

2024.11.12

3.8 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the new ferry contract: (OQ.214/2024)

Will the Chief Minister detail what role, if any, he has and is having in the discussions and decisions being made relating to the new ferry contract?

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

Firstly, as Members will know, Deputy Morel, as Minister for Sustainable Economic Development, is responsible politically and legally for this area, and he has my full support in this role. My own role has related to my capacity as Chief Minister and Chair of the Council of Ministers in supporting the co-ordination of overall Government business. This includes concurrent responsibility for external relations with the Minister for External Relations, given the diplomatic implications of this particular piece of work. I have more recently worked closely with the Minister for Sustainable Economic Development, the Minister for External Relations and other Ministers and sought to support good quality discussion at the Council of Ministers when provided with updates, more recently of the tender process and its progress. As Members, I am sure, will appreciate this decision has potentially wide-ranging and long-term consequences for Jersey. There are financial, economic, logistical, diplomatic, legal ramifications. As we seek to improve our sea connectivity, it is absolutely vital that we maintain a cross-government approach, work together to find a consensus, keep Members and members of the public updated and seek to find the right solution as soon as possible.

[10:45]

3.8.1 Deputy J. Renouf:

We have had a joint process for 9 months that has collapsed. There was then an attempt to negotiate separately that led to a stinging letter from the Hospitality Association and a panicky attempt to extend the contract to Condor. Today we learned that that too has collapsed and a new process is underway. What does the Chief Minister have to say to the public who have expressed considerable anger on this and who think that this is an omnishambles?

Deputy L.J. Farnham:

I would first like to correct the Deputy in his assumptions and just provide what actually has happened, as has been outlined by the Minister. The tender process was unable to reach a conclusion and so that was abandoned in line with the terms and conditions of the process. Following that, the Minister has been quite clear of the way forward, which is to seek further discussion in a new approach with both original bidders, and that is what he has explained to the public on a number of occasions. That is the process we are now following. He has been more circumspect and, I think, sensible about giving out too much information in this Assembly, notwithstanding parliamentary privilege. It is simply not sensible or advisable to give too much detail away while we are in the middle of a negotiation. I am very alive to the concerns of the Hospitality Association. Although it is worth noting in previous years, as I am advised, that Condor have published timetables in December, that does not necessarily make it right. We need to get a decision made, timetables published, more and more assurance for the public as soon as possible, and that is what the Minister and other Ministers are working to achieve.

The Bailiff:

Deputy Gardiner, did you put your light on? I cannot ... no, you did not, I must have been seeing things.

3.8.2 Deputy P.F.C. Ozouf of St. Saviour:

The Chief Minister is very aware of this whole issue, having been the Minister for Economic Development for 2 terms. Can he explain to the Assembly to what extent he has chaired Council of Ministers meetings about this issue and would he be prepared to say whether or not he has taken a position on one ferry operator or another? He is in this Assembly, he can speak and he can avoid the

unhelpful rumour mill that says that he has favoured Condor all the way through. Can he put the record straight?

Deputy L.J. Farnham:

The first part of the question is in the last month, I think since this became a live situation following Guernsey's announcement, I have chaired 2 Council of Ministers meetings specifically related to this issue. Can I ask, Sir, whether part 2 of the question is in order under Standing Order 10(6)(b) that a question should not seek a particular point of view?

The Bailiff:

Well, I think you are simply being asked, Chief Minister, whether you favour a particular participant or not. Which Standing Order reference do you wish to address?

Deputy L.J. Farnham:

Standing Order 10(6)(b), Sir.

The Bailiff:

You mean the one at 10(2) which says: "A question addressed to a Member of the States upon a public matter for which the Member has an official responsibility must either seek information on the matter or ask for official action with regard to it." That is the section we are looking at?

Deputy L.J. Farnham:

I do not have the Standing Order in front of me.

The Bailiff:

No, but is that the section on which you are ... I take the view that the Chief Minister does not have to say whether he favours one or another, or whether historically he has favoured one or another. The matter for him choosing to do so or not is not a matter for the Standing Orders and it is a matter for his discretion within the answer.

