

2024.11.25

**Deputy J. Renouf of St. Brelade of the Chief Minister regarding the decision-making process for the appointment of a new ferry operator: (OQ.226/2024)**

Will the Chief Minister explain what involvement, if any, he has had in the decision-making process regarding the appointment of a new ferry operator, and state what actions he has taken in relation to this matter since the Assembly last met?

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

As I explained in the previous sitting, as Members know, Deputy Morel, as Minister for Sustainable Economic Development, is responsible politically for this area and he continues to have my full support. My own role has related to my capacity as Chief Minister in this instance, so providing guidance and support to the Minister, and ensuring that Ministerial business is conducted in the appropriate way. In relation to what involvement I have had with the decision-making process, we have not made any decisions as yet as to who the preferred bidder will be. What we have done, though, is put in place a new process, which is underway, which is aimed at enabling the Council of Ministers or the Minister to do that by the end of this week, hopefully. That is what we are focusing on now.

**2.1.1 Deputy J. Renouf:**

In the previous process there was mention made that there was an indicative vote in the Council of Ministers about the options before them. Will he confirm whether the decision, the recommendation from officers that will be put to the Minister, will that be put to a vote in the Council of Ministers and, if so, will this be a formal vote as opposed to an indicative vote and will it include Assistant Ministers?

**Deputy L.J. Farnham:**

I anticipate there will be a formal vote of the Council of Ministers, not including Assistant Ministers, because they do not vote at Ministerial meetings, although they are generally always present which is welcome. I anticipate there will be a vote but that will be a vote on the Council's view of who the preferred bidder should be. Ultimately it is up to the Minister to make a decision, although I do not anticipate him deviating too much from the view of the Council of Ministers.

**2.1.2 Deputy I. Gardiner of St. Helier North:**

In the previous Assembly concerns were raised regarding the reaction from France, because we need to develop a relationship. Would the Chief Minister advise if he or somebody else at the Council of Ministers had any engagement with the ...

**Deputy L.J. Farnham:**

I did not quite hear the last part of the question but we are in constant ...

**The Deputy Bailiff:**

Well, I think is important you do. It is any engagement with the French authorities.

**Deputy I. Gardiner:**

What can happen and was there any conversations regarding the ferry operation going forward?

**Deputy L.J. Farnham.**

Officials are in constant communication with their French counterparts in Ports. Through External Relations we have an ongoing dialogue in all of these communications of the potential logistics of the new ferry operator or existing ferry operator, whatever that works out to be, has been discussed. At a political level, the Minister himself has discussed the matter with French regional politicians.

**2.1.3 Deputy I. Gardiner:**

Can the Chief Minister advise if he had any engagement with other stakeholders regarding the ferry tender and the contract?

[14:30]

**Deputy L.J. Farnham:**

Outside of all the stakeholders involved in the process I do not think I have, no. I think primarily, together with the Minister, I have met with both bidders and relevant officials, but that is ... I was just trying to think on my feet, I do not think there is anyone outside of those involved with the ferry process and the shareholders. That does include discussions, like I say, with the shareholders in relation to Brittany Ferries, the executive team of DFDS and recently with the lenders to one of those organisations. But outside of that, no.

**2.1.4 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Would the Chief Minister say if there were any changes to the procurement criteria and selection requirements of the tender compared to the joint process? If so, what were those changes?

**Deputy L.J. Farnham:**

There were changes because a lot of the work had begun in the previous process, so it was an abridged version of that. I do not have all the exact detail in front of me but it was - I am trying to think on my feet - predominantly an extension of that. The criteria was largely the same in respect of service level, albeit a different fleet configuration might be acceptable given the change in circumstances.

**2.1.5 Deputy H.L. Jeune:**

Were any lessons learned from the failed joint process that informed this process? If so, what were they?

**Deputy L.J. Farnham:**

I cannot identify exact lessons learned currently, because we are moving ahead with the new process rather than going back and scrutinising the former process. I think it will stand up to scrutiny. I am sure that is an exercise we will engage in at the appropriate time.

**2.1.6 Deputy P.F.C. Ozouf of St. Saviour:**

I wonder if I could ask what the reaction has been with the outreach by the officials that have met in France. Can the Chief Minister kindly give any indication as to what the reaction has been from those French individuals that have been cited? Is there concern? Is there understanding?

