

21.03.23

6 Deputy G.P. Southern of the Chief Minister regarding States members who were reported to have overcharged their tenants for electricity through metered supply (OQ.73/2021):

I apologise that this question has become common knowledge so far but let us go anyway. Will the Chief Minister advise whether the States Members reported to have overcharged their tenants for electricity delivered through metered supply are Members of the Government?

Senator J.A.N. Le Fondré (The Chief Minister):

I would say that is a matter in the public domain.

Deputy G.P. Southern:

Supplementary, Sir?

The Bailiff:

Yes, but that is a reasonable answer in the circumstances, if the matter is in the public domain then the Minister does not need to go further than that. But you have a supplementary, Deputy, please, to ask?

3.6.1 Deputy G.P. Southern:

Yes, I certainly do. Could the Minister, following his investigations around these cases, inform Members what the total sums that were overcharged were and whether these sums have yet been repaid in full?

Senator J.A.N. Le Fondré:

I do not have those details fully to hand. I do know that in both of the statements, certainly one of them, those details are also in the public domain. But if there is anything that is in relation to it, once the Deputy has looked at the statements from the 2 individuals, if there is anything missing there I am sure, if it is appropriate, I can rectify the difference. But I am not entirely sure that it is a Government matter, other than to say both are individuals, as has already been identified by the Attorney General, both have made genuine errors and it is my understanding that the inspectors and these errors were identified by the inspectors, are satisfied as to the remedies that were taken.

The Bailiff:

Chief Minister, I should make it clear that when Deputy Southern asked the question and lodged it, it was not across a matter in the public domain; it has since become so.

3.6.2 Senator S.Y. Mézec:

Given that these incidents were picked up through inspections of lodging houses, a regime which does not exist for other types of residential tenancies, have these events convinced the Chief Minister that it is worth getting behind the efforts of his own Minister for the Environment in setting up an inspection regime for other private sector tenancies? If these practices are existing in other parts of the rental market, they can be proactively picked up and stop tenants from inadvertently or otherwise getting ripped off.

The Bailiff:

I will allow it but it is fairly tangential to the main question, Senator. But, yes, Chief Minister, I will allow that question if you wish to answer it.

Senator J.A.N. Le Fondré:

Frankly, I have previously declared an interest in that area and, as far as I can see, that is going to be my stance going forward. I think the whole issue is not about regulations, I think it is the appropriate level of regulation. To jump on what appears to have been 2 genuine errors at a *de minimis* level does not necessarily seem to make the case. I think everybody supports appropriate regulation but that is appropriate in both ways.

3.6.3 Senator S.Y. Mézec:

The last thing that the Chief Minister said is just blatantly not true. Some do actively oppose regulation of any sort and some of those are in his Government and some of those are people who have just been caught overcharging their tenants. I would like to ask the Chief Minister if the standard he wants to apply to himself in declaring interests and, therefore, not involving himself in future debates on this, will be a standard that he will insist his own ministerial colleagues, including his Assistant Ministers, will have to reply to; will he show that leadership?

[10:45]

Senator J.A.N. Le Fondré:

Firstly, I think the Senator has somewhat misrepresented the views and positions of other Members of the Assembly. Certainly, as I said, each time it is for the individual Member of the Assembly to consider about complex interests or not. From recollection, there are an awful lot of Members in the Assembly who in some shape or form have a perceived conflict and I believe, Sir, you and/or anybody else in the Chair as Presiding Officer have ruled on that matter in the past. Generally, it is a conflict of interest shared by many and so, therefore, it is a matter for, as long as the declaration is made, Members have in the main continued to debate on that and that is the rules of this Assembly. I note Senator Mézec's comment in the chat but that is the position.

3.6.4 Deputy R.J. Ward:

Part of the question has been asked. Can I ask the Chief Minister, does he see any moral conflict of interest or conflict of interest that he would consider is inappropriate to have somebody who is a political adviser for a landlords' pressure group within his Council of Ministers?

Senator J.A.N. Le Fondré:

I think, as I have understood matters, there are, firstly, if it is an open declaration, secondly, if it was directly involving any matters in housing, which is not yet the case, then that would be rectified and, thirdly, there are all sorts of things that all Members participate in as part of their, I believe, voluntary role or roles they do in serving the community, whether that is involving engagement with unions, whether it is involving engagement with voluntary areas, environment, et cetera, et cetera, and that goes across the piece and is part of the rich community we serve.

3.6.5 Senator S.C. Ferguson:

Given that Andium or the States in fact is the major landlord in the Island, will the Government require a review of charging for electricity and other services of all the properties in Andium just to demonstrate how charging should be made?

