



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Tuesday, 8th December 2015

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Present:

Sir Richard J. Collas, Kt, Bailiff and Presiding Officer

Law Officers

H. E. Roberts Esq., Q.C. (H.M. Procureur)

People's Deputies

St Peter Port South

Deputies P. A. Harwood, J. Kuttelwascher, B. L. Brehaut,
R. Domaille, A. H. Langlois, R. A. Jones

St Peter Port North

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,
R. Conder, E. G. Bebb

St Sampson

Deputies G. A. St Pier, C. N. K. Parkinson, P. L. Gillson,
P. R. Le Pelley, S. J. Ogier,

The Vale

Deputies M. J. Fallaize, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, A. Spruce, G. M. Collins

The Castel

Deputies D. J. Duquemin, C. J. Green, M. H. Dorey,
B. J. E. Paint, J. P. Le Tocq, S. A. James, M. B. E., A. H. Adam

The West

Deputies R. A. Perrot, A. H. Brouard, A. M. Wilkie,
D. de G. De Lisle, Y. Burford, D. A. Inglis

The South-East

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

A. J. Nicolle, Esq. (H.M. Deputy Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller); Deputy L. C. Queripel (*relevé à 0933*);
Deputy L. S. Trott (*relevé à 0936*); Deputy D. B. Jones (*indisposé*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Tuesday 8th December 2015 at 9.30 a.m. to consider the items contained in Billets d'État XXIII, XXIV and XXV, which have been submitted for debate.

Welcome to Deputy Parkinson

The Bailiff: Members of the States of Deliberation, good morning to you, and on your behalf, I welcome back Deputy Parkinson to this Assembly.

10 **Several Members:** Hear, hear. (*Applause*)
Deputy Lester Queripel, you wish to be *relevé*?

Deputy Lester Queripel: Please, sir.

15 **The Bailiff:** Thank you.
We move on swiftly to Statements, and there is to be one Statement delivered by the Chief Minister, Deputy Le Tocq.

Cyber security – Statement by the Chief Minister

The Chief Minister (Deputy Le Tocq): Thank you, Mr Bailiff. Thank you for the opportunity to update the States of Deliberation on an important development.

20 Next week the Policy Council will publish its first comprehensive cyber security review, which looks at security in terms of Government, particularly e-government, for individuals in our community and for businesses in the Island.

25 Guernsey is part of a global economy and a highly connected world. Having a clear understanding of the threats, challenges, risks and opportunities that we face provides us with the evidence needed to deliver two of the key requirements of Government: to ensure the safety and security of our community and to build our economy.

30 Stability and security are the cornerstones of our quality of life and our economic competitiveness. One of the unique qualities of Guernsey is that our community experiences a very low level of crime and that we go about our day to day lives without the concerns of those in many other jurisdictions. However, the computers and digital infrastructure that we rely on as a Government, as individuals and as businesses also mean that we are potentially connected to many who, regrettably, would do us harm. The review will enable us to fully understand the threat that potentially exists. This means that we can further develop our comprehensive and flexible approach to deal with those threats. Whether it is law enforcement, trading standards, 35 Government or telecommunications and IT firms, we will continue to work together to reduce the cyber risk, so that we are as safe as possible on line. We will do that to protect the safety and security that are part of our everyday lives. As our e-government work moves forward this will ensure that the e-government services that we are putting in place in Guernsey are safe and secure and that our community's details and data are safe.

40 Guernsey prides itself on being a trusted jurisdiction and must ensure that we remain so in the interconnected digital world. While taking these risks seriously through forums such as the Joint Business and Government Fintech and Digital Oversight Group, we can also use the cyber review to turn those threats into opportunities. This, in turn, will enhance our offering to the existing finance sector and the developing sectors that can differentiate us and provide another reason for why Guernsey is a great place to do business. Guernsey is internationally renowned as a trusted 45 jurisdiction. This cyber review will enable us to strengthen that trust for the benefit of all in our community.

50 **The Bailiff:** Are there any questions? Deputy Bebb and then – Deputy Trott, you wish to be *relevé*?

Deputy Trott: Thank you, sir.

55 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Monsieur le Bailli, could I ask whether the review would actually include consideration of the so-called 'Wilson doctrine', where elected representatives are not subject to their digital information being shared?

60 **The Chief Minister:** I cannot give assurance for that, but I will certainly find out and report back.

The Bailiff: I see no further questions.

I have had a request for Members to remove jackets if they wish, and I grant the request.

65 We move on swiftly to legislation, Greffier.

Billet d'État XXIII

ORDINANCES

I. The Income Tax (Zero 10) (Company Higher Rate) (Amendment) (Guernsey) Ordinance, 2015 – Approved

Article I.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Income Tax (Zero 10) (Company Higher Rate) (Amendment) (Guernsey) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Billet XXIII – Article I – The Income Tax (Zero 10) (Company Higher Rate) (Amendment) (Guernsey) Ordinance, 2015.

70 **The Bailiff:** Is there any request for clarification or debate? Yes, Deputy St Pier.

Deputy St Pier: Sir, I think it is worth just briefly explaining the context of this particular piece of legislation.

75 Members will note that it is the (Zero 10) (Company *Higher Rate*) (Amendment). Of course, in 2008 with the introduction of Zero 10, we have three rates of taxation for companies: the general rate at zero; the intermediate rate at 10%, which of course in 2008 applied to the profits from banking businesses; and the higher rate of 20%, which applied to regulated utilities and income from property.

80 This States, of course, has extended the intermediate rate on three occasions: on 1st January 2013 to fiduciaries and general insurance, on 1st January 2015 to fund administration businesses, and on 1st January 2016 to the bank custody businesses. This is the first change to the higher rate, extending it to hydrocarbon importers and large retailers.

85 Members may note that the amendments to the intermediate rate, dealing with bank custody business, is not before them. That legislation has been drafted but, as was indicated at the time of the Budget debate, it was subject to consultation. That legislation has now been settled and will return to the Assembly shortly.

90 Members may also be interested to know that the net impact of these changes – we are expecting around £23½ million of income tax from banks next year and £36 million of income tax from the other corporate rates, which is round about £15 million more than before the three sets of changes which these States have approved.

Thank you, sir.

The Bailiff: Is there any debate? No. In that case we vote on The Income Tax (Zero 10) (Company Higher Rate) (Amendment) (Guernsey) Ordinance, 2015. Those in favour; those against.

Members voted Pour.

95 **The Bailiff:** I declare it carried.

**II. The Income Tax (Tax Relief on Interest Payments) (Guernsey)
(Amendment) Ordinance, 2015 –
Approved**

Article II.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Income Tax (Tax Relief on Interest Payments) (Guernsey) (Amendment) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article II – The Income Tax (Tax Relief on Interest Payments) (Guernsey) (Amendment) Ordinance, 2015.

100 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, this brief piece of legislation merely enacts decisions which the States have made in the Personal Tax, Pensions and Benefits Review for the withdrawal of mortgage interest relief by 2025.

105 **The Bailiff:** Any further debate? Deputy Bebb.

Deputy Bebb: I would just like to make a declaration that I have a mortgage that will be affected by this measure.

110 **The Bailiff:** No further debate? We vote then on The Income Tax (Tax Relief on Interest Payments) (Guernsey) (Amendment) Ordinance, 2015. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

**III. The Income Tax (Guernsey) (Amendment) Ordinance, 2015 –
Deferred to later in the sitting**

Article III.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Income Tax (Guernsey) (Amendment) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article III – The Income Tax (Guernsey) (Amendment) Ordinance, 2015.

115 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, can I suggest that we defer this legislation until after the item which appears later in the Agenda, sir?

120 **The Bailiff:** Which item?

Deputy St Pier: Sorry, the Procureur will remind me.

The Procureur: I think it is Article XIV of Billet XX. It is one of the carried-over items.

125

The Bailiff: Article XIV – Miscellaneous Amendments to Income Tax Legislation?

The Procureur: Yes, it is one of the carried-over items. It needs to be subject to technical amendments and then this Ordinance needs to be subject to further technical amendments if the States approve the changes to the Article, so it is best to defer it.

130

The Bailiff: Best to defer it, yes. We will do that then.

IV. The Elections Ordinance, 2015 – Approved

Article IV.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Elections Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article IV – The Elections Ordinance, 2015.

135

The Bailiff: Is there any debate? No. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

V. The Sunday Trading (Repeal) Ordinance, 2015 – Debate commenced

Article V.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Sunday Trading (Repeal) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article V – The Sunday Trading (Repeal) Ordinance, 2015.

Several Members: Pour! *(Laughter)*

140

The Bailiff: Deputy Stewart, do you wish to open the debate before we move to the amendment, or shall we go straight to the amendment?

Deputy Stewart: I think, sir, we will go straight to the amendment for now.

145

The Bailiff: In that case, Members, there has been circulated an amendment proposed by Deputy Brouard, seconded by Deputy Dorey.
Deputy Brouard.

'Amendment

For all of the text after "Whether they are of the opinion" to substitute:

- "1. Not to approve the draft Ordinance entitled "The Sunday Trading (Repeal) Ordinance, 2015".*
2. To rescind their Resolution of 1st October, 2015 concerning Article XVI of Billet d'État No XVI dated 21st August 2015.
3. To approve the revision of the Sunday Trading Ordinance, 2002 as set out in paragraph 10.9 of the Policy Letter dated 2nd July, 2015, of the Commerce and Employment Department, and published at Article XVI of that Billet d'État.
4. To direct the preparation of such legislation as may be necessary to give effect to the above decision.".'

Deputy Brouard: Thank you, sir.

150 Mr Bailiff, not the most glamorous of issues or the most pressing, but it is important to many and a real test as to what we really mean when we say Guernsey is different and special. How is our States going to help preserve our quaint ways? The amendment, if passed, continues as we are now with the existing restrictions on Sunday, it deals with the anomalies and it brings back the C&E's option 2.

155 We do extol strange values. When we play sport we go to the wire to get a win. We argue with the EU or the UK government over and over again to make our point or to get a decision overturned. We do not, as an Island, roll over at the first set back. Yet, strange, some have said we should accept the last debate – a debate, in fact, which was cut short. Our electorate want good rigour on such a change and I hope that by a healthy debate today we will give them that, whatever the outcome.

160 It was not that long ago we supported the March 2013 Billet, Policy Council Strategic Plan 2013-17. I am not going to read it all but just focus on the high level, and I would ask you reflect on these words and how deregulating Sunday trading takes us further down these aims:

'The government of Guernsey aims to protect and improve:

- The quality of life of Islanders
- The Island's economic future
- The Island's environment, unique cultural identity and rich heritage'

165 How many times do we hear Deputies extolling the virtues of Guernsey: 'Ah, but we do not have to follow the UK' – or other countries are available – and here we are looking to be open all hours, chasing that last sous, but why, and what will it really cost?

170 I hope that since the last guillotined debate we have reflected on what our electorate are telling us. It may have hardened opinions and it may have softened others. Give us a chance to put option 2 out. Is it a miracle cure to all ills? No. Will it fix every anomaly? No. Will there be threads to pick at during this debate? Probably. From listening to my colleagues the other month, some clearly had clearly not picked up on what option 2 can do, and that is probably my fault for not putting out a minority report, which would have at least given me the chance to put out our stall, but I will do my best to tease out the benefits and opportunities option 2 offers us and our community.

175 I was happyish to have the status quo, but even I realise we need to modernise. What was appropriate 15 years ago is not necessarily fitting into today's world. With changes many could not have foreseen, garden centres are a different animal to the plant nurseries of my youth, cruise ships were a rare sight back then, so just as life has changed we need laws to reflect that. It does not mean we have to throw our aims I referred to earlier out of the shop door; it means we have to adapt but keep our principles.

180 There are two arguments I want to make. One is against total deregulation and the other is to highlight the beauty of the second choice, which is to continue with regulation on Sundays but modernise to reflect the changes that society and the Island has experienced, and also to make some practical changes that just make plain sense.

185 Your choice today is effectively one of three – apart from missing the vote, that is. Like paid
parking, if you are standing again, please put a line in your manifesto on how you voted today.
Although to some this is not an important issue, I have been round long enough to know that it is.
Your choices are: dismiss the legislation, in which case the status quo remains; vote for complete
190 deregulation, as proposed in the Ordinance we have; or accept this amendment, which brings the
Commerce & Employment’s option 2 to life. To the purist, nothing can beat a blank canvas of
total deregulation, but that canvas is not so blank. You want to hang on to staff Sunday
protection, which of course is a good thing but a blank canvas it is not. Option 2, with
improvements to the current system and modernisation, will never be as pure or as crisp as total
deregulation, but it is the perfect choice for Guernsey. It is that Guernsey compromise which
195 delivers most of the benefits with minimal cost, both financially and – in this case, more
importantly – socially.

The survey that was undertaken by Commerce & Employment, not taking anything away from
those who expressed their views – some strong characters on both sides would put pen to paper,
but just as my Minister is quick to point out with surveys, this was not a balanced accredited
200 survey with set numbers of our varied social economic groups, balanced for age, gender, and
whatever else needs to be taken into account; it was an opportunity, if you wanted, to send in
your view. I think there would be a propensity to bring out those who prefer total deregulation as
opposed to those who preferred the status quo, who would not be so fired up by the proposed
changes – until, of course, the last minute, when we have had quite a few canvassing to keep
205 Guernsey special.

I would ask each of you just to reflect on the canvassing you have received. What it means to
each of you will depend on where you were. It may reinforce your reposition or cause you to
question. That is not a bad thing. This amendment may well fail today, but I think it is going to be
close. We can only use the force of argument and ask that you kindly listen to the debate.

210 There are problems with total deregulation, or rather consequences of total deregulation. Why
should we have deregulation? The obvious reason is it gives us freedom to shop. But it is an
indenture for others who will have to serve. Those of us who have worked in retail, and it sounds
more like five words – you do not have to work on Sundays, but how long before it is the norm?
Your team mate letting the side down: ‘Why won’t you cover me this Sunday? We have a birthday
215 party.’ Freedom for some at the price of others. It is not only for workers; it is shop managers and
owners, delivery companies and all those others who will be forced by the domino effect. If your
competition opens you will feel obliged to follow suit, just to make sure you do not miss out.

One of the plusses is by opening Sunday you will hold down the global expansion of internet
shopping. If you believe that, I have a harder job than I thought I had. Internet shopping gives us
220 a range of purchase opportunities you just could not have imagined 10 years ago. Just one site I
visited on the weekend: there are 277 listings to buy an Australian boomerang. If I was in the
market for a boomerang, with the best will in the world our high street will struggle to give me
that choice, but by the same token it gives us the opportunity to sell all sorts of art products,
greeting cards, Guernsey jumpers and jewellery worldwide. From some basic research, purchased-
225 on-the-internet shopping is spread over the week. Monday is the busiest day I think. One third of
sales are on mobile. It is a popular time to shop between 12 and two, and so is the evening. So
why not allow early evening or late-night shopping as a challenge to the internet? Oh yes, two
things: you can open now 24/6 anyway and catch all the workers leaving the office; and secondly,
the internet is here, we need to embrace it and encourage our retailers to exploit the
230 opportunities in the virtual world, and offer in the physical world shops that offer that personal
service, that great shopping experience, the ability to touch the goods, something that you cannot
yet do on the internet. Opening more shops on Sunday on the promise to gain a mark over the
internet is a race to come second. Shops can open now 24/6. Have we not already got enough
time to shop? It is just asking one day to be a bit quieter, an opportunity for the family.

235 One of the big plusses is the extra commerce that will follow from deregulation, but some of
the shopkeepers feel all we will do is spread six days shopping over seven for no discernible gain.

I think the John Lewis MD has spoken in the UK about trading for extra hours in their debate, saying consumers do not have any more money. So who will be the winners and who will be the losers? The small retailers who can open now will lose trade to the larger offerings. What will it do for costs? Well, it will increase costs. So what happens with increased costs? They are either absorbed, which is less profit, or they are passed on to the consumers with higher prices and be less competitive, and the irony is the danger that it makes the internet look more attractive.

Extra jobs, great! But is it? We have a limited labour market. We are trying to upskill our workforce to undertake high-value, low-footprint jobs, but will increased retail Sunday trade really give us extra high-value jobs, or will it encourage more outside labour to help us open on Sunday? On the *Sunday Phone In* there was a comment, I think this week, which said some people want to do overtime, and I get that – it is now an extra something special if you do that extra overtime. That day on Sunday is a premium day to work, but that will soon pass. As Sunday becomes the norm to work there will be no premium – you will work six or five days and be allocated a day or two off somewhere else during the week. We have protection laws so no one can be forced to work on Sunday, but as I mentioned earlier, the peer pressure from your colleagues, and if you want to get on in an organisation... I have been in one of those organisations: you need to touch your fore cap and carry on, sir. When you join the Tuesday badminton club there is an expectation that it plays on Tuesday, not Wednesday.

Whether it is people or businesses that come to our shores, they come because it is a good place to do business, a good place to live, a good place to bring up families, a good place for social life, good sporting facilities. One thing for sure: they do not come in anticipation of deregulated Sunday trading. In fact, the *complete opposite*.

So what will we lose with deregulation? Well, the corner shop will be under further competition if the larger supermarkets open, so all those extra-long car journeys to a central supermarket rather than the walk to the local shop. I predict we will lose some local shops with the loss of convenience. I walked across England coast to coast last summer, and along the way the villages are devoid of shops. You are lucky if you can find a garage that has a Spar grocer attached. People shop in the bulk at hypermarkets, well out of the villages. We do not know how fortunate we have it here. We still have a tapestry of corner shops and garages. Do not make it harder for them. We are in a busy world. We, as legislators, make rules to help our society: we compel attendance to schooling; we set rules of how we interact with each other; we do those things that individuals cannot do on their own – we provide a hospital, as individuals cannot. We, as legislators, have and are well within our bounds to reflect our society to say, on your behalf and with your support, we as a society want to have one day a week where the pressure is less. It is an argument we may well hear today of those who work on Sunday, and of course we are grateful to the blue light services, the Airport, hospitals, care homes – I could go on – but I do not get the argument that, because they do, I should add further to those who work on Sunday.

What will we lose? Not on day one, but over time there will be less chance to have sport on Sunday, less chance of family time on Sunday, less chance of quiet reflection on Sunday. Just taking sport, we try and encourage sport, and the availability of players is important. If a couple of the team, instead of being on the pitch, are on checkout number six it is not so helpful to the team. We would all agree traffic is less on Sunday, the Island is quieter. That is a good thing, and for those living next to shops and businesses which are at present closed, that may well be the one day when they can use their garden in peace or, as one Town resident said, open my windows because of the noise and the fumes. Some of my colleagues will touch on these issues a little more, and my thanks to Deputy Dorey for seconding this amendment – he will go a little bit further on some of the traffic.

We have a magical Island. People are drawn here because of its quaintness. I do not believe the gains of Sunday deregulation, which I struggle to find, weigh strong against what the Island will lose. One person's right to shop is another's quasi servitude.

I would just like to add my welcome to Deputy Parkinson. It was reported in the media, Deputy Parkinson, that you are not in favour of overturning –

The Bailiff: Through the Chair.

290

Deputy Brouard: Through the Chair, sir. Mr Bailiff, Mr Parkinson, I understand through the media, is not in favour of overturning a vote that the States have democratically made, and to some extent I have sympathy for that, but I put more weight on making the right decision rather than how we got here. But in your ... in Deputy Parkinson's manifesto your major point is to come to the States to reform our corporate tax system, a decision not only voted on but in play, so I ask you to offer the same consistency and consider option 2.

295

What option 2 does is it gives ground where it has been taken (*Interjection and laughter*) Mr Bailiff, I was just trying to draw his feet closer to the fire, sir. What Option 2 does is it gives ground where ground is already taken; it gives new ground where it needs to, to reflect the changes to garden centres and cruise-ship passengers; and it also gives greater clarity and simplicity in administration. It also deals with Deputy Fallaize's hamster problem. (*Laughter*)

300

Deputy Fallaize: Point of order. For Deputy Parkinson's benefit, he might want to explain that a bit further.

305

Deputy Brouard: I thank the Deputy for the opportunity, but it will become clear in a moment. (*Laughter*)

The main thrust of option 2 – and I am just going to canter through, fairly quickly. The main bullet points are out in the explanatory note to the amendment, but what it does do – and I think it is worth making this point because I do not think it was picked up completely – is it deals with the plant and garden centres to enable businesses holding such a licence to be able to sell their full product range on a Sunday without having to rope off some goods. I think that picks up ... I think it was Deputy James mentioned that last time. So, yes, there will not be any roped-off goods at the garden centres; it allows them to open their full range.

310

It facilitates a greater range of shops within the Town area to be open on designated cruise-liner days without the need of a licence – open on Sunday without the need for a licence. The category will also be extended to enable shops within the Town area to open on those Sundays when the St Peter Port Quay and North Esplanade are closed which are colloquially called Sea Front Sundays. Open then, do not need a licence.

315

It introduces a new category for pet shops, and that is mainly in response to the competition from garden centres, because garden centres are open and they are selling pets. That means that Deputy Fallaize can then also buy the book as well as the pet on a Sunday.

320

There is also a new category for exhibitions, including events, whereby the whole exhibition hall can be licensed with one fee rather than individual stallholders having to pay a fee. It also means that certain establishments can be designated as an events hall and be rated as such.

325

It also means that fuel outlets or garages will be permitted to sell a far wider range of goods than they can do now.

It removes the need of those holding a charitable event to require a licence.

It also means that the administration will be done by Commerce & Employment rather than through the Douzaines. There will be a more streamlined application process online. The 12-month validity process may not end up ending in December, it might be a rolling programme, and the inspection of premises will be done at the inspector's choosing, not at a set time, and there will also be an introduction of self-declared statements. It will also give greater clarity to some of the terminology used in it.

330

So what it actually does is it takes all the good things we have got now about Sunday trading and it brings it to the modern world with a bit more flexibility, but it enables our shopkeepers, where the real extra business is, which is on those cruise-ship Sundays ... it enables the Town to open. That is where the extra business is. There is no extra business by spreading the trading from six days to seven.

335

340 Not all the world has total deregulation. In the UK, larger stores are restricted to opening six hours and government has been roundly advised not to further deregulate there. France and others all across Europe have restrictions, as they value a quieter Sunday and a chance for families.

I do want to thank Deputies Stewart, Collins and Trott for allowing myself and Deputy De Lisle, whose fingers are all over this, to come up with option 2. It gave us access to the staff and the Law
345 Officers over the month so we could put together a professional alternative, so I do thank them for that.

Just a few reflections before I wind up, sir. I do not know if you saw *The Press* the other week. (Laughter) I know some societies put a great store in the knowledge of elders. Well, Mrs Berry, at 106, was very angry about the idea of deregulating on Sundays. This morning I have been
350 privileged to receive the petition from the Guernsey Trades not to deregulate. The petition is here. This has only just started, just this week. I do not know if everybody can see here, but there is tremendous amount of signatures there. These are not signatures from somebody in Outer Mongolia; these are signatures from our electorate, from our Town, from our commerce. There are representatives here of at least 69 traders. That is actual companies and businesses trading in our
355 Town who do not want complete total deregulation. There are signatures on here of at least 490 shop workers who do not want complete deregulation, and there are still more petitions to come in. Sir, I would guess there will probably be about 500 to 600 shop workers – *our* shop workers – who do not want to have complete deregulation. Now, listen to these people or not, these are our traders, and some companies, especially those from UK backgrounds or Jersey backgrounds,
360 would not allow their staff to complete. If I may, through you, sir – Deputy Fallaize is suggesting that I circulate this. I will do. As soon as I sit down I will pass this round. You can have a look at some of the names; you are very welcome to. That is a tremendous amount of effort. These are our traders, this is our Town – they are saying their voices are not heard. This is my chance to show to you ... This is their voice: they are saying they do not want it. These are the traders who
365 you think are going to benefit from total deregulation. They are saying they do not want it. Their names are here, they have signed it, so *please* take note of what our traders say.

I hope we will demonstrate in this debate that deregulation is so much more than about a few shops open. It will not be a few. The domino effect will cause reluctant joiners to the Sunday traders. But one of the big questions is: why go for total deregulation? What do we really gain?
370 With the option being proposed, the extra trade which we appreciate, from cruise ships and the change to garden centres, does the job. There is no need to push this envelope. Let's not dance around other people's timetables or their individual wants. We have a responsibility for the whole Island and we must do what is best for our society.

Deputy Hadley, in last month's debate, said do not allow people from England to say how we should run the Island. Absolutely. I could not agree with him more. (Laughter) We must set our
375 values of how we want to live. This is the whole point of regulations. We do not live as individuals; we live interconnected lives as a community. That is why it is incumbent upon us to look at the collective good, balancing the freedoms against the impact on society it has on the whole.

That brings me on to the values of Education. I just want to touch on Education. I want to
380 reinforce one of the four main points in Education's vision. They issued a brochure called 'Today's Leaners, Tomorrow's World', and one of the four of our core values, because we supported Education in their core values, was this:

'Provide and encourage participation in a wide range of experiences, such as sport, music, arts, activity and volunteering programmes, where mutual respect and collaboration is fostered both in and out of school.'

My question to the Education team is this: how does total deregulation support that aim? Surely children's time with families is better, even if it is a few hours. How does having the football
385 coach working at the DIY store help the Sunday morning football practice? If mum is at the shop, who is going to help the kids with the school play, or maths, or homework? The whole of Education voted in favour of deregulation. Please reconsider. There is nothing for the kids in this.

390 This brings me on to the weekend jobs for students. At present there is a premium for working
a Sunday, but that will go over time and businesses and staff will staff up for seven days a week. If
there are extra jobs for students that are not covered by guest workers or Islanders covering
395 Sunday, there are plenty of options to work on Saturday. I want children to also be children and
get involved in the activities and have family time. It is important time to do their study. So I am
struggling why Education en bloc do not see the value of Sundays, and I beg you to please listen
to the debate and consider the cost of support we put in and shall be putting in. We are
supporting families; we have got the Domestic Abuse Strategy later. What does extra Sunday
trading do for them? What does it do for us as a society? What does it do for education?

400 There is no imperative, no one will be harmed, Christmas will still come, Monday will follow
Sunday. We will cope without Sunday trading or extra Sunday trading this year, as we will next
year. That is why Deputy Dorey and myself put out our amendment some six weeks ago, so
industry know full well the vote may change. This whole debate is far bigger than two Sundays
before Christmas this year. Please keep that perspective.

405 The legislation to bring about deregulation is fairly simple. It has come much sooner than
normal after a States' debate, but I have no problem reflecting since we looked at the policy. In
effect, it is our Second Reading.

410 Last month, one of my colleagues said we are getting rid of red tape as a reason for
deregulation. If that Member would reflect on the laws enacted over the last three and half years
and voted for by that Member, one person's red tape is another's legislation that we badly need:
legislation on finance, legislation on health. I think even last month Regulation of Health
Professionals Medical Practitioners (Guernsey & Alderney) Ordinance 2015 – for health absolutely
essential, but a bunch of red tape to some doctors and other people. So, please, when we are
considering red tape, part of what I am proposing in the amendment is that the red tape will be
simplified – central administration and streamlined process to get to applications.

415 Deregulation of Sunday trading is rather like emptying a tube of toothpaste: once it is out of
the tube it will be very hard to get back in. Compromise a bit and give option 2 a chance. I think it
can tread that fine line to gain the new commercial opportunities, but without spoiling Sundays.

Is this amendment as pure as complete deregulation? No. Is it perfect for Guernsey? Yes.

420 Just in the final second, sir, I would like to thank all those who have given their support – the
letters, the stories, the petition. Colleagues, I can ask no more of you than to listen to the debate
and reflect. Do not be too quick to let this piece of Guernsey go. We have a land that is the envy
of many – not because it is the same as their land; it is because it is different to their land. We still
have what they have lost.

Thank you, sir.

425 **The Bailiff:** Deputy Dorey do you formally second the amendment?

Deputy Dorey: Yes, sir, and I reserve my right to speak later. Thank you.

430 **The Bailiff:** Deputy Stewart, do you wish to exercise your right to speak at this point in the
debate?

Deputy Stewart: No, sir.

The Bailiff: No. Does anyone wish to speak? Deputy Paint.

435 **Deputy Paint:** Sir, I –

The Bailiff: Can you put your microphone on.

Deputy Paint: Sir, yesterday I was asked to visit a small retailer at Vazon who has had the business for 33 years and employs three people, including herself. As a small-business person, she is very much against Sunday trading laws being changed to the extent passed by this Assembly, because if it does change it will force her to open on Sundays to compete with other retailers. She will have to get rid of one of her long-term staff, who has worked with her for many years and is not prepared to work on a Sunday. The staff contracts she has are only for Monday to Saturday and she is not prepared to work because of other family commitments, which is understandable. She will of course have to employ somebody else, who is prepared to work on a Sunday.

Perhaps the Assembly would be prepared to work on Saturdays and Sundays for the next few weeks to clear the business we have. How many of you would like to do that?

In my view, completely deregulating Sunday trading is a massive and unacceptable change to our way of life and culture.

