

STATES OF JERSEY



VOTE OF CENSURE: DEPUTY M.B. ANDREWS OF ST HELIER NORTH

Lodged au Greffe on 29th August 2023
by the Privileges and Procedures Committee
Earliest date for debate: 12th September 2023

STATES GREFFE

PROPOSITION

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

to censure Deputy Max Andrews of St. Helier North whom the Privileges and Procedures Committee has determined breached the Code of Conduct for Elected Members, as detailed in the Report, [R.130/2023](#).

PRIVILEGES AND PROCEDURES COMMITTEE

Note: In accordance with the requirements of Standing Order 21B, the following Members are signatories to this proposition –

1. Connétable K. Shenton-Stone of St. Martin, Chair
2. Deputy M. R. Le Hegarat of St. Helier North, Vice-Chair
3. Deputy L.V. Feltham of St. Helier Central
4. Deputy M. R. Ferey of St. Saviour
5. Deputy L. K. F. Stephenson of St. Mary, St. Ouen and St. Peter

REPORT

Background

The Privileges and Procedures Committee received the Commissioner for Standards' report into the complaints made under the Code of Conduct for Elected Members against Deputy M. B. Andrews of St Helier North.

The Commissioner completed her investigation into two complaints submitted by Deputy M.R. Scott against Deputy Andrews. The first complaint concerned various accounts of Deputy Andrews' conduct and the second complaint concerned an incident which took place on Liberation Day.

The Committee would encourage Members to read the [Commissioner's report](#) for the full background and context of this investigation.

After the investigation had been completed and the Commissioner had submitted her report to PPC, the Committee was advised by the Commissioner that on 23rd August 2023, Deputy Andrews sent Deputy Scott email correspondence which contained an attachment titled "Notes on Moz". The Commissioner's email to the Committee has been attached as an appendix.

Until receiving Deputy Andrews' email, Deputy Scott had not had view of the document which contains sensitive, confidential and unverified information. Given the serious nature and sensitivities of the document, which formed part of Deputy Andrews' original submission to the Commissioner concerning Deputy Scott, PPC considered this event as part of its overall deliberations.

Breaches of the Code of Conduct for Elected Members

The Commissioner found that Deputy Andrews breached Articles 3, 5 and 8 of the Code of Conduct. The breaches of Articles 5 and 8 were found during the Commissioner's investigation, and Article 3 was found to have been breached after the report had been submitted to the Committee (including further breaches of Articles 5 and 8):

- **Maintaining the integrity of the States:** The Commissioner concluded that Deputy Andrews breached the requirements of Article 5 of the Code of Conduct by his sustained disrespectful communications to Deputy Scott and about Deputy Scott including public posts, gratuitous insults and his continuous loose talk and malicious gossip about Deputy Scott. The Commissioner concluded that Deputy Andrews further breached of Article 5 of the Code of Conduct by his use of language towards Deputy Scott on 9th May 2023.
- **Access to confidential information:** The Commissioner concluded that Deputy Andrews breached Article 8 of the Code of Conduct when he disclosed confidential information, including information relating to live and confidential investigations.
- **Personal conduct:** In sending the document titled "Notes on Moz" to Deputy Scott on 23rd August 2023, the Commissioner found that Deputy Andrews breached Articles 3, 5 and 8 of the Code of Conduct.

Deputy Andrews exercised his right to address the Committee on 25th August 2023. The Committee recognises the personal toll this matter has had on the Deputy and his wellbeing. However, there did not appear to be an acknowledgement from the Deputy of his actions and what impact they might have had on Deputy Scott. Nor did it appear that the Deputy accepted the outcome of the Commissioner's investigation and her recommendations.

Vote of Censure

The Commissioner considered that the breaches of the Code of Conduct by Deputy Andrews are significant in nature and invited the Committee to consider further sanctions such as censure or suspension. The Committee concurs with the Commissioner's findings and recommendations and believes that the breaches should be grounds for a Vote of Censure.

In addition to the Vote of Censure, the Committee has requested Deputy Andrews to apologise to the States Assembly for his behaviour by way of a personal statement. The Committee has also requested that Deputy Andrews write a personal letter of apology to Deputy Scott which will be sent through the Chair of PPC.

Financial and staffing implications

There are no financial or staffing implications for the States arising from the adoption of this proposition.

Appendix

Dear Connétable Stone

I can confirm that yesterday's email correspondence sent to Deputy Scott from Deputy Andrews contained an attachment "Notes on Moz" and was the exact same Appendix Item "Document 14-Notes on Moz" as sent to the Committee on 16 August with my 202300004 and 202300006 report submission.

Until receiving Deputy Andrews email yesterday, Deputy Scott had not had view of this item. As you are aware it contains many names and a plethora of sensitive, confidential and wholly unverified information.

I am astounded that Deputy Andrews would have sent this to Deputy Scott in the midst of an investigation and especially as he had been lobbying the PPC not to publish the appendices to the report (as he was worried because he had mentioned so many people in the responses). His timing raises questions as to whether he was aware of the Committee's receipt of the report and any decision they may have made to withhold the publication of the appendices.

In sending this to Deputy Scott, it is my view that Deputy Andrews further breached the Code of Conduct paragraphs 5 and 8 and in my view now paragraph 3—the Seven Principles of Public Life-- which I had reasoned were not engaged but now, through his action yesterday, I consider him to have breached.

Yours sincerely

Melissa

Melissa McCullough
Commissioner for Standards