

POLICY AND RESOURCES COMMITTEE: MEMBERSHIP

**Lodged au Greffe on 29th August 2000
by Senator P.F. Horsfall**



STATES OF JERSEY

STATES GREFFE

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PROPOSITION

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

- (a) to rescind their decision of 14th December 1999 appointing Senator Stuart Syvret as a member of the Policy and Resources Committee;
- (b) to agree that the membership of the Policy and Resources Committee should revert to a President and six other members of the States.

SENATOR P.F. HORSFALL

Report

The purpose of this report is to explain to the States why I believe that neither I nor the present Policy and Resources Committee can effectively discharge their duties while Senator Syvret remains a member of the Committee.

There is nothing personal nor any animosity towards Senator Syvret behind my actions. It is simply a case that across the wide range of responsibilities carried out by the Committee it is essential that there is a high degree of trust and confidence between members, in order that the Committee may discharge its duties effectively.

It is quite clear to me that, by the actions and attitude of Senator Syvret, the necessary level of trust needed for the Committee to function effectively no longer exists. This is something that is not in the best interests of the States as a whole and it must be resolved sooner rather than later. Certainly, the proper functioning of the Policy and Resources Committee is too important a matter to be ignored.

The present Committee has only been in existence since mid-December last year and already a number of difficulties have arisen, including one threat of resignation by a Committee member over a matter concerning Senator Syvret and another instance where some members were asking Senator Syvret to resign.

It is also quite clear to me that the States will not get the service it requires from the Committee while it maintains its present composition.

Senator Syvret is particularly good in a scrutinising role vis-à-vis the work of Committees, but he fails to understand that this role cannot be performed in public and in the media from the comfort and privilege of a seat at the Committee table.

In the many years that I have been the President of important Committees which have included Island Development, Policy Advisory, Agriculture and Fisheries, Finance and Economics and Policy and Resources, I have always sought members of ability and who represented a wide range of interests. I have never recruited anybody that could be described as a "yes man".

What is needed is open and frank discussion across a broad view working as a team. At the present time this is being limited through members of my Committee feeling inhibited because that team spirit and essential trust is lacking. I am aware, from at least two members, that statements made in discussions have been less than full and frank because of Senator Syvret's presence. This is not acceptable to me as President, nor should it be acceptable to the States.

Standing Orders and the States of Jersey Law allow for Presidents to form a Committee of their choice and to seek approbation from the House. It seems very strange to me that a process that allows a President to choose his or her team does not allow that President to modify the team if he or she decides that a mistake has been made. I believe that Standing Orders should be revised to allow for such changes. In the meanwhile, as President, and, feeling as I do that a change is essential, I have no alternative other than to ask the States to remove Senator Syvret from my Committee.

I do this on the grounds that the Committee cannot function properly while he remains a member and that to remove him is in the States' and public interest.

I think that it is worth making the point that my correspondence to Senator Syvret on this matter was being conducted privately until the Senator chose to inform the Jersey Evening Post that it was taking place and what the subject matter was.

In the circumstances, I considered it important that a balanced picture be presented and I decided to release the correspondence. For the convenience of members, that correspondence is included as an Appendix to this report and I do not intend to repeat its contents in detail.

However, in the letter dated 14th August from me to Senator Syvret, reference is made to an instance when the Committee made a decision and then all members were astonished to be pilloried in the local media, starting that very afternoon, by Senator Syvret. During his diatribe he accused the Committee of lack of leadership. What is not in the letter is that the matter in question was the additional funds required by the Senator's own Committee for the renal unit. The lack of leadership amounted to the Committee's efforts to provide those funds in the manner suggested by the Senator, while remaining fair to other Committees with capital projects and which were not represented on the Policy and Resources Committee. Members of my Committee were particularly surprised at the Senator's outburst as the Committee had granted precisely what he wanted.

In the event, the whole matter is resolved in the Resource Plan but, at the time, the severe criticism of the Committee in the media by one of its own members over a matter affecting his own Committee's particular interests, did not impress his fellow members and led to further disunity in the Policy and Resources Committee.

For my part, I enjoy my work as President of the Policy and Resources Committee and I want to continue doing it and doing it to the best of my ability. There are presently a number of major issues in hand. These include some with other Committees, and I think that continuity is important. These issues, not in any particular order, include -

- the threat from the OECD;
- the new and comprehensive work being undertaken on the very important population question;
- the inflation policy;
- the 2000 Resource Plan;
- the British-Irish Council initiative;
- the IS/IT Strategy;
- the European withholding tax;
- the exchange of information issue;
- the modernisation of the States administration;
- the Clothier report;
- the liberalisation of Telecoms;
- the incorporation of the Post Office and Telecoms;
- the independent regulator;
- the whole question of competition in the Island;
- work on the eradication of poverty;
- race discrimination; and
- human rights initiatives.

I would like to see many of these matters through during the present term of office. I am willing to do the work and to accept the responsibility. What I am not prepared to do is to constantly be on my guard against a member of my own Committee, nor to preside over a disunited Committee. It has to be a team effort and Senator Syvret, during the short life of the present Committee, has demonstrated to me, and to other Committee members, that he is not a team player.

