



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 29th June 2017

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 6, No. 19

ISSN 2049-8284

Present:

Richard J. McMahon, Esq, Deputy Bailiff and Deputy 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, C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater, J. I. Mooney

St Sampson

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

The Vale

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

The Castel

Deputies R Graham L.V.O, M. B. E, 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

J. Torode, Esq. (H.M. Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, QC, H.M Procureur;
Deputy J. A. B Gollop (*relevé à 09h 42*); Deputy C. J. Green (*relevé à 10h 52*)

Business transacted

Evocation	1273
Billet d'État XII	1273
I. Policy & Resource Plan – Phase Two – Debate continued	1273
<i>The Assembly adjourned at 12.34 p.m. and resumed its sitting at 2.30 p.m.</i>	<i>1315</i>
I. Policy & Resource Plan – Phase Two – Debate continued	1315
<i>The Assembly adjourned at 7.02 p.m.</i>	<i>1378</i>

PAGE LEFT DELIBERATELY BLANK

States of Deliberation

The States met at 9.30 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

Billet d'État XII

POLICY & RESOURCES COMMITTEE

I. Policy & Resource Plan – Phase Two – Debate continued

5 **The Greffier:** The Policy & Resource Plan, Phase Two: continuation of debates on the amendments.

10 **The Deputy Bailiff:** Members of the States, good morning, we have now reached Amendment numbered 13, to be proposed by Deputy Yerby.
Deputy Yerby.

Amendment 13

To delete Proposition 2 and substitute therefor: 'To approve that the annual General Revenue Appropriation to the Capital Reserve shall be an amount which, taken together with all other forms of public funding for capital, is sufficient to achieve the Fiscal Framework target of actual capital expenditure averaging 3% of GDP per annum in the medium term.'

Deputy Yerby: Thank you, sir, the amendment will be seconded by Deputy Soulsby.
Could the amendment be read please, sir?

The Greffier read out the amendment.

Deputy Yerby: Sir, allow me to contrast this amendment with Proposition 2, which asks the States:

2. To approve that the General Revenue Appropriation to the Capital Reserve should be the lower of that which achieves an overall annual investment of 3% of GDP or an amount that results in a balanced budget position.

15 This amendment does two things: first, it reminds us that not all public expenditure on capital need come from General Revenue. The relevant rule in the fiscal framework is this, that the States

must achieve actual capital expenditure averaging 3% of GDP per annum in the medium term – it does not specify the source of that expenditure. Of course a lot of it will come from General Revenue appropriations but we know that is not the only way we fund capital projects. Members have differences of opinion on the States Bond, I know, but no-one would deny that funds loaned on from there for capital development, such as social housing, perform exactly the same function in this respect,, in terms of allowing capital projects to take place which can in turn stimulate the local economy.

Recognising this does not mean endorsing or approving the existence of the Bond; it is simply a matter of fact. The same is true of any other form of Government funding which goes into capital projects. It is important to account for all these forms of investment in capital when evaluating how we are performing against the rule we set for ourselves – indeed, I have no doubt that if we were falling far short of the target that is exactly what we would do.

Proposition 2 does not do this, however; it implies that the appropriation from General Revenue is the only form of investment in capital there is and it must total 3% of GDP each year in order for us to reach our targets. That simply, objectively, is not the case.

As an aside, sir, the fiscal rule requires us to *spend* 3% of GDP per annum on capital, not to save it. Of course we have to put the money aside in order to be able to spend, but it bears saying again that our spending right now falls a long way short of our target. That is a point which I anticipate others will pick up in debate. Even if we make decent sized appropriations to the Capital Reserve in future we cannot rest on our laurels. The focus has to remain on making sure we actually invest in real capital projects to maintain our infrastructure and to boost our local economy. So one change this amendment makes is to capture all sources of public investment in capital because all of them contribute to achieving our goal.

The other change it makes, and this is equally important, is to take away the automatic right of P&R to reduce the capital appropriation from General Revenue in order to balance the books. In speaking on my last amendment yesterday, Deputy St Pier claimed that balancing the books was not just making sure that income matched outgoings. It was, he said, essential that a balanced budget included reasonable appropriations to our reserves. Given the way that Members voted on that amendment, presumably they accept Deputy St Pier's logic; in which case they must surely vote in favour of this amendment because P&R's original Proposition 2 actually says the opposite of what Deputy St Pier claimed yesterday. It says that actually the overriding aim is for income to match outgoings and if that has to be achieved by slashing the amount appropriated to reserves then, fine – well, P&R cannot have it both ways.

In the voting intention circulated before this debate, P&R said they would oppose this amendment because, I quote, 'It removes flexibility which may be required if economic or other conditions change'. Sir, it does not; it simply removes from P&R the automatic right to change the appropriation if they cannot make the numbers stack up otherwise. There is nothing to stop P&R proposing a smaller appropriation in a future budget, as they often do, and justifying its decision to the Assembly who will have the ultimate say on whether or not that is acceptable.

The way we invest in capital projects is every bit as important as the way we spend our revenue budgets, but somehow capital spending is too often the poor relation, the Cinderella, the bit that can be chipped away if we cannot make the numbers stack up elsewhere, because the consequences of doing so are not going to be fully felt until a long time in the future. That kind of approach regularly comes in for criticism from Members of this Assembly. If P&R are permitted to hardwire this kind of approach into their budget-setting process it will make it much harder for any such criticism to be levelled in the future and that is why I do not think it should be taken for granted that P&R should have the right to reduce capital appropriations if they cannot otherwise balance the books. Let them, at the very least, have to justify that decision on a case-by-case basis to this Assembly; that is far better governance and it is far more in keeping with what Deputy St Pier said yesterday about what he considers a balanced budget to be and it is far more consistent with Members' concerns that we are too quick to neglect capital investment for the sake of short-term gains.

I urge Members to support the amendment.

70

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

Deputy Soulsby: I do, sir.

75

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, I cannot approve this amendment, as I have argued regularly in the Assembly that spending cuts should mean spending cuts across the board and should not be restricted to revenue only, but extended to capital also.

80

While not sustainable perhaps long term, it is important to an austerity drive, while adjustments are made to balancing the books and also to ridding the Island of the fiscal deficit.

Thank you, sir.

The Deputy Bailiff: Deputy Roffey.

85

Deputy Roffey: Thank you, sir.

If there is any debate on this amendment I will listen to it carefully, but I have to say when I first read the Medium Term Financial Plan my first instinct was simply to vote against Proposition 2, ironically for exactly the same reason that in their note P&R are suggesting that we vote against this amendment, because of the complete lack of flexibility, or rather flexibility but only in one direction – flexible to go down, but not flexible to go up.

90

Maybe I am misreading it because as I understand it if we have a couple of dreadful years and we cannot afford to put anything into our capital reserve, followed by a real bumper year, we are still limited in that bumper year to putting in 3% or such a lower figure, so we cannot restore the problem that we have created. Indeed, if we pass this tomorrow when we come to the Budget in October or November, or sometime soon, and we have got this surprise surplus from 2016 that was only created by not putting money into the Capital Reserve, as I read it we still will not be able to use some of that to put more than the normal 3% into the Capital Reserve and build things up.

95

Sir, we have already a policy in this Assembly of spending 3% of GDP on capital works. Shamefully we have fallen well short of it, but that is our policy and if we vote against Proposition 2 that policy will not disappear, there is no proposal to rescind that policy. I think that policy is all we need, and then come Budget time each year we will make a judgement as an Assembly about how much to actually put into the Capital Reserve.

100

But I would like clarification from Deputy St Pier if he speaks during this debate, as I imagine he will, about the wording in Proposition 2 and whether I am correct that there is no flexibility to put more than 3% in, even if in prior years you would put less than 3% in. There is nothing about doing it over the medium term here, it is all about year-by-year as I read it.

105

The Deputy Bailiff: Deputy Gollop, do you wish to be relevé?

110

Deputy Gollop: Yes please, sir, thank you.

The Deputy Bailiff: No Deputy is rising so I will turn to the President of the Policy & Resources Committee, Deputy St Pier, to reply on the amendment.

115

Deputy St Pier: Thank you, sir.

I think the Policy & Resources Committee do oppose this amendment and ask Members to do the same; and it is really all about the flexibility that we are seeking to have as we plan for the next few years.

120

I think it is important to emphasise, as we do at paragraph 3.16, that although limiting the appropriation to the Capital Reserve is a measure that has been taken tactically in recent years in order to balance the budget, this is not sustainable in the medium to longer term without limiting essential investment in capital infrastructure. That absolutely underpins the planning in the Medium Term Financial Plan that we do need to ensure we have sufficient capital. But nonetheless the need for tactical measures either in year, as indeed we and all the Committees represented in the Assembly today undertook tactical measures in year in order to improve our financial position in year; in a similar way we should have the opportunity, should we need to in the event of a significant change of opposition, to be able to flex the amount that goes into the reserve.

Now, we should also bear in mind, and indeed this amendment does acknowledge that there are other sources of funding for capital. If you take the last five years £232.9 million was transferred into the Capital Reserve and only £132.9 million of that came from appropriations from General Revenue. So in other words £99.9 million came from other sources that included the share buy backs from Guernsey Post and Guernsey Electricity; it included £50 million of transfers from the core Investment Reserve; it included the investment returns on the Capital Reserve itself; it included property sales; and so on, and so on.

So in other words £99.9 million, nearly £100 million of transfers into the Capital Reserve over those five years represent 75% of the value of transfers from General Revenue. So there are significant other sources of funding for the Capital Reserve other than General Revenue. So we should not tie ourselves with this particular amendment, sir, we should maintain the flexibility, and where we have had bumper years with other sources of capital, that may indeed provide us with the flexibility in subsequent years to take those reductions. We should keep in mind that the capital programme will continue to flex over the next few years, and we should not of course just keep focussing on what goes in to the Capital Reserve, our priority also should be to focus on what comes out of the Capital Reserve and actually getting on with the capital infrastructure projects which is an issue that I know Deputy Ferbrache has spoken of on a number of occasions. That actually should be where our greater focus is, sir.

So for that reason, sir, we do encourage Members to not support this amendment and to oppose it.

The Deputy Bailiff: Deputy Yerby, as the proposer of amendment 13, to reply to the short statement.

Deputy Yerby: Thank you, sir.

I thank Deputy St Pier for making my case for me again. If, as he says, there are other sources of funding for capital then the wording in this amendment is entirely appropriate in capturing their existence. If, as he says, reducing the Capital Reserve is not sustainable in the long term then our amendment is entirely appropriate in capturing that focus and not allowing too easy a fall-back on tactical savings.

It does not mean that there cannot be from year to year changes in the size of the appropriation to the Capital Reserve it simply gives the power back to this Assembly to decide whether or not that is appropriate and if, as Deputy St Pier and Deputy Roffey said, our priority should be focusing on the outcome rather than the input, on what we are spending rather than what we are saving, and then this amendment rather than the original Proposition gives the flexibility and scope to do exactly that.

I would invite Members please to vote for the amendment.

The Deputy Bailiff: Well, Members of the States, we move to the vote.

Deputy Brehaut: May I put my vote on record through a recorded vote, please, sir?

The Deputy Bailiff: Deputy Brehaut – there is a request for a recorded vote on the separate amendment 13, proposed by Deputy Yerby and seconded by Deputy Soulsby, which will have the effect of substituting a new Proposition in place of the original Proposition 2.

There was a recorded vote.

Not carried – Pour 19, Contre 20, Ne vote pas 0, Absent 1

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

175

The Deputy Bailiff: Members of the States, the outcome of that particular vote is probably not going to be relevant, specifically to what happens next, so we will move on to the main ... [inaudible] ... the voting be counted.

So we are skipping over Amendment 1, which was the next in the list because, as Deputy Roffey confirmed, yesterday afternoon that will no longer be laid.

I do now have the voting in respect of amendment 13, Members of the States, which was proposed by Deputy Yerby, seconded by Deputy Soulsby: there voted Pour 19, Contre 20 and therefore I declare the amendment lost.

The next amendment is moving away from Propositions 1 to 10 on the Medium-Term Financial Plan and, as they say, it is now time for something completely different. *(Laughter)*

Amendment number 30 is the first of two amendments being proposed on behalf of the Policy & Resources Committee, and I invite Deputy St Pier, as the proposer of this, to rise to go through the formalities, please.

Amendment 30

To insert, following Proposition 12, a new Proposition 12A as follows:

12A. 'To direct the Policy & Resources Committee to lay before the States, on an annual basis, commencing in June 2018, an Appendix Report, which shall be the Annual Report of the Chief Executive of the States of Guernsey, and which shall include details of progress being made in connection with the delivery of public service reform, including:

- i. A report on the structure and demographics of the public service;*
- ii. A report on customer engagement and satisfaction;*
- iii. A report on staff engagement and satisfaction;*
- iv. A report on organisational performance management; and*

v. Any other information which the Chief Executive considers important for the States to consider in respect of the delivery of public service reform and the performance of the civil service, for which the Chief Executive is accountable.

Deputy St Pier: Sir, this is seconded by Deputy Le Tocq. I will not have it read, sir.

190 Thank you, I will rise very briefly. This is a revised version of an amendment that was originally presented by Deputies Tooley and Soulsby and I am very grateful to –

A Member: Deputies Tooley and Yerby.

195 **Deputy St Pier:** Sorry? Oh, I am sorry, I have misnoted that, sorry – Deputies Tooley and Yerby. And I am very grateful to both Deputies Tooley and Yerby for engaging with Policy & Resources on this to slightly revise the wording in a way that left us a little bit more comfortable. But in terms of the rationale for requesting this, I will leave it to Deputies Tooley and Yerby to explain that to the Assembly; but I can confirm that Policy & Resources are fully endorsing the
200 proposals which they originally came up with, sir.

The Deputy Bailiff: Deputy Le Tocq, do you formally second?

Deputy Le Tocq: I do, sir and reserve my right to speak.

205

The Deputy Bailiff: Thank you very much.
Deputy Tooley.

Deputy Tooley: Thank you, sir.

210 This amendment, as Deputy St Pier has said, in its original form was born out of several conversations with colleagues – and here I must give most credit to Deputy Emily Yerby – and with members of the public, about a need for accountability and transparency not only in regard to the role of Deputies and committees but also to our public servants.

There must be a match between political direction and what the executive are doing. The public must see that match is there and what is happening within our public service.

215 We have at the moment a build-up of processes at the centre with, for example, finance business partners who work for the States Treasurer but have a reporting line to the Chief Secretaries who in turn have their work approved by a central mass of P&R people. To the untrained eye this could look like a whole lot of bureaucracy. What we were proposing and what we have refined with the P&R Committee is a proposal which asks that annually a report is placed as an appendix report alongside the P&R plan updates and so on, which will report on the structure and demographics of public service, customer engagement and satisfaction, staff engagement and satisfaction and a report on organisational performance management and any other information which the Chief Executive considers important for the States to consider in
225 respect of the delivery of public service reform and the performance of the Civil Service for which the Chief Executive is accountable.

We believe that this is information which should be in the public domain and which should be presented to the States, and I ask through you, sir, that the Chamber supports this amendment.

Thank you.

230

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I rise merely for clarification.
We are told that it:

... shall include details of progress being made in connection with the delivery of public service reform, including ...

235 and at point ii. it says:

ii. A report on customer engagement and satisfaction;

But, sir, there is no mention of Deputy engagement and satisfaction. And I do have a couple of concerns about the public service reform initiative which I shall probably be running by the CEO.

Any Deputy that runs those concerns about the initiatives by the CEO, will that be considered and will that be reported on?

240 Thank you, sir.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Yes, sir, I support this amendment wholeheartedly.

245 I do wonder though why it has to be, from June 2018, an appendix report, because that of course brings into bear either the curious process where we have to find a fellow States Member to request a debate, which in itself might not be successful. I wonder why it should not be actually report to debate, we seem to be having more and more reports in the appendix nowadays and less and less reports to debate.

250 Some of us older Members can remember when the States' Items regularly would include 30 Items each month of different kinds, and most of them only took 20 minutes perhaps but nevertheless there was a sense of greater engagement from the Members, especially those up from the country, maybe – who knows? And this report will be useful.

I think we should mention here the demographics of the public service, because an issue that
255 is not always done well on the Island, perhaps within the public sector, is succession planning. Sometimes you come across an area where there are people all of the same vintage and I think we need to know what the challenges are to recruit and retain people of all abilities across the age range. I certainly would like to see organisational performance management, although of course developing key performance indicators that are not full of jargon or personnel management
260 internal language can be challenging. It needs to be readable if you are to engage with the customer and engage with the staff, and as Deputy Lester Queripel said 'engage with us Deputies'. It does need to be a generalist report as well and give us trends.

I am sure that the biggest area of concern for Members in reality will be gradings and pay scales and other concerns will be the way in which we resource different parts of the public sector,
265 for example if one area is getting proportionately more than other areas we will have to consider that. But I do support the amendment and I hope it will be a welcome development.

The Deputy Bailiff: Deputy Le Tocq.

270 **Deputy Le Tocq:** Thank you, sir.

Ever since the current Chief Executive took up post which was just prior to my time as Chief Minister, and subsequent to when I was Chief Minister, he has worked very hard at improving the data and the details that are available to all of us in terms of a number of the issues that are highlighted in this amendment. That being so, particularly to provide much better information to
275 Members of this Assembly and to our community because in the past there have been all sorts of misunderstandings, for example in terms of the numbers of public sector employees, the number that are employed as civil servants, the number under different types of contracts, the difference between that and full-time equivalents, and therefore all the other details and data surrounding things like performance management and monitoring key performance indicators so that we can improve matters in the future. It is one thing to have various sometimes urban myths out there
280 and it is very difficult to counter them unless you have got the detail and the data available.

So I for one know that sort of detail and data have been produced for a number of years now, and improving and a widening across the public sector. I think it will be very informative for all of us to have in this format. I think dealing with it as an appendix is appropriate because a lot of

285 these things are operational matters and it is down to the Chief Executive, which this Assembly
has empowered, to make those changes, but of course it is totally appropriate, if published as an
appendix, if someone wanted to have a debate on it and to question certain things or to
comment on them, that could be done.

290 The most important thing in my mind is that concomitantly with the future Policy & Resource
Plan debate that we have that data available so this Assembly can make comments and so that
those outside know for certain what the actual figures and the details and areas of concern –
because they will change from year to year as the Chief Executive and others in his team begin to
work on and continue the work on the transformation agenda – so that we can see how the
improvements are made. And, as Deputy Gollop has said, have proper data and proper indicators
295 so that we can demonstrate where the key areas of concern are, but also where the improvements
have been. Because one of the things that we are not very good at doing as a States and in this
Assembly is celebrating where the successes have taken place, and there are a number of
successes which sadly up to now have often been below the radar and the data has not been
available.

300 So, sir, I do encourage Members to vote for this amendment so that in future we have that sort
of data and information available.

The Deputy Bailiff: Deputy Oliver.

305 **Deputy Oliver:** Thank you, sir.

I welcome this amendment. I think it is a good amendment and I will be voting for it, but one
thing I would say is that I believe last year around ... I think it was November time, there was an
amendment by Deputy Dudley-Owen and Deputy Laurie Queripel to ensure that competitive
recruitment and retention and quality of skilled professionals balanced with appropriate scrutiny,
310 including control and review of staffing costs and grading and pay awards, and that this will
actually come in within this amendment as well.

Thank you.

The Deputy Bailiff: I invite the President of the Policy & Resources Committee, Deputy St Pier,
315 to reply to the debate.

Deputy St Pier: Sir, I think there is very little to reply to. Those that have spoken have spoken
in support and therefore I do encourage people to support the amendment.

320 **The Deputy Bailiff:** Well, Members of the States, this is amendment numbered 30, proposed
by Deputy St Pier, seconded by Deputy Le Tocq, which will have the effect of inserting a new
Proposition 12A into the set of original Propositions. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that carried.

325 The next amendment is numbered 31, Members of the States, and this amendment is to be
proposed by Deputy Le Tocq on behalf of the Policy & Resources Committee.

Deputy Le Tocq.

Amendment 31:

To insert a new Proposition 21 as follows:

*'21. To amend States' Resolution 3 of Article 15 of Billet d'État I, 2016, "Proposal to Achieve
Greater Autonomy in the Legislative Process and International Affairs for Guernsey" by replacing
the words "States Assembly and Constitution Committee" with "Policy & Resources Committee".'*

Deputy Le Tocq: Sir, I do rise to propose amendment 31, which will be seconded by Deputy Trott.

330 Sir, Deputy Trott and I and indeed a number of Members of this Assembly were, in the last Assembly, part of a Constitutional Investigation Committee. The resolutions as a result of the proposals brought to this Assembly by that Committee – which if I remember correctly were unanimously accepted – covered issues which we thought were important to be reviewed in the light of circumstances at that time.

335 Since that time, sir, we have had the vote in the UK to leave the European Union and that has brought a number of these particular Propositions and proposals and therefore resolutions of the States into focus, and one of those required SACC to undertake some work, and I know this amendment, in a sense, comes in response to a proposed amendment by SACC and our response from Policy & Resources, understanding that the urgency now and the bulk of work which External Relations particularly have got involved in with regard to our constitutional position and

340 are involved in with the UK Government.

It is more appropriate that we take on that responsibility. Obviously this Assembly would need to make decisions in the future. If there are changes to the legislative proposals, we would need to liaise with SACC as well, but in terms of resourcing it and putting it as part of the work that is ongoing at the moment, in the light of everything else I have mentioned it is far more appropriate that Policy & Resources should take on that responsibility that was initially given to SACC in terms

345 of what might need changing in the 1948 Reform Law.

So it is quite a simple amendment, sir, and I ask the Assembly to support it.

The Deputy Bailiff: Deputy Trott, do you formally second this amendment?

350

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

The Deputy Bailiff: I do not see anyone rising to debate this matter. There is nothing to reply to accordingly, Deputy Le Tocq, and I will simply put amendment 31 to the vote, which is proposed by Deputy Le Tocq, seconded by Deputy Trott and will have the effect of inserting a new Proposition 21. Those in favour; those against.

355

Members voted Pour.

The Deputy Bailiff: I declare that amendment carried.

Now, Members of the States, we move to amendment numbered 5 which is to be proposed by Deputy Le Pelley.

360

Deputy Le Pelley.

Amendment 5:

In Proposition 15 to add 'including the development of a comprehensive Sports Strategy by July 2019 and, noting Proposition 11 of this report, reporting to the States on the funding requirements necessary to achieve the objectives set out in that strategy as part of the annual Budget Report.'

Deputy Le Pelley: Thank you very much, sir.
I will read it, if I may.

The Deputy Bailiff: Can you say who is seconding it first?

365

Deputy Le Pelley: Yes, indeed. It is to be seconded by Deputy Neil Inder.

The Deputy Bailiff: And the effect that it is going to have?

Deputy Le Pelley: Is to give the commitment that a comprehensive Sports Strategy will be developed by July 2019.

The Deputy Bailiff: And if you want to read it, you can read it.

Deputy Le Pelley: Thank you very much indeed.

Deputy Le Pelley read out the amendment.

Deputy Le Pelley: Sir, I really do need to start off by making an apology, because we have actually removed something and now we are asking to have it reinstated, and for that I do apologise. It is something I hope that we can rectify very quickly and move onto other business.

Sir, in October 2015 or thereabouts, this item was actually debated in the States under what was then known as 'the Deputy Collins' amendment'. Deputy Collins, a former Deputy, was a very keen sportsman and had brought a two-part Proposition to the States asking us to develop a Sports Strategy, and there was a timeline attached to that which was 2017.

Sir, with all the other events that have been happening in the last year or so, we found it very difficult to actually hit that timeline. 2017, for us, was going to be just a year too early or so.

Earlier in the year, when we were debating our plan going forward, we decided this needed to be deferred. Our initial thoughts were probably for it to be deferred to 2018 or possibly 2019, but as we went further into various events that happened, including one or two distractions that really should not have happened – I will not go into those; I think everyone knows what I am talking about – we actually allowed this to be struck from our actual plan.

It was a mistake. I hold my hand up and say we made an error of judgment. Having spoken to many organisations, and not just elite sports but for various groups that are involved in equality, equality of opportunities, health streams, Lifefit, Help the Aged, living well in our society, all different groups have actually come along and said this strategy really does need to be put in place.

It is a strategy that is not just going to be for elite sportsmen and women. It is something which is needed for the whole of our society, whether you are a youngster at school, whether you are a little bit older and you are actually out in the workforce but keeping fit, or taking part in sports, taking part in recreational or leisure activities, or whether you are a bit older, like me, or whether you are old, like me (*Laughter*). No matter how old or young you are, a healthy lifestyle is going to help in so many ways, whether it is just recreation or just keeping fit. Walking fast, I think is what ... Oh, he is not here now because he is indisposed sadly, but Deputy Green, I think, at the time was talking about walking quickly and doing aqua sports and various things like that which were very useful for the more elderly people in our community.

It is living well; it is recreational; it is also social. People can actually meet and talk and actually integrate and not actually become isolated within society. For us, we need this kind of strategy to be put in place.

As I am talking – I appreciate that we are an hour behind Gotland so it is now some time like ten past eleven – our elite sportsmen and women are hopefully winning yet more gold medals, silver medals and bronze medals. (**A Member:** Hear, hear.)

I would like to take this opportunity, if I may just slightly digress, to actually congratulate them on their successes. I missed the first day of this States' sitting because I actually managed to get three days in Gotland and had a bit of a difficulty getting back, but I did actually manage to see what was going on there and to see the fantastic team spirit – and you really do need to be there to see it and to understand it. There were even disabled athletes taking part against fully mobile athletes. It was all-inclusive. If we can get that kind of team spirit, sir, in the Island and in this House and elsewhere around and about the Bailiwick, I think we would actually be in a much healthier place and we could actually move things on a lot quicker with everybody going in the same direction.

So my hat off, sir, to those athletes in Gotland. Well done, Green Army, and I hope we have even more medals. The very good thing, of course, is that we are actually ahead of Jersey in the table, sir. (**A Member:** Hoorah!) Sorry, another island to the south. (*Laughter*)

But to get back to the point, we are asking you very quickly please to allow us to reinstate this item into our policy document. We do apologise, we do take the criticism that we should not have taken it out in the first place, and my seconder will actually elaborate on some of the things that I have said.

Please approve this amendment.

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

Deputy Inder: I do, sir, and I am happy to speak now, if that is okay?

The Deputy Bailiff: Deputy St Pier, do you wish to exercise your entitlement as the President of the Committee to speak at this point?

Deputy St Pier: No, sir.

The Deputy Bailiff: You wish to speak, Deputy Inder – please do.

Deputy Inder: I do, sir. Thank you very much.

Deputy Le Pelley has adequately explained how we got to where we are today and, for that, I am grateful.

Now, I hope we are over that hump and with some thanks to Deputy Leadbeater I want to talk about how we hope to deliver the Sports Strategy. It is important here to say to all of the Members of this House that it will not be just *our* Strategy, it will be owned, hopefully, by all of us.

Now, the benefits and value of having a Sports Strategy are significant and the intention is to include many of the overarching themes that will be assigned up through our other workstreams, some of which Deputy Pelley has already spoken about but I will add a few more: healthy lifestyles, activity, mental wellbeing, healthy weight, inclusivity, disability and access, women's sports, living well, sports tourism. All of these things or threads maybe can be included into a Sports and Activity Strategy – an inclusive strategy that celebrates our elite sports, yes, but ties into some of our more overarching themes.

Elite sportsmen and women of the Island are celebrated – well of course they will be – but a Strategy that pays deference and includes all of our children and grandchildren, driving us towards a truly sports-minded Island – advice towards social, maybe.

Development of the Strategy will follow fairly standard protocols: stage 1, gather the facts; stage 2, develop the vision; stage 3, identify the objectives, and maybe stage 3.1 is try and find some cash from somewhere; stage 4 would be the tactical planning; stage 5, performance management; and stage 6, review.

I am hoping it will be a collective effort where all partners are focused on delivering the visions that we will eventually get to and the outcomes. The Strategy will be your Strategy and as you move to scoping out the requirements for the first phase, I will be asking for input from all of the sporting bodies and importantly the Deputies of this Assembly. I genuinely want this to be an open process.

We are all stakeholders; we all have our various niche interests. I come very much from, I suppose, the water sports. And from colleagues who we will be asking for support, why would we preclude you? We have got no reason to. An open process – stages 1 and 2 are facts and vision, being the most important.

Now, sir, I do have a word of warning: many of the strategies that have been developed by previous Assemblies have stalled due to a lack of resources and there will be a price to whatever the outcome of the process is, naturally. Policy & Resources have opposed the idea of developing

470 a Sports and Activity Strategy and I can, from an entirely practical, ledger-based rationale, understand why. Well, I think I can understand why – I am probably about to find out, but I am assuming that is the reason.

But I do have to ask the House, in the week our inspirational young men and women are in Gotland winning medal after medal in their sports for their Island, what message would we be
475 sending to them if today this Assembly rejected our efforts to put together a Strategy. One, I accept, we nearly brought upon ourselves – an omission I am hoping we are going to right today.

In the week we have received the unfortunate news from the Child Measurement Programme that 15% of our year ones and 30% of our year fives were recorded as being overweight or obese and where physical activity is key to healthy weights, are you going to deny us that ability to try
480 and get more sports into our schools. Policy & Resources will be telling us there is no extra money, and I get that. They will be asking us to find the funds from within our budget – yeah, good luck with that – but we will try and do that. However, we could find third party funding and so I would hate to see this process, the first stage process, broken on the back of that introspective will.

485 All we are asking today, sir, is to allow us to amend our own workstreams, strive to deliver a unique Sports and Activity Strategy that ties in all of our other themes that I have touched upon – one document that this House can adopt and own.

Thank you, sir.

490 **The Deputy Speaker:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

Sir, I will touch on a couple of points that Deputy Le Pelley and Deputy Inder made. Sir, firstly, for laying this amendment, I would like to sincerely thank the President and Members of the
495 Committee for Education, Schools and Colleges ... Sorry, sir, the Committee for Education, Sport & Culture. (*Laughter*) In particular, I would like to thank Deputy Neil Inder, firstly for working with me on this matter to find a compromise, negating the need for Deputy Fallaize and I to formally lodge our amendment; and secondly for that humorous interpretation of the acronym ESC.

Sir, Deputy Le Pelley has just reminded us that he has recently returned from representing the
500 Committee at the Island Games. I sincerely hope that the enthusiasm and passion for sport that our traveling squad, competitors and coaches, etc. have running through their veins has rubbed off on him. It may well have reignited that spark that he must have felt while playing rugby for the Grammar School, as we saw in the press last week.

Sir, I sincerely hope that sport will not play second fiddle to education, but for it to be
505 respected for the vital part that it plays in the education and development of our children. As Deputy Inder just said, the findings of the 2017 Child Measurement Programme, which had a 94% participation rate, tell us that 15% of year one students, five and six year olds, are obese and then informs us that by year five that figure has doubled. We are quite literally growing children.

Sir, I am not saying that we are teaching our children to be unhealthy, only that we are not
510 teaching them to be healthy enough. Sir, with 30% of children entering into secondary education being obese, it is just unthinkable. It certainly wasn't like that when I was at school and we have to do all that we can to reverse this trend. An active lifestyle will be fundamental if we are to turn this around, and sport provides that. Sport also promotes mental strength, team work, self-confidence, camaraderie, discipline, sportsmanship, and along with that dignity, respect and compassion.

515 Sir, there are many other benefits offered by sport. One family I know now uses sport as a direct alternative to prescribed medication. They have a daughter with ADHD and they have taken her off her medication and are now using sport instead to manage her hyperactivity, and it is proving a success. This may be an exceptional case, but it totally proves the merits of sport and the benefits that it can bring.

520 Sir, the buzz around the schools' sports days, the buzz around events such as the Specsavers Youth Games, the current buzz around the Island Games just cannot be ignored. Our children love

sport and sport loves our children. Let's encourage sport to play an important role in the development of our children. We currently have insufficient PE provision in our primary schools, something that the Sports Commission are trying to raise more funds to provide. It is shameful that we cannot support them and help them provide this important area of our children's education, especially when you reflect upon the current child obesity statistics. This must be made a priority. Maybe ESC, HSC and P&R could discuss this as the hundred grand now needed could save us potentially millions in the future.

Sir, bringing education and sport together was a brilliant idea, but if you operate them in silos instead of fully integrating them and understanding the synergies between the two, you would miss a trick. Sport and education are intrinsically linked. The best public schools produce a lot of the UK's best sportsmen and women. These prestigious institutions realise and exploit the connections between the two and we need to do the same.

Sir, this Sports Strategy will not alone turn the unhealthy ship around, but to shelve it now when we have the opportunity to exploit the potential synergies during the build up to our Island Games in 2021 would be foolish and it will send out a clear message that we do not take sport seriously enough and we fail to understand how important it is to our community – shame on us if we do.

Sir, I urge Members to join me in supporting this amendment and supporting our ambitions for a healthy, sporting and wider community.

Thank you.

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

Sir, I want to start by saying I admire and applaud Deputy Le Pelley for being gracious enough to apologise to the people of Guernsey and to the Assembly on behalf of his Committee, because apologies cost absolutely nothing and they mean so much to the people who receive them. Also, of course, the States has a very poor record of apologising to the people of Guernsey when mistakes are made within Government, so all credit to Deputy Le Pelley and his department for making the apology.

Sir, I have a lot of faith in Deputy Le Pelley and his Committee. I think they are doing an excellent job under difficult circumstances, but having said that I am questioning their judgement on this particular issue.

I am sure my colleagues know by now, sir, I am not a great fan of strategies, because strategies either progress at a snail's pace or they end up sitting on a shelf gathering dust, and that is despite tremendous efforts of various and numerous States' Members. And, of course, they also give false hope to the community, because the aspirations are often unrealistic and therefore unattainable. So, suffice to say, sir, it is going to take a lot of convincing to win my support with this Strategy.

My first questions to the President are as follows: how will a Sports Strategy actually benefit the sportsmen and sportswomen of Guernsey? What is the practical advantage of having a Strategy in place? In other words, what will they be able to do once the Strategy is in place that they cannot do now? Because unless a strategy is going to be of value and provide benefit for the very people it is meant to serve, then surely it is just a document full of good intentions and aspirations.

I am just picking up on the point that Deputy Leadbeater made. My understanding was that physical education already takes place in our schools, so what will change if the Sports Strategy is in place?

Deputy Leadbeater: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Leadbeater.

Deputy Leadbeater: Sir, Deputy Lester Queripel mentioned that he understood that there was already physical education taking place in our schools. There is insufficient provision in primary schools. We need another two teachers.

Thank you.

The Deputy Bailiff: Deputy Lester Queripel to continue.

Deputy Lester Queripel: Sir, thank you.

As we all know, Guernsey has been producing national and even international sporting stars and champions for decades, so why do the Committee think we need a Sports Strategy now?

I do have more questions for the President, sir, but I want to lead up to those questions by focusing on some examples to strengthen my challenge, and I will start with my very own son, Blane, who at the age of 31 was a member of the Rovers Football team who won their first ever Priaulx League title last season. (**A Member:** Hoorah!) Indeed! But it was not his first championship medal, because he had already won three Priaulx medals by the time he was 21 when he played for Sylvans. (**A Member:** Boo!) (*Laughter*) And he does not just excel at football, sir. He has represented the Island at rugby, boxing, football and cricket. His trophy cabinet is bursting at the seams. Last season he not only won the championship medal with Rovers but he also was voted Players' Player of the Season, and those medals now sit alongside the three medals he won when he played for Sylvans. In addition to that, he has won all sorts of medals in a playing career that has spanned from the age of seven when he began playing for St Martin's Minis right up to the present day. He has also won caps and medals for boxing and rugby, but his trophy cabinet is bursting at the seams mainly because of all the caps and trophies and medals he has won playing cricket. He spent most of his career playing in the first division for Cobo under the stewardship of Cobo stalwart, Dave Nussbaumer. He had won two first division medals by the time he was 21 and he went on to win four in total. He was selected to play cricket for Guernsey on a number of occasions –

Deputy Brehaut: Excuse me, sir, is this tedious competition?

