



V
2009

BILLET D'ÉTAT

WEDNESDAY, 28th JANUARY, 2009

MOTION OF NO CONFIDENCE IN
THE DEPUTY CHIEF MINISTER

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **28th JANUARY, 2009**, immediately following the meeting already convened to consider the Report of the States Assembly and Constitution Committee concerning the States Members' Conduct Panel Findings of the Investigation Panel into Complaints against Deputy Bernard Marcel Flouquet, to consider the item contained in this Billet d'État which has been submitted for debate.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
13 January 2009

MOTION OF NO CONFIDENCE IN THE DEPUTY CHIEF MINISTER

TO THE PRESIDING OFFICER OF THE STATES OF DELIBERATION

PURSUANT to Rule 19 of the Rules of Procedure of the States of Deliberation ("the Rules of Procedure"), we the undersigned being Members of the States of Deliberation **REQUEST** you to lay this motion of no confidence in Deputy Bernard Marcel Flouquet as Deputy Chief Minister before the States of Deliberation as soon as is reasonably practicable.

Introduction

1. We refer to the Report of the States Assembly and Constitution Committee ("the Committee") dated 23th December 2008 in Billet d'État No. III of 2009, to which is annexed the findings of the States' Members Conduct Panel under the chairmanship of Mr A C K Day CBE ("the Panel's Findings") which were forwarded to the Chairman of the Committee under cover of a letter dated 16th December 2008.
2. For purposes of this request we adopt the factual summary set out in paragraphs 1, 2, 7, 8 and 9 of the Panel's Findings.

Background

3. The office of Deputy Chief Minister was created as part of the review of Guernsey's machinery of government and became effective from May 2004. The functions of the Deputy Chief Minister are not prescribed by legislation or rules of the States of Deliberation, save that the Deputy Chief Minister should preside at meetings of the Policy Council in the absence or indisposition, or inability to preside, of the Chief Minister – (*Rule 3(2) of the Rules relating to the Constitution and Operation of States' Departments and Committees*). In particular, whilst the nature and extent of the role of the Deputy Chief Minister will, from time to time, reflect whatever has been agreed or arranged between the Chief Minister and the Deputy Chief Minister for the occasional discharge of the Chief Minister's functions on his or her behalf, it is generally understood that the Deputy Chief Minister should or might deputise for the Chief Minister in the performance of various political functions, including representing the States both in Guernsey and elsewhere, and so also representing our community. Whatever may be the position functionally, the Deputy Chief Minister as such has a public profile beyond that of being a Minister of a Department or a Member of the States of Deliberation.

Grounds

4. We are of the opinion that Deputy Flouquet, in conducting himself as described in the Panel's Findings, and further or alternatively in refusing to tender his resignation as Deputy Chief Minister, is in breach of Article 8 of the Code of

Conduct for Members of the States of Deliberation (which is reproduced in paragraph 10 of the Panel's Findings).

5. For purposes of this request, we also refer to Article 6 of the Code of Conduct under Accountability and Leadership, as follows:-

- Accountability

Members are accountable for their decisions and actions to the States and the public and must submit themselves to whatever scrutiny is appropriate to their office.

- Leadership

Members shall promote and support these principles (*i.e. the general principles of conduct for holders of public office*) by leadership and example. (our emphases).

We deal further with these points in paragraph 8 below.

6. After careful consideration, we are of the opinion that Deputy Flouquet has acted in a manner which has discredited, and which has the potential or is likely further to discredit, the States, and so Guernsey and our community. Furthermore, we are of the opinion that Deputy Flouquet has failed to demonstrate the judgement and integrity to be expected of the person occupying the office of Deputy Chief Minister, particularly given the functions of, and public perceptions of and expectations for, that office, not only in making the joke but also in declining to tender his resignation as Deputy Chief Minister, especially having regard to the extracts from Rule 6 of the Code of Conduct quoted above in paragraph 5.
7. In support of our opinion, we adopt paragraphs 11 to 14 of the Panel's Findings and refer Members of the States to them. In this respect we note that, whilst the complaints which gave rise to the Panel's Findings were made against Deputy Flouquet on various grounds, and not specifically in his capacity as Deputy Chief Minister, the Panel - whilst not adjudicating on Deputy Flouquet's continuation in office as Deputy Chief Minister (*see paragraph 16 of the Panel's findings*) - saw fit to state in paragraph 13:

"Whatever the precise circumstances in which the words may have been uttered, what matters is that they were uttered by the Deputy Chief Minister, and the public were going to be informed of them".

and in paragraph 17:

"Whilst Deputy Flouquet may have made the Presentation as Minister for the Public Services Department, we reiterate our central concern that it

was also as Deputy Chief Minister that he uttered the offending remarks". (By which we take the Panel to mean whilst holding office as Deputy Chief Minister).

8. Whilst we note that Deputy Flouquet has, on at least two occasions, tendered his apologies for behaving as he did, we are mindful of the precepts of accountability and leadership quoted above in paragraph 5 and are of the opinion that Deputy Flouquet, not just as a Member of the States of Deliberation but more specifically in his capacity as Deputy Chief Minister, should be held accountable for his conduct by the States of Deliberation, and therefore required by the States of Deliberation as the result of their having no confidence in him as Deputy Chief Minister, to resign his office, he having failed to show the judgement and integrity, and by leadership and example the conduct, expected from the person holding office as Deputy Chief Minister.

Motion

THESE PREMISES CONSIDERED we recommend that the States of Deliberation should approve the following motion of no confidence and so propose:

That pursuant to Rule 19 of the Rules of Procedure, the States of Deliberation have no confidence in Deputy Flouquet in the office of Deputy Chief Minister.

SIGNED at Guernsey, this 9th day of January, 2009

L R Gallienne
 T J Stephens
 A R Le Lievre
 J Kuttelwascher
 B L Brehaut
 S J McManus
 D de G De Lisle

The States are asked to decide:-

Whether, after consideration of the Motion of No Confidence in the Deputy Chief Minister dated 9th January, 2009, signed by Deputy L R Gallienne and six other Members of the States, they are of the opinion:-

That pursuant to Rule 19 of the Rules of Procedure, the States of Deliberation have no confidence in Deputy Flouquet in the office of Deputy Chief Minister.

(NB Paragraph (5) of Rule 19 of the Rules of Procedure of the States of Deliberation provides:

(5) Where a motion of no confidence in the ... Deputy Chief Minister is approved by the States he shall thereupon be deemed to have tendered his resignation from that office and that resignation shall be deemed to have been accepted by the States. The provisions of Rule 20 in respect of the election of ... a Deputy Chief Minister to complete the unexpired proportion of the term of office of the previous ... Deputy Chief Minister shall be implemented accordingly.)

**IN THE STATES OF THE ISLAND OF GUERNSEY ON
THE 28th DAY OF JANUARY, 2009**

**The States resolved as follows concerning Billet d'État No V
dated 13th January 2009**

**MOTION OF NO CONFIDENCE IN
THE DEPUTY CHIEF MINISTER**

After consideration of the Motion of No Confidence in the Deputy Chief Minister dated 9th January, 2009, signed by Deputy L R Gallienne and six other Members of the States: -

TO NEGATIVE THE PROPOSITION that pursuant to Rule 19 of the Rules of Procedure, the States of Deliberation have no confidence in Deputy Flouquet in the office of Deputy Chief Minister.

**K H TOUGH
HER MAJESTY'S GREFFIER**