



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 26th October 2018

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Present:

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

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

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

The Vale

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

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

S. Ross, Esq. (H.M. Deputy Greffier)(a.m.); J. Torode, Esq. (H.M. Greffier) (p.m.)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);
Deputy G. A. St Pier (*relevé à 9h 38*); Deputy M. J. Fallaize (*relevé à 9h 38*);
Deputy S. T. Hansmann Rouxel (*relevée à 9h 38*); Deputy J. P. Le Tocq (*relevé à 10h 43*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

EVOCATION

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

XIV. Amendments to the Rules of Procedure of the States of Deliberation and their Committees – Debate continued

The Deputy Greffier: Billet d'État XXIII, Article XIV – continuation of the debate.

The Bailiff: We move on swiftly with amendment 5, to be proposed by Alderney Representative Jean.

5 Monsieur Jean.

Amendment 5:

1. To insert the following Proposition immediately after Proposition 2:

"3. To rescind their Resolution of 26th September, 2018 on item VII of Billet d'État No. XX of 23rd July, 2018 (P.2018/66) and to agree:

(a) that the dates on which States' Meetings shall be convened in the period from the 1st September, 2019 to the 31st August, 2020 shall be as follows:

25th September
23rd October
5th November (Budget Meeting only)
27th November
11th December
29th January
26th February
25th March
29th April
6th May
N/A (General Election)

(b) the following adjournment dates to deal with any unresolved business arising from the States' Meetings convened in the period from the 1st September, 2019 to the 31st August, 2020:

30th September

6th November
2nd December
3rd February
2nd March
30th March

in respect of the twelve-month period beginning on the 1st September, 2019 that statements under the provisions of Rules 10(4) and (5) shall be made by the Presidents and, in the case of the States of Alderney, the nominated Alderney Representative according to the following rota:

States' Meeting 2019	Committee/s/States of Alderney to make Statement
25th September	Policy & Resources Committee Committee for Economic Development Development & Planning Authority
23rd October	Committee for Education, Sport & Culture Committee for Home Affairs
5th November	n/a(Budget)
27th November	Committee for the Environment & Infrastructure Committee for Health & Social Care Overseas Aid & Development Commission
11th December	Committee for Employment & Social Security The States of Alderney
States' Meeting 2020	Committee/s/States of Alderney to make Statement
29th January	Policy & Resources Committee Scrutiny Management Committee States' Assembly & Constitution Committee
26th February	Committee for Economic Development Committee for Education, Sport and Culture
25th March	Committee for the Environment & Infrastructure States' Trading Supervisory Board
29th April	Committee for Employment & Social Security Transport Licensing Authority
6th May	Committee for Health & Social Care Committee for Home Affairs
N/A (General Election)	

(d) To amend 6(3)(c) of the Rules of Procedure of the States of Deliberation and their Committees by deleting the words "next scheduled date of a Meeting" and substituting them with the words

"first Monday following, unless that day falls on a bank holiday or within school holidays" and to insert 6.(3)(d) and the words "thereafter, in accordance with this paragraph, as if the fourth day was the first day of the Meeting".

10 **Alderney Representative Jean:** Thank you, sir.

May I also thank this house for their kindness upon my return and the welcome that I have received and your own kind words yesterday? Thank you.

This amendment is to take away the doubt which has spread from the last meeting owing partly to mistakes made by the two Deputy Alderney Reps and the fact that some Members of this
15 Assembly were not actually present.

As we heard earlier from Deputy Lowe, sometimes Members are not present, and this was the case and did affect the outcome of the vote. There is also a public aspect to this and an aspect which takes away as well, but not entirely, and this is the point I would like to make not entirely about the Alderney Reps – in other words, the pillars of this institution are affected as well. But
20 that will be covered by Deputy Mooney who has kindly seconded the amendment ... about the latter than the public view regarding the timing of these meetings. It seems that that part of it has been ignored and it will affect the workings of this States.

I am going to leave it there. There is not a great deal more I can say, because we have already passed this. Before the previous meeting this was passed so therefore what has happened is a
25 mistake and it is something that I am trying to rectify.

Thank you, sir.

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

30 **Deputy Mooney:** I do, sir.

The Bailiff: Deputy Roffey, do you wish to speak at this point? (**Deputy Roffey:** Later, sir.)
Later.

Deputy Dorey.

35 **Deputy Dorey:** Sir, I do not wish to go over all the arguments that we had last time but I would just like to actually give you some more information about the situation compared to what happened in the period of September to March 2015-16.

During that period there were seven States' meetings; six of those seven overran the three
40 days that were allocated for them and we had to use adjournment days. There were 11 adjournment days used in that period of time – 11!

That is why I fundamentally believe that we need to have more meetings. If Members do vote for this amendment what they need to look at is not on the front page, those dates, they need to turn over and look at the adjournment dates which are a part of (b), because you need to allocate
45 all those days in your diary. Please remember those are the beginning of the adjournment period; there are three days of adjournment, and one meeting actually had to be adjourned for four days in the period 2015-16.

So Members need to put in their diaries not just, say, 6th November, they need 7th and 8th November, and it is the same for the other adjournment dates, because that is likely to be the
50 outcome. What we do not want to do is face the situation that we faced in one of the debates in particular when it was on the tax and benefits in the last term, where Members said, 'Oh, I booked a holiday or something and I couldn't be there,' and there were a number of Members absent.

The point that was made at the beginning of this debate about people being absent for meetings; unless Members include all those adjournment dates you will get absentees. I think it is
55 far better to meet at a more frequent rate of the three-week period which gives a balance of dates in terms of the gaps between States' meetings rather than effectively having six-day States' meetings and then a month between.

Also it is not just the gaps which are important; it is not just having the frequency of States meetings in terms of getting through the business within the allocated period; it is also the build-up of business. This will result in a 10-week gap between July and September. That would mean that when we get to the October meeting you will have Propositions which have been lodged over that 10-week period so you will get a massive build-up of business at that October meeting. The same thing will happen at the February meeting, because there will be a seven-week gap between the December and January meeting which means that you will get a massive build-up of business in the February meeting.

So I really urge Members do not support this amendment, stick with the decision which was made, which is the right decision. The reason why the three-week period was originally put forward was because of the situation that we had at the end of the 2015-16 term where we had these 11 adjournment days and a massive build-up of business. It is far better to do it in an ordered manner and it also is better for debate from the point of view that if you have too many big issues at one debate Members then have a lot to prepare for; it is far better to have less big issues at one debate where Members can fully prepare for and then have the gap and then Members are fully prepared for the next debate, rather than having a whole lot of major issues at one States' meeting, which is what will happen with this proposal.

So there are a number of reasons why I believe it is wrong to go with this amendment. Stick with your original decision, please.

Thank you.

The Bailiff: Before I call the next speaker, three Members have entered the Chamber – Deputies St Pier, Fallaize and Hansmann Rouxel. Do you all wish to be relevé?

Deputy Hansmann Rouxel: Yes, thank you, sir.

The Bailiff: I call Deputy Mooney.

Deputy Mooney: Sir, the reason I support this amendment is that the majority of States did not listen to their Douzaine and they now have an opportunity to put that right.

Thank you.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, everyone will be aware of the poor press that the three-weekly cycle gained. Many meetings were very short and with very scant agendas during the three-weekly cycle of meetings, dubbed in editorial columns of *The Guernsey Press* as 'Another States' meeting, another quiet day. Wednesday's States' meeting barely deserves the name; next month's offering is little better. The new system of government makes poor use of Deputies' time.'

This could not go on, sir. As a result of the successful amendment, starting this last September, States' Members sit on the last Wednesday of the month, except for periods of school holidays in a bid to engage *grato* with the Douzaines and people in their district ahead of meetings. The change to end-of-the-month meetings makes the States more efficient and cost-effective. Two meetings are dropped for 2018-19 and the same into 2019-20. Time is released to the Royal Court backlog of works. Time is saved by the Alderney States' Representatives in travel and Island Douzaines accustomed to debate the Billet with Deputies at their meeting on the last Monday of the month felt disenfranchised, sir, with the change to three-weekly meeting dates. Meeting at the end of the month facilitated communication of the parishes' position on issues before the States.

All in all, the States have to provide examples of efficiency and cost-effectiveness with time and money and that is being provided now with the end-of-the-month meetings. Most importantly, end-of-the-month meetings give the Douzaines and industry groups the chance to voice their opinions on issues up for debate.

110 Please vote to rescind the Resolution that the States made on 26th September and agree instead to the traditional end of month meetings beginning on the last Wednesday at the end of each month.

Thank you, sir.

115 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

The Bailiff: I am sorry, I did not see you standing.

120 Carry on.

Deputy Merrett: I had a serious case of *déjà vu* this morning with this. We know the States dates, we know we can potentially sit through to the Friday. If Members are not in their seats or available, unless it is for, for example, an emergency family medical reason, they simply cannot vote. So Members should take every opportunity to be in their seats. They were elected by our community to have a vote in their seat in this Assembly. So to say, 'We were not in our seats,' well, be in your seats then!

We were sent an email, sir, by the two Alderney Reps that came to the meeting and in broad terms – and I am quite happy to give way to the Alderney Representative today – it said, 'When we were first to vote we were a bit confused. We did not really know what we were voting for.' Sir, when you come into this Chamber you should prepare yourself, you should read the policy letters, you should fully understand what you are voting for! You need to understand what you are voting for. You need to understand whether you are going to vote Pour or Contre and the reasons why.

I will give way to Deputy Mooney.

135 **Deputy Mooney:** Sorry, I do not think they actually ... It was not the reason – they did not know what they were voting for; it was which option they were voting for. (*Laughter*)

Deputy Merrett: They did not know which option they were voting for. That actually is a bit scarier than not knowing *what* they are voting for. In my mind, sir – and it is only in my mind – it was a relatively simple policy paper. I did not find it at all confusing. It was a quite clear policy paper, for which I appreciate and thank SACC for.

So we discuss a flip-flop government; I do believe that if we rescind this Resolution today – a Resolution we only made in the last sitting – I think that really is a prime example of a flip flop government. (**Two Members:** Hear, hear.)

145 Cost implication – I would discuss this. There is no cost implication on the policy paper to put in an amendment as I understand. However, we know that Deputy Roffey may have a cost implication because he has already booked some holidays and we also know that actually – and I am really thankful for this – we have actually had given to us all the dates of the meetings; they have all been scheduled in, and a member of the parliamentary ... sorry, I am rubbish with job titles; I have always been rubbish with them; I do not hold much credence to them. (*Laughter*) I do not. People are people, not a job title. But then we have been sent – I was really pleased and I said thank you; I hope other Members did as well – dates of when we had to have amendments in by, when we had to have certain things done by. I am thankful. Thank you to whoever did that. I do not know who did it otherwise I would say their name on public record, but thank you very much.

155 It is going to be a cost implication to them having to sit down and do all that work again. So I am going to stay with my original vote. There is nothing out there today thus far that will change my original vote and I have no intention of supporting this amendment. But I would urge all Members, please read your policy papers, please understand what you are voting for.

160 On this occasion the Alderney Reps, as I understand, said Pour when they should have said Contre. Relatively harmless, I hope, but on future policy papers this could have far more reaching

effect, sir. When we are a very close Assembly with votes of 19-19, 18-19, 19-20, we need to make sure every Member in this Assembly knows what they are voting for, has done the research, has read it through thoroughly and makes the vote in the way that they intend.

165 Thank you, sir.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

170 Let me preface my remarks by offering a warm welcome back to the Assembly for Alderney Representative Jean. **(Several Members:** Hear, hear.) However, I am going to give a rather more frosty reception to his amendment. *(Laughter)*

Sir, I worry not just about this amendment but the precedent that it is setting. If we are going to re-debate everything when people think, 'Oh, I made a mistake in the way I voted' ... We re-debate things because they are brought back for other reasons, but to do it every time people make a mistake I think we are down a very slippery slope indeed.

175 It is impossible not to have sympathy with the two substitute Alderney Reps who were not experienced Members of this particular Assembly, I accept that. But, sir, the argument went, in the email we received, that they were the first to vote. Now, in future effectively all of us are going to be the first to vote and therefore are we not magnifying the opportunity for such mistakes to be made? So be it. We will have to make sure we do not; we will have to discipline ourselves and, as Deputy Merrett says, make sure we know what we are voting for because we are effectively going to not be able to be influenced by anybody else. But I do worry about where this is going to go if we start re-debating things because people say, 'I mistakenly voted the wrong way', however sympathetic we may be.

