

**STATES OF JERSEY**  
**OFFICIAL REPORT**  
**TUESDAY, 20<sup>th</sup> JUNE 2017**

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[9:30]

**The Roll was called and the Acting Dean led the Assembly in Prayer.**

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **1. The Bailiff:**

I would like to give notice to Members and to the public that the Book of Condolence, which was opened following the terrorist attack in London some 10 days ago, remains open for signature by anyone who would like to express their sympathy to the relatives and friends of those who died. The book is in the atrium of the Royal Court building and will be there until close of business tomorrow evening, 21st June. That attack, of course, was the second terrorist attack in as many weeks, following as it did on the Manchester bombing. Since then there has been the third terrorist attack in Finsbury Park, and although not linked to terrorism the dreadful loss of life and injury sustained in the Grenfell Tower fire. So in our Island community we can empathise with these 3 different blows which the nation has suffered and we come together to share that grief and, in our small way, to make our contribution standing firm against terrorism, standing firm for an open and non-discriminatory society, and working together towards the achievement of the good administration to which citizens are entitled.

### **Connétable L. Norman of St. Clement:**

Before we continue may I, on behalf of Members of this Assembly offer our sincerest congratulations on the recently announced award of a knighthood? **[Approbation]** It is a double pleasure for me to say these few words as you are a St. Clementais, having been born in God's own Parish, although now for reasons known only to you, you reside in the dark Parish. **[Laughter]** This knighthood is an honour for you personally which is richly deserved following your years of public service. But also a recognition of the high esteem in which the ancient and honourable office of Bailiff is regarded. On behalf of us all, congratulations, Sir William. **[Approbation]**

### **The Bailiff:**

Thank you very much, Connétable. I am certainly not going to get into the Parish debate which is something where angels would fear to go and I do not claim to be an angel. It is wonderful for me personally, and for my wife and family, to be honoured. But there are 2 things to add to that: the first, as you say, is that the honour has been bestowed on the Bailiff of Jersey and that signifies the regard which Her Majesty has for the whole Island and it is genuinely an honour in which we all share. The second thing I just wanted to say was that I do not think I, or any of my predecessors, have gone into this job seeking recognition of any kind. The truth is that it is an enormous honour and privilege to serve this Island and to serve this Assembly and in court, of course, as well. Thank you very much. **[Approbation]**

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE JERSEY AIRCRAFT REGISTRY: [1(339)]**

#### **Question**

Following the disclosure in answer to written question 1(152) that two aircraft were enrolled on Jersey's aircraft registry, and the answers to oral question 1(202) on 28th March 2017 on this matter, what progress, if any, has been made in expanding and improving the registry?

### **Answer**

In late 2016 it was agreed that no further expenditure of public money, beyond maintaining its basic operation and insurance, should be made on the current operating model for the Jersey Aircraft Registry (JAR). This was intended to allow government to find a solution to the underperformance of the JAR by July 2017 without incurring significant additional costs.

Our stated intention is to redevelop the JAR into a fully modernised and effective registry. The aim is to seek external investment to rebrand and promote the JAR while making the necessary amendments to Jersey's legislation to allow JAR to be more flexible and attractive to a global market.

I cannot comment on the current state of negotiations in that regard, as a degree of confidentiality is required during discussions.

## **2.2 DEPUTY S.Y. MÉZEC OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE SUB-COMMITTEE TASKED WITH EXAMINING OPTIONS FOR HIGHER EDUCATION FUNDING: [1(340)]**

### **Question**

Will the Chief Minister list all of the occasions on which the ministerial sub-committee set up to examine options for higher education funding has met; and will he further state exactly when this group's terms of reference were finalised?

### **Answer**

The sub-group has formally met on two occasions, the first meeting was 10 January 2017 and the second 16 May 2017.

Between these dates, and subsequently, there have been informal meetings and discussions between Ministers and officers. Officials are also meeting to work out the financial implications of various options.

The terms of reference were discussed at the first meeting and formally approved at the second meeting.

[The Higher Education and Student Financing Sub-Committee: Terms of Reference](#) were published on 13 June 2017:-

<http://www.statesassembly.gov.je/AssemblyReports/2017/R.68-2017.pdf>

The sub-committee will publish a progress report in July 2017.

## **2.3 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RECRUITMENT AND PAY CONDITIONS OF NURSES: [1(341)]**

### **Question**

In relation to nurses and midwives, will the Minister inform members of –



- (a) the current vacancy rate for nurses and midwives in the public sector, and, if it has changed from the previous figure reported to the States of 12%, will he explain the change;
- (b) a breakdown of the distribution of nursing positions in grades 1 to 8 along with the vacancy rate in each grade;
- (c) whether any consideration has been given to the use of recruitment and retention bonuses and, if such bonuses are paid, what these are;
- (d) what different rates are on offer in the 4-year pay offer to nurses across grades 1 to 8 (B to J in the new pay bands), and state where the target rate offered for each grade is estimated to be higher or lower in real terms by the end of the period;
- (e) what the package on offer to nurses (including basic hourly rates, unsocial hours and overtime rates) will mean for average annual earnings of the nursing workforce by 2020; and
- (f) what strategy, given the pay offer for 2017-2020, he has for dealing with any high nursing vacancy rates in the short to medium term?

**Answer**

- (a) The current vacancy factor for registered nurses and registered midwives in the public sector (HSSD) is 6%. The figure reported previously in answer to written question (256) of 2nd May 2017 related only to qualified nurses in the Hospital.
- (b) The breakdown of the distribution of registered nurse and midwife positions is as follows along with the vacancy rate, as a percentage, for each grade. (Grades 1-3 are excluded as they are Healthcare Assistant and Support Worker grades.)

|              | <b>Number in grade</b> | <b>Vacancies</b> | <b>As a %</b> |
|--------------|------------------------|------------------|---------------|
| NM04         | 399                    | 29               | 7%            |
| NM05         | 164                    | 5                | 3%            |
| NM06         | 106                    | 9                | 8%            |
| NM07         | 5                      | 0                | 0             |
| NM08         | 13                     | 1                | 8%            |
| <b>Total</b> | <b>687</b>             | <b>44</b>        | <b>6%</b>     |

- c) Nurses benefit from a more flexible and generous application of the States relocation policy.
- d) and e) These matters are still subject to negotiation between the States Employment Board and the trade unions and professional bodies so it would not be appropriate to comment at the current time.
- f) This will be defined once the outcome of Workforce Modernisation is known.

The Department has always been proactive in its recruitment activities, notwithstanding the fact that certain types of staff, such as theatre nurses, are always difficult to recruit, reflecting a national shortage of qualified applicants for these posts.

Recent initiatives to deal with nurse vacancies include the launch of 'Care Rediscovered', a six-month campaign using social media and the Internet, which has created a brand identity intended to help attract nurses to come and work in Jersey. All nursing, midwifery and operating department practitioner vacancies are promoted through the site, which has had almost 18,000 unique visitors since it became operational in mid-May.

Through 'Care Rediscovered', 13 candidates are attending interviews during June. A recent open day in the UK yielded nine potential recruits, and we have a further six candidates from a recent initiative in Lisbon.

We continue to proactively offer Islanders the opportunity to enter a career in nursing or midwifery through the partnership HSSD has with the University of Chester. There are currently 36 Jersey-based students undergoing this training who are in different stages of their pre-registration nursing degree programme. We have also recently agreed with the University to increase the number of places available for the next year group, and in May held open events where potential applicants could learn more about the programme and meet the lecturers.

The students currently in training will qualify as Registered Adult Nurses, Registered Mental Health Nurses, Registered Children's Nurses or Registered Midwives.

We also have two former nurses currently completing the Return to Practice Programme who will be able to work as Registered Nurses later in 2017.

#### **2.4 DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING STATES OF JERSEY EMPLOYEES WHO HAVE TAKEN EITHER REDUNDANCY OR EARLY RETIREMENT: [1(342)]**

##### **Question**

Will the Chief Minister advise whether, since 1st January 2012, there have been any instances whereby –

- (a) someone has received compensation for redundancy from the States of Jersey and has subsequently received any form of remuneration or payment from the States of Jersey for subsequent services supplied to the States of Jersey or any one of its underlying entities (such as States of Jersey Development Company, Andium Homes, Ports of Jersey, Jersey Sport, Visit Jersey); or
- (b) has taken early retirement from the States of Jersey and has subsequently received any form of remuneration or payment from the States of Jersey for subsequent services supplied to the States of Jersey or any one of those underlying entities?

If so, will the Chief Minister detail for both categories (separately), by year, the number of personnel that this applies to, the total amount of redundancy received (by year for (a) only) and the total amount of remuneration / payment subsequently received?

##### **Answer**

Staff who leave the organisation through redundancy are offered professional support to help them find alternative employment in the private sector or to set up their own company. In the case of

outsourcing we require companies that have successfully tendered for the work to provide all affected employees the opportunity to transfer or be considered for jobs with the new provider.

We do not prevent any ex-employee, or employer of an ex-employee, from competing for work advertised through open tender. We do not track individuals once they have left our employment so are unable to provide any data on ex-employees who may now be supplying services to the States of Jersey, other than those who have been re-employed on a direct contract of employment.

The States of Jersey are not party to employment arrangements between other entities that the States may have an interest in. This information remains confidential between the employer and the employee.

Any direct re-employment of people who have received redundancy payments from the States of Jersey is governed by the 'Re-employment guidelines', effective since the 20<sup>th</sup> June 2016. Before this date re-employment was governed by the terms of individual agreements. The current guidelines say that employees who have been made compulsorily redundant can seek re-employment after 6 months and 1 day. Those who have taken Voluntary Release, (which includes voluntary redundancy, voluntary severance and voluntary early retirement) cannot be re-employed for 2 years or until their payback period has expired, whichever is the longer. Recruitment applications are monitored to ensure these terms are adhered to.

Since January 2012 seven employees have received a redundancy payment from the States of Jersey and have been re-employed in some capacity at a later date.

The following table provides the details. In all of these instances the re-employment guidelines in place at the time were adhered to.

| <b>Reason for leaving</b> | <b>Year Left</b> | <b>Redundancy payment received</b> | <b>Year re-employed</b> | <b>Annual salary of new contract</b> |
|---------------------------|------------------|------------------------------------|-------------------------|--------------------------------------|
| Compulsorily Redundant    | 2016             | £3,134.63                          | 2017                    | £8,977.57                            |
| Compulsorily Redundant    | 2016             | £22,257.06                         | 2017                    | £25,162.24                           |
| Compulsorily Redundant    | 2015             | £22,403.99                         | 2017                    | £7,506.81                            |
| Voluntarily Redundant     | 2014             | £91,390.50                         | 2017                    | £30,837.00                           |
| Voluntarily Redundant     | 2013             | £43,610                            | 2014                    | *£39.28 per hour                     |
| Compulsorily Redundant    | 2012             | £3,342.32                          | 2015                    | £31,903.95                           |
| Voluntarily Redundant     | 2012             | £15,284.25                         | 2014                    | £55,435.00                           |

(\*re-employed on zero hours contract)

No employee who has left through the voluntary early retirement scheme since January 2012 is currently in direct employment with the States of Jersey.

**2.5 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE £10 MILLION DEPARTMENTAL UNDERSPEND RECORDED IN ‘STATES OF JERSEY FINANCIAL REPORT AND ACCOUNTS 2016’ (R.65/2017): [1(343)]**

**Question**

Will the Minister give a detailed breakdown of the £10 million departmental underspend recorded in ‘States of Jersey Financial Report and Accounts 2016’ (R.65/2017) and state what consideration, if any, was given to the possibility of redirecting this underspend within the Department to alleviate any hardship caused to target groups living on low income due to the decision to reduce the benefits budget by £10 million?

**Answer**

A detailed breakdown of the departmental underspend will be provided in the Annex to the States Accounts which the Treasury will publish in due course. The use of any underspends is considered through the carry-forward process, administered by the Treasury. As part of the 2016 process some of the Department’s underspend was used to restore transfers to the Long-term Care Fund to planned levels to help support the payment of this benefit. The remainder of the underspend went through the same prioritisation process as other underspends in the States.

It is not possible to use the underspend generated in one year to support a benefit cost that will be repeated in future years. Benefits are provided under a range of benefit laws and claimants have a legal right to the benefit that they receive. The Department’s budget has to be sufficient to cover the costs of all statutory benefits from year to year. Increasing benefits in one year in response to a short term underspend is very likely to lead to budgetary problems in a future year when no underspend is available. As such, underspends are not used to fund benefit costs but rather, are used to support high priority one off projects that could otherwise not be undertaken.

The changes approved by the States Assembly to benefit rules at the start of the MTFP were carefully chosen to:

- Promote financial independence
- Target benefits appropriately; and
- Minimise the impact on individuals.

Within the existing MTFP cash limit, proposals have been put forward for an increase in component rates of 2.9%, fully reflecting the recent increase in the RPI and improvements in the level of income disregard from 23% to 25% so that households can retain more of their earned income. The component rates will be debated in July 2017 for implementation from 1 October. The cost of all these improvements, £3.9 million a year for this overall package, has already been allowed for in the departmental base budget.

The Department continues to make good progress in reducing the number of people registered as actively seeking work and the total number of households that require Income Support. As the economy is improving, more people are moving into work and reducing their reliance on benefits. In addition to existing programmes, this year the Department is also developing a new initiative to provide additional targeted support to Income Support households to help them move towards financial independence.

**2.6 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING**

## **IMPLEMENTATION OF THE REPORT ENTITLED ‘REDISCOVERING FORT REGENT – A VISION FOR THE FUTURE’: [1(344)]**

### **Question**

What progress, if any, has been made with implementing the report entitled ‘Rediscovering Fort Regent – A Vision for the Future’, published on 12th September 2014?

In particular, are there still plans to build two lifts from Snow Hill and, if so, when will this take place and what is the estimated cost?

### **Answer**

The regeneration of Fort Regent is a political priority and a new Steering Group has been formed under the chairmanship of Connétable Steve Pallett, Assistant Minister with responsibility for Sport.

‘Rediscovering Fort Regent’ as the title suggests was a visioning exercise that would have placed significant reliance upon substantial amounts of public funding, to make it deliverable.

A phased approach to delivering the proposals was included in the draft capital programme considered by the Council of Ministers as part of the funding for this Medium Term Financial Planning cycle, but was not prioritised.

The Steering Group is making excellent progress following a different route towards securing the future of the Fort that involves undertaking an ‘Expression of Interest’ exercise to assess interest amongst potential Private Investors, who may then be invited to prepare proposals as part of a formal Tender exercise.

Components of the ‘Rediscovering Fort Regent’ vision may re-emerge from potential Investors as part of the proposed Tender exercise.

Access to the Fort as a whole will form an integral part of the Tender exercise, therefore there are no current plans to build lifts from Snow Hill.

## **2.7 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE PROPORTION OF TENANTS OF ANDIUM HOMES’S ‘AFFORDABLE’ RENTAL PROPERTIES WHO ARE IN ‘HOUSING POVERTY’: [1(345)]**

### **Question**

Will the Minister inform members what proportion of tenants of Andium's ‘affordable’ rental properties are in ‘housing poverty’ (that is, paying over 30 per cent of total household income for housing, whether through Income Support or other sources)?

### **Answer**

The Housing Affordability Report for 2015 provides a breakdown of the number of households in Jersey, which are in the lower 40% of the household equivalised income distribution, who are paying more than 30 per cent of their gross income on rental payments, i.e. are classified as being in rental stress. The report shows that 45 per cent of social rented tenants (Andium Homes and the housing trusts) were classified as living in rental stress in 2015.

However, this figure does not indicate that these households are living in poverty. Many households will receive Income Support and the housing component of the benefit provides financial assistance towards the reasonable costs of renting a social housing property. Income

Support will recognise the full rent charged for a social housing property, providing that the household is occupying a property appropriate to its need.

In these circumstances, the proportion of household income that goes towards the rent is not an indicator of poverty because the disposable income of the household is independent of the cost of rent.

Moreover, Andium Homes' refurbishment programme means that all tenants will benefit from improved insulation and energy efficiency on their properties, which decreases the amount of disposable income they will spend on energy costs.

## **2.8 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE IMPACT OF THE POLICY OF BELOW INFLATION PUBLIC SECTOR PAY AWARDS: [1(346)]**

### **Question**

What research, if any, has the Chief Minister undertaken to assess the impact of the policy of below inflation public sector pay awards on attempts to grow the economy?

Will he advise whether this policy has resulted in effectively a 16 per cent reduction in public sector pay over the last decade and whether this amounts to a loss of some £50 million annually from circulating in the local economy and, if that is not the case, will he advise what figures he does have for the impact of such wage restraint?

### **Answer**

The movement in public sector pay awards over a 10 year period ending 2016 (including the 2015/2016 pay award) varies between 18.9% to 24.2% dependant on the public sector pay group. In comparison, the relative movement in the appropriate Jersey Retail Prices Index figure is 28.1%.

The Fiscal Policy Panel (FPP) recommends that fiscal measures to stimulate the economy should be judged against the three Ts – i.e. that they are considered timely, targeted and temporary. On this basis, the fiscal stimulus programme was approved by the States Assembly in 2009, as it was considered to be the most effective way to support the economy during the downturn. An alternative approach of using this or other funding for increased pay awards would not have met the three Ts and may have had limited impact in stimulating the economy.

The FPP also advise us that the right economic approach in the medium-term is to continue to focus on balancing the budget when the economy is at capacity. In addition our longer-term strategy for growing the economy is to improve the underlying rate of productivity growth. The current Medium Term Financial Plan tries to achieve this through continued support for skills, enterprise, innovation and competition and providing additional investment in infrastructure, education and health. Additional funding was also allocated for other policies to support productivity through the creation of the Economic and Productivity Growth Drawdown Provision (EPGDP). This approach is intended to grow our economy and ensure that we continue to have healthy public finances and high quality public services.

## **2.9 SENATOR S.C. FERGUSON OF THE CHIEF MINISTER REGARDING PROCEDURES IN PLACE FOR RESPONDING TO FREEDOM OF INFORMATION REQUESTS: [1(347)]**

### **Question**

Will the Chief Minister advise –

- (a) what procedures are used for replying to Freedom of Information requests, particularly in relation to the reviews of answers undertaken by senior staff and to any controls in place regarding access by staff to requests;
- (b) what definitions are used to identify which details, if any, should be redacted from an answer; and
- (c) by whom, if anyone, any such redactions are reviewed?

**Answer**

- (a) Each department has its own procedure for dealing with requests but the basic procedure is that:
  - i. request is received centrally and checked that it is valid and complete
  - ii. sent to relevant department for information to be collated and response drafted
  - iii. signed off by department. Responses can only be signed off by an assigned senior staff member
  - iv. response is sent to Central FoI Unit (CFU) where it is reviewed and checked for appropriate application of exemptions (if used)

A Freedom of Information – Guidance for Departments document is available to all staff on the MyStates intranet and all departmental procedures comply with this.

The Freedom of Information contact in each department will, necessarily have to ask colleagues who have responsibility for information relevant to a request to provide it, however, the details of the request, including the identity of the requester are not disclosed beyond the restrictions of departmental data sharing agreements.

The guidance for departments is explicit: ‘A cornerstone of the FOI law is that each request and applicant is treated equally and departments should be treating the request as applicant, and motive blind. Only by doing this can we ensure that there is no bias or special treatment of a request.

‘The CFU will only release the name of the requester when asked. However, this information is to be used in accordance with the fair processing statement.’

- (b & c) Redactions are made using the appropriate exemptions. These redactions are then checked by at least one other member of staff to ensure that they have been correctly applied and are then seen by the senior member of staff authorising the response. A final check is then done by the Central Freedom of Information Unit.

Any requester who feels that an exemption has been incorrectly applied can seek an internal review and, if they remain unsatisfied, seek an independent appeal from the Office of the Information Commissioner.

**2.10 SENATOR S.C. FERGUSON OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE EXTERNAL REVIEW OF THE PERSONAL INCOME TAX FORECASTING MODEL: [1(348)]**

**Question**

Given that, in ‘Revised Forecast of States Income for March 2017’ (R.66/2017), it is stated that *“IFG have also given consideration to the proposals from the external review of the personal*

*income tax forecasting model*” and the references to the adoption of “*outcomes from the external review of the forecasting model, which propose adjustments to employment income and pension income assumptions*”, will the Minister advise –

- (a) what the details are of the changes made to the forecast, if any, due exclusively to the “*external review*”;
- (b) what the split is between corporate and income tax in the forecast;
- (c) when the report arising from the review was received by his Department;
- (d) what the cost of the review was; and
- (e) whether this is the total work undertaken on the forecasting model?

### **Answer**

Most of the answers to the Senator’s questions can be found in R.66/2017 (re-issue) presented to the States on 9th June 2017 by the Minister for Treasury and Resources:

- The details to the changes to the forecast and the split between corporate and personal tax are covered on page 24 figure 8 (and there is more detail on page 44).
- The two Oxera reports are included in Appendix E and F and were finalised on 25 April 2017.
- The cost of the review was £26,000.
- The two reports from Oxera cover the total work undertaken to date. However, as explained on page 45 of R.66/2017 the Economics Unit and Oxera consider that it could be worthwhile exploring a more ‘bottom-up’ approach to forecasting using more detailed information now available from Taxes Office. The Economics Unit will therefore scope out a second stage to the Model Review and agree terms of reference and timescales with the IFG.

## **2.11 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING HIS ROLE IN THE DECISION TO WITHDRAW ‘FUTURE HOSPITAL FUNDING STRATEGY’ (P.130/2016): [1(349)]**

### **Question**

Further to his answers to written question 1(313) and oral question 1(328) on 6th June 2017, will the Chief Minister clarify his role in the decision of the Minister for Treasury and Resources to withdraw ‘Future Hospital Funding Strategy’ (P.130/2016) and, in particular, will he advise whether or not he was advised by the Minister that the Minister wished to carry on with the debate and the funding proposal as it stood; and whether or not he informed the Minister that he would not support the proposition if it were not withdrawn?

### **Answer**

The Treasury and Resources Minister has formal responsibility for funding the hospital project, but he acts with Ministers, in particular with the Chief Minister.

In the lead up to the withdrawal of ‘Future Hospital Funding Strategy’ (P.130/2016), the Chief Minister was invited to a meeting called by the Treasury Minister on Monday 22nd May, 2017, to discuss the funding strategy and forthcoming debate, where the Treasury and Resources Minister opened the discussion by stating that he wished to carry on with the debate, while recognising that further discussions with Ministers was appropriate.



In discussing this, the Treasury and Resources Minister, the Chief Minister and other Ministers, noted that a new approach to borrowing the hospital had been presented the previous Friday 19th May.

The findings of the Chartered Institute of Public Finance and Accountancy, as commissioned by the Corporate Services Scrutiny Panel, was also discussed. This report recognised the merits of combining borrowing with some reserves, but suggested that we should wait until the project costs and risks become clearer before deciding on the final funding blend.

In considering all this, some Ministers felt a delay to the debate would be beneficial because bringing the funding strategy together with updated budget and outline business case as a package would deliver a better outcome; and others wished to proceed with the debate. This is the nature of decision-making, where Ministers frankly and freely discuss what the best course is.

During this, the Chief Minister was not in a position where he would not support the proposition if it continued, but did believe, for the above reasons, that withdrawal was the best course.

The Treasury and Resources Minister agreed to withdraw the proposition, understanding the positions outlined.

**2.12 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING MEETINGS HE HAS HELD IN RELATION TO THE BRITISH DECISION TO LEAVE THE EUROPEAN UNION: [1(350)]**

**Question**

Will the Minister list all the meetings that he has personally had with officials and / or politicians representing Her Majesty's U.K. Government or the European Union (including with representatives of individual countries and / or officials of the European Commission) relating to the British decision to leave the European Union and Jersey's relationship and standing with these bodies, with the list to include the names and positions of those at the meetings, the dates of such meetings and their purpose?

Furthermore, will the Minister agree to publish such information on a regular basis going forward until Brexit is achieved; and, if not, will he explain why not?

**Answer**

Meetings at which Brexit has been discussed have almost always covered other issues as well as Brexit. These include:

- Bilateral relations with the country concerned, including the communities from that country resident in Jersey
- Explaining Jersey's constitutional position, our role as a source of investment, and our track record on tax co-operation, anti-money laundering and countering terrorist financing.

The comment column below includes any additional specific purpose of the meeting not covered by the above.

I am currently investigating the steps necessary to publish my engagement diary, in advance, on a periodic basis. This could be available on the Government of Jersey website. The published diary would include scheduled engagements but would not include details of personal meetings, internal

departmental meetings, non-Ministerial business, or those engagements that are confidential or sensitive in nature.

**Meetings attended by the Minister for External Relations at which the British decision to leave the European Union was amongst the topics discussed are listed below:**

| <b>Date of meeting</b> | <b>Location</b> | <b>Principals</b>  | <b>Comments</b>  |
|------------------------|-----------------|--|--|
| 2016                   |                 |  |  |
| 12/01/16               | London          | HE Päivi Luostarinen, Ambassador of Finland                                      | <ul style="list-style-type: none"> <li>• EU Presidency second half of 2019</li> </ul>                        |
| 12/01/16               | London          | Mr Cosmin Onisii, Acting Ambassador (Romanian Deputy Head of Mission)            | <ul style="list-style-type: none"> <li>• EU Presidency first half of 2019</li> </ul>                         |
| 09/02/16               | London          | HE L'ubomír Rehák, Ambassador of Slovak Republic                                 | <ul style="list-style-type: none"> <li>• EU Presidency second half of 2016</li> </ul>                        |
| 09/02/16               | London          | HE Mr Joao de Vallera, Ambassador of Portugal                                    | <ul style="list-style-type: none"> <li>• Removal of Jersey from Portugal's national tax blacklist</li> </ul> |
| 09/02/16               | London          | HE Dr Ivan Grdešić, Ambassador of Croatia  |  |
| 19/02/16               | London          | HE Asta Skaisgirytė Liavškienė, Ambassador of Lithuania                          |  |
| 06/04/16               | Brussels        | Emma Gibbons, UK Representative, Political Counsellor and Deputy Head of Mission |  |

| <b>Date of meeting</b> | <b>Location</b> | <b>Principals</b>   | <b>Comments</b>  |
|------------------------|-----------------|---|--|
| 06/04/16               | Brussels        | Ian Campbell, Head of Scottish Government EU Office   |  |
| 06/04/16               | Brussels        | Vicky Ford, Conservative MEP, Chair of EP Internal Market Committee (IMCO)                                    |  |
| 06/04/16               | Brussels        | Kate Sanderson, Head of Faroes Mission  |  |
| 06/04/16               | Brussels        | HE Sophie Thevenoux, Ambassador of Monaco to the EU   |  |
| 06/04/16               | Brussels        | HE Maria Ubach Font, Ambassador of Andorra to the EU  |  |
| 07/04/16               | London          | HE Norman Hamilton, High Commissioner of Malta  | <ul style="list-style-type: none"> <li>• EU Presidency first half of 2017</li> </ul> |
| 07/04/16               | London          | HE Guy Trouveroy, Ambassador of Belgium   |  |
| 13/04/16               | London          | <p>David Lidington MP, Europe Minister, UK Government</p> <p>Jonathan Le Tocq, Chief Minister of Guernsey</p> | <ul style="list-style-type: none"> <li>• Timetable of EU referendum</li> </ul>       |

| <b>Date of meeting</b> | <b>Location</b> | <b>Principals</b>   | <b>Comments</b>   |
|------------------------|-----------------|---|---|
|                        |                 | Alan Bell, Chief Minister of Isle of Man  |   |
| 16/06/16 - 17/06/16    | Glasgow         | BIC Summit (United Kingdom, Republic of Ireland, Northern Ireland, Wales, Scotland and Crown Dependencies, Ministers and officials) |   |
| 11/07/16               | London          | London Office Summer Reception (range of UK Ministers and EU Ambassadors)   |   |
| 14/07/16               | London          | Fete Nationale Reception – French Ambassador and most other EU Ambassadors  |   |
| 15/07/16               | London          | Latvian Ambassador Farewell Reception – Latvian Ambassador and a range of other EU Ambassadors                                      |   |
| 20/07/16               | London          | HE Dr Martin Eichtinger, Ambassador of Austria  | <ul style="list-style-type: none"> <li>• EU Presidency second half of 2018</li> </ul> |
| 16/09/16               | Jersey          | Préfet de la Manche, Jacques Witkowski<br><br>President Hervé Morin (Regional Council of Normandy)                                  | <ul style="list-style-type: none"> <li>• Annual summit with Normandy</li> </ul>       |

| <b>Date of meeting</b> | <b>Location</b> | <b>Principals</b>  | <b>Comments</b>   |
|------------------------|-----------------|--|---|
|                        |                 | President Philippe Bas<br>(Departmental Council of Manche)   |   |
| 22/09/16               | London          | HE Manuel Lobo Antunes,<br>Ambassador of Portugal  |   |
| 22/09/16               | London          | Tania Freiin von Uslar-Gleichen,<br>Deputy Head of Mission, German<br>Embassy                          |   |
| 22/09/16               | London          | Malta National Day reception (the<br>Maltese High Commissioner and a<br>range of other EU Ambassadors) | <ul style="list-style-type: none"> <li>• EU Presidency first half of 2017</li> </ul>  |
| 29/09/16               | Jersey          | Inbound visit of the Swiss<br>Ambassador, HE Dr Dominick<br>Furgler                                    |   |
| 06/10/16               | London          | German National Day reception<br>(German Ambassador and a range<br>of other EU Ambassadors)            |   |
| 10/10/16               | Jersey          | Sir Oliver Heald MP, Minister of<br>State, Ministry of Justice   |   |
| 17/10/16               | Jersey          | Préfet Maritime de la Manche et de<br>la Mer du Nord, Admiral Pascal<br>Ausseur                        | <ul style="list-style-type: none"> <li>• Engage with Jersey authorities and Jersey rescue departments on maritime issues, sea rescue, counter-terrorism awareness, and migrant issues.</li> </ul> |
| 17/11/16               | Jersey          | Inbound visit of Estonian<br>Ambassador, HE Lauri Bambus   | <ul style="list-style-type: none"> <li>• Reaffirm digital relationship</li> <li>• EU Presidency second half of 2017</li> </ul>  |

| Date of meeting     | Location | Principals  | Comments |
|---------------------|----------|---|----------|
| 24/11/16 – 25/11/16 | Cardiff  | British Irish Council Summit  |          |
| 07/12/16            | London   | <p>Mr Christoph Weidinger, Deputy Head of Mission, Austrian Embassy</p> <p>Mr Jan Bayart, Deputy Head of Mission, Belgian Embassy</p> <p>Mr Costas Dafos, Commercial Attaché, High Commission of Cyprus</p> <p>H.E. Mr Claus Grube, Ambassador of Denmark</p> <p>HE Mr Lauri Bambus, Ambassador of Estonia</p> <p>H.E. Mme Sylvie Bermann, Ambassador of France</p> <p>Minister Tania von Uslar-Gleichen, Deputy Head of Mission, Embassy of Germany</p> <p>Mr Antonios Katepodis, Head of Economic &amp; Commercial Section, Embassy of Greece</p> <p>Colonel Claudio Petrozziello, Guardia de Finanza, Embassy of Italy</p> <p>HE Ambassador Asta Skaisgirytė</p> |          |

| Date of meeting | Location | Principals  | Comments  |
|-----------------|----------|---|---|
|                 |          | <p>Liauškienė, Ambassador of Lithuania</p> <p>Mr Dariusz Łaska, Deputy Head of Mission, Embassy of Poland</p> <p>HE Manuel Lobo Antunes, Ambassador of Portugal</p> <p>HE Mr Dan Mihalache, Ambassador of Romania</p> <p>H.E Mr L'ubomír Rehák, Ambassador of Slovakia</p> <p>Mrs Metoda Mikuz, Deputy Head of Mission, Embassy of Slovenia</p> |   |
| 2017            |          |   |   |
| 07/02/17        | London   | HE Torbjörn Sohlström, Ambassador of Sweden   |   |
| 07/02/17        | London   | HE Baiba Braze, Ambassador of Latvia  |   |
| 22/02/17        | London   | Estonian National Day reception (Estonian Ambassador and a range of EU Ambassadors)   | <ul style="list-style-type: none"> <li>• EU Presidency second half of 2017</li> </ul> |
| 23/02/17        | London   | HE Professor Arkady Józef Rzegocki, Ambassador of Poland  |   |

| <b>Date of meeting</b> | <b>Location</b> | <b>Principals</b>  | <b>Comments</b>  |
|------------------------|-----------------|--|--|
| 07/03/17               | London          | Lord Price CVO, Minister for Trade and Investment, Department for International Trade, UK Government | <ul style="list-style-type: none"> <li>• Post-Brexit trade / WTO</li> </ul>                          |
| 08/03/17               | Brussels        | Josef Renggli, Deputy Ambassador, Mission of Switzerland to the EU                                   |  |
| 08/03/17               | Brussels        | Mrs Bergdís Ellertsdóttir, Ambassador, Mission of Iceland to the EU                                  |  |
| 08/03/17               | Brussels        | Aude Korfer, Head of Delegation, Délégation permanente de la Bretagne                                |  |
| 08/03/17               | Brussels        | Mrs Cécile Combette Murin, Head of Representation, Représentation de la Région Normandie             |  |
| 08/03/17               | Brussels        | David Taylor, Ambassador of New Zealand to the EU  |  |
| 04/04/17               | London          | HE Daniel Mulhall, Ambassador of Ireland   | <ul style="list-style-type: none"> <li>• Forthcoming official visit to Jersey (June 2017)</li> </ul> |
| 27/04/17               | London          | Austrian Reception (Austrian Ambassador HE Dr Martin Eichtinger, and other EU                        | <ul style="list-style-type: none"> <li>• EU Presidency second half of 2018</li> </ul>                |



| <b>Date of meeting</b> | <b>Location</b> | <b>Principals</b>   | <b>Comments</b>   |
|------------------------|-----------------|---|---|
|                        |                 | Ambassadors present)  |   |
| 08/05/17               | Jersey          | Inbound visit of Austrian Ambassador, HE Dr Martin Eichtinger   | <ul style="list-style-type: none"> <li>• EU Presidency second half of 2018</li> </ul>   |
| 06/06/17               | Brussels        | <p>Sir Julian King, United Kingdom's EU Commissioner</p> <p>Gavin St Pier, Chief Minister of Guernsey</p> | <ul style="list-style-type: none"> <li>• Outline the ways in which the Channel Islands have contributed to the objectives of the EU's Security Union</li> </ul> |
| 06/06/17               | Brussels        | Sir Tim Barrow, Permanent Representative of the United Kingdom to the European Union                      |   |
| 06/06/17               | Brussels        | David McAllister MEP, Chair of the European Parliament's (EP) Committee on Foreign Affairs                |   |
| 06/06/17               | Brussels        | Syed Kamall MEP, the Chair of the European Conservatives and Reformists (ECR) Group in the EP             |   |
| 06/06/17               | Brussels        | Dimiter Tzantchev , Permanent Representative of Bulgaria to EU  | <ul style="list-style-type: none"> <li>• EU Presidency first half of 2018</li> </ul>  |
| 12/06/17               | La Gouesnière   | President Jean-Luc Chenut<br>Departmental Council of Ille et Vilaine                                      | <ul style="list-style-type: none"> <li>• Renew our partnership with Ille et Vilaine</li> </ul>  |

**2.13 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING DATA COLLECTION IN RELATION TO LICENCE APPLICATIONS UNDER CONTROL OF HOUSING AND WORK LEGISLATION: [1(351)]**

**Question**

Further to his answer to written question 1(317) on 6th June 2017, will the Chief Minister undertake to improve data collection in relation to licence applications under Control of Housing and Work legislation to ensure the type of data sought (i.e. the nature of the jobs for which licences are sought) in question 1(317) is collected as a matter of course; and, if not, why not?

#### **Answer**

It is possible to categorise permissions applied for and granted by occupation, albeit at some additional burden on businesses when applying, and staff when recording applications. However, this would not provide information on changes in the composition of the workforce by occupation driven by net migration, which is what written question 1(317) on 6th June 2017 appeared to be asking.

This is because analysing applications by occupation does not tell you other information that would be needed to understand changes in the composition of our workforce, including through migration, for example, when new migrants arrive who are married or in civil partnerships with entitled people and do not need permission to work; or when businesses use existing permissions that have been freed up as existing workers obtain their five years residence; or where newer migrants undertake training within a business to take on a new role and occupation within the business.

As such, the only way to understand changes in the composition of the workforce by occupation, including through migration, outside of the census, is to require all our 7,000 island businesses to report all their nearly 60,000 employees by occupation, or a new business survey for businesses to complete.

In considering either approach, the “Code of Practise for Official Statistics in Jersey” (R.63/2015) is instructive, with one of the eight principles for the production of statistics being “proportionate burden”, which seems a reasonable matter to consider when assessing whether additional information should be collected by government.

Indeed, this issue could be looked at from a different and arguably more practical perspective, which is that it more important to know where the skills gaps are, and what future demand for skills is likely to be, and where we should support migration as a consequence. This work is being done as part of the skills strategy, and in determining whether to grant applications to businesses for newer migrants.

#### **2.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ACTION PRESCRIBED IN CIRCUMSTANCES WHERE A MINISTER OR OFFICIAL BECOMES AWARE OF ALLEGED CRIMINALITY BUT FAILS TO REPORT IT: [1(352)]**

##### **Question**

Will the Chief Minister advise what action is prescribed in circumstances where a Minister or official becomes aware of alleged criminality regarding the States of Jersey and other public officials and does not report it to the police, the Chief Minister and the Chief Executive?

##### **Answer**

There is no general legal obligation for anyone who knows about a crime to report it to the police.

Where there is alleged criminality and a member of the public who is a witness or victim of that alleged criminality wants the conduct to be investigated, that person should report the matter to the police at the earliest opportunity.

The Code of Conduct published by the States of Jersey Human Resources Department positively encourages employees to raise any concerns about fraud, corruption or malpractice associated with States activities. The Code recognises that it might be difficult to report suspicions about a colleague, but states that it is incumbent on all staff to report concerns without delay. The Code provides that no one will be penalised for making an allegation that is subsequently proved to be groundless where the allegation has been made in good faith. Any concerns raised with a designated person are confidential.

The Code of Conduct and Practice for Ministers and Assistant Ministers expects that the highest standards of propriety will be upheld through observance of the seven principles of public life, which include integrity, accountability and honesty.

Ministers are also required to comply at all times with the Code of Conduct for Elected Members that is published as Schedule 3 to the Standing Orders of the States of Jersey. This Code requires all elected members to take decisions solely in the interests of the public and states that holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Ministers and public officials should encourage witnesses and victims to report alleged crimes to the police, which could then help prevent further crimes being committed and protect others from becoming victims. For people who wish to remain anonymous, Jersey Crimestoppers provides an alternative and secure means to provide such information to the police.

## **2.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE LEGISLATIVE BASIS FOR THE ROLES AND DUTIES OF THE LAW OFFICERS: [1(353)]**

### **Question**

Further to his answer to written question 1(311) on 6th June 2017, will H.M. Attorney General advise what other legislation, if any beyond the 1930 and 1965 Laws cited in that answer, relate to the roles and duties of himself and H.M. Solicitor General?

### **Answer**

In his answer to written question 311, to which the Deputy refers, the Attorney General explained the roles and duties of both himself and the Solicitor General with respect to Ministers, Members and the Assembly, the legal basis for those duties and how any conflicts are managed.

The Attorney General and Solicitor General have various statutory functions in addition to those which are non-statutory.

In respect of statutory functions, the Attorney General and the Solicitor General have roles and duties under many statutes. Twenty examples are:

1. Advocates and Solicitors (Jersey) Law 1997;
2. Bankruptcy (Désastre) (Jersey) Law 1990;
3. Charities (Jersey) Law 2014;
4. Civil Asset Recovery (International Co-operation) (Jersey) Law 2007;
5. Companies (Jersey) Law 1991;
6. Connétables (Jersey) Law 2008;
7. Customs and Excise (Jersey) Law 1999;
8. Corruption (Jersey) Law 2006;
9. Education (Jersey) Law 1999;

10. Extradition (Jersey) Law 2004;
11. Financial Services (Jersey) Law 1998;
12. Gambling (Jersey) Law 2012;
13. Misuse of Drugs (Jersey) Law 1978;
14. Postal Services (Jersey) Law 2004;
15. Probate (Jersey) Law 1998;
16. Public Finances (Jersey) Law 2005;
17. Regulation of Investigatory Powers (Jersey) Law 2005;
18. Sex Offenders (Jersey) Law 2010;
19. Terrorist Asset-Freezing (Jersey) Law 2011; and
20. Trusts (Jersey) Law 1984.

As indicated, these are only some examples.

## **2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE CAUSES OF SOCIAL EXCLUSION IN JERSEY: [1(357)]**

### **Question**

What assessment has the Minister made of the principal causes of social exclusion in Jersey and what measures, if any, does she have under consideration to reduce the number of children living in low-income households?

### **Answer**

Social exclusion is a complex phenomenon that has no universally-agreed definition. The UK's Social Exclusion Unit (later to become the Social Exclusion Task Force) commissioned an independent academic study into social exclusion ("The Multi-dimensional Analysis of Social Exclusion<sup>1</sup>") which produced the following working definition:

*Social exclusion is a complex and multi-dimensional process. It involves the lack or denial of resources, rights, goods and services, and the inability to participate in the normal relationships and activities, available to the majority of people in a society, whether in economic, social, cultural or political arenas. It affects both the quality of life of individuals and the equity and cohesion of society as a whole.*

Living in a low-income household should not be automatically assumed to lead to social exclusion. Jersey is a fortunate society, where citizens are not commonly denied resources, rights, or the ability to purchase goods or services. Measures of social exclusion might then be related to an inability to participate in normal relationships or activities available to the majority of people in our society.

I am committed to helping low income families move towards financial independence and the evidence shows that our work here is producing results. The economy is growing and there are more people in work than at any time in Jersey's history. The Department's policies aim to help people increase their incomes to the point that they no longer need support from the benefit system.

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<sup>1</sup>[http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/cabinetoffice/social\\_exclusion\\_task\\_force/assets/research/multidimensional.pdf](http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/cabinetoffice/social_exclusion_task_force/assets/research/multidimensional.pdf)

Changes to Income Support over the last few years have helped parents look for and take up work. There are fewer children living in workless households claiming Income Support than at any time in the last 5 years as shown in the Department’s annual report for 2015 and reproduced below.

| <b>Year</b> | <b>% of Working Age Households with No Earned Income</b> | <b>% of All Children in Working Age Households with No Earned Income</b> |
|-------------|--|--|
| 2011        | 60%  | 39%  |
| 2012        | 58%  | 35%  |
| 2013        | 55%  | 35%  |
| 2014        | 52%  | 32%  |
| 2015        | 49%  | 28%  |

From a Social Security perspective, the best way to help children from a low-income household participate more fully in our society is doing everything we can to ensure that adults in that household are supported to work. Not only does this increase the income available to the household, there is strong evidence that work improves an adult’s self-esteem, health and general wellbeing. As children will be to a large extent dependant on adults to facilitate their social participation, what is good for adults in their household is good for children also. We acknowledge this by investing in specialist Back to Work support for parents to re-enter the workforce, and increasing help with the costs of childcare. I’ve also proposed general increases to the components that make up Income Support, and will further increase the percentage of income that is ignored when calculating entitlement to Income Support – for employment and for maintenance from an ex-partner. This will offer the strongest incentive yet for adults in low-income households to work and help their families towards financial independence.

However, policies that address some of the issues associated with social exclusion are broader than those which directly relate to Income Support. In Jersey, long-term investments in our children have been made possible by joined-up working across multiple departments.

Investing in education will have an early and long-lasting effect in reducing social exclusion by reducing the attainment gap between low-income children and their higher income peers. The Jersey Premium system specifically targets financial resources towards children living in low-income households. The evidence from similar schemes in other jurisdictions shows that this educational premium will have a positive, long-term impact on social inclusion in our Island. In addition to this the Education Department’s support for free nursery education ensures that children from low-income households are able to benefit from this extra social and developmental support before they start formal schooling.

Improving health services also helps to break down the barriers sometimes faced by socially excluded groups. Again, investments in early years and post-natal health were included in the Medium Term Financial Plan. The States is also committed to supporting the 1001 Days project, which supports children in the critical development period from conception to their second birthday.

Refurbishing and renewing the Island’s social housing stock also provides low income families with a better quality physical environment in which to bring up children who are able to participate fully in their local community.

### **3. Oral Questions**

#### **3.1 Deputy R.J. Renouf of St. Ouen of the Minister for Social Security regarding the introduction of legislation to provide greater employment protection for carers: [1(360)]**

Does the Minister support the introduction of legislation to provide greater employment protection for carers, this having been identified as a priority in the recently released *Jersey Carers Strategy*; and, if so, will the Minister state what action she will be taking to bring forward such legislation?

##### **Deputy S.J. Pinel of St. Clement (The Minister for Social Security):**

I am pleased to have this opportunity to clarify that the Employment Law already provides specific employment rights for unpaid carers. Employees have the right to request a change of their working patterns that will enable them to provide unpaid care for another person, whether that be a relative, partner, friend or neighbour. The States approved the relevant change to the Employment Law in 2014 and it came into force in September 2015.

##### **3.1.1 The Deputy of St. Ouen:**

However, it is felt by the carers at their Carer Strategy day that the law was not working given that this was identified as a need by the carers. Therefore, will the Minister undertake to consult with representatives of unpaid carers to establish why they feel that the law change has not worked and established how their needs can be better supported?

