

STATES OF JERSEY

Scrutiny - Education and Home Affairs Quarterly

THURSDAY, 5th OCTOBER 2017

Panel:

Deputy L.M.C. Doublet of St. Clement (Chair)
Deputy T.A. Vallois of St. John

Home Affairs:

The Minister for Home Affairs
Assistant Minister for Home Affairs
Chief Officer, Community and Constitutional Affairs
Deputy Chief Officer, States of Jersey Police
Head of Customs and Immigration
Chief Fire Officer
Director- Criminal Justice - Community and Constitutional Affairs
Policy Principal

[14:00]

Deputy L.M.C. Doublet of St. Saviour:

Okay, let us begin. Good afternoon everybody. Welcome to you, members of the public and the media and some officers in the canopy there. We are the Education and Home affairs Scrutiny Panel, half of us at the moment. Deputy Macon and Deputy Mézec send their apologies. I am Deputy Louise Doublet, I am Chair of the Panel. This is:

Deputy T.A. Vallois of St. John:

Deputy Tracey Vallois, Deputy of St. Johns, Member of the Panel.

Deputy L.M.C. Doublet:

And I will ask the Minister; welcome Minister. Would you please introduce yourself and your many staff?

The Minister for Home Affairs:

So I am Deputy Kristina Moore, Minister for Home Affairs.

Assistant Minister for Home Affairs:

And I am Constable Deidre Mezbourian, Assistant Minister for Home Affairs.

Head of Customs and Immigration:

David Nurse, Head of the Customs and Immigration Service.

Policy Principal:

Jill Hutchinson, I am part of the Building a Safe Society Strategy.

Director, Criminal Justice, Community and Constitutional Affairs:

Helen Miles, Director of Criminal Justice.

Deputy Chief Officer, States of Jersey Police:

Julian Blazeby, Deputy Chief Officer, States of Jersey Police

Chief Officer, Community and Constitutional Affairs:

Tom Walker, Chief Officer.

Deputy L.M.C. Doublet:

Okay, welcome everybody. Could I ask everyone in the gallery, everyone in the room please, to ensure that their mobile phones are switched to silent for the duration of the hearing?

Assistant Minister for Home Affairs:

Chairman, may I just thank you for allowing us to take the fire service questions at the end and I wanted to advise the Chief Officer and Deputy Chief Officer will be joining us later on. They have a previous commitment.

Deputy L.M.C. Doublet:

That's find, we understand.

Assistant Minister for Home Affairs:

Thank you for that.

Deputy L.M.C. Doublet:

While we are on the subject of the order of the questions, we have changed the order just slightly in terms of the sections. We are going to begin with the legislation and we are going to move on to Customs and Immigration and then we will discuss prison and we will finish with the fire service. Does that tally with everybody's responsibilities? Minister, have you read and understood the notice there in front of you?

The Minister for Home Affairs:

Thank you, yes.

Deputy L.M.C. Doublet:

Okay. The first question. At the last hearing, Minister, you updated the panel on the progress of their hate crime legislation and you said that this would be ready for law drafting in July. Is there any further progress to report on this, please?

The Minister for Home Affairs:

There is. Progress is continuing and Helen Miles I think is best placed to give you a full update.

Director, Criminal Justice, Community and Constitutional Affairs:

Thank you. The hate crime law; as the Panel know, a piece of work was undertaken by a recently retired law officer to determine exactly what it was we needed to do. That works with a view to Jersey's compliance with international conventions, for example eliminating racial discrimination and hate speech. That work was completed a while ago and now the law officer is providing the law draft and instructions and we are optimistic that those instructions will be ready to be brought for law drafting by the end of the year... this year.

Deputy L.M.C. Doublet:

So it will be lodged by the end of the year?

Director, Criminal Justice, Community and Constitutional Affairs:

It will not be lodged by the end of the year, it will be going to the law draftsman.

Deputy L.M.C. Doublet:

Okay, so what is the timetable subsequent?

Director, Criminal Justice, Community and Constitutional Affairs:

We would anticipate that we will be lodging it next year.

Deputy L.M.C. Doublet:

Okay, can you narrow that down any further?

Director, Criminal Justice, Community and Constitutional Affairs:

Not at this stage.

Deputy L.M.C. Doublet:

No. Before the elections?

Director, Criminal Justice, Community and Constitutional Affairs:

Hopefully.

Deputy L.M.C. Doublet:

Okay, okay. If we could have updates on that timetable as it progresses, please.

Director, Criminal Justice, Community and Constitutional Affairs:

We are, I think, reaching the end of the cycle where there is rather a lot of pressure in the direction of law drafting.

Deputy L.M.C. Doublet:

Of course, yes.

Director, Criminal Justice, Community and Constitutional Affairs:

So, we have had to prioritise other work. Obviously, as you are aware, we have been, I think, full and frank throughout. We wanted to get Sexual Offences before moving on to hate crime because we actually started that work earlier than we hoped.

Deputy L.M.C. Doublet:

Can you give a brief overview of your legislative priorities then, just maybe from top to bottom, if you have that?

The Minister for Home Affairs:

Yes, indeed. So, obviously the Sexual Offences legislation is out for consultation at the moment and the Criminal Procedure law has recently closed its consultation, so those are making good progress and should come before the Assembly well before the election. Hate crime we have just discussed. Brexit, that is an ongoing piece of work and, as you are aware, we have got our own committee debate coming up and we have got dedicated officers within Home Affairs looking at our areas of responsibility within that, which are Immigration and Customs. Then the

recommendations of the Care Inquiry of course are of great importance to us all and you both have interest and involvement in that area.

Deputy L.M.C. Doublet:

So is this in order of your priorities?

The Minister for Home Affairs:

Well, no, not entirely. I would say this list is not quite in order of priority. I mean, I would have got at least three number ones. Well, no, I mean, Brexit, Sexual Offences, Criminal Procedure and the Care Inquiry response will be -

Deputy L.M.C. Doublet:

So they are your top 3, are they?

The Minister for Home Affairs:

Number one, equal first, yes.

Deputy L.M.C. Doublet:

Okay.

The Minister for Home Affairs:

And then, as we move on, police complaints legislation, which will probably move into the Assembly unfortunately but I hope the next Minister will take that on because it is a really important customer-facing piece of legislation that can streamline our service to the community and armed forces law that should come before the election. Then we continue to progress towards the extension of Op-Cat, which you will be familiar with in different quarters.

Deputy L.M.C. Doublet:

Okay. Can we focus in on the Criminal Procedures law, please? Could you talk to us about the timetable, please, on the work that is undergoing with that?

The Minister for Home Affairs:

So, as you know, we have closed the consultation, as I just mentioned, and Dr. Miles again is leading that.

Director, Criminal Justice, Community and Constitutional Affairs:

We closed the consultation on the 15th of August. I think it is fair to say we have had a mixed level of responses to that consultation. Some of them have been quite detailed, particularly the

consultation document coming from the Law Society. So, what we are doing at the moment is working through those consultation letters with a view to having a final draft for lodging before the end of this year and, in the usual order, there will be a formal response to the consultation within three months and that will be published. We have been prompted to talk about Criminal Procedure law at their November meeting and either shortly before or shortly after that, once we have a final draft, we will come to Scrutiny with the Legal Advisor and he will be offering a brief in the same way that we did for the Criminal Procedure bail law, which gives you the opportunity to understand what is a long and detailed pieces of legislation that has taken 184 years to bring it to this point.

Deputy L.M.C. Doublet:

So the part about the bail, that was a minor part of this law, okay.

Director, Criminal Justice, Community and Constitutional Affairs:

Yes, the bail was part of Phase One of Criminal Procedure because we needed to get that in as soon as possible from a victim protection perspective and a defendants' rights perspective. So the Procedure law has come behind that.

Deputy L.M.C. Doublet:

Can you summarise the main sections of that law?

Director, Criminal Justice, Community and Constitutional Affairs:

Of the procedure law? The main section is on, really - how best to put it? - bringing out Criminal Justice Procedure into modern times, so this is the procedure from when people are arrested, when they are disposed in the court, how they come into Magistrates Court, how they come up to Royal Court, to ensure that their rights are protected, make sure victim rights are protected. It affects things like juries, jury cold position. It introduces things like hung juries, lots of things that we would expect in every other jurisdiction that we have just been always a bit behind.

Deputy L.M.C. Doublet:

Okay, that sounds like a big piece of work.

Director, Criminal Justice, Community and Constitutional Affairs:

It is a very big piece of work.

Deputy L.M.C. Doublet:

Anything else you wanted to add on the Criminal Procedures law?

The Minister for Home Affairs:

No, apart from that the timetable is intact.

Deputy L.M.C. Doublet:

Okay. Can we talk about the Sexual Offences law please, Minister? What is the progress of the Sexual Offences law?

