

Education and Home Affairs Scrutiny Panel Policing of Events Hearing - User Pays Review

MONDAY, 26TH 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 W. Kinnard (Minister for Home Affairs)

Superintendent S. du Val (Head of Operations, States of Jersey Police)

Ms. L. Middleton (Finance Director, Department of Home Affairs)

(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 would like to welcome everyone formally to the hearing this morning. Thank you for coming. You are covered by privilege and there is information to that effect on the desk in front of you. Also, you should see there a copy of our terms of reference for this review. Just to remind everyone, they are to assess the rationale behind the proposition to introduce a user pays charge for the policing of commercial and profit-making events; to explore how the charge would function and impact upon the planning and organisation of events; and also have a catch-all which is to examine any further issues relating to the topic that may arise. The hearing is being recorded and a transcript will be made available to you within a few days for you to check upon its accuracy, after which it will be uploaded to the Scrutiny website. I would just like to remind you that this is, of course, a public hearing. We will start by introducing ourselves. I am Deputy Mezbourian, Chairman of the Education and Home Affairs Scrutiny Panel. On my left is ...

Deputy J. Gallichan of St. Mary:

Deputy of St. Mary, Juliette Gallichan.

Deputy S. Pitman of St. Helier:

Deputy Pitman of St. Helier.

Deputy D.W. Mezbourian:

If you could introduce yourselves to us, please.

Ms. L. Middleton (Finance Director, Home Affairs Department):

Yes. I am Liz Middleton, the Finance Director at the Home Affairs Department.

Senator W. Kinnard (Minister for Home Affairs):

I am Senator Wendy Kinnard, Minister for Home Affairs.

Superintendent S. du Val (States of Jersey Police):

Superintendent Shaun du Val, Head of Operations of States of Jersey Police.

Deputy D.W. Mezbourian:

So, thanks again. We have a number of questions that we have prepared for you based on the background research that we have carried out and also following hearings that we have had with other witnesses. We would just like to start with the current situation and ask you the process that is currently followed by the States of Jersey Police when planning for events. Any of you are able to answer. Obviously political questions we will aim at the Minister.

Senator W. Kinnard:

Well, if it is event planning I could probably pass over to the Head of Operations as that is really, I would say, best in his territory.

Superintendent S. du Val:

Yes. We have ... we have 2 unfunded posts: an inspector who works a part-time week, who is our event planning officer. We have also now joined that person with another constable (which are not in our establishment so they are posts from elsewhere that we have had to find) simply to deal with the planning for the rise of event-led tourism or what is called event-led tourism. So in the first instance the

planning for any operation starts there. They would look at it and start looking at resources, what time of the year it is and, to cut a very long process short, at some point a draft outline of what we are likely to do and need to do would come to a member of what is called the operations management team, which is 3 chief inspectors and myself, one of whom would be the dedicated lead for that. So, thereafter, we would look at resources, financing, all that sort of thing. In among all that process, of course, is the Bailiff's Entertainment Panel. So if it is the sort of event that would need authority from that panel, then we are one of the group that sits on that panel and contributes to it as well. At the end of it -- sorry, at the end of all this process, let us say that the event meets the criteria and the Bailiff's panel are content, then we will have an operational order, which I believe you have had sight of, the one for Jersey Live certainly this year, that dictates exactly what our plan is, what our intention is, how we are going to achieve that and all that sort of detail, and we will police the event.

Deputy D.W. Mezbourian:

So what sort of actions can event organisers take to reduce the policing levels that may be necessary at any event?

Superintendent S. du Val:

Really, in the local context, I would guess generally speaking that would be to employ the services of an event organiser from the U.K. (United Kingdom) with considerable experience. Second to that, a similar person, if it is not the same person, with the experience and proven ability in the security of the event. With Jersey Live this year we were fortunate that the gentleman they used (I forget the firm), a chap called Bob Brown, had considerable experience and was very good at managing security and did so again this year very well. I do not believe he is available next year, but that is an aside. So those are 2 areas that they can really focus on. We find sometimes there is a difficulty in that we get a draft plan from some organisers which almost requires -- we are asked to comment very early in terms of policing for obvious reasons. Sometimes a plan is very sparse and has very little information; difficult for us to give any view to the Bailiff's panel on the draft plan. While we can help, it is clearly not our role to rewrite their plan for them. There are 2 separate issues. The police operation order is a very different animal to the organiser's event plan. So, again,

experience for buying in or lending in some experience for the organisers about the event plan would be another way that they can go some way to reducing police.

Deputy D.W. Mezbourian:

You mentioned employing an experienced person to perhaps manage the event, but what account do you take of the stewarding arrangements and security arrangements that an event may bring?

Superintendent S. du Val:

Well, considerable account. Firstly, we would want to know -- you know, the best predictor of future performance is past performance, as they say. So, again, we would be looking at the history of that firm and those individuals. We did experience, again going back to Jersey Live (I know this is not specifically about Jersey Live but some of it is), we have had difficulties in the past with stewards, as we say off-jackets, mingled with the crowd when things got a little bit tense. So we have had that in mind and had to put a contingency in place for that happening. It did not happen this year and did not happen the year before, which is good. So that is one of the areas.

Deputy D.W. Mezbourian:

Tell us about the Honorary Police in relation to event policing and working with you.

Superintendent S. du Val:

Okay. The Honorary Police are generally represented on the Bailiff's panel. We will generally go to the Honorary Police, a dedicated individual. It is usually one of a few that we tend to liaise with who have the experience, no matter which parish they work for. With Jersey Live there was a difficulty this year because despite the best efforts of the Centenier of Trinity or the Chef de Police of Trinity, he was unable to say how many Honorary Police, if any, would be available for the Sunday of this new 2-day event. I do stress that was not his fault. The reason I understand for that was that quite understandably a large number of the Honorary Police are not trained or physically able to deal with conflict situations because they are a different sort of policing. I think in fairness some of the ladies and gentlemen that have been involved in Jersey Live in the past did not have experience of drunken, drugged people being abusive or heading towards violence, so were less keen to become involved in the

event again, certainly one that was 2 days. Despite that, there was a good contingent on the Sunday. Had we known that that contingent would be available some weeks earlier, we would have not needed anywhere near the mutual aid that we did, but we simply did not know. A lot of work was done behind the scenes, certainly by Philip Le Sueur of Trinity, who tried his best. So we will use the Honorary Police as much as we can. Reality is that we do not have any operational control over the Honorary Police. We cannot say: "You must provide X number of officers." We can say that to our own people because we are their employers. So it is a gradual negotiation and there is a real keenness from the Honorary Police to work with us and assist with these events. But on Jersey Live this year, there simply was no guarantee they would be available so we had to plan for no Honorary Police being available on the Sunday, which is what we did.

Senator W. Kinnard:

I think it was only a couple of days beforehand before the actual figures were known.

Superintendent S. du Val:

It was literally that, yes.

Deputy D.W. Mezbourian:

There is no way that we could have this hearing without discussing Jersey Live. You just mentioned the fact that people could be drunk or drugged up. One of the questions that I would like to put is I know in the 2007 Policing Plan the States of Jersey Police have identified, following surveys of the public, 6 operational priorities. The first one is to disrupt the supply and distribution of and demand for illegal drugs. I would like you to explain to us how that priority influences the policing of events over here.

Superintendent S. du Val:

I do not know if it influences the policing of events particularly, but it is one part of our planning and execution of the plan. For example, in 2006 somebody was arrested at the gates of Jersey Live with what we would call a medium commercial quantity of class A drugs. Anecdotal evidence and intelligence had shown us in previous years that drugs were available, fairly freely available, at Jersey Live getting in by whatever

means. We had picked off one or 2 of those in possession. In 2007, mindful of what happened in 2006, we put in place a covert operation with the intention of actively policing drug abuse at Jersey Live. You have to remember that Jersey Live, the whole showground is a licensed premises for the event, so that creates a different responsibility for us anyway and it was very important that people knew. We went to the press in the days preceding the event to say, you know: "Do not regard it as somewhere safe to take and use drugs. We will be actively policing" and we did and we made a number of arrests, albeit for simple possessions. So in terms of it influencing the plan, we would look at the likely makeup of the clientele, the age groups and, sad though it is, you know, the majority of drug use is among the younger age group who might be inclined to go to a music event such as this. So, part of our contingency within the plan was to address any drugs-related issues.

Deputy D.W. Mezbourian:

But that would apply, of course, to the risk assessment that you must do for any public event?

Superintendent S. du Val:

Yes. The other -- you know, the rave or all-night dance events at Fort Regent or the Castle will also have an element of drug enforcement within that. We have it in the day-to-day policing. With our tasking process that takes place every week there is always intelligence about drug use and it is tasked to various departments within the force.