180 On the more specific issue, Deputy Ferbrache said yesterday in another context he did not really think that the first year of a term was going to get busier because it had always been so that not a lot got done in the first year. By the same token, surely the same logic says that the last year of this term ... it has always been absolutely manic the last year of a political term so we can expect the same thing to happen again. In the last 10 months of the last term there were 41 days of debate – many of them actually going on half six or seven o'clock at night.

185 If we are going to try and do that on a monthly basis then be prepared, as Deputy Dorey said, not just to block out the three days each month but to block out the next three days. It will actually reduce your opportunity, your flexibility to get off-Island and do other things, because in a three-weekly cycle at least you know the other two weeks are free. In a monthly cycle when you are blocking out the middle sections as well, actually your timescale will go down.

Sir, as Deputy Merrett has sort of outed me, I do not want to get on to the Deputy Prow debate but I sort of have a special interest there. I knew from May of this year that I needed to be away somewhere else for a week in October next year. Despite being a manically early booker, I thought I cannot afford to do this because we have not set the schedule yet; I will wait for the definitive decision. So I waited for us to make it and I would have been happy, I could have booked it around whichever decision had been taken, but this States took a decision and the next day I booked my time off-Island on the basis of what I thought was a certain decision.

200 Alderney Representative Jean says this amendment is to take away doubt. There was no doubt in my mind after we had voted 19-15 to set the schedule; I thought that was the schedule that we had set. I do not know if I am alone in – probably I am; I am probably the only person who makes travel arrangements so manically early out of this Assembly but I really thought I was justified for doing so.

205 So, sir, not for that reason – that is probably going to tempt people to vote *for* the amendment, I know *(Laughter)* – but for the other two reasons we know we are going to have the busiest year imaginable over the last year – not that is starting now but last year with this term. Therefore we need more meetings in order to have the right flow of business. And because we are setting a dreadful precedent if every time people say, 'I voted Pour instead of Contre' or 'I pushed

the red button and I meant to push the green button,' or whatever it is going to be in future, that we have a re-debate. I think we really are opening Pandora's box if we do that.

So, sadly, although I have every sympathy with the two stand-in Alderney Reps, I just think it would be irresponsible to flip-flop now.

The Bailiff: Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

Members of the States, I was one of those who originally voted for a reversion to the four-week cycle, if I can call it that, as opposed to the three-week cycle. I did it really mainly because I think the new cycle has upskittled the Douzaines and I am on the Douzaine, and although I saw Deputy Dorey shaking his head when that comment was made earlier on, I can tell him that certainly within the Castel Douzaine they are not happy with the three-week cycle.

I think it also upskittled the Alderney States' meetings on at least two or three occasions during the year, which is a consideration, and also the whole business of the Castel Deputies' surgery seeing a drop-off of attendance since we went into the three-week cycle, because the public had got used to it being for a States' meeting on the last Wednesday of the month.

So for those reasons principally, I put my vote behind the change whenever we did it. I also did not really accept that a lot of the rationale offered in favour of the three-week cycle. I know, because I sat in the Public Gallery for many of them, that the last few months of the previous Assembly were pretty manic, but I think they stacked up a whole lot of fairly heavy business right towards the end and I think that was totally unnecessary and reflected badly on the priorities of the previous Assembly, if I can put it that way. (**A Member:** Hear, hear.)

Certainly the evidence from our first two and a half years in this Assembly does not convince me that we have not had enough time in here available to us to do our business. I think you could count on probably one hand, certainly two, the number of States' meetings that have gone on to the Friday.

I remember early last year I was delayed by half an hour coming from the late boat from Sark for the Wednesday morning of one States' meeting. I made it into the Chamber by 10.15 a.m. Deputy Heidi Soulsby was, I think, ranting against the new data protection thing at the time. (**A Member:** Speaking.) And we were then into the closing prayer. I was in here for about quarter of an hour and I think we left at about half 10 on the Wednesday. (*Interjection*)

Then we have the canard really of the four-week cycle introducing once again the 10-week break in the summer. I have to tell you that in 2017 I remember by that stage we had really warmed up as the Assembly, hadn't we, we got the cobwebs out. We have a 10-week break in the summer under the old three-week cycle – 27th June to 6th September. So can we shoot that one down for a start? The four-week cycle does not intrinsically bring longer breaks in my view.

Now here is the punchline. I am rather nervous now, looking toward Alderney Representative Louis Jean, because I was absent from the vote a few weeks ago. It is the only vote I have missed, only because I unavoidably missed it and I could not be here. I do take the lecture from Deputy Merrett in good spirit. So I was not there to cast my vote and I am aware of the miscalculation of the then Alderney Representatives.

But I have to tell you I cannot bring myself to be an opportunist in this and really say that democracy did not count a few weeks ago because, because, because. We have to learn to live with the frailties of democracy sometimes and so I have to inform the layers of this amendment that I am afraid I cannot support it on this occasion, much as I would love to do so.

The Bailiff: Deputy Le Pelley and then Deputy Dudley-Owen.

Deputy Le Pelley: Thank you very much, sir.

I am hoping that what I am going to say is going to actually make Deputy Graham reconsider.

I also missed the vote last time. I was taken poorly at about three o'clock and I actually left the Chamber and ended up with the next four days in bed. So I missed that vote and I would have actually been quite happy to have spoken on this particular issue.

I know this may grate with one or two people, but I am actually going to talk as a parish Constable as well as a Deputy. The parish Constables are under pressure and feel very strongly that a lot of their responsibilities are being removed into the centre of Government, into this particular Chamber, and there is becoming something of a disconnect between the parishes and the States of Deliberation. They see that in a very dark light. They do not like it.

What we have got at the moment – or what we have had up until recent times – is the opportunity for parishioners to come to Saturday morning surgeries where they can meet various members of the Douzaine, Constables, parish welfare officers – I am talking about St Sampsons now but I know that a lot of parishes do the same – members of the Douzaine and other people who may be invited into those particular sessions, to actually explain and to argue and to lay their cases for various things that might be upsetting them or concerning them within the parish and possibly within the Island, and they will be making their views known to those representatives that are actually in front of them on that Saturday morning.

It is then a very natural progression, because that Saturday is immediately before the Monday before the last Wednesday. Because that Monday becomes the Douzaine meeting, all of the issues that have been raised at the parish surgery then move forward into the Douzaine meeting at which – certainly in St Sampsons – for the first hour the Deputies are also present, those views can actually be expressed and discussed and debated. That can then be carried forward into the actual Wednesday debate of the States.

By going into three-weekly meetings you are chopping and changing, mixing and matching, and missing certain Billets. You are missing that opportunity for that continuity, for that flow from the parishioner to the Douzaine to the Deputy. There may be people – and one of them is just about to stand up and I do see him and I will give way in a moment – who will say, 'But the public can have absolute direct access to their Deputies.' I understand that but what I am saying is that you are cutting out a very important sector of our heritage. The parishes exist. They are not there just to do the dirty jobs that the States of Guernsey no longer want to do or they have taken away ... (**A Member:** Yes.) They have; the States have taken, over a period of years, quite a number of issues and responsibilities from the Douzaines and from the parishes, and they are actually taking them and either doing them themselves or handing them out to other States' departments.

That is seen in a very dark light, in a very poor light by many of the Douzaines around the Island. If I am totally wrong the *Press* can pick up on this and they can have a real go at me. I do not mind. I have had people have a real go at me for the last two or three years. I am up for it. The parishes want to be a part of the running of this Island. They have an important part to play. There is a triage, a way of going through the various things, where the public can talk to the Douzaine, the Douzaine can talk to the Deputies, the Deputies can come and debate in here.

Please do not ruin it, please vote in favour of the amendment.

The Bailiff: I was going to call Deputy Dudley-Owen but she has not risen this time. I had indicated to you that I would call you next. Are you still wishing to speak?

Deputy Dudley-Owen: Yes, sir, sorry. I was deep in thought after Deputy Le Pelley's rousing speech.

The Bailiff: Yes, you have stood several times.

Deputy Dudley-Owen: Actually I agree with an awful lot of what he has said and I do absolutely see the erosion of the part of the Douzaine in the fabric of Government, and I think it is lamentable, but I do not think it is irreparable. I think that there are ways around it and that we should be working closely with the Douzaines, giving them the respect actually that they really

deserve because this is free time from a lot of those 12 individuals on each of those parishes around the Island. A huge amount is done by them and I do not think that they are given the respect often that they need to be.

320 That said, there is a feeling in the Forest as well and western Douzaines that they feel uneasy about the move to the three-weekly meetings. However, we made a decision; it does not fit naturally with the course of discoursing with the Douzaines, but I think that we should stick with it for this particular period and work with the Douzaines to see how we can rectify it over this period. Because also just speaking on committee matters, which has not been raised yet, the
325 Economic Development Committee meeting dates for the next year have been set now. I do not know about other committees, and maybe you can all think about the committees that you sit on and whether your meeting dates have been set and whether because, notwithstanding holidays and bookings off-Island, which actually may be for purposes of States' business as well, things have been put in the diary for the next 12 months. We made a decision in September and I think
330 the officers looked around that and thought, 'Okay, what can we do now with committee work?' which obviously then feeds back into what we do in this particular Chamber.

To unpick that now, six weeks later, I think is just really inefficient and thoughtless. Yes, there is a very good and valid point about the Douzaines. I think we should work hard with them to rectify that line of communication over the next 12 months, see what we can do for the next period with
335 SACC, going into the 2019-20 period, but please, I think leave it as is for this particular period.

Several Members: Hear, hear.

The Bailiff: Deputy Tooley.

340

Deputy Le Pelley: Point of correction, sir.

The Bailiff: Yes, Deputy Le Pelley.

345 **Deputy Le Pelley:** Can I just point out, sir, that there are in fact 16 Douzeniers in the parish of the Vale and 20 in the parish of St Peter Port.

Deputy Dudley-Owen: Thank you for that correction.

350 **The Bailiff:** Okay. Deputy Tooley.

Deputy Tooley: Thank you, sir.

I have got the sun in my eyes, so you will forgive me if I come ... (*Interjections*) It is really bright!

This is unfortunate. I think the comments that Deputy Dudley-Owen has made are very valid
355 and I thank her for them, because I think they have been really useful. I think it is unfortunate that this has become almost a turf war between the States and the Douzaines, and I think that is a pity that those things are being raised. But I do think that since they have been raised – thank you – some things need to be said about them.

I think there is a myth – and it is a myth which exists – which is this notion that the Douzaines
360 act as the stepping stone between the people and the States. I know historically that was the case and I know that for some that can still be a useful pathway to reach States' Members, but generally speaking, it is not the way that I have found personally, and that other people have explained to me: members of the public, generally speaking, communicate with their Deputies.

365 For those people for whom that is the way that they choose to communicate with Deputies, through the parish system and through the Douzaines, there is actually a Saturday four days before every single Wednesday in the calendar; it is not limited to only the ones at certain points in the month. So that does not seem to make sense to me.

We should not forget that Island-wide voting is potentially going to make a completely different situation in terms of parish representation. If our population are relying on being able to go to their parish officials and their parish officials to then speak to the Deputies elected from their parish, then in some areas they might find themselves very disappointed a couple of years from now. I think that is something that we probably need to look at finding a way to change actually, because it is not a situation that is going to be able to continue.

I am also a bit baffled by the suggestion that this proposal gives more time to the Royal Court to get on with its work, because when I look at this I can see far more days that the Royal Court is not going to be able to be used because it is going to need to be blocked out in case the States might need it. This actually ties up the Royal Court more than it is currently tied up under the proposal.

These things need to be looked at. I am not saying that for the future we should not find a different way of doing this, because maybe there is an even more efficient way of doing it, but we cannot change this, the precedent this sets is just crazy in my opinion.

Thank you.

The Bailiff: Deputy Soulsby, then Deputy Tindall.

Deputy Soulsby: I voted to try and get monthly meetings back, pretty selfishly. The fact that we have three-weekly cycles means that it impacts on HSC meetings and means that sometimes we have three-weekly meetings rather than two, and that can cause issues sometimes. But we have learned to live with it; we can put in extra meetings if we need to get around it. I have lived with it, in fact I am really quite agnostic about either of them to be honest. But I find the excuse that people were not here so that means we need to have a vote invalid ... The Assembly was quorate and the decision was made and on that basis we should stand by the decision we made only a few months ago.

I think Deputy Le Pelley has strayed into a different subject really, although it does impinge a little bit on what we are talking about. The power of the Douzaines and what their future is I think is for another day. But on Douzaines – my fellow south-east Deputies might correct me – I do not recall having any deputation from parishes as a whole having a considered opinion to talk to us and say please move to monthly meetings because this is what we all want. My experience is that we do not really get a parish view on specific issues very much. I think at our last meeting it was the reciprocal health agreement by one particular Douzenier, and another about where we were with waste. I certainly cannot recall anything on the meetings as such.