The Minister for Home Affairs:

Okay. So, as stated, that out consultation, the consultation opened on 1st September and it will close on 13th October. So far, there have been a number of responses but only quite a limited number of responses, one particularly around the issue of FGM and one around the abuse of trust. So, we obviously will hope that there will be more responses to the consultation. We thought that it would have provoked quite a lot of discussion amongst the community and perhaps those people are still writing away and preparing their responses to the consultation but it would be intention once consultation is complete to lodge the law in the first quarter of next year.

Deputy L.M.C. Doublet:

Okay and given that this is such an important law, and the consultation phase obviously is really important, how do you think you can go out and get views from the public perhaps in a different way, because I think we all know that consultations - I think Dr. Miles, you said that the recent one on the Criminal Procedures law, people do not interact with consultations. How can you take maybe a fresh approach to this one and -

Director, Criminal Justice, Community and Constitutional Affairs:

One of the things that we have done in this particular consultation is to target it at particular stakeholders. For example, we have gone to the youth service, the Youth Enquiry Service, we have gone out to the sexual health services, Jersey Action Against Rape, Victim Support, Dewberry House, Sexual Assault Referral Centre, Women's Refuge. Anywhere where there is likely to be a touch point that will touch really on the Sexual Offences law, we have gone out to then talk about specific areas. In particular it is interesting over the area of sexual activity between children because they are the agency that encounter most of the teenagers in Jersey. We are focusing it as well as we can. A difficult subject to do -

[14:15]

Deputy L.M.C. Doublet:

Sensitive.

Director, Criminal Justice, Community and Constitutional Affairs:

Yes and some of the terminology used is a bit difficult; you are not going to be doing that in a radio or television interview. So, sometimes more broad face-to-face discussions will be a bit more valuable.

Deputy L.M.C. Doublet:

Okay. So how can you take, maybe, a more bite-size rather than the lengthy consultation document and the surveys? Are there any ways you can target specific questions and make it more accessible?

Director, Criminal Justice, Community and Constitutional Affairs:

There were specific questions in the consultation. We were looking for comments on the whole law but there were specific things that we were looking at, the issues about consent, sexual activity with children and also the FGM issues and whether people felt that that went far enough in comparison with other jurisdictions.

Deputy L.M.C. Doublet:

Okay and if you find that the approach that you are taking does not get many responses, is there scope to review that approach and to go back again? Because it is a concern of mine that consultations are not -

The Minister for Home Affairs:

We have really tried quite hard to engage the media and I know there have been several radio interviews and other interviews about the issues, try and raise issues, and of course we are moving to a timing... as well. So, without wanting to delay things too much, I think the level of engagement that we have had with the various stakeholders, as Dr. Miles has explained, has been quite sufficient and so one can only hope that perhaps a lack of response means there is a general feeling that we are going in the right direction with the draft law as it stands and the consultation documents were made quite bite-size and easy to consume. We did not regurgitate the whole law, it really did look at several key areas and in quite a straightforward way.

Deputy L.M.C. Doublet:

Have you used social media to promote that consultation?

The Minister for Home Affairs:

I think it has been on Twitter, and Facebook as well, yes.

Deputy L.M.C. Doublet:

It has, okay.

Director, Criminal Justice, Community and Constitutional Affairs:

Over the usual States of Jersey channels and we have picked up interest.

Deputy L.M.C. Doublet:

Okay.

The Deputy of St. John:

Can I just ask - in terms of - sorry, can people speak up just to make sure that the public can hear? In terms of when you are putting this particular law together, what consideration do you give to previous judgments of previous cases where there have been issues? Is there an accessibility there in terms of being able to identify ways of taking that forward?

Director, Criminal Justice, Community and Constitutional Affairs:

Yes, absolutely and, you know, we look quite widely and what we have done for this law is, you know - perhaps an easy solution would be to pick up what they have done in England and Wales and just dump it into Jersey but, actually, if you look at what they have done in England and Wales, it is actually very problematic and it is not working maybe as well as it can, so we have had the opportunity to look very broadly, look at the pieces of the English and Welsh legislation, look at the Scottish legislation, which is where we have some of the consent from, but also look more broadly about what has been happening about case law regarding consent in particular, look at what is happening locally with some of the outcomes of the trials, so there has been a very broad reach, really, to see what is best and what brings to our community.

Policy Principal:

We have talked to people like the sexual health nurse and people like that, who often have first-hand experience with people that have come across things like that.

Deputy L.M.C. Doublet:

Okay. Let us move on to the Care Inquiry, please. What would be the role of Home Affairs or of Community and Constitutional Affairs in the implementation of the recommendations from the Care Inquiry, please?

The Minister for Home Affairs:

So, really the main area of responsibility for Home Affairs is Criminal Justice and Young Offenders law, however I think the Chief Officer is probably best going to be able to explain how there is a broader context as well.

Chief Officer, Community and Constitutional Affairs:

Yes, there were two questions there from the Panel. So, as the Minister said, the Home Affairs interest is very much around the area of the youth justice system and the relevant law and procedures and practice there. So, at the moment we are working on the response to the Care Inquiry, in order that that can be proposed back to the Assembly by the end of the month and that will include the youth justice elements and what we propose to be the next steps there, which we expect will probably need to start with a review of the youth justice system and how it is operating, in light of what the Care Inquiry have said about some aspects of that and the broader Department, which was the other part of your question, does Community and Constitutional Affairs as a whole interact? Well, we are leading this work for the Chief Minister and so it is the Community and Constitutional Affairs Department who will be coordinating across Government to bring together that initial response to the Care Inquiry recommendations and that will then lead the further work to develop things like the children and young persons' framework, leading on then into the next Council of Ministers and the Strategic Plan and that whole process that is going on. So we have two roles, the overall coordination role that goes to Government and then supporting The Minister for Home Affairs on parts that are Home Affairs specific.

The Deputy of St. John:

One of the areas of the Care Inquiry particularly that jump out, and I think everyone has noticed, is the culture issue. You are stating that Community and Constitutional Affairs has got the responsibility in terms of coordinating. Now, this is a huge task and when I say huge, you know, I am not overestimating that; this is big. What... big areas do you think in particular that you will be focusing in on in order to start changing that culture, in order to help break down a silo mentality and assure the communication improves?

Chief Officer, Community and Constitutional Affairs:

Yes. There are perhaps two main strands to that particular piece of work, which, as you say, is one of the most challenging ones because it is the least specific, the least tangible but, in some ways, one of the most important. So there is one strand, which is around what the Care Inquiry had to say about The Jersey Way and we need to revisit some of the recommendations of Clothier and Carswell and some of those important totemic changes that have to happen in order to transmit back to the community that we really have heard what the survivors have said, you know, about some of those issues around the separation of powers and other things tied up with The Jersey Way. Then, separately, there is a piece of work around Government itself and around the

structure around the operation around the functioning of Government, which I think the Chief Minister has spoken about to the Corporate Services Panel and I suspect will be speaking to the new children Panel that will be scrutinising the Government's response to the Care Inquiry in more detail but there is a distinct separate strand, which is about how we have to run Government differently.

The Deputy of St. John:

It is good to hear that there are plans in place but in the early days, in terms of actually putting these things in place, how do you think departments are responding to the Care Inquiry report, in terms of reading it and taking in everything that is in that huge report, and also how they are approaching in terms of assisting yourselves or even being proactive and trying to change the culture themselves and openness, accountability and all those types of things.

Chief Officer, Community and Constitutional Affairs:

Yes, so we have an Inquiry response group formed of senior public servants who are leading the response work on behalf of their Departments and Ministers and that has been very positive, that has been good. The Inquiry has been read more than once by most of those key people in those Departments and, you know, in order for us to bring back a properly joined-up and coordinated response for the Assembly to consider then obviously we have needed their positive cooperation, which we have had. There has also been some initial discussions in the Corporate Management Board and obviously there has been usual discussions in the Council of Ministers as well. So, my perception is that people have read and understood what the Inquiry says. I suppose the deeper question is; has everyone in our community, whether inside of Government or outside, realised perhaps the full extent of the changes that that means to them personally, you know, in letting go of long-held beliefs, putting to one side their own personal beliefs. Well, I think that is probably a journey. I think -

The Deputy of St. John:

That is where the politics comes into it, is it not?

Chief Officer, Community and Constitutional Affairs:

Well, I think some people perhaps recognised early that, you know, each and every one of us really were identified as being the issue, needing to change, you know. It is not just about someone else somewhere else, you know, we have all got to be different and behave differently and work differently and so I think some people applaud that very early on and I just think, you know, for other people, that is perhaps a slower process, you know, that they understand that change needs to happen but perhaps they think that someone else is going to bring that about, which is natural but I am not sensing any reluctance or resistance, if that is part of your question.

