

2.4 The Deputy of St. Mary of the Chief Minister regarding the reliance on the content of the Napier Report:

The Napier Report at paragraph 67 records that the Solicitor General advised the Director of Human Resources and I quote: “I would urge that particular caution be exercised to check that there are no provisos or caveats to any of the conclusions reached upon which reliance is to be placed.” Would the Chief Minister inform Members why this advice was not followed and when he considers it is acceptable to ignore repeated legal advice?

Senator T.A. Le Sueur (The Chief Minister):

This passage refers to a statement that the former Minister for Home Affairs and the Chief Executive did not have access to the interim report of the Metropolitan Police and if they had, they would have seen that it was written in heavily qualified terms. In fact, when deciding to suspend the then Chief Officer of Police, the Minister for Home Affairs at that time had access to other information, for example, as referred to in the Napier Report, paragraph 89, from the meetings of the Gold Group, which indicated that serious mistakes had been made, as well as the information in a letter from the Deputy Chief of Police, which referred to the report of the Metropolitan Police. The Minister for Home Affairs had to decide what action to take in relation to the Chief Officer of Police given that in the light of the press briefing on 12th November 2008, the authority and judgment of the Chief Officer of Police, and by extension, that of the States of Jersey Police, would be called into question. The Minister for Home Affairs therefore had to balance the legal advice, which was given with other considerations, including a requirement to maintain public confidence in the States of Jersey Police. Legal advice was not ignored. It was carefully considered and weighed in the balance with other information available to the Minister.

2.4.1 The Deputy of St. Mary:

The letter of the Deputy Chief of Police to the Chief Executive on 10th November stated that: “The interim findings of the review by the Metropolitan Police fully support my previous comments” and that is in Napier paragraph 104. Napier says: “That report was in heavily qualified terms” (paragraph 69) and he also says: “The report expressly states that any observations in this report may be subject to amendment.” Yet that was the report relied on, firstly, by the Acting Deputy Chief of Police at the time and, further, should have been mentioned or known about by the various people involved. It seems to me, and I would ask the Chief Minister to comment why it is that those reservations, those severe, completely qualifying reservations, which Napier refers to as “heavily qualified terms”, why these were not taken into account in the suspension process.

Senator T.A. Le Sueur:

I thought I had already made it clear in my original answer that a number of factors were taken into in deciding whether or not to suspend. It was that balance which was struck by the Minister for Home Affairs on justifiable grounds which led to the suspension, of which the letter in question was only one factor.

2.4.2 The Deputy of St. Mary:

May I ask a further supplementary? Were those other matters outside the letter from the former Deputy Chief of Police... whatever? Were those other matters formally

mentioned in any of the suspension letters to the former Chief of Police as they should have been?

Senator T.A. Le Sueur:

The question was about whether the decision to suspend was a valid decision, and I repeat that it was a valid decision for the reasons I have quoted.

2.4.3 Deputy M.R. Higgins of St. Helier:

Does the Chief Minister feel that the former Minister for Home Affairs misled the House when he stated the reason he took the action of suspension was based on the letter from the Acting Chief Officer of Police and the Metropolitan Police Report and those alone?

Senator T.A. Le Sueur:

I do not recall the words of the previous Minister for Home Affairs but I am sure that he had no intention to mislead the House.

2.4.4 Deputy F.J. Hill of St. Martin:

Given that the Chief Minister is very selective with certain parts of the Metropolitan Police Interim Report, will he request the Minister for Home Affairs to make the Metropolitan Police Report and Interim Report available to all States Members even under confidentiality clauses?

Senator T.A. Le Sueur:

I can certainly make the request to the Minister but I have no expectation it would be delivered. [Laughter]

2.4.5 Deputy M. Tadier:

Does the Chief Minister accept that on paragraph 107 of the report, it says that too much reliance was placed on information coming from one source and that, irrespective of what the justification in hindsight may have been, Napier also said that the basis on which Mr. Power was suspended on 12th November 2008 was, in his view, inadequate. If the Chief Minister accepts that, what action will he be taking?

Senator T.A. Le Sueur:

I think we are going over old ground here. I have already indicated that Mr. Napier produced his findings, which I have taken into account, and formed my own conclusions as a result of his comments.

2.4.6 The Connétable of St. Helier:

The Chief Minister says that the legal advice was not ignored. It was simply balanced. Will the Chief Minister agree with me that it is not so much a matter of ignoring legal advice but not sharing it with States Members? Will he confirm that the reservations by the Crown Officers were not shared with States Members at any stage during the statement by the former Minister for Home Affairs, nor were they shared with this Assembly during the in camera debate when I attempted to get this matter resolved at an early stage. What is his view on the fact that the former Chief Minister replied to an email from me saying that the legal basis of the suspension was absolutely assured?

[10:15]

Senator T.A. Le Sueur:

I suspect we are straying from the question but certainly the decision to suspend was a decision for the Minister for Home Affairs and the Minister for Home Affairs alone. It was not a question of sharing it with other States Members or any other parties. It is the responsibility for the Minister, a very onerous responsibility, which that Minister discharged to the best of his abilities in accordance with all the information available to him.

2.4.7 The Connétable of St. Helier:

Can I ask a supplementary, please? Does the Chief Minister not feel that it is incumbent on any Minister to share legal advice with this Assembly when an important matter is being debated?

Senator T.A. Le Sueur:

That would depend entirely on the circumstances of the situation.

2.4.8 The Deputy of St. Mary:

I am finding it curious that the Chief Minister is suddenly switching from the justification in the letter from the former Deputy Chief of Police and relying on the Interim Report and suddenly there is all this new information that was relied on in the suspension. I would just like to quote from the Napier Report, paragraph 107, to the Chief Minister and ask for his comment: “The letter from Mr. Ogley to Mr. Lewis dated 11th November 2008 informing him of Mr. Warcup’s letter does not make clear that the report received by Mr. Warcup from the Metropolitan Police was only an interim one and that its author had heavily qualified its contents. While there was additional material coming in from Mr. Gradwell and from the reports of the Gold Group that was indicative of failings on the part of Mr. Power, no effort was made to collate this in a systemised way or to make reference to this material in the documentation provided to Mr. Power at the time he was suspended.” So the “get out”, the alibi of the Chief Minister, was not used at the time. Could the Chief Minister comment on that?

Senator T.A. Le Sueur:

With difficulty, since I was not involved at the time, but certainly I accept the comments of Mr. Napier that no effort appeared to have been to collate that systematically. Nonetheless, the information was there, the information was used and relied upon by the Minister for Home Affairs, and a decision was made on valid grounds.

The Deputy Bailiff:

I advise Members we have only got through 4 questions in just over half an hour and I am now going to be very much tougher on both Members and Ministers, questions and answers. Deputy Le Claire has a question to ask of the Minister for Transport and Technical Services.