



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 1st February 2017

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Present:

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

Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Procureur)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, J. Kuttelwascher, D. A. Tindall,
B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies, J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater, J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett, G. A. St Pier,
T. J. Stephens, C. P. Meerveld

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe, L. B. Queripel,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

Deputies R. Graham L.V.O., M. B. E. C. J. Green, B. J. E. Paint,
M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. Yerby,
D. de G. De Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier); J. Torode, Esq. (H.M. Greffier) (*afternoon only*)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller);
Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E. (*absents de l'île*)

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

[Alderney Representatives Jean and McKinley were noted as *absents de l'île*.]

5 **The Bailiff:** I think it is due to travel restrictions, or weather problems and consequential problems that they are not able to travel here today. They have sent their apologies: they would like to have been here.

CONVOCATION

10 **The Senior Deputy Greffier:** Billets d'État III and IV of 2017. I hereby give notice that a meeting of the States of Deliberation will be held at The Royal Court House on Wednesday, 1st February 2017 at 9.30 a.m. to consider the items listed in these Billets which have been submitted for debate.

STATEMENTS

The Bailiff: Well, Members of the States, good morning to you all.
We will start with Statements, and there will in fact be four Statements. The first one will be from the President of the Policy & Resources Committee on Brexit update, and then there will be
15 a statement from the President of the Committee for Home Affairs on the subject of travel for those with dual nationality into the United States of America. That will be followed by a statement from the President of the States' Trading Supervisory Board on the rebranding of Aurigny Air Services, and finally from the President of the Committee for Economic Development on the subject of the Committee's work to date.

**Policy & Resources Committee –
Brexit update –
Statement by the President**

20

The Bailiff: I call first the President of Policy & Resources Committee, Deputy St Pier.

Deputy St Pier: Thank you, sir.

25 Mr Bailiff, it is has been two months since Deputy Le Tocq addressed this Assembly on the work undertaken in engaging with the government of the United Kingdom following the referendum decision to leave the European Union. Today is an opportune time to update the States on recent developments and the work to manage the impact this may have on Guernsey.

30 We have been continuing the discussions on the four priority areas identified in conjunction with the other Crown Dependencies: fisheries and agriculture, financial services, free movement of people and the customs union. Roundtable meetings between UK and Crown Dependency officials have been held on the free movement of people, fisheries and the customs union. A further meeting is planned on financial services in the next few weeks.

35 These initial meetings provide an opportunity to ensure that the UK understands our position and understands the impact of the UK's exit on the Islands. The next phase of meetings is about to begin, which will allow the opportunity to discuss the UK's options for its future arrangements.

40 Sir, meetings have also been held to discuss the UK's so-called 'Great Repeal Bill'. The Great Repeal Bill was announced by the UK's Prime Minister in 2016. It will be an immense and complex exercise to transpose all the relevant EU *acquis* – in other words, the body of EU Law – into domestic UK law. This is to ensure that there are no holes in the UK statute book. Many things, of course, in the UK are dependent on EU law. Services need to keep running the day after the UK's exit and to do so, legislation needs to be relied upon. This means that certain legislation needs to be preserved. The task of unpicking 44 years of integration can then follow in a more orderly fashion. Why is this of interest to Guernsey?

45 The special arrangement that governs the Bailiwick's relationship with the EU, Protocol 3, means that a certain but limited part of the *acquis* applies in Guernsey – in particular on matters relating to the free movement of goods. Some EU legislation has also been voluntarily adopted by Guernsey in order to comply with relevant EU standards. This means, that the States will need to undertake an equally detailed exercise, albeit, fortunately, on a more limited scale. The work is being scoped and a proposal will need to be presented to this Assembly. In other words, in due course, we will need our own local version of the Great Repeal Bill.

50 We have been engaging closely with UK Ministers. The second quarterly meeting was held in London last Wednesday, 25th January, with Robin Walker, Minister at the Department for Exiting the EU. Also in attendance was Mark Garnier, who knows both financial services and the Island well. Mr Garnier is a Minister at the newly formed Department for International Trade. We discussed the progress made on engagement with the UK to date.

55 I was particularly pleased to secure the Ministers' commitment to the Common Travel Area, which Guernsey currently forms part of, recognising that the free movement of people and goods with the UK are rights, long pre-dating the UK's accession to the EU – and rights which are ultimately underpinned by the relationship first described in our historic Royal Charters.

60 We discussed how the future of UK trade policy might relate to Guernsey, and how the Island might benefit from the UK's development of its own network of Free Trade Agreements, which may open up the Island's businesses to new markets. We also discussed how the Department for International Trade could support the development of our own trade and we – in particular Deputy Trott – will follow up that dialogue.

65 I took the opportunity, once again, to push the principle that the UK cannot negotiate on behalf of Guernsey against our wishes; nor can the Islands be used in the negotiations in a way that is contrary to our interests. The decisions for the United Kingdom must not be taken in isolation. The UK government has a duty to represent our interests internationally, even where these differ from the UK's interests.

70 The discussions are now moving from being focused on fact finding, into an exploration of how the options for the UK work for the Bailiwick of Guernsey. Keeping pace with this engagement will be challenging, but is vital if Guernsey is to remain part of the debate during the

negotiation phase, which will start after Article 50 is triggered before the end of March. We must be ready to adapt to whatever exit deal and new trading relationship the UK secures for itself.

75 Sir, our engagement with the UK is not just with government officials and ministers, but with the whole of the UK's Parliament. The Westminster Parliament will be involved in the process of exiting the EU, in particular following the recent *Miller* case, and it is important that our interests are widely understood. Alongside engagement with parliamentarians directly – and through the All-Party Parliamentary Channel Islands Group – we have also been engaging with a number of
80 parliamentary inquiries.

On 20th December, I attended a hearing of the influential House of Lords' EU Select Committee, alongside the Chief Ministers of Jersey and the Isle of Man. The hearing was part of a short inquiry that the Committee is holding on Brexit and the Crown Dependencies. Some of the questioning was technical in its nature and provided an opportunity to explore the impact of
85 Brexit, our status as a 'third country' and how that reflected on the UK's own future. It was an opportunity to ensure that the House of Lords is aware of the UK's responsibility to represent our interests internationally. The Committee was genuinely interested in the Islands, the impact on its residents and whether the UK government was adequately engaged. The transcript of this hearing is available on the UK Parliament's website.

90 On the 24th and 25th January, a delegation of the House of Commons Justice Committee visited the Island to continue to gather evidence for its inquiry into Brexit and the Crown Dependencies.

Unlike the Lords' Committee, the Justice Committee's mandate is restricted to examining the expenditure, administration and policy of the Ministry of Justice. It is *not* mandated to review the
95 impact of exit from the EU on the Islands, or how the Islands have responded, but It is responsible for holding the UK government to account with regard to how well it is undertaking the task of engaging with the Crown Dependencies.

The delegation – who, of course, visited at the invitation of the Policy & Resources Committee – consisted of its Chairman, Bob Neill, Kate Green and Alex Chalk. There was a full itinerary agreed
100 with the Committee, which included meetings with political representatives of the Principal Committees most impacted by Brexit, policy experts and industry representatives. The delegation also spent time with the Law Officers and with a delegation from Sark's Chief Pleas. The Committee will meet with representatives from Alderney at a later date.

I am sure that the subsequent reports from both the Common's Justice Committee and the
105 Lord's EU Committee will also ensure that we can refer back, should the quality of engagement currently being experienced, waiver.

Sir, on 17th January, the UK Prime Minister announced her government's plan and objectives for exiting the EU. Much of the plan echoes the objectives agreed by this Assembly in June last year when it debated the policy letter entitled '*Managing the implications for Guernsey because of*
110 *the UK's changing relationship with the EU*'.

The Prime Minister advocated: certainty; sovereignty and retaining autonomy; a global facing economy; tariff free trade with the UK; the control of immigration to manage population levels, whilst preventing the loss of labour and skills; as well as the preservation of the Common Travel Area. These are all aims to which Guernsey aspires and embraces.

115 Reassuringly, the Prime Minister also stated that the UK wants to guarantee the rights of EU nationals in the UK. Given the close ties in our immigration regimes, this is also a reassurance to those EU nationals that reside in Guernsey.

The UK's exit will be a negotiation with give and take on both sides, but as is clear from the objectives set out by the Prime Minister's speech, the UK is looking to try and head to a
120 destination that will fit with the Island's own needs.

Now these objectives are clearer, six months after our own objectives were debated, the Island is better placed to identify the resources it needs to handle the engagement, during the exit negotiations. A business case is being prepared to second additional expertise, capability and

125 capacity into the External and Constitutional Relations team, to ensure that we have the requisite
resources to work on the engagement strategy.

This will include the co-ordination of the discussions with the UK in the negotiation phase, alongside the existing priorities and demands from the ongoing work created with other developments in the UK, EU and the rest of the world. The business case will be reviewed and considered by the Policy & Resources Committee shortly.

130 A successful Brexit for the Island has self-evidently become one of the key priorities of this
term of government. Accordingly, the Policy & Resources Committee have agreed that our
political engagement will be led by a triumvirate, headed by me, as President of the Policy &
Resources Committee, supported by the Vice President, Deputy Trott and Deputy Le Tocq, the
member with responsibility for external relations. Whilst it is important that we all do our part by
135 waking up and thinking about the impact of Brexit on our areas of interest – and I thank, for
example, Deputy Prow for his thoughts and input given his pertinent experience from his
professional career – but we also want to ensure we have clear leadership: someone who is
responsible for lying awake at night, worrying about it too.

We plan to meet regularly to keep track of developments, provide overviews and engage with
140 all other Principal Committees – particularly, of course, the Committees for Home Affairs and
Economic Development – as well as business representatives and individual stakeholders. This will
ensure that the Committee remains engaged with residents and local industry.

On 24 January, the UK's Supreme Court handed down a judgment in the case of *R (Miller) v.
Secretary of State for Exiting the European Union* – in other words, the Brexit case on triggering
145 Article 50. We are reviewing the detail of the judgment. We have had, and will continue to have,
dialogue with the UK government on the consequences for us in Guernsey of the *Miller* case. The
requirement for UK Parliamentary approval hinges on the special nature of the European
Communities Act 1972. This is the legislative instrument that acts as a conduit for making EU law
supreme in the UK. The Bailiwick has a similar domestic law which has a similar but much narrower
150 impact via Protocol 3.

The case – whilst on an important but narrow point – highlights that the Crown Dependencies'
unique constitutional history and relationship means that we *are* different; and consequently we
must not – and indeed *cannot* – be forgotten by the United Kingdom at *any* stage in the Brexit
process. Throughout the whole process, it is absolutely essential that we preserve Guernsey's
155 international identity and constitutional position. Accordingly, given this judgement, consideration
is being given to placing a second policy letter before this Assembly. This policy letter will need to
acknowledge the UK's decision to trigger Article 50, following consideration in the UK Parliament
of the European Union Withdrawal Bill.

Sir, we are committed to keeping the States updated on developments. We will place matters
160 before the Assembly for consideration; and we will work closely with the Principal Committees
that will need to develop policy and legislative proposals, to respond to the changing relationship
we will have with the EU.

So far, the Islands' interests *are* being heard and rest assured we will take *every* opportunity to
ensure that that remains the case in the months ahead.

165

The Bailiff: Are there any questions arising from the context of that statement?
Deputy Prow.

Deputy Prow: Thank you, sir.

170 I welcome the President's comprehensive update, but, sir, I refer to the recent visit: three UK
Members of Parliament who are members of the Justice Select Committee were visiting to engage
with us on the implications of Brexit. Bearing in mind in the debate in this Assembly, Brexit has
been described as the biggest challenge and opportunity facing us in decades, will the President
explain why so few States' Deputies from across the States' Committees were involved in both the
175 formal meetings and the networking opportunities – I understand a reception and evening meal?

As it was a visit of parliamentarians, should it be a balance of elected and officers being different ...?

180 By way of example, although not originally invited, I attended a meeting concerning the movement of goods and people. Out of 10 local attendees only three were States' Members. Sir, will this be a collaborative effort or be done to us by P&R?

The Bailiff: Deputy St Pier.

185 **Deputy St Pier:** Sir, Deputy Prow has raised these issues and concerns with me in correspondence before today's Statement, so I will reiterate what I have said to him in that correspondence.

190 Sir, whilst this was a visit of parliamentarians, it was not a parliamentary visit in the sense of, for example, the Commonwealth Parliamentary Association. The programme, the itinerary that was put together for the Justice Committee with their officers, was done in conjunction with conversations with the respective Principal Committees, seeking to address the interests of the Justice Committee in their particular inquiry. So, I think there is a distinction between then ... given the nature of the visit and the purpose of it.

195 But in relation to the second part of Deputy Prow's question, clearly it is P&R's responsibility to lead the external affairs of the Island, within our mandate, but on this particular issue, as I have said in my statement, it is going to require a significant amount of work, from, I suspect, all the Principal Committees, but particularly that which he sits on, the Committee for Home Affairs and the Committee for Economic Development, and as I said in my statement, P&R are committed to ensuring that engagement takes place.

200 **The Bailiff:** Deputy De Lisle.

Deputy De Lisle: Sir, I welcome the update that the President has provided us.

205 Can I ask, in the discussions taking place, to what extent is the UK government making use of the experience gained by the Channel Islands in being offshore and outside the European Union? Am I right in feeling that we have much to offer the UK in this area?

The Bailiff: Deputy St Pier.

210 **Deputy St Pier:** Sir, I think it is fair to say that the level of engagement which we have had in the last six months or so during this period when the UK has been seeking to gear up and understand its own position, it has not been in a position to negotiate with the EU until Article 50 has been deployed, and that has provided us with a unique opportunity to fill the void, if you like, and I think we have taken that well.

215 I think there is an irony, and I have expressed this elsewhere, that we have spent the last 20 years trying to explain to our interlocutors in the UK who we are and why we are different and why we are important to the UK, and actually we have probably made more progress in the last six months than in the previous 20 years. So, I think there has been, as was demonstrated in the Lords' EU Committee, and in all the engagements, a real interest in understanding why we have been outside the EU for the last 44 years, and what has made us different and what opportunities that may bring to the UK.

220 What that will translate into in terms of opportunities as the negotiations proceed, I do not think anybody can yet say, but I can give Deputy De Lisle, and others, the reassurance that we have been seeking to explain that and to very receptive audiences.

225 **The Bailiff:** Deputy Inder.

Deputy Inder: Deputy St Pier, with the uncertainty that Brexit has brought to our economy, does Deputy St Pier agree with me that Government spend now could become a far more important economic enabler. If he does agree with me, could he therefore assure me, and the greater community, that every effort will be made to ensure that Government Procurement Policy reflects this, and that policies are in place to make sure local companies benefit from Government contracts, and might he include a percentage bias towards Guernsey companies?

The Bailiff: Deputy St Pier.

Deputy St Pier: I am really not sure that question arises from the Statement, sir, but I think I can acknowledge the concern that Deputy Inder expresses. Certainly the vibrancy of the economy, with or without Brexit is absolutely critical to us, that has been recognised, it is a central part of the Policy and Resource Plan, and indeed P&R have recognised, and again I have acknowledged in a number of public places in recent weeks, that local procurement, and Government's role in that, is an issue which we do need to consider. Whether that translates itself into the kind of policies which Deputy Inder is suggesting, and the consequences of that, I do not know, but it is something that was certainly given consideration to.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, sir.

We are still – at least I am still – unclear as to exactly what paths the United Kingdom government, or the Rt Hon. Theresa May and the ministers are taking in relation to Brexit, but in the past before 1973 the United Kingdom, to a degree, was a member of the European Free Trade Area, as is today Norway, Switzerland, Liechtenstein and one other country, I cannot remember. The point I am making here is that Guernsey in those days was associated with EFTA, and the Isle of Man has in recent times shown interest in becoming a member. Why does the President of Policy & Resources assume that we will automatically leave every aspect of the European Union? Might we continue in a special relationship as a full or associate member of EFTA, and take a slightly different path than the United Kingdom?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the future of the European Free Trade Area and indeed the European Economic Area (EEA), of course are, as Deputy Gollop rightly says, issues which do need to be bottomed out through this process for the United Kingdom. Indeed there is another case, which is I understand in the UK courts at the moment precisely in relation to seeking to understand the impact of withdrawal from the EU on the EEA, and whether there is a linkage there.

So, I think what has been acknowledged is that our largest trading relationship, certainly in relation to goods, is with the United Kingdom and therefore maintaining that customs union between ourselves and the United Kingdom is an issue of concern to us in terms of both the UK and our own relationship with the European Union Area, whether that is through EFTA, through the EEA, or any other form, again, is all up for negotiation, sir.

The Bailiff: Deputy Green.

Deputy Green: Sir, I thank Deputy St Pier for updating the Assembly on Brexit, and I thank him for the indication that there will be this business case that P&R will be considering in terms of additional possible resources for dealing with this and coordinating the approach.

I am aware of the position in Jersey, which has been articulated by the Chief Minister of Jersey, that the Council of Ministers has allocated quite a substantial budget in terms of their response to these issues, and negotiating a path through the issue of Brexit. Would Deputy St Pier envisage

280 that the additional resources that may well be earmarked in that business case will actually be very substantial resources?

The Bailiff: Deputy St Pier.

285 **Deputy St Pier:** Sir, I think at this stage we anticipate taking perhaps a more incremental approach, which is to build up the resources as we need them. Sir, at this stage, as my statement said, we anticipate the need to second additional resources from elsewhere within the States into the team that will be leading this. As things develop in the coming months it may well be that we need to reconsider that. So, this is an issue that was discussed at the Policy & Resources Committee meeting yesterday, and it was very firmly agreed that we would need to keep the matter under review, so we will take an incremental approach.

The Bailiff: Deputy Oliver.

295 **Deputy Oliver:** Sir, Deputy St Pier, it kind of follows on from what Deputy Green says, but in regard to more resources. How much do you envisage this costing, in particular for the Home Affairs Committee?

The Bailiff: Deputy St Pier.

300 **Deputy St Pier:** Sir, I cannot answer that at this stage, it is speculation. The business case has not yet been considered by P&R, so I have no further information to provide on that. In terms of the implications for resources on other Committees, again that will remain an issue that will need to be considered by those Committees, no doubt, in a dialogue with Policy & Resources, and again, we will need to keep that matter under review.

305

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes, sir, thank you.

310 I would like to ask Deputy St Pier regarding the significant proportion of Islanders who have a negative endorsement in their passports arising from Protocol 3, which prevents them from living and working in the EU. Can Deputy St Pier please tell me if it is envisaged that the rights of this group of Islanders will be brought into line with the remainder of Islanders who currently enjoy the potential benefits of being able to live and work in the EU.

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

Deputy St Pier: Sir I am just not in a position at this stage to be able to comment on that particular issue. Clearly, those rights and those different categories of Islanders were settled in 1972 ahead of the accession in 1973 through Protocol 3. Protocol 3 will fall away, and we will have to have that discussion with the UK. They are very much aware of that issue, but in terms of how it will resolve, I am not able to give any indication at this stage.

The Bailiff: Deputy Lowe.

325 **Deputy Lowe:** Thank you.

330 Would Deputy St Pier agree with me that actually it follows on from the question that was posed by Deputy Prow, that we do utilise the expertise in this Assembly. I mean, Deputy Prow attended at my invitation. He was not actually included at that time, and he was a huge benefit, and indeed, the staff at the GBA. I am just asking for a plea yet again, please will you ensure that expertise is used within this Assembly when meetings take place, please.

The Bailiff: Deputy St Pier.

335 **Deputy St Pier:** Sir, I can give that reassurance. I think I did acknowledge Deputy Prow's particular expertise given his former career, and it would be a waste not to tap into that.

The Bailiff: Deputy Fallaize.

340 **Deputy Fallaize:** Thank you, sir.
Deputy St Pier referred to the not so great Repeal Act, or our version of it. Could he advise the States, approximately, when he expects a policy letter on that to be before the States, and more importantly does he envisage that there is any legislation arising out of it which will not have to be domesticated, or will there be vast swathes of legislation which can be added to this apparent bonfire that is going to take place (*Laughter*) once Britain leaves the European Union?

345

The Bailiff: Deputy St Pier. (*Interjection*)

350 **Deputy St Pier:** Sir, I think that perhaps the first thing to notice is that the Great Repeal Bill is clearly a misnomer, because clearly what it really is, is the 'Great Retention Bill', because actually what it in essence ... my understanding is it will seek to import all the EU *acquis*, all the European Union-based legislation into domestic law, and then over a period of time it will then be, if you like, domesticated, if that is the appropriate term to use in relation to law.

355 So, in terms of when it will come to the States I am not in a position to give that information yet. The dialogue with the UK is continuing, but we have not yet seen the UK's own proposals, and consider how we could use those as a model for our own. But, we do, obviously, remain in contact with the other Crown Dependencies, who obviously have exactly the same issue as well, but, in essence, the purpose of the legislation will be to leave the law in the same state on the day after exit as it is the day before, then allow time afterwards for us to determine that which we wish to retain.

360

The Bailiff: Deputy Le Tocq, and this will be the last question.

365 **Deputy Le Tocq:** Would the President agree with me that it might be useful for Members to familiarise themselves with our own European Communities 1973 (Bailiwick of Guernsey) Law before we end up debating anything further?

The Bailiff: Deputy St Pier.

370 **Deputy St Pier:** Yes, sir. (*Laughter*)

The Bailiff: There is time for another question, given the brevity of that answer. Any more questions? No.

**Committee for Home Affairs –
Travel for those with dual nationality into USA –
Statement by the President**

375 **The Bailiff:** In that case we will move on to the next Statement, to be delivered by the President of the Committee for Home Affairs, Deputy Lowe.

Deputy Lowe: Thank you, sir.

Thank you for allowing me to make this brief statement.

380 Sir, on 27th January 2017, President Trump signed an executive order suspending entry to the USA for people from seven countries, Libya, Iran, Iraq, Somalia, Sudan, Syria and Yemen, for a period of 90 days. I would like to take this opportunity to reassure Guernsey residents who have dual nationality of any of the listed countries.

385 As is known, we hold British nationality through our relationship with the Crown. There is no separate concept of Guernsey citizenship. The UK is responsible for our international representation at this level. We rely on the advice issued by the Foreign & Commonwealth Office who advise that British Nationals who hold dual nationality of any of these countries are not affected by the temporary immigration measures put in place in the US by the Trump administration, providing that they are travelling on a valid British passport and US visa.

Thank you, sir.

390

The Bailiff: Deputy Yerby.

Deputy Yerby: Thank you, sir.

Thank you to the President for giving clear and prompt advice on a matter of public concern.

395 Sir, does the President endorse the view of her UK counterpart, Home Secretary, Amber Rudd, who yesterday described this discriminatory and unjust ban as, I quote, 'divisive and wrong in and of itself'.

The Bailiff: I am not sure that arises from the Statement.

400

Deputy Lowe: No, I am not prepared to go there. You asked about the immigration and the passports.

The Bailiff: Deputy Roffey:

405

Deputy Roffey: Can I ask for a clarification. I think the President said if you are travelling on a British passport you would not be affected. My understanding is that people, like myself, who have visited one of the seven countries involved, could be affected, even though they are travelling under a British passport.

410

The Bailiff: Deputy Lowe.

Deputy Lowe: No, my understanding is if you are on a British passport, you are okay. That is the advice we have been given, and it is all on the website, exactly what you are allowed to do for travelling. If you have got a British passport, there are no restrictions. That is the information that I have had.

415

The Bailiff: Deputy Gollop.

Deputy Gollop: Again, this might go slightly too far, but I was interested as to how far the Home Affairs Committee, and/or the Policy & Resources Committee would be prepared to communicate with the United States' government, or the United States' embassy on these matters.

420

The Bailiff: I think that goes beyond the Statement, Deputy Lowe.

425

Deputy Lowe: It does go beyond the Statement, and we work through the UK, as I explained in my Statement.

430 Just to clarify for Deputy Roffey so he does not misunderstand what I said, it was actually to go
to the USA, you are able to do so. But, I can give you a copy of the Statement if you did not quite
understand what I actually said, (*Laughter*) but it does mean if you have – no I am not ... It does
mean that actually if you have got the dual nationality you are able to go and travel, there are no
restrictions on that.

435 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Can I just pursue this and ask for a clarification?

If you have a stamp in your passport from one of the seven countries that are affected, is
Deputy Lowe saying that will not in any way impede your ingress into the USA?

440

The Bailiff: Deputy Lowe.

Deputy Lowe: It does actually say on here that if you hold British nationality through our
relationship, you are able to travel within those countries. If I remember rightly, the advice from
445 the Foreign and Commonwealth Office, they have advised us that British nationals who hold dual
nationality of any of these countries are not affected by the temporary immigration measures put
in place in the US by the Trump administration.

The Bailiff: Deputy Prow.

450

Deputy Prow: Sir, would the President agree with me that the proper course of action for
anybody travelling to the United States of America should be to contact either the US embassy in
London or contact the American authorities because it is their ban? It is not the United Kingdom's,
it is not Guernsey's and the proper advice should be got from the United States' government.

455

The Bailiff: Deputy Lowe.

Deputy Lowe: Indeed. I mean the advice that we give out at the Guernsey Border Agency is to
keep monitoring the US Embassy London's website for up to date information, and that is where
460 we get ours from, working with London.

The Bailiff: I see no-one else rising.

**States' Trading Supervisory Board –
Aurigny Air Services rebranding –
Statement by the President**

The Bailiff: The next statement is to be delivered by the President of the States' Trading
465 Supervisory Board, Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

At their meeting in November, 2015, the previous States resolved that the States' Trading
Supervisory Board should give serious consideration to rebranding Aurigny with a name that
470 clearly positions it as Guernsey's airline, and to report back by February of this year with a policy
letter setting out whether or not a rebranding should take place.

I should like briefly to update the Assembly today on my Board's current position with this
project, and explain why it will not be reporting back on the matter at this time.

475 Shortly after its election last September, my Board gave early consideration to the rebranding issue. In doing so, it was conscious that the strategic review of Aurigny being undertaken by the Policy & Resources Committee was underway and, in its broadest sense, would be considering the airline's role in the future, how it should be positioned and what kind of service the Island wants it to deliver.

480 It is worth noting that the detailed terms of reference for the strategic review include consideration of: how Aurigny can best meet the needs of the community to support economic enablement; further how Aurigny can help in driving visitor growth; how it can improve the quality and reach of its marketing; and, how a franchise arrangement – which could entail Aurigny adopting the livery and branding of a franchise partner – might support it in delivering its objectives.

485 Given the scope of the strategic review, my Board has taken the view that it would be premature to undertake the branding project at this time, particularly as this would involve committing financial resources to market research on the existing and potential alternative brands. The strategic review will be considering issues which should inform and guide decisions on the airline's branding and not *vice versa*, and, as such, there is a risk that undertaking work now on its branding would be pre-emptive.

490 Of course, we must acknowledge that, since the States asked my Board to consider a review of Aurigny's branding, there has been a substantial deterioration in the airline's forecast financial performance. Obviously, the scale of its future losses will be linked directly to any updated shareholder objectives that are set for the airline as a result of any recommendations arising from the strategic review. The Policy & Resources Committee indicated in the 2017 Budget Report that the future funding arrangements for the airline will need to be considered as part of this process.

495 Within this context, I should flag that Aurigny has informally advised that the cost of a rebranding could be in the region of £500,000 – recognising that there will be other related costs beyond just painting aircraft, such as stationary, signage, uniforms and so forth. Given Aurigny's current financial position, whatever costs are involved in designing and implementing any rebranding will ultimately fall on the States. As such, as part of the branding review, my Board would wish to consult with the Policy & Resources Committee on the appetite, and funding source, for such expenditure within the wider context of the airline's agreed future funding arrangements.

500 Against the background of these issues, my Board has decided that work on the branding review should await the outcome of the strategic review of Aurigny. I should note that my Board did take the opportunity to advise the strategic review that it would be deferring a report to the States on the branding issue when it made its written submission to the Review Panel.

510 **The Bailiff:** Any questions?
Deputy Gollop.

515 **Deputy Gollop:** One option that has sometimes been speculated on, especially by my Alderney friends, has been whether as part of the rebranding concept one could, as is done sometimes, with rail and other franchises, and airlines elsewhere, split the branding image of the airline from the main Guernsey routes and the Alderney routes into two separate brand identities. Is that being considered or being one option as part of the process.

The Bailiff: Deputy Parkinson.

520 **Deputy Parkinson:** Sir, as I have just said we are not actually conducting a review into the
branding of Aurigny, but when we have direction from Policy & Resources Committee in terms of
their strategic review of the airline, then obviously there may be recommendations which relate to
the provision of services to the Island of Alderney, and those may or may not include provision by
Aurigny. If and when we know what the direction of travel is, we can consider issues like separate
525 branding for the Alderney services.

The Bailiff: Deputy Tindall.

530 **Deputy Tindall:** I would like to ask if any indication has been given as to when that
conversation may occur.

The Bailiff: Deputy Parkinson.

535 **Deputy Parkinson:** I think that is a question that Deputy Tindall should address to Deputy
Trott, because I do not know when the strategic review will be produced.

The Bailiff: I see no-one rising.

**Committee for Economic Development –
Update on work to date –
Statement by the President**

540 **The Bailiff:** We will move on to the final Statement to be delivered by the President of the
Committee for Economic Development, Deputy Ferbrache.

545 **Deputy Ferbrache:** Sir, I am delighted to be given the opportunity to make this Statement. It
came as a result of the gentlest of prods from Deputy St Pier as President of Policy & Resources,
or now perhaps bearing in mind we have got the Brexit triumvirate. He is obviously Octavius and
we will have to wait to find out whether Deputy Trott or Deputy Le Tocq are Lepidus and Mark
Antony, respectively. *(Laughter and interjection)*

550 Sir, the Statement I am about to make is not meant to be an exhaustive list, otherwise this
could be said to be an epistle from Peter the Apostle and I am sure the States does not want to
hear that, so it is really just a brief address of certain topics.

555 The first of those is the finance sector development. Last June the States committed itself to
the establishment of a consolidated private register of beneficial owners from the end of June of
this year. We are working, and have worked, closely with Policy & Resources to create the register,
which will be held at the Guernsey Companies Registry. As with many other private registers
around the world, access to that register will be limited to law enforcement and the financial
services regulator, and will be subject to a series of clear and established criteria.