Deputy L.M.C. Doublet:

So, Mr. Walker, you are Chief Officer of Community and Constitutional Affairs, so are you running the group, the Inquiry Response Group?

Chief Officer, Community and Constitutional Affairs:

Yes.

Deputy L.M.C. Doublet:

And is that composed of other Chief Officers?

Chief Officer, Community and Constitutional Affairs:

Yes, largely. Not exclusive because sometimes we go just under the Chief Officer level in order to get the right expertise.

Deputy L.M.C. Doublet:

Okay. So, because we are talking about culture change, what specific measures will you be doing to lead those other Officers in the culture change at that level?

Chief Officer, Community and Constitutional Affairs:

Well the Inquiry Response Group at this stage is just about trying to formulate successfully, you know, a strong and positive response to the Care Inquiry's main recommendations and to bring those back to the Assembly to consider. So I think, once the Assembly has considered what the Council of Minister think should be the next steps in responding to those 8 then we will have that clear direction from the Assembly, that clear Mandate, and then we will start work in more earnest on some of the other areas around culture change, around improvement.

Deputy L.M.C. Doublet:

So no specific ideas at the moment. That is to come, is it?

Chief Officer, Community and Constitutional Affairs:

Well, I think probably I should share the work with the Council of Ministers first and then check that they are content with what Officers are recommending and then Council will then submit its proposals to the Assembly for consideration but I suspect if there were specific areas that the Chief Minister will probably, in the separate Scrutiny Panel, be happy to talk about those.

The Deputy of St. John:

We have got him in on Monday on the Care of Children Review, so -

Chief Officer, Community and Constitutional Affairs:

And I will be accompanying the Chief Minister for that session.

The Deputy of St. John:

We get to see you again, okay. So in terms of the actual - you have got 8 recommendations in the Inquiry, that is what everybody is focusing on in terms of the Inquiry response group at present. Also within the report there are the 659 recommendations; some of them are, you know, very similar. At what point will they be considered? Will it be once the 8 have been agreed upon and then they will be considered in more close - piece of work or... how will that work?

Chief Officer, Community and Constitutional Affairs:

Yes, the 8 main recommendations have been prioritised. Those are the ones that the Inquiry Panel felt the biggest, the most important, that we had to get on with first and take them seriously. Those are the ones that they felt, having heard all of the evidence, all of the many hundreds of suggestions, they were the ones that they formulated so they are absolutely the ones we are prioritising and then, yes, the wider range of recommendations made by members of the public, stakeholders, all sorts of people who gave evidence, we will start to work our way through those as a secondary stage.

The Deputy of St. John:

Okay, thank you.

Deputy L.M.C. Doublet:

Okay. I wanted to ask about the Registrar, please. Has the Registrar ever been externally reviewed?

Assistant Minister for Home Affairs:

Are you talking about the Superintendent Registrar?

Deputy L.M.C. Doublet:

Yes.

Assistant Minister for Home Affairs:

I am not aware whether it has been externally reviewed or not. We shall lead inquires and get back to you on that one.

Deputy L.M.C. Doublet:

Okay, that was a quick one. Customs and Immigration next. Sorry, we are moving on now.

The Deputy of St. John:

Okay. What is the Department's assessment of the impact of Brexit on sharing intelligence with police and customs?

[14:30]

The Minister for Home Affairs:

Interesting. The impact of Brexit on sharing of intelligence? Well, you will be aware that we have set up a joint intelligence unit and it is ready. So they... - sorry, I was just acknowledging that this is an area of shared responsibility.

Assistant Minister for Home Affairs:

You already know that there is a joint-intelligence unit and that we have an MOU that exists between States of Jersey Police and Customs and Immigration. Obviously they work very closely at the moment. Whether or not any implications of Brexit will impact directly on the intelligence gathering, I am not aware of that. I think potentially there could be some implication but the person to ask really is those who have operational control over this; Dave Nurse, who is head of JCus(?) and also I am sure that the acting Chief has - DCO, sorry, is also prepared to answer.

The Deputy of St. John:

If you want to start with customs and then -

Head of Customs and Immigration:

Could I just ask for clarification, are you talking about information or intelligence between States of Jersey businesses or all sharing of information with -

The Deputy of St. John:

I think it is between the U.K. and the Europe side of things, in terms of across those borders.

Head of Customs and Immigration:

I mean, as far as the customs side is - with the U.K. - I am not aware of any difficulties that would come up from Brexit. Our discussion has been about the U.K, and we have been in discussions quite often, obviously. I am not aware of any issues that have come up with exchange of information with the U.K. We are in the process of looking at the immigration side, with the policing side. As far as the European side is concerned, it is a little bit of, "Wait and see" because

we do not know what the ramifications are going to be for the U.K. in Europe. I do not know whether you want to say something on the police side...?

Deputy Chief Officer, States of Jersey Police:

Yes, thank you. I certainly support those comments. A relationship between both the States of Jersey Police and Customs, that joint-intelligence unit is working and will no doubt continue to be enhanced. My only other observation is that, one, we will keep a watching brief as has been mentioned and, second, we have got a meeting with our French counterparts coming up in the next 5 to 6 weeks to talk about some of these implications. So we are alive to it and you saw the headlines recently, in terms of customs priorities around migration. We continue to talk and start a number of those relationships with our nearest French counterparts as to how we can share intelligence information.

The Deputy of St. John:

That is good.

Chief Officer, Community and Constitutional Affairs:

Just to add, the operational perspective from the policy side, Her Majesty's Government issued a paper a couple of weeks ago where they articulate what kind of relationship they would like with the E.U. on defence and security matters, which included things like intelligence sharing, cooperation between law enforcement agencies and between the respective judicial systems. On the law enforcement side, what the U.K. have proposed to the E.U. in their published paper is essentially a separate treaty arrangement that would preserve a lot of information exchanging mechanisms which currently exist. So they would like to take those out of the current E.U. arrangement and just do a U.K. E.U. treaty, essentially and cover how that would work.

Deputy L.M.C. Doublet:

Whose responsibility is that, to ensure that that is followed through? Is that The Minister for Home Affairs?

Chief Officer, Community and Constitutional Affairs:

The U.K.'s paper is part of their negotiation with the European Commission, so that follows the usual interactions between U.K. Ministers and the European Commission's nominated representatives, Mr. Barnier, so there is a negotiation between the E.U. and the U.K. about whether the E.U. would agree to what the U.K. are suggesting. So you might have noticed with the Brexit negotiations at the moment, the process is that either the E.U. or the U.K. writes a paper on what they would like and then the other party writes a paper on what they would like and then they compare the 2, publish a comparative table, identify areas where they agree and therefore

there is no problem, and then highlight areas where they fundamentally disagree or it is not clear. So, we have got to the stage where they are publishing papers but they have not yet put them together and started to negotiate their way through the details.

The Deputy of St. John:

So in terms of the whole negotiation process that is going on, that is the U.K. and we are Jersey, and we are a Crown Dependency and what does that mean for us, in terms of whatever should come out of that process, whatever the negotiation is? Where do we fit in that process... for the information sharing? You know, are we just going to say we take on what the U.K. are doing or - you know, where do we fit and do we make our own decision, in layman terms?

Deputy L.M.C. Doublet:

And is that you, minister, that will be doing that, or is that under... the Chief Minister, or...?

Chief Officer, Community and Constitutional Affairs:

This particular strand I think would be The Minister for Home Affairs lead. As to where it would end up, it depends on how much it would or would not impact upon us. That largely depends on the negotiations, so, as with all Brexit matters, the three Crown Dependencies are engaged with U.K. Government counterparts and discussing these matters as they come up. If, for example, and this is hypothetical, the European Union was to agree with the U.K., that they would wish to have a separate treaty to cover their information sharing arrangements then obviously that would be capable of being extended to the Crown Dependencies but, in practical, operational terms, and my colleagues will know this much better than I do, generally speaking, the Island link is into the U.K. and then the U.K. intelligence systems link into the E.U. Obviously, the practice is slightly different in some aspects but that is largely the way it works so the ability of our law enforcement agencies to have access to good quality intelligence depends upon the U.K. having that access.

The Deputy of St. John:

Okay, that makes sense.

The Minister for Home Affairs:

This is one of the reasons why that Ministerial engagement that you have been seeing is really important, with both the U.K. and some of our European friends. As the Deputy Chief mentioned, we have got people coming over from France soon and going to the party conferences. It has been a really important part of that, meeting and greeting; marginal discussions but all about relationship building.

Deputy L.M.C. Doublet:

How do you think our elections will impact, if there is any change in Ministers?

The Minister for Home Affairs:

Well, yes, of course that will have a slightly impact because personal relationships always do vary, do they not? But I am sure that Jersey has always worked as a Government to foster and look after those relationships so I am sure that the electorate will make good decisions in that respect.

