

STATES OF JERSEY



CHIEF MINISTER: VOTE OF CENSURE

Lodged au Greffe on 20th June 2011
by Deputy T.M. Pitman of St. Helier

STATES GREFFE

PROPOSITION

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

to censure the Chief Minister, Senator Terence Augustine Le Sueur, for his failure to show the expected quality of leadership in protecting the interests of Jersey's taxpayers; culminating in the paying out of substantial so-called 'golden handshakes' to 2 senior civil servants.

DEPUTY T.M. PITMAN OF ST. HELIER

REPORT

The truth of the matter is that this motion of censure really should be a Vote of No Confidence.

That it is not rests solely on the fact that the lifespan of this Council of Ministers has only 4 months to run; a consequence being that many Members who have spoken privately about the clear warranting of such a vote have also expressed the view that removing the Chief Minister (and thus the Executive) at this late stage would only further distract government from the problems – many self-inflicted by this very same Executive it must be acknowledged – facing the Island's people at this difficult economic time.

Whilst I accept this view to a degree, I also feel that given the whole catalogue of mismanagement; elitism; policy failings and general incompetence that has plagued this second period of Ministerial government, a marker really must be put down to demonstrate to the Island's people that such failings will not be tolerated in the future.

That so many of these failings have only been able to flourish due to foolish cherry-picking of the Clothier recommendations, i.e. resulting in a machinery of government system that simply does not work, is probably beyond argument. Nevertheless it must be the case that the individual at the top – the 'leader' of government – must be held accountable and be seen to be held so by the public – if the Island's taxpayers are to retain any confidence in the future.

The appalling handling of the 'early departure' of 2 senior Civil Servants leaving their positions very much under a cloud – yet with 'golden handshakes' that amount to a lifetime's earnings for someone on the minimum wage – really has been the final straw. People who fail to work to the standards expected should be faced down and sacked. Not rewarded with hundreds of thousands of pounds of taxpayers' money.

As a consequence, I now lodge this vote of censure in the hope that a majority of Members will demonstrate their discontent with this.

Is a censure motion really merited?

It is well worth focussing on the fact that amongst a variety of necessary qualities, the Ministers' Code of Conduct highlights the following –

- Leadership
- Accountability
- Openness

In the light of the above, am I just 'electioneering'? Is this vote of censure really merited? Well, let us consider these questions by briefly looking at just some of the major failings during the course of Senator Le Sueur's Term of Office as Chief Minister; and considering if they could – and should – have been handled better. I believe they speak for themselves.

Yet do I still have reservations about bringing this motion? Yes I do. Simply because, given that a censure motion can only be lodged in an individual, not a group, I recognise that there is the possibility that some who should shoulder equal – or very nearly so – responsibility for the significant failings of Senator Le Sueur’s Executive may as a consequence dodge the political bullets their complicity in many of these failings undoubtedly deserve.

The fact surely is that should it be required, there is ample written evidence already available in reports and the record of debates of this Executive’s failings. Just consider Verita; the fiasco of the pay-freeze ‘negotiations’; the appalling lack of Civil Service accountability revealed within the Napier Report into the suspension process of the former Chief Police Officer; the broken promises on GST.

And so it has gone on and on and on: spin; half-truths and the fear of far, far worse buried beneath the surface. As the Mexicans sum it up so pointedly in their saying: ‘Ya basta!’ or ‘Enough is enough!’ Though it is true that it is often observed that under our current system of Ministerial government a Chief Minister has no real power over his Ministers; I have to state that I see this as no genuine excuse as to why the Chief Minister should not be held ultimately accountable.

He is, after all, our equivalent of the Prime Minister and must be expected to *lead* from the front. This, I contest, Senator Le Sueur has failed to do adequately again and again. Thus below, I briefly outline 13 major failings of leadership and incompetence showing why our Chief Minister fully merits this vote of censure. I am equally certain that other members may well be able to add to the list:

A catalogue of failures

- 1. The broken promise of ‘inclusive’ government.** This promise made within Senator Le Sueur’s election pitch for Chief Minister sadly set the tone for what has transpired over the subsequent years of his office. What must be seen as hollow promises with the benefit of hindsight; delivered one can’t help but feel, made to help secure his tenure. Even Senator Frank Walker had found room for ex-Senator Stuart Syvret in seeking some degree of wider political inclusion. Senator Le Sueur offered nothing in terms of consensus building and ‘inclusivity’ at all. Indeed, far from ‘inclusion’, we have seen the majority of Ministers and Assistants regularly appointed by merit of allegiance rather than any proven ability or expertise in a particular field.
- 2. Health and the Verita Report.** The tragic events that underlay this eventual investigation were bad enough. The issue of the appalling subsequent treatment evident in the suspension of a Hospital Consultant, however, at huge and unmerited cost to the Island’s taxpayers, should have been reason enough for any self-respecting Chief Minister and Executive to stand down. As was to unfold again and again, this was further compounded by a tooth-and-nail fight to try and prevent Members from gaining information as to how these failings came about. With a fourth Minister for Health and Social Services in as many years floundering, where was the necessary leadership from the top?
- 3. The Public Sector pay-freeze.** Another prime example of a Chief Minister and Executive’s arrogant and contemptuous attitude to its employees. Would any self-respecting, democratic government really treat staff and union

negotiators with such contempt that officials were left with no resort but to finally publicly complain that those sent to meet with them did not even have the mandate to negotiate?

