



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 7th June 2017

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Present:

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

Law Officers

R. M. Titterington, Q.C. (H.M. Comptroller)

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,
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

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

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);
Deputy G. A. St Pier, (*absent 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

CONVOCATION

The Senior Deputy Greffier: Billet d'État XI of 2017. To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 7th June 2017 at 9.30 a.m. to consider the Items listed in this Billet d'État which have been submitted for debate.

STATEMENTS

Committee for Economic Development – Inter-island passenger ferry service – Statement by the President

5 **The Bailiff:** Members of the States of Deliberation, good morning to you all. We will open with a Statement from the President of the Committee for Economic Development on an inter-island passenger ferry service.

10 **Deputy Ferbrache:** Thank you very much for the opportunity to make a Statement, sir; I am much obliged.

Sir, I am aware that some States' Members have questions regarding the recent discussions over an inter-island passenger service and some have asked whether the Committee for Economic Development will be going out to open tender, inviting bids from ferry operators on the feasibility of a frequent ferry link to Jersey.

15 Contrary to what might be understood by some States' Members, the Committee for Economic Development has not at any point gone out to tender for an inter-island ferry service and I would take the opportunity to clarify what has been discussed with Condor Ferries and the States of Guernsey regarding this particular issue.

20 As part of the ongoing work on ferry links, the Committee is continuing to work with both Condor and other operators on ways to provide an enhanced passenger-only service between Guernsey and Jersey. Condor recently put forward a proposal for an inter-island day trip service that would operate on a trial basis until the end of October this year. The trial would have used

two 41-seat boats with tickets available on a day return basis. For reasons I will explain, the Committee was unable to provide the financial support to enable the trial to take place.

25 The States of Guernsey and the States of Jersey were initially asked by Condor to *each* – and I emphasise that phrase – provide a guarantee to cover losses up to £250,000 to enable the pilot to take place over the summer and autumn. So, interposing with the written statement, that means they were asked to guarantee or underwrite up to £500,000. In order to break even, this service would have needed to have a utilisation rate above 90% over the entire trial period, including the
30 autumn months. As such, it seemed inevitable that the service would need to be effectively subsidised, although the amount of public money that would be required clearly depended upon the level of utilisation of the service.

 The Committee voted by a four to one majority in favour of supporting this service, but it did not have sufficient funds to ensure that any such subsidy or underwriting could be covered
35 without significantly impacting our work and support across the economy. The decision was taken in order to provide a trial of the service, although the Committee was of the opinion that the service should really have been provided by Condor Ferries as part of their service to the Island.

 Late in the day the Committee learnt that Condor, by way of a text from Mr Luxon to me, might have been willing to operate this service with a reduced level of contribution of £125,000
40 from each Island. This was an informal offer. The Committee was in favour of this service by the same majority but still did not have the funds within its budget to support the service. In order to consider if wider funds would be available to support the service, the Committee approached Policy and Resources to see what funds could be made available. Following a reasoned discussion – and again I emphasise that phrase – between the Committees, P&R concluded
45 against this approach. As a result, the Committee informed Condor and the States of Jersey that it could not support the proposed service. The understanding of the Committee, formed through discussion with P&R, was that the proposed service did not meet the requirements of the future Guernsey Economic Fund. The justification of the service was part economic, a subject to which I will return, and part social welfare – that is providing a service that Guernsey citizens have
50 expressed a desire for.

 Following this decision, the Committee asked Condor to support this service without public funding, a request the company refused. The States of Jersey were willing to support the service in the manner I have described. Condor initially sought to work with them to provide a service focused on the needs of Jersey consumers; but, despite positive public statements that this would
55 happen, the service did not proceed and will not proceed.

 The Committee has subsequently agreed publicly with our Jersey counterparts that it will work together with all interested parties to introduce an inter-island service for 2018.

 I should also point out that there are currently absolutely no restrictions in place for the operation of passenger-only services between Guernsey and Jersey, thus potentially all competent
60 ferry operators would be free to operate on this route if they considered it to be commercially viable and provided, of course, they met the statutory marine and harbour regulations. Therefore there is no need to seek open tenders for an inter-island passenger-only service. However, services including or involving roll-on roll-off ferries to Jersey are currently governed by the memorandum of understanding that Guernsey has in place with Condor and, more importantly,
65 the Jersey operating agreement. Although Guernsey has not yet signed a similar operating agreement to Jersey, the fact that Jersey has one in place effectively regulates access to Jersey harbours for ferries operating a roll-on roll-off service.

 As part of its assessment of the proposals, the Committee carried out an economic analysis of the cost benefits of a regular ferry link to Jersey and economic benefits are identified in two areas:
70 firstly, the additional Government revenue from harbour duties; and secondly, the economic impact of money spent by day trip visitors, whether they are resident visitors from Jersey, business visitors or whatever.

 Harbour dues are charged for each arriving and departing passenger. The amount realised is clearly contingent on the utilisation of the service, which it is difficult to forecast with any

reasonable degree of accuracy. However, in order to illustrate the order of magnitude of such fees, I will use the example of there being, say, 12,500 passenger arrivals in Guernsey from Jersey using the service, and assume that passengers departing to Jersey match that number. We have also based it on the assumption that 75% would be adults and 25% children. The fees then that would be due to Guernsey Harbours would be in the order of £70,000. Clearly there would be additional costs incurred by Guernsey Harbours in servicing the additional traffic, and the overall benefit to the Island would need to be adjusted to reflect that. Whilst we have been unable to ascertain this figure, for simplicity we have assumed this reduces the value to, say, £50,000.

Estimating the economic impact of visitors to the Island requires additional assumptions about visitors' expenditure in the Island. If we assume that day trip passengers spend, say, an average £50 a day, then the total expenditure would be in the order of £600,000 based on the example I have just given. However, this is not the overall impact, and to calculate this two further important assumptions are needed.

Firstly, how much of the value of this initial sale relates to imports and therefore flows directly out of Guernsey? We are, as we know, a very open economy which imports many of the types of goods which tourists would buy. The proportion of the value of sales in Guernsey – that is the economic impact – will include profits, taxes, remuneration and the use of Guernsey materials. That will, of course, vary considerably depending on the nature of the goods, and little, if any, evidence is currently available. This may be very low on, say, a can of drink, but would be higher in a restaurant that uses Guernsey produce.

Secondly, the subsequent economic activity which is triggered by the amount of expenditure which remains in Guernsey. That is commonly called the multiplier effect. There are no authoritative estimates of this for Guernsey but estimates for other small islands have varied between 1.2 and 1.5. Given that estimates for the UK are in the order of 1.6, it seems an estimate nearer the bottom of this range would be more appropriate.

Based on these additional issues and given the very limited amount of economic analysis of either of these issues relating to Guernsey, the Committee estimated that the overall economic impact of the sales from the tourists to the Guernsey economy would be in the region of £150,000.

Taking these effects together and using my assumptions, the total economic impact on Guernsey of the service could have been in the order of £200,000. That economic impact would fall between different stakeholders: Government revenue through harbour fees and taxation, businesses through profit on sales, and employees through remuneration. Thus you can see there is considerable doubt over the likely level of the economic impact that would have been generated from the proposed service. As such, the Committee based its majority decision to support the funding on a mixture of economic case and social welfare provided to Guernsey citizens from the service. In discussions with P&R it was this mixed rationale which was presented.

As no ferry service to Alderney of a similar nature has been proposed, the Committee has not conducted any analysis of the likely impacts of any such service and would not have the information upon which to do so.

The proposal for the summer inter-island summer service was seen as a means of testing appetite for inter-island day travel. However, the use of two small vessels and the crewing requirements involved made it an expensive option that would have required, in reality, some degree of financial support from the Guernsey and Jersey governments.

Unfortunately – and I am sorry for this – the boat has now sailed on this particular trial, given the availability of vessels and the time needed to prepare for operation of the service and the number of summer months left to deliver a good return. The Committee, following discussions with both the States of Jersey and Condor, have concluded the service cannot operate this year. However, the Committee continues to have regular dialogue with both Condor and the States of Jersey on ways of improving inter-island ferry connections between our Islands. The Comprehensive Service Review published by Condor in November 2016 highlighted that there was currently a service gap between the strategic needs of the Islands in regard to inter-island

ferry services. Thus we will be working with Condor, and indeed any other ferry operator prepared to offer a passenger-only service as an alternative way of closing this gap. This will include looking at areas such as enhanced scheduling to enable more day trip opportunities.

130 Sir, again I am grateful to you for allowing me to make this Statement.

The Bailiff: We may now have questions arising from the Statement.
Deputy Parkinson.

135 **Deputy Parkinson:** Yes, sir. Would Deputy Ferbrache agree with me that the economic analysis would be more complete if he had taken into account the expenditure of Guernsey residents on trips to Jersey, which is expenditure diverted off the Island and away from our economy?

140 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Absolutely, sir, I agree.

The Bailiff: Deputy Soulsby.

145 **Deputy Soulsby:** I would like to know from the person ... when they did their economic analysis did they consider competition with the airlines?

150 **Deputy Ferbrache:** Again, a very fair question. Yes, we did. Hopefully it is clear from the Statement that the economic analysis was rough and ready. It could not give more details because there were assumptions made, and if any one of those assumptions were wrong, and any of them could have been, then it would have made the conclusion that I have given – and it is a conclusion with a small 'I' – somewhat different.

155 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Sir, what I was wondering is: you mentioned the memorandum that Guernsey currently has not signed. Are there any plans to sign that, or are we going to not sign it?

160 **The Bailiff:** Questions should be through the Chair rather than directly.
Deputy Ferbrache.

Deputy Ferbrache: I am quite happy to answer it, sir, if I may answer it.

165 **The Bailiff:** Yes, absolutely.

Deputy Ferbrache: The answer is certainly not at the moment and I would be very doubtful if it is in the foreseeable future.

170 **The Bailiff:** Deputy Graham.

Deputy Graham: I understand that the initial proposals did stall fairly early on. Was there subsequently any follow-up proposal involving an underwriting of £125,000 each from Jersey, Guernsey and the company based on a 50% usage?

175 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: No. The 50% usage came out in a ... I appeared on a radio programme last Friday and the presenter read out that Senator Farnham said we would be all right if we had a 50% usage. I have no idea where that figure came from. I think it must have been, as I am now, both figuratively and literally plucking it from the air, because the figure we have been given, whether it is £125,000 or £250,000 support before, is a utilisation of 90%-plus. So, 50% would have meant absolutely for certain that the States of Guernsey would have had to write a cheque for £125,000.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you.

Would the President agree with me that one of the reasons for the apparent high demand for an inter-island passenger-only ferry service is the appallingly expensive and infrequent air service now between the two Islands? And so, when he is considering whether or not to sponsor this or underwrite it next year, can he take a holistic look at transport between Jersey and Guernsey rather than just concentrating on the sea?

Several Members: Hear, hear.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Again, a very fair question. I would perhaps take away some of the adjectives about 'appalling' etc., but what I would say is that of course we have got to have joined-up thinking in relation to inter-island travel, whether it is by sea or by air, so certainly that is a factor that we are considering because we are looking at air links and we are looking at sea links. As, sir, Deputy Roffey and others will know, we only, as the Economic Development Committee, received two weeks ago tomorrow the Aurigny Review in both of its forms and I do not think other States' Members outside of the ARUP group have received that yet, which I personally regret.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

I would like to thank Deputy Ferbrache for the update – very helpful indeed. Would Deputy Ferbrache agree with me that perhaps, considering the way the information has been drip fed to us, it may have been helpful to have a short Statement? I appreciate the confidentiality aspects, but it would have been helpful to have a Statement slightly earlier.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: No, I do not agree, because we were bound by – (*Interjection*) Let me explain. We should be as open a Government as we can, but when we have commercial negotiations we have got to be confidential. That confidentiality lasted until Senator Farnham decided on a radio programme last Friday morning to lift it, so that lifts the confidentiality and then we can be open. Otherwise, the information I would have been able to give to this Assembly this morning would have been more limited. He, thankfully – I say that a little tongue in cheek – has lifted the issue of confidentiality *ex parte*, on his own.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

230 Would the President of Economic Development agree with me that the sporting community have had many of their inter-island matches devastated and not able to continue because of the poor service between Guernsey and Jersey and that that will be taken into consideration with the negotiations?

235 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Again, if I can deal with the last sentence of Deputy Lowe's comments first, yes, it will, and it is a poor service. As is evident in the Statement, we did say to Condor, 'There is nothing to stop you running this service on your own without any subsidy from Guernsey or Jersey,' and I do not hear the boat sailing across the sea in answer to our request.

240 **The Bailiff:** Deputy Inder.

Deputy Inder: Deputy Ferbrache – I thank him for his Statement.

245 Let's pretend for a minute that I think any penny of public money should go into awards propping up a failed service such as Condor and its services to Guernsey and our northern routes and our inter-island routes. Let's just pretend for a moment. Would Deputy Ferbrache agree with me that any inter-island service should have been planned a lot earlier by any of the interested parties, it should have been announced in January, rolled out at Easter and tested over a full season?

250 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Yes, I do, sir. We, the Economic Development Committee, have been trying since we were all elected last May. We have had – daily discussions would be an exaggeration – very, very regular discussions with Condor to achieve all of that and we have spent a reasonable proportion of that time trying to persuade Condor to put on a day trip that really is a day trip and is more than three and a half hours. That well predates January of this year and we have not been successful. It is regrettable. And I know we have got to look forward because you cannot do anything about yesterday, but it is regrettable the States of Guernsey allowed Condor and the States of Jersey to reduce from five vessels to four vessels and those who are on the relevant Committees of the States of Guernsey that allowed that to happen last time will no doubt reflect upon that.

265 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, sir.

270 I do not think I will need to ask my questions because they have been very much covered in the answers, but I would point out that as a member of the Transport Licensing Authority – when I turn up – I have to be aware that we should not in any way give critical comments or prejudice or support or otherwise to any potential operator. Therefore, my question is, regardless of the particular service provider that was identified in the States of Jersey yesterday and today, would it not be a better approach to go out to some form of open tender for a Jersey-Guernsey service next year, because the answers indicate that there is not obviously any money available, personally. And second –

275 **The Bailiff:** Your minute is up.
Deputy Ferbrache.

280 **Deputy Ferbrache:** Sir, there is nothing to tender for, because the roll-on roll-off service is ... Nobody could operate into Jersey, because of the Jersey operating agreement, other than

Condor. That is not within our control. And anybody can operate a passenger-only service, so there is no need to tender. There you are, world at large: there is a service, there is the market, go and take it. That is the commercial and capitalist environment that we live in.

285 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Well, my follow-up question to that is: how do you know that there is a viable commercial market that does not need subsidy?

290 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: In the States of Guernsey, one thing we are short of is money. It must be, therefore, that every pound that the States of Guernsey spends, whether in subsidy or whatever form it is, is well spent. It is a commercial market. To go out and say yes, we will subsidise it, will encourage ... Commercial operators are commercial operators. They will then say, 'Well, therefore we can factor in £100,000, £200,000' – whatever figure it is – 'in relation to that.' I would much prefer, whether it is Condor or somebody else, when Condor are the ones with the ships, that they actually provided that service as part of the overall package.

300 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

Subsidies can take numerous forms and different levels. Caledonian MacBrayne have a road-equivalent tariff, which is a very high subsidy so no journey by sea would be more expensive than the equivalent journey by road. So could there not be variations on a theme of a subsidy – through you, sir – where, for example, harbour fees could be waived or Jersey could contribute 60-40 rather than a 50-50 split?

Deputy Ferbrache: Again, just taking up Deputy Brehaut's second part of his question, we did say to Jersey, 'Why don't you take on a greater proportion?' because, obviously, they are a bigger economy. That was not met with favour. So we have had that discussion, but there is no reason why we cannot repeat it.

But Deputy Brehaut, sir, is absolutely right. Now we have got more time, those are questions that we will be addressing between now and the spring of 2018, because we cannot guarantee but it is very much our wish and we will work very hard to provide a service for the spring and summer of next year.

The Bailiff: Deputy Fallaize.

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

Although we are not prepared to provide subsidies on sea routes, we are, of course, on air routes – one thinks of the London City route, for example. (**Several Members:** Hear, hear.) Bearing that in mind, would Deputy Ferbrache not agree with me that if the criteria for any service by air or by sea is the economic analysis – in other words, whether there is going to be economic benefit, and if not, then the service is not going to be maintained or developed – then we have to look forward to a future of ever-diminishing services, possibly flying to Gatwick and going by sea to the UK?

The Bailiff: Deputy Ferbrache.

330 **Deputy Ferbrache:** I do not take that dystopian view of travel links going forward, frankly, and it is not as binary as that. The fact is that we are going to have to mix ... Of course, the control of

Aurigny is not within the control of the Economic Development Committee, and I was as surprised as Deputy Fallaize and others when Deputy St Pier announced a £6.3 million projected loss for this year, but it is a matter of balance and it is a matter of the States looking at it overall. So I partly agree with Deputy Fallaize but I cannot be as nakedly pessimistic as he otherwise seemingly is and just say we are off to Poole and we are off to Gatwick; we should be off to lots of other places, and we can be if we have a proper and constructive policy.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

In the July 2015 report on ro-ro licensing, it talks about a very profitable northern freight group which cross-subsided other routes within the operation to Guernsey. So did Economic Development conclude that we could conclude on the ramp licensing and have that cross-subsidy on to the Jersey route so there would be no cost to the taxpayer, rather than leaving the outstanding licensing of the ro-ro ramp unresolved?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, again, a very good question but it is part of the wider issue. You would not play it off just against the Guernsey-Jersey inter-island service, you would look at it as part of the overall solution.

We are actively working on an overall solution and one of the previous questioners asked – I think it was Deputy Oliver – about signing an operating agreement and everyone would be able to see the future. On the present terms of that proposed operating agreement I said then and I will repeat it just a few minutes later now, we are not likely to sign it now or in the foreseeable future. Of course there will be a cross-subsidy with freight and other routes when we enter into a final agreement with Condor or somebody else.

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

So I presume the kind of service being considered during these recent negotiations was daily day trips. Has any thought been given to the idea of perhaps two or three day trips a week, or can that be factored into any future negotiations? Would that make it more viable as a service?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Again, we had discussions earlier in the year with another ferry operator for the two or three days a week service. That turned out to be non-economic and not achievable, or at least that was the advice we received.

Going forward, it seems to me the best service that we could have and that we should be looking for is a daily – that means seven days a week – inter-island ferry service, at least through the spring and summer months. There should be a demand, we are not sure, but those ... We will be factoring up on that, rather than a three-days-a-week service, in the spring and summer next year.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, thank you again, sir.

What I do not understand is the Statement makes clear that the Committee of Economic Development voted by a four to one majority in favour of supporting a trial of the service and then especially when you have an informal undertaking it could be done for a reduced sum of

385 money. I accept you did not have it within your budget, but when you went to Policy and Resources –

The Bailiff: Through the Chair.

390 **Deputy Gollop:** – they vetoed the case, as it appears to me. Did you – ?

The Bailiff: Through the Chair, Deputy Gollop.

Deputy Gollop: Did Economic Development feel that the wider economic arguments of this link had not been fully taken into account by Policy and Resources?

Deputy Ferbrache: No, I do not think that would be a fair comment or criticism. I think they did fully take those into account, and as the answer says and as our discussions ... because we wrote to them and then we went to see them as well after their initial no. They said no twice, not three times. We went to see them and they made it very clear in a constructive way that we had not made out the economic case, and frankly we could not make out an economic case because it is very difficult to do so. So we put it on the basis, as I have said, of this mixture of economics, because there would be some economic benefit, but also on the basis of the social thing – it gives people from Guernsey the opportunity to go to Jersey. As I said, the discussion was a reasoned one with the Policy and Resources and they concluded that they would not support it because it did not meet the relevant criteria. I do not make any criticism of it. It was different to our view, but that was a view that was entirely within the band of reasonable conclusions.

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

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

The President of the Committee has told us that he and his Committee, by a majority of four to one, were in favour, I think he said, of the original proposal at twice the level of subsidy which the operator eventually asked for, but that he could not find the money within his budget and he could not persuade the Policy and Resources Committee to find the money from central funds. That being so, given the level of public interest in this matter, did his Committee consider asking the Bailiff if they could lay an urgent proposition before the States not at this meeting but at the last States meeting to allow the States to resolve the issue?

420 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Well, the simple answer would be no, sir, because I did not think it was appropriate. We are supposed to have joined-up Government, and the joined-up Government in this matter, we believed – and that was our judgement at the time – that we had discussions with Policy & Resources. So that was our decision and certainly we never considered it.

The Bailiff: I did say that was the last question, but Alderney Representative Jean, you have not asked your question ... I will allow one more question.

430 **Alderney Representative Jean:** Am I allowed more than one question, *(Laughter)* or only one?

The Bailiff: One question!

Alderney Representative Jean: One? Oh well I will have to choose which one.

435 **The Bailiff:** It might have two parts, but it is one question! *(Laughter)*

Alderney Representative Jean: Okay, forgive me then. Have I turned this on? Yes.

Would the Chairman agree with me that both Islands, Guernsey and Alderney, are suffering problems with air and sea links, and that Alderney should be included in inter-island discussion?

440 Does he feel that as the contract or memorandum is yet to be signed, and it is worth a multiple of millions and millions of pounds over the life of the contract, that those who sign the contract are entitled to ask for necessary extras, such as the incorporation of Alderney in the contract? This would thus be an enabler to Alderney in its financial situation, and also to Guernsey – to both Islands.

445 Thank you.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, the responsibility for Economic Development is air and sea links for the Bailiwick which clearly includes the Island of Alderney.

The proposal that was on offer from Condor, the one that we have been discussing, did not include Alderney. We did mention and say, 'Could they ... ?' but the answer was no. They said no. But going forward it is our responsibility, both as the Economic Development Committee and the States of Guernsey more widely, to provide the best air and sea links that we can for Alderney.

455 Now, we will have further discussions with Condor and any other ferry operator that might be interested on the wider issue, and certainly we will be including that in our discussions. But I would be giving Alderney false optimism if I was to say that we have had any kind of favourable response from anybody in relation to the provision of sea links.

460 **The Bailiff:** That concludes the question time on the Statement from the President of the Committee for Economic Development.

**Scrutiny Management Committee –
Update on progress and activities of the Committee in the last year–
Statement by the President**

The Bailiff: The next Statement is to be delivered by the President of the Scrutiny Management Committee, Deputy Green. And just before you start, those who wish to do so may remove their jackets.

465 Deputy Green.

Deputy Green: Thank you, Mr Bailiff, for giving me this opportunity to update the States Assembly on the activities of the Scrutiny Management Committee.

470 As a result of the States Review Committee's reforms, the former duties of the Public Accounts Committee, together with those of the Scrutiny Committee and those of the Legislation Select Committee, were all brought together under the new mandate of the Scrutiny Management Committee.

All five members of the SMC are full voting members of the Committee. As Members will appreciate, the three political Members are myself, Deputy Peter Roffey and Deputy Laurie Queripel, and we are joined by non-States members Mrs Gill Morris and Advocate Peter Harwood.

475 In addition, the Committee appointed the Legislative Review Panel to conduct the vital duty of legislative scrutiny with a panel comprising Deputies De Lisle, Gollop, Tindall, Laurie Queripel and myself, together with Guernsey Advocates Simon Howitt and Mark Dunster.

480 At the beginning of this political term, sir, the Scrutiny Management Committee determined that there would be much merit in a primarily two-pronged approach to the scrutiny of significant matters of policy and finances across the public sector. Firstly, we wished to continue to do a

programme of major, evidence-led reviews of substantial policy issues and financial matters. These major reviews, by their very nature, tend to be conducted over a number of months and are longer-term, granular deep dives into policy, finances and other matters.

485 Secondly, and in contrast, we also felt it important and appropriate to conduct a series of regular public hearings with Committee Presidents to help the SMC track what progress Committees are making within their mandated policy areas, and with their management of resources, in order to help us to hold them to account publicly and also to help indicate any significant areas that might justify major reviews, that I mentioned a moment ago.

490 This two-pronged approach was and still is considered entirely appropriate in order to get a good balance of short-term and longer-term public scrutiny of matters of substantial importance, value and interest. That does not mean that there are no other means by which scrutiny will be conducted, but these two features are the principal ways in which the SMC has and will continue to seek to discharge its duties under the new mandate.

495 Bond review: the first major review that we commenced this term was on the States of Guernsey's bond issue. For that review, the Committee engaged KPMG to do an independent review of the Bond issue and their report was published on 26th May.

A Scrutiny Panel comprising myself, Mrs Gill Morris, Deputy Mark Dorey, Advocate Peter Harwood and Mrs Jody Newark was formed to oversee the work of that review. It is the intention of the Panel to conduct a public hearing with the President of the Policy & Resources Committee and the States' Treasurer on Wednesday 5th July, and I do not propose to say much more on the substance of that review pending the outcome of that public hearing. It is important, sir, for the Scrutiny Panel to be led by the evidence on major reviews and, notwithstanding the findings that have been set out already by KPMG, it would not be appropriate for me or for anyone from the Bond Scrutiny Panel to form final judgements on matters pertaining to the issue of the Bond until we have concluded our public hearings.

In-work poverty: we have also made substantial progress with our second major evidence-based review, which is a review of policy and financial matters surrounding the concept which is referred to as 'in-work poverty'. The call for evidence has been concluded on that and work is continuing on this review. It is likely that public hearings will be conducted on this matter. A panel chaired by the Vice-President of the SMC, Deputy Roffey, and featuring Deputy Rhian Tooley, Deputy Laurie Queripel, Dr Sue Fleming, Mr Wayne Bulpitt and Mr Paul Ingrouille has been set up to oversee this review process.

510 The Committee will shortly be launching our next major review, which will be an evidence-based inquiry into the Island's economic policy, with special attention being paid to the Skills Strategy, the Economic Diversification agenda and, more fundamentally, to the future of work in the Bailiwick. The Committee will also be looking at whether GDP per capita provides an accurate measure of the economic health of the Island, and whether alternative measures might be now more suitable.

520 We will also set out our future Scrutiny work programme in the next few weeks that will include future reviews on matters such as: the Access to Public Information regime, the Island's Waste Strategy, the management of capital projects, and an independent Review of Children's Services.

We will also be studying very carefully the results of the post-implementation review (PIR) of the Electronic Health and Social Care Records programme that the Committee for Health & Social Care have promised to publish – an indication that the SMC warmly welcomes. We do also expressly reserve the right to commence our own review of the Electronic Health & Social Care Records programme, sir, depending on the outcome of the PIR by Health & Social Care.

530 It is important to put on record that, with regard to major reviews, the SMC will be led exclusively by the nature and quality of the evidence on any particular matter.

On the other hand, with regard to the routine public hearings that I spoke about a moment ago, whilst the need to be evidence-led is of course important in this regard, it should also be clearly understood that the purpose of such routine public hearings is to get a snapshot of

progress at any given time, as well as an indication of where there might be performance issues with a certain policy or financial area. The intention with the regular public hearings is therefore not to produce an evidence-based report at its conclusion and therefore a slightly different approach is required here in the view of the SMC.

Public hearings: the general approach to scrutiny within the new States' term is one that is committed to the work of scrutiny being done, and being seen to be done, in public. To that end, we have already conducted a total of *seven* routine public hearings with local politicians.

These hearings have a number of advantages in that they enabled the Committee to find out more information about States' affairs than was known before the hearing began and they helped to channel more information into the public domain. It is also an opportunity to gain information from senior officials in a public setting, something which is not generally available in a States' meeting. These public hearings in themselves are deliberately not intended to be full or major reviews or indeed public inquiries, but they do offer a real opportunity for the public to not only see their political leaders being held to account in the public domain, they also offer an opportunity for much greater transparency in terms of the activities and progress being made by States' Committees in Guernsey.

We consider that these routine hearings are, and must continue to be, a vital part of the transparency and communication agenda for the States and we have been generally pleased with the level of co-operation that we have received from the States' Committees.

To date, Scrutiny public hearings have taken place as follows: on the implementation of the solid waste strategy; on the work and mandate of Policy & Resources with the President of P&R; on Education policy with the President of Education, Sport and Culture; on social welfare reform and allied issues with the President and Vice-President of the Committee for Employment & Social Security; on transport connectivity and economic policy with the President for Economic Development; on the transformation of health and social care and the new MSG contract with the President of Health & Social Care; and finally and most recently, with the President of the Home Affairs Committee, on 1st June this year.

A *Hansard* transcript of each public hearing is always published on the States' website, and after more recent hearings I have placed on the Scrutiny web page some of my own personal reflections following the exchanges with witnesses to give the public and States' Members the Chair's impressions of the hearing and the responses to the Panel's questioning.

In future, the Committee will look to complete the first cycle of routine hearings with invitations pending to the Environment & Infrastructure Committee and also to the States' Trading Supervisory Board with hearings potentially in September and October of this year.

Sir, we believe that there is merit in a creative tension between Scrutiny on the one hand, and the major Committees of the States on the other, that should be of mutual benefit to all of us and is moreover advantageous to Government generally and to the community we all serve.

The SMC believes that the public hearings should involve an inquisitorial approach to Committee heads as well as a level of appropriate challenge that is neither discourteous nor timid. We maintain that in a mature democracy like Guernsey's system of government, Scrutiny should be allowed to pursue its role of appropriately challenging Government policy and financial matters in a constructive way without fear or favour, remembering that we all want Government in Guernsey to be as good as it can be, and reminding States' Members that critical analysis is to be welcomed as being entirely consistent with, as well as in, the public interest.

The SMC will always keep a watching brief on significant political matters on an ongoing basis and we do reserve the right to hold so-called 'urgent business reviews' on matters of substantial political or financial interest from time to time. It is nevertheless important for the SMC to be judicious in this regard as public confidence in the scrutiny process will not be improved by tackling issues that are of limited, passing or peripheral interest. We do however invite States' Members or members of the community at any time to write to us formally if there are particular matters that cause concern, and we will of course consider them.

Our general approach to deciding on whether to assess an issue for a major review or for an urgent business matter is essentially: does it concern a major issue of political and public interest? Does it involve significant public finances? And should the matter be a genuine priority for the SMC that would constitute a wise use of our limited resources?

In addition, the ongoing work of Financial Scrutiny has been overseen by the Financial Scrutiny Panel which is chaired by Mrs Gill Morris, alongside Deputy Roffey, Advocate Harwood and Mr Patrick Firth. The Financial Scrutiny Panel have a key role in actively scrutinising matters of substantial financial value.

The Legislative Review Panel, in addition to its regular and important parliamentary duties in examining draft laws and ordinances, has set up its own sub-panel, chaired by Deputy John Gollop, to consider the case for review and/or clarification of the local law on election expenses. Alongside Deputy Gollop, the sub-panel has been assisted by Deputy Laurie Queripel, Deputy David De Lisle and Advocate Mark Dunster. Pending the outcome of the States' debate and possible referendum on the local electoral system, the sub-panel will reconvene once the outcome of the debate and referendum are known.

Sir, looking forwards, the Scrutiny Management Committee still has to face a number of challenges including a limited budget, limited powers and limited personnel, whilst also encountering a heavy burden of high expectations from members of the community and from States' Members.