The Deputy of St. John:

Depends on who stands, does it not?

The Minister for Home Affairs:

It does.

Deputy L.M.C. Doublet:

Okay. Will Jersey remain part of the Common Travel Area? Quick question.

Assistant Minister for Home Affairs:

It is our intention that we do indeed remain part of the Common Travel Area and we have made it known to the U.K. Government that we need to be able to control who lives and works on the Island because we have particular, bespoke labour needs really and we also need to retain - slightly away from that - we need to retain autonomy in setting our own excise regime and, you know, import and export controls. I do not know if Dave wants to speak a bit more about the C.T.A.

Head of Customs and Immigration:

Yes, I mean, the simple answer is, yes, every indication is that we will remain within the C.T.A. and what we are getting from U.K. officials is that they are conscious to our needs to stay within the C.T.A..

Deputy L.M.C. Doublet:

Are they prioritising Jersey or are we a kind of minor consideration?

Head of Customs and Immigration:

It is difficult to say that they are prioritising Jersey but we are included in all their papers and everything else so we are there. (Overspeaking) but I do not know about priorities. They might have other priorities!

Deputy L.M.C. Doublet:

Well, obviously we are a small part of their consideration but...

Head of Customs and Immigration:

But it is quite encouraging that all the papers we see have mentioned our interests.

Deputy L.M.C. Doublet:

Okay.

The Minister for Home Affairs:

Yes, there is a good flow of information, is there not? And, also, I think the fact that the Justice Select Committee looked at the role of the Crown Dependencies was also a positive sign, the power of Scrutiny of course, but it is really important that they did that and in some discussions at party conferences I had, I understand that they are going to continue their interest and that line of questioning throughout the Brexit process.

Deputy L.M.C. Doublet:

Okay. Would there be any changes, advantageous or otherwise, to our border control in Jersey if we left the Common Travel Area?

Assistant Minister for Home Affairs:

Probably think of disadvantages. Would there be any advantages?

Head of Customs and Immigration:

It is very difficult to think about the advantages. Free movement of people between here and the U.K. would stop and possible controls, border controls between us and the U.K. I cannot think of any advantages off the top of my head.

Assistant Minister for Home Affairs:

That is clearly why we are pushing to stay within the C.T.A. because it would impact so much upon those of us travelling and, conversely, coming here.

Head of Customs and Immigration:

It is probably worth mentioning that C.T.A. actually predates the E.U. C.T.A. has been there for many, many years and, you know, that has allowed free movement of people between ourselves and the U.K.

Deputy L.M.C. Doublet:

Okay.

The Deputy of St. John:

On to the next one, yeah? Okay. Sorry, it is just to make sure we keep speaking up because the members of the public - otherwise they will not be able to hear. With the recent changes of responsibility from the Lieutenant Governor to the Department regarding immigration, what work is being done and how will this fit into the whole delivery of a population policy, if at all?

Assistant Minister for Home Affairs:

I do not think it was considered within the remit of the population policy. The transfer tranche was because it was inappropriate for the Lieutenant Governor to be making those decisions because he is not accountable and so that is why the transfer was made to The Minister for Home Affairs.

The Deputy of St. John:

But we have the opportunity here, as a Scrutiny Committee, to then hold the Minister to account to see whether there are a potential for any of those changes, which we were not able to do before.

Assistant Minister for Home Affairs:

Yes but because the transfer of functions, when it was in act of Minister, The Minister for Home Affairs, it allows you, as Scrutiny, to hold The Minister for Home Affairs responsible for the decisions that they make out of that transfer of functions, which nobody was able to do with the Lieutenant Governor, but the broader question that you are talking about, the impact upon the population of those decisions; the Lieutenant Governor has responsibility for deciding upon asylum but I think he has only had to consider, probably 2 -

Deputy L.M.C. Doublet:

It is quite rare, is it not?

Assistant Minister for Home Affairs:

It is rare. He had to consider definitely 2 recently and have they both been decided now?

Head of Customs and Immigration:

No, there was one that was decided upon and another one that is still in the process of being...

Assistant Minister for Home Affairs:

So that his decision there would not be any impact upon the population.

Deputy L.M.C. Doublet:

So that will happen before the transfer, will it?

Assistant Minister for Home Affairs:

We are not sure about that. We think it may -

Head of Customs and Immigration:

It is likely to happen before the transfer of functions but, as with all things to do with asylum, it is quite a lengthy...

The Deputy of St. John:

But there is a policy that sits alongside this particular legislation, in terms of how that policy is handled and, surely, asylum is part and parcel of a population policy, is it not? No?

Head of Customs and Immigration:

Would you like me to answer that? What would - sorry. If I may, the transfer of functions is purely on a technical immigration, i.e. third country nationals. It has nothing to do with population, the population policy particularly in Jersey, which obviously covers everybody, anybody coming in, whether they are third country, E.U. nationals or people coming in from the U.K. or wherever. So the transfer of functions is only related to the immigration permission that is given to third country nationals who are coming into the Island, their permission to stay in the Island, asylum, as the Assistant Minister has said, and also deportation of all foreign nationals, the deportation side is for all foreign nationals rather than being E.U. or third country.

Deputy L.M.C. Doublet:

Well, in theory, if we were to see an influx of asylum seekers that could possibly have an impact on the population, so there is an interaction there. I would hope that would be considered.

[14:45]

Head of Customs and Immigration:

Yes, it would... but as I say, it is a... is it different from the population policy, which deals with everybody, as opposed to this, which deals with a very small group of people.

The Deputy of St. John:

Yes, you can see how it can be confusing though because this is to do with population and it is a transfer of function, which is good because that means we can hold The Minister for Home Affairs to account for those decisions but, all in all, this pools into the remit of a policy, surely, which I would deem is the population policy - it may be called something else -

Deputy L.M.C. Doublet:

Where does it sit, if it does not sit within population?

The Deputy of St. John:

Yes, the...

Assistant Minister for Home Affairs:

Well, the impression I am getting is that you think that potentially we could have an influx of asylum seekers.

Deputy L.M.C. Doublet:

No, we are just asking the questions about how you -

The Deputy of St. John:

You know, you have your legislation, which enforces your policy, does it not? I mean, there are policies in place. Surely there is a coordination of different policies?

Chief Officer, Community and Constitutional Affairs:

I think that, perhaps to help, it is perhaps a conceptual and an actual difference. So, I think what Mr. Nurse is highlighting is the fact that, you know, if you look at the population statistics of Jersey, the overwhelming majority of migrants are from the U.K., then they are from Ireland, then they are from other E.U. countries. So the reality of the composition of migration into the Island is it is essentially British, Irish and then with a small number from other E.U. countries, none of which is affected by the current immigration regime because that regime only applies largely to non-E.E.A. nationals, so it will apply to Americans and Venezuelans and Canadians and Australians but, actually, in our population statistics, those are very small numbers. So I think we are drawing the distinction between the population policy, which is enacted via the Control of Housing and Work law, which applies to the numerical overwhelming majority of migrants who are British, as opposed to Immigration and Border Control at the C.T.A. border, which really is applying to non-E.E.A. nationals.

Head of Customs and Immigration:

Do not forget that was also the Work Permit Policy, which is for third-country nationals and, at the moment, the majority of third-country nationals are for skilled labour and there is no work in unskilled labours at the moment.

Assistant Minister for Home Affairs:

That is why I say that the Control of Housing and Work -

The Deputy of St. John:

Yes.

Chief Officer, Community and Constitutional Affairs:

So, I think you could be right, in terms of its impact, if the numbers became higher. So you are quite right, it is now within the Island's control and so, if, for example, there was to be a large influx of people wishing to migrate here from Canada, then that particular control would become much more relevant within the overall population policy.

The Deputy of St. John:

I think the fundamental point of the question that I first asked though was understanding how it fits in with the population policy, this movement, now that we have an accountability structure with the Minister in place. Of course there are - you know, public have various different views. Some people might actually want to have more asylum seekers in the Island, there are others that do not and there is this debate that needs to be had about population and that is why I was kind of trying to understand, now, with the transfer of function, the accountability side of things and we have these different schemes in place, how that kind of fits in so that we have that open, round debate. So it is just understanding if there was any consideration with the transfer of functions, now it is under the Minister, as to whether any consideration is being given against the background of whatever the population policy may appeal from the Council of Ministers.

Chief Officer, Community and Constitutional Affairs:

Yes. From a policy perspective, there is engagement between us and the people in the Chief Minister's Department to lead on Control of Housing and Work, and so there is a regular dialogue between us on the interaction between those two different types of controls, the non-E.E.A. control, the outer control, and then the inner control of Housing and Work applies equally to British people as it does to foreign nationals.