Thank you, sir.

The Bailiff: Deputy Domaille.

Deputy Domaille: Thank you, sir, I will be very brief.

I think a lot has been said already. I merely rise to say that I remember the fuss and noise that was made when people talked about selling petrol on Sundays and how it was going to destroy the fabric, and when people talked about not having to buy a meal to get a drink on Sunday and how that was going to cause chaos and disruption. I merely ask Deputy Brouard – and I thank him for his very full speech – does he accept the results of the survey, which shows the overwhelming majority of people in Guernsey actually want deregulation?

Thank you, sir.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Thank you, sir.

I think the current system that we have is a mess. I do not think there is anyone who would challenge that view.

I serve as a Parish Constable at the present time; I have been doing that in St Sampson's for the last five years. We have had problem after problem in trying to be absolutely certain that what someone has applied for and what they are going to be allowed to do actually complies with the law. The actual handbook, or the guidance, which is given to Parish Constables and Parish Douzeniers – the 'appropriate authority', I think they are called – goes on for many pages, many examples and many categories, and we have pulled our hair out at times trying to work out exactly what can and cannot be permitted and still comply with the law.

We have had problems with regard to mobile shops. At the present time, somebody who wants to have a mobile shop needs the permission of the Constable or the Douzaine in the parish in which they live, not in the parish in which they are intending to trade. So we have a situation where someone could come to me, under the current legislation, and ask St Sampson's Parish, because the person is a St Sampson's parishioner, for permission to have a mobile shop and to actually then go down to St Peter Port Harbour Front and start trading without any reference whatsoever to the Constables or the Douzaine of St Peter Port. That, for me, cannot possibly be right, but that is the current situation.

We have a problem with what actually is the interpretation of core goods. We have had problems about the interpretation of the location of a property. Is the property within an area which has been designated as an area of tourism or of attraction? Because that has a different bearing on what can and cannot be done. We have a problem of the core goods: does it actually fall within items that are allowed to be sold, or not; and if the items are within, is that the actual main product or the main item or the main line of goods that are on sale?

490 It is, or has been, something of a nightmare and that has not been helped by the fact that other parishes have interpreted the rules in different ways. We have, for example, one particular parish which has agreed to allow all sorts of things to happen in a garden centre. Other parishes have not seen the Law, or the interpretation of the Law, in the same way and have placed restrictions on others. It is not a level playing field.

495 We have also seen some strange things as a result of appeals panels, where in St Martin somebody appealed a decision and, although they had not actually applied for a different category, the appeals panel gave them the different category. That person then comes into a different parish and says the appeals panel decision for parish A must apply in parish B, so you are actually being told that a decision – which should have been challenged at the time because it was *ultra vires*, in my opinion – was allowed to go through and becomes the precedent. It is something of a mess which needs to be resolved.

500 In coming through to talk about total deregulation, I have a few problems with that, and that is mostly to do with unintended consequences. First of all, if this legislation goes through – not the amendment goes through, but the original legislation if the amendment falls – we are probably going to be the most deregulated territory in Western Europe, and is that somewhere that we want to be? It may be, but have we thought of all of the unintended consequences?

510 There is a worry in my mind that there will be a compulsion on workers to work. It may not be that that is in breach of the law because there are ways around the law. If, for example, you are working for somebody and they know that they cannot compel you to work, they can still put pressure on you. If you are not going to be working on a Sunday, you are one of those that has opted not to work on a Sunday, how can you be supervising Sunday work? How can you be therefore in line for a promotion to supervise your staff? One of the rules and regulations which says that if you are looking to do overtime that includes Sundays, can that be interpreted that if you are opting out of Sundays that you are opting out of all overtime, and could that not be some kind of pressure to force you to work on a Sunday? It may be within the law, the letter of the law, but is it within the spirit of the law? I think that would need to be looked at and addressed as well.

515 The other unintended consequence for me is what is going to happen to small independent traders. I have heard, in talking to the various people, mostly traders, that you have got seven days of trade, if this goes through, with only six days of money. If you have got, as you have at the present time, six days to actually spend your money ... It is a set amount of money. If you actually open for a seventh day, where is the extra money going to come from for the actual purchase of goods? To balance that, you have got to look at the seventh day of overheads as a small business. Electricity, heating, your staffing, all those things become an extra cost. Is that, in the long term, going to result in small independent traders being forced out of business? Because once they have gone they have gone. They are not going to be resurrected. Small businesses, perhaps employing one or two or three people, if they are forced out of business they will fold and they will not find themselves in a position to reopen and to get themselves up and going again. The bigger conglomerates will see that that does not happen. There is also a knock-on effect of people having to open in order to protect their market share.

525 All of those things I hope will be addressed when the proposer of this amendment responds to the debate.

530 Thank you, sir.

The Bailiff: Deputy Hadley, then Deputy Duquemin.

535 **Deputy Hadley:** Mr Bailiff, I am possibly the only person in the Assembly who actually has worked in the retail trade, opening seven days a week and indeed at one point also every bank holiday and Sunday and Christmas Day and Boxing Day. (*Interjections*) Oh right, I do beg your pardon.

540 I would also like to pick up on the point that Deputy Brouard made about the UK running the Island. I made this comment in another context, but of course we must not forget that if this

amendment is defeated we will not be the same as the UK, where there is some regulation on Sundays.

I would also like to pick up on Deputy Paint's point that if somebody does choose to make one of their staff redundant because they will not work on a Sunday, that is breaking the law. You are not allowed to do that.

Much has been said about costs – in fact, only a few minutes ago by Deputy Le Pelley – but in fact detailed research has been done by the UK Department of Trade & Industry, which showed that large shops reduce their costs by 2%.

There is a growth in part-time working, and people in work does expand the economy. There are people on this Island who would like to work on a Sunday. In the UK, allowing shops to open on a Sunday resulted in a 5% increase in single mothers working and an increase of 13% of lone parents working. Students also have an opportunity to increase the amount of work they do.

For the customer, there is a greater freedom to engage in activities that they wish. For the employee and the unemployed there are increased opportunities to work, which will save money dispersed by the Social Security Department.

Much has been made about poor employees being forced to work on a Sunday. Well, I never had to force anyone to work on a Sunday. Most retailers make sure that it is attractive to do so.

The arguments against Sunday trading are religious or we must not change Guernsey. Well, this Island is one of the richest countries in the world, around 8 or 10 in terms of GDP per capita, and it has achieved that by embracing change. The real change in culture would be to say we longer want to innovate or change.

The Institute of Fiscal Studies said:

'the increased efficiency of the retail sector will contribute to overall productivity growth and will tend to increase Britain's competitiveness and increase unemployment and or real incomes for everyone. Increased capacity, utilisation for retail stores would reduce energy and land use per unit of sales, since these inputs are required more or less independent of opening hours. Increased productivity and a reduced environmental impact therefore tend to go hand in hand.'

So, much that is said time and time again about the same number of sales across seven days and the inefficiency of this ... Well, actually, the research done in the UK does refute that. Although it might not sound sensible to you, that is the research that has been done. So I urge people to reject this amendment.

The Bailiff: Deputy Duquemin.

Deputy Duquemin: Thank you, Mr Bailiff.

Using the words of Deputy Domaille, I will try and be brief, but please do not misconstrue the attempted brevity as me not being passionate about this issue, because I certainly am.

Mr Bailiff, when I stood for election in March/April 2012, my manifesto included a letter to my parishioners, my neighbours in Castel, which said that my motivation for standing was that I wanted to leave a legacy, to leave our children and their children with the Guernsey that I had been brought up in and I have loved, and I really do mean that. I have two daughters and that is one of the main reasons why I stood for election and stand here, and this is one of the pivotal votes, really, in the four years about how I can live up to that manifesto pledge.

I am not ashamed of the emotional argument about keeping Sundays as they are, but I also think that it is time for a rational, reasoned argument, that is also logical, and I will use the same principles that Deputy Brouard mentioned in his speech, of referring to the States' Strategic Plan and the three main pivotal aims that we all agreed back in early 2013 as our guiding principles, and I will amplify and concentrate on those points.

So, going through them all briefly in reverse order, Deputy Brouard has already mentioned culture, heritage and our way of life. When I first became a member of Culture & Leisure, the Museum Director was speaking to the board and he mentioned that there would be many decisions that politicians will make during their term in office and that, in a sense, the legacy, the

590 timeframe of those decisions will be only months, maybe years, but then the decision will be changed, but in terms of way of life and heritage these decisions will outlive the moment that they are made in. When we first debated, or most recently debated, Sunday trading, that was the same time that we were talking about the Leopardess, Leopardess II, and by the time Leopardess III, maybe Leopardess IV comes along the decision that we make today will still be resonating, whichever way it goes.

595 In terms of way of life this is not about Le Friquet, this is not about M&S at St Martin's and it is not about the odd silly anomaly that was mentioned by Deputy Brouard referring to Deputy Fallaize's hamster. This is potentially a *seismic change*. When we last debated it, Deputy Lester Queripel, in his speech that morning, absolutely nailed it (*Laughter*) – before perhaps he screwed it up, (*Laughter*) But he nailed it – and I mean this genuinely – because he said it was not about the odd garden centre and the odd small shop; this was about the Waitrose stores and this was about B&Q. The reality is that if we make the decision today the Rohais, Admiral Park ... Sunday will be just another day. The traffic, the amount of people shopping – it will be just another day. And it is a question of when, not if, Waitrose open. The Co-op will follow suit, the Alliance will follow suit, all the supermarkets would have to – they would feel compelled to serve their customers. There would be no freedom of choice. We have had some correspondence from Forest Stores, a fantastic local business, a fantastic local institution. A fellow dad at Castel School, Jason Hamon, is the butcher there. He would know that he would have to work, service customers on a Sunday, but has no desire to – but would out of service to his clients if the other stores were open.

600 Something has already been mentioned about a comparison between France and England. I would say this is not a question of religion, this is not communion, this is not holy bread and red wine amongst the congregation of faith. Sir, it is about a community with a crusty baguette and a bottle of Beaujolais amongst the concentration of family, and that is precious. Family time is precious and we must do all we can to keep it. We must not follow the herd; we can be proud to be different. That is why I think, in terms of the States' Strategic Plan, quality of life is important.

605 Moving on to the second guiding principle, the Island's economic future, when we debated this last time round I was at Raymond Falla House and grateful for the briefing from the Commerce & Employment politicians and officers, and what I was grateful equally for was that they were very honest and they said there is no compelling evidence – and this was repeated by Deputy Stewart, the Minister, in this Assembly – that there would be an economic benefit to having stores open on a Sunday, no compelling evidence that there would be an economic benefit. Interestingly, there has been no pressure from local retailers to open on a Sunday, and yes, as Deputy Hadley said, the simple maths may be refuted by some but it is six days' income diluted into seven with all the added expenditure. I did speak with one of Guernsey's retail stalwarts that goes back an awful long time and he was even able to explain to me how stores used to close on lunch times, they used to close on Thursday afternoons. There was a time before, late-night opening just before Christmas, and the reality is that when lunch times were open, when the Thursday afternoons ... shops remained open, when they opened for late-night opening before Christmas, the reality was it is always the same pounds that come in through the door, it is just that the hours on the door change.

625 As an aside to the C&E briefing, it was interesting how it was split into two sections, and the second half – it has already been touched on by a number of speakers – was employee protection, the regulations that would be in force if we deregulate, if Sunday becomes just another day. But the reality for me is we should not need that comfort. Sunday is either special or it is not, and for me there is a huge degree of irony there that we spent half the presentation, way back when at Raymond Falla House, talking about protection, but if there was no need to protect it, if Sunday was not special, then we should not be concerned.

635 Also, Deputy Brouard touched on it before when he talked about having a responsibility, because it was very interesting at the Castel Douzaine meeting on Saturday morning when we spoke with the parish officials. One that resonated with me was when a Douzenier was talking about this and was saying it was lazy government, and that really did resonate with me because,

640 in a way, it is not perfect. The existing status quo is not perfect, it does need to be tidied up, it
 does need to be improved, it does need to evolve, but what we are doing here at the moment is
 we are saying we are just going to throw it all out and we are going to have total deregulation,
 and that for me, sir ... I agree with the Castel Douzenier: it is lazy Government. So, in terms of the
 economic future and the experiences from Commerce & Employment, I think that there are a
 645 large number of question marks there.

Which leads on to the final one, which is quality of life of Islanders. We have heard so much,
 and I am not going to repeat any of those questions, because I could on about it almost all
 morning, but the key question at the top of our States' Strategic Plan that we need to ask
 ourselves today is: are we improving the quality of life of Islanders? For me, there is a consensus
 650 that exists that Sunday is special and it does add to the quality of life, and my way of putting it
 across was to borrow that retail slogan of 'when it is gone, it is gone for ever,' but I also thank
 Deputy Brouard not only for bringing this amendment but also for his toothpaste analogy. So,
 putting the golden threads of the SSP back together, I sincerely hope today that we are not going
 to vote to change our way of life forever for no economic benefit, at the same time as damaging
 655 the quality of life of Islanders.

Sir, I only ever speak in this Assembly when I think that there is a chance of changing a vote. I
 am not one of the most prolific speakers in this Assembly and I do know that there are a number
 of Members here today that are on that proverbial fence, so I urge them to listen and think and
 perhaps have the courage to change their mind having listened to the evidence.

660 Sir, I started by talking about my daughters, but I would like to end with the words from ... My
 daughter is currently sitting in class 5B at Castel School and she will be sitting next to a boy called
 Declan Hamon, who is Jason Hamon's son, and he was pictured in *The Press* recently on the front
 page, but this, sir, is a letter that he wrote when he was aged seven, back on Friday, 9th November
 2012, and it reads:

'Dear Sir
 Sunday Trading
 I would like to say thank you to the States for deciding against Sunday trading. I will look forward to Sundays with my
 dad. Sunday is the only day my dad, mum, sister and me get to spend a day together. My dad is a popular butcher and
 deserves a day off.
 Thank you again
 Declan Jason Hamon, Age 7'

665 Declan Jason Hamon – he has taken his dad's middle name – age seven. The only thing wrong
 with the letter, sir, was he printed it on some Manchester United letterhead, (*Laughter*) but we will
 not hold that against him!

Sir, this is a decision ... we will not know the true effects of this decision if it goes one way in
 the next two weeks before Christmas, in the next two months, maybe even in the next two years,
 670 but I, like many, feel that this is a decision that has potential implications in the next 20 years, and
 I do urge Members to think very carefully before we vote through this legislation.

Thank you, sir.

The Bailiff: Deputy Brehaut, then Deputy Parkinson.

675 **Deputy Brehaut:** Thank you, sir.

I wish Members could have been at my house at the weekend: we had an absolute riot, I have
 to tell you. I went into the loft and dusted down my collection of Morris Minor miniatures, my wife
 sat in front of a roaring coal fire knitting guernseys, my daughter was crocheting in the corner and
 680 my son was playing with his Meccano. And do you know, at three o'clock we kicked the door
 down and went out and were morris dancing for about an hour. Then, unfortunately, about half
 three we all realised it was no longer 1955! (*Laughter*) It came as a bit of a shock because my wife
 realised she should have been at work about four hours ago and it suddenly dawned on us that in
 2015 people live fundamentally different lifestyles out of sheer necessity.

685 I would just ask Deputy Brouard, and perhaps Deputy Darren Duquemin after his last speech,
who do they think they are addressing when they talk about the quaint family, the family unit at
home on a Sunday like it has always been for generations, not the ...? We can dismiss the
generation that worked for a six-day week, can we, that worked from six in the morning until six in
690 the evening and worked Saturdays? As Deputy Domaille pointed out on the radio this morning, I
thought it was a point well made that quite simply work patterns change and it will mean that
people will work a Sunday. That is what it will mean. If you are working in an area, then you will be
rostered to work a Sunday. There is legislation in place if people clearly do not want to do that.

It is times like this, with votes like this, I often think of poor King Canute, who got such a hard
time, always misrepresented. He was there as a mere mortal to demonstrate to people that you
695 could not stop progress, you could not stop the tide of change, as much as you want to. There is a
demand out there in the community for deregulation for Sunday trading. I would say it is wave
and, like King Canute, I would get out of the way and let society run its course and stop tinkering
and interfering.

If there is one thing more than any other that brings this Assembly into disrepute or generates
700 negative comments on this Assembly 'as sure as a dog doth return to its vomit' – I think it is
Shakespearean – it is that States' Members return to a subject matter time and time again.

As Laurie Morgan once said, the former Chief Minister, procrastination is the art of keeping up
with yesterday. It is today, it is 2015, please do not support the proposals laid down by Deputy
Brouard today.

705 Thank you.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, I rise principally to refute the suggestion by Deputy Brouard that there
710 is some kind of comparison to be drawn between trying to reverse a policy after nine years and
trying to reverse it after nine weeks.

The States has an unenviable reputation for flip-flop policy making and has not a good
standing in the public eye at the present time. On the merits of this issue, it seems to me quite
clear that the majority of the public actually want Sunday trading. The majority of retailers do not
715 want it. But I suspect in an opinion poll across the whole Island there would be a substantial
majority in favour, and that guides my views on what we should be doing. Yes, we could enforce
an unpopular regime on the Island and continue to restrict shopping opportunities when the
public do not want those restrictions. Of course, they will simply shop online instead. I do not
think in the end that will do the retailers any good. I do not pretend for one minute that opening
720 shops on Sunday will expand the market for retailers, but I think they would have a better chance
of defending their markets against the online retailers if they were competing on a Sunday as well.

I do not think the legislative proposals before us are perfect and I would have preferred to see
a more measured regime, but nevertheless I think the momentum is in favour of Sunday trading
and I cannot support the amendment proposed by Deputy Brouard, largely because I disagree
725 with the process that he is pursuing. *(Applause)*

The Bailiff: Deputy Stewart, are you wishing to speak?

Deputy Stewart: Yes, I do, sir.

730 Deputy Parkinson makes a very good point to flip-flop after nine weeks, in my view, will bring
the States into further disrepute, or into disrepute. Nothing has changed in nine weeks, except
one thing. One thing has changed and that is round the economic evidence. At the time of the
debate there was not compelling economic evidence. Since that time, we have had the cruise-liner
735 survey and we know that the spending of cruise-liner passengers is down considerably on the
Sundays when they are here, and furthermore that survey showed that they would rather that
there were more shops open; and, if it was not a Sea Front Sunday, they commented that there

was little to do apart from one or two of the attractions. So something has changed: we know that actually our visitors to the Island – and we are trying to build our tourist economy – actually would prefer it if some more shops were open in Town on a Sunday.

740 In terms of Forest Stores, I do not think it makes any difference to them at all. There are already other supermarkets that compete with them anyway on a Sunday. Often I have driven past there, wished they had been open and gone and got my sausages somewhere else. I should not have a preference but I would rather have got them from Forest Stores if they had been open. They make that choice anyway and they are competing with other supermarkets that are open.

745 Around the legislation, Deputy Brehaut makes the point – and to counter what Deputy Le Pelley says, or to give him some assurance – the legislation is robust, and if people are passed over, for example, if they do not wish to work on a Sunday, then that is already dealt with under the current legislation. Commerce & Employment has been running workshops over the last nine weeks to make sure that employers and employees understand what deregulation means and what needs to be part of their contract.

750 I think this one of these subjects where it does keep coming back to the States, and I hope one way or the other it is put to bed today. Deputy Fallaize made a very good point that we have Sunday trading anyway – what this does do is reduce the red tape and people just drive an extra mile or two. The Chief Minister referred to St Paul when he spoke in favour of deregulation, and I will speak about St Michael, (*Laughter*) because instead of going to L'Islet, which is literally a walk from me in the Capelles, if I need to shop on a Sunday, which depends on how my busy week pans out ... Because Deputy Brehaut is quite right, we live very different lives and sometimes my wife and I actually do not get the opportunity Monday to Friday. Saturday might be sunnier, or the weather forecast is better on a Saturday than it is on a Sunday. We choose then to go on the beach and a long cliff walk on the Saturday and we go shopping on Sunday, and that is how people tend to run their lives. You make whatever day is special for you, and there is an opportunity if I cliff walk on a Saturday or on a Sunday ... Actually, I must say they are very underused – if I pass more than three or four people on the way from Jerbourg to Fermain that is probably it. But I can choose to make my Sunday whatever I want. We can all stand up and talk about our Sundays.

765 I do not think if we vote for deregulation there will be a massive seismic shift. But, actually, I was a retailer in Guernsey back in the 1980's. I had the computer store at Picket House, and certainly I would have loved that opportunity to, particular with a lot of cruise passengers coming in – it was a little family business – just to choose, without having to go through any red tape whatsoever to say, 'Oh, there's a couple of big cruise ships coming in this Sunday – I'll open next Sunday, and I'll get a little bit more business.' It is about choice, it is about Government stepping back, and I cannot think of any other business that is regulated in this way. My wife runs her own business. If we are busy we work on a Sunday. If you are working in finance there are often times when you are called in to work on a Sunday. I think that those businesses that want to have or create more opportunities, particularly around the increase in cruise-ship passengers ... I think we should give them that opportunity to open and close their doors as and when they want to make the most of the economic opportunities, and we do know now that those economic opportunities do exist. There will be hopefully more than 100,000 cruise-ship passengers. I hope some of our retailers really take advantage of that.

780 Please do not vote in favour of this amendment. Let's stick to our original decision and let's go ahead with the deregulation of Sunday trading, sir.

The Bailiff: Deputy Lowe, and then Deputy Inglis.

785 **Deputy Lowe:** Thank you, sir.

Many of the speeches this morning are still saying they are going to have to open, they will not have any choice. I struggle with that. I struggle with that big time, because they will not have to open at all, because they do not now. There are no universal opening hours. I can go and buy a

790 television at nine o'clock at night down a Waitrose, and yet I cannot buy it at an electrical shop
near me because they do not open. That is their choice, that is commercial decision choice. I can
go to the butchers at Cobo – they are open on a Sunday, that is their choice to open, yet there are
other butchers that do not open. There are shops that open now that do not, there are shops that
are open Monday to Saturday but do not open on a Sunday and that is their choice not to do
that. I know Deputy Stewart has just mentioned about the cruise-liner passengers. Well, actually,
795 we all know that the shops can open on the Sunday cruise-ship days and a lot choose not to. That
is commercial decision. This legislation today, if it goes through – that will not change. They have
already made that decision. They do not find it viable to actually open on a cruise-ship liner day.
They may do in future, who knows, but that should be up to them to make that choice.

I thank Deputy Brouard for circulating the petition that we have been able to have a look at,
800 because I have got concerns again with the wording on that petition. I would sign that petition.
The petition says: 'Who wants to work seven days a week?' Well, I would sign that. I think we
would all sign that. That is not what this is all about. This is not why people should be signing this
petition. They have been misled. We are not asking them to work seven days a week. We are
giving the business the opportunity to open seven days a week. It is not for the staff to work
805 seven days a week.

I find that petition as well, some of those signatories, a little bit hypocritical, where they have
got businesses and there is an MD there of a very large business in the High Street, who also has
franchise for a store around the Island which has already been mentioned by Deputy Stewart. I
was going to mention some of these names, but actually I am not going to advertise for them. But
810 how hypocritical that the MD of a very large store can actually sign that, that they do not want the
shops to open, and yet they open their shops already around the Island. (**Several Members:** Hear,
hear.) One or the other, please. Do not play games. If you really do not believe the shops should
be open on a Sunday, close the ones that you open, because nobody is making you open those
shops currently. So hypocrisy is right at the top of the list here for me on this one because of all
815 this nonsense about you are going to have to open. You do not have to open, like you do not
have to open now. It is freedom of choice. We are talking here a small selection of retail shops,
that is all, because retail shops can open now, as we know. They can get a licence and they can
open now, if they want to. You can work in finance, if you want to. A plumber and a builder have
worked for me on a Sunday, because they choose to. I know many in the offices that work on a
820 Sunday because they choose to, and yet we have got this little element of retail that we are
talking about – and you would think the world is going to actually crash down around us because
we want to get rid of the tape measure law that we have put in place which has made an absolute
mess of retail within this Island. Get rid of that tape measure law. Please throw out this
amendment.

825 I have no problem with Deputy Brouard bringing that, because he was restricted by the
majority of the States, not by Deputy Kuttelwascher. The majority of the States actually decided to
stop that debate, which prohibited Deputy Brouard that opportunity, so I am pleased he has
actually brought that amendment so at least he has had that opportunity, and today's vote
hopefully will be the last vote. But listening to some of these speeches today, including Deputy
830 Duquemin, who was talking how Sundays will be ruined, I do know a very close Member who he is
talking about – they opened on a Sunday many years ago as well.

So, again, throw this out, please, and let's make it all fair and reasonable and down to choice.

The Bailiff: Deputy Inglis and then Deputies Soulsby and Fallaize.

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Deputy Inglis: Thank you, sir.

[Inaudible due to technical interference] It might have been me, (*Laughter*) but just to be on the
safe side ...

840 Sir, through you, I would like to put a little bit of perspective on what I would like to say to
Members of the Assembly here. Several years ago a poster was bought for me by my children and

it is up on my office wall. I am not quite sure why they bought it for me, because it reads 'I am never wrong. I once thought I was wrong. It turns out I was mistaken.' I think that clearly answers where we are with this amendment. I did vote for deregulation, as the policy letter read. I voted for deregulation because I feel a government should not stand in the way of business. Business
845 needs to decide for itself exactly when it wants to open and what it wants to do, and the business model they want to adopt. However, listening to what people have been saying, it clearly is more than just business that we are talking about here. We are talking about social importance, and that is a very clear message that we should be giving to people in our community, because whilst we all want to work hard, enjoying the social importance within our community is very important.

850 It is fair to say that the proposal by Deputy Brouard gives us a halfway house. As Deputy Le Pelley mentioned, it is a minefield dealing with Sunday trading laws, and through my experience I definitely had a lot of problems, even though we have only got one place in Torteval. So, I have a lot of sympathy in that area.

855 We sometimes lose sight of why we make decisions. We probably make a decision because we feel it is right or wrong. It has given me time to reflect on the fact that I was put here by a lot of people who want me to act on their behalf, and in doing that maybe I made the wrong decision in the first place. I was mistaken. I would really like to feel that the people who have contacted me, through all manner of media, whether it be the phone, whether it be email – we have all been subject to that – and even hand written letters ... shows the desire to maintain the quality of life
860 that we have on a Sunday but without losing the opportunity to purchase things in much the way that we do at the moment.

So, Members, again I was mistaken. I feel that meeting halfway is the best option available to our community, but still maintains the social importance of the family values that we all treasure. I would urge Members, if you are considering changing do not be embarrassed, do not feel that
865 you cannot go back on your original decision. It is a very strong person that admits that they made a mistake. Every day I look at that poster and it makes me think. If you are strong enough to make that decision of change, then please do it.

Thank you, sir.

870 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, before I start I should declare that I have an interest in this debate, as a part-owner of a business that runs both a shop and a tearoom and which both open on a Sunday – and great for your Christmas shopping in these is all I can say.

875 I did not get to speak when the Sunday trading was debated because of the guillotine, but I was still happy to vote for it at the time as I thought everything that could be said has been said, and I have heard nothing new today that will make me change my mind, and that is why I really struggle with what Deputy Inglis has just said. I have heard absolutely nothing new so far.

880 But I would like just to make a few points in response to some of the comments not just today but in the original debate. I have to say two years ago I was not certain about whether total deregulation was the way to go. I think I might well have been in support of the amendment today. However, having seen the ridiculous amount of legislation and administration that is needed to maintain the system that current retailers are working around, I have become convinced that we should ditch it altogether. How daft is it that certain businesses have built
885 premises just small enough to allow them to open on a Sunday? Why can one business rake in money on one day a week because others cannot open? On that note I do recall Deputy Gillson speaking during the last debate about those people who live near shops and he welcomed the fact that Sunday gave them a bit of peace. Well, I can tell you that for the people living next door to a certain food store in St Martin, quite the opposite is the case, (**A Member:** Very true) where it
890 is the busiest day of the week by far. In fact, it is not just the immediate neighbours with standing traffic down Les Merrienes on that day.

895 Virtually all the emails I have received against deregulation focus on Guernsey's way of life
 changing irredeemably. Well, why? If there are so many businesses that can open on a Sunday
 now but do not, why will the fact that just a few more shops can open change life as we know it
 for ever? It will not. If people do not want to shop on a Sunday, they definitely will not. The anti-
 lobby believe a floodgate will open. It will not. It will not because Guernsey is different. It is not
 the UK. We do not have huge shopping malls where people go on a Sunday. I think it is a perverse
 aspect of this amendment when, as Deputy Brouard said, shops can open when the cruise-liners
 are in, that is fine, so it is okay to trade when there is business on a Sunday. If we have total
 900 deregulation, these shops will open when cruise-liners are in, and the strongest likelihood is that
 they will not open when they are not in. It does not need regulation in place to make that happen.