Deputy Lester Queripel: – and he was recognised ...

The Deputy Bailiff: Are you raising a point or order, Deputy Brehaut?

Deputy Brehaut: Sir, respectfully, it may be tedious competition or at least tedious repetition. (*Laughter*)

The Deputy Bailiff: Respectfully, Deputy Lester Queripel, you have laid the scene for what you are about to move onto. We are delighted that your son has done so well (**A Member:** Hear, hear.) but can you try and bring it back to the amendment, please?

Deputy Lester Queripel: Well, sir, I am questioning and challenging the view of the Committee that we need a Sports Strategy, which is why I am expressing my concerns and I am asking questions, sir.

The Deputy Bailiff: Please continue, Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

The Deputy Bailiff: I am just drawing your attention to the fact that you have covered your son's glittering career quite completely. (*Laughter*)

Deputy Lester Queripel: Well, I have not actually, sir. I have another page, but (*Laughter and applause*) I will try and be brief, so I will see if I can cut out a word or two.

I was just about to say, sir, that he was recognised as the Island's top fast bowler for several years and he was also selected ... This is in my quest to challenge the need for a Sports Strategy. If
630 a sports person can do this, and many others have done, then why do we need a Strategy?

He was selected to play for an ICC European cricket team to play in a tournament in India and he was named the Player of the Tournament.

Now, sir, he has done all of that and a lot more, which I have not mentioned because I am conscious that people are getting a little bit irate –
635

Deputy Leadbeater: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Leadbeater.

Deputy Leadbeater: This is not just about elite sport. This is not just about excelling at sport. It is about sport for all. (**A Member:** Hear, hear.)
640

Deputy Lester Queripel: That was not a point of correction. Surely, sir, Deputy Le Pelley can make all those comments when he responds.

Sir, my son and many sportsmen and sportswomen in Guernsey have achieved great things without a Sports Strategy in place.
645

Now, sir, I want, if you will allow me, to mention some other names of Guernsey sportsmen and women who have also had distinguished sporting careers without a Sport Strategy in place.

Before I do that, the reason why I do not see the need for a Sport Strategy personally is because there are several things anyone playing sport needs – and I do not see the need to add a strategy to the list. They need application, dedication and commitment to training, to start with; but making the excuse they do not feel like it on a cold winter's night or a hot summer's evening simply does not cut it with their teammates or their coaches. They need love and a passion for the sport they are playing; they need the drive, the desire and the determination to win or at least do the best they possibly can.
650
655

And on that note, the late Muhammad Ali (*Interjection*) the former heavyweight boxing champion of the world – and I am not giving way to Deputy Leadbeater, sir – once said: 'I train until I am exhausted and then I train some more because I want to be the best'. He pushed his body and his mind to the absolute limit for years in an attempt to obtain his dream of becoming a world champion. He started boxing in the ghettos of Kentucky in the mid-1950s at the age of 12; by the age of 18 he had fought in 108 amateur fights and he won a gold medal in the Olympics where he represented the United States of America in 1960. By 1964 he was the heavyweight champion of the world, a title he went on to hold for several years and when he retired at the age of 39 he was a multi-millionaire.
660

So I would like Deputy Le Pelley to spend a moment or two thinking about that: a ghetto child at the age of 12 dedicated himself to boxing so that he could pursue his dream of becoming a heavyweight champion of the world. His dream came true and he became a multi-millionaire in the process and to this day people all over the world say he was the greatest heavyweight champion of all time.
665

I do want to move on now, sir, to mention some of the names of our own sportsmen and women, who have excelled at their chosen sport, not only here on the Island but also in the sporting arenas all over the world – and they have done it without a sports strategy being in place. I want to go back to the 1950s and 1960s: Len Duquemin played football for Tottenham Hotspur 307 times; (*Interjections*) Richard Le Flem, otherwise known as 'Flip', played football for Nottingham Forest; in the 1980s Jason Nicolle was the British under-23 squash champion; Sally Podger won the all-England badminton championship; (**A Member:** My cousin.) and Martine Le Moignan MBE was the world squash champion.
670
675

680 Into the 1990s, Lisa Opie MBE was the British Open squash champion; Adrian Breton won a gold medal in the Commonwealth Games for pistol shooting; David Parsons (*Interjection*) was three times world champion one-armed golfer in 1990, 1995 and 1996; Helen Watts, the Island Games record-holder for swimming –

Deputy St Pier: Sir, point of order.

685 **The Deputy Bailiff:** Point of order, Deputy St Pier.

Deputy St Pier: Sir, I do feel that Deputy Lester Queripel is in danger of tedious repetition. The point has been well made; I do not think we need to have a list of every sportsman to reinforce the point that he is making.

690 **The Deputy Bailiff:** Deputy Lester Queripel, it really goes to a mixture of relevance and repetition. I know you are not repeating names more than a couple of times in each instance but Deputy St Pier is right, you have laid the foundation as I indicated earlier for why you want to pose some questions to the President of the Education, Sport & Culture Committee who is moving this amendment.

695 Can we try and get to why it is that you are persuading Members that they should not support this amendment? (*Interjection*)

Deputy Lester Queripel: Sir, I thought I was doing that. (**Several Members:** No.)

700 Sir, Deputy St Pier, with the utmost respect, inferred that I was going to mention every single name of every single Guernsey person who has been successful, (*Laughter*) but I have no intention of that because I would be here all day. I am just merely mentioning about a dozen, sir, and if you might me allow me to continue I will just finish that. (*Interjections*)

705 Alison Merrien was world bowls champion in 2008; and there are *dozens* of others I could mention, sir. (*Laughter and interjections*) And in fact I must mention these two or three, the last on my list here.

710 The late Keith Falla I believe still holds the Channel Islands record for 800 m and 1500 m in athletics; three times world champion driver in touring cars, Andy Priaulx; Matt Le Tissier, had a long and distinguished career playing for Southampton and eventually won eight caps for England; and finally Heather Watson, who until recently was the number one female tennis player in Britain.

Now of course, sir, we must not forget as I speak, as Deputy Le Pelley has already mentioned, many of our sportsmen and sportswomen are competing in the Island Games in Gotland, doing their utmost to win medals and keep Guernsey firmly on the sporting map. (*Interjection*)

715 Now, sir, in response to what I have said, Deputy Le Pelley may say, 'Yes, indeed, all that has been done without a sports strategy being in place, but just imagine what we could do if one was in place!' (*Laughter and interjections*) Well, if that is the sort of response that Deputy Le Pelley is going to come back with, sir, I would ask him to explain to me how having a strategy in place would have benefited all of our sportsmen and women in years gone by. Also, I want him to explain please, how it would benefit sports clubs, children, sportsmen and sportswomen here in Guernsey in the future because I did not really get that from his opening speech or Deputy Inder's speech, or Deputy Leadbeater's speech. (*Interjection*)

720 And in asking that, I would like some detail please of who will actually be doing what on a day-to-day basis to help our sports community if a sports strategy is put in place? (*Interjection*) Now, I am sure Deputy Le Pelley must appreciate my saying that if he cannot tell me how and provide me with detail then I will not be fully informed, so how can I vote for a strategy if I am not fully informed of what it is actually going to achieve?

Sir, this States is awash with strategies and they are moving at a snail's pace for resource and funding issues, so my next question to Deputy Le Pelley is the obvious one: where is the money

730 and the staff resource going to come from to implement and progress this strategy when we do not have enough money and staff resource to progress the strategies that we already have in place?

And where is the money and resource going to come from to undertake yet another review, and compile yet another report? Shouldn't that time and money be spent on progressing the strategies we currently have in place? And my view is, sir, that if there is money available I would much rather see the Committee set up some kind of grant system to help sports clubs and fellow Islanders who participate in sport – one, two or three thousand pounds would be very much appreciated by sports clubs which are struggling to survive. And the same applies to a couple with young children. I would ask the President to imagine such a family: a young couple with, let's say, 735 three children, two girls and a boy, all under 10 years of age. One of the girls loves roller-skating and has recently expressed a desire to take up horse-riding. (*Interjections*) The other girl loves swimming all-year-round, and has recently expressed a desire to take up golf. The young lad is a lot like my son and wants to participate in several sports – tennis and cricket in the summer and football and rugby in the winter. (*Interjection*)

745 There comes a time when the parents cannot afford tomorrow pay for their children to participate in all of those sports, so they tell their children they have to choose one sport each. Now, apart from all the stress, trauma and upset that will cause, (*Interjection*) we also need to bear in mind that the children will then be excluded from various areas of our sporting community, when what we need to aspire to is an inclusive society.

750 Can I would just ask through you, sir, please, Deputy Leadbeater to stop turning around and commenting; it is very off-putting. The more someone interrupts, sir, the more I lose my place and I have to go back and repeat what I have said, so I ask you to bear with me when people interrupt me, thank you. (*Interjections*)

Now, the children will not derive the fun, the reward or the fulfilment from participating in all of the sports they want to pursue. They will feel denied until such time as they may be able to afford to pay to be involved in those sports themselves; and that, of course, in turn could severely dent their levels of confidence and cause psychological problems later on in their lives – and I am sure none of us want that to happen.

760 So my next questions to the President are as follows: how will having a sports strategy in place help families in that position? Would it not be better to spend money on a grant system to which families in that position could apply for funding?

Two more questions, sir: how many hours of staff time will be needed to compile the strategy itself? How much will it cost the taxpayer to compile the strategy? And of course I could add to that, and I appreciate that the President may not have the answers to these questions: how many hours of staff time will be needed to progress the strategy once it is in place? And also the obvious question: how much more taxpayers' money will need to be spent progressing it?

765 Sir, I did have a few more pages because I wanted to highlight a few more achievements from local sportsmen and women. I have got three pages on the Queripel family's involvement but I will resist; (*Interjection*) well, I am telling you how brilliant a cricketer and football player my brother Deputy Laurie Queripel was – (*Laughter*) his words, not mine, sir – or that we have an elder brother who is lucky to be alive because of the antics he got up to when he was motor racing up the hill climbs and sand racing and banger racing.

775 Sir, one thing I want to mention here is in all of my years in sport – and I have been involved in sport for decades up until a couple of years ago when I was still playing walking football and I was a top scorer with 21 goals in 19 games, (*Interjection*) but that is just an aside, sir – I never once heard anybody say, 'You know, I really wish we had a sports strategy in place; I could do so much more if we did'.

I am rapidly turning over pages, sir, and I think I might leave it there. (*Interjection*) Yes, I will leave it there, sir. Thank you, I look forward to Deputy Le Pelley's response. (*Interjection*)

780

The Deputy Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, sir.

The Policy & Resources Committee is opposing this amendment although having listened to most of Deputy Lester Queripel's speech I am minded to support it now! (*Laughter and interjections*)

Deputy Lester Queripel: That was the idea!

Deputy Laurie Queripel: That was the idea!

Deputy Le Tocq: Just for one reason alone, in that – and I did not quite understand the logic – at one point he mentioned it was really all about inclusivity and getting people involved, and that is how I understand it. And however the Committee for Education, Sport & Culture want to do it, we need to see in conjunction with the Healthy Weight Strategy that is being overseen by Health & Social Care, obese people like me and potentially younger people who would end up like me, engaged in sport – and not just 'sports' but sports of all types, and not just the sorts of sports that Deputy Queripel was alluding to.

One of the difficulties with having two weeks of States Meetings back-to-back is how you fit in meeting other people outside of that, so I took a little walk during Deputy Queripel's speech hoping that he might have finished by the time I returned – I was wrong – (*Laughter*) because I had to go and meet someone and sign a document. But taking a walk and doing things like that, encouraging young people at an early age to engage in some sort of sporting activity that will help them on later life is a good thing. And so, sir, I am actually minded to go against the views of my colleagues in Policy & Resources and support this. (*Interjections*)

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I was disappointed when I saw Education, Sport & Culture wanted to rescind the resolution to develop a sports strategy and disappointed Policy & Resources do not support this amendment.

And in fact I am disappointed there is so little about sport in Education, Sport & Culture's policy and resource plan. From Health & Social Care's point of view, sport – and I do not mean competitive sport, but sport that helps people keep active – (**Two Members:** Hear, hear.) has a huge part to play in supporting our Healthy Weight Strategy. We know 30% of Year 5 children are overweight or obese and we know the younger someone has become overweight the more likely they are to be so throughout their life.

Now, why does it matter? Well, the more you are overweight, the more likely you are to have the risk of acquiring a range of diseases. I cannot emphasise enough the impact the literally growing level of obesity is having on the Health & Social Care service. (*Interjection*) Diabetes is a huge issue and it really does worry me greatly. Amputations are growing year-on-year and you only have to look around the Hospital and see how many people are losing limbs because of diabetes and circulation problems, as well as the drugs bill to manage the condition.

So why a sports strategy? Well, if I can explain to Deputy Lester Queripel, just listening to Deputy Inder who has demonstrated just one reason. He used the term 'women's sports'! Now, what on earth does that mean? (*Laughter*) It is 2017! It is not 1917! (*Interjections*) Competitive baby buggy races, perhaps? (*Laughter*) (**A Member:** Good one!)

I think Deputy Inder needs to get up on what is called 'gender budgeting'. This is something that was discussed at the Commonwealth Women Parliamentarians Conference, that we were really delighted to be able to host in February 2016, and it was really eye-opening and something that Sports Wales has taken on board where it has certainly made a difference.

So yes, we need a sports strategy and we need to think and look at things differently, not just follow what has been done elsewhere particularly. We need to look at new ways of encouraging more people into sport and being active; it is not about being able to beat somebody, it is not

835 about getting medals, (*Interjections*) it is not about going to the Island Games. It is about making people feel great to be active (**Two Members:** Hear, hear.) and giving people the opportunity to be active, because it is true to say the more active you are the better it is for you and the better you feel.

840 Finally, I would like to follow up on Deputy Leadbeater's comments about Committees working together on this strategy. I would like to confirm that Health & Social Care is very willing to support Education, Sport & Culture because, as I said, we see the importance in helping us have a sustainable health and social care system. We will only do that by getting people to help themselves and taking responsibility for their own lives.

I will just reference people to our policy and resource plan where we make this clear. Under Healthy Community we say, the Committee for Health & Social Care:

... will continue to promote, implement and develop public health strategies and invest in tackling the lifestyle factors that lead to much preventable ill-health and premature mortality: [including] smoking, excessive drinking, lack of physical activity, overweight and obesity, poor mental wellbeing, risky sexual behaviours and substance misuse.

845 So, do we need a sports strategy? We damn well do need it ... I am sorry, sir, I will rephrase that. We certainly do need a sports strategy where we can work together with other communities to make our Island healthier and happier. (*Applause*)

The Deputy Bailiff: Deputy Mooney.

850

Deputy Mooney: Sir, like Muhammad Ali I am exhausted, (*Laughter*) but I have no wish to listen to any more, (*Interjection*) so could we invoke Rule 26(1), please?

855 **The Deputy Bailiff:** Will those Members who wish to speak in the debate on this amendment please stand in their places?

Several Members stood.

The Deputy Bailiff: Deputy Mooney, are you still minded to invoke Rule 26(1)?

Deputy Mooney: Yes, sir.

860 **The Deputy Bailiff:** Right, I will put the motion that debate on this amendment be closed with the usual winding-up process. And Deputy Green has arrived – Are you well now? Can you be relevé?

Deputy Green: Sir, can I be relevé?

865

The Deputy Bailiff: Of course you can, so that you can vote on this.

Deputy Green: Thank you, sir.

870 **The Deputy Bailiff:** Those in favour of the guillotine motion under Rule 26(1)?

Members voted Contre.

The Deputy Bailiff: I declare that lost.
Deputy Roffey.

Deputy Roffey: Thank you, sir.

875 I think there is a real danger this could turn into a debate on whether or not a sports strategy is an extremely good thing. Of course it is - I echo every word that Deputy Soulsby just said - it is a thoroughly good thing. But I listened to the Vice-President of Education all over the media saying they had decided that sadly they could not afford to do this; and they could not afford to do it because they had prioritised other stuff.

880 Now, if they were coming back today and saying, 'We made a mistake, actually this is a higher priority than some of the other stuff that we prioritised and we would like to change it around', I would be 100% behind them because I support a sports strategy. But they are not doing that, are they? They are saying, 'We want to keep all of the other stuff that we put ahead of a sports strategy and have a sports strategy too, please; and then we would like to go and talk to P&R about how we are going to get the extra money to do that'.

885 Now, every single Committee of this House could have played that game - Health could have left something out that was patently obviously a great thing that we have to do. So could have Home, and so could have others done that; and when they came forward and said, 'Are you not going to insert this? What will the Island think if you do not insert this?' We will all have to work and pay for it, I guess, because all of those things they had initially left out were obviously things that we should be doing - as is a sports strategy. This is a policy plan.

890 I thought actually it was going to be a more developed one and we were really going to be prioritising between the various Committees, but certainly at least inside their own individual areas the Committees have been prioritising. We cannot let a Committee choose not to do that.

895 So I say to Deputy Le Pelley, tell me what you are going to take out instead of approaching P&R; tell me how you are going to put right -

Deputy Inder: Point of correction, please, sir.

900 **Deputy Roffey:** I give way to Deputy Inder.

The Deputy Bailiff: I think it is a point of correction that has been set.
Point of correction, Deputy Inder.

905 **Deputy Inder:** Thank you, sir.

Actually, what I said in my speech is that we could find third party funding, and I would hate to see this broken on the back of the wheel of what could be described as Deputy Roffey's introspective view of it. It is not all about State money; we could find third party funding but we need to get to that point first.

910 **The Deputy Bailiff:** Deputy Roffey to continue.

Deputy Roffey: Sir, I will read from the Explanatory Note:

It also highlights that further discussion is very likely to be needed, with the Policy & Resources Committee and/or the States of Deliberation, to secure the funding that will inevitably be required ...

915 Well, that does not sound like going off to get the money elsewhere to me, it sounds like saying, 'they are going to need some extra dosh from us'.

Sir, of course we should have a sports strategy. Let them come back after this debate, having given it mature consideration, decided on their new priorities and decided what they are *not* going to do in order to do this - and they will find a supportive voice in mine.

920 Thank you, sir.

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I would like to address both Deputy Lester Queripel's comments and Deputy Roffey's; and just to address Deputy Lester Queripel first and to give a little bit of background on how we have come to this position.

Deputy Queripel did raise a good point, and Deputy Roffey does to some extent as well, about the limited resources that we have in this period of severe budgetary restraint. Our original decision to defer this strategy was exactly for that reason, that we had a limited amount of resources to be able to dedicate to this and we thought that it would be difficult to come back to this Assembly and ask for additional capital – not to fund the research into the strategy, but to fund the inevitable strategy requirements after it is brought to the Assembly. But then after having published our initial plan, people like Deputy Leadbeater engaged with the Committee and said, 'In a period of budgetary restraint like this, it is even more important to have a strategy to make sure that the limited resources available to us are applied as effectively as possible to achieve the objective'. We took that on board and that is the reason why we have changed our position on this.

And whilst, yes, there will be a limited amount of resources required to draw up the plan, we have gone around – not just within our own offices to look at those resources, but also to the other parties we engage with in delivering sports both inside our schools and outside, for ones that we give grants to – and engaged with them to get involved in delivering this strategy; and they have promised to help us do so, so that we can deliver a strategy without massive additional resources required from the centre.

Now, that strategy in itself is again not just elite sports – we are not just looking for tomorrow's champions. Of course we want to encourage them as well, but we want everybody to engage. We need to get to the young people, as Deputy Soulsby mentioned, and get them more active, get them enthusiastic about being fit and being active. We have under our mandate, under Education, Sport & Culture we cover the whole spectrum of age groups, we go right from the very youngest children in our education system to the very oldest people participating in our Life Fit facilities at Beau Sejour. We need to be able to cover that spectrum and get everybody involved. That is why it is so important we do have a strategy but that it is based broadly, it is not just elite sports it is getting everybody involved.

In fact a member of the electorate has exchanged emails with me just expressing her desire that sports is made more attractive to young people, and in fact during Deputy Lester Queripel's speech she managed to exchange several emails with me.

The Deputy Bailiff: Deputy Lester Queripel, please, Deputy Meerveld.

Deputy Meerveld: Sorry, yes. Sorry, sir.

And so we want to be able to create the opportunities for people and get them involved in activities that help to keep them fit, help to keep them active; and also not just fit, but healthy. It is a broad spectrum of things and I would encourage this House to support this amendment, let us get on, and we are coming back to the Assembly.

Now, when we actually come back we may say that this strategy requires some funding and that will be up to this House to decide whether it wants to provide that funding. In the process, as Deputy Inder has already mentioned, we will be approaching third parties and seeing if we can encourage those third parties who would want to potentially support this, and we will be looking for external funding as well, but let's at least ask the question and go through the process.

Thank you, sir.

The Deputy Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

Sir, I would like to say, first of all, that I agree with everything that was said by both Deputy Soulsby and Deputy Leadbeater.

I do not disagree with everything that was said by Deputy Lester Queripel in his ... In the 1980s there was a tendency to measure sermons by the number of fruit gums you ate while listening to them. I can report that Deputy Lester Queripel's speech was a nine midget gem speech – I am not sure that is doing anything for the Obesity Strategy.

980 We have primary schools where there are no adequate facilities for sport. Vauvert Primary School in St Peter Port South has no grassed area whatsoever. Children who attend that school are, in the main, drawn from town and its surrounding areas, places where there are no grassed areas for them to play without parental involvement in taking them to outdoor space to play. If you live in the one real tower block we have got in town, there is no physical space for you to play
985 outside in the open air without your parents' engagement in taking you to somewhere like Beau Séjour to play outside.

We absolutely need a Sports Strategy, without the shadow of a doubt, and we have a Committee for Education, Sport & Culture who, I am sorry to say, appear in the writing of this Plan to have concentrated purely on education. Do not get me wrong: I absolutely want them
990 concentrating on education, but we cannot forget sport and culture (**A Member:** Hear, hear.) and that does appear to be what sadly happened during the preparation of the Plan – we need to change that.

Deputy Lester Queripel made a long list – a not exhaustive list, it would appear – of the sporting achievements that people from Guernsey have reached. It is interesting that almost all of
995 those were past sporting achievements, not current, not present. Yes, we have a fantastic team out competing in the Island Games –

Deputy Lester Queripel: Sir, point of order.

1000 **The Deputy Bailiff:** A point of order, Deputy Lester Queripel? Which Rule has been broken?

Deputy Lester Queripel: Rule 8(5), sir.

The Deputy Bailiff: Okay, do you want to explain it?

1005

Deputy Lester Queripel: Decorum, sir, and misleading the Assembly.

The Deputy Bailiff: I do not think there is any lack of decorum in what Deputy Tooley is saying. If she is misleading the Assembly, then it is a point of correction. Are you seeking to
1010 correct something she has said?

Deputy Lester Queripel: Yes, please, sir – point of correction.

Deputy Tooley seems to forget, sir, that I was stopped before I even got to the end of my list. She said I read a 'list of past' ... Actually, I was getting on to the current and getting on to the
1015 more recent ones, sir, but I was not allowed to do that.

Thank you, sir.

The Deputy Bailiff: Deputy Tooley to continue.

1020 **Deputy Tooley:** Thank you.

I am not entirely sure how I could be expected to know what was in the parts of Deputy Lester Queripel's speech that he did not deliver, but nevertheless ...

He did mention one of our current sports people, the illustrious Heather Watson. I was privileged to have dinner with Heather Watson's parents in summer 2004 as they were making the
1025 decision to move her to the United States of America to train. They made that decision because ... and I quote, because I clearly remember it, this being one of those experiences that I dine out on. I clearly remember them telling me that they were doing this because it would not be possible for

her to achieve these great lengths to which they hoped she would manage if she stayed in Guernsey. In fact, they talked about the fact that for a long time they had been spending every single weekend travelling to and from the UK for her to train and compete. It was not possible up to that point in 2004, 13 years ago, for her to continue at the level she was then. They had made the decision to take her out of Guernsey to train because it was not possible here.

The other thing that I felt Deputy Lester Queripel's speech made abundantly clear was that it is entirely possible to succeed in sport and do brilliantly well if you have a very dedicated parent, because it is absolutely abundantly clear that Deputy Queripel is rightfully proud of his son's sporting achievements. Not all of our children have parents who are that engaged. Not all of our children have parents with the financial ability to take them to a club to first gain an interest in a sport, nevertheless to decide that they want to continue with that sport. (**A Member:** Hear, hear.)

Swimming lessons, for example, are beyond the reach of a huge majority of the parents within our schools and so the swimming training that they get is their six to eight weeks in the school pools, which are not deep enough on the whole for them to achieve the Key Stage 2 swimming levels, so they need to be transported to the pools elsewhere.

We need a Sports Strategy. We need to support the idea of a Sports Strategy, but I have to agree with Deputy Roffey that I am confused that a Committee which yesterday told us it could manage on budget and return savings is today telling us they do not have the money to do things that they think are critical, and that is a problem because it is one thing or another: either we can manage on the budget we have and deliver savings or we do not have the money to do the critical things, and I would like some guidance on which of those things this is.

Thank you.

The Deputy Bailiff: Are there any Members who want to speak against inserting some words at the end of the Proposition 15, which is what this amendment is seeking to do? (*Laughter and interjection*)

So who wants to speak in support of it then?

Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I disagree with the conclusion which Deputy Lester Queripel reached and with the conclusion which Deputy Roffey reached, but I think they can be forgiven because, if the President of the Committee for Education, Sport & Culture does not mind me saying so – or even if he does actually – I think that the States are making a meal out of this because the original wording of the Policy Plan is badly written and the amendment is also badly written.

Why I say that is because the situation is this simple: the States decided ... Oh, I will give way to Deputy Lester Queripel.

Deputy Lester Queripel: I thank Deputy Fallaize for giving way, but he said he disagreed with the conclusion I came to and Deputy Roffey came to, but he did not say what he thought that conclusion was, so can he clarify that, please, sir, because I am not sure why he is saying that because I have not come to a conclusion. I said that I am asking questions and I am expressing my concerns and, if I get the right answers that I am happy and satisfied with, I will support the Strategy. So I am not quite sure what conclusion I am supposed to have reached.

Deputy Fallaize: Okay, perhaps I ought to have used the word 'concerns'. I think the wrong concerns have been generated in the minds of some Deputies because of the way that the whole thing is worded here.

Now, the situation is this simple: in I cannot remember when but sometime in the last States, Deputy Collins and I put an amendment before the States proposing that the Committee would have to return with a Sports Strategy by ... I think it was June or July 2017. It was approved by the

States and clearly the timeline in that resolution has not been complied with because we ought to have had a Sports Strategy produced by now.

Then the Committee for Education, Sport & Culture in their Policy Plan say, 'Well, we are not seeking to rescind that resolution, but we do not believe that we can discharge it in this term' and that is how they wanted to leave it.

Deputy Leadbeater and I, led by Deputy Leadbeater really, wanted to amend that and so say, 'No, in this term of the States, you do need to produce a Sports Strategy.' The Committee has effectively conceded and has admitted today that it made an error in the drafting of its original Plan and that it should produce a Sports Strategy in this term, albeit two years later than was originally set out – and that is it.

Now, all this stuff about funding is a distraction, because I am not a Member of the Committee but I can guarantee them and I can guarantee all the Members of the States that there is no need for additional funding to write a Sports Strategy. With the greatest respect, if they cannot do it, I will, but actually –

Deputy Meerveld: Point of correction, please, sir.

The Deputy Bailiff: Point of correction, Deputy Meerveld.

Deputy Meerveld: In my statement, I said that we do not need additional funding in this term to work up the strategy, but that the strategy itself may inevitably require additional funding for implementation and that may require us coming back to the States for additional money.

The Deputy Bailiff: Deputy Fallaize to continue.

Deputy Fallaize: Thank you.

I do not think there was a point of correction, sir, because I do not think I said anything that was incorrect. I am saying it is not necessary for any additional funding to be made available to the Committee for them to produce a Sports Strategy. There are five Members of the Committee who are able to lead on this and they employ Civil Servants specifically in the area of sport and culture who can produce a Sports Strategy. So there is no need for additional funding. Their original Policy Plan ... I think it is just an error. They ought not to have said that they could not undertake the carrying out of the Sports Strategy in this term, because they can and they can do it without any additional funding, and they should do it.

Now, of course, as Deputy Meerveld has said, it may be that there is a need for additional funding arising out of anything agreed as part of the Strategy, but that is completely different from any requirement for funding to produce the Strategy in the first place.

The reason this work needs to be done, I think, has been summed up best by Deputy Tooley. This is an issue of social policy. It is about ensuring that there is at least equality of opportunity so that, in particular children but adults too, have an equal opportunity to participate in sport and benefit from all the advantages that can be obtained from sport. And Deputy Soulsby summarised them very neatly in her speech. So that is what this about. It is an issue of social policy.

Now, I defend the merging of Education and Sport and Culture. I know that there are some people in the sporting community who are sceptical still about this, but the relationship between sport and culture and education is perfectly obvious. When you consider the way in which facilities which are primarily used for education purposes are also used for sporting purposes, it is obvious. It is clear that some of the objectives which are education-based are objectives which are shared in the spheres of sport and culture. So I think that we are now in a very good position to develop a Sports Strategy, a much better position than the States have been previously. Clearly this is work that needs to be carried out. It does not require additional funding.

But the last point I want to make is that I am like Deputy Lester Queripel in that I do not want strategies for the sake of strategies, but unless you put together ... I would not even call it a

strategy to be honest, because it has become a pejorative term in the States with all sorts of negative connotations. It is a plan of action, basically. Now, unless you put one of those together, you are never going to get additional funding. It is going to be hard enough in this States to secure additional funding for anything. If Committees do not come to the States with coherent plans which set out, 'This is what we want to do, and this is why we want to do them, and this is what we want to achieve, and this is the timeline, and this is the funding that is necessary' there is no chance whatsoever of securing any additional funding. We are already pumping some funding into sport; we need to have some set of objectives or some policy framework to underpin the investment which we are already making.

This amendment is a no-brainer. I am amazed that it is being opposed by the Policy & Resources Committee. They may want to oppose any proposed funding which comes back to the States off the back of this Strategy, but to tell a Committee, 'We are going to oppose an amendment which you are proposing and you are now saying that you can deliver this work within your existing budget' seems crazy. It is incomprehensible why they want to oppose it. No doubt the Members of P&R who have not yet seen the sense of that and broken away from the party line, like Deputy Le Tocq has, will tell us why they are opposing it in due course, but I urge all other Members of the States to support this amendment and swiftly.

The Deputy Bailiff: Deputy Tindall. *(Laughter)*

Deputy Tindall: Sorry, sir! I did not hear you call my name.

Whilst listening to the speeches, my notes seem to have shrunk and I do stress, because some Members may have been misunderstanding when I hold this big wodge of papers, that this is actually my speech. This is not my speech; this is what I was resting on.

I only have a few points to make. Those point mostly have been mentioned in respect of the fact of what sport actually entails. It is a comprehensive Sports Strategy, specifically helping physical and mental health as well as the competitive arts, but also I am reassured about the fact that the Deputies on the Committee have confirmed that they will include stakeholders, and I would like to add just two other stakeholders which are basically Economic Development with regard to sports tourism and Environment & Infrastructure who run Bikeability just as an example, and also to consider the method of delivery of a holistic strategy through the Sports Commission for all the extensive aspects that this Sports Strategy could entail.

However – and this is why I stood up and stood down, because I was not sure whether I was actually answering your questions as to whether I was supporting this amendment – my problem is that it amends Proposition 15. It amends the Plan itself and, from my perspective, I still have concerns over approving the Plans of each Committee. Therefore, whilst I very much wish to see a Sports Strategy, I may have to vote against the Plan even though it is including a Sports Strategy, and that is really why I was not sure quite what I want to do, and I just wish to draw that point to the Assembly, sir.

Thank you.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you very much, Mr Deputy Bailiff.

Congratulations to Deputy Lester Queripel, through you sir, for turning speaking in this Assembly into an endurance sport, which I commend him on. *(Laughter)* There is probably a joke in there about full bore but I will probably avoid that one.

I just wanted to touch on Deputy Le Pelley's opening remarks – because I think it is so difficult to talk about education without being accused of reaching to a cupboard to pull out some voodoo doll or something – but it was something of a clanger. I think when he implied, 'Let's not have a lot of discussion. I apologise for what has happened. Let's move on' it was sort of, 'Nothing to see here, move along.'

What this impromptu amendment to substitute an amendment that would have come from the floor of the Assembly shows is, as touched on by Deputy Heidi Soulsby, a fundamental and deep misunderstanding of the P&R Plan process. How can the President and a Member of the Committee, Deputy Inder, come in here and make such a passionate case, such a strident argument with such conviction to get something in and they have only done that otherwise they would have had an amendment from the floor of the Assembly to put it in place. I think that is unfortunate.

Now, I will speak very briefly about a boy I know – because we did hear a lot about Deputy Queripel's son – and after months of physiotherapy and occupational therapy my son was able to throw a beanbag to someone else and eventually when it was thrown back to him he could catch it. That was great sport. That was fantastic and it was inclusive. Some months later, after much more treatment when he was able to walk on an upturned bench and race down with his friends and occasionally beat them, that was sport and he was engaged in that process and it was absolutely fantastic. When month after month, week after week, month after month, I used to play badminton, hit the shuttlecock, and the day the shuttlecock was returned I think the whole family cried. In fact, I know we did, because that is the value of sport. That is what it gives to people. It does not have to be elite.

And I say all of that because of Deputy Le Pelley's observation which was, 'Even disabled people were competing with able-bodied children.' The fact that you have pointed that out means it stops becoming inclusive and you are pulling it out as being exceptional, which does not in my ... I do not think the true meaning of inclusivity was understood.

Before I sit down, sir, I just want to get another one of my observations on education in. Surely if disabled children – if that is the right description – and able-bodied children – and I do not think always the distinction is there – can compete together, why not try educating them together (**A Member:** Hear, hear.) and move away from special needs schools, segregation in primary and segregation in secondary. It is an old model; its days are done. And, as my son has his last day there tomorrow, I hope the generation after him has a much more inclusive education system to be taken into.

Thank you.

A Member: Hear, hear.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I commend Deputy Brehaut's stance on the need to move forward with educational models of inclusivity with a greater determination now and into the future to integrate educational and cultural leisure paths for young people of all needs and abilities.

I just see the Alderney Representatives come back in. I could regale you with a list of my sporting achievements, but it would be very short, (*Laughter*) so we can move along from that.

Deputy Tooley inspired me when she spoke about the need for sports in schools and facilities. Well, of course, I can think of a school in Alderney which has a partly constructed swim/gym, but the swimming pool is still to be commissioned. There have been some issues with the procurement and funding of it which are not entirely the States' fault to be fair but nevertheless that is an issue that I think Education, Sport & Culture are aware of. In fact, I have spoken to them on it and that it just one example of a micro issue that needs to be within the sporting strategy.

I support the Sports Strategy because I think too often the States does four years of work and the new States then overturns it and we go back to square one again, and that Sports Strategy was widely accepted by the then States.