Head of Customs and Immigration:

Of course this could be of more interest once Brexit happens because we do not know what is going to happen with E.U. nationals, whether they will get work permits or not and I think that could be of considerably more interest once Brexit happens.

Deputy L.M.C. Doublet:

You happy?

The Deputy of St. John:

Okay, yes.

Deputy L.M.C. Doublet:

Okay, let us move on, yes, unless...?

The Deputy of St. John:

No, I am clear on that. Yes, thank you.

Deputy L.M.C. Doublet:

Okay, yes. Right, at the March Hearing earlier this year, we noted that Customs was awaiting a report from Treasury in regards to the *de minimis* waiver limit on imported goods. Has this been received?

Head of Customs and Immigration:

What... - do you want me to answer this? Yes. Time has rather moved away from that report now and a separate review was undertaken for this year's budget and recommendations, and it was discussed at that, so whilst the particular report that was being spoken about at the last Scrutiny Hearing was not, you know, completed because a new report was made and that was looked at then for this budget.

Assistant Minister for Home Affairs:

And it has not changed.

Head of Customs and Immigration:

And it hasn't changed.

Assistant Minister for Home Affairs:

Those numbers have stayed the same.

The Deputy of St. John:

It is only the £12 thing, is it not? Yes.

Head of Customs and Immigration:

The £12, yes, yes. There is no recommendation on the budget - or there are no proposals in the budget that we needed to change.

Deputy L.M.C. Doublet:

Okay, shall we move on? We are just over halfway through. Shall we move on to police?

The Deputy of St. John:

At the last Hearing, the Minister advised the Panel and the mobile data project was due to go out for tender. Has this happened? If not, what is the proposed timescale?

The Minister for Home Affairs:

So, it did and I believe... - although it was a little behind schedule largely due, I think, to the move into P.H.Q., which happened at a similar time, but I believe that a decision is imminent about which device it goes - they will go with and then it should be rolled out during next year.

Deputy L.M.C. Doublet:

Okay, anything else?

The Deputy of St. John:

No.

Deputy L.M.C. Doublet:

Okay, thank you for that. Oh, no, we have not - maybe just ask about that.

The Deputy of St. John:

Okay, the Criminal Procedures bail law that was adopted by the States; we would just like to know if it has been fully implemented and, if so, what has the feedback been?

The Minister for Home Affairs:

Well, that would be at an operational level so it is not information that I have received.

Director, Criminal Justice, Community and Constitutional Affairs:

It has only just been passed by the States Assembly so we still have not seen what it says.

Deputy L.M.C. Doublet:

Okay, right. Okay, that is fine.

The Deputy of St. John:

Okay. I do not know whether I am touching on operational here but I will give it a go. What ability in separation do the police have when investigating potential criminal offences within the public sector? So, it is understanding, you know, their ability, the separation, you know, because they are part of public sector but they are not and -

The Minister for Home Affairs:

The potential conflict I would imagine that police would deal with. Are you -

Deputy Chief Officer, States of Jersey Police:

Do you mean investigating our own, within the States of Jersey Police?

The Deputy of St. John:

Yes, investigating, in terms of the employees of the States and the overall structure.

Deputy Chief Officer, States of Jersey Police:

I think, in terms of criminal allegations, broadly, in terms of public employees then it is within our remit to investigate. We are independent. We are clearly, public servants paid by the Government but we would, and we have done, and we would investigate against criminal allegations against public employees across the States of Jersey. We also investigation allegations or complaints against our own staff and officers and there has been the odd occasion and we do have the ability to get independent private investigations, if needed.

The Deputy of St. John:

Thank you and in terms of getting that independence, is it going to another U.K. authority?

Deputy Chief Officer, States of Jersey Police:

Yeah, you can look at the smaller islands. We have had reciprocal arrangements with Guernsey, for example, or you can go to a U.K. force.

The Deputy of St. John:

Okay, thank you. I have got all the police questions today. Given then rise in cyber-crime, are there any plans to undertake a review to tackle upcoming anticipated need of the police in responding to it?

The Minister for Home Affairs:

As part of the police work at the moment, they have a high-tech crime unit that is... responsive and very active. Obviously we have got cyber-crime... legislation coming forward as well, that is also is the drafting process. So, I do not know if you wish to give some further depth...?

Deputy Chief Officer, States of Jersey Police:

Yes. It is clearly a growth area of business, certainly our statistics and our performance data demonstrate that. We are undergoing 2 professional development C.D.P. across all our staff,

States of Jersey Police, to raise awareness and educate our staff because a lot of crimes do touch on the cyber area now, digital stroke cyber. So it is important that, one, we not only educate our staff but also go out and educate the public. There are some pretty stark statistics in terms of 80 per cent of cyber or digital crime can be prevented by simple steps being taken and that is across the general population. An example would obviously be things like protecting passwords and not using the same passwords so there is a huge educational point going... to ensure we try and prevent these sorts of crimes taking place and that goes right across the piece with schools through the public sector, and business. So, as the Minister said, we have a high-tech crime unit that continues to keep apace of advances, linking in to the U.K. in terms of developments there, both technology and also methodology, in terms of investigating those cyber-crimes.

The Deputy of St. John:

So, I mean, the tech world is a fast moving world. Our legislative side of things is not much so. I mean, we had 184 years for the Criminal Procedures law. So, how... easy or how effective can the police be in terms of dealing with this type of cyber-crime if the legislation is in drafting or - you know, have we got sufficient legislation to assist in police work?

The Minister for Home Affairs:

We did update the Telecommunications Act recently to that broad - in fact, it became, I think, less specific it would appear because, of course, over time devices and the way of using the Internet or communicating is constantly changing and evolving and so I think that was one of the purposes of the change to the laws to make it broader and, obviously the cyber-crime legislation will be beneficial to the police when it is enacted. It is going to be lodged soon so we are making good progress but, yes, one of the main aims of that is to bring ourselves into line with Action Fraud and the regulations and aims of that, so up to international standards, but it is certainly something that we continue to be going forward(?) with.

The Deputy of St. John:

I mean, obviously it is very important with the tech world that we live in but, in terms of fast-tracking the processes of law drafting and ensuring that our legislation can keep up with, you know, the world that we live in today, do you foresee there any attempts to change the way that we do the law drafting to assist in that process?

The Minister for Home Affairs:

Well, I am not really able to speak as such about the methods of law drafting because it is not really my area of expertise but, from what I understand, it is a simple resource question because it is technical work, it is skilled work and obviously at the moment we have so many people at their

desks doing this work and perhaps it is an issue that we need to address in forthcoming budget allocations.

Deputy L.M.C. Doublet:

Is it just the time of year or is it across the term of office have you found that?

The Minister for Home Affairs:

I think we mentioned earlier the cyclical nature of politics, did we not? So, it is always that thing where there is a bulge of activity towards the end of an election cycle because all of the more complex pieces of work have taken longer to come to fruition, therefore they find themselves in... with the team at this late stages, whereas I imagine their workload in the smaller - at the beginning of the term -

Deputy L.M.C. Doublet:

So you have not had problems in the middle and the beginning of the term then, getting the law drafting in time?

The Minister for Home Affairs:

Well, it has been a constant process of prioritisation so that we could not - we have tried regular intervals to be clear about what we wanted to focus on, what was our priority, so that we could give those indications to Officers, who were making decisions as to what they focused on in terms of their workload and priorities.

[15:00]

Deputy L.M.C. Doublet:

Okay. I wanted to ask about the cyber-crime. Minister, you have said it is a growth area. I think, sorry, it was the Deputy Chief Officer. Once the legislation catches up, are you expecting to see an increase in prosecutions in the area?

Deputy Chief Officer, States of Jersey Police:

I would... - first and foremost, a growth area, sometimes we use the phrase 'emerging crime' but I think it is fair to say it has probably emerged and it is here and as technology, as you have mentioned, continues to advance, it will continue to grow, as technology reaches into more and more areas of crime. There has been some U.K. thinking of late that, actually, if you were redesigning the police force, it will probably be redesigns around the whole e-strategy because possibly just about every crime now does touch in some way across a device; technology. So, in

answer to your question, I think, you know, if there is anything like this huge rise our statistics show has been increasing, certainly from last year to this year, I think that trend will continue.

Deputy L.M.C. Doublet:

Okay, thank you. Okay?

The Deputy of St. John:

Okay. Can I ask when the last external inspection of the States of Jersey Police was?

The Minister for Home Affairs:

Well, we have answered questions in the Assembly recently about this and, if my memory serves me correctly, it was about 8, 10 years ago and this is a matter that I discuss regularly with the Police Authority because it is partly their decision.

The Deputy of St. John:

Okay, so it is down to the Jersey Police Authority to obtain that external agency to inspect?

