

5. Questions to Ministers without notice - The Minister for Home Affairs

The Bailiff:

Very well. That brings questions to the Minister for Transport and Technical Services to an end. So we now come to questions to the Minister for Home Affairs. Deputy Shona Pitman.

5.1 Deputy S. Pitman:

It is a question regarding the Fire Precautions Regulations 2012. I just wanted to know what financial assistance there is for owner-occupiers who are living on low incomes to comply with these regulations?

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

There is not any.

5.1.1 Deputy S. Pitman:

Does the Minister believe that there should be? Certainly I do, because I have a constituent who owns a small flat in a multi-occupancy building and is living off a redundancy package and a small pension and has estimated that to comply with these regulations it would cost her around £20,000. She simply does not have the money and because of that she is considering selling her property.

Senator B.I. Le Marquand:

One of the most difficult decisions that I had to make, obviously with advice, was exactly where we sought to set the definition of houses of multiple occupancy and I was very keen to avoid a situation in which people living within their own single unit home would be affected. The test that we brought to this Assembly, and indeed which this Assembly passed, was a test where you had an old building which had been converted into multiple units, but it did not require - I am going from memory on this - a permit and it did not require a fire precaution certificate, unless less than two-thirds of the units were owner-occupied. Now, I assume from the question that this must be a unit in which there are rented out premises and that therefore has brought it within the limit. So it is a difficult test. That is the test I brought to the Assembly. That is the test which the Assembly passed. Interesting enough, I well remember having a question from the Connétable of ...

The Bailiff:

I think, Minister, you are going to talk out the entire question time if we are not careful. [Laughter] Deputy Hilton.

5.2 Deputy J.A. Hilton:

As part of Guernsey's new Population Policy, the question of criminal record checks has been revisited again. What discussions, if any, has the Minister had between himself and the Chief Minister's Department on whether to revisit this matter again and whether any discussions have been taken place with the Law Officers in order to challenge the commonly-held belief that such checks would not be human rights compliant?

Senator B.I. Le Marquand:

I am so sorry, I lost a word or 2 as to precisely what the question was about, so could that just be clarified? This is immigration checks, is it?

Deputy J.A. Hilton:

It is, yes, criminal record checks for new incomers.

Senator B.I. Le Marquand:

Well, we do not have any control in terms of immigration in relation to people coming from elsewhere in the European Economic Area. So, we cannot do it under existing legislation. We do, of course, have such controls in relation to people coming from elsewhere.

5.2.1 Deputy J.A. Hilton:

A supplementary? It is my understanding that criminal record checks are carried out in other Crown Dependencies. The question about whether any discussions had taken place with the Law Officers to challenge the widely-held belief - in Jersey at least - that we cannot have criminal record checks.

Senator B.I. Le Marquand:

I am trying to understand what the question is about. I have said that we have no immigration control in relation to people coming from elsewhere in the E.E.A. (European Economic Area) under present legislation. That is the position. Therefore, I assume that the question relates to people coming from outside the E.E.A. In relation to those, of course, they would need to obtain a visa in order to come in, unless they were staying purely for a short period of time.

Deputy J.A. Hilton:

I think I shall write to the Minister with the question. Thank you.

Senator B.I. Le Marquand:

Yes. I am struggling to understand the precise question.

5.3 Deputy R.G. Le Hérissier:

I wonder if the Minister could inform us when he hopes to have total compatibility between the Jersey and the U.K. parole systems?

Senator B.I. Le Marquand:

I do not. I prefer our system.

5.3.1 Deputy R.G. Le Hérissier:

I wonder if the Minister could clarify, when does he hope to have reciprocity between the 2 systems?

Senator B.I. Le Marquand:

On the assumption that the question is still about parole systems, I do not.

[12:00]

5.4 Deputy T.M. Pitman:

Given that when he gave evidence to the Scrutiny Panel that I then chaired and indeed within this Assembly, the Minister confirmed that all the evidence pointed to the leaking of information to the U.K. media during a live child abuse investigation that led back to the chief investigating officer who had replaced Mr. Harper and he thus named Mr. Gradwell. Can the Minister therefore clarify if he has now forwarded details of the internal inquiry carried out in Jersey about all this to Operation Elveden in the U.K?

Senator B.I. Le Marquand:

I have not forwarded anything to Operation Alpha. The local police force are, of course, working in co-operation. I am assuming Operation Alpha is the investigation in relation to historical abuse by celebrities and such like people. I know that the local police force are actively assisting in relation to that. But, it is not for me to be involved at what is clearly an operational level.

5.4.1 Deputy T.M. Pitman:

A supplementary, if I may. If we only go back to the last Assembly, there were some, I have to say, wholly wrong efforts by certain Members of the last Assembly to cast dispersions on Mr. Harper's reputation. Now, the Minister did give that evidence that Mr. Gradwell had leaked this information. There is the Operation Elveden going on. That officer was seconded to the Jersey force, but he still came under U.K. legislation, so why is that important information leaking evidence not being forwarded?

Senator B.I. Le Marquand:

I now understand what Operation Alpha is, I did not know it under that particular name. This is to do with police officers providing information to the press. I have indeed been asked the very same question recently by a member of the public and have agreed that I will discuss that with the senior police officers. I am sorry that I misunderstood which operation it was.