Deputy D.W. Mezbourian:

Thank you, Superintendent.

The Deputy of St. Mary:

Can I just pick up on something? You mentioned the 2 unfunded posts, one at inspector level and one at constable level. How long have they been in existence?

Superintendent S. du Val:

I think about 3 years.

The Deputy of St. Mary:

Was there any specific thing that prompted their creation?

Superintendent S. du Val:

We started to have more events such as particularly the all-night raves, but every sort of event, really, from the Battle of Flowers. What we used to do in the past was when news of a forthcoming event came in, it would be passed to usually an inspector, perhaps sometimes chief inspector but usually inspector, to plan and organise and put that together. We realised that to farm it out in that way to a variety of inspectors who had fairly busy day jobs was quite onerous. We also thought it would be useful to have some consistency by having one person in there for 2 or 3 years at a time. So, putting all that together, we were able to create a post. I say create a post; our establishment has not increased.

The Deputy of St. Mary:

No, I understand.

Senator W. Kinnard:

Liz, did you want to make any comment on the posts or the funding?

Ms. L. Middleton:

I was just going to pick up, as you just said, that basically the police have an overall establishment and you will see our annual business plan, they move resources around year on year depending on the operational priorities. So, depending on what they are focusing on in terms of a policing plan, then the resource would be moved around within the overall headcount and F.T.E. (Full-Time Equivalent).

Deputy D.W. Mezbourian:

Still looking at the current situation, how much communication occurs between an event organiser and the States of Jersey Police?

Superintendent S. du Val:

Quite a bit. Generally speaking, the communication from an event organiser is through the Bailiff's Entertainment Panel because that is the correct protocol. The

reality is that they will need to talk to various professional bodies one to one anyway, so they will go and talk to the fire service about issues or Health and Safety or Environment and, again, the police. So, we are keen to do that. If you look at Jersey Live, there were lots of meetings with the organisers, some of which I have attended; our event planning inspector has attended the majority, which other groups on the panel do not but they are to iron out small details. So at least then it can avoid -- conflict is not the right word, but it can avoid a dispute at the Bailiff's panel if you have ironed out some of the issues. For example, we may look at their draft plan and have 2 or 3 things we think: "Well, that is really a non-starter for us", go and talk and negotiate about them or we see further information that makes us content or agree to disagree. At least then when we go to the panel we have ironed out the detail and the panel does not have to concern itself with that. So the reality is quite a bit of contact.

Deputy D.W. Mezbourian:

What sort of feedback have you had from event organisers regarding this communication?

Superintendent S. du Val:

Specifically I am not really sure. I think most organisers would appreciate and do appreciate the opportunity for that. I cannot think of specific feedback, I have to say.

Deputy D.W. Mezbourian:

I am just trying to think of some comments that were made to us with event organisers who have come to speak to us who I think may have felt that there could have been more dialogue perhaps in the planning stage.

Superintendent S. du Val:

I mean, from the police part, we find it useful if not essential to meet with and discuss plans with organisers and talk about the police view. We generally make file notes and are fairly diligent in the way that we record those meetings because we find that useful. For example, speaking specifically about Jersey Live, we have been a little disappointed to frequently see reference in the press to how much per ticket the cost of policing meant. We have on record a meeting with the organisers several months before those comments were made in which I said to one of the organisers: "This is a

lot of money, this mutual aid. How are you going to afford it if you are only breaking even?" to which he said: "There is no problem, our sponsors will cover the total cost." So, from a simple lay point of view, on the one hand my understanding -- it is not my business how they fund it, but on the one hand they are telling us that it is being provided entirely through sponsorship, yet on the other hand they are telling the public that it is so much per ticket. I would tend to say it could be equated to so much per ticket rather than it did cost so much per ticket. The accounts have not been made public as far as I know, so it is difficult to tell what the reality is.

Senator W. Kinnard:

Well, they have because I said on Radio Jersey that it was nearer £60,000 (in fact, it was -- I think we have the actual figures) rather than the £90,000 and, in fact, the organisers of the event were let known that on the Friday I think before they appeared before you on Monday.

Ms. L. Middleton:

Because they were -- we had a deposit, as you know, of £90,000 paid upfront by the organisers, and they had a refund of just over £29,000, which they were -- well, one of the organisers was advised of on the Friday before the hearing on the Monday. Did not have a cheque but was advised of the refund.

Deputy D.W. Mezbourian:

I think that talking about the charge that was made this year for the Jersey Live policing, it is our understanding that the organisers offered to pay towards the additional policing that may be required. One of the --

Superintendent S. du Val:

Sorry, may I just come in on that point? You are right, the organisers did offer to pay for the additional policing. What they paid for was simply mutual aid. There was a considerable amount of additional policing (and you have had a confidential briefing on numbers) that is unbudgeted, that comes from our own budget. That means a service that is not provided somewhere else along the line in this year's policing budget. So they paid for mutual aid. That might have been cheaper yet had the Honorary Police been able to support it or had we known they were able to support it

as well as they were in the end. But in terms of additional policing, that has not been paid for. We have had to rob Peter to pay Paul to balance those books. They have not -- the money has not come from anywhere else to police Jersey Live.

Senator W. Kinnard:

I think it is important as well to recognise that when the event originally was discussed, it was on the basis that it would be very similar to the previous year, over one day, not over 2 days. The original plan the States of Jersey Police were able to police, but when the goalposts moved and it was decided that they wanted to have it over a second day, that is when the issue around mutual aid policing had to be brought into the equation. But it is very important. I think there are 2 issues. One is that the whole issue around this user pays is not about raising money for States of Jersey Police. Firstly, it is about minimising the cost to the taxpayer if we are able to do that because there obviously is a cost to the taxpayer as we have already said. We are having to use those resources, taking them away from somewhere else. Equally, I think the second point is that where there has been a charge it has been for mutual aid policing because of a change to the plan made by the organisers.

Deputy D.W. Mezbourian:

Thank you. You have touched on a few points there between the 2 of you that we are certainly going to follow up on. I think perhaps if I can ask the Minister, we understand that you were able to agree for the -- we are speaking about Jersey Live. You were able to agree that they could pay towards the mutual aid costs under Article 8.1 of the Police Force (Jersey) Law 1974. Would that Article in theory, then, allow for a Minister for Home Affairs to sign an agreement for the payment of States of Jersey Police costs and, if so, would it negate the need for the user pays principle to be brought to the States?

Senator W. Kinnard:

Well, the first thing is that we did not look at it in that way. We only looked at it in terms of the allowing for mutual aid. I would have to take -- I do not have a lawyer sitting here. I would have to have specific legal advice, but my hunch is and my understanding is that it would not cover local policing costs, but I would need legal advice on that. We did not have any intention of using it for that. It was to just make

arrangements for the mutual aid. It was not just that Article; it was also a range of other Articles from other laws, including Article 3(5) of the Police Force (Jersey) Law 1974 and also Article 26(1C)(i) of the States of Jersey Law 2005 empowering me as a Minister to enter into agreements for any purposes for my office. So that was really the focus. I do not know, Liz, if you could add anything further?

Ms. L. Middleton:

Yes, I think as we have mentioned already the whole user pays report and proposition and Jersey Live, although linked, are quite separate issues. So when we were working on the draft report and proposition to introduce the general user pays charges for additional policing costs, we were very aware of timing. Also, when a previous draft was considered by the Council of Ministers they were quite anxious that Jersey Live this year was treated separately to the report and proposition which would take its own course. So in advance of this year's event, when the organisers did agree to pay for the mutual aid policing, we took legal advice to see if it was quite correct for the Minister to be able to charge obviously without the States having approved the user pays charge. So we dealt with the 2 separately. If the draft report and proposition on user pays goes forward then obviously that will be in place for any future event.

Senator W. Kinnard:

Let me be clear, I took legal advice on the mutual aid aspect, which is covered, that is absolutely fine, but I did not take legal advice on the States of Jersey Police because it was never an issue. We were not looking to charge for our own police costs.

Superintendent S. du Val:

Could I make a comment here?

Deputy D.W. Mezbourian:

Of course, certainly, please do.