560 An ongoing programme of financial services sector reviews saw the completion of the fiduciary
sector review in February of last year. One of the review's key recommendations was that there
should be an overarching group responsible for the fiduciary sector's strategy development. In
that purpose and to that end, we have been supporting the Guernsey Association of Trustees as it
evolves the Association's constitution, in order both to diversify its membership base and
augment its operational ability.

565 We also recently received a review of the insurance sector, indeed, that was completed at the
end of last year. I emphasise the importance of the insurance sector to our economy, with annual
growth in recent years in key areas such as: the number of people employed in the sector; the size
of the sector in terms of GDP; the number of licensed entities; and the sector's tax contribution.

Later this year, in fact we have already started, we will be conducting a review of the investment sector, to further develop business opportunities in that sector.

570 The new Arbitration Law which the States approved in March after receiving Royal Assent, was brought into force last December. That provides Guernsey with a modern and comprehensive arbitration law, reflecting international best practice.

Other key financial services work streams for this year include further developing the Guernsey Bank Deposit Compensation Scheme.

575 This will be done by granting it preferred creditor status on the insolvency of a participating bank, and by working with the P&R to establish a facility that will speed up the process of providing compensation to depositors, should, as we hope, this never be required, or should it ever be required.

Following a consultation on Low Value Debt Relief last year, we will be publishing a consultation response next month as part of a reform of the insolvency regime, something that has been outstanding since I have come back to Guernsey as an advocate in 1980.

580 In November of last year, we held our first FinVention event, a one-day event at St James designed to showcase a range of exciting FinTech and digital services and products, very well chaired by my colleague Deputy Dudley-Owen, and many of the people who attended, created and developed their rights here in Guernsey. It was a great success, with 100 delegates and 10 sponsors.

585 This event was a key output from the public-private Fintech and Digital Oversight Group. In fact, it was a real demonstration of how government and the private sector can work together effectively, to promote interest and stimulate innovation in sectors with a high growth potential.

We have already got the next FinVention event, and I am sure you will be booking for it, so diarise it for 17th November of this year.

590 Of course, we also deal with business innovation skills and the provision of robust, reliable and affordable ferry services, as you can imagine, continue to be a key priority for the Committee.

To this end, we have continued to work with Condor to achieve immediate service improvements, compared to 2015, some of you will say that was not difficult, and we have started to see evidence of increased reliability and customer satisfaction.

595 The Committee has also worked with Condor in the preparation and publication of its Comprehensive Service Review.

600 That document was an important one, and provides an assessment of Condor's service provision against the strategic needs of the Island. That review will inform the very important next stage – which has already begun – in negotiations with Condor. Our aim is to work with them to achieve the necessary sustainable structural changes to the fleet and the service, to ensure that the service fulfils the long term interests of the Bailiwick. We will provide a further update on this work by the end of March.

605 We will also be publishing soon an integrated Digital Strategic Framework. That has four broad aims, focusing on: growing the sector; delivering the next generation of digital infrastructure; developing the digitally skilled workforce of the future; and providing a world leading and proportionate, and I emphasise that word, compliance and regulatory regime.

The Digital Strategic Framework is being developed in partnership with the business community and other States' Committees. That includes Policy & Resources and the Committee for Education, Sport and Culture, and they are key partners in this Framework.

610 The Digital Greenhouse is a key asset that will be used to help achieve the objectives of the strategy. It was launched only in January of 2016, and we believe it has had a successful first year.

It provides a focus for stimulating the sector, growing digital business and developing digital skills and knowledge. There are now 82 business members of the Digital Greenhouse, with over 1,300 visitors to the premises each month.

615 The Digital Greenhouse hosted over 200 events last year, on a variety of topics, and that equates to nearly four a week.

620 In the weeks leading up to the UK's referendum vote on the membership of the European Union, which took place, as we know, on 23rd June 2016, the Committee held a series of meetings with industry groups and businesses in order to brief them on the process which would be undertaken locally in the event of a 'leave' vote, and I commend the considerable work done by Deputy St Pier and his colleagues in P&R.

This was a very helpful exercise that enabled the States to be fully apprised of potential issues as well as opportunities for businesses in the event of a 'leave' vote.

625 This has allowed the Committee to be on, what we regard as, the front foot for the work that has followed. We continue to work closely with International Relations and Constitutional Affairs in order to represent the interest of local business.

We are also doing preparatory work ahead of a request that the UK's membership of the World Trade Organisation be extended to this Bailiwick. We will be submitting a policy letter to the States on this subject around the middle of this year.

630 Now, of course, we know there have been concerns over non-local traders and that has, understandably, been a hot topic for some time. We have had a number of meetings with members of the construction industry, again ably led by my colleague Deputy Mooney, to understand what measures could be introduced in order to control the impact of non-local traders on the Island.

635 What was evident from our meetings is that this is a complex area. There is no one fix, there is no easy solution. Some sectors of the construction industry, of course, rely on non-local traders for specialist work, or to supplement the local labour force on certain of their projects.

640 Therefore it is crucial that we give careful thought to the impact that any controls would have, or could have, on the construction sector, as well as the other export-earning sectors of our economy.

The introduction of a voluntary registration scheme was discussed in detail, but the reality is that there would be significant logistical difficulties, and in practice the amount of useful information which could be collected through such a scheme is limited.

645 We are still considering options, such as a compulsory registration scheme or amendments to other legislation, (**A Member:** Hear, hear.) and have not ruled these out.

However, pending the introduction in April of the new Population Management Regime, we believe it is worth seeing how the controls in the new regime will work in practice, before we rush into making more changes which would effectively mean yet more red tape for our local businesses.

650 The Committee will make a further assessment though later this year. In the meantime, we are working closely with the local industry on an upskilling programme for local contractors. This will help to overcome a key concern from local customers with respect to the performance and customer service of local construction sector businesses, which the industry believes *might* be a reason why some Guernsey residents choose to use off-Island traders.

655 Now another important part of our work is marketing and tourism, and I commend publicly the excellent work given by our lead in the Committee on that issue, Deputy Merrett.

660 Now, the 10-year Tourism Strategy was published in 2015 by the then Commerce & Employment Department, that was in partnership with the Chamber of Commerce Hospitality and Tourism Subgroup, that is being reviewed, and we will be bringing an updated version of the strategy to the Assembly for formal ratification and consideration next year.

665 VisitGuernsey has now launched its 2017 marketing campaign. This includes a new TV advert, which builds on the success of the previous one, and aims to further raise awareness of the Island, and indeed the Bailiwick, as a tourism destination. This will run alongside our usual programme of engagement across numerous platforms, including social media and the press, in our target UK and European markets.

VisitGuernsey will also continue supporting and promoting a range of events and initiatives which help make the Island an interesting place to visit. That includes the Channel Islands Heritage Festival – in partnership with VisitJersey – with a theme this year based on local myths

670 and legends, and I am not talking about Deputy Trott. (*Laughter*) Other flagship events will include the Guernsey International Food Festival, again I am not talking about him, (*Laughter*) and spring and autumn Walking Weeks.

We will also continue to develop our offering for cruise liner passengers. That is a vibrant market for us. It is a great success. Last year it saw a growth of 8% compared to the previous year.

675 We are constantly looking at opportunities to develop the air links to new destinations. We await the review of Aurigny, of course, in a few weeks' time.

We are also examining very carefully the opportunities which an extended runway could bring, in terms of new routes, carriers, visitors and benefits to the economy. At this stage we have identified – with support from our expert advisers ASM Global – the new routes and carriers which could potentially operate with an extended runway.

680 We are now working with the P&R's Committee capital prioritisation team to understand the benefits that these new opportunities would generate, both in terms of GDP and Government revenue generated by additional people coming to the Island.

The Committee will be reviewing this information shortly. The next step after that will involve carrying out a cost analysis to complement the benefits analysis.

685 If the Committee believes, and it has not reached a decision of that yet, that there is a strong business case for a runway extension, we will then submit a business case for review by the Assembly as part of that Capital Prioritisation process.

690 We will, of course, be discussing this further with our colleagues at the States' Trading Supervisory Board and the Committee for Environment and Infrastructure at the appropriate juncture.

In parallel, we have secured a 26-week air charter service from Rotterdam for this year – in partnership with VisitJersey – and we are actively working to safeguard the 26-week charter from Dusseldorf, following a decision by Air Berlin to cease the service.

695 I turn to Locate Guernsey which has been going now for just over a year. It has managed 140 enquiries last year, with many still live. The results, we believe, are impressive, it has facilitated 21 relocations and creating 36 local jobs. It has a budget of £400,000 per annum, a team of only four, and they have managed to return an annualised financial benefit to the Treasury of close to £700,000. It held its first flagship event in October last year, where the team presented to more than 200 people – including both UK and local advisers, as well as individuals potentially
700 interested in relocating to Guernsey. Feedback was excellent and again that event will be repeated on 12th October of this year.

Over the course of 2017, the Locate Guernsey team will be building on its success and continue to increase targeted marketing of Guernsey as a relocation destination.

705 Now another important topic, because it is in the DNA of these Islands, is sea fisheries. The Assembly, sir, will all be aware that in July 2016, the High Court reviewed and made a decision on the Judicial Review in relation to the sea fisheries licensing system, it found in favour of the UK government in suspending the Fisheries Management Agreement between the Bailiwick and the UK. Within a very short period, we started discussions with them – firstly at ministerial level, and then at officer level – in order to try and find a mutually agreeable solution to this issue. It has not
710 been easy.

In late December, the Fisheries' Management Agreement was reinstated by the UK after we agreed to the limited application of catch quota management, for fishing vessels over 10 metres in length. Crucially, and importantly, this allowed fishing licences to be traded again, after about 18 months of suspension.

715 At the same time, we also introduced a revised licensing policy to deal with concerns raised by the UK in the appeal case last year.

720 This January, we initiated discussions with the UK Department for Environment Food & Rural Affairs, known as DEFRA, and the Marine Management Organisation, which is a quasi-government body, regarding the possible introduction of the quota management in local waters for fishing vessels *under* 10 metres, which is overwhelmingly the bulk of our fleet.

Let me assure you that we will do our best and will continue to represent the interests of local fishermen and to seek to secure the best deal that we reasonably can for the local fishing industry.

725 I now turn to broadcasting. With the 10-year agreement with the BBC approaching expiry at the end of last year, in December I signed an exchange of letters with the BBC, giving respective assurances for the continued provision of services in the Islands until 2022.

This exchange of letters formalised the BBC's continued commitment to delivering services to the Bailiwick, including Radio Guernsey, the TV news broadcast, BBC News online and I suppose to some of you, most importantly, the broadcasting of meetings of the States of Deliberation.

730 In addition, the BBC confirmed that it will take on both the policy responsibility and the cost liability for a means-tested over-75 age concession scheme, from 2020 onwards.

Guernsey Registry has had another successful year. It has brought in something like £8 million of revenue, or thereabouts, for the States of Guernsey.

735 Work continues on extending International Agreements for Intellectual Property. That was a topic that had laid in abeyance, but we have now re-envisioned it. This will further enhance opportunities for diversification of the economy. We have formally requested extension of the Paris Convention, which, once extended, I have been advised, will help local businesses to internationalise their brands.

740 The aircraft registry as you know was set up and is known as Two Reg or '2-REG' – it continues to expand its commercial offering and is in the process of making or considering applications from five operators around the world. The States this year will actually receive royalty payments from the revenues generated by the registry.

745 Sir, I conclude by saying this is rather a longer statement than perhaps was intended, I have not covered everything, because of the time it has not been able to put everything forward, but again, retail again through the tireless work of Deputy Merrett, the excellent work of Deputy Kuttelwascher as Vice-President, in so many ways, has made us try and work through our very large mandate in a considered and balanced way, which we will continue to do.

The Bailiff: Deputy Inder.

750 **Deputy Inder:** Thank you for your update, Deputy Ferbrache.

755 I just want to follow on from my question to Deputy St Pier. Members may not be aware that the majority of the VisitGuernsey advertising marketing budget, which is fairly substantial, is spent with a UK company, and I believe that company was appointed in 2013. With a new board, a new President, and a new title, Economic Development, could he answer two questions for me, please: is there any evidence through the performance of the visitor economy over the last four years that there has been any benefit at all in using a UK company; and also does his board feel any slight embarrassment that one of the Island's largest marketing budgets are not being spent with our mature, advertising and marketing and digital firms?

760 Thank you.

The Bailiff: Deputy Ferbrache.

765 **Deputy Ferbrache:** Well, 2013 predates the existence of the Committee, but that is not an answer to the question. We keep it under review. If at all possible, wherever possible, as the purpose of our Committee is to bring prosperity to the Bailiwick of Guernsey and the Island of Guernsey in particular, we will look at using local services wherever they are available. So the matter is always under constant review, and I suppose to answer the question that Deputy Inder asked, have we got benefit from it. Well, we believe we have, and we believe we will continue to be, otherwise we would not continue with the arrangement. But, of course, it is always a matter of judgement and we have exercised our judgement the best we can.

The Bailiff: Deputy Gollop.

775 **Deputy Gollop:** I have two questions too, but I will ask one, might get time for a second. My first is I am impressed too from the work that the Committee is doing, particularly, in relation to the Digital Greenhouse, and the cyber economy, and the work of Deputy Dudley-Owen and others on the cyber group, digital group, have been mentioned, and the success of the innovations last November. But it has been pointed out by some members of the community that they would appreciate an enterprise innovations fund which digital would-be entrepreneurs could tap into. I am aware Deputy St Pier is working on that issue, but is it a matter that Economic Development
780 would wish to see developed, to support the digital and related economies.

The Bailiff: Deputy Ferbrache

785 **Deputy Ferbrache:** Sir, the answer to Deputy Gollop's question is that we would work closely with Deputy St Pier and his colleagues in relation to such a fund and, of course, we would, if we could get a fund whereby, perhaps unlike an Island not too far away, we make sure that when those funds are invested there is a reasonable chance of getting the money back (**Deputy Gollop:** Yes.) we would certainly do that. But, of course, as Deputy Gollop will know, as a Member of the States since 1997, (**Deputy Gollop:** Yes.) money is not in abundance at the moment, so we have
790 to make sure it is properly spent.

The Bailiff: Deputy Kuttelwascher.

795 **Deputy Kuttelwascher:** Thank you, sir.
Could the President confirm that the reason given by Air Berlin for the cessation of its services to Guernsey, was that they were re-equipping with airbus jets which could not be accommodated at Guernsey Airport because the runway is too short?

800 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Absolutely, sir. It is a real concern that they can go to Jersey and not come to Guernsey because of the length of the runway. My views in relation to the runway are well known, as I say, the Committee has yet to make that decision.

805 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.
Can the President for Economic Development please confirm that his Committee's investigations into the feasibility of an extended runway will take into careful consideration not
810 just the potential of new routes and economic benefits that he has outlined, but also the potential cannibalisation effects that any new routes might have, and more importantly the potential impacts on our lifeline air routes currently provided by Aurigny, mainly Guernsey/Gatwick and Alderney/Guernsey.

815 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: I am very happy to give that confirmation.

820 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.
Deputy Ferbrache said that further consideration of controls on non-local tradespeople would have to wait until the introduction, until after the introduction of the new Population Management Regime. Now while superficially that seems to make sense, it occurred to me as I

825 was sitting here that ... are there provisions in the Population Management Regime which are likely to have any impact whatsoever on visiting tradespeople, and if so, which provisions are they? (*Interjections*)

The Bailiff: Deputy Ferbrache.

830

Deputy Ferbrache: Well, I think I could take out the word 'superficially' from Deputy Fallaize's comment. The answer is that yes, because of the registration provisions etc. What it will not cover or unequivocally will not cover is the 10 days law, if I can refer to that, which means that you can come and work here for 10 days, as long as you live lawfully, that is okay. That will not be covered
835 by the new Population Management Regime, but we have got to see how that is a concern in several months' time. Because if the problem, whatever the size of that problem, eases over the next seven or eight months, it may be that is something in practical terms we have to live with, because we have to realise, sir, if I could respectfully say to the Assembly, that the States cannot solve every problem, and we have to have regard to what problems we can reasonably address.

840

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

845 Sir, the former Commerce & Employment Department developed and initiated a number of sector strategies. Has Economic Development embraced most, if not all, of those strategies, and if not, why not?

The Bailiff: Deputy Ferbrache.

850 **Deputy Ferbrache:** We have certainly looked at all of them, sir. We have reviewed all of them. We have a different emphasis, we have not ignored anybody, because every employer, every employee, every business, is important to the Island of Guernsey, and indeed the Bailiwick of Guernsey. But, I think we have, hopefully, given different emphasis to certain matters. For example, the day that my colleagues on the Committee were elected on 18th May to join me, I
855 had been alone for a week as the President, we went to meet the construction industry. Now, if I recall, they were delighted to meet us. We met them that afternoon, and said that was the first contact they had had with the relevant Committee for some significant time.

I have already mentioned Deputy Mooney who was the lead, because we have decided the functions between us in relation to certain matters, who has been the lead on the construction
860 industry type matters for the last nine months, now, and has ably done so, but that is something that we have emphasised, because they felt neglected. I am sure we will not solve all their problems, but we will try to address some of them.

865 So the answer is we have looked at everything, we have reviewed everything, and we are making progress in relation to most areas, but we are certainly not going to follow exactly the same path as our predecessors.

The Bailiff: Deputy Oliver.

870 **Deputy Oliver:** Sir, after the Condor Review, what changes have actually taken place to ensure a more reliable service? (*Interjection*) After the review on Condor, what changes have actually taken place to ensure a more reliable service?

The Bailiff: Deputy Ferbrache.

875 **Deputy Ferbrache:** Well, we have been very lucky that we have had a mild winter, and that we have had less problems. I think statistically that there have been less problems in the

corresponding period over the last three months than there were in the corresponding period of the three months before.

880 Have we got to the panacea? Have we solved all the problems? Is it going to go forward efficiently, in a way that will satisfy the needs of the people of the Bailiwick going forward? No, not yet, because that is why we are still in negotiation with them, and hopefully, it make take a bit longer than I said to Deputy Brouard in the States a few months ago, that we would be coming back in February or March with a solution, these things always take longer, I forget I am dealing with the States of Guernsey now. In relation to that, I have now said that we will be making a
885 statement to this Assembly at the end of March.

So, the answer is, my Committee – I do not like calling it my Committee, because there are five of us, we are all equal in the Committee – the Committee for Economic Development will not be bringing back proposals to this Assembly, and asking for their approval, unless we believe they are in the best interests of the Bailiwick of Guernsey.

890

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I appreciate the President stated this was not an exhaustive list, and I thank him for mentioning retail, *but* would the President agree with me that we should not underestimate the need for retail
895 and indeed hospitality – after all food and clothes are of prime importance to Islanders?

The Bailiff: Deputy Ferbrache.

900 **Deputy Ferbrache:** I absolutely confirm that, if there was more time, because I know we are going to talk about, for hours, bonfires in a moment or two, no doubt, that I would be addressing that at more length. It follows on really from a question that Deputy Trott asked just a minute or two ago, that was a sector that in my view had been ignored for a number of years. Through the efforts largely of Deputy Merrett, contact has been made, and in relation to retail, again, they have
905 appreciated, I hope, the value that we give to them. Hospitality is important to the Bailiwick of Guernsey because it provides employment and it gives the opportunity for people to see the magnificence of these Islands.

The Bailiff: Deputy Dorey.

910

Deputy Dorey: Thank you, Mr Bailiff.

In July 2015, the States resolved to approve preparation of legislation for a simple licensing regime for the roll-on, roll-off ramps. As I understand, that was put on hold awaiting the strategic review of Condor. Now that has been completed, are we due to have that legislation coming back
915 to the Assembly for the real risk of operators using the roll-on, roll-off ramps?

The Bailiff: Deputy Ferbrache.

920 **Deputy Ferbrache:** Yes, sir, the legislation, as I understand it, and correct me if I am wrong, is ready to roll out, so it can be rolled into the Assembly. It does form part though of the Condor negotiations, but eventually, if our Condor negotiations do not bear fruit we will be bringing it back before the States in April.

The Bailiff: Deputy De Lisle.

925

Deputy De Lisle: Sir, in discussions on ferry links, will the Committee give consideration to a new vessel, and also reinstatement of the link with Weymouth, in order to facilitate tourism development with the South West of England?

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, those are very interesting questions from Deputy De Lisle if I could take the second part first. I do not know why Weymouth was lost. That was a decision made by others. Unfortunately, as I understand it, outside of our control, Weymouth has now made other arrangements for its facilities there, and that is not an opportunity that is available to us.

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As regards an extra vessel on the northern route, that is very, very much in our discussions.

The Bailiff: Deputy Brouard.

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Deputy Brouard: Would Deputy Ferbrache agree, I do not want to, necessarily, rewrite history or be too precious, but Commerce & Employment Department did have a retail strategy, worked with the industry and put that forward. Obviously, it is a document he has not seen yet.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: I cannot rewrite history. All I can say is what we found when we came into office in May of this year, and I can only say, I can only speak what I regard as the truth, in that it had been neglected and it is now not neglected.

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The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

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I would like to follow on from Deputy Fallaize's question, and ask Deputy Ferbrache if non-local traders are coming to the Island and possibly not complying with housing laws, health and safety regulation, waste regulations, and perhaps not paying tax and contributions due into the States' coffers, should we not be taking those issues seriously and exploring them? Does he not agree that the compulsory registration scheme would help to ensure that all these obligations, obligations that local traders have to comply with, are adhered to? (**A Member:** Hear, hear.)

Thank you, sir.

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The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Anybody who carries out work in the Island has to comply with relevant regulations in relation to health and safety, to environmental issues and to everything else. Whether you are here for a day, or you are here because this is where you operate your business from, those rules apply. I have already said what our view is in relation to compulsory registration, I do not think it helps for me to just repeat it. I just ask you to note it. If there is a continuing problem, and if it is a problem of significance, we will deal with it. What we do not intend to do is to bring legislation, or seek to bring legislation, before this Assembly, which will be wholly out of proportion to the issues involved. That is not to say that we do not encourage people to use local traders and local businesses, because of course we do. We would like everybody to do so. But equally we live in a free society and we want people to be able to, within the bounds of reasons, exercise their own choice.

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The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

Deputy Ferbrache, I believe, used the words with regard to intellectual property that it was laying in abeyance but it has been reinvigorated, and then moved on to mention the Paris

980 extension. Can the President please confirm that the reason it has been laying in abeyance is because of Brexit and the delays caused in the UK rather than any delays in Guernsey?

The Bailiff: Deputy Ferbrache.

985 **Deputy Ferbrache:** No, I cannot give that confirmation, because I am talking about pre-Brexit. Brexit did not occur until 23rd June, we have been in office since, I was President on 11th May my colleagues came into the Committee on 18th May, and within a very short period after 18th May we were contacted by interested parties in that sector in Guernsey who were concerned with the delays. So, therefore I have to answer the question in the way that I just have.

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The Bailiff: Deputy Lester Queripel, and this will be the last question.

Deputy Lester Queripel: Thank you, sir.

995 The President said that the States cannot solve every problem, but, sir; surely we have to keep on trying.

The Minister of the previous Commerce & Employment Department said that introducing a permit system for the white van man was not a priority, and I think I am right in saying the President just said that there are extremely difficult logistic issues involved with introducing a permit system. Can the President tell me please what are those extremely difficult logistic issues? I ask that because Jersey has a work permit system of white van man in place? They do not appear to have any difficult logistics issues, so my second question is how closely does the President's Committee work with Jersey on the white van man permit issue.

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The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Well, sir, I do not know whether Jersey has problems or not. I would doubt that they – (*Interjections*) I am attempting to answer the question. I believe, looking at the real world rather than the theoretical world, that they probably do. Jersey also has a control of undertakings law which is a behemoth, which is ... if Guernsey were to bring that in – again my own view, not necessarily the Committee's view, because we have not discussed that at any great length – would be out of all proportion to not only the topic that he has been asking about, Deputy Inder was asking about, Deputy Laurie Queripel was asking about, but generally to the interests of the Island of Guernsey as a trading Bailiwick.

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I have already dealt with in my written remarks, which I have read out, with the issues and the problems that we have seen, and that the issues on the white van man, as it has been called, have to be addressed. Now let me just emphasise, I thought I had made it clear, but I hope this will be the last word on it, or whatever word it is on it. In relation to it, the problem exists, not to the extent that it appears in the media, but it does exist. We are taking a proportionate view to it. We are taking a considered view to it. We are saying, and I have said, that it is a view of the Committee that we will, before the end of the year, review matters. Now the review may be that we have decided that there is nothing we can do, there is nothing that should be done, or the review may be that we will come back and say to the Assembly this is what we think ought to be done.

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Because Deputy Fallaize has written to me in a different context saying, 'Do we agree that the Presidents of the Principal Committees should make regular statements to the States?' and I have agreed with him, I am at the moment the President of a Principal Committee and I am quite prepared, on a regular basis, to update the States on any matters that are in relation to the wide mandate of the Committee of which I am a President. I anticipate in relation to white van man, white van woman, white van transgender person, whatever it may be, that we will come back before the end of this year with an update in relation to what we have done.

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The Bailiff: That concludes the statements and we move on to Question Time.

Questions for Oral Answer

COMMITTEE FOR ECONOMIC DEVELOPMENT

Aurigny – Airfares, routes and services

1035 **The Bailiff:** The first questions are to be asked by Deputy De Lisle of the President of the Committee for Economic Development, Deputy Ferbrache.
Deputy De Lisle.

Deputy De Lisle: Yes, thank you, sir.
1040 The first question is: Aurigny airfares are causing concern to the travelling public, to business and to tourism development, and are being shown to be uncompetitive and unsustainable. What is being done by the Economic Development Committee to force down airfares?

The Bailiff: Deputy Ferbrache.

1045 **Deputy Ferbrache:** Well, sir.
Deputy De Lisle I am sure will be aware, having been a member of the Commerce & Employment Department up until its dissolution on 30th April 2016, that it is not for its successor Committee, Economic Development to seek, to use Deputy De Lisle's phrase, to 'force down' or otherwise influence the fares charged by Aurigny for its services.
1050 I believe, and I say this respectfully, that his question would be better directed at the President of the States' Trading Supervisory Board, who can advise to what extent this is covered by the shareholders' objectives for the airline.

1055 **The Bailiff:** Are there any supplementary questions?

Deputy De Lisle: Yes, a supplementary, sir, if I may ask ...

The Bailiff: Deputy De Lisle.

1060 **Deputy De Lisle:** Air links were an important part of Commerce & Employment's mandate, and that in part has been passed to the Economic Development Committee. The Economic Development mandate is to promote air links to and from the Bailiwick. My questions are in keeping with the mandate of the Economic Development Committee and, in all due respect to Deputy Ferbrache, deserve answer given public dissatisfaction.

1065 On 10th January the 10.00 a.m. Aurigny flight Guernsey/Gatwick one way was £160, at the same time the Jersey/Gatwick EasyJet flight was offered at £42.50. Aurigny was near four times the pricing to London. While we cannot expect small airline fares to be the same as a giant in the business, I ask Deputy Ferbrache, are we not losing business to Jersey as a consequence of the high air fares?

1070 **The Bailiff:** Deputy Ferbrache.

1075 **Deputy Ferbrache:** Let me just answer Deputy De Lisle's question in this way. If we reduced the Gatwick fares, giving the example he has given by £117.50 for that one flight, we multiply it by 300,000 or 400,000, how many millions and millions and millions of pounds is that going to cost the States of Guernsey, and where is that money going to come from?

1080 I look through the – five windows, isn't it, in this room? – five windows, I cannot see any money trees out there. (*Laughter*) So I cannot see that we can do anything other than ask Aurigny to be as efficient as they can, to give the best services that they can, and to be as cost effective as they can. No doubt we could have EasyJet here if we had a longer runway.

The Bailiff: Deputy Gollop.

1085 **Deputy Gollop:** I distance myself from the specific of Aurigny, but widening it out, does the Economic Development Committee not consider that in relation to both Alderney and Guernsey that part of your role, as you said earlier, as an economic enabler is to find low cost providers of air services for both locals, business and tourism?

1090 **Deputy Ferbrache:** Absolutely, sir.

The Bailiff: Your next question, Deputy De Lisle.

Deputy De Lisle: Thank you, sir.

1095 There is disappointment amongst Islanders as Aurigny has failed to secure the popular direct flights this summer to Spain through Barcelona's airport. Is the Economic Development Committee looking at potential destinations to replace it, and recommending alternative destinations to Aurigny?

1100 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir.

1105 Economic Development officers are in regular contact with Aurigny, and indeed the other Islands, with airlines that service the Island to review potential opportunities to introduce new air routes to and from the Island. I understand that Aurigny did hope to repeat the Barcelona service this year but, unfortunately, through no fault of its own, it could not obtain the necessary airport slots so to do. Aurigny also looked into flying to – Deputy De Lisle may know it better than me, I have never heard of it before – nearby Gerona as an alternative, but again this did not prove possible. I also understand Aurigny will be looking into securing airport slots for a European summer destination next year.

1110 Ultimately, the decision whether or not to continue operating routes such as Barcelona must be a matter for Aurigny and therefore, again, I respectfully suggest that Deputy De Lisle's question would be better directed to the Aurigny Board and its management team. But we want Guernsey airlines, wherever they come from, wherever they are based, to fly to as many places as possible.

1115 **The Bailiff:** Deputy De Lisle, do you have a supplementary?

Deputy De Lisle: If I could ask a supplementary on that, sir? (**The Bailiff:** Yes.)

1120 I am worried about this summer, and I had, while on Commerce & Employment, argued time and again for the Guernsey Embryo Jet to be used on European destinations as well as Gatwick, with eventual success I might add, last summer.

Will the Economic Development Committee, and its officers, in talks with Aurigny suggest potential alternate European destinations for this summer?

The Bailiff: Deputy Ferbrache.

1125 **Deputy Ferbrache:** Well, sir, of course we will discuss that with Aurigny. The officers already have, and that will be a continuing matter. Again, expressing my personal view, and I do not know the practicalities of it, but the more that that expensive jet can be used for the benefit of Guernsey the better.

1130 **The Bailiff:** No-one else is rising.
Your next question Deputy De Lisle.