As Deputy Fallaize has reminded us there was an issue about Culture & Leisure disappearing in the small list of the 10 Departments and a fear that it could be subsumed and its motivation and to a certain extent its budget being lost. I thought at the time, and still do, that there was and is a strong argument to transfer part of that mandate to maybe more Economic Development

1235 because there is a clear link between sports tourism, a healthy economy, perhaps a growing population and so on. I think Jersey, the other island, have now gone in that direction.

Bearing in mind we are not just celebrating the success of the sportsmen and -women who are achieving so much in Gotland, but we are, more importantly, preparing for our own Island Games in four years' time – there could not be a better point at which to move forward on the Sports Strategy.

1240 But I also listened carefully – and I wish she would speak even more often because it was so thoughtful – to the words of Deputy Dudley-Owen yesterday about the partnership with the third sector and so on, but of course she mentioned the stars, the Arts Commission and Sports Commission. Well, of course, the Committees before them were perhaps more bureaucratic, more minor and thought more along the lines of grants and so on than their successors, but I am aware that the Sports Commission does give grants to needy young people and potential stars and so on. But an issue that became apparent in the last few years has been that the corporate sponsorship of events has not necessarily been as forthcoming since the credit crunch as could have been envisaged, and they have continued to need, on what amounts to a frozen budget, state support. So, much as we can support the initiative and freedom that organisations such as the Sports and Arts Commissions have, it is not the total answer.

1250 I think I want to remind Members of one of the reasons why Deputy Collins, who has since gone on to a significant career in sports, brought this measure before us was that there was a certain dissatisfaction that was becoming a bit vocal in parts of the sporting community. Initially there appeared to be blame that Culture & Leisure were not representing them enough, which was bizarre really because it was a tiny Department who only had sports and arts and museums as an issue. Then, they kind of wanted more thinking about the direction of sport, the resources needed for sport, the inclusivity, and, if we are starting to question the need for a Strategy, you might as well do the same for disability or loneliness or other areas where we have supported strategic thinking.

1260 A Strategy is not the answer. It is just a map to where you should go. It is a plan that should engage people and bring in expertise from the public, private and voluntary sectors, and I think it was quite a bad omission that it was not there originally, but I accept the President's apology and hope that we will all support the Sports Strategy but also any resources that need to be made.

1265 I would close by saying, often the biggest resource problem that we have is finding policy officers with the necessary skills and time. I do not think we spend enough time in this Assembly and the Policy & Resources Committee do not spend enough consideration on the need of all the Departments and Principal Committees have for specialist policy resources. I may return to that theme in a later amendment.

1270 **The Deputy Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

1275 Just to speak very briefly: I think for me the nub of the debate was basically raised by Deputy Tooley's last point and I think that was absolutely spot on. If Deputy Pelley can confirm now that the funding is within Education, Sport & Culture, I have no objection and would be happy to support it.

A Member: Hear, hear.

1280 **The Deputy Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

I think we have gone astray a bit here, talking about the most irrelevant aspects of sport.

1285 Getting back to the amendment, the Proposition is quite simple, but the explanatory note, the second paragraph, may throw up a little bit of a concern. The first part where it says they will give

a commitment: that is fine; I understand that. They can produce a Strategy from their own budget – period.

1290 I wonder if P&R were somewhat scared by that word ‘secure’ in the second paragraph, because there is an implication here that it is very likely they will come back for more ‘to secure the funding’. Now, this can in no way prioritise that funding for that particular Strategy over and above other Committee’s policies, but we are not voting on the explanatory note.

1295 So as far as I am concerned, I see no problem in supporting this; it is benign. The real fight will come when they come back and they want to build an ice-rink and there is a super tennis centre and all the rest of it. It is as simple as that, so I will support this.

Thank you, sir.

The Deputy Bailiff: Deputy Mooney.

1300 **Deputy Mooney:** Sir, I do not believe I have actually spoken on this, even though it is just Rule 26 ...

I would just like to state that in Jersey sport comes under Economic Development and is very, very successful, so I would like to invite Education to come and speak to us.

Thank you.

1305 **The Deputy Bailiff:** Deputy Hansmann Rouxel.

1310 **Deputy Hansmann Rouxel:** Yes, just a quick point along with Deputy Fallaize talking about how education, sport and culture go together. I would just like to throw something in there for Education, Sport & Culture to think about when creating this Strategy, because I am sure we will agree to put this in because we all think it is a good thing. Theatre sports: so culture and sport also go together.

Thank you.

1315 **The Deputy Bailiff:** I turn to Deputy St Pier, the President of the Policy & Resources Committee, to reply on this amendment proposed by Deputy Le Pelley.
Deputy St Pier.

Deputy St Pier: Thank you very much, sir.

1320 As Deputy Fallaize has said, Policy & Resources had indicated that we would be opposing this amendment and Deputy Fallaize questioned why, so this is a good opportunity to explain our concerns at the time that we indicated that to Members, but our position has shifted during this debate and I need to explain that as well.

1325 I think actually Deputy Kuttelwascher there correctly identified the concerns that we had which is, as he rightly said, in relation to the implications of what follows, as identified in the explanatory note rather than in the amendment itself.

So I think I should start, sir, by making it clear that we are grateful for the acknowledgement which Deputy Le Pelley made in his speech, sir, that this was ... That he and his Committee did have the opportunity to include this in their Plan and had omitted to do so.

1330 Unlike Deputy Lester Queripel, sir, Policy & Resources have no objection whatsoever to a Sports Strategy. I think Deputy Soulsby made a very powerful speech as to why one was necessary and –

1335 **Deputy Lester Queripel:** Sir, point of correction.

The Deputy Bailiff: Point of correction, Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I do not have any objection to a Sports Strategy. Deputy St Pier is misleading the Assembly. I have already explained this, sir; I do not know how many times I have got to explain it. I was merely expressing concerns and asking the President questions. If I am satisfied with the answers, I will support the Strategy. That is my case.

The Deputy Bailiff: Deputy St Pier to continue.

Deputy St Pier: Sir, I am sure I did, at one point, hear Deputy Lester Queripel questioning the need for a Strategy, so I can perhaps put it in those terms.

But, Policy & Resources have no objection to a Sports Strategy. As I say, Deputy Leadbeater has made a very persuasive case and I think in particular the point that he made in his intervention, and also by Deputy Brehaut, that this is not about elite sport, this is about activity, which I think also Deputy Soulsby made, and all of that Policy & Resources absolutely understand and endorse.

So I think to answer Deputy Inder's point, this was not a ledger-based objection but we did have resource concerns – not just financial resources but people resources – and that was the reason for our initial objection, sir.

Because clearly the primary purpose of the Policy & Resource Plan is to enable us to consider what we need to achieve our agreed objectives and critically being able to assign the resources to them, and that is all about having that disciplined approach. I think Deputy Roffey made that point extremely well and I think Deputy Brehaut endorsed that as well. In other words, it is about not trying to promise more than we can deliver.

So I think, sir, for us, the position has shifted with Deputy Meerveld's speech, which I think Deputy Brouard picked up on, really confirming that the Committee for Education, Sport & Culture are not seeking any resources to develop the Strategy, and I think it would be very helpful for Deputy Le Pelley to confirm that when he sums up. But, as Deputy Kuttelwascher said, that means there is no *carte blanche* here for the future funding that may be required following the Strategy and therefore there is a risk that the States could end up with an unfunded Strategy. However, also, this could be one of those things that seeks funding from the resources which we hope will be available in 2020 and 2021, if you recall, in the Medium Term Financial Plan, the sums which we are envisaging be put aside for new service developments, and this could be one of those bids at that time.

But I think the word of caution I would issue to the States at this point is simply that actually the implications that follow from the development of a Strategy are not being dealt with today. I would also urge the Committee for Education, Sport & Culture to pick up the open offer from the Committee for Health & Social Care and to engage openly with them. I think there is clearly a lot of inter-relationship between any Sport Strategy and the Healthy Weight Strategy, and certainly again Policy & Resources will very happily work with both Committees if required to help facilitate that conversational dialogue and again any sharing of resources.

So I think, sir, our position as Policy & Resources in relation to the other matters which are essentially led by the individual Committee is we move on this amendment from one of opposition to really one of neutrality. In other words, it is a matter for individual Members and the States to determine, but I think it would – I repeat, sir – be of assistance to all Members for the President of the Committee for Education, Sport & Culture to confirm that the adoption of this amendment will not lead to any resource implications. In other words, the development of the Strategy can be done within existing resources, having regard to all the other priorities which the Committee have already identified for themselves.

The Deputy Bailiff: I return to Deputy Le Pelley as the proposer of amendment number 5 to reply on the debate.

Deputy Le Pelley.

1390 **Deputy Le Pelley:** Thank you very much, sir.

I will go very quickly if I may through each of the speakers and answer the questions where I can that they raised. I would like to thank the support from Deputy Inder who spoke first as seconder.

1395 I would also like to endorse his thanks to Deputy Leadbeater for having encouraged us to actually do this. I must say that, whilst that encouragement from Deputy Leadbeater and Deputy Fallaize did prompt us to move a bit more quickly, I think we had, as a Committee, identified the fact that we had made a mistake ourselves; it was pretty obvious.

1400 We do need to get all involved, everybody involved, in healthy activity. We do need to address obesity. I think the figures were given out: 15% of year ones are obese in our schools; 30% in year five or year 6 are obese, and that is a progression which is a dangerous progression.

1405 We do need an active lifestyle; it does lead to mental strength. And, as I say, Deputy Leadbeater, through his speech, shows why he was a natural fit as a Sports Commissioner at our first iteration, our first setting up of our Committee. I do hope, through you sir, that Deputy Leadbeater continues to be involved. I am sure that we can find ways of involving him, possibly in writing the Strategy.

1410 Deputy Fallaize has actually intimated that, if we cannot do it, he will, and perhaps he would like to come and join as well, because I am pretty sure that Deputy Inder and myself will be at the forefront of writing that, ably helped by some of our staff, but if there are any other Deputies who wish to get involved, please let us know. It is a Sport Strategy not held or owned by the Education Department ... Education, Sport & Culture Committee – sorry, I am getting a bit behind the times there. It is also something we want to involve other Committees with as others have said.

Activity now may cost thousands now but I am pretty sure it will save millions later.

1415 Deputy Queripel was talking about a snail's pace and false hope and he needed to be convinced for his support. Well, I have served for two years on SLAWS, together with several other Deputies that are still here, and two years on SWBIC, again with several Deputies that are still here. It is, or it was, quite a chunk of my life and I do not ... I mean, I enjoyed doing the work and I was quite disappointed really when, for the lack of funds, many aspects of those two Strategies had to be put on the shelf. It is not something that I want to do: actually spend time working on something and then just putting it on the shelf, waiting for a day when the funds can roll in.

1420 I think Deputy Queripel's first question was relating to sportsmen and sportswomen, but I must emphasise it relates to all others as well and we do need to co-ordinate several groups all putting ideas under one umbrella. It comes to the Education, Sports & Culture Committee to perhaps be the leading Committee on this, but I certainly see us being involved with Health & Social Care. It is such a natural overlap and such a natural connect that we have to be working together. In fact, at 1425 one time, not that long ago, we were actually looking at sharing facilities together where some of our staff could have actually been on the same premises and where there could have been a much easier communication system.

I think Deputy Queripel also mentioned that he did not want aspirations and good intentions. What I think he meant is that he wanted actions. Well that is what we want too.

1430 A Sports Strategy is required and we do need more Sports Commission involvement in our primary schools – that is my personal view. We had a time when there were perhaps more sporty people in primary schools, but when you are delivering across the whole range of subjects to actually get a specialist in ... It may be a language specialist or a maths specialist, but to get a sports specialist into a primary school is not always easy, and I think it would be very, very useful if 1435 we could actually involve the Sports Commission. I know that they do go into schools for some days a week, but I would like to see that involvement increased and increased quite considerably.

1440 In answer to Deputy Lester Queripel's question two, activity will help us all to live longer and healthier lives. It will help the health budget, but we have to engage everybody. We cannot just be looking at the elite people. Elite sports are often very well-funded. Sponsorship for them, of course, is easier to obtain, because they have successful teams and individuals and they get the kind of media coverage that they are looking for.

Well, my Committee is looking to support all members of society regardless of age, gender, ability, and just the very fact that you actually mention age, gender or ability is not to sort of say, 'Ahh!' as some people have said, you are actually highlighting a fact that there is a problem. I am just trying to say it has to be all-inclusive. The very fact that we actually mention what that inclusivity might mean does not mean that there is any element whatsoever of a reluctance to actually involve everybody. We want to involve everybody, doing everything and anything, because if we do not get everybody involved this Island is going to be a very unhealthy place.

I have just come back, as I mentioned earlier, from Gotland. I did not see too many obese people there. Fair enough, I was in a sports arena where there were an awful lot of sports people, (*Laughter*) but walking to and from it, the normal average Swede that I came across – that is the Swedish person not the swede (*Laughter*) – looked pretty fit. I had a look in their supermarket and I noticed that the cheapest – there may be others who have spotted better deals – price for a fizzy drink and/or a bag of crisps was 25 Krona, which is about £2.10, not 65p for a bag of crisps and a fizzy pop drink that you get over here. I would hedge a bet that their teeth are better than ours and they do not have anywhere near the sugar diabetes levels that we have.

So we do need to educate, we do need to get involved and we are going to have to work hand in hand with other Committees such as Health & Social Care. There is, as others have mentioned, a need for us to engage in the possibility of sport tourism and we are going to have to engage with Economic Development – that we will do.

Question four ... I think it was question four – it was something to do with Mohammed Ali. Well, Mohammed Ali is a hero of mine too and if I can misquote what he once said: 'Without exercise ...' – through you, sir – '... we will all float like a bee and sting like a butterfly.' (*Laughter*) We need to scope our exercise and we need to get a scoping of the exercise followed by various groups who have been approached and asked if they will help gather data and input data. We have approached people and people have been coming forward saying they are happy to get involved, and they are not putting a price on that, so I think we can do it, as you were asking or Deputy St Pier was asking, at this stage without incurring any expenses.

If anybody is interested, the 2013-15 Jersey Sports Strategy is available online, as is the Isle of Man's Strategy from 2014-24. Australia also has a very good Sports Strategy and all of those Strategies can actually be starting points and give us lots of scaffolding for our own, so the actually work is out there; we are not going to be looking for lots and lots of money to actually achieve it.

Questions were asked about staff time and the cost to the taxpayer. We are hoping that we can do this in-house and, as I said, there are two Deputies for sure who will actually get involved.

Deputy Le Tocq, I thank you very much indeed for your support, through the Chair. It is very, very important that we actually exercise and encourage exercise throughout the Island.

Deputy Soulsby, we will work with your Committee. We welcome your support. We know that without it this will not be anywhere near as efficiently done as it could otherwise be.

We are looking for equality. It is not all about Island Games, I agree with that. I did need, sir, through you, to actually congratulate the Island's successful athletes. I did not see any other way of doing it, but they are worthy of our congratulations. They have done this Island proud. I have stood there alongside the Bailiff for three days absolutely glowing with pride in what those young athletes have done for us and I really can put no other higher words in of actually saying how well they have represented this Island. They have done a splendid job (**A Member:** Hear, hear.) and they have also done something I hope for sports tourism, because there were an awful lot of people there – there were 23 competing countries – all of whom have been asking questions about Guernsey: how can they get here? What kind of accommodation is available? (*Interjection and laughter*) We will not go quite there for the moment. I think that is the subject of another day's debate. But they are hoping, all of them, to be competing in our own Island Games in 2021, so there has been a lot of good work done there.

Deputy Roffey, I think the question that you were raising was something to do with what my Vice President may have said in a press statement. I think he, in answer to you, has actually clarified that. I thank Deputy Meerveld for doing that.

1495 We will need funding but that will come later. It will not be us that will be asking for a Sports Strategy. At the end of the day, we are hoping it will be a States of Guernsey supported Sports Strategy. We are just the handling agents, if you like. You are the body, or we, the States, are the body that will actually develop that.

1500 Deputy Tooley: primary school provision and looking for help from the Sports Commission – I agree. You mentioned town schools not having green areas. I find that is going to be very difficult for us, but what we will obviously endeavour to do is to actually make sure that our youngsters can be bused to various locations where they can actually work in open spaces.

1505 We also are looking very hard at our swimming strategies and what swimming facilities can be made available. For that, I also have to thank some of the PTAs around the Island who have gone out and actually raised their own sponsorships and done their own things to ensure that their swimming facilities have been upgraded.

I must say that Guernsey cannot compete against Great Britain or even the USA. Parents do make a difference – those were points that were made.

1510 We do need to provide more in our schools. We may have, in the future, to come back with all the plans when this survey, this Strategy is actually worked out and we need to then implement it. We may have to come back to this Assembly and put in a budget request, possibly some kind of holiday as Health & Social Care had, because I have a funny feeling that when the FTP came in it was 10% across the board and I do not know that there was a really proper investigation into making sure that everybody could actually do that. Ten percent across the board – fine, but it
1515 could hurt some more than others. If a particular Committee or Department had a bit more fat than others, then obviously you are going to hit the bone earlier in some Departments than others.

Deputy Fallaize: I thank him for his support. We do acknowledge that we are never going to delivery by 2017. There have been other distractions. I do not need to go into them now, but we
1520 knew we were stumbling towards the line and we were quite happy to concede and come to an agreement that we would do this and deliver this Strategy by 2019.

It is a social policy that we are looking at here. We must provide equal opportunities to all. I hate to say 'level playing fields' because it is a bit too tardy, but we need to have everybody having the same opportunities.

1525 The merging of Education, Sport and Culture was an obvious connect, I do agree. It has not happened in Jersey. They have actually split their Education, Sport and Culture up, but the Isle of Man has actually put theirs together and, in fact, there are many other countries where sports and education do fit together.

1530 I was going to say, right at the end, that I did not understand why P&R were opposing. I do now and I appreciate the fact that they have moved into a position of neutrality.

Deputy Tindall made the point that we are looking at physical and mental health, which must include all stakeholders. I hope that I satisfied her in saying that we will be talking to other Committees going forward.

1535 Deputy Gollop reminded us that Alderney is in the Bailiwick. It is a very valued member of the Bailiwick and I can confirm that Education, Sport & Culture representatives will be in Alderney on 5th July and again on 19th July where we will be meeting Members of the Education panel up there and also Members of the States of Alderney, so if they have any particular issues that they would wish to raise with us on the Sports Strategy, we are happy to deal with them then.

1540 We do have an Education, Sport & Culture and Economic Development connection through the membership of Deputy Dudley-Owen who sits on both boards and we are very pleased for that. We do have two Commissions at the present time: a Sports Commission and an Arts Commission. We are hoping to set up a Language Commission. It is there as a shadow Commission at the moment, but we will be looking to develop that.

1545 Grants are given. The credit crunch is a reality. The Culture & Leisure Department have a £2.8 million budget and suffered 16% cuts in the FTP in the last Government, and there is the rub – we are working very close to the bone.

1550 Deputy Kuttelwascher, I think, and also Deputy Brouard: you wanted us to state that this was not going to cost us any more money at this stage. I think I can tell you that is in fact the case. The resource concerns are not here at the moment. We may have to put in a budget request later on, but not at the moment. We hope that you will approve this amendment and that we can all move on to further items in the debate.

Thank you, sir.

1555 **The Deputy Bailiff:** Members of the States, we go to the vote on amendment number 5, proposed by Deputy Le Pelley, seconded by Deputy Inder, which will have the effect of adding words to Proposition 15. Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I ask for a recorded vote, please.

There was a recorded vote.

Carried – Pour 39, Contre 0, Ne vote pas 0, Absent 1

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

The Deputy Bailiff: Well Members of the States, as far as I can work out that was carried without any dissention. Whilst the votes are being counted, please can we move onto the next amendment which is numbered 14. It is to be proposed by Deputy Le Clerc.

Deputy Le Clerc.

Amendment 14.

To insert at the end of Proposition 16:

'subject to deleting "£73.3 million' where it appears on the fourth page of the plan (see page 209, paragraph 3, line 6 of Billet d'État No. XII of 2017) and replacing it with '£56.1 million'.

Deputy Le Clerc: Thank you, sir.

This amendment is seconded by Deputy Fallaize. On a sporting note, 14 used to be my old basketball number, but there we go. *(Laughter)*

The Deputy Bailiff: Do you wish to say what it is about and then do you want to –?

Deputy Le Clerc: Sir, in my opening speech, it covers the amendment. I do not think there is any need for it to be read out. **(The Deputy Bailiff:** Okay.)

Sir, the Committee have submitted this amendment as new data on social housing waiting lists has indicated that they have fallen, with less people seeking social housing than indicated at the time of us submitting our Plan. We have therefore revised the capital bid from £73.3 million to £56.1 million for social housing development.

The KPMG Review of the Guernsey housing market is due and KPMG are working on the first draft of the report. This may revise the figures, but the Committee felt that our Plan should reflect the most up-to-date data available to us at this present time.

Thank you, sir.

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

Deputy Fallaize: Yes, I do, sir.

The Deputy Bailiff: Deputy St Pier, do you wish to exercise your right to speak on it at this point?

Deputy St Pier: Yes, please, sir – just very briefly to explain that the Policy & Resources Committee is neutral on this. We regard it as a matter to be led on by the Committee for Employment & Social Security, sir.

The Deputy Bailiff: Nobody is rising. There is nothing to reply to accordingly in those circumstances, Deputy Le Clerc, and we move to the vote on amendment 14, proposed by Deputy Le Clerc, seconded by Deputy Fallaize, to add some wording at the end of Proposition 16. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare the amendment carried.

And returning very briefly to amendment number 5, proposed by Deputy Le Pelley, seconded by Deputy Inder, the result of the recorded vote was that there were 39 votes in favour, none against, one absentee. I declare the amendment carried.

The next amendment to be dealt with is amendment number 22 and this is proposed by Deputy Fallaize.

Amendment 22:

To insert a new Proposition 19A as follows:

'19A. To direct the Committee for Home Affairs, in accordance with its responsibility "to advise the States and to develop and implement policies on matters relating to ... justice policy" and noting that one of the Committee's policy priorities (set out at page 326 of Billet d'État XII of 2017) is "to develop an inclusive justice policy", to report to the States as expeditiously as possible but in any event during the present States' term setting out its opinion, and any proposals which it considers necessary, on whether measures should be enacted to discourage the use of short-term prison sentences (whether defined as terms of less than 12 months or less than six months) and encourage the use of alternatives to custodial sentences.'

Deputy Fallaize: Thank you, sir.

And Deputy Le Clerc is the seconder of this amendment. May I read it, please sir?

The Deputy Bailiff: Of course you can, Deputy Fallaize.

Deputy Fallaize read out the amendment.

1605 **Deputy Fallaize:** Now, before today, at least one Member, probably more, has implied the States should not have the right to amend Committee's Policy Plans, but like all Committees the six Principal Committees are Committees of the States and every month the States approve, amend or reject proposals from their Committees – what is laid before the States today is no different.

1610 I agree that the States should not be too quick to involve themselves in minor matters or operational functions of Committees, but I think it is as legitimate in this debate as it is in any other debate to lay amendments in substantial areas of policy, and this is an amendment which I think concerns a very important area of policy.

Now, let me say immediately – and I do not often use Michael Howard as an inspiration
1615 *(Laughter)* for quotes, but – 'Prison works.' He once said that at Tory Party conference and I am happy to repeat it now.

Good prisons – and Guernsey prison is a very good prison – are places of punishment, retribution and rehabilitation, and in some cases prison is necessary for the sake of victims, offenders and society generally. I am not opposed in all circumstances to the use of short-term
1620 custodial sentences. I can understand that there are some cases and there are some individuals where terms of imprisonment of even a few weeks are unavoidable.

But there is a pressing case for the States to consider the role of short-term prison sentences in justice and criminal justice policy generally and to consider whether it would be advantageous for social and financial reasons not just to permit, as we do at present, but to encourage the use
1625 of alternatives to custodial sentences of less than 12 months or less than six months. And the reason I am not being prescriptive about whether it is 12 months or six months is because definitions of short-term sentences vary around the world and I am happy for the Committee for Home Affairs to use the definition they think is most suitable.

I thank Deputy Le Clerc for seconding this amendment. We were both Members, at different
1630 times, of the predecessor to the Committee for Home Affairs. They were the days, pre-2016, when the predecessor to the Committee had much less of a leadership role in the area of criminal justice and justice policy. The leadership role of the Committee for Home Affairs in this area was extended as part of the May 2016 reforms to the machinery of Government.

It is fair to say that extension of their leadership role was not and is not without some
1635 resistance within the Criminal Justice establishment. I think it would do the Committee for Home Affairs no harm at all as it takes forward the development of justice policy to be able to point to a States' Resolution like this, setting out a requirement during this term for a policy letter on an important element of justice policy. And of course there are other areas of justice policy which the

Committee may wish to develop and nothing in this amendment precludes the Committee from looking at developing or presenting proposals in relation to other areas of justice policy.

I, no less than other Members, respect the proper and indeed the essential separation of functions between the legislature, or government, and the judiciary. It is essential that the freedom of the courts to try cases and to determine them on a case-by-case basis is protected. However, a government, a legislature, has a perfectly proper role in setting out a policy and legislative framework in the area of justice and criminal justice. The States do to some extent today: we have by law maximum terms of imprisonment, we have fine levels, and these things are all set out by the States, they are not set out in a sort of coherent thought-through justice policy, but they are examples of the States intervening and setting down some expectations in the area of justice and criminal justice.

Many other places in the world have Ministries of Justice dedicated to this sort of thing. I am not suggesting that we go anywhere as far as that, but governments and legislature do have a proper role to play.

So why should we be interested in the use of short-term custodial sentences, anyway? Historically, Guernsey has been and still is unusually enthusiastic about short-term custodial sentences. Actually in international terms Guernsey's prison population generally is very high and per capita it is similar to the prison population on the UK, which has the highest prison population in Western Europe. But that is not central to this amendment because this amendment is about short-term sentences only.

At any one time it is common for Guernsey's prison population to include around 6% of inmates serving sentences of three months or less, around 16% of inmates serving sentences of six months or less, and around 40% to 45% of inmates serving sentences of 12 months or less. The week before last there were 68 prisoners excluding those on remand and seven were serving between zero and three months – well, presumably nobody was serving zero, so seven were serving up to three months; there were three serving between three and six months; and there were 20 serving between six and 12 months.

Now, obviously there are considerable costs to the individual of imprisonment, including loss of liberty, separation from family, possibly loss of employment and the effect that a prison stretch has appearing on the individual's CV for ever. But the issue is, is that term of imprisonment more likely to discourage reoffending upon release? And I will come back to that in a moment. The effect on the individual offender, or the person imprisoned, is not unimportant but I have never been a liberal – either with a capital 'L' or a small 'l' – and I am not concerned here primarily with the effect on the individual who is imprisoned, significant though the effect may be. I am more interested in this matter from the perspective of what is best for society and I want to consider this issue from the perspective of public finances and rates of crime.

First of all, in terms of the financial issues, banging up people in prison is a very expensive thing to do. Running our prison costs around £5½ million a year and it is housing on average 80 to 85 prisoners. Now, there are lots of fixed costs involved in that, but it is nevertheless indicative that the cost per prisoner is around £65,000. In a normal year on a cost-per-prisoner basis we can expect Guernsey taxpayers to spend around £650,000 every year imprisoning people for six months or less and around £2 million or more imprisoning people for 12 months or less.

Now, if society is deriving great benefit from short-term sentences no doubt this expenditure is good value, but in these straitened times we have to be sure we are getting good value for such large sums of money. So the second question is: what is the efficacy of short-term sentences? The Prison Governor seems to be quite clear, this is *our* Prison Governor, and these are two direct quotes from him. He says: 'Reoffending rates are higher among inmates serving short-term sentences', and, 'Generally, short-term prison sentences do not work'.

I think that is quite a powerful comment from the Prison Governor. He says: 'generally short-term prison sentences do not work'.

In 2016, of people who had served longer term custodial sentences, 3% reoffended; of people who served custodial sentences of 12 months or less, 18% reoffended; of people who had been

sentenced to alternatives to short-term custodial sentences, 18% reoffended. So in terms of keeping society as free from crime as possible it may be that there are no advantages in short-term custodial sentences. In fact in the UK where alternatives to short-term custodial sentences are more developed, the reoffending rate is considerably lower among those who are sentenced to alternatives to short-term custodial sentences than those who serve custodial sentences. The difference obviously is that a custodial sentence costs the taxpayer considerably more than a non-custodial sentence.

So, sir, there is enough evidence to make us at the very least interested in the possibility that encouraging alternatives to custodial sentences could save considerable sums of money without any increase in the incidence of crime. We have spent the last two days debating the Medium Term Financial Plan where the prevailing view has been that expenditure must be cut in ways which do not negatively affect outcomes. Sir, I offer this amendment as the number one item in this regard and I do not require a management consultancy fee for the trouble.

But seriously, is it sensible to continue to investment very considerable sums of public money imprisoning offenders, sometimes first-time offenders, for a few weeks which the Prison itself says is too short for the Prison to do any useful rehabilitation work, when the alternatives may well be less expensive, better for the individual and at the very least, no worse for society generally?

Sir, I very much hope that the Committee for Home Affairs will not feel the need to oppose this amendment and I certainly hope, given their messages on the Medium Term Financial Plan and expenditure reductions, that the Policy & Resources Committee will not feel the need to oppose this amendment which is very much in the spirit of the expenditure reductions which they have been promoting before the States since Tuesday. All I am proposing in this amendment is that this matter is thoroughly examined as part of the development of justice policy, and that an evidence-based report is laid before the States for debate at some point this term. I do not think this is an unreasonable request or suggestion given the potential for reform in this area which could be financially and socially beneficial to the States and to the Island.

The Committee's own policy plan includes the following:

We need to work towards clear outcomes such as:- ...

- A reduction in the levels of crime and fear of crime
- Ensuring value for money services within the Justice System ...
- The promotion and delivery of the correct interventions at the right time
- A reduction in reoffending ...
- Ensuring the association between justice policy and social policy

This amendment is consistent with each of those aims and in no way does this amendment conflict with or oppose anything in the Committee for Home Affairs' policy plan.

Now, Deputy Lowe will probably say that short-term custodial sentences and their alternatives are already on the mind of the Committee for Home Affairs, but there is definitely no mention of it in their 14-page policy plan. There is mention of quite a lot that is operational in that plan, but there is no mention of the investigation into, and a possible development of, alternatives to short-term custodial sentences. For the reasons I have set out I think this is a body of work which does need policy attention in this term.

I think it is important enough, given the social and financial implications for it to be considered at States' level, having benefited from the analysis and the opinions and recommendations of the Committee for Home Affairs, policy and legislative decisions in this area would need to be made by the States. This is obvious when one reads the recently released review of expenditure into the Committee for Home Affairs carried out, I think it was by PWC, but it was released recently, and they say: 'The prison service is exploring the tagging of short-term, low-risk prisoners as an alternative means to imprisonment thereby reducing the overall prison population and costs. The Prison does not have the sole ability to progress this opportunity as it would require a change in legislation. The benefits of introducing tagging would likely extend beyond just reducing prison population and costs and have wider economic and social benefits.'

Tagging, obviously, is only one of the alternatives of custodial sentences but the point is that it is identified in that report that it cannot be done just by the Prison and it cannot even be done just by the Committee for Home Affairs, it needs the involvement of the States because it would require policy change at a States' level or change to legislation.

1740 The timeline is significant. I think we need to establish that this work should be undertaken in this term. Now, the timeline set out in the amendment is quite generous, it is just saying, 'this term', so in other words at some point broadly speaking in the next three years the States can expect to have a debate on this area of justice policy. But I do think we need to set down a timeline.

1745 In conclusion, sir, this is not just about promoting the availability of alternatives to custodial sentences. I know that work is already going on to promote the availability of alternatives to custodial sentences, but this is about at least considering whether the States at the level of policy and legislation should encourage the use of alternatives to short-term custodial sentences. I am not saying there is no role ever for short-term custodial sentences but there is at least a strong case for considering measures to bring about fewer short-term prison sentences in the future.

1750 Thank you, sir.

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

1755 **Deputy Le Clerc:** Yes, sir, and I reserve my right to speak.

The Deputy Bailiff: Deputy St Pier, do you wish to exercise your entitlement to speak at this point in the debate?

1760 **Deputy St Pier:** Yes, please, if I may, sir?

The Policy & Resources Committee as with the other amendments laid against individual Principal Committee policy plans is neutral on this amendment, so certainly to answer Deputy Fallaize's question we do not oppose it, and certainly I agree with him that the Medium Term Financial Plan absolutely implies that this kind of thinking needs to be undertaken. And certainly to my understanding from the President of the Committee for Home Affairs, from the statement made in the Assembly and recent periods before scrutiny, that the Committee is committed to developing justice policy including looking at this area.

1765 So I am certainly interested in this debate in hearing from the President and I am sure she will explain given that, if the work is being undertaken and if it is to be undertaken in this term then I would certainly like to understand the objection to this amendment going into the policy plan if the work is being done anyway. But I am sure the President of the Committee for Home Affairs will explain that.

The Deputy Bailiff: Deputy Lowe:

1775 **Deputy Lowe:** Thank you, sir.

Before I respond to this amendment I would like to read a statement to the House in relation to this amendment following a recent article in the Guernsey Press.

1780 'The Prison Governor would like to clarify comments which he made and that were published in the Guernsey Press on 21st June. The Governor wishes to clarify that he appreciates the Fallaize and Le Clerc amendment in relation to alternative sentencing is entirely a political matter. The Governor would like to say that his intention was to establish that, as part of the wider work currently being undertaken with criminal justice partners, he is supportive of any initiatives which might stop individuals from entering the criminal justice system in the first place, including proposing alternative sentencing options such as tagging. The Prison Governor would like to apologise for any misunderstandings his comments may have caused.'

Sir, if I can now move on to the Committee's response to the proposed amendment? As stated in the amendment, Members will be aware the States' Review Committee which took effect from May 2016 mandated the Committee for Home Affairs:

To advise the States and to develop and implement policies on matters relating to its purpose, including ... justice policy ...

1790 Prior to May 2016 whilst there was no political mandate for justice policy, however, the very nature of the work undertaken in respect of law enforcement, prison and probation services, meant that previous Home Department boards were heavily involved in the development of criminal justice matters.

1795 In addition, the Criminal Justice Working Group which includes senior representation from Home, Police and Border Agency, Probation Service, Prison, the Law Officers, the Judiciary, the Guernsey Bar, and Victim and Witness Support, has been in existence since the Criminal Justice Strategy was noted in this States in 2004. This group of professionals effectively discusses and makes recommendations for the improvement of criminal justice matters and suggests which new processes could be considered worthy of implementation should there be political agreement.

1800 I must say that the Committee is surprised that this amendment is being proposed as the Committee's intention to progress work on justice policy, and in particular to look at alternative sentencing options for the Courts is already in the public domain; and on at least four separate occasions – including Members in this Assembly – heard a statement from myself, and at the Home Affairs scrutiny public hearing and indeed by the Prison Governor in his annual report, and
1805 also at a recent TEDx presentation that he made.

I should also like to point out to Members that whilst the level of information within the Phase Two Policy & Resource Plan in relation to justice policy – and it has been referred to by Deputy Fallaize – or indeed other important priorities of the Committee it does not go down to the level which sets out specific areas within justice policy. This is a high-level policy; consideration of
1810 alternative sentencing, this will be the Committee's delivery plan.

As an example of a successful alternative introduced some time ago, Members may remember that in 2012 a significant piece of new legislation was agreed by the States which allowed the alternative sentencing of a community service order. This was made for the courts either as an alternative to imprisonment or used in conjunction with other penalties. The courts would have
1815 been aware of all the community service orders they could have handed out for the short-term prisoners that Deputy Fallaize referred to.