Scrutiny will work best in Guernsey if we continue to have the full 'cultural buy-in' of States' Members and from all levels within the public sector. This requires a real recognition that the work of scrutinising policy, services, financial matters and draft laws is a vital function in our system of government, a system where rational challenge is not always a given. But to that end it must be acknowledged that scrutiny – properly so called – is not just the preserve of the Scrutiny Management Committee.

The reality is that each Principal Committee of the States and each individual States' Member is, or should be, a public scrutineer. The role and function of the SMC will work best if all Committees and all individual States' Members remember that good scrutiny at all levels is good government. **(A Member: Hear, hear.)**

The SMC is perhaps best described, in my view, as a specialist scrutiny function primarily for concentrating on significant policy and financial matters – Scrutiny with a capital 'S' perhaps – as opposed to, and distinct from, the everyday scrutiny that is the role and duty of every elected member of this Government, which could be called scrutiny with a small 's'. **(A Member: Hear, hear.)** Generally, the work of the Scrutiny Management Committee will be retrospective in nature if it is to deal in hard facts and proper evidence.

Whilst we of course aspire to engage in so-called real-time scrutiny where and insofar as it is possible, it is difficult for SMC to be second-guessing every single decision of every States' Committee in real time within our current system. Our mandate makes it abundantly clear that the SMC is, in principle, not supposed to act like the official opposition would in an executive system of government – that is not our system; and neither can we, or should we, react to every single development or issue that crops up in Government or in Island life. Scrutiny does not take up individual cases. The work of the SMC is not a substitute for the ombudsman system that the Island perhaps needs, and any specific case that is referred to us should raise wider concerns about policy or administration.

Sir, we would also like to continue to foster good relations with all States' Committees. Ideally, we would like States' Committees to have the confidence to self-refer matters of concern about financial and other matters to us in order for us all to work together to identify issues and to find solutions that will help move the States and our community forward. I will be writing to the Principal Committees in the next few days to ensure progress in this regard. We will also be exploring the case in the near future for creating an expectation, or perhaps an obligation, for Government bodies to respond to formal recommendations flowing from major Scrutiny reviews

within a period of three months to create more of a useful dynamic following the publication of our reports.

640 Sir, in summary, the SMC feels that it has made real progress with its new approach to public scrutiny and we look forward to continuing to work with States' Members in enhancing our activities. We do wish to utilise the talents of any Deputies or members of the public who feel that they have the right skills and the right mindset to add value to our activities in future.

645 That said, the challenges that we face, including the possibility of further budget reductions, plus potential further delays in the Committee getting the powers – which are standard in most parliaments – to call for witnesses and documents, should not be underestimated. Further, the expectations from *some* that are placed on Scrutiny within the new system of Government must be recognised as being essentially unrealistic without any further reforms or budget adjustments, and can only ever result in disappointment, even if we are in actuality charting a steady course that is developing gradual results as well as momentum, and transforming the scrutiny function in this States' term.

650 I thank you, sir.

The Bailiff: Are there any questions?

Yes, Deputy Inder.

655 **Deputy Inder:** Thank you, sir; and thank you, Deputy Green, for the update.

As someone who is generally supportive of transparency and openness and will never mind a second pair of eyes on the work that any of our Committees conduct, I support both your public hearings and your major reviews –

660 **The Bailiff:** Through the Chair.

Deputy Inder: – and generally support the work that you do.

665 However, there are elements of the scrutiny process that seem either reactive or just too late: the decision made, the cash has been spent. Has the Scrutiny Committee given any thought to the concept of a pre-implementation review, as opposed to something that is generally too late?

Thank you, sir.

The Bailiff: Deputy Green.

670 **Deputy Green:** I thank Deputy Inder for the question and for his support.

I made the point in my statement that generally speaking, Scrutiny and the work of the Scrutiny Management Committee will be retrospective in nature because it has to deal in hard facts and it has to deal in proper evidence, because you have to have that evidence base to scrutinise.

675 But I take the point and we have had many discussions, particularly Deputy Queripel and myself, about trying to make the system more real-time, but it is very difficult for the reasons I gave. We cannot be second-guessing every decision of every Committee. But I take the point and we are certainly looking to try to do that insofar as we can.

680 But we would need enormous co-operation from the Principal Committees to be able to that; we would need timely sight of material much earlier than we get at the moment, so we do not have the powers to be able to compel Principal Committees to co-operate in that way. But we will try our best and we will certainly give it the thought and see what we can do.

The Bailiff: Deputy Lester Queripel.

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Deputy Lester Queripel: Sir, the Scrutiny Committee hearings are held during the daytime on a weekday, and very few members of the public are able to attend at that time. In fact I think I am right in saying that only one member of the public attended the recent Home Affairs review.

I am thinking, sir, that it might be worthwhile just considering holding future hearings in the evening or even on a weekend. I would like to hear Deputy Green's views on that please, sir.

The Bailiff: Deputy Green.

Deputy Green: I thank Deputy Lester Queripel for that question; it is not a point that we are oblivious to, and I obviously understand the point he is making.

The way I would answer it, sir, is that the public hearings that we have are the Scrutiny Management Committee as a parliamentary Committee sitting in public, they are not public meetings *per se* – they are parliamentary meetings that just so happen to be in public, if you see what I mean. But we will certainly give thought to holding some of those hearings at a time which would be more convenient; we will discuss that as a Committee, I can promise him that.

I think it is fair to say that at some of the other public hearings that we have had – certainly the one with Employment & Social Security and the one with Economic Development – we did have many members of the public attend, I do not know how many, and indeed the Waste Strategy which was the very first public hearing we did was very well attended. So it is not the case that every single public hearing is badly attended; it has been quite varied.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

I would like to ask through you, what Deputy Green would consider to be the SMC's most significant contribution from the perspective of 'value added'?

The Bailiff: Deputy Green.

Deputy Green: I expected that kind of question (*Laughter*) and I expected it from Deputy Trott. It is a very good question.

I think it is probably too early to tell, to be perfectly honest. I think the KPMG report clearly is a very good piece of work but for obvious reasons I do not want to say too much more about that.

I think every single public hearing that we have had has added value and has brought new facts into the public domain which were not known before the meeting happened. So rather than pointing to one stand-out example I would say that it is the cumulative effect of seven public hearings and the other work that we have done, which has cumulatively added to greater transparency and greater information.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

One of the main beneficiaries of Government policies appears – through you, sir – to be KPMG with their review of the housing market, their review of health care and of course their review of the Bond issue at £46,000, or just over £1,000 a page if I remember.

Would there not be merit in appropriately, properly funding Scrutiny to prevent what could be perceived as outsourcing scrutiny? And I want to place on record, I am 100% supportive of the role of Scrutiny within this Assembly.

The Bailiff: Deputy Green.

Deputy Green: The point is that – and again I have to be careful with what I say about the review into the Bond – but the reality is that the obvious quality and the obvious merit in that KPMG report on the Bond would not have been achieved if we had done it in-house. That is just the reality. When it comes to technical matters like that you have to get expertise – it is a bit like in a court where you have to get expert evidence from somebody outside.

But the point that Deputy Brehaut makes generally about the funding of Scrutiny in the budget is a very important one; and I said before that one of our challenges is going to be trying to manage all the expectations we have got on a limited and reducing budget.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, the President of Scrutiny Management Committee would be aware that the powers of Scrutiny over the audit process were changed in the last term for the Scrutiny Management Committee compared with the Public Accounts Committee.

Could he give me some assurance that the Scrutiny Management Committee were happy with the powers of scrutiny they had over the audit process for the 2016 accounts?

Thank you.

The Bailiff: Deputy Green.

Deputy Green: This is a good question and we have had concerns about that.

The new position states that we are obliged to actively scrutinise the audit process and perhaps there had not been a complete meeting of minds between the various different parties on what 'to actively scrutinise the audit process' means. So we do have concerns and we will be taking those forward.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I think in the last States, the then Deputy Rob Jones and Deputy Soulsby quite significantly took Scrutiny forward and I think Deputy Green and his Committee have done the same in this term, so I would commend them for that and I commend him for his Statement. (**A Member:** Hear, hear.) But there has always been an issue over resources.

I hope Deputy Soulsby will not mind my saying, sir, that I think when we debated changes to the machinery of Government, her Committee slightly backed out of making a case for additional resources which they did believe in.

Does Deputy Green believe that the Scrutiny Management Committee has sufficient resources to carry out its mandate? And if it was provided with more resources, what would it do in addition to what it is doing? And if its resources are cut, what will it stop doing that it is currently doing?

The Bailiff: Deputy Green.

Deputy Green: That is quite a number of questions all in one go, sir, and I will try my best to remember what they were.

We will do what we can with the budget we have got; that is what we have done in the last year. Whatever we have done successfully or otherwise in the last year has been based on the existing budget. Of course we would welcome an increase to the budget but I do not think that is realistic and I do not think that is going to happen.

In terms of what more we could do if we had a larger budget, then I think we would just have greater capacity to do more reviews. There is a never-ending expectation that Scrutiny will be able to do this, that and the other all at the same time. If we had more budget then we could perhaps do more than what we are doing. But that is just not on the agenda.

790 We will have to continue to prioritise. Like any other Committee of the States we have to prioritise the work we do and that is what we have done so far. If there is going to be a budget reduction next year, or the year after, we will have to cut our cloth accordingly.

The Bailiff: Deputy De Lisle.

795 **Deputy De Lisle:** Sir, Deputy Green has highlighted the important work that the Legislative Review Panel has been providing.

Would he not see in future that the name of the Review Panel is made a Committee of Government, in order to reflect the importance of the fact that *all* legislation actually goes through that particular body, with commercial private sector expertise through various law firms?

800 Thank you, sir.

The Bailiff: Deputy Green.

805 **Deputy Green:** I thank Deputy De Lisle for his question, and he is certainly a valued member of the Legislative Review Panel as all Members are.

I would answer that by saying I think there was an obvious advantage of bringing the legislative scrutiny into the scrutiny process. I do think to some extent sometimes the role and importance of legislative scrutiny is perhaps not emphasised enough. But I think it is probably best if it is sat within the Scrutiny Management Committee. I know there have been issues about the recording of attendance data for the Legislative Review Panel and it might be that is at the core of Deputy De Lisle's concerns. But I have spoken with the President of SACC about that and I understand that the attendance figures for meetings of the Legislative Review Panel will be recorded in future and will be published in the Billet. Hopefully that will assure him to some extent.

815 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, does the President of Scrutiny Management Committee agree with me that, despite the fact that the Committee has the powers to challenge the budget put forward by Policy & Resources, it is very difficult to do that in a time of financial restraint?

The Bailiff: Deputy Green.

Deputy Green: Yes, that is exactly right, I could not agree more.

825 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Sir, Deputy Green noted I am Chairman of a sub-panel, but it has gone into limbo whilst we await the SACC referendum and results, at this point.

830 I would like to ask that we are aware the Scrutiny political hearings and legislative sessions have gone extremely well, but do Deputy Green and the Committee consider that perhaps you need stronger resources to work on the public accounts side of your mandate, because Deputy Soulsby's Committee was holding hearings that were specialised on those areas?

835 **The Bailiff:** Deputy Green.

Deputy Green: I thank Deputy Gollop.

Yes, the advantage of bringing financial scrutiny together with political scrutiny and together with legislative scrutiny has obvious synergies, but at the same time the danger is that the

840 specialist financial scrutiny function of the old PAC ... there is some risk of that being diluted and we just have to guard against that as best we can.

I think my own personal view – I cannot speak for other members of the Committee – is that the focus of financial scrutiny this term should be on big ticket financial items like the Bond, and intense scrutiny of political and policy matters which have a distinct financial element. But of course the budget, the accounts and the audit process is always going to be on our agenda.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

850 I have recently had some reassurance from Deputy Green that Deputies will be made aware of Scrutiny meetings in the future, for which I thank Deputy Green.

However, picking up on Deputy Queripel's point, how can Scrutiny improve public attendance and awareness? I believe we rely too heavily on media and without media's translation of events, without actual attendance or reading the actual *Hansard* script, how are the public meant to fully understand what Scrutiny is trying to achieve?

Thank you.

The Bailiff: Deputy Green.

860 **Deputy Green:** The model for what we are trying to do obviously is the select committee system at Westminster. You do not get hordes of people, generally speaking, attending the select committees at Westminster.

But I take your point and I have given reassurance already, sir, to Deputy Merrett, and I repeat that. We will always ensure from now on that there is a distinct email that goes to States' Members. That did not happen in relation to the Home Affairs Committee and I apologise for that, but the reality is there was massive media publicity around it anyway, both on social media and on the more traditional media – certainly in the *Press*. So I was surprised that some Members were not aware that it was going on, but nonetheless there is a *Hansard* transcript that is always produced after a hearing.

870 I make the point that I made to Deputy Lester Queripel: these are not public meetings, they are parliamentary committee meetings that just so happen to happen in public. There is a distinction there that is worth drawing out.

The Bailiff: Deputy Brehaut.

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

Just on the business of post implementation reviews (PIRs), there is a review of the electronic patient care record that I think was costed at £9 million. E&I carried out a review of the salary scheme – £114,000, we had a PIR. However the guidance is you do not do that on projects with a value of less than £1 million.

880 The recent JESSC overspend of in excess of £300,000 we hear will be done by Internal Audit and will not be a PIR. Is Scrutiny entirely content with that arrangement or could Scrutiny in the future press for a post implementations review if they felt it was appropriate?

885 **The Bailiff:** Deputy Green.

Deputy Green: These are all questions that we raised with the President of Home Affairs at the public hearing on 1st June. We were keen to understand fully what exactly was going on. We were obviously disappointed to hear that the Internal Audit report would not be made public. Ideally, we would indeed like to see a post implementation review about JESSC, but it appears that is not currently on the cards. Yes, we are disappointed by that but we do not have the powers to compel

Committees to do anything. We can only use our best endeavours to try to persuade and we will continue to do that.

895 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Would the President of the Scrutiny Management Committee confirm that we expressed at the public hearing to himself and to the panel members there that the Committee members were united that they wished to publish the internal audit and it is out of our hands, so
900 we will put a very comprehensive report of our own out to ensure, and that indeed the Scrutiny Management Committee will have a full copy of the internal audit themselves?

Deputy Green: Yes, I can confirm that. Deputy Lowe did say that at the public hearings. Scrutiny will receive the full Internal Audit review. The political Members of the Home Affairs
905 Committee did want it to be made public but that is out of their hands, in effect.

The Bailiff: Deputy de Sausmarez, the last question.

Deputy de Sausmarez: Thank you, sir.
910 Deputy Green mentioned the constitution of the Scrutiny Management Committee and the fact that they have got three political Members and two non-political members who have full voting rights; and given some of the comments about in-house expertise, I would like to hear from the President whether he thinks that the current size of the Scrutiny Management Committee and its balance between political and non-political members is right, or whether he
915 sees any merit in any changes in the future?

The Bailiff: Deputy Green.

Deputy Green: As it stands at the moment, I think the current balance is probably all right. We do have this ability, sir, to bring in extra personnel from the States, extra Deputies and also
920 members of the public on Committees; and we are doing that on the In-Work Poverty Subpanel. So I think it is okay at the moment, but obviously we will keep it under wraps. But we do have that ability to bring in extra personnel, both from the States and from the public more generally.

Questions for Oral Answer

COMMITTEE FOR HEALTH & SOCIAL CARE

Mental Health Strategy – Progress

925 **The Bailiff:** We move on to Question Time and the first Questions are to be asked by Deputy Gollop of the President of the Committee for Health and Social Care.
Deputy Gollop.

Deputy Gollop: Thanking you very much, sir.
930 To Deputy Soulsby, Question 1: does the former sub-committee pursuing implementation and development of the Mental Health Strategy across the States exist any more on a political level?

The Bailiff: Deputy Soulsby.

935 **Deputy Soulsby:** Sir, as Deputy Gollop has just given away, the sub-committee for the Mental
Health and Wellbeing Strategy has not existed for a number of years. It became increasingly
evident after the Strategy's approval in February 2013 that progress was difficult without an
implementation plan and resources. The sub-committee was too large and at the same time had
940 no dedicated resources to support its work. Thanks to support from the then Policy Council and
funding provided by the Guernsey Community Foundation, in July 2015 Guernsey Mind was
commissioned to develop an implementation plan working closely with the States and wider
community.

I am pleased to say this work has been completed and the plan was approved by the
Committee in May this year and will shortly be submitted to P&R. This community-wide review
945 has set out key priority areas that have been taken into account in HSC's Policy and Resource Plan,
and will be addressed as we design the target operating model. It is worth pointing out that the
review identified a large range of support available, but the co-ordination and signposting of
services needs to be addressed. This is similar to the findings from the recently published review
of carers provision by the Guernsey Community Foundation and is a theme that emerges more
950 generally in respect of public sector reform.

The Bailiff: Are there any supplementary questions arising out of that reply?
Deputy Gollop.

955 **Deputy Gollop:** I thank Deputy Soulsby and the department for their questions, but
regrettably I was one of those Members who was jettisoned as surplus to requirements, having
represented Social Security in the past States.

My question, though, is: how effective are the new arrangements being in furthering the
Strategy forward, and when will the results that HSC have just identified be published – the
960 proposed update of the Strategy?

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, yes, I was similarly one of those jettisoned at the time and I think it was
965 actually the right move because nothing was happening.

The implementation plan – in many areas we are already working on it. We are passing that
plan onto P&R but there are various elements of it that we are already taking forward and parts of
it we are looking at in terms of the broader transformation in terms of all-age, one-stop services.
So it is ongoing at the moment and we will hopefully be able to publish this once we have gone
970 through the whole process.

Deputy Gollop: Thanking you very much.

The Bailiff: Is this your next Question or another supplementary?
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Deputy Gollop: Yes, my next – unless there are any more?

The Bailiff: There are no other supplementaries, so your second Question, please, Deputy
Gollop.
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Deputy Gollop: Yes, it has been suggested by some practitioners and people that there is a
growing waiting list and time delays for psychiatric and secondary mental health specialist
interview sessions and therapeutic assessments. Is this measurably true and does this key area
need further cash, human or property resources to cope?

985 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Mental health practitioners report that there are no waiting lists for services at the moment. Historically, there have been long waiting lists in both primary and secondary care services which led to dissatisfaction and complaints from referrers and service users.

990 Both services have now been reconfigured and have worked extremely hard to address this issue. The result is that there are no waiting lists and service users are receiving appointments in a timely manner.

It is always possible for waiting times to arise when there is unusually high demand for a particular service or where there are unfilled vacancies in particular specialisms. But there are no
995 issues at present.

Deputy Gollop is requested to contact those practitioners who believe there is an issue and ask them to contact HSC directly to understand their concerns.

The Bailiff: Deputy Gollop.

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Deputy Gollop: Yes, thanking you.

I am heartened to hear Health & Social Care are not receiving negative feedback, but might this be due to reduced expectations from the population and professionals, in that the quantities awaiting assessment have therefore declined?

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The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I have no evidence to be able to justify Deputy Gollop's comments.

1010 **The Bailiff:** Any other supplementaries? No.
Your third Question then, Deputy Gollop.

Deputy Gollop: Thank you.

1015 My third and final Question is: what efforts are the Health & Social Care board and overall organisation currently doing throughout the Island community and the States' services to normalise and therefore destigmatise mental health, especially, as being different from physical health reactions and responses?

1020 **Deputy Soulsby:** The Committee has made it clear that it wants to ensure that mental health is treated with at least equal consideration as physical health. Deputy Gollop will recall we placed a successful amendment to the P&R Plan phase 1 to ensure that this was explicit. He will also see that in the second phase plan, which is now being published, we set out our commitment to doing so through the Mental Health Implementation plan.

1025 The building and opening of the Oberlands Centre has significantly improved the service user experience, both in terms of inpatient facilities and care in the community. Being situated on the PEH site has enhanced care for individuals who may also have physical health needs and there is now far greater joint working between services on this site. This long-awaited development has now placed mental health on a par with physical health and has done a lot to reduce stigma. Huge progress has been made over recent years but we continue along the journey of
1030 improvement with the whole community.

Here I would like to emphasise that if we are to normalise and destigmatise mental health we need the participation of the whole community. While the States leads the Mental Health and Wellbeing Strategy through the Committee for Health & Social Care, responsibility for the mental wellbeing of Islanders must be embraced not only by all health and social care practitioners but
1035 also employers of the third sector, carers and individuals themselves.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

1040 As a member of Employment & Social Security, I am aware of course of the efforts of the Supporting Occupational Health and Wellbeing programme and also the Longer Working Lives programme, but how far is Health & Social Care involved in promoting to employees and employers the need to destigmatise acknowledgement of mental issues in the workplace?

1045 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, I am glad Deputy Gollop brought that up. Within the actual plan it talks about working with the Committee of which he is a member, Employment & Social Security, in building on that and developing an employers' charter for mental health and wellbeing.

COMMITTEE FOR ECONOMIC DEVELOPMENT

Ferry links – Summer trial inter-island ferry service

1050 **The Bailiff:** I see no one else rising. We will move on then to the next Questions. Deputy Gollop was going to ask some questions of the President of the Committee for Economic Development about ferry links. I think, have you already indicated that you are not wishing to lay those Questions; you have been pre-empted by the President's Statement?

1055 **Deputy Gollop:** Yes, sir, although I possibly would have gained extra input on the Alderney question, but Mr Jean ...

The Bailiff: In that case, Deputy De Lisle also had some questions to the President of the Committee for Economic Development about a summer trial inter-island ferry service. Deputy De
1060 Lisle, do you still wish to lay your questions or do you withdraw them?

Deputy De Lisle: No, I would like to raise my Questions, sir, because I had initially placed those Questions to Policy & Resources, but was politely told, or asked, by Deputy St Pier to forward them to Economic Development and I think the Questions have focused the mind of
1065 Economic Development in providing a Statement but also in directly answering my Questions. Thank you.

Several Members: Hear, hear.

1070 **The Bailiff:** Sorry, so you wish to place your Questions? You first Question?

Deputy De Lisle: Yes, sir. The first Question: for sporting teams and day-trippers and for enhancing the visitor economy and of course associated business on this Island of Guernsey currently at a low ebb, this seemed a golden opportunity; why was it rejected by Economic
1075 Development?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, as I said in my Statement, it could not be financially supported for those reasons. It was considered just for this season. However, the Committee – again, as I have
1080

said – remains of the view that an inter-island service is a positive contribution to the Island's tourist and related economy, and have already committed to working with Jersey next year to try to make a service of this nature happen for 2018.

1085 **The Bailiff:** Any supplementaries?
Deputy De Lisle.

1090 **Deputy De Lisle:** Sir, a supplementary with regard to the point that Deputy Ferbrache makes with financial support. There is confusion on the issue of financial support and whether or not Economic Development did seek access to the Future Guernsey Economic Development Fund. Deputy Ferbrache says that they did, but Deputy St Pier, in the *Guernsey Press* of 23rd May, says that they did not. So what then was the purpose of the meeting with P&R?

1095 **The Bailiff:** Deputy Ferbrache.

1100 **Deputy Ferbrache:** I am not responsible for what Deputy St Pier said in the *Press* or how it was reported. I was at the meeting. We definitely requested support from the Economic Fund; but we made it wider – we said, 'Can you please provide us with the money from whatever source it may come from?'

1105 **Deputy De Lisle:** Sir, on a further supplementary, (**The Bailiff:** Yes.) was not the reason to refuse ferry funding a collective position of the two Committees, again according to Deputy St Pier, that the costs of the trial should not be borne by Guernsey taxpayers, but by Condor? I think that Deputy Ferbrache has implemented that fact. I want to know exactly: was it that you did not want the taxpayer ... and that was the real reason for turning it down?

1110 **The Bailiff:** Deputy Ferbrache.

1115 **Deputy Ferbrache:** I can add little to the Statement, but I do not want anybody to be under any misconception. By a majority of 4:1 we were in favour of both the £250,000 underwrite subsidy and the £125,000 underwrite subsidy. We were refused in writing by Policy & Resources. We then asked to see them and we were given an early opportunity to see them and the decision was made by Policy & Resources that they could not fund it. We accepted that decision. To the extent that we accepted the decision it was collective, but our wish was – because we would not have put it forward – that the trial be funded.

1120 **The Bailiff:** Any other supplementaries? No. Your next Question then, Deputy De Lisle.

1125 **Deputy De Lisle:** Yes, thank you, sir.
Am I not correct in understanding from Senator Farnham in Jersey that the cost was to amount to £100,000 this season as a trial shared by both the Islands of Guernsey and Jersey – a point he made on Guernsey Radio? Is not this a very small sum of money, given the over £6 million current year projected loss to the airline Aurigny?

1130 **The Bailiff:** Deputy Ferbrache.

1135 **Deputy Ferbrache:** As I have already explained, both the States of Jersey and the States of Guernsey were initially asked by Condor to provide up to £250,000 each financial support to enable the pilot to take place over the summer and autumn. I would add Condor's contribution was going to be £100,000. This is a significant sum, this £250,000, and it could not be funded from our Committee's existing budget. Condor verbally, and indeed in a text from Mr Luxon to me, requested a reduced amount of £125,000 from each Island as it would have to be provided at a

lower cost, but it would still be an effective subsidy. Both of those sums were discussed at Policy & Resources with the result that I have already made, hopefully, very clear.

1135

The Bailiff: Any supplementary?

Deputy De Lisle: A supplementary, sir.

1140 I understand that Deputy Ferbrache maintains that they could not fund the initiatives through Economic Development's budget, but was there not an opportunity for Guernsey to support the trial this year by other means, suggested by Senator Farnham? For example by waiving harbour fees or getting tourism to publicise it? Was this not taken up?

The Bailiff: Deputy Ferbrache.

1145

Deputy Ferbrache: The discussion that we were for asked by Condor and that we discussed with Jersey was this underwriting of £250,000 then £125,000. That is what we were asked for and it was not for us to say to Condor – well, we did say to Condor ... As I have already said, sir, in my Statement and I think in answer to a question asked by one of the States' Members, we said to them, 'Why don't you provide the service yourself?' taking up Deputy Dorey's point about the freight profit on the northern route etc. That is one of the matters I mentioned: 'You are making money from that. Why don't you as a contribution towards the goodwill of the people of Jersey and Guernsey do that?' It was not met with a favourable response.

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The Bailiff: Deputy Gollop.

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Deputy Gollop: But, sir, in reference to these answers would, for 2018, the Committee have conversations of any ferry operator – reputable ferry operator – who was wishing to operate a commercially viable service but might also request some form of underwriting, promotion or subsidy?

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The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: We will consider from any ferry operator any proposal, and we would look at the detail of that and then consider it carefully.

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The Bailiff: Any other supplementaries? No.
Your third Question then, Deputy De Lisle.

Deputy De Lisle: Yes, thank you, sir.

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The third Question: this appeared to be an opportunity with limited downside risks; will Economic Development review again the decision not to support this summer trial inter-island ferry service on the basis of assisting tourism after a few very difficult years?

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, again as I explained in the Statement, the proposal for the inter-island service was seen as a way of testing the appetite for inter-island day trip travel. It was to be a trial for this year, which has now passed. However, as I hopefully have clearly explained, the Committee continues to have a regular dialogue with both Jersey and Condor Ferries on ways of improving inter-island ferry connections between our Islands and will work with any ferry operator that is prepared to offer a passenger-only service to improve the inter-island service.

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

1185 **Deputy De Lisle:** Sir, if I can ask a supplementary on that, Deputy Ferbrache placed some doubt about the level of economic impact of the service and also some degree of concern about the Guernsey taxpayers bearing the brunt of this particular trial; can I ask can Deputy Ferbrache assure this Assembly that money will be budgeted for the introduction of an inter-island ferry service next year?

1190 **The Bailiff:** Deputy Ferbrache.

1195 **Deputy Ferbrache:** No, I am not giving an assurance on the basis of an off-the-cuff. We will have to look at our budget, we will have to look at what we are expected to do. Like most States Committees, our budget is under scrutiny and pressure, so I am not going to give that assurance.

What I will give as an assurance is that we will do our absolute best within the bounds of reasonableness and common sense to try to ensure there is a proper inter-island service for next year.

1200 **The Bailiff:** Deputy De Lisle.

Deputy De Lisle: So can I recap on that, sir, and just ask a further supplementary – my second? Will Deputy Ferbrache see to it that Guernsey works collaboratively with Jersey to achieve an inter-island service next year?

1205 **The Bailiff:** Deputy Ferbrache.

1210 **Deputy Ferbrache:** We will certainly work collaboratively with them to seek to assure and achieve it. I cannot guarantee the conduct of anybody else other than myself so therefore that is the best answer I can give you.

The Bailiff: Deputy Le Tocq.

1215 **Deputy Le Tocq:** Sir, can the President for Economic Development confirm that at the end of April the unspent balances for his Committee were in the region of £220,000 and that should they want to have gone ahead or in the future go ahead with that, if that situation continues, that they will be able to do so within their existing budget?

1220 **The Bailiff:** Deputy Ferbrache.

1225 **Deputy Ferbrache:** I am not taking a snapshot but let me just say – I am sorry to have to say this but Deputy Le Tocq has raised it – when we got back the initial response from Policy & Resources we were told – because it was a written request we made initially – that we had a budget surplus of £500,000. Bear in mind they have senior civil servants and politicians responsible for the Island's economy, I was a little surprised that they thought we had a surplus of £500,000. So that gives me great concern in relation to the prudence of that Committee in relation to finance matters – I have not finished my answer; I would be grateful if Deputy Le Tocq would give me the courtesy of finishing it.

1230 We looked around, we thought we had £100,000. I mentioned that figure to Mr Luxon. In fact on reflection, it turned out that we may well not have had that figure but even if we *did*, that would have meant we had no reserves for the rest of the seven or eight months of the year that were still running.

1235 So that was the figure that we were given by *our* civil servants looking at our finances, so I do not know where the £220,000 comes from. It may be as facile, irrelevant and inaccurate as the £500,000 figure that we were told that we had and we did not know we had because we did not have it. (*Laughter*)

The Bailiff: Deputy Le Tocq.

1240 **Deputy Le Tocq:** Sir, the £500,000 figure was if that continued level of unspent balances were to continue to the end of the year. At the end of April there was £220,000.

I am just asking if in future the opportunity arises would the Committee for Economic Development consider it appropriate and important enough to spend that sort of money on this type of proposal?

1245 **The Bailiff:** Deputy Ferbrache.

1250 **Deputy Ferbrache:** It will depend on whatever else we have to do because we have got a massive mandate, as most States' Committees have, so I am not going to give an *ad hoc* commitment to spend £220,000 or £150,000. What I am going to say – and I am sure with 100% support from the other four very able members of the Economic Development Committee – is that we look at all our budget, all our considerations and come, as we always do, to a very sensible and pragmatic conclusion.

1255 **The Bailiff:** Deputy Trott.

1260 **Deputy Trott:** Sir, we are a team and it is essential that we all support Economic Development in the best way we can and, with that in mind, is the President aware that Policy & Resources will consider any evidence-based compliant approach for access to funds from the Economic Development Fund for the purpose of economic enhancement and development? He need rest assured, sir.