I did find it quite interesting that Deputy Mooney, particularly as, at the time, one of the leaders of the association promoting option A was talking about what the Douzaine said, because as Deputy Tooley just said, the whole result of Island-wide voting being decided in the referendum is going to completely change that relationship with the Douzaines, that direct link between the Douzaines and Deputies, that will be lost, we will not represent a particular district anymore. So to say that we should be listening to what our parishes say from a member of an association that wants to get rid of all that and throwing it all out of the air I find quite interesting. I am happy to keep things as they are. I actually am now more swayed by the idea of the three-weekly meetings because just knowing what is in the pipeline from Health & Social Care, it is going to be busy over that last year and we need to have all the time we can to get through it.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

Whilst I have sympathy with the Douzaine and, listening to what they have to say, because indeed we did at St Peter Port have representations from the Douzaine in respect of the three- or four-week period. I still feel that the work of the States and what is best for the States is more important than having dates that fit with the Douzaine.

Perhaps the proposer can explain why the Douzaine are not willing to call meetings which align with States' meeting dates. For example, St Peter Port have actually looked into how we can have a better relationship with the Deputies in the Douzaine and the seconder will know that we have set up a sub-group, which I happen to be on, and we are arranging meetings to discuss in more detail the Billet than the big meetings where we have the 20 Douzaine and the Deputies who can turn up and those dates are going to be fitted in with the three-weekly cycle, if that is the case. So there are ways and means which can be done and I am very pleased to see that St Peter Port is actually ahead of the curve in that.

And for all the reasons that have just been articulated by Deputies Soulsby and Tooley, I too cannot support this amendment.

Thank you, sir.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

It does not happen often in this Assembly but sometimes people do make mistakes in the voting. I do not just mean when they disagree with my position! It has happened at least twice that I know, once was many years ago and someone genuinely just got the vote the wrong way round. They thought they were voting for a particular item and they voted the wrong way. And the Alderney Reps were exactly the same: if you remember the Proposition that we had it was something like you had to kill one of them because it was an either/or and it was an absolute genuine ... I could see from their faces, and if I was honest I should have asked for the Bailiff to give more clarification before the vote started, because from where I sat I could see them, 'Which one is it?' They voted Pour but they were voting Pour for the monthly cycle, but they had to vote Contre to get to the negative to then have the monthly cycle and it was a pure, genuine mistake. And I think that is something that SACC perhaps does need to look at at some stage, is where there is a genuine mistake how that is resolved because you can ask for a recall of the vote. So I have absolutely every sympathy with them; I think it was a genuine mistake, and I do not see why we should not correct it. Are you going to hold everybody for every mistake you made in your life, you can never correct it? No. Sometimes you have to correct them when you get something wrong.

I have been very supportive of the monthly cycle, I think that works well. Over the years the moon seems to go round the Earth in a monthly cycle; we have our Douzaines, just as Deputy Le Pelley said, it works on a monthly cycle; businesses work on a monthly cycle, a lot of the business groups that inform the States' work on a monthly cycle and they are even unable to feed into us. I think we should continue what we have agreed this year for working on a monthly cycle and please remember, we are talking about 2019, September onwards to 2020, so we are not talking about what is happening next week, because that is already planned out for the next year on a monthly cycle. This is for the year after, so I do not think it is going to make the Civil Service have too much trouble to sort out items in diaries for September, October, November and January 2020. I think they can well find spaces in there.

So I would urge everyone to support this. Let's correct the mistake and if we lose again, fine, but I think it is only fair that we correct the mistake that happened.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

Yes, I certainly make mistakes, it is an interesting point. We know, I am afraid, journalists often make mistakes, lawyers perhaps less frequently so (*Laughter*), unless they lose the cases.

A Member: That is why we have a Court of Appeal!

Deputy Gollop: But I hope airline pilots do not make many mistakes and I know they do not because they might be here.

One of the features that attracted my interest yesterday was Deputy Fallaize who spoke about flip-flopping and how sometimes the States is seen to change its mind. He made a point that actually the majority of Members do not change their mind. If you have got a tight vote to one or two out of the room and it goes 20-19 you only need one person to switch the next time the vote is called – we nearly had that yesterday – and then the whole thing changes. And so the States unfairly gets a reputation for indecision when in fact it may be one or two culprits, and maybe I am one of them! I am just thinking about this one. Deputy Lowe said Members should be clear where their priorities lay and Deputy Merrett reiterated that today about coming to the States when a meeting is due rather than being on holiday and I think, well, I must not have those holidays although you can get delayed or detained sometimes.

I think the point I am making is where we are today is a combination of very unusual circumstances because actually I think that it would be wrong to chastise our two excellent Alderney Representatives because there were two different people sitting there last month. One was completely new to the Chamber. I do not sit on the St Peter Port Douzaine but I meet them regularly, if I could not turn up one day and did not feel well or wanted to go away, if I could ring up one of them to sit here in my place it might be interesting, but we are not allowed to do that in the Guernsey constitution. The Alderney Representatives are allowed to change, which is an intriguing issue and may have to be looked at in the future, but it is what we have at the moment. And Deputy Mooney, of course, combines both roles.

The point I am making is we have to, as Deputy Graham said, consider Alderney's position in this. We also, as many speakers have said, have to consider the system with the Douzaines. But the reason why I am a bit minded to go back on the decision last time, as I thought perhaps the three weeks was more inclusive and all the rest of it, is actually when you read the detail of this – and I take Deputy Tooley's point seriously here because I agree with her actually – you are not just tying the Court up and the building and our work on 25th September, 23rd October etc. until the General Election, you are also, on page 2 point (b), identifying 30th September, 6th November, 2nd December, 3rd February, 2nd March and 30th March and maybe the days afterwards.

Now, Deputy Dorey was spot on when he said we had this build up in the last year. He is a very experienced SACC member, a Member of this Chamber, and that is exactly what happened in 2011 and 2012 too. Amazingly, we dropped from 45 Members to 38, but on some of our days we need longer.

And I would suspect, I would disagree perhaps with one aspect of what Deputy Ferbrache said recently, that we will have a build-up in the last year. We will probably accomplish quite a lot; whether the new States will unpick all that is another matter. But I think that we will need a lot of dates next autumn and winter and actually, if we adopt Alderney Representative Jean and Deputy Mooney's proposal today we will give ourselves potentially more days in here, because the Court will be reserved for the relief dates as well as the normal dates and I think we may need those dates.

One of the down sides of a three-weekly cycle is if we have a busy period like, for example, we did when we did the Island Development Plan, or the Population and New Housing Law, then we begin to run out of time. That is why I am willing to give this amendment a go this time because I think it is security. And we do have to consider committee dates separately, I am afraid, and work around that more effectively than we do.

The Bailiff: Deputy Brehaut –

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

Deputy Brehaut: I was on my feet, sir.

The Bailiff: I had not quite called your name (*Laughter*) but –

Deputy Brehaut: It is the briefest of speeches.

The Bailiff: It is difficult because I had begun to call Deputy Brehaut and you interrupted me, so I think we will allow Deputy Brehaut just to –

Deputy Brehaut: Well can I tell Deputy Lester Queripel what I would have said if he would allow me to speak? (*Laughter*)

What I would have said, sir, was this: that St Peter Port Douzaines are actually very different, I think, to a lot of other Douzaines. When you go in St Peter Port Douzaine you could have a Billet probably three-foot thick and you would be given about 20 minutes to give an account of yourself, it would all have to be done within the hour.

From recollection, I do not think the Douzeniers these days have Billets with them because I think the parishes bought them iPads, so you do not have the attention to detail and focus that you once did. I think Deputy Tooley, Deputies Parkinson and Le Clerc will perhaps share my view that there are occasions when you can take longer to walk to the Douzaine than you can to deal with any business that you are there to discuss, so I do not think all Douzaines are the same. We did have drop-ins in the parish every Saturday, we alternated it and we stopped them because two or three people came and sometimes nobody came so the parishes are very different.

The point I wanted to make, as the white van man that is the Machinery of Government trundles down the motorway with the back doors open, flapping, spilling flip-flops all over the highway, (*Laughter*) sooner or later that Machinery of Government is going to pull over to the hard shoulder with steam coming out of the bonnet. Deputy St Pier is going to pull the catch and say hold on a minute, what we need – give me a five-year wrench that is what we need to get some machinery back on the road. Deputy Soulsby says, 'No, we don't need a five-year wrench, we need the three-year spanner, that will do it.'

That actually is not the problem with this Machinery of Government, it is not the machinery itself it is the *behaviours*. And the problem is too many people are trying to get the driver out and grab the wheel themselves saying, 'We decided on a course, we set dates, we knew where we were going.' Now again, someone is trying to grab the wheel to take it in another direction.

So, please, can we stop doing this? We made a decision, stick with it. Heaven knows what people have said about flip-flopping in this Assembly before now. Let's get out of that habit and please stick with the dates that we resolved.

Thank you.

The Bailiff: Deputy Lester Queripel, do you wish to raise 26(1) or have you changed your decision on that?

Deputy Lester Queripel: No, I would like to invoke Rule 26(1) still please, sir.

The Bailiff: So those who have not already spoken, would you stand in your places if you wish to speak? There are four people standing, do you wish to proceed?

Deputy Lester Queripel: Yes, sir.

The Bailiff: I will put to you then the motion that debate be terminated. Those in favour; those against.

Members voted Contre.

The Bailiff: In my view, the Contre have it. So Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

575 I just want to make a couple of points. What I was going to say when I rose during Deputy Le Pelley's speech, (**Deputy Le Pelley:** Sorry.) was he was making some very fair points about the relationship between the States and the Douzaine but he implied, I think, that the sequence of meetings he outlined is the same in every parish – that you go from the parish surgery, then to the Douzaine and then to States' meetings and that is not the case. Our parish surgery in the Vale is tomorrow morning and our Douzaine meeting was on Monday of this week and we have had a
580 States' meeting in between, so I do not think the sequence or the flow which he has set out necessarily applies in every parish.

But more importantly, I do think this debate is unjustified and I do think it is quite unfortunate and it is not a case of simply – although it is being presented in that way – correcting a mistake, because if it was, if that was the general consensus then this debate would have been over in five
585 minutes. What is actually happening is that Members are saying that with the way they voted last time, some of them are now going to change their minds. I think that was Deputy Soulsby, I think that was Deputy Gollop, Deputy Graham said he will respect the decision the States made originally although had he been present he would have voted a different way.

So this is a completely new debate. It is not simply a matter of the perception that a previous
590 mistake is being corrected; the whole thing is being debated all over again. Some Members are reaching different conclusions, and I do not think that does the States any favours, to debate the same issue two or three months apart, even if it was a relatively major issue, but this is a debate, or re-debate two or three months after the original one on a matter which is of concern to absolutely nobody other than the Members of this Assembly (**A Member:** Hear, hear.) I do not
595 think that does the States any –

Deputy Merrett: Can I have a point of correction please, sir?

The Bailiff: Deputy Merrett.
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Deputy Merrett: It was not a couple of months ago, sir, it was last month. It was 26th September.

Thank you, sir.

605 **Deputy Fallaize:** Yes, it has been a long month! (*Laughter*)

That is right; it was only a matter of four weeks ago. And the other thing is that if there had been – it has been called a mistake, I will use that term – a mistake which had the mistake not been made it would clearly have resulted in a different outcome then it might be justified.

Actually, if the Alderney Representatives had voted a different way the vote would have been
610 tied on that Proposition. And one Member abstained, so the perception that is being created that the way in which the Alderney Representatives who were here on the day voted changed the outcome completely, actually is not necessarily the case.

Deputy Parkinson: Point of correction, sir. I do not believe that is true. I think, if I remember
615 rightly, the vote was something like 19-17, something like that.

A Member: No, it was 19-15.

The Bailiff: Deputy Fallaize.
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Deputy Fallaize: Thank you, sir.

Yes, I think the vote was 19-15. (*Interjection*) Well, it says 19-15 on the recorded vote that I just looked up. (*Interjection and Laughter*) I know this thing is not terribly reliable but what I just found on the States' website was 19-15. I hope when we go to electronic voting there is more reliability

625 on what is being published online. (*Laughter*) (**A Member:** Hear, hear.) But I think it was 19-15, so if the Alderney Representatives had voted differently it would have been tied, and as I say, one Member abstained, so one could equally say well the whole thing was swung on the basis of that abstention.