##### **Deputy S.J. Pinel:**

Talks are already underway between J.A.C.I., the Jersey Association of Carers Incorporated, and J.A.C.S., the Jersey Advisory and Conciliation Services. They are already underway and what the Deputy is asking is already happening.

##### **The Bailiff:**

No other questions, Deputy?

##### **The Deputy of St. Ouen:**

No more questions.

#### **3.2 Deputy S.Y. Mézec of St. Helier of the Chief Minister regarding the prospect of a Royal Commission to examine electoral reform: [1(363)]**

Following the Assembly's recent rejection of proposals for electoral reform, and in light of previous suggestions that the subject be put to a Royal Commission in the absence of the Assembly being capable of finding a solution, does the Chief Minister intend to propose the establishment of such a Commission?

##### **Senator I.J. Gorst (The Chief Minister):**

Recent history would seem to demonstrate that whatever external work is commissioned or undertaken responsibility for achieving electoral reform rests with this Assembly. Even with a Royal Commission, as with previous reports from Clothier or the Electoral Commission, change can only take place when supported by the necessary majority of Members of this Assembly.

[9:45]

I remain hopeful that Members might return to this challenge after the next election and arrive at a proposal for positive change, which a majority can support.

##### **3.2.1 Deputy S.Y. Mézec:**

What will the Chief Minister himself be doing to ensure that this genuinely becomes a prospect after the next election seeing as this is an issue that has gone on now for 20 years and we constantly say: “Well, Members will have to deal with it or we can do it after the next election or after the next one” and simply nothing has happened. What will he personally be doing to make sure that that does not happen this time?

**Senator I.J. Gorst:**

The Deputy knows that my officers worked with P.P.C. (Privileges and Procedures Committee) and the Greffe officers to try to arrive at consensus among Members. P.P.C. were never allowed to bring that proposition forward because a Back-Bencher brought a proposition forward based roughly on the previous referendum. Members of this Assembly agreed something slightly differently in principle, regulations were brought forward. Some Members agreed the principle of that but in Second Reading then they had second thoughts. If I return to this Assembly, I have been party to agreeing that electoral observers will come to Jersey. I have given confirmation and approval to P.P.C. to do that. I think that that report, although it has fallen on deaf ears in this Assembly, that report will say something not very positive about our electoral system, and I think that that independent observation of how we currently work will be the catalyst to change.

**3.2.2 Deputy A.D. Lewis of St. Helier:**

My understanding was that electoral reform was a strategic objective of Senator Gorst’s Government. Is he going to continue to ensure that it remains a strategic objective to ensure that we have the best democracy we can possibly have by pushing forward ideas and enthusiasm from the Council of Ministers? There seems to be a lack of leadership in the Council of Ministers on change. What can he do to ensure it is a key strategic objective and does he not agree that it should be?

**Senator I.J. Gorst:**

I think some Members of the Council of Ministers probably gave the most passionate speeches at the last States Assembly. Sadly they did not find favour with every Member. I will continue to drive for change because as difficult as it is, and I understand respecting traditions and history is important, but I fundamentally believe that our institutions remain relevant by careful reforming of them. I think that all the options on the table at the last States sittings were worthy of support because they would have delivered some incremental change. So Ministers are going to continue working in that direction. We are now up against the time from what would be an acceptable time lag between change and an election, according to the Venice Commission, therefore I do not see that we will see any change this side of the next election. But, as I say, I am confident that those independent observers will say things that mean that every single States Member elected after the next election will have no choice but to address the difficult issue of appropriate democratic processes and an appropriately democratic electoral system.

**3.2.3 Deputy M. Tadier of St. Brelade:**

In a similar vein: does the Chief Minister agree that it is important, in fact vital, that any Chief Minister show proper leadership when it comes to electoral reform packages being put forward. Does he believe that he has shown proper leadership in terms of the electoral reform that he wanted to see in this Assembly?

**Senator I.J. Gorst:**

The Deputy knows, because I think from his time on P.P.C., he can criticise me - and we are going to have a day of criticising me, which I am looking forward to - he can criticise me for the implementation of laws which may not have changed, which are the responsibility of others. I very

clearly put at the disposal of P.P.C. officers from my department to drive forward that consensus. That consensus, as he knows, never saw the light of day because of a proposal from a Back-Bencher, and I am not criticising that Back-Bencher because they took forward the reform, which was broadly what the referendum had suggested. Other than him bringing forward a proposition, which changes the responsibility for electoral reform from P.P.C. to the Chief Minister's Department or to some other ministerial department, that is where the responsibility lies. They have worked incredibly hard to try and deliver consensus but their own committee finally could not agree on bringing that forward.

#### **3.2.4 Deputy M. Tadier:**

Supplementary, if I may? The Chief Minister does not need to have a direct portfolio of what business is coming to the Assembly to have an opinion on it. Indeed, in many occasions, the Chief Minister does give his opinion and try to influence, quite rightly in many cases, what direction the States and other Members should be going in. Why was he completely absent when it came to electoral reform? We know he was an option B supporter at one point, did that support fade?

#### **Senator I.J. Gorst:**

The Deputy knows from looking at my electoral record that I supported option B, that I supported the implementation of the result of the referendum. Other Members in this Assembly did not. At the last States sitting I supported when I was in the Assembly the amendment to the legislation of Deputy Andrew Lewis. Other Members did not. It became apparent to me that when other Members were not supporting those amendments that it was not going to be successful and so it was proved. I am absolutely clear - absolutely clear - but it falls on deaf ears, as the Deputy knows, we must reform our electoral system. We will be found wanting.

#### **3.2.5 Connétable J. Gallichan of St. Mary:**

While we may have missed the opportunity to reform the electoral system before the next elections I have made my views known that I believe machinery of government must be reformed either before or in conjunction with electoral reform. Does the Chief Minister share that view and if so, what is he doing about it?

#### **Senator I.J. Gorst:**

I am not sure it is connected, but I wholeheartedly agree with the Constable of St. Mary, and that is why I have currently ... I think they are currently - I signed a Ministerial Decision for law drafting instructions to go to the law drafting officers to bring forward changes to the machinery of government. For me there is a fundamentally critical issue that this Assembly needs to grasp with, and I know that it is difficult. I know that there are strongly held views on both sides of the argument and that is the Troy Rule. The Troy Rule means that Members of this Assembly are not being involved rightly in the decisions of Government. It has to be reformed, and with that reform therefore requires reform of or changes to Scrutiny as well. I know not all Members accept that, but after the number of times that we have had ... or the length of time that we have had ministerial government now is the time for change. We have to move forward taking what is best from this system, looking to see what was best from the old system, and that was inclusivity, and deliver that change.

#### **3.2.6 Connétable A.S. Crowcroft of St. Helier:**

Would the Chief Minister not agree with me that voter equity is far more fundamental than machinery of government reform? Is it not an indictment of our Government that in 3 and a half years we have effectively condoned a system which anywhere else would be called gerrymandering, where people have more political power depending on where they live? In the last



sitting we had a vote that affected St. Helier intimately, which was a tied vote, and St. Helier representatives, St. Helier electors, had less say in the outcome of that debate than residents, for example, of St. Mary and St. John.

**The Bailiff:**

Was there a question there?

**The Connétable of St. Helier:**

I did ask whether the Minister agreed that it was an indictment of our system.

**The Bailiff:**

Did you agree with that speech, Chief Minister?

**Senator I.J. Gorst:**

I understand exactly what the Constable is saying. At the heart of our system is an unfairness about what each individual vote represents when it comes to this Assembly. That has to change if we wish to retain or regain any credibility. I know that both of these areas are incredibly difficult because we come at them for different reasons. For some of us culture and history is fundamentally important. For others of us developing a modern democratic system, which can stand up to review of independent bodies and show that people's vote, once they get here, means the same, is more important.

**3.2.7 Deputy A.D. Lewis:**

The Chief Minister suggested that the Council of Ministers had been supportive of these changes. I am sorry, but the senatorial benches simply were not. Turkeys and Christmas comes to mind. I would like to know if the Chief Minister would support the motion that if a referendum was to be held again that it should be accepted and it was wrong, fundamentally wrong, that it was not accepted by this Assembly last time; does he agree?

**Senator I.J. Gorst:**

Yes, it was fundamentally wrong. But Member after Member stood up after the result of that referendum and gave reasons, in their view, why they were not going to support it. Those Members, at the last election, were returned to this Assembly and they have maintained their view that for some of them no change is necessary and for others any change other than the change on the table is the one that they want.

**3.2.8 Deputy S.Y. Mézec:**

The Chief Minister spoke about his regret that the consensus approach between P.P.C. and the Council of Ministers on electoral reform did not end up amounting to a successful proposition. If he is so keen on that consensus approach would he agree not to pursue his plans to abolish the Troy Rule and allow Assistant Ministers to serve on Scrutiny given the widespread opposition there is to that idea from Scrutiny and from P.P.C.?

**Senator I.J. Gorst:**

Members cannot have it both ways. Either we think the current system is working well and serving the public well or we do not, and if we do not, and many Members who have come ... that I have spoken with over recent days do not think the current system is working well, we are going to hear later today all the issues arising out of the current system and how it works, then we are going to have to change. We cannot have it both ways. Either inclusivity around the Government of this Island is important and if it is it needs to change. If it is not then that is for each Member to make

up their mind. I am absolutely clear, for my part, change needs to happen and what we miss now is a government of all the talents and a government that includes people who have got a valuable contribution to make and they are being excluded.

### **3.3 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding base-jumping from tall buildings in Jersey: [1(354)]**

What action, if any, is the Minister taking to dissuade people from base-jumping from tall buildings in Jersey?

#### **Deputy K.L. Moore of St. Peter (The Minister for Home Affairs):**

I am aware of one incidence of an individual base jumping from the roof of La Collette flats in May of this year. In response, the States of the Jersey Police issued a joint press release with the Jersey Fire and Rescue Service in order to highlight the dangers of such an activity and to help promote public safety. In addition, the Prison Me! No Way! programme have subsequently included the topic of base jumping from tall buildings in lessons that they deliver to young people in school in years 10 to 12, in order to highlight the dangers and risks involved for individuals and bystanders. With regard to the specific incident that is being referred to, I believe that the police have given consideration to the circumstances in the video and that no offences have been identified.

#### **3.3.1 Deputy K.C. Lewis:**

I thank the Minister for her reply but considering the dangers involved there is such a short space of time between the person jumping and the parachute opening that the parachute is deployed from the parachute bag, thrown to one side, as the person jumps.

[10:00]

So if the parachute does not open within a matter of seconds there will be a fatality and a reserve chute is completely out of the question. I thank the Minister for her reply but will she also be consulting Andium Homes, et cetera, to make sure that the rooftops of such buildings are firmly secured?

#### **The Deputy of St. Peter:**

I agree with the Deputy that it was indeed a very risky performance because it seemed to be such, and the person was putting themselves at considerable personal risk. The police have been in discussions with Andium Homes and the locks have been changed on all entrance points to the roofs of our high rise buildings.

### **3.4 The Connétable of St. Helier of the Minister for Housing regarding the fire prevention and other safety measures and procedures in place in social housing, especially in high-rise buildings: [1(369)]**

Is the Minister satisfied that fire prevention and other safety measures and procedures are maintained at the highest levels possible in social housing, especially in high-rise buildings?

#### **Deputy A.E. Pryke of Trinity (The Minister for Housing):**

Firstly, if I may, may I extend our sincere sympathy and heartfelt thoughts to all the families and friends involved in the horrific tragedy at Grenfell Towers in London last week? I would also like to pay tribute to all the emergency services and voluntary groups and especially their response. Immediately following these tragic events last week, I checked that officers from Andium Homes

and Jersey Fire and Rescue visited all 11 of the high rise buildings to provide reassurance and reiterating advice about what to do in the event of a fire. Subsequently, I sought assurance from all of the social housing providers that they have adopted and maintained the necessary fire prevention and safety measures within their properties as required under the building bylaws. I have received that reassurance from all the providers. Safety of all tenants is paramount and we need to reassure tenants that they are safe. It is too early to say what caused the fire in London but a criminal investigation and public inquiry in the U.K. (United Kingdom) will seek to understand this. In advance of these U.K. investigations a cross-departmental working group has been set up and met between officers from the Strategic Housing Units, Andium, the Fire Service and Building Control. They met yesterday and they will continue to meet to monitor the situation as it unfolds in order to ensure that fire prevention and other safety measures and procedures are maintained at the highest levels possibility in all social housing.

#### **3.4.1 The Connétable of St. Helier:**

I thank the Minister for her answer and her expression of sympathy. Could the Minister confirm that as part of their very successful refurbishment programme of our social housing Andium are meeting the best standards specifically around cladding, which we know was a problem in the Grenfell Tower, and the provision of sprinklers? Is she confident that our building regulations are adequate and will provide that high level of protection that we expect?

#### **The Deputy of Trinity:**

Yes, I am. I know that Andium Homes looked back to see what the cladding is and can reassure that none of the insulation has been used that was used at Grenfell Tower. All the plans have been passed through the building bylaws, as you would expect, and the building bylaws, as I understand, meet U.K. safety standards, and they will continue to monitor it. If any recommendations do come out, Andium have said that they will implement those recommendations.

#### **3.4.2 Deputy L.M.C. Doublet of St. Saviour:**

I recall questioning the Minister several months ago about fire alarms and I believe she disclosed that there was no legal requirement for landlords to install fire alarms in their properties. Can I ask the Minister whether she has looked into this in recent months, whether this has changed? If it has not changed does she still believe that our fire laws and fire regulations are sufficient to protect the public?

#### **The Deputy of Trinity:**

Within all the social housing, especially with Andium, which as I said has got the most high-rise flats, there are smoke alarms in each flat, which are wire maintained and by battery too. They are checked regularly, and under the tenancy agreement tenants are also provided to make sure that they check their smoke alarm regularly too. When the fire officers, who did an amazing job with the Andium staff going round early that morning, they saw every ... well, the ones that were in, they saw all the tenants and also tested the fire alarms there at the same time.

#### **3.4.3 Deputy L.M.C. Doublet:**

Does the Minister not agree that those in private rental accommodation are also entitled to the assurance that there will be a fire alarm installed in their properties and that this should be put into the law?

#### **The Deputy of Trinity:**

Yes, that is worth considering whether that falls under minimum standards in the Dwelling Law, which sits in the Environment Department, but that is something I can take away and follow

through. As I said, that officer group is meeting and it will continue to meet, so that is one of the things that they can look at.

#### **3.4.4 Deputy G.P. Southern of St. Helier:**

Can the Minister guarantee to Members that any cladding used on Andium buildings and in the private sector has been inspected not just to see if it meets current building standards but to show that it is constructed of non-flammable materials?

#### **The Deputy of Trinity:**

Yes, as I said, Andium checked, as all the other social housing providers; obviously very concerned because safety of all their tenants, as I said, is paramount and is vital and they went to check back, and they have checked back with the manufacturers that they all meet the highest fire safety standards.

#### **3.4.5 Deputy G.P. Southern:**

What consideration has she and Andium Homes given to recommendations about sprinklers being fitted in high rise accommodation in the U.K.?

#### **The Deputy of Trinity:**

As I understand it, the new bylaws, every high rise flat above 18 metres have to have a sprinkler system in place and I am pleased the Westmount Flats obviously meet that standard. There is not a law with high rise in the old or refurbished flats, but that is something that the officer group will look. I can say there are arguments for and against retrofitting sprinklers because each flat is included as a single unit of accommodation, so that is why it was not done at the time. But if the recommendations do show that retrofitting sprinklers in high rise is one of the recommendations then I am sure that the social housing providers, especially Andium, will put them in place.

#### **Deputy G.P. Southern:**

Can the Minister ...

#### **The Bailiff:**

Thank you, Deputy, you have already had 2.

#### **3.4.6 Deputy J.A. Hilton of St. Helier:**

Both the Minister for the Environment and the Minister for Housing have confirmed that they will take on board any recommendations that come out of the inquiry that will take place in the U.K. around this dreadful tragedy. That could be several years though before those recommendations come forward. Would the Minister consider taking this away and conducting a similar type of exercise so that we can be sure that those individuals who live in high rise tower blocks have got the highest standard of safety?

#### **The Deputy of Trinity:**

That is a very important question and that is what Andium and the social housing providers went back to all the manufacturers just to check that what they have put up around their flats met highest fire safety and I am pleased to confirm that they do. This internal group will continue to meet and monitor it accordingly. If they feel it is necessary to do a review ... they are reviewing all the time. They are making sure they put up more information about what to do in a fire, making sure again about the smoke alarms, how to use them properly and testing them, making sure that there is nothing on lift wells, in corridors, so they are constantly checking. But if it works out the next

couple of weeks we can have a look at ... I am very happy for that officer group to look back and review and making sure that we are as safe as we can possibly be.

#### **3.4.7 Deputy J.A. Hilton:**

It is a known fact that some individuals disconnect their smoke alarms because they go off every time they start cooking, so my concern is that if that is happening in high rise blocks that surely the best way to counteract this is by having a fire alarm system actually in a block of flats, does the Minister not agree?

#### **The Deputy of Trinity:**

As I understand it the smoke alarms are not only battery operated too but they also are mains ring-wired. So even if they take out the battery I expect the smoke alarm still to work. The risk is ... because all gas appliances and those have been removed from all the high rise flats and residents are also forbidden to use any gas appliances in any of their flats. Andium do monitor that.

#### **The Bailiff:**

Can I say to Members: I have got 3 Members wanting to ask questions? We have spent 10 minutes on this issue already and there are 17 questions but I cannot, if we are going to get through all the questions, allow these questions to go on indefinitely. There will be no more supplementary questions in relation to these questions and we are going to have Deputy Wickenden, Deputy Tadier, Senator Ferguson and a final supplementary and then we are moving on.

#### **3.4.8 Deputy S.M. Wickenden of St. Helier:**

Would the Minister please let us know how often the fire checks are done? Is there a rota and who sees the reports on the back of them please?

#### **The Deputy of Trinity:**

I understand that the fire checks are done by the Fire Service annually. I will check on that. The last Fire Service check with all the Andium flats was in quarter 3 2016. I presume that the fire survey inspection goes to Andium but I am sure that is something that the review group will look back at, as they are reviewing and monitoring, all those fire reports are part of that review group too.

#### **3.4.9 Deputy M. Tadier:**

When will the Minister be in a position to make a decision about retrofitting of sprinklers over here and when would she bring that report back to the Assembly?

#### **The Deputy of Trinity:**

It is not me that makes that decision. It is based on advice and it has got to be based on good evidence from the building bylaws. That will come, if necessary, but we have to wait to hear ... because there is evidence, I understand, both for and against retrofitting. But I would also like to say that Andium and the Fire Service have been very proactive in putting out information. On Andium's website there is a whole list of questions and answers to try and reassure as many tenants and their families as possible.

#### **3.4.10 Senator S.C. Ferguson:**

Preliminary reports appear to indicate that the cladding was incorrect. Will the Minister publish the results of the flammability tests on the existing cladding and ensure that future cladding is also subject to flammability tests?

#### **The Deputy of Trinity:**

As I said, building bylaws check, it is independently reviewed. It is reviewed by the officers from Building Control. As I said, it is independently reviewed that all materials meet the highest safety. Safety is paramount and Andium and the other social housing providers take that extremely seriously. As for publishing, that is something that I have to ask Andium and the other social housing providers.

[10:15]

#### **3.4.11 The Connétable of St. Helier:**

I am grateful to Deputy Doublet for spreading the concern to the private rental sector and I hope that everything the Minister said there about social housing and Andium will also be applied to the private sector landlords. Is the Minister aware, finally, that no one in the U.K. has ever died as a result of a fire in a building fitted with a working sprinkler system? Can she not prioritise the report to the States on this matter as soon as possible?

#### **The Deputy of Trinity:**

I can understand people's concerns. But I will wait until the review and a review from that officers group, and also with talking to the Minister for the Environment and also ... because it does come under, as I understand it, building bylaws.

#### **3.5. Deputy G.P. Southern of the Minister for Health and Social Services regarding notifications to Family Nursing and Home Care clients in respect of the arrangements for home care provision: [1(365)]**

Will the Minister inform Members how many Family Nursing and Home Care clients, if any, have been given 2 weeks' notice, or less, of the need to make alternative arrangements for home care provision, following any cessation of Family Nursing and Home Care's service owing to a loss of staff caused by contractual changes?

#### **Senator A.K.F. Green (The Minister for Health and Social Services):**

My department continues to work in collaboration with Family Nursing and Home Care to ensure that all patients remain safe and receive the care that they need. This is our top priority and because of that one of my officers is currently based at Le Bas Centre to support family nursing to ensure this is the case. At the current time, 12 patients, all of whom had shared care packages between Family Nursing and Home Care and another provider have been transferred totally to that other provider already known to the patient to support continuity of care. The total number of patients who will require their care to be transferred to an alternative provider depends on the number of staff who commit to remain working with Family Nursing under the new terms and conditions, and staff have up to the end of their notice period, 25th June, to decide whether they wish to have a revised contract or not.

#### **3.5.1 Deputy G.P. Southern:**

Does the Minister consider that 2 weeks' notice or less is satisfactory and will he accept responsibility for the actions of this agency on which he has responsibility to treat its clients in a proper manner and does he accept that responsibility?

#### **Senator A.K.F. Green:**

I do accept responsibility for supporting patients and ensuring that they are safe and secure. It is a shared responsibility with Family Nursing. In the case of the patients so far, they had shared care before. They have now, within 15 minutes of being asked, transferred entirely to the other

provider. Family Nursing will continue with service as usual. They are still running district nursing, health visiting, rapid response, reablement and Children's Services.

**3.5.2 Deputy S.Y. Mézec:**

For the difficulties that this has caused some people who receive care, for the stress that this has caused some of these people, and the worry that their families are facing because of this, would the Minister like to apologise seeing that ultimately this is his fault?

**Senator A.K.F. Green:**

I am quite happy to apologise for people who spread fear and that is why ...

**Deputy S.Y. Mézec:**

Shame, shame on you. Shame on you, that is lies.

**Senator A.K.F. Green:**

... I have had to put a member of staff ... I have had to put a member of staff down in Family Nursing to ensure the safety of all patients.

**3.5.3 Deputy S.Y. Mézec:**

Shame on this Minister for what he just said. We are getting people approaching us because of the problems they are facing, because of the decisions that have been made by this Minister. Would he care to take his head out of the sand for just one moment and appreciate the problems he is causing vulnerable people in our society and maybe have the humility to express a little bit of regret because of the stress and upheaval he is putting these vulnerable people through? Would he be prepared to do that?

**Senator A.K.F. Green:**

I am prepared to acknowledge that change is difficult for vulnerable people. I have worked with vulnerable people for many, many years and that is why we have a member of staff working with Family Nursing to ensure that that change goes as smoothly as possible and that patients are at all times safe.

**3.5.4 Deputy M. Tadier:**

Is the Minister aware of a case of one individual who went into hospital and she could not actually leave hospital when she should have done, when she was ready to go home, because her care package had been withdrawn?

**Senator A.K.F. Green:**

No, I am not, but if the Deputy would like to give me the information I am happy to look at it.

**3.5.5 Deputy M. Tadier:**

Does the Minister accept that these are instances of clearly unintended consequences of a policy that he is pursuing? It is not an isolated case. Would the Minister reconsider whether what he is proposing and allowing to happen with Family Nursing and Home Care is in the best interests of the users and of the staff, and indeed in the public interest generally?

**Senator A.K.F. Green:**

Family Nursing and Home Care do an excellent job but there are also 20 other providers doing the same sort of work. There is facility out there for people to get the care and support they need and I have a member of staff making sure that that is happening.

### **3.5.6 Deputy G.P. Southern:**

Will the Minister inform Members now how long he has known that he was going to withdraw support for Family Nursing and Home Care Services? How long Family Nursing and Home Care Services have known that they were going to lay off or change the terms and conditions of their staff? How much notice has been given previously to this particular week of the withdrawal of services, full stop? Is the Minister ...

#### **The Bailiff:**

No, that is 3 questions. Three questions are enough, Deputy.

#### **Senator A.K.F. Green:**

From what I understand, I will try and remember all the questions as they came. These discussions have been going on with Family Nursing in excess of 3 years. I have known personally for around a year that this change would need to come in and discussed that directly with the board myself. I am sorry, I cannot remember the other questions if the Deputy would like to ask them again.

#### **Deputy G.P. Southern:**

It is the most critical one. When did the clients, when were the clients informed either by phone or by letter that their service was being withdrawn at the end of this week?

#### **Senator A.K.F. Green:**

There was no intention to withdraw the service. The clients were informed some months ago that there was going to be a change and that there would be a new facility available through long-term care if they were eligible, and that we would protect them until that either came in or until such time as it was clear they were not eligible. So that has been a number of months.

### **3.6 Deputy M. Tadier of the Minister for Economic Development, Tourism, Sport and Culture regarding the playpark at Les Quennevais playing fields: [1(366)]**

Will the Minister consider making funds available for more improvements to the playpark on Les Quennevais playing fields?

#### **Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):**

The Deputy has agreed that the Assistant Minister answer the question.

#### **Connétable S.W. Pallett of St. Brelade (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):**

I thank the Deputy for allowing me to answer. The simple answer is yes, but to briefly expand. In response to a written question from the Deputy in January of this year, I indicated that additional equipment had been identified and earmarked for the playpark at Les Quennevais. Officers indicated that this would be installed over the next 3 weeks in time for the main school holiday period but I would apologise that this work has not been carried out sooner. I also indicated in my response to the earlier question that once these additions had been made another consultation exercise was proposed among users to identify whether further improvements would in future be necessary. Once this consultation is carried out and the results are known the department will consider whether further investment is required.

#### **3.6.1 Deputy M. Tadier:**



I thank the Minister for that answer. I am glad to hear there are some improvements being made. Could he explain and does he agree that this has been going on for perhaps longer than it might have needed to for over 4 years when I initially raised the question, and that there is considerable discontent about the facilities which used to be more plentiful and now are quite sparse? Will he ensure that proper engagement with users is undertaken so that we can see something which is fit for purpose that is delivered for the users and their families?

**The Connétable of St. Brelade:**

As I said in the answer, there will be further engagement with nearby residents in regards to the improvements, once these improvements are made. I think we need to be conscious and cognisant of the fact that there is an extremely well equipped playpark within 300 metres, less than 3 minutes' walk from the current playpark. I admit for some users that might not be the most ideal situation but it is extremely close. I know this has gone on for some period of time. This has been going on since I have been in the States but not while I have had responsibility for it. As I have said, I have apologised for the time it has taken but the equipment has been identified and, as I say, will be in place within the next 2 or 3 weeks.

**3.6.2 Deputy S.Y. Mézec:**

The Assistant Minister mentioned the written question that was asked in January, which said this work would be completed by I think it was Spring 2017. Could he just clarify why that has not transpired?

**The Connétable of St. Brelade:**

Two reasons: one, we had to identify the equipment, which we have now done. The other one was about resource. Like every States department resource is limited. We have now identified where the money can come from to put that equipment in. It is not easy to find any money for improvements of any nature at the present time considering the cuts the department have had to make. But it is important. I think the investment is well worthwhile. A lot of people visit it, not just from St. Brelade but from around the Island when they come to play football and other sports. We are going to do the best we can to improve that park and, as I say, re-engage with residents when the work is done.

**3.6.3 Deputy M. Tadier:**

Just to thank the Minister for his response and I am sure the Constable of St. Brelade as well, as the Minister for Sports, will be keeping an eye on the issue with interest.

**The Connétable of St. Brelade:**

I just want the best equipment and if we can improve services within the sports centre. I think the services provided at Les Quennevais Sports Centre are exceptional. If we can improve on that we will.

**3.7 Deputy J.A. Hilton of the Minister for Health and Social Services regarding babies born to mothers with substance abuse issues and their placement on the Child Protection Register: [1(362)]**

Will the Minister advise whether babies born to mothers with substance abuse issues are immediately placed on the Child Protection Register and, if not, will he explain why not?

**Senator A.K.F. Green (The Minister for Health and Social Services):**

Generally there is no single parental issue that means the automatic placing of a child's name on the Child Protection Register. Each case is considered on an individual basis taking into account the risk and protective factors. A child's name goes on the Child Protection Register when a child is considered to be at risk of significant harm and this requires the support of a multi-agency child protection plan to work with the family, to reduce the risk posed to the child. Specifically the Deputy asked me about alcohol or substance misuse. Where concern becomes evident before the birth of a child for reasons of alcohol or substance misuse then a pre-birth pathway where an assessment is carried out on a multi-agency basis, if necessary, and a case conference if required, will be held and the unborn baby can be placed on the register.

### **3.7.1 Deputy J.A. Hilton:**

Numerous studies have been carried out which clearly outline key indicators present in the majority of child abuse or cruelty cases involving drug and alcohol abuse, domestic violence, poor housing, numerous partners, et cetera. Why does the Minister believe that a parent who like the one whose children were subject to the serious case review published last week, and who presented with a majority of these indicators, does not warrant the closest of scrutiny which would have been provided by being placed on the Child Protection Register?

### **Senator A.K.F. Green:**

I do not think I said that it warranted the child not being put on the Child Protection Register. I gave the outline as to how that might occur. The case that was published recently, the latest serious case review, was back to 2005. I do apologise for what happened in that time and in the intervening years. Three children were not protected as they should have been. Opportunities to intervene were missed and no one can say otherwise. But we now have a new Jersey practice model where we continue to share the way that we work, making sure, for example, agencies are using the same language so there is no misunderstanding. Using the same assessment tools, using the same assessment and planning formats. This makes for a much better effective system for our children and families so they do not have to keep telling different agencies in a different way the same thing.

### **3.7.2 Deputy L.M.C. Doublet:**

Does the Minister not agree that these kind of issues are best prevented rather than reacted to?

### **Senator A.K.F. Green:**

Yes, absolutely. Paramount must always be the care of the child. In the case that we were just talking about, one child is still with the parent under close supervision and that seems to be working well. It is a shame that the close supervision was not there 10 years ago.

### **3.7.3 Deputy L.M.C. Doublet:**

Does the Minister believe our current drugs policy is working if we are not able to prevent these types of issues happening? Would he not agree that perhaps a system where there is more rehabilitative care for drug users might improve the system that we have?

### **Senator A.K.F. Green:**

Our alcohol and drugs prevention programme is working but it is not as thorough as I would like it to be. It is something that we are continuing to work with and why we have, for example, M.D.A.C. (Misuse of Drugs Advisory Council), the council that advises me on the abuse of drugs and alcohol.

[10:30]

### **3.7.4 Deputy M. Tadier:**

With regard to support, does the Minister believe there is enough support being given in terms of resourcing for drug and alcohol areas? Can he confirm that the drug and alcohol budget was cut recently and not increased or maintained?

### **Senator A.K.F. Green:**

I cannot confirm or deny the drug and alcohol budget. What I can say is we have put £5.5 million extra into supporting children. We have nearly doubled the number of social workers. The alcohol and drugs is about rehabilitation. It is also about advising me and officers on the best way forward to ensure that children are kept as safe as possible and that parents are also supported appropriately.

### **3.7.5 Deputy M. Tadier:**

Getting back to the point, is it not equally or perhaps even more important to support vulnerable parents in the first place, perhaps before they even have children if they are struggling with addiction so that we do not get into this situation in the first place? Is there enough being done?

### **Senator A.K.F. Green:**

For once I totally agree with the Deputy. That is part of the 1001 Days my good friend the Minister for Home Affairs is leading on.

### **3.7.6 Deputy M.R. Higgins of St. Helier:**

Following on funding for drug addicts, my understanding is for those who are on the methadone programme there is funding for 100 but 150 people are trying to get on to that scheme. Sorry, some of them are already on it but there is at least 50 who are not and who are trying to get on that scheme. Will the Minister undertake to go and look at that and see about increasing the funding and come back and tell us in this House?

### **Senator A.K.F. Green:**

I will not do the latter but I guarantee to have a look at it and then decide what needs to be done.

### **3.7.7 Deputy J.A. Hilton:**

We have been here many, many times before when serious case reviews have quite clearly pointed out the failings of various government departments. Even the chair of the Safeguarding Board herself said last week: "Some parents, despite their best intentions, will never be capable of looking after their own children", and that was a quote from the chairman of the Safeguarding Board. Does the Minister, hand on heart, really believe that somebody who presents at maternity with a heroin problem is best placed to look after their child when it is born?

### **Senator A.K.F. Green:**

No, I do not, but I cannot undo history. That is why we have the new Jersey practice model where we work with families when it is appropriate to do so, where we have an opportunity to put children on the at risk register before they are born. But you have to allow the professionals to do their work. They have failed on occasions in the past, that is admitted and accepted, and that is what the serious case review showed. We have invested £5.5 million into making that change and I believe the change is coming.

## **3.8 Deputy P.D. McLinton of St. Saviour of the Chief Minister regarding new European Union regulations regarding roaming charges within the Union and whether such charges would apply in Jersey: [1(356)]**

Given that from 15th June 2017 European Union citizens travelling to any other E.U. (European Union) member state will be able to roam like at home, no longer incurring roaming charges while making phone calls, texting or using online services with their mobile phone or device, will the Chief Minister advise whether local telecoms providers will be expected to adhere to the E.U. regulation underpinning this measure and, if not, why not?

**Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

Telecommunications, like other utilities, are classed as a service for E.U. single market purposes. For telecoms purposes, the Channel Islands are third countries that are outside of the E.U. The E.U. roaming regulations do not oblige E.U. operators to cap the cost of voice calls, text and data when dealing with non-E.U. operators like those in Jersey. This is because the legal basis for the rules does not contain any third-country provisions. As Members are aware, work on a new telecoms strategy is underway and roaming is being considered as part of this work.

**3.8.1 Deputy P.D. McLinton:**

Some of these U.K. providers have included Jersey in their roam-like-home offerings, seriously undercutting the market. May I just give some figures for the context, please? For example, the 3 network, on pay-as-you-go calls per minute to Jersey or the U.K. are 3p; J.T. (Jersey Telecom) 39p. Texts are 2p for the 3 network; J.T. 25p. Data per megabyte is 1p as opposed to 19p. Will the Assistant Minister not agree that this will be both, should we have to stick with it over here, damaging to local users' pockets and certainly in the future damaging to the providers on this Island?

**Senator P.F. Routier:**

Yes, I certainly recognise this is a serious challenge to the local telecoms providers and obviously an issue which our community who use telephones will want to have the best possible deal. Seeing that Jersey is a small jurisdiction, the economies of scale do not really match what can be provided by the larger operators. It is an issue that we need to come to terms with. The buying power of the local providers does obviously make it very difficult for them to negotiate good roaming deals but certainly it is something that I would expect the commercial forces will take hold at some stage and the local telecoms operators will have to react.

**3.8.2 Senator S.C. Ferguson:**

Given the recent comments by C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities), does the Minister not realise that this proposed action will affect the value of J.T. and highlight the dilatory way in which the Chief Minister's Department has dealt with telecoms policy? Will he explain why it has taken so long to even get round to preparing the strategy?

**Senator P.F. Routier:**

The telecoms policy that is being developed is something that is a big piece of work, which is certainly something which ... the basis of the initial question about roaming is part of that. The telecoms policy is a major piece of work about how all provision is provided, whether it be local broadband services, the whole picture. With regard to suggesting that the Chief Minister's Department has been dilatory in bringing forward this strategy, I do not believe that is the case. As Members will have been aware, those who came along to the information finding meeting that we had with the advisers who have been appointed, from what I understand from the people who were there they found it a very, very useful thing to be able to share their views with the adviser. The adviser is working on the policy right now and we should have a first cut of that by the end of this month with a final publication just after the summer break.

### **3.8.3 Deputy P.D. McLinton:**

Just for the sake of clarity, and given also that the 3 network will apparently post you a S.I.M. (subscriber identity module) card, that is how easy it is to take this up, I think I heard the Assistant Minister say that essentially, given that this legislation is in place, local telecoms providers are on a hiding to nothing. Could he clarify if that is indeed, in a roundabout way, what he said?

### **Senator P.F. Routier:**

Putting words into my mouth, as the Deputy here is attempting to do, is probably something that I will try and resist confirming, but certainly commercial pressures will no doubt take place and I think that we will find that the market will have to react and we will obviously be in ... the consumers will be in a better place because of the commercial position. The reality of what is happening in E.U. is something that we do not benefit from currently but we will do ... I am sure the telecoms operators will be responding.

### **3.9 Deputy M.R. Higgins of the Chief Minister regarding the employment of former employees of the States of Jersey Police by the Office of the Information Commissioner: [1(358)]**

Will the Chief Minister request from the Information Commissioner confirmation of whether the person described as “Police Employee 1” in the Police Service of Northern Ireland report on Operation Belfong was employed by the Commissioner’s office after leaving the employ of the States of Jersey Police in 2014 and provide information on how many former employees of the States of Jersey Police, if any, are currently working for the Commissioner?

### **Senator I.J. Gorst (The Chief Minister):**

Extensive work was undertaken to anonymise the Operation Belfong report to ensure it was consistent with the rights of individuals to privacy and with their rights under Jersey’s data protection and human rights laws. To either confirm or deny the points raised in Deputy Higgins’ questions would compromise and undermine this extensive work. If there are concerns about the operation of the Information Commissioner’s office, including the conduct of any employees, those concerns should be raised with the Commissioner directly.

### **3.9.1 Deputy M.R. Higgins:**

For the benefit of Members, it is the same person who was working for the police who is now working for the Information Commissioner and that same person spent years frustrating subject access requests by former employees of the States of Jersey Police that I was helping. The Operation Belfong report was not just about the ...

### **The Bailiff:**

Deputy, this is not an opportunity for a speech. Do you have a question?

### **Deputy M.R. Higgins:**

Very well, Sir. What I am trying to say is that there were major deficiencies in the report of the Police Service of Northern Ireland, very critical of the very person who is now working for the department. That department, in fact that individual, was trying to get information from his replacement that he refused to answer for about 4 years before. Surely we need to make sure that the people who are employed are the best for the job and not someone who was facing misconduct charges had he remained. Is that not the case, Minister?

### **Senator I.J. Gorst:**

I cannot add anything to the opening answer that I gave. I do not think it is appropriate to try an individual in this Assembly. The Deputy will know the work of the Minister for Home Affairs and the Assistant Minister, first of all in setting up this inquiry and their subsequent response to it.

### **3.9.2 Deputy M.R. Higgins:**

There are 2 elements to it. One is the second part of my question: how many police officers or ex police officers work for the Information Commissioner out of the total size? That is not affecting any individual. Secondly, you have just complimented the 2 Ministers concerned. I am pleased they have brought out a report because it was a vindication of my attacks in this House on the failure of the States of Jersey Police to answer subject access reports within a reasonable time, some of them taking years. Will the Chief Minister please find the answer to the second part of my question: how many police officers or ex police officers or employees work for the Information Commissioner at the present time in Jersey - we could always ask about Guernsey but they can ask their own questions - so that we at least are aware of how many?

### **Senator I.J. Gorst:**

Of course, as the Deputy knows, I do not know the answer to the question about employees at the Data Information Commissioner's office or what their former employment was. They are employed to do the job that they are employed to do. As I said, if he has got concerns he should raise them directly with the Commissioner. The Minister for Home Affairs and the Assistant Minister have met with the Police Authority and with the States of Jersey Police and they are developing an action plan and they are accepting the recommendations, and that is the appropriate response, I think, to that report.

### **3.10 Senator S.C. Ferguson of the Chief Minister regarding the publication of the numbers assigned to Freedom of Information requests: [1(3590)]**

Will the Chief Minister ensure that the numbers assigned to Freedom of Information requests are listed on the States webpage listing all the requests for F.O.I. (Freedom of Information)?

### **Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

The unique reference numbers assigned to Freedom of Information requests have not been used on the States of Jersey website on the advice of the Law Officers' Department. The advice was that the number could be used by someone pretending to be the requester or used to link the request to the requester's details.

#### **3.10.1 Senator S.C. Ferguson:**

Yes, but does the Minister not realise that the sequential numbering means that it is possible to identify where Freedom of Information requests have either been delayed, disposed of or ignored? Is it not time to put an end to over-enthusiastic redacting and wilful delay of Freedom of Information requests?

### **Senator P.F. Routier:**

The Freedom of Information team I believe go about their work as diligently and as effectively as they possibly can. I would not want Members to think that there is any political oversight of the requests that have come in or the answers that are given.

[10:45]

These are pulled together by the Freedom of Information team and they work within very strict guidelines of how they should operate. There is an issue, which I do accept, that the way that the

information is put on to the website could be improved. There is no doubt about that. There is certainly a way of making them more accessible to the public that needs to be found. I hope that we will get to a position where we are able to achieve that. This information that is on the Freedom of Information website is really useful information because it gives the public a lot of detail about the work that goes on within government and, quite rightly, they should be aware of what is happening on their behalf.

**3.10.2 Deputy S.Y. Mézec:**

When Freedom of Information requests are received and then sent on to departments for them to gather that information, does the Minister know if they are anonymised or not?

**Senator P.F. Routier:**

I can only talk for the department I am involved with and they certainly are anonymised. There is absolutely no indication or there is no desire from a Minister to know who has asked the question. It is just a matter of the system we have is that it is completely anonymised.

**3.10.3 Deputy S.Y. Mézec:**

The Assistant Minister says that he is speaking from his experience in his department. Would he be willing to simply say that this is the case across the board for all departments and then report back, just so we know for definite that they are anonymised when sent out?

**Senator P.F. Routier:**

I am prepared to do that but I am convinced that that is the case, certainly.

**3.10.4 Senator S.C. Ferguson:**

This is meant to be an open and transparent executive. Why is it not?

**Senator P.F. Routier:**

I do not believe that I can answer that question in the way the Senator is asking me to. This is an open ... we have been more open during recent years than there has been for many a year. There is so much information available; the opportunity to ask questions of the Assembly, which has increased over the period. The Freedom of Information legislation, which this Government brought into place so that the public can have access to information, is far better than we have ever had for a many a year. I just hope that Members and the public will use it and to use it effectively and perhaps ensure that the questions they are asking are of importance and of value to the community rather than perhaps ... there have been some reports of some frivolous questions being asked which do take up officers' time. If there are questions to be asked and they are on an important topic, I hope the public and the media - no doubt the media use the system as well as the public - will use it in an appropriate way.

**The Bailiff:**

We come to question 11 which Deputy Higgins will ask of the Chief Minister.

**Deputy M.R. Higgins:**

If I could I would like to a question of clarification from the previous speaker. Would he not acknowledge ...

**The Bailiff:**

No, sorry, we have gone on to question 11.

**Deputy M.R. Higgins:**

They are claiming credit for the F.O.I. which was actually P.P.C.

### **3.11 Deputy M.R. Higgins of the Chief Minister regarding the common failings identified by serious case reviews: [1(370)]**

Will the Minister advise Members of the common failing to identify to date by serious case reviews and will he explain what steps, if any, he is taking to ensure that lessons have been learned and that there is not another serious case review which will highlight those same failings, and it should say “in the pipeline”.

#### **Senator P.F. Routier (Assistant Chief Minister - rapporteur):**

Serious case reviews identify a number of common failings. They include assessments that are not detailed enough, poor record-keeping, a lack of understanding of the silent disclosure of abuse, a lack of management oversight and a risk that staff do not respond to changing clients' circumstances. A number of reviews also note the challenges of information sharing and a lack of professional challenge between different agencies. This is not unique to Jersey. A recent review of 300 reviews in England found the same common failings because these are the most challenging issues to address. In saying that, I do not put that as an excuse. It is a matter of fact. We are working hard to improve practice through training, new policies, procedures and legislation and extra resources. We have more social workers now, more family support workers and increased capacity in the Multi-Agency Safeguarding Hub.

#### **3.11.1 Deputy M.R. Higgins:**

I know the Minister has said they have put in all these extra resources but at the present time I am still having trouble getting information from members of the department. In fact, I might even add that a lawyer who was working on legal aid for one of the people I am helping waited a year to get information. In fact, that particular lawyer did not even get the information from the legal adviser who was acting for the Health and Social Services Department and in fact it took another lawyer in almost one year exactly later to get some of the information and some of the information is not there. If the department is going to be transparent and is going to make sure that all the failings have been looked at and dealt with, how does the Minister equate that sort of obstruction and other obstructions in trying to get information to help people? What I am questioning is: are any lessons really being learnt, because I do not believe they are.

#### **Senator P.F. Routier:**

I am not aware of the detail of the request that the Deputy has made. No doubt when dealing with a specific case it can at times lead to a difficulty for information to be shared. We have to recognise and accept that there are times when information is personal and it is not appropriate to share that. But if the Deputy has a particular question in relation to the work of departmental officers, there is a process to be followed. If the Deputy is having difficulty with that, if he wants to share that with me, I would be happy to look at it, but as far as the sharing of information is concerned, particularly in these circumstances with regard to caring for vulnerable people, it is vitally important that information is treated very sensitively.

#### **3.11.2 Deputy J.A. Hilton:**

A previous head of department in the summer of 2015, when reporting on a serious case review at that time, spoke about legacy cases and the number of legacy cases. Is the Minister able to tell Members whether indeed there are legacy cases still outstanding and whether currently the Safeguarding Board is looking at any other child abuse cases?



**Senator P.F. Routier:**

From having only recently met ... and the Deputy was there at the presentation from the chair of the Safeguarding Board, in her annual report she explained that the situation with regard to safeguarding has improved considerably in the last year or so. With regard to latent cases, I am told that there is nothing outstanding and there have certainly been no reports that are requiring a serious case review for the first 6 months of this year. To my mind, obviously there have been cases put forward to the Safeguarding Panel to look at but there are no serious case reviews which are being put in place.