The Bailiff: Deputy Ferbrache.

1265 **Deputy Ferbrache:** Absolutely, sir. That was the response we got from Policy & Resources and, frankly, we accepted as a Committee that we could not make out a proper economic case, so what Deputy – We could not, because it was a step into the dark and we have made assumptions. So Deputy Trott's question is very constructive and I agree with it. I was disappointed with Deputy Le Tocq's inaccurate estimation of our finances.

1270 **The Bailiff:** No more supplementaries to be asked. No more questions.

ELECTIONS

Ladies' College Board of Governors – Election of Member – Advocate Caroline Chan elected

Article I.

The States are asked:

To elect a member of the Ladies' College Board of Governors, who need not be a member of the States, to replace Advocate B. P. G. Morgan whose term of office will expire on 31st May 2017, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation.

The Bailiff: We will move on to Elections, Greffier.

The Senior Deputy Greffier: Article I, Election of Member of the Ladies' College Board of Governors.

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The Bailiff: Unlike the last time when we were debating the election of a member of the Ladies' College Board of Governors, on this occasion nominations can be received from the floor of the Assembly. But first of all, Deputy Soulsby.

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Deputy Soulsby: Sir, yes, I would like to propose Dr Caroline Chan.

The Bailiff: Did you say 'Dr' Caroline Chan?

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Deputy Soulsby: I am sorry. Advocate! *(Laughter)*

The Bailiff: Advocate Caroline Chan. I am not aware that she has a doctorate. She may have but I am not aware of it. Is there a seconder for Advocate Caroline ...? Deputy Le Pelley.

1290

Deputy Le Pelley: I should like to second, sir.

The Bailiff: Any other nominations? No. We go to the vote then on the proposal to elect Advocate Caroline Chan as a member of the Ladies' College Board of Governors, proposed by Deputy Soulsby, seconded by Deputy Le Pelley. Those in favour,; those against.

Members voted Pour.

The Bailiff: I declare her elected.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The Liquor Licence (Fees) Regulations, 2017; The Weights and Measures (Fees) Regulations, 2017

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The Senior Deputy Greffier: The following Statutory Instruments have been laid before the States: the Liquor Licence (Fees) Regulations, 2017 and the Weights and Measures (Fees) Regulations, 2017.

The Bailiff: I am not aware of any motion to debate those.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

II. States' Assembly & Constitution Committee – Regular statements by Committee Presidents – Debate commenced

Article II.

The States are asked to decide whether, after consideration of the attached policy letter, they are of opinion:

1. To amend the Rules of Procedure of the States of Deliberation and their Committees with immediate effect as follows:

insert at the end of Rule 1(1) the following sentence:

'With effect from the 1st September, 2018 the policy letter referred to above shall also include proposals setting out the Committee or Committees whose President or Presidents will be obliged to make statements under the provisions of Rules 10(4) and (5) at each ordinary Meeting during the said period.'

and insert before the '.' at the end of Rule 10(1) the following text:

;

Provided that the Member has supplied the Presiding Officer with the text of the statement in advance'

and delete the proviso at the end of Rule 10 and replace it with the following new Rules:

'10(4) In addition to the right to make a statement set out in paragraph (3) above, the President of the Policy & Resources Committee and the President of each Principal Committee shall be obliged twice every twelve months and the President of the following other Committees of the States, namely the Development & Planning Authority, Overseas Aid & Development Commission, Scrutiny Management Committee, States' Assembly & Constitution Committee, States' Trading Supervisory Board, and Transport Licensing Authority, shall be obliged once every twelve months (or in every case in his or her absence the Vice-President) to make a statement setting out his or her Committee's recent activities, forthcoming work and the like at an ordinary Meeting. Such a statement shall not cover any topic which is part of another item of business at the Meeting in question.

10(5) Any statement made under the provisions of paragraph (4) shall not exceed 10 minutes in duration. In respect of statements made under the provisions of paragraph (4) only, after the statement has been made, the Presiding Officer shall allow a period not exceeding 20 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked on any matter within the mandate of the Committee, except any topic which is part of another item of business at the Meeting in question;

Provided that:

the Member to whom questions are addressed may decline to answer a question if, in his or her opinion, any answer given might be inaccurate or misleading. Each individual question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration.

Provided also that:

in respect of questions asked on statements made under the provisions of paragraphs (3) and (4) no question may be asked by a member of the Committee on behalf of which the statement is being made until all other Members who wish to ask a question on the statement have had the opportunity to do so.'

and insert after Rule 11(4)(d) the following new paragraph:

'(e) no supplementary question may be asked by a member of the Committee whose President was asked the principal question until all other Members who wish to ask a supplementary question on the principal question have had the opportunity to do so;'

and insert after Rule 12(5)(d) the following new paragraph:

'(e) no supplementary question may be asked by a member of the Committee whose President was asked the principal question until all other Members who wish to ask a supplementary question on the principal question have had the opportunity to do so;'

and insert after Schedule 1 to the Rules an additional Schedule as follows:

'Schedule 1a

Rota of statements by Presidents of Committees of the States

2017

States Meeting	Committee/s to make Statement
6 September	Policy & Resources Committee
27 September	Committee <i>for</i> Economic Development and Development & Planning Authority
18 October	Committee <i>for</i> Education, Sport & Culture
7 November (Budget)	n/a
8 November	Committee <i>for</i> Home Affairs and Overseas Aid & Development Commission
29 November	Committee <i>for the</i> Environment & Infrastructure
13 December	Committee <i>for</i> Health & Social Care

2018

States Meeting	Committee/s to make Statement
17 January	Committee <i>for</i> Employment & Social Security
7 February	Scrutiny Management Committee and States' Assembly & Constitution Committee
28 February	Policy & Resources Committee
21 March	Committee <i>for</i> Economic Development
18 April	Committee <i>for</i> Education, Sport & Culture and States' Trading Supervisory Board
16 May	Committee <i>for the</i> Environment & Infrastructure
5 June (P&R Plan Phase 2)	n/a
6 June	Committee <i>for</i> Employment & Social Security and Transport Licensing Authority
26 June (Accounts)	n/a
27 June	Committee <i>for</i> Health & Social Care
18 July	Committee <i>for</i> Home Affairs

1300

And

To agree in respect of the twelve-month period beginning on the 1st September, 2017 that such statements shall be made by the Presidents according to the rota set out in Schedule 1a to the Rules. In respect of any States' Meeting after the 1st September, 2018 the States' Assembly & Constitution Committee shall propose the rota in accordance with the provisions of Rule 1(1).

The Senior Deputy Greffier: Article II, States' Assembly & Constitution Committee – Statements by Committee Presidents.

The Bailiff: Deputy Fallaize will open the debate.

1305

Deputy Fallaize: Thank you, sir.

I will be very brief because I hope the policy letter adequately explains the proposals, which I think ought to be fairly routine.

1310 The proposals of the Committee would oblige the Presidents of all States' Committees to provide updates to the Assembly on their Committees' recent activities and work ahead at periodic intervals. The Committee consulted with at least the Presidents of Policy & Resources Committee and the Principal Committees in formulating these proposals, and the vast majority of the Presidents said that they were supportive. The President who did not feel that they were necessary said that they would not be opposed in the States. So on that basis, the Committee
1315 went ahead with formulating these proposals.

The Committee believes that statements of this form could help to strengthen openness and accountability and they would support Committee Presidents in their efforts always to be well briefed by officers, on all areas of their mandates. The Committee proposes that these statements, in line with other types of statement, would be followed by a period of questions, which can
1320 contribute positively to the States' scrutiny of their Committees and are particularly useful in the States because the proceedings of the States of course are held in public. Committee Presidents will be able to benefit from making such statements because of the opportunity they will give them publicly to explain the work of their committee.

The Committee believes that statements should be made by Committee Presidents by rotation. The recommended rota for the initial period of 12 months, from 1st September 2017 is set out in the Propositions as a proposed Schedule 1a to the Rules. The Committees are listed in no particular order, other than trying to avoid a Committee making a statement when it is known that they will have an item of major business before the States already.

In order to reflect the different responsibilities and breadths of mandates it is proposed that the Presidents of the Policy & Resources Committee and the six Principal Committees should be obliged to make statements twice every 12 months, and the Presidents of the other six
1330 Committees once every 12 months.

I know there is a suite of amendments to these Propositions by Deputy Prow. I will not go into any of those matters at this stage, other than to say the Committee opposes all of them.

1335 I know there is also an amendment which has been circulated this morning by the Alderney Representatives and I do not know whether the Committee supports that if it is going to be laid, because it has only been circulated.

Thank you, sir.

1340 **The Bailiff:** I propose that we take that amendment first. Do you wish to have an adjournment so that you can discuss it within your Committee, Deputy Fallaize?

Deputy Fallaize: No, I do not think so. It is not a matter of such enormous magnitude that I think the States can probably reach a conclusion on it! (*Laughter and Interjections*).

1345

The Bailiff: In that case we will take first the amendment to be proposed by Alderney Representative McKinley. As Deputy Fallaize has said, it has only been circulated overnight. It might be helpful to anybody listening perhaps to know what it says. It is actually a slightly lengthy amendment and I think even it were read it would be slightly indigestible over the air.

1350 It might be easier perhaps if the explanatory note were to be read by the Deputy Greffier. Mr Ross, if you could?

The Senior Deputy Greffier: Yes, the explanatory note to the amendment laid by Alderney Representatives McKinley and Jean:

This Amendment would require one of the Alderney representatives, once every twelve months, to make a statement about the recent activities, forthcoming work and the like of the States of Alderney at an ordinary meeting of the States of Deliberation. The first statement would be made on 28 February 2018 at the same Ordinary meeting at which the second of the twice yearly statements to be made by the President of the Policy & Resources Committee is to be made. Broadly speaking, if the amendment is approved, the statement would be made on behalf of the States of Alderney by the nominated Alderney Representative (or in his or her absence, the second Alderney Representative) at the same yearly intervals as statements made by Presidents of Committees of the States of Guernsey, other than the Policy & Resources Committee and the Principal Committees. The nominated Alderney Representative would be the Alderney Representative nominated for the purpose of the amended Rule by the States of Alderney.

1355 **The Bailiff:** I call Alderney Representative McKinley, as the proposer of the amendment.

Amendment 5:

To amend the Proposition as follows:

(a) to insert in the text to be inserted at the end of Rule 1(1), immediately after the words "will be obliged to make statements", the following text –

' and for the States of Alderney statement to be made by one of the Alderney Representatives,'

(b) in the text of inserted Rule 10(4), for the text of the first sentence from 'shall be obliged once every twelve months..' to the end of the sentence, to substitute –

'and the nominated Alderney Representative on behalf of the States of Alderney, shall be obliged once every twelve months (or in the case of the absence of a Committee President, the Vice President of the Committee or in the case of the absence of the nominated Alderney Representative, the other Alderney Representative) to make a statement setting out his or her Committee's, or in the case of the nominated Alderney Representative the States of Alderney's, recent activities, forthcoming work and the like at an ordinary Meeting',

(c) to insert in the text of inserted Rule 10(5), immediately after 'Committee,' where first appearing in the text –

'or in the case of any statement made on behalf of the States of Alderney any matter for which the States of Alderney has responsibility,'

(d) to insert immediately after the text of inserted Rule 10(5) the following –

'10(6) For the purpose of paragraph (4) above the "nominated Alderney Representative" means the Alderney Representative nominated for the purpose of Rule 10 by the States of Alderney.'

(e) for the heading to inserted Schedule 1a to substitute –

'Rota of statements by Presidents of Committees of the States and the nominated Alderney Representative',

(f) for the heading of the second column of the inserted rota, to substitute –

'Committee/s/States of Alderney to make Statement',

(g) to insert in the second column of the inserted rota, immediately after 'Policy & Resources Committee' where secondly appearing (i.e. where in the first column the date 28 February appears), 'and the States of Alderney',

(h) to insert in the inserted text immediately after the inserted rota, immediately after 'the Presidents' –

'and, in the case of the States of Alderney, the nominated Alderney Representative'.

Alderney Representative McKinley: Thank you, sir.

As it is an amendment of no great magnitude I shall not spend a lot of time talking about it. *(Laughter)* But actually it is of quite a lot of magnitude to us and I think it is self-explanatory.

1360 Sir, I am not going to talk about it at great length but I am just going to give a bit of background to the amendment. You will know that a number of Deputies very kindly visited Alderney last Friday, and it was a most successful visit. It started off with a one-hour technical delay on the Dornier, *(Laughter)* which we did not arrange, but it happened and so they understood immediately one of our issues. And that also led to a delayed breakfast, in fact a

1365 change of breakfast altogether.

That was followed by a very lengthy and full meeting in the morning before presentations and discussions, and we went on for an enjoyable lunch where we all got to know each a little bit better. That was followed by a tour of the Island in the afternoon where we went round the Roman fortifications, the Elizabethan fortifications, the Victorian fortifications and the Wartime

1370 fortifications also. We went to the Breakwater, of course, which is a matter of concern; we also went to the Airport and their field, which is a second matter of concern. At the end I think that the six Deputies actually felt they had learnt a great deal about Alderney which they did not know previously. And actually we also learnt a great deal about Guernsey and their thoughts to Alderney, which was very useful. Indeed, the idea for this amendment came from a Guernsey

1375 Deputy and it was supported by others, and hence the reason for laying it.

Yes, we do have some major concerns in Alderney and I think you know that. I am not going to dwell on them at the moment. Indeed, I am going to say actually how enormously grateful we are to the States of Guernsey for all that you do for us, particularly with regard to all the transferred services, and those thanks are most sincere.

1380 One final point, for the Deputies who have not visited Alderney recently, and for the new Deputies who have not visited perhaps at all, I would encourage you to consider yet another meeting. I think that those who came last Friday would agree with that. We get to know each other well, we understand the problems and we are able to explain to them and show them what our issues are. It is really for that reason that I think this amendment is an excellent one, that once

1385 a year we can stand up and very briefly explain the problems that face us, which you may not understand completely. Transport links, of course is one of them, and health and social care is one of them, but we are working on all of that at the moment with great support from you and we are grateful for that.

But I would ask you, please, to consider to support this amendment. Thank you very much.

1390

The Bailiff: Alderney Representative Jean, do you formally second the amendment?

Alderney Representative Jean: I do indeed, sir.

May I speak, just for a moment?

1395

The Bailiff: Well, Deputy Fallaize would have the right to speak now if he wishes to do so.

Alderney Representative Jean: Fine, okay.

1400 **The Bailiff:** I do not know whether he does, or whether any member of his Committee –

Deputy Fallaize: I was going to ask to speak, sir, but I am happy if Alderney Representative Jean wants to speak now, and perhaps I could speak after him.

1405 **The Bailiff:** Fine, in that case Alderney Representative Jean will speak now, to be followed by Deputy Fallaize.

Alderney Representative Jean: I only wish to speak briefly, sir, just to echo the words of my colleague and say thank you for all the work that we do together here. A lot of it is very beneficial to Alderney and very important.

The amendment to us is important and it will give us a chance to voice out some of the things that we are trying to do to deal with our situations and the problems which both Islands have and share. Some of them are very common to Guernsey and to Alderney and each Island is working on them and we share that knowledge and we try to help each other as best we can. I thank you for all the co-operation and the help and this will increase and strengthen the links in my view, which is very important and will give us the chance to speak out.

Thank you, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

And wisely, perhaps, I think I ought to try and dig myself out of the suggestion that this amendment is of no great magnitude. *(Laughter)*

What I meant, of course, was that I did not know the opinion of my Committee, and I was happy to share my personal opinion with the States, and if I got it wrong then my Committee could slap me over the wrist; but I did not think that they would be too annoyed with me because it is not a matter of great importance to the Committee if this amendment is successful.

I think it is worth pointing out that obviously the States of Alderney is not a committee of the States so it does have a rather different status from other Committees whose Presidents would be making statements in the context of these proposals; but that having been said, I think the Alderney Representatives make a very fair point that it would be quite useful both for them and for Guernsey Deputies to hear from them on a regular and formal basis of what is happening in Alderney. They can share with us some of their experiences and in particular perhaps areas where they feel the States of Guernsey could be of assistance to the States of Alderney, and then there would be some benefit in Guernsey Deputies being able to, through questions, understand from them better their perspective on what is happening in Alderney.

So although in a perfect world I think perhaps one would not have sought to shoehorn this in, in this particular set of proposals, because it is slightly different from what else is being proposed, I can say that I have no objection to it. In fact, I will support the amendment and I have had an indication from other members of the Committee that they have no objection to it either, so I hope the States will feel able to support the amendment.

Thank you, sir.

The Bailiff: Deputy Roffey.

Deputy Roffey: Sir, I will go slightly further than that. Rather than saying I have no objection, I actually welcome this development, albeit I accept it is slightly off-piste as far as presidential statements are concerned.

Alderney and Guernsey have, since the 1940s, been in a close financial and a partial political federation and I think we have failed over the decades to fully understand each other as communities, and the political issues in each Island are not always understood by the politicians in the other.

I am sure this will sail through; I just wonder whether it ought to be reciprocated? I know that is not easy because we do have, as Members of this Assembly, two Members of the States of Alderney as full Members and therefore they are able to make statements. But I would seek

guidance really from the proposer and seconder about whether there is anything in their Rules of Procedure which would allow a statement to be made in the States of Alderney once a year, about how Guernsey perceives the issues in relation to inter-island matters. Now, who should go and make that statement, I have no idea. But looking around the Chamber and seeing who is not here, maybe the President of Policy & Resources (*Laughter*) would be the ideal person to send as our delegate, and as our political leader I actually think he probably should be.

So I ask whether they will consider whether inside their Rules of Procedure something along similar lines could be done in reciprocation.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, seeing as I have mentioned on more than occasion in debate and in the media that I think the levels of communication both within and from the States need to be improved, I am delighted to see this amendment before us today.

I was a member of the delegation that went to Alderney recently with five other Deputies. I was extremely impressed by the monumental efforts being made by the States of Alderney and the people of the Island in their efforts to promote the Island. We sat in, as Alderney Representative McKinley just alluded to, a presentation in the morning with discussions at times becoming rather heated, due to a lack of progress being made on various issues that connect both Islands and due to a lack of communication from both sides. Of course those connections ... one of them was Aurigny, where communications have certainly been in need of improvement for some time now; and that was just one of the many issues where we were able to hear the views of Alderney politicians directly.

It became fairly obvious, sir, during that morning that communications do need to be improved quite considerably and it was pointed out to the Alderney politicians that communications work both ways. So regular updates in this Chamber from the Alderney Representatives would be both informative and necessary if we do want to improve – as I am sure we all do – our communications with our sister Island.

In closing, sir, if you allow me, I just want to thank the Alderney Representatives Mr McKinley and Louis Jean for their hospitality and being perfect hosts on our visit to the Island, which ended up – in my view what was the highlight of the afternoon – driving in the fire engine (*Laughter*) on the Alderney Airport runway.

So I hope the majority of the Assembly support this amendment, so we can hear regular updates from Alderney, because surely we do need to take this opportunity to improve communications between both Islands.

Thank you, sir.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

I completely support this amendment and I support the words really eloquently put over by the two Alderney Representatives.

I also had the pleasure of visiting Alderney with the Home Affairs Committee and found that to be an extremely useful experience. Just one point with the order in which we have taken these amendments: this amendment does refer to the roster which if my amendment, which we are going to hear later, is successful – and I sincerely hope it is – that would affect this amendment insofar as it refers to it. But I am sure that is a matter that can be resolved; and, as I say, the bottom line is I support this amendment.

The Bailiff: Yes, Her Majesty's Comptroller is nodding so I am sure he has already anticipated what needs to be done in that eventuality.

The Comptroller: Sir, there is an interaction I think between Amendment 1 and Amendment 5, but I think we will see how things develop.

The Bailiff: Yes.
Deputy Trott.

Deputy Trott: Sir, I rise to remind Members that Deputy St Pier is on official States' business, but knowing him as I do he would undoubtedly be content to speak with the Alderney States in the manner Deputy Roffey suggests, and even if he was not able to do it I certainly would.

My main reason for rising though is to make this point to my friends, the Alderney Representatives, about statements. Remember, statements nowadays work both ways, with Members able to question the statement-maker and I warn you in advance that, while I will support this amendment, I will question you robustly at the time you give the statement, particularly and specifically on expectations and the way they are managed in Alderney, because that is an issue of significant concern for many of us that are resident in Guernsey.

Thank you, sir.

A Member: Hear, hear.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

I do have some reservations with the media plans put forward by SACC with the continuous updates. I do like the propositions that hopefully will be laid by Deputy Prow because I think it is a bit more of a measured approach, but meaningful communication is really important. I think it was Deputy Merrett who said on our Alderney trip, it is about having the right people and talking to them at the right time at the right place. This amendment was born out of our meetings in Alderney and I think it gives a good platform and I welcome them, so thank you for that.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I very much support this amendment with a few reservations I will come to in a minute, but nevertheless I hope it goes through.

I, too, was on the day of the six States' Members meeting our Alderney colleagues. I would not say going on the fire engine was my highlight because I struggled to climb up to the great big Merryweather (*Laughter*) and Deputy Queripel had to pull me up. Also, we had to climb 60 feet up a tower and I had to rely on Deputy Merrett's help – so it was very tiring, but it was useful too. I suppose one blessing was because the other Members were delayed due to a technical transport fault, I was the only one at the breakfast with the Chairman of Policy & Finance (*Laughter and Interjections*) and that is why I had a double helping, because I had arrived the previous night.

Nevertheless, one theme not unknown to Deputy Paint and at least three other Members of the Chamber, is transport. Transport in its many ways, whether air or sea, always comes up in an Alderney context and communication and the complicated relationship of the Transferred Services; and the sense that maybe not always the right people are present in Alderney. By that I mean key figures like Deputy Trott, for example, maybe Deputy Ferbrache, Deputy St Pier, who have particular roles that need to be developed there.

But the trip is useful, and I remember the last time the trip occurred, in the previous session, many of the Members there had their eyes opened to Alderney issues and have since risen to very senior presidential roles in the States. So that connection was useful.

The difficulties are though, I heard a report about the UK General Election that compared one constituency in West London with one constituency in Birmingham and the differential between them was huge. The average income in the London one was £150,000 per capita and in the

1560 Birmingham one it was £15,000. I mention that because we have heard reports in the past that suggest the level of economic activity per person in Guernsey is a little bit higher than Alderney and that is why we do need to listen very much to the Alderney point of view. And our two Representatives in the Chamber here do an excellent job.

1565 The one reservation I have about this is the person who will make the speech – with two Representatives there might be an argument both give a perspective – will be on behalf of the States of Alderney. Constitutionally, of course, the two Members who come here are the principal representatives who have won a place in the plebiscite and there are two secondary representatives. Now, it is debatable even within Alderney, as to whether our esteemed Members Mr Jean and Graham McKinley represent the people of Alderney like we represent the people of
1570 our Departments or the States of Alderney. That is one subtle problem.

The second is, of the two Members concerned it is fair to say one of them is one of the longest serving Members of our Chamber as well as their Chamber, but is renowned for his independent and principled stance – he is prepared to be in a minority of one when the time comes. The other gentleman is a member, I believe, of the General Services Committee and has a different role. So I
1575 would not like to see a disagreement as to which one put forward the viewpoint and whether the other one would disagree with the view. But I think it is an extremely good start. We need the dialogue, indeed, as Deputy Roffey said, both ways. I sit from time to time as a member of the public in the States of Alderney and always find it useful. You can hear it on Quay FM. But I am more there perhaps for the glass of wine at the end of the meeting than making any statements.
1580 *(Laughter)*

The Bailiff: Yes, Deputy Merrett.

Deputy Merrett: Thank you, sir.

1585 Indeed I was part of the delegation and I thank Alderney for their generosity of offering us such an opportunity to visit them.

I would also like to reciprocate that opportunity, it would be good to see Alderney States' Members visiting Guernsey. **(A Member:** Hear, hear.)

1590 I have also additionally since returning from the trip, contacted the President of SACC asking him if they can indeed include Alderney as part of the induction for new States' Members of Guernsey. I would also like to emphasise it could potentially be part of the induction for new States' Members of Alderney.

So I would refer to Deputy Roffey's question and concern: I do believe it would be very informative to have communication in both Islands and indeed I would support Deputy Roffey on
1595 his proposition of having regular statements in the Alderney Chamber.

Thank you, sir.

The Bailiff: Yes, Deputy Inder.

1600 **Deputy Inder:** Sir, thank you.

Both Messrs McKinley and Jean are quite clearly gentlemen of a different time, *(Laughter and interjections)* and what I have noticed over the years is there is an amount of almost – quite sadly, actually – cap-doffing as you guys make your statements and gratitudes to Guernsey as Alderney Representatives. And, as polite as it is, it kind of saddens me that you are not brought into our
1605 fold.

The Bailiff: Please speak to the Chair, Deputy Inder.

Deputy Inder: I beg your pardon?

1610 **The Bailiff:** Through the Chair, you should not be addressing them directly.

Deputy Inder: Oh, I beg your pardon sir.

It saddens me a bit that there is almost an over-politeness by the two Alderney Representatives.

1615 Maybe Alderney for some reason, to many Guernsey residents, is almost too far on the horizon. I think sometimes that might be reflected in the Assemblies as well which is odd, as there is an old Guernsey rhyme which says, 'Guernsey, Jersey, Alderney and Sark, Four little Islands all in the dark.' Or maybe that might have been just my mum, I do not know, she is a bit odd.

1620 So, sir, I am basically going to support this, and maybe by more statements and more official statements within this Assembly we can, as Deputy Lyndon Trott has said, question Alderney more about its policies and where it wants to go. So I am going to welcome it and well done, chaps – Deputies, sorry ... no, you are not even Deputies – Representatives, for bringing this forward.

Thank you.

1625 **The Bailiff:** I see no-one else, so Alderney Representative McKinley, will reply.

Alderney Representative McKinley: Sir, I am not sure I can say very much.

1630 I think I get a general feeling of support for which we are both enormously grateful. I just want to mention, Deputy Roffey, you mentioned a financial relationship. I think you will all know that the financial relationship has been reviewed, it is still under review, it about to change to some degree.

1635 I totally support Deputy Roffey's idea that Guernsey should also be able to update Alderney on what is happening in Guernsey; indeed we are working together as two Islands and I think that quite often we read a lot of documents about 'Guernsey, Guernsey, Guernsey', when in fact we should be talking about 'The Bailiwick, The Bailiwick'. I would ask you first to reconsider the Bailiwick and also continue the visits to Alderney.

1640 Also, I think somebody mentioned the idea of the Alderney States' Members coming down and perhaps attending meetings here, and I think they should actually at least spend some time sitting in the Public Gallery and understanding what goes on here, and they will hear a lot more about Guernsey. So I think it is two-way traffic.

I am very grateful to you all for speaking in support of it generally, and I will leave it to you to vote.

Thank you very much, sir.

1645 **The Bailiff:** We vote, then, on the amendment proposed by Alderney Representative McKinley, seconded by Alderney Representative Jean. Those in favour; those against.

Members voted Pour

The Bailiff: I declare it carried, *nem con.* (Interjection and laughter)

1650 We move on now to the suite of amendments, (**A Member:** Ooh, exciting!) as Deputy Fallaize described them, and what I have decided in conjunction with proposers, seconders and the President of the Committee, is that they all be taken together. So we will have just a single debate on all those amendments.

Deputy Prow.

Amendment 1

To delete –

(a) the text from and including –

(i) 'insert at the end of Rule 1(1).. to '..at each ordinary Meeting during the said period.', and

(ii) 'and insert after Schedule 1 to the Rules an additional Schedule...' to '...shall propose the rota in accordance with the provisions of Rule 1(1)', and

(b) 'and' where it appears immediately after the text deleted under (a)(i) above.

Amendment 2

In the inserted text of new Rule 10(4) –

(a) for 'and' where it appears in the second line, to substitute ';; and

(b) to delete 'shall be obliged twice every twelve months',

Amendment 3

In the inserted text of new Rule 10(5), for '20 minutes', substitute '15 minutes'.

Amendment 4

To delete –

(a) in the inserted text of new Rule 10(5), the second proviso,

(b) the text from and including 'and insert after Rule 11(4)(d)...' to '....have had the opportunity to do so;', and

(c) the text from and including 'and insert after Rule 12(5)(d)...' to '....have had the opportunity to do so;'.

Deputy Prow: Thank you, sir.

1655 I would just like to start by asking if those amendments should be read or indeed perhaps just the explanatory notes, as we did with the last amendment?

1660 **The Bailiff:** Yes, I think reading them is not going to be very helpful to anybody who has not actually got the original Propositions in front of them, so maybe reading the explanatory notes would be helpful.

Greffier, if you could do that?

Deputy Prow: Thank you, sir.

1665 **The Senior Deputy Greffier:** Yes, sir.

Amendment 1, proposed by Deputy R Prow and Deputy A Dudley-Owen:

Explanatory note:

This Amendment removes the requirement for a 'rota of Statements' covering the period from September 2017 to September 2018 and for the States' Assembly and Constitution Committee to propose such a rota in relation to future annual periods. If approved, the Amendment would leave the scheduling of 'obligatory statements' under the new Rule 10(4) to be determined by the States in accordance with recommendations of the Policy & Resources Committee, in the same way as for other new matters submitted for consideration by the States.

The Bailiff: Can you read the others as well? We are taking them all together.

1670 **The Senior Deputy Greffier:** Oh right, yes, sir.

Amendment 2, also proposed by Deputy Prow and Deputy Dudley-Owen:

Explanatory Note

This amendment would oblige the Presidents of all Committees to make statements every twelve months only. If carried it would not change the existing right of every Member to make a statement under Rule 10(3) of the current Rules of Procedure.

Amendment 3:

Explanatory Note

This amendment provides for the Presiding Officer to allow a period not exceeding 15 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked under the proposed new Rule 10(5). This is consistent with the period so allowed under Rule 10(3) of the current Rules of Procedure.

Amendment 4:

Explanatory Note

This amendment gives all Members (including Members of any Committee on behalf of which a statement is made) equal standing to ask questions in respect of statements made under the provisions of new Rule 10(4) and to ask supplementary questions under Rules 11(4) and 12(5), without any restriction (as is currently the case under those Rules).

The Bailiff: Deputy Prow.

1675 **Deputy Prow:** Thank you, Mr Bailiff, and thank you for allowing me to speak to all the amendments at once; and I thank the President of SACC for agreeing to this.

Sir, in seeking to amend the States' Assembly & Constitution Committee's policy letter, please may I open by saying that I fully support all Presidents – not just those of the large Committees – providing updates to the Assembly on their Committees' activities.

1680 I completely concur with the policy letter, which states that such statements help to strengthen openness and accountability. Indeed, this happens now, utilising the existing Rule 10(3). In this term most of the Committee Presidents have already made such statements. Ironically one of the Committees which has not yet done so, I believe, is the one which has submitted the policy letter.

