

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 2nd DECEMBER 2015

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[9:30]

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

**The Greffier of the States (in the Chair):**

I am sure Members will be sorry to hear that the Bailiff who was due to preside this morning is unfortunately indisposed but he has asked me to preside until the Deputy Bailiff becomes free from other duties later this morning. We now return to the Order Paper but before we continue Public Business I did receive notice yesterday from the Minister for Economic Development that he wished to make a brief official statement and if Members agree it may be convenient to do that before we commence.

## **STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY**

### **1. The Minister for Economic Development - statement regarding Small Business Saturday**

#### **1.1 Senator L.J. Farnham (The Minister for Economic Development):**

I am pleased to be able to announce that thanks to the support and efforts of Jersey Business Limited, Jersey will be participating for the first time in Small Business Saturday. Small Business Saturday is a highly successful global campaign that originated in the United States in 2010 and in the U.K. in 2013 and is focused on encouraging shoppers to patronise bricks-and-mortar businesses that are both small and local. It also aims to encourage consumers to think about small businesses and the benefits of spending money in the local economy. This is important because small businesses account for a significant part of our economy and a vibrant retail sector is especially good for our community. This coming Saturday, 5th December, working from the Jersey Post Office in Broad Street, Jersey Business Limited will profile 20 local businesses enabling them to increase their profile and showcase their goods and services. In today's competitive business environment to succeed small businesses have to continue to innovate, to manage risk, improve productivity and adapt to constant change. In Jersey 80 per cent of all our businesses employ 5 people or less so it is vital that we support this crucial sector and through embracing Small Business Saturday we are able to celebrate the key economic role all small businesses play both individually and collectively. Small business owners do not expect consumers to support them for sentimental reasons alone. They understand that to succeed and win business they must fight for consumer loyalty by offering innovative products and ideas, excellent service and great value. I hope this inaugural year will be the first step in a journey raising not only the profile of the small business economy but will also help drive up the productivity, the aspirations and confidence of small businesses throughout the Island. I would like to express my sincere thanks to the team at Jersey Business, their partners and the media who have worked hard to launch this notwithstanding the extremely busy business schedules they already have. I hope that Members will join me in spreading the word and supporting this important new initiative. **[Approbation]**

**The Greffier of the States (in the Chair):**

Any there questions arising from the statement?

#### **1.1.1 Deputy J.A. Martin of St. Helier:**

I hope it is arising from the statement and I do congratulate the Minister and the initiative but my question is and it is in the paragraph: "In Jersey 80 per cent of all businesses employ 5 people or less." Will there be, maybe if not on Saturday... but how closely do Jersey Business work with Social Security with the unemployment and the Population Office getting the licences because

these are very small businesses? It is all well and good promoting them but to succeed they must have the employees.

**Senator L.J. Farnham:**

That is a particularly well-timed question because both E.D.D. (Economic Development Department) and Jersey Business are going to be playing a far greater role in working with small businesses and the Housing and Work Advisory Group in which we are represented by Assistant Minister Deputy Norton to help small businesses. So we are going to be urging small businesses to go to Jersey Business as their first port of call when seeking advice on licences for staff.

**1.1.2 Deputy G.P. Southern of St. Helier:**

I wonder if the Minister can inform us whether these are the same small businesses who object so strongly whenever we talk about maternity leave and extending the rights of female workers.

**Senator L.J. Farnham:**

No, I cannot.

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

If these small businesses are succeeding in acquiring licences for their operation, what about those small businesses that are not, that are already in existence? How is this all going to balance out with the Population Office?

**Senator L.J. Farnham:**

I am not sure how this has turned around to this subject.

**The Greffier of the States (in the Chair):**

Well, I am going to ask the Deputy how that related to the statement but ...

**Deputy A.D. Lewis:**

Because we have been talking about the success of new businesses being set up. This is what the initiative is, is it not; it is promoting new businesses, S.M.E.s (small and medium-sized enterprises), small businesses?

**Senator L.J. Farnham:**

No. Small Business Saturday is about raising the profile of small businesses and the importance of spending money in the local economy but I do regrettably have questions without notice on 15th December so I will be pleased to take the question then.

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

Maybe in future we will see all press releases being read out as statements in the Assembly. The question I have is, how were the 20 local businesses selected and was there an oversubscription and if there was an oversubscription how was it whittled down to which 20 would be able to showcase on this particular Saturday?

**Senator L.J. Farnham:**

I do not have the exact information to hand as to how they were selected other than that Jersey Business has been working for some time to pull together the businesses and it is hoped that that number will grow and grow as this initiative develops over the years.

**1.1.5 Deputy M. Tadier:**

Supplementary. Will the Minister endeavour to find out? He has given us some detail here and he knows full well that he is going to be facing 10 minutes of questions. He does not seem to have the basic information about how many applicants there were and why there is a figure of 20, whether there could have been more than 20, whether that is due to space limitations or whether in fact there are only 20 small businesses who were willing to appear on that day. Would he be able to find out that information and circulate it to Members after this sitting?

**Senator L.J. Farnham:**

Yes, I will.

**1.1.6 Deputy G.P. Southern:**

In choosing these 20 companies was one of the considerations the terms and conditions under which their employees worked?

**The Greffier of the States (in the Chair):**

I think the Minister has already said he does not know the criteria so I am not sure how he can answer your question.

**1.1.7 Deputy T.A. Vallois of St. John:**

Could the Minister advise how this is different to the Think Local, Buy Local campaign?

**Senator L.J. Farnham:**

I think it is different in a number of ways. I think that the whole sector - the whole small business sector - has moved on since then. The impact of the internet especially on the retail sector is a lot more prominent and set to become more challenging in the years ahead. So this is partnering-up with the global campaign and also it is helping small business owners and their staff to understand that they need to raise their game and make sure they are improving their innovation and productivity and offering excellent service and very good value. So I think it is not about just persuading consumers to shop in the local economy because it is a nice thing to do. It is making businesses more aware of what they have to offer so local consumers want to support the local economy.

**1.1.8 Connétable J. Gallichan of St. Mary:**

For me the key thing about this announcement is that these small businesses will have a physical presence in St. Helier for this day. My question to the Minister is: reports to me from tourists are that our High Street is becoming evermore just like any High Street in the U.K. What can be done to make sure that small businesses give variety on a permanent basis in the empty shops, in different areas in St. Helier? Can we make sure that this initiative is spread throughout the year for the benefit of our local economy generally?

**Senator L.J. Farnham:**

That is an excellent question and that is exactly the plan. In raising the profile of small businesses, especially at this time of year, we hope to make it possible for them to grow and expand and have the confidence to invest in their businesses. It is very important that our town centre especially, but not just the town centre, shopping commercial centres and small villages around the Island in parishes are well populated by thriving small business.

**1.1.9 Deputy S.Y. Mézec of St. Helier:**

Does the Minister agree that although it is certainly well and good to be promoting small businesses with initiatives like this, would it not have been a better use to do a statement on what is being done to change the rules and regulations, many of which can be out of date or over-bureaucratic which

are getting in the way of businesses succeeding? Could instead he offer an update to the Assembly on what is being done in terms of modernising those rules?

[9:45]

Also one area that is not directly in his portfolio, but I am sure he will have a strong view on, is Social Security contributions for the self-employed, which is something the Government is meant to have been getting on with for a very long time, has not happened and which would help many of these small businesses rather than just a bit of promotion.

**Senator L.J. Farnham:**

I am not sure most of that falls into my portfolio but I would say most of what the Deputy said is not happening is happening. We are being proactive. I think on the contrary this is a very good, worthy and important statement to make at this time of year about the importance of supporting the local economy and supporting local small business.

**1.1.10 Deputy P.D. McLinton of St. Saviour:**

Would the Minister agree that all things considered this is good news?

**Senator L.J. Farnham:**

Sorry, I did not understand the point.

**The Greffier of the States (in the Chair):**

Is it good news?

**Deputy P.D. McLinton:**

Is it good news?

**Senator L.J. Farnham:**

Absolutely it is.

**1.1.11 Deputy M. Tadier:**

Does the Minister have the information about how many of these 20 local businesses are locally owned; i.e. their directors will be paying tax in Jersey?

**Senator L.J. Farnham:**

No, I do not have that information to hand because this has been set up and established by Jersey Business Limited, a very good and worthy organisation, and I have full confidence in the process they have followed but if the Deputy would like to outline in an email to me the details he wants of these businesses I will endeavour to find the information for him.

**1.1.12 Deputy M. Tadier:**

May I suggest that rather than me sending an email he takes notes or his secretary, who is probably listening outside this Assembly, takes note of the questions that are being asked that he cannot answer at the moment and that she or Jersey Business or he circulate the information required?

**Senator L.J. Farnham:**

I think to be clear. I would like the Deputy to spell out exactly what information he would like to me.

**1.1.13 Deputy G.P. Southern:**

The Minister was just very clear that he was being proactive in modernising regulations around small business. Could he name one of those initiatives that he has already undertaken?

**Senator L.J. Farnham:**

I do not think I said that all. The initiative we are talking about today is Small Business Saturday and I am absolutely delighted that Jersey is part of it.

**1.1.14 Deputy M. Tadier:**

I am sure we can get to the bottom of this. Deputy Mézec did a whole list of things that were not being done, one of them was Social Security contributions, the regulation that small businesses face and are struggling with. The Minister said that Government was doing that so can he confirm exactly which of that list Deputy Mézec outlined he is getting on with?

**Senator L.J. Farnham:**

With the greatest respect that really is a question for the Minister for Social Security.

**1.1.15 Deputy J.A. Martin:**

Well, I was not going to ask a last question but I started with this and the Minister assured us they are all working together. The question is: the venue a few Saturdays before Christmas. Has anyone been in the Post Office this week? It is 20 businesses in Broad Street. Maybe I could answer the question because it is going to be very busy and that is why they are putting all these businesses there and I hope that helps the Minister.

**Senator L.J. Farnham:**

I thank the Deputy. Her point is noted but I think the newly refurbished Post Office in Broad Street is a great location because it brings many of these small business representatives into St. Helier. Can I wish the Reform Party a very merry Christmas?

## **PUBLIC BUSINESS**

### **2. Jersey Appointments Commission: appointment of Commissioner (P.131/2015)**

**The Greffier of the States (in the Chair):**

If there are no further questions we will move back to Public Business and the first item is: Jersey Appointments Commission: appointment of Commissioner, and I will asked the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion in accordance with Article 18(1) of the Employment of States of Jersey Employees (Jersey) Law 2005 to appoint Ms. Gailina Liew as a commissioner of the Jersey Appointments Commission.

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

Hopefully the report is straightforward. I thank the previous incumbent, Mrs. Carnegie, for her work on the commission albeit it was only for a short period of time and I am pleased to propose to the States Mrs. Liew to take over as an Appointments Commissioner and Members will see her impressive C.V. (curriculum vitae) on the back page of the report.

**The Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? All those in favour of adopting the proposition kindly show. Against? The proposition is adopted.

### **3. Channel Islands Lottery: allocation of profits for 2014 (P.132/2015)**

#### **The Greffier of the States (in the Chair):**

Now to the Channel Islands Lottery: allocation of profits for 2014. I will ask the Greffier to read the proposition.

#### **The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to agree, in accordance with the provisions of Regulation 4(5) of the Gambling Channel Islands Lottery (Jersey) Regulations 1975, that all monies standing to the credit of the Channel Islands Lottery (Jersey) Fund, which have not already been set aside by the Minister, representing 100 per cent of the total Jersey portion of the profits of the Channel Islands Lottery for 2014, should be paid to the Association of Jersey Charities for the benefit of the community and the charitable needs of the Island.

#### **The Greffier of the States (in the Chair):**

Minister, is this ...

#### **Senator L.J. Farnham:**

The Assistant Minister will act as rapporteur for this.

