

STATES OF JERSEY



VOTE OF NO CONFIDENCE: MINISTER FOR HOUSING

Lodged au Greffe on 2nd June 2010
by Deputy G.P. Southern of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

that they have no confidence in the Minister for Housing.

DEPUTY G.P. SOUTHERN OF ST. HELIER

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

1. Deputy D.J. De Sousa of St. Helier
2. Deputy M.R. Higgins of St. Helier
3. Deputy T.A. Vallois of St. Saviour.

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

REPORT

It is reported that the Minister for Housing has tried to interfere with the prosecution of a property developer and personal friend.

The Minister sent a number of letters to the Attorney General calling for a charge under the Housing Law to be dropped. In the words of the prosecuting Advocate -

“It is inappropriate for a Minister of this department - a department whose law has been broken by this defendant – to become involved in a case of this nature.”

He went on to say –

“It is clear that the Minister on this occasion has permitted his judgment to be clouded by a long-standing friendship with the defendant. It is a source of considerable concern to the Crown that a Minister of the States could become so closely involved when the Housing Law he is charged to administer is involved. He should not have been writing in the terms he did to the Attorney General.”

Not only has the Minister’s involvement in this case been “inappropriate”, I believe it has clearly breached the Code of Conduct for Elected Members.

The relevant sections of the Standing Orders of the States of Jersey and the Code of Conduct for Elected Members (my emphasis) are as follows –

155 Code of conduct for elected members

An elected member shall at all times comply with the code of conduct set out in Schedule 3.

SCHEDULE 3

(Standing Order 155)

CODE OF CONDUCT FOR ELECTED MEMBERS

1 Purpose of the code

The purpose of the code of conduct is to assist elected members in the discharge of their obligations to the States, their constituents and the public of Jersey. All elected members are required, in accordance with standing orders, to comply with this code.

2 Public duty

The primary duty of elected members is to act in the interests of the people of Jersey and of the States. In doing so, members have a duty to uphold the law in accordance with their oath of office and to act on all occasions in accordance with the public trust placed in them.

Elected members have a general duty to act in what they believe to be the best interests of Jersey as a whole, and a special duty to be accessible to the people of the constituency for which they have been elected to serve and to represent their interests conscientiously.

3 Personal conduct

Elected members should observe the following general principles of conduct for holders of public office –

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, *their family and friends*, their business colleagues or any voluntary or charitable organization they are involved with.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, *or recommending individuals* for rewards and benefits, holders of public office should make choices on merit.

Accountability

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.

Honesty

Holders of public office *have a duty* to declare any private interests relating to their public duties and *to take steps to resolve any conflicts arising in a way that protects the public interest*.

Leadership

Holders of public office should promote and support these principles by *leadership and example to maintain and strengthen the public's trust and confidence in the integrity of the States* and its members in conducting public business.

The principles in practice

4 Conflict between public and private interest

Elected members should base their conduct on a consideration of the public interest, *avoid conflict between personal interest and the public interest and resolve any conflict between the 2, at once, and in favour of the public interest*.

5 Maintaining the integrity of the States

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute.

At its core, this comes down to the responsibilities laid down under Paragraph 3, **Selflessness**. This is reinforced by the direction given under the title **Honesty**. Lest there is any doubt, the clarification provided by Paragraph 4 is absolutely clear.

For a member with the vast experience of the Minister for Housing to act in the way he is reported to have acted is an outrageous breach of the Code of Conduct. If, as is alleged, the Minister did in fact try to influence the Attorney General to have this case dropped, then he should resign. I have lodged this confidence motion in order to bring the matter to a rapid conclusion. To have these allegations in the public domain and unresolved does not make for good governance. A confidence motion will ensure that all parties involved act speedily to bring the evidence to the States for a full informed debate.

Financial and manpower implications

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