

STATES OF JERSEY



COUNCIL OF MINISTERS: VOTE OF NO CONFIDENCE

**Lodged au Greffe on 13th June 2008
by Senator S. Syvret**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –
that they have no confidence in the Council of Ministers.

SENATOR S. SYVRET

Note: In accordance with Standing Order 22(a) this proposition has been signed by the following members –

Deputy A. Breckon of St. Saviour

Deputy G.C.L. Baudains of St. Clement

Deputy P.V.F. Le Claire of St. Helier

The reasons for bringing this proposition are set out in the report below.

REPORT

This proposition of no-confidence in Jersey's Council of Ministers marks an historic turning-point in the Island's politics.

For the first time ever, the people of Jersey will have an opportunity to rid themselves of a government which has, in effect, been in power for decades upon decades without effective opposition – and which is seemingly despised by 85% of the population.

The opportunity to bring about an end to decades of misrule and incompetence comes in two forms.

Firstly, this community can look to its elected representatives to finally begin acting as a responsible legislature during the debate on this proposition – and acknowledge the paramount faults of the current regime.

Secondly – and in the event of failure by States members to hold the executive to account – the people themselves can exercise the power necessary to force change through the ballot-box later this year.

That is, should the people so wish.

It may, of course, be that the general impression of dissatisfaction on the part of the public may be an inaccurate assessment. Perhaps a clear majority of Islanders are, in fact, content with the customary performance of the States of Jersey. Perhaps voters will not want change – in which case those present members who support this Council of Ministers will be returned to office.

It could well be that the entrenched ruling clique – the de facto covert party – in the States is respected and admired by a silent majority – and that those members who oppose them will displease the people of this community.

Personally – I don't think so.

In any event – after decade upon decade of political failure and ever-growing dissatisfaction, those who care about the future of this community must finally give the public a real choice; an opportunity for real change.

Those members who have signed this proposition may have differing views on certain issues, and, indeed, the performance of certain Ministers.

However – the common view of the signatories to this proposition – and that of some other members – is that in general terms this Council of Ministers has failed and that it no longer has the support of the community – if, indeed, it ever did.

And it is, in many ways, that generality – a need to challenge a stale political epoch – for which this no-confidence proposition is brought.

It was my original intention to word the proposition so that it was a vote of no-confidence in the Chief Minister *and* Council of Ministers, but standing orders stipulate that the vote must be focused upon the Chief Minister *or* the Council of Ministers. However, the question is largely academic as the effect of the vote succeeding would be the same in either case; namely – the fall of this Council of Ministers and the election of a replacement.

And it is actually correct that the vote should be against the Council as a whole – not merely the Chief Minister, Senator Walker. For whilst he has numerous political faults to his name – in many respects he personally is indistinguishable from the politically decadent era of which he just happens to be the present figurehead.

It is also a fact that such is the seriousness of the issue at hand – the future of this community – it would be quite inappropriate to reduce matters to what may be lazily and inaccurately termed merely “a clash of personalities”.

This proposition is really about a sea-change in Jersey politics.

It could be argued that some of the Ministers are less culpable than some of their longer-serving colleagues; that they've only been elected a comparatively short time and that they should be given another chance.

However – in the event of this proposition succeeding, a new Chief Minister and a new Council of Ministers will be elected. Then – if it is the wish of a majority of members – some of the present Ministers may be returned to office.

For some – there may be a second chance; it is in the hands of members of this Assembly.

But the debatable merits of one or two Ministers cannot shield this Council as an entity from the fact of its failures.

Nor – more importantly – can personal support for one or two Ministers disguise the fact that the type of politics represented by this Council has now – clearly – run its course.

After at least 3 decades of short-termism, of shallow materialism, of over-development, of economic and financial incompetence, of environmental destruction, of exploitation of the poor – and a near-complete failure to have any regard for the long-term future of the community as a whole – the time for change has come.

We as a community are at a junction in our history. We must now choose one path or the other: more of the same – or a new path? And this is a choice that the Island may never have the luxury of making again.

This is why it is necessary to test the credibility of this Council of Ministers; because this Council embodies the stale and tired political era of which so many Islanders are heartily sick.