As bad, if not possibly even worse, was the fact that this Chief Minister – the Chairman of the States Employment Board let us not forget – allowed the hugely damaging portrayal to unfold of thousands of hard-working employees as inefficient, greedy and over-paid. Indeed, as many employees have told me this creation of a false ‘them and us’ between public and private sector workers may have consequences that have negative impacts for long to come. Where, I ask again, was the expected quality of leadership here?

4. **Comprehensive Spending Review.** Again, whole chapters could be written about a process that, in being pushed up to 65 million, also saw embarrassing hasty retreats from Executive colleagues with regard to the Minister for Education, Sport and Culture’s proposals on cutting support for fee-paying schools. Indeed, to many observers this week’s vote to overturn the policy – with the Chief Minister away in China and not even there to defend his colleague’s policy – was a case of this Executive finally being holed below the credibility waterline. With firm political leadership once again conspicuous by its absence, the CSR has appeared to many members of the public to be driven at times by random pressures from external lobby groups rather any consistent logic.
5. **The suspension of the former Chief Police Officer fiasco.** A shameful saga that seems to go on and on despite the Executive’s determination to bury it. Obviously this is inexorably tied up with the HDLG inquiry, which in all fairness has its roots in the failings of previous regimes. Nevertheless, would any other ‘government’ survive such disastrous displays of incompetence and/or bad practice as played out within a ‘disciplinary’ process that never was; and which resulted in not only revelations of clear senior civil service failings but zero resultant accountability?

Not only this, but an unprecedented public media promotion of accusations against an individual with an outstanding record of public service. Yet with no equal, balanced official portrayal of what would have been – had there ever been any genuine intention to hold disciplinary proceedings – the case for the defence. A Minister for Home Affairs who did not wish to give information to a Scrutiny Panel because he had promised ‘a scoop’ to a Jersey Evening Post journalist! All of this cruelly spun out, of course, over a period of not months but *years*.

Yet still further questionable leadership followed with regard to the agreed TOR. And yet even in the past few days, we also find ourselves about to be faced with damning revelations relating to the independence of the so-called BDO/Alto Report. How could a UK journalist be able to quote from an interim ‘independent’ report – not just before it had been published but seemingly even before it could have been completed?

- 6 **Broken promises on GST.** Of course, as history will record our Chief Minister had infamously said that he didn’t care if 100,000 Islanders signed a petition saying that they did not want this regressive tax, and that government should find other, fairer taxation measures. Nevertheless, his Minister for

Treasury and Resources gave the categorical promise that with GST in place, it would not rise above 3% under his current stewardship at the Treasury.

Indeed, the Chief Minister's Minister for Treasury and Resources gave this undertaking at a time when not only were many 'non-local' businesses not paying a single penny in tax into Jersey's coffers; but more than 80 of our super-wealthy 1(1)(k)s were paying far less than the much-trumpeted £100,000 tax 'benchmark' – 17 of these actually paying less than their likely cleaners or gardeners at under £5,000 tax! If ever there was an example of a Chief Minister failing to lead; and with his Executive happy to condone and even promote a two-tier society by default, if not deliberate intent, this is surely it.

- 7 **The Zero/Ten fiasco.** Just how many people outside of the Executive argued that what has eventually come to pass on zero/ten was the only outcome possible? Not just States Members, but also external tax experts. Of course, what all of these critics had in common is that all were viewed as coming from outside of the Executive fold, so were dismissed as just 'enemies of Jersey' once again 'doing the Island down'.

The misguided zero/ten policy being the inevitable result of the so-called race for the bottom – a race that no-one ultimately wins in terms of ordinary working people; the Chief Minister and his Minister for Treasury and Resources would insist again and again that all was well. It wasn't, and to suggest that they couldn't have known is only another argument for why this Chief Minister and his Council really should have fallen on its sword and been replaced. Few would argue deserving of a censure motion in itself.