1685 But I should say that I am not sure it is necessary to enforce this good practice through the Rules. As with the enactment of legislation this should really be a last resort. However, I do support the Executive Summary of the policy letter at 1.1 and will vote to achieve that aim, as so articulated.

1690 But this where I part company with the proposals: if the Propositions were indeed a minor addition to the Rules of Procedure to oblige Presidents of *all* the Committees to provide updates to the Assembly on activities and work ahead at periodic intervals ... then, well, happy days. But no, the current Rule 10(3) which has facilitated regular statements is proposed to be expanded by a further two Rules – 10(4) and 10(5) – adds a further sentence at the end of Rule 1(1) and Rule 12(5) and imposes the addition of a prescriptive rota system where SACC will determine when such statements are made.

1695 The Propositions are not minor additions, they go much further than this and they are OTT – it is over-engineering – if the aim as stated is simply to introduce an obligation, rather than relying on agreed practice. Furthermore they discriminate by restricting the ability of certain States' Members of their existing rights to ask questions.

1700 Sir, the Policy Letter seeks to impose an oversight by SACC of exactly when such statements by Presidents are to be made, replacing the existing system which appears to have worked perfectly well under the existing rule, where there is flexibility about the appropriate timing based on whether there is something new or pertinent to say, and balanced with other States' business by Policy & Resources in liaison with the Presidents of the Committees. This is unnecessary and over the top.

1705 Sir, I have made mention of our existing Rule 10(3). We already have a perfectly adequate mechanism in that Rule in those circumstances where, as this policy letter describes in section 2.2, there is from time to time a need to provide an update on 'activities and intentions' over and above the regular statements which they would be obliged to make. As said, statements would be made when Presidents have something worthwhile to say, not just because SACC has entered that committee's name on a schedule.

1710 The first amendment therefore removes the requirement for the rota of statements covering the period of the States from September 2017 to September 2018 and for the States and SACC to

propose such a rota in relation to future annual periods. If approved, the amendment would leave the scheduling of obligatory statements under the new Rule 10(4) to be determined by the States in accordance with the recommendations of the Policy and Resources Committee, in the same way as for other new matters submitted for consideration.

Moving on, sir, currently the Rules at 9 and 11 also adequately allow for a question time and Rule 12 for urgent questions where Presidents can be quizzed by Members. Furthermore, I would submit that sufficient opportunities are already apparent. For example, in the Policy and Resources Plan, where Committee submissions are highly detailed and at the Scrutiny public hearings, which we have heard in a statement, interestingly, this morning, which very ably, in my view, provide some transparency and challenge to Committee work, making the imposition of a twice every 12 months obligation over the top, whilst placing a burden on the heavy workload of Presidents, Committees and officers, and not to mention the effect on the cost and budget. The second amendment therefore obliges the Presidents of all Committees to make statements every 12 months only. If carried out, it would not change the existing right of every Member to make a statement under the existing Rule 10(3).

Sir, again I must refer back to our existing Rule 10(3). Why do we need to interfere with a principle which, in my view, has served us well? It has established a 15-minutes period of questions, but more importantly, Mr Bailiff, as you are aware, we have an excellent presiding officer (*Laughter*) who can and does use his discretion to extend this time period. Sir, our presiding officer is, in my humble view, very able to gauge whether there is a need to cater for more questions or if, for any other reason, the allotted time requires to be extended. The third amendment therefore provides for the presiding officer to allow for a period not exceeding 15 minutes, which period may be extended at the discretion of the presiding officer, for questions to be asked under the proposed new Rule 10(5). This is consistent with the period so allowed under Rule 10(3) of the current Rules of Procedure.

Finally, I turn to the question of SACC's wish to meddle with the right of each Member of this House to ask a question in respect of statements when they choose to stand. This will interfere with our democratic system and I strongly oppose adding to our already cumbersome rules to discriminate in any shape or form against a Member simply because they are a member of the committee which is the subject of the statement. This rather makes an assumption that the only questions which have a priority to assist the process are the ones who have an axe to grind. An informed question or challenge from a Committee member in their non-executive, non-party-politics, is just as capable as anybody else's question of adding value to SACC's stated purpose, which I again quote, 'of providing updates ... on ... activities and intentions'. Sir, the fourth amendment therefore gives all Members, including members of any Committee on behalf of which a statement is made, equal standing to ask questions in respect of statements made under the provisions of the new Rules at 10(4) and ask supplementary questions under Rules 11(4) and 12(5) without any restriction, as is currently the case under the Law.

Thank you, sir.

The Bailiff: Now, Deputy Dudley-Owen, do you formally second amendments 1, 2 and 3?

Deputy Dudley-Owen: I do.

The Bailiff: And Deputy Oliver, amendment 4?

Deputy Dudley-Owen: And – sorry – can I reserve my right to speak?

The Bailiff: Yes, well, you do not have a right to speak at this point because the President of the Committee has the right to speak immediately after the proposer has laid the amendment.

Deputy Oliver, do you formally second amendment 4?

1765 **Deputy Oliver:** I do.

The Bailiff: Deputy Fallaize, do you wish to speak at this point?

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

1770 When I refer to the suite of amendments I mean 'su', not 'sw', because these amendments taken together ... one not quite so much as the other three, 1 not quite as much as 2, 3 and 4, but taken together they all present the same theme, which is to take the teeth – or at least some of the teeth, half of the teeth perhaps – out of the Committee's proposals in respect of Committee President statements.

1775 Although Deputy Prow is laying four amendments, his speech in proposing them was really a speech against these proposals altogether. He clearly believes – and I respect his right to hold this view – that the ... Oh, well, I will give way.

The Bailiff: Deputy Prow.

1780 **Deputy Prow:** Sir, I think I made it abundantly clear that I support the executive summary and that I will vote in accordance with the executive summary.

Thank you, sir.

1785 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I do think that Deputy Prow in his speech made a case effectively against the proposals, because he clearly believes that the present rules are adequate in terms of governing the statements made by Committee Presidents, and I think it would have been better to have wrapped all of this up in a single debate and Members who just are not in favour of the proposals could have voted against them. But anyway, these amendments have been laid and Deputy Prow has a right to do that.

I will talk about each of the amendments separately, although we are debating them together.

1795 Number 1 has two effects: first of all, it shifts responsibility for proposing when the statements will be made from the States' Assembly and Constitution Committee to the Policy & Resources Committee; and secondly, it deletes the proposed scheduled statements for the period September 2017 to July 2018 which appears in the policy letter and is attached to the Propositions.

1800 It seems to me that if we are going to have statements from Committee Presidents on a regular and organised basis and if there is already, as there is, a requirement for a particular committee to propose to the States annually a schedule of meeting dates, that Committee might as well at the same time propose the schedule of statements, and the Committee with responsibility for the other task is the States' Assembly and Constitution Committee. It seems to me that that is just the most efficient way of doing it.

1805 I am sure that the Policy & Resources Committee has got perhaps more interesting and maybe even more important things to concern itself with than designing rotas or even coming up with proposals for when Committee Presidents should make statements. I am often amused to ... There is always concern expressed about attrition of power by the centre, this move to resist the Policy & Resources Committee having too much power, and then when there is consideration of a new issue that comes along, some Members are keen to ensure that the responsibility is given over to the Policy & Resources Committee.

1810 SACC, by the way ... I have made a Statement on behalf of the States' Assembly and Constitution Committee. I think it was the States meeting before the last one, but that is by the by.

1815 The great irony of this amendment is that Deputy Prow says it should all be left to the Policy & Resources Committee, but actually the Policy & Resources Committee – I believe the whole

Committee, certainly the President of P&R – tried to get the statements established on a semi-formal basis voluntarily. The Committee was approached because that attempt by the Policy & Resources Committee had not been successful. Some Presidents, as it were, would not play ball. That is the whole reason that the States’ Assembly and Constitution Committee was approached in the first place about the possibility of trying to put the statements on a formal basis.

I suppose Deputy Prow and Deputy Dudley-Owen would say we do not need a rota of statements anyway, irrespective of which Committee is going to have responsibility for it, but I think that if each Committee President is going to be required to make a statement a certain number of times each year, and SACC thinks it should be twice a year for some Committees and once for others and Deputy Prow thinks once for all Committees ... Nonetheless, if it is going to be a requirement, then it makes sense to set out the statements in the form of a rota – first of all, because that ensures a steady allocation of statements at meetings through the year, and secondly because it gives Committee Presidents reasonable advance notice of when they will be required to make their statements.

Two further points on amendment 1. The rota of statements which SACC is proposing and which Deputy Prow’s amendment 1 wishes to defeat in no way precludes Committee Presidents from making statements at any other time if they have something interesting or useful to relate to the States, or even if they do not have anything interesting or useful (*Laughter*) but they just want to make a statement anyway, and we may have had one or two of those – not today, I hasten to add! So there is no attempt to remove the Rule 10(3) which provides for statements to be made on an *ad hoc* basis.

Secondly, in the explanatory notes of amendment 1 – and Deputy Prow repeated this when he spoke in support of the amendment – it says that if approved, the amendment would leave the scheduling of these statements to be determined by the States. I think that this amendment ... and certainly when Deputy Prow spoke this morning he spoke about SACC determining the schedule of the statements. Well, he is implying that what is proposed is a new arrangement whereby the Committee will decide when statements will be made by which Presidents of Committees. Actually, what the Committee is proposing is that the States’ Assembly and Constitution Committee should report to the States annually proposing a rota. It is not for the Committee to decide when those statements should be made; it is for the States to determine the rota. The rota is proposed as an appendix to the Rules. It is in the Propositions. It would have been perfectly ... Any President or anybody else who wanted to propose amendments to it could have done so and could do in the future, so this stuff about SACC determining when Committee Presidents should make statements is just false. It is the States that should make that determination but according to the Committee’s proposals on the recommendation of the States’ Assembly & Constitution Committee.

I must be honest, personally I am not that fussed whether the task is done by the Policy & Resources Committee or the States’ Assembly & Constitution Committee. But I do think there should be a formal rota of statements for the reasons that I have set out and Deputy Prow’s Amendment 1 would remove the concept of the rota of statements.

Moving on to amendment 2, this is a straightforward amendment which if carried would have one effect, which would be to cut in half the opportunity which these statements offer for the States to be updated on and to ask questions about the work of the Policy and Resources Committee and the six Principal Committees: Economic Development; Environment & Infrastructure; Education, Sport & Culture; Employment & Social Security; Health & Social Care; and Home Affairs.

Before developing this policy letter, as I said in my opening speech, the Committee did consult with the Presidents of those seven Committees. Six of the seven advised the Committee that they were fully in favour of the proposals and one Committee President felt that the proposals were unnecessary. But interestingly and, I think, quite tellingly, none of the Committee Presidents are trying to amend the proposals that are before the States today. None of the Committee Presidents are trying to make this process easier or a little bit less onerous for themselves – well,

1870 at least as far as we know, none of the Committee Presidents have inspired any or all of these amendments – but what I do know is that, having spoken to several of the Committee Presidents in recent days, these proposals are supported at least by a substantial majority. I cannot say exactly what the majority is because I have not spoken to every single one of the Presidents, but I know that there is a majority of the Presidents who support the proposals.

1875 Now, if they themselves are content with the obligation to make these statements, why should the States try to make the process less onerous on those same Committee Presidents? When the Committee Presidents themselves seem happy to meet these obligations I am not sure what it is that makes Deputy Prow and Deputy Dudley Owen so concerned for the welfare of the Committee Presidents that they need to have this additional protection. We do not have backbenchers in our system as such, but it really should be that non-committee presidents are, if
1880 anything, trying to enhance the scrutiny of Committees and Committee Presidents. Here we have most of the Committee Presidents happy to face this additional scrutiny but two quasi-backbenchers, or whatever we are – (**A Member:** Non-presidents.) Non-presidents, yes, trying to reduce the amount of scrutiny of States' Committees.

If one considers the expenditure of the Committees that we are talking about, Health and
1885 Social Care's expenditure is well above £100 million per year; Education, Sport & Culture is £70 million or more a year; Home Affairs, more than £30 million a year; Employment and Social Security, £250-odd million, or more if you include contributory and non-contributory expenditure. The Presidents of these Committees are the holders of the senior offices in the States. I do not think it is unreasonable to expect the President of the Policy & Resources Committee and the
1890 Presidents of the six Principal Committees to be able to cope twice a year with updating the States for 10 minutes each time on the work of their Committees or to cope with 20 minutes of questions from colleagues on areas of work for which they are responsible.

There is, of course, a proviso in the Rules that if, in answering a question, a President of a Committee thinks that he or she may give information which is inaccurate or misleading, he or she
1895 can decline to answer the question. So there is that additional safeguard that exists in the Rules today and which would not change, but I think we should expect the Presidents of these Committees to be able to cope with two sessions per year of updating the States and receiving questions from colleagues. They seem – or most of them, the vast majority of them anyway – very happy to do so and they have made no representation to SACC to remove the twice a year
1900 requirement, so I would ask the States to vote certainly against amendment 2.

Amendment 3 is another attempt to alter the balance in these statements in favour of Committee Presidents – although they do not really want the balance altered in their favour, but nevertheless that is where we are – and against the rest of the States. This amendment, if it is successful ... If this attempt succeeds, it would leave untouched the proposed time for which a
1905 committee president could speak at 10 minutes but it would reduce by 25% the time available to the 39 other States' Members to ask the questions of the President who had made the statement. If a Committee President makes a statement of up to 10 minutes covering the work right across his or her Committee's mandate, I do not think it is unreasonable to provide the rest of the States, the other 39 Members, with up to 20 minutes to ask questions following that statement.

1910 The explanatory note on this amendment 3 cites Rule 10(3) and highlights that other *ad hoc* type of statements then are followed by periods of questions up to 15 minutes, and therefore Deputy Prow proposes that this type of statement should be followed by the same period of questions. But there is a material difference. *Ad hoc* statements, those made under Rule 10(3), are normally on a single issue, the sort of thing that ... well, exactly the thing that Deputy Ferbrache
1915 has made to the States this morning on inter-island ferry links, a relatively narrow but important part of the Committee's mandate. Then there is a period of up to 15 minutes for questions.

These proposed statements, the new Rule 10(4), would potentially cover all of the mandate of a States' Committee – that is in the nature of these statements; they are general update statements on the most important policy work right across the mandate of Committees – so I do
1920 not think the period of questions can be compared. If anything, one could say that 20 minutes of

questions may not be long enough, but the Committee certainly does not think that 20 minutes should be reduced to 15 minutes and that is justification enough, I think, to reject amendment 3.

1925 Moving on to amendment 4, which I thought was in some ways the most amusing because these questions that are asked by ... In fact, the Committee was asked by more than one other States Member, outside of the context of the proposed new committee statements but just in relation to ordinary questions, to remove the opportunity for members of Committees to ask questions of their own Presidents. The Committee considered it and decided that that would be going too far and instead believes that the questions of other Members who are not on Committees should at least take priority; but, once they have taken priority, if the members of the Committee from which the statement has originated wish to ask questions, then they should be permitted to do so. But these questions very often ... and Deputy Prow paints a picture of these questions as very validly seeking to obtain information from Committee Presidents, but I wish it was so. Normally these are patsy questions. When a Committee President may be facing slightly searching questions from somewhere else in the States, suddenly a member of the Committee jumps up and asks something plainly ridiculous like 'Would the President of the Committee agree with me that the most recent policy announced by the Committee is a great improvement on the predecessor Committee's policy and that there is no need to amend it further?', sits down and the Committee President says, 'Yes, I would agree with that.' Fine, okay, if we are going to have those sorts of questions we are going to have those sorts of questions, but they should not be prioritised over and above the questions which other Members have who are outside of that committee, (**A Member:** Hear, hear.) who are asking genuine questions to try to elicit information from that Committee President and potentially to try to scrutinise and challenge the content of the statement.

1945 That is all that is being proposed by the States' Assembly & Constitution Committee: that we have a Committee President's statement, then we have questions from Members of the States who are not members of that particular Committee, and then, once they have been prioritised, if there are any questions from members of the same Committee, we move on to those. I do not think that the package of proposals from the States ...

1950 Oh, Deputy Trott is looking for me to give way, which I will happily do.

Deputy Trott: I am grateful to you – thank you for calling me – for giving way.

I just wanted to ask your view – through the Chair, sir – on a Committee contrarian. So you have a member of a Committee who has all of the evidence in support of his comments, he wishes to challenge the President or chairman in this place but is unable to do so because he is discounted because others have taken preference. Surely if we are all backbenchers, and in the context of open and transparent government, to do so is a foolish move.

The Bailiff: Deputy Fallaize.

1960 **Deputy Fallaize:** What a silly thing to say! It is silly because Deputy Trott is talking about those Members' opportunities to ask questions being discarded, but they would not be discarded – they would be able to ask questions, it is just that they would be delayed. (*Interjection*)

Having said all of that, I do think –

1965 **Deputy Trott:** I challenge Deputy Fallaize on a point of correction, sir. It would only be delayed assuming, of course, we did not run out of time. It is quite conceivable that those questions could not be asked because others have taken priority.

1970 **Deputy Fallaize:** Well, if that is so, then that would mean that there are too many questions for the 20-minute period, and if the questions from the members of that Committee are not going to be discounted then questions from other Members will have to be discounted if we have run over. I do not think that is right. I think that if the President of the Policy & Resources Committee

makes a statement, Deputy Trott may have a burning and significant question to ask but I think that Members who are not members of that Committee should take priority, and I do not think that, because of Deputy Trott's questions or Deputy Le Tocq's questions or anybody else's questions from that Committee, other Members' questions should be ruled out of time, which is the kind of picture that Deputy Trott is painting. We are not suggesting that those sorts of questions should be discarded, just that they should be delayed and that other Members have the opportunity ask questions first, because the members of the Committee would have had the opportunity to debate it, probably at length, around the committee table. The central purpose of statements is to update the States on matters which Committees are working on, which other Members of the States who are not on that Committee may very well not know about.

So I think that the package of proposals which the Committee is putting forward – and I emphasise again the Committee was asked to put forward these proposals by Committee Presidents because the attempt to arrange this voluntarily by the Policy & Resources Committee had not been as successful as they would have liked ... I think the package of proposals being put forward by the Committee is reasonable. Deputy Prow's suite of amendments tries to take the teeth out of the Committee's proposals and tries to protect Committee Presidents from their colleagues in the States when most of the Committee Presidents are not asking for that level of protection.

So I would ask the States to reject the amendments and support the Committee's proposals.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir. I will speak on the four amendments and, if I may, just make a couple of general remarks as well, which obviously will prevent me from talking later in general debate.

This morning we heard from Deputy Green talking about Scrutiny with a big 'S' and scrutiny with a small 's' and saying that all of us in this Chamber should be scrutineers. I agree with him and I have to say I think one of the failures of repeated Assemblies during my decades in them, and previously and in between, has been a lack of formal processes that allow each and every Member of this Assembly to scrutinise effectively. Yes, we have got Question Time and we can sit at home and – Deputy Gollop is very good at it – ring me up, 'What can I ask at the next meeting?' But if you look at most other parliaments, they have set-piece ... It is health questions today, next week it is agriculture questions, next week it is education questions.

I think SACC perhaps have mistitled this policy letter, because it is talking of regular statements by Committee Presidents. Actually, only a third of the time we are seeking to allocate parliamentary time is statements; the other 20% will be questions. Sorry, the other 20 *minutes* will be questions! (*Laughter*) Questions on *anything* under the purview of that department, not just the contents of the statement. So it will be replicating good practice that happens elsewhere, allowing the Members of this States for formally scrutinise different areas of policy on a regular basis. I think that is a thoroughly good thing.

I was sat here looking up at Deputy Prow making quite an impassioned speech in favour of his amendments, and I like passion but I must admit I was scratching my head and thinking 'What's he really getting so uptight about here? I don't really understand what's objectionable here.' I will just pick up a couple of things he said. He does not like the fact that there will be a rota or that it will be twice a year for the Presidents of P&R and the Principal Committees, because he thinks statements should be made when Presidents have something useful to say. Well, if the President of P&R and the Presidents of the six Principal Committees cannot find something useful to say twice a year then it is a pretty poor show, frankly. In fact, what has actually happened now the informal policy has been happening is actually Presidents have been going on for too long; hence the need for a rule saying 'Keep it tighter, mates; keep it down to 10 minutes because you are starting to throw in everything but the kitchen sink.' So, if that has been the problem so far – (*Laughter*) Yes, exactly! I am excluding nobody from those ... and actually, I understand it and

2025 welcome it. If people feel passionate about their departments, they are going to want to tell people about everything they are doing, so it is human nature that they are going to go on a bit but I think we do need a degree of discipline and hence the Rule does it.

But what I am saying is, if that has been a problem, then the suggestion that twice a year, on a regular basis, may leave a President saying, 'Well, I have not really got anything interesting to say at this moment. If I could have done it another time that would have been all right, but just at the moment my Department is not doing very much,' it is not a problem. So to reduce the opportunity of the Members of this parliament to indulge in this scrutiny, with a small 's', by reducing it from twice a year to once a year, I think is unfortunate.

2035 I think the 20-minute question time, in a way, is probably going to prove to be not long enough, but we have to look at it. So far, the formal submission of policy letters have been fairly light on the ground and therefore this House has not been sitting very much. I cannot believe that is going to continue. (**A Member:** No.) Well, we know later this month we will probably sit for eight days or two weeks, but even leaving that aside I think we are going to get busier, so there has to be some compromise between the ability to question and to manage parliamentary time.

2040 So we looked at it; there is no magic figure, but half an hour seemed about right for the process, of which one third was a statement and two thirds were the questions. And I completely agree with my President ... I know I do not always do on everything, but on this occasion, yes, statements that cover a wide range of things demand more question time than a single issue, but it goes wider than that – read the policy letter: Members will not be restricted to asking about the contents of the statement. They will be asked about everything under that department's mandate. 2045 Twenty minutes: I think to cut that down ... I was almost surprised we did not see an amendment asking for a longer period of time rather than a shorter period of time.

As for the ability of Committee members to ask questions to their own President, I will be stunned if we decide not to go with the proposals in this policy letter. It is not just a question of patsy questions. And yes there are, 'Doesn't my President agree we are absolutely marvellous?' and taking up half of the 20 minutes. It is not just that. If we are questioning about everything inside a mandate – twice a year we get the opportunity. The people sitting around the table, week in, week out, have the opportunity to probe and find out more. Take Health & Social Care: huge mandate. I do not know how often they meet, but I guess it is about once a week that they meet. I would be very upset, with all of the things we could be asking about, if people who sit around that table and actually have a fair idea of what is going on and actually could ask questions and if they did not on a weekly basis, actually took the time of people in this Assembly who really want to know what is going on and do not have that inside track. But, as Deputy Fallaize said, it does not preclude them from doing so, if time allows.

2060 My *only* slight reservation on that is we have occasionally had maverick members of a Committee who take a very different view to the whole of the rest of us. I am not mentioning any names, but we have occasionally had mavericks, and perhaps they will feel incredibly frustrated, but I think that is their own choice really. They still have the ability to probe inside Committees rather than out.

2065 Who draws up the schedule? I do not give a monkey's, frankly! I really do not think SACC will say, 'Please give it to us; it is important.' It is like the Douzaines, 'Do not take our powers away from us!' If somebody else wants to have a go, then any volunteers take it, but I do agree, we do need a formal schedule so that all Members know what is coming up. It is not like a policy letter. Policy letters are submitted; should we debate them this week or should we debate them in three weeks' time? That is managing business. This is a regular schedule of statements and we should have one.

2070 Sir, 'Taking the heat out,' Deputy Fallaize said. I think it just dilutes. We already have far too dilute a system of scrutiny outside the Scrutiny Committee for the rest of the Members. This is a step forward. I cannot imagine why the three Members concerned want to dilute it, particularly, as has been said, we have had no feedback from any President suggesting that they want that

dilution, but if they do I invite them to speak. Please speak; please tell us why you want this system diluted and explain the rationale and then maybe we will be able to understand.

The Bailiff: Deputy Soulsby.

2080 **Deputy Soulsby:** Sir, I will be brief.

As a President, I can say ... I know that in the job I am in, the life expectancy is quite small, so it might not affect me too much, (*Laughter*) but I have got no objection to this policy letter at all. It makes sense. I welcome it. Certainly, as a President, in my position, where we are going through a whole new change programme, it is really important that Members of the Assembly and the wider public get to hear what is going on, and so I welcome it.

2085 In terms of mavericks on committees, my friend and colleague, Deputy Le Clerc, does not mention that they can ask questions, so if they feel they are getting nowhere within their Committee they can ask public questions.

2090 I am disappointed to see all these amendments (**A Member:** Hear, hear.) and I think basically because *that* is what we should be debating and *that* is what we should all have our heads around at the moment: the Policy & Resource Plan. Certainly I and my Committee are, I think, really focused on this Plan and the implications it has for the whole States and the Island as a whole.

2095 I understand that Deputy Dudley-Owen will be speaking as seconder of these amendments but, frankly, I think we have got bigger things we need to be discussing in this Assembly. (**Several Members:** Hear, hear.) I do hope her speeches are short and we can get on to the really important things that we have to debate.

A Member: Hear, hear.

2100 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

2105 I refer to a comment made by Deputy Fallaize in his speech. He mentions that there were proposals that were sought by P&R to achieve this sort of President's speech. I just wondered if the policy letter reflects the same package or if there were any improvements, adaptations, to what was actually put forward by P&R that failed to be brought forward? If someone from P&R could answer that question, I would be very grateful.

Thank you, sir.

2110 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

2115 I will speak briefly this morning in support of the amendments laid by Deputy Prow, three of which I seconded: the first to remove the rota from the policy letter; the second to remove the requirement to make two statements; and the third to keep the question time limited in line with other question time rules. In addition, I also support the amendment number 4, seconded by Deputy Oliver.

2120 I am keeping this brief because I do not wish to labour the points herein and I have listened carefully to Deputy Fallaize. I think that we are probably wasting States' time unduly because in the bigger scheme of things this proposal is not materially a priority or even that important.

Whilst overall I do not have any objection to the proposal put forward, there are elements that have raised my hackles and obviously that is why I have supported the amendments this morning, because I see this to be micromanaging Committees in the name of scrutiny.

2125 For amendment number 1, the rota is unnecessarily prescriptive and does not take into account the various *ad hoc* policy letters which may coincide with the statement date. This will undoubtedly place a burden on not only the President to deliver the statement and answer

questions, but they will also potentially have to open debate with the introduction to a policy letter. To stick to a ridged timetable requires resourcing which at this time is not in abundance –

2130 **Deputy Fallaize:** Sorry, point of correction.

The Bailiff: Deputy Fallaize.

2135 **Deputy Fallaize:** It is a point of correction because it will not allow what Deputy Dudley-Owen just said, because statements on matters and questions on matters which are on the agenda to be debated later in the meeting will not be permitted under what is being proposed by the Committee.

The Bailiff: Deputy Dudley-Owen.

2140 **Deputy Dudley-Owen:** I think Deputy Fallaize is missing my point there that, if a statement is put out as per the rota, then a policy letter which you may not be able to put the date in is put forward and submitted, that policy letter may land on the same date as the rota requires you to make a statement.

2145 Anyway, continuing: the officers on the two Committees that I sit on are extremely busy dealing with business as usual as well as very pressing project work, and for the States' Assembly & Constitution Committee to add to the workload of officers within other Committees, I think is rather irresponsible, not to mention presumptuous.

2150 One of the functions of Policy & Resources is to prioritise submissions to the States for debate, so when a Committee feels that it is ready to make its statements, let P&R do its job and assist with the scheduling. Whilst I welcome the regularising of the Presidents' statements in the Rules of Procedure, this approach, going further in dictating when a Committee must make its statements, is unnecessary micromanagement.

2155 In regard to amendment 2, sir, requiring a Principal Committee to publish and present two statements per year is again adding to the burden of work for that Committee. I fail to understand why SACC see an advantage to adding to the workload of a Committee by requiring two statements per year. A Committee may see fit to deliver more than this but, if it is required and cannot adhere to this rule, what will happen? Will they be asked to resign or maybe threatened with a vote of no confidence? What is the point of having rules without any redress? Again, this to me is the wrong approach, seeking to control and micromanage affairs dressed up under the guise of scrutiny. If you want to challenge, ask a question directly to the Committee. We do have emails these days. You can pick up the telephone.

2160 Finally, sir, in regard to amendment number 3, I ask that we have continuity in the Rules. Why require a President to be subject to questioning for 20 minutes in this instance when the limit for Question Time is 15 minutes. I agree with the thrust behind the proposals: to regularise committee statements. For me, they are Committee statements. It is not just the President that stands up there. The Committee is behind them; they are a team. But to constrict and going further to control and making the statement process as uncomfortable a procedure as possible, it looks to me that if we do not amend this proposal this will be an unpleasant prospect to having to make statements.

2170 Thank you.

The Bailiff: Deputy Brouard.

2175 **Deputy Brouard:** Thank you, sir.

I personally commend the amendments and they reflect some of my thoughts that I put forward in Policy & Resources when this came across.

Two Members who have spoken very strongly in favour of this: Deputy Roffey and Deputy Fallaize, both had media running through their veins. And it just looks to me ... and perhaps I am a minority of one, but I think there are a few others here. We are a parliament that makes laws. We are not some sort of Twitter-feed where we have adversarial positions that people are trying to (*Interjection*) catch each other out. I just get this feeling that this is a move slightly in that direction and it is taking us away from our real business of scrutinising policy properly and being a parliament that is mature and evidence-based, and we are looking for the quick media fix of something that is put out there early in the morning to run for the rest of the day. So I very much welcome these amendments and I think they are extremely well placed.

At times, if you are Committee President or if you are leading a department and you have to make a statement, it is sometimes very useful to have other members of your Committee supporting you, either asking that question back to you, 'Would not the President agree ...?' They can bring up a point that you are perhaps are struggling with. We are not all great orators. Deputy Ferbrache can stand up there and make a speech and it can run for four hours quite happily, (*Laughter and interjection*) but other people, sometimes their day in the sun is quite a tough day in the sun and it is having the support of your Committee members to support you. We are there as a team. We are not there as individuals. I just get the feeling that this whole move is just slightly moving to somewhere where I do not particularly want to go.

We are not a party system. We work together collectively, and I think what Deputy Fallaize was saying ... He is making it more of an adversarial position, where you can then question the President and the President will not be able to have any support from his team. It is not quite where I want to go. I think, as Deputy Roffey said, 'You can then ask about everything.' Well, if you want to ask about everything, why don't you use the other 364 days of the year, where you can phone, where you can write, where you can email? And, if you *really* want to know that particular answer, why don't you ask the Committee rather than waiting for your day to make yourself look how good you are about this, that or the other, or some pavement surfing, or whatever it is that you want to pick up on? (*Laughter*)

So, please, let's be a little bit more mature on this. Let's not rush forward on these proposals and pick up these very sensible amendments. We are ending up by almost forcing Committee members or the President to start writing for the file the day after the last one was over, and I do not think that is the way I want to go.

I do agree there are areas where we could be perhaps even more open and putting statements out, and I welcome that. But I would like to have Committee Presidents making statements when they have got something to say, not because the diary card has turned up.