**3.11.3 Deputy M.R. Higgins:**

Again, referring to one case I was helping with - and it comes down to the information sharing that the Assistant Minister has been talking about - it found that there is inaccurate information with the M.A.S.H. (Multi-Agency Safeguarding Hub) body. He asked the various parties or 2 of the parties to change it. He had a big battle, it has taken years, and it turns out that in the end the document was shared with the panel, which they did not have the right to have because it should have gone through the court first and they avoided going to the court, someone just gave a copy so they discussed it, and it had to be regularised by the court afterwards. When these practices go on, what confidence can the Minister give us that the records are accurate, that people are sharing information and if they make a mistake they will own up to it?

**Senator P.F. Routier:**

As the opening question was about the issues with regard to information sharing and record-keeping, there has been in the past no doubt a serious matter that needs to be improved upon. What I hope I am able to do today is to give some assurance to the Deputy and to Members that because of all the serious case reviews that we have had in recent years that have been looked at and have identified areas where there has been learning that needs to help us to improve the way we deal with these matters, things have dramatically improved. In saying that, I do not want to give the impression that we will never have a serious case review again, because unfortunately in every community there are times when things do not go right for a family and for vulnerable people. There needs to be the process in place to ensure that we have the right checks and balances and we are able to ensure that we can call people to account and that is the purpose of having all the structures we have in place around the Safeguarding Panel that will ensure that we can do the very best for our community and to ensure that we do enable people to live safely within our community.

**3.12 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the external review of the income forecasting model: [1(371)]**

Will the Minister advise whether appendices E and F to the *Revised Forecast of States Income for March 2017*, (R.66/2017), represent the entirety of the external review of the income forecasting model and, if not, why the entire review has not been supplied to the States or the Corporate Services Scrutiny Panel?

**Senator A.J.H. Maclean (The Minister for Treasury and Resources):**

The 2 appendices in R.66/2017 represent all the work undertaken by Oxera in reviewing the income forecasting model. The entire review has indeed been published.

**3.12.1 Senator S.C. Ferguson:**

This is something I requested in September last year. Why has it taken so long?

**Senator A.J.H. Maclean:**

You cannot please anyone, can you? I would have thought the Senator would be very pleased the work that she suggested, quite rightly, was undertaken. It does take a long time to do such detailed work as this and the job has been done, importantly, properly and I think the data that has come and flowed from it is very useful in terms of improving our forecasting moving forward.

**3.12.2 Senator S.C. Ferguson:**

The Economic Adviser has now left, rather suddenly. What progress has been made for a replacement and how much will this delay the fuller review of the income forecasting model that has been recommended by Oxera. Instead of these sort of 5 or 10 pages, they have recommended a full review. Would the Minister please answer my questions?

**Senator A.J.H. Maclean:**

Delighted to answer the questions. We start with a conspiracy theory. The Economic Adviser is still working for the States and providing valuable input. He will in due course be replaced. I am afraid that is not my role with regard to replacement of employees. But the department, the Economics Unit, is still functioning and still providing valuable input and indeed has recommended some additional work to be undertaken from the forecasting perspective. The terms of reference are being worked up, will be shared by the Income Forecasting Group, and that piece of work will hopefully be underway relatively soon.

**3.13 Deputy S.Y. Mézec of the Chief Minister regarding the implications of the United Kingdom's election results on Jersey's position regarding the Brexit negotiations: [1(364)]**

What implications, if any, does the Chief Minister consider the U.K. election results will have on Jersey's position regarding the Brexit negotiations?

**Senator I.J. Gorst (The Chief Minister):**

Jersey's interests over Brexit negotiations have not changed and the U.K. Government has been clear that its approach to Brexit has not changed, but we do not believe the U.K. general election has prompted a material change in our ability to ensure our interests are fully understood and taken into account. Our main ministerial contact on Brexit, Robin Walker M.P. (Member of Parliament), has been reappointed and I think this is a positive and constructive relationship and I look forward to continuing it.

**3.13.1 Deputy S.Y. Mézec:**

A supplementary? There is obviously uncertainty about how things are going to move forward now that the Conservative Party has lost its majority, could I just ask if any representatives from the Jersey Government have ever made communication with representatives from the Democratic Unionist Party?

[11:00]

**Senator I.J. Gorst:**

Yes, they have. I personally have a very good relationship with the leader of the Democratic Unionist Party. I know that the Member follows politics, he may know that she has even quoted me in the Northern Ireland Assembly from things that I have said at the British-Irish Council. We have a good relationship. Senator Ozouf has a good relationship with an influential member of the

Democratic Unionist Party as well, and I hope that in the future we will continue to build on that good relationship.

**3.13.2 Deputy G.P. Southern:**

The Chief Minister says there has been no change in our status or in our position. Can the Minister confirm that once the U.K. becomes a third country with passporting rights in order to protect its financial services, so we shall become a third country with passporting rights which will require that we cannot rely on the mandarins in Whitehall but will need a significant increase in the number of the civil servants that we engage in order to ensure that our passporting rights meet every condition set by the E.U.?

**Senator I.J. Gorst:**

Sir, I was not sure if you were going to correct him or you would leave it to me. The Deputy knows, does he not, that when it comes to financial services, Jersey is already a third country so we will not be becoming a third country upon the U.K. leaving the European Union; we already are. We only have access for goods and that was important for all of those historical reasons. He also knows that the current Prime Minister and the current Government, albeit that they are a minority, have said that they are not looking for passporting rights, they are not looking to remain in the single market or the customs union, they are looking for a bespoke deal. They recognise that the third-country equivalence process that we have gone through and proven, for example, with our funds regime and the passporting ability is not going to suit their financial services model so they are looking for something different. We are aligned with that. They understand that we will want to be able to make decisions in due course, whether we are involved in that or whether we decide not to be involved in that agreement, and which bits of that agreement we might wish to be involved in as well. So, of course, the United Kingdom has created a new department for exiting the European Union. They have brought in lots of civil servants but we also in Jersey have set aside currently about £3.5 million to navigate through this process and continue to build good relationships and make sure that the U.K. continues to understand what is in our interest but we are already a third country. It is really important that fact because it means that we were before the vote, we are today, and we will be once the U.K. leave Europe. Therefore, our financial services will have the same access that they have today once the U.K. has left.

**3.13.3 Deputy G.P. Southern:**

Can the Chief Minister confirm that we will no longer be able to rely on Whitehall expertise to make sure that our treatment by the E.U. is proper and that we are obeying all the rules and that there will be a significant increase because of this in the number of civil servants that we have to employ? Is that the case?

**Senator I.J. Gorst:**

No, we will still rely on Whitehall officials, together with what is called the UKRep in Brussels, which is the Permanent Representatives Office, together with our Brussels office, and they will still be ... in fact, the U.K. Government currently think they will require more people in Brussels post-leaving than they currently have. The difference will be those officials will still be working but they will not be members of the European Union and therefore, ultimately, they will not be around the table when member states' Ministers are making decisions. That means that there will need to be more interaction, more convincing about different courses of action, but that is work we have been used to on a daily basis for the last number of years since we set up the Channel Islands Brussels office. That will continue. Over time there is an issue that we may need to develop with some of the money that we set aside, the ability to think about free trade agreements and to think

about where they are of benefit to us or where they might not be and which parts we will want to take part in.

**3.13.4 Deputy J.M. Maçon of St. Saviour:**

A recent delegation to Gibraltar for the Commonwealth Parliamentary Association, during that meeting representatives of the Lords E.U. Select Committee urged smaller jurisdictions that should they feel that their voice perhaps was not being heard by the U.K. Government, that that committee could be approached and used in order to allow smaller jurisdictions' voices to be used. Can the Chief Minister confirm that that committee is being briefed and kept up with the developments of Jersey so that we also have another route so that Jersey's voice is heard?

**Senator I.J. Gorst:**

The Deputy will recall that I appeared before the Lords E.U. Committee prior to the Christmas recess of Parliament and they asked a number of searching questions which I hope I gave coherent answers to. They have subsequently published what I think is a very useful report and supports the point of view that was at the heart of the Deputy's question with regard to their ability to interact with British Government on our behalf. For my part, that particular Select Committee have published a large number of very detailed reports about the implications of Brexit right across the United Kingdom's economy together with centres like ours, the Crown Dependencies. They have done a separate report on Gibraltar and they are one of the only organs of Parliament that are doing the detailed work to think about the implications. I think they are going to have a very important part throughout this process to play in making sure all those details have been addressed.

**The Bailiff:**

A final supplementary? Thank you.

**3.14 The Deputy of St. Ouen of the Chief Minister regarding the steps that he would take to promote the adoption of the Jersey Living Wage: [1(361)]**

What practical steps, if any, will the Chief Minister be taking to promote the adoption of the Jersey Living Wage by all Jersey employers, following his recent address to the conference on 13th June 2017 entitled *The Eradication of Poverty in Jersey*?

**Senator I.J. Gorst (The Chief Minister):**

I fully support Caritas who are promoting a voluntary living wage of £9.75 per hour for Jersey and I will take the matter further to the States Employment Board as I want to ensure that all public sector employees are paid at least the Caritas living wage. As I said at the conference, I also want to consider how to recognise employers who play their part in developing opportunities for everyone in our community, whether that be through paying the voluntary living wage, appropriate use of zero-hours contracts or engaging in initiatives like Back to Work. This work will need to be progressed in partnership with local employers in addition to organisations such as Caritas.

**3.14.1 The Deputy of St. Ouen:**

A supplementary, please? Has the Minister any proposals to address awarding the living wage to employees working under States contracts or under commission services? Will it be a term of those contracts that the States have influence over that employees should be engaged on the living wage?

**Senator I.J. Gorst:**

The Deputy will know that that is not currently the case. I did not say in my speech looking back - not quite sure how it was left out because I had written it in some moments before leaving to

deliver that speech but that sometimes is the way with speeches - that I wanted also to engage with the Treasury Department and Procurement to consider how we might be able to do that as well. I know from the work that Caritas is undertaking that they are encouraging employers when they are providing contracts to others, to provide 2 prices: one price which is the straightforward price, and the second price whereby they will be paying their employees the voluntary living wage. I want to work with Procurement and with Caritas to understand and see if we would be able to follow a similar process.

### **3.14.2 Deputy A.D. Lewis:**

I am delighted to hear what the Chief Minister has just said. At the lecture he said: "I want to raise income for the poorest." He was then followed by the former Dean of Jersey who said: "When others are telling us what cannot be done, others such as Caritas are getting on with what can be done." I thought it was a very useful and interesting thing to say. I mention it again because what will the Chief Minister do to try and encourage the Minister for Social Security, and of course the Employment Forum, to take a slightly different view, an "it can be done" view which is to get median average earnings increased significantly over the next 5 years, not the next 10 years, which is currently the strategy? What can he do to persuade the Minister for Social Security that that should be an objective?

### **Senator I.J. Gorst:**

It is quite a long time since I was the Minister for Social Security. No doubt some Members in this Assembly wish I had stayed there but we will find out about that this afternoon. But when I was there, I worked together with Deputy Southern and we agreed - he lodged a proposition in this Assembly; I gave it my support - to follow the timeline trajectory that Deputy Lewis has just spoken about. From a personal perspective, I now feel that that, with the passage of time, is taking too long. I know that the current Minister for Social Security has written this time to the Employment Forum asking them to give much more serious consideration to increasing the minimum wage at a different or faster rate than is the current proposal that they are working to.

### **3.14.3 Deputy M. Tadier:**

In the past, the Chief Minister was on record of saying that we already have the living wage in Jersey because the minimum wage plus income support equals the living wage. Does the Chief Minister stand by that assertion?

### **Senator I.J. Gorst:**

The Deputy knows from the research that has been undertaken that that was the case. But what we are working towards, for example, which is why I gave the commitment that I did about States employees all going on to the Caritas living wage - there are only 2 of them in terms that currently are not - is encouraging employers to themselves pay the Caritas living wage so that we may not be so reliant, or some members of our community may not be so reliant, on the in-work benefit which is income support.

### **3.14.4 Deputy M. Tadier:**

Of course, there are those who do not qualify for income support who presumably also should be entitled to have a living wage for themselves. But does the Chief Minister agree that one way we could encourage employers also in the private sector is through statutory legislation? Would that be something that the Chief Minister might show leadership on in this Assembly to make sure that both in the public and private sectors we get to a position where everybody can expect to be given a living wage and, if not, why not?

**Senator I.J. Gorst:**

The Deputy knows that the statutory position is the minimum wage and I have said what I have said about the correspondence that the Minister for Social Security has had with the Employment Forum. I look forward, therefore, to their recommendations in due course around the change in the minimum wage in the future. We know in the U.K. that the previous government changed the term “minimum wage” to “national living wage”. The Caritas living wage is a different thing and they themselves would accept that we should be encouraging good practice and we should be encouraging employers, I think, with a lot of carrot to voluntarily deliver the living wage and not to make it a statutory obligation for all of the reasons that we know there are certain sectors in our economy that will find it difficult and that is why they should be encouraged to have a plan to work towards. They should not have the statutory requirement; that is, the minimum wage, the statutory requirement.

**3.14.5 Deputy G.P. Southern:**

I would be interested to know what “a lot of carrot” looks like but I will save that for another time. Could I move to a different part of his speech on that day when he appeared to me to say that employees should be given choice on zero-hours contracts? What exactly was he hinting at there and what did he mean?

**Senator I.J. Gorst:**

I have said in this Assembly on a number of occasions, and I stand by it, employers should use zero hours contracts appropriately, not inappropriately.

[11:15]

The Deputy will be aware that Matthew Taylor in the U.K. is about to publish a report and one of the proposals, as we understand it, in that report is giving employees, where they generally and largely have a set number of hours but they are on a zero hours contract, the opportunity to go to the employer and say: “Look, you can surely see this should be a contract with set hours for a set period of time.” I look with interest to see what that report will say and how it suggests it should be delivered but I think that that proposal is one that we really should follow. So, 48 per cent of employees in the States who have a zero-hours contract, that is their secondary job. They also have a permanent contract as well, so we need to concentrate then on those 52 per cent as well once we know what this proposal from the U.K. looks like.

**Deputy G.P. Southern:**

A supplementary?

**The Bailiff:**

Excuse me, we have 25 minutes left, 3 more questions after this one. There will be no more supplementaries. Just 3 questioners yet to come and then a final supplementary on this question.

**Deputy G.P. Southern:**

Sir, if you do not mind, I believe that the Chair is making up the rules as he goes along and this is most unsatisfactory. Supplementaries should be allowed, sorry.

**The Bailiff:**

You are entitled to your belief; I am applying Standing Orders. We come to the Deputy of Grouville.

**3.14.6 Deputy C.F. Labey of Grouville:**

Could the legislation not be brought forward to introduce a living wage exempting certain sectors such as agriculture and tourism who supply accommodation? Could we not introduce it now?

**Senator I.J. Gorst:**

I still feel that the best approach currently is to work with employers on an encouragement basis rather than a statutory basis. As I understand it - and I may be wrong about this; there are other more knowledgeable people in this Assembly about this - we would be totally out of kilter with elsewhere if we were to legislate for a living wage and the effects. We would really want to consider how that would affect particularly those sectors that I know the Deputy is concerned about. I think let us see what the Employment Forum come forward with for the minimum wage in light of the Minister's suggestion to them and let us work with employers to either start to pay the Caritas living wage or develop a plan to pay the Caritas living wage.

**3.14.7 Deputy S.Y. Mézec:**

The position for the U.K. Government is that they want to see their minimum wage rise to £9 an hour by 2020. On the current trends of the rises in Jersey's minimum wage, we will not reach £9 an hour until 2025. Does the Chief Minister think that that is good enough and would he pledge to change it so that we at least match the U.K. with £9 an hour by 2020, bearing in mind that we have a higher cost of living in Jersey?

**Senator I.J. Gorst:**

I answered Deputy Lewis who asked the same question and I said I do not think it is good enough and it needs to be speeded up and that is the correspondence that the Minister is having with the Employment Forum.

**3.14.8 Deputy A.D. Lewis:**

The lecture that has been referred to earlier, the former Dean, Reverend Bob Key, also said: "The living wage is not an optimal aim, it is core business." Does the Chief Minister agree with that?

**Senator I.J. Gorst:**

It is an interesting way of looking at the issue. I am mindful that there is a balance between jobs and job creation and the ability of employers to pay a standard of wage. Legislatively, we have always used the minimum wage and the Employment Forum to consider that balance. We, as I said, Deputy Southern had his proposition, which I supported, which started to tip that balance in one direction and saying: "No, come on, employers, you really need to think about increasing the minimum wage and this is the trajectory." Now we have moved even further forward as others have increased their minimum wage and the Minister is saying: "Come on, again, you now need to have a plan to deliver increased minimum wages earlier than was the previous plan." On top of that, what I am saying is that the States as a good employer should be paying the Caritas living wage and that is what we are moving towards. But I equally want to work with those employers that currently today can and probably should be paying the Caritas living wage, to encourage them to do that. I know that Caritas are doing that as well. But we really do need to be mindful that we do not reduce the number of jobs in some of the sectors where the current Caritas living wage might mean that there were fewer jobs but that does not let those sectors off the hook. It means we need to work with them on a plan which is appropriate.

**3.14.9 The Deputy of St. Ouen:**

The Minister has spoken about encouraging and engaging with departments, he has spoken about carrots, but will the Minister commit to bringing forward a co-ordinated strategy within a proposition to this Assembly with timescales for implementing a national minimum living wage?

**Senator I.J. Gorst:**

I am not sure whether the Deputy is asking me to bring forward legislation for the Caritas living wage. I have already answered that question. If he is looking for a timescale of when these proposals we will be working on and working with Caritas and what they are going to look like, then, yes, of course I can but I am not yet convinced that legislation is the right approach for the Caritas living wage.

**3.15 Deputy G.P. Southern of the Chief Minister regarding whether he would moderate the policy of wage restraint in the public sector by making an inflation-only pay offer over the coming four-year period: [1(367)]**

Following the statement in the 2016 Financial Report and Accounts (R.67/2017) that personal taxation rose by £27.4 million, “reflecting the strength of the economy”, why has the Chief Minister not moderated the policy of wage restraint in the public sector by making an inflation-only pay offer over the coming 4-year period?

**Senator I.J. Gorst (The Chief Minister):**

The 2016 States Accounts show that departmental spending was slightly higher than our general revenue income. We do, however, need to stick to the measures agreed in the Medium Term Financial Plan of reprioritising spending, transforming the public sector and restraining pay if we want to continue to have balanced books by 2019. The Fiscal Policy Panel have warned of the uncertainties in the global economy in the medium term and continue to advise that we must continue to implement the measures in our M.T.F.P. (Medium Term Financial Plan).

**3.15.1 Deputy G.P. Southern:**

But does his policy of below-inflation pay rises undermine his policy to increase productivity in our economy in that the restraint on public sector pay is a dampener on circulation of that money through the economy as a whole?

**Senator I.J. Gorst:**

I do not think we want to get into an economics argument across the floor of the Assembly but he knows that what we are doing is reprioritising existing expenditure. If we were to not do that reprioritisation then we would have to find other measures to raise equivalent sums of money. It could be argued that in that way we would then be taking money out of the economy as well and just recirculating it. But, again, I think that is an economic argument that we may not wish to get into.

**3.15.2 Deputy G.P. Southern:**

Does the Chief Minister, with his economics hat on, accept that below-inflation pay rises are taking currently something of the order of between £35 and £50 million out of the economy? Does he not accept that that would be widely regarded as acting against economic growth in his particular system?

**Senator I.J. Gorst:**

I do not have the actual figure in front of me. It does not sound unreasonable; certainly, the lower end of his figure does not sound unreasonable. They were initially budgeted numbers that we have reprioritised to invest elsewhere in the economy. So I am not sure that the Deputy is right to argue that we are taking the money out of the economy because what we are doing is putting that money



into health, into education, into infrastructure and these are important investments into productivity, into economic growth and money back into the economy. It is reprioritisation.

**The Bailiff:**

Very well, a final supplementary.

**3.15.3 Deputy G.P. Southern:**

I thought that was it. Could the Minister justify this “reprioritisation”, as he describes it, of the economy of the various sectors and will he advise us of what concrete evidence he has got that the creation of the E.P.G.D.P (Economic and Productivity Growth Drawdown Provision) has produced any positive results on the state of the economy to date?

**Senator I.J. Gorst:**

Currently, the majority of the funding from that fund has been allocated towards either Brexit work or financial services work. The Deputy laughs but we need to ensure that we have got appropriate resource working on continuing to build a good relationship with the United Kingdom, across Europe, with our colleagues in the devolved administrations to ensure that we have a strong economy into the future, so I think that is important. We have also got the other funding that has gone into financial services-related work, we have got the work around capital economics which is paying dividends, we have got the work about the strategic refresh looking at what banking is going to do in our economy in the future, looking at the effects of digital upon the financial services sector. We see quite clearly that financial services continues to grow as an employer. That is not by accident. Of course, it is not government that creates those jobs, it is the private sector that creates those jobs, but those businesses have confidence because of the actions that this Government is taking. We have been allowed to take those actions because of the money that we put into this fund and we are now spending.

**3.16 Deputy M. Tadier of the Minister for Economic Development, Tourism, Sport and Culture regarding the impact of the proposed liquid waste charges on business, particularly in the hospitality and agricultural industries: [1(368)]**

In light of answers he has previously given and the lodging of the Draft Drainage (Jersey) Law 2005 (Appointed Day) Act (P.38/2017), what further information, if any, does the Minister have on the impact the proposed liquid waste charges will have on businesses, particularly in the hospitality and agricultural industries, and is it his assessment that sufficient consultation on the proposals has taken place with businesses?

**Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):**

I and other Members have now had the benefit of the data presented by the Department for Infrastructure in the accompanying report to P.38/2017 and last week the Council of Ministers also discussed the distributional impact assessment. For some months now, the department has been engaging with the industry but as the time for the introduction of the charges draws nearer, it is fair to say, I think, there is a lot more engagement with the industry happening. I raised concerns at a discussion at Council of Ministers last week on behalf of the business sector in relation to this. While we all accept the principle of this charge, and businesses do want to make their fair share of contribution to the Treasury, I am concerned about the timing of the charge. I have had discussions with Deputy Noel about this because given the impact of Brexit and the sharp fall in sterling businesses across all sectors of the economy which are seeing a sharp rise in input costs, together

with the liquid waste charge, a solid waste charge, additional control of housing and work fees, planning and development fees and other charges, I think further discussions need to be had about perhaps a phasing-in of these.

[11:30]

It was agreed at Council of Ministers last week that the Minister for Infrastructure and myself would meet with the Minister for Treasury and Resources to discuss this in short order.

**3.16.1 Deputy M. Tadier:**

Does the Minister believe that the prime driver for this proposed law is first and foremost environmental or is it fiscal?

**Senator L.J. Farnham:**

Well I think it is both. There is no doubt that the Minister for Infrastructure and the Minister for Environment are very strong on this. I have no doubt that in certain businesses and certain cases it will deliver environmental impact. But, of course, when this charge was conceived, I think we were looking at a very different fiscal landscape. We were not in possession of the good news of the bonus we have had recently with the very good performance of our investments. I think there is an opportunity for us to look at this and work with our industries at this important time of the economy to ensure that we can introduce it in a manner that suits industry.

**3.16.2 Deputy D. Johnson of St. Mary:**

Is the Minister aware of the statement made by the Minister for Infrastructure at a public hearing last week before the Scrutiny Panel acknowledging that we had already lost a lot of our hotel beds and a lot of our hotels to residential and other uses, and I quote: "But there is still enough capacity for the visitors that we currently have"? Would the Minister care to advise whether he agrees with that statement and what policy does he have in relation to maintaining the number of beds to maintain a successful tourist industry?

**Senator L.J. Farnham:**

Yes, that is a fact. Despite losing a number of hotel beds, the industry has reinvented itself somewhat in line with the demands of the modern visitor. We have enough hotel beds if we were to fill the Island 100 per cent year-round to I think we have about 3 million hotel beds available. But I am pleased to say that because of the increase in demand and the rise in tourist visitors to the Island, we are seeing further new investment and new hotels are currently being planned and being built.

**3.16.3 Deputy M. Tadier:**

Does the Minister's evidence for the figures given in the distribution analysis, for example, saying that a medium-sized hotel would effectively equate to 37 pence per night, the charges for them, that a medium restaurant would see an increase equivalent of 8 pence a meal and that a medium-sized office could pay a charge of 10 pence a day per employee, does he think under his estimations and in conversation with the industry that these are accurate or are they a vast underestimation of the real impact it would have on businesses?

**Senator L.J. Farnham:**

If I can be so bold as to say, the Minister for Infrastructure and I do disagree from time to time but I think we do it in a spirit of wanting to do our best for the Island. I think the figures listed here, while informative, are largely irrelevant and businesses simply are not going to add 37 pence to the cost of a room or so much to the cost of a cup of coffee. There is a saying that businesses do not

pay taxes, consumers do. While some of the larger businesses can soak up - no pun intended - these charges in their margins, some of the smaller businesses will certainly have to pass these on. Given a time where we are expecting high inflation; in fact, the U.K. has just announced its highest inflation figures at 2.9 per cent for 4 years, I think we want to do all we can to avoid putting additional pressure on our inflation forecasts.

**3.17 Deputy K.C. Lewis of the Minister for Education regarding the steps he was taking to minimise the impact of proposed grant reductions to States and private fee-paying schools: [1(355)]**

In light of P.41/2017 being lodged, what steps, if any, is the Minister taking to minimise the impact on those parents affected of the proposed grant reductions to state and private fee-paying schools? Thank you.

**Deputy R.G. Bryans of St. Helier (The Minister for Education):**

Thank you to the Deputy. In order to minimise the impact on parents, we look carefully at all the options by spreading the savings fairly and equally across all sectors of the education service. In the case of fee-paying schools, we kept the saving as small as absolutely possible to limit the impact on families' disposable income and delayed it as long as possible. So in 2018 it would be a reduction by 1.5 per cent in the subsidy and in 2019, again, 1.5 per cent, so a total of 3 per cent over those 2 years. Some parents are under the misapprehension that we are taking away the subsidy or reducing it significantly. I want to stress that this is not the case. In the first year, if schools pass the whole savings to parents, which they do not have to do, it will work out at £3.20 a week or about £30 a term. In the second year, it will average out at £52.66 a term. This is clearly explained in the proposition.

**3.17.1 Deputy K.C. Lewis:**

I thank the Minister for his reply but the ongoing savings, I believe: 2018, £300,000, 2019, £308,000, so there would be ongoing savings of around £608,000. While I appreciate the need for savings, does the Minister not believe that he could be pushing schools and indeed parents just a little too hard? Thank you.

**Deputy R.G. Bryans:**

As I said, we looked at this very carefully; this is the last consideration that we did have. As I must remind Members that this was passed in the Medium Term Financial Plan and is part of our savings programme, if we did not make this particular saving, if it was rejected, then we would have to look elsewhere in the Education budget for it. As most people are aware, our Education budget is very delicate at this point in time.

**3.17.2 Deputy M. Tadier:**

Will the Minister take this opportunity to remind parents who might be finding it difficult to pay the school fees, especially if they are increasing that, there are some very good non-fee-paying schools in this Island in the state sector which, as I said, are absolutely free and they could consider saving themselves a lot of money in sending their school children to those schools which I am sure would willingly accept them and educate their children well?

**Deputy R.G. Bryans:**

Thank you to the Deputy for saying that. Absolutely right in the situation that parents find themselves, they do have a choice and this is about choice. We have an excellent state education

system and it is about fairness that we have had to introduce this reduction of subsidy to the fee-paying schools.

**3.17.3 Deputy G.P. Southern:**

In a similar vein, would the Minister not agree that given the high standards of education in both our primary and secondary schools in the state sector that if parents require a particular form of education, then it is almost inevitable that they will have to pay for this?

**Deputy R.G. Bryans:**

That is absolutely right. But to reiterate again, the state sector is quite welcoming with regard to the choices parents have to make. If it is difficult for parents, and I understand the situation they found themselves in. Again, I must repeat, it is not necessary for the fee-paying sector to put these increases into their fees. But if they do choose to elect to move from the fee-paying schools to our state schools, we would welcome them.

**3.17.4 Deputy G.P. Southern:**

A supplementary, if I may? Is there any issue with the number of places in either primary or secondary States education currently?

**Deputy R.G. Bryans:**

There would be an issue to some extent if everybody elected to do that but we do have capacity in our schools if some parents feel they have to move their children. However, over the past 5 years the fee-paying schools have raised their prices by greater amounts than this that we are suggesting every year and we have not seen a significant migration to non-fee-paying schools.

**3.17.5 Deputy M. Tadier:**

If any subsidies are to be maintained for the fee-paying schools at all, does the Minister think that it is important that there is a mutual reciprocal obligation, especially in regard to provision for special needs, that these subsidised schools also have a proportionate amount of special needs provision so that it does not fall just or largely on the state sector?

**Deputy R.G. Bryans:**

Yes, that is a very good point. In terms of the fee-paying schools, it is true that the majority of the special needs children are within the state sector but it is a matter of choice and it is generally a matter of choice for parents because we have very excellent teaching for the special needs children through our States system. So we have schools that look after deaf children down at St. Clement, we have more needs recently introduced at Bel Royal Primary as an example. So we have very good facilities and teaching in all of these state schools for the special needs.

**3.17.6 Deputy J.M. Maçon:**

Given since the M.T.F.P. the Minister knew these cuts were due to take effect, what consideration was given to phasing them in, say, for example, to bring them into a new cohort for year 7, et cetera, et cetera, instead of bringing them in immediately to affect all years? What consideration, if anything, was given to that model?

**Deputy R.G. Bryans:**

There was a great amount of deliberation with regard to what we were considering here and it was ultimately the choice between us that we decided on the model that we have accepted which is introducing this very small reduction of 3 per cent over 2 years and warning parents well in advance.

### **3.17.7 Deputy K.C. Lewis:**

I thank the Minister for his replies, but most of the people that have contacted me - there is a slight elitist flavour coming in here - are just regular people doing regular jobs and not wealthy by any stretch of the imagination. If somebody wishes to have a private or fee-based education for their son or daughter, they have the right to do so but obviously in moderation with the fees. Does the Minister not agree?

### **Deputy R.G. Bryans:**

Yes, it is, as I said earlier, a matter of choice and particularly when it comes to faith in the schools that we have over here. But, as I say, we have deliberated over this, we have put in the smallest reduction that we could and we told heads well in advance of the situation so that they could accommodate it in their previous fee increases.

## **4. Questions to Ministers without notice - The Minister for Environment**

### **The Bailiff:**

Our 2 hours has now elapsed and we come to questions without notice. The first question period is for the Minister for Environment. I call on Deputy Southern.

### **4.1 Deputy G.P. Southern:**

Can the Minister inform Members what the spend in 2016 was on promoting and delivering energy savings in the housing market, among others, compared with the previous spend in the years up to 2015?

### **Deputy S.G. Luce of St. Martin (The Minister for Environment):**

I do not have those specific financial details at hand but I will get them for the Deputy. I would say to him, as he will probably know, that we have embarked in recent years on energy-saving measures throughout the Island and we concentrated first on those who did not have the ability to pay. Of over 1,000 people helped, we went into their homes, we analysed the help they might need, we looked at their energy usage and where they might be assisted. In many cases we replaced boilers free of charge, we went in with additional insulation and lighting, anything that would save them energy. We then moved on to community centres and we are in the process of still finalising some work with other community centres. The third phase of this work will be to work with the able-to-pay sector which is possibly one of the most challenging. But I do not have those figures for the Deputy but I will get them.

### **4.2 Deputy R. Labey of St. Helier:**

Is it still the policy of the States to require the owners of redundant glasshouse sites to return them to agriculture?

### **The Deputy of St. Martin:**

Deputy Labey will know there are a large number of agricultural greenhouse sites across the Island and some of those were built before any restrictions or regulations were in place. On those sites there are no conditions imposed whatsoever, so the owners are at liberty to let them fall into disrepair and not obliged by any conditions brought in by Planning to do work with them. Some that have been constructed more recently have repair and renewal conditions on them and they can be asked as owners to make them good. So the answer to the Deputy is, we do have policies in place now. Anybody building a greenhouse would have to have conditions on it which would make

sure that they kept it in good condition but older greenhouses and the very old greenhouses do not have conditions.

#### **4.2.1 Deputy R. Labey:**

A supplementary? Would the Minister agree with me that when senior figures in the Government float the notion of building on the Warwick Farm greenhouse site it disincentivises the owners of eyesores of old greenhouse sites from clearing them?

#### **The Deputy of St. Martin:**

Absolutely, and this is one of the dilemmas we have in Jersey. Very occasionally we look to Guernsey and think we might be envious of them. One thing that I am envious of is in Guernsey they have been extremely strict on their greenhouse policies and they have never allowed any old redundant or unused greenhouses to be converted and built on for housing and that is a rule that they have stuck to very, very firmly. We in this Island have continuously said that we want greenhouse sites returned to agriculture and used for environmental benefit but every once in a while we have allowed through a process of rezoning debates in this Assembly large greenhouse sites to be turned into housing estates and we have done it again quite recently.

[11:45]

As the Deputy points out, that then gives the incentive, if you like, the hope, that the owners of other greenhouse sites might have that sometime in the future they too will be allowed the benefit of a planning permission which would be financially very advantageous and this is the challenge we have. Certainly, there are some greenhouse sites which I think we could indicate are never, ever going to be allowed for housing and others that are closer to the built-up area may well be. Certainly, since I have been Minister I have tried very hard to engage with owners of greenhouse sites, especially those that are dangerous and dilapidated, and encourage them to come forward and enter into discussions with officers so that we might, in the removal of these sites, allow the owners to have some financial benefits, some units of housing, but at the same time would turn a large proportion of those sites back to the environment or for the benefit of the agricultural industry.

#### **4.3 Deputy J.A. Hilton:**

Since 2013, it has been a legal requirement for all houses of multiple occupation, which does not include high-rise flats, to have a fire certificate which has to be renewed every 3 years. My understanding is that, according to the Fire Service, there is a backlog existing at the moment of a total of 174 of the 432 applications received to date still in progress. What does the Minister consider he can do to help reduce this waiting list as soon as possible so that those houses of multiple occupation are safe as they can possibly be?

#### **The Deputy of St. Martin:**

I was not aware of the concerns that the Deputy raises but I will certainly look into them immediately and respond to her and Members of the Assembly which I am sure they would wish me to do. At this time, obviously fire safety is very much at the forefront of our minds and anything I can do in my own capacity as the Minister for Environment with responsibility for environmental health I will be doing. I have indicated to the Constable of St. Lawrence that I would wish to meet her in very short order to discuss the outcome of officers' meetings that were held yesterday and to discuss any ways that we can move forward in fire prevention.

#### **4.4 The Deputy of Grouville:**

Why has the Minister decided to consult with a view to getting rid of the relatively-new eastern cycle network contribution and getting a cycle network built when our air pollution on certain Jersey roads ranks as some of the worst in the U.K.?

**The Deputy of St. Martin:**

Members will know that I have for some time been proposing the possibility of an infrastructure levy which will allow the Future St. Helier project and other infrastructure which is really needed but not funded to be brought forward. In doing that, I am going to propose, and the consultation will start this week, that a levy be put on development. That, unsurprisingly, has not proved overly popular with the construction industry or landowners who would wish to develop their land. It is only right that I work with these people to try to develop the policies I wish to promote. I have discussed with them the possibility of the removal of the eastern cycle track and also the removal of the voluntary Percentage for Art scheme. This is because in some ways I find the eastern cycle track levy a little bit of a difficult one because there is a boundary to the area on which it can be charged. If you live one side of the road, you can be charged and if you live on the other side of the road, you are not charged and I do not find that fair. But in response to the Deputy, I would say to her that the Jersey infrastructure levy, if it does come to fruition and into existence, would be a levy which would have funds which would then promote things like cycling. It would certainly be there to promote initiatives which would help pedestrianisation and cycling inside and outside of town.

**The Deputy of Grouville:**

A supplementary?

**The Bailiff:**

I have 7 Members wishing to ask further questions and there are only some 10 minutes left, so we are going to go on without supplementaries at this stage. Senator Ferguson.

**4.5 Senator S.C. Ferguson:**

How does the Minister reconcile population growth and the necessary increase in planning permits for housing with the environmental concern? Is there not a conflict in his 2 roles?

**The Deputy of St. Martin:**

It has always been put to me that the Minister for Environment and the Minister for Planning are in conflict but if they were 2 separate ministries I would expect the 2 Ministers to be working together to see how they might best move forward. So under those circumstances, I find that while I do have to, on one hand, consider planning and building issues, and on the other hand, environmental issues, I would hope that working with officers in my department and outside that I would come to the best compromise.

**4.6 Deputy S.Y. Mézec:**

Is the Minister concerned by the results of a test that was undertaken by an Islander recently that showed that at the top of St. Saviour's Hill the levels of nitrogen dioxide were exceeding the legal limit set by the European Union, bearing in mind that this was during half-term where the traffic is likely to not have been as bad and children were not walking through there? If he is concerned by this, what is he going to do about it?

**The Deputy of St. Martin:**

I was concerned about the headline in the *Jersey Evening Post* and I have been in contact with the person who wrote the report and did the test. I can tell the Deputy that this week I will hopefully be meeting that person and discussing ways that we can move forward together. I would just point out

to the House that the claims are made that it exceeds E.U. levels but the E.U. standard is an annual mean and that this test was taken over just 2 weeks, so comparing one with the other does not scientifically work. I have said that air quality has not been my top priority since I have been the Minister for Environment but I am very happy to see that others are now looking at this issue. I can assure the Deputy and Members of this House that I will take it very seriously. We have this week, following concerns from Deputy Tadier, commissioned a firm from the U.K. to come over and they are a specialist company who are going to test air quality in the tunnel. We are then going to move to other sites and Members will also be aware that we are going to try very hard to put real-time testing with state-of-the-art monitors on the front of buses this year, so we are taking air quality seriously. I will be talking to the person who raised issues about St. Saviour's Hill. It was a good site for a test and it is certainly one that I would seek to replicate. I can assure Members that if any of these results come out and show that we do have issues, we will act. I look forward to working with the Minister for Infrastructure later this year in pressurising the Minister for Treasury and Resources to look in the budget for ways that we can further encourage car users to use engines which emit less carbon.

#### **4.7 Deputy S.M. Wickenden:**

Would the Minister let the Assembly know if he has any plans to make changes that will allow residential-listed houses to replace their single-glazed windows with replica double-glazed windows to help those buildings in their energy efficiency?

#### **The Deputy of St. Martin:**

This is always a popular subject and I can tell the Deputy that at the moment I am just getting to the final stages of the next piece of work on the general development order which is going to be allowing owners of listed properties to do more work on their properties without permission. I will then move on to a very specific piece of work which will deal with windows and historic doors in listed properties under the G.D.O. (General Development Order). It is my further intention during the course of the final session between now and next May to bring forward amendments to the supplementary planning guidance on historic windows and doors which I hope will address the Deputy's concerns.

#### **4.8 Deputy M. Tadier:**

The Minister should be a champion for the environment, why then has he not spoken up for agricultural and horticultural use of Warwick Farm when the Chief Minister and the Minister for Housing have both campaigned for rezoning it for housing?

#### **The Deputy of St. Martin:**

I need to tell the Deputy that when there was a photo in the *Jersey Evening Post* of a member of Andium standing at Warwick Farm that I, along with the Minister for Infrastructure, was quite upset. This is a green zone site and it will not be considered for housing in the near future. We have lots of other sites that we need to go to first before we start thinking of building in the green zone and if an application comes forward, it will be treated as any other application would be if it was promoting the conversion of a green zone site into housing.

#### **4.9 Connétable J.E. Le Maistre of Grouville:**

Most couples who are over 55 who do not live in St. Helier run more than one car. Is it true that the planning requirements for over-55 housing is one car per unit? If so, would the Minister review that policy?

#### **The Deputy of St. Martin:**



I can say to the Constable I do not know specifically about traffic and parking requirements with over-55 units but I will look at that. I can imagine that might possibly be the case but I think we need to acknowledge that in setting new standards and coming out with new standards for interior space, amenity space and parking space, that we need to make compromises. In some instances, it may be that we want units to be larger with larger gardens but that may be forced then to reduce the amount of parking space that might be required. If they need 2 spaces they may lose some garden. It is difficult because we need to optimise the space available to build these units and we can no longer afford where we rezone sites to build bungalows; we need to build units which can accommodate the optimum number of people on that site. While in the past it may have been very nice to have large gardens and plenty of parking, in the future, if we carried on that way, we would end up building up over large areas of land.

#### **4.10 The Connétable of St. Mary:**

There is less than a year to go to deliver the aims of the Strategic Plan, does the Minister have any concerns regarding the goal “protect and enhance the Island’s natural in-built environment” or does he have some successes he would like to let me know about?

#### **The Deputy of St. Martin:**

I can tell the Constable that I am never satisfied with my own performance and I feel occasionally that I have not achieved a great deal during my short time as the Minister for Environment. It is a continual challenge trying to protect the environment and there are always challenges in trying to do the best for everyone while protecting the green zone and our countryside.

#### **4.11 Deputy G.J. Truscott of St. Brelade:**

It is an old chestnut but nevertheless a very important chestnut because it concerns public health. Oxadixyl levels in Val de la Mare reservoir, since you have diverted some of the main feeder streams, could you tell us the current level of oxadixyl in the reservoir?

#### **The Deputy of St. Martin:**

I do not have the specific level to hand but what I can tell the Deputy is that levels this year are down on last year but I think it is very important that we look for trends. We know that this year we have had very different weather leading up to this spring and summer than we had last year and the weather is generally much drier. The lower-ground water levels may well be responsible for those lower levels of oxadixyl. I can also tell the Deputy that we have not diverted any streams yet but that Jersey Water have now put in an application for a bypass from the north stream that goes into Val de la Mare reservoir which we will be considering at the Planning Department following an environmental impact assessment in the near future.

### **5. Questions to Ministers without notice - The Chief Minister**

#### **The Bailiff:**

Thank you, Minister. That brings time for questions to the Minister for Environment to an end. We now come to the second question period for the Chief Minister. Deputy Hilton.

#### **5.1 Deputy J.A. Hilton:**

Can the Chief Minister tell Members whether he has made any progress with regard to the Care Inquiry report being reported to Members to enable them to ask questions of the chairperson?

#### **Senator I.J. Gorst (The Chief Minister):**

I emailed Members last week, I think it was, and I have no further update to report but I will ask officers to chase the contacts that they have for answers to those questions.

**5.2 Deputy R. Labey:**

Does the phrase: “Greater love has no man than to lay down his friend to save his own life” neatly sum-up the situation the Chief Minister finds himself in today with regard to Senator Ozouf?

**Senator I.J. Gorst:**

I hope not but it is clear to me that the debate this afternoon has my name on the tin and therefore should be about me and no one else. It has, as I said in an email, become apparent to me that my decision to reappoint Senator Ozouf placed him in a very difficult position and has meant that all sorts of things inappropriately and to my mind unacceptably have been said about Senator Ozouf. Today should be about whether Members want me to remain as Chief Minister and not skulduggery in dark corridors, not putting personalities above what is in the best interests of Jersey.

[12:00]

It is with great sadness that I took the action that I took this morning, but Members should either be voting to have confidence in me and if they do not then that is the decision of this Assembly, but not coming into my office saying the things that they have said over the course of the last 10 days about other individuals. I hold myself responsible for my decision to reappoint Senator Ozouf and I apologise to him for the position that I, by that decision, put him in and I am sorry that I have put him in that position.

**5.3 Deputy S.Y. Mézec:**

Does the Chief Minister have any indication that a States credit card has been used at any point for personal expenditure by one of his Assistant Ministers?

**Senator I.J. Gorst:**

These are the dark rumours and the skulduggery and the: “Let us say that someone is guilty” before we can prove their innocence.

**Deputy S.Y. Mézec:**

Put it to bed then.

**Senator I.J. Gorst:**

A report is being completed. Senator Ozouf over the weekend admirably said that all the information about his expenses - all the information about his expenses - together with his diary, together with times when he has not claimed back expenses from the States, will be put into the public domain and then others will make their minds up with the rationale, the issues of difficulty when cards may or may not have been able to be used. It really does disappoint me that that has not been allowed to take place but it has been prejudged. I do not think that is right. We should wait for all that information, but we find ourselves where we are today and that gives me no pleasure, no pleasure whatsoever.

**5.4 Deputy M. Tadier:**

Would the Chief Minister comment on the new Apptivism app that is going out which has questions? I will read some of the contents very quickly: “Do you agree or disagree we can protect our green spaces while creating new homes for Islanders?” “Agree or disagree we can have more people living in St. Helier while improving the quality of urban living?” Does the Chief Minister agree that at best these questions are facile and that at worst these questions are highly leading

because they do not give any scale of option, it is just agree or disagree? No option to say: “Well, you could, I suppose, but it makes it very difficult if you are increasing the population significantly.” Will the Minister look at these questions and see if a non-leading, non-facile version of this questionnaire could be put out to the public so as not to insult their intelligence?

**Senator I.J. Gorst:**

I do not accept that accusation. I think the work that Apptivism has done, and it has my personal support, has been led by a number of what I think of as high-flying officials. They have worked across departments with digital, with Digital Jersey, so it is one of the first times that I have seen people excited about the engagement of government with the public. I think we should be doing more of it.

**5.5 Deputy J.M. Maçon:**

I actually participated in the app and I will be explaining how much I disliked it to the developers in due course. Can I ask: is the Chief Minister able to comment about the approximate figure of how much is being processed using credit cards within the States regarding an Assistant Minister or Minister?