#### **3.1 Deputy M.J. Norton of St. Brelade (Assistant Minister for Economic Development - rapporteur):**

I almost tread in fear of saying this is a straightforward matter for Members given previous ones. As Members will be aware, the responsibility for the Channel Islands Lottery falls to Economic Development. As recent as 2010 the Channel Islands Lottery was in decline and facing an uncertain future. I am delighted that the lottery these days has been rejuvenated for the benefit of Jersey. It continues to go from strength to strength in fact. Improvements to the products have led to increased sales; increased sales have made greater footfall for local retailers; and increased sales have meant higher and better quality prizes with this year's Christmas lottery, as I am sure Members will be aware, already over £1 million. Increased sales also importantly mean increased returns for local good causes and the Public Lotteries Report of 2014 was presented to this Assembly on 16th March. The profit figure from the lottery activity in 2014 was £701,802. That is another record high. If Members approve this proposition today the £701,802 will be transferred to the Association of Jersey Charities. As Members will know the association represents over 300 member charities and allocates the funds from the Channel Islands Lottery on a basis of need. Local support and lottery support is vital for allowing these charities to continue their vital work in our community. I would like to thank Islanders for their continued generosity in supporting the Channel Islands Lottery. I would also like to thank the staff at Economic Development and Treasury and Resources who continue to work hard to develop the lottery and support our local community. I would also like to wish everyone luck in this year's lottery. There are still a few tickets available. I maintain the proposition.

#### **The Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

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

Just really a basic question. In the report at the end of the first paragraph it says: "Subject to a new service level agreement." Could the Assistant Minister please inform us when this runs out, where we could view it and if there are any changes from the original?



**The Greffier of the States (in the Chair):**

Does any other Member wish to speak? I call on the Assistant Minister to reply. Deputy of St. Mary, just in time.

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

I simply know that it is now December 2015 and we are talking about transferring the proceeds of the lottery in 2014. May I ask the Assistant Minister to indicate how soon the corresponding transfer is intended to be made next year?

**The Greffier of the States (in the Chair):**

I call on the Assistant Minister to reply.

**3.1.3 Deputy M.J. Norton:**

Thank you very much for those who have asked questions. With reply to Deputy Martin the S.L.A. (service level agreement) is a standard service level agreement that is exactly the same as last year's. It has no changes whatsoever in it and it is very much the same as last year and, as is always at this time of the year, the proposition that is put forward is subject to the S.L.A. which we do not expect there to be any changes at all. In discussions already with the Association of Jersey Charities, that is already verbally agreed and will be signed, I believe, in the next couple of days. With regard to the other question and the transfer of lottery funds, the profits from 2014 are in their entirety from the whole year and they then are worked out throughout the year. The report is usually within the first quarter of the following year. So the 2015 lottery profits, the report will come out around about March time, March/April time. From that time onwards we will, as it says in the proposition, be working with the Association of Jersey Charities to widen the availability of lottery funds to local communities and we are working with the Association of Jersey Charities on that at this moment and within the first 2 quarters of next year we will be able to bring that to the States for discussion. On from that, as I believe it is always standard, the funds are usually transferred towards the last quarter of the year and I see that not changing going forward.

**The Greffier of the States (in the Chair):**

All those in favour of **[Interruption]** ... the appel is called for. I ask Members to return to their seats. The vote is for or against the proposition relating to the Channel Islands Lottery and I ask the Greffier to open the voting.

<b>POUR: 37</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				

Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Brée (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				
Senator P.F. Routier				
Senator A.J.H. Maclean				

#### **4. States of Jersey Complaints Panel: appointment of Deputy Chairman (P.133/2015)**

##### **The Greffier of the States (in the Chair):**

We come now to: States of Jersey Complaints Panel: appointment of Deputy Chairman. I will ask the Greffier to read the proposition.

##### **The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion, in accordance with Article 5(2) of the Administrative Decisions (Review) (Jersey) Law 1982, to appoint Mr. Christopher Beirne as Deputy Chairman of the States of Jersey Complaints Panel for a period of 5 years.

##### **4.1 Connétable L. Norman of St. Clement (Chairman, Privileges and Procedures Committee):**

I am very pleased to be able to nominate Mr. Christopher Beirne as one of the 2 deputy chairmen of the Complaints Panel and indeed to thank him for volunteering to take on this role. There is a full report attached to the proposition. So if I can just say that Mr. Beirne has been a member of the panel since 2009 and has proved himself to be an extremely measured, reasonable and fair-minded member of the panel and I am very pleased to make the proposition.

##### **The Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] Does anyone wish to speak on the proposition?

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

Just to second the sentiments expressed by the chair who suggested that he was a very fair-minded man and from experience I agree with that.

##### **4.1.2 Deputy M. Tadier:**

It is just to draw attention yet again to P.P.C. (Privileges and Procedures Committee) to the fact that this is being debated in open discussion. It seems to me I could stand up and say that this individual is a jolly good fellow and he certainly seems like it from my experience but conversely I could have all sorts of grudges, rightly or wrongly, against him and that would be aired in public. We know that certain positions that are appointed in this Assembly are done in camera and that seems at best an anomaly that needs to be resolved one way or the other. We have never been given a satisfactory explanation as to why some positions need to be done secretly and others need to be done openly. Certainly for this individual I am quite happy to support that but it is something that needs to be addressed very quickly I would suggest. It has been hanging over us for too long.

**The Greffier of the States (in the Chair):**

Does any Member wish to speak? I call on the chairman to reply.

**4.1.3 The Connétable of St. Clement:**

Of course it is available to any Member to bring a proposition that strangers be withdrawn, have a debate in camera on any proposition at all. So if the Deputy had wanted to do it in this case he could have made that proposition and the States would have made the decision whether to do so or not. Yes, I do agree with the Deputy, there are some inconsistencies about the laws on how we bring such propositions, some are in camera, some are not, and the P.P.C. is trying very hard to consolidate that so that we have clarity of which ones are and which ones are not and the reasons why that should be the case, but we are having some legal difficulties in getting that addressed but hopefully later on next year we will be able to do that. I maintain the proposition.

**The Greffier of the States (in the Chair):**

All those in favour of adopting the proposition kindly show. Any against? The proposition is adopted.

**5. Jersey Overseas Aid Commission: reappointment of non-States Commissioner (P.134/2015)**

**The Greffier of the States (in the Chair):**

We come now to the Jersey Overseas Aid Commission: reappointment of non-States Commissioner and I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to appoint, in accordance with clause 7.4 of the Constitution of the Jersey Overseas Aid Commission as set out in schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005, Mr. Peter Le Seilleur as a non-States Commissioner for a further period of 3 years with effect from 6th March 2016.

**5.1 Deputy C.F. Labey of Grouville (Chairman, Jersey Overseas Aid Commission):**

Mr. Peter Le Seilleur has demonstrated during his time as commissioner total commitment to the role. He has participated as a volunteer within J.O.A.C.'s (Jersey Overseas Aid Commission) community work programmes, undertaken monitoring visits to Uganda on the commission's behalf in his own time and also takes unpaid leave to fulfil his obligation to the commission annually during our annual funding rounds, both here and in the U.K.

[10:00]

The commission is also supporting Mr. Le Seilleur's reappointment to address the succession planning. It would enable continuity within the commission and provides a solid handover after the elections. I propose the appointment.

**The Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? All those in favour of adopting the proposition kindly show. Any against? The proposition is adopted.

**6. Chief Executive to the Council of Ministers: open competition (P.137/2015)**

**The Greffier of the States (in the Chair):**

We come now to the Chief Executive to the Council of Ministers: open competition and I will ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion to request the States Employment Board to cancel the extension to the contract of employment of the Chief Executive Officer to the Council of Ministers with effect from 31st December 2015, being the date on which the contract entered into with him in July 2012 will finish, and to further request the States Employment Board to ensure that the recruitment for the post of Chief Executive Officer is subject to open and fair competition and complies with the standards set out within the Jersey Appointments Commission Guidance on Senior Recruitment.

**Senator I.J. Gorst:**

I wonder if before the Deputy moves her proposition; she asked me yesterday in questions without notice whether I was going to ask for the Assembly to go into camera and I am not minded to do so and I know the Deputy understands that the proposition is about process and not the individual although it is difficult in these debates to necessarily separate the 2 because there is only one Chief Executive Officer. I wonder if I could call upon your good offices, until the Deputy Bailiff arrives, to make sure that Members do not stray into areas around the individual and if Members are minded to I wonder if they themselves could ask that the Assembly goes into camera at that point so that we can avoid difficulties in that regards.

**The Greffier of the States (in the Chair):**

It is open to any Member, as you have mentioned, Chief Minister, to propose without notice the States go into camera. It is then a matter for the Assembly to decide whether to do that but as the proposition is about an individual officer it seems to me extremely difficult to avoid some reference to an individual officer because the wording is absolutely crystal clear.

**6.1 The Deputy of St. John:**

It is with disappointment that I bring this proposition to the States Assembly. Members who know me and have worked with me over the last 7 years will know that I do not bring items to this Assembly lightly and will work with whatever tools are available to assist and improve the way in which the Island is run. So why do I bring this proposition? What could possibly be of such importance to ask the States to debate the appointment process of the most senior position of the public sector in Jersey when we have an Independent Appointments Commission? This proposition is fundamentally about the principles of public life which we all sign up to as public representatives namely; objectivity, accountability, openness, honesty and leadership. It is crucial to stress the facts and provide an explanation surrounding the history of the role of the Chief Executive. This is set out for Members to consider appropriately and I specifically ask Members to reflect on the

document on their desks entitled “chronology of events” which is a chronology similar to that of appendix 2 of the States Employment Board comments. However, this document includes the items they have chosen not to incorporate in their chronology of events, which is made up of material either already in the public domain or where there is relevant evidence to support them. It is imperative to emphasise that this proposition is about the process that has been chosen to be taken by the last and current States Employment Boards. My concerns initially arose when an appointment process took place for the Chief Executive in July 2012. At that time there were a number of relatively difficult tensions materialising in the States of Jersey. For example, the resignation of the Jersey Appointments Commission chairman in June, the resignation of the Comptroller and Auditor General in July and then 2 particular reports surrounding the role of compromise agreements in the States of Jersey in March and July of that year. The reason why the 2011 appointment for an acting Chief Executive was not as controversial was due to its handling by the Chief Minister, former Senator Terry Le Sueur. The process was carried out for an appointment of a new Chief Executive in the manner set out under the guidelines of the Jersey Appointments Commission. At the conclusion of the process the interviewees were seen as not suitable for that role. Therefore, an interim appointment was seen appropriate in order to carry out an external appointment under the Council of Ministers, which can be referenced within a written question by the former Deputy of St. Brelade, Deputy Angela Jeune. This can be confirmed from not only a *Jersey Evening Post* report but also in answer to a written question put through this Assembly. Following questions placed in the States Assembly, which Members can see attached to my proposition, I approached the Jersey Appointments Commission in 2012 specifically requesting an explanation as to why their own guidelines had not been followed. Examples being, the constitution of the interview panel, no advertisement, no search consultants and why this appointment was seen as anything different. A meeting took place between the Chief Minister, the chairman of the Appointments Commission and I, at which time I was advised that this appointment was different. It was a unique position and that because the chairman had been involved in the document-making and set up the full process the chairman felt there was no need for a letter of exception to be written but acknowledged that he could have done so even though the guidelines are explicit in the need for an exception letter should a different process be followed. Subsequently I received a letter from both the Chief Minister and the Jersey Appointments Commission chairman. The letter of the Chief Minister provided the explanation as to why this process was different, referring to an options appraisal. This suggests an option entitled, slotting-in, which goes on to say the following: “Review and where necessary amend the current job description to best align with the actual current Chief Executive role. Identify a process for slotting-in the current Chief Executive Officer into the new role recognising the appraisal carried out by the previous Chief Minister and recognising that the review of the political governmental system within the States of Jersey is about to commence and only when this work is completed will the role of the future Chief Executive Officer be defined.” This quite clearly suggested that the job had changed to keep the current incumbent until after the necessary work was to be carried out on machinery of government. This can also be corroborated with a statement made to the media by the Deputy Chief Minister of the time on 15th August 2012 which goes on to state: “The length of the contract has been agreed to allow time for the Electoral Commission to make recommendations on the structure of the Assembly and for any changes in Government structure to be made. There will then be time for the new Council of Ministers to settle-in and decide on how the future role of Chief Executive should change in response to a new political structure.” The Privileges and Procedures Committee of 2012 established a sub-committee to assess the current workings and to produce recommendations to improve weaknesses identified. Reflection was made to the role to the Chief Executive within this review, particularly in the final report that stated: “It may be that the States are minded to grant the Chief Executive more authority over chief officers. Perhaps by stipulating that all chief officers of executive departments be issued with amended contracts to