I am pleased to say the community service scheme has been widely used by the courts. For example, in 2012 the number of community services orders given was 136, the total number of hours was 10,900, and the average length of order was 80 hours. In 2013, the number of
1820 community service orders given was 106 and the total number of hours was 8,475, with an average length of order of 80 hours. In 2014 we saw the number of community service orders given was 110, again with a total number of hours of 9,125, with an average length of order of 83 hours. We move on to 2015 and the number of community service orders given was 90, a total number of hours of 8,045, and the average length of order for that year was 90 hours. In 2016 the
1825 number of community service orders given was 89, the total number of hours of 7,575, and average length of order 85 hours. This year, so far, the number of community service orders given is 55, and the number of hours so far this year is 5,700, and already an average length of order of 104 hours.

There are 568 individuals who have had the opportunity to have community service as an
1830 alternative to prison. Although the trend in the last five years has seen the number of orders given fall, this year we are projected to receive well over 100 orders, possibly even as many as 120.

The Committee is determined to work on a more holistic approach to reduce offending and to keep people out of the criminal justice system in the first place. The Committee is committed to continuing to research in consultation with the Criminal Justice Working Group, now named the
1835 Justice Policy Working Group, to assess how additional alternatives to imprisonment could be

made available to the courts and we will of course be returning to the States with proposals once this work has been undertaken. In other words, *it is happening*.

Sir, I should also like to make it clear that the Committee whilst working with the criminal justice professionals in the justice working group, which includes a representative from the judiciary, will not in any way fetter the quite proper powers of the courts to decide on appropriate sentencing of those convicted of crimes. What we will do is look at proposals made by the Justice Working Group and consider what should be brought before the States to assist the courts to have more tools in the box in respect of sentencing options. We will also be working on ways to reduce reoffending and keep people from entering or re-entering the criminal justice system.

Sir, whilst I am sure this amendment has been brought with the best of intentions it really does not actually achieve any more than the Committee for Home Affairs has already stated. We are doing this work; it is also included in the P&R plan submission and what I have stated publicly and very recently. I am not being defensive here, but what I am saying is that this Committee for Home Affairs is already carrying out this work and it is extremely disappointed that neither Deputy Fallaize nor Deputy Le Clerc approached the Committee to establish the current position. They would have found that this amendment is unnecessary.

So, sir, I ask Members to save time and reject this amendment.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I first walked into a court as a lawyer dealing with criminal matters in the summer of 1972. I first walked into a court as a Guernsey advocate in March 1981 and I have defended people charged with murder, rape, every kind of sexual assault, paedophile offences, serious offences and minor offences, and no advocate has defended their clients with more vigour than I have because it is the only way that I know. (**A Member:** That's true.)

I was the first one to ask a policeman in Guernsey whether he had written his notebook up on the way to court and whether he realised that he was under the obligation to tell the truth. (*Laughter*) It was more gently done before I came back to practise at the Guernsey Bar.

Now, if something is put forward by Deputy Fallaize and seconded by Deputy Le Clerc, I listen to it, because they are intelligent and balanced and reasonable Members of this Assembly. But it is completely unnecessary. (*Interjection*) We have statistics and statistics, and one word I never heard Deputy Fallaize say in his very eloquent and articulate opening remarks, is the word the 'victim'. I never heard him mention the victim; I never heard him mention –

Deputy Fallaize: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Fallaize. (*Interjection by Deputy Ferbrache*)

Deputy Fallaize: Very early in my speech I said that I recognised that sometimes for the sake of the *victim*, terms of imprisonment were entirely necessary.

Deputy Ferbrache: I apologise for missing that.

I have represented husbands that have punched their wives senseless; I have represented people that have urinated on people in the middle of the street where they kicked them to the ground.

Now, I have done that. In my career as a lawyer in England I was involved for a long time (*Interjections*) in prosecuting, with a group of prosecutors who represented – well, they always represent the Crown, technically, in those particular matters – who had a crowd of young men who had infiltrated a building in Hyson Green in Nottingham where frail old people lived. Those people were robbed of their transistor radios and their five pounds because they had to leave their doors open for their social workers, their carers and their doctors. Where it was a serious offence of robbery those offenders would be subject to sentences which were more than

12 months. When they were merely urinating on 75-year-old people or stealing their money, they were classed as offences, and if they were first-time offenders they would receive a sentence of less than 12 months.

1890

England had a Criminal Justice Act I think in 1967 and 1969 – and I cannot remember when because it has had so many, and it was before they had community service as they have had community service for a lot longer than us – which said that for a sentence of six months or less it was automatic it had to be suspended. They got rid of that statute because it did not work; it did not protect the public.

1895

Now, Deputy Fallaize said Guernsey is ‘unusually enthusiastic’ in imposing short-term custodial sentences. It might be unusual, but it is never enthusiastic. I have appeared over the last 35 years before many jurats – because they used to deal with the magistrates’ courts and are now magistrates, and they have had their titles changed, of course and we had to have a statute to do that – before judges and before jurats. I have never known any of those people impose a prison sentence enthusiastically – a completely and inappropriate word and adverb to use in this particular context.

1900

Now, we have community service orders – Deputy Lowe read out whatever all the hours are – and it is irrelevant. We have suspended sentences, we have suspended sentence supervision orders; we have the equivalent of conditional discharges, we have fines, we have where a court believes that a conviction has to be formally recorded it can make no order. We have probation orders.

1905

I was surprised in the extreme to hear Deputy St Pier’s comments about, ‘Well, if they are doing their work anyway, why are they opposing the amendment?’ The answer is because there is no need for the amendment so therefore why should they agree to something that is tokenism?

1910

Now, I have had the statistics read out and they said it is somewhat higher than the position that it is in England and Wales. Our streets are safer in Guernsey than they are just about anywhere in England and Wales. And if you talk about 12 months or six months it is irrelevant.

I remember I used to go to a court in Nottingham regularly and I would meet a veteran remand sergeant – he was coming towards the end of his career, he is probably dead now because it is over 40 years ago – and he used to say, ‘Peter, we have got him in again!’ I have forgotten the chap’s name, but almost every week he would beat his wife senseless at the weekends, and he would be charged with section 47 Offences Against the Person Act 1861, which is assault occasioning actual bodily harm, which is one up from common assault, because she would have bruises, she would not have her bones broken but she would be bruised. Because she was terrified by the time it got to court she withdrew her complaint. They had no other evidence, he was too cute to make an admission, so every few weeks this woman would be beaten senseless. If she had actually gone through with it and if he had been convicted, because he was a first-time offender he would not have gone to jail, or he would have had it suspended and had a community service order, and he would have had the arms wrapped round him by a social worker. There was no chance of rehabilitating anybody like him.

1915

1920

1925

And in connection with the number of statistics I am sure, knowing Deputy Fallaize as I do, that he would have researched it accurately in the statistics he gave. I would like him to tell us if he can, how many of those 30 people serving short-term sentences are first-time offenders? Because most of those would have community service, most of those would have had fines and most of those would have had probation orders – and it has failed, so there is no chance of those people being rehabilitated at all.

1930

The young man – although admittedly it is 40-odd years ago but it still sits with me now – that urinated on a 78-year-old lady when he stole £5, under Deputy Fallaize’s thesis would not have gone to prison. He should have more than gone to prison, but we have a judicial system. What I am concerned about ... when I first qualified as a barrister, I was taken off to Fleet Street by an old criminal hack and he said, ‘Ferbrache, there are two things to remember: there is the “Ways and Means Act” ...’ And I thought, what is he talking about, Ways and Means Act, we are not going to do those kinds of cases? But what he meant was, getting things done on a practical basis in a

1935

1940 court room. And secondly he said, 'You must always respect a court but never revere it'. And I think sometimes the courts I have appeared before have not even thought I respected them, but I always have.

The point is, in relation to a system like this, theory is fine, practice where you are at the coalface day in, day out is somewhat different. And of course I do not, in recent times, do as many criminal cases as I did, but if a case interested me tomorrow and I really thought there was a case of justice I would not be in the States with you next time round, I would be defending that particular person. And I would defend him or her with vigour and I would ask to look at the policeman's notebook and I would ask to look at the custody record, and I would challenge it even in the face sometimes of courts that may think you are going over the top.

1950 But here, this is a piece of theory: what does it mean? What are they expecting it to achieve?

What they would be better doing in carrying out their considerable analysis, would be saying, 'Why do we still have an Appeal Act which is based on something which they got rid of in England in 1968?' We have got a Court of Appeal Law of 1961 which came into force in 1964 and the grounds of appeal for a criminal conviction – I am not talking about sentence – were based at the time on the current English statute, which went back to the days of Edward VII, not even in the brief monarchy of Edward VIII, I think a 1907 statute.

In England and Wales they got rid of that in 1968. It is still part of our legislature. And I do not care what any court tells me, that makes effective opportunity of somebody –

I will give way to Deputy Yerby.

1960

Deputy Yerby: Sir, where is Deputy Ferbrache's amendment to the Committee for Home Affairs plan on this matter? (*Interjection*)

1965 **Deputy Ferbrache:** I do not have any amendment because I am responding to this amendment and that is therefore what I am talking about.

Now, in relation to that, that has taken away in reality in my subjective view, any meaningful opportunity for somebody to appeal against conviction. That is what we should be concentrating on, that here where we have a system whereby I have every confidence and I have had confidence in the last 35 years, and if I was still around in another 35 years' time, which I will not be, I would have confidence in the judicial system.

1970 The judges and the jurats and the magistrates are people of integrity and they are *unenthusiastic* about sending people to prison; they only do so when all alternatives have been exhausted. And Deputy Fallaize comes up and says, 'Well, look at longer term sentences, there are less people reoffending'. Absolutely correctly, because they have been in jail for longer because they have committed serious offences and they do not generally import massive amounts of cannabis or rape people again when they come out, because they have served serious sentences. It is a lot different from somebody walking down the street being punched in the face by some thug. It is a bit different from the woman who was assaulted by her partner, who is going to get a jail sentence even if it is imposed first time round – when I say first time round it is the first jail sentence imposed upon them, I mean – it is going to be 12 months or less.

1980 So this is a piece of: 'It makes me feel good, I think I am doing right, let's have a look at it'. I have confidence in the Committee for Home Affairs to look at it. If they come up and think, for example, we need some additions like offenders should be tagged, or whatever it may be, or there are some other alternatives – fine. We have had a separation of powers going back to the days of Danton and Montesquieu – leave them alone; leave the courts alone.

1985 **The Deputy Bailiff:** Members of the States, it has just gone 12.30, so it is time to adjourn for lunch. Before we do so can I ask a number of questions of you?

1990 The first is, as I indicated towards the end of yesterday's session, it would be desirable in my view to try and complete all of the amendments today, so that there is a clean start in general debate tomorrow; if we get a general debate today so much the better.

1995 In case it is necessary to do so to achieve that, I will be proposing to put to you a motion that you stay beyond 5.30 p.m. to achieve that, but if there are people at the moment who would oppose that motion when it is put, could they just stand in their places so I can test the number that would be against it? Well, I will be putting such a motion if it is necessary so that those who need to make arrangements in advance can do so.

The second one is, I will repeat what I did yesterday and that is put to you what Deputy Roffey suggested I put to you yesterday, which is that we adjourn now until two o'clock rather than 2.30. Those in favour; those against.

Members voted Contre.

2000 I think we will come back at 2.30 on that basis, on the basis that there will be an extension if necessary. We will adjourn to 2.30 p.m.

*The Assembly adjourned at 12.34 p.m.
and resumed its sitting at 2.30 p.m.*

POLICY & RESOURCES COMMITTEE

I. Policy & Resource Plan – Phase Two – Debate continued

The Greffier: Policy & Resource Plan – continuation of debate on amendment 22.

The Deputy Bailiff: Deputy Graham.

2005

Deputy Graham: Thank you, Mr Deputy Bailiff.

2010 To a certain extent, Members of the States, the Committee for Home Affairs are on a hiding to nothing for this amendment and we certainly risk appearing churlish if we urge you to vote against the amendment, which basically is going to take you in the direction the Committee is already heading at a fairly rapid rate and, I might add, I suspect at a more rapid rate than is envisaged in this amendment. I hope so.

2015 Certainly, there are reasons for urging you to vote against this amendment which have nothing to do with the disappointment, which I admit to, at feeling that really some Members, particularly those who have laid the amendment, really do not, in effect, trust the Committee for Home Affairs to get on with what they have declared in public on a number of occasions they are set on doing.

Certainly, my argument does not rest on that and there is no way that I wish to turn this issue into a vote of confidence, or otherwise, in the Committee for Home Affairs.

2020 But, in my view, there are three reasons why you should have great reservations before you jump on what could easily be a fairly popular bandwagon. The first reason, as really outlined by the President of Home Affairs, is that if you really want a definition of otiose, this amendment is it. It serves no real purpose; it is not going to take us in a direction that we are not already heading. I would say, with one small, significant exception. To that end, I am surprised that P&R seem to be heading to a position of neutrality on this one, in the sense that, perhaps unintentionally, they really are encouraging the laying of amendments that are, inherently, otiose.

2025 But there are two other reasons, really, why I am uneasy about this amendment. First of all, I think, by its very nature, it is very simplistic and narrow in its focus and it is very narrow in its focus in a field which really cries out for a holistic approach. Furthermore, it is not only an area that cries out for a holistic approach, but it is an area in which is notoriously difficult to establish cause and effect, which the amendment almost suggests is a pretty easy task.

2030 Looking at some statistics – and Deputy Ferbrache said that statistics only mean a certain amount to him and I understand that argument – but they can sometimes add a bit of clarity.

Deputy Fallaize is quite correct that, in proportion to our size, relative to that of the United Kingdom, we send roughly the same number of Islanders to prison as they do over there. About 85,000 in the UK, certainly in England and Wales, and our figures tend to be in the 80s here; although, very often, from one week to another, that probably includes half a dozen or more who are there on remand.

No dispute over that. But, thereafter, the comparison is very much in Guernsey's favour.

If we just look at the particular narrow issue that we are looking at now, that is the re-offending rates for those who serve less than 12 months in custody here, compared with their contemporaries in the United Kingdom.

In the United Kingdom, 60% of those offenders re-offend. Here, in Guernsey, last year, 18%. That means that fewer than one in five of those here that we sentence to short terms in prison re-offend within 12 months and, certainly compared with the United Kingdom, consistently, that is a good comparison for us.

The same figures do not quite exist for Jersey, but I understand anecdotally from our prison governor that we also compare very favourably with Jersey when it comes to our low re-offending rates.

Another interesting thing from the statistics is to look at alternative sentencing and the effect that has on re-offending. Deputy Ferbrache took us through the whole gamut of alternatives that exist there. One of the most obvious and, I suppose, the most recently introduced, or amongst those most recently introduced, is the concept of community service. Interestingly, last year in Guernsey 18% of those who served community service re-offended, exactly the same rate of re-offending as those who were sentenced to shorter custodial sentences.

In the year before, in 2015, there were 12% of those who re-offended, as against 21% in 2015, for those who served short sentences.

So, I am admitting that figures over such a short period of time need to be treated with a certain amount of caution, but it is undeniable that, year on year, there is a marginal but significant difference in the re-offending rate between those who are sentenced to more than 12 months' sentence than those who serve less. That is undeniable.

That being the case, I would have thought the sensible thing to do is not to say, 'Let us stop sending people to prison for less than 12 months', it would be to say: 'Why?' Can we not understand why this is happening?

That is exactly what we, on Home Affairs, are doing. It does not take an awful lot of intelligence to see that, actually, one of the reasons is that those who are in prison for longer benefit the more from engagement with the appropriate services whilst they are in prison. There are an awful lot of frontline services dedicated there with the specific aim of rehabilitation. That seems to work.

In a way, the longer that they are in there, the more they benefit. But also, crucially, there is engagement by the professionals after custody, for those who are serving there for more than 12 months. Crucially, again, there is no such engagement post-custody for those who serve less than 12 months and, in my view, the sensible thing is to say, 'Is there a connection and, if so, where allocating professional resources to engagement with post-custodial persons, perhaps the balance needs to be re-addressed?' That is one of the factors, on Home Affairs, we are looking at.

It is often said that exposure to the old lags in prison, by the first-timers who may only be there for three or six months or whatever, inevitably, or certainly, encourages them to mix with the wrong company and therefore be more liable to re-offend later on. But, look, the same argument applies to those who are in there for over 12 months and who are exposed to the same old lags, but benefit from the rehabilitation services that are there. They do not re-offend at nearly the same rate.

Last year, the good news was that those who served those longer sentences, only 3% re-offended within 12 months.

It is often said, also, that sending those who are sentenced in the Courts to short custodial sentences unnecessarily deprives them, for example, of the opportunity to continue in their employment. Well, of course it does, but I think I need to make the point that those who appear

before the courts and are convicted also lose their jobs purely because of the conviction, let alone the sentence.

2085

One hears all the time, the Court defence advocates pleading that this client has suffered already because he or she has lost his or her job. That goes on and it is part of the inevitable consequences, really, of offending.

I move on to the third reason why I am uneasy about this and this is really where, if anything, the amendment has got some merit, because the amendment, I think, is seducing us to go down one particular avenue, or to come to some particular conclusion, but I think the Committee would not wish to commit itself in advance of the review, that is, to be sending a clear message to the Courts that they should make less use of short-term prison sentences.

2090

In my view, we need to be very careful, as politicians, about sending messages to the Judiciary. I believe that we are elected, once every four years, on the basis of a few hundred votes, and it gives us an awful lot of responsibility and an awful lot of privilege; and one of those privileges and one of those responsibilities is to propose Laws, to pass Laws and to amend Laws. Thereafter, I think we need to tread very carefully about sending messages.

2095

President Putin sends messages to his judiciary. I do not think we want to go down that path. It is a path exercised elsewhere.

2100

Now, I am not suggesting that, in any way, Deputy Fallaize is sort of Putin-esque, but in my view –

I will give way.

2105

Deputy Fallaize: I am grateful to Deputy Graham. He makes an interesting point about Putin and Russia, because, would he not agree with me that Russia has the highest prison population in the whole of Eurasia and, therefore, the analogy between our system and Putin's system, perhaps ought not be dismissed as quickly as he is suggesting? *(Laughter)*

2110

Deputy Graham: You make my point for me!

The message has certainly got over to the judiciary in Russia that President Putin wants to see more of them, particularly those who are opposed to him, in prison. Absolutely we do not want to go down that route.

The key point here is I think as politicians we need to tread very carefully. Judicial independence is rather like pregnancy; you cannot have a little bit of it, you either are or you are not. It is a slippery slope to go down that way. We should have confidence in our Judiciary, whether they be judges, magistrates or jurors.

2115

We propose the Laws: we set the sanctions that they can apply. We can subtract those sanctions; we can add to them; we can increase penalties, reduce penalties and so on. At our peril, we should get into the business of sending a message on how to use the tools that we are giving them.

2120

There is no reason we should, because we should trust them. In my view, the Judiciary are as much at the sharp end here as we, as Deputies, are. I would say, in fact, that they are probably more in tune, sometimes, with what is going on out there than some of us are privileged to be.

2125

I also make the point in favour of the Courts that before any judgment is made, the Court has at its disposal assessments of the risk of re-offending of each of the persons appearing in front of them. These risk assessments are made by professionals in the field. In my view, the Judiciary pay due care to that when deciding what sanctions to impose.

So, Members of the States, I think I have given you three reasons why I am nervous about this amendment. I assure you it is nothing to do with upset feelings, having been challenged in this way by an amendment which I really think is unnecessary. It takes us nowhere that we are not going, with a slight difference that it is encouraging us to encourage the Judiciary in a way that I think we should steer clear of.

2130

2135

The Deputy Bailiff: Deputy Souselby.

Deputy Soulsby: Sir, I found Deputy Graham's speech very interesting, as often they are.

I really do not think much of it was very relevant to this debate because, really, what we have been asked to decide is very simple. We have the Home Affairs Committee saying, 'We do not need this amendment because they are going to do it anyway, although it is not explicitly in this Plan.' On the other hand, we have Deputy Fallaize who says he wants this particular aspect in the Plan, explicitly and with specific timings. I just think that is all we are being asked to decide, here.

What do we want? Do we just want it to be included, although not in the Plan, we believe that this will be done? Or do we want it actually to be in the Plan, which is all meant to be prioritisation, after all?

From my point of view, I am quite happy to support the amendment, because if it is going to be done anyway, surely it should be explicitly within that Plan.

The Deputy Bailiff: Deputy Green.

Deputy Green: Sir, thank you very much.

First of all, I declare an interest. Like Deputy Ferbrache, I am a legal practitioner with some experience, and current experience, of the justice system.

I have sympathy for this amendment and I will probably support this amendment. That is not to say I do not hear what the Home Affairs Committee says about this. I do have a number of questions to Deputy Fallaize, though, in terms of the implications of some of this.

First of all, because of the wording that he is trying to put into the Policy & Resource Plan, does he acknowledge that the wording in terms of short-term prison sentences does not seem to actually include the position with regard to those who are 21 years or younger who, when they serve custodial sentences, are sentenced to youth detention rather than imprisonment? Does he expressly exclude that in the wording of his amendment?

Secondly, when Deputy Fallaize spoke, he did say – I think he said – that there will always be a need for some short-term custodial sentences for some offenders. I hope he can deal with that when he sums up; because, undoubtedly, that is the case. Even if you have the consideration of the principles that he is trying to include in here, I do not think you will ever get away from a situation where some, particularly with repeat offenders but also with regard to some first-time offenders, you will always have to have the Judiciary having some discretion.

I suppose the second question for Deputy Fallaize is: what is he saying about judicial discretion? Is he saying this would go some way to limit that discretion, in terms of imposing short-term custodial sentences? How would that actually operate?

I do have some sympathy with what Deputy Graham and Deputy Lowe have said. Traditionally, politicians in Guernsey have not taken a particularly assertive role in defining the framework for sentencing, for good or bad. I do not say whether that is necessarily a good or a bad thing, but that is traditionally what has happened. But I think this is probably an issue that needs to be debated and evaluated more carefully.

I am grateful to Deputy Fallaize for raising it as an issue in the way that he has.

The way I read this amendment, it is talking in terms of discouraging the use of short-term prison sentences and encouraging the use of alternatives to custodial sentences. Deputy Fallaize made the argument, as far as I have heard him right, very much on the kind of financial position – which surprised me. I do remember that Deputy Fallaize actually said, during the course of his introductory speech, that he was not a liberal. Perhaps we have entered some kind of weird, parallel universe, but I was waiting for him to make the liberal case for a more alternative approach to sentencing. I waited in vain.

The fact that he put the case on a financial basis is important because, bearing in mind many of the comments we had yesterday, many of the comments we had on Tuesday, when discussing the Medium Term Financial Plan, the state of our public finances and the reality that we have

£40 million to find, I would have thought that doing things differently, transformation should be exactly what the Committee in question would want to do.

2190 Now, I know they are saying that they are going to be doing this work and Deputy Lowe was absolutely correct to indicate at the Scrutiny public hearing that this is obviously one area which is under consideration, but I think, on balance, I would say that I do not have a great deal of fear about the implications of this amendment being carried. So I will be supporting it.

2195 **The Deputy Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

This amendment, if approved today, supports the Home Affairs Committee inasmuch as it gives them an approved States' Resolution to support their policy.

2200 It also gives them a timeframe to work within, as we are recommending a paper comes back within the term of this Assembly.

Deputy Ferbrache spoke before the lunch recess as if we were debating a sentencing policy today. We are not asking the Home Affairs Committee to remove all short-term custodial sentences. Deputy Fallaize has already advised, and I agree with him on this, that there are occasions, such as those outlined by Deputy Ferbrache, where a short-term custodial sentence is appropriate and this is for the Courts to decide. This amendment would give them further options.

2205 I ask Members to support this amendment, ensuring we see before this Assembly a paper outlining the potential alternatives to short-term prison sentences, over and above what is already in place.

2210 Thank you, sir.

The Deputy Bailiff: Deputy Yerby.

Deputy Yerby: Sir, without wishing to jinx the success of this amendment, I offer three points in counter-balance to those of Deputy Graham.

2215 First of all, I believe the Committee's assurances that it is following this direction of travel are sincere. However, if it is not in the Plan, the Committee is well within its rights not to progress it. We already know that there is going to be a process of further refinement of that which is within the Plan, and Committees are going to be asked to curtail initiatives they have already said are priorities and so, things that are not in the Plan, we can expect to suffer to an even greater extent than that.

2220 I hope Deputy Fallaize will forgive me for this. I know that since not gaining the presidency of the Committee for Home Affairs, he has been very restrained in how he has engaged on matters of Home Affairs policy, which are obviously very dear to him, out of respect for the decision of the Assembly. If he considers this matter important enough to break his self-imposed moratorium, I am inclined to give it more weight, simply as a result of that.

2225 Finally, sir, this is an important area of justice policy and one which I, as a Member of this Assembly, would want to have the opportunity to debate during this term.

2230 I think that Deputy Ferbrache and Deputy Green and Deputy Graham's intelligent contributions, which, as Deputy Le Clerc has said, were more on the substance of the matter than the question of whether it should be investigated at all, really did demonstrate that, actually, this is an Assembly that is very capable of grappling with the question we are being asked to consider and, therefore, an Assembly which it is worth bringing a policy letter back to within its term.

2235 Since Home Affairs say that they are already doing this, I am afraid I do think it is churlish to resist the amendment and I would gladly support it.

The Deputy Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you sir.

2240 I was glad to hear Deputy Fallaize, in his opening remarks on laying this amendment, that he supported the separation of powers. I, too, support the separation of powers, and probably would go a little bit further with regard to the separation of the Legislature and Executive when it comes to Guernsey, but I am probably in the minority still on that one.

2245 Nevertheless, it is true, as Deputy Ferbrache and Deputy Graham have said, that this Assembly should think very carefully before treading into areas that are rightfully and properly that of the Judiciary. Having said that, sir, we have a responsibility to legislate and to set frameworks within which our Laws are enforced and the consequences for not doing so. Deputy Fallaize has already alluded to some of those that are custom and practice within Guernsey culture already.

2250 During my time as Minister for the Home Department – in fact I think it was one of the first things I did – I was pleased and proud to present the first Criminal Justice Strategy to this Assembly. That brought together all the stakeholders involved in our criminal justice system and enabled everyone, including this Assembly, to see exactly how the system was working and to meet regularly to see if there were ways in which it could be improved and ways in which we could learn, perhaps, from elsewhere, and apply them here in Guernsey.

2255 It is true – as Deputy Graham, I think, was saying as I entered into the Assembly this afternoon – that some of the statistics that we have are either very short-term, so it is very difficult to come to conclusions from that, or they are so small that it is actually difficult to make absolute conclusions on that basis.

2260 But it is true to say that, coupled with the working prison policy and probation and the changes that we have seen through the Criminal Justice Strategy framework, as it has been working, there have been huge improvements. When I was Home Minister the prison population was touching 130, nearly, at that time; and it has decreased and I think certainly our streets have remained very safe and this is still a great place to live in terms of safety and peace.

2265 But this particular amendment, it seems to me, is asking for something quite simple and, in fact, in the response from the President for Home Affairs and Deputy Graham, both have said that, actually, they are doing this already. The issue is, as Deputy Soulsby has just mentioned, whether it is included in our overall Policy & Resource Plan and our strategy at a higher level, to prioritise that.

So what this amendment seems to be asking for – and I am going to quote from it – is for the Committee for Home Affairs:

... to report to the States as expeditiously as possible but, in any event, during the present States' term, setting out its opinion and any proposals which it considers necessary on whether measures should be enacted to discourage the use of short-term prison sentences (whether defined as terms of less than 12 months, or less than six months) and encourage the use of alternatives to custodial sentences.

2270 This is to report back and to say whether it is of the opinion, so that this Assembly can make a decision.

Like Deputy Ferbrache, but wearing a different hat to him, I have met quite a lot of evil people in my time, as well. Some of them are not behind bars. (*Laughter*)

2275 It is very true, I can say, that the answer for everyone is not custodial sentences. The answer is not community service orders either. Although, for some, that is a massive improvement and it is appropriate. But there are other means that we can use, some of which have already been mentioned. But, this is not the time or the place to be discussing that. The question is should we be instructing Home Affairs to report back within this term on those alternatives?

2280 I think that makes absolute sense. It seems to me that Home Affairs are agreeing with us on that principle, it is just they have not put it in their priorities. I believe it should be.

Thank you, sir.

The Deputy Bailiff: Deputy Prow.

2285 **Deputy Prow:** Thank you, sir.

I stand today, hopefully, with the right set of notes! (*Laughter*) I apologise for yesterday's false start. I thought I had inadvertently picked up one of Deputy Lester Queripel's speeches!

I will be brief. Can I just start by saying I completely support what the President of Home Affairs and the Vice-President of Home Affairs have said in this debate? I am not going to repeat that. I also support what Deputy Ferbrache has said.

Indeed, I certainly support all that Deputy Fallaize has said, when he was talking about the separation of functions and I think that that has been well-covered. The job of the Legislature is entirely different to the functions of the Court and their sentencing powers.

My real objection with this amendment is actually in the wording. The amendment draws attention to page 326 of the Billet and it says, 'to develop an inclusive justice policy'. On that page, if you read on, it says, 'building on the work of the Criminal Justice Strategy'.

That has been mentioned at great length. That is not just the work of the Committee. Not just the work of the officers of Home Affairs and the professional services, it also takes into account the Law Officers and the Judiciary, and it is within their mandate to consider, as the President has said on many occasions, to look at sentencing options. This is work in train.

I think this Policy Plan is about collaboration, not micro-managing. The wording that I really take exception to in this amendment is where it goes on to say, it talks about whether measures should be enacted to 'discourage' the use of short-term prison sentences.

I baulk at the word 'discourage'. We have already heard about the separation of powers. I do not think it is for the Committee for Home Affairs, or for this Assembly, to be discouraging the sentences to do anything.

What we can provide and what we will provide through the Criminal Justice Strategy is options and I will not go over those options, they have been very well aired. That is what the strategy group is doing, that is what they will continue to do and the Plan allows them to do this.

So, sir, I shall not be supporting this amendment.

Thank you, sir.

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

A very simple question, please, to Deputy Lowe, in her response. Is there any comfort or reassurance that this will come back to the Assembly? I assume Deputy Lowe will respond? If you are not going to speak –

Deputy Lowe: If you want to give way, I can answer you!

Deputy Merrett: Oh, thank you.

Let me ask the question first. Thank you, Deputy Lowe.

We are told that Home Affairs are already doing this. I would really like to know if they will be able or is it the intention to bring this back within the time of this Assembly, or not?

I will give way to Deputy Lowe, sir.

Deputy Lowe: Thank you very much, Deputy Merrett, for giving way.

I can assure you this is well on the way, the work that we are carrying out, part of that justice group. It would definitely be back before the end of the term. It is well on the way.

Deputy Merrett: Thank you Deputy Lowe.

Thank you very much, sir.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Oh, thank you, sir, I thought you were going for Deputy Kuttelwascher!

I think the rehabilitation of offenders is an interesting concept and one I wholeheartedly embrace, but I think the rehabilitation of politicians is significant too! I am so pleased that, within this Assembly today there are people who have entered this entered this Assembly, maybe 15-20 years ago, that would have said, 'Prison is not a holiday camp. People are there to be punished. Why have they got televisions in their rooms?'

All that has been said but actually I think everyone in this Assembly now acknowledges the concept of the real meaning and the concept of rehabilitation of offenders, and that is a great thing.

Deputy Le Tocq, while he was in the position of Home Affairs, took it in a very different direction. It may have been subtle to people on the outside looking in, but it was fundamentally different, because what we have had at Home Affairs for some time, really, were virtual policemen.

You had, at times, quite macho politicians really enjoying the blue light services role that they had. It was sometimes difficult to distinguish between their role as an advocate for the police force and being a member of the force itself. It was Deputy Le Tocq who turned that and put the focus back on social policy, rehabilitation of offenders and justice in the real sense of the word.

The Home Department put the prison service at front and centre of what they do. So, I know this separation of powers, the Judiciary, the decisions they make and where people ultimately end up, but the Home Department do trade on the work of the prison, so they should not be too surprised when politicians take a role in it, whether it is to the open days at the prison, whether it is the furniture that comes from the prison, whether it is a piece of equipment to keep drones out or whatever it is. The work of the prison is at front and centre of political life.

I have had an interest in the prison for some time and I will be sensitive in what I say, here. There was a case, and the inquest has been held, where somebody did harm themselves in prison. They were in an off-Island place and, sadly, that person passed away. We know that there has been self-harming since. So I have asked in the past that the work of the prison, the annual report, is tabled before this Assembly.

When I asked at the last informal Presidents' meeting, because it is presented as an appendix, I would actually like it to be tabled as a document, so we discuss the work of the prison more openly than we do now; not just in amendments like this.

I also got into trouble with the Judiciary some time ago. I was working with a young lad through – I am trying to think what the charity were called when they first arrived on Guernsey, before it became the Children's Charity; I cannot remember what it was in the early days, I am sorry – but I represented, or went to Court, with a young lad who had found himself in hot water and the magistrate at the time said to him: 'I hope you have brought your toothbrush.'

Yes, with hilarious consequences, Deputy Trott.

This young lad, bemused by the statement, could not quite work out what was being intimated and, of course, he realised in that 'did you bring your toothbrush' he was going to go to prison. I wrote a letter to the *Press*, in my naivety, saying perhaps the magistrate should not make wry asides at vulnerable young children and I believe I got a letter from the establishment not long after that.

Prison does impact on children's lives and young people's lives in a very direct way and we should be aware of that. We should not be too casual with what prison means for young people. We know we have got recidivist offenders. I did not want to tell this anecdote, but I will be very, very quick about this. The same lad that I just referred to before, who was going to prison, I said to him: 'What have you done? He said: 'I went into Woolworth's and I left without paying for anything.' I said: 'Not paying for anything is actually stealing, is the language we use.' He said: 'Oh no, I took the empty CD folders, I took them to the counter, they put the CDs with them and I walked out of the shop.' He said: 'They knew you were walking out?' He said: 'Oh yes, I wanted to get caught.'

That was the security that he had, because prison had become almost a way of life for him by that stage and going to prison gave him the security that he needed that he was not getting

elsewhere. If that is the type of person that Deputy Fallaize is trying to reach by this, we do not want people having a criminal record in that way.

The one thing I cannot quite understand is why Deputy Lowe, through you, sir, feels it necessary to have this three-line whip here. Because, if they are saying this is the direction we are going anyway, why not just concede the amendment and say –

I will give way to Deputy Graham.

Deputy Graham: Are you suggesting that I, as Vice-President, take my orders from the President?

In opposing this amendment, I have come to my own conclusion.

The Deputy Bailiff: Can I, just before you resume, Deputy Brehaut, remind Members not to address another Member directly? It is a breach of the Rules of Procedure.

Deputy Brehaut to continue.

Deputy Brehaut: Sir, I do not know whether you take any heed of your President or not, I really do not know –

The Deputy Bailiff: Deputy Brehaut you have just done exactly the same. If this continues to happen, then I will be getting to the stage of directing Members to cease speaking.

Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

Sorry, from a more liberal regime, I think.

To answer your question, through you sir, I am not implying the Deputy – I have to be so careful what I say now, sir. I take it the Deputy has his own free will and mind and is at liberty to use it. I just want to make the point that, if this amendment ties in to the general direction they are going in anyway, why are they resisting the amendment so strongly?

Why not say that is the general direction we are going in, we concede the amendment and quickly move on, rather than to debate it at this length?