Superintendent S. du Val:

I talked about this user pays thing specifically in respect of Jersey Live not funding local officers. The only way we can normally fund an extraordinary event -- which, looking at the Jersey scale and Jersey policing in particular, it is an extraordinary

event for us because it requires more than the average policing. There are a number of ways we can fund events like this. If I talk about serious crime like a murder, okay, it does not happen often in Jersey but they do happen, or a serious criminal drugs inquiry or something like that, the only way -- we have no budget for any of these events. So whether it is serious crime or an entertainment event, there is not the budget for it. It is not in the running costs. What we are able to do and which we might not be able to do always in the future, I am advised by our Finance Director, is we can reclaim some or all of the money for those operations from the court and case costs. For that there has to be a prosecution. So, in other words, if there is a murder and if we solve it and someone is arrested, that murder may cost in excess of £100,000 to investigate, which is money that is not in our budget. So you can get it back from the court and case costs because you could not plan for an event that you did not know was going to happen. Now, we cannot do that for Jersey Live because although there are a small number of prosecutions for small crimes, you cannot say that that is Jersey Live *per se*. The only way we are able to fund the Jersey policing of Jersey Live is because unfortunately we cannot recruit as many people as are leaving, so we always have a number of posts for which we have the budget but we are not funded. Now, in January of this year we are going to take on for us what is a significant number of personnel, about 17. Still will not redress the books, but maybe by the end of the year we might be a little bit more square in terms of our established strength. While that is great for the public and operational policing and seeing bobbies on the beat, that means that we do not have any spare capacity in terms of funds to cope with these sort of events. So the police view, which my Chief Officer has coined, if you like, and I think it makes some sense, is the States of Jersey Police is not so much about user pays but someone pays because the money has to be paid. So I just wanted to make that point that it is only through vacancies that we can fund the Jersey side of these sort of events.

Senator W. Kinnard:

That has generally been the case that we have had to do that and run vacancies in order to have some flexibility.

Deputy D.W. Mezbourian:

I would like to come back to you, Minister, because I am not quite sure that I fully understood your answer previously on whether the current legislation negates the need for a proposition to be taken to the States and we would like to ...

Senator W. Kinnard:

I do not believe it does. I believe we need the separate proposition because this was entirely a different thing. This was -- what we agreed with Jersey Live was a mutual contract signed on both sides, so there has to be agreement on both sides. The proposition would be an entirely different matter, so I do believe that it is a necessity for us to have the separate proposition. Liz, is there anything you think you should add on that?

Ms. L. Middleton:

I think that is right. I mean, back in 2006 when there was a previous report and proposition that was originally lodged, P.94/2006, which was about policing events and that was very prescriptive and specified rates of pay, et cetera, and when events would be charged and when they would not, following on from that there was concern about, as we have mentioned, event-led tourism, cultural events, bringing people, bringing visitors to Jersey and providing events in Jersey. So that report and proposition was withdrawn and a new draft which has evolved over a bit of time put forward which is very much meant to be a collaborative approach. You have mentioned already about discussions between organisers and the States of Jersey Police. The notion here is that representatives from Economic Development, Education, Sport and Culture, Home Affairs, Police and the Honorary Police would all get together annually to go through the calendar of events and recognise what charges may be necessary.

Senator W. Kinnard:

It may be that there are none that particular year.

Ms. L. Middleton:

But certainly in terms of providing an extra charge because of the previous States decision on user pays, this is seen as a more transparent way of moving forward, but also giving organisers a chance to influence the level of charges by early planning, by

previous performance, et cetera. So rather than just look at everything in isolation, the whole calendar of events is looked at to see where there are overlaps and where there are gaps, et cetera, and then a charge will be worked out after that.

Senator W. Kinnard:

We are trying to get away from a purely legalistic approach to allow some sort of flexibility and, as Liz has said, influence to be had by the organisers. I mean, I would not like it to be felt that we are being negative here. We are very positive about events coming to the Island. All we want to ensure is that they are policed safely for our community. Indeed, I think the efforts to which we went in order to get the mutual aid policing at a time when in the U.K. many police forces had been over-stretched previously because of all the floods and everything, it was very difficult to encourage police forces to release their own men and women to come and assist us because they had already, you know, used up things like their leave entitlement and so on. So we had to work -- States of Jersey Police had to work very hard in order to get the mutual aid package together and I think -- it was, I think, an indication of the positive nature in which we view this, provided it can be done in a positive way, that makes sure that our community remains safe.

Superintendent S. du Val:

There is another interesting point because we have traditionally had a mutual aid agreement with Devon and Cornwall Police, whether it be for serious crime or events such as this. On this occasion they were not able to provide all the officers because they had other commitments in their force, but like most forces within the British Isles, you have a mutual aid agreement with somebody. The move in the U.K. now and likely to come into place next year through the Police National Co-Ordination Centre is for a thing called a national mobilisation plan, which will probably effectively mean the end of one-to-one agreements between police forces. If we want mutual aid, whether it is us or the police in Scotland or Thames Valley, you will no longer go to an individual force; you will go to this national mobilisation centre. Now, the reality of it is while they will try and help us out, if there are national floods as there were this year and police numbers are being drawn from all sorts of outlying forces to help with that, the chances of Jersey getting a couple of dozen is pretty low on that list of priorities. So I think it is not going to be impossible but it is going to be

more difficult and take a little bit more work and certainly needs some more notice because we will be no longer or potentially no longer looking at one friendly force with whom we have a relationship but we will be talking to a national organisation with national considerations. So that may be a new challenge which perhaps should be considered in the mix of this.

Deputy D.W. Mezbourian:

Yes, thank you. That is the first time that we have heard about that, so it is something we give consideration to. Deputy Pitman has a question.

Deputy S. Pitman:

Going back to the decision on employing mutual aid for Jersey Live, could you tell me why this decision was not put on to the likes of the West Show, Party in the Park and Live 8?

Senator W. Kinnard:

The mutual aid?

Deputy S. Pitman:

Yes.

Senator W. Kinnard:

Well, that is because the assessment plan and the -- what you have to see is there is a combination of factors. There is States of Jersey Police, there is Honorary Police, and there is stewarding. There is an interaction between those 3 elements and depending on how they come together for a particular event and what the risk profile of that event is, that will determine whether or not there is a need for mutual aid. I do not know if you wish to expand, Shaun?

Superintendent S. du Val:

Talking about Live 8, there would have been no chance of getting mutual aid with the short time notice we had on that one anyway, so we would just have to bite the bullet. So that is another factor: how much in advance do we know about the event? I think the Bailiff's panel has a 3-month minimum application for that reason, that we need to

consider resources. Like any States-financed department we have Regulations in place about changing people's rest days at short notice so that the better length of notice we have the better. Things like the West Show, again you have to look at the profile of the people attending. For us the really simple, big questions that we ask early on are: what is the age group of the people attending; what time of the day or night is it; will there be alcohol; what is the level of stewarding; what is the experience of the people organising it? So when you look at something like the West Show or you look at the Battle of Flowers, well, it is a wide mix of people attending. It is a family event, there are not a load of beer tents, there is not popular or rock music going on, and the profile changes in terms of how many people we need to police it. I think with Jersey Live when it changed to 2 days we looked at how many people we believed we would need to police it.

Deputy D.W. Mezbourian:

Superintendent, you just mentioned a 3-month planning period. We understand from the Connétable of St. Ouen when he came to speak to us that the Bailiff would, in fact, be happy to see a change to the licensing application inasmuch as I believe a suggestion has been made that applications should be in at least 6 months before. Would that be of benefit to you in your planning?

Superintendent S. du Val:

Yes, it would and it would save the taxpayer money. As I say, there are Regulations about changing people's rest days in terms of working at short notice. For example, our constables get double hourly rate if it is what we call a second rest day; they get time and a half if it is a first rest day, so it is cheaper for us to do something on people's first rest day. There are penalties for management imposing changes to that at short notice. Again, with something like mutual aid, the more time the better as far as we are concerned. That allows us to talk to organisers a lot more and it allows us, if we do need mutual aid (I think it is rare that we need mutual aid but if we need it) we have time to start making inquiries.

Deputy D.W. Mezbourian:

That leads me on nicely to another pre-prepared question that we have. Financial direction 4.1 indicates that prior to introducing a new user pays charge, departments

must be able to demonstrate that they have reviewed all costs relating to a service and that every effort is being made to control or reduce costs and improve productivity. I suppose the question must be directed at you, Minister, to ask how would you demonstrate that this has been carried out with regards to the States of Jersey Police?

Senator W. Kinnard:

Well, first of all I think the direction relates to an increase to a fee or, as you say, a charge as levied, so therefore it is -- we anticipate that it relates to user pays charges as well. I would say that certainly the proposal to consider user pays charges was driven really by the impact on the need for additional policing requirements for new events that were coming to the Island rather than charging for anything that we were doing 'existingly'. So we were not sort of trying to keep costs to a minimum in that sense; it was a completely new thing that we were seeking to address through the user pays charges. So, Liz, I am not sure whether the direction quite fits in the way that has been suggested?

Ms. L. Middleton:

Well, that is it. As the Minister said, we are talking about not charging for the current service but charging for additional resource. This would be anything over and above the normal resources. So as we have mentioned already, in terms of planning purposes, having shift patterns correct in time and rest days worked, et cetera, it would only be when there was an additional cost on top of the day-to-day policing costs. So this was not looked at as a way of reducing the police's costs by charging for what they already do, but just to recover additional costs of a service rather than to generate income for the service.