5.5 Senator P.F. Routier:

Following on from the question from Deputy Hilton regarding Guernsey's proposals to be able to carry out criminal record checks under their new immigration policies with regard to people perhaps who are within the European area... would the Minister be pleased to know that I shall be going to Guernsey very soon to find out how they are progressing that?

Senator B.I. Le Marquand:

I would be very pleased. I thank my colleague for the question, but, which of course means that the question was never within my area of responsibility in the first place, which is probably why I did not know the answer. [Laughter]

5.6 Connétable S.W. Pallett of St. Brelade:

Could the Minister tell the Assembly where his department is in regards to the introduction of Tasers?

Senator B.I. Le Marquand:

Yes, I can. There is a very long draft report produced, which I have been working on in recent days, about 52 pages. Unfortunately, it is completely in the wrong format and is going to have to now be rewritten in order to be acceptable in terms of a report attached to a proposition. Having reviewed it myself I have now passed it back to my staff, who were not very happy at the prospects of having to do a lot of work on it themselves. They felt the police should pick this up and turn this into the right format. So, unfortunately, a great deal of work has been done. It is a very long report, but it is completely in the wrong format.

5.6.1 The Connétable of St. Brelade:

Could the Minister give some guideline as to what timescale he puts on the work that needs to be done? I know the police are very keen to get the Taser into operation, subject to the proposition being accepted in the States. But, can he give us a timeline on the work that he is doing?

Senator B.I. Le Marquand:

That is going to be dependent upon how quickly the work can be done to turn it from the format it is in now - which took a great deal of time to be produced - into the format it needs to be in. I would hope that could be done within a month, but of course I have agreed with the Scrutiny Panel that I will not simply be lodging it, I will be sending to them what I am proposing to lodge for their comments first. So that may cause some further delay.

5.7 The Connétable of St. Brelade:

Just in regards to difficulties with on-street parking, I just wondered if the Minister could tell us what progress he has made in regards to dealing with on-street parking and just remind him as

well that Guernsey does have fixed penalty legislation and whether he would consider looking at the legislation that currently exists in Guernsey in regards to fixed penalty notices?

Senator B.I. Le Marquand:

Well, this strictly also is not within my area, because once into that it is the Minister for Transport and Technical Services. I have had discussions with the Connétable in relation to that, but have not taken it forward. I have been working with the working party in relation to related areas to do with maximum penalties for matters. We have made considerable progress on that. Again, this is one of those grey areas. Whose responsibility is it? Strictly it is not mine, but I am willing to assist.

5.8 Deputy M. Tadier:

Will the Minister clarify whether or not wheel-clamping is lawful and if it is not currently lawful is it appropriate that there are still signs up all over the Island in private car parks saying that wheel-clamping can be used if parking is done inappropriately?

Senator B.I. Le Marquand:

There are different opinions in relation to the lawfulness of wheel-clamping. My own opinion, as a lawyer, rather than as a Minister, is that it is not. But there are those who differ with me on that. The position in relation to that is, of course, that in the U.K. they have passed legislation now which is very much along the lines of what I had hoped to bring to the Assembly. We are now working actively on that. We have sent our ideas off to the Law Officers to get some human rights compatibility advice in relation to that. Then we will be intending to proceed later this year. Unfortunately, I have recently learned that we are running out of law drafting time, as a Ministry. So my hopes that I could bring this to this Assembly this year for debate may be thwarted. It may have to be put back until next year. But, we are actively working on it.

5.8.1 Deputy M. Tadier:

Could the Minister confirm that currently, following the proposition which was debated in the last Assembly, there is no legal basis for wheel-clamping? Does he agree that it is completely inappropriate that there should be these yellow signs telling people they will be fined, when in fact I doubt that a wheel-clamp has been used between now and that debate?

Senator B.I. Le Marquand:

As I said, there are differing legal opinions on this. In my own opinion it is unlawful and if people are wheel-clamped they would have a right to sue. Of course, that has never been tested in the courts.

5.9 The Deputy of St. Martin:

The Constable of St. Brelade just made the point that the police service are greatly looking forward to the Taser review. Can I just ask the Minister how, in this day and age, such a large piece of work comes before him which he finds unacceptable to bring to the House? What type of work still has to be done before it is acceptable?

Senator B.I. Le Marquand:

Yes. What has happened here is this particular project was allocated to a particular officer, who is very capable indeed, but quite inexperienced. This officer then changed his role and indeed took on extra responsibilities and so was having to deal with his extra responsibilities as well as this particular project. What he has done, essentially, is produced a very detailed document answering the points made by the Scrutiny Panel. Of course, that is not the right formatting in relation ... so, the information is there, but it is not the right formatting for a report to the States in support of a proposition.

5.10 Senator S.C. Ferguson:

Would the Minister for Home Affairs like to confirm that the prison does make a G.S.T. (Goods and Services Tax) return to the Treasury? Would he like in due course to supply the information to this Assembly as to how much G.S.T. they supply to Treasury?

Senator B.I. Le Marquand:

I do not know the answer to that question. I do not get involved down to that sort of level. I simply do not know.

Senator S.C. Ferguson:

I did ask if the Minister would supply the information.

Senator B.I. Le Marquand:

Yes, I can arrange for that, yes.

Bailiff

Does any other Member wish to ask any questions? Very well, that brings questions to the Minister for Home Affairs to an end.