confirm their reporting line to the Chief Executive to the Council of Ministers and head of the public service. In such circumstances we would strongly recommend that no such change takes place until any incumbent in the position of Chief Executive has been subject to the full and proper process of appointment as laid down in the guidelines issued by the Jersey Appointments Commission.” This can be seen in an extract from the Machinery of Government Review which was R.105/2013. As Members will see from the chronology the relevant legislation for these changes was passed by the States Assembly in May 2014 and July 2015. Members will be erring on the side of caution with regards to debating this proposition and I would suggest to them in normal circumstances I would agree. However, I have nowhere else left to address this and therefore I am left with the only option of bringing this to the States Assembly’s attention to hold the Chief Minister to account for not acting on the commitments which he himself made. More importantly, if this proposition had not been lodged Members would have been none the wiser as to the extension of the Chief Executive Officer’s appointment as an extension, which is a very unsatisfactory state of affairs. It is my view that the work undertaken by both the Machinery of Government Sub-Committee and the Electoral Commission has been completed. Legislation has been changed and approved by the States Assembly to address most of the inadequacies in the system and everyone should have the confidence that due process has been taken in relation to the key role for delivery in the public sector. Therefore, on the basis of the commitment made by the Chief Minister during the last term of office to the Council of Ministers, the States Employment Board, the public and the States Assembly it is only right and proper that the States Employment Board ensure that the process undertaken for the role of the Chief Executive Officer is in an absolute open and fair manner in accordance with the Appointments Commission guidelines. I acknowledge and am aware of the parameters set out within the Employment Law and the effects that this can have with regards to a fixed-term contract. The States Employment Board chose to sign the extension on 28th September this year absolutely aware of this proposition and the fact that the current contract was in place until the end of this year. I provided the Chief Minister the opportunity to advise the States Assembly of the intentions of the States Employment Board which failed to materialise. The estimated sum under financial and manpower implications in my report is the maximum amount that was suggested in one of the meetings I attended with the States Employment Board and it is well within the scope of what the former Chief Executive would have been paid if it had not been for the clauses placed within his contract at that time, unless of course there is something that has been included in this particular contract that we may need to be aware of. I believe the States deserve to have confidence in the leadership of the Government especially when the powers of appointment have been passed to them under the auspices of strong governance arrangements. This was the first opportunity to ensure the most senior position of the States of Jersey was appointed in the correct manner under ministerial government and fulfil the commitments undertaken. Yes, we are going through a reform programme but this has been going on for a very long time and it was not something that stopped the former Chief Executive being appointed in 2003 when the States of Jersey underwent the initial significant changes to machinery of government. I would ask that this proposition is given the serious consideration it requires and I look forward to hearing Member’s views or questions during the debate.

**The Greffier of the States (in the Chair):**

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

**Senator Z.A. Cameron:**

I would like to raise a point of order.

**The Greffier of the States (in the Chair):**

Yes. A point of order requires a ruling from me, Senator. Can I just confirm when you say “a point of order” it will require a ruling from the Chair? That is a point of order.

**Senator Z.A. Cameron:**

Yes.

**The Greffier of the States (in the Chair):**

Yes, carry on.

**Senator Z.A. Cameron:**

I would like to suggest that this debate is held in camera. Yesterday’s debate when we broadcast the circumstances a particular individual was uncomfortable. States Members may well have an ongoing working relationship with the Chief Executive after today and will be able to express their opinions as to the appropriateness of his appointment to that process with greater freedom if this is held in camera.

**The Greffier of the States (in the Chair):**

It is not quite clear your point of order, Senator, but you are quite rightly exercising your right to propose without notice that the States conduct the debate in camera. Is that proposition seconded? The proposition is not. **[Seconded]** It is seconded. Does any Member wish to speak on that proposition before it is put to the vote briefly?

**Deputy M. Tadier:**

I think the point is, while we have sympathy with Senator Cameron’s position, I think the case needs to be made that the public interest is stronger for having this in camera because there is a strong presumption that all of these things happen in public, all these kind of debates. There is an accountability issue. I know the Deputy of St. John says she has not brought this lightly and there is a massive amount of public interest in this particular debate, in the whole context of the Deputy of St. John having felt that she had to resign from her position as Minister for Treasury and Resources and this being one of the consequences of that decision. I do not think that is something that we can do in camera. The accountability issues and the arguments need to be made in this Assembly. I think that the individual that we are talking about is quite big enough and grown-up enough to know that there will be robust debate in this Assembly and I think that Members also need to be aware of the fact that they are elected to act with integrity.

[10:15]

I do not think anybody would say anything that does not need to be said during the course of a public debate.

**Deputy J.A. Martin:**

Both the proposer and the Chief Minister have said they do not feel at the moment this needs to go into camera and from experience going into camera lets everybody say what they think they can say in camera and then 3 months down the line it has been leaked outside. I think not going into camera will keep the focus on the debate. It is about the process not the person and I really urge people not to vote unless they really feel they want ... it is not a personal attack on somebody. It is about the process and there will be some very dirty remarks made in here if we go into camera and in 3 months, even less, they will be leaked to the media and I really strongly do not want to go into camera for this debate.

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

I say exactly the same. I think that if we keep this out of camera it will hold people to saying things about the process, which is what this is about, and keep it away from any personal feelings they may have in this debate. So I would urge people not to vote for it to go in camera.

**The Connétable of St. Clement:**

I disagree with those who say that this proposition is about process. When one reads the proposition it is nothing more or less than a personal attack on the Chief Executive of the States and the Chief Executive is not able to answer for himself. Therefore, to go into camera would be an extreme disservice to the Chief Executive who, as I say, cannot answer for himself, and will then be denied the opportunity of hearing what those who wish to attack him have got to say. I think those who wish to attack the Chief Executive should have the courage to do it in public so that he and the public can hear what they have got to say.

**The Greffier of the States (in the Chair):**

Do you wish to say anything in reply, Senator?

**Senator Z.A. Cameron:**

I would just like to say that I think that people... in fact Deputy Martin's point does back up what I am saying that people will speak differently and have more freedom if we are in camera and decisions regarding appointments are usually not held in public. The person who is appointed is usually just told whether that is so or not and this is what we are debating.

**The Greffier of the States (in the Chair):**

Do you wish the appel, Senator?

**Senator Z.A. Cameron:**

Appel please.

**The Greffier of the States (in the Chair):**

The appel is called for. The proposition of Senator Cameron is the Assembly should deal with this matter in camera. If you wish to go into camera you vote pour, if you wish to remain in public assembly you vote contre and the Greffier will open the voting.

<b>POUR: 2</b>		<b>CONTRE: 40</b>		<b>ABSTAIN: 1</b>
Senator Z.A. Cameron		Senator P.F. Routier		Connétable of St. Ouen
Deputy A.D. Lewis (H)		Senator A.J.H. Maclean		
		Senator I.J. Gorst		
		Senator L.J. Farnham		
		Senator P.M. Bailhache		
		Senator A.K.F. Green		
		Connétable of St. Helier		
		Connétable of St. Clement		
		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Mary		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. John		
		Connétable of Trinity		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		



	Deputy J.A. Hilton (H)	
	Deputy J.A.N. Le Fondré (L)	
	Deputy of Trinity	
	Deputy K.C. Lewis (S)	
	Deputy M. Tadier (B)	
	Deputy E.J. Noel (L)	
	Deputy of St. John	
	Deputy J.M. Maçon (S)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Martin	
	Deputy R.G. Bryans (H)	
	Deputy of St. Peter	
	Deputy S.Y. Mézec (H)	
	Deputy of St. Ouen	
	Deputy L.M.C. Doublet (S)	
	Deputy S.M. Wickenden (H)	
	Deputy S.M. Brée (C)	
	Deputy M.J. Norton (B)	
	Deputy T.A. McDonald (S)	
	Deputy of St. Mary	
	Deputy G.J. Truscott (B)	
	Deputy P.D. McLinton (S)	

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

It seems that 2 of us are disappointed this morning. The Deputy, in starting to move her proposition, said she felt she was disappointed that she had found herself here today and so do I but perhaps they are for slightly different reasons. I just want to reiterate what I said, particularly in the light of the vote there with regard to Senator Cameron's proposition and your ruling from the Chair. It is very difficult to separate the process from the individual but I think that the mover of the proposition did that very well and I hope that all Members manage to do that as well because this is about the role and the process and we are not conducting a public performance appraisal of the incumbent and while we ...

### **The Greffier of the States (in the Chair):**

I am sorry to interrupt you, Chief Minister, but as the Constable of St. Clement pointed out the proposition requests the States cancel the contract of employment so it is far more than a debate about process.

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

As I said, and your previous ruling from the Chair, which was one that I think was very helpful because we in this Assembly have the benefit of privilege when we speak and others do not in this Assembly have a right of reply by virtue of their role and by virtue of their contract of employment. Can I start by also looking at some of the history of the appointment to ensure that we are all fully aware of the chronology? So in 2011 the post of Chief Executive became available with the resignation of the previous incumbent and that was February 2011. The appointment process was led by the Chief Minister of the time supported by the human resources function and the then chair of the Jersey Appointments Commission. The Council of Ministers agreed that an open on-Inland competition should take place and an advert was placed in the *J.E.P. (Jersey Evening Post)* on 4th May. There were 5 applications and 3 candidates were short listed for interview. There were 3 sets of interviews. There was a main panel consisting of the chair of the Appointments Commission

and 2 other Appointments Commissioners together with the ex-Chief Executive of Newcastle City Council as the independent and the then Chief Minister. There was a political panel consisting of 3 Ministers of the day - just for clarity I was not one of those - and there was a technical panel which consisted of the Comptroller and Auditor General and 2 other independent interviewers. The conclusion of the panel was that none of the candidates were appointable. The chair of the Appointments Commission confirmed in an email on 7th June 2011 that the entire process was carried out in accordance with the code of practice and to the satisfaction of the Appointments Commission. The appointment was confirmed as “acting up” on 7th June 2011 by the then Chief Minister. It was agreed the acting up period would continue until May 2012 to allow the new administration to determine how they might wish to proceed and to provide continuity which then takes us to 2012. The appointment was reviewed in May and June 2012 under the direction of the then Council of Ministers. After discussion, they delegated the management of the process to myself, the then Chief Minister, the Deputy Chief Minister and the then Minister for Housing. The chair of the Appointments Commission was involved throughout. All previous candidates were reviewed and it was considered that only the incumbent should be considered for the role. An agreed process of competency matching against an agreed job description which, as the Deputy said, was amended, was implemented and the interview took place. It was decided that the incumbent met the key criteria and was appointable. This was confirmed by the chair of the Commission. He also confirmed that the Commission was aligned on the process which was recommended by the then Human Resources Director. In an email sent to me on 26th November 2015 the person who was then chair of the Commission stated: “There seems to be some confusion between an ordinary appointment process and what we considered for the acting C.E.O. (Chief Executive Officer) which was a form of slotting. There was no requirement within the senior recruitment codes for specific categories of personnel to make up our panel.” It is important that Members note this is not me saying this, this is what the former chairman wrote to me on 26th November this year. “I would also mention that slotting has often been decided by the chairman of the day without reference to other commissioners with the decision simply reported at the next quarterly meeting. On this occasion there was a very full and constructive debate at the meeting of those commissioners present and the H.R. (human resources) Director. A consensus was reached and there was never a threat of anyone resigning over the issue. We did not even have to vote on whether we should proceed. One commissioner was out of the Island at the time of the meeting but the H.R. Director spoke to him on the telephone that afternoon on this and other matters.” There is no comment about whether that commissioner agreed or not. I am reading directly from the correspondence. I have stopped reading now from the correspondence. It was agreed that the appointment should be made for a period of 3½ years until the end of 2015. There were a number of reasons for this. Discussions at Council of Ministers and States Employment Board highlighted the need for continuity, stability and to ensure that the Comprehensive Spending Review was followed through and the new reform programme was started. It was also noted that the incumbent had performed well in the role while acting-up. The recruitment processes adopted in both 2011 and 2012 were appropriate to the needs of the organisation at that time and were widely considered and discussed by the Council of Ministers. Well, certainly in 2012 by the Council of Ministers and by the States Employment Board. I remind Members that the States Employment Board is, I think, one of probably only 2 old-fashioned committees where there are non-ministerial representatives appointed by the Assembly and each vote is equal and they make a decision and the board then abides by that decision. The approach was transparent and not only was endorsed and supported by the Commission and its chairs but had political involvement and, as I have said, was discussed and agreed by both the Council of Ministers and the States Employment Board of the day. As the Deputy said, at the time machinery of government changes were being considered which may well have had a material impact on the role and scope of the Chief Executive’s role. All of these issues pointed to the outcome and the approach that we took. I believe that it was right then having taken