In this regard I would draw members' attention to the fact that in the first letter included in the Appendix, I made it clear that my request for Senator Syvret's resignation had the support of every other member of the Committee and this is further evidence that this situation is not a personal one between me and Senator Syvret.

Finally, I repeat that I do not ask the States to remove Senator Syvret from my Committee with any sense of rancour. My motivation stems from the certainty that the Policy and Resources Committee cannot serve the States as I would wish with its present composition and I am simply not prepared to deliver a second grade service.

For the above reasons, I ask the States to agree the modification of the membership of the Policy and Resources Committee by removing Senator Syvret as a member, consequent on which the Committee would revert to the usual number of members, that is to say seven.

EXCHANGE OF LETTERS BETWEEN
PRESIDENT, POLICY AND RESOURCES COMMITTEE
AND SENATOR STUART SYVRET



Senator P.F. Horsfall
President
Policy and Resources Committee.

States of Jersey

Our Ref: PFH/AMH

4 August 2000

Senator S. Syvret
Flat 4
Raleigh Court
Raleigh Avenue
St. Helier JE2 3ZG

Dear Senator Syvret

I am writing with regard to the front page story on the Jersey Evening Post dated Tuesday, 1 August.

I was shocked to see that the article explicitly said that it was you that supplied them with a copy of Dr. Romeril's letter to the Committee.

I have to tell you that I regard its release by a Committee Member, without discussing it with me, as totally unacceptable.

I invited you to join my Committee in good faith believing that we could work together and that you would make a valuable addition to the team. Since that time you have shown me and your fellow members that you are not a team player and this is amply confirmed by this latest event, which I believe makes your position untenable.

After careful thought and individual consultation with all other Committee Members, I have concluded that you leave me no option but to urge you to consider your position as a member of the Policy and Resources Committee and suggest to you that you would be better able to pursue your own agenda if you were not a member of the Committee.

You should also be made aware that my action in inviting you to resign has the support of every other member of the Committee.

I would ask that you let me know of your intentions as soon as possible.

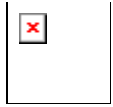
Yours sincerely,

SENATOR P.F. HORSFALL, O.B.E.
PRESIDENT, POLICY & RESOURCES COMMITTEE

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tes of Jersey

FROM: Senator Stuart Syvret

4 Raleigh Court
Raleigh Avenue
St. Helier
Jersey
JE2 3ZG

Tel: 01534 610833
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11th August 2000

Senator Pierre Horsfall
President,
Policy & Resources Committee
La Valette
Rue au Blanc
Grouville
JE3 9QS

Dear Senator Horsfall.

I write in response to your letter of the 4th August in which you inform me that you and the other members of the Policy & Resources Committee require my resignation. The central issue you raise is my decision to release to the Jersey Evening Post a copy of a memorandum from Dr. Michael Romeril in which he expresses serious concerns regarding his exclusion from discussions in respect of the island's population strategy.

I have during the past week reflected upon my decision to release the document and I am completely satisfied that I had a clear public interest justification in doing so. I was shocked by the absence of Dr. Romeril from the Committee meeting during two items of discussion; the Town Park and more significantly the population paper. I left the meeting and contacted Dr. Romeril by telephone and demanded from him an explanation for his absence. He informed me that he had been instructed that his presence was not required.

These two items both required a significant element of environmental advice. Dr. Romeril is a well known and highly respected Jerseyman with a deep understanding of environmental issues, particularly those that confront our island. His job description and appointment to the post of Environmental Adviser were endorsed by the States. Population restraint and other environmental issues are current States policy. It therefore seems to me an entirely reasonable expectation on the part of the public that their environmental adviser should be able to offer his expert advice to the P & R Committee; the public, after all, pay his wages.

It cannot, as a matter of principle, lead to intellectually sound policy making if committees get into the habit of excluding expert advisers - whatever their field - from full involvement in committee decisions merely because some individuals may find their professional opinions inconvenient.

Possibly of greater importance is the issue of accountability and responsibility for decisions and their consequences. Committees which receive professional advice are, in the final analysis, completely at liberty to disregard that advice and instead follow their own course. There may well be occasions when this is politically justifiable. However, disregarding professional advice can have serious consequences. Politicians cannot be truly accountable for their decisions - which may involve being in conflict with expert opinion - if they have avoided receiving that advice in the first place.

You will gather from these comments that I regard the issue of committees receiving first hand advice from the relevant experts employed by the States as being of major importance to good public administration. Indeed, a matter of such public importance that I chose to release Dr. Romeril's memorandum to the JEP.

I would point out that the memorandum was in no way marked as confidential and the two items for which Dr. Romeril should have been present were both part 'A' agenda items. I raised the question of Dr. Romeril's absence under Any Other Business and was told by the Chief Executive words to the effect that it was his decision as to which officers attended the meetings and that he would manage the department as he saw fit. My concern at this was, apparently, not shared by any other member so I requested that my dissatisfaction with the situation be recorded in the minutes. I must say that I find it somewhat surprising that you should be surprised that the exclusion of the island's Environmental Adviser from discussions that have

an environmental dimension should prove to be a matter of significant public controversy.