Deputy De Lisle: Thank you, sir.
What measures are being considered by the Committee for Economic Development in its deliberations to improve Aurigny's Alderney transport links?

The Bailiff: Deputy Ferbrache.

1140 **Deputy Ferbrache:** Well, sir, the Committee for Economic Development is clearly aware of the issues and challenges linked to the Alderney transport links and very sympathetic to the citizens of Alderney in that regard, but as we all know the matter is being reviewed by P&R as part of the ongoing Strategic Review of Aurigny, under the Chairmanship of Deputy Trott, and I believe that report will be available later this month ... [*Inaudible*]

1145 **The Bailiff:** Deputy De Lisle, do you have a ... ?

Deputy De Lisle: A supplementary to that, sir.

The Bailiff: Yes.

1150 **Deputy De Lisle:** That is just another Committee involved in the air link situation. The Committee for Economic Development is charged with advising the States and developing and implementing policies on matters related to *securing* the provision of and *promoting* air links to and from the Bailiwick. With regard to the problems of reliability overbooking, off-loading of passengers, leaving luggage behind, availability of planes and pilots to Alderney, has the Committee addressed these issues with Aurigny, and what is to be changed as a result?

The Bailiff: Deputy Ferbrache.

1160 **Deputy Ferbrache:** We have regular discussions with Aurigny, we do that at officer level and my colleagues on the Committee and I have done that at executive level, management level with Aurigny. All the issues that Deputy Lisle has rightly just referred to are matters that we do address with them. Ultimately, it must be a matter for Aurigny whether they provide a good service, but I can say in relation to Economic Development we want to ensure that they provide the best service that they can.

The Bailiff: I see no-one else rising.
Your fourth question, Deputy De Lisle. You have switched your microphone off, rather than...

1170 **Deputy De Lisle:** Thank you.
Has the Economic Development Committee in its talks with Aurigny suggested the possibility of renewed services to Jersey?

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, it is clear from our engagement with *all* airlines that the decision whether or not to operate such a route will be based on the prospects for long-term profitability of that route. Ultimately, the decision whether or not to operate a service again to Jersey is a commercial matter for Aurigny, but yes, we have discussed it with them.

1180

Deputy De Lisle: Thank you, sir.

The Bailiff: You have a supplementary? No. Right that concludes that series of questions.

COMMITTEE FOR HOME AFFAIRS

Driving on pavements – Pedestrian safety; law enforcement

1185 **The Bailiff:** We next move on to some questions to be asked by Deputy Roffey to the President of the Committee for Home Affairs.

Deputy Roffey: Thank you, sir.

1190 Would the President of the Committee for Home Affairs agree with me that the recent trend for more and more motorists to drive on pavements is utterly unacceptable, and is not only putting pedestrian safety at serious risk, but also ruining the experience of both walking and running as pavements no longer feel remotely like the safe refuges in the public highway that they were designed to be?

1195 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you.

I thank Deputy Roffey for his questions.

1200 We are not aware of the evidence of recent trend as described. However, this is an issue which has been raised from time to time over the years. There is an enforcement element, as well as driver education, and highway engineering measures. I am not sure that there has ever been a time when footpaths have been a safe refuge. As mentioned, one of the elements to help with this issue is enforcement. Drivers can be held accountable for their actions. For example in 2016, in addition to verbal cautions by police officers, 207 fixed penalty notices were issued for vehicles being driven onto or blocking pedestrian footpaths. If an individual witnesses a vehicle being driven in a dangerous manner, a statement can be provided to the police with a view to prosecution.

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The Bailiff: Deputy Roffey.

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Deputy Roffey: Sir, I would like to ask two brief supplementaries, if I may.

The Bailiff: Yes.

1215 **Deputy Roffey:** The first is that given that the President has said that driver education is key here, will she take this opportunity, and every other opportunity available to her, to explain to Guernsey drivers that the local law and the supplement to the highway code says that they may not drive on pavements, and if they have to mount on pavements so that two vehicles should pass they should do so slowly, halt and allow the other vehicle to proceed?

1220

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Roffey.

1225 Yes, we do put out statements quite frequently about that, because people are concerned and we recognise that. It is something that the team put out, and we promote that you should not be driving on pavements *unless* you are applying the law.

The Bailiff: Deputy Roffey, your other supplementary.

1230 **Deputy Roffey:** Sir, in her answer Deputy Lowe said that, I think, last year 107 fixed penalty notices were given for offences such as mounting and parking and obstructing the pavement. Can she tell me how many enforcement procedures, of any sort, were taken for people actually driving along the pavement? If she is not able to give that this morning, could she inform Members at the earliest opportunity?

1235

The Bailiff: Deputy Lowe.

1240 **Deputy Lowe:** Certainly, I can. It is actually 207 rather than 107, so there is more than you perhaps quoted there. But yes, I can try and get that breakdown for you, and I will circulate it to you and to all States' Members.

The Bailiff: Yes, Deputy Leadbeater.

1245 **Deputy Leadbeater:** Sir, I would just like to say, in relation to Deputy Roffey's questions that Sergeant Tom Marshall has been in discussions with the driving examiners looking at including the dos and don'ts of mounting pavements and incorporating it into Guernsey driving tests.

The Bailiff: If that was a question, I think it should be 'do you agree with that, Deputy Lowe?'
(Laughter)

1250

Deputy Leadbeater: Sorry, sir, does Deputy Lowe agree?

The Bailiff: I think the question was, do you agree that that is the case?

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Deputy Lowe: Yes, that is the case, and I thank my member of Home Affairs for that.

The Bailiff: Deputy Paint.

1260 **Deputy Paint:** Sir, could the President of the Home Affairs Department inform the Assembly of how many actual accidents have occurred in the last 12 months with vehicles actually driving on pavements, including cycles?

The Bailiff: Deputy Lowe.

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Deputy Lowe: I have not got that information in front of me, but again, I will establish if there have been any, and that will be circulated not only to yourself but to all States' Members.

The Bailiff: Deputy Gollop.

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Deputy Gollop: Would the President agree with me, if I can be controversial for a minute, that there are some streets and lanes in St Peter Port, and the Island, where it is impossible for a large four-by-four vehicle, or any other larger vehicle, or utility vehicle, commercial etc, emergency, to

drive without driving on at least one of the pavements. If that is the case should the Home Affairs either change the law or ban parking from those areas to make the areas safer?

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The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Gollop.

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It is not necessarily a case of banning parking. This morning coming in I witnessed, because they had no choice, Collings Road was heavily jammed up with traffic, and traffic coming in the opposite direction had no choice but to come all the way along the road on the pavement because they could not get past the buses, and the lorries that were actually in the queue of traffic, the same queue of traffic that I was in. I think we have to recognise vehicles are wider now, and we all have to be a little bit more tolerant, and there has to be safety, and education, with drivers that they cannot just drive along the pavement freely. They really must recognise the law, that if they are able to they must slow down and stop, but, of course, if you are in a queue of traffic and you cannot always see what is coming the other way, common sense has to prevail as well. I do not think there is any driver out there who has got it in their head they want to be a danger to the public and ride on pavements unnecessarily, sir.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

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Just with drink driving, for example, I believe over 600 people were stopped over the Christmas period, and that took a considerable police resource. Driving on pavements is dangerous and people are not on the pavements because people are driving on them. Could there be a policy change or a shift of emphasis to have a dedicated police resource, such as the drink driving exercise over Christmas, to ensure that there is real enforcement to discourage people from driving on pavements, and there are fewer accidents, in my view, with hitting pedestrians on pavements because they know better than to use them in some places?

1300

The Bailiff: Deputy Lowe.

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Deputy Lowe: I think that was covered by one of the questions that was asked earlier, really. If you want to give us the resources to have policemen virtually everywhere to cover, because you have to be there, to be able to see when it is actually happening, and they do go out, and they regularly go out, and they monitor particular areas, once they have received a complaint. It is up to the public as well to let us know if there is a continuation. There are certain areas – Bailiff's Cross was one, which was brought to the attention of the Home Affairs, and the police went out there and monitored it for several days, and some prosecutions were given, following warnings in the first place. But we have not got police that can be on every road all of the time, where there are pavements.

1310

The Bailiff: Your next question, Deputy Roffey.

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Deputy Roffey: Sir, my next question was going to be to ask the President to tell the Island exactly what the Guernsey Law says about motorists' right to drive on pavements, but I understand that she is declining to answer that because the Rules of Procedure says that you should not ask a question where the information is in the public domain. So, I accept that.

1320

The Bailiff: I think that was me actually, who said that the questions under the Rules, Rule 11.(2)(a) says that one of the conditions relating to the asking of questions is that the question

'shall not seek information which is readily accessible in the public domain',

1325 and obviously in relation to what the Law is, we are deemed to know. So it is not ... Deputy Lowe, I think, wanted to volunteer an answer; it was me that said I thought it was not an appropriate question.

Deputy Roffey: Thank you for that clarification.

1330 **The Bailiff:** So you can blame me rather than her.

Deputy Roffey: I will move on to question three in any respect.

1335 Will her Committee as a matter of policy encourage the Island Police Force to vigorously and rigorously enforce the law on driving on pavements, given the concerns of many members of the public?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you.

1340 I thank the Bailiff for the clarification, because I did actually answer question two, and it was taken out.

1345 The Committee supports the Chief Officer of Police in recognising that road safety is an area where enforcement, together with driver education, *can* assist by encouraging improved driver behaviour. A proactive Roads Policy Unit leads on initiatives and campaigns in line with the stated aim of enhancing road safety, targeting irresponsible road users. Those who endanger others by driving along the footpath can certainly fall into this category.

The Bailiff: Deputy Roffey.

1350 **Deputy Roffey:** Brief supplementary, sir.

1355 I respect that police resources are limited, but given that in respect to speed limits they will occasionally blitz areas like the Le Vauquiedor where you can only go 25 miles an hour down, would they consider doing a similar approach to those notorious areas such as opposite Les Bourgs Hospice where people drive habitually on the pavement at about 20 miles an hour, to make sure that the message is driven home?

The Bailiff: Deputy Lowe.

1360 **Deputy Lowe:** Yes, I mentioned Bailiff's Cross just before, I was talking about that road. That is the road that we have had complaints about before, where drivers have gone on to the pavement, and they have monitored that, and I believe the prosecuted people as well in that road, but we cannot have somebody there all of the time. If it actually continues and there is a repetition of complaints happening with that road they will go up and monitor it again, but they cannot be everywhere. It is a simple matter of resources. We have to prioritise.

1365 **The Bailiff:** Deputy Yerby.

Deputy Yerby: Thank you, sir.

1370 Where education and enforcement are insufficient, would Deputy Lowe's Committee consider working with Deputy Brehaut's Committee to explore whether further use of one-way systems, or other solutions might be a more appropriate approach?

The Bailiff: Deputy Lowe.

1375 **Deputy Lowe:** If Deputy Brehaut wishes to consider more one-ways, I am sure he is more than capable and happy to bring it to the States. There has not been a call from Home Affairs, or indeed from the police, that they see a major issue where they want more one-way roads than are currently in existence.

1380 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, would Deputy Lowe agree with me that it is the public omnibuses, controlled by the Environment & Infrastructure Department (*Laughter*) that are amongst the worst offenders when it comes to pavement surfing in this Island?

1385

Several Members: Hear, hear.

The Bailiff: Deputy Lowe.

1390 **Deputy Lowe:** I could not agree with you more, Deputy Trott.

The Bailiff: Deputy Brehaut.

1395 **Deputy Brehaut:** A supplementary on that. There are 42 or thereabouts buses and there are 58,000 cars – the question arises from Deputy Lowe's answer: does she, and her political board, believe that driving on pavements is such an issue that it should have an appropriate law enforcement element to it, or do they as a political board not see as it as a problem as other members of the community may?

1400 **The Bailiff:** Deputy Lowe.

Deputy Lowe: It goes back to my first answer, that the law actually is in place, and it is up to people to comply with the law, and if they are not complying with the law, then they have a warning or prosecutions are taken.

1405

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1410 Would Deputy Lowe agree me if buses are considered a significant part of the problem by merit of their width, then would she agree with me that an even greater problem is the heavy goods vehicles, which are far more numerous than the buses, and far wider in some cases?

The Bailiff: Deputy Lowe.

1415 **Deputy Lowe:** I think the problem is the less tolerance people have these days, and we have got to accept that we have vehicles on our roads that are wider or slightly wider than they used to be, and everybody seems to be in a hurry, and not have that patience to be able to pass safely. It might be because they are frustrated because so many roads are closed. Nevertheless it is a case of we have to ... we cannot make the roads any wider than they are, and it is case of try and all live together and accept that delivery vehicles – I do not think that some of the delivery vehicles have actually changed that much, to be honest, but the cars are wider, because the mirrors are a lot wider. I think you will find a lot of the lorries are the same size as they used to be. But nevertheless it is not for us to actually tell companies they must reduce the size of their vehicles.

1425 **The Bailiff:** Deputy Inder.

1430 **Deputy Inder:** Deputy Lowe, would the President agree with me that the view of the pavement mounting can be slightly simplistic? I have got some substantial experience of driving the roads in a former life as a part time taxi driver. In my experience, and it is fairly substantial, it is often the case that it is actually the driver coming towards you, barrelling towards you, two or three feet off the side of their hedge which is forcing you on to the pavement, and that is an absolute fact. Candie Road in St Andrew's is a very good example of that. There are a couple of twists and turns you are driving down the road fairly normally and what you have got is a car coming on the other side of the road, and you are on the pavement – you are on the pavement. I hope any enforcement that you may look to conduct has some kind of understanding of that. It is not always the person who is driving on the pavement. They get forced on to the pavement given the size and the width of our roads.

1440 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Yes, I agree with Deputy Inder.

The Bailiff: Yes. Deputy Tooley.

1445 **Deputy Tooley:** As Deputy Lowe has very kindly said that she will find out and will let us know a breakdown of the number of prosecutions, or whatever, that have taken place on the basis of this, and as there is speculation that this might be largely down to buses and heavy goods vehicles and so on, could I ask that we could perhaps have those figures broken down so that we can see the incidence of this being carried out by vehicles other than cars, please?

1450 **The Bailiff:** Deputy Lowe.

Deputy Lowe: I will try to establish what information we have got, and whatever we have got we will give to you, and will pass it on to States' Members.

1455 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

1460 Whereas I appreciate we do not have the resources to police every pavement, would the President agree with me, however, that there are clearly certain roads at certain times, and therefore policing could be more direct in its approach?

The Bailiff: Deputy Lowe.

1465 **Deputy Lowe:** Yes, I agree that sometimes we could be out there monitoring the roads more than what we actually do, but they have to put it into perspective. If they have got other incidents taking place they must take priority. If they have been along Collings Road this morning there is nothing they could have done, because the traffic had to be on the pavement, and that is the whole stretch virtually of Collings Road, because the traffic could not get past. So how would the police have dealt with that? They had to keep going, they had to keep the traffic moving. It was blocked all the way back for quite some considerable way down to the Les Baissieres.

The Bailiff: Deputy Laurie Queripel.

1475 **Deputy Laurie Queripel:** Thank you, sir.

I would just like to ask Deputy Lowe has the use of close circuit TV cameras helped with the monitoring of the pavement surfing problem, and have they helped in regard to the enforcement of the law?

The Bailiff: Deputy Lowe.

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Deputy Lowe: That I would have to find out the information for you as well on that. I know that the CCTV cameras are used to assist with prosecutions, especially if there has been a complaint. But any of you, I throw it open to any of you, if you have got a particular area that you have concerns about, that you have had actual complaints about, so that that can be backed up, please get in touch with us, and we will ensure that we ask somebody, if they have got the resources and the time, they will go and monitor those roads for you to make sure that those who are mounting the pavement are doing so within the law.

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The Bailiff: Yes. Deputy Meerveld.

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Deputy Meerveld: Thank you.

Would the President agree with me, we have a greater systemic problem here in that our roads originally came about in the time of the horse and cart?

I actually did some statistics on my own vehicles looking at this issue. My first vehicle I owned, quite a few years ago, was a Mini Clubman S. The current model of that vehicle is 31 cms wider, so two of them passing require another 62 cms, which is two feet and exactly the width of the handlebars on my bicycle. So we have an issue with increased width of vehicles that is causing this, and really the only way to remedy it, as we cannot dictate how wide the manufacturers make their vehicles, would be to take away the pavement, or widen all of our roads, which obviously is not an issue we want to approach.

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The Bailiff: Deputy Lowe.

Deputy Lowe: Yes, as mentioned before the vehicles are being made wider, but added to that mirrors used to be tiny little mirrors attached to the side of the car, and now the mirrors are actually really quite large and they are on an arm so each side of the vehicle you have got it a lot wider. So that is the problem we have actually got.

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The Bailiff: Deputy Fallaize.

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Deputy Fallaize: Thank you sir.

Given that Deputy Lowe has said the problem is because cars are getting wider, and Guernsey does not have the opportunity to widen roads, does she think it was wise for the previous States to reject tax measures to encourage the purchase of narrower vehicles?

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The Bailiff: Deputy Lowe.

Deputy Lowe: No. In one word, because the vehicles have to come in. It is all very well saying about taxing them. That does not resolve the problem that is being expressed here about cars on pavements. The car manufactures manufacture those cars. They are not going to manufacture small cars just for Guernsey of the same model.

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The Bailiff: Deputy Gollop.

Deputy Gollop: As a follow-up to Deputy Yerby's excellent question, will the Home Affairs Department be liaising and meeting with the Environment & Infrastructure Committee to actively look at sensible rational one-way schemes for the most dangerous roads on the Island, in this respect, which might include Collings Road, and the Bailiff's Cross Road near Les Bourgs Hospice for example?

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The Bailiff: Deputy Lowe.

1535 **Deputy Lowe:** We shall ask the police if they believe that to be a major problem, in which case we are more than happy to meet with them, or if the invitation came from Deputy Brehaut's Committee that they wish to discuss it, we will be happy to do so. But I am unaware of the need, or the urgency, or indeed the enthusiasm, to start incorporating more one-way roads in Guernsey. It certainly has not come to the Committee.

COMMITTEE FOR EDUCATION SPORT & CULTURE

Secondary Education for Sark pupils – Access to Guernsey States' education

1540 **The Bailiff:** I think we will move on to the next questions to be asked by Deputy Roffey of the President of the Committee for Education, Sport & Culture.
Deputy Roffey.

Deputy Roffey: I doubt this will spawn so many supplementaries, but who knows. *(Laughter)*
1545 I have been approached by a parent in Sark, who is frustrated that the only way to access full secondary education for her child was to send them to a boarding school in the UK. She would have far preferred to access secondary education in the Guernsey States' system given its close geographical proximity to Sark. She realises the two territories operate entirely separate tax systems, and so such education would need to be paid for, either directly or through Chief Pleas.
1550 I have considerable sympathy for the situation in which she and other Sark parents find themselves. Does the President of Education, Sport & Culture share that sympathy, and if so, what can be done about this situation?

The Bailiff: The President of the Committee for Education, Sport & Culture, Deputy Le Pelley, will reply.
1555

Deputy Le Pelley: Thank you, sir.
I am grateful to Deputy Roffey for this question, and yes I do support, or share the sympathy. The Education (Guernsey) Law, 1970 does not expressly deal with the question of who is entitled to attend Guernsey schools other than by reference to age. Furthermore section 48 of the Law prohibits the charging of fees for any maintained school except the Grammar School. Section 3 of the 1970 Law requires that a statutory system of education shall be organised in three stages to meet the needs of the population. These stages will be familiar to everyone as the primary, secondary and further education stages. It is likely that although Sark children would be living in Guernsey, given that their parents remain in Sark, they would be considered as forming part of the population of Sark and not Guernsey. As I have already stated section 48 of the Law prohibits the charging of fees for any maintained school except the Grammar School. However, it is arguable that an arrangement with Chief Pleas of Sark whereby a contribution is paid to the States towards the provision of education, so that pupils from Sark could attend maintained schools in Guernsey, may fall outside the prohibition of section 48 of the 1970 Law. The Committee would be happy to consider this matter further if approached formally, and in particular to explore on what basis Sark children could be admitted to Guernsey schools, and the basis of the fees to be charged if that were to be the case.
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The Bailiff: Any supplementaries? No. Thank you very much.
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STATES' ASSEMBLY & CONSTITUTION COMMITTEE

**Presidents of Principal Committees making statements to the Assembly –
Amending Rules of Procedure**

The Bailiff: We move on then to the final series of questions which are to be asked by Deputy Brehaut to the President of the States' Assembly & Constitution Committee, Deputy Fallaize.

1580 **Deputy Brehaut:** Thank you very much, sir.

Will the States' Assembly & Constitution Committee consider including in the Rules of Procedure provision for the Presidents of Principal Committees to make statements to the Assembly by rotation - that is to say, a statement that covers all aspects of the Committees' mandate?

1585

The Bailiff: Deputy Fallaize will reply.

Deputy Fallaize: Thank you, sir.

1590 The Committee originally considered this matter in October, after the first few occasions on which Committee Presidents chose to make statements in which they updated the States generally on recent and upcoming work. More recently, having been made aware of this question, I asked the Presidents of the Senior and Principal Committees for their views. Deputies Brehaut, Le Clerc, St Pier, Soulsby and Ferbrache advised me that they were fully supportive of such statements becoming a routine part of States' business. Deputy Le Pelley has just sent me a note
1595 to say that he agrees with them. Deputy Lowe said that she would not oppose a change to the Rules but thought it was unnecessary. The Committee is supportive of such statements. As ever the views of other States' Members would be welcomed. But at this stage the Committee is minded, in the near future, to propose an addition to the Rules which would require Committee Presidents to make such statement by rotation, such that each Committee President would
1600 update the States perhaps two or three times a year.

The Bailiff: Any supplementaries?
Deputy Lowe.

1605 **Deputy Lowe:** Yes, please, sir.

Would Deputy Fallaize actually look at the other Committees where it would be more beneficial, I believe, or equally as beneficial, that we have an update on what SACC do, Scrutiny do, Trading Boards, and the other one – there are four of you, I cannot think of the fourth one. Oh, Overseas Aid, because we do not actually have updates on that. You hear from the Principal
1610 Committees, and I am more than happy to make statements for the Principal Committees, providing it is meaningful, and that we have got something that we can inform, and, of course, some Committees have got more going on than others. So I am more than happy to do that. But I do think there would be an awful lot of benefit, if you would include, if you are going down that route, certainly including those four.

1615

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Yes. I am happy to give an undertaking the Committee will look at that. I think for some of the other Committees, for example, my Committee and Deputy Parkinson's
1620 Committee, it would be relatively straightforward. But I am not sure that we could require, for example, the Development & Planning Authority given the quasi-judicial nature of nearly all of its work, to make statements and then answer questions in the States, and I am also not quite sure of the sense of the States holding to account a Scrutiny Committee in that way, when the job of the

1625 Scrutiny Committee is to hold to account States' Committees, and most Members of the States are sitting on those Committees. So, I think it needs some careful thought, but in principle, I do not think that my Committee would oppose extending this provision to as many Committees as possible.

1630 **The Bailiff:** Your next question Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

Does Deputy Fallaize share my view that questions without notice, following any such statements, give Members an opportunity to further scrutinise the work of Principal Committees in an open and transparent manner?

1635 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: The short answer is yes.

1640 The period for questions which is allowed following statements was a reform proposed by the Committee in the previous term of the States.

1645 Generally, Members are keen to take advantage of this, and it contributes positively to the States' scrutiny of Committees, and maybe particularly useful because proceedings of the States are held in public. Committee Presidents can benefit from such statements too, not only because of the opportunity publicly to explain the work of their Committees, but also because of the imperative they provide for Committee Presidents always to be well briefed by officers on all areas of their Committees' mandate.

The Bailiff: Deputy Gollop.

1650 **Deputy Gollop:** Well, yes, but does Deputy Fallaize share my view, that in the instance we heard today of a very comprehensive statement of issues from, for example, Economic Development that if we had had that in a pre-written report, that we could have all read and digested beforehand, it would make the process more meaningful and helpful?

1655 **The Bailiff:** Deputy Fallaize.

1660 **Deputy Fallaize:** Possibly, but I would not want to commit myself to that, because I think there is some merit in a parliament being responsive, and sometimes the question-and-answer sessions we have are quite stage managed in any event. So I am not sure that that should be taken further. But it may be the case that if such statements are to become a routine part of business, and they happen by rotation, so that Committee Presidents know weeks, or even months in advance exactly when they will make such statements, that they may of their own volition decide that it would be beneficial to circulate their statements in advance.

1665 **The Bailiff:** No-one else is rising, so that concludes Question Time. We move on to elections. Greffier.

Billet d'État IV

I. Scrutiny Management Committee – Election of a non-States' member – Advocate Peter Harwood elected

Article I

The States are asked:

To elect a voting member of the Scrutiny Management Committee who is not a Member of the States, to complete the unexpired term of office (that is to the 30th June 2020) of Mr. R. E. Digard who has resigned that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure.

The Senior Deputy Greffier: Billet d'État IV – Election of a non-States' member of the Scrutiny Management Committee.

1670

The Bailiff: Deputy Green, do you wish to propose someone?

Deputy Green: Yes, sir, I would like to propose Advocate Peter Harwood. The letter, which I am obliged to provide to Members was circulated by email yesterday and a photocopy has been

1675

The Bailiff: Is there a seconder?

Deputy Roffey: Sir.

1680

The Bailiff: Deputy Roffey.
Any other nominations? No.

Well, then I put to you that Advocate Peter Harwood, as proposed by Deputy Green, seconded by Deputy Roffey, be elected as a member of the Scrutiny Management Committee. Those in

1685

favour; those against.

Members voted Pour.

The Bailiff: I declare him elected.

Billet d'État III

I. Ladies' College Board of Governors – Election of a member– Ms Cathryn Llywella Perkins elected

Article I

The States are asked:

To elect Ms. Cathryn Llywella Perkins as a member of the Ladies' College Board of Governors who has been nominated in that behalf by the Chairman, the two States-appointed Governors

and the two Governors appointed by the States on the nomination of the Committee for Education, Sport & Culture, to complete the unexpired term of office of Mrs. S. A. Nickolls who has resigned that office, that is until the 31st May 2018.

1690

The Senior Deputy Greffier: Billet d'État III – Article I – Election of a Member of the Ladies' College Board of Governors.

The Bailiff: Deputy Soulsby.

1695

Deputy Soulsby: Sir, I would like to nominate Ms Cathryn Llywella Perkins.

The Bailiff: Do we have a seconder?

1700

Deputy Trott: Yes, sir.

The Bailiff: Deputy Trott. Thank you.

Yes, I think we only have one nomination.

1705

We go to the vote, I put to you that Ms Cathryn Perkins be elected as a member of the Ladies' College Board of Governors, as proposed by Deputy Soulsby, and seconded by Deputy Trott. Those in favour, those against.

Members voted Pour.

1710

The Bailiff: I declare her elected.

**II. Committee for Employment & Social Security –
Industrial Disputes Officer and Deputy Industrial Disputes Officer –
Mr Neil Carrington and Mr Stuart Le Maitre appointed**

Article II

The States are asked to decide whether, after consideration of the Policy Letter entitled 'Appointment of an Industrial Disputes Officer and Deputy Industrial Disputes Officer' dated 21st December 2016, they are of the opinion:-

1. to appoint Mr Neil Carrington as Industrial Disputes Officer with immediate effect for the period ending on 31st December 2019, and

2. subject to the approval of the foregoing proposition, to approve the appointment of Mr Stuart Le Maitre as Deputy Industrial Disputes Officer for the same period.

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

The Senior Deputy Greffier: Article II – Committee for Employment & Social Security – Appointment of an Industrial Disputes Officer and Deputy Industrial Disputes Officer.

The Bailiff: Deputy Le Clerc.

1715

Deputy le Clerc: Thank you, sir.

I think the paper is self-explanatory, and I would ask the Assembly to support the appointment of Mr Neil Carrington and Mr Stuart Marcel Le Maitre.

Thank you.

1720 **The Bailiff:** Members, is there any debate? Any request for any clarification? No.
Sorry, yes. Deputy Graham.

1725 **Deputy Graham:** I have no problem at all with the retirement of Mr Fooks nor his
replacement. But could I take this opportunity and make this comment, I hope the Rules of
Procedure will allow me to make it, that in this case the retirement of Mr Fooks is occasioned by
the fact that he has reached the statutory age limit of 72 and has to do so. I need to stress that he
is very happy to retire, he feels he has done his bit. I know him well he is the Dean of our
Douzaine and I serve on the Douzaine as a Douzenier. So I have his permission to make this point
1730 on the occasion of his retirement, that could we please take note that this is yet again a statutory
requirement to retire at a finite age, and if Members of the States find my continual rising to my
feet to make these points tiresome then the measure is there to rectify it, by making sure that at
the end of our four-year term here no more of these statutory age limits should persist. (**Several
Members:** Hear, hear.)

Thank you, sir.

1735

The Bailiff: Any further debate?
Deputy Le Clerc, do you wish to reply?

Deputy Le Clerc: Yes, sir.

1740 I can reply to that question because we discussed this at Committee and it is something that
we are actually reviewing. I am afraid I cannot recall, but I think we agreed that we would make
the rules more flexible on the retirement age.

The Bailiff: Thank you.

1745

We go to the vote then. Members, I remind you there are two Propositions, I put both of them
together, first is to appoint Mr Neil Carrington as the Industrial Disputes Officer, and the second is
to approve the appointment of Mr Stuart Le Maitre as his Deputy, subject to him being ... Well
perhaps we had better take them one step at a time, because we do not get to the second unless
Mr Carrington is approved. So I put to you the first proposition which is to appoint Mr Neil
1750 Carrington as Industrial Disputes Officer with immediate effect for the period ending
31st December 2019. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare him appointed.

1755

We can then deal with the second Proposition which is to approve the appointment of Mr
Stuart Le Maitre, as Deputy Industrial Disputes Officer for the same period. Those in favour; those
against.

Members voted Pour.