appropriate advice and it is still right today. The approach was, as I have said, both open and transparent and we must have confidence in the chairs and the commissioners of the Appointments Commission at the time and I am certain they would not have tolerated any abuse of process or actions which did not fulfil their statutory obligations. Nevertheless, the current chair of the Appointments Commission made herself a decision to review the approach and she confirmed in a briefing to the States Employment Board on Monday afternoon, and by letter copied to Members of this Assembly yesterday, that the approaches taken were both lawful and within the scope of the Commission to agree. The difficulty for us, as an Assembly, if we are to take a contrary view, we are then calling into question the time, the commitment, the professional advice and the support provided by the chairs of the Commission and the commissioners. I have been extremely careful throughout 2015 to getting to the point of extending the current contract of the Chief Executive to ensure there was involvement with the chairman of the Appointments Commission throughout that process and for me it is extremely important that I act and review at all times all the options available, and I did that upon the advice of the chair of the Appointments Commission and the States Employment Board did too. They considered all the options in detail. However, there are, I think, other matters that Members should be aware of and some may consider equally material to this debate. As you have said, twice now, from the Chair, the proposition ultimately invites the States Employment Board to breach a contract of employment which has been mutually agreed by both employer and employee. We need to consider very carefully because if we were to do that there will be a number of consequences which could flow from this and the Deputy, I think, has been clear in her opening remarks and in the proposition, the first of which is a financial one. We see in the proposition a cost of approximately £500,000. Of course that is a figure. It may be less than that or it may be more than that but we, at this moment, cannot say. That is a matter for judgment for Members of the Assembly but I would say that Members will recall the criticism when the previous Chief Executive left his position and was paid that sort of sum.

[10:30]

Of course there was a contract in his employment which entitled him to that payment should he leave the employment of the States. There is no such section in this contract or there is no such contractual agreement. It would be - and I hesitate to stray here - I think as a result of something which might be considered constructive dismissal and the legal technicalities around there that we will be looking at ultimately paying out such a considerable sum. I do not think that Members would think that that was an appropriate way to go or, equally, would be accepted by the public. There is also the issue of reputation. Any other public employee wishing to come to Jersey will have access to this debate, as they have to other issues and matters which have been made public about employees, which would potentially leave us then in a very difficult position because we would be looking for one of our existing officers to enter the role for a period of time and, at the same time, against the backdrop of this debate and these conversations, looking to recruit someone else. I think all Members recognise that that would make life extremely difficult. Of course there is the other question about encouraging succession planning and encouraging localisation which, again, if we were to agree to break this contract, I do not think that would help in any way. There were changes to the role of the Chief Executive that the Assembly agreed in the summer, as the Deputy has admitted, and I think perhaps there is a divergence of opinion about whether that journey of change is complete or not. There was a sub-panel looking at the machinery of government and changes there. Some of those were agreed in this Assembly and some were not and we are continuing on a journey of change around how we deliver the functions of government and, alongside that, the changes and the work that P.P.C. and my department are doing looking at the electoral system. Inevitably, if that changes and if the number of Members changes, then the way that we structure government will have to change as well. So I think that rather than having reached that destination, we have made some improvements but it is an ongoing journey and will be

over the next couple of years. I was not in the Assembly, unfortunately, for that debate but I am grateful that the Deputy Chief Minister led that debate and he, during that, said, to put it simply and to make it clear, the change delivered is that the Chief Officer will formulate a report to the Chief Executive Officer for the discharge of their responsibilities and day to day management for their departments and be managed accordingly. That change, I think, is going to help us deliver the reform programme as well because people right across the departments are going to be able to be held accountable for delivering within budgets and delivering savings within their budgets as well. I am coming to a conclusion. In the Deputy's chronology, she rightly said that she met with me and asked me to make a statement in the Assembly about the extension of the contract and she notes 2 occasions upon which I could have made that statement. I am just double-checking because I have had somebody check my diary. Unfortunately, the reason that I was not able to make the statement on either of those 2 days was because the first one, the States questions, Members will remember, were taken early on the Monday afternoon because it was the M.T.F.P. (Medium Term Financial Plan) period so I was not present. Sadly, Members will be aware, that I was not present either at the sitting on the 20th and the rest of the chronology follows on. So we have addressed some of the concerns of the Deputy throughout this process. We have now, as a States Employment Board, commissioned a recruitment process for a new Chief Executive that will start early in 2016. This, again, is a process that is supported by the Appointments Commission and the human resources section and will allow time for a successful transition and for a new C.E.O. to support the start of a new administration in May 2018 but that process is just starting so we cannot say exactly how it will conclude. I understand the Deputy's concerns and the Deputy's frustrations but I do not want Members to simply listen to what I have been saying this morning. I would like them to take account rather of what the chair of the Jersey Appointments Commission has said to Members having, off her own bat, as it were, decided to review the papers and the processes and concluded that they were appropriate and that they were lawful and that was the processes in 2011, 2012 and 2015. I hope that Members will reject this proposition. As I have said, I understand why the Deputy has brought it but I think that we need to be confident in the work of the Appointments Commission and put these debates behind us and allow everyone within the public sector right across departments from the Chief Executive to Chief Officers and to all those delivering services for the benefit of the public to allow them to get on to deliver those changes and to deliver a Government that the public wants and expects which includes a balanced budget out to 2019. Thank you.

**Deputy G.P. Southern:**

Sir, could I seek a point of clarification from the speaker before he sits down? He referred, during his speech, to a change in the numbers of Members of the States or reduction in the number of Members. Can he clarify what impact that has on this debate and the appointment of this Chief Executive Officer because I am at a loss to understand why that is important?

**Senator I.J. Gorst:**

The point was this, that I think the Deputy was making the point that we had reached a conclusion when it comes to changes and, yes, we have reached a conclusion on the work of the Machinery of Government Sub-Committee. My point was you could view it that we have reached a conclusion but, equally, with work ongoing around the electoral process and the makeup of this Assembly, if there are changes proposed and agreed there, they will have a knock-on effect potentially to the machinery of government so the form and structure of government itself might change going forward as well as well as the fact that it will change as a result of the reform process.

**Deputy A.D. Lewis:**

Could I have a point of clarification as well? I may have missed this but the Chief Minister states in his comments that the current incumbent steps down on 2018. When in 2018 would that be?

**Senator I.J. Gorst:**

I think it is May and the option of having a long selection process - which is an option which was raised by the chair of the appointments process because it is an option that she has seen successfully accomplished elsewhere - allows us to allow local applicants a fair position to be able to give time for them if there are areas of weakness that they need to address to do so and, equally, it allows the employer to consider whether people who might be applying from elsewhere who look to have a good C.V. to be able to appropriately consider whether the reality matches the C.V. Because we have had some experiences where we have got into difficulty where I think the C.V. has been good but somebody migrating to Jersey and fitting into our system has found it extremely difficult and it has ended in difficulty. That was why it was suggested that we would have a longer process but I equally know that if we start this process off and some of those conditions are met, it may not, in reality, happen quite like that. It might be that somebody wants to come in a Deputy role with an opportunity to work up to it but the States Employment Board will be led by the Appointments Commission on the appropriate way of dealing with that.

**Deputy J.A. Martin:**

Sorry, just a point of clarification again for the Chief Minister. I do not think he did mislead the House intentionally and I do not know if it is right at Appendix 1, page 4 of the States Employment Board comments where the chair of the Commission is saying it is for a further 3 years until December 2018 but maybe the contract was signed differently, but this is what I am reading that the chair said. So is it May or is it December?

**Senator I.J. Gorst:**

No, it is May. There was a possibility for a 3-year extension. The States Employment Board discussed this at great length. Just like the previous States Employment Board discussed whether 3 years or 3½ years was an appropriate length of time; we discussed whether 3, 2 or 2½ was appropriate. Bearing in mind that there was an election, it is only fair for a new incumbent to be settled-in prior to an election to go through an selection process, to understand how Jersey works and be fully up to speed prior to having to present a new Government a Strategic Plan, which is probably not possible for somebody to come in quickly and be thrust straight into a Strategic Plan so it is 2½ years rather than the 3.

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

Sir, sorry, another point of clarification as well.

**The Greffier of the States (in the Chair):**

Well, it is turning into question time but obviously it needs clarification.

**Deputy J.A.N. Le Fondré:**

Well, this is something that the Chief Minister referred to in his speech. I cannot remember the exact dates. I think it was 2012 and it was around the Jersey Appointments Commission and I believe the Chief Minister referred to a letter from the then chairman who referred to a very frank exchange of views I think it was between the Appointments Commission after the slotting-in process or whatever it is had been followed and then made reference to the Appointments Commissioner who was off-Island at the time but then he stopped. Right, so 2 questions or 2 points of clarification. One is: do we happen to know of the people on-Island and whether they were unanimous in the process, and I believe that would be 3, versus the commissioner that was off-Island and whether he was supportive of the process?

**The Greffier of the States (in the Chair):**

Can you clarify?

**Senator I.J. Gorst:**

So this is where we get into difficulty because they are an independent body who advise on the correct process and it was this email I received on 26th November this year which was detailing what had happened back in 2012. I purposefully read out the detail of the correspondence that I had received because of what had been portrayed in the media, and what was some people's understanding and the previous chairman wished to, in his view I think, set the record straight. I can do no better than re-read it just for the Deputy which was, on this occasion, there was a very full and constructive debate at the meeting of those commissioners present and the H.R. Director. A consensus was reached. The note does not say or the bit of the note I have got here in my speech does not say the view of the off-Island Commissioner as I pointed out when I spoke.

[10:45]

**Deputy M. Tadier:**

Sir, may I interrupt? I wanted to ask a question of the Attorney General which I think might be useful at this point so that we have an opinion early on in the debate. I am sorry to interrupt.

**The Greffier of the States (in the Chair):**

Well, put the question to the Solicitor General.

**Deputy M. Tadier:**

The Solicitor General. Thank you. It relates to the comments of the Chief Minister. He stated that there is no contractual clause as was in the case for a previous Chief Executive. He said that there is a possibility that there could be a case of constructive dismissal brought against the States Employment Board if he were minded to do so. Well, first of all, I suspect that the Chief Minister may have taken legal advice on this but could we know what the likelihood is of a successful case being brought against the States of Jersey in this matter and what the relevant costs might be in the event of that happening?

**The Greffier of the States (in the Chair):**

Do you need any time, Solicitor General?

**Mr. M.H. Temple Q.C., H.M. Solicitor General:**

I think that my answer to that is that it is very difficult for me to speculate at this stage on the likely chances of a case succeeding in court because even when proceedings are brought in court, there are so many factors that are perhaps unknown risks that are not anticipated that can lead to a different result from the one that is expected. I think all that I can say is that certainly there is a risk of a claim for constructive dismissal and potentially various other heads of claim as well but I think it would perhaps be wrong for me to speculate on what those might be because my role, if such a claim was to be brought, would be to defend it. I think it would be wrong for me to spell-out potential claims that are available to a possible future litigant.

**Deputy M. Tadier:**

I thank the Solicitor General for his frank advice there and I am sure that was in the mind of Carswell when he was making recommendations about roles in the Assembly but could I ask the Chief Minister, because it is a matter of clarification following that, that the Chief Minister must have sought advice on the likelihood of any cases being brought against S.E.B. (States Employment Board) and also he would have got some costs involved in that? He has not provided any of those

costs, whereas the Deputy of St. John has had to provide guestimates based on the fact that there might be a clause in the contract which is confirmed there is not.

**The Greffier of the States (in the Chair):**

I think the Chief Minister did refer to costs but he will clarify his speech. Chief Minister.

**Senator I.J. Gorst:**

I might look foolish but I do not think I am going to fall into that particular trap. Would the Deputy really expect the chairman of the States Employment Board acting on behalf of the employer, this Assembly, to put into details what possible claims might be and the possible quantum involved other than what I said, thus giving fuel to the fire to any advice that the individual might have in a case that they might ultimately make in court? I do not think the Deputy is really wanting me to answer that question, is he?