So, please, give some reflection, reflect on these amendments. I think they are very sensible and I hope there is somebody else besides me who will also support them.

Thank you.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I very much respect the proposer of the amendment and the seconds of the four amendments. I do not like micromanagement, but I do not think that the proposals put forward by Deputy Fallaize and his [inaudible] Committee are micromanaging; they are sensible. It is not onerous, and it does not matter whether you can make a speech lasting four hours ... It will not quite be, today, four hours; I will save that for another day, perhaps on 26th or 27th June.

It is not difficult. It should not be, for any President, for he or she, to twice a year be able to just make a general statement dealing with various things for 10 minutes, and he or she should quite easily be able to handle 20 minutes of questions. Indeed, it is almost the fun part of being a States' Member or being a President, actually. So, it is not difficult.

When Deputy Trott spoke about, 'what about members of the Committee perhaps not having the opportunity because of the 20-minute time limit?', if somebody has really got a burning

2230 question for a member of the Committee, that they disagree with their President, they can either
ask it in a different form, under a different Rule – there is no prescription in relation to that – or
they can say to the presiding officer – both of our presiding officers are actually able – they could
say to them, ‘Please could I have an extra extension because this is a really burning question and I
2235 really need to put it to the President, because I disagree with what he or she has said?’ So, even
though, of course, as I would expect, most respectfully, from Deputy Fallaize, that the proposals
are a little wordy, they are actually proposals we should follow.

The Bailiff: Deputy Tooley.

2240 **Deputy Tooley:** Sir, when I look at any policy letter, I, as am sure we all do, ask myself first two
questions: what does this do for the people of Guernsey? There has been a suggestion that
maybe we should not be discussing things like this when we have got more important things to
discuss. There are few things more important to the people of Guernsey than they know what is
going on in their Government. This gives the people of Guernsey a greater opportunity for
2245 democratic accountability. It is not enough to suggest that statements should happen only when
it is convenient to us, only at a time when we have got something good that we want to say, when
we have got a press release we want to put out there. And, sadly, scrupulously honest though I
believe all our Committee Presidents currently are, I have been doing a lot of reading of 15th-
century French history at the moment and I can well believe in a time in the future when that
2250 might not be the case and where we might, at some point in the future, have Presidents who only
want to make statements when they have got something to say and who want to stay quiet at
times when they have got things they would rather cover up. That is human nature.

So I do not believe that these statements should happen only when they are convenient. They
should happen on a regular basis. There is an argument for every Committee President making a
2255 statement in every States’ meeting, to tell us what has been going on since we last stood in this
building, for greater openness, but I am not going to move in that direction. I certainly cannot
support amendment 1.

Nor, therefore, can I support amendment 2, which looks to decrease the amount of time we
ask our Presidents, who are highly paid members of our society, to stand up and ask questions
2260 about the work that they are doing. Twice a year is not a lot! (**A Member:** Hear, hear.)

I get confused, I will be honest, about the things that Deputy Prow has said around how much
time we should have for questions. A great deal of his speech was spent telling us that there is
plenty of time to ask questions of Committee Presidents: ‘15 minutes is plenty of opportunity; we
do not need to extend to 20 minutes. There are plenty of opportunities without Presidents
2265 standing up and making statements on a rota basis for us to ask questions.’ But, actually,
Committee members who perhaps have more opportunity to ask questions of their Committee
President than anybody else, suddenly, if they are to be left until the end of the list of people
asking questions, it is very crucial that they have the opportunity to do that, because they do not
get any opportunity anywhere else. And that, I am sorry, just does not make sense. So, I cannot
2270 support that one either. I cannot support any of these amendments.

The policy letter looks to make things more informative and better for members of the public
than they are now. The amendments, while they would not stop things being better than they are
now, make things less good than they are in the policy letter. I cannot support any of them and I
will be supporting the policy letter.

2275

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

Deputy Prow said in his speech that they were ‘unnecessary and over the top’, the proposals.
2280 Well, that is what my immediate reaction was when I read these amendments. I think they are

unnecessary tinkering. They really are unnecessary. I will just make a few general comments because I will not be supporting any of these amendments.

I was on the States' Review Committee and one of our concerns was that the mandate of P&R was a lot more wide-ranging than any of the Committees prior to the changes. We want to ensure that they had sufficient time to fulfil their mandate, and one of the things we want to avoid was the States giving additional responsibilities to their Committees. I know it is not great, but I think we should resist at every opportunity adding to their workload. This is unnecessary for them to do. In fact, he actually said, 'When committees have something to say, they can come to the States.' Well, it will not be the committees which will decide, in his amendment; it will P&R who will decide, so he will not even fulfil what he stated in his speech.

I would like to speak about the timing for the questions. If you actually look, a questioner has got a minute to ask the question and the answer can take a minute and a half, so it is possible in those 15 minutes that you could have just six questions, because there is two and a half minutes for each question. So, in fact, 20 minutes is a very short period and, when you consider that they have to cover the full mandate of the Committee, with his proposals it is possible you will only have six questions. With 20 minutes it allows up to a minimum of eight questions, although there can be more if people are shorter with their questions and answers.

But that comes back to, if you allow Committee members to ask questions, you could have four Committee members who put questions which take a minute each and have a minute and a half answers and they take off, therefore, two thirds of the time and you only allow five minutes left for other Members to ask a question.

So, I really urge you to reject the amendment to take it down to 15 minutes and reject the amendment which gives equal priority. I think it is really important that other Members have a priority and, as has been said, if a Committee member really has a burning question they have to ask and they cannot get it in in the 20 minutes or the Bailiff does not extend the time for the questions, they can ask a question in normal Question Time at any other time.

There is also the seconder talking about a 'burden on Committees'. I really do not think there is a burden on a Committee. Committee Presidents have to do quite a lot of media work and they are very familiar with speaking. They have to be in terms of speaking in public, speaking at meetings, and for them to make a 10-minute statement – and it does not have to be 10 minutes; it is a maximum of 10 minutes – I do not think is a large burden twice a year, and to answer questions. I think it is part of the parliamentary scrutiny of a Committee who have been elected by the Members to fulfil that role.

So, again, I urge you to reject all the amendments and support the proposals, which I think are very moderate.

Thank you.

The Bailiff: Deputy Green.

Deputy Green: Sir, thank you. I will be very brief.

I agree with the previous speaker. I intend on voting against all four of these amendments. I will turn my microphone on! I will start again.

I intend to vote against all four of these amendments. I think the cumulative effect of these four amendments, if carried, would be in terms to reduce the level of parliamentary scrutiny of the Presidents of the main States' Committees, and I cannot stand here and countenance that, bearing in mind the statement I made earlier this morning, which is that, as ordinary States' Members, we have an important role of scrutiny with a small 's'. And I would remind Members of paragraph 2.11 of the SACC policy letter that I think crystallises the proposals that they have come forward with, and I entirely endorse what 2.11 says, and I quote:

Also in respect of the period of questions, the Committee believes that there should be some control on who can ask questions in order to ensure that the questions properly scrutinise the contents of the statement. If the members of the Committee whose President is making the statement are given free rein to ask questions then the opportunity for

scrutiny and challenge may be diminished. The Committee therefore proposes that no question could be asked by a member of the Committee on behalf of which the statement is being made until all other Members who wish to ask any question on the statement have had the opportunity to do so.

2330 I think that is a proportionate response in the circumstances. I do seem to recall a Question Time
relatively recently when – I do not know when it was, but – there certainly was a statement made
and a number of questions followed it. In fact, there were a number of statements and on both
there were members of the Committee in question asking questions of their President and
inevitably that does limit the scope for scrutiny. What we want to get away from is any sense of
2335 encouraging planting of questions or any sense of deliberately asking questions to help out your
President to the detriment of genuine parliamentary scrutiny, so I will be voting against these
amendments.

The Bailiff: Deputy Brehaut, then Deputy Oliver.

2340

Deputy Brehaut: Thank you.

Just speaking on the amendments, just winding the clock back a little bit, I had an email from
Deputy St Pier asking whether I would give a statement to the States, and I gave that statement
on 2nd November and I remember a fairly robust question time that followed.

2345 Now, I gave that statement in the context of two other Ministers ... I beg your pardon,
Presidents – those were the days. Presidents who had been asked to give a statement but
declined to give a statement. I volunteered to give a statement. In giving the statement, you know
that you will get brickbats; you know it will be uncomfortable; you know, to use a word perhaps
used by Deputy Dudley-Owen, it will be 'unpleasant' to a degree, but we are sort of paid for that.
2350 We have opted in to this position of responsibility to be open, accountable and do things in a
transparent way, not below the radar on email exchanges between States' Members.

So, following that initial reluctance ... I have to say this is a bit delicate, because the vast
majority of Presidents want to use the mechanism proposed by SACC. We want to give statements
and we want it to be on a roster, otherwise people will opt out of giving a statement if they feel it
2355 could potentially be uncomfortable.

Amendment 1 removes the requirement for a roster. Please do not do that, because you will
find that a President could opt out of not giving a statement, which would not be particularly
useful.

The statement every 12 months in amendment 2 simply does not do it justice – and I am
2360 speaking generally, incidentally, sir. If I could just juxtapose the position of E&I, what don't you
know about E&I? What don't you know about the anti-tank wall? What don't you know about
L'Ancrese? What don't you know about the Road Transport Strategy? What don't you know
about renewables? Because we are an open book, and I would say we probably get the majority –
next to Health and Social Care – of media interest in pretty much everything we do, both big and
2365 small. I would contrast that with exchanges that we have before with members of Education, Sport
& Culture. Their message is, 'Leave us alone. We have got work to do. You will wait for our report,
if you do not mind. We are busy people.' The statements on a regular basis in this Assembly are
the mechanism you can use to get around that obstacle, so you can question the President who
stepped up to the plate in order to take responsibility and a degree of leadership.

2370 I see these amendments as meddling. They are entirely unnecessarily. I am always
uncomfortable talking about wasting parliamentary time, because this is a debating chamber, but
there is a judgement call on this as to whether really this is the best use of time and whether this
has been proved a productive exercise. But if you do not enshrine statements, as proposed in this
SACC policy letter – States' report, I beg your pardon – then you will have a situation where a
2375 President, at some time, feeling a little bit vulnerable and a little bit exposed, may decide not to
give a statement and I do not think that is entirely healthy.

Thank you.

The Bailiff: Deputy Oliver.

2380

Deputy Oliver: Sir, I just want to say that this is not about not having a statement. I think they are a good idea. It is a chance for both Deputies and people to learn what other Committees are doing and for Deputies to question it, which, in my view provides a much more open and transparent Government, which we are all working towards.

2385

However, the reason I felt the need to put amendment 4 forward is that we are all grown-ups and hopefully respect each other, but at the same time we are human and Presidents can overlook something. By not allowing the rest of the Committee members to support or enhance a point until other Members who wish to question the statement have had their opportunity to do so, it means that the flow of debate can be somewhat disjointed.

2390

I would also hope that we are grown up enough not to ask trivial questions. It is more about enhancing and questioning. By being allowed to answer any question on any part of a committee's mandate, given that some Members are on subcommittees, the President might not know as much as other Committee members do to a particular question. It is really down to using our common sense rather than being dictated to through rules and regulations.

2395

I just hope we can see that this amendment is not trying to prevent ... or to enhance that Committee Members can just help their President out by not allowing anyone else to speak. It is literally enhancing what the President has said or maybe correcting them.

Thank you.

2400

The Bailiff: It is now 12.30 p.m. I propose that we rise and resume at 2.30 p.m.

*The Assembly adjourned at 12.30 p.m.
and resumed its sitting at 2.30 p.m.*

**States' Assembly & Constitution Committee –
Regular statements by Committee Presidents –
Debate continued –
Propositions as amended carried**

The Bailiff: We continue with debate on the amendments.
I think Deputy Gollop was rising – yes, Deputy Gollop.

2405

Deputy Gollop: Yes, thanking you, sir.

2410

We heard a hearty speech this morning from Deputy Brouard, who spoke about perhaps the media professional background he alluded to of Deputy Fallaize and Deputy Roffey, of wanting soundbites or twitter feeds. Well, to my knowledge, neither Deputy Fallaize nor Deputy Roffey are on Twitter. *(Laughter)* It is me who does the tweets and so on, and not necessarily in that way, but then ...

2415

I think the point about these amendments is we are still feeling our way towards a new style with the statements. Certainly a few of the statements that have been made have been, in my view, too long. There was one that lasted for 18 minutes, and another one for 15. That can undermine the questioners, because it is a bit like you go to a talk and there are a 100 PowerPoint slides and 1,000 points made, everyone is exhausted by the end and wants to go home, which seems to be my experience of Treasury & Resources presentations, *(Laughter)* but leaving that aside, *(Interjection)* it does work in minimising dissent and controversy.

2420

The point is we are more perhaps moving in a parliamentary direction. In Jersey, rightly or wrongly, they have a format of virtually a half day given over to questions of one kind or another,

and some of them, quite unkindly, are random from the floor with no prior knowledge, which would test us. In Alderney there has been a call from certain Members there recently to have more of a parliamentary sense and less of a committee sense, so that more matters are questioned and discussed openly.

2425 Whereas of course, in the United Kingdom when the Parliament is sitting, we tend to have more of a culture, some might say, of 'stooge questions'. Now, I would quite like to be a patsy, a stooge in place, because then, for the sake of argument, I could ask Deputy Trott – I could say, 'Deputy Trott, what are your engagements for this week?' and we would all be interested in that, (Laughter) and then I could say, 'Does Deputy Trott think he is doing a good job for the Island?',
2430 and so it would go on. We do not have that culture because we are not allowed to ask questions that are in the public domain or are not in some sense genuine in their response. And there is a cost of questions, as Health & Social Care reminded me today.

But where I am coming from with this is that the four amendments here are a plethora of different points of view. We have found on occasions that the 15 minutes is not long enough for questions and the Bailiff, you sir, has allowed us discretion. I am willing to try the 20-minute option, so for that reason, I am unlikely to support the Prow amendment there.

With the rotation, yes, it perhaps is a bit nanny state the way SACC have arranged it, and I am slightly galled that my first appearance in September will be on the same day as Deputy Ferbrache, so he will steal my thunder and be the more eloquent of the respondents. (Laughter) I do not know why that happened, because I would be willing to make a statement earlier. But, I think we cannot really pick and choose on the dates as it starts to get silly in that respect.

The one amendment that I have sympathy for is the fourth one, the Prow/Oliver amendment, because it relates to the issue of questioners being put in a secondary place if they are sitting on the same Committee. The assumption, of course, is made, as Deputy Trott reminded us, that these questioners will be supporters of an embattled President, who will be giving them moral support, or a distraction, or encouragement. It is not necessarily the case. He did not name names, but I will, and I know he will forgive me: Deputy De Lisle, for example, used to regularly in times past ask controversial questions of the Environment Minister, when he was not minister and they elicited intriguing responses. I know Deputy Le Clerc is always warning me against asking her questions (Laughter) – in fact she was very pleased that I missed that particular States' Meeting (Laughter) to go to a funeral when it was her turn on the roster.

So we can be precious about these things because, of course, they can magnify dissent within a Committee, or questions, or different points of view. I would personally give SACC the benefit of the doubt here, and allow the process to expand with the 20-minute questions, with the roster and the other changes made, as perhaps, the amendments to assist in this hardly got going, are premature. Maybe in a year's time, we can give the whole matter further consideration, and we may well decide that every six months or every 12 months is not frequent enough.

What I think is important though is that all Presidents realise it is not an opportunity to explore in detail every aspect of their mandate, a bit like a summarised radio version of a Policy & Resources Plan, which will be excruciating enough, but they are defined to give main strategic objectives and issues that have been carried forward at the earliest possible juncture, and ideally they are an opportunity not to reflect Civil Service work streams, but to put across political goals that the public and the parliamentarians can respond to.

So, I just hope it continues in the right direction.

2465 **The Bailiff:** Deputy Paint.

Deputy Paint: Sir, there are many different forms and ways of asking questions on any policy any Committee wants to put forward. What is being proposed here is just wasting valuable Assembly time, and creating work for others to do. We have many major issues and problems to resolve, let alone having to contend with the continual movement of political goal posts, and stretching the time we spend in this Assembly when there is no need.

A few years ago, I went to a political and endangered language conference in Cardiff. I was asked to be facilitator for that part of the conference. I opened the conference in Guernsey French and translated it; we had the conference, then I closed it in Guernsey French and translated it; and I made a little speech afterwards, which said something like this.

My first language was Guernsey French – I told them first of all that I spoke five different languages – so when I went to school of course, all the teachers only taught in English so I had to learn English very quickly. I then went to France and I like France and go there as much as I possibly can, and I am well understandable in good French. My non-political friends tell me that I am getting more and more proficient in speaking Gibberish and Rubbish, which they call political language. *(Laughter)*

Sir, I fully agree with what Deputy Brouard said in his speech, and I will be voting for these amendments.

Thank you, sir.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I think Deputy Paint brings us back to the original question of the purpose of this policy letter in the first place, and following neatly on from Deputy Gollop, as Deputy Gollop pointed out, this is a new system and it is still finding its feet.

I think it is important to stress that a year in to the system the reason this policy letter has come now is in response to something that is not working as well as it should. So, just to remind the Assembly that these proposals are being brought – and in answer actually to Deputy Tindall's question much earlier on in debate – because the voluntary system that was proposed was not working. So, I think it is important to bear that in mind, this is not just meddling for the sake of it. It is not just SACC being pedantic, and dreaming up work to do for the sake of it. It is a direct response to a perceived problem, in that we did not have the regularity of presidential updates, presidential statements, that I think the majority of us agree would be beneficial, especially in light of Deputy Green's comments earlier today.

Just to pick up on a couple of specific points. I think it is also important to remind Members that statements are not just a President jumping to their feet and saying any old thing. The statements are approved by the Committee, and that is an important fact to bear in mind, especially when we are talking about the very valid concerns about maverick Committee members, for want of a better word, Committee members who, for very good reasons, might want to be challenging the dominant view of their Committee, and rightfully so, you know it is an important part of the democratic process. So the first thing to bear in mind is that the statements are pre-approved by the whole Committee, so any dissent would be reflected in that, but also there are other mechanisms. I would strongly defend the role of the dissenting Committee member, the questioning Committee member, I think it is a really, really important facet, and actually one that the policy letter perfectly allows. There are plenty of mechanisms by which that Committee member can get their question across, and I think it is just important to reiterate that, of course, the proposals that SACC is proposing here do not preclude Committee members at all from asking important questions, regardless of every other mechanism available to that committee member. It merely means that they do not take priority over questions from the general public, general Members, people outside of that Committee. I think most people would agree that it is important to prioritise the people's questions – questions from the people that do not get a regular chance to ask those questions.

The forum: Deputy Paint rightly points out there are many ways of asking questions. We have had a few allusions to the fact that we can just go and ask Committees, and I strongly support that as well. But I think there is an important distinction to be made here, because the role of this is very aptly one of scrutiny and there is a very big difference between asking a question of a Committee and getting an answer, and that is great, that has a role, with being able to ask it in

2525 this kind of forum. It is very different as well from Committees just releasing media releases. It is an opportunity for us to scrutinise, so I think that is important.

Deputy Oliver raised concerns again about, this is on amendment 4, about Committee members being able to ask questions. I made the point that actually in some circumstances the President might not have as much information as other Committee members, and she is
2530 absolutely right. We too operate with many sub-committees and there are definitely numerous occasions where Committee members will have more information than the President who has been giving the statement. The first thing to remember is that it is perfectly okay for the President to say that they do not know and to explain why. I think we would all understand that. We all work in a system of government, so there is no shame in that.

2535 The second thing to bear in mind is that, of course, the Committee member who might know better than the President on that particular topic cannot get up and answer the question. This is a question time, it is there for questions, which kind of underscores the point on the issue of questions from Committee members in the first place. It is not supposed to be a mechanism for Committee members to answer the question. It is question time of the President going through that particular person.

I am not a President, (*Interjection*) but it would seem to me that it is not unreasonably burdensome to ask for an update twice a year, and the fact that, with the possible exception of Deputy Paint, we have not heard from any Presidents, certainly no Presidents of the Principal
2545 Committees saying that they find this too burdensome. I cannot help comparing it to a corporate environment with which I am very familiar, and actually, the updates are far more frequent than that, and again, importantly, it is certainly the corporate environment that I am most aware of is quarterly updates with the provision for stakeholders, partners to ask questions of those people, and I think it is that questioning role alongside the statement that is important.

So, I would actually make a request, if any of the Presidents of any of the Principal Committees
2550 would not be willing to provide statements on a twice yearly basis as opposed to a yearly basis, I would really like to hear from them. I would welcome an explanation as to why, because, as I say I am not a President myself, it seems reasonable to me, but if it is not reasonable from where the Presidents are sitting, I would really like to hear that explanation.

As I said at the beginning, the proposals contained in the original policy letter, I think, are a
2555 proportionate response to the problems or the shortcomings of the system that have been identified. I do not think these amendments are in any way beneficial, and I would urge my colleagues to reject all of them.

Thank you.

2560 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Sir, I will be brief.

At the beginning of this term of the Assembly, Deputy Fallaize invited me to become a member, or to stand as a member of SACC and I turned him down on that. I feel somehow I have
2565 been dragged into some huge SACC meeting during this (*Laughter*) debate here as a sort of punishment for it. (*Laughter*)

Sir, really, some of the things we are discussing, I could not care less either way, because the Rules often change, and they change because we try things for a bit and we find that actually they do not work. I do not want to really spend too much longer debating this, because I stood, sir, I
2570 think on three occasions for Chief Minister, I was successful on one of those occasions: there were different Rules every time I stood. I stood as a Minister a couple of times: there were different Rules every time I stood. Different lengths of speeches, different number of people that could speak, different ways of sitting in this Assembly. It has changed every time. Different ways of voting even. We had peculiar systems of voting, and they will continue to change. I am sure SACC
2575 will find other things to tweak and to change, and sometimes I do feel strongly about things, but generally, sir, I do not. I do think probably the majority of the Assembly feel similarly.

I suggest we just vote on this now.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I would like some clarity please on amendment 1, for my own benefit and for anybody that is trying to listen to what we are discussing today. Is the proposal suggesting that P&R ought to have responsibility of a cyclical obligatory statements list of Presidents' and others' statement, either annually or every six months according to the success or failure of amendment 2, so in theory, giving P&R responsibility of the rota, rather than SACC under provision 10(4)?

As P&R is meant to have the overarching view of the States, this may be preferable. I would have more sympathy for this amendment 1 if this could be clarified, please, by the Proposer.

Additionally, I would like to speak very briefly on amendment 4. I agree with Deputy Gollop's statement, I believe that everybody should have an opportunity to ask questions. As George Orwell once said, all pigs are equal but it appears some pigs may be more equal than others. A Committee statement, I am led to believe, can come to the Assembly with a Committee majority. So Deputy de Sausmarez said, I believe, that a Committee statement would come from all of the committee but if there is a minority, as far as I am aware, and again I am happy to stand corrected, it will go with a majority vote for the Committee statement. Therefore if a Committee member has not got the ability to question, as much right as anybody else in this Assembly to question, then that would be of great concern, because I do think that all pigs should be equal.

Thank you, sir.

The Bailiff: Deputy Leadbeater.

Deputy Le Pelley: Just on a point of correction, sir, before anybody gets carried away. I believe the quote is 'animals', rather than 'pigs'. (*Interjection*)

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

I have to agree with Deputy Soulsby in that we have more important items to be debating. Spending all day talking about people talking is not good use of States' time.

We have already been criticised for spending a whole day debating bonfires and talking too much, so crack on with it, like Deputy Le Tocq just said.

Having said that I will be supporting amendment 4 the Prow/Oliver amendment regarding Committee members being given the same chance to ask questions of their President as other States' Members. I believe that when you have a committee with large mandates you tend to have members that specialise in certain areas and I think that committee members should be allowed to ask questions of that president in order to provide further clarity in areas they have specific knowledge on.

Thank you.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

I would be happy to make a statement every month, at every States' meeting if they want me to, because I think it is fine. I have no problem about that.

I have a problem with the public actually saying stop wasting time, start finding a way to actually sort out housing problems, sort out the real issues that we have got here and not just listening to our voices, and listening to those that actually sort of want to ask questions, which they can find out about.

I will take you back to the induction process, it is all made very clearly to all of you about the norm, how it used to operate if you want to find anything out. If you want to find anything out you are encouraged, and it is still in these Rules as well, that you would write a written question to that Committee, and if you were not satisfied with the answer it then came into the Chamber and then you would ask an oral question. So you could get it out into the public domain.

The written questions are published at The Greffe, the media pick them up, so even your written question gets out into the public domain. So that is good. It is still there, it should still work – except you are not using it. States' Members, this States are not actually using it. The statistics, so far for this year, nobody has actually produced one of the ones for a written answer, nobody. Last year I think it was 12. Oral questions, again there are not an awful lot of oral questions that have been asked in this Assembly. So for Members to stand here today and say, 'I want to know what is going on', well where are your questions? Where are your written questions? Where are your oral questions? You have not done it. So, that is fine, that is your choice to do so, but I, as a President, will be more than happy to stand you and bore you to tears really, talking about our mandate, because I am sure that you do not want to hear, and the public do not want to hear. You elected us to be getting on with it, and I am happy to get on with it, I am happy to share it with you.

I have said publicly, in here and outside, you are all invited any time you wish, to attend a Committee for Home Affairs meeting. One, only one of you has taken up that offer – Deputy Tindall has taken up that offer. The offer is still there, come along. Deputy Paint is coming along to a meeting next month. The offer is there, so if you want to know what is going on come to us, please do not waste States' Members' time, and the public's time, who want you to get on with real work. That is what you were elected to do. If you want to know what is going on in a Committee ... and let's face it, we are down to six now; when I was first in the States it was over 30. So, we are down to six, and of course, condensing it all actually means that the Committees have far more to do because they have got a bigger workload, and the due diligence is something that really concerns me, because the mandates are quite so big now, and I know at Home Affairs we put on extra meetings quite often, to make sure that we are giving the mandate that we have been directed to do the due diligence that you have asked us to do and the public have asked us to do, that is looking after that mandate.

I am delighted that as a team we had a very complimentary email from the President of Scrutiny Committee who said, Home Affairs were the *only* Committee, out of the ones that have been before him, that actually turned up as a Committee, because we are a team. We met several times before we went to Scrutiny to discuss what areas we thought because it is pretty generic questions, so every time I spoke at Scrutiny, I knew that actually we were a team because we had discussed it. That is how we work at Home Affairs, and it really works how we want to do it, but that is what we actually did, and will continue to do. We do not have just one of us.

I will stand up here, I am more than happy to stand up, as I say, I can do it. I can do it at least twice a meeting. Why do I say that? Because we are responsible, it has got here, to advise the States on crime prevention; law enforcement, including policing and customs; justice policy; social justice policy, which includes domestic abuse and drugs and alcohol; population management regime; immigration and housing control; imprisonment; parole; probation; rehabilitation; fire; rescue; salvage; consumer protection and advice; trading standards; data protection –

The Bailiff: Are you straying here ... ?

Deputy Lowe: No sir, no, sir. (*Interjections*) I am trying to say if I was asked to make this ... I am talking generally. I am talking in general debate, I will not be getting up again. All I am saying is I am happy to be here and stand up at every States' meeting, if that is your desire to do. No problem with that, but I would actually prefer that we were here making good decisions, debating decisions.

2680 We have been talking now for two hours about ourselves and about expanding the famous Rule Book again. It used to be a little A5 Rule Book. We now have rules for the sake of rules. We are strangling the States and strangling debating time, because we are taking up so much time.

2685 This all came about when we were having an informal Presidents' meeting ... The Presidents do not actually meet officially because it is fragmented, whereas before, when it was Policy Council, all the Presidents would be together, or Ministers as they were called in those days, so you were able to talk and discuss what was coming forward, you all knew what was coming forward. You worked as a team collectively around the table. It did not always work, but at least you met. We do not. We are all silo because we have all separate Committees, and we only meet because we invite, as Home Affairs have done ... We have met Employment & Social Security, we have met
2690 HSSD, we have met Economic Development, and there are others, including SACC, who we have invited into our meetings. So we wish to work with all the Committees appropriately.

But at the informal Presidents' meeting, the President of P&R said, 'We are not getting the reports through, we need to fill up the time, it is called filibustering, we need to actually see if we can put up statements', and I said, 'Statements have to be meaningful. I would be more than
2695 happy to make a statement but it would have to be meaningful.' Therefore we were asked who could do the next one, and who could do the next one, knowing that we had big items coming up, and you cannot get much bigger than Brexit and GDPR, and the timing that those reports were going to be ready. It was important we utilised Home Affairs, ours, for the right time for making sure we could say to all of you about GDPR.

2700 So as I say, I am more than happy to speak as many times as you want and if this all goes through, fine, but here again we have got SACC coming along to make rules for rules' sake and I am personally not a great one to feel that this is absolutely necessary. I think it was working well before. I would like the evidence base that says it is not working, because I have not seen that. Again I say there have been no questions from any of you, and certainly from Home Affairs, and
2705 you certainly have not taken up the opportunity to come and see us. You are still welcome, and I ask Members to let's get on and follow debates which the States elected us to do, and not talk about ourselves.

Several Members: Hear, hear.

2710 **Deputy Le Pelley:** Can I propose a guillotine motion, please, sir.

Two Members: *Pour.*

2715 **The Bailiff:** Let me find the Rule. We first of all need to invite anybody who has not yet spoken but who wishes to do so to stand in their places. We have two people standing.

Do you still wish to proceed with your guillotine motion?

Deputy Le Pelley: Yes please, sir.

2720 **The Bailiff:** You still wish ... I cannot immediately find the Rule. I am filibustering while I try to find the Rule. *(Laughter and interjections)*

Deputy Lowe: The book is too big, sir!

2725 **The Bailiff:** Indeed! I think it is Rule 26, that gets me to there. So:

Members who would be entitled to speak and who would intend to speak should the debate continue shall be invited ... to stand in their places

Well, we have seen that, two Members stood, thereafter I asked you making your request to close the debate whether you still so request, and you still do so request. Then I put the request to the vote.

2730 So the vote is that we close debate on these amendments. Those in favour; those against.

Some Members voted Pour, others voted Contre.

2735 **The Bailiff:** I do not think I can call that one. I think it is *Pour*, but we will have to have a recorded vote. I think it is *Pour* but it is very close.

The Senior Deputy Greffier: This session, sir, the voting begins with St Peter Port North.

There was a recorded vote.