The Bailiff: I declare him appointed.
Legislation.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

- The Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016;**
The Social Insurance (Determination of Claims And Questions) (Guernsey) (Amendment) Regulations, 2016;
The Social Insurance (Contributions) (Amendment) Regulations, 2016;
The Health Service (Medical Appliances) (Amendment) Regulations, 2016;
The States' Housing (Rent And Rebate Scheme) (Guernsey) (Amendment) Regulations, 2016;
The States' Housing (Statutory Tenancies) (Guernsey) (Amendment) Regulations, 2016;
The Water Charges (Amendment) Regulations, 2016;
The Wastewater Charges (Guernsey) Regulations, 2016;
The Income Tax (Guernsey) (Valuation of Benefits in Kind) (Amendment) Regulations, 2016;
Waste Disposal and Recovery Charges Regulations, 2016;
The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2016;
The Social Insurance (Benefits) (Amendment) (No. 2) Regulations, 2016;
The Social Insurance (Benefits) (Amendment) (No. 3) Regulations, 2016;
The Supplementary Benefit (Guernsey) (Amendment) Regulations, 2016;
The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2016;
The Health Service (Payment of Authorised Suppliers) (Amendment) (No. 2) Regulations, 2016;
The Health Service (Pharmaceutical Benefits) (Amendment) (No.2) Regulations, 2016

- 1760 **The Senior Deputy Greffier:** The following Statutory Instruments are laid before the States:
The Social Insurance (Residence and Persons Abroad) (Guernsey) (Amendment) Regulations, 2016;
The Social Insurance (Determination of Claims And Questions) (Guernsey) (Amendment)
1765 Regulations, 2016; The Social Insurance (Contributions) (Amendment) Regulations, 2016; The
Health Service (Medical Appliances) (Amendment) Regulations, 2016; The States' Housing (Rent
And Rebate Scheme) (Guernsey) (Amendment) Regulations, 2016; The States' Housing (Statutory
1770 Tenancies) (Guernsey) (Amendment) Regulations, 2016; The Water Charges (Amendment)
Regulations, 2016; The Wastewater Charges (Guernsey) Regulations, 2016; The Income Tax
(Guernsey) (Valuation of Benefits in Kind) (Amendment) Regulations, 2016; Waste Disposal and
1775 Recovery Charges Regulations, 2016; The Regulation of Health Professions (Medical Practitioners)
(Guernsey and Alderney) Regulation, 2016; The Social Insurance (Benefits) (Amendment) (No. 2)
Regulations, 2016; The Social Insurance (Benefits) (Amendment) (No. 3) Regulations, 2016; The
Supplementary Benefit (Guernsey) (Amendment) Regulations, 2016; The Health Service (Payment
of Authorised Appliance Suppliers) (Amendment) Regulations, 2016; The Health Service (Payment
of Authorised Suppliers) (Amendment) (No. 2) Regulations, 2016; The Health Service
(Pharmaceutical Benefits) (Amendment) (No. 2) Regulations, 2016

The Bailiff: I have not received notice of any motion to debate any of those Statutory Instruments.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

**III. Committee for the Environment & Infrastructure –
Environmental Pollution (Guernsey) Law, 2004 Part VII – Air Pollution**

Article III.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 30th November, 2016 entitled "Environmental Pollution (Guernsey) Law, 2004 Part VII – Air Pollution", they are of the opinion:

1. To approve the proposals set out in this policy letter (including appendices) to;

a) commence part VII of the 2004 Law,

b) set standards for local air quality consistent with those in the UK as proposed by paragraphs 10-13 to the Director's report,

c) prescribe the operations listed in paragraph 14 of the Director's report as operations requiring a licence under Part III of the 2004 Law, subject to provisions for exemptions as set out in paragraph 16 of the Director's report,

d) prohibit emissions of dark smoke subject to the exemptions listed in paragraph 21 of the Director's report,

e) require the prior approval of the installation of new commercial boilers and furnaces and to impose controls on emissions from existing commercial boilers and furnaces, subject to exemptions, as proposed in paragraphs 23-26 of the Director's report,

f) prohibit the uncontrolled burning of non-garden waste in the open air subject to exemptions as proposed in paragraphs 27-32 of the Director's report,

g) prohibit the use of gas oils and fuels oils with a sulphur content above the levels set out in paragraphs 35 of the Director's report subject to the exemptions as proposed in paragraphs 36-37 of the Director's report,

h) provide for powers for the Director to require information concerning air pollution by notice as proposed in paragraphs 41-44 of the Director's report;

i) provide for the standard necessary appeal, procedural, enforcement fee and transitional provisions relating to the above proposals as set out in paragraphs 62-65 of the Director's report; and

j) to direct the preparation of the necessary legislation to give effect to the above proposals. The above Propositions have been submitted to Her Majesty's Procurer for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

1780 **The Senior Deputy Greffier:** The Committee for the Environment & Infrastructure – Environmental Pollution (Guernsey) Law, 2004 Part VII – Air Pollution.

1785 **The Bailiff:** Members of the States, before I invite the President of the Committee to open the debate it might be helpful if I just explain how I propose that the various amendments be dealt with.

You will be aware that five amendments have been circulated, although, in fact, only four of them are going to be laid. The first amendment is proposed by Deputy Brehaut and seconded by Deputy Dorey, so it is put forward by the Committee, it is in effect a technical amendment. We will take that first in the normal way, after Deputy Brehaut has opened generally.

1790 We then come to three amendments, all of which relate to the extent of any restrictions that might be imposed for burning garden waste for bonfires, for bonfire amendments. (*Laughter*) There are three of them. I propose that we will vote first on the most restrictive of those amendments, which is amendment 5, to be proposed by Deputy Lester Queripel, seconded by Deputy Prow, that proposes that bonfires only be permitted on Mondays and Fridays between

1795 7.00 a.m. and 7.00 p.m. Clearly if that is carried then there will be no need to vote on any of the other amendments.

I am going to explain in a moment that I suggest that all three be debated together, just to make that clear. So all three will be debated together, so I am afraid I am going to deprive you of three separate speeches, but anyway.

1800 But when you actually come to the voting, we will vote first on the most restrictive, so those that feel that bonfires should be two days a week only will vote on that first. Clearly, if that carries then there is no point voting on any other amendments, if it does not carry we will vote next on amendment proposed by Deputy Lester Queripel, seconded by Deputy Soulsby, that proposes bonfires on five days a week, Mondays to Fridays between 7.00 a.m. and 7.00 p.m. If that is carried
1805 then that is the end of it. But if neither of those amendments have carried we move on to vote on the amendment proposed by Deputy Graham, seconded by Deputy Merrett, which will permit bonfires at weekends. So that will be the order of voting.

The amendments will also be laid in that order, so first of all Deputy Lester Queripel will lay his first amendment. He can then speak again in support of his second amendment, and Deputy
1810 Graham will then lay his amendment and he may also at that time speak on the two Deputy Lester Queripel amendments, if he wishes to do so, because he will not get another chance to do that before Deputy Queripel closes. So that will be the order.

The President of the Committee will have the opportunity to speak either immediately after those have been laid, although he has told me it is likely he will reserve his right to speak later,
1815 possibly as the last speaker before we close on the amendments, but that is a matter for him.

The order of closing speeches will be the same: Deputy Lester Queripel, will speak and then Deputy Graham will speak and then we will vote on the three amendments.

Deputy Fallaize wishes to comment on the procedure.

1820 **Deputy Fallaize:** Thank you, sir. No. No. I am sure this matter has been given a great deal of consideration, *but (Laughter)* I think it is unprecedented for the States to debate an amendment and then not be able to vote on it. So although I understand the logic if the amendments are being debated together could I request that we vote on them in the reverse order to which you just suggested, because I personally think it is quite an unhelpful precedent that the States can
1825 debate an amendment and then not vote on it.

The Bailiff: I think there have been amendments that all relate, for example, in relation to taxation, to different levels of taxation, then the furthest reaching amendment would be voted upon first. So say there was a proposal to raise a particular level of tax by 10p and another
1830 amendment to raise it by 5p one would vote first on the Proposition to raise it by 10p, because clearly those who support a 10p increase, if they are in the majority, that would carry, and one would only move to the 5p amendment if the 10p one had not carried.

Deputy Fallaize: But, sir, these amendments are different from that because a Member might prefer if there are going to be controls somebody might prefer Deputy Queripel's proposed controls than the Committee's proposed controls, but their overall preferred option might be no controls at all.
1835

The Bailiff: Well, they will have that ... Once the Propositions have been amended we then move to general debate and, of course, if they want no controls at all then they can simply vote
1840 against the amended Proposition once we get to that point.

Otherwise if you have somebody who really wants some sort of control, and they would actually like to have a very restrictive control of only bonfires two days a week, if we vote first on the Deputy Graham one and they vote against it because that is not what they want, they may
1845 find that no restrictions are imposed, because they will vote against that one, they will vote

against the next one and then it comes to the very restrictive amendment, there may then not be a majority to carry it.

1850 I think having discussed it with the Law Officers, and taken advice from HM Procureur, it seems to be the logical thing is to give people the opportunity to vote first on the tightest restrictions. If they are in favour of only permitting bonfires two days a week they vote on that, and there is no need to then go on. If that carries there is no need to then go on and vote whether people actually would prefer just five days a week. Clearly, if they want to restrict bonfires to Mondays and Fridays, or Mondays to Fridays, they are not going to be in favour of the Deputy Graham amendment which proposes bonfires at weekends.

1855 I know it is going to be a lot of hot air in this debate, (*Laughter*) no doubt, and I do not want to light the fire (*Laughter*) any more than necessary. There we are, get those out of the way so none of you can steal them.

Deputy Brehaut will open the debate.

1860 **Deputy Brehaut:** Thank you, sir.

Remember, remember. Well, I was hoping I would get to my feet without too much gunpowder, treason and plot, but listening to Deputy Fallaize, I am not entirely sure.

1865 It is worth reminding Members that, broadly, we have heard generally in the media, and it has been commentary round bonfires, and of course, you would expect that. But it is important to remember what this air pollution regulation touches on: it touches on a number of aspects of our mandate from climate change; protection and conservation of the natural environment; waste water, of course, because of ground water run off following bonfires; energy, obviously; and bio-diversity. Those are the areas under our mandate. Our policy is directed through the Director of the Office of Environmental Health & Pollution, that informs the policy, and it is that report that it is appended to our policy letter.

1870 Sir, this policy letter proposes the commencement and implementation of Part VII of the Environmental Pollution Law 2004. Part VII of the Environmental Pollution Law already provides the framework for air pollution control in Guernsey. What we are doing now is the doing bit, and the implementation aspects. The Director's Report appended to the policy letter provides the details about how the various sections of the Environmental Pollution Law can be implemented, in a practical way, to suit the situation on Guernsey and is based, it has its foundations in local evidence.

1880 We know from the research that when pollution levels go up in Guernsey, for example, that there are more admissions to the PEH for people suffering from asthma and other respiratory conditions. The policy letter proposes the drafting of an ordinance that will include air quality standards for ambient air – that is the air outside or around us – these standards will be used to manage trends in air pollution that harm the health and wellbeing of our citizens and wildlife, and also cause damage to the natural and built environment. The standards will also assist in ensuring that air pollution is a material consideration in planning new developments.

1885 There are three hotspots that we have identified within the report that give us concern, particularly in relation to nitrogen oxide, and we want to make sure that these levels do not increase by good planning and design in the future and hereon in.

1890 Locally agreed standards will also allow our officials to assess the effects of air pollution indoors and to create building designs that do not allow indoor micro environments where pollutants can concentrate.

1895 The Environment Protection Law provides for the licensing of some prescribed operations which cause significant air pollution. It is acknowledged that, at present, there are very few industrial processes in the Island that will need a licence, and a range of smaller processes that currently exist, or may exist in the future, where the risk of pollution is low, they would be prescribed or exempted.

The controls for dark smoke and black smoke are essential to protect the health of our Islanders and wildlife, as well as reducing the impact on the fabric of our buildings. Again there

would be exemptions, for example, furnaces or boilers when they start up from cold, because there will be an obvious on some occasions obvious brief black smoke when these appliances start up.

1900

A very short section of the Environmental Pollution Law on restricting uncontrolled burning has caused much interest. Uncontrolled burning refers to bonfires where waste is burned in the open air, and where the temperature of combustion is too low to burn the waste properly, and therefore toxic fumes can be breathed in, and the residues left behind can affect our drinking water supply. It is proposed that the burning of waste in the open air is prohibited with an exemption for the burning of dry garden waste during the week at domestic premises.

1905

If I could just read the proposals contained within the Environment & Infrastructure Report, because they may be a little more permissive than some people imagine. I will read it, paragraph 7.4:

It is, therefore, proposed that uncontrolled burning, including domestic bonfires, would be restricted only to dry garden waste produced on the premises where it is burnt and that weekends should be free from smoke [and] uncontrolled fires. This would substantially reduce the nuisance and the potential health effects from uncontrolled burning.

1910

So what we are suggesting is Monday to Friday with a liberal view on the hours at which people can burn their garden waste that arises from their own garden. It should be noted that burning of waste from the commercial sector is already covered by the Environmental Pollution Waste Control and Disposal Ordinance from 2010, and I mention that because Members have approached me with regard to burning on Herm and Jethou, but that is already covered.

1915

Sir, in attending some of the presentations with other States' Members given by Dr Cameron some issues have arisen. It is clear that observations such as years ago when Guernsey had vineries that initially burnt coal, very heavy sulphur content, then later went on to burn heavy fuel oil, again, and with so many domestic fires burning coal, the Guernsey air sometimes was possible of a lower quality, but the nature of pollution changes, and evolves, and needs to be dealt with appropriately. Some fuels still contain sulphur, so the proposal is that oils and gas that contain a sulphur content of 0.1 by weight should be prohibited, and for the heavier oil burnt in industrial processes that the sulphur content should be 1% by weight.

1920

We do have an air quality issue. I spoke earlier about the three hot spots, no pun intended, on the Island, but it is a different sort of pollution problem. Nitrogen dioxide, the PM10's the PM2's and smaller are not visible, but they are present, and we need to do what we can to ensure that the community is not harmed by noxious gasses, fumes or particulates, that are in the air.

1925

I would ask you to support these proposals, sir. We know where the problem is, we know what the problems are, and the time has come to deal with those issues.

Thank you, sir.

1930

The Bailiff: We will take next the first amendment, which is to be proposed by Deputy Brehaut.

Deputy Brehaut.

Amendment

'To delete Proposition 1 and replace it with

"1. To approve the proposals set out in the policy letter "Environmental Pollution (Guernsey) Law, 2004 Part VII – Air Pollution" (including appendices) to:

a) commence part VII of the 2004 Law:

b) set standards for local air quality consistent with those in the UK as proposed by section 3 of the report of the Director of Environmental Health and Pollution Regulation ("the Director") as appended at Appendix 1 to the policy letter, ("the Director's report");

- c) *prescribe the operations listed in paragraph 4.1 of the Director's report as operations requiring a licence under Part III of the 2004 Law, subject to provisions for exemptions as set out in paragraphs 4.3 & 4.4 of the Director's report;*
- d) *prohibit emissions of dark smoke subject to the exemptions listed in paragraph 5.4 of the Director's report;*
- e) *require the prior approval of the installation of new commercial boilers and furnaces and to impose controls on emissions from existing commercial boilers and furnaces, subject to exemptions, as proposed in section 6 of the Director's report;*
- f) *prohibit the uncontrolled burning of non-garden waste in the open air subject to exemptions as proposed in section 7 of the Director's report;*
- g) *prohibit the use of gas oils and fuels oils with a sulphur content above the levels set out in paragraph 8.3 of the Director's report subject to the exemptions as proposed in paragraphs 8.4 of the Director's report;*
- h) *provide for powers for the Director to require information concerning air pollution by notice as proposed in section 9 of the Director's report;*
- i) *provide for the appeal, standard procedural and enforcement provisions, transitional and fees provisions relating to the above proposals as set out in section 14 of the Director's report; and*
- j) *direct the preparation of the necessary legislation to give effect to the above proposals."*

1935

Deputy Brehaut: Thank you, sir.

I am sorry, I am conscious Presidents frequently leap to their feet to start by amending their own reports, and I am sorry for the oversight. The reference is to the covering letter that you have on the report refers to the Director's Report rather than the Appendices in the Report. So the numbering is out of sync and that had to be amended, so I will apologise for that, sir.

1940

The Bailiff: Deputy Dorey, you formally second the amendment?

Deputy Dorey: Yes, I do, sir.

1945

The Bailiff: Is there any debate? No.

It is a technical amendment, we go straight to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

Next I call on Deputy Lester Queripel to lay amendment 5. Would you like it to be read?

1950

Deputy Lester Queripel: Would it help if I may give just the one speech on both amendments?

The Bailiff: Yes. You have got different seconders on the two, but I can ask each of them formally to second in turn, but one speech would be very helpful. Thank you.

1955

Amendment 5

To insert at the end of Proposition 1 f):

"and subject to the additional restriction that permitted uncontrolled burning of dry garden waste would only be allowed on Mondays and Fridays (excluding public holidays) between the hours of 7am and 7pm".

Amendment 3

To insert at the end of Proposition 1f):

"and subject to the additional restriction that permitted uncontrolled burning of dry garden waste would only be allowed Monday to Friday (excluding public holidays) between the hours of 7am and 7pm".

Deputy Lester Queripel: Thank you, sir.
Do you want me to read the amendment, sir?

1960

The Bailiff: Do you wish to read it, or would you like the Deputy Greffier to read it?

Deputy Lester Queripel: I am happy to read them, sir.

1965

The Bailiff: Thank you.

Deputy Lester Queripel: The amendment seconded by Deputy Prow:

Amendment 5

To insert at the end of Proposition 1 f):

'and subject to the additional restriction that permitted uncontrolled burning of dry garden waste would only be allowed on Mondays and Fridays (excluding public holidays) between the hours of 7am and 7pm'.

And the amendment seconded by Deputy Soulsby, very similar except changing the *and* to *to*:

Amendment 3

To insert at the end of Proposition 1f):

'and subject to the additional restriction that permitted uncontrolled burning of dry garden waste would only be allowed Monday to Friday (excluding public holidays) between the hours of 7am and 7pm'.

1970 Sir, I would like to thank Deputy Soulsby and Deputy Prow for seconding the amendments. I felt it important to find colleagues who have a wealth of knowledge and experience when it comes to matters of health. I am absolutely delighted they are both on board with this, because these amendments relate directly to the health of Islanders.

1975 I want to emphasise, sir, that it is not the intention of either of us to try to discredit, or undermine our Director of Environmental Health & Pollution in any way shape or form, we have the utmost respect for the Director and we know how hard she works on behalf of our community.

1980 If we look at paragraph 7.4 in the Director's Report, we see that the recommendation is to restrict uncontrolled burning, including domestic bonfires, to dry garden waste only, and that weekends should be free from smoke from uncontrolled burning. Deputy Soulsby, Deputy Prow and I think we need to be more proactive than that, hence our amendments, which I hasten to add, are laid with the best of intention.

Now, sir, I have said on more than one occasion in this Chamber, I sense a tremendous desire in this Assembly to be a lot more proactive than previous Assemblies, and Deputy Soulsby, Deputy Prow and I are providing our colleagues with the opportunity to be just that.

1985 Currently, as we all know, anyone in Guernsey can light a bonfire any time of the day or night over a seven day period. So, that means we are all at the mercy of bonfire lighters for 168 hours a week. Week in, week out, for every one of the 52 weeks in the year. As we all know, sir, the proposition in the report is to reduce that to a five day period from Monday to Friday, and that means we will be allowing the burning of bonfires to take place any time of the day or night over a period of 120 hours each week, week in, week out, for 52 weeks of the year.

1990

1995 Addressing the amendment that Deputy Prow is seconding, we are proposing to allow the burning of bonfires only on a Monday and a Friday between the hours of 7.00 a.m. and 7.00 p.m. That results in a weekly total of 24 hours. One period of 12 hours at the beginning of the week, and one period of 12 hours at the end of the week. We are proposing that because we feel that is the level of protection we should be providing for Islanders from the harmful effects of smoke from bonfires.

2000 We must not forget that many of those Islanders will already be enduring the extreme discomfort and distress and trauma caused by respiratory problems. I am sure I do not have to remind my colleagues that respiratory problems are a disability. Some of our disabled people are housebound a lot of the time, and several of them have told me they would really like to see specific days of the week put in place for burning of bonfires, because then they will know which days of the week they can open their windows or enjoy being in the garden, instead of being at the mercy of bonfire lighters. So here is a perfect opportunity, sir, for my colleagues to support the inclusive society we so often speak of.

2005 If we look at paragraph 7.1 of the Director's Report, we see that she received 303 complaints about bonfires in two years. If we look at paragraph 1.4 in the report, we are told that:

Detailed research in Guernsey has shown that when air pollution levels rise, there are increased admissions to the ... Hospital of people who suffer from respiratory conditions such as asthma ... Poor air quality impacts on the quality of life of islanders and therefore on States' budgets for treatment ...

2010 Of course, sir, it is not only the financial impact, and financial cost, we need to be concerned about, surely, we also need to be concerned about the physical costs to Islanders, who have to endure the extreme physical discomfort and the stress and trauma associated with respiratory problems.

2015 Sir, I repeat what many politicians have said in this Chamber in their speeches over the years, that pursuing prevention is just as important as pursuing a cure. It is highly unlikely that any Member of this Assembly is ever going to come up with a cure for any respiratory problem. So, surely, what we all need to do is support initiatives that seek to prevent those respiratory problems occurring in the first place.

2020 Bearing in mind that it is our duty, as a Government, to improve the quality of life of Islanders, and bearing in mind that it is our duty, as a Government, to ensure the wellbeing of the people, we are not going to have any hope of attaining those aspirations if we merely follow and try to keep up with the UK, or the rest of the world. Surely, our aim should be at least to try to lead the way, instead of just follow. Now why do I say we would be merely following, and keeping up, if the Propositions go through unamended? I say it because the last sentence of paragraph 2.4 tells us that:

it is proposed that air quality standards for Guernsey will be developed to be consistent with those of the UK.

2025 So, if the Propositions go through unamended, it will mean that we are following when what we could be doing is leading.

2030 Sir, from my kitchen window in the Green Lanes, I can see a third of the Island. I can see from Bordeaux Harbour on the east coast with a view of the delightful Island of Alderney gracing the horizon, right across the north of the Island and down to the west coast as far as Le Guet, almost to the rooftops of the magnificent house high on the hill, which I believe I am right in saying, has been the family home of Deputy Meerveld for many years. But almost every single day of the week I see bonfires burning in that third of the Island. *(Laughter)*

2035 Sir, I would just like to repeat that sentence: almost every single day of the week I see bonfires burning in this third of the Island, and on several occasions I have seen more than just one bonfire burning on the same day, with the wind carrying the smoke into the airspace and the homes of our fellow Islanders who are directly in the line of fire. In fact the record is five bonfires in one day.

Very often there are bonfires burning late into the evening. So not only have Islanders in the line of fire had to endure the health hazard of bonfire smoke all day long, but they are also forced

to endure it long into the evening as well. Possibly even having to keep their windows closed at night whilst they sleep, thereby being denied and deprived of fresh air. Well, how much of an invasion on their personal space is that? How damaging to their health is that?

2040 If that was not enough, the day after I saw five bonfires burning, two more bonfires were lit and because the wind was blowing in the same direction it meant the same people who had been forced to endure bonfire smoke all the previous day long into the night were forced to endure it all again. There was no respite.

2045 Sir, both of these amendments provide that much needed respite. The Queripel/Prow amendment provides five clear days and seven clear nights, while still allowing Islanders to burn their dry garden waste over a two-day period.

The Queripel/Soulsby amendment provides two clear days and seven clear nights, whilst still allowing Islanders to burn their dry garden waste over a five-day period.

2050 Sir, just in case some of my colleagues are thinking regarding the Queripel/Prow amendment that means an abundance of bonfires will be built and lit on two days with a lot more smoke being blown into the air. Well, sir that is precisely my point, all the burning is over in two days, which then provides a respite of five clear days. If we go with the proposals in the Billet that will only ensure two clear days – those days being on a weekend.

2055 Surely, sir, we need to be a lot more proactive in our quest to ensure the wellbeing of the people, and improve the quality of their lives by improving the quality of the air that they breathe.

2060 Of course, in these modern days where shift work has become the norm, we need to be mindful of people who take days off in the week, they want to be able to plan, work in the garden, or just sit and enjoy the fruits of their labours in the garden. Well, if the Queripel/Prow amendment succeeds, they will be able to plan, because they will know exactly when bonfires are permitted over a two day period. Whereas currently they take a gamble and just hope that no one lights a bonfire. The same applies for the Proposition in the report, there is no clear day guaranteed in the week.

2065 The same applies to anyone wanting to put their washing out on the line in the garden, currently that is a gamble. If the propositions go through unamended it will still be a gamble, because anyone can light a bonfire. I mention Islanders putting washing out on a line because I am only too aware that even in this modern day –

I give way to Deputy Fallaize, sir.

The Bailiff: Deputy Fallaize.

2070

Deputy Fallaize: Thank you, I thank Deputy Queripel for giving way.

Given his concern about the washing of clothes and the effect that bonfires have on them, can he explain to the States in one of his amendments why he chose Monday as one of the two days to allow bonfires, because I thought Monday was washday. (*Interjections*)

2075

Deputy Lester Queripel: Sir, I doubt that Monday is washday for 60,000 people, but anyway. I am coming to that sir, later on in the speech, sir.

2080 I am only too aware even in this modern day of tumble dryers, many of our fellow Islanders prefer to dry their washing on a line in the fresh air. I emphasise the words *fresh air*. Because if the Queripel/Prow amendment succeeds, as I have already said, it will guarantee five clear days free of bonfire smoke, three in a week, as well as the two at weekends, and not just the two at weekends as sought in the Propositions.

2085 Now, I come on and elaborate a little bit more about the washing on the line, and the washday being a Monday. I understand that someone could say 'Traditionally, my washday is a Monday', (*Interjections and laughter*) but what that means is for decades they have taken a gamble, they have taken a gamble. There is no guarantee that Monday is going to be free of bonfire smoke, and it will not be ... it is not under the current law and it will not be under the Propositions in the report. So, they might, for example, if it is bad weather on Monday put the washing out on

2090 Tuesday, but – I will wait for the mirth and merriment to die down sir – the fact is they are still taking a gamble. They are still taking a gamble whichever day they put washing out on the line, or take the day off work to work or just sit in the garden. They have never had a guarantee that any day of the week will be free from bonfire smoke. This amendment, the Prow amendments, provides that guarantee.

2095 Now, staying with the issue of Guernsey traditions and the Guernsey way, I was speaking to a fellow Islander last week, who said, 'But we have always had bonfires in Guernsey, it is the Guernsey way. Sir, I patiently explained to my fellow Islander that I was not proposing a complete ban on bonfires. I went on to say that just because the Guernsey way has been to do something for decades it does not mean to say it was the right thing to do in the first place. The Guernsey way in relation to bonfires has been to allow the burning of bonfires at any time, thereby creating
2100 a continual health hazard for Islanders. Sir, if we carry on doing what we have always done we are left with the same problems, because nothing changes and nothing is improved.

So unless we do regulate we will be perpetuating a health hazard. Even though we are told in paragraph 12.6 of the Director's Report that 24% of the respondents to a recent survey felt there should be a complete ban on bonfires, I am only too aware we need to be a lot more pragmatic than that.
2105

Paragraph 12.6 also tells us that 46% of the respondents to the review said they thought bonfires should only be permitted on certain days and at certain times. Which is, of course, exactly what both of these amendments are seeking.

We are also told in the same paragraph that 71% of respondents felt that bonfires should be regulated.
2110

In paragraph 12.7 we are told that some respondents to the survey felt that common sense should prevail and that people should be good neighbours. Well, I only wish we lived in that kind of world, sir, but sadly we do not. If we did then, surely, I would not see so many bonfires burning almost every single day of the week, and Islanders directly in the line of fire or smoke from bonfires, would not be treated so disrespectfully. I say that because several Islanders have told me that when they have spoken to the people who light bonfires on a regular basis, asking them to at least give a warning as to when they intend lighting them, they have been met with a torrent of abuse, and told in no uncertain terms to vacate the premises.
2115

Some Islanders have even told me they have to resort to taking decongestants to enable them to breathe due to the fact they are forced to endure smoke from bonfires four or five times a week on a regular basis. Sir, surely it is not right that some of our fellow Islanders are forced to put chemicals in their system, to deal with the physical problem caused by someone else's inconsiderate behaviour.
2120

Sir, I give way to Deputy Brehaut.
2125

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you.

It was just to clarify, sir. The provision of what our proposal is people can burn dry garden waste, which actually burns very quickly, and does not give off the nitrogen or whatever chemicals, the mix of chemicals that are there into the atmosphere. It does not do that. What the Member has spoken about in some detail, sir, is just the type of bonfire that we are trying to prevent. So the focus needs to be on what days to burn dry garden waste. Because I think a number of the issues you quite rightly identified are nuisance neighbours burning everything *but* dry garden waste usually.
2130
2135

Several Members: Hear, hear.

The Bailiff: Deputy Lester Queripel.
2140

Deputy Lester Queripel: Sir, I thank Deputy Brehaut for that clarification. But I would ask Members to refrain from asking me to give way. It disrupts the flow, sir. I am wondering if sometimes that is the intention.

2145 So, I am going to repeat those couple of sentences. Paragraph 12.7 we are told that some respondents to the survey felt that common sense should prevail and that people should be good neighbours, and as I said sir, I only wish we lived in that kind of world, but if we did, surely I would not see so many bonfires burning almost every single day of the week, and Islanders directly in their line of fire would not be treated so disrespectfully.

2150 I say that because several Islanders have told me they get met with a torrent of abuse, and told to vacate the premises, when they approach their neighbours who are lighting the bonfires on a regular basis.

2155 I think it is important to repeat the last issue. Some Islanders have told me they have to resort to taking decongestants to enable them to breathe, due to the fact they are forced to endure smoke from bonfires, four or five times a week on a regular basis. My point, sir, was, surely, it is not right that some of our fellow Islanders are forced to put chemicals in their system to deal with the physical problem caused by someone else's inconsiderate behaviour. There certainly does not seem to be a great deal of common sense and good-neighbour approach being displayed there.

So I take great comfort from our being told in paragraph 12.8 that:

The Director will instigate an education campaign to advise the public about the impacts of pollution to ground water and the drinking water supply as well as to the air of pollutants associated with uncontrolled open burning.