**The Greffier of the States (in the Chair):**

We must move on with the debate. The Constable of St. Peter.

**6.1.2 Connétable J.M. Refault of St. Peter:**

I think I am very pleased to applaud the very extensive speech of the Chief Minister who set out many of the things I was going to cover myself so, fortunately, I will not have to do that now. This proposition in itself, just looking simply at the proposition on page 2, causes me my biggest concern but, first of all, for me, it is 2 parts. The first part I want to focus on is the second part which is where the Deputy of St. John quite rightly is challenging the S.E.B. about process and I think it is the right of any Member in this House to do that if they are concerned about process. So I applaud her bringing that part forward in itself. The part that really does bother me is the very first part and it is the human and moral aspect of this part that really bothers me. We are being asked to hear or the States Employment Board are being asked, and us to support, to say to a member of staff who has acted totally within his role and has shown no fault that we can see or is contained within his report ... we want to make him responsible or accountable for the mistakes of others. Now I will not go into it in any length but we do have a precedent in this Chamber where a Member was taken... and the case went to the Royal Court over an admittance mistake by other parties and the court ruled that he made no mistake so, therefore, he was not accountable for that. It is that type of background that makes me think: "Is this not a sledgehammer to crack a peanut?", this approach. In talking about the sort of quantum, we can guestimate, as the Deputy of St. John has done, using what the last Chief Executive was awarded when his position was terminated which was in the range of £0.5 million. In the current position, this particular incumbent is also a civil servant as well as a contractor in this particular role so surely he would be entitled not only to the same quantum but additional amounts to cover his dismissal with no particular grounds for that. Now that brings me to the other part that really bothers me. If we start to look at these sorts of numbers, I sit back in my role in Health and Social Services and consider: "What would that do for us at the moment?" I know it is not germane to this debate but I just want put some dimensions to Members. If we were to end up with a figure somewhat north of £0.5 million and more towards £0.75 million, I want to just share with them what that means to the people of Jersey. This week, we had a question about ophthalmology and the waiting list times. Let me say if it was as much as £750,000, 500 Jersey people could have their cataract surgery done or we could have 75 hip replacements or we could have about 15 more nurses or we could provide a principal amount of the purchase price for a new M.R.I. (magnetic resonance imaging) scanner which we desperately need. I think putting the financial piece to one side, I think Members need to keep that in the back of their minds but not use that as their focus but, for me, the focus is, is it right for us to ask the States Employment Board to make a valuable employee suffer for the mistakes of other people? For me,

that is what it comes down to and that is the very part I cannot get past. As I said before, I support the Deputy of St. John in holding the States Employment Board to the fire and challenging them and it is perfectly right to do that but it is the methodology of doing that that troubles me. If this proposition had been addressed to ask Members to have a vote of no confidence in the States Employment Board because of this, in her view, the lack of process, then that would have been a different one altogether and I could have dealt with that entirely differently. But it is the human and moral dimension of making individuals responsible for the perceived failings of others which I just cannot get past. Thank you very much.

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

I thank the Constable for raising the failures in process that happened by others that has been very costly but I do understand where process is very important and how it has to be followed. This is about process and I can see a number of areas where this process did not happen correctly and that is okay apparently. It is fine. We know that the Jersey Appointments Commission, which the Chief Minister said we should take and look at and see the letter, have guidance on senior recruitment and, in there, it says that the selection panel for the Chief Executive Officer needs to be 2 members of the Jersey Appointments Commission, the chairperson, a chief executive of a local U.K. (United Kingdom) authority or an individual equivalent in standing and the Chief Minister. Well, that did not happen. That process was not followed. But that is okay because we now have a letter from the current chairperson of the Appointments Commission saying: "It is okay that that did not happen." Their own guidelines and procedures. It is okay. The Appointments Commission at the time did not follow their own procedures but that is fine. Is that right? Is it right that we have an Appointments Commission that says it is okay that they do not follow their own recommendations and their own procedures? Her letter says about a letter of recommendation from the Chief Minister's Department on 7th June. Well, it had to be from the Chief Minister's Department. It could not be a letter of recommendation as should happen by the Appointments Commission on 7th June because the previous chairperson had resigned. I am led to believe that the previous chairman, before resigning, was asked if he would support the position that has been taken on the Chief Executive Officer and he said: "Well, you could do that. That is within your power but the Appointments Commission cannot approve it because it does not follow the process set out before us." The process and the recruitment process starts with advertisement and a job description. This is by the Appointments Commission itself. This is their guidelines on how to recruit. It also says: "The Appointments Commission recognises that, in exceptional circumstances, senior recruitment to the public service may not comply with all aspects of the principles of fair and open competition. In order to avoid abuse of the States of Jersey's intent when it establishes the Appointments Commission, all exceptions require the specific written approval of the Commission." That did not happen. So we are saying it is okay that these processes that we set out or we had asked somebody to set out for us do not happen. That is okay. It does not matter. There are rules that are different for certain people in the public service than there are for everyone else. In the response to this proposition, it says: "To approve the proposition of the Deputy of St. John would be a poor reflection of the States of Jersey as the employer." Well, I am saying: "The lack of following your own processes shows a poor reflection of the States of Jersey as an employer." There is another process that seems to have been completely forgotten as well which has been talked about in the States since 2008 and, in fact, there was a report given to the then Chief Minister Frank Walker about succession planning in the States of Jersey. It was written by our current Chief Minister Ian Gorst about the requirements of succession planning and the needs and the ability. Where has the succession planning been over the last 4 years? Why is it not required at the moment? Succession planning appears time and time again in all the things that I can find, the Annual Reporting Skills 2010 so succession planning 2008, 2010, it is all written. It is all in our procedures and guidelines but where is the succession planning? In fact, when I met



the Chief Executive Officer for the first time, I mentioned succession planning in my induction and I was told there was succession planning in place for all senior roles within the Civil Service and that was already in place. But apparently not because we now need to start a succession ... where was the succession planning? This is one of our own guidelines and our own policies which were not followed. It says that we are in the middle of a very, very substantive public sector reform programme. Well, that started and it was agreed in 2012 and it was going to run over 2 phases to 2018 so we already knew at the end of one contract we would be halfway through a substantive programme of public sector reform that we were undertaking. So this extension of contracts was either done by design and knew that it was going to happen all along or it was incompetence. Which one is it? Now the Chief Minister has already spoken so maybe the Deputy Chief Minister will rise: is it okay that all of our processes in this are not followed? Is it okay for some to not follow the process that, for everyone else, we have to? I am sorry, this is about process. It is about who is culpable for the act of not following the correct processes and why is it okay to do it in this instance but not for everyone else? Thank you.

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

This, to me, is a fairly simple, straightforward case if you examine the proposition and to further request the States Employment Board to ensure that the recruitment for the post of Chief Officer is subject to an open and fair competition. Let us therefore look and see what exactly happened. Yes, the post was advertised in the *J.E.P.* Five candidates, as the Chief Minister informs us, responded of which 3 candidates came for an interview, were shortlisted and according to the Chief Minister and I quote: “None of the candidates were appointable.”

[11:00]

So what happened? The terms of employment were changed so that an individual could be slotted-in. The question is: when the terms of employment were changed, the contract was changed, was that agreed and who agreed it? You cannot just downgrade the position to fit an individual. The Constable of St. Peter is absolutely correct; he too pointed out the second part of the proposition: it is holding Government to account. It is not the individual, it is the process; Government itself got it wrong. If it costs money, it is Government’s fault because they did not follow procedure. So do not try and get out of it. I am interested also with the letter from the Right Honourable Dame Janet Paraskeva. I hope I pronounced it correctly: “I can confirm that all the procedures I examined were lawful”; that is very different to whether all the processes she examined were followed, and we are here to discuss whether the processes were followed, not necessarily whether it was legal, because we have processes in place which should be followed. It is my very firm opinion that the Government has let the Island down by not following its own process and has reviewed the position to fit the candidate rather than finding a candidate to fit the position. **[Approbation]** I urge this Assembly to support this proposition.

#### **6.1.5 Senator P.M. Bailhache:**

I have been trying to analyse why this proposition makes me so uncomfortable and, indeed, so dismayed. It is not that, so far as the Chief Executive was concerned, the proposition came completely out of the blue; the proposer did not go and see him and say: “I am sorry, Chief Executive, this is something which I feel I have a duty to do.” That would have been good manners, and good manners are important; they lubricate personal relations and they make life more civilised. It is not that, however, nor is it the fact that the Chief Executive is a civil servant who is now under fire and who has no right to speak out and to defend himself. This proposition could have been brought as a motion of no confidence in the Chief Minister or in the Council of Ministers for bringing about the state of affairs to which the Deputy takes exception. However, the Chief Executive is a very senior civil servant, highly-paid, and I suppose that this is a risk that

every chief officer now has to accept, so it is not that either. Nor is it the assumption in the proposition that the Chief Executive is somehow not up to the job. I have listened to the words of the Chief Minister and to others; I want to talk about the process, so far as I can, but there it is, it is on the record of the proposition, and I wish to say quite unequivocally that, so far as I am concerned as Minister for External Relations, the Chief Executive has performed more than adequately. My real objection to the proposition is that it represents an appalling way to treat our employees. There is no question that the Chief Executive has a valid contract, which now extends to May 2018. This proposition amounts to an inducement to the States Employment Board to break a contract lawfully entered into by the body which employs all States employees. If this happened in the real world, outside the political bubble, the proposition - certainly its adoption by the Assembly - would give rise, in itself, to the risk of an action for damages. We need to ask ourselves whether this is an appropriate motion for the Assembly even to contemplate. If we can break a contractual entitlement for the Chief Executive, we can do it for any employee of the States. If a manager is appointed in the Planning Department and a Member takes exception to the process, it would be open to any Member to bring a proposition seeking the cancellation of that appointment. None of our employees could feel safe from political action. Any Member would be entitled to bring such a proposition, and is that really the state of affairs that we wish to achieve? There is a broader consideration too: in my view, it is not the business, either of the Deputy of St. John or the Assembly, to interfere in a contractual relationship between one of our employees and the body that we have established to deal with the employment of States employees. The Chief Executive is not accountable to the Deputy of St. John, he is not accountable to the States Assembly; he is accountable to the Chief Minister and he is accountable to the Council of Ministers, and neither the Chief Minister nor the Council of Ministers wishes to bring this contract to an end. Deputy Wickenden criticised the process and, I think, wrongly because in 2012, when the 3 Ministers and the chairman of the Jersey Appointments Commission decided that they wished to appoint the Chief Executive, there was obviously a negotiation because the Chief Executive was being asked to abandon an entitlement to permanent employment and to assume instead employment for a short fixed term. The agreement that was struck between the board and the Chief Executive was that an extension would be available in December 2015, subject to 2 conditions: firstly, obviously satisfactory performance would be assessed biannually, I think, and with external involvement and, secondly, that by the end of 2015 the Council of Ministers would have determined a role for the Chief Executive. There was uncertainty in 2012, as Members know, as to what precise role the Chief Executive should fulfil and the question was whether the role should be outward-looking or whether it should be more concerned with internal administration of the States. Since that time, the Assembly has established the Ministry for External Relations with its own Chief Officer. An appointment has been made of a Director of Financial Services to deal, again, with the external-facing responsibilities. So the board decided that a continuation of a contract, which had the Chief Executive dealing with internal matters, was appropriate. Deputy Wickenden and, I think, the Constable of St. John too, asked who was culpable, and the one person who is not culpable in this respect is the Chief Executive. If there is any culpability, and I do not accept that there is ...

**The Connétable of St. John:**

A point of order, Sir. I explicitly said there was no culpability on the part of the Chief Executive; it was the Government who had appointed him. I was quite clear on that.