And in testing the credibility of this Council – we also subject the Assembly to examination. We test its independence of thought; its ability to seriously hold the executive to account – and we test whether the Assembly is properly reflecting the general concerns of the community, in that, whatever the outcome of the vote – the public will then be well-placed to cast its judgement in the elections later this year.

The Council of Ministers as an Entity

Whilst this may be less of a criticism of the Council of Ministers than it is of the political culture of Jersey, it must still, however, be observed that the Council of Ministers have not received, either individually or collectively, a mandate from the public for their policies – a fact that seems to be lost on some Ministers when they announce that they “will (or have) *made the decision*”.

The absence of a clear public mandate ought to moderate the approach taken by the Council of Ministers – but instead they exhibit an apparent belief that they possess democratic credibility akin to a government in the UK, and that this entitles them to drive forward their policies – largely regardless of the views of the community.

The generalities of the policies pursued by this Council of Ministers – and the longer-term politics of several of its members – are deficient on at least two grounds.

Firstly, whilst these things are difficult to assess accurately, the impression is that a clear majority of people living in Jersey have no confidence in Senator Walker and this Council.

Secondly, as the recent Waterfront Masterplan debate illustrated so clearly, this Council has failed to move the focus of Jersey politics from short-term, sticking-plaster responses towards long-term solutions for the problems we face.

In many respects, the Waterfront debate could be said to embody the ultimate failure of the political era represented by this Council. Their scheme represented more destruction of Jersey's unique attributes; further aesthetic disasters; utter obsolescence in what is now a very changed world – and yet more financial incompetence.

Which other government would come to its parliament – railroad through the Assembly a shockingly flawed development strategy – and during the debate repeatedly assert that criticisms of the financial underpinning of the project were ill-founded – when 10 minutes on the Internet reveals significant concerns about the preferred company – and then imagine they could remain in office?

Essentially – this Council of Ministers represents the same old approach. More of the same; business as usual. For there is no discernable meaningful difference between this Council of Ministers – and the old Policy and Resources Committees.

It is near-impossible to differentiate between the policies, politics and performance of this Council – and the so-called ‘leadership’ of the States at any point during the last 3 decades.

But one of the most alarming failures of Senator Walker and this Council of Ministers is to be seen in the fact that the senior reaches of Jersey’s civil service remain out-of-control, deficient, undisciplined, seemingly invulnerable and wholly unaccountable.

For all that certain members of this Council like to portray themselves as embodying some kind of ultra-efficient and business-minded degree of managerial skill – in truth, they have failed utterly to impose anything even faintly approaching the degree of accountability which is taken for granted in the commercial world.

Even when presented with, clear, irrefutable evidence of incompetence and irresponsibility on the part of certain senior civil servants – Senator Walker and this Council of Ministers has displayed only a tremulous timidity – a scarcely disguised fear of taking-on and tackling indiscipline, and unaccountability on the part of senior officers. A group of people who cost taxpayers a vast amount of money each year, yet who, in many cases, would not last 2 months in an equivalent private sector job.

It has to be asked – would these members of the Council of Ministers be prepared to tolerate so blithely such management deficiencies in their own businesses?

This Council of Ministers is also clearly in a state of profound indecision and confusion concerning its policies. Ministerial government was supposed to deliver a brave new world of joined-up government.

Yet within the same 24 hours, Senator Walker and this Council launch a major PR spin-campaign in an effort to portray themselves as ‘Green’ – as genuinely committed to the environment – and then – without apparent embarrassment – drive through the States a truly monstrous waterfront development proposal which had not been subjected to an environmental impact assessment.

Senator Walker, on behalf of his Council, spoke many fine words during his Great Green-wash Address – for example, expressing a commitment to reducing Jersey’s carbon emissions. It apparently not being within his knowledge or that of other Ministers, that the production of cement is, perhaps, the most heavily carbon-emitting and polluting of industrial processes.

Yet many hundreds of thousands of tonnes of concrete will be required for the vast waterfront development – a substantial amount of it for road and tunnel construction – to accommodate ever larger quantities of traffic – which will then add even more carbon to the atmosphere.

This Council of Ministers also displays the very worst habits of the States of Jersey insofar as secrecy and a lack of transparency are concerned. A very substantial number of items of business discussed at the CoM are classified as ‘part B items’. The failure of this Council to embrace freedom of information demonstrates just how remote they are from the standards of modern, democratic government.