**Senator I.J. Gorst:**

No. Sir, you not only sit in this place but you sit elsewhere, Sir, and somebody in that place is innocent until proven guilty. All the evidence is provided and then decisions are made. We should give that courtesy to every Member of this Assembly and that will be the time where all those detailed answers, all that information, is rightly put into the public domain.

**The Bailiff:**

Can I remind Members of the contents of Standing Orders in relation to imputing allegations against other Members? Questions which go to the delivery of information are, of course, within order but anything which contains in its context any allegation of improper conduct is not. Deputy Higgins.

**5.6 Deputy M.R. Higgins:**

Members received this morning the comments paper that says: “Vote of no confidence: Chief Minister” presented to the States by the Council of Ministers. Can the Chief Minister tell Members whether every member of the Council of Ministers signed up to this, that they have read it, they were consulted on it and they approved it, or were some left out? Will the Chief Minister advise us did he have unanimous consent of the Ministers for that?

**Senator I.J. Gorst:**

I am not sure if it was unanimous. I know that one Minister was away, out of the Island, when the final comment was signed off, so I do not think that that particular Minister ultimately gave his approval, but I think the rest did.

**5.7 Deputy J.A.N. Le Fondré of St. Lawrence:**

The issue on the card has been going around for at least 2 weeks and it was patently clear it had become an issue today. What steps did the Chief Minister take steps to inform himself of the validity of the matter and what steps did he take to inform the Council of Ministers? Because it is obviously critical. The Chief Minister is absolutely correct, but one has to have clarity. So what steps did the Chief Minister take to inform himself of the clarity or the validity of the concerns expressed to him, yes or no, and what steps did he take to inform the Council of Ministers?

**The Bailiff:**

Chief Minister? I am not sure it is a yes or no question as to what steps you took.

**Senator I.J. Gorst:**

It is not. It is trying to apportion blame without having all the information in response to those questions. Senator Ozouf was a very widely travelled member of the Executive. His expenses were approved by the accounting officer within the department. Work is being undertaken. All of that work will be put into the public domain and if Members want to challenge at that point, challenge what role I might have had, challenge the travel, challenge amounts that were reclaimed, challenge amounts that were not reclaimed, challenge where he was, that is the time to do that.

**The Bailiff:**

Chief Minister, I am sorry to interrupt you but this is not a question time about Senator Ozouf. The question is about what you have done.

**Senator I.J. Gorst:**

That will also be put into the public domain at that time because it is not straightforward.

**5.8 Deputy J.A. Martin of St. Helier:**

The Chief Minister has just given another date in the future when we will know something that he knew. He is facing a vote of no confidence today and I want to know when he knew this information. It is straightforward. When, how and what, if anything, is he going to do about it? Even if he does not answer the third part, he cannot blame us for asking these pertinent questions. Every time we pick up a stone there is another thing, and he is calling it rumour. Well ...

**The Bailiff:**

Deputy, I think that is ...

**Deputy J.A. Martin:**

Sorry, Sir, I have asked the question. When did he know? It is not for us. Why is he not doing something about it? Why is he not informing us? He mentioned certain people in this Assembly. Nobody mentioned anybody, we just asked. The question from Deputy Mézec was straightforward and open. He has made it personal.

**Senator I.J. Gorst:**

There is a lot of work being undertaken currently and, therefore, when I have answers to those questions then I will be able to answer the question that Deputy Le Fondré and Deputy Martin asked because I do not currently have all of those answers.

**5.9 Deputy G.P. Southern:**

Returning to the Apptivism app, does the Minister not accept that in order to retain any credibility if adopted, questions must be strictly vetted that they are not leading questions, otherwise it just becomes known as a weapon of propaganda for the Ministers?

**Senator I.J. Gorst:**

This is cutting edge engagement. This is the first time that this technology has been used by a Government anywhere in the world. Will it be refined? Will it be improved over time? Yes, of course it will, but it is a really good first start in engaging with members of the public on very broad issues. It also includes the provision of facts when people have answered questions and they themselves can be challenging from people's presupposed position.

**5.10 Senator P.F.C. Ozouf:**

Would the Chief Minister confirm that one of the informations that he has heard about involves the purchase of a clothing item with a company called Pink Trading and that that has been the subject of one of the leaks in relation to credit card spending, which was the purchase of a coat in Rwanda, in understandable and then signed off and repaid circumstances? Can he just confirm that he knew that and that that was the case?

**Senator I.J. Gorst:**

Yes.

**5.11 Deputy J.A.N. Le Fondré:**

Have any indications been given to the Council of Ministers as to whether personal expenditure has been put through a card by an Assistant Minister or Minister or not?

**Senator I.J. Gorst:**

There are a number of circumstances which led to the use of a corporate card for personal items which were repaid and there are emails, as I understand it, to show that those purchases were authorised and handled in that way. But we have to provide ... all the information has to be put in the public domain. It is not helping anyone to pick out individual items and deal with it in this manner.

**The Bailiff:**

Chief Minister, I understood the question was whether it had been put to the Council of Ministers. That was the question you were being asked, not to comment or justify it on anything that underlay it.

**Senator I.J. Gorst:**

Not to the full Council of Ministers because ... not yet. All the detail and all the information and answers ...

**The Bailiff:**

That answers the question.

**Senator I.J. Gorst:**

... are in a position to be provided, but they will be to a formal Council of Ministers in due course prior to publication.

**Deputy M. Tadier:**

I do not need to ask my question.

**5.12 Deputy G.P. Southern:**

Returning to Apptivism, the Chief Minister mentioned facts. Can he state why in his answer to question 8(346) today he referred to a 10-year period starting in 2016 when the appropriate time to look at pay restraint would have been 2009-2010 and the decade would have stretched to 2020 and that is when the best answer would be? Why did he choose to start it with something completely different?

**Senator I.J. Gorst:**

I am not sure I follow the Deputy's question. Is he asking why we have delivered pay restraint during 2016 and we are proposing to do so going forward?

**Deputy G.P. Southern:**

I am asking why you have chosen a decade that is completely inappropriate to the answer.

**The Bailiff:**

You have about 20 seconds, Chief Minister.

**Senator I.J. Gorst:**

I do not have the written answer in front of me. If it is inappropriate, then I will look at it and consider it again.

**The Bailiff:**

Very well, that brings Questions to Ministers Without Notice to an end. There is nothing under J or K.

## **PUBLIC BUSINESS**

### **6. Vote of No Confidence: Chief Minister (P.55/2017)**

**The Bailiff:**

We now come to Public Business. The first is P.55, the vote of no confidence in the Chief Minister. I will ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion that they have no confidence in the Chief Minister.

[12:15]

#### **6.1 Connétable C.H. Taylor of St. John:**

Before I start my speech, I feel that events have been leapfrogging themselves and I would like to make a few points quite clear. This proposition is very clear. It is a vote of no confidence in the Chief Minister, and I am saddened that my proposition has been used for ulterior motives by certain Ministers. **[Approbation]** I have come under significant pressure to withdraw this, but I am not going to do so because we have an open, transparent democracy, at least from my part. It is with reluctance and a very heavy heart I bring this serious but necessary vote of no confidence in our Chief Minister. Before I start, I will acknowledge that Senator Gorst is a hard-working family man, someone who is approachable. I am told you can regularly see the lights on at Cyril Le Marquand House late at night with the Chief Minister and his officers still working. So why am I bringing this proposition? Well, recently there have been a series of bad decisions and I am concerned that he is no longer travelling the correct path. Let me go back to when I first joined this Assembly on 7th November 2014. I was a newcomer. I was excited, enthusiastic, a little bit apprehensive. I think somebody even said I was shy. So I was delighted when the Chief Minister addressed this Assembly and he started by thanking all his former Ministers and electing him, the usual blurb, but he ended the speech: "I believe we must now look forward and work together for the benefit of all Islanders. I have set out my priorities and I believe that together we can deliver on these priorities. As I have said, our system does not help Members to feel included and, therefore, I will be bringing forward proposals over the next few days on how we can move forward in a more consensual and inclusive way. I want to improve engagement between Members. I believe we should reinstate States lunches. I want to involve Back-Benchers in ministerial oversight groups and I would like to create the equivalent of a 1922 Committee to advise the Chief Minister. I am not complacent, but I am optimistic and I believe that we have a great future ahead, but only [and I stress this is my

stressing] if we work together to deliver that future.” Those are the words of the Chief Minister. So let us look at what he said: “I will bring forward proposals over the next few days on how we can move forward in a more consensual and inclusive way.” Well, it has been more than a few days, in fact over 950 days, and I am still counting. The Chief Minister went on to say: “I want to involve Back-Benchers in ministerial oversight groups.” Well, we have ministerial oversight groups. It is called Scrutiny. But is Scrutiny supported? No is the sad answer. Indeed, Scrutiny has to summons information. We have had to summons information, something that has never happened before. Scrutiny chairs have had to stand up in this Assembly and ask questions: when is information going to be delivered? He asked for a 1922 Committee or the equivalent. Has there been any attempt to create one? Has anybody, any Back-Bencher, been asked: “Look, you are a good chap, could you take on that responsibility?” I have not heard of it, though I may stand corrected. The Chief Minister said: “I believe we have a great future ahead, but only if we work together to deliver that future.” Sadly, I think we have never had a more divided Assembly and we have certainly never had a more divided Council of Ministers. There is, however, one community that is united and that is the public, the people of Jersey, who outside this Chamber are 80 per cent wanting the Chief Minister to go. The Chief Minister is chairman of the States Employment Board and I have read 2 reports from the States of Jersey Complaints Board. Both were damning. In the Alwitary case, the ministerial response was embarrassing. Broadly, it was along the lines of: “We disagree with the board’s findings. We did not do anything wrong.” Yet subsequent to that we have been told procedures have now been put in place to ensure it is not repeated. Well, if there was nothing wrong, why did you need to put procedures in place? I believe the public sector workforce, in other words our own staff, have never been more discontented than they are now. Little or no consideration is often made of our staff in decision making in government. Just as an example, when the hospital funding, P.130, was withdrawn, was the hospital management team advised or did they have to wait until lunchtime to hear it on the BBC News? The Innovation Fund. All funds are set up by the Treasury Department because they are the whiz kids. They know about money. They know about finances and they know how to set up funds. They are there to ensure that all the correct and necessary checks and balances are in place. Once the fund is set up, it is handed over to the relevant department for that department to administer. In this case, it was handed to the Economic Development Department. We know the fund was set up just after the Canbedone film fiasco. We were told lessons have been learnt. I think the results speak for themselves. Some 5 or 6 months after the fund was launched, the chair of the advisory board asked for Financial Directions, so very clearly the checks and balances were not in place. It is reported that a meeting took place in March 2014 between members of the advisory board and the Chief Minister where Financial Directions F.D. 1.2 were agreed. However, when I questioned the Chief Minister on this and why the Assembly was not told and the differences between Financial Directions and the proposition setting up the Innovation Fund, his response was: “It is not my responsibility.” We have recently gone through a process of looking for a site for a new hospital. I do not want to go into detail on this, but we were told by the Minister for Health and Social Services at the beginning when we elected the Ministers: “I will report back in 100 days.” It took significantly longer. But why did it take longer? I will just give you one example. I was elected, appointed or whatever on to the hospital site relocation subpanel. We took on some advisers who when coming to meet us were driven past People’s Park, and so when the advisers met the subpanel one of their first questions was: “So why is People’s Park not an option?” I responded: “If London needed a new hospital, would you build one on Hyde Park?” To which he said: “Point taken.” So why waste your time looking at it? We now move on to hospital funding. In November last year, the Council of Ministers agreed P.130 for the hospital funding. This is the biggest project the Island has ever undertaken. The Corporate Services Scrutiny Panel asked if they could review it but needed additional time. The reason we needed additional time was because Christmas fell on

25th December last year and many advisers were on holiday and we were unable to complete it in the timescale available. Even on 17th January this Assembly was told: "Timing is vital, we cannot delay." Thankfully, this Assembly saw fit that the proposition should be scrutinised. But 3 months later, after an excellent Scrutiny Report ... not my words, those were the words of both the Minister for Treasury and Resources and the Chief Minister and I am very grateful to them on behalf of the Corporate Services Scrutiny Panel for them. But on 18th April: "Oh, we cannot debate, we need to delay because Ministers have not had time to read the Scrutiny Report." Then on 2nd May another amendment, this time to reduce the capital borrowing from £400 million to £275 million. That amendment was within a very short space of time before the debate and Members quite naturally wanted time to look at it. So, on behalf of the Minister for Treasury and Resources it was delayed again. The final blow was on 23rd May when the proposition, which was so vital and could not be delayed, was withdrawn. I would like to remind Members that this was the biggest project being undertaken by the States and, quite frankly, the way that was handled, I would not allow them to handle a stag party in a brewery. This is how the public see it and I am embarrassed. However, what went on behind the scenes? Well, the Minister for Treasury and Resources said on 23rd May in this Assembly when withdrawing the proposition: "Following a meeting with the Chief Minister and other members of the Council of Ministers, I have agreed to withdraw the proposition." Well, the English language that I speak is that this was not the decision of the Minister for Treasury and Resources to withdraw the proposition but that the Minister had agreed to a request from others to do so. This brings into play a number of issues. Firstly, was the alternative that was being proposed, which this Assembly knows absolutely nothing about, credible or was it a high-risk, fancy idea that is unacceptable when dealing with taxpayers' money? We will probably never know because the Chief Minister wants to improve engagement with Members and wants to move forward in a consensual manner. I have already mentioned earlier in my speech, how the hospital team were kept informed through the BBC, but there is a more serious side to this. P.130 was agreed by the Council of Ministers. Meaning, as I understand it, this is under collective responsibility.

[12:30]

So, when the decision to withdraw P.130, was this the Minister for Treasury and Resources who agreed it, was this the person or persons behind the Minister for Treasury and Resources who managed to obtain an agreement from him to withdraw it or was it under collective responsibility following a council meeting? I would love to know what the result was, was it unanimous from the Council of Ministers, under collective responsibility to withdraw P.130? Since the funding proposition has been withdrawn, Theresa May has had a general election and ended up with a hung Parliament. Sterling is falling and last week the Bank of England Board voted 5 to 3 in favour of keeping interest rates unaltered. If sterling continues to fall further, what is going to happen to interest rates? If interest rates do go up and the cost of any borrowing goes up, who is going to shoulder the blame? Is it the Council of Ministers under collective responsibility, is it the Minister for Treasury and Resources, who has legal responsibility or is it the mysterious person that is behind the Minister for Treasury and Resources who forced him to agree to withdraw the proposition? Over the last few years we have seen a significant increase in population. This is giving me and a significant number of members of the public concern. It is called growing the economy. But no figures have been provided as to how that has happened. I thought when I started writing this speech I would find out the facts about the States of Jersey Immigration Policy. I spent some time looking it up on the Jersey gov.je site. I could not find anything, so I phoned a friend. This colleague said to me very kindly: "We do not have one." We do not have an immigration policy. A little bit awkward, because I stand here not being able to blame a bad immigration policy on its failures to control the population of this Island, but I can sadly blame the Chief Minister,



because we do not have an immigration policy. I will summarise now, because I think most people have probably heard enough. Let us look at how I started my speech. You can often see the lights at Cyril Le Marquand House with the Chief Minister working late at night. While this is laudable, I question the reasons. Is it because he is not up to the job? No, I do not think so. Is it because he takes on too much? Any one working these hours will have difficulty seeing the wood from the trees. I love that expression, because I have never quite understood the difference between woods and trees. Let me explain it more simply. When you look at a flowerbed, you have rhododendrons, hydrangeas and all the pretty flowers, you need to stand back, get the broad picture and take in the whole flowerbed. You do not go up to the biggest bush and start examining each flower, each petal in minutiae, because you do not see the big picture. Sadly, when you do not see the big picture, it is all too easy to stray down the wrong path. Communication with us Back-Benchers and with Scrutiny is at best poor and at worst non-existent. Yet communications was one of his goals. This Assembly has never been more split and the Council of Ministers has never been more split. This is not healthy and most certainly does not result in good government. It is time for change, a change for the better, to give this Island what it deserves. It is for these reasons that I bring this vote of no confidence in the Chief Minister. \*\*

**The Bailiff:**

Is the proposition seconded? [**Seconded**]

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

I think it is an appropriate time to have an adjournment. Chief Minister, you will speak immediately after lunch when we return, no doubt. The States will now adjourn until 2.15 p.m.

[12:36]

**LUNCHEON ADJOURNMENT**

[14:14]

**6.1.1 Senator I.J. Gorst:**

It was Dickens that wrote: “The best of times, the worst of times.” I have to say, for me, today is the best of days, but also the worst of days. Likewise the job that I have been doing on behalf of this Assembly, at the desire and wish of this Assembly, can be said to be the best of jobs and the worst of jobs. I do not, for one moment, take for granted States Members’ support and desire for me to do this job. I serve this Island at the will of the Assembly. It should be, in our independent system, no other way. I ask Members, when they get to the vote, to ask themselves that question. It has my name on the tin, as I said earlier. It should be, as much as I may find it difficult personally, about whether this Assembly wishes me to continue and to complete this term of office and allow the electorate to pass judgement. It is difficult to think of a speech for an occasion like today. I am not often lost for words, as you well know, Sir, because on many occasions you have had to pull me up for perhaps speaking longer than I ought. It is difficult, particularly after the opening speech of the Constable. It is difficult to know quite what the charge sheet is. At one point, it seemed to be - in fact I was slightly concerned at part of his speech that perhaps he had been speaking to Mrs. G and she had helped him to write part of his speech - where he said quite clearly: “I do too much. I do too much. I stay in the office too late. I am too involved in the detail of what is happening across our Island and to people’s lives in our Island.” I think his illustration was I am more concerned about the roses than I am about the bush upon which those roses bloom and blossom. Of course, I am concerned that every citizen, every Islander, can bloom and blossom in this wonderful place. It would be wrong if I were not. That requires a strategic view. But it also

requires, when necessary, attention to detail. I regret that there are not more than 24 hours in every day to make sure that every Islander blossoms and blooms. But I do my best. I know we are on radio, I know that people are listening, but I have to be honest. I am not a perfect person. I am not the perfect Chief Minister. In fact, part way through the Constable's speech, I was almost convinced myself to vote for this perfect Chief Minister who sits among us. I am not quite sure who that is. No doubt Members will talk about that during the course of our debate. I am not perfect. I have got things wrong. Perhaps, because of the way politics is it is not easy for politicians to admit when things have gone wrong. We know that when things go wrong. That is when we learn. That is when we change. That is when we improve. For some reason, in our culture, particularly in political discourse, it is all about blame. It is all about getting rid of people. It is all about a perfect standard, which does not exist in human form. We are a small Island community. We, here, in this place, can do it better. We do not need to succumb to that type of dialogue. We do not need to succumb to that type of personality politics. I have said to the Constable, in other speeches, I asked him to lift his eyes. Then, I think, he joked with me to lifting his eyes to the cliffs of St. John. But I ask each one of us to lift our eyes to what we could achieve, to what I think we can achieve. The Constable said we are the most divided Assembly he had ever known; we were the most divided Council of Ministers he had ever known. We are divided. We are divided by all sorts of outlooks and world views. But I believe that we have one thing in common that is that we come to this place to give ourselves, our children and our grandchildren a future, to make long-term decisions, to tackle the problems that are around us and that our community face. In my desire to do that, I have not always listened well and I admit that. Hard as it might be for you to think, during the 2 weeks, or so, since the Constable lodged his vote of no confidence not everything has been doom and gloom, not everything has been painful for me. In fact, some of the most enjoyable points - other than being on the beach with my family - over these last days has been meeting with Back-Benchers and listening to them. I have not done that enough. I did not do what I said I was hoping to do by setting up the equivalent of the Conservative Party's 1922 Back-Bench Committee. I was wrong; I should have done it. I have experienced a wealth of voices, a wealth of understanding and a wealth of perspective through those meetings over the last fortnight. I said at the start of a speech like this that it is difficult to know quite what to say, because I could spend hour upon hour talking about achievements. I am not going to do that, but I am going to mention some. The previous Assembly and this Assembly has governed throughout what can only be described as probably the greatest recession in living memory. We should not forget that. That has meant that difficult decisions have had to be made. We have not always agreed on the detail of those decisions. But now, in 2017, we see that the decisions that we have made since that recession, first with fiscal stimulus, then with the first Medium Term Financial Plan, now with the second Medium Term Financial Plan, we see the accounts in 2016 broadly balanced. We see reserves at an all-time high. Our detractors would say that they have happened by accident. It is funny how accident always works out well, is it not? They do not happen by accident. They happen because we have made difficult, tough decisions. They happen because we have supported the economic sectors of our community. They have happened because we started to plan for the ageing demographic as our population ages. It has happened because we have reprioritised expenditure to spend on health, on housing, on education, on infrastructure. Members know all these things. More people in work than ever before; reducing unemployment. The long-term care scheme, operational. Yes, with any scheme refinement, reform, change is required. But, these are achievements that this Assembly can and should be proud of. I could talk about the financial services framework. I could talk about the myriad of transparency agreements that we have signed. I could talk about signing up to B.E.P.S. (Base Erosion and Profit Sharing) in Paris in recent weeks. I could talk about the Financial Services Ombudsman. I could talk about the Freedom of Information. I could talk about the changes in the Planning Department. I could talk

about the changes in the Home Affairs Department. I could talk about people being got back into work at Social Security. I could talk about the Decent Homes Standard now that Andium are delivering day in and day out. I have been privileged to see some of those changes and how people's lives have been directly affected and improved by those changes. There is more to do. There are areas where we have not yet delivered.

[14:30]

We have new strategies in mental health. We have a new disability strategy. We have a new primary care strategy. We have a new housing strategy. We have a new digital strategy. We have a new innovation strategy. We have a new Financial Services. We have a new rural economy strategy. We have a new sports organisation. We are about to get a new cultural strategy, as well; I think that is just taking a little bit longer. The decisions we continue to face about funding a hospital are difficult, are detailed and are technical. We have to get them right. I will apologise when I have got things wrong. I am not precious about my reputation. But, when Members challenge us and say that we were wrong to defer the hospital funding, I do not accept that. We were wrong to do it so late in the day. That I accept. But, some Members who, I think, are supporting this vote of no confidence, they themselves, asked for much more detailed information much earlier. We were wrong to say no. But, we are right to get the decision right. The hospital will still be built. We cannot spend all our reserves and mortgage our future in the way that some would like, in order to build that hospital. But, we can leverage our balance sheet. That is a technical term. But, perhaps, today is the day for us to be a little bit technical, as we have done at the Scrutiny Panel under heated questioning. Borrowing comes in many forms. It can be a 30-, or a 40-year bond, with a payment right at the end. A bit like people's mortgages. It can even be as simple as an overnight borrowing against the assets that you hold. At the time of the debate there were more detailed questions than there were answers to some of those questions. Therefore, it was right to defer it or, in actual fact, do what we did. People have tried to say I bullied the Minister for Treasury and Resources into making that decision. I am not sure that the Minister for Treasury and Resources is susceptible to being bullied, in my experience. But, we agreed that a deferral, or a pulling and coming back with greater detail, was the right way forward, because there were questions that the Treasury Advisory Panel still had and work they wanted to do and there were questions that the Scrutiny Advisers suggested we needed to answer. That was those questions about getting the best of either borrowing everything, or taking £400 million, or £275 million 40-year bond. They are not easy, these questions. The answer is sometimes because they are technical, take some teasing out and, if anything, we could be criticised for trying initially to take the easy road. But we have not and we will not. I could talk about all the other social achievements: Discrimination Law, helping Islanders stay healthier for longer, providing funding for the new Sexual Assault Referral Centre, family support workers. Any Member that was at the recent publication of the serious case review would know how critical they are and are going to be going forward. Funding for N.S.P.C.C.'s (National Society for the Prevention of Cruelty to Children) Baby Steps programme; a pupil premium in education, making sure that children reach their full potential; a new curriculum; new assessment methods; further independence for schools; a new outdoor centre at Crabbé; a new St. James's Centre redeveloped; smoke-free car law; new ante-natal clinics; more nurses being trained locally; first Charities Law; about to appoint our first Charities' Commissioner - and as well as all this detail, as well as looking at the roses - developing strategies and thinking strategically for our best long-term interest. This Assembly, rightly, asks me to think and act strategically, internationally; to meet with and to speak with Presidents and Prime Ministers. Why do I do that? Why is that such an important part of being the Chief Minister? It is because we are not just looking at the bush that is growing before us; we are looking to see where we might plant the next. We are looking to see where we can protect our future. We

are looking to see where we can develop ourselves in new markets with new products. It is not just about financial services. It is about agriculture; it is about tourism; it is about culture. I stopped counting the number of times that I have been to see the Chinese Ministry of Agriculture. It is about our future. We know - because it is in the media all the time - about the challenges which are all around us: the challenges of Brexit; the challenges of being listed as a non-co-operative jurisdiction in Europe. In the very same meeting, the challenges of meeting senior executives of banking institutions around the globe; in the very same meeting I can be asked, sometimes, the most detailed technical question about a product that Jersey is offering; and at the same time I can be asked: "What is our strategy for the future? What are we doing to protect our future?" Those conversations can be critical to our credibility as a jurisdiction, both getting the technical, detailed answer correct and also showing that we, as an Island of 100,000 people, are competent to perform at the highest international standards with statesmen and women from around the globe. I count that a privilege. Why am I asking Members to support my retention as Chief Minister? It is this: I believe in this Island; I believe in our future, but it will not happen by accident. I give, I think, 100 per cent, and I ask Members: "Is that too much?" I cannot give less. I cannot give less, nor will I. Do not ask me to. Our futures are at stake. Sir, only ... I appreciate you do not have a vote, Sir. Members, only vote for me if you want me to continue giving 100 per cent; if you want to see the lights continue to be on in Cyril Le Marquand House; if you want us to navigate Brexit well. There are changes I need to make. I fully accept that and with Members' support to today, I believe they can be changed and they can be met. We live in the best of times and the worst of times; the best of days and the worst of days. I do not want too many more days like this. I want us to move from the worst of days and keep working together to deliver more of the best of days. **[Approbation]**

### **6.1.2 Deputy P.D. McLinton:**

I wanted to speak early in this debate for reasons which, I think, will become apparent. Firstly, I have had a metaphor running around in my mind for a while and it is the good ship 'Machinery of Government' sailing across a vast ocean, going from Lord knows where to Lord knows where, with Captain Gorst at the tiller and various Ministers grabbing hold of the tiller, dragging it this way and that, still trying to keep us to a path, if possible, and the crew - or some members of the crew - on the verge of mutiny. "Where are we going? Why will you not tell us?" and so on and so forth. At some point, or other, the captain is made to walk the plank and therefore, by definition, the entire Council of Ministers have to jump off with him, to be eaten by the sharks - although some might argue the sharks are on board, as well. Anyhow, no problem with that. It is a perfect right of the good ship that they are sailing on to do so. But then, of course, the entire Council of Ministers is shark food and somebody says: "Right. Who is going to take over as captain of this ship?" "Oh, no. Not me. Do you know what they do here? They throw you to the sharks if they do not like what you are doing and, guess what? They will never like what you are doing. You will always be shark food." Perfect reason for somebody to do whatever it wishes, of course. But what I would like to do - like to hear - is every Member of this Assembly, who signed this document, stand up and state whether, or not, they are prepared to be Chief Minister. I know Deputy Vallois has already stated her case. If not, what ministerial position they would take up and why they feel that they have a sense of direction for the Island; because, right now, if we make the Council of Ministers and the Chief Minister walk the plank that ship is utterly directionless, with nobody, I believe, willing to stand up and take the kind of flack you have to be able to take when you are Chief Minister.

[14:45]

So, I really would be very interested in hearing what shape the new Council of Ministers might wish itself to be from any of the Members who are going to do the shoving off the plank.

### **6.1.3 Deputy M. Tadier:**

I think I have been prompted to speak by that, because I expected this to come quite early in the debate. To say: “Well, we could not possibly sack the Chief Minister, because who else would do the job?” It is a valid question to ask. But everything in due course. We have the current system that we work under. Now, it is all right to make analogies, as long as the analogies have a degree of parallels that can be drawn with the analogy. But, the bottom line is we are not a ship and while it might be true that there has, certainly, been mutiny going on within the cabin, that has not been seen by the rest of the people on board, or indeed by the public. We know that there have been Ministers who strongly disagree with some of the decisions that have been made by the Chief Minister and by his acolyte who, until today, again, was an Assistant Minister with him. Also, we cannot separate the fact that the people and the persons with whom the Chief Minister chooses to surround himself politically, even to run election campaigns with them directly and associate himself with, that is inextricably linked to the type of policy direction and the type of relationship that the Chief Minister will have with other Ministers. Now, I would like to say this is an opportunity for those Ministers, who should value openness and transparency, to tell us the concerns they have had about working under the current leadership. We need to hear whether, or not, they supported – unanimously - the comments that have been lodged. I sent a question around last night saying: “Well, these comments that, again, have been submitted very late and needed the note under Standing Orders to effectively apologise, even though we are told this is one of the most serious propositions that can be debated” and the Chief Minister was trying to get the mover of the proposition to withdraw it, even at the last minute, the comments were very late. We have no idea whether, or not, they are supported unanimously by the Council of Ministers. We know that, only a few weeks ago, we had the Minister for Treasury and Resources saying: “We cannot have any delays with the hospital; it could be very costly. It is something that we have to get on with delivering”, seemingly going very quiet because others in the Council of Ministers have come up with a possible alternative solution to hospital funding at the last minute. This is not good government. This is not good governance and this is not the way that things should be done. Now, we are not asking the Chief Minister to walk the plank with all his Ministers to go into the water and be eaten by sharks, because they do not disappear. What will happen is that if the Chief Minister ... and if he had any sense he could have resigned and stood again; he can still do it, it is not too late. I think that would have been quite a wise move from the Chief Minister to say: “I stand down” and he could have done this a few weeks ago to save time, saying: “Right and I am going to put myself forward with a new renewed manifesto of my political priorities. This is the team with which I am going to surround myself. I will use it as an opportunity to get rid of the Brutuses in my Cabinet - those would seek to stab me”. Julius Caesar got stabbed, I think, about 23 times, but it was only one stab wound that killed him, interestingly enough. It could be an opportunity for the Chief Minister to do that and, who knows, he might even get my vote in the future if he did that. He may say: “There is nobody else in this Assembly that could deliver the recommendations of the Committee of Inquiry into Historic Child Abuse. Therefore, you should vote for me, because I am the only one out of the current slate that could deliver that.” But, that is not being proposed at the moment. There will be people coming forward - because once you have walked off the plank you can get up the rope ladder, come back on the boat and then say: “Right, who wants to steer this ship now? Who wants to put their hand on the tiller? I think that I have a clear direction. You get lost. We are going to put you in the rigging and if you do not behave yourself we are going to tie you up in rope and chuck you overboard.” That is perhaps another analogy that we could use: get rid of the troublemakers at the heart of Government and lead us in a clear direction. But the point is: there are lots of reasons to support the vote of no confidence, anyway. The Chief Minister has failed to deliver. We have had a lot of talk. If we look back: headlines during the Christmas holidays into the New Year: “We need to get rid of poverty.” How

are you doing with that very lofty aspiration, Chief Minister, Minister for Social Security? How are we doing with that, when the first thing that we have seen from the Council of Ministers, from Social Security - and I think we can treat this as a vote of no confidence in the Council of Ministers - is exactly the opposite policy, because they will look after our rich friends. We will make sure they are all right. We have a zero per cent tax rate in this Island, which is used by many wealthy individuals to even subvert personal income tax, especially when it comes to the old 1(1)(k) system - excuse me not being up-to-date with the latest nomenclatures - yet we say to those who have the least - who have little - they cannot pay any taxes: "Well, what little you have already, that very small amount will be taken from you." Very Christian, is it not? I think that comes from the Bible: "What little you have, even that will be taken from you." The Chief Minister takes that scripture at face value and does that to the poorest in our society. It is apt that the Constable of St. John reminds us of 3 failings, in particular, but recent failings, which this Council of Ministers, under the Chief Minister, has overseen. But, of course, there is a whole litany that goes back. It is not just about the current hospital funding and it being delayed. You have to ask yourselves: why is it that certain policies always get prioritised? Why is it we can build a finance centre, office blocks, on premium land in Jersey that nobody wants; not even the sector itself. Of course, Jersey Finance will always be loyal and support the Council of Ministers in what they do. That is expected. But the industry are saying: "Look, we do not need these offices. We are quite capable of building office blocks ourselves. What we want you to do, as Government, is to provide us with schools, to provide us with hospitals, to provide us with infrastructure." Yet, they can build, very quickly, office blocks for their already capably wealthy friends on public land with the expectation that this land will be sold to them in the future. That block already exists now and they have done whatever they can with all the machinations and secrecy to make sure that that block is filled. Who knows how many years of free rent have been given to them. But, when it comes to building a school - in my constituency - that is already 20 years overdue: "No, I am afraid we cannot do that in a timely fashion." I learnt this week that it has been delayed potentially again; that the start date for the new Les Quennevais School may not even be 2020, which was a push back, but it may be even later than that. When it comes to social housing we cannot build enough of it. We have a waiting list for social housing and it is tied to a population policy which is, essentially, a Ponzi scheme, an economic Ponzi scheme, which is unsustainable, but which has the blessing of this Chief Minister. Now, of course, these are just some of the more recent litanies. But, I am reminded of that old story; we are familiar with the story of *The Emperor's New Clothes* and it starts off that one day 2 swindlers came to the Emperor's city, the City of the Golden Flying Banana. They said that they were entrepreneurs and they called themselves Canbedone and LogFiller, claiming that they knew how to make the finest cloth imaginable. Not only were the colours and patterns extraordinarily beautiful but, in addition, this material had amazing properties that it was to be invisible to anyone who was incompetent, or stupid. Unfortunately, they could not get any funding through private investment for their great idea, so they came for a handout from the Emperor of the Golden Banana City. We know how this ends. It ends with a small child at a procession, with lots of money having been wasted, because there was no political oversight of these weavers and what they were doing and that is because, of course, the Emperor's ministers did not really know which of the individuals had political oversight for the newly emerging invisible weaving industry. They commissioned a report - which was at best opaque - and then one of the Assistant Ministers for the empire resigned. But it took a small child to say: "Hang on a minute, the Emperor has got no clothes on." The crowd out there are saying: "Yeah, we know this. We know that the Emperor has got no clothes." We have a Constable in here, one of, I think, many of the Assembly now who have said: "Look, this cannot go on as it has been." I am not saying he is the small child, incidentally, but sometimes the wisdom can come from any part of the Assembly. It is ironic, is it not, that the Chief Minister, who, in the past, has fought tooth and nail to keep Constables in this

Assembly and then who says: “Also, I want to have electoral reform pushed through”. It is quite apt, I think, that the wisdom of one of the country Constables has been important today in bringing these things and exposing them to the Assembly. I do not know how this result is going to go today in the Assembly. It may well be that the Constables end up saving the Chief Minister. It may be that he has done enough to placate the quiet rebels within the Assembly, who are normally his allies, by getting rid of one of his Council of Ministers. Another scripture, of course, says: “It is better that one man should die than the whole nation perish.” The question is whether, or not, he has got rid of the right person. “Free Barabbas” comes the cry from outside in the Royal Square. But, are we getting rid of the right person? This idea that there is nobody else capable of doing the Chief Minister’s job. Well, let us look at that because, on the one hand, we have the Chief Minister saying: “It is not us that is the problem. It is not the policy; it is not the competence. There is lots of talent within this Assembly, and I want to get rid of the Troy Rule so that I can have more of that talent from within the Assembly, within Government.” Really, of course, what he means is that: “I do not want any dissent.” Better to have people inside the tent doing their business than outside the tent throwing, or doing whatever inside the tent. What is the right expression? I am not sure there is a parliamentary one.

**The Bailiff:**

I think there is a non-parliamentary one.

**Deputy M. Tadier:**

There is not a parliamentary way of saying it, but I think Members know what I am saying. You do not want to be littering the Council of Ministers’ tent from the outside when you could be inside it. That is, clearly, what he is attempting to say. But, we know that there is talent in this Assembly. There is not one individual, or any group, I think, that has the monopoly on wisdom, or on policy. But this is about political failings. We know about all the big issues. As I have said, when it comes to building the infrastructure, looking after the public, this Council of Ministers, under the Chief Minister’s leadership, has consistently failed and I think there is ample in the report that shows that there is good reason to support this today. I have, of course, made the mistake of speaking early, which is always a risk, but I know I have 2 very capable colleagues on either side. But the point is, let us not be taken down the route of saying there is nobody else who can do the job; therefore let us stick with what we have got. If the Chief Minister wants to, he can reapply for the job and let us see who else emerges. We have 49 Members in this Assembly. I think there is sufficient talent. But, it is more to do with policy. It is not to do with the individuals; it is about the policy that that individual can put on the table and the leadership that they can show.

**6.1.4 Deputy G.P. Southern:**

It seems that the old tactic of sitting on your hands is dominating the Chamber today, or not. Maybe it is just a blip. So, we have had quite a literary start to this debate with quotes from Hans Christian Andersen and, indeed, from Dickens and I may as well continue that tradition and talk about the many ways: “How do I love thee, Chief Minister? Shall I count the ways?” except in this case it is: “How do I not love thee, Chief Minister” and maybe I will count the ways. The starting point for me is that there is another Dickens’ novel, which was called *Hard Times* and believe you me, in the last 2 years - oh, no, in the last 5 years - of this Chief Minister these have indeed been hard times. There are still many of our residents going through those hard times currently.

[15:00]

It is all very well and probably a good tactic that the Minister has donned his hair shirt and has whipped himself in front of us and asked for forgiveness, because he is not perfect. But, he makes

a mistake there of believing this Chamber is looking for perfection. No, it is not. It is looking for policies that can and have been delivered and not anything else. The Minister turns round to us and said: "We have been through the longest and the deepest recession in living memory and we have to make some hard decisions." I want to examine some of those hard decisions and see if they were correct. He also said: "We have got this strategy and that strategy and this other strategy and yet another strategy to deal with this, that and the other." I ask this Chamber: when did they see any strategy delivered? It did not happen. We have strategies which consist of 40 pages and 70 pages and 120 pages sitting on the shelf. Where was the action to accompany those? It did not happen. This Chief Minister has had 5 years to deliver. Strategies without actions are not worth the paper they are written on. When the Minister says, in his emotive and quiet way, that he looks forward to a time that every citizen can bloom and blossom in this wonderful place, I was quite moved because surely that is what we all believe. Indeed, whatever side of the political fence we are on that is, indeed, what we believe. Unfortunately, looking forward yet again to a time when this will happen is a reflection that it has not happened. As my wife often tells me: a nice place to live, but you cannot eat the scenery. We have indeed a beautiful Island, but we cannot eat the scenery. There are many people out there who are not eating either tonight, or tomorrow, because they simply cannot afford it. While I am here, just briefly to address this question raised earlier, there is no one to take over the captaincy, I remind Members that until - was it this morning - there was no one better placed with the skills to take over an assistant ministerial post to the Chief Minister. We had to have him, because of his experience and his depth of understanding and knowledge of all sorts of things; and yet that Assistant Minister went today. He was sacked. So, in terms of replacing the right person, it can be done, whether Assistant Minister, Minister, or Chief Minister, they can be replaced. We are all, indeed, replaceable. So, to examine where we are, all we need to do is turn back to the 2015-2018 Strategic Plan. In fact we do not have to go very deep into that plan: third paragraph of the foreword by the Chief Minister, Senator Gorst, and he says the following: "Our Strategic Plan is challenging and long-term in its thinking. We will focus on delivering high quality health and social care as society ages; improving educational outcomes; supporting a more productive economy and sustainable population levels; improving St. Helier while protecting our countryside; delivering efficient, funded public services. This agenda will support greater social inclusion, health, education, jobs, homes and neighbourhoods." How all-encompassing is that? Now, the Minister, the Chief Minister, said: "I am not going to go through the list of my achievements and what we have done." Well, if he does not mind I think I will go through that list for him and remember this is part of one of only 4 objectives outlined in this Strategic Plan: "Our Strategic Plan is challenging and long-term in its thinking." Well, we have had the developments, just recently, of a long-term document thinking our way into the future and that has been achieved. It is the usual melange of pious, high-minded, aims with no connection about how we deliver, or how we get there: "We will focus on delivering high quality health and social care." Well, I am embroiled, at the moment, in one aspect of our social care and what has happened there. We have a set of home care workers, who have seen their terms and conditions wrecked, trampled on, not even paid travel time when the job is intrinsic that you need to travel to your customers. They have had their pay rates reduced, holiday rates reduced, sickness rates reduced, and their hours extended to anywhere between 7 o'clock in the morning and 11 o'clock at night. Terms and conditions: impossible to maintain. So, that is our high quality social care, it is erased at the bottom, with a Minister in charge of it who cannot even accept responsibility and accountability for it, even though this is being delivered. It is his policy being delivered through an agency, which he has engaged to deliver it. Yet he says, despite the Code of Conduct for Ministers: "It is not my responsibility." It is indeed. We have a Chief Minister who will not enforce that sense of responsibility and say: "Hang on, put your hand up to this; this is part of our policy and this is how we are delivering it. We are responsible." And: "quality health", and again I look at



that and say: "And the nurses and the doctors have been subject to restricted pay awards, sub-inflation, for the past 7 years, is it now? And the plan is: more of the same." All at the same time as regenerating and expanding, growing the economy. I asked this morning the Chief Minister how he equated those 2 alternatives - keep wages down and grow the economy - and he said: "We are in danger of an economist's argument and I do not want to have one." Why? Because he would be shown wrong. Yet, what we are getting, if the first plan does not work, double your efforts, do more of the same. More austerity on its way. Holding back on public sector pay will damage the economy. It has been shown time and time again. Yet, what we have is more of the same. We are told we are improving educational outcomes. Well, not in higher education because, after 5 years of problems with grants, this Minister, this Chief Minister, has finally come up with the terms of reference for a working party to work towards doing something about grants. It has taken 5 years, and we have reached the stage of terms of reference. Do not hold your breath until we start getting answers. A general rule that says what we are doing is we are not spending extra, we are diverting money from one fund to another fund. We are spending differently in Education, we are not spending more. So, those improving education outcomes may, or may not, be achieved; they certainly have not been achieved yet. "Supporting a more productive economy and sustainable population levels." Let us start with the last one first. As somebody mentioned this morning, where is the population policy? Where is the migration policy? It was our proposer, the Constable of St. John, who says he could not find it and when he phoned up the Greffe he was told: "We do not have one." Sustainable population levels; population - not allowed to use the word "targets" but I will - population targets, again, 5 years in, no solutions, no answers, no action. And: "Supporting a more productive economy." An economy in which we have seen the lowest earners have their income cut by 17 per cent and in real terms, and this is the frightening figure, cut by 30 per cent. At the same time, when this Council of Ministers and this Chief Minister sanctioned the arbitrary cutting of £10 million from welfare. So, a more productive economy? I do not believe so, because what we have is cuts to the worst off. That is what happened under this Chief Minister. "Improving St. Helier while protecting our countryside." Now, I defy anybody in this room to look around St. Helier and say by what elements it has been improved. I asked the Constable today: "How successful has the regeneration of St. Helier been?" How much has he spent on regeneration of St. Helier? And he made a signal to me and - for the radio's sake - that symbol is zero. Nothing done. What we have achieved is, certainly, plans to cram St. Helier and to make it worse for living in, not better. Regeneration of St. Helier, not even started. "Delivering efficient funded public services." Tell that to the cleaners; tell that to the gardeners, who have been laid off and engaged by private-sector companies to do the same job at poorer rates of pay and worse terms and conditions. Tell that to the some 7,000 public sector workers, who have seen sub-inflation pay rises for the past 7 years and for the future 3, or 4, years. That is the plan. Have we seen a diminution in public services? Well, where we have seen the results of this, the answer is yes. I quote the district nurses again and the care workers attached to them, unable to deliver the same quality as they previously could under different terms. "This agenda will support greater social inclusion." Never in our history has there been such a great exclusion. Are these hard times? They are indeed. When the Chief Minister says: "I am sorry that I did not listen enough during the past 2, or 5, years," let him apologise to my voters who, I know, are living through hard times.

[15.15]

Let him apologise to someone, who is ashamed that, nonetheless, once a month has to go back for a food parcel, because, otherwise, she cannot make ends meet; who is supporting 2 children as a lone parent with a cut in lone parent components from Income Support, supporting 2 children and herself on something like £160 a week. It cannot be done unless you borrow, beg, or steal. Let him apologise to this person, who says: "Guess what I caught my son doing yesterday? He was going

around the market, the supermarket, looking for something to eat and what he was looking for was, not what is nice to eat, he was comparing prices and saying: ‘This one, mum, get this one, it is cheap’.” She was mortified, but she was perfectly aware where he had got this behaviour from. In the end it was, basically, her behaviour. That is exactly what she was doing: seeking for the cheapest, rather than the best, because that is what we brought our population to, in significant numbers. This cannot be allowed to go on. We could act today to put an end to that mentality and it is indeed the accountant’s mentality, we know the price of everything and the value of absolutely nothing.

**The Bailiff:**

Does any other Member wish to speak? If not, then I will call on the Chief ... Members might get the message; you cannot sit back for ever. Senator Ferguson.