Superintendent S. du Val:

Can I just add to that as well that when you talk about the existing service, regardless of whether or not we are paid for it, as I say, it still has to be one way or another funded. If you look at an event such as Jersey Live (and I do not want to keep singling them out but something like that because it is the most recent), to police that even without mutual aid it means that a number of our detectives from our Financial Crimes Unit are working 2 to 3 days at Jersey Live and, therefore, are not available for 2 to 3 days the following week to deal with all our international obligations under

anti-money laundering, et cetera. It means that the people at First Tower and at St. Brelade are not seeing their community officer for a few days. It means that one or 2 people from our public protection team, who are pretty busy at the moment, are not available. It means that C.I.D.(Criminal Investigation Department) detectives are not available because we do not have the number of people we need to police an event such as this just available to us in uniform and operational shifts. Even if we did, as you will see from the papers you have previously had, we dealt with something like 148 incidents across the Island separate to Jersey Live during the period it was running. So we still have to have our operational business as usual for that, so in order to resource it regardless of funding as a small isolated force it means that people are not doing their other jobs either for that period or when they are taking the rest days they have worked in lieu. For any event such as this it is a very small force. Everyone in our force who is physically capable (and that is 99 per cent) has a uniform in their locker and can be and are deployed regularly in support of these, but there is a knock-on effect. That knock-on effect is that their own work will then have to play catch-up somewhere else, and there is a diminished service in some key areas for a small time.

Deputy S. Pitman:

How much notice do you have to give to the police outside of Jersey if you want mutual aid from them? How much notice do they need?

Superintendent S. du Val:

There is not -- I do not think there is a set period, but really as long as possible. As I say, Devon and Cornwall could only give a certain amount of the numbers we had asked for this time because they had other events in their own counties. So we had to shop around a bit and fortunately we were assisted by the other islands.

Deputy S. Pitman:

In the case of Jersey Live, how much notice did you give?

Superintendent S. du Val:

I think it was 2 to 3 months in the end because of the question of not knowing if the Honorary Police were ...

Senator W. Kinnard:

That is right, but also I was going to meetings right up to in the days before the event even, where it was not absolutely determined the number of mutual aid officers that we were likely to either need or get because of the stretched resourcing that officers in the U.K. had felt as a result of the flooding and, as I say, some sort of reluctance really to then release their officers to assist. So it was a bit of an unusual situation, so although we may have started looking for mutual aid obviously things happened in the U.K. that meant that it was not absolutely certain until I think probably nearer the time.

Superintendent S. du Val:

That is absolutely right. As I say, I do not think there is a set time. We could -- if, God forbid, there was a plane crash tomorrow or something, a major disaster and we needed a lot of people, then we could phone up a number of forces and I am sure those forces would bend over backwards to help regardless. But for something such as this they have to look at their own requirements of their own counties. They are answerable to an authority in the same way we are answerable to Home Affairs and their national requirements on the service of their officers, too, which is what we had here. We were not able to get the numbers we wanted. Fortunately, at the end, as I say, the Honorary Police were able to get some complement to deal with the external stuff, so everything went okay.

Deputy S. Pitman:

How much notice did the Honorary Police give you?

Superintendent S. du Val:

We did not know that the Honorary Police would be available on the Sunday until days before the event, 2 or 3 days.

Senator W. Kinnard:

But as we say, that is no criticism of them at all.

Superintendent S. du Val:

Yes, they just simply did not know and nor did Centenier Le Sueur who was coordinating all that, which is why we had to have the contingency of police.

Deputy D.W. Mezbourian:

We are looking at the rationale behind the proposition to introduce this charge. I wonder, Superintendent, if you could tell the panel how your own officers are specifically trained to deal with events and perhaps the problems that may occur at, say, Jersey Live.

Superintendent S. du Val:

There are 2 sides of it. There is the general police training which all officers get, which includes what we call officer safety training which is, for want of a better word, self-defence, effecting arrests, that sort of thing. Then there is a more specialist team who are trained -- a very small team but they are kept as a contingency certainly for Jersey Live and they are sometimes a contingency for other events. Unfortunately, they were last deployed at the World Cup last year in town. That is called our public order team. Now, they receive an enhanced level of training both here and in the U.K. in order to deal with what is best described as riot situations. They would only really be deployed if the police come under sustained attack of missiles: bricks, bottles, that sort of thing, which were placing conventional police officers in danger because they are not properly equipped to deal with that. So there are 2 sides there, and then there is a third element, which is management training. We have a command and control system in the police, as other emergency services do, called gold, silver and bronze. The gold commanders are the ones who set the strategic direction for an operation; silver commanders put the plan together and execute the plan; bronze commanders would deliver it on the ground. So everybody there has different levels of training. Because of the nature of this event, silver commanders (so the person in overall command of the event) was at a higher rank than usual, so it was a chief inspector on the Saturday; a superintendent, myself, on the Sunday. The gold commander for the event was the Deputy Chief Officer. Certainly the silver commander on the Saturday, the Chief Inspector, and myself as the gold commander -- and the silver commander on the Sunday have had extensive both theoretical and practical training in management of these situations. He and I went to assist or to observe the police policing the Rock Ness Festival in Inverness this year; I also went to a music festival

in France. He had also gone to Glastonbury last year as well as a number of other courses. So it depends on where you sit and what your role is. There is fairly extensive training which, if you had gone back 5 years, was probably less required than it is now but as we are policing more events the training becomes more necessary.

Deputy D.W. Mezbourian:

That is exactly what I was going to ask you. With the growth and expansion of Jersey Live, how have you -- or have you managed to keep up with -- you have been speaking about senior level officers. What about those lower ranks? Have they had top-up training to deal with ...?

Superintendent S. du Val:

Yes, each officer does their officer -- what we call the officer safety programme. It is a 3-day training programme and they have to do it every year, have to re-qualify every year. If they do not qualify they are not fit for operational duty and then there are processes to get them back.

Deputy D.W. Mezbourian:

Okay, thank you. If you would just give me a few minutes to find ... just decide where we are. I think I would like to come -- we have spoken about P.94. Minister, we have had a copy of the draft report and proposition. Now, I am not aware whether this is a public document. I assume it is not at the moment, so to question you on this, can you tell us ...

Ms. L. Middleton:

No, it was signed off in a ministerial decision to approve the draft to come here. That is as far as ...

Senator W. Kinnard:

To come here, yes. It is not a public document at the moment.

Deputy D.W. Mezbourian:

So in that case we will not address any questions ...

Senator W. Kinnard:

I am happy to come and talk to you about it separately.

Deputy D.W. Mezbourian:

Well, if we have 5 minutes perhaps at the end of this hearing; we will park those questions for the time being then. Just generally, Minister, we understand that a new Police Force Law is currently in the pipeline. Is it foreseen that the new law would contain an Article similar to 8.1?

Senator W. Kinnard:

In terms of mutual aid?

Deputy D.W. Mezbourian:

Yes.

Senator W. Kinnard:

Yes, it is essential that it would do because of, you know, things like murders and so on.

Deputy D.W. Mezbourian:

If the user pays charge -- if the proposition is taken to the States and rejected, that presumably will not mean the end of events in Jersey?

Senator W. Kinnard:

Well, that is a bit of a moot point because quite clearly what we are trying to do is ensure that events do take place and that they take place safely. A recommendation has to go to the Bailiff's panel as to whether or not in the view of States of Jersey Police that the -- from their perspective, and it is only from their perspective but all the others have to give their view, whether or not this event can be policed safely given the resources that are available. Quite clearly, if for whatever reason the event - - let us just say what has tended to happen in the past is that the event has been in discussion and suddenly the plan changes and then obviously once the goalposts are moved then the situation as to the policing issues changes. Then it may well become

the situation then that the original plan which the policing was -- the States of Jersey Police was capable of dealing with, then when the event changes to a second day or an overnight camp or whatever it might be, then the policing issues have to be looked at entirely again. One of the ways that we have dealt with this, as we have said, the change last time was by bringing in mutual aid. We try everything we can to avoid having to bring in extra officers and that will always be the case, but it could be that we have to say we cannot police this safely. Would you agree that that is possible?

Superintendent S. du Val:

Yes. That is not to say that the Bailiff will not issue a permit, but we might say we simply do not think we have enough resources to police this to what we regard to be a safe level for the public.

Senator W. Kinnard:

We are trying to avoid that. That is the whole reason why we have had our officers in training; that is the whole reason why we try to get as full an event plan from the organisers as early as possible to try and avoid that kind of situation. Because, as I say, we are positively trying to support these events, but it is essential that they are supported in such a way that they can be policed safely. I mean, my own children go so as a parent I have an interest in ensuring that the event goes off without undue concern.