Now the point is that it is not really about Sunday trading; it is Sunday opening. Just because
 you open your shop, it does not mean that you will see any customers. If the customers do not
 come, the shops will not open. That is the point. Why should Government interfere? This should
 905 be a decision between retailers and their customers. **(A Member:** Hear, hear.) The argument that
 small shops will be forced to open is nonsensical, given that all these shops that open now and
 compete with those that are not. Just why is the retail sector the only industry on the Island that is
 prevented from opening on a Sunday by law? No other business on Guernsey is restricted in this
 way. There are huge numbers of businesses who choose not to work on a Sunday. The pertinent
 910 word is 'choose'. No one stops the lawyers, accountants, fund administrators from working on a
 Sunday to meet deadlines on the Monday. If a service can be provided and charged on a Sunday,
 why not physical goods? Is it Government's job to tell specific businesses when they can open
 their shop? **(A Member:** No.) You can buy a packet of crisps from a pub on a Sunday, so why not
 a supermarket?

915 By supporting this amendment we are really only putting off the inevitable. It will come back,
 and honestly, don't we have more important issues to deal with in this Assembly? **(Several
 Members:** Hear, hear.) Of course we do: issues of population, housing, economic development,
 public sector reform, that will have far more impact on the people of this Island.

920 So please do not support this amendment. Now is the time for deregulation, and just think
 about it, we are getting rid of unnecessary laws, not creating more of them. How refreshing is
 that?

The Bailiff: Deputy Fallaize.

925 **Deputy Fallaize:** Thank you, sir.

Yes, but in fairness it is the supporters of deregulation who have brought this to the States, so I
 do not think that they can complain that it is taking up States' time.

I also regret some of the criticism that has been levelled at Deputy Brouard, not so much in
 this debate but prior to the debate, because the first debate was guillotined and it was quite clear
 930 that two members of the sponsoring committee, Commerce & Employment, had a different view
 to the other members and were intending to speak in that debate. It was unwise of the States, I
 think, to guillotine that debate, and I doubt we would be here today having this debate if that
 debate had not been guillotined, **(Several Members:** Hear, hear.) so I think that was probably
 counterproductive.

935 I also agree with Deputy Inglis in the sense that I do not think there is any shame in changing
 one's mind. This is not warfare, for goodness sake. We are trying to reach political decisions and
 making a decision today simply because one does not want to change one's decision of a few
 weeks ago is a bad reason for making a decision. So I think those Members who, on reflection,
 feel they made a wrong decision ought not to stick to their original decision.

940 However, I think this debate has gone off the rails a bit, because we are meant to be debating
 this amendment which Deputy Brouard has brought. We are not debating whether we personally
 like the idea of shops opening on a Sunday or whether we personally would like to consume
 certain goods on a Sunday.

945 My personal wish is that we could go back to the early 1970's, when there was very little trading at all, and just maintain regulation which, at that stage, was perfectly reasonable and probably much more consistent than it is today. But we cannot. We have inherited the position that has been established by previous States typically carrying out what has been presented at the time as tidying-up exercises. Deputy Brouard is laying another amendment before us today which purports to be a tidying-up exercise, but look at what is actually proposed in the amendment.

950 Deputy Brouard is not the person representing regulation of Sunday trading, because we have so much Sunday trading that Deputy Brouard cannot characterise his amendment in that way. He is proposing a different form of Sunday trading. He want plant and garden centres to be able to sell a greater range of goods than they are at the present time. So they can sell books, but retail book shops cannot open under Deputy Brouard's plan. We have a proposal in his amendment for deregulation on something called Sea Front Sundays. Well, who decides –

955 I will give way to Deputy Hadley.

The Bailiff: Deputy Hadley.

960 **Deputy Hadley:** Mr Bailiff, just for a point of clarification: could Deputy Fallaize tell me how old he was in the 1970's that he refers to? (*Laughter and interjections*)

Deputy Fallaize: Minus something, but I bothered to research what the situation was in the early 1970's (*Laughter*) I advise it at any time.

965 Who decides what Sea Front Sundays ... It is not the States of Deliberation who decide when to have a Sea Front Sunday. I do not know who it is. I think it might be Culture & Leisure; it is Culture & Leisure who sponsor them. Well, what happens if the majority of their successors are in favour of Sunday opening? They could declare that every Sunday is a Sea Front Sunday, (*Laughter*) and under the terms of Deputy Brouard's amendment there will be deregulation.

970 He also wants a new licence category so that pet shops can open. Well, why? Why is it important that pet shops should open on Sundays but clothes shops should not open on Sundays? That does not make sense. That arises because in a previous tidying-up exercise the States have decided that garden centres could open and sell pet-related stuff, so therefore now we have to have pet shops being permitted to open on a Sunday. But it is a nonsense. Why ought we to say we can exclude pet shops from Sunday trading regulation but we cannot exclude clothes shops, or we cannot exclude shops that sell CDs or DVDs – or whatever it is that exists these days? (*Laughter*) It really is a nonsense; it really is.

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Under Deputy Brouard's amendment there will be an amendment to the category which permits fuel outlets to open because they would be able to sell a wider range of goods, but presumably they would not be allowed to sell cars. I do not know why. But it is reasonable to go to a garage on a Sunday under the terms of this amendment and buy petrol and buy confectionery from the garage, but it is not reasonable to buy a car. Why? What is so evil about cars? You cannot buy cars, but you can buy the stuff to put in them.

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Deputy Stewart is smiling, but I have to pick him up on something he said, actually, because he said that States' Members ought not to, or he implied that States' Members ought not to, flip-flop when it comes to the legislation stage. Well, I seem to remember Deputy Stewart standing on the North Beach Car Park and ripping up a brochure of legislation (*Laughter*) because – he had trouble doing it, or trying to – because he wanted the States to reverse its decision on the Transport Strategy and chuck out paid parking, when he had voted in favour of paid parking a few weeks earlier.

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There certainly is hypocrisy amongst retailers who have signed this petition having decided that they will open their own shops on Sundays – not all of them, but certainly Creasey's does. (*Interjection*) Well, yes, I did say the name. Deputy Lowe is much more polite than I am. I do think it is hypocritical to sign the petition asking the States not to support the deregulation of Sunday trading when you are already opening a shop and making a profit on a Sunday. The hypocrisy

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does not extend only to some retailers clearly. Not so long ago I was assailed by someone who was out for lunch on a Sunday asking me not to vote in favour of Sunday trading. Quite how they believed that they were going to have their lunch brought to them and cooked for them when they were already out for lunch on a Sunday is beyond me. There is hypocrisy in all of this.

1000 I regret that we have even the amount of Sunday trading we have at the moment. I take on board all the points that Deputy Duquemin has made, but the flood gates have opened already. Deputy Brouard's amendment demonstrates, because it is so full of anomalous nonsense, that we cannot now conceive of a halfway house. We cannot come up with something which provides some regulation when we have already allowed deregulation in lots of areas. Therefore, I think the
1005 only logical and coherent thing to do is not to support this amendment and to support the legislation that is being laid before the States – even though, personally, I do not favour Sunday trading very much. But it is gone. We cannot go back to the way it was 40 years ago and Deputy Brouard's amendment does not provide us with that opportunity. The amendment is full of anomalies and it will not make the regime any better than it is today.

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The Bailiff: I was going to call Deputy Conder, and then Deputy De Lisle.

Deputy Conder: Thank you, sir.

1015 Over the many times we have discussed this in this Assembly so many points have been made it is difficult to add a new dimension, but we have heard one or two new points today which need reiterating.

1020 The first one is the one that Deputy Stewart made, which is we now have definitive evidence from cruise-liner information that cruise-liner passengers who come into our Town do want to be able to access shops. That is critically important. We know the importance of expanding our economy and the limited avenues we have to do that, so that, for me, is a new factor which we do need to bear in mind. We cannot ignore the opportunities, any opportunities, that are available to us in the current climate of expanding our economic output and our GDP.

1025 Last time I spoke on this topic – it seems five minutes ago – I described my experience with my daughters in the 1990's when we came here on holiday and went into St Peter Port on the Sunday to have a meal and do some shopping and it was a complete ghost town, and their disappointment in being away on holiday and not really being able to experience the delights of St Peter Port because they had come on the wrong day, unlike being in a seaside resort in the UK. Things have changed and life has changed. I find the contrast between Deputy Brouard's contribution and Deputy Duquemin's contribution quite a great contrast: family life is
1030 fundamentally different. Families do now go shopping, perhaps they always did, but part of the pleasure of being together as a family quite often is to go into Town and we deny them that on a Sunday. Part of that is to go out and have a meal and then do some shopping. If we deny the opportunity of our shops to open for our Town to be a vibrant community on a Sunday, we deny families that opportunity to be together. So where is that image that Deputy Duquemin shared
1035 with us of a family being broken up and not being able to be together on a Sunday because suddenly people are working? There is another part of family life which is about being together in a restaurant, in a coffee shop and then doing a bit of shopping.

1040 But those are not the main points I want to make to try to bring a new dimension to this debate. All of those are peripheral and all of those have been discussed *ad nauseam*, but for me our retail outlets are facing a *massive* change which I do not think we have even started to see the reality of and which I think they will have to come to terms with – and that, of course, is internet shopping and the reality of internet shopping, which is becoming more endemic and more imaginative and more accessible almost with every week that passes. I think our retail outlets are failing to recognise ... If they reject the opportunity to expand their opening to an extra day they
1045 are failing to recognise the opportunity and to face the challenge which they are undoubtedly going to see. The only way that local retail can compete, and will be able to compete in the next 10, 20 years, is through brilliant customer service, and part of that brilliant customer service has to

1050 be that they are open when their customers want to shop. I had an experience within the last 10
days offering customer service where I purchased some white goods, which I could have
1055 purchased on the internet at £100 less – 20% less for the next day delivery if I had chosen to go to
the internet rather than buy locally – and actually it would have been delivered quicker by internet
than ultimately it was delivered by the local supplier. But I went to them because they do give
brilliant service and they installed the item and they took away the old white goods. Unless we
offer that level of brilliant service and level of access for our customers, before we know where we
1060 are our shops will not be closed on a Sunday – they will be closed permanently, like many market
towns are in the UK, and our Town will be populated by charity shops and estate agents. The only
way that our retailers can compete in the new age is to offer absolutely high-class service and be
there for their customers when their customers want them. I think Deputy Brehaut said to try to
turn back the tide now and deny themselves the opportunity to do that is foolish and retrograde
and they will pay for it in the long term.

So, colleagues, reject this amendment, open up the market, give our retailers, even if they do
not recognise it themselves now, the opportunity to expand their offer to their customers and
give their customers the opportunity to access those retailers.

Thank you, sir.

The Bailiff: Deputy De Lisle and then Deputy Dorey, the seconder of the amendment, please.

Deputy De Lisle: Sir, I must declare my interest in a small business directly in the retail trade.

1070 I am delighted that more and more in Guernsey are actually shopping locally, particularly at
this time. For me, it is not just quality of life and people and their future, but it is also supporting
small business. This is something that I had to remind my colleagues in the Department that I
serve, because I feel that part of my role in Commerce & Employment is to support small
business. (**A Member:** Hear, hear.) To be quite honest, you have seen the reaction in this survey
1075 that has been handed around by Deputy Brouard that small business is making the point, no
matter what the terms of reference, but it is making the point that it feels that small business will
be threatened by Sunday deregulation.

1080 You can also ask why just in the retail trade we are actually imposing this particular issue. The
fact is that we have an Island of small independent businesses, and the risk is that total
deregulation will threaten small Guernsey-run independent businesses to the benefit of a few
large multiples. That is a critical issue, because it is all about market share at the end of the day.
Deregulation benefits the larger retailer. In addition, the cost of doing business seven days a week
will be inflationary on us all and raise the cost of living even higher for all, causing more financial
pressures on those with fewer resources at a very difficult time.

1085 The problem with deregulation also, and I have to remind my colleagues on Commerce &
Employment again, is that we are trading in difficult economic circumstances at the current time,
and that deregulation does nothing to generate new business, it only saddles small businesses
with new problems, and we have to be seen to be promoting business, and not undermining any
part of it.

1090 The current Law needs tidying up, but Guernsey will lose something special if it goes for total
deregulation. Tidy up the existing Laws, if you must, but do not change a way of life enjoyed by
Islanders and envied by outsiders, because we frequently have people, visitors to the Island, that
state that they cannot find full opening wherever else they go, particularly people on the liners,
the cruise liners. Also, I have to remind my colleagues that the cruise liner trade is a very small
trade. It is £4 million, by the Commerce & Employment survey, of a £60 million industry, so it is a
1095 small part. Sea Front Sundays tend to restrict the travelling visitors to the Front, and it is very
difficult – in fact, we are not encouraging the visitor into the Town, and that is something that has
to be done if you want traders and retailers to actually open on a Sunday when the cruise liners
are in. Most people have tried with K Licences, but it does not work unless you are on the Front
itself.

1100 So I would ask please support this amendment, which really will be supporting small businesses, essentially, and I think we have a duty to support small business in this Island because the Island is basically run on the basis of small independent businesses.
Thank you, sir.

1105 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, sir.

There have been a number of speeches and I would just like to pick up a few points. Deputy Domaille at the start spoke about the survey. I think Deputy Parkinson also referred to the survey
1110 which was contained in the Billet of September. I think we take far too much note of these surveys, because they are self-selecting and they do not give us a cross-section of the population. They do not give the true views of the population. Until we do them in a scientific manner and make sure that we have proper representation of population, they are only a guide, they do not tell us what the views are of the population.

1115 It is interesting to note that only 45 retailers actually participated in this survey. But when you see the petition that we received today, how many people have actually participated in that petition? So it gives a very clear idea that that survey did not actually give us a proper cross-section, and the particular sections which we are asking for retailers opinions, it gave us a very restricted view, and it just proves how strong there are views out there from the retailers. The
1120 survey ... and Deputy Lowe referred to the survey, but it is titled at the top say no to deregulation. It does not say seven-day shopping. There is a little note at the bottom, but the key words that people are signing up to are 'say no to deregulation'.

A number of Members have spoken about different changes that are proposed in the amendment. Deputy Fallaize talked about pet shops, fuel shops, and others have spoken about
1125 them, but there is a very big difference between these minor changes and full deregulation. To argue the point that we should not be... because on the margins there are these grey areas that therefore we should have deregulation, if we applied that we would have no laws at all. We know – well, hopefully everybody accepts – that we need to control people who come in to this Island through Housing Laws, or Employment Permits as we are moving to, but in order to do that we
1130 need to set numbers, we need to say five years, eight years, nine months, and we all know that on the margins you can argue that this is not fair, that this is wrong. If you are going to make a law and have some rules in that law, of course you can argue the margins but you must look at the principle: is the principle right? You could say the same about driving. For example, we put limits on speed – it does not mean that somebody one mile over speed is dangerous, but the principle
1135 of controlling speed is right. So I think you have to look at it in the big picture and not on the minutiae of different rules.

I would like to specifically speak on a number of issues. I was forwarded an email, which I believe some Members have received, about shop workers who refuse to work on a Sunday and might have their hours and pay reduced. As I understand it, for shop workers who have a contract
1140 that states they are or may be required to work on Sundays and who choose to opt out there is no requirement for the employer to make up the hours elsewhere in the working week if they choose to rota them to work on a Sunday. Therefore, for example, employees who used to work a 40-hour week before and who opt out may find that their hours reduce to 32 hours a week. If they have signed up to a contract which says that they do or may work on a Sunday. But just to
1145 balance this, those who are not contracted to work on a Sunday, who have opted out of working on a Sunday, who have their hours reduced, will be able to argue they have suffered a detriment as their pay will have effectively been reduced and they will be able to claim compensation of one month's pay from the employer. But just put yourself in the position of that employee: would you want to go through the process of claiming compensation of one month's pay, and the effect it
1150 will have on your relationship with your employer and fellow employees and their future

employability? Will they claim? I stress the above are views which have not yet been tested in a court or a tribunal, but I think it does give an indication of what might happen.

1155 There has been a lot of talk about deregulation, but even in the UK I would remind Members that they have not deregulated, that they have a tape measure, as Deputy Lowe referred to, and that it is only the larger stores that are restricted to six hours per day. People say it will not change in Guernsey. The interesting thing is that in the UK Sunday is the second busiest shopping day of the week. I have no doubt that it will turn out to be the same here and we will have practically every shop open, even though they might not initially open. There will be very few shops who can afford to be closed on the second busiest shopping day of the week. The commercial pressures
1160 will be so much that even if they do not want to open they will be forced to open. So this will be a major change.

1165 So what effect will it have? Well let's start with prices. If the market share of a shop remains the same and they have to have the increased cost of opening for seven days instead of six days, it will inevitably mean that prices are likely to go up. A German economist who specialises in competition economics has created an economic model and he agrees, and he concluded in the short term prices will remain constant but in the long term they will increase. What benefit does the consumer get from the increased prices?

1170 The next effect I look at is the effect on population. In the year to 31st March 2015 there were 137 Housing Licences issued to employees in this sector. Yes, Sunday trading will create additional jobs, which will no doubt result in more Housing Licences being issued because we do not have the spare labour, as we are already importing people to work in this sector. A very different situation.

1175 **Deputy Stewart:** Just a point of correction, actually, sir. The data that Deputy Dorey is quoting came from the Housing Department. However, what he has omitted to say is that the rider that went with the data that he is quoting says:

'Please note that it is not at all easy for the above data to be broken down further than the combined wholesale retail and repair section.'

So the data he is quoting is not just retail, and he cannot ... In that way I think he is misleading the Assembly, sir.

1180 **The Bailiff:** Deputy Dorey.

Deputy Dorey: I said 'in this sector'. I quite agree that is the sector which they have figures on, but I am sure that most people realise that retail is the biggest part of that sector.

1185 So, I believe we will be importing to work in this sector, a very different situation to the unemployment level that was in the UK and the fact that they just absorbed people in the UK who were then unemployed. We should not be increasing our population by bringing people in for work which just spreads economic activity over a longer period but does not actually increase economic value. We should only bring people in for high-value jobs which actually add economic value.

1190 There is no doubt that Sundays are different in Guernsey. The pace of life is slower, more relaxed. I think we all know that, but words are easily said, so I wanted to find some measure of how different it is on a Sunday. I thought one way of illustrating this was the figures from the various traffic counters that are around the Island, so I requested the data for four different roads – the Town Sea Front, Braye Road, Landes du Marche and Rohais – all of which have significant retail businesses in their vicinity. The figures were for the whole of four different months for St Peter Port, spaced out through the year, and I picked the two months which had the biggest differences for the other three roads – that has been August and January. The data shows that traffic in Town on a Saturday is three quarters of a weekday traffic, but on Sunday it is only half the traffic of a week day. A really big difference – Sunday is different. The other roads show how

1200 little Saturday is different from a week day. The reduction in traffic on Braye Road, Landes du
Marche and Rohais was only 10% less than on an average week day. The average week day across
two months, but on a Sunday it was 65% of the weekday traffic – I think a massive difference. I
think these figures really do illustrate that the pace of life is very different on a Sunday and that
1205 Sunday is a special day. Deputy Fallaize talked about ... He is not in the Assembly but he talked
about flood gates have opened and Sunday has gone – but it has not. Sunday is different and
Sunday is special. I think we should value it and try and keep it. Sir, I ask Members to support this
amendment. Do not throw our special Sunday away, for the reasons I have spoken about.

But there are further points which I would now speak about. We know from the emails that we
received from hauliers that it is not just the shop workers who will have to work on the Sunday. All
1210 those other businesses that supply and service shops in order for them to open will also have to
work on a Sunday. I think the effect will even be wider than that, as illustrated by someone who
came to the Castel surgery ... He said, 'If my partner works in a shop and had to work on a Sunday,
then I, as a self-employed builder, will want to work on a Sunday, as I would want to have the
same day off as my wife, so it would lead to even more people working on a Sunday.' But of
1215 course there are others who are not self-employed and cannot pick and choose the days they
want to work. They may rarely be able to have the same day off as their partner. I fully understand
that there are people who work in essential services who have to work on a Sunday, but just
because some have to it does not mean it is the best solution for all the Island. In an ideal world
both partners would have the same day off to spend quality time with each other and their family.
1220 Deputy Conder spoke about the family can go shopping together. Well, I think anybody who has
young children will agree that shopping with children can be quite stressful and it is not good for
family bonding, and when they get older the last thing they want to do is go shopping with their
parents.

The next point I want to make is the importance of rest and relaxation. It is essential to our
1225 physical and mental health to relax. That slower, less pressured life of a Sunday with reduced
commercial activity gives many more people the chance to relax and spend time with their
families and be fresh for a week of work starting on the Monday. Families are an important
building block of society. We should make sure all our policies are family friendly by reducing the
employment of commercial opportunities available on Sundays.

I would now just like to remind Members that we are not talking about the same situation we
1230 have now; we are talking about some improvements and tidying-up of the law. Deputy Stewart
spoke about cruise passengers, but specifically, as I am sure he well knows, there is a proposed
change with the amendment in relation to cruise passengers, so that it is the category can be
extended to enable shops within the Town areas to open on those Sundays when St Peter Port
1235 Quay and North Beach are closed for traffic for the purpose of the special themed events titled
the Sea Front Sunday, and also a greater range of shops within the Town area will be able to open
on designated cruise-liner Sundays without the need of a licence.

We also note about garden centres, which have been criticised because of the roped off areas
– that will be fixed. But these are minor changes. These are not going to fundamentally change
1240 the Sunday as we have now. It has been spoken about pet shops will be able to open to give the
fairness in relation to the garden centres. There will be a new category for exhibitions. There will
be a minor amendment to the fuel outlets, but they will not be able to sell motor vehicles. That is
again going another step further, which I do not think is acceptable, in order to keep our Sunday
special. There will be the removal of the need for holding charitable events to require a licence.
1245 There will be some changes to administration, simplifying it. There will be a simplified appeal
process. So there are a number of amendments which I think will make the process better. That is
what they tried to do when we had the debate back in 2002 or 2003.

I would finish up saying let's not lose our precious special Sunday with this relaxed way of life
that is family friendly and replace it with busier roads, higher prices and increased population.
1250 Please support this amendment.

Deputy Hadley: May I make a point of correction, sir?

The Bailiff: Deputy Hadley.

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Deputy Hadley: I did not want to interrupt the Deputy while he was speaking, but in fact the Housing Department is very sensitive to criticisms that we issue Housing Licences unnecessarily. We did receive criticism about the number of foreign workers working in the largest Co-op retailer on the Island, and when this was examined by the Department they found they had issued no short-term housing licences to the Co-op and in fact the people that were working there from off-Island were in many cases doing a second job and were here resident on the basis of their original job. So I cannot think that the Department will be issuing any more short-term licences.

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The Bailiff: Deputy Gillson and then Deputies Luxon and Lester Queripel.

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Deputy Gillson: Sir, I am minded to support this amendment.

Guernsey is unique, and I accept that being unique is not necessarily being right or that we must not change, but we do need to be very careful about changes. All changes will have advantages and bring with them disadvantages, so we need to be careful to make sure that when we do make a change we gain more than we lose. I believe that with total deregulation of Sunday trading what we lose will be greater than what we gain. (**A Member:** Hear, hear.)

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I am not a particularly religious person so I am not approaching this from a religious point of view, but I do think that it is nice to have one day a week which is not given over to commerce. In some ways, the argument for Sunday trading is an example of a growing trend within our society of a selfish I-want-it-now attitude, which I do not think is a positive way for society to be heading. The majority of arguments you hear about people is that they 'want to be able to', it is about 'me, now' – 'I want to be able to shop on a Sunday'. I recall a letter in *The Press* about the time of the previous debate, where a person wrote in saying that he was doing some DIY and he could not buy a fixture when he needed it. He had expected a shop to be open every Sunday because one Sunday he needed to buy something. I think that is illustrative of a selfish 'me now' nature, which I do not particularly like.

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One issue that has already been mentioned is traffic congestion, more congestion. I think Deputy Dorey made some very good points on congestion, both general and specific in areas close to supermarkets. As a St Sampson's Deputy, I am going to be particularly concerned about residents down Nocq Road, as Deputy Soulsby mentioned – I mentioned this last time. For six days a week they suffer a problem of traffic congestion. Sunday is the only day free. Deregulation will change that. It is interesting that Deputy Soulsby contrasted this road with St Martin's. The implication of her words was that because it is bad in St Martin's it is okay for it to be bad down Nocq Road. That is a really poor argument.

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Deputy Soulsby: Sir, point of correction. My point was that because everywhere else is closed St Martin's was busy. I was not saying that was any greater on Nocq than anywhere else. It is just the fact that people will want to shop on a Sunday.

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Several Members: Hear, hear.

Deputy Gillson: Yes, and the implication is that you are happy for that to be as bad elsewhere. (*Interjections*) Sorry that is how I interpret it.

1300

We are unique in having trading restrictions on a Sunday. I am generally predisposed against deregulation, but I am particularly opposed to the proposals which C&E support and have been approved, because it is total deregulation. We will be one of the few, if not the only country in Europe to have total deregulation on Sunday trading. The change from where we are now to total deregulation is a very big step to take, and I think it is a step that is too big.

1305 Now I turn to what I like about the amendment. I accept the current Laws are not perfect. In fact, any partial restriction will have to draw a line somewhere, so there are going to be grey areas, there are going to be anomalies. This amendment addresses many of those. If we consider the amendment in conjunction with a number of the criticisms of the current trading laws, one is that they should be open when cruise ships are open. Deputy Stewart mentioned that. A large part of his speech was about Sunday opening for the benefit of cruise liners. Well, they can under current laws, and under the proposals of this amendment it will make it easier. So that box is ticked by this amendment. Another is it is silly for some shops to be able to open but not sell a full range of goods. That box is ticked. The amendment simplifies the administrative process for events. Box ticked. It simplifies the general process. Box ticked. As I said, I acknowledge it is not perfect, but it is attractive because it addresses people's main concerns with current Law and is a reasonable step forwards. It is a reasonable change but not the huge deregulation.

1310 It is interesting, a number of people have made some comments, and I have just jotted down a few of them. Some people already work on Sundays. True, but is that really a reason to change? The fact that some people do not work on Sundays is an equal good reason for not changing, so that argument really you can take both ways. Shops will not have to open. Theoretically true, they will not have to, but the reality is that they will end up opening because they will lose their market share if they do not. Earlier this year I was in Folkestone over a weekend and it was noticeable on a Sunday that the only shops that did not open were those which did not face local competition, such as a shop that sold wine-making equipment. All the shops which faced competition – like clothes shops, food shops – did open.

1320 The internet is an interesting one. I really do not accept this argument. I do wonder how many times has anybody woken up on a Sunday morning and thought, 'I must buy a shirt. Oh, no, the shop's closed! I will buy one on the internet.' No. The internet is about convenience and different choice. I really do not see how opening on a Sunday will significantly counter that threat. It is all about, as Deputy Conder said, good service from local shops, and that does not necessarily need to be on a Sunday.

1325 Now I come to freedom of choice, as has often been said. This is a cracker of an argument (**A Member:** It is.) and it shows inconsistency by a number of Members. One of the ongoing criticisms Deputies have had over the years is being inconsistent: saying one thing and voting one way in a debate, and then saying exactly the opposite and voting the opposite way in another debate. Freedom of choice is exactly this sort of inconsistency. Genuine freedom of choice is the States should not interfere when shops can open or what they can sell. Well, we do already: we restrict the hours of pubs. Do we want pubs to have unlimited opening hours? Well, if you believe in the freedom of choice, as indeed some Members of my own board do, then I expect next board meeting for proposals that we change that and have total deregulation of pubs. I would not want that. We do restrict them. We restrict the hours night clubs can open – very good reason to do that.

1335 But now I come to a really good example of inconsistency: inconsistency by the majority of C&E Board. In a couple of months' time they are going to present to us a recommendation which will not allow the importation or sale of non-local milk. What is that if that is not a restriction of freedom of choice? Basically, they are saying on the one hand we think you should be able to open any time you want, sell whatever you want, except one product. I am going to support that when it comes, as I do not think I can support it totally, but if they really believe, as they say, in freedom of choice, then they should withdraw that Billet, that Law, because it is totally inconsistent to say, on the one hand, 'We believe strongly in freedom of choice,' but then to say, 'Actually, we do not believe in freedom of choice, we are going to totally restrict you on this product.' It is completely inconsistent.

1340 Mention has been made about once we have made a decision we should stick to it. Well, yes, but not if it is the wrong decision. We should not be afraid of correcting a decision that we have made if we decide and consider it is not. Deputy Stewart said something had changed since September: cruise line data. Well, actually, that is totally irrelevant, as I have said, because the

amendment addresses that. So actually nothing has changed since September. There are no further examples to support total deregulation.

1360 Sir, we do not need total deregulation of Sunday trading. This is a matter which divides the population, a matter about which there are strong feelings on both sides. Therefore, we need to be careful about change, we need to be cautious and approach change incrementally. Deputy Hadley said we should embrace change. Yes, but we can embrace change in an incremental not a huge way. Deputy Domaille referred to previous changes relating to petrol and buying drinks in pubs – those changes did not create problems. I totally agree with him, they did not create problems, but they were an incremental change – that is the importance. They were just
1365 incremental changes in the way this amendment gives incremental change.