Carried – Pour 24, Contre 14, Ne vote pas 1, Absent 1

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Parkinson	Deputy Gollop	Deputy Prow	Deputy St Pier
Deputy Le Clerc	Deputy Lester Queripel		
Deputy Leadbeater	Deputy Fallaize		
Deputy Mooney	Deputy Laurie Queripel		
Deputy Trott	Deputy Green		
Deputy Le Pelley	Deputy Dorey		
Deputy Merrett	Deputy Brouard		
Deputy Stephens	Deputy Yerby		
Deputy Meerveld	Deputy De Lisle		
Deputy Inder	Deputy de Sausmarez		
Deputy Lowe	Deputy Roffey		
Deputy Smithies	Deputy Ferbrache		
Deputy Hansmann Rouxel	Deputy Brehaut		
Deputy Graham	Deputy Tooley		
Deputy Paint			
Deputy Le Tocq			
Deputy Dudley-Owen			
Deputy Langlois			
Deputy Soulsby			
Deputy Oliver			
Alderney Rep. Jean			
Alderney Rep. McKinley			
Deputy Kuttelwascher			
Deputy Tindall			

2740 **The Bailiff:** Well Members the result of the voting on the guillotine motion was 24 in favour with 14 against and one abstention. I declare it carried.

That means that Deputy Prow will reply to the debate before we go to the vote. Deputy Prow.

Deputy Prow: Thank you very much, Mr Bailiff.

I think that is an indication that I should be brief from last ...

2745 All I would say, obviously I am not going to go through every Deputy that spoke either for the amendments or against them, but I did listen very, very carefully.

Deputy Roffey liked my passion but did not like what I said. I can assure Deputy Roffey he is going to hear my passion quite a lot in the States, and I make no apology for that.

2750 One thing I am passionate about is democracy, and I think this debate, although criticised by some as a waste of our time, was about democracy. How we conduct ourselves in the States, and there is one view that if we over engineer rules we are in fact inhibiting democracy. Now, that is my view; that might not be the view of everybody. I enjoyed listening to Deputy Gollop's speech which did give some background and context, and I actually think this has been a useful debate.

2755 I thank Deputy Dudley-Owen and Deputy Oliver for supporting the amendments, and I thank Deputy Brouard who, I think, summed up very neatly a lot of the points that I was trying to make.

One point I have to make, and if the media are listening, Mr Bailiff, I hope they take note of what I am about to say. In bringing these amendments, and those who have seconded them, we all support Presidents being obliged to make statements, that is absolutely clear. I made it clear in my opening that I supported the executive summary, which was concise and would have brought this about. What I was objecting to is unnecessary tinkering and over-engineering, and the fettering, I believe, of democracy and those arguments have been well aired. So Deputies can either agree with me or they can not, or they will not. But I think it is good debate. It is about the Rules of this Assembly and I am glad they have been well aired.

I agree with my President of Health & Social Care to a degree, there are, of course, more important things to be discussing, but you can only discuss what is on the agenda, you can only prepare speeches and amendments around what is on the agenda and the business of the day. This is about elected Deputies' democratic rights to make a speech and present amendments, and that is what really this is all about.

I think one other thing I would say: Deputy Lowe, as a President, and a President who has spoken has talked about heavy workloads, and I think a duplication of effort of Presidents and the civil servants and the Committees, if they are dictated to by arbitrary deadlines, just because a new Rule dictates. I work on two very busy Committees, it might be of interest to Members that Health & Social Care have, in this new States' term, issued some 536 public statements, all responses to the media. Home Affairs have, just since February of this year, similarly issued or responded no less than 266 times. That is a demonstration by Committees of much improved communication.

One question, a very valid question from Deputy Merrett, around the specifics of the first amendment. I might ask HM Comptroller to assist me here. As I understand the amendment, the roster goes. What it is replaced by ... Well, it is not replaced by anything. The normal business mechanism of the States comes into play with the obligation, which again I stress I completely support, the obligation of Presidents to make statements, and I think if HM Comptroller is content with the accuracy of that reply, I will leave that there.

I therefore urge all Members of the States to support all of my amendments.

Thank you, sir.

The Bailiff: Mr Comptroller.

The Comptroller: Sir, yes, I concur in what Deputy Prow has pointed out. It is within the mandate, I think, of P&R to arrange the agendas. So by default almost, it becomes P&R's responsibility if the rota were to go as proposed in the Proposition.

The Bailiff: Members, then we come to the vote on the ...
Sorry had you finished?

Deputy Prow: I have finished, sir, but I was going to ask for a recorded vote.

The Bailiff: On all of the amendments.

Deputy Prow: I am afraid so, sir.

The Bailiff: Okay. Well, we vote first on amendment 1, proposed by Deputy Prow seconded by Deputy Dudley-Owen, the effect of which is, if I may summarise it, is to remove the proposed pre-set rota and replace it with an obligation for Policy & Resources to recommend when statements will be made as they do for other business.

There was a recorded vote.

Not carried – Pour 13, Contre 26, Ne vote pas 0, Absent 1

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

2805

The Bailiff: Well members, the voting on amendment 1 was 13 in favour and 26 against, I declare it lost.

We move on to amendment 2, the effect of which is to require all Presidents to make statements every 12 months instead of the proposal in the substantive Propositions that the Presidents of Policy & Resources and the Principal Committees will make statements twice every 12 months.

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There was a recorded vote.

Not carried – Pour 10, Contre 29, Ne vote pas 0, Absent 1

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

Deputy Brehaut
Deputy Tooley

The Bailiff: The voting on amendment 2 was 10 in favour, 29 against. I declare amendment 2 lost.

2815 We vote on amendment 3, the effect of which is to limit question time following a statement to 15 rather than 20 minutes as proposed in the substantive Propositions.

There was a recorded vote.

Not carried – Pour 11, Contre 28, Ne vote pas 0, Absent 1

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

The Bailiff: The voting on amendment 3 was 11 in favour with 28 against. I declare amendment 3 lost.

2820 Now we vote on amendment 4, the effect of which is to give all Members equal standing to ask questions, notwithstanding that they may be a member of the Committee whose President has delivered the statement.

There was a recorded vote.

The Bailiff: While those votes are counted, we shall continue with general debate.

Is there anybody who has not spoken generally who wishes to speak in general debate?

2825 Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

Now we are in general debate I will just make one observation, and that is that I am minded to support this policy letter, had it been amended or not.

2830 There is one point of clarification which I hope will be answered in the summing up from Deputy Fallaize, and that concerns Proposition 2.9 of the policy letter, which to save you referring to it, essentially is indicating that at question time questions may be asked of the President outside the scope of the statement made. The reason I really want to explore this is because I do not think the policy letter justifies it. There may be a justification but I do not see it in the paper,

2835 and I have not heard a justification for it in debate so far. I have heard it lauded as a Proposition but I have yet to hear the justification for it.

2840 To listen to some of the comments, one would almost think that Rules of Procedure 11, 12 and 14 did not exist, and certainly in my first year as a States' Member, I could be forgiven to wonder what exactly those Rules of Procedure are, so infrequently have they been used. So I do not really buy this argument that, uniquely in the context of the President of Principal Committees statements, there exists the opportunity to range far and wide in questions over a Committee's remit, because I just do not accept that that is the fact, and I would urge those who are advocating the role of scrutiny in this Assembly really to make better use of those Rules of Procedure.

2845 Of course, those Rules of Procedure are set around with terms that enable them to be tailored, and it seems to me that they are very sensible terms, because the object of them is to allow a proper, accurate and comprehensive reply to be composed and given. Now, call me old fashioned, I think the purpose of asking questions is to get an answer to a question to which you do not know the answer already. It is certainly not to indicate how smart you are, nor really to catch any other colleagues out – although sometimes the temptation is enormous.

2850 So, on that ground, quoting rules of Procedure 11, 12 and 14, I wonder where the justification for this measure is, and I am left to ask what was the motivation for it? Could it be a suspicion that Presidents will deliberately omit from their statement those areas that they would rather not be questioned on? Now, that is a pretty cynical view of things, and I do tend to try to err on the side of being charitable, but I do think it is a misplaced cynicism really, because I think we are smart enough in this Assembly, are we not, to know when a President might be indulging in that sort of stuff. So, really on those grounds I would say any cynicism there is not justified and should not be a justification for this 2.9 in the policy letter.

2855 On those grounds, really, I am left to wonder exactly why this point 2.9 is in there. I did not feel sufficiently strongly about it to bring an amendment, we have had sufficient of those, but I would hope that by the end of this debate, and I sense it may be coming soon, that we will get an attempt to justify what I think is a rather otiose clause in the policy letter.

Amendment 4

Carried – Pour 21, Contre 18, Ne vote pas 0, Absent 1

POUR

Deputy Gollop
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy Stephens
Deputy Meerveld
Deputy Inder
Deputy Lowe
Deputy Smithies
Deputy Graham
Deputy Paint
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy Prow
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Kuttelwascher

CONTRE

Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Fallaize
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Green
Deputy Dorey
Deputy Yerby
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley

NE VOTE PAS

None

ABSENT

Deputy St Pier

2865 **The Bailiff:** I can announce the result of the voting on amendment 4, there were 21 votes in favour and 18 against. I declare amendment 4 carried.

Any further general debate? No.

Deputy Fallaize you may reply.

Deputy Fallaize: Thank you, sir.

2870 I will be very brief, and as I said speaking on the amendments, I do respect Deputy Prow's rights to bring the amendments and who am I, of all people, to criticise the movers of amendments.

2875 However, I do think that those who have said, including Deputy Lowe, that we have more important things to be debating, I think that is right and it is regrettable that I think a policy letter which could have been dealt with in about 10 minutes has taken much longer than that. But, anyway, I thank the States for supporting the Committee's position on all but one of the amendments.

2880 Now the point Deputy Graham makes is quite interesting, and I accept that the policy letter probably does not adequately explain that particular provision. I am afraid that the view that he put, which he called a cynical view, was part of the Committee's thinking. These are meant to be statements which genuinely update the States on the work of the Committee, and it would be possible for a President to avoid questions on an area they did not want explored too deeply, simply by omitting that particular issue from their statement.

2885 But there are two other considerations. The first is that some of these statements, not many actually, but there have been an example or two, have been very long on operational detail and very short on policy. The Committee is not proposing anything in the Rules to try to guard against that, although the policy letter says that the Committee hopes that Committee Presidents will not choose to make statements which are very long on operational detail. But if they do, then I do not think we want the States to be constrained to 20 minutes of questions around very operational
2890 basic, dare I say, low-level type stuff. This is meant to be a statement and question period around broad policy areas which are likely to be of significant public interest and of interest to States' Members. So allowing States' Members to ask questions on anything which relates to a Committee's mandate will mean that Presidents who want to make purely or largely operational statements will not be able to avoid answering questions on substantial matters of policy.

2895 The third point is that this would introduce a form of questions without notice, although they would not exactly be questions without notice because the Presidents would have had months knowing that they were going to come up on the rota to answer questions. But questions without notice are perfectly familiar to other parliaments. And although it could be said, 'Well we have a different system of government', that is true, but I do not think that the people who head up
2900 Committees here should be any less well briefed, or less well informed about their areas of responsibility than they would be in any other system of government. So the Committee does not think it is too onerous. If the President of Committee X knows that sometime in February next year he or she is going to have to make a statement they may face questions for up to 20 minutes on anything which relates to their mandate, the Committee does not think that that is too onerous,
2905 or that it is in any way burdensome or unreasonable. So, I do not know whether I have persuaded Deputy Graham or not, about that particular provision, but that is the Committee's thinking.

I have nothing further to add, and ask the States to support the Propositions.

Thank you, sir.

2910 **The Bailiff:** You said Propositions; in fact the way it is laid out it is a single Proposition, which, of course, has been amended twice. First of all by the successful amendment proposed by the two Alderney Representatives, and then by amendment 4 proposed by Deputy Prow, seconded by Deputy Oliver. So, as I say although it runs to three pages, it is a single Proposition.

2915 **A Deputy:** Recorded vote please, sir.

The Bailiff: A recorded vote on the Proposition as amended.

There was a recorded vote.

The Bailiff: That seems to me that is clearly carried. While those votes are counted, I suggest we move on with the next Item.

2920 Greffier.

**III. States' Assembly & Constitution Committee –
Douzaine Representatives in the States of Election –
Debate commenced**

Article III.

The States are asked to decide whether, after consideration of the attached policy letter, they are of opinion that the allocation of Douzaine Representatives in the States of Election shall be changed with immediate effect so that St Peter Port has ten Douzaine Representatives and St Saviour has one Douzaine Representative.

The Senior Deputy Greffier: Article III – States' Assembly & Constitution Committee – Douzaine Representatives in the States of Election.

The Bailiff: Deputy Fallaize, you may open debate.

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Deputy Fallaize: Thank you, sir.

I will be brief, and I would really prefer just to say the arguments are set out in the policy letter and sit down and leave it at that, because I thought this would be an even more routine policy letter than the last one, but I have become aware in recent days that there is some opposition to this policy letter, and so I think I had better, at least, make an attempt to explain why the Committee is laying it before the States.

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The number of representatives which the parishes send to the States of Election is determined with reference to the size of their populations, and so inevitably from time to time when there are shifts in population it becomes necessary to amend the number of representatives per parish. The same is true, of course, with Deputies. In the last States although all districts lost one seat before the 2016 General Election, actually the Castel lost two, and St Sampson did not lose any because there had to be a reallocation of one seat from the Castel to St Sampson because of a shift in population. So, this is exactly the same sort of principle here.

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The Reform Law requires that every parish must have at least one representative in the States of Election. Which means that Forest has one, and Torteval has one, when if those parishes' representatives were worked out strictly on a *per capita* basis they would both have none. There are 34 Douzaine Representatives in total, that is set out in the Reform Law. So the formula agreed long ago is that the total population of the Island, less the population of the two aforementioned parishes is divided by 32 to work out the number of representatives per parish, and it is necessary using this formula to amend the number of representatives in respect of St Saviour to one and in respect of St Peter Port to 10.

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There are two reasons for the timing of this policy letter, the first is that for many years the Island did not hold a census and there was not a sufficiently accurate understanding of the population per parish. However, quite recently more accurate data has become available through the e-census, which has allowed the correct apportionment of Douzaine Representatives to be based properly on the populations of the parishes.

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Secondly, there is, quite possibly, a series of Jurat elections coming up in the near future, and therefore it is an opportune time to make these amendments.

It is fair to say that the St Saviour Douzaine with whom the Committee consulted in the formulation of this policy letter is not entirely enamoured of these proposals, and that is putting it mildly, but since there is an agreed formula for determining the number of Douzaine

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Representatives in the States of Election the Committee is of the view that it can only be applied consistently. In fact it would be rather odd to agree a formula to apply it to all the parishes except St Saviour and to carve out some separate arrangement for St Saviour, which is not needed legally, is not justified by the formula that was agreed a long time ago, and has no other base in reason or logic.

Therefore, sir, I hope that Members of the States will support the Proposition.

**States' Assembly & Constitution Committee –
Regular statements by Committee Presidents –
Results of recorded vote**

Article II as amended

Carried – Pour 31, Contre 8, Ne vote pas 0, Absent 1

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

The Bailiff: Before I call for any other speakers, I can just announce the voting on the Proposition on Article II as amended: 31 in favour, with 8 against. I declare it carried.

**States' Assembly & Constitution Committee –
Douzaine Representatives in the States of Election –
Debate continued –
Propositions carried**

The Bailiff: Deputy Gollop, I think you were standing.

Deputy Gollop: Well, I do not really care about the logic because it is the end result that really matters, and it is not very fair any of it. I know I spent much of yesterday tediously listening to the

States of Jersey debate on their latest round of referendum stuff about their electoral systems and so on, and how one Member went into a long digression about how in America you have got all these States and congressional areas, and they vary in size, and you have got a State that has got two senators with 40 million and another one with just over 400,000 with the same two senators. So no system is perfect, but this one certainly is very curious, because when you look at the number of extra ... well, they used to be extra, they are not any more. When I started in the States, of course, the States of Election consisted of the Douzaine Representatives, 10 of whom were Members of the Assembly, to give context, so they were extra Douzaine Representatives, but these are all Douzaine Representatives in their own right.

It has to be pointed out that some Deputies are also members of Douzaines such as Deputy Mooney and Deputy De Lisle and so on.

Now the nature of this, as Deputy Fallaize has pointed out is, to be fair, within a formula that has been prearranged. There are 34 representatives, which is almost 38, the number of States Members, but it is divided differently because we still maintain and conserve the traditional parishes. Now you might expect me to be pleased that St Peter Port goes up from nine to 10 which, of course gives an enhanced role for electors who happen to be resident in St Peter Port because, of course, every Douzenier has to be regarded as a full time resident of the parish that they serve in, unlike Deputies, so they tend to live in the parish and be on the electoral roll.

Technically, therefore, St Peter Port would not just have 10 representatives from the Douzaine. They could presumably have 11 or more because some Town Deputies, past and present, have been, and will be, members of the Douzaine. That in a sense is curious, because it means that, for the sake of argument, 11 members of the electoral college for the office of Jurat will be members of a Douzaine, the maximum of which will be 20, so you have got a majority of one of the Island's 10 Douzaines as electors in the States of Election. Compare that with the other parishes and you have five each from The Vale, St Sampson's and the Castel, and four from St Martin's and one from each of the five smaller more rural parishes. The relevance of that remark is that, strangely enough, four of these parishes according to the figures have actually declined in population. The Vale, to my slight surprise, has seen a marginal decline. The Castel we know has a decline – that is why we lost the sixth and valued States' Member from the Castel, which I still regret, in a way. St Pierre du Bois has gone down in population, Torteval, remarkably, has gone up, and St Andrew's has dropped. So four of the parishes have dropped. St Saviour's is not one of those. St Saviour's has gone up from 2,696 to 2,749 in 15 years.

Now if you collectively add up the four rural parishes that fall in the West district, between them at the moment they have five representatives. In the future they will have four. Of the seven electoral districts all the others will have five, in one way or another, and the West will have four, because if you divide the Town into two, that is how you ... so again the West is being a little bit discriminated against.

I could make the argument, but I will not in too much detail, that you are likely to get a higher take-up of people on the electoral roll in the West, and other parishes, than the Town. More to the point, why do we represent the population? Should we not be representing the adult population, or the electorate, or the population of people who are entitled to vote? Why is it just the population? We need to actually analyse that in context to referendums and general elections for politicians as well.

But my main argument, and this is the clincher, is not the theoretical mathematics of it, but the practical division, because let us assume that St Peter Port will have 10 in the future. That means to say that there will be 10 representatives for 18,894 people, which represents one representative for 1,889. That is fair enough, because if you look at St Sampson's, the figure is round about the same and the Vale; for the Castel it is rather less. The Castel has five representatives for a notional population of 8,739. St Saviour's, which is roughly a third of that, has one representative for just under 3,000 people. So whilst I am making the point that St Peter Port has one representative per 1,889 people, which is more or less the same throughout the Island except for Torteval which benefits, because it is a particular area. St Saviour's has one representative now under the

3025 proposals for 2,749. In other words it is 900 more over the quota. Compare that to St Martin's where the figure is one representative for 1,600, or the Vale where, effectively it is one representative for 1,900. You can see St Saviour's is paying a price here.

It could well be that we have the wrong formula, that maybe we should divide it amongst electoral districts in future, or revise how we consider who constitutes the way we elect people. Maybe we have too many elected representatives to select Jurats, maybe we should not have politicians involved. I do not know, they are bigger questions than this, but as far as the formula goes, it surely is fairer to have nine representatives for 18,000 which is equivalent to, effectively, one per 2,200 rather than go to a system whereby one element of the Island will have to have nearly 2,800 people to get one representative. St Saviour's may be over-represented at present but it will immediately transfer to a situation of significant under representation.

The Bailiff: Deputy Yerby.

Deputy Yerby: Sir, I have recently had my first experience of the States of Election and I found it quite extraordinary. I know that I was not the only States' Member to have felt that way, because the consequence of that experience was that the Policy & Resources Committee have written to SACC asking them to undertake a fairly wide ranging review of the States of Election.

With that in mind I am going to vote very much along parochial lines on this policy letter and say why now. We know we have got something bigger coming down the track. What is the motivation for making a change at this point in time, which is going to cause distress without really solving the problem?

I hear Deputy Fallaize when he says that if a formula is to be applied, it must be applied fairly across the parishes, but again, what I have not seen in the policy letter is a particular trigger for applying the policy now, for applying the formula now, when there have been population shifts every year since 2002, and not a particular shift in 2016 which would seem to trigger this review.

In fact after the increase in count, as Deputy Gollop has pointed out, the next biggest decrease is in Castel, which has lost 1% of the Island's population as a whole, compared to St Saviour's which in proportionate terms has lost 0.1%.

But while I am voting on parochial lines more or less, what I am going to say is not necessarily going to sound all that favourable to the parishes, because in my experience Douzaines are not necessarily, in electoral terms, especially representative, Douzeniers are often elected from very small constituencies, and so it is the allocation of 10 seats to Town, as much as it is the reduction in a seat in St Saviour's that causes me concern, because the greater the proportion of seats that one Douzaine holds, and Town will be holding 10 out of 34 seats, the more it amplifies the democratic deficit in a sense because the candidates the members of the electoral college that are representing the population are selected from a pool of 20; 12 are not selected from a pool of the entire population. So in fact it is amplifying a deficit rather than improving the representation of the people. Again that is something that I would hope is looked at in the wider review, but it is not a problem that this policy letter solves. If anything it makes it worse, so I will not support the Proposition.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I really do not quite understand why we are having this debate. This is a technical matter. It is simply as the population has changed and we have to fulfil Article 15 of the Reform Law, which is quite clear, provided that the States may in time and by Resolution vary in accordance with the numbers of respective populations of electoral districts concerned. Above that it lists the 10 parishes. So, we as States' Assembly & Constitutional Committee are fulfilling Article 15 of the Reform Law.

Now, if Members do not like that Law, they should ask for that to be varied – but that is not the matter that we are discussing. Why we debate it today is because there has been a change in the population and, as Deputy Fallaize said, we have the information now available from the e-census which has meant that we need to make this change. It is as simple as that, and I do not see the point of debating essentially a technical matter.

The Bailiff: Deputy Lowe, then Deputy Tindall.

Deputy Lowe: Thank you, sir.

I have got a query first, and then I have got a couple of questions.

The query I have got is that according to the States' Report the data in here on page ... I cannot see a page number, anyway second page of their report. The data is taken from 31st March 2016, and you have the data there. The census report that we had was also 31st March 2016, and the figures differ. So which ones are right? Are the census ones that we have had previously right or the ones in the SACC report right, because they are not the same?

What is interesting for me, and it has been raised before, and I know Deputy Dorey has raised it before in debate and I have raised it before as well, it is a funny way of calculating as well, because the total number of population is 62,473. Out of that there are only 49,571, approximately, who are eligible to vote. So it skews the figures completely because you are looking at the figures that include all children, and so therefore when you analyse that and bring it back it is different numbers again, which I have always found odd. You have got a difference there of 13,152 that are skewing the figures that you have here before you in this Report.

I agree with Deputy Yerby as well, I think this Report is too early, because I know it definitely was not last term, the term before there was actually a review on this to have a look was it appropriate of the way that we carry out our States' Elections, because should States' Members be involved? States' Members actually make the Laws. Is it right and proper that we then actually decide and go to a vote on who we think should administer those Laws, when they are sitting here in the Court? You have not got really ... it is all clean and above board, but actually it does not sit comfortably with a lot of people. So we went out to consultation with that to say maybe we should be increasing the Douzaine numbers. It should be down to the Douzaine. We should be increasing the Douzaine numbers. You have the clergy maybe still involved and you probably have the Jurats still involved, but States' Members should be coming out of it, because we are the ones that have the reports here and we are the ones who actually carry out the legislation. That was carried out, certainly not last term, the term before, and there was a report to come back to the States on that one, which we have not had.

Things have now moved on and we are looking at the difference in population. Again, it is an odd one, because it is looking at parish rather than district and again, when you add up the numbers before you now and you look at the districts, it does skew the figures again because there is a complete different number here of numbers that could vote as to what they would be if it was just left at district. So I just think there is not any urgency on this and that is parked, because you have been asked to actually go away and come back with a report. We are not talking, or should not be talking, one or two years away for SACC to return with that, so I suggest that this is either withdrawn or voted against until we have accurate data before us, and also include in that the numbers of those eligible to vote, because it does skew the figures an awful lot.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

I was actually going to read out an email, but unfortunately my laptop has just died on me, but basically I wanted to observe that the letter from the Constables of St Saviour's mentioned the discussion at the Douzaine Liaison Group with regard to the concern raised by the St Peter Port

Parish, and as a Deputy of St Peter Port South I contacted them to find out if they were in agreement with the change, and they confirmed they were.

Thank you, sir.

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The Bailiff: Deputy Roffey.

Deputy Roffey: I am beginning to understand Deputy Le Tocq when he described SACC as a sort of punishment regime this morning.

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Look, let's separate two things. Of course, the States of Election needs reform. I think a lot of us would agree with that. I think it needs root and branch reform, and we have not yet had a chance to discuss the request from P&R as a Committee that we do so, but I certainly would be voting in favour of that myself. But we do not know ... Deputy Lowe says it may not take very long. There are lots of things that can be reviewed quite quickly, but when it gets back into the floor of the States, who knows when, and if, that is going to be reviewed? Changing the voting system 40 years ago did not seem as if it should take more than about five minutes when we first discussed Conseillers, and we are still talking about it later this month. Until that happens, the current system, whether it is right or wrong, needs to be applied in an even handed and fair way.

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Now, Deputy Gollop says that statistically this is wrong. Well there are lies, there are damn lies and there are statistics, but this is not a formula that has just been invented. But it is skewed, a bit like when we had Douzaine Reps and Deputies for each parish: Torteval had two and therefore was over-represented because every parish had to have a Douzaine Rep and a Deputy, so with this formula every Douzaine has to have at least one member of the States of Election, even though if you were going in to Deputy Gollop's sort of pure mathematic world of analysis, some of them would only have 0.4, and we would say well 7.4, 7.6 – you cannot do that. So when you extracted that and then divide it, this is the correct formula, not come up by the present SACC Committee, but tried and tested and part of the Reform Law for a very long time.

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Sir, you talk about districts: well, yes, we have changed the system for Deputies to districts, but the extra representatives coming into the States of Election are representatives of their Douzaine, the Douzaine represents the parish. Now, I do not know if that is the right way of going forward, but that is the system. So you cannot do it my district because, okay and maybe St Andrew's and St Martin's could get together and decide which of the two sets of Douzeniers should be sent along and maybe the four Western parishes, but to be honest, trying to see the agreement on some other things that we have asked Douzaines to come back on, I suspect we could have civil war out there about who should be coming to the States of Election, so we have to work the system as it is.

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Unfortunately, when populations change it always goes from you being slightly over represented to apparently significantly underrepresented. I am pretty sure they felt that way in the Castel when suddenly they plunged from seven to five Deputies, but when you are talking about two to one that is even more exaggerated. But this has been looked at carefully by the civil servants who are steeped, sad creatures, in this sort of thing, and this is the correct formula. It is likely we are going to have sadly, five or six more elections for Jurat before we change the whole Reform Law, the system for the States of Election, because that is going to happen in the next few months and these things are going to take time.

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So it is down to this Assembly, if they want to ignore the formula fine, but where do we go after that? The next time, the next General Election when Deputies need to be redistributed, well, that might be what the formula comes up with but actually we in the Assembly have a sort of feeling in our waters that it is not quite right and therefore we are going to put one back to the poor old Castel who lost two because they are feeling pretty cut up about it, like St Saviour's are over the States of Election, I think that is a dangerous road to go down.

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I am not going to lose sleep tonight over the outcome of this debate, but I know the right debate is just to vote *Pour* and then to tell SACC go and review root and branch this archaic system that we have got and come back with a modernised approach.

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3180 **The Bailiff:** Deputy De Lisle.

Deputy De Lisle: Sir, despite what Deputy Roffey is saying the numbers have become disproportionate. When you look at the numbers 20 of 34 almost two thirds of the Douzaine vote will be coming from the North and the Town. That is quite disproportionate when you think we
3185 are electing Jurats and so on and so forth, so Deputy Gollop is right when he speaks of the West being discriminated against.

I would wish that the States keep five for the West and not allow the numbers to decline to four. I think it is fairer to leave the system as it is rather than bring in these reforms at this time. So, I agree with Deputy Lowe on that one.

3190 Just look also at what has happened with the West vote with regard to the States of Deliberation, now before 2004 we had 10 Members sitting and voting in this Chamber. Today in the West the four parishes only have five, so that is a 50% decline in the power, if you like, the voting power in the States of Deliberation for the West, which has lost that to other parts of the Island. So, I would wish that the States today avoid going down this road and keep the five for the
3195 West, maintain St Saviour's at two, and certainly not upgrade the Town by another one to ten, which I do not think is in keeping with fairness in terms of voting within the States of Election.

Thank you, sir.

The Bailiff: Yes, Deputy Tooley.

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Deputy Tooley: I did not intend to speak, sir, but if I may.

I think I understand the points that are being made from the Deputies who are based in the West about representation. However, perhaps they would be better placed in the debate around the Island Development Plan. If the Western parishes and so on want more representation, then
3205 perhaps they need more building and more houses and more people. *(Interjections)*

Thank you.

The Bailiff: I see no-one else ...

3210 **Deputy De Lisle:** Can I say in contradiction to that that one needs the votes in order to dispel that type of manipulation. *(Interjections)*

The Bailiff: Deputy Le Pelley.

3215 **Deputy Le Pelley:** Thank you, sir.

I find this question ... we are really in the cleft of two branches here really, because the Law really prescribes us to actually go along in a particular way and I cannot see that we can do anything other than do that. However, to answer one or two questions or positions that were raised. If I could, through you, sir, explain to Deputy De Lisle, the reason why 50% of the delegates
3220 come from the North of the Island is because 50% of the population come from the North of the Island, **(A Member:** Hear, hear.) and that is why it is as it is. I think the points that Deputy Tooley made about perhaps taking a bit more of the housing might be also a fair comment. We will not go there for the minute. *(Interjections)*

I think it is incumbent upon us though to ask SACC to actually look at the whole way of the
3225 States of Deliberation's composition, exactly who is in it and why?

The Bailiff: States of Deliberation or ...

Deputy Le Pelley: Sorry, States of Election, I beg your pardon, sir, I was deliberating the States
3230 of Election. The number of Jurats in there is 16, we know why they have been raised from the

number of 12 to the number of 16. There is an awful lot of business that is going to be carried out. We need to have eight in each half, so they can actually hear appeals and things like that. There have been one or two statements made that I have sort of had a question about, what is the role of a Jurat? I thought they were the determiners of fact rather than people who actually interpreted the law, but I may be wrong, perhaps HM Comptroller can advise me on that.

It is possible that we could actually ask SACC to withdraw this Article for today, so it actually could have perhaps a bit more time to actually consider exactly which is the right way forward. Do we have the right composition? Do we have the right distribution? I know for an absolute fact that St Sampson's has struggled at times to actually find five people who are available in a working day to come and give three hours for three ballots. I know that St Peter Port will find it difficult to find 10 people to do the same. So I would really sort of throw it back to SACC really, to consider withdrawing this at this moment. If not, I think I have to go ahead and support it, because that is what the Law tells me to do at the present time. But, I think we really do need to look into the whole issue of the composition of the States of Election.

Thank you, sir.

The Bailiff: I see no-one else.
Deputy Fallaize will reply.

Deputy Fallaize: Thank you, sir.