2160 So the Director herself is of the view that education and legislation need to run together in tandem, and I certainly resonate with that approach.

Sir, regarding the Queripel/Soulsby amendment, if the Propositions do go through unamended, again it will mean there is no guarantee whatsoever that Islanders will be free from the hazard of smoke from bonfires over a period of 120 hours a week.

2165 Deputy Soulsby and I feel that needs to be reduced to 60 hours, those hours falling between 7.00 a.m. and 7.00 p.m. over the five-day period. That again would mean that Islanders would be safe in the knowledge they can open their bedroom windows whilst they sleep at night without smoke from bonfires permeating their homes. It provides the guarantee that they will be free from the health hazard of bonfire smoke for seven nights a week, and not just the two that would result if the Propositions succeed unamended. That is the sort of guarantee of protection that Deputy Soulsby and I think we should be providing for Islanders.

2170 In relation to that, I want to relay to my colleagues what seven Islanders told me recently. Four of those Islanders suffer from asthma, and three of them suffer from respiratory problems caused by working with asbestos. Just to repeat what I said earlier, sir, respiratory problems are a disability. Every single one of those seven Islanders told me that they need – not want, they *need* – to open their windows at night whilst they sleep to let fresh air into their room. If they are forced to close them because bonfires are smouldering then they struggle to breathe and consequently they struggle to sleep. They tell me they then feel like prisoners trapped in their own home being denied fresh air. Some of them told me that if the bonfire smoke is at the back of the house where the bedrooms are, they are often forced to sleep on the settee in the lounge at the front of the house.

2180 I ask colleagues to put themselves in the same position as those Islanders, for a moment, surely, having to cope with a respiratory problem is more than enough to deal with. Surely, we should be providing those Islanders with a guarantee that they will at least be free of the health hazard of smoke from bonfires whilst they sleep at night.

2185 So, sir, once again, here is the perfect opportunity for my colleagues to support and promote the inclusive society we often speak of. Because if the Queripel/Soulsby amendment succeeds it will then mean that we are providing Islanders with the guarantee they so desperately need.

I return to the issue of the Director receiving 303 complaints in two years. That is an awful lot of complaints to deal with in such a small Island. In fact I was shocked when I saw that figure. I

2190 had no idea those were the kind of figures our Director of Environmental Health & Pollution is having to deal with, and as we already know smoke from bonfires is a major pollutant.

Paragraph 2.2 in the report tells us this:

"A pollutant" is any substance ... capable of causing harm to health ...

2195 And as paragraph 1.4 tells us detailed research in Guernsey has shown that when air pollution levels rise, admissions to our hospital increase, with Islanders suffering from all sorts of respiratory problems. Therefore poor air quality impacts on the quality of life of Islanders and also on the States' budgets. So there are two areas again to consider there. Exactly the same as in the Queripel/Prow amendment. The physical cost to the person and the financial cost to the taxpayer. We can reduce both of those costs by ensuring one of these amendments succeeds in the Chamber today.

2200 Sir, in conclusion, even though people all over the world have been trying to draw our attention to the issues of pollution for decades, and even though many have given millions of pounds to causes to help in the fight against pollution, the reality is that most of the countries in the world really need to get their act together. I say that because we are all moving at a snail's pace when it comes to addressing issues that impact on our environment. It appears that every government is afraid of upsetting governments in other countries, and most governments are even afraid of upsetting some of their own people. Consequently issues concerning the environment in which we live fall further and further down the list because very few politicians really want to step up to the plate and address them. They will pay lip service to good intentions, but the fact is very little changes, and when it does change, it changes at a snail's pace. We are not exempt, from that band of head-in-the-sand politicians. If ever there was a time for us to raise our game then that time is now. If ever there was an opportunity for us to be proactive then that opportunity is before us today.

2215 I will finish, sir, by asking colleagues to have all those issues I have focused on uppermost in their minds when they come to vote. The physical cost to Islanders, the financial cost to taxpayers, and also that is unlikely that any Member of this Assembly is ever going to come up with a cure for respiratory problems, so surely, what we all need to do is support initiatives that seek to prevent respiratory problems occurring in the first place.

2220 I ask colleagues to bear in mind we really need to be a lot more proactive if we are to improve the quality of life for Islanders, and ensure their wellbeing. We can do that by improving the quality of the air that they breathe.

Finally, earlier on in my speech I referred to the family home of Deputy Meerveld, sir I am reminded of his campaign slogan in the General Election last year, which was 'It's time for action', which was, purely by coincidence, the same as mine. I can only hope, sir, that the majority of our colleagues resonate with that approach and step up to the plate alongside Deputy Soulsby, Deputy Prow and myself.

Thank you, sir.

The Bailiff: Deputy Prow, do you formally second amendment number 5?

2230 **Deputy Prow:** Yes, I do, sir.

The Bailiff: You do.

Deputy Soulsby, do you formally second amendment number 3?

2235 **Deputy Soulsby:** Yes, sir.

The Bailiff: We move on then to – are you wanting to speak in debate Deputy Inder or are you wanting to raise something. No. You are not rising, so...

2240 **Deputy Inder:** Sorry, maybe I do not understand, I thought we were going to debate these amendments, or do we wait until later?

The Bailiff: Well, we are going to debate all three together, once all three have been laid.

2245 **Deputy Inder:** I beg your pardon, sorry about that, sir.

The Bailiff: I wondered whether you were perhaps raising another motion, but anyway ... Deputy Graham, you wish to lay your amendment.

Amendment

To insert at the end of Proposition 1f):

"but excluding the proposal in section 7.4 that weekends should be free from smoke from uncontrolled fires".

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Deputy Graham: You are going to get a different sort of action. It is time for action. This action under this amendment is as follows, seconded by Deputy Merrett, we are going to invite the Assembly, please, to agree to insert at the end of Proposition 1(f) the words:

'but excluding the proposal in section 7.4 that weekends should be free from smoke from uncontrolled fires'.

2255 In the interests of brevity, sir, and to avoid undue repetition I am going to confine my proposal of this amendment just to the principle. That principle really concerns the degree to which the law should take it upon itself to intrude into the lives of individual Islanders. (**Several Members:** Hear, hear.)

The gaps that I leave are going to be filled, in terms of chapter and verse, by Deputy Merrett later on.

2260 The purpose of this amendment is very clear. It is that if there is a logic in saying that on the one hand the proposed legislation will provide us with appropriate supervision of appropriate bonfires in the open air, if that applies on five days a week, the logic behind this amendment is that it also ought to apply for seven days a week.

2265 I ought to make the point that this amendment in no way seeks to undermine the principal purpose of the legislation, which is really to reduce pollution of the air, and to indeed improve the quality of air. It in no way seeks to undermine that, and I would go even further and congratulate the Director on an excellent report, and also really the Committee on extracting from it the appropriate, and in my view, proportionate response in the form of this proposed legislation. I would particularly like to thank the Director for making herself available last week (**A Member:** hear, hear.) at the drop-in, which I personally found very useful.

2275 I am actually full of admiration for the report, and I am particularly grateful that it does helpfully draw the distinction between on the one hand bonfires that are harmful and that are inimical to the general core purpose of the legislation. In other words the burning of stuff that produces, let's call it, dark smoke bonfires on the one hand, and making the distinction that on the other hand, and Deputy Brehaut has made the point already, the distinction to be drawn with those bonfires which, if they are clean, and if they are dry, and they are garden waste, produce virtually no harm to air quality at all, unless there is evidence to the contrary, and I have yet to see it.

2280 Generally speaking, I always feel that the introduction of a law is really a confession of failure in the sense that it is a failure either of an argument, the merits of the argument, or the way that that argument is being put over. Now, clearly, there are exceptions, when we are talking about the preservation of life, and preservation of life and limb, and also the preservation of one's property, the law has to come in, because we cannot rely on our powers of persuasion, because the consequences of not doing so are too bad. I really do not feel that in this case we are talking about that degree of necessity. Certainly, the message that I think many of us would have gotten

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when we were canvassing in the Election last year, generally was please, Government, keep out of our faces, unless you really need to be there. This amendment is designed not for popularity, but really to reflect what, I think, is a commonly held view.

2290 Now, it is worth reminding ourselves here that the main purpose of the proposed legislation is the quality of the air that we breathe, and I feel that in making the distinction between dark smoke bonfires and relatively harmless light smoke bonfires, on the other hand, and then seeking to restrain their use, the use of the latter just to Mondays to Fridays, really is straying into an area which is really an area of social responsibility, and good neighbourliness, and I do not think the law needs to go there. (**A Member:** Hear, hear.) I am not quite as pessimistic as Deputy Lester
2295 Queripel in terms of the attitude in that regard of the average Mr and Mrs Guernsey.

I think if legislation is going to stray into those areas, it really needs to have a strong logic and evidence behind it, and I really do not see either in this particular case.

2300 Taking up Deputy Lester Queripel's view, I can picture the scene, he is sitting there in the Green Lanes looking out of his window, I can tell him if his amendment succeeds, he should not bother to look out of that window on a Monday or Friday because he won't have a view at all. He will not even be able to count the number of bonfires that are preventing him from having any view at all.

He also refers, and I am still on the lack of evidence...

2305 **Deputy Lester Queripel:** Sir, point of order.

Deputy Graham: I give way.

The Bailiff: Deputy Lester Queripel.

2310 **Deputy Lester Queripel:** Deputy Graham is trying to discredit and ridicule a very genuine concern of mine. (*Interjections*) Sir, there is no evidence...

The Bailiff: That is not a point of order

2315 **Deputy Lester Queripel:** He made a statement, sir, that the bonfires will be burning, blazing away on a Monday and Friday and I will not even be able to see out my window.

The Bailiff: That is not a point of order.

2320 **Deputy Lester Queripel:** How does he know that, that is not a fact?

The Bailiff: That is not a point of order. That is a point you can make when you reply to the debate, Deputy Lester Queripel.

2325 **Deputy Lester Queripel:** I will do, sir.
Thank you, sir.

The Bailiff: Deputy Graham.

2330 **Deputy Graham:** I really am sorry that that has upset Deputy Lester Queripel because it was meant almost as a throwaway lightening up. But there we are.

2335 More seriously, and we are still talking about evidence here, and I am claiming there is a lack of it. I am intrigued by the quoted figure of over 300 complaints about bonfires over a two year period. I am not totally clear whether that is 300 bonfires or whether it is, for example, five complaints about one bonfire and the aggregate comes to 300. Irrespective of that, I would actually like to know how many of those complaints concerned bonfires that under the new legislation will be outlawed anyway, and how many related to the burning of clean, dry, garden

waste. (**Several Members:** Hear, hear.) I do not know the answer to that, but I suspect it would be revealing.

2340 The lack of logic bothers me on this too. Why, if something does not undermine the policy on a Monday to Friday should it suddenly start to undermine the policy on a Saturday and Sunday? I think that is really probably the core question to ask here. We are sort of invited to conjure up an image of what people are doing over the weekend, and I think the picture we are meant to have is of an exhausted work force who cannot wait to get on their sun loungers and sit in their gardens.
2345 But, by the same token, those very same tired work force, if they want to light a bonfire the Saturday and the Sunday is the only time they can do it, and I would not like to guess as to where the split in the population lies on that.

Then there is the illogicality also of saying that something on a Friday evening is not harmful and then by Saturday morning it is going to be. If you go round the average housing estate in Guernsey, whether it is States' housing or whether it is owner occupiers, you will see children playing straight after school from the spring onwards, through the summer, playing in their gardens in the evening. Now if we are worried about the health risk to them, we should actually bite the bullet and say all bonfires should be banned at all times, and we are not saying that. We are actually saying that bonfires that involve burning dry, clean, garden waste is actually not a problem, if done sensibly, and with consideration to your neighbours.

2355 I have to confess, sir, that I am a bit of an oddball when it does come to bonfires, because – and I blame my youth really – I was brought up in the countryside, my gang of four could walk all day through woodland and fields without seeing anybody, and one of the joys was to stop with a large potato in our hand, light a little fire with twigs and small bits of wood and actually roast those potatoes on it, and the smell has stayed with me for the rest of my life, and I cling to it, really out of nostalgia. So it is the nearest thing, really I have ever come to having a trip every now and again, (*Laughter*) because when I do my bonfires, I actually go and stand near the smoke just to take it in.

2365 But I do recognise that not everybody shares that enthusiasm (*Laughter*) and to be very serious I am not insensitive to the fact, as Deputy Lester Queripel points out, there are people who genuinely react badly to any form of smoke, and I am not totally insensitive to that, but I would say to them that, actually, the new legislation that we are going to have is going to protect them the various bonfires anyway, and there is other legislation out there, there are sort of nuisance laws, I believe, that actually protect you from the indiscriminate and unneighbourly use of even the bonfires that we are arguing are reasonably okay.

2370 Then there is the factor of the good sense of Mr and Mrs Guernsey. Are we really saying that the majority of our Islanders cannot be counted on to light their bonfires in a considerate way? I think that the answer to that is that we should trust in them. We should trust in the laws that we already have, and that we should trust in the new legislation, which really covers all the avenues, in my view.
2375

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

Deputy Merrett: I do, sir.

2380

The Bailiff: Thank you.

We will rise now and resume at 2.30 p.m.

*The Assembly adjourned at 12.32 p.m.
and resumed its sitting at 2.30 p.m.*

**Environmental Pollution (Guernsey) Law, 2004, Part VII – Air Pollution –
Debate continued –
Amended Propositions carried**

2385 **The Bailiff:** We continue with debate on the amendment to the Environmental Pollution (Guernsey) Law, 2004, Part VII, Air Pollution.

Before we continue, those who wish to do so may remove their jackets.

I call first Deputy Prow.

2390 **Deputy Prow:** Thank you, Mr Bailiff, and thank you for getting the first bonfire joke out in this debate. Please may I also echo all of Deputy Graham's positive comments concerning the matter before us.

I rise to support this amendment. *(Interjection)* Sorry, amendment 5. Thank you. *(Laughter)*

2395 First, I should start by acknowledging and fully respecting the views of Deputy Graham – and, I believe, others – who, I believe, are by and large instinctively and understandably nervous of bringing in regulation. Indeed, what I said in my manifesto was that the States should undertake a review of extant regulations and embark upon a simplification exercise, particularly where regulation affects business – in the same way it has been undertaken in the United Kingdom, albeit a few years ago.

2400 Furthermore, some regulation causes a bureaucratic process with minimal outcomes. I am, therefore, on record as not being a fan of over-regulation. Any regulation should be considered carefully. It must also be fit for purpose and achieve the desired outcome, rather than just creating an inconvenience.

2405 Sir, I therefore wish to set out my reasons for the justification for this amendment, which will allow the burning of garden waste on two week days between 7am and 7pm. I shall be brief – which is quite a good promise when you follow Deputy Lester Queripel and I will try not to repeat the points that he has made, suffice to say I agree with him that in Guernsey – which has become a densely populated environment – air pollution is, in my view, undoubtedly an issue which this ordinance and amendment 5 seeks to address.

2410 I am a member of the Committee of Health and Social Care and I therefore understand and support the need to transform how the States deliver, including managing the burden on the taxpayer against the background of an ageing demographic. Much of our current thinking in this regard is informed by the Future 2020 Vision, which in part says this:

The health and social care system needs to promote self care and independence and this should be with the support of a social care and prevention model rather than a health care model.

2415 By way of one example of a support and prevention model, as a society we are achieving better health outcomes for all the public by reducing tobacco use. This has been achieved by the incremental regulation restricting where people can smoke. It is banned from the workplace and from public places. This has now become the norm.

But we must do more to promote healthy lifestyles, both in relation to our physical health and our mental wellbeing, which all the evidence shows dramatically reduces the need for expensive medical interventions and improves the quality and longevity of life.

2420 Enjoying the outdoors and our gardens is a very inexpensive and effective way of achieving this. We must do more to actively encourage healthy lifestyles by ensuring that those outside spaces are a safe environment where Islanders can enjoy working in their gardens in the fresh air and where our kids can run around. This of course also extends to the full enjoyment of all open public spaces.

2425 Research by the organisation Families for Clean Air, which is a science-based not-for-profit organisation, suggests that wood smoke produces far more particulate pollution than cigarette smoke does. They say a single fire operating for an hour and burning 10lbs of wood will generate 4,300 times more carcinogenic hydrocarbons than 30 cigarettes.

2430 Researchers estimate the life time cancer risks from wood smoke to be 12 times greater than that from a similar amount of cigarette smoke, and radicals in wood smoke are chemically active 40 times longer than those from cigarette smoke. So once inhaled they will harm the body for far longer.

2435 However, I think Deputy Graham, who has come out in this Assembly as a bonfire sniffer, (*Laughter*) has perhaps dented my evidence somewhat because he looks in very rude health to me! (*Laughter*)

2440 So we therefore as a States need to facilitate an environment where the harm from bonfire smoke is controlled and, importantly, give greater certainty as to when exposure to smoke can occur. Most families enjoy their gardens at the weekends and this, as said, must be a very good thing. We need to exclude inhibitors. It will be a great benefit to those who wish to pursue a healthy lifestyle by spending quality time outdoors to be reassured upon which days they might endeavour to encounter bonfire smoke and more clarity on the days windows need to be closed.

2445 As with reducing the harm from tobacco, regulation is in my view justified. It is an unfortunate fact of life that it is the behaviours of a few who spoil the quality of outdoor life for the majority. Many engage with their neighbours and will not light bonfires when asked not to. I cannot imagine that the quantity of dry garden waste is so voluminous that even in the largest of Guernsey homes it will require more than two days of burning.

2450 It is also worth reflecting upon another potential pressure which hinges upon the need for restriction: will the temptation to proliferate the lighting of bonfires which are not garden waste ... proliferate when Islanders are asked to pay £7 a week for the disposal of their waste?

2455 I therefore commend amendment 5 to this Assembly. In doing this, we will be encouraging outdoor activity which in turn assists in improving healthy lifestyles.

Thank you, sir.

The Bailiff: Deputy Meerveld.

2455 **Deputy Meerveld:** Sir, I sympathise with people who have respiratory diseases and have some issues with smoke, but at the end of the day I cannot support the first two of these amendments. I would support the Graham amendment as being a much more sensible and pragmatic approach.

2460 Unfortunately, I believe Deputy Queripel's amendments smack of 'nanny-stateism' (**Several Members:** Hear, hear.) and are trying to control us in too many different ways. It is over-regulation and it creates enforcement issues, and also there are unforeseen circumstances. Again, if you are only burning on Mondays and Fridays the majority of people are at work on those days, so they are going to come home from work and light a fire at seven or eight o'clock at night, which is going to create the smoke at exactly the bedtimes that he was mentioning. You have also got the issues of –

Deputy Lester Queripel: A point of correction.

The Bailiff: Deputy Queripel.

2470 **Deputy Lester Queripel:** Deputy Meerveld said they will come home and light the fire at seven or eight o'clock at night. The amendment specifically states 7 a.m. to 7 p.m. It has got to be out by 7 p.m. so they will not be coming home to light it at 7 p.m. or 8 p.m.

2475 **Deputy Meerveld:** Well, point of correction to the correction! (*Laughter*) The way I read the amendment, it is to be lit by 7 p.m. so it could truly be burning at 8 p.m. or 9 p.m. I did not see anything in the amendment saying it had to be extinguished by 7 p.m. and also if you actually try to extinguish a fire you actually create a lot more smoke in the process – if you turn a hose on it.

2480 I can also see these amendments ending up with further amendments being required to make it practical. For instance, the Guy Fawkes amendment; the 5th November only falls on a Monday

and Friday three times in the next 10 years – in 2018, 2021 and 2027 – and we may have bad weather on those days and might have to move Bonfire Night, so what will we do there? I can also see the need for a Condor amendment for when the wind blows strongly from the west –

2485 **Deputy Fallaize:** Sir, point of correction.

Deputy Meerveld: – and you cannot burn a fire for a week or two. Do we have to have an exemption day when you can use an alternate day?

I yield to Deputy Fallaize.

2490

Deputy Fallaize: I did say point of correction, sir. (*Interjection*)

No, it does not matter... (*Laughter*) Guy Fawkes has got nothing to do with it, has he, because this is to do with the burning of dry garden waste. So whatever restrictions are imposed in terms of days or times in relation to dry garden waste, the issue of burning Guy Fawkes is going to have to be dealt with outside of any of the issues dealt with in any of these amendments.

2495

Deputy Meerveld: I stand corrected. Having said that ... Sorry.

The Bailiff: Deputy Dorey.

2500

Deputy Dorey: Just to add to that, paragraph 7.6 in the Report specifically covers Guy Fawkes, so there is an exemption for it. So Guy Fawkes is not a factor in it.

Thank you.

2505

Deputy Meerveld: Having said that – (*Laughter*)

Deputy Lester Queripel: I thank Deputy Meerveld for giving way, sir. (*Laughter*)

I just want clarification from him, sir. Is he saying he would rather have seen, subject to the additional restriction, that permitted under-control burning and smouldering of dry garden waste would only be allowed? The amendment states quite specifically the burning of dry garden waste can only be allowed Monday to Friday between the hours of 7 a.m. and 7 p.m.

2510

Deputy Meerveld: Okay. Thank you for that correction. Having said which, I still think it is foolish for us as a States to try to regulate people on when they can light a fire for dry garden waste. Picking up on Deputy Brehaut's correction earlier, this is dry garden waste: it combusts relatively quickly; it lets off relatively little smoke. If it was wet garden waste or if it included a couple of car tyres, I can see issues, but not in burning dry garden waste.

2515

I think we are interfering here potentially too much in people's lives. We need to apply common sense and accept that our society has some common sense, and also encourage common courtesy in burning, as we have done for generations up to now. I am gratified that the Environment Department is going to be implementing an education campaign to actually promote those principles. But I think we should leave it to our society to decide when they light fires. There will always be the odd neighbour who behaves badly, and that is in any society, and we should not be regulating and creating a regulatory burden and an enforcement burden for this purpose.

2520

2525

Thank you.

The Bailiff: Deputy Inder.

2530

Deputy Inder: Sir, the greatest nuisance related to uncontrolled burning of garden waste – for us on the Clos du Valle, anyway – seems to come from the green waste processing at Mont Cuet. I am wondering if that is what Deputy Queripel is viewing from his home in the Green Lanes there.

2535 The problem with time restrictions, as Deputy Meerveld just touched on, is what actually happens at 7.01 p.m. Defining a garden fire's endpoint is likely to be a statutory nightmare. One wisp of smoke at 7.01 p.m. might send many Islanders into the spectrum of criminality, which just seems all a little bit odd to me.

Although I accept the intention of amendments 5 and 3, I just cannot support a time-based amendment and am currently leaning towards the Deputy Merrett and the Deputy Graham solutions.

2540 Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

2545 I am going to rise to say I will support the amendment, but I am not sure which one! (*Laughter*)

I am a fan of steam engines – well, we need good neighbours and good fences. But one or two of my colleagues pointed out that the fumes of cigarettes are more noxious than that of bonfires. But I am not sure about that.

2550 We are missing the bigger picture here, because the mainstream of the anti-pollution legislation is all about local air quality and emissions of dark smoke, new commercial boilers and furnaces, and the uncontrolled burning of things like fibreglass boats, for goodness' sake, and huge amounts of rubbish. Indeed, it could be argued, and the reports and public opinion surveys would strongly suggest, that the greater burden to the public of the Island, especially the children and babies who are admitted to Accident and Emergency, is the motor vehicle and the hotspots that Deputy Brehaut referred to earlier, and I can think of a few more hotspots that are only just a bit lower down the list.

2555 But we are where we are and I know people get a bit steamed up on this question as it is a burning issue – I cannot remember if I have stolen that from the Presiding Officer or not. I am perplexed, to be honest. I am lost in the fog of these amendments because Deputy Inder, amongst others, has raised a very material point – as has Deputy Meerveld – about the timing of these bonfires, whether it be Monday and Friday or Monday to Friday, because if it is from 7 a.m. to 7 p.m. that is a timeslot that in the wintertime is quite dark, in the summertime will be bright light and everything in between. One wonders – I believe they are exempt; I believe Deputy Graham's Scout fires would be exempt, but I am not too sure about Gunpowder Night. As a good side-line to all of this work, we will one day probably be able to regulate Bonfire Nights and Budloe Nights better, and therefore control fireworks to perhaps a narrow window of a week or something like that, or a licence is required of some kind.

2560 But going back to the main line of this, the problem I would see is your individual or your neighbour – I mean I do not burn garden waste and I certainly do not hang my clothes out on a Monday or Tuesday morning after a washday, (*Laughter*) so I am a bit neutral on this one, which has come back to me – but the problem I see with this is 7 a.m. to 7 p.m. the fire has started and it is presumably extinguished around about 7 p.m. – or is it? Will it continue to smoulder? Do you have to police that? Could it be stoked up overnight with my old newspapers or some other commodity, or garden waste, or Christmas trees apparently qualify as garden waste, until the following day? You could start a fire at 7 a.m. on a Monday and it could continue, presumably, until Friday evening that way. I do not think that is what is intended and it certainly would not help Deputy Lester Queripel and his breathing in the fumes from the Green Lanes.

2575 The other point is that I am not necessarily entirely opposed to the Monday to Friday amendment of Deputy Lester Queripel and Deputy Soulsby, but of course it excludes weekends and both of the Queripel amendments only allow Mondays and Fridays, but there is a catch there were of course because it excludes Good Friday – all right, Good Friday is a very religious day, so we can excuse that perhaps – but what about all the Bank Holiday Mondays? They are not in the picture either. So it is actually not every Monday and Friday, it is quite restrictive.

2585 The Monday to Friday of course runs up against issues that Deputy Meerveld raised, relating to time when people work and appropriate times. What about if you are on shift work? You would never get a chance to light your bonfire, or worse, you could be a very important public sector shift worker dozing at home during a nice spring or summer's day and having a bonfire coming in your face. So it cuts both ways, that.

2590 The problem I have with perhaps the more pragmatic, as people have called it, Graham/Merrett amendment, is it says:

To insert at the end of Proposition 1(f), 'but excluding the proposal in the section 7.4 that weekends should be free from smoke from uncontrolled fires'.

Then the note says:

This amendment would permit bonfires meeting the required criteria (i.e. dry garden waste only) to be burned on any day, rather than just on Mondays to Fridays as otherwise proposed.

But if you turn back to the successful Brehaut/Dorey amendment from Environment & Infrastructure, the new 1(f) says:

to prohibit the uncontrolled burning of non-garden waste in the open air subject to exemptions as proposed in section 7 of the Director's report,

2595 – but that is to do with non-garden waste – the bad stuff – whereas this effectively appears to double back on that, because the amendment will be meeting the required criteria, dry garden waste only to be burned on any day. It is not directly material to the exact specifics of the Proposition; it clearly refers to the more general ideas in section 7(4). Under this amendment, presumably all non-garden waste fires would be banned, but dry garden waste could be burned on any day rather than just on Mondays to Fridays; but is that a time lid? Does it mean all day and
2600 all night? Because there is a disconnect between the amendment and the original Proposition.

So in a way I would quite like Her Majesty's Procurer's advice before we committed to what amounts to the directions and legislation on exactly what outcome the Graham/Merrett amendment would produce and also how you define when a fire begins and ends between the 7 a.m. to 7 p.m. boundaries of the Queripel amendment.

2605

The Procurer: Sir, yes I will try to.

It might be helpful if you refer back to the original Proposition 1(f) as amended, which Deputy Gollop has correctly identified, the only amendment is so that the reference to section 7 in its entirety is in the amended Proposition; and, as correctly identified by Deputy Gollop, Proposition
2610 1(f) prohibits the uncontrolled burning of non-garden waste in the open air, subject to exemptions as proposed in section 7. So that is therefore referring to the whole of section 7.

If we then go to that section 7 and if Members are able to look particularly at section 7.4, within the context of Proposition 1(f) which will prohibit uncontrolled burning of non-garden waste, there is a specific proposal that uncontrolled burning of dry garden waste would be permitted, but that weekends would be free from smoke from uncontrolled fires.
2615

So therefore the effect of Deputy Graham and Deputy Merrett's amendment will be that that weekend restriction in paragraph 7.4 would not be there, would fall away, and therefore that the uncontrolled burning of dry garden waste would be permitted; and Deputy Gollop has correctly identified there are no time restrictions in section 7 and there would therefore be no day
2620 restrictions either if this amendment is carried.

So what that means is that uncontrolled burning of non-garden waste would continue to be prohibited generally, but the dry garden waste would be allowed to be burnt, but there are no time restrictions on that. That is a matter that the Department may wish to comment on in relation to time restrictions, but it is not there in the original Propositions.

2625 But I do understand why Deputy Gollop has raised his perception of a disconnect, because Proposition 1(f) could have said, 'Prohibit the uncontrolled burning of non-garden waste and dry garden waste,' but these are States' Resolutions so they are not legislation and the Resolution clearly shows that the Department is referring to the whole of section 7 and section 7 clearly highlights at 7.4 the proposed restrictions relating to dry garden waste.

2630 So in my view what has been put before the States is very clear, sir: that Proposition 1(f) is saying that there will be restrictions on the uncontrolled burning of non-garden waste regardless – that is going to be prohibited – but what the Department is intending is that dry garden waste would be allowed but not on weekends, and the purpose of Deputy Graham and Deputy Merrett's amendment would be to let that weekend safeguard fall away and that would lead to the result that dry garden waste would be allowed to be burned Monday to Sunday inclusive with no time constrictions.

I hope that is helpful, sir.

The Bailiff: Thank you. Deputy Lester Queripel does not have the right to speak.

2640 **Deputy Lester Queripel:** I just wanted to ask a question, sir, if I may – seeking clarification from HM Comptroller?

2645 **The Bailiff:** Well, there is no provision under the Rules but if it is going to assist the debate, then ...

Deputy Lester Queripel: I think it will, sir.

I just wanted to see if we could have HM Comptroller's view on the wording –

2650 **The Bailiff:** We have the Procureur in court, rather than the Comptroller.

Deputy Lester Queripel: Sorry, HM *Procureur's* view on the wording of my amendment, because there seems to be some confusion about the time limit, the 7 p.m., the burning, but then Deputy Meerveld referred to it the smouldering taking place after 7 p.m. I wondered if –

2655 **The Bailiff:** Yes, I think we have got the point. In fairness, I think Deputy Gollop did ask that point as well, as to what it would mean. So perhaps you could address that, Madam Procureur.