**6.1.5 Senator S.C. Ferguson:**

I have a few thoughts on the Chief Minister’s comments. So, he talks about the greatest recession in living memory. I do not think he is quite right on that. Yes, we have lots more people in work, we have a very much bigger population and a totally operational population policy? I do not think so. Many moons ago I had the occasion to ask the Chief Minister what was his vision for the Island and he said - if I recall correctly, he will be able to correct me in due course - he said he did not really know, he would have to ask the public. The essence of leadership is knowing where you are going. The other essence of leadership, as Harry Truman, the 33rd President of the United States said - he had a plaque on his desk in the Oval Office saying: “The buck stops here.” This is something that is frequently overlooked. Anyone who aspires to lead anything must realise that if they want to be in charge, then they must also be accountable. We are debating a vote of no confidence in the Chief Minister, in that the quality of decision making over the past few years has, perhaps, been less than optimal. It is also, perhaps, due to a general lack of understanding of the role of the Chief Minister. We have heard quite a lot about how busy he is, how the lights are on in Cyril Le Marquand House until late at night and how he spends a great deal of time travelling. But, surely, the Chief Minister position is, surely, more like the chairman of the board: they lead on the high-level policy, but the lower level, more detailed policy, must be delegated to departmental Ministers. My business strategy professor at Columbia used to say: “If you regularly need to work 12-hour days, then you are in the wrong job.” The constant theme of both the Auditors General in their reports, Public Accounts Committee reports and Scrutiny reports, is that good governance and good financial management are essential to any organisation and, in particular, to the States, since we are dealing with taxpayers’ money. Matters criticised by Members can frequently be attributed to these 2 factors. The first one that I would mention, although there are others, is the fictitious film: Canbedone. Despite the furore over the Battle of Flowers grant previously, the lessons regarding governance and financial management have not been learned. The procedure to evaluate the applicability of the company for a grant was done by an assessment of the business plan and, in the case of Canbedone, no thorough due diligence was done, either on the plan, or the individuals, who would be responsible for the film project. We were told lessons had been learned. But were they? Is it not the job of the man in charge to just keep an eye on it and say: “Have the lessons been learned?” The States, we then came to the Innovation Fund, and the States have been persuaded that lessons have been learned and agreed to support the Council of Ministers’ proposition to provide support to new businesses, since this was agreed to be the best way to encourage diversity in the Island’s economy. Frankly, the only way to get rid of the gap between rich and poor, to keep the Island going, is to have economic growth and to try to get economic growth just by importing more and more people is, as has been said already, a Ponzi scheme. Members will be aware that good governance is the heart of good government and a relevant, clear, comprehensive and consistent framework, applied in practice, is a cornerstone of effective management. Good

governance is not a barrier to entrepreneurial approach, but an essential mechanism for securing stewardship and accountability. Where has this comment occurred before? In the paper by the first Comptroller and Auditor General, where he refers to the paper by the Audit Commission in 2005. So, have lessons been learned? Has the man in charge made sure that lessons are learned? I do not think so. Then we have this swingeing report by the Comptroller and Auditor General, which highlighted the poor governance and financial management; but, in retrospect, the curious action taken by the Chief Minister was: "Who was to blame?" He then commissioned the Simor report to identify this. Any sensible person reading both the C. and A.G. and the Simor report would reach the conclusion that the setup resembled Fred Karno's Army or, as another commentator has said: "I wonder whether I am losing my grip. I have scanned the Simor report; have I understood that everything was in such a mess that no-one knew who was responsible for anything? But, as no-one knew who was responsible for anything and, in particular, what they individually were responsible for, no-one can be to blame for not doing what they did not know they were responsible for doing." Now, highlights of the Simor report included such nuggets as the meeting of 2nd April, regarding the memorandum of understanding. The meeting was not minuted. The expectation of failure rates was changed from 10 per cent to 50 per cent. Senator Maclean was absent and, apparently, not notified of the meeting. On what basis was the change decided? Who made the recommendation? What was the evidence? But it was decided by an unminuted meeting, where the relevant Ministers were not present, but it does appear that the Chief Minister took charge. We were then subjected to the unedifying spectacle of the Chief Minister reading a statement, which, allegedly, drew conclusions from the Simor report. We were then allowed to ask questions when we had not even had time to read the report. As for this statement, I think I can do no better than quote Mr. Henwood's article in the *Jersey Evening Post*. He said: "Which report had the Chief Minister read? Apparently not the same one as me." Those of us who have ploughed through that report are of the same opinion. The underlying problem was that the Chief Minister originally wanted to move various matters and redistribute them among the members of the Executive. But this appears to have been done in a hurry and without the correct paperwork in place and without making sure that everything required had been done. We have also been treated to the triumphalism of the comments on this year's accounts of the States. Was it really wise to do this when much of the improvement was due to the fall in sterling and other exogenous factors? I would quote another adviser: "In general, under the current leadership, we have reached a position where the failure to control expenditure is inconsistent with the desire to appear to be a low-tax jurisdiction. Logically, there must come a time when the expenditure line crosses the maximum permissible income tax rate." It is possible that the Council of Ministers believes that further increases in tax at the highest levels will be counterproductive so, rather than increase G.S.T. (Goods and Services Tax), which is what one might have expected, they have gone for charges. Sadly, these are regressive and have the effect of caning the lowest income levels hardest. Are these the policies that the public signed up to? Is the centralisation, which is being effected, appropriate, not to mention the Anglicisation of a lot of our old Jersey habits, our old Jersey traditions? An overall policy department might be appropriate, but we are seeing a considerable number of aspects of government being centralised to the Chief Minister's Department. The number of people in that department has increased from 190 in 2011 to 270 today. We even have a geospatial section - whatever that is - removed from the Environment Department. Appendix 3 of the Code for Ministers provides, amongst other things: "The duty of Ministers is to ensure that they are aware of what they are signing and are happy with the supporting documents. It is the duty of Ministers to remember that, ultimately, any decision they sign rests with them. It is their responsibility to answer for it and defend it." If you are the top man, then it is even more incumbent upon you to do that. As I said, at the very beginning, the buck stops here: at the top.

### 6.1.6 The Connétable of St. Helier:

I thought I should speak to respond to something Deputy Southern said about my telling him in the coffee room that nothing had been done for St. Helier in the term of office of this Council of Ministers; and I did say to him that Conway Street pavement had been widened and I am disappointed he did not mention that. But I want to recall, first of all, a couple of points; first of all, the Chief Minister was uncontested when he stood for his position. No-one in the Assembly was willing to put themselves forward to do the job that he had already done for one term. I think - just as a basic rule I have - I am reluctant to criticise people who are doing something, which I am not prepared to do myself. That, for me, is sort of my starting position and it is certainly why I have been approaching this debate, not intending to support it, because I have been asked in the past, as long ago as when the former Senator Le Sueur stood for office, to run for Chief Minister and I said: "No, I am determined to get St. Helier right and I am not going to move to a senatorial role and try and become Chief Minister." So, because I have consistently refused to move onwards and upwards, some might say, but to try to make a decent job in the Parish that I serve that I have not taken the job and, therefore, I feel very reluctant to criticise the current post-holder. However, Deputy Southern, I think rightly, reminded us that St. Helier, for the first time ever, and by golly was I excited about it when it happened, St. Helier was a strategic priority of the States for the first time ever.

[15:30]

I really thought that we were going to see a whole sea change in the way that St. Helier was treated by this Government. I was criticised, in the last debate, by Deputy Martin. She did not say I was credulous, or naïve, but she did question, I think, whether my optimism was not wearing a bit thin. It is certainly true, and I know that Ministers will know this, because I have been emailing them individually, including the Chief Minister, fairly frequently, about a number of issues that St. Helier are still unresolved in the Parish, in spite of our being a strategic priority. Future St. Helier has been mentioned, it is still meeting; I pointed out that the numbers have fallen off our minutes at our last meeting, we used to know how many meetings we have had. I am sure it was not intended, but we are now putting the numbers back on the minutes, because I think it is important to know how many meetings we have had. But progress has been slow in really transforming the way the capital works and I think that is a shame. But, more importantly, and this was a matter that we did not get added to the Strategic Plan, as some of us tried to. I mentioned it this morning in what I hoped was a question, but it turned out to be more of a speech and I do not normally make that mistake. But it really matters to me that, in the 21st century, we live in a democracy where people have more political power according to where they live. That is so wrong. In any other place it would be called gerrymandering and, in fact, the fact that we have not fixed it in this term of office means that we are, effectively, guilty of gerrymandering our voting system. I think that is an enormous problem and it bothers me, it frustrates me, that there is so little commitment because people go on about: "Oh well, our traditions are important, we have to protect the Parish system." We protected the Parish system when we protected the Constables' *ex officio* seats here. But then, of course, we had: "No, we have to go and protect the Deputies' *ex officio* seats as well." Well, not *ex officio*, but we have to protect the Parish Deputies as well. Now, not all Members agree with me and it is not the Chief Minister's fault that we made that decision, but in terms of St. Helier and the reason why I have been trying to fight for the Parish that was very disappointing. But it was not as disappointing as the fact that the long battle to get the States to pay rates was lost by 3 votes in December and in that debate - and I know I have said it before, and Ministers will not like me for saying it - key Ministers were missing from the Chamber because, I do not know why, their Parish loyalties, or other reasons, or whatever, but that was lost and a battle that has been going on for far, far too long to get that kind of justice in our rating system was lost and depriving the Parish, not

just this Parish, St. Helier, in which we are meeting today, but the Parish of St. Saviour and St. Clement and quite a lot of other Parishes, of income that would have enabled them to improve the lot of their citizens in very meaningful ways. But it is not just the States not paying rates. The fact is, a lot of my energy in the last 3 years has been absorbed by a legal battle. I believe I am allowed to refer to it. In a nutshell, in 1952, the States of Jersey, the President of the Health Committee, whose descendant, if you like, is here today, signed a deal with the Parish of St. Helier to say: "Look, we need your land for our purposes and we are going to take your land, which you use for waste disposal and, in return, as well as some money, which we are going to knock down by about half, we are going to promise never to charge you for waste disposal. Fair enough, because we have taken away the valley in which you do that job." It makes perfect sense to me, but I am not a lawyer. That battle has been lost twice in the States. I am not going to reopen the legal debate; what I question is why I never had, from the Chief Minister, or indeed from the Council of Ministers, I never had a word of support for the position we were taking as a Parish. I never had a word of condolences afterwards. It was as if this was a private battle that I was waging on behalf of my parishioners. The fact that St. Helier is a strategic priority for the States really did not come into the bargaining and that was disappointing. But it was not the worst thing - this sounds like one of those stand-up routines, does it not, you wonder what the worst thing is going to be, well, listen on - a few meetings ago, the Minister of the Department for Infrastructure admitted that the targets for road traffic reduction had not been met and had, therefore, been abandoned. In any other jurisdiction that would be a vote of no confidence in that Minister. Why does it matter that traffic levels are going up so high against a Strategic Plan in which we are trying to improve, not just the lot of St. Helier, but I have to say that a lot of this traffic is going through my fellow Constables' Parishes: you can queue for hours down at St. Peter trying to get one way, or the other. As a commuter, or a visitor, you will know what I mean. The fact is the States and this Council of Ministers has failed to tackle a very important issue, which is the ongoing rise in traffic levels and all the deleterious effects that flow from that. But the fact that the targets have not even been put in place does not feature. Nor, indeed, do we yet have any strategy for encouraging walking and cycling, which everywhere else is right up there in the priority list. You are seeing segregated cycle routes all over the British Isles, but not in St. Helier, or you are seeing a couple in the other Parishes, but we are way behind the rest of Europe in providing a Sustainable Transport Policy and I am afraid the fault of that rests with the Chief Minister and his Council. Air quality targets, air quality management, last week we had a national clean air day, which was not even noticed in Jersey. It was noticed everywhere else, but it was not noticed here, except by one correspondent of the *J.E.P. (Jersey Evening Post)*, and I am grateful to him. Which leads me neatly on to what you might say is the worst thing about the Strategic Plan is it said that the environment was going to be at the top of the strategic priority list. That was partly because the Environment Scrutiny Panel, which I sat on at the time, made a series of amendments to make sure that the environment was right at the top of every one of the priorities. How much attention have we seen given to the environment of Jersey? How much attention is there in the comments provided by the Chief Minister? I am not sure the word appears. It may appear once. So, I am disappointed and that is my frustration in a nutshell. But there is more, because what I have really been talking about are the political gripes that I have and, as I began by saying, they are all gripes that I am entitled to have and I am entitled to express, I hope on behalf of my parishioners; but the bottom line is: I did not go for the job, so I have those gripes and I have got them off my chest. But, as well as my political problems with the Council of Ministers and the Chief Minister, I am afraid it is personal. It is personal. I regard the way that the Chief Minister has treated a member of his team as really extremely shabby and wrong. I would like to know who were the 4, or 5, Ministers who blackmailed him, if I may use that word, who blackmailed him into firing a person I consider - and I know I have a view, not everyone shares it - but into firing his most talented and hardworking

member of his team. Who were those several Members and will they reveal themselves in the course of this debate? I must say I feel for Deputy Wickenden, who had the portfolio, it is a very important portfolio, of Digital and that was taken away from him and now, presumably, it will be given back and I expect he is quite confused and he will be wondering what is going on. But, seriously, who is going to support the most important leg of our economy, the financial services? We all know that Senator Ozouf knows that business backwards and we know that people in that business welcome his support and the fact that he champions that business. So, now that he has been removed again from that portfolio, who is going to take it up? I need to know that from the Chief Minister before I can say whether I have confidence in him, or not, at the end of this debate. Finally, I would say that I do not agree with the sirens who have been saying in the media and in some of their comments to us that this is destabilising. What I think is destabilising is living in a jurisdiction where you cannot have these debates. **[Approbation]** We do have, I think, a healthy democracy and if, at the end of this debate, Members decide collectively that the Chief Minister has to go, then I, for one, believe that what will rise in its place will serve Jersey well and I do not think it will destabilise the Island, or its industry, and in fact I think that we know that some people out there will welcome it. My position, as Members have probably gathered, is frustrated. I certainly do not know which way I am going to vote yet, but I will be listening very carefully to how the Chief Minister and indeed the Members of his ministerial team, respond to some of the criticisms that I have made.

#### **6.1.7 Connétable M.P.S. Le Troquer of St. Martin:**

I thought I might have longer to prepare notes and that was even if I was going to speak and that followed some of the comments that were made by the Constable of St. John on T.V. (television) that I saw, that the vote of no confidence might be withdrawn. I have spent so much time in the past writing speeches where items have been withdrawn at the last minute, I was not sure I had to speak in this debate either, or even if speaking was likely to make it worse, I hope not. I would suspect that most people, although the Constable of St. Helier has just said, might have already made up their minds how they are going to vote, so we could have just waited for the *appel* at the end and voted, but I hope not. I looked at the Constable of St. John's proposition, the vote of no confidence, and it goes on about the Nolan principles. I had no idea what the Nolan principles are really and I should do probably as a Member. The 7 principles of public life issues: selflessness, the Chief Minister passes, surely; integrity, what can I say; objectivity; accountability; openness; honesty; leadership. I do not know if it is a majority pass, or if it is a pass in all that you need. Do you need distinctions, credits? My view is the Chief Minister passes every one of those with distinction, whatever other Members may feel. I am unsure what the Constable believed that the Chief Minister fails, despite his opening speeches. We do not get it right every time. I wish I got it right every time. We do not get it right. The more you do, the more likely things are going to go wrong. I have seen it in the police force: the more you worked, then you did make the error and you should not, but you did because you were doing more. It was easy to do nothing at all and you would not fail. We elected the Chief Minister, without another candidate; we had that trust in the Chief Minister. We elected all the Members he put forward as Ministers through elections, but in this Assembly. This is the Senator who topped the polls in the November 2014 election. I suppose this could have been a censure motion today, rather than a no confidence, although it would have been better for the Ministers, as we know this current proposition probably means that the whole Government would fall, even if the proposer did not intend this to be the case. The proposition does not attack the whole Council of Ministers but, in effect, we know that is what would happen. The recent Chief Minister 2 terms maximum vote, I voted in favour of that, not as a censure, or not as a no confidence vote in the Chief Minister, mainly for a couple of points: one to give someone else that opportunity, that top opportunity, to represent the Island, the honour that this Chief

Minister has had on 2 occasions, and that somebody else would have it. We all know that, having served in this Assembly, it is an honour to have done it and other people would like to do it too. But, also, give the Chief Minister that break from the 24/7. It is not just the Chief Minister who works 24/7, we know that, there are many Members in this Assembly, probably all of us, and we know the late-night emails that we are receiving and sending. The comments paper from the Chief Minister did not appear, but he did not need to, we know what the Chief Minister has done. It came from the Council of Ministers and I know it came quite late, like the delayed Queen's speech, that has been delayed, we know that. It is what has been done, the comments paper that did come is what has been achieved and what the intent is to achieve before the end of this term. There are several references in that, areas of improvement to learn from, where there is room for improvement, legal responsibility and practical oversight of the fund not aligned, bits and pieces that came in. So, the Constable of St. John brings it on 3 points. The hospital funding, I have a file in my office - I did not bring it today, it is too big - I followed it right through, including the site, and I was going to support the site that was coming forward, I can say it in this House today, I was going to support the People's Park. But, the decision was made and I accepted that decision on that day, because someone has to make the decision and Members that were in the Assembly on that morning would have seen the different conversations that were going on in this room and outside and it was pulled.

[15:45]

But how can that be a reason? Now we go on to the funding, how can that be a reason to stop supporting the Chief Minister and having no confidence in him? I was not at the meeting, his guidance to the Minister for Treasury and Resources: "Something else has come in." Do we just go ahead? Someone makes a decision; the Chief Minister made that decision. The H.R. (human resources) Department, I feel I have probably let the Chief Minister down, as being a member of S.E.B. (States Employment Board) and I faced a no confidence vote with the S.E.B. not that long ago. But I have worked with the Chief Minister in S.E.B. and seen the way he works and supports and I am sure he does that with the Council of Ministers too. Someone has to make those decisions and although we make them as a team I have every confidence. If the S.E.B. was let down, I am one of those members that let the Chief Minister down and I say that now. I hope I have not, but we faced it as a team. The Innovation Fund, I suppose it is the straw that broke the camel's back and that is the third item mentioned in the Constable of St. John's reasoning behind this. Many of us voted for the Innovation Fund anyway; I think 26 of us in this Assembly, who are still Members of this Assembly, voted; there was only one against when it was brought. The Chief Minister had that guidance, looking through the papers, 22nd May this year and giving guidance to the Minister for Treasury and Resources at that time. I think changing your mind is not dithering, the Chief Minister is not dithering. Someone makes that decision the Chief Minister made and if I faced a no confidence vote in the Parish every time I changed my mind I think I would be out by now. But I will make those decisions; I have cancelled 2 Parish Assemblies at the beginning of a Parish Assembly, because I was not happy to go ahead with the information I had from lawyers on that day and this is a decision you have to make. As an esteemed Member, someone who used to be in this Assembly, once said, and I have used it before: "Paralysis is unacceptable, but caution is justified." Those words have stayed with me, they are on the back of my office wall and I leave those there and see them every day. The Chief Minister could not get it right every time, he has said that, but the amount of decisions that are made. I conclude really saying and I have said it: we all work late into the night, ask the wives and the partners and the husbands of Members. Let us phone Mrs. Chief Minister and ask her, we know how much the Chief Minister does. I believe he blamed himself too much in his speech this afternoon, too contrite; I personally believe that. I believe that us, certainly me, that we have failed the Chief Minister and not the Chief Minister

failing us. I do not think the case is proved. I think he has been let down by others, so I just ask Members to let us get behind the Chief Minister and the Council of Ministers and move forward together.

#### **6.1.8 Deputy J.A. Martin:**

What an opportune moment to speak. I absolutely disagree with the Constable of St. Martin, but I will not go any further. Firstly, I would like to bring the debate back about the vote of no confidence and I feel that we have drifted onto policies that we have debated over the years and the Council of Ministers may have won, or they may have lost. It is nothing to do with that. Let me just talk about the speech that the Chief Minister had the lunchtime to put together, which was absolutely fair because he wanted to respond to the Constable of St. John; and in his speech, and also on the radio on Friday, he admitted he thought he was being now more inclusive: he had called in back-benchers, he had not spoken to the 14 people, who had signed it, except for the proposer, but he was being more inclusive. No. That is not inclusive; you cannot pick and choose who you are inclusive with. Why did he not call me in as the second person to sign this to ask why? I have not any confidence left in this Council of Ministers. He happens to be the Chief Minister and under our Standing Orders and the States of Jersey Law this is the only way to address this. In his speech, his Council had obviously solved so much; he had reigned over the biggest recession in living memory and he had seen us through it. Really? I mean, sometimes, it is luck, or is it judgment? We got there; there was nothing really that they did, or he did. But what really, really, when I listened to his speech and he went on and on and on about why he changed and he agreed, or whoever agreed, that the hospital funding should be deferred, it was because they needed more expert advice, it is not the time to do this, they needed to take more soundings. Well, this Chief Minister really does not get it, because he has such a short memory that in January of this year everybody wanted this sent to Scrutiny, had exactly the same argument, and they, one after one, Ministers said: "No, we cannot wait." Back-benchers were telling me in the coffee room: "We have to sign this bond now, interest rates are going to go up." It was not until the Deputy of St. John stood up, pointed to a Financial Direction and said: "We could be borrowing more than we have coming in", nobody had the figures; it was an absolute shambles. I think you might have been in the Chair, Sir, and you were disgusted. I think we had to have a break. What a way to run - as the Constable of St. John said - a stag party in a brewery. Absolute shambles we were in. But, today, we are absolutely told again that this is why we should have confidence because now, on a late date, they have gone back to say: "We want more information. Look at the great advice we got from the Scrutiny." They did not even want it to go to Scrutiny. I could go on and on about where we are with the hospital funding. Not once - the Deputy of St. John has also asked in here - could we have an apology. Because we, the back-benchers, pushed and pushed this to Scrutiny and in hindsight it was the best move. But, no, not in January it was, we had to do it all guns blazing. Then we had the Innovation Fund. Whatever way you look at it, this is a Chief Minister who put somebody in charge of it. If the lines of responsibility were not right, he should have moved the person, not the lines of responsibility, and said we and Scrutiny took too long to catch up with him and in hindsight it only came in after, we had a report after. Again, and it is all down to interpretation, I have read the report, the Chief Minister has read the report, and many people have read the report, and I do not always - very rarely - agree with the columnist in the paper, but he got it right; was I reading the same report as the Chief Minister when he stood up and made a statement in this Assembly? Very doubtful to me, but then again maybe he was, but we can all put our interpretations on anything. We heard in his speech, or we have heard, that: "This is not the time to change Councils, we have got Brexit, we have got the care inquiry". No. For major decisions like this, do you really want a Council of Ministers that are limping along? As for spending until 11 o'clock with the lights on in Cyril, is that because he is putting in work, or is it because the



shepherd is trying to herd the sheep and, like a sheepdog, running around and getting them to agree? This Council of Ministers are not in agreement on many things. There is in-fighting, it is like a school playground, it is absolutely ridiculous. As for using the 14 back-benchers, who signed the vote of no confidence to re-sack, or re-dismiss, one of his Assistants is absolutely disgusting **[Approbation]** when in his whole own ministry there are many Ministers and Assistants who do not want this person there - for their own reasons and nothing to do with me, I do not care - but do not accuse us. Do not let people have a go at me and say: "It is your fault", because it is not. As for Deputy McLinton, "there is no-one to do the job". Well, he has only been here 2 years, he can stand up and say there is nobody to do the job. I say, and I have said it to any back-bencher who has told me this: if the Chief Minister resigned, or if he fell today, do not stand in the front of Cyril Le Marquand House doors, because there will be 6 of them running with their letters of nomination and their speeches. There are people in waiting. What I do agree with my Constable of St. Helier is: none of them are standing up to be counted and they want my respect? **[Approbation]**. Sorry, I really did mean not to get angry. I really did not mean to get angry in this speech because, to me, this is fundamental. It is not personality and it is certainly not about policies that I have not agreed with the Council. Deputy Southern made it about that - it is up to him, it is his politics - but let me say one thing about the proposer of this vote of no confidence: he is no right wing, he is always, the majority of the time, votes with the Council of Ministers on policy; he is a very sensible voting, probably a new Member of this Assembly and he is a new Constable and he has had to bring this because he felt so badly that the 3 things he put are just basically what have happened since January. We are not going forward. Yes, we only have just under a year to go, but I do not want a half-gelled, a half-limping-along Council of Ministers to face these major, major decisions, Brexit and the care inquiry, I will give you those 2. As for confidence, whatever comes back now, whatever way we are going to fund this hospital, I am going to have to query it, because even this Minister for Treasury and Resources, under the Council of Ministers, the Chief Minister's direction, he said it was the Minister for Treasury and Resources who agreed to then defer the debate. Well, if the Minister for Treasury and Resources wanted to defer the debate, it would have been the Council of Ministers agreeing with the Minister for Treasury and Resources. It is as simple as that. From the writing on the wall, for the people who are not talking, from what I have heard, the Minister for Treasury and Resources, God bless him, was dragged kicking and screaming to that meeting and he was nailed to the table for at least 2 hours before he agreed to pull this funding. I am sorry; that is just what I heard. Sorry, is something I said unparliamentary?

**The Bailiff:**

Well "God bless him" was not quite right, I do not think.

**Deputy J.A. Martin:**

Well, God bless him. That is just my Eliza Doolittle, as Senator Ozouf likes me to do occasionally. Sorry, Sir. But the rest was true; the kicking and screaming and the nailed his thumbs to the chair. Anyway, I do digress, but these are really serious issues and the vote of no confidence is not about the policies, or the personalities. It is about the failure, it is about the working together and there is everything, as I tried to say in a question today, every time we pick up a stone, something else crawls out from under the rock, and it is never good, never good. So, I think I have said enough, I think everyone knows I am going to support the vote of no confidence, because I have nowhere to go. We have had this system for 17 years now and very few times has this ever been brought and this time I do know; there is a split right down the middle of the Council of Ministers and I look forward, like my Constable said, like other people are whispering to me in the coffee room. Who are they, who is going to stand up? Are they going to all populate the coffee room at the vote? No, please, let us all know, because we are as good as we are being judged. Today is the day to stand up and say: "I am sorry, Deputy Martin is right for once. She says there is a split and we cannot

carry on as we are.” There will be someone for the job, I have never heard anything so silly in my life that there is nobody sitting there on their hands bidding their time. I will leave it there.

#### **6.1.9 Deputy S.M. Brée of St. Clement:**

It will come as little surprise to most Members that I am supportive of this vote of no confidence, as I have long been an open critic of this Council of Ministers and, in particular, the lack of any real leadership qualities exhibited by Senator Gorst, as the current Chief Minister. Let us be in no doubt, questions in front of this Assembly are: do we have complete and total confidence in Senator Gorst to be the Chief Minister and is he the right person for the job? We have heard - and no doubt will hear more - and a lot spoken about the recent issues that have arisen that have been the catalyst for this vote of no confidence, namely: the fiasco that was the Innovation Fund; the confusion and disarray that has been caused by this Government’s abrupt, sudden, and inexplicable U-turn on the question of the hospital funding; and the decision to reinstate Senator Ozouf as Assistant Chief Minister.

[16:00]

A decision, which, on the face of it, seemed to fly in the face of both public and this Assembly’s opinion. Now, I do not intend to dwell for any length of time on these individual issues, but instead believe we need to examine the second of the 2 questions: is he the right man for the job? To do so, we need to look at the bigger picture, rather than just at recent events; events that have prompted, not only Members of this Assembly, but also members of the public, to be heard using the phrase: “The straw that broke the camel’s back.” For there to be a straw to break the camel’s back, there must have been many other straws piled up beforehand. When Senator Gorst came to this Island as an adult man, he joined a society that was and still is fiercely independent; very loyal to the Crown and with a very clear notion of our own identity, our own values and our own traditions, that we hold very dear. Over countless centuries, we, as an Island, have welcomed immigrants of all nations and creeds, immigrants who, in turn, have embraced our way of life, our culture, our heritage and our unique position in the world. Yet, over recent years, Senator Gorst has, in my opinion, set out through his position as Chief Minister to bring about the Anglicisation of Jersey by attempting, with varying degrees of success, to dismantle Jersey’s traditions and customs through legislation and turn us into something indistinguishable from, say, the Isle of Wight. One merely has to look back at his record over the years to see the clear, incontrovertible, evidence of this. His open and vocal opposition to the Bailiff being President of the States Assembly, a position held by the office of Bailiff since 1277 and fundamental to our unique heritage and parliamentary system. His attempts to introduce political interference into the appointment of Crown appointees through proposition P.105/2016, a proposition which he subsequently withdrew, following a meeting with the Corporate Services Scrutiny Panel, which I chaired as vice-chairman, in the chairman’s absence, when it was made abundantly clear to him that such a move would meet with stiff opposition. His support for the introduction of super-constituencies, while wrapped up in the wrapper of electoral reform. If it had been successful, it would have brought about the weakening of the Parish system, a system which lies at the heart of this Island and its people. His constant and unwavering argument for change being: “That is the way it is done in the U.K.. As such, we must adopt such change, or be forever viewed by the outside world as somewhat of a backward Island, stuck firmly in the past, with no hope of redemption.” Well, I have news for the Chief Minister: we never have been, nor are we now, part of the U.K. and, if I have my way, we never will be. His latest attempt; that being P.26/2017, due to be debated later on in this sitting, to transfer functions and powers from the Lieutenant Governor to the Minister for Home Affairs, relating to matters of immigration and asylum, those being not only the decision-making and application of the Jersey Immigration Rules, but also to amending and changing those rules through Ministerial Decision. It

will not even get debated by this Assembly. The sole justification for such a change? “That is the way it is done in the U.K.” So, is a man who, apparently, has set out to dismantle everything that makes Jersey unique and different, the right person for the job? I would contend not, based upon the evidence I have set out before you. Now, in recent weeks we have been bombarded through reports and media releases with the fact that, under the current Chief Minister’s leadership, the Island’s finances are in an excellent state of health and we are seeing unprecedented levels of economic growth. But, what we have not seen or heard is how such economic growth filters down to benefit every member of society. Is this Government’s sole aim and role to promote economic growth, or should its policies be aimed at making everyone’s lives that bit better - a bit less of a struggle, just to survive - through stimulating economic growth and introducing a time of prosperity that all can enjoy? I would suggest the latter, and am reminded of the quote attributed to John Adams: “Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people and not for profit, honour, or private interest of any one man, family, or class of men.” In my humble opinion, the current Chief Minister has forgotten that Government governs for the benefit of all and, as such, I firmly believe that he does not have the confidence of the people. All Members in this Assembly are elected to represent the people of this Island, and we would do well not to forget the simple description of a democracy: rule of the people, by the people for the people. “Be with a leader when he is right, stay with him when he is still right, but leave him when he is wrong.” Those words of Abraham Lincoln echo down the centuries and, I would submit, are as relevant today, to us, as when they were uttered, for each and every one of the Members of this Assembly bear a collective responsibility for the actions of the Chief Minister, as we were the people who elected him; not the people of the Island. Us. We are all responsible and, as such, should not shirk that responsibility, but instead stand up and be counted if for one moment we do not have the full and total confidence in Senator Gorst to lead this Island as its Chief Minister. We elected him and thus have the inherent right to dismiss him. But, if we do nothing, if we do not support this vote of no confidence, then we have to accept real collective responsibility for his actions, both in the past and in the future. In their decision-making process I would remind Members of the words of Edmund Burke: “The only thing necessary for the triumph of evil is for good men to do nothing.” I feel it incumbent upon me to make reference to the one issue that seems to have stirred up such emotion and caused such a lack of confidence in the abilities of Senator Gorst as Chief Minister, namely, the decision to reappoint Senator Ozouf as Assistant Chief Minister. I would stress that it is the decision itself, and not Senator Ozouf, that is in question. It is completely wrong for anyone to attempt to vilify Senator Ozouf, or call into question his character. While not everyone agrees with Senator Ozouf’s politics, or interpersonal skills, I would defy anyone to question his work ethics, his enthusiasm, **[Approbation]** albeit misplaced at times, or his genuine love of Jersey. This is not about Senator Ozouf; it never was and it never should be. It is about the actions of Senator Gorst and his ability to lead this Island as Chief Minister. This concern and lack of confidence is succinctly summed up by the words of Cicero: “Any man can make mistakes, but only an idiot persists in his error.” This is about Senator Gorst’s apparent inability to gauge political and public opinion and adjust his decision-making process accordingly. It is about Senator Gorst’s apparent lack of judgment, it is about Senator Gorst’s lack of leadership skills. A true leader is one who is humble enough to admit their mistakes; a lesson which appears lost on Senator Gorst. Now, we learn today that the Chief Minister has sacked Senator Ozouf, in what is a desperate attempt to save his own skin, to cling on to power at all costs, even if this means sacrificing one of his closest and most vociferous supporters. Will this Chief Minister stop at nothing to cling on to his position? The reasons for supporting this vote of no confidence are numerous and evidenced. The single reason for not supporting it is fear; fear of the unknown. The 2 questions being whispered around the corridors of power and uppermost in people’s minds, are: who will replace him? Is now the right time? This vote of no confidence does

not purport to offer an alternative, nor should it. That is not within its remit, nor its purpose. Supporting the vote of no confidence will not see the Island collapse into chaos and tyranny. It will not see the Island's economy immediately collapse. It will not see Jersey become the laughing stock of the world. It is, in essence, a very simple proposition: do we, who represent the public of the Island, have confidence in Senator Ian Gorst as our Chief Minister? We, the States Assembly, are being asked to act as the ultimate check and balance. Should this vote of no confidence succeed, then it is entirely possible for Senator Gorst to stand for re-election, along with any other Member who feels so inclined and who can garner enough support. Members may feel that Senator Gorst is best suited to be Chief Minister but, at the same time, not being entirely happy with recent events and decisions. If so, the solution is simple and clear: support the vote of no confidence and, by doing so, send a clear message of your current discontent and then support the Senator in the subsequent elections for Chief Minister. As to the question of is now the right time, I would submit that now is exactly the right time. We, as an Island, are facing some very immediate and real challenges. The independent care inquiry report is due out shortly. The, as yet unknown, implications of Brexit and the very real threats to our economy and indeed way of life, from global instability and religious extremism.

[16:15]

What this Island and its people need now, more than ever, is a true leader, a real statesman, a person who inspires confidence and trust; a person who leads by example and who can inspire others to greatness. A person who truly understands and values what makes Jersey, this Island of ours, great and unique, a person who really understands that we are merely custodians for generations to come. A person who is fully committed to delivering the social responsibilities that are inherent to Government. I would submit that Senator Ian Gorst is not that person. If any Member of this Assembly wishes to vote against this vote of no confidence, for whatsoever reason, that decision is theirs and theirs alone and should be respected as such, but he or she needs to be convinced beyond a shadow of a doubt that their choice represents the view of the majority of the electorate that they represent. I can only state that, in supporting this vote of no confidence, I am, I believe, representing the views of not only the electorate of St. Clement, but also across the whole Island, as evidenced by the numerous emails and messages of support that I have received. For those Members who remain undecided and are concerned that their vote will not change anything and that this Assembly will vote to maintain the *status quo* for the fear of the unknown, I would like to end on the words, once again, of Edmund Burke: "Nobody made a greater mistake than he who did nothing because he could only do a little." I would urge Members to support this vote of no confidence and to look forward to electing a new Chief Minister who will be able to lead this Island forward, now and into the future.

#### **6.1.10 Deputy R.G. Bryans:**

When I look at this proposition it is really about 2 things: firstly, the Chief Minister and, by default, the Executive and do we measure up against the Nolan principles. Secondly, behind that lies our record of dealing with the 3 issues mentioned and whether we, as a Government, just 11 months before an election, are fit and proper to complete our term of office. I will not deal in detail with the issues relating to the health funding, H.R. and the Innovation Fund, as I believe they have been addressed in the comments and will be discussed by other Ministers. It is the role of Chief Minister that lies at the heart of what I wish to say and I do it not out of blind loyalty, or moral obligation; I do it because I believe in it. Politics is a very human process that calls for any number of skills from each of us but, beyond those skills, is the need to share a vision and maintain motivation. So, what are the 7 Nolan principles? The Nolan principles were quite revolutionary back in 1994, because they focused on behaviour and culture, rather than processes. Therefore, it could be said if

someone lives by these values and I am sure we all try to, it should go a long way to improving behaviour. Does the Chief Minister and Council of Ministers he leads, stand up to this measurement? Let us have a look at the principles. I will not list them, because the Connétable of St. Martin has already excellently articulated these. Selflessness. I would say that Senator Gorst not only meets that value but it has been his mantra since he took office that everything he does, everything we do, is to better the lives of the people of this Island. The time and effort he expends in playing the role to steer this Government in the right direction, I would suggest, is second to none. How he does it without profound exhaustion, I have no idea. Every Minister I work with is time-precious, conscientious and fully conscious of the power our decisions hold for the electorate, but none more so than the Chief Minister. Whether it is his own decisions, or holding us to account for ours, it is the wider public interest that focuses his mind and motivates his actions. Integrity. I believe the integrity of Senator Gorst is, without question, clearly intact. I have seen him absenting himself from meetings, declare conflicts of interest and question it of others where necessary. His integrity is both deep and meaningful. Objectivity. The ability to remain objective is a key component skill for a Chief Minister. Many times over the last few years Ministers have been in conflict, or were conflicted, but the Chief Minister maintained composure and remained objective. Some decisions may have been more popular than others, but always taken with an objective point of view. Accountability. On numerous occasions Senator Gorst has stood in this Chamber and openly admitted, as he did earlier to the Assembly, he was wrong; as have other Ministers, myself included. We do not shy away from our responsibilities. I learned years ago, when you make a mistake, you admit it, you apologise for it, you make sure it does not happen again and you move on. This still holds true for this Council of Ministers. Openness. Both the Chief Minister and the Executive attempt to be as transparent as they possibly can about the thinking behind our actions and decisions. I think more can be done here. It is not a lack of ambition, but resource, that bedevils our communications on this front. There is still so much work to be done. Honesty. I simply do not believe the Chief Minister has it in his makeup to be dishonest. He is a deeply conscientious man and is one of the few people I know who has earned the full respect of a wide range of people, from high-level politicians, while negotiating Jersey's interests in Brexit, our senior ranking civil servant, Chamber of Commerce, the third sector, indeed, the youth of this Island. The list is endless. Why? Because he treats everyone with equal respect. He listens to their views and they recognise him to be devoutly honest in all matters. Leadership. We expect so much of our leaders; they must be all things to all men, but few are truly tested in the way the Chief Minister of Jersey has been in dealing with the most difficult of circumstances that have appeared, since he took office. The sheer magnitude of matters a Chief Minister must contend with, hold in his mind, while prioritising the most important, is simply staggering. I have seen him move between the high-level discussions, relating to concerns over Brexit, representing Jersey's views, to taking questions on the BBC's *Hot Seat*, and impressing everyone by his openness and statesmanlike candour. His family means the world to him, but his desire to give everything he can to lead this Government, moving from the contemplation of a £145 million structural deficit, to creating the successful economy that exists outside these walls, is a testimony to his resilience. The constant pressure and weight of leading a Government, while raising a family, is hugely demanding. Here is the track record of another leader from another time that illustrates my thoughts on the matter: it starts with his family being forced out of their home. He had to work to support them. Fifteen years later, he failed in business, a year later he ran for States Legislature and lost. Another year on, and he borrows money from a friend to begin a business and was bankrupt after a year, spending the next 17 years of his life paying off his debt. He runs for States Legislature again; this time he won. A year later he was engaged to be married, his sweetheart died and his heart was broken. Not a year passes, he has a total nervous breakdown and was in bed for 6 months. Two years on and he seeks to become speaker of the States Legislature. He is defeated.

Five years later he runs for States Congress and loses. He ran for Congress again and this time he won, went to Washington and did a good job. He ran for re-election to Congress and lost. He ran for Senator of the United States and lost. He sought the vice-presidential nomination at his party's national convention and got less than 100 votes. Two years later, he runs for the U.S. (United States) Senate again, and again he lost. Eventually, at the age of 52, he was elected President of the United States. Now, some of you will already have guessed, as he was mentioned before, he is Abraham Lincoln. Here is a man who took some of the toughest decisions in his country's history. He demonstrated an ability to withstand adversity and move forward in the face of frustration. He had an ability to learn from his mistakes and move on, without rancour. He shared his successes. He knew how to relax, take stock and replenish. He surrounded himself with strong people and actively sought out their perspectives and opinions. He had an inner strength to stick to his fundamental goals. He was willing to speak to, and listen to, the views of many, each time presenting his own beliefs and vision. He fought for what he believed was right. He put ordinary people first. He survived a war and an assassination attempt and now is regarded as one of the best U.S. Presidents and greatest statesman of all time. The Chief Minister has met, head on, some of the most difficult of problems this Island has had to face for years and, from what I have just related, you can draw your own parallels. If you ask me: "Has there been dissent within the Government, conflict, debates and heartfelt discussions?" Of course there has, on numerous occasions, but, ultimately, through the Chief Minister's leadership, issues have been resolved and the Government has moved on. What is my point? Beyond the Nolan principles, you have to have a large amount of grit, fortitude and resilience to step beyond what life throws at you and Senator Gorst has this in spades. So, when you consider what Senator Gorst has had to contemplate and contend with during his term of office, it is astonishing that he has not buckled and quietly stepped away from it all. Even at this point, with this vote of no confidence being issued against him, he continues to address the problems that contend this Island. For my part, as Minister for Education, I have felt very privileged to serve this Assembly and have focused my own heart and passion into delivering the best education system the Island can offer. With the hard work and effort of great schools and teachers and a brilliant department I believe we are beginning to see some profound changes, but there is some way to go and it would be a shame to lose momentum just as our changes engage. I genuinely believe that the Council of Ministers can learn from this challenge today and use it as a catalyst for greater engagement with the Assembly and the public at large. I am committed to working in a transformational government that addresses the concerns raised here today, but I would suggest the person to lead us moving forward is Senator Gorst. Finally, returning to Lincoln, Tolstoy wrote this about him: "His greatness consisted of the integrity of his character and moral fibre of his being." I said, at the beginning of this speech, that politics is a human process, it is not a straight path for many, as I illustrated with Lincoln, but that does not mean you cannot be good or achieve greatness. I would suggest the same could be said about our Chief Minister. I will be rejecting this proposition.

**Deputy P.D. McLinton:**

Sir, I wonder if I could raise a point of order; I think it is a point of order. I heard my name being used in vain by Deputy Martin earlier, so if I could clear up that. At no point in my speech did I say there was nobody else able ...

**The Bailiff:**

This is not a point of order, it is a second speech.

**Deputy P.D. McLinton:**

I beg your pardon, Sir, I was giving it a go. Thank you. [Laughter]

**The Bailiff:**

Good try, Deputy. Does any other Member wish to speak? If not ... Deputy Maçon.

**6.1.11 Deputy J.M. Maçon:**

I just want to say to begin with, I do not think any of us enjoy having these types of debate. I do not think this debate has been brought lightly and I do not think that this is necessarily where we should be today. I do not believe that I am an impatient individual and I do not believe I am an unforgiving individual.