Deputy Gollop started by saying 'I don't really care about the logic of it', which I think sort of sums up the arguments against the Proposition. He was concerned that if the Proposition was successful the West would be discriminated against, those were the words he used. But that is not true because the population of the West, the four parishes that make up the West, is about 12% and if you work out that in terms of allocation of seats in the States of Election it means they should have four, almost exactly four I think it is 4.01. Well, they will have four if the States vote in favour of the Committee's Proposition. So they certainly will not be discriminated against.

What he is really saying, what he was really saying is that he does not agree with the formula, he thinks the formula is the wrong formula for determining the number of Douzaine Representatives in the States of Election. Well, fine, change the formula. But that is not what he is proposing. He is proposing to keep the formula the same but then disapply it exclusively in the case of St Saviour. Well, as he said, he does not really care about the logic of it. He said that St Saviour would be unfairly treated, but the formula is explained in paragraph 2.31. The formula is that on average there should be one representative for every 1,871 people. So, to get to exactly two, and these figures are rounded up using decimal places, but to get to exactly two you need 3,600 people, and St Saviour has 2,749. So how he can say that St Saviour would be treated grossly unfairly by these proposals I do not really know.

Deputy Yerby said that she would vote along parochial lines. Well, not quite, because Deputy Yerby represents the four parishes of Forest, Torteval, St Saviour and St Pierre du Bois, and she by voting in favour of the second representative, or retaining the second representative for St Saviour, is materially disadvantaging St Pierre du Bois, because she is disapplying the formula in respect of St Saviour only, but not in respect of St Pierre du Bois. Now if I was an elector of Deputy Yerby's in St Pierre du Bois, I would want to know why the formula was being disappplied in respect of St Saviour only but not in respect of my parish. So, there really is no case.

Deputy De Lisle gave ...
I will give way to Deputy Yerby.

Deputy Yerby: Could I just ask Deputy Fallaize to spell out his maths.

Deputy Fallaize: Oh well, the maths are that the formula is on average there should be one representative for every 1,871 people, and that any numbers which are not whole should be rounded up to the nearest whole number, should be applied in respect of every parish, and if it is

applied in respect of every parish St Saviour, should have one representative and St Pierre du Bois should have one representative. So, if St Saviour is going to have two representatives it is going to be advantaged over and above the formula that is applied to St Pierre du Bois.

Now, I have forgotten what I was about to say next ... Why now – Deputy Yerby said, why now? Well, Deputy Dorey dealt with that, the e-census. Accurate e-census data, in any event, has become available only quite recently, and there are several Jurat elections coming up soon, as Deputy Roffey said.

Deputy Lowe asked why there was a discrepancy between the e-census figures and the figures in the policy letter. Now, I do not think there is. I think, well Deputy Dorey who is a sort of walking oracle of States' statistics has just checked and tells me that actually there is no discrepancy at all. Now, it is the case that there have been some discrepancies in the past between some of the e-census data and some of the population figures which have appeared in policy letters, and the reason for that was that in the early days of the e-census, for reasons which I have absolutely no idea about, not being technically minded, the e-census folks did not know where, I think at one stage, around 1,000 people in Guernsey lived. Difficult to believe that, but that was the figure. Therefore it was considered misleading or unreliable to base all decisions on the figures in the e-census, and sometimes there were some policy letters where the people who the e-census folks could not locate in a particular parish were excluded from the calculations, but the numbers of people unallocated in the e-census has now fallen considerably, which means that it is now a much more reliable and accurate source of information, and as I say according to Deputy Dorey, who I will rely upon, he says that the figures in the latest e-census or the figure of 31st March 2016 is consistent with the figure in the policy letter. But if Deputy Lowe wishes to take on Deputy Dorey's statistical recall I am happy to give way.

Deputy Lowe: Thank you very much Deputy Fallaize for giving way.

My figures are from Deputy Dorey who kindly steered me in that direction. The bottom line total is the same, but when you break down into some of the parishes they are different, but the bottom line is actually the same. There are only two out of those that remain the same as your figures there, but if you look at the Vale and Castel they are all different.

Deputy Fallaize: Yes, I will let them play it out between them ...

The Bailiff: Deputy Dorey.

Deputy Dorey: Deputy Lowe asked me at lunch time the figures for the electoral districts which is a separate table in the census, but I can assure you that I have looked at the latest census report and I have checked the numbers, as our civil servant would have done, against those numbers and they are exactly the same. St Peter Port has the addition of the Herm and Jethou numbers added to them, and there are 250 people who are 'address unknown'. I assure you I have checked them and the numbers are exactly the same.

Deputy Lowe: Just a point of correction, sir.

Because I appreciate Deputy Dorey did help me at lunch time, but when you add St Peter Port it is actually 18,880, and yet the report says 18,894. So there is a difference in the figures that I had at lunchtime. I do not want to waste States' Members time, it is just there is a difference.

The Bailiff: Deputy Dorey.

Deputy Dorey: I can assure the Assembly, sir, that it includes Herm and Jethou which has got 96, which takes it up to the number in there, because that is part of the constituency of St Peter Port and they have been added in.

The Bailiff: Deputy Fallaize, you may continue.

Deputy Fallaize: I have every confidence in Deputy Dorey's recall of statistics, but if there is any discrepancy I am sure it is as a result of the relatively few people who now the census people are not able to locate in one particular parish. Anyway, I leave it to the States to decide between the combatants in respect of statistical analysis.

Deputy Lowe also said that – this is a point that is raised quite often by many people; this need not necessarily apply only to the States of Election but also perhaps to the States of Deliberation – the number of representatives should be based on the adult population rather than the total population. Well, that is just not the way it is done. The conventional way when dividing up districts and voting representatives is to divide it by the whole population. I suppose it is because it is felt that children need to be represented just as much as adults. I do not know the detailed history of it, but that is the way it is always done.

Deputy Lowe is right that a previous SACC did review the States of Election, but she said that the States was still awaiting a report back from SACC about that. That is not quite right. The SACC of that time decided after its review not to propose any changes to the States of Election, and Deputy Lowe knows that because she was a member of SACC, with me, at the time that decision was made.

But, it is true to say that the present Committee has received a letter from the Policy & Resources Committee asking it to carry out a full review of the States of Election. As Deputy Roffey said the Committee has not yet considered that request. I think there is every chance the Committee will accede to that request. In fact I do not think we have got any choice. I do not think it was a request, I think it was an instruction, under the part of its mandate which allows it to instruct other committees, and so that work will be carried out. But, it may well be carried out in two parts, because there are some improvements that could be made to the sort of procedure around the States of Election very quickly, in time for the elections which are coming up. The wider review may take longer. I do not know when it will be prioritised because the Committee has been asked to review several other items as well, and I give no guarantee about when the results of any wider review will be before the States, and it could take some time to get through the States' system and for the States to decide which changes to make, if any, and then to pass the legislation. So, I do not think that we can hold off on these changes until that wider review is completed.

Deputy De Lisle wants two thirds of the Douzaine Representatives, or he says that there are two thirds of the Douzaine Representatives who would be in the Northern parishes and the Town parishes, and as others have said, he can have two thirds of the Douzaine Representatives in the West if he wants two thirds of the people in the West, but the West would definitely not be underrepresented under the terms of the Reform Law and the formula which was agreed long ago if these proposals are carried.

Deputy Le Pelley asked the Committee to consider withdrawing this policy letter, but the Committee is not going to withdraw it, because in fairness if the wider review could be produced very quickly, and changes could be made imminently, then I think these changes may well have awaited that, but there is no prospect of that being done imminently, so in view of the population shifts and the knowledge of them, which has become available because of the reliable e-census data, it was necessary for the Committee to lay this proposal before the States, and I hope the States feel able to support it.

Thank you, sir.

The Bailiff: Members, there is a single Proposition. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

POLICY & RESOURCES COMMITTEE

**IV. Policy & Resources Committee –
Implementation of International Sanctions Measures –
Propositions carried**

Article IV.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 28 March 2017 of the Policy & Resources Committee, they are of the opinion:

- 1. To agree to the introduction of a Bailiwick-wide Law for the implementation of sanctions;*
- 2. To the introduction of regulation-making powers for the Policy & Resources Committee to enable the implementation of EU and UN sanctions measures across the Bailiwick as a whole;*
- 3. To agree to the introduction of measures to permit the future direct implementation of UK sanctions measures in Bailiwick law;*
- 4. To approve the enactment of related measures including powers to obtain and share information; permitting reliance on a certificate from a UK Secretary of State in respect of sensitive or closed source material in the interests of national security; and any necessary consequential amendments; and*
- 5. To direct the preparation of such legislation as may be necessary to give effect to the foregoing.*

3385 **The Senior Deputy Greffier:** Article IV – Policy & Resources Committee – Implementation of International Sanctions Measures

The Bailiff: The debate will be opened by the Vice-President of the Committee, Deputy Trott.

Deputy Trott: Thank you, sir.

3390 Sir, Guernsey has long been committed to compliance with United Nations and European Union sanctions. The Policy & Resources Committee has reviewed the legislative process for sanctions and the Committee has concluded that in general the current process works well. However, the legislative process could still be improved. Primarily the introduction of a Bailiwick-wide Law would remove the need for separate ordinances for each of Guernsey, Alderney and
3395 Sark in order to implement EU sanctions measures. Linked with this the new Law should provide the Policy & Resources Committee with the ability to give effect to UN and EU sanctions measures by making regulations. This would allow the Bailiwick as a whole to make the most rapid response possible to such measures in line with international best practice.

3400 It is also envisaged that the Law would allow a possible future amendment to give direct effect on a Bailiwick-wide basis to UK measures implementing UN sanctions.

Sir, it is further recommended that the legislation should provide for related measures such as powers to obtain and share information, again, in line with international best practice.

Sir, the relevant authorities in Alderney and Sark support the proposals.

Thank you.

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The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

3410 I wish to speak in support of these Propositions to stress their importance, not only because they enable us to incorporate sanctions in a speedy cost-effective way, but also because this is a good example of how the three Islands of Sark, Alderney and Guernsey can work together by introducing a Bailiwick-wide Law for the implementation of sanctions, and I hope, where possible, this approach is encouraged.

3415 With regard to improving the present method, I would like to explain how sanctions were introduced both in the last term and under the changes in the structure of government last year. Previously sanctions were implemented by ordinance under the Legislation Select Committee's emergency powers, due to the need to bring them in urgently. Since May 2016 the Legislation Review Panel no longer has such emergency powers, however we approve the legislation at an emergency meeting and, if approved, P&R then review and they then approve under their emergency powers, which are now vested in them. By introducing regulations making powers for P&R this would remove this rather clumsy, if I may say, method of using the emergency powers.

3420 The other Propositions are also beneficial to assist the process of maintaining the necessary legislation to implement sanctions as quickly as possible and to maintain the reputation of the whole of the Bailiwick.

3425 Sir, I support these Propositions.

The Bailiff: Deputy Prow

Deputy Prow: Thank you, sir.

3430 I join with Deputy Tindall and rise to both support and congratulate Policy & Resources for bringing these far-sighted and very necessary Propositions.

I also thank Deputy Trott for his concise presentation to the States on what is a complex and technical matter.

3435 Of all the things we will debate today, or have indeed done so recently, the need to introduce a Bailiwick Law for the implementation of EU and UN sanctions is, in my view, of the highest importance. It is paramount that the Bailiwick as a whole meet the requirements of UN and FATF obligations to protect the Bailiwick's reputation as a major financial centre. But most significantly the development of our ability to apply international sanctions will make a real difference and contribution to our global efforts to the prohibitions on the supply of arms or such investment and related financial services, or the targeted restrictions, such as asset freezes that are applicable to named individuals or entities on the investments from time to time imposed by the UN. These sanctions also relate to money laundering, the financing of terrorism and weapons proliferation and I cannot perceive what is more important to apply our minds to with regard to maintaining our mature international identity than to be addressing these issues in the way so recommended, particularly in these very dangerous times.

3440 Sir, this legislation to introduce a Bailiwick-wide Law and to introduce measures to permit the future direct implementation of UN sanctions, and most importantly information-sharing powers must be supported, in my view. Whilst I also concur with the resource implication assessment indicated within the policy letter, we absolutely must as a jurisdiction ensure we retain and develop the skills and resources available within the financial crime and law enforcement capabilities and within the Commission to be able to deliver the results also required by FATF, IMF and Moneyval standards. We must continue to punch far above our weight to support our major sector. I am sure Policy & Resources do understand this and I can assure you that the Home Affairs Committee does.

3450 As Members are aware I recently had the privilege to represent Guernsey at a Commonwealth International National Security Conference attended by 90 delegates from 35 countries. Sir, I have shared my report with all States' Members, which I am sure they have read from cover to cover. The report included nine key learning points that I took away, amongst these were two strands which are entirely relevant to this policy letter. First, all parliament must ensure that it has in place and constantly reviews all legislation which impinges upon national security issues. This includes legislation which counters terror funding, and international crime enforcement capabilities. Therefore developing our legislation lessens even further the risk of delay of terrorist financing assets or the imposition of weapons proliferation sanction must be the way forward.

3460 The policy letter also takes heed of the recommendation made in the Bailiwick's recent Moneyval report upon the Bailiwick's compliance with FATF standards, which highlights a

potential gap in the EU sanctions framework, and advises of the desirability to give effect to a new and more direct UN sanctions regime. Again, the Propositions will address this point.

3470 Second the CPA conference highlighted the imperative of international partnerships, this policy letter seeks to approve the enactment of related measures to obtain and share information based on a more joined up Bailiwick response, as Deputy Tindall has alluded to, fully supported by Sark and Alderney.

3475 If we approve these Propositions today we have ticked important global boxes. We will show we are ahead of the game in an area where we can make a contribution to the fight against terrorism and weapons proliferation in Iran and North Korea. We are demonstrating we are preparing for a post-Brexit world, where the future of EU sanctions regime is unclear, but commitment to UN compliance must remain achieved.

3480 Sir, furthermore in an environment that the Bailiwick often suffers from attack, especially from certain EU countries, which is ill informed and not based on reality, we must continue to tell the world that we meet and develop international standards as demonstrated by the positive IMF review, our excellent Moneyval ratings, and by the speed and foresight of government, as demonstrated in this policy letter.

3485 This is a message that this Assembly must continue also to shout from rooftops. However, unfortunately I doubt if this will be on the front page headlines of tomorrow's *Press*, which in my humble view it deserves to be, and might just help to show just how seriously we take our international sanction obligations, but I live in hope.

Thank you, sir.

The Bailiff: Deputy Gollop.

3490 **Deputy Gollop:** Thank you, sir.

Like Deputy Tindall, I attended the Legislation Select Committee and it was an extremely interesting meeting, even if some of it went above my head a bit, because there were really complicated discussions with Deputy Tindall, Advocate Dunster and other advocates present, and so on, Advocate Howitt as well.

3495 What was interesting was the Transfer of Funds (Guernsey) Ordinance has already been drafted beyond the policy letter and it goes into all sorts of areas. It brings in the question of possible extra territorial reach for persons who were resident here. It defines or takes European Union definition intermediary payment service providers and what is interesting too is it, to me at least a lay person, it possibly reveals an issue that maybe the current regulations do not go far enough because one area which is not necessarily covered is not transfer by money but transfer purchase using a mobile phone PIN or a credit card or whatever, and, of course, we associate those on the branded e-site as being legitimate things, but I could for the sake of argument pay £4,000 or €4,000 for a chocolate bar. Now that is a money transfer beyond the value, perhaps, of the item concerned. So, I think as we know from many things Deputy Tindall and other people have said
3500 there is a need for very rigorous regulation and support for this.
3505

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Sir, a one minute speech, that should be the norm.

3510 This report describes the current process as cumbersome, it is before us because of the ever increasing bureaucracy and time required to handle all the issues related to applying sanctions. All I have to say is that anything that streamlines the bureaucracy in any section of our government, or indeed minimises the bureaucracy has got to be a good thing. So I support it whole heartedly.

Thank you.

3515

The Bailiff: I see no-one else.

Deputy Trott will reply.

Deputy Trott: Thank you, sir.

3520 I will start with my good friend Deputy Gollop, sir, who spoke with his usual eloquence. On this occasion one States' item earlier than I was expecting (*Laughter*) but his points will be remembered when we debate the next item, sir.

3525 Sir, Deputy Tindall a solicitor by training, did not surprise me with her support, and neither did she with reference to Bailiwick-wide working. I think it is true to say that this is an exemplar of this particular issue with both our friends in Alderney and Sark realising not only the importance of these measures but also the expediency that is required.

Again, unsurprisingly, Deputy Prow supported, with great clarity, from a perspective of someone who is an expert at working from this background.

3530 So, sir there is nothing more for me to add other than to ask that the States supports these proposals unanimously.

The Bailiff: I put them all to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

POLICY & RESOURCES COMMITTEE

V. Policy & Resources Committee – Wire Transfer Legislation – Propositions carried

Article V.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 18th April, 2017, of the Policy & Resources Committee, they are of the opinion:

- 1. To agree that an Ordinance should be enacted under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 to implement Regulation (EU) 2015/847 in Guernsey, subject to appropriate adaptations, exceptions and modifications, and to repeal the Transfer of Funds (Guernsey) Ordinance, 2007; and*
- 2. To direct the Law Officers to prepare such legislation as may be necessary to give effect to the above, including any necessary or expedient supplemental and consequential provision.*

3535 **The Senior Deputy Greffier:** Article V – Policy & Resources Committee – Wire Transfer Legislation.

The Bailiff: Again debate will be opened by Deputy Trott.

Deputy Trott: Thank you, sir.

3540 Sir, the aims of the proposed new Guernsey Transfer of Funds Ordinance are twofold, first to enable Guernsey to meet international and EU anti-money-laundering and combatting of terrorist financing standards in connection with electronic transfers of funds.

3545 Second to enable Guernsey as part of the UK payment and clearing systems to continue to benefit from the ability for electronic transfers of funds between it and the UK to be recognised as domestic transfers, and include reduced information compared with the usual EU requirements for transfers between third countries in the EU.

Now, sir, in order to achieve this Guernsey needs to enact legislation with the same rules as the EU's 2015 regulation on wire transfers, and for HM Treasury in the UK to be content to continue the derogation permitted by the regulation. I refer to the continuance of a derogation because we have benefited from a UK derogation recognising the transfers between our two jurisdictions are domestic transfers for 10 years. That derogation was issued in relation to Guernsey's existing Transfer of Funds Ordinance and its equivalence with the EU's 2006 regulation on wire transfers.

Sir, this 2006 regulation will fall away on 26th of this month when the EU's 2015 regulation comes into full effect. Similarly, it is proposed that the existing Guernsey Ordinance will have been repealed by the new Ordinance by that date.

Now, sir, paragraph 4.2 of the States' report being considered today refers to consultation by the Policy & Resources Committee with the UK Government and the UK's own liaison with the European Commission on our legislation. Our team has also been working very closely with our counterparts in Jersey.

In relation to the interim position before the European Commission is able to finish consideration of our legislation the 2015 EU regulation provides that until a decision by the European Commission is made, transfers of funds between a member state, the UK in this case, and the country or territory concerned, Guernsey for the purposes of this debate, shall be provisionally treated as transfers of funds within that member state until such a decision is reached. Therefore we do not expect Guernsey to be affected.

By way of further context for the process to be effective HM Treasury is intending to include provisions on the domestic treatment of transfers between the Channel Islands and the UK in updated money laundering regulations. HMT has legislation ready to be laid before a new parliament immediately after the Election, and we are informed that this is a priority matter for the new UK Government when it is formed. We anticipate that the UK will pass this legislation through parliament before the 26th June.

Now, sir, in light of the importance of the new Ordinance being in force from 26th June the intention is for the Policy & Resources Committee to make the legislation using powers under the Reform Law. In this regard the Legislation Review Panel has considered the proposed draft Ordinance, and this is what my friend Deputy Gollop was referring to earlier, and is content for it to be transferred to the Committee for its own consideration under the Reform Law.

Sir, finally, we anticipate the Ordinances for Alderney and Sark will be made by 26th June specifically in Alderney on 14th and in Sark on 22nd.

Thank you, sir.

The Bailiff: Is there any debate, further debate I should say, perhaps? No.

We go straight to the vote then. There are two Propositions. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

VI. Policy & Resources Committee – A Regulatory Framework for Pension Schemes and their Providers – Propositions carried

Article VI.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 25th April 2017, of the Policy & Resources Committee, they are of the opinion:

1. To agree in principle to the enactment of a *Projet de Loi* to create the necessary legal foundation for the establishment of a new regulatory framework for pension schemes and their providers; and
2. To direct the Policy & Resource Committee to present to the States a further report outlining the detailed requirements of such legislation within a period of 12 months from the date of the States' decision.
3. To agree to the enactment of Ordinance under the Income Tax Law (Guernsey) Law, 1975 making relevant amendments to that legislation to provide for the approval of further pension schemes and the ability for the Director of Income Tax to require consistent reporting of information concerning those schemes.

3585 **The Senior Deputy Greffier:** Article VI – Policy & Resources Committee – A Regulatory Framework for Pension Schemes and their Providers.

The Bailiff: This debate will be opened by Deputy Le Tocq.

3590 **Deputy Le Tocq:** Thank you, sir.
The policy letter seeks agreement in principle by the States to introduce a law which will create a statutory basis for a new regulatory framework for pension schemes and their providers.

It is proposed that the law will be supported by rules and guidance issued by the Guernsey Financial Services Commission, which is envisaged as being the pensions regulator.

3595 The policy letter also asks the States to direct that a policy letter, a future policy letter, for the new regulatory framework should be presented to the States within 12 months.

Finally, this policy letter asks for the States' approval to make an ordinance under the Income Tax Law so as to allow all pension schemes to seek approval under the Law from the Director of Income Tax and for the consistent reporting of information concerning approved schemes.

There are three Propositions before the Assembly, sir, and I ask the Assembly to vote for them.

3600 **The Bailiff:** Deputy Trott.

Deputy Trott: Thank you, sir.

3605 Sir, as Members may recall from the States' report, I have a potential perceived interest, and as a consequence have recused myself throughout the development of this policy, and shall now retire from the Assembly for the duration of this debate.

Thank you, sir.

3610 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

3615 I support these Propositions because I believe in appropriate and proportionate regulation. Pension providers and the finance and business services industries will benefit from promoting a well-functioning pension sector. This includes the ability, potentially, to benefit from relevant exemptions under the OECD Common Reporting Standard, reducing administrative burden and reflecting the Bailiwick's low risk of being used to evade tax. Mainly it will help protect consumers, both abroad and in the Bailiwick.

Thank you, sir.

3620 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, this originally came about because last summer I made a speech about something or other, I can never remember what I have been speaking about, I made a speech at a restaurant in Town, and I came out and a member of the pension industry stopped me. He said

3625 we need regulation – of course, that takes some persuasion to persuade me that we need any regulation or bureaucracy – but we need it (a) for our reputation as a jurisdiction but (b) also because it would give us a competitive edge.

I think since then it has moved with reasonable alacrity, with the full co-operation of Policy & Resources, and the full co-operation of the Law Officers. So, it is a credit to our jurisdiction, and it shows joined-up and cohesive government, but it is something that we should, and I think it will, approve without any further delay.

The Bailiff: Any further debate?

Deputy Le Tocq, do you wish to reply?

3635

Deputy Le Tocq: Just, sir, a few comments. Both speakers are absolutely right, this is something that puts us in good stead. It is one of those few areas where both government, regulator and industry all agree that this is necessary, and so, sir, I ask the Assembly to support the Propositions.

3640

The Bailiff: There are three Propositions. I put them all to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

DEVELOPMENT & PLANNING AUTHORITY AND COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

VII. Development & Planning Authority and Committee for the Environment & Infrastructure – The Island Development Plan – Land for Light Industrial Use – Debate commenced

Article VII.

The States are asked to decide:-

Whether, after consideration of the Policy Letter of the Development & Planning Authority and the Committee for the Environment & Infrastructure entitled 'Land for Light Industrial Use' (dated 25th April, 2017), they are of the opinion:-

1. To note that, of the areas of land identified by the States Trading Supervisory Board in consultation with the Committee for Economic Development, it would be acceptable in principle under the existing policies of the Island Development Plan (2016), subject to the meeting of the relevant policy criteria, to use the sites at Mont Crevelt/Longue Hougue reclamation site, Griffith's Yard, Brickfield House (excluding the field where the pump house is located) and Pitronnerie Road for industrial purposes without amendment to that Plan.

2. To note that to enable the sites at Fontaine Vinery, Springfield Cottage, the former Bordeaux Landfill Site, Belgrave Cottage (derelict) & Belgrave Lane (part), the field part of Belgrave Vinery Site, Grand Marais Vinery, Brickfield House field where the pump house is located and Primrose Vinery to be used for industry an amendment to the Island Development Plan and potentially the Strategic Land Use Plan would be required and that this would require a public Planning Inquiry and approval of amendments to the Island Development Plan by the States of Guernsey.

The Senior Deputy Greffier: Article VII – Development & Planning Authority and Committee for the Environment & Infrastructure – The Island Development Plan – Land for Light Industrial Use.

The Bailiff: This is a joint report. I do not know which of the two Presidents proposes to open first.

Deputy Brehaut: I understand Deputy Gollop was going to open and I will follow, sir. Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

My thanks to Deputy Brehaut and the Committee, and indeed Deputy Tindall who has worked hard on much of the work that I will say, and I will give an overall speech and detail about the report, but Deputy Tindall will give a key note address and respond to the amendments, should they be placed. Although I may allude to them once or twice.

This policy letter is in response to a Resolution which came about from the very lengthy debate we enjoyed on the Island Development Plan in October, November last year. Indeed it was so long Deputy Inder jointed us in the middle, I remember, having had an election in the interim. The Resolution required the States' Trading Supervisory Board, Deputy Parkinson is not here but I assume Deputy Smithies, a former member of our Authority too, will take up the role ably. It required the STSB, the Resolution, in consultation with the Committee for Economic Development to identify

'suitable area or areas of land consisting of at least 4 acres owned –

(Interjection) It is in acres; it should have been in vergées, but never mind –

or the occupation of which is controlled, by the States...'

That could be used for light industrial use if suitable amendments were made to Guernsey's Planning Regime. The Resolution then required the Development & Planning Authority and the Committee for the Environment & Infrastructure to consider the planning implications for the identified sites, to ascertain what changes may be required to the Island Development Plan and/or Strategic Land Use Plan policies, the so-called SLUP, to allow them to be used for light industrial purposes.

In December last year the STSB provided the DPA and E&I with a list of 11 potential sites for consideration which, in their view, fitted the criteria of the Resolution.

The Planning Service had met with Deputies Laurie Queripel and Matt Fallaize who brought the amendment early in 2017 to clarify the requirements of the Resolution. As a consequence Members should note that reference to light industry, in the context of this policy letter, refers to the types of users that currently operate at the Fontaine Vinery, which includes predominantly open storage, but with elements of general and light industry, generally in outdoor compounds but could also include the erection of buildings for industry. The Deputies Queripel and Fallaize further made clear that the intention of the Resolution is not all of the identified sites may be necessarily pursued.

Evidence shows that the Island – this is the DPA perspective – is actually generally over supplied with industrial and storage space, and that this surplus will increase over the next 10 years. Further evidence could be given in relation to percentages and use.

In accordance with a direction given in the Strategic Land Use Plan the IDP's approach is to generally consolidate industrial uses on four designated key industrial areas, located in and around the main centres each with identified expansion area. The idea that existing sites within

these areas should be re-used and re-developed before consideration is given to develop other industrial sites, in order to build momentum for much needed investment in, and improvement of, the industrial building stock. Limited provision is also made for industrial development in local centres.

3695 In particular the IDP takes an enabling policy approach for small businesses of the type currently located at Fontaine Vinery by introducing more scope to re-use brownfield land and redundant vinery sites outside of the centres for industrial and storage uses. I will mention the sites in a minute.

3700 Since the adoption of the IDP, the States' Property Service has worked with land owners to provide a site to relocate at least some of the businesses may be at the Fontaine. Planning permission one will note was given for the redevelopment at an open planning meeting of 2.4 acres of Extension Vinery, a site near to Fontaine, in the Route Militaire are in March this year – Policy OC7 in the IDP providing the gateway to allow for this development.

3705 Also, since the adoption of the IDP there are live planning applications for over seven acres of redundant glasshouse land to be reused for small-scale industry and storage uses. I will not talk about those individual sites. There have also been pre-application discussions concerning a further 12 sites to date. There are around 240 redundant glasshouses to which Policy OC7 would apply. 150 of which are not within an agricultural priority area. These sites total around 175 acres. None of the identified States' sites are located on a redundant vinery site, and so the allocation of
3710 additional site industry outside of the centres may reduce the potential for glasshouses to be cleared under Policy OC7 through private sector development. In other words we may have to put up with the eyesore of glasshouses, because the States were indirectly preventing that from happening.

3715 Additionally changes have recently been made to planning legislation in the Land Planning & Development (Use Classes) Ordinance, 2017 which now makes it possible to move between industrial and storage use classes for small premises up to 250 square metres without the need for planning permission.

In terms of industrial land supply the existing IDP policy is successfully realising the potential for more sites to come forward from the private sector, particularly those that can accommodate
3720 small businesses like those at the Fontaine Vinery. Bearing this in mind we would respectfully suggest that the issue here is not one of land supply but one of affordability and the principle of whether the States wishes to own and control an industrial site or sites. That is where, personally, I have a degree of sympathy with both amendments because they take the problem away from the DPA and E&I to where it belongs, because if there is an issue with start-up or existing businesses
3725 needing to finance market rents which the business cannot afford then it is ultimately an Economic Development issue rather than a planning issue.

With this in mind, sir, you will see that the recommendation put forward by the DPA and E&I is for the States to note the Propositions. The Authority and Committee considers this an appropriate response to the Resolution which addresses the matter of industrial land supply and
3730 the policy implications for each identified site. The principle of whether the States should own and operate its own industrial site and the financial resource implications of doing so, as well as the potential impact of market intervention goes well beyond a planning or land use issue and certainly beyond the mandates of the DPA and E&I. So the details of the sites that will be developed later.

3735 But in summary, the DPA recognises that there is a need to provide suitable space for small businesses, like those currently located at Fontaine Vinery, but it considers sufficient land is available, or potentially available, to meet demand and can be, and indeed is being, delivered through the existing IDP policies.

3740 Nevertheless if the States decides there is a need to provide an industrial site on States-owned or controlled land, four of the identified sites – one at Griffith's Yard, Mont Crevelt/Longue Hougue the Brickfields and Pitronnerie – could be brought forward under existing policies without committing to a potentially long and costly public inquiry and statutory process. This approach

would also ensure that the adopted spatial strategy on other designations in the IDP are not undermined, and maybe that there are not too many fluctuations in the market in the meantime.

3745 For these reasons I ask this Assembly to note the implications for Planning and Strategic Land Use Policy in pursuing the development of the chosen site or sites for light industrial use as set out in the policy letter, and await the amendments, if they should be placed, but urge the States to accept this policy letter as the way to move forward in a pragmatic manner.

3750 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir.