Superintendent S. du Val:

Another thing we have done recently for Jersey Live particularly is that we have had a leave embargo on all our operational staff for the 2 to 3-day period that we know it is likely to take place on. There is a considerable impact on the leave embargo. For example, in 2008 we would -- we did have a leave embargo for the European Football Championships, which will be lessened now, as well as for Jersey Live in the September 2008: 2 great chunks of the year when no police officer can take leave. That has financial impacts elsewhere when everybody wants to take leave at once in the bits in between. The football thing may change a bit now that England are out of the competition, but there will still need to be some contingency anyway. But for that reason we have not put a leave embargo in 2008 because the logistics and the impact on our own people is just not fair to them to say that: "240 of you cannot have leave

for these 3 days” each time. So that ... not makes it more difficult for us this year, but I think we have to be realistic and decent as an employer to say: “No, we will have a minimum level.” So depending on what Jersey Live is, one of the things we may have to say to the panel is: “Look, we do want to support it”, as the Minister says, and we do have -- quite keen to support Jersey Live. We do not have a view on event-led tourism; our views are purely on policing. We will come along and police it. It is what we do for a living, but there are resource issues and there may be resource issues this year because we simply thought that it was unfair yet again to impose that embargo. So we will be looking at other departments, other police departments I mean, again, like I mentioned financial crime and areas like that, to put the uniform on and dust it down and come out and police it.

Ms. L. Middleton:

Sorry, if I could just add to that, if you do not mind, just in terms of the draft report and proposition talking about a working agreement between the departments, and it was driven by exactly this issue in terms of event-led tourism. If Economic Development wanted to encourage the event to take place to bring visitors to the Island, then obviously there is a question there about looking at sharing resources. It might be that in terms of a new event there would be financial support to cover policing costs in order to let an event happen and develop, et cetera. So that was very much one of the drivers for looking at this new approach to event planning by having, say, Economic Development, the Honorary Police and Education, Sport and Culture again in terms of cultural events, so rather than making it difficult for events to take place, to allow early planning and support so that these events could be encouraged and could be brought to Jersey.

Senator W. Kinnard:

Yes, exactly, because it may well be that there could be some sharing of resources across departments but, of course, I do not have the ability to do that without the proposition.

Deputy S. Pitman:

From what you have said, I understand that it was because the Jersey Live had an extra day and that day was a Sunday so you had to consider mutual aid, et cetera. At

the same time, the organisers had employed 50 more security staff. How much was that taken into consideration? That was 50 more than last year.

Superintendent S. du Val:

Yes, I am a bit confused because there were reports in the media from the organisers that they had in the region of 185 security at the event. They did not; they had 90, 90 something, which considerably outnumbered the number of uniformed police officers within the arena. So that is the first point. But it was not just because of the event extending to a Sunday that we needed mutual aid. It was also we had to reassess the numbers we had there because the year before we had had bottles, cans and various other things thrown at the police when we were trying to assist with the coach egress point and getting people safely out of the arena at bottleneck points. That is when policing rather than security has to intervene. We are quite content for security to do what it is that they do. So, again, one of the factors about the numbers of officers we employed was because there was -- it came very close to quite a nasty public disorder situation in 2006. Once you start getting cans, bottles and objects thrown from within large crowds at the police, you rethink what happens next year. So we had a balance. We had a balance between very good and effective stewarding in 2006 who were going to be there again in 2007, so that was a reassurance to us, but also to think: "Well, okay, we were coming under some fire. It was getting a little bit tetchy for a moment and we had to intervene and be quite positive." I stress this is not the majority of the young people that go to Jersey Live; it is just a small number of fools, really, but in among a crowd, once bottles are flying, so I think we need to make sure that contingency is there to avoid injury, to deal swiftly with that sort of disorder. There is a combination of things, not just about the extra day.

Deputy D.W. Mezbourian:

Superintendent, you mentioned that you and another senior officer have been to visit events such as Jersey Live elsewhere. What is the norm at those events? Do the police stay on the periphery or are they in the centre?

Superintendent S. du Val:

Not at all. Not at all, and they are very, very firm on that. For example, at Rock Ness the police put uniformed police officers in the arena in similar sort of numbers to

which -- or similar ratios that we were in in the Jersey Live crowd. They also had covert policing operations within the arena and at the event as we did, covert assets looking at drugs and other sort of acquisitive crime that might take place in large crowds and does take place. So that was happening as well. What we have looked at with interest at other events is that one of the factors that for us has a considerable financial cost is C.C.T.V. (closed-circuit television), which we take portably up to the event. We have a couple of our technical staff who set up cameras, network it all to a command centre at the event, and there is considerable resource and money to do that. Certainly, we were interested at Rock Ness where that entire system was set up and paid for by organisers and a feed delivered into the police command suite. We have not reached that yet, but at most other events that is taken care of by the event organisers. It is 2-fold, really. One is for their own looking at the crowd dynamic and deploying stewarding resources. The other is for what they call the mosh pit front of stage, which is a very vital one so they can see people getting dehydrated and falling down and direct stewards in to get them out and get them to first aid. But the other is to support policing and prevention of crime. In fact, at Inverness we witnessed the event organiser's guys who were manning the C.C.T.V. saying: "That man in that tent has just dealt drugs to that individual there. If you tell your people to go up, turn right, turn left, left again at the third flagpole, that is the right tent." Or: "That man has got a knife hidden in his tent." So that was really good, positive interaction. The only point I make with that is that we pay for our own C.C.T.V. We hire equipment from the U.K. We pay for technical resources to run it all. So that is another thing we would like to ...

Senator W. Kinnard:

Another way in which we get support.

Superintendent S. du Val:

Yes.

Deputy D.W. Mezbourian:

How long have you had C.C.T.V. at Jersey Live?

Superintendent S. du Val:

I think ... certainly the last 2 years. It might be 3, but certainly the last 2.

Deputy D.W. Mezbourian:

Was that as a result of your visit to these places?

Superintendent S. du Val:

No, not at all, because we went certainly to Inverness in April of this year and then -- but we had had C.C.T.V. at Jersey Live the year before that. C.C.T.V. is a well-known tool for public safety, but like all the other C.C.T.V. in St. Helier, it is not -- there is not a revenue budget in place for that, just something we put in place for that public safety and prevention and detection of crime.

The Deputy of St. Mary:

Could I just get clarification because we have had some representation before that said literally that in the U.K. the police remain on the periphery. Just to confirm that that is not your understanding?

Superintendent S. du Val:

That is simply not right.

The Deputy of St. Mary:

Thank you.

Superintendent S. du Val:

They insist. Sorry, they absolutely insist that they are in there. You have to remember this is a licensed premises. The police have a power under the law to go in anyway. They have an obligation and a responsibility. We do have a responsibility to a lot of parents of quite young kids that go (and why should they not?) to ensure that they are not in a lawless environment, if you like. But no, the police, both uniform and covert assets, are in I think pretty well all other festivals in the U.K., certainly the ones that I have direct experience of.

The Deputy of St. Mary:

Thank you.

Deputy D.W. Mezbourian:

I think I will just come back to the event itself and specifically Jersey Live because, Minister, in the Assembly on 11th September 2007 you indicated that it is common for there to be no-go areas for the police in the central arena of U.K. events. You said it is not something that you are prepared to sanction in Jersey. Would you elaborate on that, please?

Senator W. Kinnard:

Well, I just meant that in perhaps less well policed events that have gone on in the past it is my understanding that there have been some areas where it has been very difficult for the police to enter, particularly in areas like the mosh pits and so on. I would be very concerned at any event in Jersey where the police did not feel safe to go into if they needed, perhaps, to rescue someone or to prevent perhaps an assault taking place. I do not think that that would be acceptable in our Island at all. I do not know whether there is any experience that you can add to that. I mean, when I said that, it was from my own understanding, not obviously direct operational experience.

Superintendent S. du Val:

That is absolutely right, we would not have a no-go area, but in practical terms the last 20 minutes or half an hour of the headline act, then it is very difficult to get into the core of the arena at front of stage because it is absolutely mobbed. We do direct our officers, but only at those short times: "Look, do not go in there unless you absolutely need to or you are directed in." The simple reason for that is once you are in, no matter who you are, police officer or anyone else, it is going to take you half an hour to get out because everyone is packed like sardines and jumping up and down. So we just have some guidance, really, that says if you are going into it because there is a medical emergency and you have been asked to assist stewards or, as the Minister said, there is a fight and there is a threat, then we will certainly go in and deal with it. But otherwise for those last times we do not because -- purely and simply because it ties up the resource because anyone is lost in there. If you go in in the last 20 minutes of one of the big bands and decide you do not like it, well, tough, because you are going to stay there for the next half an hour. It is too much trouble to get out. It is only that reason.