And this absence of transparency is further compounded by the long-standing habit of certain Ministers to engage in so-called ‘consultation’ exercises, such as “Imagine Jersey”, which are, essentially, nothing more than exercises in manufacturing consent for policies that the CoM feels a need to gain some apparent public support for.

This Chief Minister and Council also waste a substantial amount of public money on the so-called 'communications unit' – essentially a collection of spin-doctors employed at taxpayers' expense in order to act as little more than a PR apparatus for the Chief Minister and his Council. It may well be the case that some resources need to be spent in projecting the interests of Jersey to the wider world. But that is a far cry from using such resources to manipulate public opinion within Jersey.

This Chief Minister and Council of Ministers remain wedded to the notion that constant population growth is the solution to certain problems Jersey faces, such as an ageing population. Whilst an aging population is certainly an issue that we must address – what these Ministers always stop short of admitting is that attempting to replace active members of society through inward migration is mathematically doomed to fail. It is, therefore, yet another of the policies which characterise this administration – essentially, short-term fixes masquerading as solutions, but which are, in fact, incapable of addressing the real long-term problems.

This Council is also incapable, clearly, of grasping the nature of the experience of many Islanders of financial hardship – or even poverty in many cases. Although Jersey has the second-highest GDP per capita in Europe, significant numbers of people struggle to survive here because of the immense cost of living in Jersey and just do not share in the wealth in the Island.

Clearly – this Council is directionless and disjointed. It appears to believe that it can be all things to all people; to on the one hand promulgate yet more vast and destructive development growth – and on the other believe itself to be genuinely committed to environmental protection.

For what is displayed is not only a profound degree of intellectual and philosophical contradiction – also on plain display is a lack of leadership; a fear of telling the public the truth. That truth being – we cannot be all things to all people.

There are hard decisions to be made – and clear trade-offs. For example – we can follow the Hong Kong/Europe path – as preferred by the States for the last 3 decades – *or* we can protect our environment and our quality of life.

We cannot do both.

And the time has come to begin being honest with the public about that fact. This Chief Minister and this Council of Ministers are clearly incapable of doing this.

This Chief Minister and Council embodies the political era of the last 30 years. The time for change is long overdue.

The Individual Ministers

As already stated, it could be argued that some of the present Council may deserve a second chance. If so – members will re-appoint them when a new Council is appointed, should the vote succeed.

But there is no escaping the fact that, to put it charitably, several of their number have simply not performed to acceptable standards for a variety of reasons. I will explore these deficiencies in greater detail during the debate, but by way of generality, consider these few points.

We have a Minister for Transport and Technical Services who seems to believe the principal function of his job is to perform as a stand-up comedian and deliver withering sarcastic put-downs upon members as though he were addressing the audience in some seedy nightclub.

A Minister for Home Affairs who, admittedly, inherited the prison in a state of disarray following decades of appallingly deficient investment. But successive HMI reports remain utterly condemnatory. It is also the case that she, along with the Minister for Education, Sport and Culture, failed to respond appropriately to concerns over systemic child protection failures.

The Minister for Education, Sport and Culture, as already remarked, exhibited the typical States member's response to poor performance – ignore the child protection failures; ignore those clients who had been failed and instead set about protecting the defective officers responsible for the service failure. He has also failed to deliver on early years education; and has presided over a child-care sector in chaos, with the public in a lottery as to whether they get free places for their children or have to pay for them.

The Minister for Health and Social Services, Senator Ben Shenton, and his Assistant Minister, Senator Jimmy Perchard, have – in a matter of a few months – demonstrated themselves to be utterly unsuited to having responsibility for Health and Social Services.

Senator Shenton began his tenure in the post by engaging in a botched and error-strewn approach to pandemic flu preparations. This was early days – so perhaps we might, naturally, expect some mistakes.

However, the performance of the Minister and his Assistant Minister has gone from bad to worse.

Both men have demonstrated themselves utterly incapable of enforcing even the faintest levels of accountability and discipline upon poorly performing senior staff. Both have demonstrated themselves unwilling and incapable of properly dealing with the senior staff involved in present controversies, notwithstanding clear and unambiguous evidence of wholly unacceptable professional conduct the part of certain of those officers.