3755 Members, the Committee for the Environment & Infrastructure's involvement in this policy letter is in relation to implications for Strategic Land Use Policy, as set out in the Strategic Land Use Plan. So consideration such as whether an amendment to the IDP policies would require amendment of the SLUP and also the potential costs should the public inquiry be required to amend the IDP are relevant considerations. I do not want to overegg that point because Deputy Gollop has alluded to it to.

3760 We have identified four sites, if you stray outside of those four sites then you are looking at an amendment to the IDP, which is a fairly detailed, lengthy and expensive process. The strategic direction given in the SLUP is that industrial development should be focused in and around the main centres, with some limited development in local centres in accordance with the spatial planning strategy.

3765 Outside the centres the SLUP recognises that certain small-scale businesses, such as small workshops, storage and open yards have a justifiable need to be located outside of the centres based on the nature of their operation or difficulty in finding a sight due to affordability in the main centres, and those are the type of businesses probably operating from the Fontaine Vinery site now.

3770 I am pleased to hear in Deputy Gollop's speech again that IDP policies are working well and effectively in bringing forward private sector planning applications for industrial development, particularly on redundant greenhouse sites, which can provide just the types of industry and storage accommodation, and open yards, required for businesses like those located at the Fontaine Vinery, with the added bonus, of course, of clearing redundant horticultural sites too.

3775 Notwithstanding that – and I made this point earlier – if the States decides that there is a need to provide a site for industry and storage on States-owned land, E&I is pleased that the use of four sites identified in Proposition 1 could be brought forward without requiring any changes to existing land use policies.

3780 Just a cautionary note: the use of any of the other seven identified sites would require, at the very least, a public inquiry to amend the IDP. Sir, I would urge Members to think very carefully about the costs, both financial and in terms of the time and resources of considering any of these seven sites for industry at a time when the States is supposed to be exercising spending restraint.

3785 The statutory process required to amend the IDP is likely to be lengthy and costly and other options are available – *[A bell rings]* I will get that in a moment, I beg your pardon. Do I need to stop if a bell rings? I am not too sure – I did not realise the Rules now have timed speeches. *(Laughter)* I mean, when did SACC sneak that in, the blighters?

Right, I have started so I will finish. *(Laughter)* The statutory process required to amend the IDP is likely to be lengthy and costly when other options are available that do not require an IDP amendment.

3790 There are also risks associated with the IDP amendment route to consider, a public inquiry is required to examine the evidence in support of an amendment, so robust evidence for the allocation of additional industrial site would be necessary and be able to stand up to scrutiny in a climate of general over supply of industrial and storage space or over supply, over capacity industrial and storage space.

3795 Again, I do not want to shroud-wave or alarm people but in closing, I would just ask Members to consider the process to date. You debated the IDP, an amendment was placed that has given you this report. This report has delivered four sites for you, and I would ask Members to bear that in mind when they consider the amendment.

Thank you, sir.

3800 **The Bailiff:** Thank you.

There are two amendments. At the request of Deputy Laurie Queripel, who is proposing them both, and after consulting with the two Presidents, I have agreed that the two amendments will be taken together. So, Deputy Queripel.

3805 **Deputy Queripel:** Thank you, sir.

Sir, could I ask the amendments be read if possible, please sir.

The Bailiff: Yes.

3810 **Deputy Laurie Queripel:** Thank you.

Amendment A

To add new Propositions 3 and 4 as follows:

"3. To direct the States Trading Supervisory Board, in conjunction with the Committee for Economic Development and any other relevant committees, to take whatever actions are necessary to facilitate (including setting any rental or other charges to provide the States with a reasonable return) the use for industrial purposes (as described in the policy letter) of land, consisting of at least 4 acres in total on one or more of the sites listed in Proposition 1; and to agree that such land shall, as far as possible, replace the provision which has been made by the States for some years at Fontaine Vinery."

4. To direct the States Trading Supervisory Board and any other relevant committees to take whatever actions are necessary to allow Fontaine Vinery to continue to be used as it is at present and until such time as the directions given in Proposition 3 have been fulfilled."

Amendment B

To add new Propositions 3 and 4 as follows:

"3. To direct the Committee for Economic Development, in accordance with its policy and advisory responsibilities "to advise the States and to develop and implement policies on... the promotion and development of all sectors of business", to submit a policy letter to the States by no later than December 2017 in which it shall set out its opinion on whether the States should facilitate the use for industrial purposes of any of the areas of land listed in Proposition 1;

4. To affirm that, in the opinion of the States, Fontaine Vinery should continue to be available for use as it is at present to accommodate various industrial businesses until the end of June 2018 or six months after the States have debated the policy letter referred to in Proposition 3 (whichever is the later); and to direct relevant committees of the States to do everything reasonably possible to allow such use to continue."

The Senior Deputy Greffier read the amendments.

3815 **The Bailiff:** You read 'whichever is the later'; I think my amendment says 'whichever is the sooner'. Which is ... ?

Deputy Laurie Queripel: It has been changed to later, sir.

3820 **The Bailiff:** It has been changed, has it? All right.

Deputy Laurie Queripel: I apologise if you have not received it, I thought I had circulated it to everybody who needed to see it.

The Bailiff: Thank you.

3825 Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

3830 I just want to say, sir, before I really get stuck into this, I probably will not be giving way. Clearly, I will have to give way if there is a point of order or a correction, but I really want to get through this as quickly as possible and not lose my flow, sir. Now, Members will know I am very happy and ready to give way normally, because I am an affable little chap, but in this case I just want to get stuck in.

3835 Sir, this feel as bit like *Groundhog Day* to me, in that it seems we had this debate before, or something that loosely resembles it, namely when we considered the Island Development Plan Report back in October 2016. As such I am in danger of making some of those same arguments again, sir, in speaking to this amendment, amendment A, but there are some other and new points to bring out as well as we reiterate, perhaps giving a slightly different slant or take to those arguments made in October.

3840 Now, sir, of course, the amendment in October, which was put forward by myself and Deputy Fallaize, was overwhelmingly supported, the vote count was 30 to 2, and if I felt confident that the outcome would be a similar one this time I could say very little and just sit down, but that was over half a year ago. That was over half a year ago, and this is politics where apparently a week is a long time, let alone sort of seven months ago. So, I have to, to some extent, make a fresh or a new case.

3845 I split my comments, my remarks, into sort of two or three sections but I want to address some specific areas and specific parts of the report, the policy letter, that has been brought forward by the two Committees.

3850 The first section is about evidence and demand and need in regard to these types of facilities. Sir, as Members will probably know I have been exploring this subject, this area, for a number of years. The use or the need for land or premises in regard to industrial use, and what I found out was, or is, there is a significant demand for basic, or fairly basic, and therefore affordable or reasonably priced premises or sites. Now, sir, that is despite the official protestations, or the official line being taken by certain States' bodies.

3855 I have to say, sir, there are certain sort of Jekyll and Hyde qualities about that official line, and I will expand on that now. During the last States' term I had occasion – in fact more than one occasion – to help a local business enquire about a compound at the Fontaine Vinery facility. I had an exchange, or exchanges, with the then States' Property Services Head of Estates, and he was very helpful. It was a very useful exchange and he invited me to visit the site, which I did, and I have visited it since on several occasions. I just want to read a few lines from one of the letters I received, and I quote:

In addition to the above I explained that it is not unusual for people to be on the list for several years –

That is the waiting list, sir –

and that the list comprises those who are looking for smaller compounds as well as those who want a larger compound. There are strict criteria for the use of the compounds. It remains the case that demand for storage at Fontaine exceeds supply, exceeds supply. If you will be interested to meet on site we can show the variety of businesses that operate from Fontaine Vinery, and discuss the challenges and constraints that we face in trying to support local business from this site.

For your information, I attach a copy of the form that we will use for all new applicants so that the States acting as a landlord can better determine precise requirements, highlight limitations of the site and seek financial and other references in respect of potential tenants.

Sir, the very existence of that type of facility, the Fontaine Vinery facility, the fact that it has existed for several years and permission to use it has been extended many times, shows there is an acute need for this type of site, an acute need, sir, but they do not exist in abundance, and in fact are very difficult to identify and acquire. So the call for private sites yielded, I think, 11 expressions of interest. Two made the cut, and only one was granted permission. So that is Extension Vinery, and even then there are issues.

I just want to turn briefly to a report that was in *The Press* in regard to that Extension Vinery situation. Just a few comments, sir. Five letters of representation have been made against changing the land use from agricultural to distribution and storage; traffic and highway services have also raised concerns, citing already high traffic volume in the area which is set to increase due to nearby housing allocation sites; Environmental Health and Pollution Regulation also said there were a number of outstanding concerns and recommended limiting site use to 7.00 a.m. to 7.00 p.m. on weekdays and 8.00 a.m. to 1.00 p.m. on Saturdays.

Now, sir, there are issues because of the type, and I mentioned in the letter from the States' Property Services Estates Manager, he spoke about the variety of businesses at the Fontaine, and there are issues because of the type and variety of businesses that operate out of the Fontaine. They can be disruptive neighbours, in some cases they are not good neighbours. Early morning noise, it could be dirty and dusty at times, scaffolding equipment is stored there; plant, machinery, stone and on so. Not conducive to be sited in the middle of, or adjacent to, a residential area, and, of course, with this area, it is going to increasingly become a residential area. Hence the result of the call for sites, sir – 11 expressions of interest, only one given permission.

I just want to refer back for a minute to the point that Deputy Gollop was making about the future and the new applications that have been received. That sounds great, but in reality how many of those sites will be suitable? How many will be suitable, bearing in mind the record I have just referred to? How long, in fact, before sufficient space is available, or accessible, bearing in mind the time pressures in regard to the Fontaine Vinery? It could be months, it could be years before any more space is available in regard to the private provision of these kind of sites and premises.

Just going back to the message that we get that there is an oversupply of industrial or storage space. This claim, and Deputy Gollop has made it again in his speech, and I think Deputy Brehaut did so as well. This claim bears close examination. It needs to be qualified. As I said, during the last States' term I was pursuing this matter and I wanted to better understand the quality or makeup of these vacant or available premises. I acquired a list, I think it was back in probably 2014, 2015, and I just want to give a few examples of the types of places that were being advertised, and this is fairly typical of this sort of premises, and facilities, that were on offer from the private sector: storage, warehouse – Mont Arrivé – £25,000 per year to let per annum; store warehouse Clemrose, so this is in the Forest – £22,000 to let per annum; Storage warehouse at Dyson's complex in the south side of St Sampson's – £28,000 to let per annum; industry storage and distribution Bouillon Lane, St Peter Port – £47,000 per annum to let; the Yard – this is the Yard on the north side of the Vale – £40,000 to let; Braye Road industrial estate, warehouse – £52,000 per annum to let; light industrial unit, Home Field, Rue de l'Epinel this is one of the cheaper ones – £13,696 to let per annum; storage and distribution, unit 5, North Side, Vale – £60,000 to let per annum; storage distribution, Le Bourg north warehouse – £25,500 to let; general storage, Avalon House, St Sampson – £19,530; and the cheapest unit available on this list, was £8,000.

Sir, these are typical prices for premises and sites that are clearly over-specified, over-facilitated, too big and too costly for the kinds of businesses we are referring to here. I have given examples of the kind of businesses that are occupying the Fontaine. Mainly available because of the loss of LVCR. Now we say that we want our traders to be competitive to keep their prices down. Not a chance, when you look at the premises on this list, and the prices and rates associated with them.

Now add to that evidence base, the type of sites and premises that might, or were, or have actually, might be suitable for the kind of businesses that occupy the Fontaine but have been lost

to the sector. We have heard once again about this over supply, but there are some obvious examples. Leale's Yard was sort of typical of the basic sort of low grade facility that these kind of businesses would gravitate towards. That has been lost. Well over the years there has also been industrial space lost in the Baubigny area, and the Lowlands Road area, and there are many other examples. So these were lower grade sort of facilities, possibly suitable for the types of businesses currently housed at the Fontaine. So they have been lost, and it seems to me, according to the list that I have got, that most of the places that might, or are, or were available just are not suitable and way too expensive.

Over the years I have spoken with what I consider to be the few landlords who offer, let's call it, rudimentary low tech, and in some cases no tech, so reasonably priced facilities, basic workshops, open storage areas, nothing fancy, but they do the job, and in the modern day jargon they are fit for purpose in regard to these kind of businesses. How nice it is to hear that something is fit for purpose that is simple and basic for a change!

Now, sir, I asked one of these chaps, one of these landlords, to put something down in writing for me, and he did, and this is what he said:

Dear Laurie,

Just wanted to write you a few lines to confirm the points I made when we spoke recently. I am the landlord of a complex of industrial units in Houmtel Lane in the Vale. In the Guernsey context these units would be considered to be at the more affordable end of the market. Currently all of the units are let and I regularly receive enquiries from people wishing to rent workshops or storage space. In my opinion that demand for more affordable units and compounds for industrial and storage purposes exceeds supply.

Sir, this is not somebody who has done market research, or is working on theory, this is someone in the know. This is someone who has practical first-hand experience of this issue on an everyday basis. As I say I had the same story when I spoke to the other landlords, of what premises might be classed as suitable and therefore reasonably priced.

Now, sir, moving on to another section of what I want to say, this is on the States as a facilitator and enabler, and reasons why utilisation of States' land assets is a good idea. This is the States' role as a facilitator and enabler.

Sir, the States provide all sorts of assistance and support to business and employment sectors across the Island, and get involved in the provision of facilities for very good strategic, economic and social reasons. Because it is about jobs, skills, diversity, added value, the multiplier effect, Deputy Ferbrache mentioned that this morning. In other words benefits to the economy, revenues for the exchequer and so on.

Now, sir, these range from the provision of a fish quay for the fishing industry to the Digital Greenhouse; the funding for Guernsey finance; for the provision of beach and coastal kiosks; strategy for the retail sector; the budget for promoting tourism; *LocateGuernsey*; even the infrastructure and vehicles for the bus service; subsidies, grants, top ups to those who work in lower paid jobs, and as I said, as I have explained, mostly for sound economic, strategic and social reasons.

The great thing about establishing another Fontaine type site, or sites, it is not about the States speculating, investing on a regular basis in the *hope* of a return, resourcing the setup of this facility guarantees, *guarantees* and income for the public purse, and there is a tangible, immediate and ongoing benefit. It maintains a revenue stream with the potential to increase that revenue. Sir, I have to bust the myth, this is not about a subsidy, it is about a return with power to add. It ticks the box perfectly in regard to the objective, or the aim, of working or utilising States' assets to realise income, as mentioned in the – apologies for this, I am pre-empting that debate a little bit, but as mentioned in the Policy & Resources Plan. I will turn to that now. Policy & Resources Plan, page 107, paragraph 9.10

In addition to the trading entities the STSB also has responsibility for property services, a more disciplined approach to the use, management, purchase and disposal of property assets has the potential to provide sustainable income streams through rental income or one-off capital receipts for the disposal of surplus properties.

It fits that bill, sir, absolutely perfectly.

Now, sir, the amendments talks about a reasonable return for the States, because when I ran this by some of the relevant Committees there was some talk about charging a commercial rate etc. so that is why the amendment talks about a reasonable return for the States.

3960 But as I understand it, these businesses are paying the market price, or close to the market price, already for the type of facilities they access at the Fontaine. Once again basic storage open compounds, along those lines. But of course, it may be that there will be a need to perhaps push that charge upwards to some extent, but it should be a reasonable charge, because that would be roughly the market price for those types of facilities. The States should also, of course, get a return

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Sir, also, I spoke earlier about the States as a facilitator and enabler. With certainty and continuity there is the potential for some of these businesses to expand, to grow, perhaps move on to other premises at some stage, and increase their economic contribution. So once again that ticks the box in regard to the States enabling and assisting, so that economic contribution can be

3970 increased.

Sir, it is clearly extremely difficult to find sites that are suitable for these types of businesses because of the nature of their work. As I said they can be noisy, they can be dusty, they can be dirty. So they are not particularly good neighbours and should not be sited too close to a residential area, and yet they offer important services. They create jobs and ensure that a variety of skills exist and are passed on. They contribute to the economy and the exchequer and help to diversify the economy. With all those things in mind I think the best option, with all these things in mind, is to utilise an area or areas of States' land suited to this type of industrial activity. There is potential for growth within this sector, which means the States can play the role of facilitator and enabler as they do in so many other local business and employment sectors. There will be a return for the public purse on this investment, should the States choose to support the amendment, so there are sound strategic and economic reasons to progress this action. It absolutely makes sense to make this land provision, strategically and economically. States' assets paying a dividend and so on.

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Some of these States' assets at the moment might not be in use at all, they might lying dormant, so they are yielding nothing for the States' coffers and for the public purse. This will mean that some of those assets which are yielding nothing can yield a reasonable return for the States, and with power to add, because the amendment is asking for a bigger area than Fontaine. We know there is a big waiting list, the States could potentially increase their revenue stream, increase their income from provision of this land. Why would we divest ourselves of tenants and an income stream? Why would we not see or seize the potential to grow that income stream? Why would we not take the opportunity to work more closely with businesses from an important sector, and help them to increase their contribution to the economy and the exchequer?

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Sir, for all those reasons and more, I could go on, I have got lots of notes here, but for all those reasons, sir, I ask Members to support the amendment being placed by Deputy Lester Queripel and myself, and I thank Deputy Lester Queripel for supporting Amendment A.

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Shall I turn to amendment B, now, sir?

The Bailiff: If you wish, they are both to be debated together.

Deputy Laurie Queripel: Sir, now I want to turn to and speak to amendment B, the one being put forward by Deputy Fallaize and myself, and I just want to take this opportunity to thank Deputy Fallaize. I am grateful to Deputy Fallaize for all his help and assistance and input, I was going to say down the months, but probably down the years, actually, in regard to this matter.

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I am sure it is clear to Members that the optimum outcome, as far as I am concerned, is that amendment A receives sufficient support. But there is great value, sir, there is great worth in Amendment B.

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If my Assembly colleagues are still not entirely convinced by the arguments I have put forward in relation to amendment A, if they still require further information, further analysis, if they believe there is still more to investigate and reveal, if they feel it would be helpful and aid their understanding if Economic Development carried out this work, and provided a sort of detailed or, perhaps one could say, a formal policy position in regard to this issue, then I would ask them to vote for amendment B, so that this situation can continue to receive attention and consideration and not be dismissed. Of course, sir, bearing in mind Proposition 4, actually of both amendments in a way, it will provide those businesses currently operating at Fontaine Vinery with some assurance and continuity while that work stream is being progressed.

I know, sir, just thinking about that specific Proposition, there has been some concern from the St Sampson's Deputies, and the St Sampson's Douzaine, and some St Sampson's residents. There has been concern that this matter will drag on for a long, long time, perhaps for years, and as a result the Fontaine will remain as it is for a number of years. I am not expecting that to be the case, if Economic Development do this piece of work, I think they have already done a lot of their research. I do not think it will take them very long to come back with their Propositions, and also if amendment A is sufficiently supported, likewise I do not think it would take very long to set up new facilities in order for those businesses to move away from the Fontaine. So, even if the use of the Fontaine is once again temporarily permitted, I would not envisage that for being too long at all.

So, sir, I commend both amendments to my Assembly colleagues. I especially, of course, commend amendment A, but I really would urge, sir, if Members cannot bring themselves to vote for amendment A, I would urge them to vote for amendment B, sir.

Thank you, sir.

The Bailiff: Deputy Lester Queripel, do you formally second amendment A?

Deputy Lester Queripel: I do, sir.

The Bailiff: Deputy Fallaize, amendment B?

Deputy Fallaize: I do, sir.

The Bailiff: Do either of the two Presidents wish to speak at this stage? Only one is in the Chamber at the moment.

Deputy Gollop: I am delegating the speech to Deputy Tindall who has done more work on the amendments than myself.

The Bailiff: Do you wish to speak at this stage?

Deputy Tindall: I would like to reserve the right to speak, please, sir.

The Bailiff: You would like to reserve the right to speak later. Fine. Then Deputy Ferbrache, then Deputy Roffey.

Deputy Ferbrache: Sir, I commend both Deputies Queripel and Deputy Fallaize for their work on this over a long period of time. (**A Member:** Hear, hear.)

Frankly there is no need to delay, Deputy Queripel has said in his opening remarks that he prefers amendment A rather than amendment B, and so do I. If the States does not have enough information now it is not going to have much more information at the end of December, or in December, when we would have to come back because it would be Economic Development with these proposals.

Both what Deputy Brehaut and Deputy Queripel said are practical, because Deputy Brehaut said look, there are some sites where there is no planning problem, there are other sites whereby, and it is detailed in the report, it would take 12 to 18 months for a planning inquiry it would £100,000 and no doubt there would be lots of neighbours objections and the 12 to 18 months might be a little optimistic. So it would take a long time and you would be opening all kinds of problems and considerations which are not necessary.

Now, of course, people say, because we live in this almost puritanical world which is impractical about well if you give certain relief to somebody that is not fair to somebody else. But, what Deputy Queripel is saying, Deputy Laurie Queripel, is saying is help this section of the industrial community, and I agree with that. You cannot help everybody, and just because you cannot help everybody it does not mean you should not help somebody, and he has referred to other examples of subsidies with our plane company, £6.3 million a mere bagatelle, with Condor that lots of people wanted us to give them quarter of a million pounds, so we said no, though Policy & Resources, we were grateful to them for their help. *(Laughter)* Lots of other things.

Now we have identified, or there has been identified by the two Committees, these four sites in States' ownership under States' control of four acres, or thereabouts, in total with the surrounding land of 9.88 vergées as I know Deputy Paint would like us to refer to. So, we have got that, we have got the information, we know what is required, we know that a lot of the businesses operating in the Vinery, through no fault of themselves, are not very pleasant businesses, not very good neighbours, they are well run but nevertheless they are dirty, messy, noisy businesses and they will continue to be dirty, messy, noisy businesses, however well run they are. So, really, it is an easy question. It is an easy answer to the questions that Deputy Queripel has proposed. We do not need to delay it, I am quite happy if we do not delay it, because it means we would have other work to do in connection with bringing a report back in December. We can do it, we have got lots and lots of other things to do, our officers are already being fully occupied with boats and planes and if we had trains no doubt we would be occupied with those as well. So they have got a lot to do, this is unnecessary work, Deputy Queripel has set out very thoroughly and the report from Deputy Gollop has also been extremely helpful.

Just make the decision: approve what is said in the amendment A, and let's move forward.

The Bailiff: Deputy Roffey.

Deputy Roffey: I do not see this as quite that black and white, Mr Bailiff. *(Interjections and laughter)* Happy to play the part of the low note no problem at all. *(Interjection)* I think there are two possible reasons for supporting amendment A and I am open to being persuaded on both fronts. One is that there genuinely is just not the availability of the light industrial land for this sector of light industry in Guernsey, in which case, of course, it is absolutely correct that the States should bend over backwards to address that situation, whether it is through planning flexibility for private sites or maybe this more direct route of saying we have got land that is suitable, let's use it. Fine.

The other reason I think has been raised by Deputy Queripel if we have got land that is suitable why not turn a trick on it? *(Interjection)* Why not actually get a return on it? In both cases, I would be far more comfortable with amendment A if instead of setting out a request for a reasonable return it had stipulated a commercial return, or a market return. I will explain why. Firstly, because if the motivation is to make a return on the assets, then the assets are not ours, the assets belong to the people of Guernsey, and they should be sweated properly, and we should not be letting them out below market value.

But more importantly than that, if we come in and let this sort of land at below market value, and by market value I do not mean over engineered, not putting up fancy buildings and therefore having to charge massive amounts. But the market value for what is provided. If we give less than that we are skewing the market place. Now, Deputy Ferbrache says we cannot help everybody but we can help some, we try though, surely, not to skew the market place. We give a massive

subsidy, for instance, to dairy farming. We do not say that that dairy farm can have it and that one does not. I do not want scaffolder A to be renting at a commercial rate in the private sector and scaffolder B to be paying two thirds of that rate, because they happen to be one of the lucky souls who gets one of the plots on the released four acres of land, or whatever it is, set out in this amendment.

So, I would like Deputy Queripel to specify what he means by reasonable. If he means commercial, if he means market rate for what is actually being offered, I will feel more comfortable voting for it.

Having said that, as a poor simple Member of this Assembly, the more basic question is: is it necessary? Is there enough land at the moment? I hear Deputy Queripel saying definitely no. I think backed up by Deputy Ferbrache, the President of the Planning & Development Authority saying oodles of it. I have not done my own research, perhaps I should have done, perhaps we all should have done, perhaps there needs to be a scrutiny review about the availability of ... *(Laughter)* no, okay, maybe not. It is frustrating because I am not making an evidence based decision, because I am hearing conflicting evidence.

That said, I would be quite happy, let's test it, if you like. So long as it is not a huge amount of expenditure in preparing these sites, then let's test the market. But I am only going to support this if it is done on a fully commercial basis, and that light industrial operators have a level playing field in Guernsey, and it is not the favoured few on States' land and the rest competing with one hand behind their back.

The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

It may be an appropriate moment for me to address the Assembly on this.

Just to cover Deputy Gollop's point, if I may, about the sufficiency of supply of industrial sites. Of course, these do include large areas of warehousing stock, and as Deputy Queripel has referred to the collapse of the LVCR businesses has meant we have a large supply of warehouses. The States' Business Innovation and Skills Commercial Premises Survey Report stated that 59% of the respondents agreed that the availability of suitable premises, in general, was a limiting factor for the development of their businesses. The key word there is suitable. Warehouses are not suitable for the sort of needs that have been identified.

If we just step back a little to examine the reasons for introducing the change of use from agricultural to open compound use, it was mainly to stimulate interest in providing such land, in other words to clear some of the derelict vinery sites.

The sites identified in the amendment, and in the policy letter, are in fact designated already for industrial use. They are not low grade agricultural land, they are for industrial use. Industrial land is in short supply, so using the limited supply of industrial land which we have to provide space for open compound use is really probably very ill advised. The annual rental income for industrial land can be in the region of £15 a square foot. That is £650,000 per acre, rather than the 75p per square foot i.e. £32,500 per acre for low grade agricultural land. It is quite a subsidy. It is also worth noting that all four sites have attracted interest in the last few years from people wishing to take them over and to operate from them. So, it is not really the case that we have no chance of achieving the higher rents quoted.

Thank you, sir.

The Bailiff: Deputy Parkinson was rising, but ...

Deputy Parkinson: Yes, sir, thank you.

I am grateful to my colleague on STSB Deputy Smithies for introducing some of those points. I would also like to reiterate what I told the Assembly last October, that it is the intention of the

STSB that a policy letter will be brought to the States before the end of this year concerning the property portfolio of the States.

4165 It is not at present clear whether that policy letter will be jointly authored by Policy & Resources and the STSB, and indeed the report will need to clarify the responsibilities of the two Committees, both of which are currently engaged in various aspects of property management. But, I believe it is essential that the policy letter will deal with the issue of land for light industry, amongst many other issues.

4170 So the STSB is sympathetic to the interests of the tenants of Fontaine Vinery, and indeed, to the wider interests of light industry in general, as Deputy Smithies has just pointed out there is a shortage of land for light industry, and there is also a shortage of land, potentially, for open storage. But there is quite a disparity in the rental value of the land for the two different purposes. The four sites that have been identified in this report as, potentially, available for the tenants of Fontaine Vinery would also be available for light industry tenants who are short of land and who, 4175 in general, would be willing to pay a higher rate. So, this is not actually a terribly simple situation and there is, if you like, a need for some policy framework about what we do with these sites.

Now, that having been said, of course, we are not opposed to the spirit of the amendments, because we are sympathetic to the needs of the tenants of Fontaine Vinery, and we do appreciate that they need to be moved off that site, because the site is designated ultimately for housing, 4180 and there is a need for land for social housing. So, there is a log jam here which we are keen to help break.

Of the two amendments before us, we prefer the second amendment, amendment B as it has been called, because it, potentially, would create a policy framework within which STSB can operate, and I note with interest Deputy Ferbrache's preference for amendment A, because it 4185 would not involve his Committee is doing any work, but I have to say that I think it would be quite helpful to have his Committee do that piece of work, because we have got these various sites and various competing claims on them. I am as keen as anybody else in the States to see them used. I do not like seeing, effectively, waste land in States' ownership. (**A Member:** Hear, hear.) We are keen to bring proposals to the Assembly by the end of this year, which I think is reasonably expeditious progress, but we do have to do this in a considered way. There are different groups 4190 who have a claim, potential claim, on these sites, and we want to make the best use of the land, not only for the Guernsey taxpayer, but also for the economy of Guernsey and for our community as a whole.

We have one small quibble, I suppose, with the proposers' Proposition 4 in both amendments, 4195 which direct the STSB or the relevant committees of the States to do what is necessary to allow Fontaine Vinery to be used as at present. Well, of course, this is outside our control. All we can do is apply to the Development & Planning Authority for extensions to the current permissions for occupation by the current occupiers. The matter then will be resolved by the Development & Planning Authority. Personally, I do not think it is good government for this Assembly to be directing the Development & Planning Authority how it should discharge its statutory duties, and 4200 that I am afraid is how I read the amended Proposition, or inserted Proposition 4.

But that having been said that is a matter for the Development & Planning Authority. We will not as the STSB oppose either amendment. I just –

4205 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: I am grateful to Deputy Parkinson.

I think when he said what he said about the proposed inserted Proposition 4, I think I am right in saying, he said he was speaking about both amendments, but actually in amendment 2, that is 4210 not how the proposed inserted Proposition 4 is worded. It is worded quite differently, precisely to avoid the kind of outcome which Deputy Parkinson highlighted. Would he accept that?

Deputy Parkinson: Well, it is worded differently, but the last clause of it says:

and to direct relevant committees of the States which I assume includes the Development & Planning Authority to do everything reasonably possible to allow such use to continue.

4215 I am sorry, but I read that as a direction to them to discharge their statutory duties, authority, to grant extensions to the current permissions. As I say, this is in a sense, a quibble, it does not directly concern the STSB, it just makes me uncomfortable with the tenor of the amendment.

4220 So, in a sense we do not oppose either of these amendments. This is work which we perceive a need for, which we are going to be doing anyway, in the context of a wider Estate Plan for the States, to come before this Assembly, hopefully, before the end of this year, and in that sense it is within the timeframe contemplated, at least by amendment 2.

4225 So, we will go with it. We have a preference for amendment 2, or amendment B over amendment 1 or A, because it would create a policy framework. Bear in mind the STSB is not supposed to be a policy making committee, we are supposed to receive and implement policy, so we like to have rules to operate by, and if we had direction from Economic Development in terms of policy around how this land should be used, it would make our lives a bit easier. But, having expressed that preference, I will probably abstain on amendment A and vote in favour of amendment B.

4230 Thank you, sir.

The Bailiff: It is now nearly 5.30 p.m. Can I just have an indication of how many more people would wish to speak, either on these amendments or in general debate? Well, I see seven people rising. We have then got a further policy letter to take. I do not see any point in continuing this evening.

4235 So what I propose, it is more or less now 5.30 p.m. We rise now and resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.30 p.m.