The Procureur: Yes, of course.

2660 My view of the reasoning of Deputy Queripel's amendment, amendment 5, which refers to the Mondays and Fridays between the hours of 7 a.m. and 7 p.m. would be exactly as it says, that uncontrolled burning would be allowed. That therefore means that at 7.01 p.m. technically if something is still burning and within the definition of burning and it has not been put out then that additional restriction would not apply and, depending on the enforcement powers that, if this amendment is passed, are then developed in the legislation, an offence may be committed.

2665 But as with any enforcement powers, whenever policy and legislation are combined there has got to be some sort of common sense approach always in dealing with these. In practicality, it will come down to whether anyone is aware of that, if it is causing a mischief, whether it needs to be investigated; but technically what you have on the face of Deputy Queripel's amendment is a time restriction between 7 a.m. and 7 p.m. which means exactly that: uncontrolled burning between those times and after that it will not be permitted.

I hope that assists.

Deputy Fallaize: Thank you, sir.

2675 Further to that, that is presumably the same except the times would be different under the Committee's own proposal, so in other words at 11.59 p.m. on Friday it would have to stop and then at midnight or one minute past midnight on the Saturday it would have to be out.

2680 So the issue about whether there is some kind of cut-off point between one minute and the next for a fire that is already burning is not specific to Deputy Queripel's amendment, is it? It also applies in respect to the Committee's proposal?

The Procureur: Sir, that is correct in the sense that section 7.4 simply refers to weekends. Obviously if that part of the Proposition is approved, it then forces the Department to develop in conjunction with those drafting legislation exactly how that is to be phrased and how that is to be defined. But effectively, yes, weekends, when they start, would not be included if that is passed.

2690 **Deputy Tooley:** Sir, I have spent more time in recent weeks thinking about bonfires than I ever thought I might. It has not been a full choice. While it is quite apparent that we ought not be burning non-garden waste and items which might cause toxic or noxious gases and products, the question of when people ought to be permitted to burn those items of garden waste which are not harmful, but which might nevertheless create a nuisance is less obvious.

2695 Clearly, in an ideal world this would need no more governance than good neighbourliness. Miss Le Page would lean over the fence to Mrs de Garis, and as she hung out her laundry she would ask if she minded her burning her leaves and hedge clippings tomorrow or the next day. She might even offer to take care of Mrs de Garis's bush trimmings at the same time, *(Laughter)* but we know that it is sadly not always this way. Our mailboxes have been filled with correspondence from those who are concerned that their neighbours might choose to burn garden waste 24/7.

2700 So I ask myself: should we restrict the times or days on which waste can be burnt? If we restrict to 7 a.m. to 7 p.m. Monday to Friday, or 7 a.m. to 7 p.m. Monday and Friday, will this solve the problem? It would certainly mean no smoke at weekends or evenings to make it possible for people to hang their washing and enjoy their gardens with only the smoke and smell of barbecues as a problem. But what would this mean to the average working Guernsey person? Would someone returning from work at 6 p.m. be able to change into gardening garb, light a fire and guarantee it will be out by a 7 p.m.? Even assuming that the weather, wind direction etc. all make this possible, and a suitable one-hour period in which to get rid of their waste, I suspect it would not. The suggested restriction would, it seems to me, unfairly impact on the working person who does not or cannot afford to employ the services of a gardener to burn their waste during office hours. Further, I suspect it would have unintended consequences in leading to the lighting fires which might then be left unattended while the householder heads off to work.

2710 On balance, I came to the conclusion that while we might not be able to rely on good neighbourliness to regulate bonfires from the burning of garden waste, we should not be relying on restricting the times in which such burning can take place either. I will therefore be voting for the Graham and Merrett amendment.

2715 **Several Members:** Hear, hear.

The Bailiff: Yes, Deputy Leadbeater.

2720 **Deputy Leadbeater:** Thank you, sir.

Sir, I would like to speak about amendment 5 that would limit the lighting of bonfires to Mondays and Fridays only. Firstly I would like to say that I fully believe that this, as with other amendments, has been tabled with the greatest of intentions.

2725 Let's go back to the old school notion of Monday being wash day. I had discussions regarding this only yesterday, firstly with my father and later on in the day with the regular Sunday Phone-In contributor, Mr Gordon Young. From their experience, this was an unwritten rule that was applied

alongside common sense, knowledge of the day's weather forecast, and general neighbourliness. For generations it worked well for most.

2730 I know that times have changed, and this type of singular community routine no longer exists. But if we are to limit the lighting of bonfires to Mondays and Fridays only, so that members of our society can enjoy their weekends smoke-free, what about those in our community who have to work weekends and their days off are always on a Monday or a Friday? Why should we discriminate against them?

2735 Also Deputy Leicester Queripel informed us in his speech that if it is raining on a Monday, you cannot hang your washing outside to dry; but if it is raining on a Monday, you also cannot burn dry garden waste. Sir, I would ask Members to ignore amendments 3 and 5, and vote for amendment 4 brought by Deputy Graham and seconded by Deputy Merrett, which for me displays total context.

Thank you.

2740

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

2745 Mr Bailiff, fellow States' Members, as these amendments have been combined, I will first speak against Deputy Lester Queripel's amendments – for clarity, all of them.

Sir, if burning dry garden waste is acceptable, as advised by the Director of Environmental Health and Pollution – indeed, she has proposed the exemption of it – if it is a lawful act, *please*, let the people do it when they want to, *not* when we dictate to them that they can.

2750 Sir, I am confused. Why would a Government state that it trusts its people to act as a good neighbour on a Monday – and therefore you can burn dry garden waste then – but does not trust them to act as a good neighbour on a Sunday – so you cannot by law burn it then?

What is happening to change our people's concept and understanding of being a good neighbour literally overnight? There is no logic or common sense in this.

2755 This is not about air pollution. This is about being a good neighbour. Trying to stop nuisance neighbours by inflicting limitations on us all.

Government should not impose laws to direct and determine human nature. It is not part of Government's role to pass regulations and try and determine the nature of good neighbourliness.

In the self-selecting survey, as referred to in the Director's report – and I quote:

A number thought that common sense should prevail and that people should be good neighbours so their bonfires did not cause nuisance to neighbours.

2760 I agree. But how about that nuisance neighbour? There are specific legislative controls in Guernsey – remedies – relating to nuisances such as these, as acknowledged in 2.10 of the executive summary. Any concerns can be directed to the Environmental Health team, who will investigate any complaints confidentially seven days a week, and of course the Police would also assist.

2765 Sir, remedies are available to *all* through existing law or alternatively by contacting Environment Health, who will also enforce the law. So laws already exist, which are used effectively to punish the offenders. But crucially, they do not restrict the good, law-abiding members of our community.

Additionally, the Director of Environmental Health and Pollution has advised us – section 7.1 of the Report on Uncontrolled Burning – that:

Section 52 of the [Environmental Pollution (Guernsey) Law, 2004] allows, by Ordinance, the prohibition or restriction of "burning on land in the open air of any substance the burning of which is in the opinion of the States liable to cause pollution".

2770 It then states:

The Director has extensive evidence of the burning of black bag waste, kitchen appliances, paint tins, fibre glass boats ...

I agree: this is unacceptable, as it causes significant pollution.

2775 But what percentage of those complaints relate to burning of dry garden waste? The Director of Environmental Health and Pollution advised me that, and I quote: 'Burning garden waste from your own garden will *not* be a significant air pollution issue and so that is why we have proposed the exemption to it.' So the Director of Environmental Health and Pollution does not want to exempt it.

She continues:

Smoke is the portion of material that burns in a release of particles rather than releasing various elements of compounds in a gaseous form.

2780 So this is not about air pollution. The recommendation regarding restricted days of the week is about good neighbourliness. I have every sympathy and empathy for Islanders who suffer from nuisance neighbours – from inconsiderate neighbours lighting bonfires – but let's be very clear here. If this policy paper is agreed by the States today, bonfires of the future will comprise of dry garden waste, produced on the premises where it is burnt.

2785 Environment & Infrastructure are saying yes to this type of bonfire, but we should restrict it to certain days of the week. Why? Even they are saying this is not about air pollution; it is about good neighbours. 'We don't mind you burning it, but you can only burn it when we say so.'

Let us not penalise Islanders by saying 'Yes, you can lawfully burn your dry garden waste; but no, we the States of Deliberation, the people elected by the people, do not trust you to be reasonable or considerate or in general terms a good neighbour. We cannot trust you to burn it at the weekend, but we do trust you to burn it during the week.' It is nonsensical!

2790 So you can on Monday to Friday only – but sir, as other Members have alluded to, the majority of working people work Monday to Friday. So are they meant to get up early to light their bonfires and leave them unattended to go to work? Or pop home in their lunch hours, light it and leave it unattended to go back to work? Or after a hard day's work, forget about coming home and making dinner – out you pop, light the bonfire, because now we have said that is the time that you can; that is the only time that we trust you to be good neighbours.

2795 Sir, people want to enjoy their gardens at the weekends. Agreed. Do people want to enjoy their garden of an evening after work as well? Well, yes! Some could say more so if they have been at work all day. But no, sorry, that is the only time a full-time working person could light their bonfire. So more bonfires condensed into the evenings between Mondays and Fridays – or maybe just Monday and Friday – so people can enjoy their gardens at the weekend.

2800 Could people's enjoyment of their garden be that they rake up their dry leaves, tidy their garden, and then they wish to dispose of their dry garden waste lawfully? Well, it is lawful to burn it Monday to Friday – just not when it may be convenient to you.

2805 You start after work: 'Oh I'd best hope it doesn't rain or drizzle – or what if that wind gets those pesky leaves?' It is farcical!

Please do not support any of the amendments laid by Deputy Queripel, and instead support the majority of Islanders who are good neighbours, who are sensible, who are considerate.

2810 Why should this Assembly support Deputy Graham's amendment? Sir, we live in extraordinary political times in which the role of Government is determining how individuals or indeed their lives ... And it appears, at least to some of us, it is becoming increasingly oppressive and controlling. (**A Member:** Hear, hear.) I believe that Government should be the servant of the people; there to ensure that individuals can lead their lives in ways that they wish, in the spirit of mutual tolerance and understanding.

2815 I am seconding Deputy Graham's amendment because I trust the good sense and decency of the people of Guernsey. I feel strongly that the States should not interfere unnecessarily,

unreasonably and disproportionately in Islanders' lives. I believe the majority of Islanders are intelligent, considerate and reasonable individuals: good neighbours.

We live in a small island community. Many of us know and trust our neighbours and enjoy our Island's sense of fraternity: knowing our neighbours, helping our neighbours, enjoying Island life. Sir, to our south, just over an hour away by ferry, there is another country whose philosophy is based on the concept of liberty, equality, and fraternity. No doubt citizens of France would say the reality of their lives is very far from those noble concepts, but underlying those ideals is that the individual should be free to live their lives as they wish. They should be considerate of each other and they shall be equal under the law. Every time Government tries to interfere in the day-to-day lives of its people they move a step further away from trusting people to conduct and control their own lives in a decent and considerate manner. I believe in a small Government that trusts the individual. I trust the people of Guernsey.

All that time and regulation will do is add to the cost of Government, increase bureaucracy, frustrate the lives of individuals and further alienate the Island community from us, their Government, whose sole responsibility it is to try to make the lives of our fellow Islanders happier, freer and more congenial.

Government should be proportionate in its legislation. To let us get this into perspective, let us be proportionate. There were 303 complaints about bonfires and smoke in the last two years: approximately 150-a-year with a population of approximately 62,000 people. So a tiny minority, just 0.002% are nuisance neighbours. Why are we trying to treat all Islanders as if they are nuisance neighbours? Do we have 61,850 nuisance neighbours? No we do not, and it is an insult to the people of Guernsey to suggest that we do.

If the law needs tightening up to make it more effective, then let's do so. Let's concentrate on the people who are being nuisances and not penalise, by default, all of the other hardworking, considerate and reasonable people of Guernsey – penalise them by letting them burn their dry garden waste only when we say so.

Sir, I have noticed it for many years: the seasons change. I have noticed only having any substantial dry garden waste – being mainly leaves – in the autumn. In my garden everything is growing in spring, in full bloom in the summer, and dormant in the winter. I am led to believe this is quite normal and this pattern can be seen across the Island. Realistically it is in the autumn that many of us may be considering a bonfire.

Sir, I have also noticed over many years that during the year, during these changes in the season, that it gets darker earlier in the autumn, but the clocks go back and it gets darker earlier and earlier, so after work, when the States have deemed that I am now sensible enough to burn my leaves – well, on Monday and Friday – I am at work, so I guess I will have to do it in the dark – gosh, no, that is not sensible either. In the dark!

Deputy Graham's amendment says give Islanders the freedom to do a lawful activity when they see fit. Let's trust the sensible people of Guernsey – the 61,850 of them. Let's trust and respect the vast majority of Guernsey people. Let's ensure the remedies in place for nuisance neighbours are sufficient and let us use existing laws to stop these people, but let's not punch through unnecessary restrictions for the hardworking and sensible people of Guernsey.

Sir, we live in what I think are worrying times, certainly in the geopolitical arena. To others – and I dare say many of our fellow Islanders – our arguments and disagreements are trivial, if not comical – and this debate might fall into that category. Sir, why at this time should we want to add yet another complication and cost to our fellow Islanders' already challenging lives?

Please support this amendment and send out a clear message to the people of Guernsey: 'We trust you. We respect you. We *will* deal with nuisance neighbours and we will not let them dictate to us when we can considerately burn our dry garden waste.' Please support this amendment – the Deputy Graham amendment – and by doing so trust the people of Guernsey.

Thank you.

The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

2870 I am in favour of amendment 3 as the more practical approach to solving the problem which bonfires undoubtedly have become.

The Guernseyman's ancient right to do as he pleased on his own property is sadly no longer appropriate in this crowded Island – and if some have their way soon to become more crowded.

2875 I regret that it is necessary for the law to interfere in individual lives, but it is sometimes needed to control activities when *some* are inconsiderate. (**A Member:** Hear, hear.) It seems to me to be a reasonable compromise between the few who burn their garden waste and the many who wish to use their gardens for recreation at weekends.

2880 Contrary to the assertion that dry garden waste burns rapidly, some bonfires are actually quite large. Just this week we had our hedge cut back and had seven one-tonne bags of clippings taken off site. Some bonfires are used to dispose of large quantities of such waste, and however dry these will produce consequentially large quantities of smoke and fumes.

Wood smoke, however fragrant some may find it, contains a chemical cocktail of aldehydes, methane, benzenes, nitrogen oxide, sulphur dioxide and many, many more chemicals, some malignant.

2885 I would like to see weekends kept smoke-free. Indeed, I would go further and in passing mention that I look forward to any proposal to limit or prevent the use of garden machinery at weekends.

2890 Neighbours with gardens frequently live alongside other properties with gardens whose owners often wish to enjoy them, especially at weekends in good weather or often on summer evenings. Responsible neighbours, and those of us who live next door to bad neighbours, have bad neighbours seven days a week all year. Responsible neighbours will not create a bonfire nuisance but the irresponsible will drive their neighbours indoors with windows shut.

2895 With regard to the 7 a.m. to 7 p.m. restriction, this seems reasonable but as has been pointed out there could be practical problems of damping down the bonfires which would mean that the fires would effectively need to be stopped up to two hours before. Fumes and smells would persist.

I am quite convinced that amendment 3 offers a sensible and practical compromise.

Two Members: Hear, hear.

2900 **The Bailiff:** Deputy Yerby.

2905 **Deputy Yerby:** Sir, further to Deputy Smithies' speech, I felt it might be pertinent just to say that we are not obligated to vote for any of the amendments and in terms of a sensible and reasonable solution, if middle ground was to be found there is one in the policy paper.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, and that follows on from what I am going to say. (*Laughter*)

2910 Mention has been made about good neighbours and about the fact that most people are good neighbours – and yes most people are but of course, as ever, all our laws are about people who are not behaving properly or behaving acceptably. We would not have animal cruelty laws if everybody was kind to animals. It is the very small minority who behave irresponsibly.

2915 She talked about that we had laws about nuisance. It is a bit like dangerous driving: it is far more difficult to prove somebody has been driving dangerously, but when you have a speed limit it is simple to say they have broken that speed limit. I think that there needs to be some sensible middle ground and the proposals from the Committee are the sensible middle ground. (**Several Members:** Hear, hear.)

There is plenty of evidence that there are people who are irresponsible when they light fires in their garden and do not consider their neighbours. There is evidence from the responses in the

2920 survey. I have seen all the detailed responses that people gave – which are not in the report, but the comments they made. We have had the emails we have received and from talking to people.

I would particularly like to highlight what one parishioner told me. This person lives in a densely populated area in Castel. It is not one of their immediate neighbours but they regularly light bonfires at the weekends with no thought of which direction the wind is blowing. This particular parishioner suffers from asthma and normally has to close the windows or stay indoors or go out when the wind in her direction. That is unacceptable, and this is what we are trying to do. The logic behind it is that we want people to be able to enjoy the outdoor space at weekends.

2930 I fully accept that most people are responsible and they only light fires when the wind is blowing away from their neighbours. Any restriction on the day and times that someone can burn their bonfire makes it more difficult for that responsible person to find a day when the wind is blowing in the right direction when they are home and it is dry, but we have to have some restrictions, and that is again trying to find that balance.

2935 Ideally people would compost their green waste so they do not need to burn it. That is the best solution. If they cannot compost it at home, they can take it free of charge to the Chouet Green Waste Site, and the advantage is they can bring free compost home with them as they have a pile there.

A Member: They can burn it there! *(Laughter)*

2940 **Deputy Dorey:** I am aware from the emails that some say that they have too much green waste to transport it. In those cases they can pay for a skip, and the charges for green waste are very reasonable if you use a skip.

2945 We have to find a compromise between those who want to burn garden waste and those who want to enjoy their gardens free of smoke from their neighbours. The proposals in this report are a compromise between those who want no restrictions and those who wanted it restricted to just two days a week and certain hours.

2950 As there are amendments that restrict burning to those few days and there are amendments to allow burning on all days, it highlights that the proposals to allow burning of dry garden waste on five days a week are an acceptable, reasonable compromise. I urge Members to reject all these amendments and support the Committee proposals. I really do not think there is a lot more that can be said; otherwise we are just endlessly repeating the arguments in this Chamber.

Thank you.

The Bailiff: Deputy Brouard.

2955 **Deputy Brouard:** Thank you, sir.

2960 I think that last point of Deputy Dorey sums it up well. I was not going to speak but I started to get annoyed as it was going on. I think Deputy Yerby makes the point very well that there are some very sensible proposals in the policy already, and amendment 3 really reinforces it home – I think that is the Queripel and Soulsby one.

I agree with much of what Deputy Tooley said but probably not on her conclusions, and I think it was Deputy Dorey who said the idea is that you have got the option to compost it or you have got the option to take it to the Green Waste tip.

2965 Picking up on Deputy Merrett's point about neighbours, it is a small minority and of course good neighbours will not be lighting their bonfire on the weekends, will they? That is the question. Unfortunately some do, so despite your thing about liberty and freedom and all of that, those people would not be doing it anyway because those are the good neighbours who will not be lighting the bonfire when you have got your washing out or you have got a party going on, or the kids are playing football, or whatever. Good neighbours, unfortunately, are already there; it is the ones who need that little bit of a help. Unfortunately, over the years I have been a Deputy, 2970 there are a quite a few neighbours who need that help.

On the population matter, France is great to compare us with. Their land mass is 643,801 km². At the moment their population is ... So they are about 102 per km² and we are about 1,000 per km². We are a little bit more tightly packed.

2975 I will give way to Deputy Merrett. If I have got the figure wrong, sorry.

Deputy Merrett: Thank you.

On my relating it to France, it was not about the size of the land mass; it was not about bonfires. It is about the fact that the people of France believe in liberty and the noble concepts behind it, about fraternity, decency and consideration for all equal members of society.

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Deputy Brouard: Thank you.

I agree with most of that. The only difficulty is that we are packed slightly tighter together so we have got to be even more responsible with our neighbours. With freedoms also come responsibilities and those responsibilities are also to become a good neighbour.

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I think the proposals in the report are absolutely excellent and I think to reinforce it home amendment 3 gives that compromise that I think we are looking for, and that is in the usual Guernsey way: the Guernsey compromise.

Thank you, sir.

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Deputy Ferbrache: When I hear the word 'compromise' it makes me groan, because why should you compromise about interfering with people's individual liberty?

I do not really care what the position is in France, and Deputy Brehaut has told me that, in fact, you cannot light a bonfire in France during the summer, so whatever the land mass is it does not matter.

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I do not live in France. I am not French; I am not English; I am not Welsh; I am not Scottish; I am not Northern Irish. I am a Guernseyman. In relation to the Guernseyman, I have got this mental image – and really you get these balloons in your head; a bit like Andy Capp when he used to talk to Flo. Some of you will not remember that, but that was in the *Daily Mirror*.

You get these balloons in your head, and I have now got this balloon in my head: the Bonfire Policeman. He is going to be a bit busy, this Bonfire Policeman, because most of the time he is going to be on his pushbike, waiting along Candie Road – on the pavement, if he does not get run over by a bus, an HGV vehicle, or a car – making sure that people do not go on the pavement. Once he has done that, at one minute past seven, he is going to have to pedal his bike very hard to make sure nobody has got a bonfire going! *(Laughter)*

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In relation to that – apologies to the Scarlet Pimpernel – the image I have got of the Bonfire Policeman is that he will seek them here, he will seek them there, but, by golly, that darned elusive Bonfire Policeman will seek to pursue them everywhere. And that is the trouble: we are talking about an absolute nonsense.

I like my garden just as much as anybody else. I have had one for 40 years. I have seen my wife garden in it for 40 years. I have watched her when I have been sitting in my deckchair reading my book. I even brought her a sit-on lawnmower years ago. She was never grateful. She did not think it was much of a Christmas present, but I thought it helped.

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In relation to all of that, why on earth are we interfering with people's liberty? Why are we telling them what to do? Why are we micromanaging? I have been a lawyer all my life and the thing I hate are the rules, regulations and laws – they are a nonsense most of them! I have made a very good living out of arguing nonsense over the last 40 years. *(Laughter)*

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Deputy Fallaize: He has not stopped in recent months!

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A Member: Hear, hear!

3025 **Deputy Ferbrache:** The quip I missed last time, when Deputy Fallaize made a similar introduction some time ago, when Deputy Trott – who is not here now – said, ‘I thought we had a very good contribution from very little in relation to a comment made by very large.’ I thought, I have been waiting for the opportunity to say that since. I am grateful to Deputy Fallaize for giving that opportunity. Please do it again, so I can make some other comment in the future.

3030 In relation to all of this, this is not a criticism of the report from Environment & Infrastructure or the very competent and well-researched report of Dr Cameron, but it is just a blinking waste of time. We have got laws. We have got the tort of usage. We have got injunctions. I know we are talking about bonfires, etc. but let us talk about noise abuse and noise annoyance and noise pollution.

3035 Let us say we have got – I do not know – somebody who lives in the Green Lanes who can see a third of the Island from his window, and all day he has been reading political tracts and/or writing poetry. It comes towards the end of the day – and he is a musical person – he gets out his guitar, but also he can sing – perhaps melodically, but perhaps too loud and too often. He can sing things because the romantic notion comes into his mind: ‘You are the one for me; everybody tells me so.’ Then it becomes dark, so he sings, ‘Moonlight Becomes You’ – and these are the thoughts that come into his head. But he sings them too often and too loud: you can get an injunction; somebody can come and tell him to behave himself. You do not need laws to implement and protect these things all the time.

3040 When you look at the implications again – and we have actually got to look at the cost of some of these things sometimes. If you look in the policy letter in paragraph 5.1, under the heading ‘Legislation Costs and Resources’ ... I appreciate this is just in relation to bonfires or you can burn your garden waste if it is dry and if it has not got wet and if the fire has got to be out by 7 p.m.

3045 Also, we have questions asked of a QC, Her Majesty’s Procureur, a very experienced and able lawyer: what does it mean when a bonfire is out? Well, if you can only light it between certain times, that means it has got to be out by a certain time. I do not know why that needed a detailed exchange and lots of questions asked, but there we are.

3050 We are the States of Guernsey; we should be talking about Brexit and balancing our books and lots of other things, rather than talking for hours and hours about bonfires. (*Interjections*)

3055 **A Member:** Sealink! Condor! Condor!

Deputy Ferbrache: But we see this:

The Committee understands that the Director has consulted with the Law Officers in developing proposals and approximately ...’

Oh, sorry. I will give way if it is a point of order, correction; otherwise I am not giving way. If it does not fall within that category, I am not giving way. Thank you very much.

3060 I do not want my flow affected, just like poor old Deputy Lester Queripel, otherwise I cannot remember and I will forget what I am saying.

The Committee understands ...

– says paragraph 5.1 of the policy letter

... that the Director has consulted with the Law Officers in developing proposals and approximately three months of legislative drafting time will be required.

Three months of legislative drafting time! I appreciate that is in relation to the whole thing, not just in relation to bonfires.

No additional staff ...

– says paragraph 5.2

... have been employed to deliver the regime required by the 2004 Law and as such an additional member of staff will be required to deliver the service.

3065 Another civil servant! I appreciate probably only 0.1 or 0.05 or 8% of his time will be dealing with bonfires, but certainly his time will be dealing with bonfires.

Then we turn to the Director's report and we look at paragraph 12. Paragraph 12 of her report, under the heading 'Public Consultation' says at paragraph 12.2:

A public consultation was undertaken in April, 2016 using SurveyMonkey. The questions referred to health issues and impacts from air pollutants.

3070 Altogether there were 731 responses. I do not ignore that, albeit you will recall when we had the education debate we were talking about over 2,000 responses and that was not enough; that was not representative, but 731 is representative. Actually, it probably is not too bad. We have got 63,000 people in our Island, not 62,000. Of those, 52,000 or so are of the age of 16 or above. I mention that because it is the voting age. Of those 52,000, 700-odd decided to write in with their responses to the consultation – and that is not meant as a criticism.

3075 When we look at paragraph 12.5 we can see 32% were concerned about health impacts; 25% from bonfires. Therefore, 25% of 731 is, what, about 180 people? One hundred and eighty five people, out of 52,000 people that we consider old enough to vote were concerned about bonfires.

3080 Over the page you have got, at 12.6, a little column: 'Should domestic bonfires be:' There are various of those and the biggest one in favour of it says 'Be allowed unrestricted'. That is about 30%, if I read it correctly. Those who want it permitted on certain days are 18% to 20%. So 18% to 20% of 731 ... Well, 10% would be 73; 73 by 2 is 146; take off a bit for 18% ... We are talking about 140 people. My goodness me, haven't we got a massive problem! Go to the ramparts, dear colleagues of the States, get your water, put out the bonfires! Make sure that the Bonfire Policeman, when he's peddling like whatever from Candie Road off to go and make sure that I
3085 I don't have my bonfire still smouldering after one minute past seven ... This is ridiculous!

Several Members: Hear, hear.

3090 **The Bailiff:** Deputy Lester Queripel will have chance to reply to the debate later.
Deputy Langlois.

Deputy Lester Queripel: Sir, when do I get chance to speak on the amendment?

3095 **The Bailiff:** Oh, sorry, I thought I had said at the outset you can speak on the Deputy Graham amendment when you reply to the remainder of the debate.

Deputy Lester Queripel: I will do, sir, thank you.

3100 **The Bailiff:** So you will get the opportunity.

Deputy Lester Queripel: Thank you, sir.

3105 **The Bailiff:** That is one reason for taking the speeches in that order.
Deputy Langlois.

Deputy Langlois: Thank you, sir.

I just wanted to pick up on something which both Deputies Graham and Merrett promulgated when they made their case that the Propositions are disproportionate and Deputy Ferbrache

3110 alluded to it as well when he talked of nuisance. What they were saying was that there are existing
remedies to deal with the situation where you have a persistent nuisance neighbour burning
garden waste on a regular basis, but there is no *effective* remedy against that. Those of you who
know a bit about the history of environmental health in the Island will know that before the States
came up with the new-fangled idea of employing officers with some kind of expertise on the
3115 subject it was left to the parish constables to deal with this, and even in the Public Health Laws of
the 1930s the constables were still involved.

I remember when I became a parish constable and I delved into these matters the word
'nuisance' occurred over and over again. For instance, a grossly overcrowded house which could
be a public health hazard was described as a nuisance and the constables had the authority to do
3120 something about it. It is also true of smoke from bonfires or from boilers, or whatever. The
description was if it caused a 'nuisance'. I remember thinking, when we got our first phone call
with somebody complaining about a neighbour's bonfire, 'Well, that's perfect, because there is
obviously a nuisance.' But then when we checked it out, the word 'nuisance' in the law has a
different meaning from its usual use. It is not just a mild irritation. To prove nuisance you have to
3125 prove that something is damaging to health and usually over a period of time, and that is not
something which is very easy to do when somebody just lights a bonfire. Obviously, if a factory is
spewing out smoke, toxic fumes or whatever, one actually can use the tort of nuisance or some
statutory legislation to say 'This is causing a nuisance' and therefore do something about it, but in
terms of somebody just lighting a bonfire it is virtually impossible to prove nuisance. In other
3130 words, there are no existing remedies.

So that is one of the things that this power of compromise was attempting to address, as
Deputy Dorey so correctly pointed out. If we say that there will be no bonfires of garden waste at
weekends, then that is clear. One does not have to prove anything. If there is a bonfire lit then,
somebody would be in breach of the law. So there is no question of having to prove a nuisance is
3135 being caused. In other words, it simplifies the existing situation and it is going to make life a lot
simpler. It is not going to be a question of Deputy Ferbrache's bonfire police cycling around on
bicycles. It is going to simplify the whole situation and make life a lot easier and more pleasant for
those people who are affected by nuisance neighbours.

Others might dwell on this, and again Deputy Dorey mentioned it: it is no good saying, as
3140 Deputy Graham did, it is only a tiny minority of the population who are nuisance neighbours. You
could say that about 95% of our legislation is dealing with tiny minorities: tiny minorities burgle
houses, tiny minorities drive dangerously, tiny minorities do not clear up after their dogs. That is
not a justification for dismissing something as being disproportionate.