The Minister for Home Affairs:

Yes, in consultation with the Minister, yes but, I mean, it is not that we have not had any oversight at all in that period of time. There have been a number of areas that have been scrutinised by - we are part of the Small Islands Group, as the Deputy Chief referred to earlier, and so we have used that group to look at more specific parts of the service. So, more recently, and this is publicised, the P.P.U. was looked at by... Gibraltar? Or Guernsey, actually.

Deputy Chief Officer, States of Jersey Police:

So, in terms of that overall force inspection, the Minister is quite right in terms of how long ago that was but there - in fact, I do not have the list with me but there was a list compiled from the States. So the most recent peer review we had was in relation to our firearms, which has happened in the last month and we had City of London police come over and review our whole approach to our strategic approach and operational and tactical approach, the delivery of firearms through armed response and the training, through our authorities and our command control. So there is an example where we continue to get that peer review from experts in the U.K. or, as the Minister mentioned, from Small Island colleagues.

The Deputy of St. John:

But you are required to ask for that peer review, it's not the Jersey Police Authority. I am just trying to get it clear about -

Deputy Chief Officer, States of Jersey Police:

Professionally, we do, we ask for regular reviews, peer reviews and other reviews, as the Public Protection Unit you mentioned, Minister, but also we have conversations with the J.P.A. because they hold us to account and they will say to us, "Is it time, is this for review?"

The Deputy of St. John:

So do they look at the results of those reviews, those reports?

Deputy Chief Officer, States of Jersey Police:

Yes, absolutely. We have Police Authority meetings where they hold us to account. We deliver our performance and also any other reports around P.O.U.s or around things like equality and diversity.

The Deputy of St. John:

Yes. I mean, I know that in other areas of public service, like in the U.K., there is best practice, where they have an external review ever so often. Is that the case with the police? If so - I suppose it is down to the Jersey Police Authority to decide but surely there should be a kind of regular -

Deputy L.M.C. Doublet:

What is the best practice and how -

The Deputy of St. John:

Yes, the best practice side of things.

Deputy Chief Officer, States of Jersey Police:

As a professional body, there is a best practice through the College of Policing in the U.K., through A.P.P. authorised professional practice. Now, we are not part of that, however, we use A.P.P. as our guidance for best practice. We constantly seek College of Policing advice in terms of a number of particular areas and cyber-crime is a good example where there are significant developments in the U.K. so we will keep abreast of that. We send staff to conferences in the U.K. to keep them abreast of various developments and various specialisms and we link in with, for example, in the counter-terrorism world, with the South West forces around their counter-terrorism unit. So we do keep - professionally we keep abreast of lots of developments through those different outlets.

The Deputy of St. John:

Okay, thank you. Sorry, it is me, constantly I am on policing. Okay, in terms of awareness for various different, smaller, minor offences, let us say, in the Island, so things like cyclists on pavements, dogs off leashes, bike thefts, all those types of things, what are the police doing to promote the awareness more and encouraging the public to come forward and - or even the police being out there more to enforce the laws that we have?

The Minister for Home Affairs:

Community policing is an important part of our police force and, also, your question reminded me of the campaign at the moment for cyclists and pedestrians to respect each other. So would that be an example of the area that you are thinking of?

The Deputy of St. John:

Yes, I mean, we have had it raised by members of the public that, you know, minor offences like cyclists on pavements and, you know, dogs off leashes, they feel that it is on the increase and some feel it is as a result of, maybe, declining police numbers. So, I am trying to ask kind of two questions in one really. It is, you know, the awareness campaign side of things and the expectation on the public to come forward and then the responsibility of the police and whether we have got sufficient resource to enforce that.

Deputy Chief Officer, States of Jersey Police:

I think it is a number of facets to that. First and foremost, schools, an officer goes in school and starts to talk to - around education in schools, which is really good, across from young, early years, through to secondary school, so that opportunity is to talk about antisocial behaviour type offences, you know, those low-level offences you describe, in terms of the impact on people's enjoyment of life and walking and enjoying a night out or wherever it is. We have a community policing team, as the Minister mentioned, so the community policing team are based in every parish or cover one or two parishes and they work very closely with the Honorary Police and I think the Honorary Police has quite a significant role to play in the type of activity you describe, in terms of being eyes and ears within the parishes or indeed dealing with it themselves where appropriate. I think, lastly, there is also an element of priorities in the police, so try and look at vulnerability around threat risk of harm of young people, for example, and here we are going to prioritise a resource then that, I am sure - I could be challenged on it but I am sure the majority of people would want the police to focus on those things that really do create a threat risk of harm to our communities. Whether that is roads policing, where there are collisions and people are injured, and people are misusing mobile phones or driving with alcohol or no seatbelts or speed, are the obvious four, whether it is dealing with harm, in relation to vulnerability, or not just children but elderly people or people with disabilities or mental health issues; there is a whole raft of activity that my staff are involved in so I am not saying - you know, and those for me are priorities,

absolutely. My answer in terms of the other elements are through community police and others. Your other part of the question was around the public's role in relation to that so, in terms of some of that activity could be police, and others, if people want to report it, absolutely, I would encourage people to report it so they can think about problem solving and I include the problem solving approach with the States of Jersey as whole, it is not just the police's problem.

The Minister for Home Affairs:

Just in connection with that, I have recently seen some statistics, I think they were published in one of the media outlets in relation to the number of prosecutions for mobile phone offences and that is actually increasing so...

Assistant Minister for Home Affairs:

It was recently released in the media, was it not? Yes.

The Minister for Home Affairs:

Yes, which shows that, actually, you could say that that is actually not a minor crime because the consequences can be disastrous but it is an indication that, actually, we are taking these points very seriously and they are being dealt with.

Deputy L.M.C. Doublet:

Okay, anything on that?

The Deputy of St. John:

No. I am just going to follow up; we have had a member of the public in contact following the States Assembly questions on the Chief Officer of Police so I will ask directly to you, Minister. You stated in your response that we should be concerned with a robust command structure and that it is an effective and functioning police force to maintain public safety in the Island. This particular member of the public concerned without having that Chief Officer in place that there may not be that robust command structure in place. I suppose the question is... how do you evidence or support that there is the effective functioning of the police from your answer and give this member of the public in particular confidence that there are not any issues in terms of either the senior management at the police or that we are having problems with our police force in Jersey and that we are able to carry out safety for the public?

The Minister for Home Affairs:

Okay, in terms of evidence, I guess we could look at the level of prosecutions and whether there has been any change year-on-year, which that is something that the J.P.A. would be actually be doing on a regular basis. They have reports shared with them at all of their meetings but in terms

of the robust command structure, I am fully confident in the very capable senior team that we have at the States of Jersey Police and I obviously meet with them on a regular basis and we now regularly hold tripartite meetings as well with the Chairman of the Police Authority, who is also there to look at the effectiveness and efficiency of the police force and we found those meetings to be really helpful. So, I would like to assure that member of the public that we have a robust command structure and a professional and strong senior team.

The Deputy of St. John:

Okay. Just to follow on to that because the member of the public that was in contact with us specifically referred to, I think, it is the murder investigation that is going on at the moment, in terms of the reduction in resources or the people that are dealing with the case and their concern with a murderer on the loose, as such. That was the term that was phrased to me so I am not trying to exacerbate but that was the term that was raised to me. So it is just, I think, with the Chief Officer not being there, new senior management team, it is like we build - making sure that the confidence does not flail in the police force.

The Minister for Home Affairs:

Okay. Well I think we have addressed that. Just say one quickly, we have addressed that issue on a number of occasions I think but, in fact, P.P.U. have received additional resource. Recently there was £120,000 to bolster their team because we see that as an important area of their business and we wanted to ensure that there was... an excellent level of service provided to the community in that area, because it has particular importance.

Deputy Chief Officer, States of Jersey Police:

Just in terms of assurances, I started on the 31st of July, I have got significant experience working across three different forces in the U.K. I have reviewed every area of the business since I have been in Jersey Police and in relation to, example, the ongoing murder inquiry, Operation Gable, the detective superintendent still remains in post, as does the uniform superintendent. The only changes were at the top and, since I have come in, I am very confident with the senior teams and, as I said, in terms of what I have walked into, very proactive team. I have been able to look at it through a different lens and through a fresh set of eyes and I am reassured in terms of what I have found so far, so - and I am here as the Deputy Officer and I am also the accounting Officer in the absence of the current Chief at the moment but that is causing absolutely no problems whatsoever. I am keeping the current Chief up-to-date with developments and I am pleased with what I have found and what we are doing.

The Deputy of St. John:

Okay, thank you very much.

Deputy L.M.C. Doublet:

Okay. I would like to ask about the Building a Safer Society funding. Have I got the right term right? What are the requirements of that funding, please?