**Deputy L.J. Farnham:**

I think, generally speaking, for French officials at all levels there has been a broad understanding, albeit a desire for us to make a decision as quickly as possible. In all circumstances, we have always led with from Jersey's point of view, we are going to be acting in Jersey's best interest but working closely with our partners moving forward.

**2.1.7 Deputy P.F.C. Ozouf:**

There has been no negative vibes about the right of the Jersey Administration to effectively favour potentially a Danish firm rather than a French firm? There has no negative connotations? Well, indeed, of course, Condor are backed by a British equity fund.

**Deputy L.J. Farnham:**

I do not think one would have to be a detective to probably recognise that the French would prefer to deal with a French company but at a professional level with officials, on both sides, they have taken a most professional view on the matter. I have said in the past there are a number of ramifications, material considerations, that we have to consider in the process, including a potential for political ramifications based around the decision, together with logistics and the potential for any disruption to service depending on what that decision is.

### **2.1.8 Deputy M. Tadier of St. Brelade:**

On 30th October, Guernsey announced they were choosing Brittany Ferries as the successful bidder. The Minister for Sustainable Economic Development said he was surprised when he heard that announcement. Was the Chief Minister also surprised when he heard that announcement or can he confirm that he had actually been given prior notice, along with the Minister, that Guernsey would be making that announcement?

#### **Deputy L.J. Farnham:**

I think the Deputy has his date slightly wrong and that might have been due to it being misreported. We were informed of Guernsey's decision, I believe, on the Friday, I think - whether that was the 17th or 18th October, I cannot remember - that Guernsey had made their decision and were going to announce it that afternoon. After further discussions, they agreed to push that forward to the following week and we understood they were going to announce it on the Wednesday potentially, which is what they did. So I was not surprised but I think because the announcement, as I remember, came after close of play and contained some quite extensive detail as to the rationale that may have been the cause of the Minister's surprise, but for that he will have to answer himself and explain that one.

### **2.1.9 Deputy M. Tadier:**

Insofar as it speaks to the confidence that we, or indeed the Chief Minister, can have in his Ministers or the team working on it, is it a problem when the Minister either misspeaks or misremembers and says that he was surprised at something which he actually fully knew about when the Chief Minister had the same knowledge and was not surprised? Would he confirm that he has full confidence in the Minister and the officers, both current and the ones managing the previous tender bid, in this whole process?

#### **Deputy L.J. Farnham:**

Yes, I do have confidence and I have worked closely with the Minister since I was asked to become more involved around the time of the 17th when we had the surprise call from Guernsey that they were going to go on their own. I retain that confidence. On top of that, I can assure Members that all Ministers have provided good support to the Minister in helping him through this rather challenging task. I am pleased to report that we are getting close to a solution to provide some confidence and surety around the future of the ferry service.

### **2.1.10 Deputy K.M. Wilson of St. Clement:**

Can the Chief Minister confirm whether he and the Minister for External Relations visited counterparts in Guernsey 2 weeks after the announcement was made by the Guernsey Government?

#### **Deputy L.J. Farnham:**

No, we did not.

### **2.1.11 Deputy K.M. Wilson:**

Can the Chief Minister state what involvement he has had in the development of the new process?

#### **Deputy L.J. Farnham:**

This is being led by the Minister for Sustainable Economic Development and his team. I have been kept briefed as to the progress of that and that is the extent of my involvement.

### **2.1.12 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

In answering a previous question, the Deputy referred to a list of stakeholders that he had engaged with. Would the Deputy like to outline to the Assembly which organisations those stakeholders are, please?

#### **Deputy L.J. Farnham:**

Predominantly Brittany Ferries, DFDS, the lending group to Brittany Ferries. I think that is about it. Other than that it is internally, officials and other Ministers.

### **2.1.13 Deputy K.L. Moore:**

When the indicative vote was taken at the Council of Ministers, could the Chief Minister confirm that he was one of the 2 votes against that indicative vote?

**Deputy L.J. Farnham:**

No. When I say indicative votes, there was a general discussion around the table with Ministers expressing their views, a discussion evolved and at the end of the discussion the Council of Ministers took a decision to proceed with the new process that we started, with no dissensions.

**2.1.14 Deputy J. Renouf:**

I was interested to hear that the Chief Minister has met with the leaders to one of the parties, which suggests he is playing quite a close role. Has the Chief Executive been involved in these discussions as well?

**Deputy L.J. Farnham:**

No, the Chief Executive has not been involved with the discussions. Thank you.