I am adding to that too, I appreciate.

Thank you, sir.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

Deputy Fallaize says that this amendment does not conflict with our Policy Plan because it does not. We are already doing what the amendment asks us to do. This is why I feel it is a pointless amendment.

We have discussed it with our colleagues in Jersey, Kristina Moore, the Home Minister over there, and her service chiefs and staff. PWC did not flag up that tagging could be an option, because when they told us it was something that they discovered, we said, 'Well, yes, we have been talking about that for a long time. Pretty much everything in that report we have been doing and talking about for a long time.'

I just do not see any need, as the President said, our policy plans are very high level. It does not drill down into these specific things, but this is work that we are undertaking at the moment and we have been undertaking and we are all committed to. I think we all are very committed to everything that is in this amendment.

It is just it is pointless; in fact it does not matter if it goes through, it is just that it is pointless.

Thank you, sir.

The Deputy Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

I was somewhat bemused at a couple of Deputy Fallaize's statistics, because he actually put forward an argument – although I am sure he did not mean to – that you should not have a custodial sentence of less than a year. The reason I say that is if you are in for a year the chances of re-offending are 3%, if you are in less than a year it is 18%, so let us have a minimum sentence of a year. I know it sounds rather blunt, but it is one way of interpreting numbers. So much for statistics.

I, too, like Deputy Prow, do not like that word 'discourage'. I really do not, because it implies you are going to, in some way, direct the Judiciary on how they should apply sentences. I really do not like it.

But, ultimately, I see this not as an attempt at micro-management, it is micro-interference. It is totally unnecessary. Waste of time.

We have had a load of these sorts of amendments over the last two terms and I used to vote against all of them, because they were totally unnecessary. This work will happen. They will come back with a policy letter. We do not need this to do it.

Thank you, sir.

The Deputy Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

I should say sentencing policy is not my area of expertise. I am, actually, a barrister in the English or London courts, but I have never practised, so I do not think I have to confess any conflicts of interest in this area.

Deputy Fallaize produced a lot of interesting data about the prison population and the lengths of time they were in for, etc. which I did find interesting. What he did not disclose, and which I would be quite interested to know, was a little bit more about what they were in for, because, anecdotally, one hears quite a lot of the residents, the temporary residents of our prison, are in for drugs offences in one form or another.

I have to say that I am personally uncomfortable with a public policy approach to misuse of drugs in Guernsey and I think that is an area that we do need to have another look at.

I share Deputy Prow's discomfort with the words 'encourage' and 'discourage', because I do not think it is for the Legislature, or indeed the Committee for Home Affairs, to be giving steers in that way to the Judiciary on how they should be exercising the powers that we, as a Legislature, have given to the Judiciary.

The right approach, if one is uncomfortable or unhappy with, let us say, the sentencing for drugs possession, is to change the Law. We are the Legislature and, if somebody was minded to bring a requête on a review of the sentences for any particular area of offence, then obviously that is something that is very properly within our mandate and something that we would have to consider and form a view on.

So I cannot support this amendment. I have some sympathy with the motives behind it, but I am comforted by the assurances from members of the Committee for Home Affairs that this is a subject that is in their current workstream. It is a pity that they did not put it in their business plan and then, frankly, this debate would not have been happening, but there it is. I am willing to accept their assurances that they want to get on with this.

I do acknowledge the risk, I think identified by Deputy Souselby, that because it is not in their Plan, the workstream might be prioritised out, if you like, at a later stage, when presumably the Policy & Resources Committee do an overall prioritisation or, perhaps, putting it more strongly, because it is not in the Committee for Home Affairs' business plan, it cannot go into the process of prioritisation that Policy & Resources will undertake and, therefore, by definition, will not come out in the heap of things that need to be done.

So, that I recognise as a concern. I would hope that that could be dealt with at a sort of administrative level, without us passing this Resolution to force it to happen.

Thank you, sir.

2495

The Deputy Bailiff: Deputy Trott.

Deputy Lowe: Could I just do a point of correction, please, sir?

2500

The Deputy Bailiff: Point of correction, Deputy Lowe.

Deputy Lowe: If Members go to page 326, it is actually headed Policy Priorities and that is key. It is a priority.

If you just drop down, it actually says:

To develop an inclusive justice policy, including building on the work of the Criminal Justice Strategy.

2505

That is the high level. We have not broken down into the minutiae of what that is all about. So, it is actually a priority for Home Affairs and it is in our P&R Report, which everybody probably should have read.

The Deputy Bailiff: Deputy Trott.

2510

Deputy Trott: Thank you, sir.

I entirely agree with the comments of my friend, Deputy Parkinson, a few moments ago and my reason for rising is not simply to say that.

2515 It is really to have some balance in this debate from comments made by Deputy Brehaut earlier, because in Deputy Brehaut's speech, he insinuated, with reference to the young boy that he had accompanied, that going to prison became a way of life for that young boy. I got from that the suggestion that the real punishment to that young lad would have been not to have sent him to prison.

2520 It made me think, it is a little bit like the masochist asking the sadist to whip him and the sadist saying 'no'. There is a body of opinion out there, and it is a significant body of opinion that have the view that these days prison is softer than it should be. They reach that conclusion because of the variety of menu choices, for instance, that inmates enjoy and the fact that they have Sky television in their cells and for a variety of other reasons.

2525 It is important in these sorts of debates that we give both sides of the public opinion and it is for that reason I rose.

Thank you, sir.

The Deputy Bailiff: Deputy Oliver.

2530

Deputy Oliver: Sir, point of correction of what Deputy Trott said.

All the inmates actually have to cook their own food. It is not cooked by a chef, or such.

Deputy Trott: May I, sir?

2535

The Deputy Bailiff: If it was a point of correction, you can continue, Deputy Trott.

Deputy Trott: Well, I suppose it is a point of correction, because it seems to me that they would have an extremely crowded kitchen if that is, in fact, the case.

2540 I do not think that is the case, at all. Inmates may contribute by helping in the kitchen, but I cannot imagine, for one moment, that they all cook their own breakfast, lunch and dinners. I do know, for a fact, they have multiple choices.

The Deputy Bailiff: I invite Deputy Fallaize, as the proposer of amendment 22, to reply to the debate on it.

2545 **Deputy Fallaize:** Thank you, sir.

I suppose, at least, the opposition to the amendment has generated some interesting debate, if nothing else.

2550 Deputy St Pier, when he spoke after I spoke, invited Deputy Lowe to set out the Committee's objections to the amendment and she offered only one argument against the amendment, which I do not think is an argument at all, but it was the one offered. She said to the States that it was superfluous. I do not think she used that word, but that is what she was basically saying to the States: it was superfluous.

She said that the Committee was not taking a defensive position on this, but it did sound a little bit like opposition for the sake of opposition.

2555 Deputy Ferbrache was the next to speak and he made a decently loyal speech in support of Deputy Lowe's opposition and he also said that the amendment was superfluous. In fact, I think he did actually use the word 'superfluous'. Now, I understand the work that has been carried out in the past in this area, and I understand the work that is to be carried out in the future, but why I think Deputies Lowe and Ferbrache and other members of the Committee for Home Affairs – well
2560 Deputy Ferbrache is not a member of the Committee for Home Affairs, but why he and those who are – are wrong to say it is superfluous is two-fold.

First of all, there is no commitment in the Policy Plan to lay before the States during this term any kind of report into this area of work. There is no commitment to lay before the States an analysis of the appropriate future use of short-term custodial sentences. That is absent from the Plan and, actually, it is absent from Deputy Lowe's speech in opposition to the amendment, as well.
2565

Secondly, Deputy Ferbrache did read out a list of alternatives to custodial sentences, which was quite helpful and, perhaps, I ought to have done that when I opened debate. But this is not just about the availability of alternatives to custodial sentences; this is about whether there is a case
2570 for encouraging the use of alternatives to custodial sentences. Now, some Members clearly do not want to do that, they think that would be wrong.

That is an argument. I do not agree with it, but it is an argument. But one cannot, I do not think, argue that this amendment is superfluous, because it is not identical to what the Committee for Home Affairs is suggesting that it will do.

2575 Deputy Ferbrache told the States of individuals who, in his opinion, should be in prison and I agree with everything he said in that regard and I thought I made that clear when I laid this amendment.

Of course, there are some cases, some crimes, and some individuals where prison is the only correct place and I am also saying that I can quite see how there would be circumstances where a
2580 short-term custodial sentence would be appropriate, as well. It is about the general framework of policy that I am talking about here.

Guernsey is a society with a relatively low level of crime. That was a point that he made and others made too, and we must remain so. I want crime to be reduced still further. I do not accept any increase in crime, I do not have any tolerance to any increase in crime, but of course I said in
2585 my opening speech that the statistics locally do show that the reoffending rate among those convicted of short-term custodial sentences was 18%, and Deputy Graham repeated these figures, and, for those convicted and sentenced to alternatives to short-term custody, the reoffending rate is also 18%.

So, it may be – and I am not saying that it is definitely the case – that in some cases we are
2590 incurring the enormous costs of short-term custodial sentences when less expensive alternatives are available, possibly based on the evidence available, without any negative effect on the rates of crime.

Deputy Ferbrache suggested, wrongly, and I think, following my correction, he now accepts that I did mention victims when I laid this amendment, but the very best thing that can be done for the victims of crime, is to ensure that the re-offending rate is as low as possible.

If I am a victim of crime it may give great short-term satisfaction to see the perpetrator banged up, or treated as harshly as possible, but it is of no great comfort to me if there are more people than needs to be the case circulating in society, re-offending. Much of the aim of criminal justice policy should be to ensure that the crime rate is as low as possible. That includes the re-offending rate being as low as possible.

I respect a lot of what Deputy Ferbrache said and some of what he said did not really relate to the amendment and a lot of that I agreed with. But I think after the last two days of debate, and I say this respectfully, he should be more interested in initiatives like this, which have the potential to generate financial and social benefits to the States, in very straitened financial times. If we are faced with options, which may deliver –

Deputy Leadbeater: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Leadbeater.

Deputy Leadbeater: I do not see how this amendment is going to have any effect on generating income, since it is work we are already undertaking. Thank you.

The Deputy Bailiff: Deputy Fallaize to continue.

Deputy Fallaize: Sir, Deputy Ferbrache, although he said the work was being undertaken in any event, did also make a case against the work being undertaken.

I think he should be more interested in initiatives which have the potential – potential only, but nevertheless the potential – to save money in a way which does not affect outcomes, because the alternatives are that money is saved in ways which do affect outcomes and you have a deterioration of services, or money is not saved and it is wasted and his Committee has less available for the sort of economic development initiatives that he says he wants to carry out. So I was disappointed by his opposition to the amendment.

Deputy Graham said that the Committee for Home Affairs would get there and they would get there more quickly than is envisaged in the amendment. Well, the amendment requested the work be done ‘as expeditiously as possible’. I am not sure how quick the Committee for Home Affairs is, but –

I will give way to Deputy Graham.

Deputy Graham: Sir, through you, I was merely trying to make the point that the Committee for Home Affairs would be disappointed, if I could put it that way, if we did not bring it back to the States way before the end of this term, which is the timeframe envisaged in this amendment.

Deputy Fallaize: Thank you, sir.

I will refer in a moment to this undertaking, which is, I am sure, sincere, but I do not think quite hits the point of this amendment, of the Committee to come back to the States.

He did say he did not want to turn it into a vote of confidence in the Committee, which of course is right. But he did raise the issue of trust. I have to say, I always think that the argument ‘trust the Committee’ is the worst argument to put forward in opposing an amendment. It is a way of saying, ‘Do not lay any amendments against this Committee. It is really risky to lay amendments.’

Deputy Graham has supported many amendments against Committees – some of them, where Committees have said they feel that amendments are unnecessary. So I would urge Members, just

because it is their Committee that is facing an amendment, not just to say 'trust us' as if the amendment is somehow invalid or illegitimate.

I have been laying reports before the States and had to face amendments. I do not think it is helpful to say, 'Look, just trust the Committee.' It is almost a way of not having to engage in the debate.

He was critical of the narrowness of the amendment and he said perhaps this is the sort of work that requires a holistic review, but there is nothing in the amendment which precludes a holistic review.

The Committee for Home Affairs has given undertakings about the work it is carrying out, but I do not think it has given an undertaking to do what is set out in the amendment. I do not think the Committee has given an undertaking to report to the States during the present term, setting out its opinion and any proposals which it considers necessary, on whether measures should be enacted to discourage the use of short-term sentences.

They have given an undertaking to come back to the States with some work in relation to criminal justice policy, but I do not think they have given an undertaking to do what is set out in this amendment.

Deputy Graham also made the point – and this is, I think, a very good point – about what he called 'old lags' in prison – perhaps repeat offenders, or perhaps serving long-term prison sentences. They are the people to whom we are sending people who are committed to short-term custodial sentences, sometimes for the first time. I do not think that is an environment which is going to discourage re-offending.

Deputy Kuttelwascher made a very good point. I thought, actually, the logical conclusion of one of the things that Deputy Ferbrache and Deputy Graham were saying was: forget short-term sentences, if the re-offending rate is much lower, just go straight to a minimum of 12 months, do not bother with short-term sentences.

I suppose that is an option. I am suggesting that, in order to try and bring the re-offending rate down, instead of having a minimum term of sentence of 12 months for everybody, we might want to do some more work examining alternatives to the short-term custodial sentence.

I think the argument of the Committee is slightly inconsistent. It seems to be: this work is a bit dangerous to carry out. Deputy Prow is certainly not very keen on it. Deputy Leadbeater, actually, said it did not matter if the amendment was successful, and I was grateful –

The Deputy Bailiff: Point of correction, Deputy Prow.

Deputy Prow: I never said, or indicated, that I was not keen on the work. I have stressed about the work of the Justice Strategy Committee and I am fully supportive of it.

I am also very supportive of looking at alternative options for the Courts to use.

Thank you, sir.

The Deputy Bailiff: Deputy Fallaize to continue.

Deputy Fallaize: Sir, Deputy Prow said he was not keen at all on carrying out the work of examining whether the use of alternatives to custodial sentences should be encouraged. That is what is in the amendment. He said he was not at all keen on carrying out that work.

Deputy Prow: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Prow.

Deputy Prow: My point was specifically on whether the measures should be enacted to discourage the use of short-term prison sentences.

My comments were related to the use of the word 'discourage'.

Thank you, sir.

The Deputy Bailiff: Deputy Fallaize to continue.

2700 **Deputy Fallaize:** Yes, I know. Deputy Prow said that he was not keen on carrying out the work in this amendment, which includes examining whether measures should be enacted to discourage the use of short-term custodial sentences.

2705 Now, I do not see how the Committee can argue, 'we are not very keen on doing this work', for that reason, but do not vote for the amendment 'because we are doing the work anyway'. That is not a consistent position.

Deputy Green asked about the difference in wording between prison and custody. He is absolutely right. The amendment talks about alternatives to custodial sentences. It would have been better if I had said, 'the use of short-term custodial sentences', rather than prison sentences. But I think, quite clearly, the use of non-prison custodial sentences is not excluded from the scope of the amendment.

2710 He wanted to maintain judicial discretion. I agree; so do I. This is about setting down or getting into the area of the policy and legislative framework around criminal justice and justice policy.

I do think that is a legitimate area for a government. That is why the leadership role of the Committee for Home Affairs was extended in this area, in May 2016.

2715 Deputy Le Tocq, who said he was a former Minister of the Home Department, I thank him for his support of this amendment. He made, I think, two important points. One is the amendment is consistent with the proper role of the States in this area and, secondly, I think what he was saying was that the direction in this amendment is consistent with the general direction of travel in terms of the way in which the role of the States has evolved and must continue to evolve in the leadership of justice policy.

2720 Deputy Merrett asked for assurances about the Committee coming back to the States. I know she has had assurances the Committee will come back to the States with something, but she has not had assurances that the Committee will come back to the States with what is set out in this amendment.

2725 As I said, Deputy Leadbeater did say, as a member of the Committee, it does not matter if this amendment goes through. I think it does matter if this amendment goes through. I would like it to go through. But if, as a member of the Committee, he does not think it matters if the amendment goes through, then it cannot be that objectionable.

2730 The issue really is whether we ought to have some interest in whether encouraging the use of alternatives to short-term custodial sentences could have – I am not saying it necessarily would have – substantial financial and social benefits.

Therefore, I think it is perfectly reasonable to request that the Committee come to the States during this term of the States, it is not an ambitious timeline, to set out their considered opinion on whether the States ought to encourage the use of short-term custodial sentences.

2735 I hope Members will be able to support the amendment and I ask for a recorded vote.
Thank you, sir.

The Deputy Bailiff: Members of the States, there will be a recorded vote, as requested by Deputy Fallaize, who is the proposer of amendment 22, seconded by Deputy Le Clerc, which is to insert a new Proposition 19A.

2740 Greffier.

There was a recorded vote.

Not Carried – Pour 15, Contre 25, Ne vote pas 0, Absent 0

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

The Bailiff: Members of the States, let me declare the results in respect of amendment 22. The amendment proposed by Deputy Fallaize, seconded by Deputy Le Clerc. There voted: Pour, 15; Contre, 25 and therefore I declare that amendment lost.

If we could invite you to turn over, in your pack of amendments, to amendment 7, which is proposed by Deputy Tindall.

Deputy Tindall.

Amendment 7:

In Propositions 13 to 19 inclusive, immediately after 'To approve' in each case, to insert 'in principle'.

Deputy Tindall: Thank you, sir.

This amendment is supported by Deputy Lester Queripel. I will read out the proposition:

In Propositions 13 to 19 inclusive, immediately after 'To approve' in each case, to insert 'in principle'.

In this Assembly, sir, Members are often asked to approve Propositions, backed up by an explanation in the policy letter. For example, in Proposition 4 today, Members are being asked to approve a policy for the target balance of the General Revenue Account Reserve of 5% of annual general revenue income.

So, assuming I have understood what it means and trying to put it into plain English, let us aim to put 5% of our everyday income, not already earmarked, in the short-term rainy day pot. That is identifying a target. Easy to understand. Members either agree or disagree to a target and, if a Member agrees with a target, but not the percentage, then they can change the percentage.

Even in Proposition 1, we are approving the approach in the Medium Term Financial Plan. The approach, not the Plan itself, and the remaining Propositions regarding this particular Plan are specific.

However, Propositions 13 to 19 ask this Assembly to approve policy plans; seven detailed, wordy, Committee plans. These documents total 213 pages. I am sorry, but with the best will in

the world no one had the opportunity to review these plans, to get their heads around every word, every permutation and understand every ramification.

Even P&R want to be able to refine them, or so I believe, because they see that there could be unforeseen consequences if they do not reserve that right. Yet, this Assembly, sir, is being asked to approve the plans lock, stock and barrel.

So, what happens if a Member approves some part of the plans, but not other parts? I and all my colleagues have had a chance to put in an amendment. Thirty-one amendments have been lodged, not quite beating the record of 33 for the IDP, but I suppose we have not quite finished yet.

However, only six deal with the Committee plans, only three of which seek to amend the contents of a plan. Even the runway amendment, or its successor, did not try to amend Economic Development's Plan; it just tried to remove this as a pipeline project. Their plan still states that the Committee wants to examine the viability of extending the runway, despite the wording of the successful amendment. Or, will it be inferred that their plan is amended accordingly?

Some plans include business-as-usual aspects, some do not, which leaves me perplexed on what is not in the plans as much as what is.

Also, the President of Home Affairs, we have just heard, advises their work on justice policy is already underway. So will it stop if a policy plan is approved in principle? Deputy St Pier, when referring to the savings versus tax base, yesterday, said there would be flex, because that is what Members expect in a plan. Is it? I do not know that.

Deputy Fallaize also told us, sir, that the Medium Term Financial Plan was too prescriptive. So which is it?

Rather than approve these plans, whether amended or not, and leave P&R and the individual Committee to refine them, I could have analysed the seven plans for all possible effects, putting in a plethora of amendments. Instead, I decided to see if there was a third option.

I first considered whether plans should be just noted, which would mean that Members were neither implying assent for, nor disapproval of, these plans. But, even I can see that that would not work as, to quote P&R, 'The Committees of the States would be left with no States-sanctioned, co-ordinated policy direction.'

So Deputy Lester Queripel and I ask Members to approve the plans in principle. Our explanatory note states that the purpose of this amendment is to clarify the States agrees to the main priorities and the general direction of travel. I use this phrase, sir, as this was also in the response from P&R, when I asked them to confirm what, exactly, Members were being asked to approve.

I am therefore only amending the Propositions to reflect what appears to me to be the intent. I believe it gives the Committees with States-sufficiently-sanctioned policy direction, although I cannot see that they are co-ordinated; the full, refined versions of which would be approved in November.

As I said, I do not want to delay matters. I believe this amendment allows for the Committees to progress their plans between now and November and enable them to be refined in such a way as to fulfil the States' Review Committee's objective and be written in a straightforward, clear, concise, flexible and unbureaucratic way, so that they could even be written in plain English.

What does the word 'approve' mean? I ask this question, sir, not because I think Members, or indeed you, will not know its meaning, but because apparently it means different things in this Assembly, depending on what is being approved.

For example, in 2013, the States were asked to approve the Guernsey Financial Services Commission accounts. But, due to some concern over the contents, Madame Comptroller, as she was then, was asked to clarify what it was they were approving.

I quote her words from *Hansard*:

It may be that the word "approve" is what Members are, perhaps, slightly confused over, because they are not actually being asked to approve, in the sense of saying that they agree with the manner in which the monies have been spent,

they are simply being asked to approve that these accounts give a true and fair view of the state of affairs of the Committee.

This is something that is quite common. I think it was GFSC, but Committee is the word in *Hansard*.

2815 So, if the word 'approve' can mean something different in relation to a set of accounts, can it mean something different in relation to a plan? Does it mean, and I paraphrase, that Members are not approving how the monies will be spent under the Plan, but to approve that the plans give a true and fair view of the way the Committees intend to spend that money? As Members will know, I have been trying to ascertain what 'approve' means in these circumstances and, more
2820 importantly, what would happen if the plans are not approved.

I have been told by the current Comptroller that, until the policies are unambiguously approved, Committees might feel obliged to revert to the States for approval of detailed action policies, where they feel that an 'in principle' approval of general policy plans is not enough by way of States' authority, to enable them to proceed with those detailed action policies. Why is that
2825 not enough?

In my last email to P&R on the subject, I asked on the effect of a delay and was told they would need to consider the impact of the hole left in the Plan overall, and reflect on how and when to seek States' approval for any revised Plan.

But, I am not looking to create a hole, just a slight dent. I am asking Members to say the plans
2830 are okay, on the right track, but should do better. Do better, for example, by getting P&R and each Committee to agree the contents, of the contents of the summary tables set out in the Policy Letter. Something, I understood, was intended, but there was not time before the publication deadline.

P&R have since told Members that it would suggest lack of commitment. I disagree. I am
2835 happy to commit to the plans in principle, but not commit to all the gory detail.

As an aside, I have to ask myself, sir, if Committee members feel they cannot proceed with the projects in the plans with only an approval in principle, on what authority have they worked on these ideas to date?

So, whilst I do not wish to scupper progress on the plans, I am loath to put my name to these
2840 documents until they are re-drafted. Until they represent an address, rather than a narration. Be re-drafted, removing unforeseen consequences and unnecessary wording and put what is left in plain English.

Although this is not an innovative or progressive amendment, I believe it represents an over-arching concern about this process. I also believe that this is a David versus Goliath amendment and hopefully I represent David, as I do not like planning to fail.
2845

The reason I feel this is a tall task to get this amendment approved is because I know there are only eight Members and two Alderney Representatives in this Assembly who are not on one of the seven Committees who have submitted these plans. Those Members may well feel they need to approve their plans as they submitted them and will, therefore, not vote for this amendment. I
2850 ask for those Members to support this amendment, so all plans are treated equally, sufficiently.

I conclude, sir, reflecting one of the stated aims of the P&R Plan, which was to take account of the views of the community. Whilst there were workshops to hear the community's views, views which have been taken on board, I do not see that this engagement has continued when actually producing this document, because to get people to want to read these plans, to engage with the
2855 Committees' objectives and to give their approval, the plans also need to be written in plain English.

I urge Members to support this amendment, to allow this extra refinement to happen.

Thank you, sir.

2860 **The Deputy Bailiff:** Deputy Lester Queripel, do you formally second the amendment?

Deputy Lester Queripel: I do, sir.

The Deputy Bailiff: Deputy St Pier, do you wish to exercise your entitlement, at this stage, to speak in the debate?

2865

Deputy St Pier: Not at this stage, thank you.

The Deputy Bailiff: Deputy Soulsby?

2870

Deputy Soulsby: Sir, I would like to invoke Rule 26(1), the guillotine.

The Deputy Bailiff: Okay.

Can I invite those Members who intend to speak in the debate on this amendment to stand in their places?

2875

Do you wish, still, to invoke the guillotine motion, Rule 26(1), Deputy Soulsby?

Deputy Soulsby: Yes, I do, sir.

2880

The Deputy Bailiff: Members of the States, I am going to put to you that the motion proposed by Deputy Soulsby, in pursuance of Rule 26(1) of the Rules of Procedure, that there be no debate on this amendment.

Those in favour; those against.

Some Members voted Pour; others voted Contre.

The Deputy Bailiff: I think that is quite close, so we might have to have a recorded vote, I am afraid.

2885

Greffier.

There was a recorded vote.

Carried – Pour 23, Contre 15, Ne vote pas 0, Absent 2

POUR

Deputy Graham
Deputy Paint
Deputy Dudley Owen
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy Prow
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Inder
Deputy Smithies

CONTRE

Deputy Green
Deputy Dorey
Deputy Brouard
Deputy de Sausmarez
Deputy Roffey
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Lester Queripel
Deputy Merrett
Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann
Rouxel

NE VOTE PAS

None

ABSENT

Deputy Le Tocq
Deputy Le Pelley

The Deputy Bailiff: Members of the States, in respect of the motion pursuant to Rule 26(1), to close debate on amendment 7, there voted: Pour 23, Contre 15, with two absentees. Therefore, I declare the motion carried.

We will now close debate on the amendment, and I will turn to the President of the Policy & Resources Committee to reply on the amendment.

Deputy St Pier.

Deputy St Pier: Thank you very much, sir.

Deputy Tindall, in her opening comments, made reference to the comments I made yesterday on the flex within the Medium Term Financial Plan and, similarly, to Deputy Fallaize's comments about the Medium Term Financial Plan not being needed. But, of course, neither of those comments pertained to any of the Propositions in 13-19.

She also questioned what does 'approve' mean. I think, in the context she cited in that argument, the debate a couple of years ago, in relation to the Guernsey Financial Services Commission accounts, where of course to approve does have a very specific meaning in the context of accounts.

But I think, sir, in this context, 'to approve' is quite clear, because it is set out for us in the Rules under which we are debating this matter. Under Rule 23(5)(c), the States debate and make Resolutions on the Principal Committee's policy plans and, ultimately, finalise the content of the Policy & Resource Plan, Phase One and Phase Two. That is set down for June 2017. That is a Rule under which this debate is taking place at all. It does not say finalise 'in principle'. So, I think, sir, it would cause complication to insert 'in principle' by way of this amendment.

The Policy & Resource Plan, of course, once approved, will be the guiding framework for our work as a Government and it is our commitment to what the Principal Committees and the Policy & Resources Committee need to deliver, in order to achieve our agreed policy objectives. It is not just a plan for Government, of course, but for the community and for the Island as a whole and, therefore, for it to be successful and achieve our agreed and desired outcomes, then we, as an Assembly, sir, I think need to show the community that we are, indeed, committed to it.

So, the amendment seeking to insert the wording looks like we are a bit uncertain about what needs to get done and I think it also takes away from the Committees the ability to get on with delivering what they have come to this States to seek approval for.

I will give way to Deputy Yerby.

Deputy Yerby: Would Deputy St Pier not agree with me that the further stage of refinement and curtailment, as he described it, would also give some certainty to Committees and this adds no further uncertainty into that mix?

Deputy St Pier: No. *(Laughter)*

In the debate this week, we need to focus on the high level and I think it goes without saying that not every Member of this Assembly will necessarily agree with every word of these plans. But we do need to commit to the high level priorities – and we had some of that debate in the last amendment; very clearly, in relation to the last amendment – and let the Committees get on with delivering it.

Clearly, Members who do not agree with the policy priority direction of different parts of the Plan, in many cases have an opportunity to provide further input when any further work comes back to the Assembly with policy letters that require debate and approval, or they could have sought to amend the policy plans, and a number of Members have sought to do that, or of course they could vote against the Propositions 13-19, one or all of them.

There is no necessity for this amendment, sir, and I – and, I believe, a majority of the Presidents of the Principal Committees – encourage other Members to oppose it.

The Deputy Bailiff: Deputy Tindall, as the proposer of amendment 7, to reply to what the President of the Policy & Resources Committee has said.

2940 **Deputy Tindall:** Thank you, sir.

Deputy St Pier mentioned that I quoted with regard to the flex in the MTPF, not in respect of this amendment. The reason it is not in this amendment is because it states 'an approach' and not the whole Plan itself; otherwise I would have included it in this amendment.

2945 He refers to the Rules and I was aware of those Rules. I did not know that it was 25(3)(c), but the point I think here is that the refinement, as demonstrated as required, it is finalising June 2017, but we are still refining it. This commitment, which I hope I clearly established, was still, in my heart at least and I did not think that these wordings were going away from any commitment, certainly sufficient commitment, but what concerns me is the fact that he is talking about there is further input in policy letters, we could have sought to amend.

2950 My feeling is: are we going to approve something now and then, come November, go through this exercise again? Because we will have time and we will be able to pull it apart and put in more amendments when it comes back in the Budget and I think it would be unnecessary and a complete waste of time and, therefore, I urge Members to approve an 'in principle'. Most of this stuff is already being done, most of the plans refer to aspects that do not even start before

2955 November and I would, therefore, seek Members to approve the amendment.

Thank you, sir.

The Deputy Bailiff: Members of the States, we turn to the vote, now on amendment 7, proposed by Deputy Tindall, seconded by Deputy Lester Queripel, which will have the effect of

2960 inserting 'in principle' after 'to approve' in each of Propositions 13-19.

There is a request for a recorded vote from Deputy Tindall.

Please, Greffier.

There was a recorded vote.

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

POUR

Deputy Paint
Deputy Dudley Owen
Deputy Yerby
Deputy Oliver
Alderney Rep. McKinley
Deputy Tindall
Deputy Gollop
Deputy Lester Queripel
Deputy Merrett
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann
Rouxel

CONTRE

Deputy Graham
Deputy Green
Deputy Dorey
Deputy Brouard
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Alderney Rep. Jean
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Smithies

NE VOTE PAS

None

ABSENT

Deputy Le Tocq

The Deputy Bailiff: Members of the States, the result of the vote on amendment 7, which was proposed by Deputy Tindall and seconded by Deputy Lester Queripel. There voted: in favour, 13, against, 26, 1 absentee. Therefore, I declare the amendment lost.

Now, Members of the States, a little change from the norm, just to brighten up your day. The next batch of amendments are all similar, so that is amendments 8, 9, 10 and 11, being proposed by Deputy Fallaize.

I understand from Deputy Fallaize that he does not wish to lay amendment 9, because amendment 30 or 31, I cannot remember which now, has effectively superseded that, but I am minded, if he so wishes, to suggest that amendments 8, 10 and 11 be placed at the same time, debated together and then votes taken on them, distinctly at the end.

So, Deputy Fallaize, in respect of amendment 8, confirm about amendment 9 and then 10 and 11, please.

Amendment 8:

To insert a Proposition 20A as follows:

'20A. To rescind States' Resolution 4 of Article 3 of Billet d'État IX, 2016, "Declaration of Unspent Convictions".'

Amendment 10:

To insert a Proposition 20C as follows:

'20C. To rescind States' Resolution 8 of Article 23 of Billet d'État XVI, 2015, "Distribution of Deputies' Seats Among the Electoral Districts".'

Amendment 11:

To insert a Proposition 20D as follows:

'20D. To rescind States' Resolution 10 of Article 10 of Billet d'État XI, 2015, "General Election 2016".'

Deputy Fallaize: Thank you, sir.

The amendments are laid on behalf of the States' Assembly & Constitution Committee and are, therefore, seconded by the Vice-President, Deputy Roffey.

I do not think there is a need to read them out. Yes, it is the case that amendment 9 folds, because an earlier amendment approved by the States has superseded it.

I am slightly in two minds about whether to speak to explain, albeit briefly, what the amendments are, on the chance there may be some States' Members who might vote against them, or, if they are not going to be opposed at all, or only by a very small number, then there is no point wasting the time of the States in speaking to them.

But I cannot gauge that at this stage. So I think, very briefly, I will have to just explain what they are about; 8, 10 and 11 are attempts to rescind Resolutions.

The Principal Committees, of course, were invited to list the extant Resolutions, which they wanted rescinded. I do not criticise the Policy & Resources Committee for this, it is just the nature of the way in which the Plan was put together, but that opportunity was not extended to other Committees, but SACC wants to take advantage of it. So the only way it can is by amendment.

Amendment 8 asks the States to rescind a Resolution directing the Committee to consult with the douzaines and report back to the States on the merits, or otherwise, of extending declarations of unspent convictions to the holders of parochial offices.

Now, the declarations regime for States' Members is a bit of an odd creature. It was not instigated by the Committee in the last States, it was forced upon the Committee, really, by the States; and the Committee does not suggest repealing it, as far as States' Members are concerned, because that would probably send out the wrong impression, but it does seem quite unnecessary to extend it to the holders of parochial offices.

In any event, because of data protection concerns, the declarations made by States' Members are not published in the normal way. They can be inspected, but it – only to a very minor degree, if at all – contributes to openness and transparency.

The problem is, I think, if it is extended to holders of parochial offices, the likely effect is to discourage people from standing for those offices, when it is already hard enough, in many parishes, to find people to stand now.

The idea that a conviction for, I do not know, thumping someone in a pub fight 20 years ago makes somebody inappropriate to inspect streams and collect dog taxes, seems to me perverse. So there does not really seem any particular reason for extending this regime to the holders of parochial offices. I hope that amendment will not be controversial and I can get at least something through the States today! *(Laughter)*

There are two others to come, as well, of course.

Amendment 10 seeks to rescind a Resolution which directs the Committee to report back to the States on encouraging a more diverse range of candidates to stand for election.

Now, I would say to the States, please be assured there is no Committee with a more diverse membership, that is more interested in trying to encourage a diverse range of election candidates. In fact, the previous Committee, of which I was then chairman, brought itself into bad odour with some people, possibly with some Members of the current States, but certainly with some of those who wanted to be and are not, for encouraging more women candidates to stand for election.

Well, I can take this opportunity in laying this before the States to reaffirm my support for all those initiatives. I do not, in any way, apologise for them or backtrack from them. I think they were the right initiatives and, in a sense, that was demonstrated by the increase in the number of women candidates.

Of course, it was up to the electorate to decide who to send here and, on the whole, of course, they make sound judgement!

It is not necessary to require a policy letter on this matter. In fact, it is probably counter-productive to require a policy letter on this matter. It is much better to allow this work to continue at Committee-level, than elevate it to States-level, I think.

Amendment 11 – this is an interesting one. The Committee, in the last term, was directed to liaise with the States of Jersey over the possibility of aligning general election dates. I always thought this was a bit daft, to be honest, not least because Jersey, after many, many years of debate about their electoral system and various parts of it, have only recently decided to move to a system of general elections, where all members are elected on the same day, from 2018.

The idea that Jersey is going to move their electoral terms to accommodate us is fantasy. If the terms are aligned then I can guarantee the States that it will be Guernsey changing its terms and not Jersey.