Senators Shenton and Perchard – along with Senator Walker – are, apparently, entirely happy that Jersey's taxpayers should carry on spending very considerable amounts of money on employing a number of manifestly deficient senior officers who are unfit to work in the public sector.

We can hardly find it surprising that the senior levels of Jersey's civil service should be so bloated, invulnerable, expensive and un-accountable when we see such spineless failure to enforce the most rudimentary standards of discipline.

There is, however, another striking and profound way in which Senator Shenton and Senator Perchard have demonstrated themselves quite incapable of remaining in-post.

Both men have repeatedly – pro-actively – and publicly – attacked and denigrated the States of Jersey Police Force, its senior leaders and the investigation they are conducting into the Jersey child abuse disaster.

This conduct is literally incredible.

There comes a time when even the most obtuse of politicians have to recognise the folly of their position – and that time is at hand as far as the Minister for Health and Social Services and his Assistant Minister are concerned.

The seriousness of their actions in attacking the Police investigation cannot be over-stated. For not only have they made themselves appear absurd – they have made Jersey appear absurd.

Where – on the face of the planet – would one find another modern, democratic society – in which THE politicians with legal and political responsibility for child protection – were pro-actively and publicly attacking a Police investigation into child abuse?

No such State exists; it is only in Jersey one would alight upon such madness – and perhaps it serves as a broader example of the final state of chaos and ineptitude reached by Jersey politics.

The very fact that Senator Shenton and Senator Perchard have been manoeuvred and manipulated by senior civil servants into placing themselves in what is, quite possibly, the most untenable position ever seen in Jersey politics, shows them both to be completely incapable of enforcing accountability.

The Minister for Treasury and Resources, whilst certainly faced with challenging economic and taxation issues, has failed utterly to take the community with him in driving through his fiscal strategy. It may well be argued that no new taxation measures are ever going to be popular, but to have introduced such taxes as GST and

20 means 20- whilst leaving the well-documented range of loopholes in place to enable rich residents to avoid meaningful taxation could have almost been designed to foment dissatisfaction amongst many ordinary Islanders.

The Minister for Economic Development seems to take no more sophisticated approach to economics other than merely seizing every opportunity for growth which emerges. On the face of it, economic growth brings benefits – but where is the detailed understanding of the fact that Jersey is already utterly and dangerously over-dependant on finance – and that it is other sectors of the economy we should be helping to grow?

Indeed – much of the growth driven forward in recent years – for example in the obsessive focus of the Waterfront – appears to have had, as a prime effect, driving business away from already established local enterprises.

It is also the case that Senators Ozouf and Le Sueur – along with Senator Walker – have repeatedly failed to deal effectively with the issue of economic leakage. This was a problem at the best of times. With the 0/10 fiscal policy in place this serious issue is compounded.

The sight of various monumental construction projects being undertaken may appear to be beneficial – but just how much of the resultant profit actually remains in Jersey?

The Minister for Housing has also exhibited a serious failure to understand the need to ensure more of the fruits of economic development remain in Jersey to be enjoyed by Islanders. Were this not the case, he would have driven forward policy and legislative changes to ensure that the range of apartments and flats which have been built in recent times were not available for sale on a buy-to-let basis. This failure has resulted in many homes being owned by non-resident investors – thus continuing the price inflation of accommodation which local people struggle with when trying to keep a roof over their heads.

He has also upset many Housing tenants through his policy of selling certain Housing stock, and subjecting existing tenants to an ultimatum – buy the property from us – or you must move out into other accommodation.

The Minister for Employment and Social Security has singularly failed to meaningfully address the disastrously unsustainable ‘supplementation’ situation. This sees over £50 million per annum of taxation being used to supplement the social security scheme. Whilst some of this supplementation is necessary, for example in respect of the lower-paid – it is well-documented that various loopholes exist to enable the avoidance of full social security payments by those who should be paying a higher amount.

Those loopholes should have been addressed – just as should the fundamental structure of the scheme with a view to making it more self-sustaining. The vast annual expenditure on the scheme by taxpayers is manifestly unsustainable; has been so for years – and, really, this should have been addressed a long time ago.