630 So I think to create the impression that this all happened because of the way the Alderney Representatives voted is false. It may well have been that the next alternative Proposition, had that first one fallen, would also have been 17-17 and then we would have been in a completely different position. So I just do not think that it is justified.

Any number of Members lose votes, lose debates on one vote or two votes. Deputy Tindall lost an amendment on Wednesday, I think, because three Members were doing other business elsewhere about 10 yards from the Assembly, and I was one of them, and I would have voted in
635 favour of Deputy Tindall's amendment, but that is not an encouragement for you to try and revive the issue next month! (*Laughter*) Because you just have to accept that the Members who are here are entitled to vote and cast their votes. There is a Member not here today, so if this vote is swung the other way on the basis of one vote will those of us who were in the majority last time and may
640 not be in the majority this time, are we going to be entitled to say, 'Look, actually there was a Member missing and therefore we are entitled to bring it back?' At some point one has to accept the States have made a decision and the Assembly then collectively has to have some kind of discipline not to go back over old ground again.

So I do not think that the basis of this amendment is justified. Deputy Ferbrache is shaking his
645 head and he is going to say, 'Well what happened with the waste charges?' (**Deputy Ferbrache:** Absolutely.) The point is, what I said on that occasion was that if every Member votes the same way they voted earlier – we were debating rubbish that is true! (*Laughter*) It was waste charges, if every Member voted the same way then the outcome would be the same, and exactly the same is true today. If all the votes cast are the same –

650 I will give way to Deputy Ferbrache to make his ...

Deputy Ferbrache: Sir, I was going to make a speech except that what Deputy Fallaize has said is totally inconsistent. He is a senior Member of the States, when it suited him yesterday to demonstrate flip-flopping on the basis that he was acting consistently with what he did just six
655 months ago is totally inconsistent with what he was saying today. So whatever his honeyed words say they are absolutely inconsistent and he is just using the point as a debating point, but it is far more serious than that.

Deputy Fallaize: No, I think if Members are consistent it means that the outcome of the first
660 debate will be the same as the outcome of the second debate. He is shaking head but if everybody acted consistently then you would get the same outcome.

I just do not think that there is any justification, and I think we would have a long list of items which could come back to the States every month or frequently, every six months, if Members generally took this view. So it is not the most important issue in the world, but I do not think this
665 is a good practice to get into.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

670 I will come back to the subject of flip-flopping later in my remarks, but I want to first of all explain why I have consistently supported the monthly cycle of States' meetings. Many of our committees do have operational functions with active, in quasi-independent segments of the committee discharging certain parts of their mandate.

When I was at STSB obviously they have nine trading assets which have monthly accounts,
675 quarterly board meetings and so on and members of the committee attend some of those meetings. So they are all on a monthly cycle and if the States' meetings are out of kilter with that

it makes it quite difficult for members of the committee to always be available to attend board meetings of operating subsidiaries.

680 The Committee *for* Economic Development – we are represented on Guernsey Finance, on Startup Guernsey and other bodies that are partly responsible to us, and again members of the committee attend meetings with those bodies. They do not organise their lives on a three-weekly cycle, their business calendar is a monthly cycle, a quarterly cycle and an annual cycle. It is extremely inconvenient, at officer level, to try and organise attendance at those meetings when the States is out of kilter. So to me it is simply a practical matter. The Machinery of Government
685 works much better if we all remain on the same timescale.

On the subject of flip-flopping, I think the blame for this situation very largely lies with SACC. I do not think this is an issue that should come back to the Assembly to be re-debated every single year. I think, possibly, in the first year of the next term of Government there should be one debate, we should decide what the programme of States' meetings is going to be for the entire States
690 term, (**A Member:** Hear, hear.) and we should stick to it. Now, we had a decision, whenever it was, last September I suppose for this year, and the majority of the Assembly voted to revert to the monthly cycle. I think that was the first time we debated it – was it not, no? Well, the majority did vote to return to the monthly cycle. It obviously is much more convenient for the Alderney Reps and the Douzaines, as we have already heard.

695 I do not think it makes sense for SACC to come back ... SACC obviously did not like that decision. SACC had always advocated for the three-weekly cycle that they promote and they brought it back to the Assembly again. And, as it happens, that subsequent debate was somewhat flawed because – I give way to Deputy Roffey.

700 **Deputy Roffey:** Thank you, sir.

It was not the first time we debated it because the previous Assembly spelt out that they wanted to set the meeting dates on an annual basis. Far from throwing our toys out of the pram because we did not like the decision, we offered two clear alternatives. We would have lived with whichever happened. This States decided, by a majority, to go to a three-weekly cycle.
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Deputy Parkinson: I am not saying this States should be bound by the decision of the previous Assembly, far from it.

I think that this States was fully entitled to make a decision on the programme of States' meetings and it did. And then SACC comes back a year later and says, 'We want you to reverse it.'
710 (*Interjections*) I think that is where the mistake was made. As it happens, the voting in the last – I am not giving way.

Deputy Dorey: It is a point of correction.

715 **The Bailiff:** Is it a correction, Deputy Dorey?

Deputy Dorey: SACC did not reverse it because we only set the meetings for the one year ahead, that was the Rule. So we had to come back to set it for the next year. There was no reversing of a previous decision.
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Deputy Parkinson: No, but what I am saying is the principle should be set for the whole term of the parliament. The principle should not be re-debated every year. (**A Member:** Hear, hear.) Unfortunately, when SACC brought back a clear recommendation by the majority of the members of SACC to go to a three-weekly cycle, to reverse the decision that had previously been made by
725 the Assembly to stick with four weeks, unfortunately in that debate it was somewhat vitiated by the fact that a number of Members were absent and we have heard about the mistake made by the substitute Alderney Reps, and that is just an unfortunate fact of history. But they were put in a

position to make a mistake by SACC saying we want to change back to the three-weekly cycle and that to me is where the mistake was made.

730 For goodness' sake, I think the majority of the Assembly want us to operate on a four-weekly cycle. I hear what Deputy Graham says, and he is a very honourable man and he may decide to vote against his better judgement; that is up to him. But I think the honest truth is there are more than 20 Members in this Assembly that want to hold meetings on a four-weekly cycle and that is when the matter should simply rest. Okay, bring it back early in the next term of the next States,
735 ask them whether that is the programme they want to stick to. If they want to change it, they can change it. But for goodness' sake, let's go with the majority view of the Assembly and just stick with it through this term.

The Bailiff: Deputy de Sausmarez.

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Deputy de Sausmarez: Thank you, sir.

I am just picking up on a few points that have been made more recently in debate. Deputy Parkinson has just been talking about the operational functions and business cycles being on a monthly and annual basis. Well, I would have thought that actually when the inevitable happens
745 and we have to start easing our adjournment dates that is going to make life considerably more difficult under those circumstances.

Picking up on Deputy Fallaize's point about who is in the Assembly in order to vote, I think this does set a slightly – I do not want to use the word 'dangerous', but certainly an unusual precedent, should we be on foggy days when our Alderney Representatives cannot actually reach
750 us, should the decisions being made under those circumstances be invalidated because of that? Do we need to go back on decisions that we have made because the Alderney Representatives have not made it into the Assembly?

As Deputy Fallaize and Deputy Soulsby say, we were quorate. The people who were here had a vote to make, and as Deputy Merrett pointed out, everyone in this Assembly has a responsibility
755 to know what they are voting for and vote accordingly.

I do find it a little bit unusual that so much emphasis has been placed on Douzaine meetings. Deputy Fallaize was quite right to point out that not all the Douzaines operate in the same way, as we have heard illustrated by Deputy Le Pelley and various others, certainly in the south-east it does not work like that at all. We do not have surgeries, we meet with our Douzaines perhaps
760 quarterly, if that. It is a very different set up; we do not go through the Billets, items can be raised *ad hoc*.

So it is a very different set up certainly for some Douzaines compared with others, but I do think that if holding a Douzaine meeting immediately prior to a States' meeting is that important for Douzaines then they are free to change their schedule. I find it a little bit extraordinary that we
765 are expected to accommodate this need that is apparent or we are told is so important from the Douzaines.

Inevitably it has been a long and slightly petulant debate. But I do think it is worth reminding Members of Deputy Dorey's remarks first thing this morning, because I think he made some really valid points that have been lost in – *[A mobile phone rings]* Wow, that is a fanfare for Deputy
770 Dorey's remarks! *(Laughter)* Deputy Ferbrache clearly appreciated them. *(Laughter and Interjections)*

A Member: Is that Darth Vader?

775 **Deputy de Sausmarez:** Deputy Dorey was quite right to point out, first of all the issue of obviously having to block out adjournment dates in diaries, so we are effectively blocking out dates fortnightly, three or four days at a time. But there is this various hiatus, Deputy Graham referred to it as a bit of a canard, the summer break, but actually, of course, under this schedule

there will be a good seven-week break over Christmas. Members may like the sound of that or members of the public might not.

Deputy Dorey's point was a relatively subtle one but I think it is worth repeating, that actually when you get a significant break it does affect how that work is then apportioned afterwards. So during a significant break, like a 10-week break over the summer, like a seven-week break over Christmas, policy letters accumulate and actually it does not hit the first meeting you are back, it would not hit in this instance on 29th January, for example, it would be the following meeting, 26th February, where all those policy letters are likely to be bottlenecked. And, as Deputy Dorey said, it makes it far more likely that we are going to be debating multiple hefty issues in one sitting and we will have a less smooth flow of work. It will be much more condensed and less fluid.

So, yes, I think in an effort to try and keep this as brief as possible I will finish it there.

Thank you.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

Deputy Lowe: Right, where do I start? I think I will start just following up about the breaks, suddenly seven-week breaks are going to be far too long, how are we are going to cope? Oh, and 10 weeks in the summer. A seven-week Christmas break has been happening for donkey's years. It happened before I came into the States, it has always been there. The States always meet around 10th December and they always met at the last Wednesday of the month in January. Did they cope? Well, let me think about that, there were 57 of us, we came in at 10 o'clock in the morning, we finished at five, we had two hours for lunch and our States days were Wednesday and Thursday. Yes, I think we coped. Our rollover day was the Friday. Did we use it? On occasions. Were States' Members disciplined? Yes, I think they probably were.

So can we cope now with 38 of us having Wednesday, Thursday and Friday and perhaps having rollover dates being used again, further down the road? Maybe. I would just say States' Members should be more disciplined, have the end of the month meetings and we have already got extended hours, we have 9.30 a.m. to 12.30 p.m. We are now going to come back at two o'clock and we finish at 5.30 p.m.

Goodness gracious, if we had to work the normal hours that most of our community have to work, I struggle to think how some would probably manage, to be honest. Meetings must be meaningful, so to have meetings every three weeks just so it looks like we are doing a lot more than we are doing, may satisfy some but it does not satisfy me.

And I think Deputy Graham explained before about he came in and at half past ten we were having a closing prayer. Deputy Soulsby, I think, or one of the others said about the short meeting that we have had, so is that making good use of our time and the Court time? Absolutely not. The Court had to have those days marked in the diary in case we had Wednesday, Thursday and Friday. Was that a waste of Court time? Absolutely it was.

So all of this about we will have to have another three days further down the month as rollover dates, no, you do not have to have anything of the type. It does not necessarily have to be there; yes, they will be pencilled in, in the same way once we expanded years ago from Wednesday, Thursday and Friday. We have rollover days on from the Wednesday and Thursday, the reserve dates were in a fortnight's time and it was decided that actually it was silly to have a fortnight's time, let's have it on the Friday so that we have that flow carrying through. As I say, with the 57 of us and with much reduced hours to what you are working now, it worked. So I have no problem about sticking to monthly meetings and with far fewer of us.

Flip-flop government? I had a job to sit here without actually either laughing or crying or screaming, I could not make up my mind, to be honest. The hypocrisy of the flip-flop government being expressed here this morning, and we are talking here about dates of States' meetings next year, not even at this very moment in time. Tell that to those ... about the waste that has been

going on for years; tell that to those parents and the school children that thought La Mare was going to be built. (**Three Members:** Yes.) Then they thought they were going to have three schools and now they have actually got one school on two sites. Tell them about flip-flop government, of how the votes have changed over this period of time and in this term.

835 Flip-flop government over dates for States' meetings. Put it into perspective, States' Members, because there are an awful lot of people out there who are suffering because of the flip-flop government of serious issues that have taken place during this term which is affecting their lives more than the dates of our States' meeting. (**A Member:** Hear, hear.)