**Senator P.M. Bailhache:**

The Constable did say that; I entirely accept that, and I agree with him. If there is culpability, and I do not accept that there is, it lies with the Chief Minister and with the Council of Ministers. So it seems to me that this proposition is misdirected. If the proposer thinks that the process adopted by

the States Employment Board was wrong or flawed, and the Chief Minister and/or the Council of Ministers have got it completely wrong, the remedy is a motion of no confidence in the Chief Minister or in the Council of Ministers. That would have been fairer and would have been the proper process for the Deputy of St. John to have adopted. Again, I do not wish to go further than the Chief Minister or the Solicitor General have very sensibly gone, but the Deputy accepts that very substantial compensation would be due if the States were to adopt this proposition. For a quite deliberate breach of contract, I have no doubt that substantial compensation would indeed be due. The Assembly would be barking mad, in my view, to pass this proposition, and the people of Jersey would not thank us for it. **[Approbation]**

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

From the urbane to the barking mad. Yes, very interesting to hear the speech from my predecessor, the Senator, who effectively said to the proposer: “You are going about this in the wrong manner. You have not gone face-to-face with the Chief Executive and said: ‘I am sorry, I feel it is my duty to bring this ...’” presumably in his club, because you may not be invited to his club.

#### **The Greffier of the States (in the Chair):**

Deputy, I do not think it is appropriate to refer to the private affairs of any individual, to suggest there are clubs involved. I think you should withdraw that allegation.

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

I withdraw it, Sir, and continue. What I have heard in the previous speech and some of the others, and in the comments of the Council of Ministers, is an extensive use of the passive voice, and the passive voice always carries with it an inevitability, an authority, that fails to say who or what is responsible, but looks very solid. What we have in the comments, for example, is: “A process was undertaken” not: “We undertook the following process.” “The Chief Executive was appointed”; by whom? Not: “We” or: “I appointed.” “Discussions took place and a process was agreed which was confirmed as meeting the commission’s code.”

[11:15]

Look at that; all passive voice. Solid as a rock: “That happened” but who decided that it fitted the code? Who is taking responsibility for doing anything in this text? No one is, and no one is today. These things happen. Were mistakes made? Yes, they were. Were procedures followed? Often they were not. Let me just exemplify that: “The snow, having been disturbed, became an avalanche and swept down the mountainside, killing 10 people.” There is a difference between that and: “Having jumped on the snow, it became an avalanche and we stared in horror as the avalanche swept down the mountainside killing 10 people.” Who is responsible in the first case? Nobody is. The snow was disturbed; passive voice. Who is responsible in the second case? Those mountaineers jumping on the snow. That is happening all the way through this debate; it is the ultimate in buck-passing into the form of words that you use. Things happen, things happened. But let us have a look at something much more concrete. First, opening sentence: “The decision to extend the contract of the existing Chief Executive to the end of May 2018 was the best decision for the public sector and for the Island.” A bold and brave statement. Hang on, where is the person in there? Who says? Well, obviously the Council of Ministers, but where is the I.M.O. “in my opinion”, in there? “In our opinion.” I understand that is one of the shorthands people use in texting nowadays, I.M.O. at the end of a statement, in my opinion, or I.M.H.O., in my humble opinion. Not there. So: “In our opinion, that was the best decision to take at the time.” Okay, fine, but in their opinion. Let us have a look at the second paragraph of their comments: “A restructuring programme is taking place to secure considerable efficiency savings which can be reinvested in our strategic priorities of health and education.” Nothing controversial there. “The

current Chief Executive has considerable experience and provides continuity while we do this. This work needs to continue and accelerate.” Indeed, it does. But the statement there: “The Chief Executive has considerable experience” not: “The Chief Executive has met with considerable success” but he has had experience of that process. I remember well the initial process round 3, 4 or 5 years, around 2011, about C.S.R. (Comprehensive Spending Review). Did C.S.R. meet its targets? Not, it did not. I remember it slowly grinding to a halt with the department saying: “We cannot make these cuts. We will have to carry on and be over-budget.” That staggered on. The process was not an overwhelming success. So how are we doing this time round with the same Chief Executive Officer? We are undertaking a process of restructuring and so-called modernisation. Successfully? How much progress have we made? We have had the previous 3 years where we kept on saying: “We are restructuring”; nothing really happened. It is just starting to get underway now but have we got our workforce on-side? No, of course we do not. Have we negotiated with them? Have we been open and talked to them openly? No, we have not. Have we fiddled around the edges, again, and done some easy things without going to the central issues around terms and conditions and negotiating with the union? No, we have not. It has all been put off. So this great experience is not necessarily success and yet here we are appointing and extending a contract when the central issue is not being dealt with. So it is not a question of overwhelming success. We have not struck an agreement with the unions. The likelihood is we are in for trouble as we try and negotiate restructuring this big change. I am glad that the previous speaker mentioned that this person, the Chief Executive Officer, is our employee and we, as their good employer, should be treating him fairly, that he should feel safe. But let us have a look. The statement says in the fifth paragraph of the comments of the Council of Ministers: “While the appointment was for a fixed term, the current Chief Executive is a permanent employee and is entitled to continuity of employment and commensurate protection, in the same way as any other permanent employee. This aspect was considered within the process of review.” Well, let us consider how any other permanent employee is being treated. What are we seeing? We have seen a voluntary release scheme; people encouraged to take steps towards the door. Voluntary retirement, early retirement scheme. Voluntary redundancy scheme; all initiated with hundreds of workers out there fearful for their job. That is the reality that is happening. We have done the voluntary bit, we are now talking about there will be, in the second stage, compulsory redundancies, compulsory release. Thousands of our employees are sitting there going: “Is it me next? Am I going to get the black spot? Will my line manager be coming in to tap on my door and say: ‘It is you, John.’” In many ways we are not treating this particular employee any different to the way we are any other of our employees, at whatever level, and yet we are faced with this shock horror: “We may have to pay for this. We may have to pay £500,000 in order to do this.” What is the difference between that and, as I understand it, but I stand to be corrected, the £7 million we put aside to oil the path to the door with these voluntary schemes, which is going to be - and the Minister for Treasury and Resources can tell me - is that £20 million eventually, in order to facilitate us getting rid of a number of staff and positions. That is the reality that we are facing. Where is the difference between £500,000 here to get rid of this particular appointment, and £20 million there to get rid of a number? No worker in the States employment can feel safe and, in particular, this £500,000 is not an enormous sum in the process that we are engaged in, and we have agreed to engage in. Then finally, we have seen the report from our external adviser, Mr. Kevin Keen, in particular recently referring to T.T.S. (Transport and Technical Services) where we seem to have the most enthusiasm for this process about sourcing, reducing or ceasing services altogether. What does he say? He says: “Do not go for the manuals, the blue-collar workers, go for the management.” His advice. I am not sure how that works; nonetheless, he says: “Go for the management; that is where the savings can be made.” We are talking here today about going for the management where the largest savings can be made in the long term. The reality of the path we are engaged in is that none of our employees can be safe and that there are costs to doing what we

propose, in reducing, restructuring the way we do business. This should be regarded as one of those means of restructuring, in the light of the absence of marked success exhibited by this particular officer in delivering what is, over a long period of time, these restructurings, these changes that we have asked of him, and it has not happened. This is experience but not success. I think the case is there for a vote for this proposition.

#### **6.1.7 Senator Z.A. Cameron:**

In my opinion, it is only fair to the present incumbent to have a robust, open selection process. The Chief Executive needs to command sufficient respect, trust, confidence and authority to successfully take through the reform programme. Without that authority, the potential for civil unrest and sabotage rises significantly. The timing of the selection process is also significant. A process now, rather than just before an election with a new Council of Ministers, would surely provide much greater succession planning and stability.

#### **6.1.8 Deputy M. Tadier:**

The arguments that have been deployed, particularly on the Council of Ministers side, are very interesting, because I have certainly spotted what I would consider a couple of logical fallacies that are being used. I think there are 2 of them that I wish to outline initially; they stem from the fact that Senator Bailhache said that he felt uncomfortable about this and then sought to analyse why he felt uncomfortable, rather than starting from the premise of an open mind saying: "I wonder whether or not this proposition is correct, and let us look at the facts as to whether the Deputy of St. John's concerns about the process are correct." I would suggest that he started off with what is an *ad hominem* argument, or if he did not start off with it he used an *ad hominem* argument which sought to undermine the individual who is bringing the proposition, by saying that the Deputy did not use the requisite social lubricant for the certain situations by going to see the Chief Executive Officer, and that she was behaving unreasonably and that this is not the way to do things. But that does not stack up with what I think we all know about the Deputy of St. John, whether we agree entirely or partially with some of her politics, is that she is an individual who does like to get things done - she said that in a personal statement recently - and that she has been trying to work closely, primarily for the benefit of Islanders, and she thought she could do that by working as an Assistant Minister for Treasury and Resources. When that became apparent, she decided that it was time to leave. It might be interesting to hear a little bit more in the summing up, because I suspect that this is not the first port of call, and I have certainly heard complaints and suggestions that the processes have been unsatisfactory, either from talking to the mover of the proposition or from other individuals who have been trying to raise these concerns with Ministers for many months now, and even in previous Governments, not just in this current term of the Assembly. They have got nowhere, and I think that is why the Deputy of St. John finds herself in the position today, with slight reticence, to have to bring this forward, and I congratulate her for doing that. I think the other issue is that an argument is being deployed which is called the appeal to probabilities, where a statement is made that takes something for granted, because it would be probable, or in this case, it might be possible that it could be an outcome.

[11:30]

The argument that we have heard from the Chief Minister and others is that: "Well, there is a possibility that if we approve this today the Chief Executive Officer could take legal action against the States, and that could be very costly" whereas, in fact, that is only one outcome; we do not know, even if that were to be the case, if there were to be a case of constructive dismissal brought against the States, that that would even necessarily be able to stand and, if it were able to stand, whether it would be successful and whether it were successful, what the sums involved in that money would be. Because there is an entirely different outcome which could be possible: is that

we do what it says in the proposition and that the Council of Ministers has an open selection process so that there would be a fair competition, open and clear selection process, and the current incumbent would be able to apply for that job and be appointed on his merits. That is entirely possible and I would say entirely probable, if I am allowed to use the same logical fallacy that I just accused others of. But it is certainly a possibility that that could happen. It has got to be at least an equal outcome. I think the Senator with her short speech just a moment ago hit the nail on the head that by passing this it allows the air to be cleared. We cannot simply say this is an error that the Council of Ministers have made, and the selection process of the S.E.B., that there is an error in the process and that is an anomaly, and it is they who should be held to account, well this is holding them to account for that. We cannot simply say because they have made a mistake that that should therefore lead to a vote of no confidence in the States Employment Board because that would not be the most constructive thing to do. The most constructive thing to do is to say: "We have got a problem here that the process has been wrong up until now and that if we pass this proposition it simply brings the process back to what it should have been anyway and to what it now should be and then we can proceed on a clear, level playing field." It does clear the air and it means that the contrary is that if we do not pass this today this cloud will constantly be hanging over the head of the Chief Executive Officer and it also means that the Executive will not have been held to account, so that is a lose-lose situation. So I think it was necessary to deconstruct some of those arguments that have been coming forward because what we should be doing, the way we hold people to account, is by passing this proposition, making sure that in future there are proper processes to do with succession planning and that the best person for the job should be the one who gets the job. I mean, is that not what we should all instinctively agree with? Whether the individual comes from Jersey, whether they are from somewhere else, whether they need to be drafted in, whether it is somebody who has already been doing the job, they deserve to have the right to nobody questioning and second-guessing their ability to do the job and I think it is entirely supportable for these reasons.