Deputy L.J. Farnham:

Thank you. While I think it would be unwise to start expressing views on that in the middle of a discussion with operators, I would say that I feel the Council of Ministers have acted impartially. Both offers have strengths and weaknesses, and my preference is simply to find the very best option for Jersey.

3.8.3 Deputy P.F.C. Ozouf:

The concern within the public about this issue, as asked by other Members, is enormous. It has massive implications for the economy. I am asking the Chief Minister about his role and to ensure that he can give confidence in a transparent and open way. He asked a point of order, which you ruled that he could answer if he wanted to. He is the Chief Minister and I am asking him to give confidence that this issue is absolutely transparent and proper, and if he was to be questioned in a private session whether he could answer these questions in a manner which would strengthen public confidence?

Deputy L.J. Farnham:

I think I have said I neither favour Brittany Ferries nor DFDS in this situation. They are both reliable and reputable shipping companies, both capable in my opinion of serving the Island well. We have heard from the Minister for Sustainable Economic Development that there are more details to go into around financing, around competition, freight rates, logistics, timetables, diplomatic relationships with our neighbours in Guernsey, in France. Logistical issues, depending on when one service was to stop, the next service to start. Economic issues, financial implications around contingency. This is a hugely important decision and the Minister for Sustainable Economic Development is absolutely right to make sure we have done all of the work. One of the key points of leadership is centred around decision making, and that is the ability to make a decision, properly informed, often under pressure, while

considering what is in our very best interest. That is what the Minister is trying to do, that is what the Council of Ministers are trying to do.

The Bailiff:

I have Deputy Jeune, Deputy Ahier and then Deputy Porée. There is no time for further and, in fact, we are running significantly over on this question now.

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

Could the Chief Minister advise what discussions he has had with his counterpart in Guernsey, from when he became Chief Minister 10 months ago, regarding how to ensure the joint tendering process would follow standard procurement procedures and regulations and avoid a process succumbing to favouritism or bias?

Deputy L.J. Farnham:

I have had no discussions with my counterpart, the Chief Minister of Guernsey, particularly in relation to the questions she has asked. We have talked generally about it and the last time we spoke was on a Teams meeting with Ministers when Guernsey informed us of their decision and how they were going to announce it.

3.8.5 Deputy S.M. Ahier of St. Helier North:

Was the Chief Minister made aware of the 7-month contract extension announced by the Minister for Sustainable Economic Development before it was released to the media, and did the Chief Minister agree with such an approach?

Deputy L.J. Farnham:

Yes, I was aware, and I thought it was a sensible approach. It was a genuine attempt to provide some assurance for next summer, to enable more time for further discussions to be had with both operators. The offer was made with the very best will, purely to provide assistance to the operators, to allow more time to have discussions and get the timetables up so the travelling public could avail to those.

3.8.6 Deputy S.M. Ahier:

Did the Chief Minister know that the Brittany Ferries and Condor had been notified of such an approach before the approach was made?

Deputy L.J. Farnham:

No, I did not know that.

3.8.7 Deputy B.B. de S.V.M. Porée of St. Helier South:

During those discussions in his role, would the Chief Minister indicate when he knew that Guernsey were opting for Condor and how far behind the public announcement was this?

Deputy L.J. Farnham:

Jersey was informed, I believe, at a meeting on Friday - I do not have my diary in front of me - 17th October. Jersey was informed that Guernsey intended to make an announcement that afternoon. After discussion, Guernsey agreed that they would delay that until the following Wednesday, because we informed Guernsey that we had not taken the matter to the Council of Ministers for review. That was basically how it panned out.

3.8.8 Deputy J. Renouf:

I think looking from outside, this looks like a very chaotic process. I would ask the Chief Minister what does he have to say to those who take the view that this shows that this is another example of Government where the bigger the decision, the greater the indecision?

Deputy L.J. Farnham:

I think the Deputy is being opportunist and taking pot shots at the Government for political gains and not focusing on supporting the Government to come to a decision properly thought through. I would say to members of the public, the Government is addressing this as a matter of top priority. We deeply regret that we were not able to come to a joint decision with Guernsey. We deeply regret that we have had to extend the timeframe so we can come to the right solution. But I would absolutely stress to members of the public, it is important we take the appropriate time to get the decision right, because if we get it wrong there are serious ramifications.