Senator W. Kinnard:

That is right, and one of the difficulties is, of course, that yes, it is very difficult to get out, but if you do need to get somebody out you have to make sure you have the back-up. I think that is -- you cannot send someone into that scenario if you do not have the back-up to assist them.

Superintendent S. du Val:

We do have -- in the contingency arrangements we have, we do have officers who are trained to go in, create a wedge, get the individual who needs help or needs to be arrested or whatever it might be and take them out, but we would not do that unless absolutely necessary. But also, we are not there to ruin people's enjoyment of the event. You know, there is sometimes a feeling that we are the sort of bad guys in all this, but we are just trying to police and assist an event to go well for the benefit of Jersey. But our job is policing; we are not going to compromise on that. That is what we are there for.

Deputy D.W. Mezbourian:

Thank you. Minister, I would like to ask you in your considerations that you gave to bringing the proposition to the States, did you give any consideration to the J.C.R.A. (Jersey Competition Regulatory Authority) as regards the dominant position of charging for policing?

Senator W. Kinnard:

Well, we are not charging for States of Jersey policing at the moment as such, but you are talking about the user pays?

Deputy D.W. Mezbourian:

Yes. If you were I think particularly to -- certainly in P.94 the Battle of Flowers was identified, I believe, as an event that would not be charged.

Senator W. Kinnard:

Okay, but that is now -- the proposition as you know has changed. You remember that the original proposition was quite prescriptive and that is no longer going to be

the case. Now the new proposition is about looking at the event, looking at what resources, and it is a group of people who decide how the combination of resources should come together and how they should be funded. So it is quite a different proposition. But in terms of the charging, I mean, no, I did not because there was charging for event policing, charging of policing football matches and so on throughout England and Wales as far as I am aware. It is quite an accepted approach.

Superintendent S. du Val:

The police at Inverness charge a fee for all the policing resources, as at Glastonbury, at Knebworth.

Senator W. Kinnard:

Also, I mean, that comment could be made of several other States departments who raise charges for all sorts of things.

The Deputy of St. Mary:

I think my understanding of a possibility of a problem would arise based on the different bases for charging, for example, charitable profit-making.

Senator W. Kinnard:

Okay. Well, as I have mentioned, the proposition now is quite different and the way in which it would work, it would be a group of people who would look at the event, the needs of the event, what resources were available, and a decision would be made about what would be an appropriate level of charge. The group would develop certain guidelines in order to address that, but I think perhaps your question is more related to the original proposition than what is being suggested as a way to take it forward now.

The Deputy of St. Mary:

Yes.

Deputy D.W. Mezbourian:

Well, our preliminary correspondence does show, or certainly the response from the J.C.R.A. was that there may be a problem but, of course, that was with P.94.

Senator W. Kinnard:

That is correct.

Deputy D.W. Mezbourian:

But we flag it up for you as something worthy of consideration.

Senator W. Kinnard:

Thanks, we will take that into account.

Deputy D.W. Mezbourian:

Also, what we would like to know is what consideration has been given to the user pays charges introduced in other jurisdictions for the policing of events or in general?

Ms. L. Middleton:

I think in the U.K. there are guidelines for the police authorities over there and there is much more opportunity and flexibility in terms of charging for staff. As we have mentioned already, in terms of football matches, concerts, et cetera, it is just generally accepted that the organisers pay. You could even hire Metropolitan policemen on their horses if you want to make movies, and there are lots of issues in the mainland. What we were looking for here was to be sort of more general because I think the original report and proposition did talk about specific -- you know, when is the event commercial, when is it profit-making, and it is quite difficult to decide when something is a charitable event, when it is commercial, when it is profit-making. Battle of Flowers, for example, everyone -- you buy your tickets. It is a different type of event, so the notion here was that it would be very much looking, as we have mentioned, at the overall structure of the event and the driver for the event, be it event-led tourism, be it profit-making, et cetera. Also, to bear in mind that some events like the Battle of Flowers, like the air display, perhaps they are not the right words, but they are part of the Jersey calendar already and so, by implication, the costs of policing those are built into the police budget. Not specifically, but they have happened for year upon year and, as we mentioned already, the visitor base, the client base for the Battle of Britain air display is very different to, for example, Jersey Live or, indeed, perhaps to a new event because this draft report and proposition is looking at any new events that come along or changes to existing events where the level of

policing may be greater because of the increased numbers of people who will be attending and also because of the timescale and the facilities that are going to be available.

The Deputy of St. Mary:

Following on from what you have just said, do you think there is an argument for a probationary period for new events, like a grace period where they do not get charged while they establish themselves?

Ms. L. Middleton:

That certainly is one of the issues in terms of the officer group.

Senator W. Kinnard:

They would decide.

Ms. L. Middleton:

With representatives from Economic Development and the Tourism and Marketing Office, certainly if it was an event that they wanted to promote, then, you know, the police charges have to be paid for in some way but it may well be not the event organiser. If it is a new event coming to Jersey that is being encouraged by Economic Development, then it may well be a contribution from that department or, as I mentioned before, a cultural event, Education, Sport and Culture to encourage and develop the event.

Deputy D.W. Mezbourian:

Minister, how much sense does it make for one department to subsidise another, then?

Senator W. Kinnard:

Well, I mean, that is the situation we find ourselves in. It did not make much sense either to us for perhaps one department to encourage all sorts of things to happen without perhaps checking whether or not we had the resources to deal with that further down the line. I do not say that as a criticism; it is just that, you know, in the past I think people have worked very much in silos. One of the, I think, improvements that the new draft proposition (which is not in the public domain yet)

seeks to do is to remove that silo mentality because the idea is that it will work around a framework which is based on a working agreement between States of Jersey Police, between Home Affairs, the Economic Development Department and also the Education, Sport and Culture Department. So this sort of scenario hopefully ought not to happen in the future if we were to take matters forward in the way that is described in the new draft proposition.

Ms. L. Middleton:

But I think certainly in terms of moving resources from one department to another, if an event is being promoted as part of event-led tourism programme then that cost should be recognised, otherwise there is a hidden subsidy to that event which is being borne by another department. So, in terms of evaluating the event it would be necessary for Economic Development to be aware of the full costs of providing the event to decide whether it is something to encourage.

Senator W. Kinnard:

Yes, and in terms of openness and transparency for the public as well I think it is important that that is made clear.

The Deputy of St. Mary:

Yes, I was going to ask you about that, because if you are moving away from a prescriptive definition, how easy will it be for the reason - the calculation of a charging element - to be made transparent to the public and the organisers?

Senator W. Kinnard:

Well, I think that will be, for a combination of things, one will be the guidelines, which will be the general guidelines, and the other would be -- the event organisers, I am sure, would be notified as to what is the outcome of the discussion as to what is being subsidised and what is required to be paid for.

Deputy D.W. Mezbourian:

One of the main things, Minister, that has been made plain to us during the hearings, and certainly from the many submissions that we have had, is that this must be seen to be open and transparent, and it must be that people are accountable for it. It seems to

me that there are very few criteria that have been specified for the group of chief officers to decide whether a charge should be levied on an event and I know that Ms. Middleton just referred to that and from what I can see, at the moment it possibly could be suggested that that transparency is lacking.

Senator W. Kinnard:

The idea is that guidelines would be developed and available publicly, but that comes later at the next stage. Liz, I do not know, you have been closely involved with this.

Ms. L. Middleton:

That is right. The notion would be that if this report and proposition is approved and a working agreement was set up together then there would be guidelines available to the organisers and over time precedents would be set but, to be quite honest, we have not taken this to the next step yet because it is about getting the principle approved. If the States do not agree the principle then there will not be any events happening in this way.

Senator W. Kinnard:

Yes, there is not a lot of point in us working up all of the guidelines at this stage if we do not know if the principle is going to be approved or not.

The Deputy of St. Mary:

So, if in principle approval was given by the States, would you then be bringing back the detail to the States, or would that be something that would be worked out?

Senator W. Kinnard:

We could certainly think about it. It was not anything we had particularly thought about doing. We could do it as a report and lay it before the States. I do not see any reason why we could not do that.

Ms. L. Middleton:

No, not at all.

Deputy D.W. Mezbourian:

It seems to me if the draft proposition that we have in front of us now was presented to me, as a politician, there would not be enough detail in it for me to vote in favour of it.

Senator W. Kinnard:

Well, that is helpful to know.

Deputy D.W. Mezbourian:

This really is one of our concerns and it certainly --

Senator W. Kinnard:

You want to see the guidelines now really.