The Minister for Planning and Environment shows promise; many of his efforts during his first term could be said to be a great improvement in handling what is a notoriously difficult portfolio. It is easy to imagine the present Minister for Planning and Environment being returned to Ministerial office. But still, there is no escaping the fact that mistakes have been made: for example, the recent highly contentious Les Ormes decision. The current Minister needs to learn some lessons. Not only in respect of planning but also to recognise the lack of cohesion, and the remarkable degree of contradiction within many of the policy areas of the Council of Ministers. Not least in the conflict between development and protection of the environment.

The Chief Minister himself, I’m afraid, manifests the deficiency of many of the Island’s political leaders from the last 2 or 3 decades. This being a tendency to be a triumph of style over content. Now, the community can no longer carry such frippery.

No amount of bespoke suits, PR training and well-delivered, yet essentially insubstantial, speeches can compensate for an intrinsic inability to grasp the long-term strategic issues the Island faces.

For example, from 1992 until 2002, Senator Walker was a member of the then Finance and Economics Committee. Indeed, he became President of that Committee in 1996 and remained so until assuming the

Presidency of the Policy and Resources Committee in 2002. He was a member of Policy and Resources, Vice-President of, and ultimately President of that Committee over a time-span from 1996 – until the end of Committee government and the commencement of Ministerial government in 2005, when he assumed the post of Chief Minister.

Therefore Senator Walker has been at the very heart of the financial, economic and strategic policies of the States of Jersey for at least 15 years. Yet Jersey finds itself today facing a variety of very serious challenges – many of which we really should have been better placed to deal with than we are at present. But because of the failure of the leadership of the States of Jersey to pursue long-term policies – we must now struggle to deal with the failures of the past.

To cite just one such failure – the vast degree of public sector pension scheme debt.

These are merely a few, brief observations. It may be that States members in general are happy with such performances by the Council of Ministers and its individual members. If so, they will, no doubt, say so during the debate.

I, however, get the strong impression that a majority of the people of this community share my view.

Child Protection

It would be disingenuous to not address the child protection controversy directly; it is obviously one of the issues of concern.

However – that matter is not the focus of this vote, and nor should it be. Police investigations are continuing and, no doubt, a variety of judicial processes will follow.

But some general observations must be made concerning the political sphere and its part in the controversy.

When I first contemplated a vote of no-confidence last year – a draft of which I showed to Senator Walker – the police investigation into the Jersey child abuse disaster had just been made public.

And it became obvious – the very instant that police investigation was revealed – that the handling of the preceding political controversy concerning child protection by Senator Walker and his Council had been catastrophically ill-judged. Disastrously so.

For even on the basis of the more limited information available at that time, there was sufficient evidence to support a number of the serious concerns which were being expressed.

It was also plain last summer – on the basis of the most cursory independent research – that a number of the assertions Senator Walker and the Council of Ministers relied upon – claims made by certain civil servants – were manifestly wrong.

Indeed – Senator Walker and this Council were told that this was the case. They were warned that they were “backing the wrong horse” in choosing to side with demonstrably defective senior civil servants in what was plainly an act of political opportunism.

Instead – their choice was to embark on a profoundly ill-judged attempt to make political capital. And in doing so they quite cynically and unethically chose to use a subject as sensitive and important as child protection and the efforts which were being made to expose defects in the child protection apparatus.

I regret the approach taken by Senator Walker as Chief Minister. The Council of Ministers, under his leadership, at every stage – whenever it was faced with a choice during the political controversy concerning child protection – invariably made the wrong decision.

How grave and irrecoverable have been these compound political errors?

Repeatedly backing the wrong side in a battle for effective protection for the Island's most vulnerable children.

It simply doesn't get any worse.

Political incompetence and irresponsibility just does not get any worse than this.

Conclusion

Anyone in touch with grass-roots opinion amongst the population of Jersey cannot but be aware that public dissatisfaction with the present regime has never been greater.

This Council of Ministers and this Chief Minister simply do not have the trust or support of the people.

There is simply no way back to political respectability or public trust for this Council and this Chief Minister.

There is just no way back from where they have placed themselves.

This Council of Ministers represents and embodies a political epoch which has clearly run its course.

This community must now be offered an opportunity for change.

SENATOR STUART SYVRET

Financial and manpower statement

There are no financial or manpower implications arising from this proposition.