they would argue on some of the fine print and say: "Well, everything is commercial at the end of the day, if somebody is charged something or money comes in" so how do you differentiate? I think, as we have said, in the 2007 programme, the working group really could see that the only event that should be charged something in 2007 and now in 2008 was Jersey Live. Now if there are fundamental disagreements with that they need to be ironed out. Jersey Live, in my discussions with them certainly, were not opposed to paying a part towards it and the negotiation obviously came around it. Now, they might feel, and they will brief you themselves, as well that there was a certain sense of: "Well, if we did not pay anything we would not have got the Bailiff's permit anyway" so that there was a little bit of that involved. However, having said that we did reach a successful outcome with them where they paid a certain fee, some of that deposit will be repaid to them this week and we move forward to looking at 2008. But I think it is for profit or not for profit. If you take an air display it is not done for profit, it is done for charitable reasons. If you take the Battle of Flowers it is a community event. Yes, people do pay a certain fee but everything goes into the event and if there should be a small benefit left over at the end of it it goes into the actual following year's account to make do on that. Jersey Live, on the other hand, is organised by private sector people who are being paid, and rightly so, to do that event, who organise the event, not just for the good of the Island, the youth of the Island, but because they want to make some money. That is commendable because it ties in exactly with our objectives and that is what we would like to see. I think the Minister made a very important point that things might change and that in year one you might take an approach where the States would pay a little bit more of the policing costs but on a sliding scale, up or down, the balance might change between what the States would pay and not. But I wonder as well on the policing costs and the engagement

and negotiation about it that if a parish was to say: “We will charge you £5,000 to clean up after your event” how much negotiation would there be with the Constable or the bin men to say: “Well, hang on a second, we did not use 55 black bags on Saturday, we only used 44.” I think you have to put it in perspective and there has to be an element of trust between the parties. One coming up with their business plan, while it can be discussed and negotiated we have to accept the expertise of each of the partners.

Deputy D.W. Mezbourian:

Thank you. I would like to come back to the question of how a commercial event is defined, Minister. We have a submission, and I would just like to read this to you if I may: “It is not clear how a commercial event is defined. For example, is it in cases where a gate fee is charged, i.e. Jersey Live or the Battle of Flowers; where commercial entities are involved, i.e. the food festivals, Battle of Flowers, Funfair, Beer Festival; where the event is commercial for the Island as a whole, i.e. the Jersey rally?” I would like your comments on that, please.

Senator P.F.C. Ozouf:

The Waterfront Food Festival is a for profit event. It is a commercial organisation that ran it and they were expecting to make a profit on it and the vendors that are there are there because they expect to make a profit. Okay, they may take a view on the level of profit because it is a good window case for their particular food or whatever but at the end of the day it is a full profit event. The rally, that is a not profit organisation. They may, again, be paying people to provide them services but nothing in life, or many things in life are not for free. The Jersey Film Festival is a not for profit event. It is also interesting that there are always, with a lot of these events, a charity dimension to it as well. The film festival always has collected for a charity and Live 8 was effectively a global organisation. We did not screen Live Earth but that was sort of at its heart a not for profit organisation. Jersey Live are doing it in order to make a profit. Okay, they have not made a profit and I am sure that their year to date or their commencement to date arrangements is that they have probably lost money on it.

Mr. K. Lemasney:

It depends on the return from Home Affairs, I think.

Deputy D.W. Mezbourian:

Why do you think traditional non established events are exempted from this, if they were in the position of requiring extra police attendance?

Senator P.F.C. Ozouf:

First of all you have to get a policy through the States and I am not sure whether or not a policy of charging the Battle of Flowers or the international air display would get through the States because the argument would go: “Well, you have obviously had sufficient existing resources in your budget to cover this.” The Home Affairs budget is what it is. The 2 arguments that flow over and above these existing events: first of all the nature of an event such as Jersey Live means that you need more police and more security resource there. Secondly, it is a new event so it is not already in our budget, so you can construct the arguments in order to have a charge for new events that otherwise were not there before.

Deputy D.W. Mezbourian:

But surely you would appreciate that this review has generated quite a lot of public response and I would say the majority of responses have indicated that the public would prefer to see it as being equitable and a level playing field. So either nothing is charged for the additional cost of policing or all events are charged, if there is an additional cost.

Senator P.F.C. Ozouf:

I can understand why people are saying that. Certainly, if I was to look through the events it would be an incredibly difficult situation to put ourselves in if you started, for example, charging for the Battle of Flowers. I mean, as it is we have got enough difficulties with the funding and we have only got a very limited amount of resource available for our events programme. To try and start charging events such as the Battle of Flowers or International Air Display, there is one consequence of that and that is event organisers coming to us to save more money, to which we will have to say: “No.” That really is a situation of moving money from one department to another. That is a crazy state of affairs. I am not ideologically against where there is

a proven case for a new event which is putting an additional element of risk that there should not be, where it is a for profit event ... I am open-minded to the possibility of a charge with all the right checks and balances in place.

Mr. K. Lemasney:

I think for the level playing field that people in the public might seek, it should be level and I do not think you can put on the same level a Jersey Live with a Battle of Flowers or an air display, there are different costs involved, in certain cases there are full time employees doing a job and in other cases it is completely volunteer. So to begin with you are not comparing like with like. I think, having been involved in the creation of the working agreement, we maybe have an understanding of it that needs to be crystallised and possibly by way of example in an appendix to the working agreement one would say that a Battle of Flowers would be exempt for these kind of reasons, whereas another event known to people would be expected to pay a certain charge because of these reasons, and that in taking 4 or 5 examples it would at least give an indication of the thinking behind the agreement, and what might be applied by a panel rather than some hard and fast economic evaluation model which I do not think would be workable. There is so much subjectivity in this but it has to be open and it has to be transparent.

Deputy D.W. Mezbourian:

That is an interesting comment because nowhere have I seen written a precise reason for exempting such things as the Battle of Flowers and we know that the States need to communicate more with the public and explain things in detail because we have seen criticism that we received recently from not having done that so I think that is a point worth noting. I am very much aware of the time and, Minister, you offered earlier to provide evidence in camera and I wonder whether you would want to go into private session perhaps for the last 5 minutes?

Senator P.F.C. Ozouf:

If we could, yes. That would be helpful.

Deputy D.W. Mezbourian:

Thank you. Does that mean it is not recorded any more?

Senator P.F.C. Ozouf:

It is recorded and transcribed to be a confidential statement.

Deputy D.W. Mezbourian:

From this stage, Jane, thank you.