- 8 **Health Director's salary.** An obscenely over-the-top salary arrived at by a highly questionable process involving the very same agency the appointed individual had apparently come to Jersey from within. And all, it appeared from States 'Question Time', whilst the Minister for Health and Social Services was wholly oblivious or unable to grasp what was going on. Yet again the Chief Minister – Chairman of the SEB – failed to display political leadership; ensure accountability and act. The Minister for Health and Social Services surely should have been axed. The result of it all: the taxpayer picked up a tab far more expensive than it should have been.

- 9 **The creation of the new role of 'Minister with responsibility for International Relations'.** Of course a new role of 'Foreign Minister' in all reality, it is not the question of whether this position is needed that is at issue. But once again, the manner in which the Chief Minister set this in motion. It was neither brought to the Chamber for approval nor even discussed.

Yet another example of failing in leadership, openness and accountability that left many Members with the feeling – rightly or wrongly – that here was yet another instance of 'jobs for the boys'. Further evidence, as if any was needed, that to this Chief Minister whilst there may be 53 democratically elected Members in the Chamber, the only ones that matter are a small and secretive inner circle.

- 10 Opposition to a Committee of Inquiry into the Historic Abuse saga.** Few would deny that this sad saga in Jersey's history could merit a book's worth of material setting out the failings in itself. Suffice to say that the flawed and deeply insensitive treatment of those who suffered abuse when they were meant to be being protected by past governments; and the feeling of many politicians that even getting an official apology was akin to pulling teeth, is all that really needs to be said in reminding Members of this further damning failing of the necessary leadership, accountability and openness. Add to this the drawn out, tooth-and-nail Executive fight to resist a Committee of Inquiry into what went on and little more has to be stated. In a word: shameful.
- 11 The 'top secret' 1(1)(k) report.** A report which was claimed by the Assistant Minister for Treasury and Resources to "verify" that 'High Value Residents' are worth in excess of £50 million to the benefit of other Islanders. Great news, indeed, if accurate. Yet we 'backbenchers', as elected Members outside of the chosen 'inner circle', could not see this to verify for ourselves. Once again, so much for transparency, leadership and taking Members and the public with you. A disaster only deepened by proposals from the Minister for Treasury and Resources to effectively allow the richest to pay even less – purely because they have more.
- 12 Non-implementation of the Freedom of Information Law.** That such an important piece of legislation has not been driven forward vigorously by the leader of our government is surely incredible to many members of both the Chamber and public alike. The excuse of cost – highly questionable suggested costs at that – simply cannot be acceptable in a 21st Century democracy. Such a fully functioning Law is at least a decade and a half overdue. Following on, as it did, from the Chief Minister's incredible U-turn on support for the commonsense step of initiating an independent Electoral Commission; like many, I view this as further evidence of highly inadequate political leadership in the key area of political transparency.
- 13 'Golden handshakes' totalling in the region of £800,000 to discredited civil servants.** And so we come to the latest in a catalogue of failures under Chief Minister Le Sueur. Two very senior civil servants inextricably linked to some of the events outlined above. Accountable, it seems, to no-one. Just as to why one has left and the other is effectively on 'gardening leave' on his way to joining him we are doggedly denied clear cut answers.

Details can only be revealed, so we are told by both the Chief Minister and his Minister for Treasury and Resources, in 'exceptional circumstances'. What, I ask, are exceptional circumstances if not these? Whatever the rights and wrongs of these individuals' situations to say that they found themselves departing 'under a cloud' would be a statement few if any would even seek to contest.

Yet as I have pointed out above: with GST rising to 5%; some companies contributing nothing to the economy in tax; and many of the Island's 'High Value Residents' paying an effective pittance in taxation we are told that we – elected representatives of the public of Jersey – cannot have full details of how these huge payouts came about. And, though we managed to extract the deeply worrying information that one negotiated the payout of the other,

neither could we find out full details of who ultimately decided upon, authorised them and why.

As I have already said: if someone is not doing the job to the expected level they should be dismissed – not given huge payoffs. For me, like many other Members, this insulting affront to the hardworking people of Jersey is the final straw. Zero leadership. Zero openness. Zero accountability.

Conclusion

Thirteen reasons...

And I haven't even talked about the Reciprocal Health Agreement saga which obviously, in all fairness, had its roots within the failings of the previous regime. Yet even now, I have little doubt that we will still hear a plethora of excuses wheeled out as to why – whatever the failings and shortcomings of this Chief Minister and Executive – we shouldn't support a motion of censure.

To any such Member, I would simply refer them to the examples highlighted from the Code of Conduct above. Can any Member really argue that sufficient leadership, openness and accountability have been displayed on all too many occasions during this Chief Minister's regime. The answer, I suggest, must clearly be: no.

This vote of censure is both fully merited and long overdue. That it happens to come late in the life of this Executive should be of no consequence.

Financial and manpower implications

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