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

Yes, it has been a very interesting debate and it always is when there is an individual involved. The job to me is about: have we got the right person for the job? The only way that we would have known if we have got the right person for the job is if we were absolutely sure the right process was followed. Now, I do take issue with Senator Bailhache. He did not just accuse the Deputy of not going to have a chat; now he went on to say the Chief Executive is not accountable to the Deputy of St. John, the Chief Executive is not accountable to this Assembly. The Chief Executive is only accountable to the Council of Ministers or, unless all those people are doing the right job - and do not forget we are all accountable to the public out there - I think that was an appalling statement to make. This is where our politics are wrong and this is where the process probably went wrong because it is all about: "Oh well, he has been doing the job. The person has been okay." We are in the most financial difficulty we have been in for x amount of years. We have taken away this, that and the other, we are told we need to reinvest, and this person - the person - if the process is right must be able to do this and save us £140 million in the next 3 years. So, the Constable of St. Peter said mistakes have been made but this is an innocent man and there is a human side. Is there any comfort when, as Deputy Southern says, hundreds of other people are losing their jobs, hundreds of other people are having their benefits cut, when we may well have the wrong innocent man in the job because of the process you put him there. It is so bad. As for the Chief Minister trying to defend himself that he did not have time in a 4-day M.T.F.P. debate to make a statement that he had already ... and it seems when I see the chronology of the dates, a very quick decision to reappoint and the contract signed sometime in September, 28th September, but we had the whole of the M.T.F.P., nobody informed us. But why were we not informed before? The Deputy had had meetings. The Deputy did not have meetings with the Chief Executive; it was not her place. She

went to the top. The chair of the Jersey Appointments Commission, in the first paragraph says: “The initial 3½ years subject to satisfactory assessment, presumably by you [the Chief Minister], against the competencies ...” so there has been a decision. The decision was taken in haste by reading not what is in the comments, because they are not in the comments, because, as Deputy Wickenden or somebody else said, where was the succession planning? We need to get somebody on board. If it is this person, we should have been doing this a lot earlier. So, I know it is not a nice position to be in. Senator Bailhache thinks the Deputy of St. John should have brought a vote of no confidence in the Council of Ministers. Deputy Tadier, I think, said if we do not pass this the cloud hangs over the Chief Executive. I think if we do not pass this, it hangs over the Chief Minister and his Council because they are the employer. There is too much doubt in my mind that process was not followed and the Constable of St. John took the words out of my mouth: “Did we fit the new job description to the person or the person to the new job description?” Which came first? We only passed a new role for the job in June this year and then suddenly the person already in the role had everything that we changed the role for. But did we change the role? I do not know. Again, it is, to me, the wrong person is ... I feel for the Deputy of St. John because it is always bad when you are talking about a person but, as I say, we are accountable. The Chief Executive, as Senator Bailhache says, is not accountable to anyone here, only the Council of Ministers. We need to know that they did the right process when employing him. There are too many question marks in the chronology. There are no Council of Ministers... just S.E.B., a few comments. Again, they do not make the case, so at the moment I am certainly supporting the Deputy of St. John. Thank you.

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

The Deputy of St. John put her case very eloquently. The thing that concerns me is that she seems to have been talking to the Council of Ministers and the Chief Minister since 2012 about this so why was there not more consideration given to the issue then? I am sorry to say that the States of Jersey is just not very good at planning this type of event not to happen, in other words, very poor at succession planning. We have seen this happen on a number of occasions. I, myself, have been caught in the middle of such a situation as well. The problem is when it comes to this House it seems like the final resort and that is not good. It is like having a planning debate in this Chamber. We are not H.R. experts, we should not be discussing this. That is what the S.E.B. is for; that is what personnel directors, our experts in this, are for. We really should not be debating this. But the Deputy of St. John tells us very eloquently she had no choice other than to do this, although Senator Bailhache also very eloquently said there was another route. If you are bringing such a situation to this Assembly then really it is the Council of Ministers you will be taking to account here and a vote of no confidence may have been a better route, and I tend to agree with the Senator. This is very unfortunate. Members will have noticed that I did support Senator Cameron in the prospect of having an in camera debate on this. I was later convinced - or nearly convinced - by the Constable of St. Clement in his very wise words about this should be heard by the Chief Executive and no doubt is being. But how does he feel? This is not a good place for having this debate. Did anybody ask the Chief Executive whether he felt this debate should be in camera or not? I do not know. I would be interested to know. This should not be happening in this Chamber, in my view. But the Deputy of St. John says she had no choice and the Chief Minister says that she did, or rather the Chief Minister’s colleagues have said there was another route in a vote of no confidence. I am particularly concerned about the potential cost here. We have been here before. P.A.C. (Public Accounts Committee), with the assistance of the Comptroller and Auditor General, has done a report on it which hopefully Members have read. So it is deeply concerning to hear Members behind me saying: “Well it might not be that bad. We might not have to pay a huge amount of compensation.” Well history does not say that. History suggests that if you get this wrong it can be quite catastrophic for the States coffers. Deputy Southern talks about the £20 million allocated for V.R. (voluntary redundancy) and voluntary severance as well. Well he is

quite right but those posts are not being replaced. The C.E.O. is going to be replaced. We need a C.E.O., so I do not think it is a good example to use. The S.E.B. is the closest we get to a cross-select committee if we had party politics; it is drawn from all ends of the House. So they were advising the Council of Ministers, they were involved with this process and those are wise people that we elected as States Members to be on that board, so I would hope that they were acting on good advice from H.R. If they were not, I would like to know why. But the Council of Ministers tell us that they did take sound advice on this from our independent Jersey Appointments Commission and now we are suddenly wanting to interfere with the independence of the independent Appointments Commission. That is not right either. So we seem to have got ourselves into a huge muddle and we are now having a H.R. debate like we have had planning debates in this Chamber where we should not be. Whose fault that is ... I do not think it is the Deputy of St. John's fault; it would appear to be the Council of Ministers' fault, and that should not have happened but we are where we are. But to have a debate about a post-holder's position in this Chamber publicly is, in my opinion, wrong. Completely wrong. So I would urge Members to not vote for this proposition because this is the wrong place to have this discussion. But the Deputy of St. John made it clear that she had got to the end of her tether; she had no other option. So if that could occur again - and it looks to me as if it could - we need to fix that too so we do not find ourselves in this situation again. So culpability on a number of parties here but we should not be having a debate effectively about an individual, because we only have one Chief Executive. If this was a proposition about all senior posts in the Civil Service, fine. It is not. It is about a particular post and that involves a particular postholder and that is wrong to have this debate here so I cannot support this proposition. Thank you.

#### **6.1.11 The Deputy of St. Mary:**

I agree with much of what the previous speaker said. Certainly it is not the fault of the holder of the position that he is in this situation. There is a track record of bad management on public appointments and I would have hoped that the Council of Ministers or States Employment Board or whoever is responsible to have learnt from that. I sense that the motion will be defeated but I would like to make clear that if it is that it is not an endorsement of the way it has been conducted. I think it is worth looking at the comments from the chair of the Jersey Appointments Commission.

[11:45]

She does say: "It seems clear to me that, notwithstanding the policy of full, fair and open competition for the post at the end of the contract, the contract signed by the States allows for an extension to the initial 3½ year period ..."; that is not the same thing as saying that she approves the way the appointment was given. In fact, the wording is in the past tense. I sense she was only consulted afterwards and, as I say, I repeat that I think we are, as the Deputy has said, having to consider this proposition unnecessarily. If the matter had been handled in a different way, it would have been fairer to the incumbent of the position to have gone to an open competition. It would have cleared his name, it would have cleared the situation once and for all and it is a pity that the States did not embark on that course. So I sense I will probably vote against the proposition but in doing so I will not be approving the way the matter was conducted. Thank you.

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

I would just like to pick up on a couple of points. I stand here as a member of the States Employment Board and I would just like to clarify a couple of points. First of all, it is implied - I think it was implied anyway, maybe I misheard - that the previous Jersey Appointments Commission chairman resigned over some issue. He resigned because it was the end of his appointment. He did not resign because of any process or any fault in process that it has been



implied he might have thought had happened. That was not the case. He was fully behind the process that took place.

**Deputy S.M. Wickenden:**

Can I just ask a point of order?

**The Greffier of the States (in the Chair):**

Well is it a point of clarification or ...?

**Deputy S.M. Wickenden:**

Do you resign at the end of your post? Is that what you were saying? He resigned at the end of his term? That sounds weird.

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

The fact is he resigned nothing to do with process. He resigned because we were making changes to the Appointments Commission and his time was up. It was not a matter of resigning out of protest because he did not think something was right. The proposition invites us to terminate the employment of the current Chief Executive. I am not going to talk about the potential cost of that but if we were to accept that, what position would that put us in? We would have to go to an appointment process. Because, as Deputy Lewis said, there is no doubt that we will have to have a Chief Executive. We will have to go to the appointment process. But we have already agreed that we are going to do that. The States Employment Board, as part of the extension of the Chief Executive's contract, has already made it clear that early next year it intends to start the process of looking for a replacement for the current post-holder. So what would happen, we would carry out the process that we were going to carry out anyway, except that we will not have a Chief Executive for 6 months, 9 months, a year, at the time when we have got the biggest change that the States has ever seen. At the time when we are trying to change the way that we spend our money, to invest an extra £40 million in health - that is per year - an extra £9 million a year in education, to invest in changes in St. Helier, and to do that we need to make savings elsewhere in order to reinvest that money, we are going to leave the organisation rudderless or with an acting Chief Executive for the next 6 to 9 months. No. All these things were considered. I am part of the S.E.B. and all of these things were considered along with the advice that we did not have a vacancy at this time to advertise. We have a potential vacancy coming up. We could have gone ahead and left ourselves rudderless for 9 months or we could manage the situation as we have done. I, for one, think this Chief Executive has worked very hard. I know we have been asked not to speak about the individual but it is hard not to. He has worked hard, he has been loyal, he has achieved a great deal and I, for one, am comfortable that we allowed that extension to take place while we go into open competition to look for the new person to take the States forward while we have got some continuity. The thing I ask myself: who on earth is going to apply for the job when we behave this way, when we are going for a high-calibre person on low wages? **[Approbation]** I stand by my part as S.E.B. I know we did the right thing and if other people do not think so, well, let us debate that separately but let us not take it out on this current Chief Executive. Let us not support the cancellation of this contract, leaving this States Executive Civil Service rudderless for 6 to 9 months when we have already agreed that early next year we start the process for the current Chief Executive's replacement and that might mean about succession planning. That might mean some very intensive work with some of our current employees but if I was one of them, I would not be considering applying for the post.

**The Greffier of the States (in the Chair):**

Does any other Member wish to speak? If not, I call on the Deputy of St. John to reply.

### **6.1.13 The Deputy of St. John:**

Firstly, I would just like to thank everybody for contributing towards the debate. I know it has not been easy, it has not been the nicest thing to have to discuss, and I did state that this was not something I would normally do so that would hopefully help some of those who have been extremely critical towards myself to know that this is not something that I usually do. If Members look at the actual proposition - the first part that has been heavily criticised about the cancellation to the contract - that was not originally in my proposition that went to the States Employment Board. The reason for that was at that time the extension had not been signed by the States Employment Board. So all I was asking originally was that we request the States Employment Board to go out to open and fair competition. I was not aware until the comments we received by the States Employment Board the contract had been signed on 28th September. The meeting that I had with the Chief Minister on 24th September was a meeting whereby I stated to him that I was still extremely uncomfortable about the process that had been taking place when there were political commitments made by him as Chief Minister in the last States, once the machinery of government review had been done, powers had been changed with regards to the Chief Executive role which those things have been done. I am not aware of any machinery of government reviews being carried out at this moment in time; I am not aware of any corporate structures being replaced at this time. If there are, I would appreciate it if the Chief Minister advised the States Assembly of that and where the terms of reference for those reviews are and when it is likely to finish. So I am not in the particularly great position of wanting to discuss cancelling a contract because I know it is not a position that we all want to be in. It is not a position I want to be in but I was left with no choice after finding out that the contract had already been signed. I did not know exactly what date it had been signed but I was advised that the extension had been signed and therefore my proposition had to be changed, just to clear that and get that out of the way. So this is the position I am left in and, no, I do not know the exact figure, but as we all know we have to apply a financial and manpower implication. There are risks, as has been mentioned by many, in terms of what may happen in terms of a constructive dismissal or unfair dismissal. There is an Employment Law in place. I made people aware of that right at the beginning in my opening speech that I am aware of the Employment Law. I did not wake up one morning and say: "Oh, do you know what? I think I am going to put a proposition to the States today to get rid of the Chief Executive of the States of Jersey." As I have said, any Member that knows me, or who has worked with me, I would never in my wildest dreams attempt to do that. Not only is it wrong, it is ridiculous. To Senator Bailhache who suggested that I should have good manners, I would say to him that I do have good manners if he took the time to speak to me and find out that I had good manners. Good manners and personal relations: the point is, it is not my job to go to the Chief Executive and speak to him and say: "I am really sorry, Chief Executive, but I am a States Member who represents the Island of Jersey, elected on that basis, and would like to represent the Island because I believe the States Employment Board have not carried out processes correctly and I need to bring this proposition because I believe it is the right thing to do." So just to make it quite clear, absolutely clear now, I apologise to the Chief Executive of the States of Jersey should he feel any untoward from my proposition, as if there was any suggestion that I was trying to attack him personally, that is not the case, was never the case and will not be the case. I have explicitly explained why it is that I have had to put in there a reason for the cancellation of the extension to the contract. I am not going to go into every single, specific, little part that has been mentioned. I have to thank Members for not straying into personalities because that was a risk and that was where it became extremely uncomfortable for me. There have been referrals to things like the voluntary redundancy schemes and the money that we have got in place but we cannot do a process of voluntary redundancy to a role that we will continue to need. What concerns me is I have been told that I should have brought a vote of no confidence. I find a vote of no confidence is a rather blunt tool to use when what you are trying to