Of course we, very wisely, have just decided that we are going out to a referendum on our electoral system – a multi-option referendum, I might add, in case anybody has forgotten last week! Therefore, we really ought not to have any kind of suggestion that we are going to align our electoral terms to those of Jersey.

These three Resolutions are completely unnecessary. I should say, if they are not rescinded, please do not expect much action on them, because it will not be near the top of the priority list. But good housekeeping demands that they be rescinded and I hope the States support that.

Thank you, sir.

The Deputy Bailiff: Deputy Roffey, do you formally second amendment 8, amendment 10 and amendment 11.

Deputy Roffey: I do, sir.

The Deputy Bailiff: Deputy St Pier, do you wish to exercise your entitlement to speak at this stage of the debate?

3050 **Deputy St Pier:** Yes, please, sir.

Very briefly, sir, the Policy & Resources Committee supports these amendments and, clearly, we regard them as being housekeeping by the States' Assembly & Constitution Committee. Clearly, the Principal Committees have had an opportunity to tidy up and bring to the States those Resolutions which they wish to have rescinded, but SACC would not have had that opportunity.

3055 It does seem an opportunistic thing for SACC to have done, but one that we clearly endorse as being appropriate.

The Deputy Bailiff: Deputy Gollop.

3060 **Deputy Gollop:** Sir, these amendments really put into perspective the extraordinary weakness of our current system of government and the one before and how we do need to actually think whether we should actually go back 20 years and have more focussed debates on a regular basis, than this huge, great, policy, planning framework with its hundreds and hundreds of pages.

3065 These items are not particularly relevant to the Island's strategic policy, and yet they have been opportunistically put in the bag. I am very pleased that Deputy Le Tocq and Policy & Resources have managed to find a way forward on the important matter of the external treaties coming to us. It would have been extremely regrettable if, due to an apparent lack of resources or Committee time, that workstream had been dropped at a crucial moment.

3070 I am not sure whether the reason why SACC are getting rid of all of these is because they lack staff or whether they lack Committee will or whether they lack motivation. I do not know. (**A Member:** All three!)

3075 To go into the history of the first one, relating to the unspent convictions of parochial people, there was, of course, a concern that parochial people could and are, rightly, seen as important figures in the community and they could have access to vulnerable people or others. That was a concern Deputy Spruce raised in the States, more than anyone else. I think it is a marginal issue, but it certainly needs to be kept under review. I do not particularly object to that one being put aside.

3080 The other two, though, are more interesting. The Jersey one, I do not know why we ever accepted that in the first place. That, again, brings our system into question. Why on earth would we come up with a policy to try to work with the Jersey electoral cycle, when we have no control over that? Particularly as Jersey, subsequent to this debate, have already had two further debates and changed their minds twice about the style of elections that they want to have.

3085 But the one that I really do question as to why we are eliminating at this stage is the one relating to direct the States' Assembly & Constitution Committee, amendment 10, rather, to report back to the States on measures that would be effective in encouraging a more diverse range of candidates to stand for election. The report will include consideration of obstacles to standing as a candidate by under-represented sections of society and the possible means of overcoming them and will give details of the establishment of a fund to facilitate this objective.

3090 I am actually on the Scrutiny sub-panel, with Deputy de Lisle and Advocate Dunster, that is looking into the aftermath, relating to some of the questions that were raised about the clarity of material relating to candidates and how far the States should explain. It clearly is a sensitive issue and I think we, as a States, without wishing to encourage any particular sector of society, have wanted to see a more balanced States in terms of age-ranges, income-ranges, gender, sexuality maybe, position in society, academic ranges and so on.

3095 Now, I think there are already obstacles to standing as a candidate. One of them is, we already heard this week about candidates going to people's doors and pitching themselves and hearing on the doorstep, I think Deputy Hansmann Rouxel said. Not all candidates can go to doorsteps. They have mobility issues or other considerations.

3100 As we are going down the referendum, with a possibility of an outcome of even larger districts, or Island-wide districts, surely SACC should keep under review how you can create a level playing for candidates and obstacles to standing as a candidate. One allegation that some of the

candidates made – some might say they were the Sour Six, some might not call them that, but there was a certainly an issue that they raised – they accused some of us incumbents of trading on, allegedly we had a month to campaign as paid Members of the States and other candidates did not. Of course, we did have other responsibilities to do on Committees, but nevertheless that is one example and there is an example of mobility, an example of special postal needs.

I do not think we have the time or the patience to go into debate now on how best to organise the next general election, but I do think it is regrettable that this workstream is being removed and SACC are effectively disregarding an instruction of the States – of the last States, when Deputy Fallaize was President of it – to come back with a package of measures that perhaps is not even appropriate now, and would be better to see in 18 months' time.

I do not understand why there is the pressure to get rid of this particular one now, so I will certainly vote against number 10.

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I invoke Rule 26(1), please.

The Deputy Bailiff: Can I invite those Members who wish to speak in debate on these three amendments to stand in their places?

Do you still wish to invoke Rule 26(1), Deputy Lester Queripel?

Deputy Lester Queripel: Yes, please, sir.

The Deputy Bailiff: I will put the motion to Members of the States of Deliberation and that is that we close debate, save for the opportunity for Deputy Fallaize to reply on each of the amendments, without anyone else being able to speak. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that carried.

Deputy Fallaize, we will take amendment 8 first, then amendment 10 and then amendment 11 please. Do you wish to reply to the debate?

Deputy Fallaize: Okay, sir, thank you.

I think I can probably sum up on all of them, though, because the points that Deputy Gollop made were very general.

He asked whether it was a case that, in seeking to rescind these Resolutions, whether it was the Committee did not have the resources, did not have the will or did not have the motivation. I can tell him it is a combination of all three. The Committee certainly does not have the resources, unless work of a higher priority is to be relegated; but, also, the Committee just does not believe that the work that is set out in these Resolutions needs to be carried out.

In respect of the diversity of the range of candidates, which is the one that concerns Deputy Gollop, I thought I had said enough about this in my opening speech but I say to him, and to other Members, do not think that this work is not going to continue, or is not going to be carried out, in advance of the 2020 General Election. If anything, the present Committee is even more enthusiastic about it than its predecessor Committee. If you look at the Resolution, it requires reports to come back to the States on the matter, and all the Committee are saying is that we do not think that that is necessary and that is why we are seeking to rescind the Resolution. But the substance of the matter will be kept under review and that is what Deputy Gollop requested.

The only other substantial point he made – and I must respond to this – was he said the Committee was disregarding States' Resolutions. It most certainly is not disregarding States' Resolutions. Other Members will know the view I take about Committees which disregard States'

Resolutions. If these amendments lose, the Committee will carry out the direction of the States contained in these Resolutions, as it is required to.

The Committee, far from disregarding the States' Resolutions, is trying to establish a Resolution which supersedes these Resolutions by way of having them rescinded. That is the perfectly proper thing to do if a Committee does not want to carry out a Resolution made by a previous Assembly.

I do not think there is anything else to respond to, sir, but I ask Members to support the amendments.

Thank you, sir.

The Deputy Bailiff: Thank you very much.

The first vote then, Members of the States, will be in respect of amendment 8, proposed by Deputy Fallaize, seconded by Deputy Roffey, which will insert a Proposition, 20A. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare amendment 8 carried.

The second vote will be in respect of amendment 10, similarly proposed and seconded by Deputies Fallaize and Roffey, which will insert a Proposition 20C, although that might change its numbering in due course. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that amendment carried.

Finally, amendment 11, similarly proposed by Deputy Fallaize, seconded by Deputy Roffey, which will insert a further Proposition, probably to be numbered 20C.

Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare amendment 11 duly carried.

Members of the States, the next amendment in the order on your agenda is amendment 16, which will be proposed by Deputy Yerby.

Deputy Yerby.

Amendment 16:

To insert, at the end of Proposition 11, the following wording: ' ; having used, as a basis for prioritisation, the eight strategic objectives of the Policy & Resource Plan; and having given no lesser status to policies and initiatives identified by Committees as currently unfunded or underfunded, in terms of evaluating their potential contribution to the strategic objectives, and thus their relative priority and need for resources.'

Deputy Yerby: Thank you, sir.

The amendment will be seconded by Deputy Merrett.

This should be brief. The Committee for Policy & Resources have already indicated their support for the amendment, for which I am grateful.

As we did not collectively reach a point, at this stage in the Policy & Resource Plan, to have prioritised all the initiatives that are included in it, this effectively gives direction for the next phase of the work. It really underscores the fact that Policy & Resources must prioritise the work which Committees have put forward against the strategic objectives which we agreed in stage one of the Policy & Resource Plan.

I am really calling on Policy & Resources to weigh in with an opinion about the relative merits and ability of the different things that Committees have put forward to achieve the goals that we have set out.

3190 It may be that the States as a whole did agree to that, but that is something that we can consider as a consequence of the prioritisation process. Without that direction from Policy & Resources, we have nothing to evaluate or push back against.

3195 It also emphasises – and, again, I understand from Policy & Resources, I think it is their intention to do so anyway – that initiatives which happen to already have a resource attached to them should be treated no more or less favourably than initiatives which are identified as equally strategically important, or more strategically important, but which do not have a resource. Our ambition as a States, through this Policy & Resource Plan, must be to achieve the most important and the most effective initiatives that are out there. The ones that will take us closest to our goal and, if those are ones that are currently un-resourced, then we must take the brave step of re-allocating our resources towards them.

3200 Sir, I understand that these are already P&R's intentions and so I invite Members to support the amendment.

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

3205 **Deputy Merrett:** I do, sir.

The Deputy Bailiff: Deputy St Pier, do you wish to exercise your right to speak at this time in the debate?

3210 **Deputy St Pier:** Yes, please, sir.

3215 Just to confirm that, yes, the Policy & Resources Committee is supportive of this amendment, which aligns closely with the intended approach for working with the Principal Committees over the next few months to refine their policy plans and we believe it will help clarify the process that we intend to follow, so we regard it as a positive amendment and encourage Members to support it, sir.

The Deputy Bailiff: I do not see anyone rising. There is nothing really to reply to, Deputy Yerby.

3220 I will put amendment 16 to you, Members of the States. It is proposed by Deputy Yerby, seconded by Deputy Merrett. It will have the effect of inserting some wording at the end of Proposition 11. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that duly carried.

The next amendment, Members of the States, is amendment 15, and it is being proposed by Deputy Gollop.

3225 Deputy Gollop.

Amendment 15:

To add, after the words 'as necessary' in Proposition 12, the words: 'in consultation with the respective Committee or Committees' and to add before the full stop at the end of Proposition 12: 'but respecting the specific requirements of each Committee'.

Deputy Gollop: Thanking you, very much, sir.

The Deputy Bailiff: Who is seconding it?

3230 **Deputy Gollop:** Deputy Tindall.

The Deputy Bailiff: And its effect?

Deputy Gollop: Its effect? I shall read it.

Deputy Gollop read out the amendment.

3235 **Deputy Gollop:** The purpose of this amendment is to ensure the professional officers working within specialist policy roles supporting Committees, such as the Development & Planning Authority, are not subject of redeployment without consultation with those Committees and having respect to their specific requirements.

3240 To summarise, really there are three 'C's in this and the three 'C's are all about consultation, consideration and communication.

Committees that have specialist policy officers and personnel doing important regulatory or professional facilities do need to be fully consulted before high level staff changes are needed. That means giving consideration to Committees and their needs and their workloads within, not just the Island Development Plan, in this instance, but across the policy planning and strategic planning process.

3245 The communication – one of Deputy Lester Queripel's favoured words – is cordless. One could add a few more 'C's to this, such as common-sense – one needs a common-sense attitude; co-ordination to co-ordinate the work streams, and another 'C', of course, is chartered town planner. People forget that planning is a resource and a profession, like many others.

3250 We, as a Committee, have planning policy officers that work within the Planning Services' forward planning team, under the direction of a policy environment manager. Two of the most important key criteria nowadays for positions like that are applicants are chartered town planners, having corporate membership of the Royal Town Planning Institute and, also, that they have extensive experience working in a similar specialist planning policy environment, maybe in a local authority.

3255 Therefore, redeployment of planning policy staff, which is implied under the main Proposition, will reduce the specialist resources available to the planning services. That is not just, of course, the Development & Planning Authority: it applies to Environment & Infrastructure as well, who also have planning policy work streams. Scarcity of dedicated, specialist policy resources within the Planning Service would clearly impact on its ability to contribute to related policy areas within that Committee's mandate.

3260 I would add that we are seeing retirement of a leading planning officer. We have seen one already. Recruitment for the positions is difficult, especially given, perhaps, the less than highly competitive pay and our housing structures and restraints.

3265 But, of course, this amendment goes more generally than just on planning and could apply to many other disciplines within the States.

3270 Although we appreciate planning policy staff do, and would have, the potential to contribute with their experience and training to overall States' priorities and other policy roles within the States and, indeed, we have seen that over the past decade, such redeployment could and probably would be a one-way street because, given the specialist nature of planning policy roles, including the requirement for membership of the Royal Town Planning Institute, it is most unlikely that the sorts of requirements within the Planning Services could practically be met by policy staff from other disciplines. This was evidenced by the difficulties experienced in finding suitable planning policy writing expertise from outside the Planning Service, at the time of preparing the draft Island Development Plan.

3275 We, on the Committee, were somewhat mortified to hear various lobbyists in the construction and architectural and business field blaming the States, or particularly ourselves as a Committee,

for not getting on with the plan, because apart from the intervention of a general election and a new system, and splitting of the Committee, we had a real problem in the year or two running up to it, when I sat on Deputy Brehaut's Environment Board, of finding planning officers to do the work because it is a specialist task. It is, effectively, a form of specialist Law, as well as work in the property field.

Chartered town planners have specialist training and experience. The potential for such redeployment would likely make future requirement to planning policy roles less attractive for potential candidates. That is certainly an argument.

We do want consultation to be standard practice. We do feel the needs of the overall organisation should not, in any way, have significant and unconsidered impact, as Deputy Trott said, yesterday, the unforeseen consequences of actions.

Of course, although we appreciate the Chief Executive has a strategic role in moving staff around the organisation, we do wonder how far that should apply to specialist branches of the service, because we do not really have an executive system of Government in that sense. We have a consensus system, based upon inter-committee co-ordination.

We know it is necessary to supplement locally trained staff with experienced professionals, recruited from off-Island. These posts, as Deputy Lowe knows, are subject to employment permits, justified on the basis of the particular skills required for that position. The prospect of subsequent redeployment to other posts calls this process into question, as well as having a likely adverse impact on recruitment of professional specialists, for the reasons previously described.

We do not believe this amendment is unnecessary as consultation with Committees might not take place automatically, despite the assurance, because it makes common sense to have this process agreed openly at this time and publicly by the States for approval of this amendment to ensure it operates consistently and fairly. I would also add to this two thoughts of myself.

This does not, of course, just apply to planning. One has witnessed over the years in, for example, the health or educational fields, a form of work and salary creep, as specialists who have done an expert job on the chalk face are recruited to policy roles, and then you see a shortage of people in key disciplines. You can see a pay inflation without needing it.

I very much urge the States that, if you want to have a professional Planning Service that delivers the objectives that the community and the business community and the construction industry want, in a timely and cost-efficient fashion, you should very much support this amendment.

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

Deputy Tindall: Yes, sir, and I reserve my right to speak, please.

The Deputy Bailiff: Deputy St Pier, do you wish to exercise your entitlement to speak at this stage of the debate?

Deputy St Pier: No, sir.

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, this amendment concerns me, because I have worked as a professional planner in my working life and the concern is that this aims to restrain the opportunity to move from one area of employment to another.

This does limit the movement of officers in diversifying, for example, their experience, and also limits perhaps, in the future, their promotion prospects within the Civil Service, due to the fact that they are unable to obtain the diversity of experience that goes with higher office.

Having said that, I think it also restrains or limits the attractiveness of Guernsey in terms of competing for professionals in this particular area, which I know as a result of heading up the

3330 department years ago that it limits the ability to attract in Guernsey, in a very difficult market, because it is very difficult to recruit in this particular area and this would provide a further restraint, if you like, on Guernsey attracting professional planners.

Thank you, sir.

3335 **The Deputy Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

I think this amendment highlights a slight absurdity with our system of Government really. In most places in the world, the Civil Service is almost a shadow version in structure to the political system, but here we have a Civil Service that is now a traditional hierarchical body controlled from the centre, and yet we have a political system that it serves being one that is still very much rooted in the Committee system where the power is diffused throughout the whole of the parts of the body, if you like. This parliament is the executive, something that Members need to remember when they go on about supporting the doctrine of the separation of powers, because it is not just about the legislator and the judiciary, of course. It is also about the executive and the parliament, but there we go.

Coming back to the matter in hand, I do not know whether I am going to support this amendment, but I do think that those sitting at the top of the executive pyramid that is our Civil Service have to realise that Civil Service is actually supporting a very different structure indeed – not just with moving people but actually also when appointing people. I was amazed as an outside observer when I saw what was clearly going on: a major Committee had what was called a ‘Chief Officer’ then – it would be a ‘Chief Secretary’ now – imposed upon them when clearly they did not actually support that appointment. That would certainly not have been done in the days of the old Civil Service Board, but we must not harp back to the good old days. Always the first question ... the Civil Service would try to find the best candidate, but they always tried to make sure that the body politic that they were being appointed to felt comfortable in working with that person and it would be a good fit.

Sir, I know in the comments that they sent round, P&R said consultation would always happen and that they will try and accommodate the Committees, but I do think that the Committees ought to have some ... I believe we are one organisation and we have to use our resources most efficiently, so I do not think at the end of the day I can go far supporting this unless Deputy Gollop can convince me, but I do think it is very important that Frossard House does not just issue edicts about how staff are used and that Committees are *really* listened to, and their needs and concerns with people that they work with day in and day out are taken into account.

3365 **The Deputy Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir. Just a brief contribution.

There is an undertone, I think, in this amendment: the fear of the central power of the Civil Service hierarchy; and I understand it, but I think it hangs over from an environment which I felt when I came into the States in 2008. I think for much of that term, 2008-12, there were a lot of us in more junior positions, ordinary Members of Committees, battling against what was, I think, quite a deliberate attempt, politically and at officer level, to accumulate more and more control, but I do not think that environment exists any more.

Now, it may be some Members will say, ‘Oh, that is very naive’, but I get the sense that there is a very different environment these days, both politically and in terms of the Civil Service. I have had occasion to speak to the Chief Executive and to other senior officers when I have got wind of things potentially happening which would have concerned me at a Committee level. Well, I have gone in to see them and nine times out of 10 the thing has not happened, because once concerns are articulated clearly, normally the senior officers understand what the concerns are and act accordingly.

Not only would I have supported this kind of amendment six, seven years ago, I would probably have proposed it, because there was very definitely a need to kick back against the attempt to accumulate more and more power, as I say, politically and at officer level, but I just do not think that exists any more. I think that, by and large, decisions which are made at senior officer level are very heavily influenced by the demands of States' Committees. In fact, the changes that were made in May 2016 now make senior officers serving States' Committees directly accountable to States' Committees in a way which had not been the case previously. And one or two of the senior officers, having seen the effect of that, may regret the States inserting that rule, but that is perhaps a debate for another day.

That certainly is a completely different set of procedures and practices than used to be the case, and I just do not think that this amendment is necessary. I actually think it will be counterproductive for the States at a political level to start trying to kick back against the perception of the accumulation of power centrally when actually I think we have moved on from that debate. I would say this, I suppose, but I think those of us who stood up against it won the debate. I think things did change politically and they have changed at officer level. I do not really want to go back there and that is why I am sceptical about this amendment.

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

I have to pick up on the last point that was mentioned by Deputy Fallaize. We are not trying to actually impose anything out of any fear. It is totally due to the fact that we wish to ensure that the attractiveness of Guernsey for our planners continues. It is important that we do not limit their prospects; that they can be able to continue working in Guernsey in order to be able to continue with their chartered scenario.

That is one particular issue, but also we are not asking to set a precedent here either. We are only asking for what Deputy Gollop described and what is specifically the wording in the amendment, which is the consultation but with respect to our specific scenario. I do not think it is asking for that much, but I also would like it written in stone so that we can actually say to our staff that this is part and parcel of what is going to happen.

It may well have been the case in 2008 that there was a concern about central power. This is not a question of that. It is just simply improving communication and confirming that is the case, so when we advertise and we look for people to come from abroad to join us, we have that reassurance that we can offer the employment of which their permits will apply and where we can continue to benefit from their involvement, and also so that we can continue with the policies and plans that have been given to the Development & Planning Authority.

It is not just us, I should add. I have been told, on occasion, that it is other Committees. It is just another 'C', if you like: courtesy.

Thank you.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you very much, Mr Deputy Bailiff.

I like the more literal reading of the amendment from Deputy Gollop and Deputy Tindall. If you take one *relatively small* piece of work, the Housing Market Review, although it is an independent review, it takes up a lot of staff time because the reviewers need information from the States. We know actually the States are not particularly good at collating information and stats, so an outside reviewer interrogating our system to get the stats out ... although it is an independent review, the people giving the information will be our staff or staff at Policy & Resources.

The same is probably true with the review of Health & Social Care. There is an external review but staff will be participating and gleaning information for that review. Yes, Deputy Trott, another external review – through you, sir.

But we do have this idea of –

3435

Deputy Soulsby: Sir, point of correction.

Deputy Brehaut: I will give way.

3440

The Deputy Bailiff: Point of correction, Deputy Soulsby.

Deputy Soulsby: We are actually working in partnership with KPMG to develop a new model. It is not what you would call an 'external review'.

3445

The Deputy Bailiff: Deputy Brehaut to continue.

Deputy Brehaut: Thank you, Deputy Soulsby. I take the point.

I suppose my overarching observation is just the whole menu of work that senior staff will have to do, which is participating in almost external reviews, doing the policy work, having the Committee responsibilities and then being farmed out to another Committee to do other work.

3450

Now, we are fortunate that the Committee for Economic Development have one member of staff ... Well, they have more than one member of staff at strategic level, but we have got 30% of that person's time and that person's 30% is actually very useful to us and it works very well.

The points made by Deputy Gollop are valid: bearing in mind this report that we commissioned yesterday or the work that will commence with regard to the infrastructure around airports and ports is a colossal piece of work and that will take up the time of our staff as well as the external reviewers who will be carrying out the review.

3455

So I will be supporting this amendment, because I think you can stretch very good people too thinly at times.

3460

Thank you.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir. I will be exceedingly brief.

3465

I am not sure I am completely convinced by this amendment, but I am very glad it has been brought.

I think in yesterday's debate mention was made about the need for succession planning and I think that is the wider question for me. Certainly I sit on two Committees, Health & Social Care and Home Affairs, and I think both Committees have suffered by very tardy succession planning. I think this is a very big issue that needs to be addressed.

3470

I am not entirely sure whether this amendment is the right tool to do that, but I think that is the message I will give to this Assembly: that Policy & Resources really have to put more effort into succession planning, for all the reasons that Deputy Tindall said about having to replace people that either retire or move on. It needs to be properly planned.

3475

Thank you very much, sir.

The Deputy Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

3480

Sir, I notice Deputy Trott frowned when Deputy Brehaut mentioned an independent review just now, but of course he proposed one yesterday and he got it through the Assembly – such is politics!

I will give way to Deputy Trott, sir.

3485

Deputy Trott: I am grateful to my friend for doing so, sir.

I was really, I think, illuminating hypocrisy, because it was, of course, Deputy Brehaut, yesterday, and others, who spoke against independent reviews saying they were awful things – well, clearly only when it suits.

3490 **Deputy Laurie Queripel:** Such is politics, sir. *(Laughter)*

But, sir, in regard to this amendment, I do find myself sitting on the fence. It is a pretty rare position for me to adopt and I am enjoying the ambiance, but ... *(Laughter)*

3495 It is that way, sir, because I think actually we do need to hear from Deputy St Pier on this amendment, because I just have not got enough information. I know that a key part of the Plan or the transformation is this idea of having a more flexible and adaptable workforce, but I need to know to what extent that will go. Are Deputy Gollop's fears going to be realised? Is it going to be about seconding what you might call 'specialist, specialist officers' like senior planning officers to do other work? If it goes that far, then I share his concerns, but I am not sure how far this approach will go in regard to having this adaptable workforce and people moving around
3500 depending on what workstreams are taking place.

I agree with Deputy Fallaize: there is a hangover here to the past. He mentioned what happened between 2008 and 2012. I also remember in the last term, between 2012 and 2016, in regard to the implementation of the SACC system – and it might have been the FTP as well – where officers were seconded from – they were Departments then; they are Committees now –
3505 various Departments in order to help that process along, but actually it was the budgets of those Departments that incurred the cost of those officers doing that – I think I recall that correctly. I think that may be the kind of thing that Deputy Gollop is fearing again as well, that officers will be seconded to do some work for the centre that has really been implemented and commissioned by the centre and yet the Committees have to bear the brunt of that, perhaps in losing those officers
3510 and also the cost brunt as well.

I think we need to hear from Deputy St Pier how far this approach is going to go? Is it really going to be that really important, specialist officers are going to be seconded from, for example, DPA, and taken away from their work and those Committees, and that work will suffer because of it? Or is this approach only going to go so far without doing that? I would like to hear from
3515 Deputy St Pier on this matter, sir.

Thank you.

The Deputy Bailiff: Deputy Oliver.

3520 **Deputy Oliver:** Sir, I would just like to say a little bit about this amendment, and I am in support of it. I think, just putting it into a bit of perspective is the way that this amendment came about ... was within our Committee meeting and we were discussing it and then the officers actually said, 'We are a little bit worried about the P&R Plan and how much resources it is going to actually use with the priorities that are put upon DPA without actually being consulted or
3525 allowed to even contribute to the P&R Plan for the DPA.'

Thank you.

The Deputy Bailiff: Deputy de Sausmarez.

3530 **Deputy de Sausmarez:** Thank you, sir.

For me, this amendment is about the efficient use of resources. I think it is all very well if we have got, hypothetically, a civil servant who has got a broad base of skills and they move into an area, such as Deputy de Lisle described, in fact: perhaps a little more specialised and challenging, one that is good for their career – that is great; that is an efficient use of resources, perhaps.

3535 But the flip side to that coin is when you have someone with a very specific skill-set who is deployed on a more generalist matter. That is where the worry lies and I think that is what this amendment is trying to safeguard against, because it is then the effort and the inefficiency of

trying to back-fill those positions and those specialist skills which we know are in very short supply in Guernsey. So I think that really cuts to the heart of the matter on this amendment.

The Deputy Bailiff: I invite Deputy St Pier, as the President of the Policy & Resources Committee, to reply on the amendment number 15.

Deputy St Pier: Thank you, sir.

Sir, I have stressed the importance of us needing to work as an organisation that is effective and efficient, and that obviously includes making the best use of all our resources and of course staff resources are simply part of that. And, of course, the movement of staff from one area to another is often a good opportunity for those staff and something that they want to do, as well as being good for the States. I know that the Committee for Economic Development has been supported for some time by somebody who had previously been in the planning area.

That is the intention behind Proposition 11. It is all about making the best use of staff resources to deliver the priorities to the organisation as a whole, but Deputy de Sausmarez is right: the challenge is obviously around those with specialist skills. I think actually the amendment goes far further than that. It does not limit the restriction, as it were, to those with technical skills. It is much broader than that.

I think it is self-evident that there are all sorts of people around the public service with specialist skills, whether it is environmental health or health or safety or the Medical Director. Well, we are not going to take the Medical Director and put him in Planning or take somebody from Planning and put them in as the Medical Director. It is simply not going to happen. So inevitably those that have a technical skill-set are not going to be picked up and dropped in generalist roles.

Clearly there is extensive consultation when staff move around to support other areas. It happened recently between Employment & Social Security to support the Committee for Education, Sport & Culture and indeed with Environment & Infrastructure at the same time with those series of moves. So there is always consultation between the Chief Executive, both at a staff and a political level.

So we would just say that this is not an amendment where we feel there has been any demonstrable history or experience which suggests that it is necessary, and we should leave the Chief Executive to have the flexibility which he needs to manage the staff around the public services as needed. And, as I say, self-evidently, he is not going to leave, through his line management, a technical area uncovered in any given circumstance. It would not be in the interests of the public service as a whole.

Please reject this amendment, sir.

The Deputy Bailiff: I invite the proposer of the amendment, Deputy Gollop, to reply to the debate on it.

Deputy Gollop: Thanking you, Deputy Presiding Officer.

We had about nine speakers and it was an interesting, perhaps mini, debate, but I think perhaps I am not sure the States are really ready to listen to the wider meaning and the overall perspective of this kind of thinking yet, perhaps because our system of Government is too new and a new focus on one organisation.

I think this States is quite relaxed about major personnel decisions taking place without much, I would say, political engagement. Maybe Deputy St Pier knows differently and it is slightly different at the top of Policy & Resources, but I would say for us foot soldiers on the ground we just listen to *BBC Guernsey* to hear the latest round of musical chairs to Charles Frossard House or whatever.

You are very much seeing – and I would agree with the flavour of what Deputy Roffey said – that we do now have a disconnect between a consensus Government of equals: Principal Committees being co-ordinated on one level and a more executive model of management in one organisation at officer level. I will come back to that in a minute.

3590 Deputy de Lisle, of course, had concerns about this. We are aware of his past as a planner, as
an academic and as Environment Minister. But, of course, it was in his era that the Shepley Report
was commissioned, and the Shepley Report had this idea of making Planning a centralised
resource for the whole of the States. Now, in reality, Guernsey is a bit small for that because we
3595 perhaps do not have enough qualified planners to go around to be both a corporate resource and
a specialist resource.

But it is quite wrong in implying that this amendment would prevent an ambitious candidate,
local or not, from applying for a different role in the States. I am sure that will happen. It certainly
happens in other fields like health and education, but that can lead to attrition and drift. Indeed, it
is fair to say the States has lost some excellent planners, not just through retirement, but for being
3600 attracted to the dark side, I could say, of the private sector, where they have had extremely
successful careers in law, architecture, surveying, or whatever.

So there is a risk and the last thing the States wishes to do is to restrict professional
development, but nevertheless I would say it is quite the opposite, that another 'C' – I mentioned
a lot of 'C's earlier: communication, consultation, commitment and consideration – really is
3605 'continuous professional development'; staff that work in the discipline need to keep their skills up
dated and very much need to work within the specific framework of the profession. If they are,
say, attracted to the centre, let us say, to write reports on how best to manage property
rationalisation, for the sake of argument, that takes them away from the core planning
requirements.

I think we have to bear in mind that recruitment is extremely difficult already. We do have to
work harder recruiting people. There is some attrition. I will be candid here – Deputy Oliver was
candid in saying that there has been a degree of concern amongst the staff about the trend of
centralising scarce resources. We have a real problem of offering a competitive employment
package, because when professionally qualified staff see what is on offer and then they see what
3615 prices are in the estate agents' window and all the tax and fiscal policies, that not all of us are
happy with, they actually walk away. Some really good candidates say, 'Oh, I am sorry, but I think
maybe Swindon has more to offer us' – or somewhere like that.

We are competing nationally and internationally and we cannot afford to worry about that. Of
course, this equally applies to other professional disciplines like, for example, health and safety
3620 officers or environmental health. It does not just apply here.

Deputy Fallaize was saying that perhaps this approach would have been needed more a few
years ago in a different era of politics and Ministers and a different Chief Executive, and I can
agree with that up to a point. I think we have found the new regime more open, more transparent,
better at communication and with a very solid one-organisation audio-visual dialogue, but
3625 nevertheless we know at Planning, for example, that we are down on resources and we do not
want that to develop into a negative trend.

Deputy Tindall says we very much focus on strengthening the service and strengthening the
resource.

I welcome what Deputy Prow has said, but this is not meant to go as far as succession
3630 planning, although it is implicit within it that if you take able members from a team you can
disrupt the natural hierarchy and the apprenticeship model. But, of course, I would point out, not
so long ago, we had a situation where a very senior member of the Police Force was moonlighting
as an FTP strategy consultant – was that exactly what we needed? I am not sure.

Deputy Queripel gave a degree of support.

3635 Deputy de Sausmarez put her finger right on it; that we are looking at specific skill-sets and
that is the measure of this.

I think this amendment has very much floated an issue. What we need is the level of co-
operation from the centre, consultation and consideration of specialist resources. If the Assembly
chooses to water this down or to disregard this amendment, it is no good complaining to me or
3640 the Planning Service in a year or so's time that there are planning delays, that the revenue stream
from Planning is not coming through, that there is a material effect upon the building,

construction or associated industries, because we will not necessarily have been able to recruit and retain the planners and we do need total support from the centre to achieve that objective.

I urge Members to support the amendment.

The Deputy Bailiff: Members of the States, we go to the vote on amendment 15, proposed by Deputy Gollop, seconded by Deputy Tindall, which will have the effect of inserting some wording into Proposition 12.

Deputy Tindall, Deputy Lester Queripel.

Deputy Lester Queripel: I ask for a recorded vote, please, sir.

The Deputy Bailiff: There is a request for a recorded vote, so we will have a recorded vote, please, Greffier.

There was a recorded vote.

The Deputy Bailiff: Well, Members of the States, once again, I will formally announce the result of the voting on amendment 15 in a moment, but it appears to me that it has been carried.

If we can turn next to amendment 17, which is proposed by Deputy de Sausmarez.

Amendment 17:

To insert a new Proposition 11A between Propositions 11 and 12 as follows:

'11A. To direct all Committees when formulating policy to take account of long-term impacts on the wellbeing of current and future generations.'

Deputy de Sausmarez: Thank you, sir.

The amendment is seconded by Deputy Hansmann Rouxel and it instructs the Policy & Resources Committee to insert a new Proposition, 11A, or whatever, between Propositions 11 and 12 as follows:

Deputy de Sausmarez read out the amendment.

Deputy de Sausmarez: Sir, I believe this is the shortest amendment to the Plan so I will be brief, but I do want to take just a few minutes to explain what it is all about.

No doubt some Members read this amendment and questioned the need to include it at all. On one level it states the obvious, I mean we do this already don't we? Of course all Committees take careful account of the long-term impacts of their decisions, and of course the wellbeing of current and future generations is the cornerstone of all our policymaking. It goes without saying, doesn't it?

Well, it might go without saying but in reality it sometimes goes without *doing* as well. We all like to think we take careful account of the long-term impacts of our decisions all of the time, but history proves otherwise. While no-one can predict the future with 100% accuracy, some long-term impacts are well evidenced and clearly signposted yet still ignored by policymakers around the world.

How long have we known that smoking is one of the leading causes of preventable death? The first major study showing the causal link between smoking and lung cancer was published in 1950, yet it was decades before policymakers globally made any serious efforts to actually discourage the habit. What is at the heart of this is a fundamental tension in politics between long-term strategy and short-term interests.

As politicians it is our job to develop policies that will benefit not just the Islanders of today, but hopefully their children and grandchildren too. At the same time though it is also our job to listen to what people want; and people often, understandably, want things that will benefit them

right here and now. They cannot be blamed for that, it is not their job to take the long-term impacts into consideration; that is *our* job. And anyway, sometimes it is not even a problem. Sometimes what works in the short term might work in the long term for everyone's benefit, but more often than not short-term and long-term interests can be at odds.

Now, I will not confound Deputy Ferbrache with the neuro-science explaining why this is, but I am sure we all recognise the fact that humans are far better at responding to immediately obvious factors than to more distant threats – even when those threats are real and serious. On a personal level and reflecting on this morning's debate, I know that it is in my long-term best interest if I choose to go for a run and have a salad when I get home this evening, but I also know that the immediate gratification of collapsing on the sofa with a pizza and a glass of wine is likely to prove more compelling.