When the Director of Environmental Health first proposed this policy letter and we were sitting
3145 at the Committee for Environment and Infrastructure, my first thought was 'This is going to be
hugely inconvenient to me and many people I know in the west, for whom bonfires are part of our
lives.' But after a few less selfish minutes I realised that we have got to do something about this
proportionate to this problem and I came to the conclusion that the proposal in the policy letter is
a proportionate response to a minor but important problem faced by quite a few Islanders.

3150 I have got no idea why Deputy Queripel's amendments would make the situation any better.
They seem to be well meaning, but I have got a feeling they are going to be counterproductive, so
I certainly will not be supporting them; and I think Deputy Graham's amendment goes too far the
other way. I think it is a Goldilocks situation, where the proposals in the policy letter are a sensible
reaction to a problem which has been going on in this Island for several decades now.

3155 I urge everybody to reject the three amendments and support the proposal in the policy letter.
Thank you.

The Bailiff: Deputy Oliver.

3160 **Deputy Oliver:** Sir, can I say we guillotine this, please?

The Bailiff: Do you want to guillotine it immediately or do you want to give notice?
(*Interjection by Deputy Oliver*) No, sorry, I am not trying to stop you exercising your right to guillotine, if you wish to; I am just trying –

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Deputy Oliver: Can I just do it immediately, please.

Two Members: Yes.

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The Bailiff: Is that yes?

Deputy Oliver: Well, if Deputy de Sausmarez wants to speak, can we do it after then, please?
(*Laughter*) I have just heard so much about bonfires. I think we can just actually wrap this up and make a decision now.

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The Bailiff: Deputy de Sausmarez, then.

Deputy de Sausmarez: Thank you.

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I just wanted to pick up ... and I am really glad Deputy Langlois picked up on the distinction. 'Nuisance' is being bandied around today and used in the way in which we understand it in common parlance, and it is just not the case.

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Nuisance, as understood in the law, is a totally different thing. A statutory nuisance is actually incredibly difficult to prove, as anyone who has had complaints from parishioners will understand. If you have got a nuisance neighbour who is not the ideal neighbour of Deputy Merrett, in order to prove that that is a statutory nuisance, it is actually an incredibly lengthy, onerous process to go through. You have to get in contact with Environmental Health as set out in law. You have to keep a diary log. The statutory nuisance is defined, as Deputy Langlois says, by prejudice to health, so you have got to prove that this particular fire is making someone ill; it is about the impact on an individual. And then, further to that, it relates to things such as the frequency of the fires, the duration of them, the type of fire and the impact. When Deputy Ferbrache lightly dismisses and Deputy Merrett says no, we have already got legal mechanisms in place, we do not have effective mechanisms in place to deal with what we understand commonly amongst us as nuisance bonfires. So that is one of the issues and I was really grateful to Deputy Oliver for actually just allowing me to get up and make that point, because I think it is really important that people understand there is a difference between nuisance as understood in common parlance and nuisance as understood in the eyes of the law.

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The other issue that I think is getting conflated is the issue of health and nuisance. We have spoken a lot about the social side and I think that is really important. That feeds into the social impact, the quality of life aspect, and it is a really important thing to bear in mind. But at the end of the day I think I just disagree with Deputy Merrett: this *is* about air pollution. This is very explicitly about air pollution. This is an air pollution ordinance. This proposal is all about air pollution.

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To give Deputy Graham the logic he was looking for, the logic is this: if we were being entirely logical about it and completely Dr Spock-like, anyone who was minded to protect human health would ban the burning of dry garden waste as well, but the proposals as set out in the policy letter are the compromise position. It is a compromise and it is a political judgement, because the banning of all bonfires is politically judged and I think most of us would agree would go to the wrong side of the line of what is publicly acceptable. What is publicly acceptable will change over time, and I think it has changed from a few decades ago. I think people no longer think that it is acceptable to burn whatever you like whenever you like. We are seeing public opinion shift and I think that is a very good thing. That is the line of logic.

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I also think it is misleading to somehow say that the burning of dry garden waste is clean. It is *relatively* clean, but at the end of the day smoke is a harmful pollutant. This is all about pollutants

3215 that harm living organisms and harm human health. That is what it is all about, and as Deputy
Prow pointed out, pollutants caused by the burning of dry garden waste are, in fact, problematic
in several ways. The other thing that I was very keen to point out: a lot of people have talked
about the problems it creates with the respiratory system, and that is correct but actually what is
overlooked is there is a huge range of other health problems that are caused by air pollution from
this tiny pollutant, including a lot of cardio problems as well. So it is really not just about
3220 respiratory problems.

I think when we talk about people's rights, we have got on the one hand an argument that
says the Guernseyman has got this inalienable right to burn stuff, and I think there is an element
of argument in that. I think I am not comfortable with the idea that we should go around telling
people that they cannot burn things, but we have got to put this in perspective. It has got to be
3225 about yes, on the one hand people do have a right to burn stuff, but on the other hand people
also have a right to breathe air that is not going to make them ill. (**Several Members:** Hear, hear.)
To me, that is the big picture that keeps getting lost in this great furore about we must protect
the right of a Guernseyman to burn! It is not like there are no alternatives either. It is not like it is
something that you have to do – like the need to urinate or something. It is avoidable. There are
3230 other options. (*Laughter*)

I think we do need to put it back into perspective and I think it is really unfair to trivialise the
impact that bonfires have on people's lives. I think many other people before me have explained
very well the issue of neighbourliness. And of course, yes, in an ideal world this would never
happen, but obviously in an ideal world we would never have grievous bodily harm or murder or
3235 anything like that. I think this is not heavy-handed regulation; this is regulation that simply takes a
measured and balanced approach. It stipulates the lines of acceptability and it also provides for a
course when people are not subscribing to the rules of good neighbourliness.

Those are really the points that I wanted to pick up. I do think it is important that we defend
the quality of life for people and I think Deputy Lester Queripel and Deputy Prow made some very
3240 good arguments about health. Personally, I think the compromise position is where the policy
paper is at the moment and I am between there and the Queripel-Soulsby amendment; I think
those present very good compromises. I do think it is time that we move away from the slightly
dinosaur version of the Guernseyman's right to burn that we have had thus far and start paying
respect to all Islanders and their right to breathe unpolluted air at least sometimes.

3245 Thank you.

The Bailiff: Deputy Oliver, do you now wish to vote Rule 26(1)?

Deputy Oliver: Yes, please.

3250 **The Bailiff:** Under that Rule, anybody who is entitled to speak and who has not yet spoken but
would intend to do so if debate were to continue is now to stand in their place. Does anybody
who has not spoken wish to do so? Deputy ... you will get the right to anyway. Deputy Trott,
Deputy Dudley-Owen and Deputy Green.

3255 Having seen that, do you still wish me to put it to the vote, Deputy Oliver?

Deputy Oliver: Yes, please. (*Laughter*)

The Bailiff: Right. In that case I put to the vote that debate on amendments 3, 4 and 5 shall be
3260 closed. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I am going to say that has to go to a recorded vote. I think it is lost, but it was
close.

The Senior Deputy Greffier: In this session, sir, the voting begins with the district of Le Valle.

3265 **Deputy Oliver:** Sir, sorry, if it is that close then we can just continue. I do not mind.

The Bailiff: Well, I think it has now been put to the vote, so we need to continue.

There was a recorded vote.

Not carried – Pour 20, Contre 16, Ne vote pas 0, Absent 4

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Inder	Deputy Fallaize:	None	Alderney Rep. Jean
Deputy Lowe	Deputy Laurie Queripel		Alderney Rep. McKinley
Deputy Smithies	Deputy Graham		Deputy Tindall
Deputy Hansmann Rouxel	Deputy Green		Deputy Parkinson
Deputy Paint	Deputy Brouard		
Deputy Dorey	Deputy Langlois		
Deputy Le Tocq	Deputy de Sausmarez		
Deputy Dudley-Owen	Deputy Roffey		
Deputy Yerby	Deputy Prow		
Deputy De Lisle	Deputy Ferbrache		
Deputy Soulsby	Deputy Brehaut		
Deputy Oliver	Deputy Tooley		
Deputy Kuttelwascher	Deputy Gollop		
Deputy Le Clerc	Deputy Lester Queripel		
Deputy Leadbeater	Deputy Le Pelley		
Deputy Mooney	Deputy Merrett		
Deputy Trott			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			

3270 **The Bailiff:** Well, Members, the voting on the motion to close debate under Rule 26(1) was 19 [*sic*] in favour, with 16 against, so I declare that carried. Therefore, we go into the sequence of speeches that will precede the voting. So it will be Deputy Brehaut who will speak next and then Deputy Queripel and Deputy Graham, and then we go to the vote.

Deputy Brehaut.

3275 **Deputy Brehaut:** Thank you very much, sir.

I was quite taken, if I can put it that way, with the speeches from Deputy Merrett and Deputy Ferbrache, because I sensed that from *égalité*, *fraternité* and whatever the other one is ... (*Laughter*) *liberté* – liberty, I feel, is a fairly crucial element – immediately we went to the guillotine, (*Laughter*) which amused me; the irony being, of all things, the French do not allow an *incendie* during the summer anyway.

3280 The issue of let people live their lives without political hindrance because that is what they expect of us, leave them alone, get Government out of your face, that that is the position to take ... When you go into schools and speak to schoolchildren, as I do occasionally, and you say to them, 'Does politics touch your life in any way?' I would say universally most of the children say, 3285 'No, politics doesn't come into my life.' Then you say to them, 'Do you own a moped?' 'Yes, we do.' 'At what age can you ride a moped? It has to be insured. It has to be taxed. You cannot have bald tyres. There are insurance obligations on you.' So politics touches people's lives in ways that they never imagine. People are encapsulated with politics and with legislation. It wraps around society, like it or not.

3290 To argue that this significant piece of legislation which governs air pollution should be dismissed simply because Government should not look to be overburdening the community, to

me, does not make sense because we have a duty of care to people where the burning of waste is a problem for them.

3295 Some people own houses where they would be blissfully unaware if the rest of the parish was on fire; they would be in blissful ignorance. However, a large number live in a densely populated community, live in close proximity where constant perpetual burning is a problem and needs to be managed.

3300 That said, the Committee for the Environment and Infrastructure are not the Stasi; we are democrats. We were seeking compromise and we believe the compromise is contained within this report with the proposals that people can burn from Monday to Friday at whatever time but not burn at the weekend, which seems to be, I think, a solid compromise position. I would be very uncomfortable with the notion that ... I do not want to oppose too strongly, because I sense that people have a fair degree of conviction on things like this, but I think it would be an imposition on the rest of the community to allow burning seven days a week.

3305 The education programme ... and all of these comments are generic observations as to the implications and all the amendments. You can compost your garden waste if you so wish. I am a Guernseyman; I like a bonfire. Deputy Graham said, 'At the end of a week, when a Guernseyman gets home and he is exhausted what does he do?' If you want to reinvigorate him, tell him he can light a bonfire. *(Laughter)* He would be on his feet within two minutes, because that seems to be the culture that we have grown up in. I am sure if it had been Guernseyman who was first at the South Pole, the moment he got there he would have lit a bonfire; it is just what we do. But in this now densely populated community it is inappropriate and all of the community need to show a degree of responsibility on this.

3310 Deputy de Sausmarez is quite right to point out to me this relative nuisance and relative noise around the issue of burning garden waste. If it is dry, clean garden waste it is less of a problem than other types of materials. That is not to say it is not a problem and she was right to make that distinction.

3320 I cannot support the Prow amendment and would advise you not to. The idea that you then have two days of intense burning where there is not burning during the week and whatever times or restricted hours, but you can within a very short timeframe have an entitlement to light a bonfire I think is something that would not work particularly well. I just want to stress again the duty of care we have in parishioners, and I think that led to balance contained within the proposals that are in front of you.

3325 Just with regard to the comments made by Deputy Ferbrache again with the employee, the person, the individual, the graduate referred to in this report is a graduate officer employed as a waste regulator to regulate those activities, not in relation to air pollution.

3330 I get a sense that there is growing support in this Assembly for the Graham-Merrett amendment. I would just caution Members against doing that, because to have a situation whereby there is provision for people to burn when they like and burn large volumes of garden waste on occasions is simply unsocial. I would ask Members to consider again the proposals by E&I that allow burning throughout the week but have a degree of discipline and control with the weekend. Thank you.

3335 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

3340 In response to those who say we are in danger of overregulating – we have heard reference to that in the debate on several occasions – if that is the case, then I would expect to see them lay several requêtes in the not-too-distant future and seek to dispense with a lot of the regulation we have in place. If they do not, then they are surely walking the path of contradiction. For example, I would expect to see them lay a requête that seeks to reverse a decision made by a previous States to now allow smoking in public buildings, parks, restaurants, hospitals etc. I am sure that would please Deputy Roffey and the rest of the commission, but that is the sort of contradiction we are

3345 dealing with here. If they are going to say things like that in debate just for effect, they have to be prepared to follow that through.

Some colleagues during the debate seemed to have forgotten the meaning of the word 'environment'. A dictionary definition of the word 'environment' is as follows:

Conditions influencing development and growth.

A dictionary definition of the word 'develop' is as follows:

To bring to a more advanced or more highly organised state.

3350 Surely, sir, that means to improve the environment in which we live. I would remind colleagues we are talking about the environment of our own people here.

3355 Some colleagues in debate more than inferred that everyone has a right to light a bonfire. Well, that is complete and utter nonsense. There is no right. There is no human right to light a bonfire, so that view is built on sand and it should be disregarded. However, one can argue on the other hand that Article 3 and Article 8 of the Human Rights Law do offer protection to innocent parties, as Article 3 states:

No one shall be subject to inhumane or degrading treatment.

And Article 8 clearly states:

Everyone has a right to respect for his private and family life and his home.

3360 **Deputy Ferbrache:** Sir, a point of law, and I am sure the learned Procureur would confirm: am I not right in saying that the Human Rights Act applies to acts and interference by the state, not by individuals?

The Bailiff: Madam Procureur.

3365 **The Procureur:** That is correct on the face of it. There have been circumstances where the jurisprudence has extended to individuals; but largely it is for the state, that is absolutely correct, sir.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

3370 Surely everyone who says they have got a right to light a bonfire whenever they want to ... It rather smacks of desperation to me – kind of clambering around clutching at straws. They find a foundation for a totally nonsensical and illogical argument. It concerns me greatly that some of my colleagues in debate seem to prefer to find fault with the amendments rather than consider the benefits that they would provide if they succeed.

3375 I have two columns in front of me: one column which contains the names of the colleagues who really want to be proactive and pursue a can-do type of approach; and a column which contains the names of colleagues who prefer to adopt on this particular issue a cannot-do approach. It saddens me to see that there are more in the latter than in the former.

3380 In response, sir, I am not going to address every single thing colleagues have said in debate, but there are some things I do want to say.

3385 First of all, I applaud colleagues who have adopted a can-do approach and want to be proactive. That is the kind of approach our community needs. Supporting either of my amendments will result in a win-win situation for everybody concerned. Islanders will still be allowed to light bonfires, and supporting the Queripel/Prow amendment will result in a guarantee that Islanders will be free of smoke from bonfires for five clear days – and certainly clear nights.

Supporting the Queripel/Soulsby amendment will result in a guarantee that Islanders will be free of smoke from bonfires for two clear days and seven clear nights. I would remind colleagues that in the Propositions there only two clear days and two clear nights provided.

3390 Sir, in debate reference was made to 'Islanders *needing* to burn'. If either of my amendments succeeds they can still burn, but surely what they should really be doing is putting garden waste in a compost heap or taking it to the green recycling area at Mont Cuet. Reference was made to policing regulations: well, a simple call to the police station or the Office of Environmental Health & Pollution is the answer to that.

3395 Reference was made to logistics and practicalities: well, as Deputy Roffey once said in this Chamber: 'Where there is a will, there is way'. Reference was made to amendments going too far: in response to that I say, how can you possibly go too far when the health of Islanders is at stake?

3400 Reference was made to washing day being traditionally on a Monday: well, sir, colleagues who focused on that could not have been listening to my speech – the current situation being that anyone who puts washing out on a Monday takes a gamble and has done so for decades. Under the Propositions, anyone who puts washing out on a Monday would still be taking a gamble. And bearing in mind that the majority of people in Guernsey do not like change, nothing will change for people who prefer to do their washing on a Monday. They have always taken a gamble therefore we will allow them to continue taking a gamble.

3405 One has to be pragmatic about these things, sir. Anyway, colleagues who focused on that issue cannot be that concerned about it, because surely they would have laid an amendment to change it to Tuesday, if they were. So that deals with that red herring.

Deputy Leadbeater: Point of correction, sir.

3410 I think I referenced Monday as being a wash day, and a few other Deputies did, that was relating to historical events and that sort of thing which was current. So I do not believe that many people still regard Mondays today as a wash day.

Deputy Lester Queripel: Thank you for that, Deputy Leadbeater, that strengthens the argument for supporting my amendments.

3415 Sir, as we all know, smoke from bonfires is a pollutant and because it is a pollutant it is harmful to health. I think I need to repeat that, sir: smoke from bonfires is a pollutant and it is harmful to health. Seeing as we know that it is harmful to health surely we should be doing more to offer protection to Islanders from the harmful effects of it? That is exactly why Deputy Soulsby, Deputy Prow and I feel we need to offer Islanders times of respite and there will be seven nights of respite provided if either of the amendments succeed.

3420 I will conclude my response by saying this: I feel as though I am fighting some of my colleagues here in my quest to improve the quality of the air that Islanders breathe. That concerns me greatly. It has not been made clear to me by any of my colleagues *why* it is considered to be so wrong to try to improve the quality of the air that Islanders breathe. I guess it has not been made clear to me because there is no justifiable argument against it.

Surely the real issue is: do we want to improve the quality of the air Islanders breathe or don't we?

3430 I will end with a plea to my colleagues, please do not try to find problems or fault with either of these amendments. Both of these amendments offer solutions to problems, some of those problems being the physical cost to Islanders and the financial cost to the taxpayer. Please vote for one of my amendments.

In closing, sir, I ask that we have a recorded vote when we go to the vote. Thank you, sir.

The Bailiff: Thank you.

3435 Just before I call Deputy Graham, I need to correct what I announced as the voting on the Guillotine motion: I announced 19 votes in favour, but in fact there were 20 votes in favour, so the voting was 20-16 rather than 19-16. I apologise for that error.

Deputy Graham.

3440 **Deputy Graham:** Sir, I will be brief. I will go through some of the points raised from the floor.

I thank those Deputies, who I think were classed as dinosaurs somewhere along the road, who indicated they might support Amendment 4. Deputy Meerveld highlighted the fact that there is a potential issue about when a bonfire is lit and when it expires. I suppose inadvertently the beauty of my seven-day-a-week thing is that there is no question of when a bonfire is lit or is out. But that is an advantage for it which I was not seeking to claim.

3445 Along the way Deputy Gollop made the very good point, and I am glad he did, that really in a way we are almost talking about the wrong issue here. He wanted to bring us back to the main issue which is the report and the legislation that is going to follow from it, the merits of it, and inasmuch as burning bonfires is an issue, he made the point that I made earlier, the distinction that *he* draws between the damage inflicted by dark smoke bonfires and those inflicted by light smoke bonfires. Later there was a discussion as to whether that disparity is quite as it is shown in the report, but certainly I make the point that the proposed legislation itself seems to acknowledge that there is a distinction.

3450 I am grateful to Deputy Smithies for his advice to me about the perils of inhaling woodsmoke, it has come a bit late in the day but I am, in the circumstances, rather grateful to be alive! *(Laughter)*.

I am also grateful for Deputy Dorey's advice as to what I can do with my gorse. I have got some gorse cuttings in my garden waiting, I hope, to be burnt and of course gorse is the traditional fire-burning material in Guernsey and when it is dry it burns very well. I have to tell him that the heap I have got is bigger than a saloon car, so if I am going to take it down to the far end of Chouet I had better go and get a tow bar for my car, I had better buy a pretty big trailer and could I invite him to come and help me load it every time I drive it down to the dump? Thank you for that.

3460 Deputy Shane Langlois argued the fact that the proposed legislation is not disproportionate – I suppose proportionality is in the mind of the beholders. But I gathered the fact that I might be on the right track when he felt the need to introduce the image of burglars needing to be deterred by legislation. I do not think he intended to equate those who burn white smoke bonfires as burglars, but I would still stick to the point that really for the law to invade the areas of social behaviour, social responsibility and good neighbourliness, it really needs logic and evidence on its side. My point is, I think nothing that I have heard this afternoon really convinces me that logic or that evidence has been provided.

3470 Deputy de Sausmarez makes the point – and rather makes it more strongly than her Committee and also the Director – that white smoke is in fact a poison, or I think she called it a serious health hazard. I do not know what the evidence for that is, I have not heard it, but certainly if it is true I then go back to the point, why then allow it from Monday to Friday? She talks about – I will give way.

The Bailiff: Deputy de Sausmarez.

3480 **Deputy de Sausmarez:** Thank you, sir. Thank you to Deputy Graham for giving way.

Just to clarify – because he did question where the source was – there are numerous sources, but the source I was referring to was the World Health Organization which is actually advice. I too, talk, obviously, regularly with the Department for Environmental Health and it was they in fact who directed me to the World Health Organization's report which cites smoke from the burning of biomass, such as dry garden waste, as a pollutant harmful to human health.

Thanks.

Deputy Graham: I am grateful for that because I found it all the more extraordinary that the Committee for Environment & Infrastructure would think of compromising public health to the

3490 extent that – in the spirit of a compromise – it is prepared to allow the burning of harmful substances from Monday to Friday. Even expressing that surprise, I have to say where is the logic that that should be suspended over the weekend? It has not been made for me.

Look, I think we have had enough of this particular issue this afternoon. (**A Member:** Hear, hear.) I am not going to pretend that in any way the proposed legislation, if it is nodded through
3495 this afternoon, is going to be a disaster. I just think it could be so much better. I think it should so much better reflect the extent to which the law should encroach on individual lives and to that extent I have argued an amendment against it. If, along the way, we have managed to defeat some of the more extreme amendments in terms of narrowing it down to Monday and just Friday, then I am grateful.

3500 I suspect whatever we do today – and I suspect anything that we do over the next four years – we know that we are going to, somewhere along the line, be called the worst States ever. I think we can live with that. But what I would hate at the end of four years is for somebody to say, 'That was the most *meddlesome* States ever'.

3505 **Three Members:** Hear, hear.

Deputy Trott: I have got a point of order, sir.

The Bailiff: Yes, Deputy Trott.

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

I would like to ask HM Procureur a question about the legal definition of 'dry waste'. When is dry garden waste actually dry?

3515 If one starts a bonfire on a nice dry day and it starts to rain, is the garden waste that is getting wet, no longer dry garden waste and therefore responsible for rendering the bonfire outside of the law?

Thank you, sir.

The Bailiff: H. M. Procureur.

3520 **The Procureur:** Sir, I think essentially that will simply be a matter of fact to be determined on the day as per the relevant evidence. Clearly, if the resolution is passed before the States today as put forward by the Department, there needs to be further drafting liaison with Policy colleagues and the legislators. But essentially, in my view, it is very much likely to be a matter of fact: if it is dry, it is dry, and if it is wet, it is wet.

3525 Thank you, sir. (*Laughter*)

The Bailiff: Well, Members, we go to the voting and we vote first on amendment 5 which is:

To insert at the end of Proposition 1 f): [the words]

'and subject to the additional restriction that permitted uncontrolled burning of dry garden waste would only be allowed on Mondays and Fridays (excluding public holidays) between the hours of 7am and 7pm'.

We vote on amendment 5 and there is a request for a recorded vote.

3530 Amendment 5, proposed by Deputy Lester Queripel, for those who have forgotten, and seconded by Deputy Prow.

There was a recorded vote.

Not carried – Pour 2, Contre 33, Ne vote pas 0, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Prow	Deputy Fallaize	None	Alderney Rep. Jean
Deputy Lester Queripel	Deputy Inder		Alderney Rep. McKinley
	Deputy Lowe		Deputy Tindall
	Deputy Laurie Queripel		Deputy Parkinson
	Deputy Smithies		Deputy St Pier
	Deputy Hansmann Rouxel		
	Deputy Graham		
	Deputy Green		
	Deputy Paint		
	Deputy Dorey		
	Deputy Le Tocq		
	Deputy Brouard		
	Deputy Dudley-Owen		
	Deputy Yerby		
	Deputy De Lisle		
	Deputy Langlois		
	Deputy Soulsby		
	Deputy de Sausmarez		
	Deputy Roffey		
	Deputy Oliver		
	Deputy Ferbrache		
	Deputy Kuttelwascher		
	Deputy Brehaut		
	Deputy Tooley		
	Deputy Gollop		
	Deputy Le Clerc		
	Deputy Leadbeater		
	Deputy Mooney		
	Deputy Trott		
	Deputy Le Pelley		
	Deputy Merrett		
	Deputy Stephens		
	Deputy Meerveld		

Deputy Lester Queripel: I think it lost, Rob. *(Laughter)*

3535 **A Member:** Too close to call!

The Bailiff: Well, Members, the result of the voting on amendment 5, proposed by Deputy Lester Queripel and seconded by Deputy Prow was 2 votes in favour, with 33 against. I declare it lost.

3540 We move now to amendment 3, proposed by Deputy Lester Queripel and seconded by Deputy Soulsby:

To insert at the end of Proposition 1f): [the words]

'and subject to the additional restriction that permitted uncontrolled burning of dry garden waste would only be allowed Monday to Friday (excluding public holidays) between the hours of 7am and 7pm'.

There was a recorded vote.

Not carried – Pour 8, Contre 27, Ne vote pas 0, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Fallaize	Deputy Inder	None	Alderney Rep. Jean
Deputy Laurie Queripel	Deputy Lowe		Alderney Rep. McKinley
Deputy Smithies	Deputy Hansmann Rouxel		Deputy Tindall
Deputy Brouard	Deputy Graham		Deputy Parkinson
Deputy Soulsby	Deputy Green		Deputy St Pier

Deputy de Sausmarez	Deputy Paint
Deputy Prow	Deputy Dorey
Deputy Lester Queripel	Deputy Le Tocq
	Deputy Dudley-Owen
	Deputy Yerby
	Deputy De Lisle
	Deputy Langlois
	Deputy Roffey
	Deputy Oliver
	Deputy Ferbrache
	Deputy Kuttelwascher
	Deputy Brehaut
	Deputy Tooley
	Deputy Gollop
	Deputy Le Clerc
	Deputy Leadbeater
	Deputy Mooney
	Deputy Trott
	Deputy Le Pelley
	Deputy Merrett
	Deputy Stephens
	Deputy Meerveld

The Bailiff: Well, Members, the voting on amendment 3, proposed by Deputy Lester Queripel and seconded by Deputy Soulsby, was 8 votes in favour, with 27 against. I declare amendment 3 lost.

3545 We move now to amendment 4, proposed by Deputy Graham and seconded by Deputy Merrett, which is:

To insert at the end of Proposition 1f): [the words]
 'but excluding the proposal in section 7.4 that weekends should be free from smoke from uncontrolled fires'.

Greffier.

There was a recorded vote.

Carried – Pour 20, Contre 15, Ne vote pas 0, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Inder	Deputy Fallaize	None	Alderney Rep. Jean
Deputy Lowe	Deputy Laurie Queripel		Alderney Rep. McKinley
Deputy Graham	Deputy Smithies		Deputy Tindall
Deputy Green	Deputy Hansmann Rouxel		Deputy Parkinson
Deputy Paint	Deputy Dorey		Deputy St Pier
Deputy Le Tocq	Deputy Brouard		
Deputy Dudley-Owen	Deputy De Lisle		
Deputy Yerby	Deputy Langlois		
Deputy Oliver	Deputy Soulsby		
Deputy Ferbrache	Deputy de Sausmarez		
Deputy Kuttelwascher	Deputy Roffey		
Deputy Tooley	Deputy Prow		
Deputy Gollop	Deputy Brehaut		
Deputy Leadbeater	Deputy Lester Queripel		
Deputy Mooney	Deputy Le Clerc		
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy Stephens			
Deputy Meerveld			

The Bailiff: Well, Members, the voting on Amendment 4, proposed by Deputy Graham and seconded by Deputy Merrett was 20 votes in favour and, with 15 against, I declare it carried.

3550 We move now to general debate. Does anybody wish to speak in general debate?
Deputy de Lisle.

Deputy de Lisle: Sir, just a few comments. I am pleased to see this policy letter coming in at last. This is all about getting the framework legislation in place, and that is commendable in itself,
3555 which can be built on.

Guernsey has been left behind on air pollution improvements and this area has needed more immediate prioritisation by Government. In 2009 I brought up the hazards to public health from the fine dust particles emanating from the power station and the hospital incinerator, affecting the air all over Guernsey, and in fact maps were drawn out showing the impact of both on the
3560 Island community overall.

Discussion in the policy letter is muted by the reluctance of officials to wag fingers at large State-owned enterprises, or Government itself, for their roles in fermenting the toxic brew. Statistical information relating to greenhouse gas emissions show that, in Guernsey, power generation contributed the largest proportion of greenhouse gases, sulphur, nitrogen, oxides and fine particles, contributing about 25% in 2014. Waste contributed the second largest proportion of
3565 emissions, in 2014, 24%; and transport was the third largest contributor, with 22% in 2014. The contribution of hot spots such as the PEH incinerator and the crematorium at the Foulon, are not mentioned in the policy letter. Tackling air pollution is a key responsibility of Government, by tightening standards to reduce harmful sulphur, nitrogen and particles in the air.

The public needs to make a fuss about inaction. The level in air of PM_{2.5}'s and PM₁'s, the smallest measured particles which are most harmful for health, are not even measured in Guernsey. The larger particles are likely to be most benign, being large enough to trap in our noses and throats and by filters in industrial plants. The much smaller PM_{2.5} particles are particularly dangerous because they can penetrate deep inside the lungs and into the blood
3570 stream. Long-term exposure is linked to higher levels of fatal heart and lung disease. PM_{2.5}'s contribute to cancer and kill by triggering heart attacks and strokes.

Overall, the burden of particulates air pollution in the UK is estimated at 29,000 deaths each year. Short-term exposure can cause irritation and trigger asthma attacks, as evident last week in UK cities. In fact there is an article in the *Times* today indicating that there has been a revision in
3575 the number of deaths through poor air, and the *Times* is making it 49,000 today.