do, and as the Chief Minister has said time and time again in the States Assembly, in elections, in various conversations, is we want a consensus politics. We want to be able to work together, we want to be able to improve the Island together. I have tried to do that. I have spent 3 years in and out of meetings trying to do that and was left with the position where: do I just carry on and forget that everything happened and let us just hope, fingers crossed in the future, that things will improve, that people will follow the processes that are expected of them? I am a Back-Bencher, I am here and I am expected to hold Ministers, States Employment Boards and all those other quangos that we have under the States of Jersey to account for the public. The public pay the wages of these people and the public pay the wages of us. There have been concerns expressed by many Members about the process and how it has been followed. There are clearly more concerns than just what I have explained because Members who I was not expecting to stand and state concerns surrounding the appointments process have made that point. So I hope with that, Members support my proposition, although I understand the arguments that have been made. But let us just make one thing clear: there is a reason why there are rules in place. Any lawyer knows that. There is a reason why there are laws in place. We are a Legislature. If we are not going to follow those rules, if we are not going to follow those processes that those people in power lay down themselves, then why have them there in the first place? This is what concerns me. I am merely holding the Chief Minister, the States Employment Board to account for the political commitment that they made during the last Assembly and it was explicitly clear. I could not have made it any more clearer than when I said in my opening speech what was the action that the States Employment Board would have liked to take regarding the Chief Executive role when they appointed in 2012 which was not following the exact process set out in the Employment Guidelines and I understood that reason.

[12:00]

The reason behind that was because there had to be changes to machinery of government and there had to be changes to the political structure and there was an Electoral Commission in place and that was already out in the open. The reviews and terms of reference were in place and that work was ongoing. I was not happy and I was not comfortable with that position but I worked on the Machinery of Government Sub-Committee to assist in changing the way that the States works. I also scrutinised the piece of legislation that came forward last year with regards to the role of the Jersey Appointments Commission which has changed, and the role of the Chief Executive, that has changed, which was appointed by the States Assembly in July of this year. So we have changed those roles since 2012: both the Jersey Appointments Commission and the States Chief Executive Officer. It bothers me because I overheard the radio last week and there was a member of our community, who is seen as an esteemed person among people, who stated that in the old days, or in the former days, a politician or a person serving within the States could be seen as a man of his word. This is the thing that has bothered me the most: is that there was a plan of action in place, it was quite clearly put into these reviews and into the discussions that were had that there would be a review and open and fair competition would take place at the end of those pieces of legislation being approved. So, as uncomfortable as it is for the States, and as much as Members may wish me to bring a vote of no confidence, I do believe it to be a blunt tool. I believe that there could have possibly been a better way to deal with this proposition if the contract extension had not been signed. It did not have to be signed in September. On the basis of the promises that were made and the commitments that were made about how we were going to take this States of Jersey forward, how the Government was going to take it forward, and how we are going to deliver the future of the public services with the confidence in the leadership and those most senior, and who are given the powers by this States Assembly to do so, I would ask Members to support my proposition. I would ask for the appel. **[Approbation]**

**The Greffier of the States (in the Chair):**

The appel is called for. I ask Members to return to their seats in the Assembly. The vote is for or against the proposition of the Deputy of St. John and the Greffier will open the voting.

<b>POUR: 12</b>		<b>CONTRE: 29</b>		<b>ABSTAIN: 0</b>
Senator Z.A. Cameron		Senator P.F. Routier		
Connétable of St. John		Senator A.J.H. Maclean		
Deputy J.A. Martin (H)		Senator I.J. Gorst		
Deputy G.P. Southern (H)		Senator L.J. Farnham		
Deputy J.A.N. Le Fondré (L)		Senator P.M. Bailhache		
Deputy M. Tadier (B)		Senator A.K.F. Green		
Deputy of St. John		Connétable of St. Helier		
Deputy J.M. Maçon (S)		Connétable of St. Clement		
Deputy S.Y. Mézec (H)		Connétable of St. Lawrence		
Deputy L.M.C. Doublet (S)		Connétable of St. Mary		
Deputy S.M. Wickenden (H)		Connétable of St. Ouen		
Deputy T.A. McDonald (S)		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of Trinity		
		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy A.D. Lewis (H)		
		Deputy of St. Ouen		
		Deputy S.M. Brée (C)		
		Deputy M.J. Norton (B)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

**The Greffier of the States (in the Chair):**

Very well, that concludes Public Business. We come to the arrangement of future business. Chairman of P.P.C. (Privileges and Procedures Committee).

**ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

**7. The Connétable of St. Clement (Chairman, Privileges and Procedures Committee):**

Before I make the proposition I understand the Minister for Treasury and Resources has a request to make.

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

It is in relation to future business. Members will have noticed that in January we have lodged for debate P.146/2015, that is the Draft Currency Notes. It is a variation of the maximum amount in circulation. That was being dealt with on the basis that an additional amount was required for circulation of Jersey bank notes. We have been advised by banks locally that they believe that the

current maximum amount under the law, which is £100 million, could be breached before Christmas. On that basis, I would ask Members to consider allowing us to take that proposition, P.146, at the next sitting, in fact on the Monday, because we have a very congested agenda with the Budget and other items on the Tuesday. So I would ask Members if they would accept that after questions on Monday, 14th December, we could take this matter, which is largely procedural. It should not take too long and clearly we will give more details to Members at that particular point but that is to ensure there is enough Jersey notes in circulation not to breach the 1959 law. Thank you.

**The Greffier of the States (in the Chair):**

I will just clarify, Minister, you are asking for the lodging period to be reduced by, I have just looked, approximately a week, I think?

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

Sorry, Sir, yes. If I was not clear that is exactly the point.

**The Greffier of the States (in the Chair):**

Is that seconded? **[Seconded]** Does any Member wish to speak? Deputy Tadier.

**7.1.1 Deputy M. Tadier:**

Can you remind us of what Standing Orders say about reducing them? What is the test now?

**The Greffier of the States (in the Chair):**

The test now is it should be in the public interest to do so. **[Laughter]** Buy your Christmas presents.

**Deputy M. Tadier:**

Is the Minister satisfied? He stood up and asked for this; is it definitely in the public interest rather than leaving it?

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

Yes, that is exactly why I asked the question. I think it should be clear to Members that it is in interest that there are enough Jersey notes in circulation. It does not, to be absolutely clear, mean that cash machines are going to be empty and that we are running out of cash but it is important there are enough Jersey notes in circulation. It is in our interest that that is the case.

**Deputy M. Tadier:**

Then the question has to be asked: when was this known about? The lodging periods are well known in advance. Did they only become aware in the last few weeks that Jersey was going to run out of circulatory cash before Christmas?

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

Of Jersey notes, in fact, yes. In the last couple of weeks it has been brought to our attention by the banks who keep us advised of the amount of demand. Demand has increased. In fact, one could read that there is greater economic activity. I think that is a very positive thing. The current level is £100 million; last year we reached £95 million in circulation. That allowed for a reasonable buffer. The earlier estimates were that this year would be £98 million but obviously more demand means that the banks have said there is an issue that we need to address and that is why I have asked Members to consider taking this early.

**The Greffier of the States (in the Chair):**

All those in favour of reducing the lodging period and listing this matter for the late afternoon on 14th December, kindly show? Those against? It is adopted. Chairman?

## **7.2 The Connétable of St. Clement:**

If Members will turn to the Consolidated Order Paper. For 19th January, clearly Projet 146 has now been moved, but also Deputy Labey has asked that his Proposition 139 - La Collette Low Rise Development: direction to Andium Homes Limited, should be moved from the next sitting to 19th January. I am sure Members would wish to complete the business which we are starting on Monday, 14th December at 2.30 p.m. by the Thursday lunchtime, if at all possible. Therefore, I would like to suggest that perhaps on the Tuesday and Wednesday we sit until 6.30 p.m. and just have one hour for lunch to give us a chance to complete the Budget and the other items which are down for debate. I would like to make that as a proposition.

### **The Greffier of the States (in the Chair):**

Is that seconded? **[Seconded]** Are Members content to the suggestion; therefore, that we should sit one hour for lunch, perhaps 1.00 p.m. to 2.00 p.m., on Tuesday and Wednesday, and sit until 6.30 p.m. on both of these evenings if necessary?

## **The Connétable of St. Clement:**

That is my proposition.

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

I would just like to say we have all got a really huge agenda of other items to fit into those days as well. I am quite prepared to either start earlier and certainly to work a shorter lunch but our evening commitments, I am sure across the board, are fairly loaded already.

### **The Greffier of the States (in the Chair):**

The proposition has been made by the Chairman. Senator Cameron, do you want to comment?

### **7.2.2 Senator Z.A. Cameron:**

Also, when you are cramming a lot of business into one day, I think decision-making process is impaired if you do not have sufficient breaks. So I would like to concur with the Constable of St. Mary that perhaps to finish on time would be helpful because otherwise it impairs your decision-making process.

### **The Greffier of the States (in the Chair):**

Do you wish to say anything in reply, Chairman?

### **7.2.3 The Connétable of St. Clement:**

No, clearly it is a matter for Members. Certainly I feel that the States would wish to complete the business without sitting for extra days and I think there is a good possibility that if they do not sit for the extra time we will be looking at sitting perhaps on Thursday afternoon and the Friday which definitely I think is equally unsatisfactory. But clearly it is a matter for Members and it is a proposition on my part which Members may or may not wish to adopt.

### **The Greffier of the States (in the Chair):**

The appel is called for. The proposition of the Connétable is that the Assembly should have a shorter lunchtime on Tuesday, 15th December and Wednesday, 16th December and sit until 6.30 p.m. on both days. If you wish to do that, you vote pour; if you do not, you vote contre.

## **Deputy J.A.N. Le Fondré:**

Sorry to interrupt.

**The Greffier of the States (in the Chair):**

The debate is finished, I am sorry, Deputy.

**Deputy J.A.N. Le Fondré:**

No, I was just asking whether it could be split into 2 votes because some people are supporting the shorter lunch ...

**The Greffier of the States (in the Chair):**

No, I think the Constable has made it as a single proposition. The appel is called for. The Greffier will open the voting.

<b>POUR: 26</b>		<b>CONTRE: 13</b>		<b>ABSTAIN: 0</b>
Senator P.F. Routier		Senator P.M. Bailhache		
Senator A.J.H. Maclean		Senator Z.A. Cameron		
Senator L.J. Farnham		Connétable of St. Mary		
Senator A.K.F. Green		Connétable of St. Brelade		
Connétable of St. Clement		Deputy G.P. Southern (H)		
Connétable of St. Lawrence		Deputy J.A. Hilton (H)		
Connétable of St. Ouen		Deputy K.C. Lewis (S)		
Connétable of St. Martin		Deputy M. Tadier (B)		
Connétable of St. John		Deputy of St. John		
Connétable of Trinity		Deputy J.M. Maçon (S)		
Deputy J.A. Martin (H)		Deputy S.J. Pinel (C)		
Deputy J.A.N. Le Fondré (L)		Deputy S.Y. Mézec (H)		
Deputy of Trinity		Deputy L.M.C. Doublet (S)		
Deputy E.J. Noel (L)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

**The Greffier of the States (in the Chair):**

There were no other matters to raise, Constable?

**The Connétable of St. Clement:**

No, nothing but the proposition.

**The Greffier of the States (in the Chair):**

Very well. Are Members content to adopt the business as proposed? It is proposed and the business is concluded. The Assembly will therefore reconvene, I will remind Members, at 2.30 p.m. on Monday, 14th December. I understand the Assistant Greffier has already notified Members

of the revised deadlines for submitting any questions for that sitting. Very well, the Assembly is closed.

**ADJOURNMENT**

[12:11]