In the political sense, our democratic system actually incentivises short-term thinking in a way. We hold elections every four years which is often not enough time for the long-term impacts of our decisions to have become clear. Superficial short-term wins are all too tempting; crowd-pleasing moves give both politicians and the public instant gratification, but by the time the chickens come home to roost, the politicians responsible for any short-sighted decisions may no longer be in a position to be held accountable.

We have heard several Deputies in this debate warning of the dangers of short-termism, and they are right of course. Short-term savings targets, for example, can drive perverse behaviour and lead to unintended negative consequences further down the line. And the lengthy debate this morning on the sports strategy reminded us that the lack of cohesive policy on sport, for example, can have acute and far-reaching long-term effects.

Sir, I am sure, like me, you welcomed the sight of our Public Gallery filled with primary-school children yesterday morning. It was a timely reminder that the policies we make now will shape the future when perhaps some of *them* will be sitting in these seats making decisions that will shape the next generation's future. This amendment is partly about engagement, listening to the views of the younger and indeed the older generations and making sure that we actually incorporate their views and considerations into our decision-making.

Through the Youth Forum, young people have told me that they do feel consulted to a certain extent, but they do not always feel that their input is effective on many of the issues that matter most to them – affordability of higher education and housing, climate change, social equity, mental health in schools, waste and recycling, renewable energy and a diversity of career opportunities, to name just a few.

One young man told me why he thought it was important that there is a meaningful conversation between his generation and current policymakers, and this is what he said: 'The involvement of young people in this process has never been more vital as the experience of being a young person is drastically different to when the policymakers were there. This is not a judgement on the age of policymakers, but the experience of being a young person is changing faster than ever before. The only way to ensure that the decisions being made will have maximum benefit to young people is to have them fundamentally involved in the process.'

Now, this quote underscores not just the potential differences in opinion between generations but actually points to something more fundamental – the difference in experience. We know millennials, for example, face very different challenges than those faced by those of us born before the mid-1980's, and, as a result, we see distinctly different patterns of mental health issues, job satisfaction and even the ways in which they communicate. Millennials are young now but they are the older generation of the future, so understanding what makes them tick is essential to the success of initiatives such as longer working lives, for example – one of this States' current workstreams.

It might interest Members to know that two years ago the Welsh Assembly decided to make explicit this need for long-term thinking and so passed something called the Well-being of Future Generations Act – an Act that the United Nations said they hoped would serve as a lead and that other governments would follow. It enshrines in law integrated ways of working towards seven

wellbeing goals in areas of health, prosperity, resilience, social equity and cohesion, vibrancy and responsibility. The Well-being of Future Generations Act enshrines the principles of sustainable development and describes the need to balance short-term needs whilst safeguarding the ability to also meet long-term needs.

We touched on many of these things in the P&R Plan before us at the moment, but the one thing that I feel is missing is an explicit commitment that we are not just thinking about the short-term or, dare I say it, our own political popularity. I urge Members to support this amendment to reassure our community that we will do our best, not only to make the right decisions for today but also the right decisions for tomorrow.

Thank you.

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

Deputy Hansmann Rouxel: I do, sir.

Amendment 15:

Carried – Pour 26, Contre 12, Ne vote pas 0, Absent 2

POUR

Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Brouard
Deputy Dudley-Owen
Deputy Yerby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Leadbeater
Deputy Meerveld
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel

CONTRE

Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Le Clerc
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy St Pier
Deputy Stephens
Deputy Fallaize

NE VOTE PAS

None

ABSENT

Deputy Le Tocq
Deputy Merrett

The Deputy Bailiff: Thank you very much.

Members of – (**Deputy Lester Queripel:** Sir.) Just a minute, Deputy Lester Queripel, can I just announce the results of amendment 15, please, otherwise I will forget?

This is amendment 15, Members of the States, proposed by Deputy Gollop, seconded by Deputy Tindall, inserting words into Proposition 12. There voted Pour 26, Contre 12, there were 2 absentees and I therefore declare that amendment carried.

Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I rise to invoke Rule 26(1), please.

The Deputy Bailiff: Will Members who intend to speak in the debate on this amendment please stand in their places? Do you still wish to invoke Rule 26(1), Deputy Lester Queripel?

Deputy Lester Queripel: I do, sir.

3765 **The Deputy Bailiff:** Well, Members, I will put to you that debate on this amendment be closed other than the normal closing. Those in favour; those against.

I think once again because of the noise I am going to have to have a recorded vote in respect of that, please.

There was a recorded vote.

3770 **The Deputy Bailiff:** Well, Members of the States, I do not think I need to wait for the outcome of that. The motion pursuant to Rule 26(1) on my calculation was lost; the exact numbers we will get to in a moment. So debate continues.

Deputy St Pier, do you wish to exercise your entitlement to speak on this amendment at this time?

3775 **Deputy St Pier:** Yes, please; thank you, sir.

I think clearly one of the primary purposes of the Policy & Resource Plan has been to set out the long-term vision for the Island, which obviously we did in Phase One, so that the community, Government and business can actually plan with confidence for the long term. I think this amendment is within the spirit of that and reaffirms the commitments made in Phase One of the Policy & Resource Plan.

3780 I think particularly some of the comments which Deputy de Sausmarez made at the end towards some of the wellbeing work in Wales, for example, some of that is reflected in some of our monitoring and the proposals to create our own indices by reference to the OECD Better Life Index and some of the things which are set out in appendix 10.

3785 So this is consistent with that and the Policy & Resources Committee are happy to support it, sir.

The Deputy Bailiff: Deputy Tooley.

3790 **Deputy Tooley:** Thank you, sir. I will be, hopefully, as brief as the amendment is itself.

Guernsey leads the way in asking our young people to vote for their future direction. Let's follow that up by making absolutely explicit that we lead the way in putting young people and future generations at the centre and forefront of our planning for the future.

Several Members: Hear, hear.

Rule 26(1):

Not carried – Pour 15, Contre 23, Ne vote pas 0, Absent 2

POUR

Deputy Graham
Deputy Paint
Deputy Dorey
Deputy Dudley-Owen
Deputy de Lisle
Deputy Prow
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Parkinson
Deputy Lester Queripel
Deputy Leadbeater
Deputy Mooney

CONTRE

Deputy Green
Deputy Brouard
Deputy Yerby
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Oliver
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop

NE VOTE PAS

None

ABSENT

Deputy Le Tocq
Deputy Merrett

Deputy Trott
Deputy Smithies

Deputy Le Clerc
Deputy Le Pelley
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann Rouxel

3795 **The Deputy Bailiff:** Members of the States, on the motion pursuant to Rule 26(1) proposed by Deputy Lester Queripel there voted in favour 15, against 23, and that is why it was lost.
If nobody else wants to speak on –
Deputy Ferbrache.

3800 **Deputy Ferbrache:** Sir, although it may not be necessary, it is a very worthwhile amendment (**A Member:** Hear, hear.) because it says what our job is here for. And I can also be brief, sir: with somebody with the obvious intelligence and foresight of Deputy de Sausmarez, she will see that, necessary for the future prosperity of the people of Guernsey is a runway extension. (*Laughter and interjections*)

3805 **The Deputy Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you; and in the spirit of other speeches, extremely brief, sir.
If you look at page 245 – and I will not ask you to look at it, I will read them out for you. If you go to what is covered under the mandate for the Committee for Environment & Infrastructure, you will see climate change, you will see the coast and coastal defences, and biodiversity.

3810 Now, Environment & Infrastructure Committee do a number of things in the now, but doing those things in the now means that future generations benefit from them. And I would just ask you one question: when you get to a decision-making process who externally from this Chamber has influenced your decision or particularly influenced your vote? It is probably a certain demographic.

3815 Now, we were delighted, at the Environment & Infrastructure Committee the other day, to receive a lovely clutch, bunch – I do not know what the collective noun is – stack, of letters from young people praising us, actually, for some work that we had undertaken and their perspective on how it will look a few years from now.

3820 So please, in your decision-making processes in the future, listen to the young people rather than – dare I say it – be swayed sometimes by a demographic that is perhaps more eager and contacts you on a more persistent basis, can I say?

 Thank you.

3825 **The Deputy Bailiff:** Deputy Langlois.

Deputy Langlois: Thank you, sir.
One can only imagine it was quite late in the evening when I first read this amendment and I distinctly remember thinking it sounded a bit ‘new age’. (*Laughter*) But in the cold light of day, I thought it was a lot more hard-headed than that.

3830 I think it was Deputy Yerby yesterday who pointed out that the core of the Policy & Resources Plan, the Medium Term Financial Plan, was actually a short-term plan; and despite what Deputy St Pier has just said about the long-term vision, I think we are in danger of short-termism and I think this Phase Two is quite short term as evidenced by the financial plan we have agreed.

3835 So I am very supportive of the idea of opening it back up to the original vision of it being a long-term plan and we will talk, rather, to ensure that the long term is always considered in our

policy- and decision-making. I think this amendment will help to that end so I will be supporting it.

3840 Thank you.

The Deputy Bailiff: Deputy Hansmann Rouxel.

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

3845 There is one thing that Deputy de Sausmarez did touch on briefly, which is that disconnect that we have as an older generation – and already most of us are – and the younger generation. I think particularly now more than any other time, the seismic shift that has happened in terms of social media and the impact that has had on our cultural identity and the way we communicate, it is vitally important that we do have that connection between how the young people of today will be
3850 interacting with the world of the future, the world that we are deciding – and those decisions that we make that will affect that.

We cannot do that without taking their views and opinions into account and understanding how what we do now affects them in the future.

Thank you.

3855

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

I would just like to say that I would be very surprised if there is a lot of opposition to this, so I
3860 would just encourage Members to keep their speeches short so that we can crack on and get to the vote.

Thank you. *(Laughter)*

The Deputy Bailiff: Deputy Fallaize. *(Interjection)*

3865

Deputy Fallaize: I will heed Deputy Leadbeater's comments. *(Laughter)*

I promise! I promise I will!

What I would say is, it is an interesting amendment but it is not much of a fluffy amendment in the way I read it, because it could be interpreted that way. Yes, okay, it is sort of a platitude to say
3870 let's take into account the interests of young people as well as the interests of 'current generations' – but I think that is a euphemism for 'old people' – when we are making policy.

But actually what must not be overlooked is that sometimes the interests of future generations conflict with the interests of current generations. I think this is perhaps a point that Deputy Parkinson was making quite well in a speech – it was probably only yesterday but it seems like
3875 days and days ago. But it was a very good point.

I think that the States needs sometimes to face up to the fact that making policy which may be in the interests of the people who, let's say, prevail on the electoral role, and certainly prevail amongst commentary and public discourse, may mean that policy is made which is not actually in the interests of future generations. And so this is not the case that the interests of younger people
3880 and the interests of older people are one and the same; sometimes there is conflict and I think the States could do with giving more thought to how that conflict is best resolved.

The Deputy Bailiff: Deputy Parkinson.

3885 **Deputy Parkinson:** Thank you, sir.

Obviously this is a sort of 'apple pie and motherhood' type of amendment, in that nobody is going to say this is a bad thing to do. My slight concern of the former Chairman of the States' Strategic Plan team is the structural location of it, in that in Phase One of the Policy & Resources Plan the States did all the blue-sky thinking and the high-level values of the Assembly and so on

3890 and so forth, and this to me sits much more naturally in that section of the work. The work done that we are engaged in at the moment in developing a plan of action for this Assembly between now and the end of its term should be about much more measurable objectives – and I do not see actually how you would measure this.

3895 If Scrutiny were, at the end of this term or in the beginning of next term, looking back over the performance of the States during the remainder of this term and in delivering the Plan that it has set for itself, how will they say we achieved that or we did not achieve it?

So, as I say, it is not something that I am going to vote against because clearly it is one of those things that we would all sign up to, but I just think the time for discussing this sort of issue has passed and if this was to be put in the Plan it should have gone in back in November.

3900 Thank you.

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

3905 I am going to wholeheartedly support this. I think Deputy de Sausmarez made an *excellent* opening speech and she said it all, hence my invoking Rule 26(1), because surely we are all going to support this.

Thank you, sir.

3910 **The Deputy Bailiff:** I invite the proposer of the amendment, Deputy de Sausmarez, to reply to the debate on it.

3915 **Deputy de Sausmarez:** Thank you, sir, I will try to keep it brief and I thank everyone, rather than going individually through the comments. Thank you for the support and constructive comments.

Really, the two Deputies who came up with the more searching questions, I think, were Deputies Fallaize and Parkinson, so I will just pick up on a couple of their points.

3920 Deputy Fallaize, I agree, I did recognise during my introductory speech that sometimes there is no conflict and it is easy to balance the short-term needs with the long-term interests, and that is fine. You are absolutely right that sometimes they do conflict and I just wanted to point out that in the wording of the amendment I do say ‘current and future generations’ and I did mean – I think this is grammatically correct – that the plural of generations to apply to current as well as future.

3925 Actually I am the political representative of Ageing Well in the Bailiwick and I know a lot of the focus of this is on younger people, because that is where the potential for future generations lies. But I think it is important that we do not forget the older generation because actually their experience is significantly different from the average, if I can call it that, experience within this Chamber as well. So I think it is very important that we do not forget the older generation and we do make an effort to include their experiences and their views and considerations with equal respect. But yes, the focus of this amendment is on the long-term impacts.

3930 Deputy Parkinson challenged me that this would sit more happily in Phase One, I think it is fair to say, and I would agree with that to a certain extent. The pragmatic answer is that this amendment only occurred to me when I was having a conversation with a young person who had taken a particular interest in some of the areas that sit under the Environment & Infrastructure mandate, and while I was having a conversation with this person it struck me that many of the legacy issues that we are dealing with today were as a result of decisions that had been taken when I was his age, a teenager, and at that moment I realised how important it was to embrace young people in that decision-making process because it is their futures we are shaping.

3940 But I am not going to take Deputy Parkinson’s criticism lying down because I would argue that although, yes, I think it would have been fluffier, actually, had we put it in Phase One; and to me in a way, (*Laughter*) it makes almost more sense to put it at this level at the implementation stage,

because this is the phase where we are making those decisions and it does count. With respect to measurability, I think it was Einstein who said something along the lines of: 'Not everything that can be counted counts, and not everything that counts can be counted'. So I take his point, but I would say there is more than metrics to this.

But anyway in the long-term interests of keeping this short, (*Laughter*) I will finish it there, and I just urge this Chamber to support this amendment.

Thank you.

The Deputy Bailiff: Members of the States, we go to the vote on amendment numbered 17, proposed by Deputy de Sausmarez and seconded by Deputy Hansmann Rouxel, which will have the effect of inserting a new Proposition 11A. Those in favour; those against.

Members voted Pour

The Deputy Bailiff: I declare the amendment duly carried.

The next amendment, as we turn over, is amendment number 4 which was to be proposed by Deputy Tooley. I understand that will no longer be laid. Is that right, Deputy Tooley?

Deputy Tooley: That is correct, sir, it is replaced by 30.

The Deputy Bailiff: Thank you very much.

So we move swiftly on to amendment 23, to be proposed by Deputy Fallaize.

Before I call him to do that, I am going to formally put to you now, Members of the States, that we extend the sitting hours today beyond 5.30 p.m. so that, first of all, this amendment can be debated and hopefully amendment 20 as well, but we will take stock depending on where we get to at the end of amendment 23.

So the proposition at the moment is that I will call Deputy Fallaize, we will move amendment 23 but we will extend our hours beyond 5.30 p.m. Is there any debate on that proposition? Those in favour; those against.

Members voted Pour

The Deputy Bailiff: I declare that proposition duly carried, thank you very much. Deputy Fallaize, amendment 23, please.

Amendment 23:

To insert a new Proposition 15A as follows:

'15A. To note that, as set out on page 187 of Billet d'État XII of 2017, in June or July, 2017 the Committee for Education, Sport & Culture will publish, and enter a period of consultation upon, its initial proposals relating to the future use of the education estate for the secondary and post-16 phases; and to direct the Committee to submit those proposals for debate by the States in accordance with Rule 17(9) of the Rules of Procedure; and to agree that, notwithstanding the provisions of Rules 3(7), 3(8) and 3(9), the States shall debate those proposals at their meeting which starts on the 6th of September, 2017.'

Deputy Fallaize: Thank you, sir.

Well, in laying the last of the last two amendments before the States, I do not suppose I would have chosen 25 past 5 on the third day of debate, but there it is.

I fear that the Committee for Education, Sport and Culture will view this amendment as onerous and antagonistic, when in fact it is neither. It is actually a very straightforward amendment and the proposal in it is supportive of the process of consultation and policymaking

which the Committee itself has set out and upon which it has now embarked. I will explain why I think the amendment is straightforward.

3980 The timetable set out by the Committee for Education, Sport and Culture from this point on, as I understand it, is that next week they will publish their proposals in relation to the reorganisation of secondary education, much of which clearly will focus on the reorganisation of the estate in accordance with the extant States' Resolutions, and that they will publish them in the form of a consultation document. They will of course spend time in July and August and September consulting with stakeholders – parents, teachers, students and others in the community – and they will obviously invite and encourage responses from as many stakeholders as possible. Eventually, 3985 at the end of November, a policy letter will be laid before the States which contains their recommendations for the reorganisation of secondary education and the future use of the secondary education estate.

3990 Now, I completely support that timetable which they have already set out. I think it is very important that there is full and extensive consultation with all stakeholders and my amendment is consistent with their timetable. How my amendment would fit into their timetable in practice is in this way: they would obviously still publish their consultation document next week, they would still have the same period of time to consult on their proposals with all stakeholders, they would still come to the States at the end of November with final proposals, but at the first States' meeting in September they would lay – and they might have to top and tail it a bit – the consultation 3995 document before the States. So they are publishing this consultation document in the first week of July and then in the first week of September they would lay this consultation document before the States for debate.

It would be a Rule 17(9) debate, which is effectively our version of a green paper. It is not possible for Members to lay any amendments to policy letters laid – 4000 I will give way to Deputy Inder.

Deputy Inder: I would like to thank Deputy Fallaize but, sir, just to seek some kind of confirmation, under 17(9) I understand it is, for the Committee to bring the proposals, not to be amended outside of the Committee. That is my reading of 17(9), sir, and I would seek some 4005 clarification on that.
Thank you.

Deputy Fallaize: Yes, sir, that is right, but that does not in any way conflict with what I am proposing because the States at any time can direct – 4010 I am not giving way again, sir.

Deputy Inder: Possible point of correction? Excuse me, sir –

The Deputy Bailiff: It is not going to be a point of correction, Deputy Inder, is it, let's face it. 4015 *(Laughter)* There is nothing to correct at the moment, it is the give-way Rule that is being invoked at the moment.

If somebody needs some advice from the Comptroller in due course it can be sought, but Deputy Fallaize is *trying* to open debate on this amendment that he is proposing.
Deputy Fallaize.

4020 **Deputy Fallaize:** Thank you, sir.

So, I will get to the beginning of that section again – the Rule 17(9).

Yes, of course Deputy Inder is right in the way he summarises the Rule. It is perfectly open to the States at any time to direct what is after all a Committee of the States to bring a policy letter 4025 to the States, and if the States direct a Committee of the States to lay a report under the provisions of Rule 17(9) then that is what the Committee does. So these are debates where the proposals are laid; effectively the Proposition is to note what is set out in the report. The States

debates it and, as I say, it is our version of a green paper debate. No amendments are permitted and it is done where general matters can be considered upon which Committees are going to report back to the States with more detailed final proposals at a later date.

I think it is very appropriate for these circumstances. It is also conventional in that this has been done in the past. The Airport Runway Rehabilitation Project was debated as a green paper; the previous iteration of the Education Development Plan, as I think it was called then, but the development of the secondary estate, ironically enough, was debated as a green paper; the Population Management Regime was debated as a green paper. The States are able to debate the general proposals and then at a later date the relevant Committee works up its final proposals.

As it happens, the final proposals in each of those cases – and there are other examples as well – sailed through the States much more comfortably than is often the case. I think sometimes the green paper process can assist that.

So the whole purpose of this debate at the beginning of September on the document which the Committee is already committed to publishing next week is that they could put their ideas to the States and they could test the mood of the States. They would know during that debate what might broadly be acceptable to the States and what might not be acceptable to the States without the possibility of any Member being able to lay amendments against their proposals, without the States having to reach any final decisions on those proposals prematurely.

I think this would put the Committee's decision-making process in a stronger position than they would be otherwise. If the States do not take this approach, if this amendment loses and the States do not have the opportunity to have a green paper debate in September, the first time the States will debate these proposals they will be the final proposals and it will be at the end of November – and it is right at the end of November, probably going into December.

Now, that timetable is already really very, very tight to put into effect the transition agreed by the States in secondary education. And what I think we need to establish here is that there is a great deal of uncertainty about the future use of the secondary education estate and the future organisation of secondary education. We need to limit the possibility that we get to the end of November and we find proposals that are put before the States which the States do not find acceptable. What happens then?

Potentially the States are unable to reach a final decision, the whole thing is then kicked into 2018 and I think that the timetable then for implementing the changes agreed by the States becomes very, very difficult to meet. At the very least it will significantly increase the uncertainty that there is publicly and it will further drain the confidence in the States to manage this transition in an effective and timely way.

I do not want to get to that stage and I really do think it would aid both the States and the Committee to have a green paper debate in September. The Committee, of course, do not have to submit their final proposals until the middle of October. They would then have a period of several weeks to reflect on the nature of the States' debate and on the comments of States' Members on all of the options, before they formulate their final proposals and put them before the States. It has to be remembered that it is the States that will have to make the final decisions.

I, in no way, discount the importance of consulting stakeholders. We need to know what parents think about their ideas; we need to know what teachers think; we need to know what other people in the education profession think; we need to know what the community thinks; we need to know what businesses think. That is all very important, but ultimately the only way the States are going to effect changes in the organisation of secondary education is by voting for them. It is only going to be the 40 Members of the States who can agree to anything that the Committee puts forward. I think the kind of more open and collaborative process which I am setting out in this amendment will aid the Committee and aid the States.

I do not have very much more to say, sir, but these are inevitably contentious issues and I do not envy the Committee in this regard. They are, we are, heading into very contentious territory here. There are various options. If, for example – and Deputy Inder is itching to get up, sir, but I

am not going to give way again in this opening speech, but he will be able to speak, *(Interjection)*
 he just needs to calm down a bit! *(Laughter and interjections)*

If they propose three 11-16 comprehensives on the sites of the current high schools and the Varendes becomes a post-16 campus – which has been openly discussed as that sort of option, there are advantages and disadvantages but it is a legitimate option – there is going to be enormous resistance from a sector of the community which believes that taking sixth-form study out of post-11 education is disruptive and will not be of benefit to A-level study. If, on the other hand, they propose not rebuilding La Mare de Carteret and having three 11-16 schools without La Mare de Carteret, one of which would be Les Varendes, there is going to be enormous resistance from the school community at La Mare de Carteret.

The point is it is not possible for them to come up with an option which is going to please everybody. It is going to be contentious; it is going to excite a great deal of debate publicly. Now, I think, given all of that and given that it is so contentious – and that contention will be reflected in the States, it is not going to be contained amongst the public, it is going to be reflected among States' Members. Given that, I think it would be better that the Committee has some steer in September about what the States might find acceptable, and unacceptable, in a green paper debate without the possibility of amendments being laid, than it would be to wait right until the end of November to work up all of their final proposals and find out the States are unprepared to accept one, or any, of the options and ideas that they put forward.

This really is not an antagonistic amendment. I think it would aid the decision-making process of the Committee and the States; and I present the amendment in that spirit, sir.

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

Deputy Tooley: I do, sir.

Deputy Lester Queripel: Sir, I rise to invoke Rule 24(4), please.

The Deputy Bailiff: Alright, we have got a request to invoke Rule 24(4), so I would invite those who want debate to continue to stand in their places, please.

There are certainly more than seven Members, rather than fewer than seven Members, so Rule 24(4) has not been successful, Deputy Lester Queripel.

Deputy Lester Queripel: Sir, in that case I invoke Rule 26(1), please.

The Deputy Bailiff: Okay, the next procedural motion, having skipped one, is Rule 26(1) – you are getting familiar with this again, Members of the States. *(Laughter)* Can I invite those Members who wish to *speak* in debate on this amendment to stand in their places, please?

Deputy Lester Queripel, in the light of seeing who wishes to speak, do you still wish to invoke Rule 26(1)?

Deputy Lester Queripel: I do, sir, and I will have a recorded vote, please, sir.

The Deputy Bailiff: Very well, we will have a recorded vote straight away on Rule 26(1) then, as it has been requested. This is the motion that there be no debate on amendment 23 save for the usual closing of the debate.

A recorded vote, please, Greffier.

There was a recorded vote.

The Deputy Bailiff: Well, Members of the States, it is apparent to me that the motion pursuant to Rule 26(1) proposed by Deputy Lester Queripel has failed and therefore debate will continue.

Anyone else, before we turn to any speakers?

4130 Deputy Le Pelley.

Deputy Le Pelley: Sir, I would just like a ruling if I could from H.M. Comptroller, as to exactly how legitimate this particular laying of this amendment is, because the proposer and seconder have engaged in the wording of their amendment Rule 17(9) of the Rules Procedure, which is an attempt to bring this Item to this debating Chamber earlier than this ESC Committee would desire.

4135 Rule 17(9), sir, states that what is being proposed by Deputy Fallaize and Deputy Tooley relates to a matter:

Where a Committee originating a matter for debate before the States is of the opinion that the proposals it is submitting to the States are of general policy, and where it is desirable that the principles of that policy should be considered, the Committee may have its propositions considered by the States without amendment ...

And it goes on.

My point, sir, is that my Committee is not of that opinion and would rather this is *not* debated. We have a timeline, we have everything in line. We have all our publishing, all our printing, all our consultation dates and all our schools are in line to have these discussions. We have everything sorted, even our policy letter which will be amended based on the consultations that we will be having with all of these stakeholders – including Deputies – sometime in late September.

4145 This is a derailing attempt (**Several Members:** Hear, hear.) and I think it should be thrown out, sir. I think it is unconstitutional and I would like the Comptroller to give you an opinion.

The Deputy Bailiff: He could certainly be invited to give an opinion, but it might be me to give a ruling; (*Laughter*) but, Mr Comptroller, can you assist Members of the States?

4150 **The Comptroller:** Sir, I will try if I can and I think you have got the position absolutely correct in relation to a ruling.

First of all, can I say I am grateful to the President and other Members of his Committee for drawing this potential query to my attention a little while ago, it has given me a little time for thought. Unfortunately, however, I do not think it will necessarily help them, (*Laughter*) because it seems to me that Rule 17(9) applies where a Committee decides to do something. But I do not think that precludes the States from directing a Committee to do something at all, and if the States wishes to direct the Committee to submit Propositions or a policy letter, then I think the Committee is obliged to follow the direction of the States.

4160 That is how I see it.

The Deputy Bailiff: And for the sake of completeness for Deputy Le Pelley and other Members of the States, I agree with what the Comptroller has just advised. The amendment was submitted by Deputy Fallaize, in accordance with the Rules, in advance of the debate. It can properly be laid, which it has, it has been formally seconded, procedural motions are available, some have been taken, and debate will continue on it unless anyone else rises at this point.

4165 So, who wants to speak in debate? (*Laughter*)
Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.
4170 I support this amendment. Previous debates on secondary education have been subject to successful, far-reaching amendments which have taken the policy into a different direction, and I think it would help the Committee to have a better understanding of Members' views by having this debate of a green paper nature.

4175 But I think the most important thing is States' debates are great vehicles for focusing public opinion and actually getting them involved because the publicity that surrounds a States' debate and the lead-up time encourages people to participate. I think it will give some added emphasis to their consultation process by focusing public opinion on lobbying States' Members ahead of that debate, and also just the publicity it gives will encourage people to participate in that consultation process.

4180 So I think it is a win-win situation for the Committee and I would encourage Members to support this amendment.

Thank you.

The Deputy Bailiff: Deputy Brouard.

4185 **Deputy Brouard:** Thank you, sir.

I think it is useful to have one person for and one person against, and we are doing that at the moment so I am going to be against this amendment.

4190 It is opportunistic, I think – and there is nothing wrong with that, we all at times use that and when there is an opportunity to come we can ride on that particular camel. But what I find quite strange is that I do not think it was what SAC envisaged when they had the idea of the P&R Plan where we are looking long term. I think this is going down to micro-managing the department (*Interjections*) and an opportunistic of doing it.

4195 So I would say to Members today, please let Education get on with the job they are doing. The more times we distract them with these types of amendment, it is not helpful to us and it is not helpful to the community. Let them get on.

Thank you, sir.

The Deputy Bailiff: Deputy Roffey.

4200 **Deputy Roffey:** Thank you, sir.

I feel obliged to vote for this amendment because I pledged to Education after the vote of no confidence that I would do everything I could to support them (*Laughter*) in fulfilling their desire to bring about a three-school non-selective model, and I see this as an extremely helpful tool in that respect.

4205 Sir, I have over the months on a number of occasions expressed the view that there was a high-risk factor in actually not allowing anybody to see the direction of travel they were going in, until all of their proposals were fully crafted. I think that risk factor is exaggerated by not allowing the States to express *their* collective will, and I do not think a workshop for States' Members is going to be any substitute for a debate here to actually know what is likely to be acceptable at the end of November, or not.

4215 Now, I fully accept that it could go one way or the other, couldn't it? It is hoped to be that when we see the final proposals we are all gobsmacked by their brilliance and it will all go through at the end of November with no problem whatsoever. Or, it could be that a majority of States' Members see huge problems with what they are proposing, cannot go along with it and therefore would be likely to vote them down.

4220 I hope it is the former – I really hope it is for the former – but I have no idea because I have no idea whatsoever of what direction of travel they are going. But if it is the latter, how much better to know and be able to adapt and change those proposals and hone them into something that is likely to be acceptable to the majority of States' Members from the beginning of September during that period until they have to bring their final proposals? It would be a car crash if they came with those detailed proposals at the end of November and they were just turned down by this States.

4225 Uncertainty has reigned over this. It has worried parents and I have been contacted by parents saying, 'What do I do with my child? I do not know what is going to happen. Shall I send them to

the College or shall I send them to the High School? What shall I do?' Children have been worried and all of the stakeholders have been worried

What will happen if at the end of November we are fixed with final proposals? Okay, maybe somebody will come through with an amendment which will make it acceptable, but then I am not sure that sort of thing on the hoof is actually the best way to go when you are making a final decision, just doing it by amendment. I think it is a classic case for a green paper debate. I think it will make sure that by the end of 2017 this Assembly can sign off something that most of us – I am sure some of us will hate it, and I hope it is not me, but it might be, but that at least most of us – will be able to get behind.

I actually think Education should embrace this. I do not think it is derailing them. It is not really asking them to do any extra work; it is laying a consultation document they would already have produced. I think it is a very sensible way to go ahead and if we do not embrace it, it might work out all fine, but it might not; and if it is not, then it will be very unpretty indeed.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: I am a bit neutral on this one because although I can accept the logic that Deputy Roffey and Deputy Fallaize have put across, I would make one or two observations.

I have no knowledge of what is in these plans and what they are going to contain, and so it is difficult to know how acceptable they will be or not. But we know that presentations will start next week and we know that we are entering the long vacation when many teachers and families will not be around.

There is a public consultation process that will begin, that will be particularly relevant to parents and teachers but also the whole community, and therefore a States' debate on 6th September would be somewhat awkward. If there is a logic to this, it would be better later in the year.

Also, as has been expressed, it would be a green paper debate without amendment. A general debate which did not have the ability for Members to make an amendment will of course bring out precisely the issues Deputy Roffey has expressed, about not actually giving it a clear sense of direction, because you get 40 Members and there could be a few tweaks in it that the majority of Members, especially the P&R support, would wish to see. But of course this would be a neutralised debate because, unlike this one or the IDP debate, no amendments will be possible. So you might get, let's say, two-thirds of Members going away vaguely dissatisfied but having no obvious remedy. Do they wait until Education, Sport & Culture come back, or do they wait until the public consultation exercise is over?

How awkward would it be if States' Members had one view and the public collectively had another, when the process is still open? And then of course you have the logistics of the Committee having to find the resources to put all this together, albeit in the summer months, because clearly a consultation document would have to be topped and tailed for the States in some way.

I have perhaps a couple of personal reasons for not wishing to see the debate come back so soon. The first is that 6th September is my birthday (*Laughter*) and I would not necessarily wish to see a heated debate of that nature. And the second point is, I would make the observation as an 'old lag' of the States, to use an expression, we have heard from a long surviving Member that this States is in danger, despite the creativity and insights of its very able cohort, of becoming quite partisan and divided. We have already seen that regrettable debate in January – the vote of no confidence – which was a tight one. I do not believe we should create any more unnecessary animosity or antagonism when this work is being done in a structured way. We need to look at it very carefully, not just in relation to Education and our budget, but in relation to wider issues that may come into it which could include transport, planning, the role of Economic Development in shaping the future of schools and personnel management.

So for all of those reasons, I think we should say no at this stage, wait until we have digested the proposals and allow a breathing period for Education, Sport & Culture to determine the next appropriate way forward.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I agree with what Deputy Gollop said, but I would just disagree with him saying 'at this stage'.

There is an old saying that 'a shortcut is often the longest way round'. Here, a shortcut will *definitely* be the longest way round. I regard this as micro-managing; I regard it as an attempt to derail the Education Committee's proposals. They have set out their timetable. In a very few days' time public consultation will begin and we will then have a process. This is the most important topic for the future of our young people for generations going forward, and if the Education department, who survived a vote of no confidence and who have a massive task, are saying that they need to go through a particular process and it would take until the end of November, so be it. We are at the end of June now. All that will happen on 6th September is – after wishing Deputy Gollop a very happy birthday! – we will spend a very long time debating proposals and then we will have a second debate at the end of November.

Now, with intelligent politicians like Deputy Fallaize, Deputy Tooley, Deputy Roffey and others, they will be able to see the proposals. They will know what is being put forward, they will know what they like and what they do not like and they will be able, between the dates that they have published at the end of November, to consider any amendments that they want.

The likelihood – and Deputy Fallaize has already touched upon it – of any proposals put forward by the Education Committee being wholeheartedly approved either by the Committee or by this Assembly, is remote in the extreme. They will be divided as to whether or not ... and I do not know what they are going to put forward, but Deputy Fallaize has touched upon whether or not the Mare de Carteret is rebuilt, for example. If they say it should be, there will be people saying it should not be, because it is going to cost too much and you have already got enough schools to put the pupils in. If they propose that you have a separate Sixth-Form Centre that again is going to cause division.

Now, whatever happens and whatever they propose, trust in them to follow their timetable and then we can debate it properly in November, because all that will happen otherwise is that we will spend two or three days debating it in September, we will get absolutely nowhere, it will be a blood bath and we will debate it all again at the end of November.

The Deputy Bailiff: Deputy Tooley.

Deputy Tooley: Well, sir, I think Deputy Ferbrache is correct about one thing at least and that is that we are going to spend the September meeting micro-managing a Committee's decisions because a requête has been laid to that effect. *(Interjections)*

That said –

Deputy Inder: Point of correction, please, sir.

The Deputy Bailiff: Point of correction, Deputy Inder.

Deputy Inder: I do not think my requête does anything about micro-managing at all. It actually asks the Committee to come back to this forum in an open and transparent manner and discuss it, that is all. *(Interjections)*

Deputy Tooley: Well, in the same way, sir, that I respect – *(Laughter and interjections)*

Deputy Inder: Okay, fair cop!