Had Commerce & Employment put forward proposals to deregulate but restrict hours, something like that, an incremental move, I may have supported it, but the step from having some regulation to total deregulation, greater deregulation than most of Europe, is a step too far too fast. This amendment is a step which addresses many of the concerns people have about the
1370 current position. It builds on what we have that is good. It is logical, it is incremental change, it is evolution rather than revolution. I urge Members to support this amendment, a cautious step.

Thank you. *(Applause)*

The Bailiff: Deputy Luxon.

1375 **Deputy Luxon:** Thank you. I do not normally get a round of applause before having spoken. *(Laughter)*

Sir, I will be brief; otherwise, we will be debating this on Sunday, I think. *(Laughter)*

1380 I have a conflict of interest to inform you of: I used to sell cooking apples on my Veg on the Hedge stall in King's Mills, and Sunday was our busiest day.

Sir, I was 50-50 about this decision and I still am 50-50, and I think the Island is 50-50. Deputy Parkinson said that he thought the vast majority was in favour of full deregulation, but I think it is a 50-50 call. I was worried whether, on balance, the decision we made in July was the right call. Deputies Brouard and Duquemin and Mr Hammill and the owner of the shop in Mansell Street
1385 and the general manager of the logistics provider who wrote to us all explained why they opposed deregulation, but I did vote in support, as did the majority of this Assembly. Deputy Brouard ever since has been very nicely bullying me to change my mind, sir. I have not reported him yet, but I am thinking about it.

Options and choices. What better gift can a Government give democracy than options and
1390 choices? This is what led me to support deregulation: freedom of choice. Choice for retailers to open, or not, should they choose to; choice for shoppers to shop, or not, should they choose to. Today some small shops open and some do not. Today all churches open, but not everybody visits them. Options and choices.

There are 361 unemployed at the moment, 41 up on last year. Retailers opening on Sundays
1395 used to hire staff, existing and casual, and they used to queue up to work. I do not know if it is still the case, but staff – existing retail staff and casual staff – queued up to want to work on Sunday. Options and choices.

Between 10% and 15% of our workforce of 32,000 is estimated to work on Sunday, perhaps
1400 5,000 people. They work on Sundays by choice, or they chose jobs where working on Sunday was a necessity, whether it is shops, attractions, hotels, pubs, restaurants, utilities, the emergency services, tradesmen, craftsmen – and indeed some Deputies work on Sundays. So the day is not special for them in the way that we refer to wanting not to support this deregulation to keep Guernsey special for Guernsey. You cannot be a bit principled and you cannot be a bit special.

1405 Sir, I genuinely respect those who have genuinely explained why they oppose Sunday trading and I empathise with their motives. Personally, I hope no more, or very few, retailers who can open on Sundays do open if this Ordinance is passed. I hope shoppers do not shop any more. I will not. My family will not. I hope that they prefer to keep Sunday special to do the things that

they wish to do, but freedom of choice, options and choices – the best gift that this Government can do is to give democracy freedom of choice, options and choices, to choose themselves.

1410 I will not support the amendment, reluctantly.
Thank you, sir.

The Bailiff: Deputy Lester Queripel then Deputy Le Clerc.

1415 **Deputy Lester Queripel:** Thank you, sir.

For the first time ever in this Chamber I find myself saying I was not going to speak, but I have written a short speech just in case I needed to make one. I do feel the need to make it in response to Deputy Soulsby and others saying that our way of life will not change if just a few more shops are allowed to open. But those Members are wrong, sir.

1420 I want to applaud Deputy Brouard and Deputy Dorey for laying this amendment. I agree we may well have heard both sides of the argument, but I do not agree with Deputy Stewart when he said in the media recently he thought it was irresponsible of Deputy Brouard and Deputy Dorey to lay this amendment. There is nothing irresponsible about it, sir. It is a case of two Deputies doing their job and, as Deputy Luxon has just said, this is democracy at work. Why should those of us
1425 who oppose complete deregulation just roll over and accept the decision of the majority of this Assembly, when we have an opportunity to overturn that decision today?

We are slowly but surely losing everything that makes Guernsey different from the rest of the world. We are losing our way of life and our culture, and many Islanders have asked us to fight to hold on to what is left of it. I am proud to be one of the Members of this Assembly who is
1430 prepared to fight to hold on to our way of life and our culture. I do not for one second consider myself irresponsible for doing that. What is irresponsible about fighting on behalf of people who have approached you and whom you agree wholeheartedly with?

In my previous speech on Sunday trading I said I thought it was absolutely vital to our community that we attain balance, and I see this amendment doing just that if it succeeds today. I
1435 say that because, as many of my colleagues have already said, the result of this amendment succeeding today will be that we dispense with the anomalies that currently exist. In some shops you can buy a bottle of whisky on a Sunday but you cannot buy a greeting card. Support of this amendment will not result in delivery trucks driving all over the Island on a Sunday, which will happen if complete deregulation goes through, because if the biggest DIY store opens on a
1440 Sunday then all the builders' merchants will be worried that they will lose business if they do not open too. So they will not be opening out of choice, they will be opening out of fear of losing business. What that will mean is also that the hire companies that hire out concrete mixers, jackhammers, kango drills etc. will have their delivery trucks driving all over the Island on a Sunday from eight o'clock in the morning until five o'clock in the evening. So Sunday will create as much
1445 noise pollution and traffic pollution as any other day of the week. (*Interjections*) Our Island home will become more like a small city on a Sunday than an Island, with all the ramifications that city life on a Sunday will bring. Is that what we really want? We have evolved from an Island of fishermen and growers into an international finance centre – and I accept totally that that had to happen, but do we really have to have the pedal to the floor the whole time, running around like
1450 headless chickens, trying to keep up with the rest of the world?

In closing, sir, I think the operative word here is 'balance', as I said earlier in my speech. It seems to me that once we have addressed all the anomalies that currently exist, then we will attain that much needed balance. We can attain that balance by supporting this amendment.

Thank you, sir.

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The Bailiff: Next, Deputy Le Clerc then Deputy Perrot.

Deputy Le Clerc: Thank you, sir.

I have just got a couple of points to make. Firstly, it is actually to pick up on a point that Deputy Lester Queripel has said. We have heard much about the Guernsey of the past and keeping Guernsey special. He mentioned about the growing industry. The Guernsey of my past and the Guernsey of my childhood was working seven days a week, (**Several Members:** Hear, hear.) because for six months of the year we had greenhouses, as many Guernsey families did, a couple of hundred feet in the back garden, and it supplemented my father's income. He worked in a box factory, and actually we worked on those Sundays for six months of the year. So, a lot of the emails that I have received are from people with fairly short memories, because I am sure a lot of them actually used to work on a Sunday.

But the main point that I rise is about the internet shopping. There was an article in *Business Brief* – it is a Jersey based magazine, and it is from September, and it is talking about Jersey Post. They carried out a survey – and this was carried out by Island Analysis, or Global Research now, so a reputable organisation carrying out research – and they estimated that in excess of £7,000 a year per household was spent on internet shopping. Anyway, there are a whole lot of figures and I am happy to ... if anyone wants to look at this later on. Anyway, they have extrapolated that approximately £125 million a year is spent in Guernsey on internet shopping. I would like to think that if we had some deregulation ... even if 10% of that £125 million was spent in Guernsey shops, imagine what that would do for our economy. I will leave you with those figures.

The Bailiff: Deputy Perrot are you wishing to speak? Then Deputy Wilkie.

Deputy Perrot: Thank you, sir.

I rise as a slightly troubled Deputy, because I am trying to deal with that image conveyed by Deputy Lester Queripel – it is in my mind now – of why should we keep our pedal to the floor, running round like a headless chicken. I am just imagining a headless chicken driving a car. (*Laughter*) I will try to remove that from my mind.

Perhaps I should start by declaring two interests. I suppose one is that I am a shareholders in Blue Diamond, which owns the Friquet Flower Centre, and the other is that I am a shareholder in Bailiwick Investments Ltd, which has announced its proposed purchase of the Sandpiper Group, and that owns shops, some of which open on a Sunday.

I was pragmatic about the result when we debated this. I actually wanted the status quo. I was prepared to vote against both options when they came before the States but I was pragmatic about the result. If you do not have a sense of humour do not join the army, and it was just one of those things – it was the decision of the States and one had to live with it.

The principal reason why I am on my feet is to congratulate Deputies Brouard and Dorey for bringing the amendment, because actually they had a bit of flack when they announced that they were going to bring this amendment. There were a number of other Deputies who behaved like proposition maiden aunts who were accusing, in effect, Deputy Brouard and Deputy Dorey of messing about with our democracy – when legalisation comes before the States that is not the time to open up further political debate on it. Well, yes it is, and it has been done very many times in the past. I am grateful that Deputy Brouard has brought this up, because I have had time to reflect further on it and I am going to be supporting this amendment.

There were a couple of other things I wanted to say. Deputy Hadley said that there was research in the UK to show that there is economic benefit from trading on a Sunday. Well, that may well be, but I am not sure that research in the UK and statistics in the UK are easily translated to Guernsey. The land mass of the UK with all of its cities and towns amounts to the thick end of 95,000 square miles, whereas Guernsey just has 25 square miles. I am not sure that an economic outlook which is based on a relatively much larger country would apply to us.

Deputy Brehaut, in his amusing speech, characterised what the people such as Deputy Brouard want to do as transporting us back to the 1950's. Well, of course, everybody knows that that is not true, that is not a correct characterisation, but what I think Deputy Brouard and Deputy Dorey want to do is to get us back to a gentler, quieter day on a Sunday, much like what we had, not in

the 1950's but maybe the 1960's, 1970's and 1980's, something which distinguished it. Anyway, a day which was distinguishable from the other days when we are going full tilt in our quest for commerce.

1515 Deputy Parkinson – alas, he is not in the Chamber, but I am comforted that he was re-elected, I am glad to see him back in the States of Guernsey. He was remarking in *The Guernsey Press* this week that we have lost our way for the last four years, particularly Treasury & Resources, so in the time left available to me I am naturally called to carrying out my political duties under his expert directions. I am pleased to see him back in the States. (*Laughter*) It will make my ensuing 143 days from today – not that I am counting (*Laughter*) until I am out of the States – that much more
1520 worthwhile. The reason why I refer to Deputy Parkinson is that he was somehow critical of the fact that there is an attempt at a reversal of a policy so soon after we debated the policy last time. He said that there is a distinction between something which occurred nine years ago and something which occurred nine weeks ago. Well, of course, the reason why Deputy Brouard is bringing this amendment is because he felt that he was not given the time at that time to explain his option B,
1525 his second option. So I think it is perfectly respectable, without bringing the States into disrepute, that he be allowed to have his say (**Several Members:** Hear, hear.) as a result off laying an amendment to this Ordinance, and good luck to him.

Deputy Stewart said that things had changed and that we now had economic evidence. Well, of course, this amendment is actually going to deal with that because it would allow shops to
1530 cater for the cruise-liner industry.

Deputy Lowe spoke about the hypocrisy of some of the owners of the larger stores signing up on this petition, but the point is that if we are talking about, for example, Marks & Spencer in St Martin, it is open legally on a Sunday. I do not know that that debars whoever owns Marks & Spencer in St Martin from having his say about total deregulation – because that is what the
1535 petition was about. Furthermore, I think that one has to bear in mind that if we are talking about total deregulation it does put those people who own smaller shops in the position of having to compete, because if they do not they are going to lose out commercially against other people who are trading.

Deputy Soulsby, I am not quite sure why I made a note. Oh yes, that is right, she said everything that could be said has been said. Then she said it all over again. (*Laughter*)

Deputy Dorey, I would like to congratulate him, as always, on the depth of the research he puts in to every speech, (**A Member:** Hear, hear.) It is *truly* impressive.

Also I would like to congratulate Deputy Gillson on his speech. It was much too long but it was a very good speech.

1545 That is all. In short, I welcome the opportunity that we have had to debate this again, even though it has taken up several hours this morning.

The Bailiff: Deputy Wilkie and then Deputy Gollop.

1550 **Deputy Wilkie:** Thank you, sir.

I do not want to discuss the pros and cons of Sunday trading; I just want to focus on this amendment for a little while.

In respect of rule 15.2, there is no anticipated change with regard to the current administration costs of a half full-time equivalent estimated at £30,000 a year. I am concerned, sir, that that is not
1555 correct. I have heard from Deputy Brouard during his speech, and I would like him to clarify this when he replies in his summing up, that he is looking to take away the administration from the Douzaines. The Douzaines are unpaid elected officials, mainly unpaid elected officials, and we are going to take all that work and then we are going to give it to a paid civil servant at Commerce & Employment. I am pretty sure that civil servant, if they have got to inspect shops on a Sunday, will
1560 be paid extra pay – whatever it is, time and a half, double time. I do not know what that is, but I cannot see that amount of work being done for the £30,000 that we have got here. I believe that

is a drop in the ocean. I think that these regulations will cost a lot more than that. I would just like Deputy Brouard to address that point in his reply.

Thank you, sir.

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The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, I too was amused by Deputy Lester Queripel's headless chicken. I suppose it is better than a turkey voting for Christmas.

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Also, before I get into the main body, I have to ... Deputy Conder reminded us of the interest there might be in looking for white goods on a Sunday. Well, I am thinking now I am not much of an expert in choosing washing machines and launderettes and tumble dryers and that sort of thing perhaps on any day of the week.

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Deputy Hadley mentioned that it can lead to an increase in overall trade. Well, that is a possibility, but as Deputy Perrot and others have reminded us, Guernsey is different and of course in the UK the increase in trade has been linked to the mobility of people over large catchment areas, an advantage that Guernsey, especially in the winter months, does not have.

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I would point out – and I know Members get tired of this at board meetings, but sometimes I like to do anecdotes about memory lane – we have heard Deputy Fallaize reminiscing about the 1970's, even if he was not even a baby at that point. I think it is important to bear in mind that we have seen over the years quite a lot of UK chain stores coming here, and leaving again. Remember we have seen Comet. Comet came and went, and other fast food establishments and so on. Lipton's went and considerable others: Curry's, Dixons, and so on. The point I am making is these businesses do not necessarily find Guernsey entirely to their taste, and that is because we are different, we have different trading margins, different retail conditions, different economic situation, and therefore we have to tread very cautiously before adopting a UK idea wholesale.

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I know in many other parts of Europe they do have Sunday trading, but they restrict it in a variety of ways. Last time, I actually voted against the deregulation option that won, and to a degree I accept the result, but it should be pointed out that what Deputy Brouard is doing today is not a rerun of that debate. Indeed, what we have... some of the speeches we have heard have been very much about the horror of Sunday trading or the fears it will bring, or on the other side of the spectrum what advantages the freedom will give society. Actually, that is not strictly as relevant as it could be, because what this Ordinance is – this amendment, rather, is a further liberalisation but in a controlled way. We lose parochial interference, we lose 10 different authorities having 10 different policies, we clear up many of the anomalies, we amend the plants and garden centres to enable a full range of goods, which in the eyes of many of the public has been the biggest single anomaly that has upset people. I am not particularly fussed about the pet shops, although somebody said you could not sell a CD but you could have the Pet Shop Boys, I suppose, (*Laughter*) but we have the introduction of a new licence category for exhibitions, and the souvenir shops.

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What this is, I suspect, it is a last gasp for Sunday trading regulation. The Island changes over time. As Deputy Brehaut and many others pointed out, we do live in a changing society. Deputy Le Clerc is, of course, right. At the time when Sunday trading controls were at their height ... I believe, according to an article I read in *Contact*, they began in their current state in 1911 because of the views of the then Dean of Guernsey and so on, but they perhaps reached their zenith in the early post-war period, at a time when the horticultural sector, the guesthouse sector, the farming sector were much greater than today and we actually ... although we have an improving bus service, in those days we had a Sunday bus service every quarter of an hour after lunch, even in the winter time. So there were people working on Sundays, perhaps just not in retail. Where we are at now is blending together two very different perspectives on society. We know that many smaller shops, particularly not the UK chains but the Guernsey-owned businesses, the smaller local fabric, are wary of this change. We know too, as Deputy Fallaize and others frequently remind us – Deputy Conder too in another debate – that we are broadly a consensus Assembly.

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1615 We are not an Assembly that has two political parties and if one of them happens to have a majority of one or two then they push everything through regardless of public sentiment. It is clear that the public sentiment is divided here, but what is on offer, which is not the same way we all voted last time, is a new compromise, one that simplifies administration, one that ends the parochial era, one that widens certain kinds of sale.

I am going to support the amendment today.

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The Bailiff: Chief Minister.

1625 **The Chief Minister (Deputy Le Tocq):** Sir, when I spoke last time in debate I talked about the issue of change and the fact that, and it has been mentioned again today, we cannot really say things will not change, because they will change, there is no doubt about that. In fact, things have changed quite dramatically, as pointed out by Deputy Brehaut and more recently Deputy Perrot. Whether you, say, go back to the 1950's or 1960's or 1970's, they have changed and they will continue to change. The question really is the speed of change that we want and the degree of change that we like. There is no doubt that Sundays are more like the rest of the week than they ever were before. Certainly, from my childhood, when I was plus 10 in the 1970's there was... I remember it being totally different to how it is now. So, there is going to be change. The question is how do we manage change, and whether therefore complete deregulation is the way forward.

1630 I have got a friend who is a Seventh Day Adventist and often wonder how we would approach this issue, because for him and Seventh Day Adventists are Christian, really, in every other sense except they choose to have their day of rest on a Saturday, the Jewish Sabbath, and in every part of the world where they are influential and strong, actually, that is not the general day off. So, as others have said, it is not a particularly religious thing but I am concerned about the level of change, and I am always concerned about how we lead culturally, because there is no doubt that in terms of economies of scale, whilst things will not change – and I said this last time, things will not change immediately, but generally if you ... in a completely unregulated market, in the end what happens is those who are high-volume traders and can and are able to deal with high volume will have the economies of scale and therefore will be the ones in the end that dominate.

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1640 A few weeks ago I was in the UK on a Sunday in a town not dissimilar to St Peter Port, about the same size. I know that it is true to say that it is not the same as an Island, people can go elsewhere and shop, and indeed people can still shop online, of course. But it was interesting to see in their town, which is in the UK with very little regulation now on a Sunday ... I went into one particular retailer, who had a mix of things on offer – he had a little coffee shop there and I noted that he seemed local, but when I was talking to one of the shop owners and talking about the other traders that were open in this town it seemed to me that all the others were the major international and national large retailers that have the play really of town centres and shopping malls right across the western world, let alone the UK today. And to be honest, my conversation really went on the fact that I do not particularly enjoy shopping. I know that it is called a therapy these days, but I do not often enjoy those sorts of things. On the other hand, my wife and three girls do enjoy that, so I have got used to it over the years. But nevertheless I feel disappointed when I go in towns and retail outlets that look the same – you could be almost anywhere in the world, and I think that is a great thing about the Guernsey offer. So that is one of my concerns about changes. I got into conversation with him and said, 'Well, how do you, as a small local retailer, continue?' and he said, 'Well, no longer, we started out here but now we have got 10 branches. We have had to completely change the way in which we do things in order to compete, because we have had to compete with the bigger guys and become a bigger guy,' and he said, 'Now it is no longer a small family-run business. That is the only way we can survive.'

1650 The question – I am not trying to ask the question is that a good thing or a bad thing. We need to decide. I think our community is split on that and I think there are some that do understand that there are going to be issues with the pace of change that affect the retail offer.

1655 But we are only talking about retail, as others have said here. Other things we do not regulate on

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a Sunday. We are only talking about retail and, like other people have expressed, I find it frustrating that when you talk about regulation it is always a question of where you draw the line. It is always messy and there is never a logical argument. We cannot be logical. The only logical argument is to say complete deregulation or complete regulation so that nothing opens at all on a Sunday. I do not think anybody in this Assembly, or in fact even the most extreme views I have heard, will want either of those. So it is a matter of mess in between and how much mess you can cope with in terms of regulatory law to do that. That is our job and we have to make a decision on that basis. But it will affect things, and I do think that when we talk about equality and if we are trying to protect in some degree, whether it is in this debate or on other areas, and promote local businesses, we do need to think about the methodology of how we achieve that. We need to think about what will help them and whether we want them to have the challenge of a completely unregulated market, which may mean that their offer and their size of business and the scope of their business may need to change. That, some of us may think, is a good thing. I must say the jury is out for me on that and it may well be that we need, as I said last time, a period of complete deregulation in order to redress the balance with other measures later on. I am not certain, but what I do know is we need to recognise that there will be change, and with equality issues we need to recognise that with smaller retailers and smaller businesses, smaller individuals, how you look at equality, the way in which they access the same opportunities as others is not the same as the bigger guys, who have volume and other things that they can use. I think particularly in terms of the trade that we have perhaps in our visitor economy, those that come on cruise liners as well particularly, they notice that Guernsey is different, they notice that we do not have the plethora of large stores that are international chains that other places have, and personally, if complete deregulation would ultimately lead to the more dominant nature of those international large retailers in our market, I would be cautious about going full pelt at complete deregulation.

When Deputy Brouard spoke to me about his amendment and contacted me and asked me how I was going to vote, I said to him, 'I do not think I will support the amendment.' I was just planning to vote against the legislation, because I think that is a democratic right, and I support his democratic right to bring an amendment. But I am never certain about when we start changing things. I do not like the current system, it is not perfect, and I do not like what he has proposed here particularly, but as I said before, there is nothing that will suit everybody, because our cultures change and what we consider to be okay because it will allow little retailers to trade may change in a few years' time because the whole nature of retail is changing. But nevertheless I am coming round to thinking of supporting his amendment on hearing some of the speeches here today in this Assembly. I still have not made my mind up, but I am not going to be supporting the complete deregulation in terms of the substantive Proposition and the legislation in front of us.

The Bailiff: Deputy Harwood.

Deputy Harwood: Thank you, sir.

Like others, well like the minority the last time, I voted against deregulation and I remain opposed to deregulation. Rather like the Chief Minister, I have to consider how I react to this amendment. Do I, as he suggested, vote against the legislation per se, or do I sort of work on the basis that, well, politics is the art of the possible and rather than lose again maybe it is actually more sensible to come behind Deputy Brouard and support his amendment?

I congratulate Deputy Brouard on his perseverance. (**A Member:** Hear, hear.) I think he was stitched up by his colleagues on the Commerce & Employment Board in the (*Interjections*) manner in which the report was originally presented. I think he would never have got a fair crack at putting forward his alternative. So we have had the chance now to debate that alternative.

The proposed legislation is wonderfully simple. It is about three lines repealing (a) the Sunday Trading Law, (b) the Sunday Trading (Amendment) Ordinance and (c) the Sunday Trading (Amendment) (Amendment) Ordinance. Very easy. What the legislation does not begin to address, and I think the deregulation issue did not begin to address, is the unintended consequences of

1720 deregulation. Many of the speakers here today have actually identified some of them, sir. For
example, logistics – the impact on the logistics to support trading, traffic, parking. If Sunday is to
be like any other day, as some people would urge, then we also have to consider how we are
going to deal with parish matters. This matter was debated at St Peter Port Douzaine yesterday
and there is concern that a lot of work has to be done in the parish, particularly in the High Street,
Smith Street, along the Quay and other places, and can only really be done on a Sunday because
1725 that is the day when actually there is very little traffic, and that is a particular point that Deputy
Dorey was making. If Sunday is to be treated as any other day, then that opportunity is going to
be lost. There is going to be a cost implication, because clearly roads are going to have to be
blocked up at other times. So, sir, deregulation – people have not thought through the
unintended consequences. We have heard about the problems for staff and I suggest that we do
not underestimate that issue for staff.

1730 One message that is quite clear: if we go down the deregulation route – which is, yes, how the
States voted in September – that genie ... once we have let it out of the bottle there is no way we
are going to be able to put it back into that bottle. It is out, there is no way of going back. So with
the uncertainty of the unintended consequences, with the uncertainty over the issues for staff and
for others, competition, I am certainly minded to support Deputy Brouard and Deputy Dorey,
1735 because I think this amendment is possibly a degree of liberalisation. It is not letting that genie
out of the bottle. If there have to be further changes later down the line then there can be, but if
you go for the full deregulation there is no going back.

So, sir, I would urge people to support Deputy Brouard's amendment.

1740 **The Bailiff:** Deputy Harwood, should you have declared an interest?

Deputy Harwood: Sorry, I should declare an interest. I am a director and shareholder in a
company which has a wine business. I was actually similar to Deputy Perrot – I am a shareholder, a
minor shareholder, in the company that has an interest in a company called Bailiwick Investments,
1745 which may or not be doing a transaction, sir.

The Bailiff: Does anyone else wish to speak? Yes, Deputy O'Hara.

Deputy O'Hara: Yes, I will be brief because I realise the time is getting close to lunchtime, sir,
1750 thank you.

I served on St Andrew's Douzaine for nearly 25 years, so I was there at the start when all these
regulations came in. They were not good, they are not good now – too many vague areas. It does
definitely need to be tidied up. I do not believe we need full deregulation at all. I think that the
option 2, which was sadly not allowed to be debated last time, is definitely the way to go forward.

1755 I have been listening to the debate – interesting today, very good, some excellent speeches on
both sides of the fence, but one thing that has come to my mind, and the Chief Minister brought
it up, is that a statement has been said several times that total deregulation will not change
Guernsey. Well, it will. I wonder, those people who have said that, how do they know? It is a pure
presumption, pure speculation. But what we do know is that Guernsey has an exceptional way of
1760 life that people over the years have enjoyed, and that will change. It will definitely change. So I am
going to support totally option 2. I think it is the way to go.

One thing about one or two comments made about the petition ... for Members, if you took
the option not to think about the two major shops, if you counted the number of other shops that
have signed that petition to date, in fact there are 67 of them and there are only two of the other
1765 shops. So a little bit unfair to criticise them.

I do think it is the way forward. I would really ask you to consider how Guernsey is – such a
super place. One or two people have said already that our way of life is changing. It is, all the time
– very difficult to keep a track with it, but there are some things that we can try. I do not like to us
the word 'control', but there are some things we can try to moderate.

1770 Deputy Duquemin in his excellent speech mentioned about family life. It is about family life. It is about treating Sunday in the way that is really nice. It is just a good thing. As someone has said, once it has gone it has gone for ever. So, please, please, please, support this amendment.

The Bailiff: Anyone else?

1775 Deputy Brouard I do not want to rush you in your reply to the debate, but how long do you think you are likely to be?

Deputy Brouard: More than three minutes, sir.

1780 **The Bailiff:** Well, you do have the right to ask for a 15-minute break to consider your reply if you wish to do so, so I think I have to say to you: do you wish to commence your reply now?

Deputy Brouard: Can I have a four-minute break, please, sir?

1785 **The Bailiff:** In other words, do you want to reply after lunch?

Deputy Brouard: Yes, please, sir. Thank you, sir.

The Bailiff: In that case, we will rise now and come back after lunch.

*The Assembly adjourned at 12.28 p.m.
and resumed its sitting at 2.30 p.m.*

**The Sunday Trading (Repeal) Ordinance, 2015 –
Debate continued –
Proposition carried**

1790 **The Bailiff:** Deputy Brouard, just before you reply, there are a couple of Members who spoke and they need to declare an interest.
Deputy Parkinson.

1795 **Deputy Parkinson:** Yes, sir. The declarations by Deputies Perrot and Harwood prompted me to remember that I also have an interest in Bailiwick Investments, which I should have declared before I spoke. Having not done so, I will abstain in the vote on the amendment.

The Bailiff: You are not required to abstain in the vote. That is a matter for you.
Deputy Gillson.

1800 **Deputy Gillson:** Sir, I too have an investment in Bailiwick Investments.

The Bailiff: Anyone else?

1805 **Deputy Luxon:** Sir, I do not – *(Laughter and interjections)*

The Bailiff: Members.

Deputy Luxon: – but my business ... we do own a retail shop. (*Interjections and laughter*)

1810 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

I am probably alone, because I have not got shares in Bailiwick Investments, but perhaps I should have, sir! (*Interjections and laughter*)

1815 Thank you, Mr Bailiff. This is the third graveyard shift that I have been given on return after lunch. This one was, of course, of my making, so thank you for that.

Deputy Paint started the debate off and I would like to thank him for his support.

1820 Deputy Domaille mentioned about retailing of petrol on Sunday, and of course that was one of the seismic changes that happened – the whole Island was going to stop. The whole point about what we are doing now is ... changing petrol on Sunday was part of an incremental change, it was a measured change to response at the time, and that is what we are offering in the amendment today. It is a measured response, an incremental change. It is not that total deregulation. It is an incremental move, low risk.

1825 Deputy Le Pelley mentioned about the problems with regard to the Douzaine and some of the inconsistency when you have got 10 different parishes looking after this particular Ordinance, and he is absolutely right and that is why the idea is to centralise it under Commerce & Employment, which will at least give some consistency there.