840 I am just pausing for breath, Deputy Le Tocq! Again, and it was said yesterday by Deputy Yerby, oh I was self-righteous and promoting myself – yes, fine, I can live with that. I can be accused of all sorts of things that I really do not mind. I am committed to the States; we are all committed to the States and we commit to ourselves in different ways.

Deputy Yerby: Point of correction, sir.

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The Bailiff: Deputy Yerby.

Deputy Yerby: I did not accuse Deputy Lowe of being self-righteous. I said that her comments about other States' Members or hypothetical other States' Members suggested that they might be self-interested.

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Deputy Lowe: Okay, thank you very much for that.

855 Anyway, this bit might be self-righteous, because we are committed to the States and I do believe our job in the States must take priority, but we all operate how we think we should operate; we can live with that. I can live at night feeling quite happy that I have done my best, as I am sure you all have.

860 Twenty five years, 1st May, I will have been in the States. I have missed three half days of States' meetings in all that time, I am proud of that. Now whether that is seen as self-righteous I really do not mind. One was through illness, one was through family that I had a commitment to, and one was I was fogbound – three half days, that is all I have missed. I have come back from holiday, Deputy Roffey, when the dates were changed. I had booked a holiday, I came back, I left my husband on holiday. It cost me an arm and a leg in fares and disruption and catching up later on when I actually came back from the States. So that, again, was my choice to actually do that because I did not want to miss the States' meeting, even if it now clashed with a holiday.

865 I think during this term we have possibly even added on a Tuesday. We have decided between States' Members to say we have got a lot of business, we are going to come in on the Tuesday. We did that. I think there were people that were missing but the majority wanted to come. There is not a problem with that.

870 We are running a government; we have to do what is best at that time. States' reports now, unlike years ago, you had them three weeks before and when you had a lot of reports that was a lot to read. They are now lodged online, you have a far longer period of time to read the reports than previously. So, for me, the reports are there, you have got more time. You have got longer States' meetings than we had when there were 57 of us. I do not actually see it is a problem having States' meetings once a month, the last Wednesday of the month. And yes, it does fit in with the Douzaines, certainly with the Vale Douzaine; they welcome us going down. They were absolutely delighted when it was put back to how it was with being the last Wednesday of the month. They found it very frustrating how this has operated this last year.

875 So a 10-week gap. Yes, we did have a 10-week gap, Deputy Dorey, but that was under the three-week system that was approved by SACC. So for it to be, 'Well, that is a long 10-week gap'.
880 No, it was actually implemented by the SACC report who had a 10-week gap from 27th June to 6th September, and we had an eight-week gap from 13th July to 7th September. So long gaps

have existed and, of course, that has happened for many years, having the one over Christmas and taking us up to the end of January.

885 So I ask States' Members to support this amendment. It is not flip-flop government in my opinion; flip-flop government is on the serious issues that I have mentioned earlier on in my speech.

The Bailiff: Deputy Le Tocq.

890 **Deputy Le Tocq:** Sir, may I be relevéd and may I speak now?

The Bailiff: You may.

Deputy Le Tocq: Thank you.

895 Sir, I do not really mind when we meet as long as we stick to it, because it is very difficult to plan. Many of us are engaged in States' business outside of the Assembly. (**A Member:** Hear, hear.) Whether it is off-Island engagements or whether it is union negotiations, like I have been involved in, it is very difficult to plan in advance for that if we keep on changing.

900 There are pros and cons, I understand, of the various rhythms of meeting but we need to stick to it in advance and I agree that it would be far better to plan the whole term – as I think Deputy Parkinson said – in advance, rather than changing, because it is almost impossible to plan in advance. I really do not mind how frequently we meet, as long as it is not every week, sir; otherwise I will be asking for an en-suite room somewhere in this Assembly! It is not appropriate, sir, that we spend inordinate amounts of time discussing these sorts of things; we just need to
905 stick to decisions that we have made.

The Bailiff: Deputy St Pier.

910 **Deputy St Pier:** Sir, one hour and a quarter to re-debate exactly what we discussed a month ago. Can we please move to a vote quite quickly (**Several Members:** Hear, hear!) so we can move on to more important matters?

The Bailiff: Alderney Representative Jean will reply.

915 **Alderney Representative Jean:** Thank you, sir.

I must admit I am quite flabbergasted by any points regarding how strongly you feel about this issue. I too, as you know, have my own strong feelings.

920 Deputy Dorey talks of the days carried over. I put it to you that this occurrence is nothing and it does occur during the last year of a States' sitting anyway because the legislation is piling up and the committees want to get through their workload. That has always been the case and I believe always will be the case whether you have a three-week or four-week system. To me, that deals with that.

My thanks to Deputy de Lisle for his speech which was very supportive.

925 In a way I am disappointed with Deputy Merrett. She talks about the Douzaines and the situation as they have got to sink into it, they have got to get themselves into it. I do not really see that.

Deputy Merrett: Point of correction, sir.

930 **The Bailiff:** Deputy Merrett.

Deputy Merrett: I do not recall mentioning the Douzaines at all, sir.

Alderney Representative Jean: I am sorry. Let me have a look here.

935 No, sorry, that she has little understanding for the mistake made by the Alderney Representatives. I am very sorry, Deputy Merrett, I did make a mistake there. I was scribbling away quite furiously, it is quite hard to get all this down at times. But you did not seem to have a great deal of sympathy with the Alderney Reps. They are absolutely brand new to the whole thing and I mean they made a mistake, which was very well pointed out by Deputy Brouard.

940 Deputy Roffey, thank you for your welcome back. Sorry, I cannot thank you for your frosty reception to my amendment! I am pleased to understand that the Alderney Reps standing in and that you did understand the mistake that they made with some degree of sympathy, although you do not support the amendment.

Deputy Graham, I hope perhaps that maybe you could be persuaded by the speeches from
945 Deputy Parkinson, Deputy Lowe and Deputy Brouard – they made very good speeches for which I am very grateful – and Deputy Le Pelley as well. Deputy Le Pelley, thank you for making the points about the disconnect between the parishes and the Douzaines. This, to me, is important. These are the pillars of government. These are what we all go back to and what we are all accountable to. Although we do not have Douzaines in Alderney we do have our People's Meeting and, for us,
950 that is where we get our nourishment from and it is very important.

Now, I cannot see which Deputy I have written here because I was scribbling so furiously. Deputy Dudley-Owen, I think, 'Give the Douzaines the respect they deserve', 'It does not fit in with the Douzaines but we should try to stick with three weeks.' She feels three weeks and sort it out with the Douzaines.

955 Deputy Tooley, believes meetings will be affected by the Island-wide voting. Deputy Tooley also feels that this will tie up the Court's time. I do not agree with either of those points. I cannot see that they are really that relevant – only that the Court's time will be more extended by the three-weekly meetings, as has been pointed out.

Deputy Al Brouard was very supportive and I am very grateful to him, and believes that the
960 mistake should be corrected and that support for the monthly cycle should be given.

Deputy Gollop has changed his mind, which is very good – extremely good, I am very pleased to see that – and made some very good points about the Alderney Reps and that we should consider this. I am very grateful to him. He talks about giving the amendment support. Thank you for that, Deputy Gollop.

965 Deputy Brehaut talks of the mechanical adjustment with the five-year spanner. Well, I cannot agree with that. I mean we have already heard from Deputy Parkinson and he seems to agree with me in line with the fact that we had already decided to go back to the four-weekly and then we changed it again. That is where the flip-flopping occurs and it is coming from SACC and I do agree with him.

970 Deputy Fallaize points out that Deputy Le Pelley made some fair points on the parishes. Well, that really to me is the point. They are fair points on the parishes and they are important and these are the things that we should be remembering when we are talking about this when we are making decisions about this.

I am hoping that some Deputies that voted for the three-weekly cycle will really, clearly listen
975 to that message coming down through and will give that support to the parishes; and particularly the remarks made by Deputy Parkinson regarding their being out of sync with these other organisations, which is very difficult and we should be in sync and in step with those organisations.

This is an important point. I would point out that I, nor Deputy Fallaize – Sorry, Deputy Fallaize
980 has said here that this should not be debated again. Well, look at this, we have had a whole storm of debate. That is not something that I or Deputy Mooney asked for when we placed this amendment before the States. You decided – you all decided – you wanted to have this debate yet again, again and again. And I say to you this: I say to you that if that is what is required and that is what you want to do, then do not blame me or Deputy Mooney. You are having that
985 debate and that is it, there we are. And what a debate! I thought that might amuse you.

Deputy Parkinson's support was staunch and I am very grateful to him, I really am and I believe that he is really right and that it is out of kilter with the monthly cycle and we do not fit in with the practical matters are good points. Thank you, tremendously for that speech. It says here that he points out that SACC were to blame. We did decide to go back originally to the four-week cycle. Now, I got over that because I think it is very important. Let's not mess around with it. We did take a decision to go back to the four-weekly cycle so the flip-flopping is not from us. We have been disturbed in our belief that four weeks was the right time and we have had it overthrown yet again. So here we are doing what is logical and what is right and what we should do. Thank you anyway for that excellent speech.

Deputy de Sausmarez points out that when – Have I missed anybody? No – people such as the Alderney Reps cannot get here, would it mean we could not take decision or get on with the work? Well, obviously not. It has happened time and time again that we could not get here, through gone tech, delay and fog and various things, and more than ever in latter years than previously. So obviously not to that point. It does not matter; the business of the States has to go on. But when people make genuine mistakes I think it is something that should be a matter for this States and that there should be some degree of understanding about that.

Deputy Lowe gave a super speech and really attempted to pull the wool away from anybody's eyes regarding the breaks, meetings and various things, and the difference that holiday bookings or any such like make to this, and the fact that she is supportive of meetings at the end of the month, which again I am very grateful for and I thank her very much for that support. Good staunch, solid support for what is right, and that is tremendous. We all do our best and her own attendance record is exemplary and she should be very proud of that too. Thank you for pointing that out. Probably, unlike mine, with gone tech delay and fog.

Earlier on, and one point that I do not want to miss as I finish with this, Deputy Mooney did earlier make that point about the Douzaines and I think that is probably one of the most crucial points to be made in this meeting, and that is what I say earlier in my speech and as I finish I remind you of the very important point: do not think to yourself for a moment that this is just about the Alderney Reps. Please take that away from your mind and look to the pillars of your own association, the Douzaines who so many of you adhere to and come from, and the importance of those Douzaines. That is what I would refer you to, so do not think that you are doing just enormous favours for the Alderney Reps, but remember your Douzaines, remember your roots (**A Member:** Yes.) and remember where your votes come from.

Thank you.

Two Members: Ooh!

The Bailiff: We vote then on the amendment (**Deputy Lester Queripel:** Sir –) proposed by Alderney Representative Jean, seconded by Deputy Mooney.

Deputy Lester Queripel –

Deputy Lester Queripel: Recorded vote, please, sir.

The Bailiff: – requests a recorded vote.

There was a recorded vote.

Not carried – Pour 18, Contre 22, Ne vote pas 0, Absent 0

POUR

Deputy Ferbrache
Deputy Kuttelwascher
Deputy Gollop
Deputy Parkinson

CONTRE

Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Le Clerc

NE VOTE PAS

None

ABSENT

None

Deputy Lester Queripel	Deputy Leadbeater
Deputy Mooney	Deputy Trott
Deputy Le Pelley	Deputy Merrett
Deputy Stephens	Deputy St Pier
Deputy Meerveld	Deputy Fallaize
Deputy Lowe	Deputy Inder
Deputy Laurie Queripel	Deputy Hansmann
Deputy Smithies	Rouxel
Deputy Paint	Deputy Graham
Deputy Brouard	Deputy Green
Deputy de Lisle	Deputy Dorey
Deputy Prow	Deputy Le Tocq
Alderney Rep. Jean	Deputy Dudley-Owen
Alderney Rep. McKinley	Deputy Yerby
	Deputy Langlois
	Deputy Soulsby
	Deputy de Sausmarez
	Deputy Roffey
	Deputy Oliver

1030 **The Bailiff:** Members, the voting on amendment 5, proposed by Alderney Representative Jean and seconded by Deputy Mooney, was 18 in favour and 22 against. I declare it lost.
So that brings us to Amendment 6, to be proposed by Deputy Prow.

Amendment 6:

For proposition 1(aa) substitute the following propositions:

"1(aa) To amend the Rules of Procedure of the States of Deliberation and their Committees with immediate effect by deleting Rule 49 (Declaration of interest at Committee meetings).