[16:30]

I think, as I have said already on the radio, we are here today not because of one issue, but because of a series of issues that have accumulated over time. We have gone into that already in some depth: the issue around the hospital funding, the issue how, during that initial debate back in January, I certainly felt as a States Member that I was being blackmailed into not supporting a referral to Scrutiny; certainly, the pressure from the Council of Ministers, the Chief Minister, that this was the decision that we had to make, because that was in the best interests of the Island. I stuck to my guns, I referred it to Scrutiny and, lo and behold, that was the perfectly right decision that we should have done. In fact, the hospital funding decision required even greater scrutiny and more thought than what was being brought to this Assembly at the time. I do not think that the Chief Minister can have it both ways: to say this was the most urgent decision that had to be made at that time and then say: "Oh, well, what a relief that we deferred it and, therefore, does that not show what great leadership one has?" I do not think you can have it both ways. Not only that, but when the Chief Minister already spoke, he spoke about the accomplishments of Members of the States Assembly. Again, this proposition has not been brought to this Assembly saying that: "This Assembly and the Members are in chaos. We are not achieving things. We are letting down the public left right and centre." Of course, there is good work being done by Deputy Pinel and her Assistant Minister, Deputy Truscott, in the work that they are doing in the Social Security Department and Back to Work. Absolutely, they are working incredibly hard and they should be praised for that. I would not take that away from them, and I do not think anyone has tried to do that. But neither can the Chief Minister take sole responsibility for that, because he has got hardworking Members and officers underneath him to achieve that. The point I want to make is, of all the lists that the Chief Minister has written out, how many of those decisions still would have occurred and still would have happened had he not been there? Because a lot of them would have been the same. Certainly, something else which needs to be said at the moment - and I want to say it publicly - is again, we have had the comment about how well the States' finances have done recently, but, as Senator Ferguson said, that is down to the praise and the hard work and the expertise in the officers who work in the Treasury. That is down to them and they should be praised for the hard work and the decisions that they have taken. To say that is solely down to something that the Chief Minister can take credit for, I do not think is the case. The Minister has acted on officer advice and that officer advice has been outstanding, to the benefit of the public of Jersey. Also, we have heard that this Chief Minister was elected to the post because no one else came forward to challenge him. Well, wait a moment, let us not all be naïve here. As if deals were not done behind the door, in order to prevent that situation from happening. I think it is a little naïve not to remember that, so that whole argument I will put to one side. There is something which has already been spoken about - and I sent to the Constable of St. John when he was bringing this, and he read it out - and it is something which I really do feel must not be missed, because it is, I feel, at the heart of this. It is when the Chief Minister - when he was appointed Chief Minister for the second time - said that he was going to bring proposals in the next few days about how we can move forward in a more consensual and inclusive way. I have raised this in the States Assembly

before about the back-bencher committee that we were supposed to have. The Chief Minister proposed that on 7th November. I have raised it with him privately and I raised it again in the States in November 2016. Now, why does that make a difference? Why is this point relevant? Because, maybe, had the Chief Minister honoured what he said he was going to do, we would not be here today having this debate. I do not think that is an unreasonable point to make, or is it? Is it unreasonable to say: "The Chief Minister has said that he wants to be inclusive but, when it comes to actions, it has not been forthcoming"? This is my point. Unfortunately, from this Chief Minister, what we seem to get, time and time again, is hollow words. The Chief Minister said: "I am not a perfect individual." When the Constable of St. John was proposing, he was not asking for a perfect individual, but he was asking for someone who was going to honour what they said they were going to do. Again, I do not think that is unreasonable. The Constable of St. Martin has said: "We need to get behind the Chief Minister" but my response to him is: how can we, when the Chief Minister himself has put nothing in place in order to facilitate that, despite the fact that he said he was going to?" I am not on the States Employment Board, I am not an Assistant Minister; I do not have that kind of relationship with the Chief Minister where I can bend his ears because I have been appointed somewhere. It is not about me, but the point is: it is about the people that I represent, it is about the public of Jersey and if we, as back-benchers - as has happened more in this States Assembly than we have had previously - are pushed further and further to the side, further and further ignored and ostracised, how can we do what is best for the people by whom we have been elected? Certainly, this debate for me is always about what is in the best interests of the public of this Island. We just heard the Minister for Education say that this Chief Minister listens to everyone, but I have just demonstrated how that is not the case. Unless we have, again, the cognitive dissidence, which frequently appears within the States Assembly, something is not quite right. When the Chief Minister spoke, he said we should let the electorate pass judgment over his administration. Ultimately, the electorate will pass judgment over us if we choose to stand again, regardless, so that seems to be a waste of a point. There was something which I did not hear from Chief Minister. He said: "Okay, I have got a few things wrong and I am sorry about that." Great, we can all be sorry about things, but what he did not say and what I did not hear from the Chief Minister was: "Right, I have listened to the States Members, because they are trying to fulfil their role on behalf of the public and, therefore, I am going to do X, Y and Z in order to improve the situation", which I do not think is unreasonable to expect. It is one thing to recognise that you are doing something wrong, but the important thing is to put something in place, in order to remedy that. We have not heard yet today from the Chief Minister how he is going to do that. I do not think it is unreasonable to ask for that to be done. The Chief Minister further said: "I believe in this Island. I believe in our future." Well, do we not all? For me, that is such a bland and vacuous statement. Who here stood for election to be in this Assembly to say: "You know what, everyone, I do not believe in this Island and I do not think we have really got much of a future"? Who on earth, in this Assembly, has stood forward and said that? What we all have done is outline out different visions for the future and what we think is good about Jersey. I cannot take him up on that point because, again, it is bland. We all believe in Jersey's future, we all believe in Jersey. There is another point, which, of course, Members will not be surprised for me to say. When the Chief Minister said: "I want a more inclusive Government and, therefore, I am going to have more of these oversight groups" now, myself, as Members will know, I have got a keen interest in higher education, Deputy Lewis has got a keen interest in higher education. A ministerial sub-committee was set up; I do not know about Deputy Lewis, I certainly was not contacted to be part of that, given my interest and expertise in that area. Again, it is putting the rhetoric to one side and looking at the evidence of what is done, in a good Scrutiny tradition. What is the evidence? Again, what is said and what is done is completely different. I certainly agree with the remarks of the Constable of St. Helier, who said that having a vote of no confidence in this Chief Minister, in choosing who we



want, is not a weakening of our system, it is healthy display of democracy within the Island, which would give some comfort to the Islanders, the public. It shows that States Members have got some backbone and are prepared to stand up and be counted for once, instead of, yet again, showing this Assembly to be some form of old boys' club, where deals are done at the back door, horse trading occurs, and: "It is all right, my boy, we will carry on as we are." I do not think that would be a bad thing for the public to see. The Chief Minister also said that we do too much blame. Why is it blame, in one instance, and not holding someone to account in another? Surely it comes to a perspective, or do we simply say: "Well, we have held you to account, but we are not going to do anything about it"? Is that really good enough? Is that really what the public would expect of us? Again, other Members have said: now is not the right time. Well, I challenge those Members who are going to stand up and say that. When would be the right time? When is ever the right time for people in power to say: "I think it is time for you to get rid of me"? When does that ever happen? I do not think it is going to come forward. Again, that argument does not really go anywhere. Not only that, but something which certainly has struck me from this whole debate, when it was first lodged, is the ringing endorsement that we had from all the other Ministers about the Chief Minister when this vote of no confidence was lodged. My word, were there not huge amounts of press releases from all the different Ministers saying: "What a great leader and how much confidence we have in the Chief Minister", when that was lodged. Did we not see that? No we did not. Of course, we all know why, because behind the scenes there were different elements of wrangling, arguing: "If we can get this and we can get that, maybe we will be in the coffee room. Maybe we will support this vote of no confidence, maybe we will abstain." What was noticeable was the silence from the other Ministers. There is something else which we need to talk about and, again, this comes back to the Innovation Fund. We know, after a bit of fact checking, after the report was done ... and, of course, I raised with the Chief Minister at the time when he said we were going to have these reviews, about the terms of reference of these things. Of course, it was drafted in such a way that what happened in the end? There was a portion of blame put on the Scrutiny Panel. I am sure Deputy Luce and the Constable of Brelade, who were on the Scrutiny Panel at the time, must have really welcomed that, until, of course, the Deputy of St. John clarified the matter and said: "If you go back and look at the Scrutiny transcripts, that was there." In Scrutiny, we have to do a fact-checking process when we produce our reports. Clearly, this has not happened this time, but the Chief Minister was quite happy to jump onto the conclusion of this report. Was that great leadership, on behalf of his Ministers at the time, for Deputy Luce, for allowing it to be seen that there was a portion of blame on the Scrutiny Panel? During that statement at the time I remember the Chief Minister highlighting the problems of the States Assembly for not pushing enough, for not clarifying, or enquiring enough into aspects of the Innovation Fund. Oh, I see. So it was the States Assembly's fault, as well? That is leadership for you. Again, look. One of these items on its own, while I am showing some dissatisfaction, would not be enough, but cumulatively can I really say to my electorate, to the people who have put me here, the way that States Members are being treated over the rhetoric to how we are told we should be treated, has that materialised? It has not. It is the style of leadership. Again, I do not like this debate, I do not want to be critical of Senator Gorst - who I believe is a hardworking individual - but certainly I do not believe has honoured the issues and the promises which he led this States Assembly to believe were going to happen. I have raised that on several occasions with him. Therefore, taking it all into account, I do not believe it is unreasonable to come to the conclusion that I have and I will be supporting this vote of no confidence today and I would encourage other Members to do so.

#### **6.1.12 Senator P.F. Routier:**

When I thought about the prospect of this debate I realised that possibly separating out the policy from the personality of the Chief Minister may be a bit of a challenge.

[16:45]

I cannot help think about the qualities of our Chief Minister. Members will, no doubt, expect to hear from me really positive comments, as I am Assistant Chief Minister and I work closely with our Chief Minister. I have to say, it is a real privilege to work so closely with him. This proposition, this vote of no confidence in the Chief Minister, is misplaced and inappropriate. In fact, the wording of the proposition is totally inappropriate, because I cannot believe and I may be wrong, that there are many Members who can, hand on heart, say that they have no confidence. I will say that again: no confidence in our Chief Minister, especially when you look at what has been achieved during his tenure. I am not going to repeat the matters, which the Chief Minister has said about the achievements over the last few years; Members can see them in the comments which are laid before you today. Obviously, what is in those comments is that the work has been carried out by the whole of the Council of Ministers and it is an impressive list of achievements. But if you listen to Deputy Southern, you would think that every silver lining has a cloud. There is, of course, a significant amount of work also in train and nearing completion. Aside from that, I think it was Deputy Martin who raised a couple of matters, which she thought were of concern to us and these are 2 significant matters, for which I am particularly concerned. If we indicate to the outside world there is any instability in our Government. Importantly, we also need to ensure that there is continued accountability for the actions taken by this Council of Ministers when we consider, in particular, the impending Committee of Inquiry into historical child abuse. While, for some, it may be an option to have a new Chief Minister, together with a new Council of Ministers, there should be no doubt that, if this proposition is successful, the whole Council of Ministers falls. But, I am aware that there are many members of the public who want the current Chief Minister, with his existing Ministers and Assistant Ministers, to explain and be accountable for the more recent services and the changes that have been put in place to support the children of our community. This is such an important time to have stability in this area of States' responsibility. I believe Members should support our Chief Minister in his work in chairing the Children's Improvement Plan, which has seen significant additional investment, both in financial terms, but also staff in Social Services and in Education; but also within the voluntary sector as well, where there has been support given to those people who are supporting the children within our community. Our Chief Minister has, personally, invested so much energy and commitment supporting other Ministers in this vitally important work. Not only that, but our current Chief Minister should be in post to face the outcomes of the inquiry. There could be no doubt the considerable media interest, which we know will be from national, international and local media, as well as those who have suffered and been affected by the abuse. So, from my point of view, that alone is something which we should consider very carefully. Then the other item which Deputy Martin raised was if we think about Brexit. While we recognise that there are uncertain times ahead about what form Brexit is going to take, there can be no doubt that the work that the Chief Minister has already done and the relationships he has built up with U.K. Ministers, including those recently appointed, it would, at this time, be a real shame to lose those well-made connections. We heard this morning, in answer to questions, that the Chief Minister has a real grasp and understanding of the interlinked policy forums, whether they be in London, or Europe. He has these issues at his fingertips and his knowledge and the relationships he has with key players is something that we should not discard lightly. This debate has been, unfortunately, clouded by personality matters. This is something which I personally regret and I will state, quite clearly, this has been one of the saddest times in my political career. I need to take exception to the opening comment of the proposer, when he outlined what he thought was a leapfrogging of circumstances and that the proposition was not a personality issue, but about the matters which he raised in his speech. I am sorry to say that the proposer was quite clear, in the early days after lodging this vote of no confidence, that the railway sleeper that

broke the camel's back was the reappointment of Senator Ozouf. In fact, it was 60 per cent that fact and 40 per cent the other issues. I am sorry, but this is really not fair, to try and disassociate himself from the personality of politics. For a moment, I will focus on what some Members have said they see as a weakness in our Chief Minister and that he is either not prepared to make tough decisions, or he makes wrong decisions. Before I do that, I would like us to all think about our own approach to making decisions. I, for one, know that I have failings and I could do better at times. I could make decisions in a more timely manner and I know there are times that I need to think about other people's views and not just my own. As States Members, we all know that there are times when decisions are difficult, because they cut across different sections of our whole Island community and I am sure we do our best to serve our whole community. As I started my comments, I said that, no doubt, Members would expect me to make positive comments about our Chief Minister and I have also mentioned that some may see those as weaknesses. Members I hope recognise and accept that our Chief Minister is extremely talented and carries out his role in a most diligent, focused, encouraging and especially caring manner. It is this last point about caring for other people's views and wellbeing - and when I talk about that, I am talking about the whole community, including Members - which, sometimes, gives the impression that he is indecisive. However, knowing him as I do and working with him closely, I know that this is exactly what he should be praised for and thanked for and he should not be facing a vote of no confidence. I make no apologies for my comments being personal about the Chief Minister, because I have seen, at close hand, the way in which he has been dealing with extremely difficult situations, meeting with people and dealing with personal matters, to deal with constituents and dealing with them, which people do not know about. He does not deserve what is happening to him today. He deserves our thanks. Please support our Chief Minister. **[Approbation]**

#### **6.1.13 Deputy M.J. Norton of St. Brelade:**

Members will be thankful to know that I am going to keep this as short as I possibly can. In fact, I read somewhere someone just pleading, listening to this, if all speeches could just be 2½ minutes long, we would all be very happy. I stand as someone who is an immigrant and I am quite proud to stand as that. It does not matter where I was born and I take great exception to any Member in this House that takes exceptions to immigrants. It is not right. I heard that speech while I was not in my seat here. Get used to it. There are more immigrants in this Island than there are that were born here and they add a great deal. **[Approbation]** I have spent the last 2½ years, or so, working as an Assistant Minister in a job that I enjoy, but mostly working for a Chief Minister, who has the best moral compass that I know; that his honesty is without question, his compassion is without question. There will be Members, accepted - and there will be members of the public, accepted - who will not agree with every decision that he makes, but there can be no-one that can question the work ethic and the well-meaning direction of what is best for Jersey. I was just looking, probably fantasising, of holidays in the summer recess and looking at the Christmas break and then looking at the run-up to the election and purdah and working out just exactly how much time we have left before an election. There is probably about 5 months of actual work between now and then and, with respect, any changes that we have between now and then are just going to mean that nothing from now, until the end of the election, is going to get done. There is very important work to be done. People are sick of us talking about ourselves. We need to get on and get on with that work and let the people decide when it comes to May next year. I will not be supporting the Constable's proposition.

#### **6.1.14 Senator A.J.H. Maclean:**

I stand, I suspect like many, with a somewhat heavy heart. I do not like to be in a position where, as other Members are, we have to have a vote of no confidence in our Chief Minister. I do not think it is a fair position and I do not think it is a position that either this Assembly, or this Island,

should be facing. It is, without doubt, something that should happen as what one might describe as a nuclear option. I do not believe that I have heard a case, if I can put it this way, for the prosecution, by the Constable of St. John that is compelling enough to have even brought a vote of this nature. The Chief Minister said, in his opening remarks, that he was not perfect. He is not perfect; I do not think any of us are perfect. We all make mistakes, but I would simply say show me the man who never makes a mistake and I will show you the man who has never made a decision. I have seen the Chief Minister make decisions that are difficult decisions, tough decisions and that is the nature of the role. There is much discussion about leadership, there is much innuendo about an ability to lead, but the ultimate and most important fact is that a leader needs to make decisions and, inevitably, the leader needs to make difficult decisions. That is something that I have seen Senator Gorst do. He is, as many have said ... and in fact, I feel that the words that Senator Routier used a moment ago, very emotionally, but absolutely right, described many of the qualities that many of us never see with regard to Senator Gorst. He is a good man, who works hard and cares passionately about his Island. I do not think it matters, as Deputy Norton was saying - in fact, it is not a question that I do not think it matters. It does not matter where someone is born - it matters how much passion they have got for the place that they are living in and that they choose to call home and that they are clearly absolutely committed to.

[17:00]

It is interesting, I remember not long ago and I think it was in one of the media, there was a suggestion and the phrase was used “nodding dogs” where Ministers were describing as “nodding dogs” to the Chief Minister, doing only what he wanted to happen. I remember that phrase and I can tell Members there is no question of nodding dogs. In fact, on the flipside of the coin, there has been all this discussion about Ministers not being happy. I can tell you, Ministers are not happy all the time and I would hope that Members would not expect Ministers to be happy all the time. I would hope that Members of this Assembly and Islanders would expect Ministers to challenge each other and to challenge the Chief Minister. That is exactly what democracy is all about. What that means is that I do not like every decision that my colleagues make, I do not like every decision the Chief Minister has made and I have told him that to his face and I will continue to say it. What I will not do is rehearse it publicly, because I do not think that is necessarily constructive; I do not think it adds anything to a debate at all. I think it is important in a Government, as well as in a boardroom, that discussions are had, good honest debates, robust debates are had and decisions are arrived at. Not everybody is going to agree with those decisions, but ultimately that is where we need to get to, but I do not think that it can be any other way. There are, of course, suggestions that there have been failings with this Government laid at the door of Senator Gorst. It is not Senator Gorst, of course. He is just the leader. I say “just”. It is an extremely important and difficult job, but there are a number of Ministers too that form the Council of Ministers. If there are failings, it is every single one of us that has failed. **[Approbation]** I do not believe ... thank you, Deputy Tadier, for your solo. **[Approbation]**

**Deputy M. Tadier:**

We can do it again and I can ask Deputy Mézec to join in.

**Senator A.J.H. Maclean:**

Almost a whole party then. **[Laughter]** But, nevertheless, it is a fact that decisions are made by Ministers that are not always correct and it is important, therefore, that we work together and I believe we do work together and suggestions that we are not a team is utterly, utterly incorrect. I think cases where there have been disagreements have been amplified, misread and have created a certain degree of discord, but I would like to make it absolutely clear that where we are today, how

we have arrived here from where we started at the beginning of this political term. We did have a structural deficit. It was not quite at the level that my good friend and colleague opposite said, it was around about £28 million. There were figures of £145 million talked about. They were talked about as black holes and all sorts of emotive language. That number was to do with investment, significant investment, in key priority areas that this Government chose to deal with, areas like health, housing, education and infrastructure. That is absolutely the right thing to have done and it was under the leadership of the Chief Minister, Senator Gorst, that we had the courage to tackle these difficult decisions. The position that Jersey found itself in was not unique. Look at just about any jurisdiction in the world post-2008. The challenges that we faced were immense, they were enormous and it required a Council of Ministers that were going to work together to deliver on the agenda that was set with the interests of the Island and every Islander at heart. It is difficult and not everybody is going to be happy and not everybody is going to be happy with decisions that involve cutting of services at times and cutting our cloth accordingly. Yes, we have had to take costs out of Government; in fact, £38 million. On the subject of what has been delivered, £38 million has been delivered in terms of savings and efficiencies already, well towards the target of £73 million of staff and non-staff savings that were set at the outset; significant capital expenditure, £168 million over the term of the Medium Term Financial Plan; investment to support the economy; investment to improve infrastructure; investment to help ensure that our housing stock is up to scratch; investment to ensure the schools that we have are right and improve, Grainville, St. Mary, the budget put aside of £40 million for Les Quennevais. Yes, there have been some delays, of course there have been, nothing runs smoothly, but there has been far more achieved than has not been achieved by this Council of Ministers. Our fiscal position has improved. 2016 was a good year and, yes, Senator Ferguson makes the point about Brexit and the fact that sterling depreciated and the benefit that we saw from that with our investments, but it was also due to the excellent work with the Treasury Department and the staff in there, in particular, and the advisers who advise to ensure the right strategies were in place. Ultimately that is to the benefit of all Islanders; £320 million improvement in our reserves, as a result of that. That is not money we can spend, but what it does do, it gives us flexibility, what it does do is that it ensures that decisions for the future ... perhaps the Minister for Social Security will have a little bit more flexibility when considering contribution rates in the future. She may not have to raise them quite as much, or quite as fast, as would have had to be the case if her Social Security Reserve Fund had not grown last year by 19 per cent. That is an incredible response and I think that it is something that should be celebrated. But also the States' finances; last year we saw income tax, or income receipts, up £45 million above budget. That, again, is a great result. We have also seen expenditure fall. For one of the first times, real terms expenditure has fallen and we have seen other costs taken out, improving of efficiency and so on, all under the leadership of Senator Gorst. Not everything is perfect and Members have mentioned some of the shortcomings. I do not want to rehearse those right now. As I have said, there are disagreements at time, but they are done in a constructive way within the Council of Ministers and that is how it should be. What we can improve on and what we must improve on is our ability to communicate. Communication with Members of this Assembly, I think, needs to improve, but also with the community at large, so that the broader picture of what is being undertaken and what is being achieved can be fully appreciated. I would urge Members to consider where we are, the risks and threats that we face as an Island over the coming years. We have got 10 months or so to go until an election and one or 2 Members have said: "If this is not the right time, what is the right time?" What I would say is that if members of this community and Members of this Assembly are not satisfied with the Chief Minister, then they are not satisfied, equally, with Ministers. If that is the case, the time to exercise that view and that frustration is at an election, which is May of next year. That is the appropriate time to do it. Not, I hasten to add, to put at risk the reputation of this Island with instability of a challenge. Yes, it is all very well,

Deputy, to throw your head back in disgust, but in fact it is true. There will be instability. A vote of no confidence, a vote to support the proposition from the Constable of St. John, leading to the Chief Minister falling and, of course, the whole Council of Ministers and a whole leadership process then starting, that is instability. It is not about just this Assembly, or this Island and Islanders, it is about the perception of this Island in the outside world, nationally and internationally. Where do we get our business from? We get it nationally and internationally, inward investment, incredibly important to the jobs and the success and the revenue that we see. What happens if we start to see instability of that nature? Why is it important? It is important for one simple reason: the strength of Jersey. The reason that people do business in, and with, this Island is political stability and fiscal stability and a fantastic quality of life, of course. But one follows the other. It is not the time, following Brexit, to be considering such a move. It is not the time, following an election in the U.K. with now a minority and slightly, to say the least, unstable U.K. Government. It is not the time, with global tensions at the level they are and economic uncertainty, to be considering instability in this Island. I would, therefore, urge Members to get behind the Chief Minister, to get behind the Council of Ministers, recognise that we are not perfect, recognise that we work hard in the interests of the Island and allow the remaining 10 months of important work to be undertaken and completed and let the electorate make the decision in May of next year as to whether they have confidence or not.

**Deputy R. Labey:**

Could I ask for a point of clarification from the last speaker? Did he make his support for the Chief Minister conditional on Senator Ozouf's departure from the Cabinet?

**The Bailiff:**

I am not sure that is clarifying anything that the Minister said in his speech, but if the Minister wishes to deal with it he can.

**Senator A.J.H. Maclean:**

No, I do not. I made it quite clear that I was not going to go into details about any of the issues, whether it was the Innovation Fund, whether it was the hospital funding, or anything else. I have said there are both robust discussions among Ministers and that is exactly as it should be. But I do not believe that it is constructive to start adding to those in a public forum. I have made my point clear - absolutely clear - that I support the Chief Minister. I want the Chief Minister to remain as Chief Minister and to continue the important work that he has been undertaking efficiently to date.

**6.1.15 Deputy M.R. Higgins:**

I know we are all watching to see who else is going to do it. I put my name to the vote of no confidence, because I do not have any confidence in the Chief Minister. But what I will say right from the very, very start, on a personal level, I have no problems with him whatsoever. I think he is a nice guy, it is just he does not do necessarily what he should do and a lot of the policies they are doing I do not agree with. Again, I was not planning on going this early either. I would say that a number of things have annoyed me and one of the most recent ones was the statement that was made to the States about the Innovation Fund. I was quite surprised - in fact I was quite shocked - and really annoyed by what I saw was news management. As you all know, the statement on the Innovation Fund came at the end of a day, we were all given a one-page statement, which the Chief Minister started reading out. We are all listening to him, as well as reading the document, you are trying to get ahead so you can try and think about any possible questions you may ask at the end and going through that document and listening to the Chief Minister there was the reference to the Innovation report and I did not have a copy, I looked around to others and said: "Have you got a copy?" They did not. Then I heard Deputy Le Fondré mention paragraph 14 of

that report. I thought: “Gosh, some have got it then.” I was not in a position to ask any questions in the 15 minutes you are granted after that statement. Neither were many other Members. In fact, even those who had the report, I do not think people have got such fantastic speed reading skills that they could read 72 pages so that they can get a question in before the end of the 15-minute question time. So I thought that was badly handled. Remember it was also at the end of ... I think it was the start of the Bank Holiday and we suddenly find that, obviously, the key points that the Chief Minister wanted to get out were out in the media. So, in other words, that Senator Ozouf had been exonerated. I had been looking high and low for the word “exonerate” except in the sense that it is not ... no-one has been exonerated by the report, but he mentioned that Senator Ozouf had been exonerated. I was annoyed that I did not have the report that I could see if it is true. In fact, looking through the various reports and also going through the Scrutiny Panel’s report and also the P.A.C.’s (Public Accounts Committee) transcripts of where they have been interviewing Members, I must say I have got a different sort of feel for the Innovation report and problems than I had before. But, I was annoyed we were just jumped into this, without any chance to really speak on it. Lo and behold, the media the following day, Senator Ozouf exonerated and then all the other criticisms that the Chief Minister came up with. He criticised the Scrutiny Panel, for various reasons; he criticised the States: because we passed the Innovation Fund, it is our fault. Now just bear in mind, when the Innovation proposal came to the States, yes, you read it and so on, and we decided to pass it to Scrutiny, and they did a brilliant job.

[17:15]

They came back with a recommendation: there were faults but we should go ahead with it. Now, we are taking the recommendations of a Scrutiny Panel, we are listening to the Ministers, we are probing as much as we can, but to blame the States for their failures in the way that they have implemented the Innovation Fund I think is totally wrong. In addition to that, the Chief Minister says he does not like collective responsibility. Well, who brought it into the States? The Chief Minister. He says that he does not like the Troy Rule. Well, the Troy Rule is the only thing that is enabling States Members to try - I mean try - to hold the Council of Ministers to account. Why is it a “try”? Because we cannot get the information 90 per cent of the times out of them and sometimes the answers shift, repeatedly. So, there were comments made like that that really annoyed me about what was happening. He was also criticising 2 other Ministers and said he was going to write them letters of reprimand, or letters of admonishment. Now, why does he exonerate one, then criticise the others, and States Members have not got a clue what is really going on, because they have not had a chance to read the material. I felt that was very bad handling. I also thought it was an absolutely brilliant way to keep all your Ministers online. You have got 2 Ministers, who no doubt are feeling really peeved, they believe they have done a proper job and it is unfair criticism. That is quite natural they would feel that way. How can they feel loyal to a Chief Minister? Now the other criticism I have got of Senator Gorst’s Council of Ministers is the way it functions. Harold Wilson, the Labour M.P. - shows my age - 1960s, 1970s, for all those who were not born then, but Harold Wilson had ... he was accused of having a “Kitchen Cabinet”; and by a “Kitchen Cabinet” they meant that one, or 2, or 3 of his Ministers, or maybe 4 or 5, were involved in decision making and all the others were not. It was a small group, including someone who became ... I think it was Lady Marcia Williams, who was his secretary. She had an awful lot of power as well. But they were the people who were making the decisions in the Wilson Government. I speak to Ministers, I speak to other Members and we all sort of talk and share notes. But you find out and we ask questions as well: “Were you involved in the decision making?” and you find out many of them were not. They did not even know about it, or they may have got an email later. So, we have a Council of Ministers which is not functioning as a collective body. They are not all involved in the decisions, but they are expected by the Chief Minister to follow his lead. The example of the withdrawal of

the housing funding proposal. To the best of my knowledge I believe, and I hope the Ministers and Members will tell me if I am wrong, that the people who were involved in the meeting about the alternative funding were the Chief Minister, the Minister for Treasury and Resources and the Minister for Home Affairs. There were no other Ministers present. Sorry, think back. And Senator Green.

**Senator I.J. Gorst:**

Not the Minister for Home Affairs.

**Deputy M.R. Higgins:**

It was not, okay. But it is still down to 3. So it is down to 3 Members and decisions are being made there. Let me give you another example of that. We go into the Innovation Fund and there were concerns about, for example, who was really responsible for it. The chairman of the Innovation Fund goes off and seeks a meeting and has it with the Chief Minister and we have some Ministers, I will not name who they were, but a few Ministers were there, but some of the 3 key people were not there, including the Minister for Economic Development, who is supposed to be responsible for it. That is when they changed the risk ratio from 10 per cent to 50 per cent, which obviously we did not get told about later. So, what I am trying to say is there are numerous examples throughout the term of the Chief Minister where he has had talks with a select few, the others do not even know what it is going on, later find out, they are unhappy. What a way to run a Council of Ministers. I was also annoyed by the Chief Minister when he mentioned, when he was bringing Senator Ozouf back into the fold, or trying to, by saying that he is the one who has got all the experience. He is the only one who can do the job. I thought that was offensive to an awful lot of Members of this Assembly. I know there are people in this Assembly, who have worked in the finance industry at quite high levels, in complex things. I know that ... just to give you a few examples: we have got Senator Ferguson, who worked in the finance industry, also the Financial Services Commission; we have Deputy Brée, I think it was investment management. I have worked in the finance industry, others have. It does not mean that there is no one else who can do the job. It is just that he does not want anyone else to do the job. The other thing too that really annoyed me about the statement is: there are many capable people in this Assembly, who may not have the experience of finance, but are very capable people. You do not know what they can do unless you give them the opportunity. We have all done things in life that we have never had any experience of and we suddenly get thrust into the position and many people excel. So, I was offended by the statement that only Senator Ozouf could do it and, again, it was disparaging of other States Members. The other thing that really does annoy me about - I am blaming the Chief Minister for this, but it was probably his colleagues as well - is news management. Everything now is when messages go out and the fact they are spending £750,000 on P.R. (public relation) agencies and you only spend that when you are trying to sort of spin something normally. I do not think it is the correct presentation, always slip in the bad news at the wrong time and so on; all these sort of tricks that are being done and they are using spin more and more. I must say I was thinking, by the way, when some of the Ministers were praising the Chief Minister, I thought it was a "Trumpathon", or a love-in of his own Cabinet Ministers. If any of you saw that on television it was unbelievable and next we will be having posters all over the place, it will be the cult of personality, like in North Korea. Deputy Southern raised many things I could raise myself. It is about the policies that are being pursued by him; so, yes, it is not just his decision making that annoys me and some of the statements he has made, but it is also the policies he is pursuing. The population policy or non-policy that we have been talking about - I believe the figures are going to come out in about a week or the next month, or something like that, from the Statistics Unit - and we are looking at something like 1,700 people extra came into the Island last year. Remember, the official total is about 325. Then it was 1,500 the year before that and 1,500 before that. We are



also told by the Minister for Housing that by 2020 we will have housed, I think it is, 1,000 people. But, at the rate we are bringing new people into the Island, who, if they remain in the Island, will also be entitled to housing, we will never ever be able to house the population we actually have. Things like that annoy me. The other thing that annoys me, as well, is that when I came into the States I was really annoyed about haves and have-nots. In the term of office that the Chief Minister has been Chief Minister, his 2 terms, I cannot see any improvement for the youth of this Island. They cannot buy houses. Young people cannot buy houses. They are either staying on someone's sofa, or they are staying with their parents. That is unacceptable. I cannot see anything that has been done. The Chief Minister also says he does not see - I am trying to think - we were asking questions about poverty in the Island and whether it has improved or not. He is of the belief that everybody is better off, because the economy has been improving. Some people are definitely better off and are doing rather well, thank you. A lot of others are not and that non-recognition of the fact is something that really angers me. Again, the Chief Minister who, obviously, is responsible for the Council of Ministers, he is the leading force within it, the treatment of public sector workers. I think they are being treated abysmally. I might be corrected on this, but I think it is 16 per cent fall in income in real terms over the last few years. How many of you could afford to lose 16 per cent of your income and survive? You will be kicking off quite happily, but certainly the public sector have been ... it has been going on repeatedly and then we suddenly find things like £300 million, which was fortuitous. It was not planned by the Chief Minister; it just happened. That is the other thing too. When inflation was mentioned earlier, we have no control over the level of inflation in the Island. In fact, the Council of Ministers make it worse. Why do I say we have got no control over it? Because goods are coming into the Island, so we import inflation. We do not have controls on what goods are coming in. We cannot use interest rates to raise them, if we think inflation is getting too high and lower it if we want to see some moderate price rises. Taxation is fixed. Since when have we ever changed our tax rates, particularly? Not very often. So you lose fiscal policy; you lose monetary policy; direct controls they do not want to touch. Therefore, we take what we get and every time I hear a Minister get up and take the praise for the low-level inflation it really gets me going. There is so much that the Council of Ministers say is through their doing when it was not. We had that earlier, for example: the reference to Freedom of Information. Freedom of Information did not come from the Council of Ministers, it came from P.P.C. I certainly spent 3 years with the Constable of St. Mary on that. A former Greffier, I think, spent probably another 3, or 4, or 5 years before that working on it. They claim credit for things that they have not done. It is the same as the Financial Services Ombudsman and others. I dislike the spin on what it is they are putting out there. I must also go back to 2 of the other Ministers. One is the shroud waving from Senator Maclean; we get that so often. We had it, if you remember, lastly when we were talking about the housing funding and if we did not go to the markets right away we were going to be in dire straits. Now he is shroud waving on this about confidence in the Council of Ministers. Governments come and go and there might be slight turmoil, but remember we are a small island. In the scheme of things, in the greater world, we are not that important and people sometimes forget that. They think that the world revolves around Jersey. I would also like to go back to the Strategic Plan, just one other point on that, the regeneration of St. Helier, which the Constable was going on about. I cannot see anything that the Council of Ministers, or the Chief Minister, has actually delivered. The words are there: "We are going to regenerate St. Helier." We know we have had housing coming in, new housing being built. Deputy Labey brought up the La Collette development. We are losing green spaces. There are proposals for housing around Gas Place, which I think are going to increase the density too much. What I am trying to say is: we get a lot of rhetoric, promises and so on, but not actually being delivered. These are just some of the reasons why I personally ... sorry, there is one other and I am going to mention this - this one will not go down too well - I talk about corruption. I never used the word "corruption". I hated people

using the word “corruption” in this Island, because I never saw any evidence of it. I have seen evidence of it now and I have been doing my best, with others, to try to raise this to a higher level and try to get people prosecuted for it. We even went to the Chief Minister and other Deputies have as well, raising some of these issues. I would have thought that he would have done something about it, anyway. He says: “Go to the police.” I am highly critical of the police, because they are failing to do proper investigations. All this has got to come out at some point. I am talking about corruption, where civil servants, allegedly - I will use that term because it is not in the court yet - have committed perjury, they have perverted the course of justice, or they have been guilty of misconduct in public office. I want to see those people dealt with because it is a cancer that we cannot have at the heart of our government and public service. No-one is doing anything about it and Ministers know about it, the Chief Minister knows about it, the police know about it, I know the Attorney General now knows about it. We have got to deal with things like this. The lack of support from the Chief Minister on that I found appalling. Every one of us should be fighting that tooth and nail. Just one final thing. Again, I have to say this, the Police Service of Northern Ireland report. I was absolutely delighted with that report, not so much for Mr. Boschat but because of the other people that were referred to, the 12 other people who gave statements to the police service. What came back was there were systematic failures on the part of the police to answer subject access requests. I was going on to the Chief Minister, to the Minister for Home Affairs on 13 separate occasions in the States and everybody was saying: “Rubbish” and all the rest of it. You get cut down, because you raise these issues. It came out in that report, totally vindicated. There was a total abuse by the police on that. Anyway, at that I will say I have given my reasons why I am supporting the proposition and I think other Members, who are supporting the proposition, should also speak.

[17:30]

I also hope that the Ministers and Assistant Ministers, who perhaps are changing their minds because of what their real motive was - to get rid of Senator Ozouf - will tell us why they changed their minds, or were they just using the vote of confidence to achieve their own ends? I would like more of the Ministers to speak.

**Deputy J.A.N. Le Fondré:**

Sir, can I test the mood of the Assembly as to whether we carry on, or whether we stop, because it is an important subject?

**The Bailiff:**

There is only one other Member who wishes to speak, apparently. Perhaps I could ask if any other Members wish to speak? Only 3 declare an intention to speak at the moment.

**Senator P.F. Routier:**

Sir, may I propose that we do continue? I think it would be worthwhile.

**Deputy A.D. Lewis:**

Can I propose the adjournment, Sir?

**The Bailiff:**

It is one thing, or the other. There is a counterpart to the same idea. Senator Routier got in first, as it were. He has proposed we continue.

**Senator P.F. Routier:**

Would it help if I put a time limit on it, if I said 6.30 p.m.?

**The Bailiff:**

If we are going to continue we will continue, no doubt. Is that proposition seconded? **[Seconded]** All those in favour? The *appel* is called for. The vote is on whether we continue until such time as the proposition is put that we adjourn, but the vote is to continue and if you are, therefore, in favour of that you will vote *pour*, if you are against that and you wish to adjourn now you will vote *contre*. I will ask the Greffier to open the voting.

| <b>POUR: 33</b>             |  | <b>CONTRE: 16</b>         |  | <b>ABSTAIN: 0</b> |
|-----------------------------|--|---------------------------|--|-------------------|
| Senator P.F. Routier        |  | Senator P.F.C. Ozouf      |  |                   |
| Senator A.J.H. Maclean      |  | Connétable of St. Ouen    |  |                   |
| Senator I.J. Gorst          |  | Connétable of St. Brelade |  |                   |
| Senator L.J. Farnham        |  | Deputy G.P. Southern (H)  |  |                   |
| Senator P.M. Bailhache      |  | Deputy of Grouville       |  |                   |
| Senator A.K.F. Green        |  | Deputy K.C. Lewis (S)     |  |                   |
| Senator S.C. Ferguson       |  | Deputy M. Tadier (B)      |  |                   |
| Connétable of St. Helier    |  | Deputy M.R. Higgins (H)   |  |                   |
| Connétable of St. Clement   |  | Deputy J.M. Maçon (S)     |  |                   |
| Connétable of St. Peter     |  | Deputy S.J. Pinel (C)     |  |                   |
| Connétable of St. Lawrence  |  | Deputy S.Y. Mézec (H)     |  |                   |
| Connétable of St. Mary      |  | Deputy A.D. Lewis (H)     |  |                   |
| Connétable of St. Martin    |  | Deputy of St. Ouen        |  |                   |
| Connétable of St. Saviour   |  | Deputy L.M.C. Doublet (S) |  |                   |
| Connétable of Grouville     |  | Deputy R. Labey (H)       |  |                   |
| Connétable of St. John      |  | Deputy of St. Mary        |  |                   |
| Connétable of Trinity       |  |                           |  |                   |
| Deputy J.A. Martin (H)      |  |                           |  |                   |
| Deputy J.A. Hilton (H)      |  |                           |  |                   |
| Deputy J.A.N. Le Fondré (L) |  |                           |  |                   |
| Deputy of Trinity           |  |                           |  |                   |
| Deputy E.J. Noel (L)        |  |                           |  |                   |
| Deputy of St. John          |  |                           |  |                   |
| Deputy of St. Martin        |  |                           |  |                   |
| Deputy R.G. Bryans (H)      |  |                           |  |                   |
| Deputy of St. Peter         |  |                           |  |                   |
| Deputy R.J. Rondel (H)      |  |                           |  |                   |
| Deputy S.M. Wickenden (H)   |  |                           |  |                   |
| Deputy S.M. Bree (C)        |  |                           |  |                   |
| Deputy M.J. Norton (B)      |  |                           |  |                   |
| Deputy T.A. McDonald (S)    |  |                           |  |                   |
| Deputy G.J. Truscott (B)    |  |                           |  |                   |
| Deputy P.D. McLinton (S)    |  |                           |  |                   |

**6.1.16 Deputy S.Y. Mézec:**

Now for my 4-hour speech. **[Laughter]** It is the short version. There is going to be no prizes for guessing which way I am going to vote on this proposition. I am, obviously, going to vote to say that I have no confidence in the ability of Senator Gorst to lead the Government of Jersey. That was true the very first day I was elected to this Assembly, it was true yesterday and it is true today, even after the news we had this morning. At the root of that, ultimately, is the fundamental difference in values that I have with the Chief Minister. I am somebody who believes that the job

of government is to actively strive to improve the standard of living and life opportunities for all parts of the community, whereas Senator Gorst is of a political tradition which believes that if you just help the rich get richer, magically, the benefits of that will trickle down somehow. That is a philosophical view that underpins the policies which he pursues in office and which policies he prioritises. Those are policies like cutting £10 million of support for pensioners and disabled people. It is policies like what we are now seeing, which is the systematic destruction of the care profession, happening on his watch and also the denigration of the teaching profession happening on his watch. Times are tough. I, of course, accept that, but for me the thought of cutting support for these people would never even cross my mind. I do not care how tough times are; you do not ask the disabled to pay more, you do not ask pensioners to pay more. It would not even cross my mind, no matter how bad times were, but we have a Chief Minister who does consider it an option and pursues it while he is in office. We are so far apart, philosophically, that there are no circumstances in which I could ever back somebody with those values and that mindset for any position of leadership. Our differences are irreconcilable, but that is just ordinary politics, that is perfectly normal. People have different opinions; people have different values and priorities. We argue, we make decisions and sometimes you win and sometimes you lose. But the reason that I think this proposition, brought by the Constable of St. John, is objectively a proposition that is well timed, appropriate and sensible is because, all of my political differences with the Chief Minister aside, I think it is clear to everybody, who is prepared to look at it open-mindedly that this Government just is not working. It is not doing what it is meant to do and that, I think, can be seen no matter which direction you are looking at it from on the political spectrum. That is why it has been brought by Members and supported by Members, who you might be able to say are much more politically sympathetic to the Chief Minister's philosophy than I am. In this job you, obviously, speak to all sorts of different people, all parts of our community, and I speak to lots of good Conservatives all the time. In fact, some of my best friends are Conservatives. They are misguided, obviously, but they are still good people. We just disagree on the right way to do things, but across the political spectrum I cannot find anybody out there, an ordinary member of the public, who is genuinely enthusiastic about this Government and this Chief Minister. I have never met one. I simply do not believe that they exist and there is mass dissatisfaction out there in the public. We all know this and I think that there is far more dissatisfaction than is healthy for an ordinary democracy, because there is never going to be a government which is universally popular. That is not how democracy works. We have all got different points of view. You are never going to have a government that pleases everybody, but when you get Annual Social Survey results that say that 75 per cent of the public are dissatisfied with the performance of the Government; when we get 70 per cent of the public who do not vote at election time and 80 per cent, in a recent poll, wanting the Chief Minister to go, you know that something is going drastically wrong. I think that people are absolutely right to be dissatisfied with this Government, because, after the last election, those Ministers who were re-elected all of a sudden announced that there was a £145 million black hole that needed to be filled and that there would be tough decisions to make. None of these people put that to the public during that election campaign and I think that is wrong. I think if you have ambitions on education and health spending and investment, plus a desire to cut spending in vast swathes of other areas, which is ultimately underpinned by what I think you can actually say is a credible vision to realign the States - that is what it is and, giving them credit, it is a coherent vision - you should have the courage of your convictions to put that to the public and say: "Elect us and this is what we are going to get on with." I think that if people knew that a vote for Senator Gorst was a vote to abolish the pensioners' Christmas bonus; a vote to abolish pensioners' tax allowance; a vote to try to introduce a regressive health tax, where the rich pay less and the middle are squeezed further; a vote to introduce a waste disposal tax; a vote to privatise the jobs of infrastructure workers, do you know what? I do not think as many people would have voted for

that as did at the last election. That is, ultimately, the fault of our political system, because we have a personality political system, rather than a party political system and we had the Chief Minister earlier today stand up and complain about personality politics. I am sorry, you cannot have it both ways. You either go for a party system, or a personality system. You cannot have it both ways, stick to the personality system and then complain when people try to pin the blame on individual people when something goes wrong. You cannot have it both ways. But there is more than those examples I have just used. One Member earlier referred to the People's Park debate and that, for me, summed up how out of touch this Chief Minister and this Government is. What on earth made these people think that it was a good idea to put People's Park on the list of potential hospital sites? That was so obviously going to be something that would not be tolerated by the public. It was so obviously going to be a massive political gaffe that the people who allowed that to happen, I think you can do nothing other than question their judgment and question whether they are the right people to be in the job. We are meant to be representing the people, representing what they want to get out of Government and that was just so hopelessly out of touch and obviously going to be out of touch with what the public wanted. It was just bizarre to behold. Then, we have had the hospital funding shambles of a debate. Now, ignoring the fact that there are still questions about whether the right type of hospital is being proposed and whether the right cost is being proposed as well, we were told time after time: "We have to get this sorted as soon as possible, otherwise it puts the project in jeopardy and could cost us much more at the end of the day if we delay it." Then what happens? We get an email at the eleventh hour, because the whole thing has been pulled. I think an ordinary person looking at that I think would have looked at our Minister for Treasury and Resources and thought that he looked like a fool when that happened. That irritates me, because I know that our Minister for Treasury and Resources is not a fool. I know that he is a good person. I know that he is trying hard, in difficult circumstances, in a Council of Ministers where people have different points of view and I do respect him for that. But, I happen to think that he was treated disgracefully when that happened. I think that it is very regrettable, now, to see that he has fallen for the sacrificial lamb that was the Assistant Chief Minister and is now supporting the Chief Minister. I would have preferred him to have taken a stand and say that the way he was treated was wrong and join us in saying we need a change in direction. Population policy has been mentioned, or the fact that we do not have one. The minimum wage, again, we are now the lowest minimum wage in the British Islands, lower than the Isle of Man, lower than Guernsey; an absolute shambles. For me the worst issue is poverty. How, under the leadership of Senator Gorst, poverty in the Island has been rising. Their policies are actively making things worse. When they come to this Assembly they try and tell us the opposite, as if we are idiots. That, I think, is a completely inappropriate way for a political leader to behave. If the Prime Minister of the U.K. was caught giving incorrect information on something like that, it would be the end of her career very quickly, I think. Some Members have gone through the Strategic Plan to measure up this Government's performance. I do not think I have heard any other Member refer to the other important document, which was the - I do not know what it is called, but it is the document that you have to submit alongside your nomination as a candidate for Chief Minister - which was presented to the States in November 2014, which I have here, the document that Senator Gorst put to get the States to agree to let him have another term as Chief Minister. There are things in it which are similar to the things which were then included in the Strategic Plan, but there are some specific comments that are made in it that I want to draw attention to, because I think they are so important. The first headline in this document was about delivering jobs. That is something that this Government seems to be very proud of. They say that there are a record number of jobs in the Island. They are right. There are a record number of jobs in the Island. Well done. That is because we have a record population in the Island. It is the Ponzi scheme that Senator Ferguson spoke of. When you look at the absolute numbers of unemployment in Jersey, it has not gone down by that much. It has a little bit recently,

but not by much. There are still a large number of people unemployed. Complacency is certainly nothing that should be accepted by this Assembly. Even if you are to say: “Oh, great all these record number of jobs that have been created.” Let us look a little bit deeper at those jobs: 50 per cent of them are zero-hours contracts. Now, I am not prepared to accept that as good enough, because in my work as a constituency representative, I get people coming to me who ... I have had people in front of me inconsolable, in tears, because they are worried about how they are going to pay the bills, because this week they earn this amount and next week they earn that amount. Income support does not work well with zero-hours contracts. People who have families, people who are working, they are not lazy, they are not not trying to pay their way out there, but who, because we are moving to an economy where those at the bottom are treated worse than they have been previously, where there is more insecure work, where there is more poverty wages, these people are seeing their quality of life go down. From this Chief Minister I see nothing but complacency. I see no strategy, no vision to turn that around. What I do see are his policies, actively, making this worse. On the second page of this document, it talks about securing economic growth and a strong recovery. Well, like most Members of this Assembly, I am also in favour of economic growth, but what I want to see are the proceeds of economic growth distributed properly, so that everybody benefits from it. What we have is the poorest quintile of Jersey society over the last few years seeing their standard of living decline. I think that to simply say: “Well, great, those at the top are doing brilliantly. They are doing oh so well.”