Health studies have shown there is a significant association between exposure to fine particles and premature mortality – something that we are very concerned about here in the Health Department. Pollutants in the air we breathe have been classed as a leading environmental cause of cancer by the World Health Organisation. The World Health Organisation said the classification
3585 should act as a strong message to governments to take action.

The fact that PM_{2.5}'s are not monitored locally and cannot be quantified as a result, means particulates are a particular risk here. The filtration equipment of the PEH incinerator and also the power station absorb most of the PM₁₀'s – and those are the ones that are measured at the current time – but only half of the PM_{2.5}'s and only 10% of the PM₁'s. Hence over half of the fine
3590 particles that harm people are getting emitted to the air and escaping from those particular facilities. That is a contributory cause of illnesses and deaths on this Island.

Levels of nitrogen dioxide and sulphur dioxide also need to be addressed as a priority. People have complained to me about the yellow sulphurous haze around the Bridge at times. Currently there is no requirement to monitor stack top power generation or downwind incinerator PM_{2.5}
3595 levels. There has to be emphasis that on future monitoring and equipment to monitor PM_{2.5}'s particles is a key consideration. We have to dispose of the current TEOM monitors and the PM₁₀ heads on the new Beta monitors, and have two Beta monitors for recording PM_{2.5}'s and PM₁'s, to be strategically placed downwind of the PEH incinerator and the power station.

3600 Budget challenges have led to a reduction in sampling locations to two. Equipment and financial investment is necessary to ensure proper local air monitoring facilities and equipment on Island. That is an expenditure that we should be promoting. Levels of nitrogen-dioxide and sulphur-dioxide need to be addressed as a priority, and while the Report says that lead is not a problem in the Island, I believe that the lead must be monitored, especially downwind from the crematorium at the Foulon. That is a risk to health.

3605 One point that I would like to conclude on is that I want to be sure, with respect to Proposition 1(c), which ... I would like to be assured that a licence will be required for the PEH and Guernsey Electricity Ltd, and that they will not be subject to exemptions. That is Proposition 1(c) and I think it is important that perhaps some confirmation is given that the director will not be exempting those two facilities.

3610 Thank you, sir.

The Bailiff: Does anyone else wish to speak in general debate? No. In that case, Deputy Brehaut will reply.

3615 **Deputy Brehaut:** Thank you very much, sir.

I thank Deputy De Lisle for his questions on this issue, and actually I would say that Deputy De Lisle has been consistent with regard to environmental health issues. Whether it has been emissions from chimneys, whether it is has been PFOS, he has had his skills finely honed and tuned with regard to issues relating to public health generally.

3620 We are agreeing the framework today. This looks like it is going to be approved by the States. In the policy letter it says three months' drafting. I suppose it is fair to say three months' drafting from the time that process begins, and it would be interesting to see what prioritisation process is in place to ensure that this is drafted in good time.

3625 The PEH surely is already regulated, the incinerator, under the 2010 Ordinance, so it is covered and it is viewed as a licensed facility. This States Report in front of us today ensures that the Guernsey Electricity chimney, along with the Foulon crematorium – and by the way, I live downwind of the Foulon crematorium, so I have to declare something of an interest in that, other than immediate family – will be regulated, and rightly so.

3630 Deputy de Lisle makes a very good point about pollution in cities and towns generally. Because people have, quite obviously, issues with fossil fuels, they have moved to wood burners, and the volume now of wood burners – for example, in inner London and other areas – means that people are burning more wood and they are also burning more treated wood, so there are arsenic and other chemicals now in inner cities that were not there when people possibly burnt more gas and oil.

3635 We are looking to buy equipment to measure and monitor PM_{2.5}'s, and I do totally agree with Deputy de Lisle – these are a risk to human health, particularly PM₁'s, which of course do sit on the lung, but in purchasing equipment for PM_{2.5}'s, which we can do, we were advised that there is no absolutely reliable equipment on the market just at the moment for the PM₁'s. Something is around the corner, and as soon as it is available then it is something that the Director for Environmental Health Pollution Regulation would look to acquire, sir.

3640 Thank you.

The Bailiff: Members, we will vote then on the Propositions –

3645 **Deputy Brehaut:** Sir, can we take 1(f) separately, please?

3650 **The Bailiff:** Yes, we will vote separately on 1(f). I was going to say we will vote on the Propositions, and – I remind Members that they are the amended Propositions adopted as a result of the success of amendment 1 – there will be a separate vote on 1(f), which has itself been amended as a result of the Deputy Graham and Deputy Merrett amendment.

Are there any requests for any separate votes on any of the other sub-paragraphs of the Proposition? No. What I suggest we do then is we will take 1(f) first – I remind Members it is the amended 1(f) – and we will vote on that first. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

3655

We now vote on all the other Propositions together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

**IV. Committee for Home Affairs –
Housing (Control of Occupation) (Guernsey) Law, 1994 –
Variation to the Housing Register –
Amended Propositions carried**

Article IV.

The States are asked to decide:

Whether, after consideration of 'Housing (Control of Occupation) (Guernsey) Law, 1994, Variation to the Housing Register' dated 12 December 2016, they are of the opinion:

2. To agree to permit the inscription in Part A of the Housing Register eight apartments, on the former Guernsey Brewery site, subject to a total of eight Part A dwellings located elsewhere in the Island first being deleted from Part A of the Housing Register at the request of the owner of each of those dwellings, and provided each of the eight dwellings is either unoccupied or occupied by an unrestricted qualified resident at the time of its deletion from the Housing Register;

3. To note that the inscription may be made either by the Committee for Home Affairs on application being made to it under section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, or by the Committee for the Environment & Infrastructure on application being made to it under section 3 of the Open Market Housing Register (Guernsey) Law, 2016, depending on which Law is in force at the time the application is made;

4. To note that if the Housing (Control of Occupation) (Guernsey) Law, 1994, is in force at the relevant time, the Committee for Home Affairs may make the inscription only if so permitted by Ordinance of the States made under section 52(1) of that Law; and consequently

5. To direct the preparation of any necessary legislation.

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

The Senior Deputy Greffier: Article IV – Committee for Home Affairs, Housing (Control of Occupation) (Guernsey) Law, 1994, Variation to the Housing Register.

3660

The Bailiff: The debate will be opened by the President, Deputy Lowe.
Deputy Ferbrache.

3665

Deputy Ferbrache: Can I declare an interest. I will not be speaking, other than what I am saying now, and I will not be voting, because although I have no direct or indirect beneficial interest, or my family, I am professionally a director of the company which ultimately owns the property.

Thank you.

3670 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

3675 There is very little to add to the words set out in the Billet in respect of this Item. The Committee for Home Affairs is recommending that the States agree to inscribe in part A of the Housing Register eight units of accommodation in the residential development at the site of the former Guernsey Brewery at Havelet Bay. You will see that the request first within the criteria of an existing States policy and a number of similar requests made under the same policy agreed in recent years when put forward by the former Housing Department.

3680 There will be no overall increase in the number of Open Market dwellings as a result of this request, as eight dwellings will have to be removed from the Open Market to compensate for the new ones.

Members will see that, due to minor typographical errors, it has been necessary to amend the Propositions, but those changes are in no way material to the recommendations being made.

3685 Finally, sir, because of the intended law change in April this year, the Propositions have been drafted so as to ensure that, if they are agreed, eight dwellings on this site can be added to the Open Market Housing Register regardless of whether the Housing Control Law or the Open Market Housing Register Law happens to be in force at the time.

This straightforward policy letter will see much needed benefits, both short and long term, that a development such as this one can bring to the Island's economy.

3690 I would now like to place the amendment, please, on the typographical errors.

The Bailiff: Yes, Deputy Lowe.

Amendment:

1. To insert in the preamble to the Propositions the words 'the policy letter entitled' between the words 'consideration of' and 'Housing'.

2. To renumber Propositions 2, 3, 4 and 5 as Propositions 1, 2, 3 and 4 respectively.

3. To insert the word 'of' between the words "Register" and 'eight' in Proposition 1.

Deputy Lowe: I apologise for having to place this amendment, sir. It is being seconded by my Vice-President, Deputy Graham.

3695

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

Deputy Graham: I do, sir, yes.

3700 **The Bailiff:** Any debate on the amendment? Deputy Merrett.

Deputy Merrett: Thank you, sir.

I need to declare an interest because Lovell Ozanne Architects, of which Andrew Merrett is a director, are employed on this project in the capacity as architects.

3705 I feel I should add that whereas Lovell Ozanne Architects' services are engaged, Andrew Merrett is not directly involved on this project.

Thank you, sir.

The Bailiff: Thank you.

3710 Is anyone else wishing to debate the amendment or declare an interest?

A Member: Well ... no.

The Bailiff: No. Let's go to the vote on the amendment and get that out of the way, then we can have general debate on the amended Proposition.

3715 So we vote on the amendment proposed by Deputy Lowe, seconded by Deputy Graham. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare the amendment carried and we now go into general debate.
Deputy Dorey.

3720

Deputy Dorey: Thank you, Mr Bailiff.

3725 In July 2000, the States debated allowing Open Market units if others were deleted on the Savoy site. That was to pump prime the development, but the message the States gave to the Housing Authority at that time was that they needed to come back with a proper policy. So, in February 2001 the Housing Authority returned to the Assembly with a policy and the policy referred to deletion of existing Open Market dwellings and building new ones with various restrictions and it would apply to Mixed Use Redevelopment Area (MURA) sites and to other strategic issues.

3730 It is interesting that that report specifically defined ... It says that it should only apply to important or prestigious sites where the inclusion of Open Market dwellings is seen as essential for strategic reasons. I refer to this report with that in mind: is it essential for strategic reasons? The justification in this Report for allowing these Open Market dwellings, because it refers to ... that they will be Lifetime Homes Standards accommodation. I do not think that is classified as essential; you would expect new developments that want to be attractive to buyers to have that anyway.

3735 It goes on to say that it 'will be attractive to retirees looking to downsize'. Of course, there is no check on that, that that can be fulfilled.

It goes on to say:

a significant number of employees to be engaged over the life-span of the building project ...

3740 Again, I do not think they have proved that it is essential for strategic reasons, and therefore I cannot support this. I think the original policy was essentially for MURA development, because at that time we had these MURA sites that were not being developed.

3745 The outcome of this policy is that we build new, good-quality houses but they are not built for local people. Some of them are built for Open Market people, and the worst of the Open Market accommodation, which is obviously the ones which they delete, are then put on to the Local Market. I do not think that sends the right message to our population, that we build new for the Open Market and we say to them, 'You can live in the worst of the Open Market accommodation.' Therefore, I urge the Assembly, as I have done previously when we debated this, to reject this.

3750 The other point I wish to make in relation to it is that it is interesting that we approved this policy for the Royal Hotel site and only recently they came back to the Assembly saying that they wanted to reduce the size of the Open Market accommodation because they were not selling. So this policy has not been successful in terms of marketing them; and if you want to market large Open Market properties which would appeal to high net worth individuals, it has not been the case because they have had to actually reduce the size of the Open Market accommodation on the Royal Hotel site.

3755 So, once again I urge the Assembly to reject this policy, which is long out of date, which was only brought in for specific reasons for a specific site and is being used way beyond its sell-by date.

Thank you.

3760 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I do not have, I think, a material or political interest in that sense, but I have an interest in the lay sense of the word because I lived on the site for six years in the 1990s, long before the house over the brewery was sold on, and it was an interesting place to be. In those days there was all sorts of talk about a marina being created in Havelet Bay and so on. It was almost a kind of bohemian area and quite working-man-ish, because obviously one was over the chugalug of a brewery that was brewing, and the smell from those hops ... well, bonfires weren't in it!

The point is that Deputy Dorey, of course, has not only made very interesting and historic points but more to the point he has confirmed my view of which way we would go on this, because of course we were close members of Housing together back in the last decade.

I note that Home Affairs are putting this across and Environment and Infrastructure, who have lead responsibility for housing policy, are neutral really on this matter as a board.

Perhaps the Report does not go into that much detail – it is short and to the point, like Deputy Lowe's speech – and Deputy Dorey has raised an intriguing issue about the level of evidence one might ideally need to make a decision about the essentiality, the extraordinary circumstances and so on that he makes.

I think clearly the idea of eight is pushing the boundaries of the policy, because the policy was designed with one or two or three or four in mind, and this is a significant development.

I would also point out, though, that the site, long before my time on the political side of planning, has been inexistence. Indeed, a year or two ago, for a brief period, it was defaced with a picture of me, that I had nothing to do with, so it has been a little bit of a bomb site in more ways than one and clearly needs kick starting.

We heard from Deputy Ferbrache earlier about the success – and indeed Deputy Merrett and the team themselves – of Locate Guernsey, and it is in the business of attracting successful people and successful businesses to the Island and is already turning a profit, in a manner of speaking.

It is wrong to assume that people who move to the Open Market flats or penthouses, or any Open Market property, are necessarily non-local, because of course one of the flaws, I might argue, in the current population regime and its predecessor is you could have been a resident of the Island of many years' standing and not necessarily have the right to live in Local Market accommodation. There have been Guernsey people from generations of Guernsey people who, for complicated reasons, find themselves on the Open Market – and there are all those issues. And indeed it is possible, perhaps probable, that some people currently living in larger Open Market bungalows or houses or halls will perhaps look at downsizing, if that is the right word, to one of these new flats.

Because it is clearly an extension of the thinking on where we stand with the Open Market, I think we do need perhaps a development of the policy there – and I can see two members of Economic Development are, on this specific site, perhaps conflicted, but I think it is very much in Economic Development's interest to perhaps look again at the population policies and promote the Open Market. Actually, if we did have a small incremental rise in the right kind of high-quality Open Marketplace, that could be of economic and social entrepreneurial benefit to the Island. At the same time – and I have discussed this before – it is a well-known truism that some people who have lived on the Open Market, if they find their properties delisted and their tenants ... they might have accommodation difficulties, and that would add to our local population housing requirements.

So it is a complicated issue and I think really we need to do more justice to this kind of question than deal with it in such a perfunctory way. But I will, for the moment, support this policy letter and Report as a reasonable move to make, because I think changing economic times and changing political times mean that we are perhaps now in a situation where we have to be a little bit more generous towards supporting construction on the Open Market on appropriate sites.

The Bailiff: Deputy Yerby.

Deputy Yerby: Sir, I knew we could count on Deputy Dorey and Deputy Gollop for informative input in this debate and I am particularly grateful to Deputy Dorey for framing it in a way that I had not thought about, and I suspect that at last I will be voting with him.

I have one question for Deputy Lowe in her summing up, which is basically around what the effect on the value of a house is of removing it from part A of the Housing Register. If there is a drop in value to the owner, would that anticipate that there will be eight houses found whose owners will consent to their removal? Because if that is not the case, then this is at best a paper exercise, so regardless of what Deputy Dorey and Deputy Gollop have said, there may be no point in voting for it.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I am reluctant to vote against, because this really is about economic development or economic impetus, and at the moment, of all times, we can hardly afford to be complacent about the need for economic stimulus.

But the point that Deputy Dorey makes I think is right, in that this ... I have looked back at some of the previous proposals under this policy and I think this proposal takes it into new territory. This is not an extension of the existing policy; this is a reinterpretation of a policy. The strategic issues ... Well, they purport to be strategic issues but they are not. There clearly is no strategic case in favour of the one-for-one exchange that is being set out. Paragraph 3.5 makes it quite clear:

The Policy places no requirement on a developer in respect of the type/size/location of the Open Market dwellings to be deleted so as to free-up inscriptions for any new site ...

So, I think if the States vote for this today it is going to be very difficult in the future to resist, so long as this policy remains in place, any appeal from any developer to allow for properties to be inscribed on the Open Market so long as this condition is met that there is a one-for-one exchange. Maybe that is where the States want to go, but that is not really meant to be the purpose of the underlying policy. This policy was never meant to be an invitation to developers to apply for permission to inscribe new properties, which would be granted almost in every respect so long as they could identify or make a guarantee that there would be a property returned to the Local Market.

So the economic case for the proposal is quite strong but the policy under which the Committee has brought this proposal to the States, to me, appears to be dead. It is in very serious need of revision and, as I said, I do not see how it is going to be possible, if this is accepted, to resist the attempt of any developer in any set of circumstances to inscribe new properties on to the Open Market.

I understand that there is likely to be some transfer of responsibility from Home Affairs to the Committee for the Environment and Infrastructure, but if I am going to vote in favour of this Proposition I think I want a commitment from the President of both of those Committees that with some speed they will commit to a review of this policy and to bringing proposals to the States to revise the policy – and the reason I say from both Committees is because I do not know exactly when the transfer of responsibility will take place and I am not sure the Committees themselves do. I think what I am saying is I will vote in favour of it, but I think this policy needs revision pretty urgently and I think the Committee should undertake to do that this afternoon.

The Bailiff: Deputy De Lisle.

Deputy De Lisle: Sir, this site has been a blot on the landscape, the cityscape, for quite some time and I think most people are pleased to see the economic activity on that site at the current time and the employment that it is giving to local people in the construction industry. So, from

that point of view I think it is a very favourable development at a time when of course this Island needs everything that it can get in terms of economic stimulus and employment.

3865 I would like to ask one question, because I noted that at the end of the policy letter there was a letter – in fact, a reservation letter – from the Committee of Environment and Infrastructure:

The Committee ... did not consider it to be in possession of sufficient information to form a firm view on the merits or otherwise of the Open Market Register changes in respect of this specific development.

And the Committee intended at that time, which was back in October 2016:

to review the policy; such a review would include careful assessment of the mechanism for effecting changes and deletions to the Open Market register.

I wanted to ask where that was at the current time – to the President of Environment and Infrastructure; and also what aspects of the policy are at issue or were at issue and are needed for review and change in the eyes of that Committee past or at the current time.

3870 Thank you, sir.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

3875 I have to admit when this first came to the Committee I was as sceptical as Deputy Dorey. We looked at the eight properties that are proposed to be removed from the register and to be replaced by the eight new ones, and those eight properties were either rental properties that were empty because the rents are too expensive, or they were rundown properties where the people who owned them could not afford to refurbish them or rebuild them. I was quite comforted by
3880 that, because I could see that the people who were buying these houses would actually do something to them, so these eight properties that have been removed from the inscription to become Local Market properties are going to be rented out or refurbished and sold or rented out again in the private sector.

3885 Also, just to mention that Deputy Dorey said that lifetime living specification is not essential, but bearing in mind our ageing demographic, I think it is essential that we have properties with wider doorways and smooth transitions to enable wheelchairs to get through easily.

Thank you.

The Bailiff: Deputy Inder.

3890

Deputy Inder: Thank you for what Deputy Mark Leadbeater just said, because I was just going to ask, fairly simply ... I am not entirely sure what the risk is for the market here. We have got eight brand new Open Market houses on what is a signature site, and the confidence that shows in what is ... certainly I think it can only be described as a flat economy at the moment. And then we
3895 are going to replace eight and we are going to deregister eight Open Market flats and turn them into effectively Local Market. As Deputy Leadbeater touched on there, they are fairly largish Open Market houses, and once you pitch them into the Local Market and you start subdividing them into four Local Market houses ... I am not entirely sure the risk is here. All I can see is benefit, unless I am missing something.

3900

The Bailiff: Deputy Graham.

Deputy Graham: I am very conscious of the concerns that are being expressed, and in fact some of the concerns are being expressed outside the Assembly, not least in my own house's
3905 kitchen by my Guernsey wife.

When this came in front of the Committee, Deputy Leadbeater is absolutely correct, we had a close look at the gain in terms of the Local Market of those delisted properties, and it did seem to

3910 make sense. We looked very carefully at the proportionality of this. It is true that the policy allows
for a maximum of a third or eight, whichever is the fewest, and in this case eight was the key
figure. It does mean that 26 local properties would be built and that eight Open Market properties
would be built, and when I turned my own inexpert mind to it and tried to assess whether there
was any sort of knock-on trickle-down effect likely on the local housing market, I could not really
3915 see any. In other words I was saying to myself, 'Look, if we restricted the Open Market listings here
to four or even to zero, would the gain of an extra four or eight properties on the Local Market,
given the prestigious part of the site that they are going to be on, materially affect in a trickle-
down way the cost of housing further down the Local Market?' I came to my own inexpert
conclusion that it would not, or if it did it would be almost undetectable.

I cannot actually commit on behalf of the Committee – and I do not know what the
Committee's President will say about this to Deputy Fallaize's concern about a precedent and how
3920 long lives this policy, but he certainly alerted us to a fact which I think we did actually take into
account at the Committee meeting.

I would urge the Assembly to regard this as a proportionate allocation of Open Market
dwellings on an extremely prestigious site and a site which is going to yield, if the Assembly
consents, 26 additional Local Market units, which I think most of us would agree would fill a site
3925 that is long overdue having something done to it.

The Bailiff: Deputy Oliver.

3930 **Deputy Oliver:** Sir, following on from Deputy Graham, when we were looking at it we looked
at what he has been saying: will it have a big impact on the Local Market? But for me, I also
thought that, looking at it from the other side of the view, if there were not the eight Open
Market houses that are going to be granted, would the development still go ahead? With
everything, with the standing costs of houses, it looked like the development could potentially not
continue because it would not be feasible any more.

3935

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

I know the hour is late and we have all had our fingers burnt with the bonfire debate, but I just
3940 wanted to perhaps follow on from what Deputy Dorey was saying. To answer Deputy de Lisle's
question, I believe there will be a transfer under the general housing policy – E&I will be
responsible for this element, I think in April. But if you wind the clock back, and just bearing in
mind what Deputy Dorey was saying earlier, if you go to the north esplanade when there was no
development happening, it was fairly barren, fairly stark, a hotchpotch of development, when it
3945 was classed as a MURA – is that Mixed Use Residential Area or I cannot remember if that is what
MURA stands for? – but it was felt that there was a significant risk to the developer. So what could
you do in those days to comfort the developer in underpinning – again, no pun intended – in
securing their considerable investment in the property? So it was felt that with re-inscriptions – in
other words, deleting properties from the Open Market and re-inscribing them on a MURA site –
3950 that was the appropriate thing to do.

Tacked onto the bottom of the MURA policy was a line that said 'other strategic reasons'.
Other strategic reasons at that time were not a consideration because the predominant
consideration was that this was a MURA and we had a policy for MURAs.

3955 Later, the Royal Hotel came on stream – there needs to be a development there. They had
revisited the MURA policy and with the scale and size of that project it was felt that the Mixed Use
Residential Area policy worked. Thereon in, I think the policy has been eroded. I do not think the
MURA policy exists or is interpreted in the way that it should have been, because now this
element of what we see as strategic reasons, the rather vague strategic reasons are ... and by the
way I am not a Luddite when it comes to development; I really do understand the need for

3960 development and for developers to secure work and employment and pay taxes, but the question is: what was the net gain in allowing that strategic reason to be interpreted in this way? Because what developers are saying now to the former Housing Department, now the Home Department, is 'This development may not work for us unless we have this element of Open Market.'

3965 We need to ask the fundamental question: what is the Open Market about? What do we think it is about and what do we think it is trying to achieve? So we say that we want ... and there was a gentleman on the television the other evening who had moved his company to Guernsey and a great success story in itself ... but you have to ask yourself are these the type of people who want to live in an apartment with underground parking on locations without gardens, in a flat or a pad somewhere on Guernsey, or do we want the sort of people who want to live in a farmhouse with
3970 land? Do we know the type of person we are trying to attract and why they are coming to Guernsey? Because to me it seems wrong to be underpinning the risk to developers with a strategy that is eroding and actually delivering more Open Market houses when there are Open Market properties now still for sale. If you drive up St Julian's Avenue you will see Open Market apartments for sale. So do we really understand the dynamic of the Open Market? Do we really
3975 understand what it needs to do and why are we – because I know the argument is that it does not have a net gain, but why are we – adding these new elements into the market?

I am sorry, I did not see the Deputy. I beg your pardon.

Deputy Oliver: Sir, surely everyone is different and some people will want a farmhouse and some people will want a flat. (**A Member:** That's true.) You cannot really pin one person down to wanting the same thing.

Deputy Brehaut: Quite right, but we are building a type of product now. What I am saying – and I am sorry if I was not too clear – we are losing predominantly houses –
3985 Deputy Kuttelwascher would rather I sat down but –

Deputy Kuttelwascher: No, I was waving at Deputy de Lisle! (*Laughter*)

Deputy Brehaut: And he wasn't even stood up! (*Laughter*)
3990 The issue is that we are building a type of product. We are deleting –
I will give way to Deputy Merrett, then I will need to make some headway because I am almost finished.

Deputy Merrett: Thank you.
3995 We are not developing; the builders and construction industry are developing. And surely they are the people who know what the market needs. They are the people who are investing the money in our economy. They will build what they think they can sell.
Thank you.

4000 **Deputy Brehaut:** That is right, but that is enabled through the policies of this Assembly and I am saying that this policy, in my view, is past its sell-by date, because other things happen. We are deleting – (*Interjection*) I will not talk about a specific case, I am talking about historically. We have deleted family homes and delivered flats. Is that really what you want?

4005 Also, of course, management companies buy the Open Market property in the first place to delete it, to refurbish it and put it on at a value which is also a considerable value. All I am saying is – and I know that the direction of the wind is generally against me – we need to understand where we are going with Open Market housing policy and what I think is clear is that we actually do not know where we are going yet with the Open Market housing policy; and the strategic reasons, I am afraid, on balance probably do not stack up.

4010 Thank you.

A Member: Hear, hear.

4015 **The Bailiff:** I see no-one else rising. Deputy Lowe will reply. Sorry, Deputy Mooney has stood up. Sorry, I missed him earlier but he has stood up.
Deputy Mooney.

4020 **Deputy Mooney:** Yes, as a member of the Economic Development Committee and a construction industry representative, I am very much in favour of this because this would create eight sites further down the line – eight individual sites – that will create local employment, so I am very supportive of this.
Thank you.

4025 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

4030 There have been concerns expressed about the strategic reasons, but it does fit with the States' policy that the States actually agreed. It is not a Home Affairs policy, it is the States' policy. Interestingly enough, the two or three Members who have raised concerns about it were actually in the States last term and the term before. This goes back to 2001 and yet there has never been a review requested by them or a requête by them to try to get changed, which this is the place to get it changed. It is not at Home Affairs and it will not even be at Environment & Infrastructure Committee; it is for this States to change an existing policy. (**A Member:** Hear, hear.)

4035 The date that will be transferred across to Deputy Brehaut's Committee at Environment & Infrastructure is 3rd April; that is when the new Population Management Law comes into place and then it will be across to Deputy Brehaut and whether he wants to carry out a review or not at that time; but we at Home Affairs will not be actually taking out a review before 3rd April – we just do not have the time available, or indeed the resources, and it is only right and proper actually. If it is going across to another Committee they are the ones who actually carry out the work because they may wish it to go in a different direction to perhaps the political members on Home Affairs may wish it to go in and there will be consultation needed on that. So I will leave that to the Environment & Infrastructure.

4040 I do not think there is anything else that I can actually add. It has been said by my Vice-President very clearly that there are a large majority of Local Market places that will be available. The Open Market are in the minority and what we need to keep sight of is none of the risk is on the States, all the risk is on the developer; because if the risk was on the States I would not actually be supporting this. It is the developer's risk that he has to take and he has already de-registered some of those properties. He has deregistered it in that risk in the full knowledge the States actually could throw that out. That is the risk he has actually taken. That is their commercial decision to have done that.

4050 But I do ask Members to support this Report before you today and help our economy with having the development go forward as soon as possible.
Thank you.

4055 **The Bailiff:** Members, we vote then on the Propositions. I remind you they are the amended Propositions as a result of the amendment proposed by Deputy Lowe, seconded by Deputy Graham. There are four Propositions. I put all four to you together, as no one requests otherwise, so I put all four Propositions. Those in favour; those against.

Members voted Pour.

4060 **The Bailiff:** I declare them carried.

Schedule for Future States' Business approved

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 15th February 2017 and subsequent States' Meetings, they are of opinion to approve the Schedule.

The Greffier: The Schedule for Future States' Business.

The Bailiff: Finally, I call on the Vice-President of the Policy & Resources Committee, Deputy Trott.

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Deputy Trott: Sir, I so move.

The Bailiff: Deputy Gollop.

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Deputy Gollop: Yes, I have a query.

I am still not entirely *au fait* with this procedure, but we have scheduled for two weeks' time important debates on the Register of Ownership and Waste and various Statutory Instruments and elections.

4075

You may have heard the, in a way, unfortunate news that our friend and colleague, Deputy Smithies, has offered his resignation from the Developmental Planning Authority and certainly from my perspective – I cannot speak for everyone on the Committee ... well, I can speak that we very much welcomed the input that he made over the last year, but we would like to have an election as soon as possible for his successor and whether, sir, as Presiding Officer, that could occur for the 15th February meeting, I am not sure, or whether we would have to wait until March?

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The Bailiff: I thought that we had issued a Billet on that. The Greffier is present.

4085

Deputy Gollop: Oh, we have already?

The Bailiff: I may be wrong. I am just asking Her Majesty's Greffier if he can clarify whether we have issued the Billet. I thought we had done.

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Deputy Gollop: But it is not listed on this.

The Bailiff: Ah, well I certainly approved the text of it. Maybe it has not been released. And I thought –

4095

Deputy Gollop: That is very good news. Not that ...

Deputy Fallaize: I think we have had it. I have read it on the States' website and I do not think I would have if it had not been published. I think it has been issued.

4100

The Bailiff: I think we published it for the next States' meeting. I think there is liaison with you or with somebody on behalf of your Authority.

Deputy Gollop: But it is not listed here.

The Bailiff: So that may be just an omission in this Schedule.

4105 **The Greffier:** It is covered under Elections.

The Bailiff: It is covered under Elections, it is just not itemised. It will be covered under the Elections but it is simply not itemised. But I am pretty sure it has been issued and I think my recollection is it was issued for 15th February.

4110 Deputy Trott, do you wish to reply to that? No.

We vote then on the Schedule for Future States' Business. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

That concludes the business for this States' meeting. Thank you very much, Members. We will see you in a fortnight.

The Assembly adjourned at 5.11 p.m.