OR, if that proposition is rejected -

1(bb) To amend the Rules of Procedure of the States of Deliberation and their Committees with immediate effect by deleting in Rules 11(7)(a), 17(15) and 49(1) the phrase "or special".

OR, if that proposition is rejected -

1(cc) To amend the Rules of Procedure of the States of Deliberation and their Committees with immediate effect by inserting in the appropriate places in Rules 30(1) and 32 the following definition -

"special interest" means an interest from which the Member or other person concerned could derive benefit;".

OR, if that proposition is rejected -

1(dd) To direct the States' Assembly & Constitution Committee to review the provisions of the Rules of Procedure of the States of Deliberation and their Committees relating to the matter of a direct or special interest and return to the States with proposals for amending the Rules by incorporation of a suitable definition of the phrase "direct or special Interest" ."

Deputy Prow: Thank you, sir.

1035 I will not read the amendment. Members have it in front of them. But I will go through the explanatory note which notes the effect of the relevant Rules and makes some brief opening remarks.

Sir, the explanatory note outlines the actual Rules that this affects, in particular 49(1), and it relates to the:

"direct or special interest" in a particular subject matter or business under consideration. If the obligation arises when a Member is asking or replying to a question [in one of the Rules] ... or before speaking or voting on a proposition ... during the course of proceedings of the States, the obligation is simply to declare the interest. However, if the obligation arises during the course of business being considered by a committee of the States (R 49(1)), a Member must not participate in discussion or voting and must declare the interest and withdraw from the meeting during discussion and voting on the particular matter. In addition the Member is not entitled to receive any committee papers relating to the matter.

The phrase "special interest" is open to different interpretations [read] in practice the phrase is interpreted as having a wide application. In some instances some Members are effectively excluded from participating in some matters of committee business about or concerning which they have particular knowledge or expertise. This is the case even where their participation could not provide, or reasonably be seen to provide, any benefit to them or any person connected to them. Access to that knowledge and expertise might in some circumstances be of value in the decision making process. Consequently in some instances committees are deprived of often valuable sources of information, experience and expertise without good cause.

The explanatory note refers to section 17.4 of the SACC policy letter before us, which states:

"The Committee previously consulted with HM Procureur as to whether the existing wording could be clarified or improved and was advised that the wording could be clarified if members wished to change the effect and/or meaning of the rule."

States' Members will recall that inadequacies of the definition of 'special interest' were the subject of a lengthy debate on 28th June this year. Some 21 Deputies spoke and there was, if you look at the *Hansard*, a consensus that the current definition is unsatisfactory. Indeed, HM Procureur has indicated that is unsatisfactory and I quote: '... could cause some practical difficulties'.

Despite this and the former debate, it is clear from the SACC policy letter at 17.8 on page 26 that the Committee has not seen fit to include a Proposition to amend the Rule. Sir, I am disappointed that SACC have in fact responded to the debate by stubbornly sticking to protecting the Rule as worded, and have instead proposed to reduce, and I quote: '... an overview of what may or may not constitute a direct or special interest.' I do not accept that this is a proper response.

Sir, I suggest that this Assembly that this is a copout placed in the 'too difficult to do' tray. It leaves us in the worst of all worlds; unsatisfactory wording and a promise of an overview note of what may or may not constitute a special interest. In legal terms, I have heard it said that no amount of case law can compensate for a piece of bad legislation. This amendment seeks to address this position and, unlike the Prow/St Pier amendment which I have referred to, give some options to Members.

Subject to confirmation from you, sir, this amendment, if carried ... all these options will be added to the policy letter Propositions and will be voted on at the end of this debate. That way the States can put the special interests issue to bed and SACC can concentrate on the preparation of the 2020 Island-wide Election.

Sir, in that debate many Deputies outlined the practical difficulties where there was a need to recuse, but no conflict whatsoever between private and public interests. The majority, in my view, have overwhelmingly stated that it needs clarification. The definition put forward in the Prow/St Pier amendment was not accepted by one vote. However, nobody has come up with an alternative.

Sir, at 17.9 of the policy letter SACC invites Deputies who are unsatisfied with the Committee's decision to lodge an amendment. Sir, there are a large number of Deputies who are dissatisfied. Taking SACC's lead following the Referendum, I have therefore prepared these four options. I must note that under the current Rules they cannot be ranked by preference and be transferable. *(Laughter)*

Sir, Members can kick out Rule 49 altogether, as some Deputies have suggested. I am sure in that process SACC would come back with an acceptable reworked Rule. Or the States can make it a direct interest – a much more satisfactory test for Members to make a judgment call when teasing out the potential conflict between their private and public interests. Or use the definition in the original Prow/St Pier amendment – an interest from which the Member or other persons concerned could derive benefit. 'Direct interest' remains and 'special' is replaced with words which Members again can test conflict between private and public interests. A large number of Deputies had confidence in this wording and I know some were not in the Assembly at that time.

I would ask Members of the States to please allow this option to go forward by voting for this amendment. Or, sir, my least preferred option is to instruct SACC, a committee with other challenges on their minds, to redefine the Rules with regard to the term 'special interests'.

1085 Sir, these are the Rules of this Assembly – our responsibility. I ask for this Assembly to add all these options to the Propositions when we come to a vote after general debate. Sir, I ask all Members to please vote for this amendment.

Thank you, sir.

1090 **The Bailiff:** Deputy Dudley-Owen, do you formally second the amendment?

Deputy Dudley-Owen: I do, sir, and reserve the right to speak.

1095 **The Bailiff:** Thank you.
Deputy Roffey.

Deputy Roffey: Thank you, sir.

I think I will speak at this stage because I am picking up on the frustration of people like Deputy St Pier about the length of time that this Assembly is talking about itself and therefore it may be helpful for me to say that I intend to vote in favour of this amendment.

1100 I do so on the basis of inserting these options into the debate. I suppose actual debate on the merits of the various options should be part of general debate, but as I have already opened on that and will not be able to speak again until the close, I would like to explain the basis on which I am supporting this.

1105 It is certainly not because I want to vote for the first alternative in the Prow amendment when we come to the final vote. Indeed I am horrified that has even been put forward as a suggestion – to totally do away with the Rule on Members' interests and the way they should behave in those circumstances. We have heard a lot about how this Assembly could be brought into disrepute by flip-flopping or by whatever; this would be destined to absolutely bring our repute down to rock bottom. So I am surprised, I have to say, through you, sir, at Deputy Prow that that was even
1110 included as an option.

As far as the other options are concerned, Deputy Prow also took SACC to account for saying we have not really responded properly. There was a debate quite recently where there was a suggestion to change the wording of the Rule and the Assembly decided to keep it as it was. Despite that, because there was clearly some misunderstanding about the term 'special interest', I
1115 was actually shocked to think that some Members thought if they were especially interested in a subject that that meant that they were being somehow stopped from participating. We agreed that we would draw up guidance notes in order to sit behind the Rules and make it clear so that sort of misunderstanding would not carry on.

1120 Sir, in the explanatory note it says that the term 'special' is subjective and open to interpretation. I tell you what, so is the word 'benefit'. If the proposer and seconder want to narrow it down to just financial benefit then I think that is too narrow, personally. I think that would be a retrograde step, but that is probably what the Rules should say. I understand that is the situation in Jersey. I think ours is better than Jersey because there are other sorts of interests and benefits. As a brief example, I am President of the Guernsey Island Amateur Athletics Club – I
1125 am not, but this is just a fantasy example – a proposal comes forward saying, 'We have got the Island Games coming up. We want to spend a million or two on laying a new athletics track.' I am not paid in my position in any way whatsoever, I could get no financial benefit from the decision, but I think I would have a real special interest in those circumstances – an interest that no other Member would have because they are not in that position – so I do not think I should actually
1130 participate in that sort of decision. So I would withdraw and not get any of the papers or whatever.

That is why 'special' is the word that is in there. I accept that 'special' is hard to define. 'Special' is an elephant. 'Special' is hard to describe but you know what it is when it is charging down the track towards you; or at least in the vast majority of cases you do – sometimes it is a fuzzy elephant and it is very difficult to tell whether you are impacted by the Rule or not. But I think that will always be the case, whatever wording we put in, unless we make it so narrow that actually we allow people to participate in circumstances where they should not.

So why am I supporting this amendment? Because actually I think it will be churlish for the outgoing President of SACC who has wrestled with this, tried to find a way of actually having a definitive description of where the Rule should come in or could not, and could not find a way – not without making it far less restrictive than it is now, which is what SACC did not want to do. We could not find a way. We know there is a new team coming in and the last part of this says, 'Well, ask them to take a look at it,' and it would be, I think, completely unreasonable of me not to say that I will vote for that part of the amendment when it becomes the substantive Proposition, because if I voted against that that would be suggesting I do not want them to have a look. Actually, thinking about it, Deputy Prow, I know, is passionately in favour of Island-wide voting, and Deputy Prow obviously has huge interests in areas of the Rules like special interests; I really hope that Deputy Prow is one of those that I called on to step up to the plate, and I will be interested to see the definition he comes back with if he becomes a member of the new SACC.

The Bailiff: I think we can go straight ... No, sorry, Deputy Tindall wishes to speak.

Deputy Tindall: Sorry, sir, I apologise for the delay in getting up there.

I do consider that the Rule in respect of direct or special interests needs to be resolved. I, for one, have had different interpretations given to me by Crown advocates when discussed at both the Transport Licensing Authority and Development & Planning Authority. We have since had advice from the Law offices which differed again.

I accept the argument that the advice given was specifically in respect of the particular circumstances, but it does beg the question that we need a consistent approach which is understandable by all. In a recent debate we also had Deputy Fallaize's interpretation, which I must say differed again, although I felt that his view, whilst it holds no real weight due to the circumstance of the debate, is something that can be referred to as it is on *Hansard*.

Personally, I think this is to prevent people with experience of the matter taking part in the committee – the intention of the Rule – but for me, I think it is one of preventing conflict of interest, and that is the evil trying to be resolved. A 'conflict of interest' is defined as a situation where someone's private interests are opposed to that person's responsibility to other people, and 'special interest' is defined by the Cambridge Dictionary in respect of 'a person, group or organization,' as one, 'that tries to influence government's decisions to benefit itself.' So for me, a simple resolution would be for a private interest which could result in a conflict or perceived conflict with the individual's public responsibilities.

Clearly, that is something that I could have suggested as an amendment, but I do not feel that was the appropriate thing. For me, an appropriate way is to direct SACC to consider not only perhaps my suggestions, but others. I do not think that a guidance note is sufficient. So, for me, I felt it worth rising at this point to explain why I wanted to approve this amendment is because it will replace the guidance note, and that will therefore not be something to be discussed at a later point. I think that guidance note would be wholly insufficient and so, therefore, I would seek review. I will therefore be voting for this amendment.

Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

Deputy Tooley has articulated very clearly what I perceive to be the issue here: that actually we are not talking about a special interest at all, we are talking about a conflict of interest and that is what is at the heart of the confusion around this. It is to understand what a conflict of interest is; it is very unclear to understand what a special interest is. Certainly in the world of finance a special interest is an area where you have particular expertise and knowledge on an area and therefore would be valuable to the committee. In our life you are excluded from the committee on that basis, which is wholly, I think, inappropriate and not what the public would expect.

However, I am very pleased to hear that Deputy Roffey will be voting for this. Personally, I think that directing the States' Assembly & Constitution Committee to review the Rules and to actually discard the term 'special interest' would be the best, and to start using the term 'conflict of interest' would be far clearer, and for them to come back to the Chamber on that basis with a wholly reworded Proposition around this particular subject to clarify once and for all so that Members are in no doubt as to what a conflict of interest is going forward.

Please, Members, support this.

Thank you.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

As a member of SACC, I will support the amendments on the basis of the points that Deputy Roffey made, but I would just like to defend the Committee.

We are committed and I think Proposition 1(aa): 'to note the Committee will produce a guidance note providing an overview of what may or may not constitute a direct or special interest,' as set out in paragraph 17.8 of the policy letter, is a clear commitment of the Committee to do the work and it is not a copout. I specifically asked if we could have those guidance notes issued before this debate but because of the time needed to be spent on the Referendum and post-referendum matters, the Committee staff were not able to do that in the time period, but it is not a copout. The committee, as it currently is, is committed to doing that work. That is why we included the Propositions in it.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Yes, sir, just very briefly.

I think a lot of this started off with the Education, Sport & Culture Department – not this present one but the previous one – when we actually had two very able members who found themselves in a difficult position when we were discussing one particular aspect of education. We did actually take advice from the Law Officers and we actually agreed within committee that whatever the Law Officers' advice was we would actually adhere to. We then got advice that we did not particularly want to have. But we received it and we acted by it.

