

**To: The Economic and International Affairs Scrutiny Panel**

**States of Jersey**

**28<sup>th</sup> July 2025**

**Subject: Maritime Safety, Alcohol Policy, and Governance Failures — A Call for Reform**

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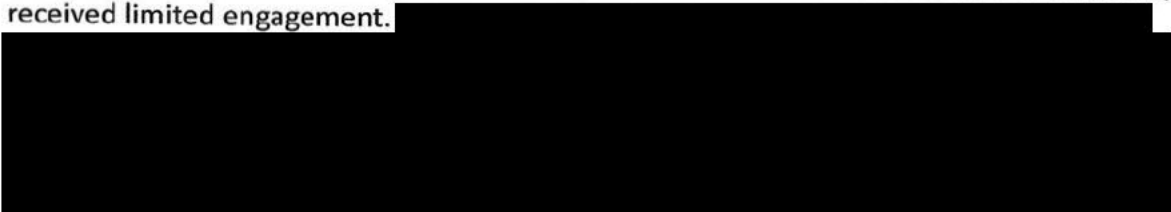
Dear Chair and Members of the Panel,

As former Chairman of the Jersey Lifeboat Association (JLA), I wish to formally highlight critical failings in maritime governance and safety standards within Jersey, particularly those pertaining to alcohol policy, institutional conflict of interest, and regulatory enforcement. These failures have had tangible consequences, including loss of life and erosion of public confidence.

### **1. Alcohol Policy and Misconduct**

The absence of a clear alcohol testing policy within Ports of Jersey was highlighted during a JLA incident where false allegations were made—and leaked to the press—that our coxswain had refused a breath test. In truth he did not refuse a breath test. Ports of Jersey did not possess a breathalyser, and it was indicated the police may not attend, which gave the impression of a poorly run and unprofessional organisation. This chaotic handling left a stain on operational professionalism and public trust. Details appear in the attached letter to the Chief of Police.

Despite lodging formal complaints to both the Chief of Police and the Council of Ministers, I received limited engagement.



### **2. Governance Conflict and Institutional Failures**

The dual role of the Harbourmaster—tasked with governmental duties while employed by a commercial entity—creates an inherent conflict of interest. This was validated when the Jersey Complaints Board upheld my complaint against Ports of Jersey. The Chief Minister's public apology acknowledged procedural failures, including the disproportionate suspension of JLA operations. Ports of Jersey did not apologise, they just threatened to sue the Complaints Board, which sums up an entity that, by law, has to operate in the best interests of islanders.

Structural flaws remain: Ports of Jersey continues to perform both commercial and regulatory functions, an arrangement incompatible with transparency and impartial public service.

### **3. Legislative Gaps and Enforcement Ambiguity**

The revised Harbours (Inshore Safety) (Jersey) Regulations lack clarity on enforcement and breath testing. A Memorandum of Understanding between the Harbourmaster and the States of Jersey Police remains unsigned, and questions persist over jurisdiction and responsibility. This legal ambiguity fails those bereaved by maritime alcohol-related incidents and impedes future prevention efforts.

### **4. Expanded Recommendations**

To restore public trust and improve maritime safety, I respectfully urge the Scrutiny Panel to pursue the following reforms:

#### **Governance and Oversight**

- Establish an Independent Maritime Safety Regulator to separate commercial operations from public safety responsibilities.
- Introduce mandatory conflict of interest declarations for senior officials in hybrid roles.
- Hold annual public accountability hearings with Ports of Jersey and relevant authorities to monitor policy compliance and transparency.

#### **Alcohol and Drug Policy Reform**

- Enforce a zero-tolerance policy for alcohol and drug use among duty-bound maritime personnel.
- Require vessels and authorities to maintain calibrated breathalysers and employ them post-incident.
- Implement routine and random testing protocols, supported by clear sanctions for non-compliance.
- Provide training on substance impairment to help staff identify and respond to risks.

#### **Incident Response and Investigation**

- Mandate standardised testing procedures following any maritime accident.
- Convene independent investigation panels for incidents involving fatalities or serious misconduct.
- Establish a whistleblower protection framework for reporting safety breaches.

#### **Legislative and Policy Enhancements**

- Conduct a full review of maritime safety legislation, including clarity on enforcement responsibilities.
- Finalise and publish the MoU between the Harbourmaster and the Police.
- Benchmark local policy against international codes and standards, including Port Marine Safety Code guidance.

### **Cultural and Educational Initiatives**

- Launch public awareness campaigns to reframe alcohol consumption norms in maritime leisure.
- Require Ports of Jersey to conduct safety culture audits and report publicly.
- Provide support and rehabilitation services for maritime personnel with alcohol-related dependencies.

### **Conclusion**

These reforms are not merely technical or administrative. They reflect a fundamental shift toward safety, integrity, and justice in our maritime environment. Lives have been lost. Accountability has faltered. The status quo is no longer tenable.

The proposed legislation does little raise the standards and implement professional, fair, and ethical processes. It does not deal with important issues and is not fit for purpose.

I trust the Scrutiny Panel will, unlike the Council of Ministers, Ports of Jersey, and the Chief of Police, will take these matters forward with urgency and resolve.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ben Shenton', with a stylized flourish at the end.

Ben Shenton

**Former Chairman, Jersey Lifeboat Association**

