

5. Urgent Oral Questions

5.1 Deputy J.P.G. Baker of St. Helier of the Chief Minister regarding the withdrawal of P.2/2014 and his contentment with such a Minister working within the Council of Ministers:

Could the Chief Minister confirm that by withdrawing P.2/2014, he is content to have a Minister who has failed to be honest, straightforward and open with fellow Ministers of the States working within the Council of Ministers?

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

I can confirm that I am content to work with any Minister who is prepared to enter into a constructive dialogue, who has apologised and who enters into a clear agreement over how to proceed in future. The work of the Council of Ministers will, therefore, be focused on completing the actions we agreed in the Strategic Plan for the benefit of all Islanders.

5.1.1 Deputy J.P.G. Baker:

That therefore is a yes. I was wondering if the Chief Minister will be considering altering the Standing Orders or the Code of Conduct to make this sort of behaviour inappropriate.

Senator I.J. Gorst:

It is quite clear in the statement and I have been quite clear in the reason I have brought the proposition in the first instance was because it is not appropriate but however it is appropriate that when Ministers apologise, when they are prepared to work constructively going forward, when procedures and policies will be reviewed and enhanced where necessary, it is appropriate that this Assembly accepts that apology and that we move forward. We must put behind personalities and political shades and act and do what we think is right in the best interests of our community.

5.1.2 The Connétable of St. John:

In the Chief Minister's interview with Radio Jersey earlier this month, the Chief Minister said that patching up relations with the Minister for Planning and Environment would have been and I quote: "The easiest course of action for me but in my job I do not take the easiest course of action. I take the course of action that is in the best interests of good governance of Jersey." Can he confirm that the decision he has taken is not in his opinion one that is in the best interests of good governance of Jersey?

Senator I.J. Gorst:

I am absolutely certain that both decisions were appropriate and were right. It cannot be acceptable - and the reason I brought forward the proposition in the first instance - for behaviour to go unchallenged. The process available to a Chief Minister is the one that I have followed and I stand by that comment that I made to the BBC. Of course it would again have been easier for me to not withdraw the proposition, to not accept the Minister's apology and to be personal and partisan and I am not prepared to do that. As I said yesterday, I always try to act in what I think is the most reasonable way and what is in the best interests of this Assembly and therefore this community.

5.1.3 The Deputy of St. Martin:

It was obvious from the Chief Minister's email to States Members yesterday that he has had a number of meetings recently with the Minister for Planning and Environment. Can the Chief Minister inform the Assembly if at any time during those discussions the subject of asbestos was discussed?

Senator I.J. Gorst:

I have the support of first-class ministerial and assistant ministerial colleagues and I am extremely grateful for that support. During the course of last week and intensely over the weekend, one of those colleagues communicated extensively with Deputy Duhamel and myself and we were able to reach agreement. I am not aware that the asbestos issue was covered.

5.1.4 The Connétable of St. John:

This morning in the Chamber, the Chief Minister raised concerns about confidentiality on issues. In his report and proposition on removing the Minister for Planning and Environment, the Chief Minister had 3 letters that had been passed between himself and the Minister; 2 of them were addressed “private and confidential” and the other one just “confidential”. That being the case, did the Chief Minister have the Minister for Planning and Environment’s permission to have those letters put into the public domain as they have been within the proposition?

Senator I.J. Gorst:

The Minister for Planning and Environment gave no objection to those letters being attached to the report and proposition when it was discussed at the Council of Ministers. Had he felt it was inappropriate, I am sure that he would have raised that issue with me.

5.1.5 The Connétable of St. John:

Clarification. Did the Chief Minister ask the Minister for Planning and Environment whether or not he would object to those letters being put in the public domain?

Senator I.J. Gorst:

I have answered that question. The letters were quite clearly attached to the draft report and proposition which the Minister and the Council of Ministers considered extensively and therefore I did not see that it was necessary to directly ask because it was to be assumed that they were part of the proposition for public lodging.

The Connétable of St. John:

So the answer is no then, is it?

The Deputy Bailiff:

The answer was no, Connétable.

5.1.6 Deputy J.A. Hilton:

Will the Chief Minister tell the Assembly whether he was aware a private meeting had taken place between the Minister for Planning and Environment and the Managing Director of Dandara and, if he was informed of that, can he tell the Assembly when he was informed about that meeting?

The Deputy Bailiff:

Do you have a date for that meeting?

Deputy J.A. Hilton:

The date given in response to a written question from the Deputy of St. Martin, which was given this morning, was 10th January.

Senator I.J. Gorst:

I was aware of that and I believe the Deputy has openly answered that in his written answer this morning.

5.1.7 Deputy J.A. Hilton:

Supplementary. Does the Chief Minister believe in light of the questions that I asked in September 2013, with regard to the private meeting that took place between the Minister for Planning and Environment and Chief Executive Officer and management at the Co-op, does he believe in light of what transpired after that meeting that that was an unwise thing to do, for the Minister for Planning and Environment to repeat again on 10th January, to have a private meeting without officers being present?

Senator I.J. Gorst:

Part of the constructive dialogue over the course of the weekend was that the Minister has agreed and confirmed that the relevant protocols in this particular area will be followed strictly in future regarding meetings with existing and potential planning applicants, which means that the Minister will in future attend such meetings together with an appropriate officer, which I believe is the appropriate course of action for a Minister and I am sure that the Deputy would support that.