1830 Something which I will come on to later will be there will also be a line in the sand drawn somewhere and this is one of the difficulties which we have to live with, but the amendment does get 80% of it right. That is the main thing. It gets all the benefits but with very few downsides.

Deputy Hadley is not in favour of the amendment, but he is concerned about changing Guernsey and he is absolutely right to be worried about that because I think the amendment will change Guernsey.

1835 Deputy Duquemin, thank you for your speech. That was very helpful and I think that summed it up very nicely. The question he was posing to us is: are we improving the quality of life overall? We are not just talking about Deputy Fallaize's hamster, important though it may be; it is about the overall quality of life for the whole Island – all the good things, the bad things, what we do on the weekends, our different lifestyles.

1840 That brings me on to Deputy Brehaut. Yes, we do have different lifestyles, but I still come back to that fundamental question; why add more people working on Sundays? What does that do? It adds nothing. Where we need to add more people working on Sunday is perhaps there is an opportunity when cruise ships come in that we open on Sunday, and that is exactly what this amendment does. There is an opportunity for garden centres, that are flourishing now, a completely different business option from 15 years ago – that gives us an opportunity for garden centres to sell their full range of product.

1845 Deputy Parkinson mentioned that he preferred a more measured response. I think this is it and I thank him for abstaining. I think the votes are so tight that I need everyone to be one way or the other, so that is fine – thank you very much for that.

1850 Deputy Stewart, the spending is down on Sundays with regard to cruise ships, and this is exactly what this amendment addresses. It gives the opportunity for shops that wish to open in Town on cruise ship Sundays and there will be no requirement for a licence. So again it gives that simplicity back to what Deputy Le Pelley was saying.

1855 Of course, we do not want regulations, do we? Mind you, we have one of the world's best and finest regulated finance industries. We do regulate. But the idea of regulating is to make the most out of those opportunities, and that is what this amendment does.

Deputy Lowe ... I think I will come to that one later on. It is really about the retailers do not have to open on Sunday, but I will try and give some evidence that in fact I think they will have to.

Deputy Inglis, thank you very much for your support.

1860 Deputy Soulsby: let's have better regulation. Well, I think this is what my amendment does. It gives us a chance to improve the red tape on this amendment and allows us to make the opportunities where there are real business opportunities. Of course, once you deregulate for all businesses it is not just the touristy shops that will be allowed to open; it is every shop on the Island, every retail offering right across the Island, so it will change the Island.

1865 Deputy Fallaize mentioned the inherited position that we are in. Yes, and I was waiting for someone to pick at the threads – I said earlier on you can pick at the threads. This is not perfect, it does not cover every single opportunity and there will always be something, a line drawn in the sand. We as a Government draw that line every single day. HSSD have got some of the most horrendous decisions to make on whether we give care or we do not give care, or whether we give that drug or we do not give that drug. We do that now – someone makes that decision. We do that with schools. Some people have an exam pass and go to a certain school; other people do not have an exam pass and go to a different school. Those decisions are there now. You are likely to get a caution or a policy record if you got at a certain speed down a certain road. We have these rules in place. There is a speed limit on a particular road – you are either inside the speed limit or you are outside the speed limit. So please do not try and make the position that somehow we do not have these things. We do have these rules. What I am asking you to do is perhaps just to take one step back and, overall, will the Island be financially better off, will it be socially better off, and will it be generally better off by having complete deregulation on Sunday? I think the answer is no.

1880 Deputy Conder makes some really good contributions to this States (*Interjection and laughter*) and it is always interesting to hear other sides' views, but – (*Interjection and laughter*) Disappointed as I am that his daughter, many years ago when they came on holiday, could not shop in St Peter Port, (*Interjections*) the fact is he still came over to Guernsey when we still have regulations on trading on Sunday. The Seafront in Town ... restaurants are open anyway now. What we are proposing in this amendment will actually go a long way – and this is the compromise area that we have in Guernsey This amendment goes a long way for all those things that Deputy Conder wants, because when a cruise ship is in you can open your shop on Sunday. Job done. Okay, perhaps on a Sunday when the cruise ship is not in and it is not a Sea Front Sunday your daughter won't, but perhaps go to the beach instead. So, it is just that compromise and it is that compromise that we do pretty well in Guernsey. One thing I would criticise is that he mentioned retailers do not know that they want it but I am giving it to them anyway – which is retailers do not want to open on Sunday. You can read the names here. I will just open up: Creasey's comes as no surprise, Soundtrack, shop workers from Gaudion's, Stan Brouard's, Castel Building Stores, Fletchers Sports, Sale or Surf, Burton, Forest Stores. There are –

1895 **Deputy Lowe:** Just a point of correction, sir.

The Bailiff: Deputy Lowe.

1900 **Deputy Lowe:** The petition is not about opening on Sunday; it is whether you want to work seven days a week. Not the same.

Deputy Brouard: I thank Deputy Lowe for that, but the petition is here, you have seen it passed round, and it says ... I will read the petition from the top. I was not going to, but I might as well:

'A Guernsey trades petition'

1905 – it was not for public signatures –

'for the States Meeting on Tuesday, Wednesday, 8th and 9th December. Sunday Trading. Say no to deregulation.'

That is the main thrust. You can hand in your sheets to certain retailers, and use the other side ... This is ... [*Inaudible*] And then someone has also written on it:

'Who wants to work seven days a week? Keep our culture and lifestyle.'

1910 Yes, but if someone signs that thinking there is seven days a week ... There are not many people who sign because they do not want to work seven days a week. So this petition is 'say no to deregulation'. I hope that sums up that particular point before I go further. (*Interjections*)

The Bailiff: Are you giving way to Deputy Conder, or...?

1915 **Deputy Brouard:** Yes, sir.

Deputy Conder: Thank you.

Could I just ask Deputy Brouard – he has just said retailers do not want to open on Sunday. They are not being forced to open on Sunday.

1920 **Deputy Brouard:** Thank you. The retailers are perfectly aware that they do not have to open on a Sunday, absolutely perfectly aware, but they will be forced – and I say 'forced' – into it. In fact, he has prompted three lines down, but I will get there eventually.

1925 The challenge is how we deal with the internet. I think part of Deputy Conder's argument was that you deal with the internet challenge by allowing shops to open on Sunday, and that is a complete falsehood in my way, because if you wanted to open at a time when people are on the internet you would open up in the evenings. So why aren't shop keepers opening up in the evening? Because that is not how you compete against the internet. You compete against the internet by giving a high-quality, interesting personal customer service, just as he talked about, but opening on Sunday does not do it. Opening on Sunday spreads your costs over a greater
1930 area; it does not bring in extra sales. Where you get the extra sales from is from the cruise ships – that is the idea, that is what the amendment does. It allows you to open up on the cruise ship Sundays and pick up those extra sales. Hundreds of shop workers, your shop workers, they are our Island, they do not need it. Business owners in their scores do not need it. But you are going save them from themselves by forcing them to open on a Sunday – and I use the 'force' because choice
1935 is only available when there is an alternative. When your competition opens, so will you.

Deputy De Lisle, thank you for your support.

1940 Deputy Dorey made some very good points and especially about the traffic on Sunday. It is official: traffic on Sunday is quieter than it is for the rest of the week. That is what we would like to preserve. The other issue that Deputy Dorey raised very well was the employment protection. Of course there is employment protection and it will work reasonably well, but just think of the scenario. You are going to take... Say you are rostered for a Sunday and you do not want to work Sunday, so you put in the claim that you do not want to work Sundays. How will that sit long term in that business? It just will not. It might work for the first day or two, but after that you will somehow be ostracised. It is just the nature of things. If the whole team is all pulling and you are
1945 working seven days a week at a shop, and a few people decide that they do not want to play in that, it is going to be very difficult. And not only that, we are an Island of small managed self-owned businesses. When I used to work at the bank, I used to consider it was part of my fiefdom, my little branch or my section. I was first in, last out. That is how it was, because you wanted to make sure you did the absolute best for your team and absolute best for the firm you were
1950 working for. What do you think the pressure is going to be like on these small owner-managed businesses? They are going to feel obliged to come in every day, and Sunday is the one day when they do not have to – and in fact, as someone else said, it is quite a good day to get some of the maintenance done or get some of the other teams in that sorts things out. So please consider that.

1955 Deputy Gillson, excellent speech, and he hangs on one of the points that I have made to you a few times: we are offering an incremental change.

1960 Deputy Luxon said about staff coming to work on Sunday, and I do take that point but while at the moment it can be a premium for somebody to work on Sunday because of the overtime, over time that overtime will disappear because it will just become a normal working day. He also mentioned option and choices. I do take that on board but, as I mentioned earlier, some of those choices for some of the businesses become less about options and less about choices because they will feel that they have to open.

1965 I think I have addressed some of the points about the internet with regard to Deputy Conder, which also apply basically to Deputy Le Clerc, who mentioned about the internet shopping. The internet shopping is not how ... You do not tackle internet shopping by allowing shops who do want to open on a Sunday to open on a Sunday. If we had the petition the other way round, saying, 'Please deregulate Sunday so we can fight against the internet', I would take somewhere. This is the evidence. These are your shops in your Town, and this is what they are saying. Please, I cannot do more: read what they say take it on board – please.

1970 Deputy Perrot, thank you for your observances.

1975 Deputy Wilkie, he ... Taking away from the Douzaine, yes, and he is absolutely right – that is so that basically we have the consistency. He actually makes the point on the costs, whether we can contain it in Commerce & Employment, those costs. Part of that will be done by having a far more streamlined system. With some self-certification there will not necessarily be a need for the team or the individual to go out on a Sunday to check stores. They will do that randomly during the whole year, not necessarily on a Sunday. They might, because the shops would be open other times in the week as well, so most of that will be done on a rolling basis, rather than now where it is quite draconian, to be fair – and I do take that point; that is why I am hoping the amendment here will smooth out some of those.

1980 Deputy Gollop made a good speech. It is a further liberalisation – I do not deny it. It is an incremental drift. It is recognising where we are, but it does tidy up the anomalies and takes away that final risk.

Deputy Le Tocq made the point about changing Guernsey and the tapestry of local shops, and I thank him for that.

1985 Deputy Harwood made the point that perhaps I was stitched up by my colleagues at Commerce & Employment; but if so, they did it seamlessly. (*Laughter and interjections*) They did it so well that I was not even aware of it. So well done to them.

Deputy O'Hara, thanks very much. Thanks for your support, we do need to tidy up.

1990 You take no risk with this amendment. It is an incremental change. We gain the cruise ships trade, which we are losing now on Sunday, and if shops wish to open they can do. No licence is needed. It removes the roped-off areas at garden centres. And we have a chance to be very clever here today. We get most of the good bits, minimise the unintended consequences, and retail get the real support that they need.

1995 Just to sum up, sir, I may be a bit stubborn, but I will fight all day and every day to keep Guernsey special. Something which was made very plain to me this year – when you look back on what you have done in our short time on this planet, it is those times when our families get together that we value the most.

Thank you.

2000 **Deputy Domaille:** Sorry, sir, I did not want to interrupt Deputy Brouard when we was getting into full flow on his speech, but I did ask if he accepted his Department's consultation document, which showed that a great majority of people in Guernsey, not the retailers, by majority supported deregulation.

Thank you, sir.

2005 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

I do accept that the consultation was, as a consultation is ... that it was an elect in and people who wanted to pass over their comments to us were able to do so. As I said in my speech this morning, it was not an accredited survey taking into account demographics, taking into account social economic groups, all those sorts of things that you would do if you were doing a professional survey. This was an opportunity for people to pass their comments in. As I said this morning, I think the majority of those who wanted deregulation did, and those who are basically happy with the status quo, which is roughly what this amendment is saying, did not bother to engage until later. Sir, I think I would give stronger ... Although I give weight to it, I give far stronger weight to the –

Shall I give way to Deputy Hadley, sir?

Deputy Hadley: Mr Bailiff, I just wanted to make two points. First of all, I suspect Deputy Brouard has confused me with somebody else, because I was not actually worried about the change in the character. I am told it is impossible, (*Laughter*) but in fact I was not worried about the changing character of Guernsey. And you have referred on a number of occasions to the increasing costs of people opening, but the two biggest shops that will open on Sunday, Waitrose, still are open on a Sunday now. It is just they do not open the doors to customers. They are open so the staff can fill the shelves, so all the lights are still on and their costs will go down because there will be a much reduced wastage by them being open on a Sunday when some products expire. Those were the two points that I would like to make.

2030 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, Deputy Hadley, for that. I do not quite understand the thing about goods that would not be sold, because those goods would be sold anyway. I do not understand the point that he is –

2035 **Deputy Hadley:** If I could just explain that –

Deputy Brouard: The trading – there is only so much money to go around. All you do by opening on Sunday is spread that trade into the Sunday. I think the other part was about changing Guernsey, is that right? I think it will change Guernsey and I would strongly urge everybody to just reflect on what we are doing here today. We are taking a very big step, and myself and Deputy Dorey are giving you a chance to take more of a shuffle, but I think it is the right shuffle for Guernsey.

Thank you very much.

2045 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Sir, it was just Deputy Brouard said ... and I stand to be corrected if I am wrong but this amendment was to assist cruise-liner passenger days, that they would be able to now open on cruise-liner days. It was about that. They can now and they choose not to. They can actually open on cruise-liner days.

Deputy Brouard: If I may, sir, not all shops in Town are allowed to open on cruise-liner days. The idea was that we would allow all shops in Town to open on cruise-liner days. It is an incremental movement, so that the whole Town is vibrant, and not just tourist shops that would be the first choice. So it is an improvement and it allows exactly what people want to do, because that is where the extra trade is.

Thank you, sir.

2060 **The Bailiff:** Members, I think we now need to vote on the amendment proposed by Deputy Brouard, seconded by Deputy Dorey, and there will be a recorded vote.

The Deputy Greffier: Voting for the December Billets begins with Castel District.

There was a recorded vote.

Not carried: Pour 22, Contre 23, Ne vote pas 1, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Duquemin	Deputy James	Deputy Parkinson	Deputy David Jones
Deputy Green	Deputy Wilkie		
Deputy Dorey	Deputy Soulsby		
Deputy Paint	Deputy Sillars		
Deputy Le Tocq	Deputy Luxon		
Deputy Adam	Deputy Quin		
Deputy Perrot	Deputy Hadley		
Deputy Brouard	Alderney Rep. Jean		
Deputy De Lisle	Deputy Kuttelwascher		
Deputy Burford	Deputy Brehaut		
Deputy Inglis	Deputy Domaille		
Deputy O'Hara	Deputy Langlois		
Alderney Rep. McKinley	Deputy Robert Jones		
Deputy Harwood	Deputy Le Clerc		
Deputy Gollop	Deputy Sherbourne		
Deputy Bebb	Deputy Conder		
Deputy Lester Queripel	Deputy St Pier		
Deputy Gillson	Deputy Stewart		
Deputy Le Pelley	Deputy Trott		
Deputy Ogier	Deputy Fallaize		
Deputy Laurie Queripel	Deputy Lowe		
Deputy Spruce	Deputy Le Lièvre		
	Deputy Collins		

2065 **The Bailiff:** Well, Members, I can formally declare the result of the voting on the Deputy Brouard/Deputy Dorey amendment: 22 votes in favour, 23 against, with one abstention. I declare the amendment lost.

Is there any move for any further general debate? No. In that case we go straight to vote on the legislation.

Sorry, Deputy Ogier?

2070 **Deputy Ogier:** I think it may be wise if we have a recorded vote, sir, if the previous vote is anything to go by.

The Bailiff: Right. In that case we will have a recorded vote on the legislation, the legislation being The Sunday Trading (Repeal) Ordinance, 2015.

There was a recorded vote.

Carried: Pour 24, Contre 22, Ne vote pas 0, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy James	Deputy Duquemin	None	Deputy David Jones
Deputy Wilkie	Deputy Green		
Deputy Soulsby	Deputy Dorey		
Deputy Sillars	Deputy Paint		

Deputy Luxon	Deputy Le Tocq
Deputy Quin	Deputy Adam
Deputy Hadley	Deputy Perrot
Alderney Rep. Jean	Deputy Brouard
Deputy Kuttelwascher	Deputy De Lisle
Deputy Brehaut	Deputy Burford
Deputy Domaille	Deputy Inglis
Deputy Langlois	Deputy O'Hara
Deputy Robert Jones	Alderney Rep. McKinley
Deputy Le Clerc	Deputy Harwood
Deputy Sherbourne	Deputy Gollop
Deputy Conder	Deputy Bebb
Deputy Parkinson	Deputy Lester Queripel
Deputy St Pier	Deputy Gillson
Deputy Stewart	Deputy Le Pelley
Deputy Trott	Deputy Ogier
Deputy Fallaize	Deputy Laurie Queripel
Deputy Lowe	Deputy Spruce
Deputy Le Lièvre	
Deputy Collins	

2075 **The Bailiff:** Well, Members, the record of the voting on the Sunday Trading (Repeal) Ordinance, 2015 was 24 votes in favour and 22 against. I declare the Ordinance to have been approved.

Greffier, we can deal with the remainder of the Legislation.

ORDINANCES LAID BEFORE THE STATES

The Burundi (Restrictive Measures) (Guernsey) Ordinance, 2015

2080 **The Deputy Greffier:** Ordinances laid before the States – The Burundi (Restrictive Measures) (Guernsey) Ordinance, 2015.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The Trade Marks (Customs) (Bailiwick of Guernsey) Regulations, 2015; The Water Charges (Amendment) Regulations, 2015; The Income Tax (Pensions) (Contribution Limits and Tax-free Lump Sums) (Amendment) (No. 2) Regulations, 2015; The Wastewater Charges (Guernsey) Regulations, 2015

2085 **The Deputy Greffier:** Statutory Instruments laid before the States – The Trade Marks (Customs) (Bailiwick of Guernsey) Regulations, 2015; The Water Charges (Amendment) Regulations, 2015; The Income Tax (Pensions) (Contribution Limits and Tax-free Lump Sums) (Amendment) (No. 2) Regulations, 2015; The Wastewater Charges (Guernsey) Regulations, 2015.

The Bailiff: I have not received notice of any motion to annul any of the Statutory Instruments or the Ordinance.

So we come to elections.

**VI. Elizabeth College Board of Directors –
Election of new member –
Mr Mark Thompson elected**

Article VI.

The States are asked:

To elect a member of the Elizabeth College Board of Directors to fill the vacancy which will arise on 5th January 2016, by reason of the expiration of the term of office of Deputy Allister Langlois, who is not eligible for re-election.

2090 **The Deputy Greffier:** Article VI – Elizabeth College Board of Directors – new member.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir. I will be brief.

2095 My track record for this particular debate is not a shining one, as you and a number of Members will remember. I have at least remembered that I am proposing it this time. I then made a further mistake in preparation, because I thought, well, it is traditional to start this sort of speech by thanking the departing member, so I went to the Billet to look that up and that's me, *(Laughter)* so it seems inappropriate in this case.

2100 That having been said, Mark Thompson is an excellent candidate, and I urge you all to support the proposals.

The Bailiff: Is there are seconder? Deputy Sillars.

2105 **Deputy Sillars:** Yes, sir.

The Bailiff: Any other nominations? No.

We then vote on the Proposition to elect Mr Mark Thompson to the Board of Directors of Elizabeth College. Those in favour; those against.

Members voted Pour.

2110 **The Bailiff:** I declare him elected.

Billet d'État XXV

HOME DEPARTMENT

**I. Pan-Islands Data Protection Commissioner –
Mrs Emma Martins reappointed**

Article I.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 2nd December, 2015, of the Home Department, they are of the opinion to re-appointment Mrs Emma Martins as Data Protection Commissioner under section 6 of the Data Protection (Bailiwick of Guernsey) Law, 2001 until 30th September, 2016.

The Deputy Greffier: Billet d'État XXV – Home Department – Pan-Islands Data Protection Commissioner.

The Bailiff: Deputy Gillson will open the debate.

2115

Deputy Gillson: Thank you, sir.

First of all, on behalf of the Home Department I would like to apologise to the Assembly for the short notice of this matter, and on behalf of Policy Council staff for the omission of two words in the Resolution. The two words missed out are the words 'approve the', so that it should read:

'Are of the opinion [to approve] the re-appointment of Mrs Emma Martins.'

2120

and clearly those words are needed to make the Resolution make sense.

Mrs Martins is the Pan-Islands Data Protection Officer with responsibility for both ourselves and Jersey and it is a joint appointment. Not reviewing her appointment prior to the end of her four-year term in office on 20th November was an administrative oversight on behalf of ourselves and our Jersey counterparts.

2125

Clearly, we cannot be without a Data Protection Officer, but nor would it be good practice to reappoint a person for a four-year term in a hurry without a full review of the period in office. Therefore, what we, in conjunction with Jersey, are proposing is that she is reappointed for a period ended 30th September 2016, which will allow for a formal review of the past four years and unhurried discussions regarding her future contract.

2130

I think it is worth explicitly stating that the reappointment for a short period like this is not in any way a negative reflection on our opinion of Mrs Martins or how she has fulfilled her responsibilities; it is merely a matter of good governance to ensure proper and adequate consideration is given to this matter.

I hope the Assembly will approve the recommendation.

2135

The Bailiff: Is there any debate? Deputy De Lisle.

Deputy De Lisle: I would like to ask the Minister a few questions, sir.

2140

Is this a three or four-year contract position, (*Laughter*) and will the position be advertised for the next term, or is this intended to be a rollover situation?

Thank you, sir.

The Bailiff: Any further debate? No.

Deputy Gillson will reply.

2145

Deputy Gillson: It is neither a three-year nor four-year, but a five-year contract. I think negotiations will primarily, or initially, be with Mrs Martins, and if we cannot seek an agreement then we would look further afield. That is why we are taking it for just under a year, so that we can do a proper review of how she has operated and if we are happy continue with somebody who is experienced.

2150

The Bailiff: Members, there is a single Proposition on page 3784, Billet XXV. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

2155

Billet d'État XX

EDUCATION DEPARTMENT AND TREASURY & RESOURCES DEPARTMENT

IX. Transforming Early Years Education – Funding Options for the Introduction of a Universal Entitlement to Pre-School Education – Debate commenced

Article IX.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 7th September, 2015, of the Education Department and the Treasury and Resources Department, they are of the opinion:-

- 1. To note paragraphs 6.1 and 6.2 of that Policy Letter.*
- 2. To direct the Social Security Department to reduce Family Allowances by £2.40 per child per week with effect from 1st January 2017.*
- 3. To approve the use of the Transformation and Transition Fund to partially fund the introduction of a universal entitlement to pre-school education by the use of: £550k in 2016, £400k in 2017, £400k in 2018 and £150k in 2019.*
- 4. To direct the Treasury and Resources Department to include specific allowance of £1.264 million in the Education Department's recommended Cash Limits for 2017 onwards to fund the introduction of a universal entitlement to pre-school education.*

The Deputy Greffier: Items adjourned from November. Billet XX – Article IX – Education Department and Treasury & Resources Department – Transforming Early Years Education – Funding Options for the Introduction of a Universal Entitlement to Pre-School Education.

2160 **The Bailiff:** Who is going to open this debate? Is it the Education Minister or the Treasury & Resources ...? Yes, the Education Minister will open debate.

2165 **Deputy Sillars:** Today the Education Board, together with the Treasury & Resources Department, brings before you a policy letter on proposals for the funding of pre-school education from September 2016. Together, after the May 2014 Resolutions from this Assembly, both Departments were directed by this Assembly to lay before the States a report advising on one or more viable options for funding universal pre-school education.

2170 We wish to commence this important work at the earliest opportunity, but due to competing priorities Treasury were unable to meet us for the first joint working party until December 2014. Whilst this was disappointing we were not deterred, and I am pleased that we have made substantial progress with the Health & Social Services Department in developing the quality standards framework. I wish to acknowledge the support from the HSSD Board, their officers, in helping us to make the significant progress to date.

2175 Once we were able to meet with Treasury & Resources for the first time, we developed, much to both our collective surprises, I think, substantial progress, and in total we held four constructive and productive meetings with two political representatives from each board. During the course of those meetings the Education Department was represented by myself, and Deputy Minister, then Deputy Le Lièvre, and after his resignation from the board to concentrate on SWBIC, by a new Deputy Minister, Deputy Conder. Treasury was represented by Deputy Minister Kuttelwascher and Deputy Adam. As I said these were pleasantly surprisingly constructive meetings. In fact, the funding model that comprises the Education Department's proposals today in the policy letter were actually proposed by Treasury's political representatives. We were heartened by their innovative and creative thinking. We went through all the options set out in the policy letter and

2180

2185 worked up an agreed position, as set out in our policy letter. Obviously, Treasury were not comfortable proposing any funding for pre-school education, as the board in its entirety voted against the Education Department's proposals from May 2014, hence the many references to their original position in the current policy letter.

2190 However, in accordance with the States' Resolution, a draft policy letter was being prepared, and hence my statement to this Assembly earlier this year when I informed Members that the policy letter would be later than originally intended. But I honestly thought we had an agreed position. My statement was agreed by the T&R Minister before I gave it to this Assembly. Once we had signed off the draft policy letter it was agreed to take that proposed draft back to the two boards for consideration and then submission to Policy Council. The Education Board approved the policy letter based on the preferred option, which had been suggested by Treasury political
2195 board representatives, but unfortunately Treasury was not able to support the joint policy letter. This then led to further iterations resulting in the policy letter only containing recommendations from the Education Department. Despite the May 2014 Resolution, there was no Proposition from Treasury Department in this policy letter. It is essential, because of the importance of this issue we are debating today, that we focus on the facts of our arguments.

2200 It is a myth that all but a handful of our three and four-year-olds are already receiving pre-school education and that a universal entitlement is unnecessary. Our latest survey showed that almost 120 children did not receive any – I will repeat *any* – pre-school education prior to entering reception class this September 2015. Of those that did receive pre-school education, a significant proportion did not receive the minimum of 15 hours – another 170 children that are
2205 not being given the best start to their education; that is nearly 300 children. Our data shows that 75% of children who did not attend a pre-school are starting school below age-related expectations in reading, writing, numeracy, shape, space and measurement, speaking, moving and handling, making relationships, self-confidence and self-awareness, and managing feelings and behaviour. We are disadvantaging these children and making school a difficult experience, when it
2210 should be the start of an enjoyable journey of discovery and learning to establish happy and productive lives. Let's not kid ourselves we are letting down our young people.

2215 These are the facts and figures based on real data and real experiences in 2015. Can I ask that we focus on these statistics and not on out-of-date assumptions to suit our purposes? Some who oppose the principle of universal entitlement to pre-school will say, 'Hang on, why do we need universal entitlement?' and should it be targeted to those 300 children who actually need it. Firstly, I would remind Members that we have already debated this issue in May 2014, when this Assembly accepted the arguments and indeed also supported the Department's Vision in 2013, which included a commitment to this universal entitlement. Targeting will disadvantage a large part of the community who will miss a certain threshold. Those on the fringes will be at risk of
2220 being omitted. Targeted provision is recognised internationally as *second* best, which is why most progressive countries have chosen universal entitlement as the preferred approach. Let's not settle for second best. Of course, we are lagging behind other jurisdictions where best practice has been implemented. To illustrate, the most recent international research the Republic of Ireland Office of the Minister of Children, in talking about early childhood care and education said:

'There is an unanswerable case for universal provision of high quality services.'

2225 The Education Department concurs with this view. The Republic of Ireland's objective is to ensure that government policies pertaining to children should be informed by evidence, by international standards of best practice and by children's rights. We have proven evidence to inform our policy and it complies with international best practice and protects our children's rights. The United Nations Convention on the Rights of the Child, which we are pushing to adopt
2230 in our Children and Young People's Plan, acknowledges that every child has a right to development and participation. A recent OECD report shows that educational attainment amongst 15-year-olds is higher for children who attended pre-primary education, with the highest attainment in countries with high-quality inclusive education systems supported by high level of

2235 public investment. Let's be under no illusion, our community will benefit substantially in the future from this wise, cost-effective, early intervention.

The evidence on early childhood care and education shows that young children do best when they are in a mix of children with different social backgrounds, and universal provision helps to achieve this. A systematic review of experimental randomised controls, trials by the Cochrane collaboration, concluded:

'that high quality pre-school increases children's IQ and has beneficial effects on behavioural development and school achievement. Long term follow up demonstrates increased employment, lowered teenage pregnancy rates, higher socio economic status, and decreased criminal behaviour. There are positive effects on mothers' education, employment and interaction with children. Research shows that all children even the most advantaged benefit. Moreover there is a strong evidence that disadvantaged children benefit even more within a universal programme. Evidence shows that early recognition, identification and a targeted response is more effective against the backdrop of strong universal provision.'

2240 Finally, a major Canadian study on the economics of early childhood care and education provides the greatest economic benefits for all sectors of the Canadian economy as the biggest job creator and economic stimulus.

2245 Are our proposals expensive? In 2013 the average pre-school investment as a proportion of GDP in the OECD countries was 0.7%, rising to 1.1% in Finland and 1.7% in Iceland. We are asking for 0.1% of GDP for this programme. The international benchmark is 1%. Again, let me quote from the Republic of Ireland's Expert Advisory Group, who said:

'There is a very strong economic rationale for public investment in early childhood care and education. Even or especially in times of austerity. It is an investment that makes economic sense, strengthening the foundations for the future of our economy and society.'