The Minister for Home Affairs:

The requirements? Well, that has been in existence for over ten years and its primary role, it was designed to ensure reduction of crime and harm caused by crime, also antisocial behaviour and substance misuse.

Deputy L.M.C. Doublet:

Okay, so recently there was a press release about grants for a safer community?

The Minister for Home Affairs:

Yes.

Deputy L.M.C. Doublet:

The organisations involved, why were they chosen and what do they bring, in terms of bringing extra to make the community safer?

The Minister for Home Affairs:

As part of our M.T.F.P. process, we had to obviously look at all areas of business throughout the Department and scrutinise, consider what could be offered up, in terms of savings and efficiencies and we felt that, in this area, it was something that, as the Council of Ministers, we wanted to retain because we have actually seen the benefits to the community as a whole over the years that that has been in existence and we feel it is important to maintain that, particularly in light of the fact that members of the community have made it clear that the feeling of safety is one of the greatest things that they enjoy about living in the Island. So I am giving you a long answer but, going through that process, one thing we did discover was that B.A.S.S. was set up to offer seed corn(?) funding for good initiatives that would be beneficial to the community in these areas and some of that seed corn funding had actually continued for the 12 years and that was not to say - that was because they were good... good initiatives and schemes but - so they continued and without thought - well, without - because we wanted them to but actually what we did was go back to the Departments that were closely aligned to them and say, "Well, look, these are good initiatives. We see the benefit to the community and they should continue but you are going to have to start paying for them yourselves so that we can return to our roots and offer seed corn funding to new initiatives" because that is what that is about. So, we compromised slightly and actually ended up maintaining some of our initiatives as such but also that did free up some money for us to go and

find new initiatives so there was a public publicity campaign and then we set up a robust structure in which - a two-tier structure through which we looked at all of the... applications, thank you, and made decisions.

[15:15]

Deputy L.M.C. Doublet:

Were there any groups that had their - seed corn funding, is that what you said?

The Minister for Home Affairs:

Yes.

Deputy L.M.C. Doublet:

Were there any that had that perhaps the first time round that did not get any subsequent funding now and are not able to operate anymore, are you aware?

Policy Principal:

No, there are not. The funding that we drew back was for initiatives that had been taken on by various agencies so we freed up this funding and the funding is specifically for initiatives of the wider aspect about community safety and so it deals with very early interventions, so that is why some of them were like the Jersey Child Care Trust because we have a lot of research that we know that, if we get in there early, if things are right, then there is less and less chance later on in life that people will become involved with crime and antisocial behaviour so we are looking at the broader piece; it is not just the more focused, sort of, problematic area bit of the piece, it is looking at the broader piece. So we had the Jersey Child Care Trust, the Brighter Futures, which are all early, very early, interventions and also the Silkworth Lodge substance misuse, which again is at the other end; that is trying to help people who have already got issues and who can come in. The Prison Me No Way Arrive Alive campaign, which we funded as well, because that was the really good campaign to try and stop the crunch of young folk who were driving - not just young people but everybody - who drives using their mobile phones. So, yes, we looked broadly across the piece and, as the Minister rightly said, there were 2 tiers of procedures, which we went through and to look at - and one of the tiers included an independent Member of the Panel and we made decisions based upon that.#

Deputy L.M.C. Doublet:

Thank you. Minister, do you feel that any of these grants are plugging gaps that perhaps should have been funded within the mainstream budgets of other Departments?

The Minister for Home Affairs:

Well... they are areas of -

Deputy L.M.C. Doublet:

You can say yes.

The Minister for Home Affairs:

(laughter)

Deputy L.M.C. Doublet:

Your eyes are saying it.

The Minister for Home Affairs:

Well, they are areas that are not related to our line of business and our areas of responsibility and so we are very pleased to be able to fund them.

The Deputy of St. John:

What is the certainty around the funding for them though?

The Minister for Home Affairs:

Certainty? Well it is certain for three years.

The Deputy of St. John:

Three years. So in three years' time you will review the funding - well, the Minister, whoever it may be.

The Minister for Home Affairs:

Well, they are all... - we have made it very clear throughout the process that this is a seed corn funding initiative and so all the groups who have received the money are aware that this is a three-year process and the anticipation we hope is that they will find fully fledged, ongoing funding if successful and so that we can then -

The Deputy of St. John:

It is a bit like a start-up business, is it not?

The Minister for Home Affairs:

- move on to new initiatives. A little bit. So the hope is that perhaps other departments or sources of funding will come forward and one of the key parts of this though is the Building A Safer Society

Team are great supporters of outcomes-based accountability and so part of this process is that outcomes are properly measured.

Deputy L.M.C. Doublet:

That is good.

Policy Principal:

I think there is a partnership, a huge partnership working that goes on within it, so, some of them like the Jersey Childcare Trust, they will source funding from other areas as well to take any projects that are working well, they will take it on. So that was part of the process that we looked at, the sustainability and the type of people who are running it and what was going to be the overall outcomes.

Deputy L.M.C. Doublet:

Okay, we had better move on. Okay, we are going to move on to fire service and hopefully we will have time for our prison questions.

The Deputy of St. John:

Minister, there was a ministerial decision made by yourself to increase use of charges for the fire service and this was signed in June and we understand that charities and businesses have received letters informing that the charge will eventually go up to £400 at a point. Do you believe this is reasonable and whether this actually fits within the inflation strategy within the States and our requirement to stick to a 2.5 per cent per annum increase?

The Minister for Home Affairs:

Well, I think the Assistant Minister has responsibility in this area and I think would be right to answer this but I am happy to give...

Assistant Minister for Home Affairs:

Well I think it is reasonable because it started from a low baseline. The fire safety fees, the use of charge is already in existence, it has been known for a very long time and it did need to have Treasury approval. I am looking at Chief Officer here, he did have Treasury approval for the increases that were proposed. My understanding is that the fire service have written about 1,000 letters, which were sent out over the last month, and they have had very few negative comments and I think that is probably because the recipients realise that they have been part of a very good thing for a very long time and that also we are not introducing this immediately, it is being spread over three years, which is my understanding and that is to minimise the impact of the charges on

the... customer. It is only - I think the other thing I need to emphasise is that it is only a 50 per cent cost recovery, so the -

The Deputy of St. John:

It is only 50 per cent?

Assistant Minister for Home Affairs:

It is only a 50 per cent cost recovery of what it actually costs the Department to undertake.

Chief Fire Officer:

Yes. The whole Department costs about £0.5 million to run but they do have an operational role so we have looked at much time they spend doing their fire safety role and how much time they spend doing operational training, operation problems. It is at an 80-20 split so it brings the cost of the fire safety element, it works out, to about £350,000. We currently generate £80,000. It depends year-on-year slightly but as an average. This, obviously, is aimed at bringing in another £170,000 so it still is not - you know, at best it would be two thirds; it depends on - it varies each year but it is certainly not even a full cost recovery for the Department but it is getting closer to it, obviously, as systems are set up to allow the costs to be... - they are very low, really, so they are every 3 years as well, they are not annual costs. Most of the things we do are 3 year costs. So, I think at the moment they pay £80 for a fire certificate every 3 years. That is going up year-on-year by just over £100 up to eventually £400 but it is still only every 3 years so, you know, clearly it will have an impact on business but it is worth mentioning that, although as a percentage it sounds significant, you know...

The Deputy of St. John:

Is there any potential for this preventing people from ensuring, you know, the fire safety in their properties?

Chief Fire Officer:

No because this is a statutory requirement basically.

The Deputy of St. John:

It is a statutory requirement, okay, that is fine.

Deputy L.M.C. Doublet:

Can I just ask; if it is only covering half the cost, do you foresee that it will rise further in the future?

Assistant Minister for Home Affairs:

There is always a potential for that because, you know, every Department faced cuts from the M.T.F.P. As you know, we presented this to you in June of last year, to the Scrutiny panel. We held a presentation on the M.T.F.P. in our proposals for all States Members in September of last year. They did ask questions at that time and seemed reassured by answers that they were given but, you know, the States has a policy of use of chargers and -

The Deputy of St. John:

Don't we know it.

Assistant Minister for Home Affairs:

You know, and the fire service and our Department have to absorb those where we are able and where we think it is best. I mean, what we could do is cut this particular area of service, which would potentially - and undertake inspections and reviews less frequently, it would have the potential for fires to occur and incidents to occur. It would be unimaginable so it was a decision, a tough decision, but one that we had to make.

The Deputy of St. John:

So, in terms of the charge will be applied, is it they have an inspection every 3 years, every year?