[17:45]

“Therefore that is great. No need to ask further questions. No need to be cynical about all of this” I think is wrong. I think it is amoral. I think it is wrong to have governments that are prepared to boast about their achievements, without accepting that there are people whose lives are being made more difficult as a result of their policies and make no effort to change that at all. There is one subheading in this section called Small Business Exemptions, where the Chief Minister spoke about looking at what can be done to help small businesses. Again, an ambition that I completely support. I will give him credit here, because he makes a concrete pledge in this that he did deliver. He did deliver very quickly. He specifically said he wanted to extend the qualifying period for unfair dismissal claims or, in other words, he wanted to help bad employers retain the right to unfairly dismiss people from their jobs for longer. Something, again, which I think is wrong and immoral. If I recall, correctly, this decision was made, and it was timed as such that there was no ability for the States to ask questions on it before it was implemented and no ability to have a debate on it before it was implemented, the debate that I think Deputy Southern brought for that had to be retrospective, which, by its very nature, makes it less likely to succeed. In the second paragraph in this it says, I will read this one out: “We must also ensure that self-employed social security contributions are reformed for low earning individuals encouraging new business start-ups.” Music to my ears, I completely agree with that. I spoke about that alongside Deputy Southern at the St. Helier No. 2 election hustings in 2014. I completely agree. It is a really important thing that has to be done to help those people who are starting up business and not earning very much in the opening few years of that. A very clear commitment that I would suggest most of us would agree with. What progress has been made? None. They are having a review, which means from 2014 that commitment being made, we are not likely to see anything, probably, I would say by 2020, if we are lucky. Six years for a very simple promise, yet it takes us so long to deal with these things. I think that that is a demonstration of a lack of leadership. I think it is a demonstration of a political system that does not work and one that the Chief Minister himself has presented no vision on how to change to make these decisions made quicker, so that people can feel the benefit from good positive changes in policies that we all agree with. Further down, we have tourism. Well, I will just say “waste tax” on that. That is going well, is it not, supporting the

tourism industry? Education: that is meant to have been one of the great things about this Government. They said they were going to invest in education. Again, who could disagree with the prospect of investing in education? We all believe that that is the right thing to do. But, let us remember that in the first part of the M.T.F.P. they tried to cut education funding. The only reason they were not able to do so was because of the work of the Education Scrutiny Panel and the States agreeing to our amendment on that to get the Government to do what it should have been doing, by its own Strategic Plan, in the first place. We have higher education funding. I can see no real effort has been made to address this. There was a report produced by the Education Department. Waste of paper, it did not outline any viable ways forward on that. The written question that I have had released in this States sitting demonstrates that the ministerial subgroup on higher education funding did not even come up with its terms of reference until 2 months after our Scrutiny Report came out. Unacceptable. Absolutely unacceptable. They spoke about the 1001 Days manifesto. Again, it sounds great, does it not? We all like the idea of providing more support for babies and young children in that early part of their life. As far as I can work out, apart from a couple of minor changes, largely this has been platitudes. The most important thing that can be done to support the 1001 Days manifesto is to improve maternity leave. Where are we there? To give people security, knowing that they can keep their jobs and retain an income for at least 6 months, the beginning of that child's life, is fundamental. It is the civilised thing to do. Again, no interest at all, there seems to be, in doing that. Looking further down this document: housing. Well, the Income Distribution Survey showed that housing is the biggest contributor to poverty in the Island. I see no effort to make progress there. Discrimination: he boasted about Discrimination Law. Well, let us remember his Government attempted to introduce legalised discrimination against young people, by exempting them from the full minimum wage rates. That to me shows no commitment against discrimination. You are either against it, or you are complacent about it. They wanted to introduce it for young people. I think that was completely unjustifiable. They have spoken about reforming and modernising the public service. Again, something, in principle, we all agree with. We all want our public service to be working up to modern standards, efficient, public getting good value for money out of it, good working practices. We all support the principle of that. We have a so-called leader who will not even meet with the representatives of those workers, who will not sit round the table with people who disagree with him. It is no wonder he is so out of touch. You are never going to learn what mistakes you are making, where you are going wrong, or about what positive alternatives there are, if you are not prepared to sit around a table with people you disagree with, hear from their concerns and attempt to learn from it. He is oh so quick to go and speak to the Institute of Directors, or speak at a Chamber of Commerce lunch - which of course he should be doing - but when it comes to meeting workers' representatives he is never there, not interested. I think that shows wrong priorities. A leader should be prepared to meet with all of the stakeholders in our society, not just those who agree with him. That, more than anything, I think, is justification for being rid of him as our Chief Minister and getting someone who is genuinely going to take a more consensus approach. St. Helier: the Constable of St. Helier said a lot on this. I do not want to bring up too much more than that. I will give them credit, they did widen the pavement on Conway Street. Good for them. That was really good. It was long overdue. But, in this statement they say that the priority of the new Council of Ministers should be to restructure the relationship between the States and the Parish of St. Helier. That has not happened. I can demonstrate how it has not happened, because it was me who had to bring the proposition forward to get them to agree to not reform the relationship between the States and the Parish, but to look at reforming it, to then decide what could be done. I brought that proposition to the States, as an amendment to the Strategic Plan. It had the support of the Constable of St. Helier. It had the support of all of the Deputies of St. Helier, the Procureurs of St. Helier, the Roads Committee of St. Helier. It did not have the support of the one Deputy of St. Helier, who was in the Council of Ministers. Their reason for not

supporting it was: they could not be bothered. That was it, it just meant dedicating time and perhaps a little bit of money into holding a review. Not interested. So, we will end this term of office with not a single change to the relationship between the States and the Parish of St. Helier, despite that having been, apparently, one of their main priorities; a complete failure there. States reform: reforming the electoral system. I do not care what anyone says, our Chief Minister showed appalling leadership throughout that debate. He did not even speak during the last debate on that. It would have been so easy for him to have said: "We have had a referendum. The public have spoken. Let us just get behind it." He could not even bring himself to do that, even though he had done so previously. So, I think that is appalling leadership. In its defence, in his opening remarks, he listed all of these wonderful strategies we have. We love our strategies in the States of Jersey, do we not? I cannot remember all of those he listed, but he spoke about the cultural strategy. You have the housing strategy, the disability strategy. Of course, the problem is that is all they have. They only have strategies. As far as I am concerned, a strategy is just a bit of ink on a piece of paper. It does not matter, unless it is leading to tangible improvements in public service. Now, I read the housing strategy. It can be summed up as this: would it not be nice if we had better houses? Yes, great. The disability strategy: would it not be nice if disabled people were able to get on a bit easier in Jersey? Yes, great. Lovely, is it not? I agree with that. We all agree with that. Who does not? That is it, there is nothing else in it. There is no: "We are going to improve housing in Jersey by introducing this standard, by changing this piece of legislation, by changing this part of the Island Plan to get some housing there." There is no actual tangible suggestion of what can be done. It is just vacuous platitudes about: would it not be great if things were a bit better? That is all we get from this Council of Ministers. So, the Chief Minister admitted, in his opening statement, that there is significant room for improvement. He had a few suggestions about how we can get there. One of those is machinery of government reform. He wants to scrap the Troy Rule. He wants to let Assistant Ministers serve on Scrutiny, despite the fact that nobody on Scrutiny supports that. P.P.C. does not support that. He says the aim of that is because he wants to be more inclusive. Well, I do not think there is anything in the current system, as imperfect as it may be, that stops him being inclusive now. If he had genuinely wanted to be inclusive from day 1, he would not have nominated a staunch right-wing Council of Ministers. He would have said: "Right, there are talents from across this Assembly. Deputy Martin has served as an Assistant Minister before. She could be involved in something like that, as an act of goodwill to have somebody with an alternative point of view." Deputy Southern is one of the most long-serving Members of this Assembly, who knows the Social Security Department inside out, who would have loads of really positive stuff to contribute there. Many others as well. Deputy Higgins, obviously, has an important background in economics that would be helpful to provide an alternative perspective there. But he did not do it. He did not want an inclusive government from the start. He wanted a Council of Ministers of people who sit there and go: "Yes, Chief Minister. We agree, Chief Minister. Carry on, Chief Minister." That worked for a little bit, but it is not working now, so that is why we need to get rid of him and get somebody who is genuinely going to be more inclusive. People have spoken about the alternatives. What else could we have? Who else could be Chief Minister? I would say that there are 48 other people who could be Chief Minister here. I do not believe that we are an Assembly that is so lacking in talent that there is only one person who could possibly do this job. I would say that that sends out a very bad message to the rest of the world to use this argument, that in an Island of 100,000 people, there is only one person capable of doing this job. That is clearly nonsense. It talks down Jersey, I think, to say that there is only one person who can do that. I think that, if we were to get rid of the current Chief Minister, replace them with a consensus candidate, someone who genuinely wants to operate in Government for the next year until the next election, in an open and transparent way, with people from across the political divide, I think that that would be incredibly healthy for our democracy. It would show to



the rest of the world that we are capable of transitioning power peacefully, through democratic Standing Orders, with no problems, something that many countries around the world really struggle to do. It would be healthy for some people, who have been in government for a very, very long time to not be in government any more, to spend some time on Scrutiny or on the back benches. I think being in Government for too long can be a bad thing. This idea that now is not the time, because we have the care inquiry report coming out, or we have an election coming up, or there is Brexit. There is only one natural conclusion of that argument and it is this: let us just abolish elections. Democracy is inconvenient, sometimes. Sometimes it can produce results that are not very helpful. Sometimes it can delay important pieces of work. Sometimes it can disrupt things, but we put up with it, because it is the best system of government that has ever been created and ever will be created. That is why, to take the opportunity through democratic means, to transition from one Government to another is not instability, it shows that we are a mature jurisdiction that business from around the world can look at and say: "Good. These people have good processes in place to deal with this. It is not corrupt. People do not get disappeared for speaking out against a Government, or opposing, or wanting to change, Government." That would send out a very good message for the Island. The Chief Minister made one comment that I agreed with. He said: "Our future is at stake." He is right. We can continue with a Government, which is not working, which is pushing more people into relative low income into the Island. We can continue to have a Government which is seeing the poor get poorer; that sees young people finding it more and more difficult to get on the housing ladder; and the young talented and aspirational people to not be able to afford to get the education that they deserve. We can continue to have a Government with a more or less open doors policy on population that is straining our infrastructure, housing is not keeping up and the people are ultimately become more and more disillusioned with politics and want something different. I think this is an opportunity for this Assembly to say to the public: "We are listening to you. We accept that you are dissatisfied and we are going to take responsibility by doing things differently."

[18:00]

I say to the Constable of St. John - who knows that I often disagree with many things that he has said in this Assembly - I say to him, he is speaking for the people of Jersey today. Good on him. I support him 100 per cent. I hope this Assembly takes this opportunity to show that we can be a mature democracy; we can have a Government, which governs in the interest of everybody; that is competent; that is democratic; and for that the people of Jersey will do nothing but thank us. There will be no negative consequences from that. It is democracy. We will get what we deserve as a result of it.

#### **6.1.17 Deputy R. Labey:**

I will be very brief, because I sense the mood of the room. I believe that it is looking likely that the Chief Minister will win the day and I will be among the first to congratulate him. I think, because I am a humanitarian, he is an incredibly nice man, a gentle gentleman, who is very hardworking. He deserves the right if he wants to call himself a Jerseyman, he has earned the right to do that, alongside any other Jerseyman. Let us not forget he is the first Chief Minister ever to seek re-election and he topped the poll. In some ways I feel it is right that he should finish his term. I do have an enormous amount of respect for the Chief Minister and indeed the Ministers. It is just when they all get together as a Council of Ministers that, for me, something goes badly wrong. I did say to the Chief Minister when I had my meeting with him - and I was very, very grateful to have that - that I simply cannot not support the Constable of St. John on this, because I would not be allowed back in my constituency, over the La Collette debacle where we all believe down there, I am afraid, that a wrong has been perpetrated against our little part of the Island and I will continue

to fight that to my dying day. I will wish the Chief Minister well on his victory, if that is what will happen today, as I think it will, but I think the Constable of St. John needed some revolt in the Government ranks. At one point, it has to be said, that the Constable of St. John had 29 pledged supporters. But, a week is a long time in politics and things change. So, I hope that the Chief Minister's victory will not be a Pyrrhic victory. I hope that it is not at any price and that he will not be now held hostage by the gang of 5, who have made it conditional on their continued support that Senator Ozouf leaves the Cabinet. My hope - and I did say this to the Chief Minister - is that he will do a John Major: resign and stand again. I told him that he would have my vote. But I think that would have been good, because we could have played things out in public. The public could have seen us in action, democracy in action. I think it would have been an honourable course for Members of the gang of 5 to have resigned. There was nothing stopping them saying: "We do not agree with this. We are going to resign." That, again, would have forced something out in public with a public debate. That would have not destabilised the Island at all. That would have been enormously healthy. Of course, Senator Maclean is entirely plausible, as he always is. But when he talks of stability, one has to question whether this is a good example of a strong and stable Government, with poor Senator Ozouf doing the hokey-cokey, in, out, in, out. I do not know whether he was shaking it all about, but it does not look like a strong and stable Government. I hope he is not going to be dead man walking and that he gets the support he deserves now from those he continues to choose to work with. I also feel that what has happened this morning and last night is now, tacitly, people using the question mark over this expenses business as a justification for their actions. I think this is very, very dangerous and very wrong and, potentially, people are playing with trashing somebody's reputation in a most undeserved way. I would stake my life on the fact that there is absolutely nothing wrong with Senator Ozouf's expenses, or whatever this is, because he is the most ... we are not political allies. I am absolutely furious with him for fighting me continually on La Collette. I believe he is wrong on so many things. We are poles apart. But he has worked hard for this Island. He does not deserve to have his reputation trashed and I have to speak as you find and I cannot think of anyone more scrupulous and fastidious with expenses, with money, with buying V.I.P. (very important person) tickets, not taking them from J.T. (Jersey Telecom) for Jersey Live, *et cetera*. So, I hope we can put that to bed as soon as possible.

#### **The Bailiff:**

Deputy, I can say from the Chair, that I have heard nothing today that impugns the reputation of Senator Ozouf. That should be said from the Chair. Connétable of St. Mary.

#### **6.1.18 The Connétable of St. Mary:**

I will also try to be brief. This is all my fault really. I am sorry about that, everybody. But, when I was elected for the first time and joined this Assembly on the same day as Senator Gorst, I sat next to him. I sat next to him for 3 years and so I got to know him quite well. As regards his integrity and his purpose and his actual vision and the way he feels about social issues, I am in no doubt; absolutely no doubt. He is irritating. If you sit next to him, he jiggles. The more wound up he gets and the more interested he gets and the more passionate he feels about something, the more he jiggles. When you sit on benches that are all joined together, after a while you jiggle as well. **[Laughter]** So, from that point of view, he can be unnerving. Even now, to this day, I will sometimes tell him to stop it. But I got to know someone, whose qualities I instantly saw. As the 3-year term progressed, I felt more and more strongly about them. I was delighted when he first was thinking of standing for Chief Minister, years down the line, to sign his nomination paper. Before the next elections after that, when he had been Chief Minister for 3 years, I looked at what he had done and I said to him: "You know, if you stand for re-election and are re-elected and I am re-elected, I will happily sign your paper again if you want to be Chief Minister again." When he stood on a platform at the last election, I think he was the only candidate who hung his hat on the "I

want to be Chief Minister ticket". That was very important to me. So, before the election results I committed to him. He was returned at the top of the poll, knowing that is what he wanted to do. So, I can think of no greater endorsement for him by the people at that time than that. So, that is why I feel responsible, because I have continually supported him. The question I have today is: do I feel that his leadership style is radically deteriorated? The answer is: no, I do not think it has. He is working with a different mix of Ministers now. The Council's dynamic is different. But I believe his core qualities have increased with experience, rather than diminished. I am finding it really tricky this motion of no confidence. Obviously, I am not universally happy with everything the Council of Ministers has done and I do not think anybody ever could be. There are lots of things where I think, perhaps ... well, I know they could have done better. There are things that I think I could have done better. I will wager that any Member of this Assembly feels the same. I have been asking people for the last 2 weeks, random people at the supermarket checkout; I have asked them at drop-in sessions; I have asked them when they have come to the Parish Hall to pick up a dog licence, or an application for a provisional licence, or whatever: "What do you think?" A couple of things have really surprised me. One person, who is a real mover in our society, I asked him what he thought, and he said to me: "Yes, he has to go. No passion." Now, "no passion" was the bit I could not get my head around. I could have heard: "He has to go because he makes bad decisions about X, or Y." But I see, in the Chief Minister, passion. That obviously does not communicate to the wider Island. I have mentioned this before, I am sure, when we had the motion of no confidence in the States Employment Board recently. I really do not interact very much with Ministers in my role, but I do on the States Employment Board. I have been really impressed with the way that the Chief Minister conducted those meetings. I have been really impressed. I have seen a man, who has come into a meeting where we are discussing some very, very detailed pension arrangements, where we would be discussing workforce modernisation and all the different permutations that are possible and what we can do and what we should do, trying to resolve a situation where we know there have been people who have been missing out, there have been people at the extremes of the pay scales, trying to bring things back together so that work of equal value is rewarded equally, which is a massive undertaking and - contrary to what some Members have said - has actually started to show results. We have made progress. I see a man who has absolute command of everything in there. My criticism to the Chief Minister - and I have made this criticism to him privately, I have had meetings with him - is that he does not communicate that enthusiasm and that competence and that leadership outside of the meetings that he is in. But, then again, perhaps the scope for that is limited. But I really do feel that there is a man there who can command a meeting. I do not often go to the Council of Ministers, I used to more regularly when I was Chairman of the P.P.C. many years ago now. I have seen other Chief Ministers in action. This Chief Minister is comparable, really he is, to the best that we have had. But I am not universally happy, so I have made it my business to take my concerns to the Chief Minister and although he has - by his own admission - failed to establish that 1922 Committee that he thought about, well, when I have needed to make my views known to him, his door has been open. That is something that I decided, it was my duty to make my concerns known and I did that. I would just like to say, to be honest, I am not denying the importance of the 3 issues that the Constable of St. John has cited in his quite brief report to accompany the proposition. I - as the records would show - was incredibly upset about the debate we had back in January about hospital funding. That led on to when is a tax not a tax, and that was something that I really could not believe that the Council of Ministers had slipped up on, and they really did slip up. But it did not get through this Assembly, did it? Because this Assembly, as a unit, worked together, different skills from different areas in this Assembly - notably the Deputy of St. John but others too - saw the issue, saw the problem and brought it to the Assembly and things were done about it. People have talked about that and people have talked about Innovation. Let me just talk about the human resources element that is

highlighted in the report. The Constable, when he made the proposal, talked about the *Alwitry* case. That was debated at length, in absolute detail, when we had the vote of no confidence in the States Employment Board, so that issue has been fully debated and fully aired here. The issue that is in the actual report is about weaknesses highlighted in the Appointment Commission's report, and I say that is not a weakness here, that is a success. Because the Chief Minister, the S.E.B. (States Employment Board) led by the Chief Minister, identified that, in the past, procedures had not necessarily been as robust as they should be right across the appointments through human resources. So, it was decided that a mini revolution had to happen and there was a chair appointed in the Appointments Commission who was told: "Go out and find the problems and let us resolve them." That is exactly what happened. That is what the report highlights: "Here is a failing which you sent me out to find and I have found it. Do something about it." That is not a weakness; that is a strength. So, those are the points I would like to make just about the proposal. I would just like to clarify just a couple of things now that really set me off, as I was listening. Firstly, just to correct Deputy Higgins, when he accused the Chief Minister of spin regarding Freedom of Information, that he had claimed it for his own. Yes, the P.P.C., the committee that the Deputy and I worked on together, we brought the legislation. It had been a very long, hard slog and I remember a very long, hard slog on the day that I put it through the Assembly. But that was just the in principle legislation and what had to happen then was that the Executive was charged with the implementation. That is what happened.

[18:15]

So there was not spin; it was something where we worked collaboratively on that. P.P.C. brought in the legislation and the Council of Ministers picked it up, ran with it and implemented the law and set up the mechanism for dealing with it. Now, the thing I really cannot get over is - I must make a comment, I feel, for my own personal soul baring - about Deputy Bree's speech and the Anglicisation of the Island. He talked about the large constituencies. Now, that was not something that was the Chief Minister's domain; that was something that the Electoral Commission brought out, that was something that was endorsed by the public of this Island and that was something that, having seen the writing on the wall from the public, the Chief Minister embraced. That is not a sign of weakness either and it is certainly not the Chief Minister striving to anglicise things. As regards him being an Englishman of origin, many of us here are either from another area or - as I would politely put it - probably mongrels. I have got French blood, English blood, many of us have. It often takes someone to come from outside and experience this Island to understand what is important about it. I find in my Honorary Police I have got a Scotsman, I have got a Welshman, I have got people who have come here with no tradition of it at all and they are the fiercest defenders of our traditions, because they see something here that is worth keeping. So, as far as I am concerned, people who come to this Island and contribute are welcome, no matter what their origins are. Finally, I would just like to say something about what the proposer said about this being an absolutely divided Assembly. I think he said never has an Assembly been this divided. I would just like to read a few words. "For a significant part of my term of office few, if any, of those sitting in this gallery at the moment, or those listening to the debates on the radio, would use the adjectives such as friendly, harmonious, or tolerant to describe what they had heard or felt." I was looking at what the former Lieutenant Governor Sir John Cheshire said about this Assembly when he left. All I can say is - if I could find it on my computer I would read it exactly - he describes an atmosphere of vitriol, of personal attacks, of a real unpleasantness in the Chamber. He felt so strongly about that, that he had to bring that up in his leaving speech and I had only been elected about 5 months when that happened and I can still remember the shock I felt. Here was the Lieutenant Governor effectively saying: Members of this Assembly behave abominably to each other. I can say - and I would recommend that anybody who really wants to know what the

atmosphere was like in the years leading up to that should read that parting speech because it is very powerful and very telling stuff. I have not seen that in this Assembly for the last 8 to 10 years. I have seen an Assembly which does have robust arguments but generally rubs along well and does good stuff. I have seen that until just very recently when I have seen the personal attacks starting again. That is sad for me and I think that we have not really opened up the torrent of that and I think we need to just go home this evening when we do finish and think and reflect about how we look at each and how we deal with each other and think: “Can I be a better example for other Members to follow?” I think we all need to do that; that is very important. Then, finally, the bullying aspect, which goes hand in hand with that. There have been some pretty awful things said on social media and pretty awful things about what will happen to those Members who vote for it, or vote against it, one way or the other. I would just like to say that a few days ago, 10 days, 2 weeks ago, I had the annual privilege of attending the Ecclesiastical Court to see the swearing in of church wardens and other officials in the court. Something that was said - it was said in French but for those of you who do not speak it I am going to translate my translation of it - this was one of the oaths: “You must act without favour, or hatred; without hope of gain, or fear of loss.” All I would like to say to the people who, whatever decision I make - and it depends on what the Chief Minister says when he sums up on how he can tell me ... he does, he gets to speak again. I need to know what he envisages he will achieve out of the principle goals that he set in the Strategic Plan, which of those he will achieve during this next year, because we know that we set a Strategic Plan and that quite often the process to a goal takes a long time. Many debates in principle, legislation, policy decisions that have to be got through the Assembly, it takes an awful long time to bring things together to a point where the goal is reached. Now, we have allowed 3 years of this term of office for this Council of Ministers to go forward. Are we going to really say now – because, of course, what many of the public, who spoke to me, did not realise was that when the Chief Minister goes, everybody goes, which means a new Chief Minister, it means a new Council of Ministers and even if you think that is a good thing it means delay. It means a new Strategic Plan, even if that Council decides to adopt the plan that is already in action. It means more delay. So, are we really going to say that the things that are now in train - that we are moving towards achieving - should be put on one side; that the work that has gone so far may be sacrificed? I do not believe that is really what is required. What I want to hear from the Chief Minister is: “Yes, I know there are failings, I know there are things that have not been achieved, but these are the things that I anticipate will be achieved in the next year.” How the Chief Minister responds to that will be very important. But what people need to know is: no matter what decision I make, I will make it without fear of loss, or without hope of gain. I will just make the decision that my conscience dictates. Thank you.

#### **6.1.19 Deputy T.A. Vallois of St. John:**

It has been a long day and I will not keep Members too long. But, I think it is important to start off with the fact that, growing up, I was always told not to expect anything, because you will always be disappointed. Unfortunately, when you come into this role, you have to expect things and there are certain principles that each and every one of us stand by when we stand for election and when we stand up in the States Assembly I like to believe it is holding each other to account. Firstly, I think what is extremely important for me to say here is - as somebody who has signed the vote of no confidence - is to pass a word of an apology towards the Chief Minister and his family because of the nastiness that comes about from the process in which we have in place to hold each other to account. This is our system, this is the way we hold each other to account and I signed this proposition not to be personal, not to be nasty, but because I have come to the point where you can give somebody so many chances, you can ask only so many times and you can believe and hope in something only so many times until it is no more. So, unfortunately, that time has come and that time is in this vote of no confidence. I worked extremely well - well, I like to believe I worked

extremely well, I hope the Chief Minister agrees – but, I like to believe that I worked extremely well with him in the last term trying to make a Scrutiny system work and trying to hold Ministers to account. At a crucial time of losing an independent auditor of the C. and A.G., creating a new primary legislation to ensure that independence. So, it comes down to the fact that why do I stand here today, then? The vote of no confidence talks about 3 specific things. For me it was the hospital funding debate that was the nail in the coffin. I served as an Assistant Minister at Treasury and it was not what I think many people would expect and I do not think it is what the public would expect in the way that decision making is made. I was privileged to sit on a group to do with the hospital site and it got to July 2015, in which case we had options on the table and that was pushed aside and decided that we need to look again at Parade Park and to come back in September. Another delay when we had spent, what I had seen as, a lot of money already looking at various sites. So, September came and People’s Park was somehow on the list when I attended that group and so, rightly so, money had been spent, for some reason, looking at that area. As far as I remember, the group at the meeting we had had in July, there was no request to look at that specific area and then, of course, we had the uproar and rightly so, by some members of the public and the Constable of St. John has referred to it being seen as Hyde Park. So, that was the start, for me, of real serious concern. Then came the hospital funding debate and the proposition was lodged in November, we had all ... as individual members, were able to ask questions and go to the department at Treasury, or would speak to various Ministers. I took the opportunity, when I could, to speak to the Minister for Treasury and Resources and various people, even asking questions in a hearing. It got to the point of the debate and the information that I believed should have been absolutely there, ready for every States Member - and I bring it back to the point that we are, the majority of us in this Assembly, independently elected. We are independently elected on the basis of whatever mandate each individual put out there, we are accountable to our electorate – so, we need to have enough information, we need to be held to account as well, as individuals, because we make decisions in this Assembly, as well as Ministers do by signing Ministerial Decisions. So, it comes back to the matter for me of integrity. I asked the question of the Chief Minister in this Assembly: why I should have any confidence or trust in the Council of Ministers and he answered that he could understand why I would not. So, I stand here today - and I have worked extremely hard in the last 8 and half years putting in various codes of practices, trying to change whistleblowing policies and all those types of things - to now refer to what, I think, is one of our biggest issues in the States of Jersey and that is human resources. I think we are at crunch point with our human resources. I do not think we are doing ourselves justice. I think we have let a lot of them down. To be honest, we can have as many policies, as many codes, as many regulations as we like, but until we change the culture ... and as far as I am concerned, that culture stems right from the top. It stems right from the leadership. It stems from here. It stems from the Chief Minister and this is what worries me, because bullying and harassment that I have seen in the ... whether it is in the States Assembly, or whether it is in actual public sector staff, is frightening. I know the Chief Minister is only one person and that is why I refer my concerns to the whole Council of Ministers and the States Employment Board because he cannot do this all on his own. That is why we elect a team of people to work together in the best interests of the Island and having a code of conduct in place, which previously was not there, a Code of Practice and Conduct for Ministers, is there for a reason, so we can hold Ministers to account. This is not about shouting about stability and being personal and being nasty, this is about upholding integrity in a system that we all stand here, day-in day-out and say that we believe in and that we want better for Islanders and we want to make the most of the future. Well, we are not going to make the most of the future if we are never going to learn from our mistakes. So, that takes me on to the Innovation Fund.

[18:30]

I had the exciting position of being the chair of the Public Accounts Committee. I say exciting, because it was extremely interesting, extremely broad-brushed, but it was a role that this Assembly had elected me to hold chief officers to account for. They have a serious responsibility, an extremely serious responsibility. They look after the budgets that this Assembly apportioned to them. So, the Chief Minister, I know, is absolutely aware of the Canbedone Productions; the film grant review that was done; the £200,000. The rigmarole that P.A.C. had to go through at that time to show the facts - and I am talking about the facts - of the case, to literally drive through that spin that tried to roll back at us, it was absolutely appalling. I stand firm and I stand 100 per cent alongside that report, with the P.A.C. colleagues at that time, because not only were they so concerned at how vociferous we were in the facts that there was even an internal audit report done, to make sure that P.A.C. had done their work properly. That internal audit report came back, not only endorsing what P.A.C. had said, but went steps further. So, I think one of the huge issues we have is that nobody any longer believes what is said by anybody in this Chamber. Because, time and time again, I think we do the public a disservice. We should not dismiss their concerns the way that we do a lot of the time and we have done that a lot this term. We should not treat them as they do not know what they are talking about. They have seen a lot more than we think they have. The Minister for Education refers to - sorry, Deputy Bryans, the Minister for Education, I do not know how to refer to these people in this kind of debate - Abraham Lincoln, 1861. I mean, that was a long time ago. I have a lot of respect for the Chief Minister putting himself in the position that he has to do the job that he does, because it is not easy, it is not nice. We live in a small island, a small community where everyone knows each other and in the world of 2017 the world is an extremely fast-paced economy, life, everything is fast-paced, it is not like it was in 1861. We have to be on our toes, but what we are doing time and time again is fire-fighting. To hear strategy upon strategy upon strategy, I am sorry, I would rather see action plans, I want target dates, I want to know when we can achieve this, how can I hold you to account. Give the work programmes to Scrutiny, we can sort our work programmes out, we can do our Scrutiny work on time, on budget, in the right way, produce a report for the States Assembly, we can have an informed debate. Because, not every single Member can read every single bit of paper and understand every single thing that is going on. We have to rely on each other and we have to support each other. But this term, how many times ... I have lost count of how many times I have heard: "We are not getting the information. We are not being supported. We are not working together." I think there are issues on both sides there. I supported various Ministers in the election of Ministers in 2014 for various different reasons and it was suggested by some that I may have made certain wrong decisions, of course, you know, you get that in the States Assembly, but I thought I was doing the right thing and that is the point in this job. So I get to the point now - and I know it is elections next year and I know there is a Committee of Inquiry coming up - that without having confidence in the decision-making process, without knowing that there may not be a serious issue ... you know, there may be a serious issue in this piece of legislation, or there may be a serious concern with this particular type of policy. Like the Chief Minister, there are only so many hours in the day and I am concerned that he is sitting there, late at night, with the lights on at Cyril Le Marquand House, because when we talk about economic growth and when we talk about encouraging businesses and job and all those types of wonderful things that everyone wants to hear, we talk about productivity. Productivity is not about working until 11.00 o'clock at night. This comes back to the point that I say about team work. There should be support and I am not seeing it. I am sorry, but there is a divide in the Council of Ministers. We are not stupid, we know what is going on. We know what is being talked about but, I am sorry, everyone has to be honest. We need to be open and honest with each other at the very, very least. No backstabbing. I am sorry, but it is disgusting, some of the behaviour I have seen. We are not here for that. If we are really doing it in the best interests of the Island, why do we think that is appropriate? It just bewilders me. We have a code of conduct

for a reason. There are ways of holding each other to account and yet we stand here and pretend that some things are just not happening and this culture then feeds into the rest of the things that we try to do and the rest of the things that we want to achieve. Feeds into the staff that we rely on to do the work, to give the information, to implement those very important policies that we want to act on. So, that is why I am here. That is why I am going to be voting for no confidence in the Chief Minister, not because I do not like him, because I do. Not because I do not have any respect for him, because I do; but because I do not have any confidence in the Council of Ministers being able to have the proper decision-making process, to properly work together, as I expect them to do. There are very minimum standards we expect. We talk about the Nolan principles. Standards do matter. Believe it, or not, they do matter and we have a responsibility to hold each other to account. So, I get very uneasy when I hear people talking about stability, because why have a vote of no confidence ability within our Standing Orders if every term we are going to appoint a Chief Minister and say: "Right, you can do whatever you like over the term. You are never going to get questioned, you are never going to be pulled up for this, you are never going to be made to listen." Because I think this is the point in the debate, what I have heard so far: people feel they are not being listened to. That is why it has come to this point. That is why it has come to a vote of no confidence, because they have had enough and they are not willing to carry on anymore. There are many people that have signed this vote of no confidence, who have varying reasons as to why; and most of us have stood up and explained why we have signed it. But I will tell you now, this is not for me personally. I will tell the Ministers now: you will not use me as a scapegoat, because you do not like a certain person. Sorry, completely unacceptable. It is not happening, not today, not tomorrow, not ever. There is no such thing as perfection, although we try to make everyone else as perfect as we possibly can; we try to set these ridiculous standards that we know, for some, are extremely out of reach and I worry that we do not respect the fact that there is good in being different, there is good in trying to be that little bit more questioning about things, in being more curious, wanting to learn, wanting to understand and encouraging people to go down that route, because they are our future innovators, they are our future entrepreneurs, they are the ones that are going to go out and reach for the stars. Let us let them do that, not make them conform to certain standards in terms of perfection, because there is no such thing. We all have faults, we are human and that is just life. In the real world, in which you work in business, you have to compromise. It does not matter whether you are on a left-leaning side of politics, or on the right-leaning side of politics, or in the middle; life, you have to compromise and that is where we are. But, I have got to the point of: I can no longer compromise. I have had to sign this, because I do not have confidence and I do not have trust in the decision-making process any longer and, therefore, unless the Chief Minister can do some real magic in the next however long we are here; I do not think he will be able to... and that is the saddening part. But, whatever happens with this vote, I am here and willing to get on and do the work and support whoever needs supporting. Thank you.

#### **6.1.20 The Deputy of St. Martin:**

I am a great believer in things happening for a reason. Very recently I took notice of a quote, one that resonated with me, as I prepared for this debate. I have modified it slightly, but in essence it says this: "It is better to have an enemy that says it how it is, than a friend who does not." I have my parents and grandparents to thank for knowing that honesty, saying it how it is, is always the best policy. Before Members start jumping to conclusions, I would say to them right from the outset that I am not speaking as an enemy of the Chief Minister, far from it. I am, as when I was on Scrutiny, a critical friend. One, I hope, who can be relied on to say it how it is, regardless of how uncomfortable that might be. Someone who acts constructively and not destructively, someone who, I hope, Members would always see as part of the solution, rather than part to the problem. Maybe not so often recently, but how many times in the last 2½ years has the Chief Minister very



briefly just caught my eye in a particular way across the Council of Ministers' table? When he does, I know that he wants me to challenge, to criticise, to offer an alternative view, to say it how it is and I have always been glad to offer my thoughts and to be able to work with him and other Ministers to find the best solution. After all, is not ultimately doing our best for our Island and not ourselves the real reason we are all here. Members will know, because I have said so publicly, that I have not been entirely comfortable in my seat around the Council table in the last few weeks and months. In general terms, I have not been satisfied with our performance on many issues, important subjects such as health charges, university fees, population policy and I have not been afraid to say so. But, please do not confuse my own dissatisfaction with inaction. We are working on those and many other crucial issues and making progress, albeit usually slower than I would prefer. The hospital funding decision was one that did not go as I would have liked, far from it. I was not informed and I was pretty unhappy about that. I felt out of the loop. I really thought, as very many of my fellow members around this Assembly did, that we had arrived at a working solution. We may not all be accountants, or financial advisers, but there is enough expertise around this Assembly and inside our civil service, if we can all agree something, then it probably is not a bad solution. I thought, like many, we had found that solution. We were initially told we needed to move fast and I agreed. Security for taxpayers' money is always paramount and always must be. We need a certain future. We need to know what our outgoings are and when we will need to make them. Even if that might be more expensive, we need safe, secure solutions. My view is that we cannot take speculative, short-term, decisions that could backfire. We cannot, we must not take risks with our public finances in the way that others, or we, might take in the private sector. So, I was not happy. But, at the end of the day, this is not my area of real expertise and I decided that other, better placed, better informed people had to make that decision, regardless of how disappointed I was. In this instance I received an apology; I accepted it and we moved on. I am confident, now, that we will and are finding the best way to fund our future hospital. The last time I was involved in a vote of no confidence was when I brought one myself in the Minister for the Environment of the day over the safety and storage of asbestos. Back then I was very clear; I knew exactly what my concerns were and how I felt, I knew that I wanted to do and I knew how I wanted to do it and I was also firm in my mind that I was prepared, if necessary, to take on the Minister's role, a role that I now have. It is unfortunate that it did not happen more quickly, but the asbestos issue is now, very recently, resolved and I thank the Minister for Infrastructure for working with me to finally deal with legacy asbestos in the safest way, putting in the safest place for our community moving forward.

[18:45]

That issue is typical of the way this Council of Ministers have worked. We are not perfect, but we have achieved much more than many of our predecessors and solved any number of problems that have previously seemed elusive. That being said, we still have much to do and little time left. Just as I said, there are vital issues we have not really addressed yet. Writing this no confidence speech has not been easy, far from it, and at times I have genuinely struggled with many paragraphs typed and then consigned to the digital wastepaper basket. I have spent much time just stopped, thinking, trying to construct sensible arguments in my head. My biggest dilemma being around which side of the line I would ultimately end up on and, yes, at times in the past couple of weeks, I have been on one side and then the other, only to reconsider yet again and take a step back. Resolving this issue has taken time, effort, sleepless nights, but votes of no confidence are serious events, they need serious consideration, involve serious decisions and can prove to have very serious implications. Some suggested that if I was considering voting with this proposition that I should first resign. I thought about this long and hard and dismissed the idea. I wake up every morning looking forward to my work and I have all the way through my department wonderful staff and I

am proud to work with them. We are not perfect, but we have achieved much and there is so much more that I still want to do. I was appointed by this Assembly. I have not, to my knowledge, done anything dreadfully wrong. I might say it how it is and, yes, I might, I do, make mistakes, but I am true to myself and if this Assembly wishes to dismiss me that is up to them. Those that know me also know that I like to write important speeches for debates such as these, word for word. All too often I have missed out relevant sentences, or forgotten altogether vital points when trying to speak without notes, and this is not a debate for forgetting things. I could easily forget some of the instances where the Chief Minister and I have not agreed, but equally I must never forget the times when he and I have been of one mind and he has delivered good things for the people of our Island against all the odds. He has proposed changes, indeed all Ministers have so, and they have all put forward ideas for consideration; some I like and some not so much. But, one subject that I do agree on with the Chief Minister is the proposed abolition of collective responsibility. I have questioned this on a number of occasions recently, because it is clear to me that the rules about decision-making around the Council table were becoming blurred and unclear. Well, to me anyway. Personally, I have never been happy about collective responsibility, one should win arguments on their merits. Let us take the example of waste charges, soon to be debated in this Assembly. Personally, I think it is perfectly sensible that the Minister for Economic Development should be allowed, if he wishes, to argue the case for business and economic development on the floor of this Assembly. That is the job he has been given, he should not be forced into voting one particular way. He was elected independently, not as a member of a political party with a manifesto. He should vote in favour, because he thinks, or has been persuaded, that it is the right thing to do, not pushed into something he might disagree with. I have to work hard to keep on top of my portfolio, but the Chief Minister has so much more to be aware of. So much more detail to understand. So much more information to absorb. Confidential information, personal information, trivial information, he has to take it all on board. I have no idea how he does it. He has a young family and a private life, although goodness knows where he finds time for one. He has a huge workload and how he gets time for any sort of work/life balance is frankly beyond me and at the end of the day, the end of every long day, he has to go home, a home so far away that sometimes, I am sure, he thinks it might be quicker to take a plane to Guernsey and catch a boat back to L'Etacq. Would I want his job? Absolutely not. He needs our appreciation for his dedication and dogged determination [**Approbation**] and his desire to do the best for us all. However, as I have said, I am not perfect. The Council of Ministers is not perfect and I would hope that the Chief Minister accepts that he is not perfect either. When it comes to feeling uneasy in my Council chair, it is the most recent issues that have concerned me the most, which brings me to Economic Development and, specifically, the Innovation Fund. As Members will know I was chair of the Economic Affairs Scrutiny Panel when Senator Maclean proposed forming the J.I.F. (Jersey Innovation Fund). We were a small panel of 3, but all with experience of running our own businesses; the specific reason that I asked both Constable Pallett and Paddock to join me on E.A. (Economic Affairs) Scrutiny. We were all hugely enthusiastic about innovation and wanted to do a full review; that was obvious. We wanted to do whatever we could not to be negative about Government proposals, but to help to make the Innovation Fund work just as well as it possibly could do. We have produced our report. It was well received and the fund was formed. Since that date, we have had 3 Ministers responsible for Innovation, 3 Scrutiny Panels within the portfolio and one Chief Minister. Some of our Scrutiny recommendations, despite being accepted, were never implemented. Could the panel have followed up better than we did? Yes, maybe we could and maybe we should have. Should the responsible Minister of the day have done better? I am sure they all could have. Should the Chief Minister have acted? He certainly might have done. The point is that we all have to accept that we could have done better, not just some of us, all of us. Yes, some more than others but no one, in my view, can be completely absolved from this. That is why I fundamentally could not agree with the

Chief Minister's statement following the Q.C.'s (Queen's Counsel's) report on the Innovation Fund. I could not, despite trying as hard as I might, put the report and the statement together. I still struggle to this very day to see how and why the statement said what it did. Finally, if I am being a critical friend, I have to say that I am disappointed at what I see as the demise of Economic Development. For me, the economy is everything; without a viable, vibrant, working economy on this Island we can deliver nothing. Without stable income to the Exchequer we cannot deliver on health, education, social policies, income support, discrimination, roads, drains, housing, air, water, marine resources, the list goes on. I do not agree that we should be reducing the effort in the Economic Development Department and, in my mind, we should be doing the opposite. The recent problems inside E.D. (Economic Development) have been unfortunate, but it is my view that we should be strengthening our resource in this direction and not otherwise. Gripe over. Let us get back to the proposition. Is Senator Gorst the best Chief Minister we could have? I have no idea. Maybe we should all take turns for a month and then decide in 4 years' time who we think is the best. Is Senator Gorst the only Chief Minister we could have? No, obviously any one of us in this Assembly could be elected to that post. But, is Senator Gorst the best Chief Minister we could have at this precise moment in time? In my mind, absolutely, 100 per cent, yes. There is never a good time for instability in Government but now, especially, is not the right time for major change, in the very week that formal negotiations start over Brexit. Notwithstanding all the other subjects I have mentioned, Brexit alone is enough of a reason to keep the Chief Minister in his post. I will not say more, other than this: for me, Brexit and getting the best deal for Jersey is probably the biggest challenge that our Island has faced in the last 70 years. There is so much to do and so many subjects inside the wider Brexit debate to resolve. We know that working together with others will deliver the best result, especially in the crucial sector of financial services. We need as much consistency as we can and the Chief Minister is going to continue to have to pick up the role that Senator Ozouf undertook so passionately. In this the Chief Minister will need help and from the beginning of this year I have offered and continue to offer to do what I can to share his workload on Island. We are a team that can do this work. We can, we will, work together to get through this. Regardless of anything else, Senator Ozouf was always totally committed to promoting our Island and he worked tirelessly on behalf of financial services around the globe. In the continuing short term, the Chief Minister will now have to take over that responsibility. He is the best placed person to do this work. We do not need to lose him now. I do not want to make light of this, but this phrase did come to me and to plagiarise Oscar Wilde: "To lose one external Finance Minister may be regarded as a misfortune; to lose 2 looks like carelessness." In conclusion, have I fallen out of love with the Chief Minister? Maybe in the last few weeks I have. Are the 2 of us drinking in the Last Chance Saloon? Well, maybe, but we so certainly have not ordered the last round yet. We both know that walking away from challenges is not the way to sort them out. Any of us, who have found ourselves in the situation such as I faced while writing this speech know full well that you cannot really achieve anything by saying nothing and recently I have been guilty of not saying enough. Not discussing problems gets us nowhere and I want to make progress and not go backwards. Yes, it is tough. Yes, it is hard. Yes, getting it right all the time is nigh on impossible. But this proposition today is not, I am afraid, progress. It is a short-term decision that can only make things less certain. We need to get to next May and let the electorate decide who they think should take us forward into the post-Brexit world. Between now and then I believe we have the best team in place to deliver the best options. The Chief Minister is a man of his word, a Christian man, who is dedicated to doing good things and, despite what others might say and think, doing the best for his Island. However, as I have said, none of us are perfect and, I would hope, we would all in this Assembly accept that. I have used some quotes today, some serious, some less so, but I would just finish with this and one does not need to have studied a Bible to understand it and

knowing that we are all, in so many ways, infallible: “Let he who is without sin cast the first stone.” I will not be supporting the proposition. Thank you.