Again, to drive the point home, the OECD state:

'Quality costs, but it is worth the investment.'

2250 The long-term costs of not investing in this early intervention far outweigh the cost of this investment. I should hasten to add that almost all of this investment is being spent on frontline services, not the usual army of perhaps civil-servant bureaucrats that we often see.

2255 I will now turn to the funding options. We have always said that Education believes that this is important. We will have to partly contribute towards the costs, and we are prepared to do that by reprioritising our expenditure but we cannot do it alone. The States has been considering withdrawing Family Allowance over the next few years altogether. I understand why. It appears that some on Social Security want all this money to go back into General Revenue and be redistributed. I believe there are very good reasons why some of this money should be reinvested into our children, such as pre-school, and in the future help fund a 1,001 days proposal in a Children and Young People's Plan that we will be debating in February.

2260 Our policy letter, whilst asking for 15% of Family Allowance from 2017 and thereafter, will absolutely target what this money is for. Currently, the parents receive the money and spend it as they wish. Whilst many will spend it on their children, not all do. We are proposing a targeted use of this money, and all the evidence shows the huge benefit that the children will get.

2265 I know that some Members are uncomfortable with the temporary drawdown from the Transformation and Transition Fund, and feel that this is inappropriate use of the fund. The Education Board is firmly of the view that this is precisely what the Transformation and Transition Fund was established for.

2270 As part of the 2015 ... I will be laying an amendment later, so perhaps I will cut this out, (*Laughter*) but I did want to get across where we are and where compromise is coming from. So let's move ... I will make it shorter. (*Interjection*) This has, indeed, yes. I did not want to miss a bit out. Actually, it is rather important.

Pre-school is still a prize. Pre-school is a central element of the CYPP and has, as noted earlier, got a strong business case for a good return on investment. We are facing an ageing

demographic with an urgent need to increase the active participation in our workforce in the coming years. We all know that economic growth comes from one or two sources: either through
2275 the growth in our workforce or through greater productivity. The provision of a universal entitlement to pre-school education is going to increase active participation of our population. How? At a recent women's development forum we heard that Guernsey is missing an untapped female talent in our workforce, with many women sacrificing their careers to raise children or care for family members. More than half of those attending the parent trap meeting said that they had
2280 compromised their careers to care for children or elderly relatives. A lack of a maternity provision, the high cost of housing and child care were causing some to put off having children or to opt out altogether. Michelle Johansen said at that meeting:

'Those who do have children can struggle to return to work at the same level due to the high cost of child care. Therefore women are working in positions below their capabilities. Long term this has a negative effect on women's ability to accrue a decent pension pot in their own right.'

This view was reiterated by Susie Brown, Head of Employee Benefits at Gower, who said that:

'The high cost of child care was forcing women out of the work place. Local families can pay as much as 26% of their income on child care, making Guernsey one of the most expensive places in Europe for childcare compared with the Euro Zone average of 11.8%.'

The IFF Research Childcare Needs Survey Report, prepared for the Guernsey Policy Council in
2285 2010, further highlights the problems we face and which the States has done little to address in almost five years. One in five households that use childcare did not regard the current types of provision – family members – as ideal. One in seven family households that did not use childcare felt that the options available were not affordable. To our shame, that remains the case. As many as seven in 10 households that did not use childcare said that they would if suitable affordable
2290 provision was available. It is still not affordable, to our shame. Around one in seven currently in employment would like to increase their working hours. In addition, a half not in employment at that time would like to move into work and many said the reason they could not was the cost of childcare. Many wanted to increase the number of hours they work or move into work, but simply could not afford it. Finally the IFF Report six in 10 households in Guernsey and Alderney feel that
2295 the States of Guernsey should be taking some action to improve the availability, quality and affordability of childcare provision. Over half of households that think that some action should be taken believe the States should be considering childcare places. Five years on we are finally on the brink of responding to what our citizens are demanding.

We are already lagging behind our close Island competitors in the provision of pre-school.
2300 Indeed, in the autumn statement and spending review in the UK George Osborne gave a commitment to an additional 15 hours of childcare education subsidy for all three-to-four-year-olds in England for those families where parents are working more than 16 hours a week and who have earnings of less than £100,000. This is in addition to their universal entitlement to 15 hours pre-school for all three-to-four-year-olds. So what, you might ask. So what? Because of the
2305 implications on our ability to attract key workers from the mainland to come and work in Guernsey as essential workers. So what? Because of the implications for the private sector seeking to attract staff from the mainland on essential licences. To potential employees such as nurses and teachers with young children we are saying, 'Please come and work and live in Guernsey, where the cost of living is high and house prices are high. You can only come for five years, and oh, by
2310 the way, you have to pay for all your pre-school education, when you get 30 hours free a week in England.' It is hardly attractive, and we are shooting ourselves in our feet and damaging our competitiveness. So what? Because the implication is that many of the children in nearby jurisdictions – England, Jersey – are having far greater early childhood care and educational opportunities than those children living in Guernsey.

2315 Continuing on in the UK, whilst £20 billion is being cut from the public sector day to day departmental spending by 2020, education is being protected in real terms with increased

investment in early years care and education. This stark contrast clearly shows how modest our plans really are.

2320 Before I conclude, a few thoughts. This Assembly was elected and entered office with high expectations and hopes of the electorate. I am sure we will remember what the press called the Sarnia Spring, yet as we enter the final months of this political term I ask what will be our legacy – what have we actually achieved in this Assembly? We have debated and we have redebated Sunday trading, paid parking, transport strategies; we have flip-flopped, we have U-turned and we have dithered. Let's not do the same again. As a States of Deliberation we have done a good
2325 impression of a States of Procrastination. Let us actually do something today that future generations will thank us for, by making Guernsey a better place and a stronger community with a better economy and improve the lives of all of our citizens.

Support this funding proposal and you boost our workforce and increase active participation. Support this funding proposal and provide gender equality and women's rights and financial
2330 independence. Support this funding proposal and we make Guernsey more attractive than we currently are for critical workers such as nurses, teachers and those who want to come and be part of our community and economic success. Support this funding proposal to release the reform dividend from this early intervention for future Assemblies and taxpayers. But most importantly, support this funding proposal so that we can finally address this appalling lapse in public service
2335 delivery and give our young people the best start to their lives, which is an integral part of HSSD's Children and Young People's Plan. They and the wider community will reap the benefits in the future. This, I believe, is far more important for all of our students than even the secondary debate that we will be having in March. It will affect the outcomes for all our students. Our children deserve this investment and I commend this policy letter to the Assembly.

2340 Thank you.

The Bailiff: Do you wish to lay your amendment now, Deputy Sillars?

Deputy Sillars: Yes, sir.

2345

The Bailiff: Can I ask that it be read just to make sure that everybody is looking at the right amendment, because there have been several versions of it circulated. It is an amendment to be proposed by Deputy Sillars, seconded by Deputy St Pier.

Do you wish to read it, or would you like the Greffier to read it.

2350

Deputy Sillars: Please read it, yes, sir.

The Deputy Greffier read the amendment.

Amendment:

To delete the Propositions and substitute therefor:

'1. Notwithstanding their Resolutions on Article 15 of Billet d'État X of 2014, to direct that the introduction of States-funded pre-school education shall be deferred until the 1st of January, 2017 and further to direct that it shall be funded by a combination of:

- a) reprioritising the revenue expenditure of the Committee for Education, Sport & Culture; and*
- b) reducing Family Allowance by £2.40 per child per week with effect from the 1st of January, 2017, in order to reduce States' expenditure by £1,264,000, and increasing the cash limit of the Committee for Education, Sport & Culture by £1,264,000 from 2017 onwards; and*
- c) increasing the cash limit of the Committee for Education, Sport & Culture by not more than £192,000 in 2017 only and by not more than £187,000 in 2018 only; and*
- d) restricting entitlement to States' funded pre-school education as far as is necessary in order not to exceed the revised cash limits of the Committee for Education, Sport & Culture provided*

that such restrictions should be based on the joint, rather than the individual, income of those with parental responsibility for a child.

2. To direct the preparation of legislation as may be necessary to give effect to their above decisions.'

2355 **The Bailiff:** I hope that every Member has a copy of that amendment. As I understand it, that is the only amendment that is going to be moved. The one that might have been moved by the Chief Minister and Deputy Duquemin I understand is not now going to be laid.
Deputy Sillars.

2360 **Deputy Sillars:** Thank you, sir. I think there is another amendment, sir.

Deputy Fallaize: There is an amendment that was left on our desks at lunchtime.

The Bailiff: I have not seen that one.

2365 **Deputy Sillars:** It is from the Chief Minister.

The Bailiff: Oh, right, there is one to be laid then, which ... Right, there is one which I had not seen. So there will be this one then.

Deputy Sillars will open the debate on his amendment.

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Deputy Sillars: Thank you, sir.

I will be very brief. I am pleased to lay this amendment which is the fruit of ongoing efforts between Treasury & Resources Department and the Education Board to find a compromise agreement, and I thank all ... Well, there were 12 Deputies involved in putting this together, so thank you to all of them.

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Both boards have had to yield some points in order to find a common agreement on a pragmatic solution which meets the May 2014 States' Resolution to offer a viable funding model to enable the introduction of universal entitlement to pre-school education, and that is the key. The Education Department is acutely aware of the financial constraints upon the States of Guernsey and we were fully aware of the concerns from Members on the necessity to draw down from the Transformation and Transition Fund to help us with the cash flow requirements until the Department itself could shoulder the financial burden. The Education Department is prepared to delay the introduction of pre-school entitlement until 1st January 2017, which is when the funding from the partial redistribution from Family Allowance would become available. This means that there is now no need to draw down over £½ million from the TTF in 2016. This is, in my board's view, a pragmatic and reasonable compromise in order to make pre-school education a reality.

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Just to explain that, it was reported in the media that it was going back for one year, but the reality is it was always going to be September 2016. So it has gone back three to four months, and it is not an annual curriculum so we felt that is a reasonable compromise. We have always said that the Education Department would contribute towards the cost of universal entitlement, and that is reflected in the first Proposition on the amendment. Proposition (b) makes provision for the contribution of £1.264 million from the Family Allowance starting on 1st January, combined with the increase in the Committee for Education Sports & Culture's budgets in 2017 and 2018 to reflect this. The third Proposition increases the new committee's budget in 2017 and 2018 only by a maximum amount in each of those years. The final Proposition allows for the committee to take the necessary steps to manage their budget and, if necessary, restrict access to universal entitlement based on a joint, rather than an individual, income of those with parent or carer responsibilities.

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Previously, we have taken a prudent line and assumed all the parents would opt out of this entitlement, but there may be some opting out as pre-school attendance will not be mandatory.

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Cumulatively, this has meant that we can reduce the cashflow injections in the first few years required from the Transformation and Transition fund to more manageable levels that can be addressed in the new Committee for Education Sport & Culture budgets of 2017 and 2018.

Members, this is a pragmatic and sensible solution and I urge you to support this amendment.

2405 Thank you.

The Bailiff: Deputy St Pier, do you formally second the amendment?

Deputy St Pier: I do sir,

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The Bailiff: Is there any debate? Deputy Trott.

Deputy Trott: Sir, I am a proud parent of a number of children, one of whom is two. As a consequence, I am a potential benefactor of this amendment and declare accordingly.

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The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.

I am sorry I was not here to hear in the debate in Deputy Sillars' opening remarks, but I notice, for instance, in the way that Proposition has now been constructed we have Proposition 1 comprising all of those factors, and therefore the opportunity to vote against one part of that would not be afforded to us. And I have to ask whether reprioritising the (a) section, reprioritising the revenue expenditure of the Committee for Education Sport & Culture would, in the opinion of the Education Department, come into a factor of whether they would actually rebalance that, including what is currently the budget primarily held by the Department of Culture & Leisure. It is of concern that having not looking at the full priority around Culture & Leisure whether services currently offered by Culture & Leisure would be squeezed in order to facilitate this. Whilst that might be fully appropriate, until the Department is in full view of all of those factors I would caution against such an approach. I would rather see that part (d) be extended so that we look more at means testing than to have a commitment from this Assembly that, having not been in full view of both budgets, that portion of the budget would currently be restricted. I would also be interested in hearing from the Culture & Leisure Department at the moment as to what they feel the possibility of their budget being restricted is.

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Thank you.

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, sir.

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There will be winners and losers in this reallocation of funds from the Family Allowances, and they are not spelled out in this amendment or any of the supporting papers. Clearly, a family with two children aged, let's say, five and seven, will lose Family Allowances, a proportion of the Family Allowances they would have been entitled to for a period of many years, more than a decade, and will derive no benefit at all from the free pre-school education on offer.

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I was going to make a long speech, based on the original States' Report, because I was extremely unhappy with the proposals to use the Financial Transformation Fund. I am very glad to see that that element has gone and, with some reluctance, I think I can support the amended Propositions.

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I am very concerned that there will be families, some of whom are not well off, who will be financially disadvantaged by these proposals. We do not have any kind of an impact assessment in front of us to enable us to consider that, although we can all do our sums: £2.40 a week per child for x number of years will be a significant sum of money out of the budgets of some families who can ill afford that cost.

2455 I, personally, do not think this a terribly satisfactory solution. As I say, I think I am willing to live with it and I recognise that if 12 Deputies have already signed up to it, it has a very good chance of succeeded as put to the Assembly. But I would hope that the Minister could give us some comfort or some explanation about what consideration has been given to the losers from this system and how that is being dealt with. Did the Departments, for example, consider means testing Family Allowances rather than simply taking £2.40 off every child?

Thank you.

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The Bailiff: Deputy Adam was standing, then the Chief Minister.

Deputy Adam: Thank you, sir.

2465 I suppose I have to declare that I have a granddaughter who is two years of age and attends a pre-school nursery for three days a week and attends my wife for two days a week.

2470 But, sir, just one or two things. This is an interesting solution which, as a member of T&R Board, I accept. I might sound a bit reluctant, but it is for the same reason that Deputy Parkinson said – that it will hit a group of people probably twice, depending on their pay, their earnings. Also, the priorities that Education ... and yes, it will have Culture & Leisure with it at the same time ... will reprioritise its monies. I have heard that it might look at higher education grants and reassess how much is spent on that and reduce the amount that is spent on that, but unfortunately yet again that will hit the people who have higher income. So the people on higher income will lose out on Family Allowance, lose out on grants and lose out on pre-school. I may be wrong, but that is a big concern, and the problem is Education is so limited. They have only got a certain number of places to try and reprioritise. I accept what Deputy Sillars says, that it is very difficult for them, especially with the amount of money they have had to save over the last five or six years.

2475 Yes, I will give way to Deputy Sillars.

2480 **Deputy Sillars:** Sorry, I just really wanted to clarify, because I thought Deputy Adam said, two if not three times, the *higher* income families he was concerned about. Did he mean the higher income families?

2485 **Deputy Adam:** Those with the larger income. They may not get pre-school grants because of their income, depending on how it is spread around those wishing it. They will not get Family Allowance because that is, as Deputy Parkinson said, being dropped to them, and they are likely to be in the group that may not get as much for off-Island grants. And since I have been through these various systems I know about these things. This is on Education, but I accept at the same time that Education has got a very difficult job because this is, and has been over the last few years, a main thrust to improvement of education and pre-education and has been shown by various people that is has got benefits.

2490 The other aspect is 15 hours per week for the school term only. So that is three terms of about 10 weeks, 30 weeks, and 15 hours per week. I am a bit wary about his saying that will help people to get back to full-time work. I think it will help them to get back to part-time work, but unless we have a more flexible employer it is difficult to know how they are going to get a reasonable amount of work. That is not Education's concern, but I think when he empathised that, one has to be wary about how easy it will be to benefit from it.

2495 Lastly, sir, I would just like to ask one thing. If a Department is producing a new service, I hope that they have worked out what the benefits will be of that service and will be assessing the situation to start off with, and then assessing the situation in a year's time or two years' time, up to five or six years' time, to show that the benefits here are the same as have been reported in literature.

2500 Thank you, sir.

2505 **The Bailiff:** Deputy Le Tocq and then Deputy Domaille.

The Chief Minister (Deputy Le Tocq): Thank you, Mr Bailiff.

Sir, Deputies Bebb and Parkinson raised some serious and important issues with regard to the way in which this amendment might have effect, and I think those will need to be addressed. However, I welcome this amendment, bearing in mind that I spent some time trying to get the two Departments to work together. This is all about funding and this amendment is all about funding, and if I had any hair left I would certainly have pulled it out by now. The original policy letter, I can assure you, looked like two separate policy letters written by different people that somebody had just sought to cut and paste and put together in various ways. You might not be very happy with the way it is at the moment – I am not either – but it is much better than it was before. However, it is always interesting how we come to some sort of consensus, and I think Deputy Parkinson's point about 'I could live with this', is sort of where I am here as well.

In terms of ensuring that monies – which are limited – that we have available, be they from the current system of Family Allowance, which many of us would say is not the most beneficial system of universal benefit in order to target those most in need ... We need to be absolutely certain that we can make sure and determine that those who need the provision of pre-school education are able to get it and access it, and access the best possible means they can in a sustainable way and ensure that those who have other means, and for whom an allowance of £2.40 per child per week would not make a huge difference at all, are not going to benefit adversely. I think that is going to be the difficulty in ensuring that it happens.

Whilst I like the idea of clawback and I know the original intention included that, I understand there are other means of ensuring that monies are directed in the right ways, and appropriate ways, and so I am happy to support this amendment and I look forward and encourage others as well to do so.

2530 **The Bailiff:** Deputy Domaille.

Deputy Domaille: Thank you, sir. I will be very brief.

Building a little bit perhaps on the point ... I had hoped to speak before the Chief Minister, but that's life. I actually agree with everything that has been said about some of the cautions on this. My concern about this is actually it is a bit of a slippery slope where we are starting to reprioritise on the floor of the Assembly in the absence of full assessment of consequences etc. And whilst I see the pragmatism of this amendment and I will be supporting it, we have some other measures coming up later in this Assembly which again are talking about reprioritisation in one form or another, and I really perhaps ask the Treasury Minister if he would like to comment on the timetable for the Government Service Plan in order that we can get some logic in our prioritisation processes.

Thank you, sir.

2545 **The Bailiff:** Deputy Conder and then Deputy Lester Queripel.

Deputy Conder: Thank you, sir.

I speak just on the amendment. I appreciate the concerns and the uncertainty that some of my colleagues that have spoken already have expressed. I think you have to have lived this journey – which I have, with Deputy Sillars and colleagues from T&R and colleagues from Education – to fully appreciate just where we are and why we have this amendment. This amendment is the best possible outcome we could have achieved in very difficult circumstances. We have to remember what we, as the Assembly, told the two Departments to do way back when we approved, and can we recall that we have approved the introduction of universal pre-school education. When we did that we sent the two Departments away to come back with a funding mechanism in the context that there were no additional funds availing. That was a huge challenge, and I have been party to

2560 discussions with members of T&R, as Deputy Sillars referred – I have to say, very constructive and
very amenable discussions. I would like to scotch the idea ... I know there is an idea that the two
Departments are at loggerheads. They might be, on occasion, politically on different sides of the
2565 fence, but at personal level and in trying to find a solution through this you could not have found
more amenable or better colleagues to work with. We were all struggling to find a way of really
addressing and responding to you, this Assembly, the instructions you gave us. In some ways,
what is currently in the policy letter, which this amendment will address, was a very poor
2570 compromise and I think we all recognised that. In fact, there was no compromise because there
was no agreement. We thought we had agreement on at least two occasions but, as so often
when two sides discuss, in reality, when it came back that agreement fell away. It was frustrating,
but nonetheless we had to live with that.

This amendment, being far from perfect, is the way of delivering a universal benefit which, as
2575 Deputy Sillars has said, uniquely provides extraordinary returns on investment without incurring
additional cost and without breaching the various conventions that we live by. Those who have
questioned, quite understandably, the issue of Family Allowance and universal pre-school
education ... It cannot be right, the suggestion that the outcome of those two universal benefits
are the same or even similar. On the one hand, Family Allowance, which we remind ourselves we
2580 have already committed to changing and amending, simply places cash in an individual's hands to
spend however they wish, which of course is their right, and how they spend it will be reflective of
what their overall financial position is. On the other hand, in the case of universal pre-school
education, a Government service is provided with known and very positive investment returns,
which the population can choose to take up or not. This is not exchanging one universal cash
2585 benefit for another. It is targeting Government funds, or cash if you will, from an uncertain benefit,
Family Allowance, or economic return, for a certain and proven benefit, and this amendment gives
us a ... nothing is perfect, but it gives us a sure and certain way of delivering what you instructed
the two Departments to do, and which they have laboured for a year or more to try to achieve.

In finishing my few words I would like to pay tribute certainly both to the two Ministers, who
2590 have worked right up to the last minute to make this happen. I spoke to the Deputy Minister
yesterday. I said this is an example of really good consensus Government. He, quite rightly, said it
is just as well it was delayed by two weeks, and he was, of course, quite right because we would
not have achieved that if, fortuitously, this delay had not happened – and I suspect we could be
having a quite different debate.

So I say again, colleagues, this is a good outcome but it will never be perfect. A good outcome
2595 achieved by colleagues who wanted to make it work, who worked to the last possible moment to
achieve a consensus, which is endorsed by both Departments recognising it is the best outcome
we can achieve, albeit far from perfect. I urge colleagues to support this amendment.

Thank you.

2595 **The Bailiff:** Next, Deputy Lester Queripel and then Deputies Langlois and Hadley.

Deputy Lester Queripel: Thank you, sir.

I rise to merely ask a question. The way I understand it, any family that finds themselves
2600 disadvantaged by Proposition (b) can make a claim for a supplementary top-up from Social
Security. Is that the way the Minister understands it? Because if that is the case will that not result
in Social Security paying out less in Family Allowance and more in Supplementary Benefit?

The Bailiff: Deputy Langlois.

2605 **Deputy Langlois:** Thank you, sir.

There is an answer to that last question, but I will not give it now. I look forward to hearing the
answer from elsewhere as well.

2610 There are two points here that I want to make now, because a number of issues have been raised. As Social Security Minister, a number of issues have already been made by other speakers because Social Security funds are right in the middle of the Propositions and they remain at the middle with the amendment. I urge everybody to support the amendment because, if these Propositions go through, this is the least of two evils which we would be voting for then. The hint at some form of ... I am sorry to use the term 'means testing' – it has got such a negative connotation, but it is some sort of targeting. Let's turn it the other way round – some sort of appropriate targeting of the benefit. The introduction of that, I think, is a great improvement, and so is the removal of the funding from the Transformation Programme. I will have other comments to make about the remaining Proposition to do with where the money comes from, but in main debate.

2615 Please support the amendment.

2620 **The Bailiff:** Deputy Hadley.

2625 **Deputy Hadley:** Mr Bailiff, I am really following up on some remarks that Deputy Conder made on prioritising the money to where it is going to do the most benefit. When the Assembly first debated the proposal to introduce 15 hours of quality pre-school education I voted against the proposal because I believed at the time that using scarce resources to help people who were already paying for pre-school education was not a good use of our money. But I was wrong, because in fact half of the children on the Island do not receive 15 hours of pre-school education a week and there is a huge amount of evidence that pre-school education has a massive impact on future outcomes. In fact, on Sunday our ever vigilant Chief Officer sent the board a research paper just published by the UK Department of Education, and what is extraordinary is that it said that those children who received high-quality pre-school education were twice as likely to take AS-level examinations. So, if you worry about reallocating money, you have got to think what an extraordinary statistic this is, because for an Island whose future prosperity will rely in no small measure on the skills that our Islanders possess, this is extraordinary. Think of the economic benefit that will accrue to the Island when there is a large increase in the number of students taking A-level examinations. So spending money on pre-school education, albeit taken from other sources, is not only the right thing to do but an investment that will reap a massive economic benefit in the future.

2640 **The Bailiff:** Deputy Soulsby and then Deputy O'Hara.

Deputy Soulsby: Sir, I will be brief.

2645 I thought I would just pick up a point made by Deputy Adam – he is not here at the moment. He said that this would only enable parents – that is primarily women – to go back to work part time as it only funds 15 hours per week, but that is not necessarily the case and probably will not be, as there are many women out there who are only working part time at the moment because they can only afford part-time pre-school provision for their children. So I would hope that this should enable more women who are currently working part-time to extend their hours.

2650 I support this amendment, although I am a bit concerned about how it will work in practice. It will need some good financial modelling as well as ongoing monitoring to make it work. However, I want and I believe very strongly in universal pre-school provision for all the reasons as outlined by Deputy Hadley just a moment ago. It has proven to be really important and something I think we should have brought in many years ago. I am disappointed this amendment will mean it is delayed, but if that means it will become a reality I am happy to support it.

2655 **The Bailiff:** Deputy O'Hara.

Deputy O'Hara: Thank you, sir.

2660 Deputy Bebb asked where would Culture & Leisure stand in all this. Well, to be honest, I do not really know at the moment. I have not really had time to discuss this with members of the board, but I will say this – that from my personal point of view I think children’s education is absolutely paramount. I will also say this – that initial discussions between Education and Culture & Leisure are such that it is hoped that by amalgamating both of these Departments we possibly are going
2665 to be able to create efficiencies which may help and assist in the future. Having said that, if I was being asked right now could we do something with our budget now, I would have to say we could not. So this is something like ... it is almost like looking into a crystal ball at this particular time as to how we will cope with this and what will happen. I do not know, personally, I have got to be honest. The main thing is the children’s education, which I support, and I am sure that we will be
2670 able to come to ... Whoever is involved with the Departments in the future, I am sure that some kind of solution can be found.

The Bailiff: Deputy Le Lièvre and then Deputy Green.

2675 **Deputy Le Lièvre:** Thank you, sir.

What a sensible and well drafted amendment. The question of Family Allowance is a tricky one, but it has not, I think ... Deputy Langlois might have to correct me, but it has not gone up for at least two years, possibly three, and the proposal, as Deputy Conder said, is that it is going to disappear eventually in any event or it will be retargeted.

2680 In response to Deputy Parkinson, there will always be winners and losers when you change a system of universality to one which involves some form of cut-off, and this does involve some form of cut-off, possibly, unless Education can restructure their funding to not involve (d). But there will always be winners and losers, and we will see that in February when SWBIC reports. But the way of looking at this, I think, is that whilst there will be losers today, there will be *many*
2685 winners tomorrow, and those winners will be people who struggle to find the excessive cost of pre-school in relation to their £15.90 a week Family Allowance. It would not pay for more than two hours for one child. So, yes there are winners and losers, but you have got to stack up what is best for the community overall.

Deputy Queripel said – and Deputy Langlois did not answer his question, but said he might do later on – what happens: if you lose £2.40 will people be dragged into benefit? Well, yes, some people might. The difference of £2.40 might actually mean that somebody currently outside of benefit by £1.30 might be drawn in for that money in that £2.40. They would have to be in the zone, so to speak, but a person who is already at that level of benefit cannot possibly afford pre-school, so they are better off in any event. The question of whether you are going to drag people
2690 into benefit is neither here nor there, because it is so close to their actual need that it is not one thing or the other. So, please, Members do not let that sort of question influence them one way or the other. Neither would they be brought in for fringe benefits, because there are already contingencies within the Social Security Supplementary Benefit Scheme to bring people who are outside the cash limits of Supplementary Benefit into the fringe benefit limits for the award of
2695 medical, paramedical and winter fuel. So we are in a zone where it makes no difference one way or the other.

I was amused, I was very amused, by Deputy Hunter Adam’s concerns that the wealthy might be affected by means testing – no, I will not call it means testing, I will call it targeting. If a person is wealthy, the idea of means testing – or targeting, call it what you will – is that they are assessed
2705 on their overall means. They are likely to lose Family Allowance, they are likely to lose funding towards pre-school possibly, we do not know, and there might be an impact on their higher education assessment, at which point I would also point out that there is a bit of an anomaly between (d), although I think it is a superb addition, or rather a change, to the previous amendments. There is a slight difference between the way we are going to look at pre-school and that way that we look at higher education. That will be a job for Education in the future. It will
2710 have to determine whether it wants different means tests for children, whether they are less than

three, or rather above three, or over 18. It is going to have to make its mind up what it wants. But this is not the question that needs to be dealt with at the moment. But there is a difference. There is an anomaly there which will have to be sorted out.

2715 This amendment is a pragmatic amendment and brings together T&R and Education, because they were quite a substantial distance apart. This will bring them together, it will allow pre-school to go ahead, and I would urge every Member to vote in favour of it.

Thank you, sir.

2720 **The Bailiff:** Deputy Green was standing and then Deputy Fallaize.

Deputy Green: Sir, thank you.