I think this issue really does need to go before SACC, it does need to be resolved. I am hoping that we can actually ... I would have appreciated the notes that Deputy Dorey has referred to, in advance of this debate, because I think the little nuances and the little differences can be actually quite larger than they appear at first reading.

We ended up in that particular meeting of the Education, Sport & Culture Committee having two members who have perceived conflicts of interest, they actually declared those special interests, those interests. Personally, I would have been quite happy for those two people to have remained in the room, having declared those interests. I know from other people who advised me that, as the President, I should have actually said, 'The President is satisfied. Stay in.' But I have had very strong representation from the senior civil servant and others in the room who suggested otherwise and that is why we went down the road of taking advice from the Law Officers.

It did make quite a difference to how we actually debated and discussed those particular items, and I think what we are talking about does need to be resolved as quickly as possible.

1235 Thank you.

The Bailiff: Deputy Merrett.

1240 **Deputy Merrett:** I'll be very brief sir, because I am just a little bit confused, as in – and I am quite happy to give way to Deputy Dudley-Owen if she does want to ...

Deputy Dudley-Owen has seconded this amendment and, if I understood her rightly, correctly, she was implying or stating that it is really a conflict of interest that is the issue and yet we do not have any option on this amendment to actually vote to change the wording to a 'conflict of interest', and that is what I am concerned about.

1245 I give way to Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir, and for Deputy Merrett giving way.
As I had stated, 1(dd):

To direct the States' Assembly & Constitution Committee to review the provisions of the Rules of Procedure of the States of Deliberation and their Committees relating to the matter of a direct or special interest and return to the States with proposals for amending the Rules by incorporation of a suitable definition of the phrase "direct or special Interest"

1250 I would be hoping that they would be overhauling the whole of that wording and really defining it as a conflict of interest.

Deputy Merrett: I thank Deputy Dudley-Owen for clarity on that. However, clearly we could have had a Proposition in here stating that they would change it to a 'conflict of interest'. That is why I was a bit confused.

1255 Lastly, because I said I would be brief and I will, I completely concur with what Deputy Roffey said. The fact that 1(aa) is even in here is just so concerning. At least we should have some sort of declaration of a conflict or an interest. Primarily, sir, because we are having these meetings behind closed doors so the fact that it is even in there I really am very concerned about.

Thank you, sir.

1260

The Bailiff: Deputy Prow will reply to the debate.

Deputy Prow: Thank you, sir.

1265 Perhaps I can deal with Deputy Merrett's question first. I think the point that is being made is that what the Rules do is set out that either in committee or the States we must ask ourselves the question whether there is a conflict between our private interests and our public duties as a Deputy. That is the test and we use the wording in the Rules to tease out that test; and the point is that the word 'special' is not a good use of a word in the Rules to tease out that ability.

1270 In the previous debate I pointed out the Collins Dictionary definition of 'special'. It describes 'special' as 'distinguished from, set apart from or excelling others of its kind, designed for a particular purpose, not usual or commonplace, particular or primary,' and gives the example: 'His special interest was music'. It is quite a bizarre notion to have a set of Rules which seem to consider that those who enter the world of politics now in the future will not be motivated or driven by their special interests.

1275 I think that the point, which I am very grateful for, from Deputy Tindall is that we have a Register of Interests where we can tease out what our private interests are, and in debate, whether it is in this Assembly or in committee, we have to make a judgement as to whether this is a matter that we can derive some personal benefit from.

1280 I thank Deputy Roffey and Deputy Dorey for supporting this amendment. All I would say is the examples used by Deputy Roffey, in my view, could actually be covered by the term 'direct interest'.

Sir, this has been debated in June and now again debated, so please may I ask that we move to the vote.

Thank you, sir.

1285

The Bailiff: Yes, you may and we will move to the vote. *(Laughter)* Vote on the amendment proposed by Deputy Prow, seconded by Deputy Dudley-Owen. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried. **(Two Members:** Ooh.)

Now we can come – after how many hours, is it? Oh, no, sorry, we have one more amendment.

1290 We have amendment 7! Sorry, I nearly forgot. Amendment 7, to be proposed by Deputy Lowe, seconded by Deputy Brouard. Deputy Lowe.

I hope that has been circulated. It was not in the original pack, **(A Member:** Yes.) but I hope everybody has it available to them.

Deputy Lowe.

Amendment 7:

In proposition 1(v) for paragraph (ii), substitute –

"(ii) in Rule 26.(1), for the words "the Presiding Officer shall put the said request to the vote and if the majority of the Members voting support it..", substitute "the Presiding Officer shall put the said request to a vote of those Members who have not already spoken in the debate and if the majority of the Members voting support it.."."

1295 **Deputy Lowe:** Thank you, sir.

It is a very brief amendment. It is not that complicated, I don't think. It covers Rule 26(1), which is the guillotine motion, which I think is back to front because the guillotine motion, as we know, can only be called for or requested from somebody who has not spoken yet, and yet when it goes to the vote those who *have* spoken can actually block those who have not spoken yet. So I do not know if that makes sense what I am trying to say in a simple way.

1300

So if there are already maybe 10 or 15 that have spoken already somebody who has not spoken can stand up and say, 'I would like the guillotine motion', but those 15 or 20 or 22 could block it for those who have not spoken yet, so I think the Rules are back to front. I think it should be the other way round. I think anybody should be allowed to call for a guillotine motion under 26(1), but it should be only those who have not spoken yet should be allowed to vote on it, making it fair to those who have not spoken who will not be overtaken by the majority who have spoken blocking their speeches – if that makes sense in a simple form that I can put it to Members to ask that they support this and we correct it and make it fair so those who have not spoken yet will not be blocked by those who have.

1305

1310 So I ask Members to consider this amendment please.

Thank you and I would like to thank my seconder, Deputy Brouard.

The Bailiff: Deputy Brouard, do you formally second it?

1315

Deputy Brouard: Yes, sir, and may I reserve my right. Thank you, sir.

The Bailiff: We go to debate. Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

1320

Very briefly, I agree with the idea behind the ... It makes logical sense to allow those who have not spoken to have the ability to influence whether the debate continues or not. However, in practice would that mean that a recorded vote would need to be taken and how would the

administration of that recorded vote ...? Would there be extra admin? In the opinion of SACC, would we be capable of creating a creating a less bureaucratic method in order to make this work? Although I agree with the thrust of the amendment.

The Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

I do not like the guillotine Rule. (**A Member:** Hear, hear.) I do not like it. I think we are elected into the Chamber to speak on the matters that we think the public want us to speak on and to debate and so on; and I have never yet voted for one and I do not think I ever will. But there are a lot of things that I wish we never had to use that I still think we need to hold in reserve, so I do believe we do still need to the guillotine motion, for all I do not like it.

I do not think, though, that this solves the problem that I have around it, because this still does not get down into the nitty gritty of the people who have not spoken and why they have not spoken. If we are going to divide out who has and has not spoken then surely we need to also then go into the people who have not spoken and work out which of them did not speak because they just plain were not terribly interested in this subject and which actually wanted to ... Unless you are taking a vote only of the people who still want to speak in debate, which would be completely pointless, I just do not see that this solves the problem.

For me, I think that the guillotine motion is a necessary evil and while I wish there was a way of making it better, I do not think this is it, I am afraid. So I cannot vote for this.

Thank you.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Just briefly, sir.

The guillotine motion these days is often perceived to exist for the purposes of curtailing a debate which some Members think has gone on too long. Actually that was not really why it was introduced in the first place. It was introduced in the first place to stop the practice which had become particularly popular with one or two Members of (*Interjection*) lying ... laying ... (*Laughter*) (**Several Members:** Ooh!) of *laying* dozens of amendments on the same item very often, which it was perfectly obvious was only going to get the support of the proposer and seconder. That was really why this sort of Rule arose.

But I do not agree with this amendment because I just do not think there should be any Propositions put before this Assembly which some Members of the Assembly are excluded from voting on. I just do not think that that is democratic. I do not think I have ever voted in favour of a guillotine motion and I do not think I ever will, but I do not think that Members should be excluded from voting on anything. I mean – to pick up on the last debate – even when Members have declared that they may have the most obvious and significant conflict of interest possible they are still permitted to vote on that matter. (**A Member:** Yes.) Well, if they are permitted to vote on that it seems to me that Members who have already spoken in debate should be permitted to vote on whether the debate continues.

So I just do not think that we should cross a line and exclude some Members from voting on some Propositions put before the States. For that reason, I will vote against the amendment.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir. I will be fairly brief.

I think we ought to be careful with this particular debate and this particular Proposition because it is already in the Propositions, it is one of those either/ors again.

The first Proposition that SACC are putting forward is that the guillotine Rule is dispensed with. So that is your first choice. If that fails then the next part is that it is amended to having two-thirds

1375 majority of States' Members wishing to carry on the debate. Myself and Deputy Lowe, and
1380 hopefully there are other Members of the Assembly, think that rather than doing two-thirds of the
Assembly it would be fairer for those people who have not yet spoken ... I do slightly – well, quite
a lot – disagree with Deputy Fallaize. He is saying it is not democratic. I do not think it is very
democratic for someone who has already spoken in the Assembly to then stand up, bring the
guillotine in and deny me from speaking when I am about to. I do not find that very democratic at
all, but if SACC thinks that is democratic, or the previous SACC, I certainly do not think it is.

This at least allows us –
Deputy Lester Queripel.

1385 **The Bailiff:** Give way accepted, Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I thank Deputy Brouard for giving way.

I just need some clarification on what he has just said. It sounded like someone getting up to
invoke Rule 26(1) who has already spoken, but my understanding is that you can only get up and
vote 26(1) if you have not spoken. So I would like his views on that, because it sounds like he has
got that wrong, sir.

Deputy Brouard: The point I am making – and Deputy Lester Queripel is absolutely right – is
that the person who stands up to invoke the Rule has not already spoken. However, there are
people who then vote for it, who have quite happily got their speech and all their points across,
who then deny other people that particular opportunity.

To be honest, we are meant to be a debating Chamber; this is what we come to town for and if
you do not want to be here debating – (*Laughter*) then go back to your parishes and stay there!
(**Several Members:** Ooh!)

1400 Please let us have the debate. It is not a perfect Rule. Certainly what SACC are proposing is not
perfect either, but I think it is at least better to allow those people who have not yet spoken to
have the vote on whether or not debate continues. I think that is more democratic. It is not
perfect.

1405 But of course you do have – and this is where it gets confusing – this opportunity to dispense
with the Rule completely in SACC's proposals. Our proposal only comes into play as a second
proposal. I think it is better than what SACC is offering and I think it is far more democratic and I
do not like being denied to speak in this Assembly. That is what my electors, I hope, put me here
to do, sir.

Thank you.

1410

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

1415 I do understand where the proposer and seconder are coming from, but I actually think that
the outcome of their amendment, if this carried and if it is a bit of the resolution that is then voted
through, will have quite the opposite effect as described by Deputy Brouard just now.

Deputy Lowe wants to see a complete reversal of the Rules so anybody can raise it but only
people that have not spoken can vote. The reason that the Rule originally said that people could
only raise it if they have not spoken is because I think the Rules of Procedure Committee at the
time thought it would look a bit odd if somebody spoke for an hour – I do not know who it might
be, but – and said, 'And just before I retain my seat, sir, I would like to invoke the Rule of the
guillotine,' it would look odd and therefore that is why that Rule was brought in.

1420 Who should be able to vote when it has been invoked? Well, there are two types of guillotine
motion really: those that are brought in really early on because the vast majority of the Assembly
think, 'Why on Earth is this on the Agenda at all?'; and those that say, 'This is an important issue
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but we have been debating it for a day or so, really it is time, nothing new is going to be said, let's bring it to a halt.'

Sir, in those circumstances where maybe, I do not know, 25 out of the 40 have already spoken, but there are two or three that really feel passionate and are waiting to speak, maybe a vice-president of a committee that Deputy Roffey is in charge of because it is an ICT matter and he knows so little about information technology he has asked his vice-president to hold back. Deputy Brouard is saying it is not fair that those people should be choked off. I think they are more likely to be choked off under this Rule, because the 15 people who have not spoken are the 15 people who do not really think, by and large, that this debate has the merit that it should have had, and therefore are more likely to say, 'We do not want any more of this'; whereas the 25 who have spoken actually very often want to hear from other people as well, because they feel passionately that this is something that needs to be fully ventilated.