5.1.8 Deputy M. Tadier:

The Chief Minister has said that it is good when Ministers apologise to each other and smooth things over. The Minister in the run-up to the dismissal proposition had alleged that the Minister for Planning and Environment had been dishonest and/or was incompetent. Clearly he is no longer incompetent otherwise he would not be in the job. Will the Chief Minister issue his own apology here and now to my colleague on the right to say that he was not dishonest and that the Chief Minister will now reciprocate the apology and the goodwill that has been offered by the current incumbent?

Senator I.J. Gorst:

The statement says that I have accepted the Minister's assurances and I have expressed my regret regarding the recent escalation of events.

5.1.9 Deputy M. Tadier:

That is right, and very cleverly worded "regret the escalation", which I am sure we all do but there is a difference between saying that and apologising directly to the Minister so will the Chief Minister lead by example perhaps and take this opportunity in front of a full gallery and a listening public to apologise to the Minister for Planning and Environment directly?

Senator I.J. Gorst:

I have just read out the statement and I stand by the statement and that was read out in the public domain. I do indeed, and I have been quite clear, regret that this incident escalated in the way that it did.

Deputy M. Tadier:

So that is a no then? Thank you.

5.1.10 Deputy M.R. Higgins:

Just following up on Deputy Hilton's question, is it not the case that the former Minister for Planning and Environment regularly had meetings with developers without officers present and on one occasion the Chief Minister was present at one of those meetings?

Senator I.J. Gorst:

I do not recall such a meeting. I think it is quite clear that the protocol was put in place to make sure that such meetings did not take place and the statement quite clearly says that the Minister will in future strictly follow that protocol.

5.1.11 Deputy M.R. Higgins:

Just one other question. Can the Chief Minister please help me with the timing? States Members were informed by email at, I think it was 10.39 a.m., on the Monday. I am not sure when other Members or the Council of Ministers or other people heard about it but certainly can the Chief Minister confirm that it was not given to the media before it was given to States Members?

Senator I.J. Gorst:

Unfortunately it was a very fast moving morning yesterday and Members of the Council of Ministers were aware of it earlier, at least an hour earlier, than Members of the States. The *J.E.P.* was aware of it at a similar point of time. I agreed that with the Minister for Planning and Environment, because of interviews that he had undertaken with that newspaper earlier or late last week and those Members who had initially lodged a vote of no confidence and signed that paper were also informed about the same time.

5.1.12 The Deputy of St. Ouen:

Is it the Chief Minister's intention to encourage all Ministers to adopt a similar protocol to that which the Minister for Planning and Environment of his own volition has introduced?

Senator I.J. Gorst:

Perhaps I should have said also in answer to Deputy Higgins, there is a great deal of difference between a Minister who is not performing the functions of determining planning applications meeting a developer and that is why this protocol is in place, because the Minister for Planning and Environment has to sit in a semi-judicial capacity and agree accepting or rejecting planning applications in line with the law that governs them and therefore it is a completely different thing for any other Minister to meet with a developer.

Deputy M.R. Higgins:

Can I just clarify something because the question I asked was - the meeting that I alluded to was with the former Minister for Planning and Environment who was meeting with developers without officers and he did it regularly?

The Deputy Bailiff:

The Chief Minister answered that.

5.1.13 Connétable J.M. Refault of St. Peter:

I am just reading from the original proposition which has now been withdrawn, just one very short paragraph: "Where the working relationship has irrevocably broken down because we no longer believe each other, then we cannot do the best for our Island." My question, Chief Minister, is a simple apology enough to restore the confidence of the people of Jersey in both the Minister for Planning and Environment and the Council of Ministers?

[14:30]

Senator I.J. Gorst:

I recognise that not everyone likes my style of leadership, which is to build consensus and to try to make rational informed decisions in what I believe is in the best interests of Jersey. I raised an issue which I think is extremely important in lodging the proposition. Over the

course of the last week, as I have already said this afternoon, negotiations and consultation with the Minister for Planning and Environment led to the point where the Minister for Planning and Environment was prepared to offer an apology, to work strictly to the protocols in place and to work together to put in place a system which is appropriate and which will, I believe, lead to better government in Jersey. I believe that any reasonable States Member would have expected me then to respond to that in the way that I have and that is to withdraw the proposition and to move forward together, as I have said, in the best interests of this Assembly and in the best interests of this community. Be in no doubt, I am absolutely committed and believe that the process that we have got in place for dealing with the appointment or the dismissal of Ministers and not having collective responsibility means that we do not have the most effective and efficient government for this community. That is why I am committed to seeing that change and I believe that this episode should reinforce in every States Member's mind that there is a need to change the system because we need to be providing effective efficient government for this community and with the current system, the flaws are all too apparent.

5.1.14 The Connétable of St. Peter:

If I may, I commend the Chief Minister for his comments and concur with most of them, but what he did not confirm or comment on is what the public view is likely to be that a simple apology was enough to heal an irreparably broken down relationship within the Council of Ministers.

The Deputy Bailiff:

I think the Chief Minister answered your question, Connétable. I said before lunch that I would allow 10 minutes or so for the question. We have been now the best part of 14 minutes on it. The second question period is for the Chief Minister on Questions without Notice. Those who have questions to come, and I have noticed their lights have been put on, have gone at the top of that list for Questions without Notice so you will have the opportunity of asking later on. Final supplementary from Deputy Baker?

5.1.15 Deputy J.P.G. Baker:

As a mere observer, it would seem that the Chief Minister is enjoying a modicum of egg on face at least. Should further evidence of failing to be honest and straightforward come to light, will the Chief Minister consider relodging P.2/2014?

Senator I.J. Gorst:

Should the evidence of any Minister come to light that has acted in that way, I will have to deal with it accordingly. I hope in the intervening period, we can get on and change the system so that we can govern well for this community.