

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

COMMITTEE *FOR* HOME AFFAIRS MEMBERSHIP

The following propositions are laid in accordance with Rule 37(8) of the Rules of Procedure.

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Committee *for* Home Affairs Membership' dated 10th June 2020 the States, in accordance with Rule 37(8) of the Rules of Procedure, are of the opinion that:-

1. The period of office of Deputy Victoria Oliver as a member of the Committee *for* Home Affairs should be terminated with immediate effect.

The above Proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

10th June, 2020

Dear Sir

1 Executive Summary

- 1.1 It is with considerable regret that the Committee *for* Home Affairs (the Committee) is submitting this policy letter seeking the removal of Deputy Victoria Oliver from the Committee.
- 1.2 Rule 37(8) of the Rules of Procedure states '*If a majority of the voting members of a Committee believe that the continued membership of that Committee by one member is unreasonably hindering the ability of the Committee to fulfil its mandate then the majority may bring a proposition to the States that the period of office of the said one member should be terminated with immediate effect, and the States may, notwithstanding the other provisions of this rule, by resolution so terminate that period of office.*'
- 1.3 As set out in this policy letter the Committee believes that Deputy Oliver's public criticism of the actions of the Police, combined with a breakdown in the trust and relationship with a fellow member of the Committee caused by her public comments, make her continued membership untenable. It is also considered that her continued membership would unreasonably hinder the ability of the Committee to fulfil its mandate.

2. Background

- 2.1 It is widely recognised that the Committee is the political voice of Bailiwick Law Enforcement and represents, as necessary, its needs and challenges within the States Assembly.

- 2.2 It is therefore fundamental that those who are appointed to the Committee accept the responsibilities which go with the role. This includes not undermining the services for which they are politically responsible.
- 2.3 Furthermore independent parties such as Her Majesty’s Inspector of Constabulary and Fire and Rescue Services (HMICFRS) have previously highlighted the need to avoid what could be perceived as political interference in Law Enforcement. Throughout this political term the Committee has made a concerted effort not to act in any manner that might be perceived to influence the ways Law Enforcement discharge their mandate. The Committee also entered into a Protocol¹ with the Head of Law Enforcement committing not to interfere in law enforcement matters
- 2.4 On Friday 5th June 2020, Deputy Victoria Oliver made comments on social media expressing the view that Law Enforcement should not have carried out a drug-related search warrant and was highly critical of fellow member, and Vice President, of the Committee Deputy Marc Leadbeater.
- 2.5 The post read as follows:-

“[name] I agree I was very angry when Marc became Vice President of Home Affairs. We cannot be arresting people who have very small amounts when Vice President is Director of a whole blooming farm. It stinks no matter which way you look. I am sorry for what you have been through and only know I am trying. It won't happen this term there is not enough people that want it. I did think HSC were looking into the from a medical point. I will chase up. I know we keep added tax when if we tax it we would make a considerable amount. Sorry”

- 2.6 That same day, when the comments came to light, the President emailed Deputy Oliver inviting her to reflect on her actions and both the seriousness and inappropriateness of that post. The Vice President also contacted Deputy Oliver expressing his grave concerns.
- 2.7 At the scheduled meeting of the Committee on Monday 8th June the matter was discussed at length.
- 2.8 Deputy Oliver did not consider her social media posts to be unreasonable but she regretted the upset caused.
- 2.9 Deputy Leadbeater considered her criticism of his role in the management of a business operating in accordance with the terms of its statutory licence was both

¹ Protocol between the Committee for Home Affairs and the Head of Law Enforcement
<https://www.guernsey.police.uk/CHttpHandler.ashx?id=123441&p=0>

unjustified and unacceptable. He advised that he would be considering submitting a Code of Conduct complaint.

- 2.10 Members shared their views with Deputy Oliver. It was suggested she should reflect on her position in light of her public comments and consider seeking to remedy matters by publically apologising and retracting her comments. Deputy Oliver expressed the view that proceeding in the manner the Committee was suggesting would generate unnecessary media interest.
- 2.11 The Committee concluded that the public comments were highly inappropriate particularly in respect of forming judgements on when Law Enforcement should, and should not, be enforcing the law.
- 2.12 Deputy Oliver left the meeting. The remaining four members continued and were unanimous in their view that for a member of the Committee which represents Law Enforcement politically, to be drawing into question the validity of police actions, without knowledge of the facts, undermined Law Enforcement. It also adversely affected the essential trust and confidence that needed to exist between a committee and the services for which it is responsible.
- 2.13 It was recognised that every person is entitled to their own views on the merits of different pieces of legislation. However, the point at issue was that for so long as such laws exist, it was the duty of Law Enforcement to enforce them and for the Courts to make the judgements on guilt or innocence. It was also the duty of the Committee to support those who did so.
- 2.14 It was concluded that such undermining of Law Enforcement, when combined with a clear breakdown in relationships given Deputy Oliver's strong personal views on the Vice President, was set to make it very difficult for the Committee to fulfil its mandated responsibilities in an effective and efficient way.
- 2.15 It is vitally important that trust and confidence remains between the Committee and any service under its mandate.
- 2.16 The conclusion was that Deputy Oliver's position had become untenable. It was agreed however that all parties should be given time to reflect and it was agreed to convene a further meeting the following day, Tuesday 9th June.
- 2.17 On the evening of Monday 8th June Deputy Oliver sent a short email to the Committee Members saying that she believed they had misconstrued the comments/post made on social media. She added that she had since removed the post, had emailed the Head of Law Enforcement and was sorry that the Vice President had been upset as that had not been her intention.
- 2.18 The Committee met again on Tuesday 9th June at which there was a full and frank

discussion.

- 2.19 Deputy Oliver shared her views and explained the steps she had taken.
- 2.20 The other four Members were of the view that while Deputy Oliver clearly regretted the outcome of her actions she was not seemingly accepting that she had acted wrongly. The four members were of the firm view that in the absence of true contrition combined with a public retraction of the criticism of law enforcement carrying out their role, the Committee would be significantly and unreasonably hindered in its ability to fulfil its mandate, of which Law Enforcement was a major part.
- 2.21 The four Members resolved to submit to the States a proposition under Rule 37 (8) requesting the removal of Deputy Oliver as a Member of the Committee for Home Affairs.
- 2.22 It was agreed to defer the submission of the Proposition until Wednesday 10th June, to allow Deputy Oliver further time to reflect on her actions and her position. The Committee considered that this was a reasonable timeframe given repeated opportunities to reflect over the preceding days.

3. Compliance with Rule 4

- 3.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 3.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 3.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the proposition above has the majority support of the Committee. Please note Deputy Oliver abstained from voting on the Proposition.

Yours faithfully

M M Lowe
President

M P Leadbeater
Vice-President

V Oliver

P R Le Pelley
J C S F Smithies