
STATES OF JERSEY



COMMISSIONER FOR STANDARDS: INVESTIGATION OF COMPLAINT OF BREACH OF THE CODE OF CONDUCT FOR ELECTED MEMBERS BY SENATOR A.K.F. GREEN, M.B.E. AND DEPUTY E.J. NOEL OF ST. LAWRENCE

**Presented to the States on 6th April 2018
by the Privileges and Procedures Committee**

STATES GREFFE

INTRODUCTION

The Privileges and Procedures Committee has received a report from the Commissioner for Standards into an alleged breach of the Code of Conduct for Elected Members by Senator A.K.F. Green, M.B.E. and Deputy E.J. Noel of St. Lawrence, in relation to the purported provision of factually defective and misleading information in the context of planning for the proposed 'Future Hospital'.

The Commissioner for Standards has found that neither Senator Green nor Deputy Noel breached the Code of Conduct for Elected Members.

The Committee accepts the Commissioner's report, which is attached, and considers that no further action is necessary.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT OF THE COMMISSIONER FOR STANDARDS

Submitted on 4th April 2018

Introduction

1. Mr. A. Le Quesne and Mr. R. Huelin [the complainants] submitted a joint complaint by means of an e-mail dated 21 December 2017. That letter was forwarded to me on 22 December 2017.

Summary

2. The joint complaint was that Senator Green and Deputy Noel had breached the provisions of Articles 2, 3, and 5 of the Code of Conduct for Elected Members, in that they had provided Members with information which was factually defective, misleading and that a false impression was conveyed to Members. The provision of the alleged defective information arose in the context of planning for the proposed 'Future Hospital'.
3. I wrote to the complainants on 22 December 2017 seeking clarification of the breaches of the Code of Conduct they were alleging and they responded on 13 February 2018. I sought further clarification in a letter dated 16 February 2018 and the complainants responded on 25 February 2018.
4. On 28 February 2018, I wrote to Senator Green and Deputy Noel and invited them to provide a full and accurate account of the matters in question. I indicated that I would accept either individual accounts or a joint response. They responded in a joint letter dated 21 March 2018 [with supporting documents].

The facts

5. In essence, the complaint alleges that Senator Green and Deputy Noel provided material to Members which was inconsistent with material subsequently provided to a Planning Inquiry. The complainants highlighted the disparity between the building size approved by the Assembly on 1 December 2016 and the plans subsequently reviewed by the independent Inspector in November 2017. The change from a single 36 m. tower to twin 47 m. towers was noted.

Senator Green and Deputy Noel's response

6. The joint response was comprehensive and provided an account chronologically with a view to setting a context for the complainants' concerns.

Analysis and findings

7. I recognise that the Future Hospital project is of immense importance to the people of Jersey and that in addition to the obvious health care implications, there are genuine concerns about its impact on the built environment. However, my function is not to adjudicate on competing design specifications or to make aesthetic judgements. Rather my role is limited to deciding whether a breach of the Code of Conduct for Elected Members has taken place.

8. Senator Green and Deputy Noel are clear that their presentation to Members was carried out in good faith. They reject any suggestion that when they made their presentation they were aware that the subsequent application for outline planning permission would be different. They made their presentation based on the information known to them at that time, recognising that detailed design work had still to be carried out.
9. I have found no evidence to suggest that Senator Green and Deputy Noel breached the Code of Conduct as alleged.
10. I find that Senator Green and Deputy Noel did not breach the Code of Conduct for Elected Members.

Paul Kernaghan, C.B.E., Q.P.M.

Commissioner for Standards