2725 I agree that this amendment is certainly not without issues, and Deputy Bebb and others were absolutely correct to question the new Proposition 1(a) in terms of priorities for the new committee, and also clearly there are also issues with (d) as well. It is not the clearest direction to the Law Officers, certainly, who are going to have to potentially direct the preparation of legislation. But I am minded not to oppose this amendment on balance. I think it does represent good progress from where we are now. I think it is a good step forward, even if it does mean that the service which will be coming in will not be a truly a universal one. I am and I have been for a long time a passionate supporter of genuinely universal pre-school education, and as others have mentioned, that is because the economic, social, educational benefits that flow from such a policy are very clear. They are very clear in terms of the research and in practice.

2730 Members will be aware that the most recent statistics show that nearly 20% of children who began reception in September 2015 have not attended pre-school or nursery before starting school, and around one third of three-to-four-year-olds in Guernsey currently attending pre-school do so for less than the recommended 15 hours per week. Something like 75% of children who did not attend a pre-school or nursery in Guernsey start school below age-related expectation and can lack the skills that are vital for an effective start to learning. So there can be no doubt that the evidence base is there. This is a required policy.

2740 This amendment will simply defer the service until 1st January 2017 and also restrict entitlement with the words:

'as far as is necessary so as not to exceed the revised cash limits.'

I think that is, as others have said, obviously a pragmatic way forward, which I will clearly support.

2745 One of the best things about this is the fact that it will avoid the drawdown on the Transformation and Transition Fund – that is a step forward. I understood the anxiety about that and, as others have said, I think this is probably a good example of how a consensus system of government departments, which are perhaps far apart to begin with, can find that sensible middle ground.

2750 Restricting the entitlement to this service is something that I would not want in an ideal world, but we do not live in an ideal world, we have to live in the real world and restricting that entitlement, however imperfectly done, will undoubtedly reduce the costs of the service, and it should mean in practice that only those families on relatively high joint incomes would potentially be denied access to this service. I think the approach in this amendment is clearly better, clearly superior than the somewhat arbitrary £75,000 single income threshold that was mooted at an earlier stage in an earlier amendment that is now no longer being moved. So, I absolutely welcome that.

2760 So, yes, this is not how you would, or you should, implement pre-school in an ideal world, but I think in the circumstances this is absolutely something that we have to support, because it will ensure that lower-income, middle-income families in Guernsey will have access to this vital service that has, as I say, such a legion of social, educational and economic benefits. This is a realistic compromise and I urge every Member to support it.

The Bailiff: Deputy Fallaize:

Deputy Fallaize: Thank you, sir.

2765 I have some concerns about one or two Members who have made speeches, apparently reluctant to engage in prioritisation. They say this is prioritisation on the floor of the Assembly, as if there is something wrong in that. Well, this is what prioritisation is. This is what political choice looks like.

2770 What is proposed here in this amendment, although it is a bit wordy, (*Laughter and interjections*) is that £1.45 million would be made available to the Education Department and its successors in 2017 and 2018, and thereafter, from 2019 onwards, £1.264 million would be made available, and this would be a direct reallocation from Family Allowance to the general revenue budget of the Education Department and their successors.

2775 We have a structural deficit, we have a policy of constraining increases in revenue expenditure to RPIX or less, and as I have said many times and will say many times more, we have deliberately reduced the income of the States from around 28% of GDP to 25% of GDP. If we are going to continue to provide the services which are necessary to our society, and as our economy develops, then this is what we are going to have to do. We are going to have to prioritise, because the only other option would be to say, 'Well, we believe in pre-school education and we wish to
2780 raise or increase the cash limit of the Education Department by £2 million,' or £2.2 million, or whatever a universal scheme would come from, and just say to the Treasury, 'Find the money.' I would be in sympathy with that, but the problem is the States have tied their hands so much in terms of the income, the revenue that the States now bring in, that we cannot sensibly do that any longer. We have got to reprioritise. I do not want to see the money coming out of Family
2785 Allowance, quite frankly, but where else is it going to come from? So we are here having to make a decision about whether this portion of money, just over £1¼ million a year, is best left in the Family Allowance budget, where it is provided on a universal basis as a cash benefit, or whether it is best given to the Education Department in order that they can provide universal, or near universal, access to pre-school education. That is the simple choice that is before the States and that is what prioritisation looks like when you constrain yourselves using the fiscal policies that we
2790 do at the present time.

The final point I wanted to make on this amendment is in response to something that Deputy Green said. It was Deputy Green and another Member who had concerns about part (a) and part (d) of the proposed new Proposition 1. I do not think they should be quite so negative about that,
2795 because what that means is that it gives the Education Department, or the new Committee for Education, Sport & Culture, discretion to use their budget in the way they see fit. I make a prediction – and I suspect that members of the Education Department do not want me to say this before we go to the vote, but I will say it anyway. I make a prediction that they will introduce and pay for a universal pre-school education scheme. I think they will reprioritise their other aspects of
2800 revenue expenditure so that they do not have to spend only £2 million instead of £2.2 million. I think they will spend £2.2 million, introduce it on a universal basis and cut 200 grand from another part of their budget. But this amendment, as it is drafted, allows them, provides them with the flexibility, to do that. It simply says that the States will provide the sum of money that is in here – £1.264 million per year – and we endorse your objectives in respect of pre-school education, now
2805 get on and deliver it. If you decide to reprioritise only £1 million of your existing expenditure, then you will have to restrict entitlement to States-funded pre-school education by around £200,000 per year, but if you reprioritise £1.2 million of your budget you can introduce a universal scheme. It leaves it at the discretion of the Department and I think that makes the amendment better, because it means the States is being less prescriptive.

2810 On that basis, sir, despite the slight concerns or misgivings I have on a personal level about Family Allowance, I do not think there is any other option but to fund it in this way while we have the fiscal policies we do.

The Bailiff: Deputy Le Clerc and then Deputy Dorey, Deputy Sherbourne.

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Deputy Le Clerc: Thank you, sir.

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I am going to continue the theme of Family Allowance. I was biding my time and waiting to see if the Minister of Social Security Department was going to stand up and talk about Family Allowance, because I think I said in a previous debate that I was a member of the department that disagreed with the rest of the board in saying that I was happy for Family Allowance to be reallocated to pre-school. So I am pleased now to hear his points earlier to say that he is in support of the amendment. As I said in the previous debate, I think there is some inevitability that Family Allowance will eventually be phased out. It does come in from general revenue, and my concern is that if it goes back to general revenue it will not actually be used on any children's services. So I still see this, although not perfect ... that it will still be used to target some children's services.

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I agree with what Deputy Soulsby has said about people returning to full-time work. I do think that at the moment people can afford sometimes to do some part-time work but cannot afford all of pre-school to work full time. With this it will enable people to work full time, and we want to see more people active in our economy. We have heard already from Deputy Sillars that there are a lot of women out there with really good skills that we want to bring back in to the workforce. With the ageing demographic we need to bring these people back into the workforce. I see this as a perfect opportunity. Even for those working part-time there is the ability that with the 15 hours pre-school and with some family support in child minding they will then be able to do additional hours.

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Lastly, I just want to say, as Chair of the Children and Young People's Plan, which will be coming to the Assembly next February, that this is a key part of the Plan. This is another link-in with what we will be proposing with our 1,001 days. So, please, vote for this amendment and support this, because this is a really key part for our children and our children's future.

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Thank you.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

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I am pleased that they have reached a compromise. I think the report should have ... I suppose the Family Allowance was not actually ... Although it was mentioned in the report, it did not actually go into detail, but this is obviously going to have an effect on families with children older than pre-school. They are going to be worse off, and if they have got many children over that age they are even more worse off because they lose some of their Family Allowance. The effect on families with pre-school-aged children – they will benefit. They will lose a little bit of Family Allowance but they will save the fees for pre-school, assuming that they are going to pre-school currently. So those families are better off. So, what we are effectively doing is we are affecting one group of families and making them worse off and improving the financial situation for a very small group of families. Obviously I appreciate the overall purpose of it, and we need to find a way of achieving it. I do not think it is the best way of achieving it. In fact, I do not think it is a very good way of achieving, but I understand that that word 'compromise' is there, and we had to find a way of doing it.

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I do have a real concern about (d) and about 2 in relation to it. I just do not understand how you can prepare legislation on the back of (d) – (d) has just got so little detail in it. If we compared it to the previous version of the amendment, which had a very detailed ... and explained how it would work to some extent ... Perhaps in summing up somebody can explain it to me, because the previous version talked about clawing it back through income tax – is that still the purpose, or is it going to be more like the grants system for children going to university, where basically Education administer it? Because that is not clear in the wording there, and I think that needs to be clear so that we know what we are voting for, because I am not sure what I am voting for. I presume that it

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is going to be just a cut-off point of income, rather than a tapering off of the cost. When, in 2008, Social Security reported back on a system of making Family Allowance income related, there was a system of tapering so that when your income went over a certain amount you did not lose the benefit, you gradually lose the benefit – so you do not have this point where you earn £1 more and you are actually worse off because you suddenly lose a benefit. I think that needs to be explained to the Assembly: how is it going to work? Is it going to take into consideration how many other children the family have? Is it just purely on income, or is it going to look at the number of children that family have? Because currently there is a total lack of detail, which I think is not sufficient for legislation to be drawn up on. I think if they really are going to introduce this scheme based on those words they are going to have to come back to the Assembly with a more detailed report.

Sir, if he could answer those questions in summing up. Thank you.

The Bailiff: Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

Colleagues, I will speak in support of the amendment, and also in general debate to hopefully speed things up for the second part of this debate.

I would like to quote, first of all, from the 1970 Education Law, which is current:

'We should have regard to the need for securing the primary and secondary education are provided in separate schools.'

(b) to the need for securing that provision is made for pupils who have not attained the age of 5 years by the provision of nursery schools, to be expedient by the provision of nurse classes in other schools.'

I would suggest that that has probably been a major capital saving to the States of Guernsey since 1970. Although there have been various periods during that time where pleas from people such as Myrtle Tabel, Mary Sebire, Barbara Minta, Sheila Markell, people through that period – many of you will recognise those names – have called for the provision of nursery and early years provision in Guernsey. So for over 45 years the Island has ignored that direction in the 1970 Law. It did not have regard because it has not provided. You are being asked today to start the process 45 years later.

We are not where we would like to be. Certainly, I would personally have preferred us to go for a gold standard. The gold standard would have meant providing pre-school provision in every single infant department in this Island. That just was not on the cards. Over the period of time the private sector has managed to fill the gap left by the States of Guernsey and the Education Department – left as a result of neglect, procrastination. So we are at a situation where we have entered into a dialogue with local private providers, who will at least give us a foundation to move forward. Quality assurance is crucial and we, the Education Department, have already started that process, which has been welcomed by the Pre-School Alliance. The training that has already been offered has been welcomed and we will be building on that to ensure that our youngsters receive the quality of pre-school provision that they deserve and that the Island deserves.

You have heard some good speeches about the actual evidence that exists with regard to the importance and the benefits of pre-school. I do not intend to repeat any of those, but I do want you to fully understand that the reason that Education is willing to compromise and has negotiated as it has is that we want the thing to get started. **(A Member:** Hear, hear.) We do not want any more delays. So I am not happy having to agree to an amendment that actually takes people out of that universal entitlement, but I am pragmatic enough – and I have been in the States now three and whatever it is years – to realise that that is the only way forward: to be pragmatic, to eat humble pie occasionally and say, 'Well, as much as you would like this you cannot have it. We live within our means.'

I think Deputy Fallaize's comments about the reduction of our expenditure as a percentage of GDP – I think it is a disgrace. I agree that it has probably been necessary as a result of Zero-10,

2915 but it is a disgrace that we should be scraping around trying to find money for something as
important as this. There is no question in my mind this is the best investment that the States of
Guernsey can make at this stage. Our economy, our future, relies upon it. It is not just the
economic benefits. That is another thing that really does bug me as a Member of this States:
2920 economy, money, cut spending, don't invest – we have not invested in anything to speak of in the
last three and a half years, apart from maybe exercising the intellect in this room in debate on
what could be. All the reports that have been produced, excellent reports looking to the future,
visionary statements that actually provide a lovely light at the end of the tunnel. We cannot
provide it, this Assembly cannot, because we have not got the money to do so, but maybe, just
maybe future States will be able to and at least we will be able to leave a legacy at the end of this
term that we have started processes that have been left fallow for years and years. Education
2925 Department inherited – sorry, the Education board inherited a whole procession of legacy issues
that we are trying to address one at a time. There will be another one coming to you in March,
which will generate quite a bit of debate. But it is things like today's debate that I think, providing
that we pass the Propositions, future generations will look back and say, 'Oh, well, they weren't
that bad.' Look at some of those reports that were written. Look at HSSD's 2020 Vision – that was
good. Look, we have invested money in preventative medicine – wouldn't that be wonderful. No,
2930 we are still struggling to respond to needs, not looking to the future. So it is a mind set – and I
have said this in previous speeches – that needs to change.

So, please, please, please let's get this amendment passed. I am not happy with it, but I will
vote for it. Let's get the substantive proposals through this States, so that at the least the public
out there can say hurrah to something.

2935 Thank you.

The Bailiff: Deputy Gollop.

2940 **Deputy Gollop:** It is difficult to follow a speech as good and as passionate as the last one from
a really committed educationalist, but I would like to say I agree too with what Deputy Le Clerc
said about the Children and Young People's Plan.

The points Deputy Parkinson made about the Family Allowance is a tricky one because in the
relatively short time between his retirement and his re-emergence amongst us we have been
through, in many ways, the great difficulties of the Personal Tax and Benefits Review, and that is
2945 still a piece of unfinished business to a degree because some of the harder decisions have
perhaps been put off for another day. Family Allowance was certainly towards the top of that list.

We have had some letters from departments and politicians which would suggest that when
Family Allowance goes – and Deputy Le Clerc is probably right, it will go in its present format at
some point – it will disappear completely and just be used to bank savings for ... I do not know,
2950 economic development or tax cuts. I do not necessarily share that. I think we have heard a lot of
rhetoric even today about the higher earners and what they need to make Guernsey competitive,
and we also hear quite a bit of emotional talk about the lower earners, the people in need, but
actually I think a problem with the PTBR perhaps and fiscal strategy generally is we are at risk of
alienating what you could loosely call middle Guernsey, the people who would neither be
2955 considered well off or particularly badly off. They have taken a little bit of a hit over the years and
this, to a degree, is giving them something back because it is giving something which other
societies already take as a norm.

I think it is interesting that some of the letters we have received from the States indicate that it
is unacceptable for departments to suggest taking money from other departments' budgets. Well,
2960 we are back to Deputy Domaille's prioritisation, and the reality is individual Members already do
that. We are obliged to do that under one interpretation of the rules, but I think that has to be
done if we are going to make progress at a time, as Deputy Sherbourne says, of financial
retrenchment. A department with a vision has to come up with that kind of approach. It is not
ideal, but it is where we are at the moment.

2965 Also, the point was made to read from a particular point, the great majority of parents appear
to be paying without significant problems. Well, that might be true in the sense that they are not
in the petty debts court, but it is real hardship for people unless they are earning stupid sums of
money or have lots of grandmothers and grandparents around, or they are in private school or I
do not know what – but generally speaking they are struggling. We have heard from Deputy
2970 Sillars, I think, that the European Union norm would be 11% of income – here it is 26%. We are
going to be talking fairly soon, I hope, about population and the need to bring over the right
demographic tranche perhaps to support our society on many levels. We have to ensure that
Guernsey is not completely out of the window in terms of the costs for younger families. We know
we are already there with accommodation, rents and mortgages and we are just adding another
2975 burden to our competitiveness.

So I thoroughly support this. We can all argue about the exact nature of the compromise. I am
not entirely clear myself whether the rather vague intent to ensure that only perhaps the best off
in society get targeted is that clear, because if, for whatever reason, there are budgetary problems,
it could well be that we will see the £37,000 as a good offer that was previously made in an
2980 amendment.

Finally, if I can close on a brief anecdote, long before I became a pupil in Guernsey even at
Melrose 16:27:07 I actually went straight to school at the age of four, rather than pre-school, and I
suffered a kind of expulsion within three weeks. (*Laughter*) You might not believe this, but I broke
the birds' eggs. I was not biodiverse, I did not wear my clothes properly, my trousers split and I
2985 apparently upset a girl by pinching her – (*Laughter*) and throwing all my toys out of the pram. But
the point was if it had been a more structured pre-school arrangement, rather than just tipping in
to a large class of older children, maybe I too would have improved my socialisation, because pre-
school is not just a way of improving academic performance, as Deputy Hadley indicated, it is a
way of diagnosing children with special needs, difficulties, emotional and developmental needs
2990 and many other areas. So it will be of great use to the education community throughout.

The Bailiff: Is there anyone else wishing to speak? No.
Deputy St Pier.

2995 **Deputy St Pier:** Thank you, sir.

The Minister, in opening the debate on this amendment, said that this was a compromise, and
as others have said, it is a compromise that we, and I speak for Treasury & Resources, we can live
with. If you look at the amendment, the bits which Treasury & Resources like are 1(a) – in other
words, reprioritising within the existing budgets – and of course 1(d), which is live within your
3000 means. The bits which we are not so keen on are (b) and (c), and of course that is precisely the
reverse, I would suggest, for Education, and so that is where the compromise is obvious.

Speaking in relation to (b) and (c), the Family Allowance issue, Deputy Le Lièvre, I think the
Family Allowance has been frozen for three years. He was questioning whether it was two or three
– I think it is three. Of course, in the Personal Tax Pensions and Benefits Review it was envisaged
3005 that the universal allowances, universal benefits, would be phased out, and I did not want to
interrupt Deputy Conder with a correction but I think he did suggest that in fact that had been
approved – he was implying that that decision had been made. Of course it has not. The wording
of the Resolution appears in the Social Security Department's letter of comment on page 2946,
and it is merely to note:

'That in the opinion of Treasury & Resources and Social Security the payment of Family Allowance should be phased
out through gradual reductions etc.'

3010 So that formal decision has not been made, and that was one reason why we initially struggled
with this part of the funding package, because it is not our preference, it was not our preference,
that Family Allowance should be salami-sliced away and reprioritised without looking at the suite

of options and needs. I think that, in essence, was Deputy Domaille's challenge to us, and in fact we had commented in paragraph 4.18:

'There may well be multiple requests to utilise it [being Family Allowance] and that the States should consider all such demands and their relative merits before making any decisions concerning the redistribution of resources currently directed to Family Allowance.'

3015 Deputy Domaille was asking what is the process for achieving that, because he was concerned about these decisions being made on the floor of the Assembly, and he noted that there were other challenges coming up, quite likely during this sitting. I think it is perhaps worth reminding Deputy Domaille that of course only a couple of weeks ago ... and it may seem like longer to Deputy Domaille and others, but we did, through the process of the debate on the SACC policy letter, at the November sitting approve new rules, and indeed rule 23, which is a page and a half –
3020 I will not go through it all in detail – for the development of the Policy & Resource Plan, which of course begins in the first quarter of 2016, because as Deputy Fallaize says, in the absence of that process then this is the best of any alternative available to us to reprioritise.

Deputies Parkinson and Dorey I think quite rightly identified the losers. The losers are, in effect,
3025 the families of children who will cease to receive £2.40 a week for 19 years, and the gainers will be those with children in pre-school for age three to four for one year. Actually, as it happens, 19 years at £2.40 is around about £2,500, which is round about the benefit that will be received by those who are in pre-school. So it kind of nets off overall, but as Deputy Dorey pointed out, those with above-pre-school age children will not, of course, have benefitted from the pre-school entitlement. There will be a knock-on impact, or potentially there will be a knock on impact to
3030 Supplementary Benefit – and I think Deputy Parkinson was alluding to this, and Deputy Le Lièvre certainly referred to it. It is not expected to be significant. It has not been quantified, and I think Deputy Le Lièvre covered that very well.

The red line for Treasury & Resources was in relation to the Transition and Transformation Fund, and I think the avoidance of the draw on that is a significant improvement in the funding proposals on the original. As Deputy Soulsby said, the impact of that is a delay, but it is clearly a delay which can be lived with by the Education Department.

So that is the history of where we have got to, how we have got to. I hope I have responded to some of the comments which others have made during the debate. Treasury & Resources will be
3040 supporting this amendment, sir.

The Bailiff: Deputy Sillars will reply to the debate.

Deputy Sillars: Thank you, sir.

3045 Deputy Trott declared his interest, so that was good.

Deputy Bebb, regarding Culture & Leisure ... because when we started looking at where we may fund this – through you, sir – the SRC report had not come back, so it was Education when we were looking at it and we did not know very much about Culture & Leisure joining us, so it was in Education.

3050 Just to reiterate, we are ... what Deputy O'Hara said, I am well aware that the officers of both Departments are meeting yet again today, and so this will all be part of their discussions. But no, we did not anticipate becoming part of, or Culture & Leisure becoming part of Education and therefore we had a grab on their budget. So that was not in our thinking.

I hope that Deputy Parkinson's concerns have been allayed and I thank him for voting for this compromise, which is ... I think we heard from everyone it is a compromise, but it does get pre-school up and running. I know too little about the SSD, but I am sure that there is a £600-a-week limit, but up to that then they can claw the money back, if it is appropriate.

Deputy Adam, I got a little bit confused but I am hoping that most people answered your questions.

3060 Really, getting back to work even part time must be a good thing, and I think Deputy Soulsby answered it for me, that if you are working part time now and you cannot work full time because you have not got the pre-school, then that may enable you to go to full time – and again, if you cannot go to part time then that will allow it. Therefore it is an economic enabler.

3065 Yes, we will be publishing the figures, but I guess we have got an amendment coming up soon, so perhaps I will go into a little bit more detail then. But why on earth would we not be publishing the figures? I might just also say that of course this is long term, so we will be able to look at certain figures, so working with the pre-school providers there is the training and things we are doing with them already and how they will assess the children as they come in – we assess them as they come to primary. So that will be an ongoing assessment and improvement, and of course
3070 a lot of the benefits will come through over a fairly long period of time, but they will be improvements.

Thank you, Deputy Le Tocq, for living with this, and I guess that we are in exactly the same position, so we are all living with this.

3075 Deputy Domaille, I hope that Deputy St Pier answered your problems – questions, I should say, sorry. And however, it is usually, isn't it.

Deputy Conder, thank you for your speech and explaining why we are where we are. I appreciate that.

Deputy Lester Queripel, I think Deputy Le Lièvre explained that – so thank you, Deputy Le Lièvre.

3080 Deputy Langlois, I did not think I would write this, but thank you for your support so far. Targeting will be voluntary declaration, but I will come on to that in a second.

Deputy Soulsby, thank you very much for your support, much appreciated.

Deputy O'Hara, yes, I think we have gone through that.

Deputy Le Lièvre, thank you for explaining far better than I can.

3085 Deputy Green, thank you for your support.

Deputy Fallaize, yes, thank you for your support, and yes, the challenge – you may well be correct, but of course it will be another board who may put through universal entitlement. I have no idea what another board will look like, who will be on it, but I guess that will be down to a new Assembly.

3090 Deputy Le Clerc, thank you for your support.

Deputy Dorey, the difference between the amendment that never got laid and this one, of course, was that this is looking at joint incomes rather than a single family. That is a big difference. I am hesitant to put a number, but the figures we are looking at, with the potential of ... It is not compulsory, so there will be some children who will not be attending because their parents do not
3095 wish them to for a variety of reasons. It is estimated it could be as much as 5%. In other jurisdictions it is nearly 10%, so there is a higher percent there, but of course that needs to be ... and we want those who are most advantaged by coming to come, so we will not be disadvantaging them for coming. But if we took that 5% figure – and I have not got the figure in front of me, but we are looking at something like 30-35 children. That is ... I say that is all – every
3100 child is important, of course, but you are going into detail where ... what do they declare and everything else, but we are looking at something like 30 or 35 children each year currently who may not qualify – whatever the right word is – for the pre-school. I would suggest that that is going to be a pretty high income level just to have for those 30 to make up for the hundred and somewhat thousand that we will be short. But yes, there will always be the opportunity going
3105 forward that if there are more savings from wherever – secondary or whatever – and the budgets allow, then the new board will be able to look at how they prioritise it. But it is not going to be a huge number of children, I would suggest, and they could self-assess. If we are going to come up with anything radical, I am sure it will come back to the States to be agreed if we have got to find some way of clawing money back and everything else. With our HE grants we do administer that
3110 and, as Deputy Le Lièvre said, it is quite a complicated model and I would certainly not want to go down that route because it really is totally overkill and we have a number of staff, and as I said in

my opening speech, we do not really want to have a whole range of civil servants administering really what could only be applying to perhaps 30 or 35 children. So it could be they just, on honesty, come in and declare what their income is and if it is over and above a certain amount, but it will be a very high amount, I would suggest.

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Deputy Sherbourne, thank you very much.

Deputy Gollop, thank you, as always, for your honesty – Sorry.

Deputy Dorey: Thank you for giving way.

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It was just to clarify whether it was through the income tax system – I think you sort of hinted at it – or if it was going to be done through Education, because that is the question I asked, because the previous amendment had said it was going to be through income tax.

Deputy Sillars: The previous amendment that did not get laid, and I got myself a bit confused in my opening speech, so I accept that, but it is something we will be reviewing and working together to go forward. I suspect that Education could probably sort this out, but at the end of the day we are talking about a January 2017 start, so we are going to be looking at somewhere around the middle towards the later part of 2016 to get this absolutely nailed. Of course, that will be a new Assembly and a new States here. It is a good point, but the fundamental difference is that it is the family rather than an individual income.

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Deputy Gollop, yes, I always love your speeches and thank you for your honesty. I imagine you going to school – little wonder how much you learnt since ... but we will not go there! *(Laughter)* Thank you for that.

Deputy St Pier, I would like to thank you and your board for the compromise and agree that it is the best way forward and we have all had to swallow a lot to get to where we are. But, actually, my board has said, and we absolutely agree, it is absolutely essential we get pre-school in.

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So, in general comment, I just really want to say this to our two Alderney Reps. I did want to say this does apply to Alderney. I do not know if they are listening or not, but it does apply to Alderney. *(Laughter)* Deputy Hadley, if you would like to keep quiet for a second we can get the concentration of the Alderney Reps.

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I have covered about the number of children who may be affected with the parents and carers earning really quite large amounts of money.

Deputy St Pier, I also worked the figures out, so I am glad my calculator works. It is about £125.80 per child will be lost on the Child Allowance, but it is against the cost of over £2,500 that each child who is pre-school will be benefitting.

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So, in summary, please support this very sensible compromise of an amendment. Thank you.

The Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you, sir.

Can I just declare an interest as a sort of dormant member, as a trustee of a pre-school, sir.

The Bailiff: We vote then on the amendment proposed by Deputy Sillars, seconded by Deputy St Pier. Those in favour; those against.

Members voted Pour.

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The Bailiff: I declare it carried.

We move on to the amendment that is to be proposed by Deputy Le Tocq, seconded by Deputy Soulsby, and I think this one needs to be read as well. Do you want to do it, or will the Greffier do it?

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The Chief Minister: I am happy to do it.

The Bailiff: The Chief Minister will open then.

The Chief Minister read the amendment.

Amendment

To add at the end of the words in Proposition 1:

‘; and to direct the Committee for Education, Sport and Culture to publish no later than 30 September 2016 details of: the quality assurance framework to be applied to the provision of Pre-School Education; the targeted outcomes and benefits from the introduction of States-funded Pre-School Education; and the key performance indicators to be monitored demonstrating delivery of those targeted outcomes and benefits.’

3165 **The Chief Minister:** Sir, this is quite a simple but important amendment and one that I guess that Education will say, ‘Well, that is exactly what we would intend to do anyway.’ But I do feel we need to be explicit about the way in which these resources are going to be used, and the benefits, the outcomes particularly, the focus on outcomes for our children and those that we are seeking particularly to ... lives to improve. A lot has been said in this debate about funding, but I do believe it is very important to look at outcomes.

3170 I was intending on laying an amendment that would have drawn attention to the importance of early years intervention in the lives of the young people and the families that they are part of, because I am a firm believer that the earlier that we focus on helping mothers and families and focus on the children and on what they need, the easier it becomes and the better it is in terms of outcomes for those children in the long term with regard to their education and their health. I am very glad that the Children and Young People’s Plan – which we will debate, hopefully, in February – will cover some of these areas. Really, this amendment seeks to ensure that the same sort of focus on outcomes, on KPIs, on indicators, are all part and parcel of the way in which we seek to help to make sure that the youngest in our communities are afforded the best possible assistance and best possible start in life, in terms of education particularly.

3175 So, this amendment, as I said, does what it says on the tin and I hope that the Assembly can all agree to it. It will obviously require the Committee for Education, Sport & Culture in the future ... and bearing in mind, whilst I know that the current members of Education will say we are going to do this anyway, that we have an election in between this. I think it is important to be explicit about the focus on having a quality assurance framework that we understand and that can be properly scrutinised in the future, in line with everything else that we intend to do to make the lives of the youngest and some of the most vulnerable in our community much better in the future.

3180 Thank you, sir.

3190 **The Bailiff:** Deputy Soulsby, are you formally seconding the amendment?