4330

Deputy Tooley: And in the same way that I respect but disagree with Deputy Ferbrache's opinion that this is a wrecking amendment for the future policy on Education, I will respect but absolutely disagree with Deputy Inder on that comment.

4335

During the lunch recess I had a very friendly conversation with Deputy Le Pelley. We were talking about the sports strategy and about the possibility of us all working together. From my perspective, it was a very friendly conversation and I believe if I were to ask Deputy Le Pelley he would agree. One of the things I mentioned in the course of that conversation was the motion of no confidence which was brought earlier this year. I mentioned it because several of those of us who were on one side of the argument have felt for the last six months that we have been unable to ask questions about what is happening with Education because we were afraid that we would be accused of bullying the Committee if we did so – (*Interjections*) Excuse me? because we were afraid that we would be accused of bullying the Committee if we did so. Not necessarily by other Members of the States but in the *Press* and in the media, and so on.

4340

4345

I discussed this with Deputy Le Pelley and we agreed that the motion of no confidence is in the past, that the Committee have moved on, he told me, and that is no longer regarded as an issue; and that anyone, including those who signed the motion of no confidence, is welcome to come to him with suggestions, with input. And so that is what we are doing.

4350

In the course of this debate, on other subjects – on the sports strategy and so on – Deputy Le Pelley has said, 'Come to us, talk to us, work with us. This is not just about my Committee and what we want; this is about the States as a whole'.

4355

Well, if I were allowed during this speech to directly address Deputy Le Pelley I would say, 'We are here; we are coming to you; we want to work with you. Give us the opportunity to debate this, give us the opportunity to do that without it being contentious, at a time when we are not trying to change your plans, when we are simply trying to discuss them and understand them so that we can move forward.'

4360

Nobody in this room is more invested in this than I am. My children are all educated in our State system. I have a child in Year 5 who will go through the current system, and one in Year 6 who is embarking on it now. I have children in Year 3 and in Reception. Deputy Le Pelley and I agreed at lunchtime that there is no doubt in either of our minds that absolutely everybody, on both sides of this argument, wants what is best for the children.

4365

I genuinely believe that Deputy Le Pelley and the Committee want what is best for the children, and Deputy Le Pelley informed me at lunchtime that he genuinely believes that the rest of us want what is best for the children. So it is galling to hear an amendment which we have placed because we want what is best for the children and in our opinion, which you are welcome to disagree with, what is best for the children is an open, fair, early discussion about where we go with this described as an attempt to wreck the work the Committee are trying to do. It is not.

4370

Deputy Fallaize was absolutely correct when he said this is us coming and saying, 'Let us help. Let us work together'. Let us get to November with an understanding of where everybody is coming from so that when we get to *this* Christmas there is nobody, but nobody, spending Christmas with their family – as Deputy Le Pelley described last year – feeling rotten, feeling awful, feeling uncertain about what the path is for the future. We can cut out that possibility by starting the discussions sooner.

4375

We are not asking for extra work to be done in advance; the policy letter will have been published with the proposals and will be in the public domain. We are asking for the chance to talk about this in a non-contentious way, with birthday cake for Deputy Gollop which I will personally commit to make (*Laughter*) on 6th September. (*Interjections*)

Thank you.

4380

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I cannot support this amendment but I have got every confidence in the Committee; I think they do an excellent job under very difficult circumstances. Many of their staff are going to be on summer holiday soon which will put the Department under even more pressure, when they are under enough pressure as it is.

4385 Sir, Deputy Tooley just said this amendment has been laid in the best interests of the children. Is it in the best interests of the children to put the Education Department under even more pressure than they are under already? I do not think it is.

Sir, I urge my colleagues to reject this ill-thought-out amendment which clearly has not been thought through. (*Interjections*) I urge them to reject it resoundingly and let the Committee get on with the job that we have given them to do, and not put them under any more pressure than they are under already and not ask them to negotiate any more hurdles or barriers.

Thank you, sir.

The Deputy Bailiff: Deputy Le Pelley, you are rising. To the extent that you have already spoken once in this debate, I will give you leave pursuant to Rule 17(8) to speak again.

Deputy Le Pelley: Thank you very much indeed, sir.

I just want to put on the record a few of my thoughts, if I may? First of all, yes I did indeed have words with Deputy Tooley at lunchtime, they were reasonably pleasant words and I think we spoke to each other with respect and I think we understand each other's positions.

4400 We do indeed want the best interest of the children to be foremost in any debate that we have, but I have to say that Education, Sport & Culture has laid out its cards on the table with the timeline quite clearly as to where exactly it would like to go. It did that shortly after the vote of no confidence in January. I think everybody here knows roughly what our proposed key dates are going forward, and we would very much like to be able to work at our own pace rather than being pushed and hurried a little bit faster than we would like.

4405 For us, 6th September is too early; and because of the very nature of the Education, Sport & Culture Committee, it works around the school term in the main, and because the children will be on holiday in August, quite a number of our staff will not be available in August. Add to that, there is a massive relocation going on of all of our staff. Our staff are spread and they are going to be in several buildings, not in Grange House. The idea of actually getting everything in line for 6th September is just too early for us to have everything exactly as we would like it.

4415 Now, we can have all these very clever manipulations and clever positionings and all the rest of it, but in a way I almost feel used because I was reasonably pleasant to Deputy Tooley; I hold no grudges. But to actually have something spun around like that to say, 'Well, because you said that, then you must mean this ...' is something else – that is pushing it a bit too far.

I am happy to engage with other people; I am happy for people to email me; I am happy to meet people and to explain what is going on. We are as an Education, Sport & Culture Committee happy to engage with people. But what we want to do is to engage when we are ready to engage, when we have got – if I can put it this way – all our ducks in a row. There is going to be a need for everybody with a vested interest, or any kind of interest, in education to actually have the right information given to them at the right time. To do anything other than that is going to cause an awful lot of anguish, not only amongst parents but it may even involve industrial action amongst the teaching force.

4425 Now, you are putting that all at risk by trying to hurry this Committee into action. Perhaps that may be what you want. It may be an unintended consequence; it could be an *intended* consequence. I am asking Members of this Assembly to respect the view of the Committee that has been delegated the authority to do this, to deal with it in its own way and in its own time. You will have everything laid before you; you will have every opportunity to come and talk to the Committee and to express your views well in advance of the debate that we will have in November, possibly into December.

4430

Please, please respect us, respect our view and give us the chance in the "C" Room to work so that we get the very best deal for the very best of our children. All of them count, they all must have a fair chance and we need that time to do that. Please throw out this amendment.

4435

The Deputy Bailiff: Deputy Yerby.

Deputy Yerby: Sir, if I understand it correctly, the Committee's proposals will be in the public domain from next week or shortly thereafter, and I am not sure I see that this amendment then adds an additional layer of risk in the manner that Deputy Le Pelley has described.

4440

I also just wanted to remark on the basis that the same criticism has been levelled at me from the same quarters, that it is very bizarre that the President of the Committee for Education, Sport & Culture will condemn things because they are 'too clever'. What does his Committee aspire to in that respect? *(Interjections)*

4445

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

I would like to just look at some of the practical aspects here. We are publishing our proposal in general next week and it is going into a period of engagement with the public, and that period of engagement ends on 11th September. We are then going to consolidate the feedback that we have gathered, and that will include consulting and presenting to Deputies on Monday and again in mid-September in a group format. So everybody will have the opportunity to provide feedback from Deputies at the start of the process and at the end of the process after it has been in the public domain for a few months, to be able to be factored into that engagement process – and if you have major objections that will be your opportunity to present them.

4450

4455

Then when we have compiled all of that feedback we can look at that and develop our final policy letter. If we debate a proposal on 6th September it may not be what is going to be presented in the policy letter in October – it is still subject to development. Therefore, you do not debate something and create uncertainty in the minds of the public, the electorate, the teachers, the students by saying, 'There is a proposal in front of us, let's tear it apart'. You do not do that. You let us finish that process and come up with a clear policy letter just six weeks later – we are not talking about years in advance – and be able to present that to everybody and go through the normal process of debate in the States with amendments etc. that can go through, and come to a conclusion.

4460

4465

What we are looking at here is a very disruptive process and as Deputy Le Pelley has already said, we do not have the resources to do this. Now, every Deputy here knows that standing up and presenting anything for debate in this Chamber requires a lot of work both on behalf of the Committee responsible and of their officers to prepare for debate. We will not have the officers available, a lot of them are on holiday, we are moving out of Grange House in August – we will not be in the position to present that debate properly.

4470

So this is just a very disruptive idea that I cannot endorse in any way and do not believe it will be constructive. I believe it will create more uncertainty and more anxiety in our population, our electorate and our teaching force, rather than letting us get to a finalised conclusion after factoring in everybody's feedback. Every Deputy is welcome to approach us individually as well as the group meetings we are presenting, give us their ideas, and let us draw it up into a coherent plan that can then be presented in the normal process to this Assembly for debate in November as scheduled.

4475

Thank you, sir.

4480

The Deputy Bailiff: I turn to the President of –

Deputy Brehaut: Oh, I beg your pardon, sir. May I speak?

4485 **The Deputy Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir; the customary brief speech, you will be pleased to hear.

I was hearing a level, through you, sir, of paranoia from the Minister of Education which was not necessary. Genuinely, there is nothing underhand, this is a political process. I do not think it is too clever, I do not think there are agendas; this is about producing a green paper – if that is the language we are using – bringing it to this Assembly to avoid any conflict that Deputy Meerveld identified six weeks later! Why wouldn't you want to bring such a piece of work to the Assembly, to knock it into shape, to take the edges off it, to get a collective view and to get colleagues running around in support of a proposal that is presented at a later stage?

4495 Why put something off, almost being willing to have a bun fight later on and deal with it, rather than avoiding? I know the political process is clunky and clumsy and uncomfortable, but I cannot see why people – as in Deputy Tooley's speech – if people are really interested in delivering on it, bring it here as a green paper and get the consensus then. I know that process, as I have just said, is sometimes not particularly comfortable but I do not think you should resist it quite so fiercely.

4500 Now, I stand here as a President of a Committee – you will not be surprised I am going to say this – I have the mandate, I have the budget, I have the delegated authority to proceed with something. I was under no obligation to bring a policy letter to this Assembly, but 'Oh no you are not, with your L'Ancrese sea wall you can bring it here, we will decide, you will bring your report to the Assembly and we will micro-manage your Department for you'.

4505 So I think it is richly ironic that signatories to a requête from the Education, Sport & Culture Committee, if they do not see the irony in that then it will not be lost on others.

Thank you.

4510 **The Deputy Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I do not think I can vote for this amendment because, just thinking logically through the process that is going to take place over the next few weeks, the consultation will be launched fairly soon and you have got to give the consultation at least four weeks. We are going into a period where people will be going on their summer vacations and the schools breaking up. How would the Committee be able to prepare a paper in time to release to the States' Members (*Interjection*) in time for us to read and digest it, for debate on 6th September?

4520 If this amendment is to have something a bit more realistic like the end of September – and we have got a Meeting date for 27th September – I would have said that was more realistic and more doable. But I just do not think 6th September is achievable.

The Deputy Bailiff: I turn to the President of the Policy & Resources Committee, Deputy St Pier, to reply on this amendment.

4525 **Deputy St Pier:** Sir, you did not in fact invite me to offer any comments at the beginning of the debate – (*Interjection by the Deputy Bailiff*) no that is fine! (*Laughter and interjections*) I was not wishing to score points, sir, I was merely wishing to point out that, had you chosen to do so, I would have pointed out the Policy & Resources' position as a Committee on this, as it has been with other amendments against Committee plans, would have been a neutral one.

4530 However, having had the opportunity now to listen to the debate I can express my own personal view, which is that I am not able to support this amendment. I feel that the timeframes are such, and knowing the amount of work that is involved in preparing, as Deputy Meerveld said, papers for debate, and for the debate, and so on, given the amount of work that is already going

4535 on for the office of the Committee for Education, Sport & Culture and for the Committee themselves, I think it is imposing an unreasonable burden on them in the timeframes available.

Had this been in play earlier in the year, and the Committee had known that this was one of the things that was required of them, they could have built it into their timetable; but I personally do feel that it is something which is simply not realistic and that is accordingly how I will be voting, sir. *(Interjection)*

4540

Rule 26(1):

Not carried – Pour 12, Contre 26, Ne vote pas 0, Absent 2

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

The Deputy Bailiff: Before I invite Deputy Fallaize to reply on the amendment that he is proposing, let me just formally announce the vote on the motion pursuant to Rule 26(1) proposed by Deputy Lester Queripel earlier, which was 12 voted in favour, 26 against and that is why that amendment has been debated thus far.

4545 Deputy Fallaize, as the proposer of the amendment, to reply to the debate.

Deputy Fallaize: Thank you, sir.

I think I need to start by correcting a misunderstanding which ran through parts of the debate, and Deputy Le Clerc's speech reminded me of it most recently.

4550 I am not suggesting that the Committee should produce a brand new paper to come to the States on 6th September, I am saying that the document which they are going to publish next week should be laid before the States on 6th September – the consultation document should be laid before the States. I am not envisaging the production of another paper, or another policy letter; it is that they take the proposals that they will put in the consultation document that is going to be released next week, they top and tail it, they give it a title, they stick it through the submission process and that is what is debated by the States on 6th September.

4555

Now, I said when I opened that I feared the Committee would regard this as an antagonistic amendment, and clearly they do. Deputy Le Pelley said the Committee wanted to work at its own pace, some of the staff who work for the Committee will be off in August – well, that is okay because I am not asking the staff to debate it, I am asking that the States debate it. But the point

4560

is, and I say this respectfully, but it is not just about 'the Committee' because if this was a situation where the Committee had complete delegated authority and did not have to come back to the States it would be just about the Committee. They could say, 'Look, this is our timetable and we would not be ready to make a decision at the beginning of September'. Fine.

4565 But they cannot make any decisions in this area without 35 other States' Members. So it is not just about the Committee, it is about trying to assist the people who have to make the final decision get there as efficiently as possible; and the people who have to make the final decision are all 40 States' Members.

4570 Deputy Le Pelley also talked about underhand moves – I do not know if he said it but somebody in the debate talked about 'wrecking motions'. Now, this is ridiculous, frankly. Deputy Tooley said there was nobody more personally invested in the reorganisation of secondary education than her. Well, I am! I have a son in Year 5 and a daughter who is going into Year 3. With respect, for some Members who do not have children to stand up and imply that the proposer and seconder of this amendment are trying to derail this process, they are trying to
4575 wreck the reorganisation of the smooth reorganisation of secondary education, is patent nonsense, when my own children and Deputy Tooley's own children, as the proposer and seconder, have to live with the consequences of the States' decisions.

Deputy Oliver: Sir, I am sorry, I just think this is coming a little bit – (*Interjection*) Point of order.
4580

The Deputy Bailiff: Point of order. What rule is being broken then, Deputy Oliver?

Deputy Oliver: Sir, I have got children and just because I will be voting against this does not mean that I do not agree and I do not love my child and want the best for it! That is what you are basically saying –
4585

The Deputy Bailiff: That is not a point of order.
Deputy Fallaize to continue.

4590 **Deputy Fallaize:** No, I did not say that anybody who votes against the amendment does not love their child – I mean, clearly that would be an even more ridiculous thing to say than some of the opponents of the amendment have said.

What I said was, that Deputy Le Pelley had claimed the amendment was underhand and somebody else – and I cannot remember who it was – implied that the amendment was all about
4595 'wrecking' the smooth reorganisation of secondary education. What I am saying is those accusations cannot sensibly be made of two Members whose own children have to live with the consequences of the decision the States make in this area. Of course Members are free to vote for or against the amendment as they see fit and I do not imply anything about Members who vote for it or those who vote against it.
4600

Deputy Brouard says, 'Let the Committee get on with it'. Well, I am not trying to stop them from getting on with it. My amendment fits in with their timetable because Deputy Meerveld explained their timetable very well. He said the period of engagement with the public ends on 11th September – well, that is great, it seems to me ideal then to have a States' debate on the
4605 matter on 6th September. How can that interfere with the period of public engagement which ends five days after the States convene for that meeting? And he says then, after this period of engagement has ended in the middle of September, the Committee will compile their final proposals from mid-September and onwards. Well, again, that fits with the proposal in my amendment.

4610 He suggests, or talks as if, a green paper debate by the States will whip up lots of contentious debate and uncertainty about all of this. Look, with the greatest respect, that will happen ... I do not know what time the proposals are going to be published; is it 5th July, I think? If it is at

nine o'clock the contentious debate will be whipped up by about one minute past nine; it will not be the States that will have whipped it up. They are really moving into very contentious territory. The idea that they can publish their consultation document at the start of July, have a two-month period of public engagement on it and everything is going to go very smoothly and they can manage the whole process really well, but if the States debate the consultation document on 6th September suddenly there is going to be enormous uncertainty in the community – clearly that is not true.

Deputy Meerveld: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Meerveld.

Deputy Meerveld: The point I was making was that the plans will not be completed. You are debating a draft that has been in the marketplace for a couple of months, but you are ripping apart and turning something into a public debate at this level which makes it appear to be an official proposal when it is not. (*Interjections*)

The Deputy Bailiff: Deputy Fallaize to continue.

Deputy Fallaize: Sir, the public debate is going to be generated by the Committee when they publish a public consultation document in the first week of July. Deputy Meerveld says that I am suggesting that the States take the consultation document and rip it apart. No, I am suggesting that the States have a debate under Rules which do not permit the laying of amendments. There will be no ripping apart of anything.

He says that the Committee wants to compile feedback from all stakeholders before they develop their final proposals. Well, the States of Deliberation, funnily enough, are stakeholders in this process. Now, Deputy Meerveld says, well okay, but individual Members can come to the Committee and they can make submissions on the consultation document and there could be a workshop. But that is a completely different concept from having a formal States' debate in which the States can collectively debate the proposals, and Members can hear the contributions that other Members have made and then make their own contributions and refine their contributions in discussion.

Now, it will help the Committee to know what is broadly acceptable to the States sooner rather than later. It is not in the interests of the Committee to be putting together their proposals late in September and in early October, not having a clear idea of what will be acceptable and unacceptable to the States. It might make their life a little bit easier at the end of September and early October because in a sense ignorance is bliss, and they will be ignorant of what the views are of the States. But it will not help them when it comes to –

Deputy Meerveld: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Meerveld.

Deputy Meerveld: I have already stated we will be making group presentations to Deputies on Monday and again in mid-September, when they can singly or collectively voice their opinions. A debate in this Chamber is very different to just taking feedback; it raises things to a whole different status and creates a whole different set of issues, particularly on the workload of the Committee.

The Deputy Bailiff: Deputy Fallaize to continue.

Deputy Fallaize: Sir, with respect, some of these are not points of correction. That was not a point of correction; I said I accepted that the Committee intends to engage with States' Members on an individual basis and I am saying I do not think that is adequate. I may be wrong when I say that, but I am not factually incorrect so that is not a point of correction.

So Deputy Meerveld is right, a States' debate is a completely different creature from consultation. I think it would be healthy for the States and healthy for the Committee to have a green paper States' debate on their initial proposals. Some of the speeches of the members of the Committee imply almost that the proposals they are putting out there should not be taken too seriously. I mean, these are just some initial ideas. But surely that is not what the consultation document is about.

They are going to be going out there saying, 'This is what we have in mind'. Well, if that is what they have in mind, that is their proposals, and whether it is their final proposals or their interim proposals is an irrelevance. It would be useful for the States to debate them.

We cannot remove the uncertainty which now exists in this area until the end of November or the beginning of December. But by not having a States' debate early in September there is no uncertainty that is going to be removed. The uncertainty exists now: it is going to be brought into sharper focus next week when the consultation document is published. But what we *can* do is act in a way which gives us the best chance of resolving the uncertainty at the end of November. I think having a green paper debate on the initial proposals in September gives the States a better chance of reaching a certainty at the end of November than it does if the States is seeing those proposals for the first time at the end of November.

Deputy Gollop said he does not want any more animosity. Well, it is fair enough, but actually I would rather have a bit of animosity at the start of September when there is less to play for, and then less animosity at the end of November, than sit on all the animosity, leave it bubbling away and then get to the end of November and allow it to erupt.

Where is the States going to be if the States cannot reach consensus at the end of November? I tell you what, the States will not be able to agree anything if that is the position we get to and what then happens to the implementation timetable?

Now, as much as I have been accused of being underhand in laying this amendment, I could say there may be some Members of the States who would not be too displeased if the 2019 timetable had to be put back. I would be, but some Members would not be. But the point is, what would that do for the States? What would that do for the reputation of the States: to get to the end of November or early December and not be able to reach any conclusions?

Deputy Inder did say something: he said that – (*Interjection*) did he not? No? Okay. (*Interjections*) Fair enough, perhaps he was just shouting out. Oh, he says L'Ancrese wall. (*Laughter*) Well, look, I am certainly not trying to intervene in any Committee's timetable or proposals any more than he is, but that point (*Interjection*) has already been made.

Deputy Lester Queripel, finally, said he cannot support the amendment because he has every faith in the Committee. That is not the point; we could think that we have the most brilliant Committee for Education, Sport & Culture that has ever been produced – (**A Member:** Hear, hear.) (*Laughter*) and maybe we have. But that is not the point. If they cannot get the support of 16 other Members ... so if they get a majority of 21 by the end of November they are not going to be able to get their proposals through the States. This is all about trying to improve the decision-making process so that there is more chance at the end of November of the States reaching conclusions. A green paper debate in September on a consultation document that would have already been produced two months earlier is not knocking out the Committee's timetable; it is a perfectly reasonable proposal to insert into the decision-making process which now lies ahead of the States over the next six months.

I ask Members to support the amendment.

The Deputy Bailiff: Members of the States, we go to the vote on amendment 23, proposed by Deputy Fallaize and seconded by Deputy Tooley, to insert a new Proposition 15A.

Deputy Le Pelley.

Deputy Le Pelley: A recorded vote, please, sir.

4720 **The Deputy Bailiff:** And there is a request for a recorded vote.
Greffier.

There was a recorded vote.

4725 **The Deputy Bailiff:** Members of the States, whilst the votes are being counted, as you may have noted, some Members are starting to leave, but out of pure consistency, if nothing else, I will put to you that the sitting continue so that you can deal with amendment 24. But in doing that, I am drawing attention to the fact that there has been submitted an amendment numbered 32 and that is to be proposed by Deputy St Pier. It is a Committee amendment obviously at this time, and it picks up, as I understand it, on the point made in debate yesterday – if it was yesterday – by Deputy Tindall about getting consistency between the amendment that changed the pipeline project so that Proposition 10 will reflect that. That will now have to be dealt with in the morning.

4730 What I am hoping to do as well at some stage – not me personally, but somebody on behalf of others – will be to provide you all with a document that is a composite set of the Propositions as they stand before you go into general debate.

So I am going to put to you first of all the Proposition that the sitting this afternoon, this evening, continues so that amendment 24 can be debated. Those in favour; those against.

Some Members voted Pour, others voted Contre.

4735 **The Deputy Bailiff:** Well, I might just have to have a recorded vote on that because it is a bit close.

Not carried – Pour 12, Contre 26, Ne vote pas 0, Absent 2

POUR

Deputy Green
Deputy Dorey
Deputy Yerby
Deputy Langlois
Deputy de Sausmarez
Deputy Roffey
Deputy Brehaut
Deputy Tooley
Deputy Merrett
Deputy Fallaize
Deputy Laurie Queripel
Deputy Hansmann Rouxel

CONTRE

Deputy Graham
Deputy Paint
Deputy Brouard
Deputy Dudley-Owen
Deputy de Lisle
Deputy Soulsby
Deputy Prow
Deputy Oliver
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Le Pelley
Deputy Stephens
Deputy Meerveld
Deputy Inder
Deputy Lowe
Deputy Smithies

NE VOTE PAS

None

ABSENT

Deputy Le Tocq
Deputy St Pier

4740 Let me just announce the voting in respect of amendment 23, proposed by Deputy Fallaize and seconded by Deputy Tooley, to insert a Proposition 15. There voted Pour 12, Contre 26, and I declare the amendment lost.

Greffier, can we just have a quick run through to see if there was a majority for sitting on this evening?

4745 *There was a recorded vote.*

Carried – Pour 20, Contre 17, Ne vote pas 0, Absent 3

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

The Deputy Bailiff: Members of the States, there voted, on the motion I put to you to continue debate this evening, in favour 20, against 17, so the motion is carried. *(Interjections)* Deputy Fallaize.

Amendment 24.

To insert a new Proposition 15B as follows:

'15B. To note that, as set out on page 191 of Billet d'État XII of 2017, the Committee for Education, Sport & Culture intends to review the policies of the States in relation to the provision and funding arrangements of, and entitlement to, pre-school education; and to agree that during the present States' term, i.e. up to June, 2020, there shall be no further restrictions made to entitlement to pre-school education beyond what was agreed by the States on Billet d'État XX of 2015 unless such further restrictions have been agreed by the States not less than nine months before they are implemented.'

Deputy Fallaize: Thank you, sir.

4750 Amendment 24 is seconded by Deputy Hansmann Rouxel. May I read it, please, sir?

The Deputy Bailiff: Of course you can, Deputy Fallaize.

Deputy Fallaize: Thank you.

Deputy Fallaize read out the amendment

4755 **Deputy Fallaize:** Now, even worse than trying to lay an amendment at half past five on the third day of debate is trying to lay one at 20 to 7 on the third day of debate in an empty Chamber – and I have been known to be able to empty a room before speaking. (*Laughter and interjection*)
Oh, okay, you do not have to! (*Laughter and interjections*)

Now, Deputy Le Pelley could foreshorten debate, I suppose, by advising the States that his
4760 Committee is not going to oppose this amendment; if he wants to stand up and say that ... no, he does not want to, so do not blame me for extending the length of this sitting.

Right, this amendment is not concerned with what pre-school policies are now, or what they should be or should not be in the future. I have said before and will say again, I do wish the Committee for Education, Sport & Culture would not continue to refer to the pre-school scheme
4765 as a trial, because it was not agreed by the States on a trial basis. It is actually a permanent scheme until the States resolve to change it, if they do. In that sense, it is no more a trial than Supplementary Benefit is being run as a trial, or 20p in the pound Income Tax is being run as a trial.

But nonetheless I absolutely do respect the right of the Committee for Education, Sport &
4770 Culture if they consider it necessary to come to the States in the future and to propose changes to the pre-school scheme, including the funding and entitlement to that scheme which was agreed in November 2015. I may or may not agree with any proposals they come forward with, but I entirely respect their right to do that. In fact, they have already said that they will be seeking to make changes to the scheme, including entitlement, so fair enough, let's have a debate. Clearly
4775 they cannot make any changes to it in the absence of States' Resolutions, but if they want to bring that debate then they can.

The one point of the amendment is that if any changes are going to be made to entitlement, parents and providers should be given a reasonable period of notice. There is clearly now some uncertainty among parents and providers, and prospective and future parents, of pre-school age
4780 children. The uncertainty has been created for two reasons: first, it was created by the previous States taking a long time to reach the agreement over how to fund the scheme and what the entitlement would be; and then, secondly, it has been further created or made stronger by the present States because there has been much discussion, generated mainly by the Committee – and I say that with respect to them, but generated mainly by them – about possible changes to
4785 the scheme in the future. So there is uncertainty.

As a Government we have to respect that policy, and policy change made by the States, especially in this sort of area, really does have a substantial effect on people's lives. Providers, and moreover parents, need to be able to plan ahead with at least some degree of certainty in the short term. I get contacted by parents quite frequently who say to me, 'What are the
4790 arrangements for pre-school education?' and, 'Aren't they going to change soon?' or, 'When are they going to change?' or, 'What are they going to change to?' So there is already uncertainty and we cannot do anything about that in the short term

Assuming that changes to entitlement to pre-school are most likely to take effect in September of any year, because that is the start of the school year, the effects of the amendment
4795 would be to make a commitment that any changes would be announced by around the end of the previous year so that providers and parents would have nine months' notice of any changes to entitlement.

Now, what is the alternative? Well, the alternative is to give them perhaps a weeks' notice, maybe three months' notice. Are we really going to say, perhaps in March or April or May of one
4800 year, we are changing pre-school entitlement from September, when we know that providers surely, but certainly parents who would be accessing that scheme, have already made arrangements in their lives based on the current scheme? We would be saying to them just weeks in advance of that starting that the entitlement is going to change.

Would we do that to parents in the area of primary school education? Would we say to parents
4805 in April of the year, perhaps, 'Yes, okay, you are down to come in to a certain infant school, or your child is, in September, but just to let you know the entitlement has changed now and we do

not operate schools in the afternoon anymore, so you can just adapt your lives to that new reality'? I do not think we would.

4810 And it is because of the uncertainty that I think we need to make a move to establish some confidence or some stability in decision-making in this area. I am only talking about nine months' notice but I think you could make an argument for saying actually the notice period should be longer than nine months; but I really do not think it is unreasonable to say if you are going to make changes to entitlement which have a substantial effect on peoples' lives, and you want to make them from September, then announce them and agree them by the end of the previous
4815 year.

I really was hoping that the Committee for Education, Sport & Culture would not feel the need to oppose this amendment. In a sense, if they do oppose it I think they will only make the case for it stronger, because they will imply in their opposition that they are prepared to consider making change to this scheme at less than nine months' notice; and if they are, then the amendment is
4820 absolutely necessary.

So I do not need to say any more than that, sir, and I hope that both the Committee and other Members of the States can support what must surely be a reasonable amendment.

The Deputy Bailiff: Deputy Hansmann Rouxel, do you formally second the amendment?
4825

Deputy Hansmann Rouxel: I do, sir.

The Deputy Bailiff: Deputy Le Pelley.

4830 Just a minute. Deputy Trott, as the Vice-President of the Policy & Resources Committee, do you wish to exercise the Committee's entitlement to speak at this point in the debate?

Deputy Trott: Not at this stage, thank you, sir.

The Deputy Bailiff: Deputy Le Pelley.
4835

Deputy Le Pelley: Thank you very much, sir.

I have been asked if I would stand to intimate that we are not opposed to this. The actual amendment is verging on the edge of micro-managing again.

4840 I am not terribly opposed to it, but the only thing I find a little bit contentious is the nine months element to it. The Education, Sport & Culture Committee has already intimated – and in fact I made a statement to the effect – that we acknowledge that any changes to the then current system would have to come back to this Chamber for the authority to amend it in any which way that we would want to do.

4845 When we were considering a different method we actually engaged with the Committee for HSS, or the two members of the board that came to our meeting, and we actually agreed with them that we needed longer to collect the data. So we have extended this first year so that we can have a full run of a whole year's activity that we can actually look at all the data that we have collected for one year. And yes, it would probably be our intention, having collected that data and seen exactly how it had affected people and what sort of projections were coming forward, we
4850 would probably want to try a different system to see which one would be the better.

Now, in order to do that I would suggest that we would probably be looking at collecting the data and going through it and working out exactly what it tells us from the end of the year, which would be September when all the data comes in, through perhaps for three months; and then actually based on that we would be talking about – or not – going forward into something else.

4855 But that would not actually fit with the nine months that Deputy Fallaize is referring to. If Deputy Fallaize was to put six months on his amendment I cannot see that there would be any problems at all.

4860 So it is begrudgingly, really, that we are not wishing to acknowledge this is absolutely okay with us, but the nine months is just a bit too tight and we would rather six months. But other than that we are not too fussed about it.

The Deputy Bailiff: Deputy Lester Queripel.

4865 **Deputy Lester Queripel:** Sir, I rise to invoke Rule 26(1), please?

The Deputy Bailiff: Members of the States, will those who wish to speak in debate on this amendment please stand in their places?

Deputy Lester Queripel, do you still wish to invoke Rule 26(1)?

4870 **Deputy Lester Queripel:** I do, sir.

The Deputy Bailiff: In that case, Members of the States, I will put to you that debate on this amendment cease other than the closing. Those in favour; those against.

Members voted Pour

The Deputy Bailiff: I declare that carried.

4875 Deputy Trott, as the Vice-President of the Policy & Resources Committee, you are entitled to speak on the amendment in reply.

Deputy Trott: No, sir, I do not wish to exercise my right on this occasion, thank you.

4880 **The Deputy Bailiff:** Deputy Fallaize, do you wish to respond to the debate on this amendment?

4885 **Deputy Fallaize:** Just quickly, sir, in response to a couple of the things which were said by Deputy Le Pelley, who did say he was not terribly opposed to the amendment, although he did then go on to say the only part which concerned him was the part about the nine months. Well, of course, that is the whole point of the amendment! *(Laughter)*

Deputy Le Pelley can vote for all parts of it except the nine months! *(Laughter)* Consensus has broken out at eight minutes to seven.

4890 But yes, Deputy Le Pelley said that the Committee probably does want to trial a different scheme from that which is in place at the present time, so that is open and honest of him. But we know that changes lie ahead then. So I think the amendment is, in a sense, legitimate because it is referring to the possibility of changes being made; and Deputy Le Pelley is now saying that yes, the Committee will want to make changes. But I stress again that this amendment has nothing to do with whatever the pre-school scheme is now or what it should be, or what it should not be, in the future.

4895 Deputy Le Pelley said that he would have no problem with the amendment if it sought only six months' notice, but I do not think that is long enough. I think if you have got parents of children who are going ... and I should say that I have not, I have no interest to declare, in that my youngest child is seven. But if you have parents who have children who are going into pre-school in September, and they expect all of the funding arrangements and the entitlements to be set out in one way, and agreed by the States, I do not think that March of the same year is early enough to say, 'No, actually, the arrangements are now changing, the entitlement is changing and the whole framework of the scheme is changing'.

4900 People are planning their lives more in advance of that –

4905 I will give way to Deputy Le Pelley.

Deputy Le Pelley: Thank you very much for giving way, Deputy Fallaize.

The point is that it is not March that we would be looking at, it would be January, sir. We would be looking to give parents as much warning as possible. The appointments etc. and the placements that would be made in various playschools would not be made the first week in September. That might be when they first engage, but the actual booking would be sometime towards the end, I would suggest, of June or July, that is the six months from there, that we would like. If you are talking about nine months to September, well, come back to January and we are both talking on the same thing.

Deputy Fallaize: Right, well we are then, sir, because I am talking about the point that the changes are implemented; and that is why I said if the changes are implemented with effect from September, which they might be because that is the start of the school year, then they ought to be announced and agreed at the end of the previous year, so that there is nine months' notice from the moment of announcement to the time that the child enters pre-school. So if that clarification helps the Committee not to oppose the amendment, then perhaps that is helpful.

But I do think that we need to make some kind of commitment to providers and parents and prospective parents who are using this scheme that it is not going to change at a moment's notice. We need to inject some kind of certainty. The Committee has every right to propose changes to the scheme in the future but if they are going to, let's give providers and parents a reasonable period of notice.

I think what is set out in this amendment following the dialogue between Deputy Le Pelley and I, we have established that what is in the amendment is a reasonable period and I hope Members can vote for it.

The Deputy Bailiff: Members of the States, we go to the vote on amendment 24, proposed by Deputy Fallaize, seconded by Deputy Hansmann Rouxel, which will have the effect of inserting a Proposition immediately following Proposition 15. Those in favour; those against.

Members voted Pour

The Deputy Bailiff: I declare the amendment carried. *(Interjections and laughter)*
Members of the States, as I indicated earlier there is one more amendment, numbered 32, to be proposed by Deputy St Pier, who is not here, and therefore I propose that we adjourn until 9.30 a.m. in the morning.

Thank you all very much and I will see you at 9.30 a.m. in the morning.

The Assembly adjourned at 7.02 p.m.