**6.1.21 Deputy J.A.N. Le Fondré:**

I very much want to start, like many other people, to emphasise, from me to the Chief Minister, this is no way personal. I would suggest we have had a good working relationship up to now and if he survives, which I think he will, I trust it can continue. Like the Constable of St. Mary, I sat next to and endured sitting next to the then Deputy Gorst for 6 years. In the last few months, in particular, like many people, I have had concerns about the decisions that have been coming out to the Council of Ministers and that is why I want to explain, like many others, why I too will be supporting the vote of no confidence. I do want to pick up on one comment from the Connétable of St. Mary, who made comments about the Freedom of Information and that was all wonderful. However, I do make the point that, some time ago, and I cannot remember how many months or a year ago at least, this Assembly, for example, agreed to extend Freedom of Information to the underlying States entities. I think it was a proposition from the Deputy of Grouville. I have seen nothing on that. It may be difficult, but it was a decision of this Assembly. For example, I was listening to the Chief Minister earlier this morning and he was talking about how the system needs to change, almost as if it was the panacea to all the recent problems and, therefore, he is going to change the system. He has had 5½ years to do this but, in fact, he has had recent submissions from both P.P.C. and Chairmen’s Committee strongly disagreeing with his proposals and, as I understand matters, he has issued law drafting instructions; so much for consultation. As far as we are concerned, there are real reputational risks associated with what he proposes, but that is something for another day. But the point is, despite the concerns expressed in writing by Chairmen’s Committee, not only have we not had a response, we have not even had the courtesy of understanding what the proposals are going to be and what is being sent to law drafting. If, Chief Minister, you are going to be listening, come back and talk to us, please. Talk it through, come back and see what we can find that is common, that we can agree on, that we can work together; that is the listening part. It is not: “Come and have a briefing, well, you do not agree with me, so I am going to go away again” and that is the issue that has been going through. It is the theme. It is how information is conveyed and how decisions are being made. Why should this Assembly have to ask questions to find out that the Economic Adviser is now working from Scotland? Why were comments for this vote of no confidence only received at 5.34 p.m. yesterday evening?

[19:00]

Why was an announcement about a dismissal made at 9.06 a.m. this morning? Things are getting later and later and later. It does not give the impression of good government, or organised decision-making. It feels reactive and it feels chaotic. Why are answers to questions getting more and more legalistic in their nature? I will use the expression “form over substance”, getting legalistic responses, not meaningful practical answers. It is more hair-splitting and this is what is getting members of the public annoyed. It is not what Jersey politics used to be about. Senator Green - it is not about Senator Green - but he stated the Council of Ministers was unanimous on a certain matter recently when it was patently clear they were not; supposedly that was down to a misinterpretation of a situation. What happens when it gets to a really tricky situation? How many other misinterpretations are going to happen? In fact, the fractures that have been obvious in the Council of Ministers in the last few months just seem to have been getting worse and that is not conducive to good government and how it is perceived. I am fed up with what I call Machiavellian politics - that is not probably the right description - I am fed up of having to choose every word carefully because, if I miss something out, I will get a completely different answer to if I had asked a fractionally different question. I am fed up about a legalistic approach being taken to matters

when this is not a court of law and we are not lawyers. Is the long-term care charge a charge, or a tax? For years after it was introduced it was a charge. Anyone who challenged it was rubbished. Yet suddenly, at the beginning of this year, it became a tax and that allowed more money to be borrowed for the hospital. In the last M.T.F.P. debate we have a number of other charges coming through: the healthcare charge at some point, the hospital funding charge that was talked about, the waste charge. Yes, things have changed but, as another Member made a comment at the time, introducing one new charge after another is not the way to give confidence to our population, because confidence cuts both ways. You are not giving confidence to our population about that and they were not talking about confidence in the economy, they were talking personally about confidence in the Government, because if we do not give confidence we are in big trouble, even if the economy, as they believed it was, was fully supportable and fully sustainable. I am going to touch on the comments from the Connétable of St. Mary about not being afraid, basically carrying out one's duties without fear or favour, effectively; I cannot remember the exact quote she was saying. But let us look at the language today about the dismissal; it is because it was becoming a distraction, apparently. However, is it not because there were some serious concerns being expressed at Council of Ministers' level over various issues around expenditure, as well as other issues around behaviour? Not just a couple of one-offs - which, bluntly, would not really have been worth worrying about at all - because of a quantum of behaviour. The point is, the Chief Minister is correct: we can only judge once we have clarity. But, this was raised, I understand, by Ministers over 2½ weeks ago. Did the Chief Minister go to the Chief Executive on day one, when it was raised with him and say: "Without interfering in an F.O.I. request, bearing in mind the data is held in Cyril Le Marquand House, what is the position?" Establish the facts within 2, or 3, days and report back to the Council of Ministers with the facts? Did he do this? Because my understanding is that he did not; he did not want to grasp that nettle. Really put personalities aside, when we step into this Chamber we have a responsibility to act in the best interests of the electorate, responsibility to maintain the integrity of the States and our integrity to that electorate, who put us here in the first place. My problem, at present, is that integrity to the electorate is being damaged, in my view. In my view, it is being damaged by the Council of Ministers, but the tone gets set from the top. In the worst case scenario, it could be the Jersey equivalent to the Westminster expenses scandal. I do not know if it is that severe, or not, because I am not in a position to judge. But, it seems, from the comments that are coming out of the Council of Ministers, there is a severe concern. What I am trying to say and I can understand why there is going to be some irritation here from the Chief Minister when he next speaks, can he clarify some certain things? Has he asked the following questions: Has there been an inappropriate use of the States credit card? Does that involve personal expenditure? It should not be complicated. What is the quantum? Is it £100, is it £10,000? How quickly was it repaid and, as of yesterday evening, had it all been repaid? Was it used during any period when the individual was not an Assistant Minister, or a Minister? The point is: the Chief Minister should have been in a position to assess the information and communicate it back to the Ministers, proactively, well before this debate; precisely so that rumours and innuendo do not circulate; precisely so that the individual concerned is not in the position that has arisen and should it not have been used to bail out the Chief Minister from the position he has got himself into? I hope that balance is understood, it is about the actions of the Ministers in dealing with this proactively. Equally, in my view there needs to be an assessment relative to the Financial Directions and how a civil servant would have been treated. Because, I am reminded of an old officer, who was dismissed because, even though they had done substantial overtime, they dared to take slightly longer lunches, which was against the rules; that is how it was reported in the press. It was deemed not appropriate, it may well have been more complicated, but that was reported. I can think of another officer, who was hauled over the coals over an item that was less than £25. In the private sector, things would be dealt with differently. The point is: it is important. Irrespective of

whether there is an F.O.I. request in play or not, the Chief Minister can clearly ask the Chief Executive Officer of the States the questions I have outlined earlier. He can then clearly inform the Council of Ministers of the result. It is not about the event, it is not about the individual concerned; it is about how the Chief Minister has handled it. It may be difficult, but that is the nature of the job. If there is prevarication on this relatively straightforward issue, what happens on far trickier issues? Because, it is very clear, it has been known by members of the public and by the media and yet there has been a deafening silence. If there is not a problem, then absolutely fine, but please state that is the case. Instead, though, we get statements about it being a distraction and I am not really interested in who that relates to. I am interested in how the Chief Minister has dealt with this because in a very few weeks' time we will have the care inquiry report coming out. If one is not capable of quickly dealing with what seems to be a very straightforward issue here, then how are we going to be dealing with the far more tricky situations coming up? Now, I am then going to cover things like the hospital debates. We have heard more on that, I am going to add some more, but from my perspective. The People's Park last year was shambolic, definitely; the debate was pulled half an hour before it was due to start, but it was a mess. It was also very clear that every time a particular site kept coming up - that seemed to be technically better and was cheaper - an alternative review was sought. This went on for ages. It does not demonstrate strategic thinking. The hospital funding debate was not an edifying demonstration of clear thinking, either. Firstly, we had the decision not to support Scrutiny and allow us to examine it, yet he welcomed the report when it was finally produced. But the Chief Minister voted against the referral to Scrutiny and spoke against it. Then, we had the decision to pull the debate and, again, this was at the very last minute; I think it was 7.00 p.m. the night before the debate. I note the comments about the Chief Minister accepting it was pulled too late, but it is, again, part of a pattern. It is about the language being used, the Chief Minister said: "I welcome the decision of the Minister for Treasury and Resources" and, procedurally, that might well have been correct. But, the practical reality, as we determined when he was in front of Scrutiny, was that he had met with the Minister for Treasury and Resources on the Friday, had been very clear it should have been either deferred, or pulled and, to me, if the Chief Minister says that, the Minister for Treasury and Resources is going to act on it. But, even today, in a written answer to Deputy Higgins, it states that it was the Chief Minister who was invited to a meeting by the Minister for Treasury and Resources on Monday; there is no reference to the discussions on the Friday. Interestingly enough, it also states that a new approach to borrowing for the hospital had been presented the previous Friday. It still does not say where this came from and it begs the question: if, before Christmas, the Council of Ministers were clear in their direction of travel, yet here we are in June, the following year, apparently changing their minds and, bluntly, I am none the wiser at all. Because, even listening today, the Chief Minister seems to have opened a whole gamut of options on borrowing, which did not seem to exist one week before the debate was pulled. Now, the Chief Minister just does not seem to want to recognise his role in those decisions and seems to keep hiding behind what I will call legalistic, or procedural process, which is technically accurate, but tends to disguise, in my view, the reality of the situation of what I will call substance over form. Now, I know that people have talked about who will replace the Chief Minister, because, originally, they were not happy that they could not support the vote of no confidence, because they wanted to know who would come in place. The fact as to whether you have a successor, or not, surely cannot affect your confidence in the Chief Minister. One is either happy with the way things are done, or one is not. One either has confidence in the Chief Minister, or one does not. Whether, or not, there is a successor cannot affect how one views the present incumbent and one's confidence in him. Now, I really do stress: I like the Chief Minister and I know it is not pleasant when someone says to you that one is doing things wrong, but he has not been dealing with matters in the way that I expect and that I think the public deserve. I am not looking for perfection, or even a perfect plan. It is not about some

undefined level of perfection that is unattainable, which somebody said earlier. It is about straightforward ... I am going to use the word “ethics” but it is not meant to be pejorative, about straightforward speaking. It is not about word play. It is not about always winning and about never conceding. It is about humility and, as he has said, it is about listening. I suspect he will survive today, but I hope he will take the comments I have made as constructive criticism. One must not be afraid, I am afraid, of saying the hard things. I think I have said some fairly hard things there, but I hope he will take them as constructive criticism and we can all move forward, but I am afraid I am supporting the proposition.

**Deputy A.D. Lewis:**

If I may, we have had 5 speeches in nearly 2 hours. It is now getting quite late and I am sure the Chief Minister has a lot to think about to sum up. We could have 2 long summing-up speeches. Can I propose an adjournment to the morning?

**The Bailiff:**

Is that seconded? [**Seconded**]

**Deputy J.A.N. Le Fondré:**

Can we have an indication of how many people are left to speak?

**The Bailiff:**

At the moment nobody, unless any ... does any other Member wish to speak? Senator Ozouf, Senator Green. Does any other Member wish to speak? Well, 2 other Members and then we will have at least the summing up from the Chief Minister and from the Connétable. Very well, the proposal is that we adjourn and reconvene at 9.30 a.m. tomorrow. Do you call for the appel, do you?

**Senator I.J. Gorst:**

Are you asking for people to comment on that proposal?

**The Bailiff:**

Chief Minister, if you would like to comment on it, it would be fair to do that.

**Senator I.J. Gorst:**

I know this debate is not about me, but I really would prefer to get to a vote this evening. [**Approbation**] I will defend my position and stand by the decision of the Assembly, but there are others, whom I hold dear, who would like to know one way, or the other, and I ask that Members just consider that. If we only have 4 more speeches, I would be grateful if we could continue.

**Deputy M. Tadier:**

We are talking about whether, or not, we stay. We adopted a policy, I think, a while back of being a family-friendly Assembly and some of us, obviously, voted against leaving at 5.30 p.m. There is already at least one of our number, tonight, who cannot be with us, because she is on family duties, who has had to go home and attend to a young one. She has an absolute right - I do not know if there are others - to make sure that her constituents are represented in this Assembly. I do not know, I think this is of significant enough importance that I do not see why we should rush things tonight, when we can come back tomorrow morning. I think it is important that everybody in this Assembly who has been democratically elected has an opportunity to be here and be present for the vote. We are coming back tomorrow morning anyway and I do not see why we should not give

that opportunity, as I said, to everyone in the Assembly to have their vote heard on this very important issue.

**The Bailiff:**

We are not going to have a debate about whether we adjourn. The argument is well put on both sides. The appel is called for. I invite Members to return to their seats. The vote is on whether to adjourn now. Those in favour of adjourning now will vote *pour*. Those against will vote *contre*. I ask the Greffier to open the voting.

| <b>POUR: 15</b>           |  | <b>CONTRE: 31</b>           |  | <b>ABSTAIN: 0</b> |
|---------------------------|--|-----------------------------|--|-------------------|
| Connétable of St. Clement |  | Senator P.F. Routier        |  |                   |
| Connétable of St. Ouen    |  | Senator P.F.C. Ozouf        |  |                   |
| Connétable of St. Brelade |  | Senator A.J.H. Maclean      |  |                   |
| Connétable of St. Saviour |  | Senator I.J. Gorst          |  |                   |
| Deputy G.P. Southern (H)  |  | Senator L.J. Farnham        |  |                   |
| Deputy K.C. Lewis (S)     |  | Senator P.M. Bailhache      |  |                   |
| Deputy M. Tadier (B)      |  | Senator A.K.F. Green        |  |                   |
| Deputy M.R. Higgins (H)   |  | Senator S.C. Ferguson       |  |                   |
| Deputy J.M. Maçon (S)     |  | Connétable of St. Helier    |  |                   |
| Deputy S.Y. Mézec (H)     |  | Connétable of St. Peter     |  |                   |
| Deputy A.D. Lewis (H)     |  | Connétable of St. Lawrence  |  |                   |
| Deputy of St. Ouen        |  | Connétable of St. Mary      |  |                   |
| Deputy R. Labey (H)       |  | Connétable of St. Martin    |  |                   |
| Deputy T.A. McDonald (S)  |  | Connétable of Grouville     |  |                   |
| Deputy of St. Mary        |  | Connétable of Trinity       |  |                   |
|                           |  | Deputy of Grouville         |  |                   |
|                           |  | Deputy J.A. Hilton (H)      |  |                   |
|                           |  | Deputy J.A.N. Le Fondré (L) |  |                   |
|                           |  | Deputy of Trinity           |  |                   |
|                           |  | Deputy E.J. Noel (L)        |  |                   |
|                           |  | Deputy of St. John          |  |                   |
|                           |  | Deputy S.J. Pinel (C)       |  |                   |
|                           |  | Deputy of St. Martin        |  |                   |
|                           |  | Deputy R.G. Bryans (H)      |  |                   |
|                           |  | Deputy of St. Peter         |  |                   |
|                           |  | Deputy R.J. Rondel (H)      |  |                   |
|                           |  | Deputy S.M. Wickenden (H)   |  |                   |
|                           |  | Deputy S.M. Bree (C)        |  |                   |
|                           |  | Deputy M.J. Norton (B)      |  |                   |
|                           |  | Deputy G.J. Truscott (B)    |  |                   |
|                           |  | Deputy P.D. McLinton (S)    |  |                   |

[19:15]

**6.1.22 Senator A.K.F. Green:**

I am pleased to follow Deputy Le Fondré, because I am glad that I do not see life entirely the way that he does, but I will come back to that later on. I had, when I prepared my notes for today, started on the principles of Nolan, but that has already been covered by a number of Members, so I will not list them again. But, what I will ask Members of this Assembly is, bearing those principles in mind, can anyone really say the Chief Minister falls short in these areas? The answer, clearly, is:



no. Do not take the bid for consensus, when the Chief Minister is trying to move things forward, as a weakness. It is a strength of leadership and the Chief Minister always tries to work with people who have different views, or have concerns. So, consensus is strength, in my view. Let me remind Members, as others have said: the Chief Minister topped the poll, as the sitting Chief Minister, or the previous Chief Minister, with in excess of 14,000 votes. Before talking about the main parts of the proposition - and I really would like to get down to the nitty-gritty - I do have to align myself with the comments of Senator Routier, when he was examining, for a brief moment, what the real reason was for this vote of no confidence. Contrary to what the Constable of St. John says, this proposition from his mind was, initially, about Senator Philip Ozouf. I know this to be true. Yes, I know this to be true, because, when I sat in my office trying to persuade him, in the absence of the Chief Minister, to withdraw his proposition, his words were: "It is 60 per cent Ozouf and 40 per cent the items in the proposition." Then he, the Constable, that is, told me all the things that he thought Senator Ozouf had done wrong since 1990, most of which were absolutely nothing to do with the States. So, I ask the Constable, who mentioned Nolan in his proposition, where are the principles of openness and honesty in this behaviour? As stated by the comments of the Council of Ministers, the main pillar of our plan, as Council of Ministers, was to ensure a strong economy, to create jobs for Islanders, prepare for the future, not our future but the future of our children, of our grandchildren. The question is: how can we prepare for that future, if we are going to improve Islanders' lives, if we are going to continue to invest in more frontline public services, such as health, mental health, children's services, housing, education, infrastructure and public safety? If we are going to protect and look after those who are most vulnerable, or face discrimination, we must have the money to do that and, therefore, we must have a strong economy. We must balance our books. We must invest in infrastructure and services for our people. We have been fortunate. We have seen - through hard work and a bit of good luck - the financial situation improve. This is most welcome, but Islanders' hard work is paying off. Let us not throw this opportunity away. Before moving on, I would like to just talk very briefly because I think it was Deputy Tadier - I apologise if it was not - it would have been one of his colleagues talked about the black hole. There was no black hole and people have accused us of spin. Well, we certainly did not manage to convince people that there was no black hole. To use an in-vogue saying: it was fake news. It was a figment of someone's imagination. It was a misrepresentation of the facts. So, what really happened? When we got together as a Council of Ministers, the new Council of Ministers, we knew that we needed to significantly invest in health and Children's Services and mental health, £40 million a year extra by the end of the 3-year plan, year-in, year-out. To invest in education I think the figure there was £10 million new money, year-in, year-out. To invest in infrastructure, to modernise our accounting systems, for the first time, to allow for depreciation. That depreciation is not just an accounting act, it is to allow money to be there to continue to provide capital and investment in infrastructure, as our infrastructure ages. Never been done before. When you put that in place, it is quite clear that you need significantly more sums of money. So, the choice the Council of Ministers faced was reducing expenditure, strengthening the economy, getting Islanders back to work and the evidence is, in the latest accounts, that it is paying off. I know people like to mock. We have the highest level of employment ever, but also look at the good work that the Minister for Social Security and her Assistant Minister have done in getting people back to work. It is not just about incoming people. I would like to talk, obviously, about the hospital. The People's Park, I stand by taking the opportunity to look at that. We had looked at something like 40 sites, some had some benefits, some had none, but none had all the scores that we wanted. Yes, the Deputy of St. John was right: we looked at the Parade Gardens. That did not work, so during the holidays we looked at other alternatives that could work. The People's Park was one of them. I stand by at least bringing that option to be discussed, to consult. Okay, I got slaughtered over it, but I stand by that, because that resulted in a relaxation of the guidelines in planning principle that

allow us now to build an outstanding hospital on the site that we now have, that that site was chosen by this Assembly, that we will be able to deliver a really good hospital and, better still, we will have enough space to build the next one, next door in 50, 60, 100 years' time, whenever that is, and no other Minister for Health and Social Services, no other Council of Ministers will ever have to scour the Island for suitable sites. We have a plan for the future. The Assembly agreed the location for the hospital. The focus is on now getting that hospital built, so that Islanders can benefit from this new facility, as soon as possible. The proposition says the whole process has been a fiasco and the decision-making process, from finding a site, to funding it, woefully poor. I cannot agree with that. In fact, I totally refute it. It is very convenient that the Constable of St. John overlooks his role, when pushing for delays and considering his preferred site, what I named as Waterfront D minus. It is very easy to rewrite history. The next important steps are to make an outline planning submission. This will happen, either at the end of this week, or the beginning of next week. It is not the design of the hospital, but it shows the mass and where it sits in relation to other buildings and we know that everything will fit into it. The one thing I am not, is an expert on financing, but I want the best solution that delivers a new hospital but, just as importantly, one that leaves the lowest legacy of debt to our children and our grandchildren; but also one that does not leave the Island vulnerable, unable to react to any challenges from external forces. So, was it wrong, therefore, to take a little bit longer? The advice had changed about the threat of the bond price changing. Was it wrong, therefore, to take a little bit more time to find the right funding solution for Jersey, so long as it does not delay the delivery of the new hospital, or cost more than necessary? No, I do not think it was wrong. I think it was courageous. I believe that this was the right thing to do. We have been criticised about who was at the meeting on the Friday. The meeting on the Friday was called by the Minister for Treasury and Resources. The Chief Minister was asked to go and I happened to be with him, in his office, on that day, so he invited me to go along. I am not a finance expert, but it was quite clear at that meeting that there were some fundamental questions that had not been explored. The Treasury advisory representative wanted to take it away and have another look at it. I think that was the right decision. That was a brave decision and we discussed it on the Monday. Sorry it was late, but it was agreed that we would pull the proposition for the time being. Let us look at this Council of Ministers under the leadership of this excellent Chief Minister. I am proud to be his deputy. I feel, sometimes, I should do more to help him, but I have a busy job myself, but I do try to support him, particularly when he is out of the Island. What this Council of Ministers, under the leadership of this Chief Minister, has achieved against an economic backdrop that is generally acknowledged to be less than favourable - despite the less than favourable backdrop, despite one of the largest recessions that we have ever seen - we continued to invest in areas such as: health; Children's Services; mental health services; housing; education; using, at the beginning of the session, fiscal stimulus money to get other things working and also to try and keep our skills base up in terms of the construction industry, particularly. We recognised, as I have said, that a vibrant, healthy economy is the best guarantee of safe, financially sustainable, tax-funded health and social care services, services that are fit for the future. We have heard a lot about strategies and a lot of mocking. The mental health strategy has resulted in all sorts of new services, such as the Recovery College, Talking Therapies, to name just a couple; real strategies, doing real work to improve real things for Islanders. But there is no sense of complacency about what needs to be done. I urge Members to trust this Chief Minister, with this Council of Ministers, to get on with the job. As Minister for Health and Social Services, I am proud of what we have delivered. We have a model based on P.82, a blueprint for safe, sustainable, affordable health and social care. As our society ages, we have been investing in health to deliver safe, sustainable, affordable care. You only have to look at the Gantt chart to see all the areas of green, to see all the different things that have been delivered. We are working far more closely with our partners in primary care, in the voluntary sector, in the private sector, to deliver services

cost effectively, where people want them, when they want them, often in their own homes. As I say, this work sits alongside the prioritisation of mental health services and Children's Services. Running a primary care strategy, there are 3 pilots now going - restructuring of Children's Services, Island-wide digital strategy for health, new governance arrangements for Health and Social Services - coming to this Assembly probably in September. When you hold a no confidence vote, it is usual to know what you would do next; what the alternative is that is being proposed. I do not see one. Well, the alternative I see is to support this Chief Minister, I think one of the most hardworking Chief Ministers that we have ever seen, one who grasps the facts so easily, as the Constable of St. Mary said. When you go into S.E.B. there is a whole host of different things there. The Chief Minister has the grasp of it, one that does try to do it by consensus. This is a good Chief Minister and I urge people to line up, not behind him, alongside him, support him and allow him to get the job done that we need to get done.

#### **6.1.23 Senator P.F.C. Ozouf:**

I have always given this Chief Minister and previous Chief Ministers, but particularly this Chief Minister, my support and loyalty and my endeavour and I will be voting against this proposition, despite the actions that he has been - in my view - forced to take today. Things started well with this Council, but problems started pretty well straight away, with the apparent emergence, as the Deputy Chief Minister has said, of a black hole. This resulted in a massive confidence knock to Jersey. The M.T.F.P. was a year late. That was taken by the Chief Minister. The M.T.F.P. annex debate voted for the removal of the Chief Minister's P.A. (personal assistant). I believe that the Chief Minister of Jersey, and this Chief Minister, can only do the job with the appropriate support of an office, of the civil service and of Ministers.

[19:30]

I believe that he needs to have a chief of staff, or a business manager, to run his office. I believe that he needs to communicate more and he needs the time to communicate, but when the Communications Unit budget was forced to be cut, that is difficult. I would argue: how can the Chief Minister possibly ... and I am at risk of that also of not having communicated with Members. When I was the Minister for Treasury and Resources, I held briefings all the time with Ministers, to make sure that they were informed about what was going on in relation to the decisions I took. There does need to be a change - and I encourage the Chief Minister to say this in his summing up - to get the absolute support that he deserves, but there does need to be some changes within the management that give him the support. I have always worked with the Chief Minister on the basis of providing him not problems, but solutions. There were issues about my reappointment. I knew that that was controversial. I am hoping that there is going to be the in-committee debate on the Innovation Fund. This is not the time to debate that. That is why I offered him that he could take my reappointment to the States, so that the issues could be separated out about my appointment and his leadership. I understand that he was told that there were going to be the conditions applied to the support of a vote of no confidence by some people. I want to say, publicly, that I think that that was totally unfair to the Chief Minister. There are rumours and they must be true, that there have been briefings about him to journalists. I think that anybody that does not support the Chief Minister in a vote of no confidence and was not prepared to do so, should have resigned. I certainly would have done. It is clear that the Constable of St. John did say that this proposition was about me, which is why I know Members do not want me to speak and I am not going to speak for very long. But this was about my appointment. This was the straw that broke the camel's back, or something. I am also told that it was 60 per cent of the reasons. I want to state publicly that I am sorry if I challenged him 21 years ago on the Jersey Milk Marketing Board. I have always challenged. There was a problem with the accounts and effectively history will record whatever

that challenge was and what happened. I am deeply sorry about the Innovation Fund and we need to have a debate about that. Ministers need to do the honourable thing. We will talk about what the Q.C. said. It is not the time now and it is too late to talk about this. What I am very uncomfortable about, is the fact that I was used as a proxy to challenge his continued leadership. I have had to pay a very heavy price of allegations. Ministers need to take responsibilities for the actions of their department. However, there does need to be a sense of proportion, I would say, to the Constable of St. John, too. The materiality, I would say unacceptable losses of the Innovation Fund are wrong at every pound, but there are also suggestions in this about other issues, which if I may respectfully say are rather larger. Deputy Martin has said that there are other issues. The hospital funding issue should not have happened. The C.I.F., I say to Deputy Maçon, has not happened by accident. It has happened, because there have been good procedures and policies put in place. They should have been in place years ago. The Chief Minister also wanted to put, effectively, in place proper advisers, to have the whole of the capital and liabilities of the Island looked into and the difficulty ... and this is why it is always difficult. I was presented, with the Minister for Treasury and Resources, with a decision to say £200 million in so-called investment. I said: "What happens if I want to put it on the 3.30 at Newmarket?" Was that a political decision? No, it should have been based on expert advice. Frankly, the problem with the hospital funding is that the decision of how to raise money ... of course, it is perfectly legitimate to say whether it should be selling down the Strategic Reserve, but the problem has been the politicisation of what has been, effectively, something that experts should have made. Many experts told me that issuing a £275 million 30-year single-repayment bond would not be right. They are entitled to their opinion and other people are. The problem is - what has happened is - you get boxed in and that is what has happened. My sadness with all of this is that it should not have happened. I am not sure why somebody made a big sigh there. My sadness is that I am not going to be able, as of today, to support the Chief Minister, which I have so much respect for. He has my continued support, despite the fact that I believe that he has been placed in an impossible position in respect of myself. I deeply regret that. Nobody should be put in that position and he does need more support. Ministers need to support the Chief Minister and I have no doubt that he has to say in his summing up that he is going to deal with some of the issues of the support that he needs and that things are going to change, because there have been some serious issues. He should not have to do the job of other Ministers in the way that he has been doing. Now he is going to have to deal with a lot of the issues of Brexit. Brexit are massive issues. If there is one single issue that the Members of this Assembly should not vote in favour of, it is that Brexit negotiations start now, today, and there is a huge amount of risk and there is a huge amount of opportunity and that is going to need time. I thought that I was going to be able to assist with that, but I now cannot. I know the pressure that that is going to put on him and he is going to need to make some changes on that. This Chief Minister, for the reasons that many Members have said, including some members of the Council of Ministers who have spoken, does not deserve a vote of no confidence. It is unfair. He has gone beyond the call of duty. He tries to find solutions to problems. He will try and find a solution, I am sure, to Deputy Labey, even in relation to Green Street and all those things. I know that I would, but I would probably be accused of meddling. But I will; maybe I now can if I am out of the Government. Solutions are always possible when you communicate and when you work hard and this Chief Minister ... the only problem is, he does not have enough time to communicate, because he is too busy dealing with other problems, doing, sometimes, the job of other Ministers and, if I may say also, he does have to address the issues of the support that he has in his office and at the civil service side that are supposed to be giving Ministers advice on which they have to act. There are serious issues, which are needed, but they are not quite the issues that have been set out. I am going to vote against this vote of no confidence and I wish our Chief Minister continued ... he will certainly have my loyalty and my continued support for the job that he has to do. He does not deserve to lose a vote of no

confidence. Solutions can always be found, even for some of the issues that have been raised. Honesty and integrity and openness and transparency are at the heart of politics. Some of what I have heard is interesting, but they are certainly not the traits of the Chief Minister and I urge Members to vote against this proposition in great numbers.

**Connétable S.A. Le Sueur-Rennard of St. Saviour:**

Could I just point out a slight clarification? I was the one who sighed, because I am having a job to keep going here with this cold that I have. It was nothing to what the Senator was saying. It is just that I am having a heck of a job to keep going.

**The Bailiff:**

Does any other Member wish to speak? Very well, Standing Orders then provide for the Chief Minister to have an opportunity to speak once more and then there will be the summing-up speech from the Connétable of St. John. All debates in this Assembly are important. This is an important debate. As it is an unusual one, in the sense that the Chief Minister gets the opportunity to sum up as well, I am going to exercise my powers under Standing Order 46 to suspend this sitting for 5 minutes to give the Chief Minister a chance and the Connétable of St. John to have a chance to organise their thoughts before their closing speeches. Five minutes.

[19:40]

**ADJOURNMENT**

[19:46]

**6.1.24 Senator I.J. Gorst:**

That 5-minute break has just left me thinking about what I might normally be doing at 7.50 p.m. on a workday evening. Perhaps, like some Members of this Assembly, I might just be deciding whether, as it is mid-week, I should have a glass of something. Not this evening. I want to start by saying, of course, I am extremely grateful for all those kind words that Members have said, but never in a month of a Sundays would I - and I hope no Member ever does again - refer to me in the same breath as Abraham Lincoln. **[Laughter]** There are men, people of towering political achievement across the world and, of course, have been in this Assembly as well. Some of them I have had the privilege of knowing later in life and even then, and their achievements, and I am thinking, particularly, of one who, 43 years ago, saw us into the European Union, as we are for Protocol 3. Nor would I ever consider, in a month of Sundays, mentioning my name together with his. These are people that we should look to as heroes; that we should aspire to follow in the way that they dedicated themselves and in this case he dedicated himself to our Island. So, I thought the earlier speech was difficult quite to decide what to say and which points to pick up on. This is proving, perhaps, even more difficult. Should I, for example, respond to some speakers, perhaps Deputy Mézec, who said: "The achievements of the Social Security Department, Deputy Pinel and Truscott in getting hundreds of people into work was nothing"? That unemployment is only slightly reducing. It is at a 6-year low. They are engaged with employers and people who find barriers to work extremely difficult and they are finding them jobs day-in and day-out. **[Approbation]** It is not by accident. Is it really? Can we really accept the premise that everything that good happens is a result of officers and everything bad is as a result of politicians, or Ministers, which some speakers seem to suggest? No. It is working together. It is working together. In this Assembly we decide legislation and policies and strategies and officers then go and deliver. There are some fantastic achievements right across the work of government, delivered by outstanding individuals, who could be elsewhere but they are choosing ... some of them choosing - and let us

never criticise this - choosing to come from the U.K. Government right at the heart of government, senior positions in departments, coming from the F.C.O. (Foreign and Commonwealth Office) to support our work, delivering a future for us. Visitor numbers are up. Visitor numbers are up. Not if you believe Deputy Mézec who likes to ... well, say nothing other than the statistics show visitor numbers are up. The 1001 Days is platitudes. Platitudes? Of course, we have heard today, for the first time, that the only way that we can improve the life chances of both the unborn and those up to the age of 2, or thereabouts, is by increasing maternity leave, is by social policy like that. Of course that is not the case. That is a challenge that the Social Security Department is dealing with, but we have set aside £1.6 million over and above what was in the mainline of departments to deliver on the 1001 Day agenda and support young people in our community. It is a strange world where £1.5 million is platitudes. I do not see it as that. I see that money is making a difference and the work that the Minister for Home Affairs is doing in spending that money, together with other departments, is making a difference and I am proud of that. **[Approbation]** We have got strategies, I would say, coming out of our ears. Some other famous person in this place said that. Strategies coming out of our ears and, oh, how terrible they are. How terrible they are. Well, let us pick one. I am particularly proud of this and I know that Senator Routier is too. It has been his life's work. The Disability Strategy. **[Approbation]** Is it just a dry piece of paper? No. It is outrageous to suggest it is a dry piece of paper. This strategy was developed from the community, from grassroots up. The involvement of that community, the Service Users Forum, voluntary organisations, built from the community to make a difference in the community to some of the most vulnerable people in our community. Just a strategy. Just a strategy. Well, I am pleased that that strategy is transforming and will transform people's lives into the future. The Constable of St. Mary wanted to know if she gave me a vote this afternoon what I would be getting on and doing. I have already spoken for too long. Higher education funding. Delivery and publication of the Long-Term Plan. Not just platitudes. Evidence-based facts about where we are as a community and what we need to do to improve people's lives and to improve those numbers. New population policy. Already being worked on. **[Interruption]** But there is. There is a population policy, day-in and day-out, week-in, week-out Ministers and Assistant Ministers are making decisions. Sometimes, they get criticised on the front page of the paper for doing so. Any Member that wants to come along and watch them delivering a population policy is extremely welcome and I know the Deputy of St. John has done so. The Access to Justice Review and dealing with legal aid. That will be completed. The Employer Accreditation Scheme, promoting the Caritas living wage. Completion of the workforce modernisation. Legislation on regulation of care, on sexual offences, on cybercrime, on hate crime, on shared equity legislation, new social housing regulation, but to mention a few. But to mention a few. So I am going to mention 3 speeches, 2 of which I, personally, felt - and I am not sure if this is the word - were bordering on the outrageous. I think they know who they were and I will say no more than that. Another one that we have just heard, from my perspective and the day I have had, absolutely courageous and I thank him for it. **[Approbation]** So which is it? Today I have been accused of both lacking leadership and taking too much leadership, of working too hard and not working hard enough, of looking at the big picture and of micromanaging. If I am honest, from time to time it is all of those, but in everything I do for me consensus is not a dirty word. It is what we, in this Assembly of independent politicians - I know we have got the 3 happy party members at the back - of independent politicians is what we should be striving for every day that we come into this place, or we go into our work, whether it is ministerial, or it is Scrutiny work. I do not think it is a dirty word and I know that some of my colleagues think I am too consensus driven. That I give people too much time to get to what I think is the right decision and in their best interest and in the Island's best interest. I am not going to apologise for that. I am not suddenly going to, after this vote if I am successful, become dictatorial. That would not be right. That is not where our history is. That is not where our culture

is and we should not be driving in that direction. Do I need more support to improve my output, to improve productivity, to allow me to listen more and meet more with back-bench Members? I do. I absolutely do. I should be more mindful that that support is about delivering for Jersey and not the short-term headlines of criticism that I had even for having a P.A. I commit, again, to doing that. It has to be, for me, and it will always be Jersey first. Some Members, it seems to me, have been trying to fit the facts to their predetermined view when they came into this Assembly. I cannot accept that. For me, coming into this Assembly and doing the job that I do is about service. We have touched on, a little bit, have we not, about the stresses and strains in C.O.M. (Council of Ministers) and I understand that that is evident to Members. The Council of Ministers is full of strong personalities. That is why, I think, it requires the skills of consensus building, of teasing out the dissenting voice, because that, ultimately, leads to better decision-making.

[20:00]

But I deplore, I deplore, when those stresses and strains turn into something that we have seen and some Members have touched on over the course of these last 10 days. Conversations had behind closed doors, along darkened corridors, shadowy figures with half-truths and innuendo with supposed facts. Every single Member of this Assembly is bigger and better than that and it cannot go on. It cannot go on. It does not serve our Island and our community well. If that means we have to be more open about our disagreements around the Council of Ministers' table, if I have to be more forthright in this place and with Members about my views on things then I will be. This Island deserves better than it has had over the last 10 days and I commit myself to delivering that better. So, do we need to learn from J.I.F. issues? Yes, we do. We absolutely do. Do we need to learn from some of the issues raised in the Constable's proposition about timing, about the formality of decision-making? Yes, we do. I have said that earlier and I hold my hands up for my part in that and accept that it needs to improve. I do not want to give, necessarily, undertakings which Members rightly will say: "Well, you said you were going to do that before, Chief Minister, so how can we have faith in you?" But I point to what I said earlier. Over these 10 days, as Members ... I have been speaking to Members, I have enjoyed that. I am not sure they have enjoyed it, but I have. Listening and thinking about the challenges that they have rightly raised. I have already asked officers to clear space in my diary in order to do that more and this need for support will allow me to do it more as well. So, I am here to serve. I am determined to serve, but that is a matter for this Assembly to decide this evening if they wish me to serve in this role. I take no one's vote for granted. I am grateful for everyone's vote that will vote against this vote of no confidence this evening. I have received, contrary to Deputy Mézec, a number of people contacting me with their support. Some of it from unlikely and unusual areas and I say to those individuals: they know who they are, and I do not hold their trust lightly, but I am grateful for the trust that they place in me. I have - difficult for an accountant this - an absolute passion to make a difference and to make sure that our future is strong and that that future is strong for all Islanders. Yes, we should challenge each other constructively. But, surely, doing is better than simply criticising and achieving nothing. I commit to continue to doing in the best interests of Jersey. Let us, today, have this vote for the avoidance of any doubt. If this vote goes against me, as a number of Members have tried to suggest, I will not stand again for this position. It would be wrong for me to suffer a vote of no confidence and then have the arrogance to think that I could stand again. It would be wrong of me and I will not do it. But, let us today vote for that strong future. Members have kindly said they think I have something to continue to offer. I offer it this evening. It is up to Members whether they wish to accept that and whether they wish to move forward together into our future because I do. **[Approbation]**

#### **6.1.25 The Connétable of St. John:**

I would like to start by thanking everyone who has spoken today. A variety of reasons. Deputy of St. Martin: walking away from a challenge is not an option. That is why I am stood here. Because I do not walk away from things that need to be said and things that need to be done. Deputy Norton very kindly said: “I am in ...” sorry, I nearly said: “I am important”. It is my handwriting. “I am an immigrant.” Well, join the club. I have already said in this Assembly that I am not Jersey born. I was born in South Africa. My mother was there at the time. **[Laughter]** The Constable of St. Martin very kindly reminded me: “Someone who does nothing does nothing wrong.” That is why I have made many mistakes in my life, because I like to think I have done and lived a very full and eventful life. What is important, though, is that when you do something wrong you learn from it. You change and you go forward. This has been my concern: is that I have not seen - when the Council of Ministers get it wrong - I have not seen the hands go up: “We got it wrong. We need to change and we can move on.” That is what has been missing. Today, they have admitted they have got it wrong and I think that that is probably a first in the last 2½ years. Deputy McLinton talked about a ship sailing from nowhere to nowhere and then chucking the captain overboard as shark bait. He has almost got it right but, unfortunately, a little skew. Yes, you can look at it as a ship sailing along, but what we have at the moment is the captain and the officers, locked in their quarters, enjoying the fruits of good living, possibly, but keeping the crew in ignorance and there is no communication between the 2. That is what has been the most common theme today, is communication. “Tell us what is going on. We must know.” Back-benchers have to face the electorate, as well, and we are held to account for the decisions of this Assembly, but if we have not had the information, how can we be held to account? I am delighted I have given the Chief Minister an enjoyable time when he says that he has been meeting back-benchers and I am sorry it has taken so long for him to realise that we are nice people and it is enjoyable to meet us. I, too, have an office and anybody is welcome to come and see me any time I am free. The Chief Minister, in his opening speech, talked about blame and I think somebody, and I forget who it was, very kindly pointed out: “We are not blaming. We are holding to account. This is the way we hold the Chief Minister and the Council of Ministers to account.” Things have not been going right, recently, and there is frustration on the back benches and, therefore, action was needed to correct this. I urge people to think very carefully when they vote, because this is important. This is the future of the Island and it is what we all hold dear. I love the Island and as everyone knows I have got the best job on the Island, or possibly from you, Sir. Yours is probably a little bit better. But the Constable of St. John is, without doubt, one of the best jobs and I thank, every day, for the job I have and it is with enthusiasm that I go to work every day and that I come down from the Parish, having finished the Parish work, to do what is my duty here in the States and I hope that I will always do that duty and I will never shirk from it. That is why I have brought this proposition to bring the Chief Minister to account and I urge Members to support my proposition.

### **The Bailiff:**

The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

| <b>POUR: 13</b>             |  | <b>CONTRE: 34</b>        |  | <b>ABSTAIN: 0</b> |
|-----------------------------|--|--------------------------|--|-------------------|
| Senator S.C. Ferguson       |  | Senator P.F. Routier     |  |                   |
| Connétable of St. Saviour   |  | Senator P.F.C. Ozouf     |  |                   |
| Connétable of St. John      |  | Senator A.J.H. Maclean   |  |                   |
| Deputy G.P. Southern (H)    |  | Senator I.J. Gorst       |  |                   |
| Deputy J.A.N. Le Fondré (L) |  | Senator L.J. Farnham     |  |                   |
| Deputy K.C. Lewis (S)       |  | Senator P.M. Bailhache   |  |                   |
| Deputy M. Tadier (B)        |  | Senator A.K.F. Green     |  |                   |
| Deputy of St. John          |  | Connétable of St. Helier |  |                   |



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|--------------------------|--|----------------------------|--|--|
| Deputy M.R. Higgins (H)  |  | Connétable of St. Clement  |  |  |
| Deputy J.M. Maçon (S)    |  | Connétable of St. Peter    |  |  |
| Deputy S.Y. Mézec (H)    |  | Connétable of St. Lawrence |  |  |
| Deputy S.M. Bree (C)     |  | Connétable of St. Mary     |  |  |
| Deputy T.A. McDonald (S) |  | Connétable of St. Ouen     |  |  |
|                          |  | Connétable of St. Brelade  |  |  |
|                          |  | Connétable of St. Martin   |  |  |
|                          |  | Connétable of Grouville    |  |  |
|                          |  | Connétable of Trinity      |  |  |
|                          |  | Deputy of Grouville        |  |  |
|                          |  | Deputy J.A. Hilton (H)     |  |  |
|                          |  | Deputy of Trinity          |  |  |
|                          |  | Deputy E.J. Noel (L)       |  |  |
|                          |  | Deputy S.J. Pinel (C)      |  |  |
|                          |  | Deputy of St. Martin       |  |  |
|                          |  | Deputy R.G. Bryans (H)     |  |  |
|                          |  | Deputy of St. Peter        |  |  |
|                          |  | Deputy R.J. Rondel (H)     |  |  |
|                          |  | Deputy A.D. Lewis (H)      |  |  |
|                          |  | Deputy of St. Ouen         |  |  |
|                          |  | Deputy R. Labey (H)        |  |  |
|                          |  | Deputy S.M. Wickenden (H)  |  |  |
|                          |  | Deputy M.J. Norton (B)     |  |  |
|                          |  | Deputy of St. Mary         |  |  |
|                          |  | Deputy G.J. Truscott (B)   |  |  |
|                          |  | Deputy P.D. McLinton (S)   |  |  |

**[Approbation]**

**Senator I.J. Gorst:**

May I just address the Assembly very briefly? I thank Members for their support today. I know that for some that support has been extremely difficult and I am very grateful for that. Our future is too important for us to carry on in the way that we have been. I am not prepared to let it happen. We must work together and put our Island first, above personality and everything else. I hope every Member will commit to doing that; to working together in the Island's interest and I thank Members for their support again this evening. **[Approbation]**

**Senator P.F. Routier:**

I propose the adjournment.

**The Bailiff:**

So soon? The States will stand adjourned until 9.30 a.m. tomorrow.

**ADJOURNMENT**

[20:15]