Deputy Soulsby: I do, and reserve my right to speak.

The Bailiff: Thank you.

3195 Deputy Sillars, do you wish to speak at this stage?

Deputy Sillars: Yes, please, sir.

3200 The Chief Minister’s tense is wrong. Yes, of course, we are already doing it. It is not a question of we will be doing it or saying that we might do it. We are already doing this and we are a long way down the line to deliver this and working closely with our colleagues at HSSD and with the GPLA. So yes, we will support this amendment and, yes, we are already doing it.

Thank you.

The Bailiff: Deputy Bebb.

3205 **Deputy Bebb:** Thank you, Monsieur le Bailli.

I find that many people will think this is innocuous. However, I find it bizarre. The Chief Minister in his opening speech said that this would provide the States with an opportunity to scrutinise it, but it simply asks for this to be published. Well, 'published' could mean that it is actually just put on the back of a fag packet in the reception at the offices of the committee. There is no measure as to how this publishing would happen, where it would happen, what benefits it would derive, what scrutiny this would actually afford. Are we actually to see it coming back to the States? If so, why is it not suggested as such? I would expect ... if it is to be published, are we to see it in the annual facts and figures? That would be fine, but this just asks for a very wishy-washy amendment, so it just wishes for it to be published. It then actually talks of the quality assurance framework to be applied.

3215 I give way to Deputy Sillars.

Deputy Sillars: Well, thank you for answering those questions. You never know, really, when to stand to make a speech, but actually it will go on our website. We produce an annual report which will go onto our annual reports that will report on that. All the parents will be able to see how well their child has done, and yes, it will all be within the overall framework. So it will be out in the public domain and it will not be just wishy-washy, hidden away on the back of a fag packet.

Deputy Bebb: I do not doubt the Department is actually committed towards this work. I just state that the amendment therefore seems to me to be superfluous.

Deputy Sillars: In that, I agree with you. *(Laughter)*

3230 **Deputy Bebb:** I think my point is made. Thank you.

The Bailiff: Deputy Kuttelwascher was standing earlier, then Deputy Fallaize.

Deputy Kuttelwascher: Thank you, sir.

3235 Just one point regarding the key performance indicators. One of those indicators has to be the non-uptake of pre-school education. It has already been mentioned that 5% would equate to about 30 pupils. I have just read a report from the University of East London relating to the uptake of pre-school education in the UK amongst those families that are most deprived, and it is something like 13%. I know you cannot directly transfer this sort of statistic to Guernsey, but that is an important statistic. It is to monitor the uptake and whether it is going up and down, and I would ask that that be one of the key performance indicators.

3240 Thank you, sir.

The Bailiff: Deputy Fallaize, then Deputy Le Clerc.

3245 **Deputy Fallaize:** Thank you, sir.

I think there is some advantage in publishing, and if I now ask the Minister of Education if he would give an assurance – and if he does, to pass this on to his successors – that when it is published it is circulated to States' Members in order that if States' Members wish to take further steps to scrutinise what the Education Department have in mind they can. So, if he could perhaps give that assurance on behalf of his –

The Bailiff: He has now spoken, so unless –

Deputy Fallaize: Well, another member of Education, perhaps.

3255 **Deputy Sillars:** Will you give way?

3260 I can assure Deputy Fallaize that, yes, we will send it, if it is so wished, to all the Deputies as to what the information is. It is absolutely vital. And going back to, if I may – small speech – Deputy Kuttelwascher, yes – (*Interjections*) I can ever get it right, I apologise. But it is between 5% and 10% – 10% in the Isle of Man. In Shanghai it is 98% take-up. So there are a whole variety, and yes, of course we will be, because that is the vital number that we should be monitoring.

Deputy Fallaize: Is there anything else while I am down? (*Laughter*)

3265 This is not an innocuous amendment. It is an important amendment, I think, and I am pleased that Deputy Le Tocq has laid it. It is important, when the States introduce a new service, that they set expectations for what the service will provide, what the benefits will be, and set key performance indicators so that the performance of the service can be held to account. All of that is important and is good, but I am particularly in favour of this amendment because it is important, I think, to stress that the Education Department will have one single opportunity to
3270 assure the quality of pre-school education as part of this new States-funded scheme. The only way they will be able to assure that quality is through the demands they make of third-party providers when parents ... if it is going to be through vouchers, but let us assume for the moment that it is through vouchers, when those vouchers are redeemed. Deputy Sillars knows that I will say this. In the original policy letter from the Education Department, which proposed the introduction of
3275 States-funded pre-school education, I expected to see more about the demands that Education would put in place which third-party providers would have to fulfil in order to become part of the scheme. I thought that was largely absent. The voucher, or the point at which the Education Department transfers money through the parent from the Department to the provider, is the only way the Department will be able to assure itself of the quality of any pre-school scheme. That is so
3280 important. There is no point at all in ... well, there is some point in the States allocating money to parents to enable them to buy pre-school hours from the point of view of workforce development and for economic reasons, but there is no educational benefit in that. The only educational benefit is derived from having the quality assurance of pre-school providers. That is where I think this amendment is important. I want to know more from the Education Department about what the
3285 demands will be on the pre-school providers. I would urge the Education Department to be quite rigorous when they draw up their demands of pre-school providers.

We heard earlier in this debate about the social mix in pre-schools, or socialisation, and the important role that pre-school education can play in that regard. Well, if the same children go to the same pre-schools as they do today and the States just takes over the expense, that is not
3290 going to do anything to improve the social mix of pre-schools. One of the ways that this is assured in statutory age education is by having catchment areas, so that every primary school, to a greater or lesser extent, has a good social mix of children from diverse backgrounds. I think there would be room for us to achieve something like that in the pre-school scheme, but it is going to require a very carefully designed arrangement between the Education Department and
3295 pre-school providers, and my fear is that without the States voting for this sort of amendment, without the States placing these kind of expectations on the Education Department, we may simply take £2 million of taxpayers' money and transfer it to pre-school providers, and in terms of raising standards we may not have achieved very much. That is the reason why I am particularly in favour of this amendment, and if another member of the Education Department could perhaps
3300 refer to some of this when they speak, I would be grateful.

The Bailiff: Deputy Le Clerc I was going to call next.

Deputy Le Clerc: Thank you, sir.

3305 Just on a point on catchment areas, I am not sure that catchment areas would really work, because actually I think, particularly if parents are in work, they like the pre-school to perhaps be close to where they work for drop-off and collection afterwards. So I am not really sure that catchment areas would work and be the best way forward. That is just a point.

3310 I just wanted to pick up on Deputy Kuttelwascher's point – and again I am championing the
Children and Young People's Plan – and just to say he was concerned about the fear of
percentage attending. But part of the programme will be the Strengthening Families Programme
in the Children and Young People Plan, and this is targeted help at families most in need, and we
envisage that to be one-to-one help for a significant period of time, and it will be those workers,
3315 working with these families, that will encourage the families to send their children, if they have got
children of pre-school age, to pre-school and also to school. So I think, where he is concerned
about percentage attending, if we can get the Strengthening Families Programme up and running,
that will improve that attendance figure. I would hope to see an improvement on what we have
seen perhaps in the UK, but again that is part of the Children and Young People's Plan, and that is
where it is important that this all links in to that.

3320 Thank you.

The Bailiff: Deputy Conder.

Deputy Conder: Thank you, sir.

3325 As the Minister said, the Department does not oppose this. We have not had a great deal of
time to discuss this as a department, so understandably our views might be different. I probably
am perhaps more in support and much more positive about this than perhaps the Minister, but
overall we are not opposing it anyway.

3330 This Department has exercised a very high degree of transparency in terms of the information
it provides to the public and to this Assembly, and I think one might contrast some of the
concerns that were expressed about Education in the past and the demands to drive out data and
performance indicators. So I absolutely agree with my Minister that we are doing this anyway and
we would want to do this anyway. In my area of education all league tables, all performance
indicators are public knowledge. It determines the perception of an institution and the level of
3335 Government scrutiny and public scrutiny is very high. So, actually, I welcome this. I am more
positive perhaps than Deputy Sillars, but I absolutely agree with him – we would be doing this
anyway.

3340 In terms of ... I am very happy for Deputy Fallaize to interrupt me, because he asked one of us
to respond. He is absolutely right, of course – it is a substantial amount of public money that is
being transferred to the private sector. We have to ensure that a quality assurance framework is in
place. We will do that. We have to ensure that targets and benefits from the introduction are
measurable and there are proper performance indicators. In effect, a form of scrutiny or
inspection one would expect to be in place.

3345 My only reservation about this amendment – and certainly it is not a sufficient reservation to
amend it – is the date of 30th September 2016. I know the Chief Minister and Deputy Soulsby, and
indeed the whole of this Assembly, are aware that we have one or two things on our plate at the
moment in Education Department and we have precious few months to get them done. There will
be a new Department, committee, in place after May, and either we have to do it for them in
advance or they are going to have very few months to get up to speed and get it done – It looks
3350 to me as if my Minister want to interrupt me, and I am very happy to give way.

Deputy Sillars: Thank you, sir.

3355 Fortunately, we are already doing this, so it is not as if we are going to be asking people to do
an awful lot more. A huge amount has been done, working with HSSD back to the April-May
decision in 2014. The figures that you mention – 120 children do not attend now. Well, those 120
children will hopefully attend, and therefore they will go to various pre-schools – 170 go to
various pre-schools but do not get 15 hours, and of course there is no pre-school looking after
Les Genats Estate at the moment.

Thank you.

3360

Deputy Conder: Thank you. I am not quite sure that was directly relevant, but I was very happy to have enabled him to do that, and if he wants to interrupt me again I am sure I will give way. *(Laughter)*

3365 I think I was saying that I have concerns, and perhaps the Chief Minister might respond to them, about the 30th September date. Either we have to do it, as I was saying before, effectively the middle of March, or a new committee will have to come to terms with this and have to do it.

But, in general, I endorse the spirit, the objectives of this. As Deputy Sillars has just said, we are doing this anyway but it does not hurt to codify it in a formal proposal.

3370 Other than the reservation about are we asking not too much but a lot of either this committee, which already has a lot to do, or the next committee which will come, in terms of its brief ... whether perhaps the Chief Minister could respond on that date and whether it absolutely has to be fixed.

As I have already said, we will not be opposing this, and some of us will be enthusiastically supporting it, notwithstanding we are already doing it.

3375

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you, sir.

3380 I am sure many Members of the Assembly are really encouraged to hear from the Minister now, several times, that this is something that they are already doing, and I am perhaps sensing some frustration on his part that this is the case. But with respect, sir, I think the Education Department have probably brought this upon themselves, because the last States' Report and indeed this policy letter are really silent on this issue. I think that pre-school was sold to this Assembly last May on the back, really, largely of what had happened, or what was happening, 3385 nationally or internationally. There was very little information – there is no information really – about what outcomes we expect here in Guernsey, what benefits would be delivered here and how those outcomes and benefits will be measured and reported through key performance indicators. So I think, as we now all accept, we are of course entitled to know what we are getting for taxpayers' money, and this is clearly what this amendment is aiming to achieve. It is very 3390 encouraging that the Department and the Minister completely accept that. Clearly, if public money is being used, there is a reasonable expectation that consistent standards should be developed – and, of course, constantly improved as well, I would suggest. Much has been made about the quality assurance framework, and again both this policy letter and the previous States' Report referred to it but without really again referring to its contents, and again there is reference 3395 to the good working with HSSD, but those that are not involved in those discussions really have no idea what that really means in practice.

The Minister, in his opening speech, I think again quite rightly placed a lot of emphasis on quality, on the need for high-quality provision, and of course the effective provision of pre-school education project ... that was one of the big conclusions of their work, that it was really all about 3400 quality and not quantity. Again, I will give way if the Minister is able to address this question. He has been asked to give a number of commitments about the content of what is going to be published, but one of the comments from the EPPE is that children made more progress in pre-school centres where staff have higher qualifications, particularly if the manager was highly qualified, having trained teachers work with children in pre-school settings for a substantial 3405 proportion of time, and most importantly as the curriculum leader, had the greatest impact on quality and was linked specifically with better outcomes in pre-reading and social development at age five. So my question to the Minister – and I will give way, as he is rising to stand – is: will the information that is published include the qualifications of those, and in particular the curriculum leaders?

3410

Deputy Sillars: Thank you for giving way. *(Laughter)*

3415 I have really messed up on this one, haven't I – I should have come at the end. We are already working with the GPLA. We have also got their teachers to improve, upgrade, qualify, and with the owners, so there is a whole lot of work already been done and I am very happy to share, because what I said in my speech earlier is that it is all about the quality of the teachers, and it is the quality of the teachers at secondary and primary, and certainly in the pre-school, and we are already working with the pre-school to get them to the levels that they want to be, which actually will then allow them to come into our pre-school scheme.

3420 **Deputy St Pier:** Sir, I thank the Minister for that. I am not sure he specifically answered my question as to whether the qualifications of those involved in pre-school would be one of the KPIs which is published, but I understand the spirit of his response and I will take that as a yes, but I will also give way to Deputy Sherbourne.

3425 **Deputy Sherbourne:** Thank you.

[*Inaudible*] I beg your pardon. We are proposing introducing a quality assurance on organisations that are run privately under the auspices of HSSD, with certain measurements applied to the qualifications of those institutions based on mainly health and safety. We are moving into an era where professional qualifications will, obviously, be highly important in the long term. This amendment, which I actually think is a good amendment, I think has one failing, and that is the one-year period. What can you measure in one year? Well, I can tell you our schools – and many of you probably are not aware of this – already have baseline assessments when children come into school. It is how we actually start our tracking process throughout the phases. It is why now we can actually predict the sort of outcomes at 16 that we are likely to have over the next few years. In the last three or four years we have introduced an extremely thorough and accurate tracking method. We will, after one year operation, be able to note the differences of the attainment of youngsters coming into the schools at five, or the rising fives. We will be able to do that. So yes, that would be a measurable assessment that could be published, but with regard to the sort of things that you are requesting, that is going to be a gradual process. Some of our pre-schools will not necessarily have curriculum leaders at the moment. They do know about the process. They know it is going to be required, they know the sort of curriculum that we would like to see introduced, and again, even with that there is going to be a developmental aspect to it. It is not going to happen overnight; it is going to take a few years for this to get in place. So I think that is really ... I do not mean to be rude by saying 'get real', but I think we have got to be realistic about the expectations on what is actually likely to be published in the first year.

3450 **Deputy St Pier:** Sir, I am grateful for that intervention, and I totally – (*Laughter*) I genuinely am, because I think it does emphasise the point, which I think was Deputy Fallaize's point as well, that this is ... The point I made was that if we are going to spend public money there is a reasonable expectation of constant improvement, and that I think is precisely the point that Deputy Sherbourne was making. But I think, to emphasise, this amendment is not merely one year's performance; this, of course, is before the scheme has even been introduced. This is setting out how you are going to measure that in the future, and then I think there is obviously an expectation that you will constantly be reporting against that framework and those indicators that you have set out. But I think it is a reasonable expectation. It is a reasonable demand for those that are funding this, the taxpayers, to understand the quality of institutions that they are funding, including the qualifications, accepting that over a period of time you would expect those to improve.

3460 Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, it should be no surprise to Members that I am seconding this amendment. I have spoken regularly on the importance of ensuring that as we increasingly
3465 outsource services we can assure ourselves that we are attaining value for money, that outcomes are defined and that KPIs are set and active monitoring takes place.

Like Deputy St Pier, I was concerned that the original policy letter was – to use a phrase from Deputy Bebb earlier; he has gone – ‘wishy washy’ on outcomes and benefits. *(Laughter)* This amendment puts that right for explicitly requiring the creation of a quality assurance framework,
3470 and I urge Members to support it.

The Bailiff: Does anyone else wish to speak? No. Chief Minister will reply.

The Chief Minister: Thank you, sir.
3475 I am glad that the Assembly is generally supportive.

Deputy Sillars said that my tense was wrong to begin with, that you are already doing this, and I am glad that is the case and I personally believe that is the case, but the problem is the original policy letter, and this one, is largely silent on exactly what this means. If you are doing it already and all this amendment is seeking to do is that in advance of it coming in in January it is seeking
3480 to be explicit about what you will be measuring, what the targets will be and how it can be scrutinised in that effect. The only possible reference to any of these things is in paragraph 3.4, which reads:

‘The Education Department has been working successfully in partnership with HSSD with respect to early years in developing the regulatory standards. This has proven to be a successful example of joint working between departments.’

Hallelujah! Good! But as I said, this is not just either. For me, it is not just in isolation, but when it comes to looking at the Children and Young People’s Plan, to some degree we are dealing with
3485 this, I think, in the wrong order. Overall, we need to know the sorts of ways in which we are measuring the effectiveness of these polices and getting, as Deputy Soulsby said, the right value for money in terms of the contracts that we have when we are commissioning others to do these sorts of work – exactly in the way that Deputy Sherbourne illustrated that we can begin to make accurate predictions and therefore target the right type of help to children and young people as
3490 they move through the various age groups.

I do not think there were many questions. Deputy Conder’s question – I hope I have answered that, in the sense I feel that it should already be here now. We are talking about the framework and therefore, in my mind, it needs to be done and available in advance.

And to answer Deputy Bebb’s question – unfortunately, he is not here to hear the answer, but
3495 to my mind the reason for publishing it is it can then be scrutinised and it will be down to the future scrutiny management committee, and particularly perhaps the panel of Members that will be responsible for scrutinising public finances, to take an interest in this and to look at the measurements and the framework and to see whether they are correct or whether there need to be things added to that, and in due course, when there are measurements against those, to
3500 actually scrutinise them and maybe bring them to this Assembly so that we can take action and make policy alterations on those sorts of bases.

So, sir, it is only right and proper. I do not think that this is wishy washy, but I think it is about being explicit, and I do ask that this Assembly support this amendment.

The Bailiff: We vote, then, on the amendment proposed by Deputy Le Tocq, seconded by
3505 Deputy Soulsby. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

Is there any further general debate? Deputy Langlois.

3510 **Deputy Langlois:** Thank you, sir.

Sir, I am certainly not standing to offer any opposition to the in-principle aims of this.

3515 Some seven years ago, Deputy Fallaize and I were on the Education board when this was first mooted, and the points that have been made ... It will not surprise you, we did not see eye to eye over absolutely everything in Education, but we shared a lot of views, and when this first came up the whole question of universality and the present provision was discussed. There has been a commitment within Education and with continuity from the staff, after several changes of board, to make this available to everybody, and I fully support that – I feel a ‘however’ coming on – *but* the PTI universal benefits decision was made, and it was made, I think, fairly convincingly by this Assembly. What I am doing is I am really ringing warning bells for the future. I think this will go through. I think there is little chance of any other result today, because of the way things have aligned, but I really want to lay down some proper warnings for the future. When that PTR universal benefits decision was made, I can assure you that it was certainly not in my mind – I cannot speak for all the boards involved or all the politicians involved, but I never envisaged a replacement on a one-for-one basis. I know that there have been subtle distinctions drawn and careful playing with semantics today, as we always do, to try and say, ‘Well, this is not really universal benefit, this is a universal something else,’ but nevertheless, in broad terms it is taking one benefit from one group of people and placing it in another place to provide a different service for a different group of people. It is, whichever way you look at it, a raid on one department’s funding that is part of a balanced benefits package. My board have worked on this over the term. We have made certain decisions about holding it steady, about freezing it. We were certainly supportive of the PTR decision to eventually withdraw it as a universal benefit, not withdraw it from everybody. I would say that we have never ruled out the possibility that we could increase Family Allowance for certain groups of people, and I am sure that Deputy Le Lièvre’s current committee has looked in some ways at that, because of the way households are made up. So what this effectively does, amongst other things, is it undermines and reduces the effectiveness or the need for the operating report. I know a number of people in this place would say, ‘Whoopee, this is good news!’ so it is one pain of October’s meeting gone, but if the States want to make every single decision in relation to Social Security benefits package by swapping it with something else, then I think we are on a slippery slope.

3530 The ‘winners and losers’ phrase has been used, and it is not really right that it should be an either/or. I think the problem here is that you have got a prioritisation process which is emerging. Deputy Fallaize was very keen to point out that this is the real politic of prioritisation, and I would agree with him with that, but once again – and I am really struggling to remember the last time this point was made, but there was a very similar debate at some point – we are in a sort of... We have got two possibilities here, two options: we carry on paying benefits of Family Allowance nature at a certain level which fits an overall package, or we move one bit of it to somewhere else. It is a bit like a football match. In fact, those of you who know me well, I tend to favour a well-known football team in the Midlands, but I have not talked about football much this year, or as little as possible anyway. I was interested, like many football supporters, to see the FA Cup draw, because annually the FA Cup draw – sorry if I bore other people, because it is just an example, but the FA Cup draw, like a number of sports fixtures, is arranged by a matter of chance. So, I think that in future one way of prioritisation would be to get all the list of things we want to spend money on, and we could put them in a hat. We would easily make up 64 and we could have the first round, and you would have one service against another and gradually they would be whittled down with debate after debate, one against another, and one lot gets knocked out. We could end up with a semi-final arrangement of a refit of the *Leopardess* or bowel cancer screening. (*Interjection*) We tried that last time, didn’t we. Or we could have another match: we could have biodiversity against meningitis inoculation – (*Interjections*) sorry – and we could have a good debate about that one, because they have so much in common. And then we can have a final, and

3560 instead of holding it in here, sir, we could invite the public to attend Footes Lane and do the whole thing in a really big splashy event.

Sorry, sir, I really think that the tenuous link in this of, 'Well, it's all about children, so that's all right,' is losing the real fact that there are departments and department budgets for a good reason. Department budgets and the division of that and the responsibility of the individual board
3565 for deciding on the balance of budgets is there for a reason and, I note, has not been suggested as something to be abandoned by the States' Review Committee. So, sir, I really wish to here warn people just exactly the precedent they are setting today, and that if this spread to a large number of other examples ... I personally do not think it is the right way to make prioritisation decisions.

There is one other aspect that comes into this. I have seen limited evidence in the policy letter
3570 that the transition that is being proposed, the transition to the universal provision of pre-school education, will not destabilise certain aspects of the present excellent service that some members of our community enjoy. I know there has been extensive consultation with the providers, but I have received reports of mixed views about the extent to which that consultation has been listened to, and I put in a plea to the Education Department to say, where there is good provision
3575 there already, 'As you implement, can you make absolutely sure that you do not throw out' – pardon the pun – 'the baby with the bathwater,' because there is some good provision around, and where it is good it must be maintained.

Then, finally, sir, the question of some hints from Deputy Fallaize about have we set the right fiscal level. There is a questioning of the decision again that was made. I do not think he was
3580 directly questioning it, because certainly he has been very supportive of it on several occasions. He is more flagging up and saying we have made the 28% decision, now we are stuck with it. I personally believe – and it is well known that I will not be standing again – that the next Assembly will once again be faced with the question of should we have a GST, because that is the way we will raise money for a load of services which everyone thinks are right but we have not got
3585 enough money to pay for. That many seem a rather far-reaching conclusion from this particular debate, but it really should go through people's minds as they decide if they are going to do this by taking money from one group of people to award it to another group of people, just like that.

The Bailiff: Deputy Brehaut and then Deputy Luxon.

3590

Deputy Brehaut: Thank you, sir. I will just put my glasses on – yes, that is better, thank you.

When our two children were younger, we were spending just short of £800 a month for that brief period when they were at a certain age before they go into reception. To me, it did not feel like pre-school at all. It did not have the feel of pre-school, it did not feel like a classroom
3595 environment; it felt like a child-minding service. That is what it felt like. We had to get to work – our children had to be somewhere. Obviously, when they are a certain age you accept the fact that there is an element of child minding. Generally, the young women who worked in those places never stayed for very long, so there was not that constant aspect to care or input that you would have liked, and I have no doubt that the young women who work there did not stay there
3600 very long because of the demands on them and the sums that they were paid, because it is not well-paid work. Eventually when my children got to reception, there was no formal handover pack to tell the teachers what the capabilities of the children or otherwise were. So I fully endorse the last amendment and we do need to increase the standards.

But what I would say is there has been far more scrutiny of that aspect than I have heard on
3605 the Digital Greenhouse – on the performance, the KPIs, on the Digital Greenhouse. Locate Guernsey – I do not know what the KPIs are on that. The reason I raise that is that these are big numbers, and with respect, if I can say through the Chair to the Minister of T&R that when you say, 'It seems to be relatively simple,' okay, it is not relatively, to say to T&R, 'If you invest now, economically you might get some jam tomorrow,' and it seems to me that T&R are accepting of
3610 that logic. But when you say to T&R, and other departments maybe, that if you invest in people, if you invest in communities, you will save money, you will invest and you will find a saving ...

3615 Because one of the realities of pre-school is that there are children at home today and tomorrow
who should not be at home, because home is not the safest place for them and there are more
dangers to that child in the home environment than there will be at school. So these children
need a reprieve from lots of serious issues within the home environment on a broad scale – some
3620 less so, but nevertheless significant. So I see this ... and I say, through the Chair again, to the
Minister of the Social Security Department, when he said – paraphrasing – it is all about children,
so the numbers sort of don't need to come into it, what I am saying is, probably predictably, it is
all about the children and the numbers *should* come into it because you can save money
3625 potentially if you invest now, because we know that with some of the awful issues of families of
origin, we have the perpetual... We have to break that cycle of a very small number of families on
Guernsey being the service users for the next 10-15 years, and then their children will be and we
have to break into that, and supporting a policy like this is the beginning of breaking some of
those cycles. So I fully support this.

3625 Thank you, sir.

The Bailiff: Deputy Luxon.

Deputy Luxon: Thank you, Mr Bailiff.

3630 I will not deliver my proposed speech, because I think through the two amendment debates
very positive comments have come out for the policy letter from Education Department,
Transforming Early Years Education, but just a few points from HSSD, if I may, sir.

3635 Some Members have queried whether or not the age of three years is captured, and of course
2.1 in the policy letter does make it clear that age three and four is part of pre-school. Well, I was
confused, so I thought I would blame other Members for that confusion.

3640 But, sir, Deputy Le Clerc mentioned the Children and Young People's Plan, which HSSD will be
bringing to the States in February, as indeed did the Chief Minister when he made his comments,
and perhaps suggested that it would have been better in some ways that we had debated that
policy letter first and then this one. It is rather like in HSSD we have yet to get involved with the
primary care review and we have already started on the secondary health care review, so
sometimes we do have to do these things the wrong way round, just because of the workload and
timelines we have ahead of us. But the Department has been and officers have been delighted to
work with Education Department and happy to contribute to the Guernsey Early Years Partnership.
3645 The Chief Minister did slightly scoff at the idea of working together, but I think he was genuinely
complimenting the fact that there is cross-departmental working going on, and maybe this is a
good example of the beginnings of Service Guernsey and reforming the public sector, where we
do work cross-departmentally and we do forget about the silo mandates, and I think that that is
what is happening here.

3650 The Children and Young People's Plan will absolutely define, perhaps, how the whole pathway
of how we look after our children will work from conception to birth, infant, year one, year two,
year three, four, pre-school, primary, secondary, tertiary and then of course into lifelong learning,
as outlined in Education's Vision, Today's Learner, Tomorrow's World. This really can be an
example of Guernsey leading the way of how we recognise the whole process. Not just for
children, not just for minors, but that learning process all the way through. I was impressed with
3655 the Today's Learner, Tomorrow's World Vision that made that clear, and for me this debate today,
and indeed the CYPP in February, I think draws these strands together, and I would compliment
Education and Treasury & Resources Departments boards for making this debate so much more
constructive and easier than it might otherwise have been. I certainly support the policy letter.

3660 Thank you, sir.

The Bailiff: Deputy De Lisle, Deputy Adam ... Can I just have an indication of how many more
people wish to speak in this debate? Deputy De Lisle, Deputy Adam, Deputy Conder, Deputy St
Pier. Is that it? Four more speakers. It is now 5.30. (*Interjection*)

Sorry, Deputy Lowe, you were wanting to say something.

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Deputy Lowe: I was just muttering to myself, sir.

The Bailiff: I was just going to say it is now 5.30. I will put to you the motion that we continue in order to complete this, this evening. If you do not want to, vote *Contre*. I put to you the motion that we continue in order to complete this Article this evening. Those in favour; those against.

3670

Some Members voted Pour, others voted Contre.

The Bailiff: I think it was against, so I think rather than have a recorded vote ... No, you think it was in favour.

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Deputy De Lisle: Can we have a recorded vote, please, sir?

Deputy Lowe: Sir, as we know, sometimes when a Member speaks another Member wishes to stand up later to counteract that, so although there may be four now you will probably find that there might be another six or eight. You cannot cut it at just four, because democracy and –

3680

The Procureur: You are really not allowed to have a debate on this motion. I would say that there was a substantial number of people who do not want to continue and you may be wise to exercise your powers so as to stick as strictly as possible to the normal times.

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The Bailiff: Yes, thank you, Mr Procureur. We will rise and resume tomorrow morning.

The Assembly adjourned at 5.32 p.m.