In your letter you suggest that I am not “a team player” and that I am pursuing “my own agenda”. My “agenda”, as you put it, consists of two elements; the first is founded upon the current strategic policies of the States; the second is the commitment I made to the electorate in respect of environmental policies during the recent elections. I am therefore satisfied that my political activities are completely legitimate.

It is surely unrealistic to expect a committee such as P & R, with the very broad remit it has, to always present a united front. Disagreement from individual members will, inevitably, surface from time to time. Until such time as the island embarks upon party politics and a committee like P & R could legitimately claim to have public endorsement for the rigid pursuit of particular agenda, we must accept the plurality of views and approaches inherent in our system, no matter how irritating this may on occasion be.

As you may have gathered, I do not intend to resign from the Policy & Resources Committee and I shall continue to honestly represent the political views upon which I sought, and duly received electoral endorsement.

Thank you for giving this matter your attention.

Yours sincerely,

Senator Stuart Syvret.



Senator P.F. Horsfall
President
Policy and Resources Committee.

States of Jersey

Our Ref: PH/MR

14 August 2000

Senator S. Syvret
Flat 4
Raleigh Court
Raleigh Avenue
St. Helier
JE2 3ZG

Dear Senator Syvret

I reply to your letter of 11 August 2000.

If you had responded to my telephone calls made prior to my posting my letter to you on the 6th August, I would have made it clear to you, as I did to the other Committee Members before enlisting their support, that I intend to see this matter through to its conclusion, including putting it to the States, if necessary. Please do not imagine that I will be deflected, because I will not.

You refer to the release of Dr. Romeril's letter as the central issue. It is not; it is the last straw. The central issue is that you seem unable to work as part of a team. You do not even sit with the other members, sitting as you do in splendid isolation at the far end of the Committee table.

At one meeting earlier this year, some Committee Members openly called for your resignation over your behaviour on that day.

On another, we all believed that you had agreed a particular matter and were astonished to hear you laying into the Committee on Radio Jersey that very afternoon, at ten past seven the following morning and later in the day in the J.E.P.

On more than one occasion you have agreed with positions taken by the Committee but then left yourself with a convenient escape route so that you could slide out of any accountability. In fact, you were roundly and openly criticised for this at a multi-committee meeting held at St. Paul's Centre.

I give these examples to illustrate that you should not focus on the Romeril letter.

With regard to that letter, had your intentions been to right a wrong as you saw it, you would have raised the question of Dr. Romeril's absence from the meeting at the beginning of the discussion and not at the end when it was too late to do anything about it. It is clear to me that you placed a higher priority on embarrassing people than on obtaining Dr. Romeril's input. You then talk of the public interest, even if you felt as you describe, your first duty was to take the matter up with me.

When I think back to our conversation of less than a year ago, I feel very let down. At that time I offered to help you obtain a Presidency and in the event seconded your nomination for Health & Social Services while Senator Walker proposed you.

I also asked if you were interested in coming on to Policy and Resources subject to me retaining the Presidency. You were enthusiastic and I particularly made the point to you that I would expect you to act corporately and "not make my life a misery". You reassured me that we could and would work together. Frankly, I feel let down, particularly as I effectively made space for you by forming a Committee of eight instead of the usual seven. I wanted to retain all the previous members but had two vacancies because of retirements. Clearly the President of the new Industries Committee was a must as was the President of Planning & Environment who had been unable to accept my invitation three years earlier because of pressure of

work. This meant that to include you I had to obtain States' agreement to have a total of eight members.

It is evident from your letter that you do not understand how the committee system of government works best. The last thing that I want is a committee of "yes men". I have always chosen free thinking members who are not afraid to express their views. This is well illustrated by the present membership of P & R. In the past it has included people such as Sir Martin Le Quesne, John Averty, Constable Iris Le Feuvre, Norman Le Brocq and others. In all cases they have argued their point of view and persuaded the Committee. If they have failed to do so, they have accepted the Committee's decision. Had it been a point of high principle I am sure that they would have resigned and opposed the Committee's policy from outside.

In the case of the present Policy and Resources Committee I believe that already we have a situation brought about by your actions where some members are tailoring what they say because of their concerns as to confidentiality.

The process of scrutiny is a very important one and in Jersey is openly conducted by other States Members and in Committee by Committee Members in discussion. It cannot be conducted from within the Committee through the media. It is my opinion that if every Committee had on it someone acting as you do, the whole system would collapse.

Finally, I want to make it absolutely clear that while I am prepared to accept the work, the responsibility and the stress that my post entails, I am not prepared to accept a situation whereby I have to also be on my guard against actions taken by my own Committee Members.

Yours sincerely,

SENATOR P.F. HORSFALL, O.B.E.
PRESIDENT, POLICY & RESOURCES COMMITTEE

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