Deputy D.W. Mezbourian:

Absolutely. As a member of the Education and Home Affairs Panel I have spoken to you, Minister, and the Education Minister in the last few weeks and on both occasions I have been told that the guidelines will be worked out when something has been given approval and to me that is not acceptable.

Senator W. Kinnard:

I suppose the reason is in terms of resourcing. I have very limited resources and to send off officers to work up complicated guidelines, which may or may not be accepted anyway when I am pretty stretched as it is, it did not seem to me to be the appropriate way of proceeding, but if you are saying to me that one, you need more information and (2) you would like to have a feel for what the guidelines might contain, then that is very helpful. That is something we will take away and we will give consideration to.

Deputy D.W. Mezbourian:

Certainly those are my personal comments. They are not necessarily those of the panel.

Senator W. Kinnard:

That is the value of Scrutiny, you see.

Deputy D.W. Mezbourian:

Of course we wait and see what we decide and the recommendations that we make within our report. I believe Deputy Pitman wants to come in.

Deputy S. Pitman:

If the proposition is approved, will this mean more charges on event organisers in the future?

Senator W. Kinnard:

Well, we would hope not. I mean, it may not be that there were any charges made at all. The idea behind it is to have the facility to do it, if necessary, but I have made a commitment and I am quite happy to make it again that we will work with our colleagues in Economic Development and in Education, Sport and Culture to try and either avoid charging all together, or where charges are made to keep them as low as possible. I think I said at the start there is no intention to raise money either for the police or for Home Affairs. It is about minimising the impact on the taxpayer and that is really what this is about.

Ms. L. Middleton:

I think in terms of moving things forward, regardless of whether the States do approve the report and proposition, although we do not have a formal working agreement, we have met already the officers within the departments just earlier this month to look at the calendar of events for next year to start early planning and already there has been a lot of liaison between the officers mentioned already and event organisers. So, that is happening anyway. The issue of charging, as the Minister says, we did not go to the next step because the first report and proposition was quite prescriptive, so this one perhaps --

Senator W. Kinnard:

Has gone too much the other way. Perhaps.

Ms. L. Middleton:

It might be more appropriate to have the States approval in principle and take back the arrangement to have States agreement.

Deputy S. Pitman:

Going back to the numbers of police officers that were employed on the evening and the mutual aid officers. You say that you have consulted with other event organisers in the U.K.

Superintendent S. du Val:

Sorry, no, we have not consulted with other event organisers in the U.K.

Deputy S. Pitman:

Sorry, you have run by their example. I understand the Loch Ness event --

Superintendent S. du Val:

No, sorry. Myself and colleagues have visited and observed the policing operation at some other similar festivals in the U.K. While doing that, yes, of course we spoke with the event organisers, but we have not consulted with any other event organisers about local events.

Deputy S. Pitman:

Right, okay.

Senator W. Kinnard:

It is a policing issue.

Superintendent S. du Val:

Policing primarily, yes.

Deputy S. Pitman:

I just wanted to mention, in a report that we received about the numbers of police to crowds at other festivals, at Glastonbury there were 64 police officers to 177,000 people in 2007; at the Glade Festival in 2007 there were 16,500 crowd and 15 police officers, yet at the Jersey Live Festival this year there were 40 police officers to

10,000 people. Do you not think that your employment of officers, all of those that you employed at the event, was too much?

Superintendent S. du Val:

No, not at all. We are a small, isolated Island force. We cannot call on help that would be with us in an hour. At all those other events you are talking about just the officers inside the event in uniform, visible in the arena. If you look at the numbers you have for Glastonbury and the other events; that is one small part of their operation. They all have public order reserves in the background, probably mounted officers, dogs, considerable plain clothes, covert assets, in a variety of operations within the arena too. So they can call on a lot more. They will have the divisions within their own county, so if the commander of the event thinks a section of the crowd in the beer tent are drinking an awful lot and there will be problems later, he or she can phone up, get a couple of van loads of cops trundling down the motorway, knowing that they are going to be there in an hour or 2. In real terms our nearest mutual aid is about 24 to 36 hours away at best. That is without taking into account Jersey weather and plane delays and whether the boats are running and all that sort of thing. So, we will always have a few more than the public might think is the right amount, simply because what you see is what you get. What we have deployed at that time is what is there. Of course, as I said earlier, we still have our business as usual taking place elsewhere in the Island. Well, yes, we can call on them, but as you heard, during Jersey Live they were deployed to 148 separate incidents, arresting around 30 people for other offences in other parts of the Island. So, they were fairly busy. There are no spare boxes of police officers that we can call on for Jersey Live. So, whether it is Jersey Live, or any other event, when we have the opportunity to pre-plan it and put our resources together in advance quite often we will have a few. I am not talking about dozens, but a few more than we might think we need because we do not have any more. That is it. The thin or thick blue line, however thin or thick it is, is what it is, whereas in the U.K. not only can they call on neighbouring divisions from their own force area, but they all have agreements with neighbouring forces, or neighbouring counties, that they can get what they call a P.S.U. (Police Support Unit) which is 3 police vans, an Inspector, 3 Sergeant, 20 something Constables. They can call on these Police Support Units to start travelling down motorways and within an hour or 2 can have another 50, 60 or more police officers there which significantly

can change the operational capability. We do not have that. We have a few more but our police officers were busy all day. I think you have seen on the confidential briefing the sort of incidents that we are dealing with within Jersey Live. This is just the stuff that we had recorded. It is apart from the ad hoc, assisting people and liaising with organisers and mixing with event goers. So, in terms of, do I think we had too many? No. That is it. Had we known in advance ... and again I would stress through no one's fault, but had we known in advance that the full complement of Honorary Officers would have been available to us on the Sunday, which we simply did not know, we would have reduced the number of mutual aid because that would have been cheaper.

Senator W. Kinnard:

Mutual aid, exactly.

Superintendent S. du Val:

We would have chopped off the mutual aid numbers.

Senator W. Kinnard:

That would have gone first, from the Minister's point of view, in terms of finance.

Superintendent S. du Val:

But we did not know that. What is also useful to know is that even though we may have chopped some of those numbers is that once you press the mutual aid button officially you do not save on cost. There is still going to be cost implications if you pull out. There are penalties of pulling out. It is a bit like buying an insurance policy or a holiday or something, the later you leave it you still have to pay even if you pull out.

Deputy S. Pitman:

So, how much notice do you have to give to the other police forces who you are getting mutual aid from if you want to pull out?

Superintendent S. du Val:

I am not sure of the detail but there is still some ... for example, you would still pay for flights. You have possibly paid a deposit on accommodation at a time of the year when accommodation is at a premium in the Island so there will be some -- whether there is an official penalty laid down in the contract, I am not sure. I do not know the answer to that, but there is a practical penalty because you will have incurred costs that you cannot redeem.

Deputy S. Pitman:

I am just thinking of how much notice the Honorary Police were able to give you and if in that time you could have stopped the --

Senator W. Kinnard:

It was literally within days of the event happening. So, the costs would already have been incurred by that time.

Superintendent S. du Val:

Also, it would not have been prudent for us, had we been able to cancel mutual aid at that point, to do so because with respect to our colleagues in the Honorary Police, gone from having none available on the Sunday to a full complement. So, we were planning for still anything between none and a full complement. We simply did not know for sure; there could have been some changes, so we just had to go with it. But, yes, we would have had fewer there in terms of mutual aid, had we known the Honorary Police had been available, because we had to put in place officers on traffic and peripheral work which normally we are delighted to be able to leave to the Honorary Police who do that very well and have an established system, certainly within Trinity for dealing with traffic issues. So, we prefer to not deal with that and we are really content for them to do it. So, we had to build something in for that.

Deputy D.W. Mezbourian:

Superintendent, have you identified to the Honorary Police, the cut-off time, as it were, that you would need to know their availability before you would need to consider mutual aid officers?

Superintendent S. du Val:

Yes. In fairness, as I say, the Chef de Police at Trinity as co-ordinator, knew that and worked closely with us the whole way through and did a sterling job, but unfortunately he was unable to get those answers for us, through no fault of his own, until late in the day and he tried his best, short of going out with a van and grabbing people from the street, he did everything he could.

Deputy S. Pitman:

Can I ask, what checks and balances are there for the process whereby policing levels are decided?

Senator W. Kinnard:

Well, that is a professional judgment.

Deputy S. Pitman:

Is that something that you would discuss with the event organisers?