Chief Fire Officer:

Again, it depends on the type of premises but the fire certification is every 3 years, and things like petroleum licences are every year and alcohol licenses, but that depends if that is treated as a new licensee or if it is a new property then that is on a case-by-case basis but the main bulk of that work was certification every 3 years and they have to send some details of their test, their maintenance of their fire alarms. We will examine if there has been any changes. We do not automatically do an inspection. It is on a risk base and when we are satisfied, we issue a new fire certificate. If we have concerns then obviously we will carry out inspection and tell them what changes they might need to do.

The Deputy of St. John:

Okay and in terms of since this was originally brought in, now we have got this moving up to £400, is there a requirement for an RPI applied to it every year, like we do in terms of rent and all those types of things across the States?

Chief Fire Officer:

We have been doing that anyway, you know, over the years, so it just kept pace with inflation, as I said, from a very small starting point so, obviously, over the period of implementing this we will not but I would imagine once the full charges are in going forward, you know, if the cost of providing

the service will go up with inflation then obviously it would make sense that the cost of providing the cost of recovery should keep pace with that.

Assistant Minister for Home Affairs:

I think we noticed that this service has recognised, you know, this will impact upon the customers and they have recognised the need to improve the service delivery and so they - as part of this, they are developing a customer service charter, which ensures that there is improvement basically in the product provided to the community and I understand that what they are intending to do is to ensure that requests for a visit or an inspection are undertaken within 28 days, but may be difficult to keep, but which they will be working towards. So they will be replying to correspondence as soon as possible but with a maximum of 14 days.

Deputy L.M.C. Doublet:

Has that started yet?

Chief Fire Officer:

No, not yet. At the same time, we are trying to meet it now to make sure we can. We are confident that we can today, we are holding ourselves to account but I think people should know what should they expect from the fire service. There has been a lot of discussion about the waiting times because a lot of that is processing time; it is actually waiting for the customer to get work done so we can do an inspection, so what we are trying to do is set limits on how long we would take for our part of that process, to make sure that the process can be as quick as reasonably practical.

Deputy L.M.C. Doublet:

Could we please see that charter when it is finalised?

Chief Fire Officer:

We have a graph. We can send it.

Deputy L.M.C. Doublet:

Okay, thank you very much. I think we have got a few more questions on the fire service. I am going to try and fit them in and we do not have very long so could we just do some quick-fire questions?

The Deputy of St. John:

Is that a pun?

Deputy L.M.C. Doublet:

I had not even thought of - (laughter) - okay, has there been an audit of fire regulations recently?

Chief Fire Officer:

The short answer is yes. I think you have a copy of the - I did send it to the Government in the summer, the inspection that is carried out by the Chief Fire and Rescue Advisor for the Welsh Government, they came over earlier this year, carried out an inspection, which included the fire safety part and even the increase in the charges.

Deputy L.M.C. Doublet:

Okay and, in terms of fire regulations then, are there regular inspections of private properties to ensure that fire regulations are complied with?

[15:30]

Chief Fire Officer:

We currently only do those at what we call designated and they tend to be tourist, healthcare, and lodging their houses and houses of multiple occupation, so not all private rental. I am aware the Environment Department are bringing in, or proposing to bring in, new regulations and we have been a consultant on that and that will include things like smoke detectors and carbon monoxide detectors. So we only do this with the more that are mostly commercial basis and obviously have a larger number seeking confirmation, but for those they will be certificated and complied with all the departments.

Deputy L.M.C. Doublet:

Okay, so private landlords, then, that do not follow the fire safety regulations, what enforcement mechanisms are there if, maybe the smaller properties, they are not having inspections? How do you keep on top of that?

Chief Fire Officer:

Currently there is no - there may, depending on the building; if it has been built recently, they will have to provide building regulations, which have a fire safety element on it. If they employ anyone to work in those buildings then they would have to provide health and safety, which has a fire safety element to it, but if it does not require all those then at the moment it is not but I think that is the intention of the new Environmental Health law, to cover that part as well as obviously other environment type issues.

Deputy L.M.C. Doublet:

Will that have a resource implication for your Department, if that is...?

Chief Fire Officer:

We understand either that will be self-compliant so I am not aware of a resourcing implication for the fire service.

Deputy L.M.C. Doublet:

Okay, I think we will be coming back to that, possibly, at another hearing. Okay, just very quickly, on prison, unless you have got anymore to ask on this - right, go on.

The Deputy of St. John:

Okay, Minister, sorry, just the last one on the fire service. With regards to the St. Halle(?) House due to close as a result of cladding being unsafe, what investigations will the fire department be undertaking for other properties? So, do they do it on a basis of being asked to, maybe by Parishes or certain businesses or are you proactively looking at other areas?

Chief Fire Officer:

We have taken the decision locally to go wider than the U.K. with health and safety. In the U.K. they are only focusing on what they call A.C., aluminium composite materials, which is the type of cladding that was used at Grenfell, so across all the local authorities, they are only looking at A.C. and we have decided to look at the type of cladding on all high risk - that is not all buildings, we do not have improve HSBC bank or whatever because they do not have people sleeping in there and it is not as much of a high risk building. So we started with the social housing and the high-rise housing. We have... spoken to the Education Department. We have not got to all schools but we have given advice on what they should look for and then refer to us if they find anything that is suspicious and that has not been the case so we are fairly confident that the schools are fine. Albeit schools are quite safe in themselves, they do not have people sleep there, they have good fire alarm procedures, they practice it. You know, when you look at Grenfell; did not have a fire alarm, you know, a completely different risk profile. We are then looking at health premises, which is obviously where we then - St. Halle House came to our attention. We had to come back to it because we could not ascertain the type of cladding for a building that holds no records, which meant we had to do some invasive - an inspection and take panels off, get that checked and that is why we have, sort of, then took the action we have taken. As far as I am aware, and we have really looked at most of those high risk places, we are satisfied that there is not any other high risk cladding, thermal cladding, on any of those types of buildings.

Deputy L.M.C. Doublet:

Can I ask about the schools? You mentioned that the schools were doing those checks themselves; are you double-checking to make sure that those checks have been carried out?

Chief Fire Officer:

No, I mean, like I say, we have used the guidance from the U.K. but, as I say, we have expanded it to any sort of thermal cladding that brings us any concern. The type of cladding they should look for is called rain screen cladding and then we have said that, "Looking at your own cladding, if you do have any concerns, come back to us and we will come out." Building controls; we have been working with them as well and that is where we will have to double-check the checkers because I am confident the guidance we have given them should be sufficient for them to identify any problems they might have with their buildings.

Deputy L.M.C. Doublet:

Okay.

The Deputy of St. John:

Just ask a follow-up in terms of requirements to have things like sprinkler systems in the taller buildings. Is there a power within the law to require such remedial works to take place? Say for example like you have got La Mare or those kinds of areas, which, you know, might not have the sprinkler systems in. Is there an ability to require that or should it be something that we have in law, to require tall buildings to have these systems in?

Chief Fire Officer:

We have been discussing this with the Assistant Minister and, at the moment, the law requires new buildings over 18 metres and healthcare, care home to have a sprinkler fitted now. That is passed and the building regulations are updated, so we are ahead of the U.K. again, but it does not retrospectively fit them per se but we do fire certificate every 3 years and that is one of the reasons we do that, everything that we can, as evidence and as improvements come in, we can require those. They have to be reasonable. Of course, fitting sprinklers is a big undertaking. We also have the power of the law, and this applies to any building, where if we feel the risk is so high to life, that we can impose conditions of use, we can limit use, we can make them make changes but it does have to be quite a high threshold on the life safety element of it. So we do have some quite wide powers and we are in consultation with Andian about whether they, you know, will look at retrofitting sprinklers.

The Deputy of St. John:

But in terms of the discussion with maybe The Minister for the Environment on this new public health and safety dwellings law for the private rental sector and the social rental sector, in terms

of; is there any capacity within that to determine a requirement retrospectively for sprinkler systems?

Chief Fire Officer:

What we said is that there is the public inquiry, obviously, looking post-Grenfell and the sprinklers will be one of the things they are looking at so what we have said is that, when we start to know this , the Assistant Minister is going to write to the Prime Minister to suggest we follow a similar review once we know their findings. I think that is the intention, is it not?

Assistant Minister for Home Affairs:

Yes. We have written to the Planning and Environment Minister and put that in motion so that we work closely together when the Grenfell review has been undertaken and we know, you know, what their proposals and recommendations are. We will be looking at that, you know, jointly between both Departments.

The Deputy of St. John:

Thank you very much.

Deputy L.M.C. Doublet:

I think we are going to have to stop there. Minister, very briefly, is there anything you would like to add?

The Minister for Home Affairs:

No, I think we are grateful to your time and your excellent questions and if there is anything that you do want to follow up, because we have run out of time, then you are more than welcome to do so.

Deputy L.M.C. Doublet:

Okay, thank you and thank you for your answers, thank you everybody and that brings the Hearing to a close.

ADJOURNMENT

[15:37]