Senator J.A.N. Le Fondré:

I am very happy to take that offline and have a discussion with the Senator, just to understand how she means. If she thinks it is an exemplary service, then obviously very happy and I am sure something can be considered on how it is done. If she thinks there are issues, I am very happy to have that raised through me to the appropriate person to investigate. I believe the particular incidents, as arisen, due to slight complexities and dealing with things like common areas and switching over from the old metering system. But I am very happy to have that discussion with the Senator.

3.6.6 Senator S.C. Ferguson:

Sorry, it is fairly simple, I cannot judge, for instance, on the degree of overcharging that there might be among the whole of the population of rented properties and we need some statistics before we start holding up the finger and sort of saying: "You have deliberately tried to deal with downtrodden renters" and so on. We need some facts, some statistics and where better to start than with Andium.

The Bailiff:

There must be a question here, Senator, and not a point of view ...

Senator S.C. Ferguson:

Yes, that was it, where better than to start with our own property.

The Bailiff:

Where is that in Andium, Chief Minister?

Senator J.A.N. Le Fondré:

Now I understand the point. I do absolutely agree with the Senator that, essentially, before one starts bringing in regulation that applies to 100 per cent of an area, we do need to have the statistics that state that we have a problem that we are trying to address. If it is a 5 per cent problem then sometimes there are better ways of dealing with that than through regulation. If it is a 50 per cent problem, for the sake of argument, then obviously you do need to regulate but we do need some data to back that up in the first instance. I am not necessarily applying that to the area of landlords but in general terms that would seem to make sense because otherwise we regulate for everything, when there is not necessarily the need and that obviously has a cost to Islanders, not just taxpayers.

3.6.7 Deputy M. Tadier:

The Chief Minister really does know how to pick his Assistant Chief Ministers, does he not? Does he think that the behaviour displayed by the 2 Assistant Chief Ministers contravenes Article 5 of the Code of Conduct, paragraph 5, which says: "Elected Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence and integrity of the States." Does he think the behaviour has strengthened the public's trust and confidence in the States? Can I apologise, Alexa just seemed to go off in the background but even Alexa does not know about that?

Senator J.A.N. Le Fondré:

I did not know we were allowed to promote private brands or products on to the States broadcast.

The Bailiff:

But certainly not allowed to answer questions, Chief Minister.

Senator J.A.N. Le Fondré:

Sorry, Sir, I was going to attempt to say: “Alexa, please can you order 200 cans of Whiskas?” The point I would make is that in relation to the Deputy’s overarching comment, I have been consistent in looking at issues when it has arisen with Assistant Ministers in the past and in the present. As you will be aware, having been the subject of 2 issues relating to the Commissioner for Standards, one of which was upheld and one which was obviously not upheld. In terms of consistency, both those were acted on very swiftly because they arose. This instance here is something that took place something like 18 months to 2 years ago. It appears to be *de minimis*. I have been assured that it is regularised to the satisfaction of the inspectors. I do know there is a discussion happening with the Commissioner for Standards and until that conversation is completed that is really all I can say. But to date I think in terms of breach, I do take any comments and complaints I receive about any Minister, Assistant Minister or indeed any politician very seriously and I do try and apply an even hand to how that is considered. I hope that has been the case to date and I do try and deal with it as objectively as possible, despite sometimes people not seeing at that perspective but I do genuinely try and treat them objectively.

3.6.8 Deputy M. Tadier:

It was a bizarre answer. He mentioned that there were discussions going on with the Commissioner for Standards. The real question is: has the Chief Minister referred this issue to the Commissioner for Standards? Because it seems to be a prima facie breach of paragraph 5 and if he has not, why has he not done it?

Senator J.A.N. Le Fondré:

In essence, my understanding is that the individuals are in the process of self-referring and on that basis there did not seem to be any need for the action to be taken.

3.6.9 Deputy G.P. Southern:

It concerns the appointment of Assistant Ministers, I suppose. Does the Minister not consider that greater detail should be asked of potential candidates for Assistant Ministerships to see if they are under investigation for financial irregularity or, in this case, tenancy problems? Has the time come for a greater attention to detail about who we are appointing to be Assistant Ministers?

Senator J.A.N. Le Fondré:

The point I would say is that I am not entirely sure that there should be any greater standards applied to Assistant Ministers than there are to States Members. If the Deputy is suggesting that perhaps there should be greater clarity of all Members as to, effectively, a C.V. (curriculum vitae), for example, that gives full background and gives any issues similar to the ones that the Deputy is referring to, I would be supportive of that. Because I think a kind of potted C.V., which could then be published, et cetera, gives backgrounds of the various people in the Assembly I think would be very useful to the public. On that basis I am very happy to see if that can be implemented.