Superintendent S. du Val:

No. No, the event organisers in fairness have no say in what our operational resources will be. They do influence it because the robustness of their plan, their previous history, success or otherwise in managing the event, the level of security, the professionalism of the particular stewarding manager or stewarding company. So, all those things will influence. For example, if in 2008 Jersey Live use the same -- the Stewarding Manager, unfortunately is retiring -- but if they use the same company and somebody else of that ilk, then that will influence our resourcing because we will know that there are some very good crowd stuff that they do very well so that we can rely on that and be content with that and we do not have to think so much in terms of States Officers to do that, but do they have an influence? No. The event organisers have told us consistently there will always be a debate between event officers, particularly if they are paying for it, and the police. There are many experts outside the police service in how many police officers we should deploy. What we are expert in is policing Jersey, as an isolated community, and I think we do it reasonably well. Did we have too many officers? No, in the event we did not. We needed them particularly at egress time. Had we known about the Honorary Police well in advance

and cancelled some of the mutual aid there would have been fewer, but they still would have been busy.

Deputy D.W. Mezbourian:

Thank you. I think I may have a couple of questions, Superintendent, on the police scene, on the operational side, if you could just bear with me while I find them. I will look for those in a moment. Maybe I can come to a question I think that Ms. Middleton would be able to answer. It is going back to financial direction 4.1 and the article that refers to the annual business plan which says: "Where a new charge is introduced [this is in relation to the user pays] after the necessary States approval, this should be noted in the annual business plan for the year in which it is proposed to introduce or raise the charge." Now, when I read that I wondered whether that meant that that was a necessity, that it had to be shown in the annual business plan before it could in fact be levied. I wonder if you could clarify that.

Ms. L. Middleton:

We have had discussions with Treasury Officers in terms of this draft report and proposition who are happy with the statement in terms of that direction and what we are doing at the moment is working on the departmental business plan for 2008 for the Home Affairs Department and there will be reference made in that departmental plan of where we are with moving this forward.

Deputy D.W. Mezbourian:

So, how does that tie in with the annual business plan, which we have already debated?

Ms. L. Middleton:

Well, unfortunately, in terms of timing, when the annual business plan was put together it was a lot earlier in the year so we were not this far forward in terms of taking the report and proposition forward, otherwise there would have been mention. So, when we do the departmental plan we will be able to put in the progress to date and make mention of the report and proposition, whatever stage it is at, because we will be looking at 2008 to be the first year of introducing any charge.

Senator W. Kinnard:

Potentially, if we were to --

Ms. L. Middleton:

Potentially, yes.

Senator W. Kinnard:

Potentially. If everything was to go to plan and there was not to be an overnight camp we could probably manage it, but the overnight camp of Jersey Live is causing certain problems because it is moving the goalpost again, is it not?

Superintendent S. du Val:

I do not think the Bailiff's panel has received any draft plan officially yet, so it is probably difficult to comment about that. What I would say from the police point of view, as I said earlier, for us it is more a question of someone pays rather than user pays. I do not want to upset the Minister for Home Affairs, but from our point of view, whatever event we police, whether it is Jersey Live or anything else, that is not budgeted for, as far as we are concerned it has to be paid for and we would like someone to give us the money and with respect to the Minister, our question is usually of the Minister.

Senator W. Kinnard:

Of course I would give it to you if it was in my budget, but it is not.

Superintendent S. du Val:

We do the policing. We are very careful to avoid the political side of this debate. For us we have to pay for our people to do their jobs in one form or another.

Ms. L. Middleton:

In terms of moving things forward it was, I think, in June of this year that we took the last draft of this particular proposition to the Council of Ministers so it was only at that stage that we had a general approval in principle to move forward and by that time, as I say, the States annual business plan was well in advance in production terms. So, what we will do is say it will include, obviously depending on the time

scales for the departmental business plan, mention of where we are in terms of moving this forward.

Deputy D.W. Mezbourian:

So, just for me to be clear, although it says it must be stated in the annual business plan for the year in which it is proposed to be introduced, you are saying that in this case it does not need to be.

Ms. L. Middleton:

I am not saying it does not need to be, but I am saying in terms of getting it into the plan it was not possible to get it into the States business plan, but we will include it in the departmental business plan and on the assumption that the States, if they approve the report and proposition, then that would I imagine almost override the need to include it in the business plan as it will come out of the event.

Deputy D.W. Mezbourian:

Okay. So, the direction where it says it must be in the annual business plan is able to be overridden.

Ms. L. Middleton:

Well, if we had been a lot further forward at the start of this year, and obviously when we had prepared our submission to the annexe of the 2008 business plan, we would have made mention of the issue. In terms of impacting on the budget I think that is the bigger issue because you would anticipate, if you are going to introduce a new charge, that you would see extra income for the department, so you would make mention in terms of the narrative against the income. What we are talking about here, as I say, although it would increase the income of the States of Jersey Police, it would not change their bottom line because this is not an income generating scheme to redistribute resources within the police. This is just covering costs.

Senator W. Kinnard:

Recovering costs.

Ms. L. Middleton:

Yes. So, the bottom line would not change.

Superintendent S. du Val:

Yes. Just to go back to the point I think I made quite some time ago. At the moment, fortunately or unfortunately, depending on the way you look at it, but we are funding the States of Jersey police officers policing all these sort of events from unfilled vacancies. We hope to be up to strength, to a point, next year, which means that the things we have absorbed this year, last year, the year before, we will not have that money.

Ms. L. Middleton:

If we were introducing a brand new charge to charge for something that was currently free to the public and was going to generate income to the States of Jersey Police or indeed any area in Home Affairs, we would certainly include that in the States business plan because that would be something we would anticipate would generate ...

Senator W. Kinnard:

And affect the bottom line.

Ms. L. Middleton:

Absolutely would affect the bottom line and generate interest among the States Members.

Deputy D.W. Mezbourian:

Okay. Thank you.

Deputy S. Pitman:

With regard to the costs of the services, is G.S.T. (Goods and Services Tax) going to be charged on the user pays?

Senator W. Kinnard:

I look to my Finance Director.

Ms. L. Middleton:

In terms of charging G.S.T. for States services we will have to take advice from the Treasury and Resources Department, if this gets approval, to make sure we are consistent in terms of other States department charges. We have not approached that issue just yet.

Deputy D.W. Mezbourian:

I think we just have a few more questions that do not really touch on the new draft proposition, so we are finished with those.

Deputy S. Pitman:

How is it anticipated that the user pays charge will fit in with the work of the Bailiff's Public Entertainment Panel?

Senator W. Kinnard:

I do not really understand the question.

Superintendent S. du Val:

From the point of view of one of the bodies represented at the panel I do not think it will really feature too much because at the moment we talk to the panel about whether we think the plan is robust enough in terms of public safety, how police resources can meet it, and whether they are satisfied with what the organisers have put together, sometimes by default, although it is not really, I do not think, within the Bailiff's panel's terms of reference, we talk about, if you look at Jersey Live: "Actually, we will not be able to afford -- just for your information, we may need to seek mutual aid this year." The Bailiff's panel do not really concern themselves with that aspect, with how it is going to be paid for, if it is going to be paid for by anyone else other than the Home Affairs existing budget. I guess if user pays is successful and we are talking to the panel about events where user pays has come into play in the future, then we would say: "Yes, it is going to need X number of resources. This meets the user pays criteria. We have met with the organisers, everything is sealed, signed and delivered and we are okay." So, we will see something like that rather than ...

Senator W. Kinnard:

For information rather than ...

Superintendent S. du Val:

Yes, and I think it is probably worthy of note that my understanding of the panel's thoughts on the debate around payment this year is that the panel have wanted to, particularly the Bailiff's representative on the panel, has wanted to distance himself from that debate, and rightly so I think. He is concerned more with, is the entertainment suitable? Does it meet safety requirements for everyone represented at the panel? It would be useful to be able to say: "Yes, this is not going to have a huge impact on our budget" as well as all the other things we say to the panel, but no more than that, I suspect.

Deputy D.W. Mezbourian:

Minister, has there been any consideration given to the Honorary Police perhaps receiving some form of financial remuneration from event organisers?

Senator W. Kinnard:

There have been discussions. I have had a meeting with the Honorary Police but I am not sure that that is in the public domain, or whether that is more germane to the proposition. So, it might be something -- I do not know how much they have told you so far.

Deputy D.W. Mezbourian:

I am trying to think back to the hearing last week and what they told us. Can you remember?

The Deputy of St. Mary:

I can. None of the things that I want to discuss. I think we could do that in camera better.

Senator W. Kinnard:

It is just that I do not want to tread on their toes.

Deputy D.W. Mezbourian:

No. I think possibly we do have a number of questions that are based on the new draft proposition, so moving on to the media, as unfortunately it is not in the public domain we do need to ask you to withdraw.

Senator W. Kinnard:

Sorry, guys.

Deputy D.W. Mezbourian:

I hope you have plenty of information for your reports anyway.

Senator W. Kinnard:

Because it is not just for me. It is the other Ministers as well, so I cannot sort of blow their cover.

(In camera session)