How far are we going to go down this line? If 35 people have spoken do we have a guillotine with only five Members able to vote where two want to speak, three do not want them to speak? And presumably we can adjust all this fancy technology to make sure that only those five people are able to push a button that actually registers.

I understand where they are coming from and I understand the frustration of being cut off by somebody who has already had their chance themselves, but I think this actually backfires. My view is actually if we are having to go to this kind of convoluted system in order to be fair on people who are waiting then just do away with the Rule altogether.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

Just a couple of points.

If somebody has been speaking and given way to somebody, somebody could make a two-minute speech at that point, but they have not spoken but then they would be one of the people who would then be able to vote. They could have spoken several times because people could have given way to them. We have seen in debates where different speakers have given way to the same person. So if you are going to say that this is not fair because that person would then be able to vote but they have already spoken ...

Also there are a number of people I have heard who have made speeches on various matters and have left the way they are going to vote open and they say they are open to persuasion. So those people presumably want to hear the other points, but if this Rule went through they would not then be able to vote on whether they could hear those points.

So I think this is wrong. In addition to the points that Deputy Roffey makes, I completely agree with his points as well. So please do not support this amendment.

Thank you.

The Bailiff: Deputy Lowe will reply.

Deputy Lowe: Thank you, sir.

There is very little say to say really. It is just a straightforward amendment. I get what Deputy Sarah Hansmann Rouxel says; I do not think that is a major thing to be able to administer, to be honest, especially when we are going to have simultaneous electronic voting. Yes!

I think it is clutching at straws for Deputy Roffey to say, 'There could be five left to vote and then five left who have not spoken and then they would make a vote.' I think that is really clutching at straws.

Ideally, get rid of the guillotine. I support that. We have got that option. Get rid of the guillotine motion that is already in place. However, this is a stopgap, so for me if the guillotine motion is not rescinded and rejected under the SACC report, at least this would be a standby one which I think is fairer to all of us in this Assembly and fills exactly what Deputy Brouard did in his

excellent speech to all of you, I believe, because he set it out exactly as it is. We should not be prohibited from being able to speak. It is our right to be able to do so and yet currently we are being prohibited. That is not democratic. So a democratic way: get rid of the guillotine. Otherwise I suggest that this one is actually supported.

So I ask Members to support this as a stopgap when we get to the substantive Proposition votes.

Thank you.

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

Members voted Contre.

The Bailiff: I declare it lost.

We come to general debate. Deputy Trott.

Deputy Trott: Thank you.

Sir, this is the first time I have spoken in this debate, but there are a number of matters that I wish to address. Of course, unusually one does not know who one is addressing some of these forward-looking matters to because this will be the last time, I believe, that Deputy Roffey will address us as the President of SACC or the Chairman of SACC.

So the first is the Code of Conduct. I think that this material issue will be passed to the next Committee, whoever they may be. I am the first to recognise how difficult reform of the Code of Conduct process is, but in many respects it is the elephant in this room. It is the elephant in this room in the sense that it could at any stage affect us all, as it has done some in this Assembly during the course of this term.

We have, I remind Members, had an episode of an entirely vexatious, completely unfounded code of conduct complaint (**A Member:** Hear, hear.) against some Members of this Assembly that caused some distress, not because of any facts but because of the manner in which such accusations are allowed to be made and given the public airing that they are. So I would ask Deputy Roffey to give us the thoughts on his Committee's deliberations on this so far, and I would hope that whatever the membership of SACC is in the future that the matter be given, in my view, the priority it deserves.

The next issue I want to address is real property. There is a subtle change in SACC's Propositions which I simply do not get. Why on earth is it of any interest to me, or for that matter any member of the public, if – and I pull someone out of the air – Deputy de Lisle has a time share in Lanzarote? What possible difference does it make to me or anyone of our electors whether Deputy Roffey has a hut or a cabin in Sri Lanka? It can be of absolutely no interest to us and why on Earth SACC should wish to extend declarations about the ownership of real property, which incidentally I do not have, in case anyone is wondering ... I do not own any property outside of Guernsey, so it is by no means a matter to which I express, hold or have any intentions of having a self-interest in.

The next matter, sir, is around hours of sitting. There are two types of States' Member. There are those who are very busy and there are those that are simply busy. I spent a number of years in the last Assembly on the backbenches and enjoyed leisurely lunches. In fact I was one of the people that I think Deputy Roffey described – often searching around St Peter Port looking for a sale, being the frugal Guernseyman that I am, in the half an hour that I had left after visiting the White Rock Cafe. That was then, this is now.

A perfect example was yesterday. The President of the Policy & Resources Committee and myself were invited to an event by one of our major financial services institutions. It was a very interesting event but we had to leave early in order to be back here in time for 2.30 p.m. So, far

from it being a luxurious lunch break, it was another example of a busy function that we went to and we did not have enough time to complete.

So this idea, sir, that some States' Members have, that two hours is somehow or other a completely unjustified period of time, is not the case. I think we do need in this Assembly to be a bit more honest with our electors about just how busy we are, how we start early, the lunchtimes are taken up and for some of us it was an 11 o'clock finish last night.

I move now to attendance records. Sir, they are equally farcical. In fact, every time these attendance records are broadcast we go out of our way to say how meaningless they are. (**A Member:** Hear, hear.) So if they are as meaningless as we all know they are – they are incomplete, they do not in any way, shape or form demonstrate the amount of effort that Members of this Assembly are putting in in most cases – why do we persist with an absurdly irrelevant and inaccurate process?

My next item, sir, is mid-term elections for committee membership. I have long been of the view that we should revert back to a process we had in my earlier days in the States where halfway through an electoral term we tested the water to see whether or not the committee membership, and in particular the leadership, was appropriate. It is a very good way of making some subtle changes if Members are underperforming, without the bloodletting that we have seen on occasions in the past because of the absence of that mechanism.

So next I turn to the dual role of the Bailiff. The report says that there is no appetite for change within the community. I think they are right. There is no appetite to change the Bailiff from this important role as Presiding Officer, but I think there is increasingly the view that the fact that this post is unelected is wrong. Carswell in Jersey made that point and we need look no further than 15 miles to the southeast to see that there is a growing view that this position should be an elected position.

The Bailiff is well aware of my view, it will come as no shock to him and it in no way, shape or form reflects his performance. I say that because I think I am allowed to sit in judgement of the Bailiff's performance in the same way that he can exercise his powers over me as a Member of this Assembly. But of course that is the only way one can undertake any form of appraisal.

The Bailiff occupies the role of Presiding Officer for the duration of his tenure as the office holder of the senior judge, the Chief Judge of the Royal Court. The Bailiff does not have any other appraisal mechanism. You could argue we are stuck with a bad one in the same way we are very pleased to have a good one. The idea that this Assembly does not cast a vote in support or otherwise – an unlikely event, in my view – of the Presiding Officer is wrong, and I think most of us in this Assembly would agree with that, whether we are prepared to say it publicly or otherwise.

So plenty for the President of SACC to consider in his summing up and I thank the Assembly for their consideration.

The Bailiff: Deputy Lowe was rising first. I think she is rising to –

Deputy Lowe: I was rising to try to get Deputy Trott's attention but I failed on that one, so never mind. I probably was not going to cover this area but I will do seeing as he raised it. It is the Presiding Officer part for me.

I fully support a Presiding Officer being the Bailiff. There is the experience of the Law but there is, to me – and it is a comment that Deputy Trott said; he said it was – and I may have used the quote – the powers over Lyndon Trott – I have not got it the other way around – where actually the Presiding Officer can only cover the Rules that we set in this States. The Presiding Officer is not allowed to contribute, he is not allowed to make any comment. He is there as a complete neutral carrying out the Rules that this States set in stone, or can amend at any time.

I was trying to work it out. I think I have sat in this Assembly under five different Bailiffs, who all operate slightly differently, they are all different individuals and characters, but none in that time have ever actually tried to influence a debate or made comment in a debate, or even body language in a debate, I have to say. They have stayed absolutely neutral.

I think that the public – certainly from the ones I have spoken to when it rears its head every now and then – have said we are very privileged and honoured to have the Bailiffs that we have got that sit here and preside over the States, and how awful it would be if it was somebody elected who was not of that stature sitting and presiding over the States. So I am hoping that the States are not going to start going down that route again by raising it today, Deputy Trott. I know you have, so now it is going to be all over the paper again. I know they are looking at it over in Jersey and I have to say Jersey Bailiffs I have witnessed and seen perhaps do not cover out the Rules the same as it happens here in Guernsey. (**A Member:** Yes.) I think it would be a sad day, the day that we actually remove the Presiding Officer as the Bailiff in that role.

I will give way to you.

Deputy Trott: Thank you. I would have given way to you had you have caught my eye.

This is a point that one needs to be very clear on. I am talking exclusively and specifically about the fact that we do not elect our Presiding Officer; I am making no judgement other than positive ones about the performance of the current Bailiff, and indeed the current Deputy Bailiff, in the discharge of their duties. It is the absence of the fact that we are one of the very few – Jersey of course is the same – Assemblies in the world that does not formally elect its Presiding Officer. In my view, that is antiquated and requires change.

Deputy Lowe: I think we are going to actually disagree on this one, as we have done over the years, Deputy Trott, and I hope others around the world will start following *us*. We are setting a good example, I think, of the quality that we have got here in Guernsey and how it operates in Guernsey on a small island, because, let's face it, in a small island there is always going to be conflict and yet we do not actually see any problem, and I have never experienced any problem over the years with the Bailiff presiding over the States, or indeed the Deputy Bailiff presiding over the States. Then of course we have got the three acting Presiding Officers, of which I am one, Deputy Roffey is the other one and Deputy Gollop. They are the acting Presiding Officers.

The other point that Deputy Trott raised was the mid-term elections. I think it is good when we had the elections but we did not have mid-term elections, we had annual elections. I do not remember ever having a mid-term election, so – I am looking at Deputy Fallaize – I think that was perhaps his little fantasyland. He might have wanted mid-term elections but we have never had that.

That goes down to the days when there used to be seven on a committee and nine in a committee; that annually there would be two that actually would be up for re-election. More often than not they got re-elected back onto that committee, or if there had been friction or they wanted new blood to go in there the annual elections took place.

I think they are good. I think annual elections are great. Obviously with us only having five Members on a committee now – endorsed yesterday by the States which I am pleased with that result – there is not any reason why there could not be annual elections but you would only be replacing one and I am not sure if that would be beneficial or not. Maybe it could be looked at, but I would not like to see mid-term elections for everybody because I think that could be quite disruptive.

We heard how, yesterday, there was a call, wrongly, to actually extend it to five years because it takes so long for Members to learn what is going on, to try and get work done. So if you have got mid-term elections and it is for everybody in a committee to face that mid-term election that could cause even more disruption to the Government; there could be a complete change. I do not think I have ever seen so many resignations in all my time as what we have seen in the first two years, and indeed even through a whole term as what we have seen this year and this term. So that has been disruptive in itself and is still being disruptive, which saddens me to see that, but that is democracy. So I would not like to see any more added to that by an enforcing of mid-term elections.

I fully support Deputy Trott on one area though, and that is on the Code of Conduct. The Code of Conduct, I think, is poor. It was new at the time and I think it is time that that one was changed considerably and put something more respectful and decent in place that will be, I think, serviceable to the public and indeed for States' Members as well.

On that note, I ask SACC to take note of that, that they do look at that Code of Conduct – yes, I know you do, you are nodding in agreement but you are not going to be there! You have resigned. So whoever is going to take it up, would they please look at the Code of Conduct as an area that really does need to be dealt with?

Thank you.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Three things.

First of all, in relation to the role of the Bailiff and the Presiding Officer, I think clearly there are constitutional principles which are offended by the dual role, but on a practical level I do not think there is any better arrangement. The only real two alternatives would be either to have an elected Member of the States' as Speaker, and I find it difficult to believe that there are any Members elected into political office who would particularly welcome giving that up in order to become Speaker. Deputy Roffey is pointing at somebody, but I do not know. The other would be to create a separate office and elect a Speaker from outside the States. But I suspect what would then come with that would be a Deputy Speaker and a Speaker's secretary and a Speaker's office, and it would probably end up being quite expensive. I also think the States do benefit from being presided over by somebody who is used to this sort of environment and applying rules fairly and impartially.

So irrespective of what the rest of the world do, I think on a practical level this is the best arrangement for Guernsey. I think actually Deputy Trott's concerns could be accommodated because – maybe I am speaking out of turn and somebody who is more expert in constitutional law will pick me up but – I think the general perception the States have that the Bailiff is sort of imposed upon them as their Presiding Officer is actually wrong. I think the Bailiff, if we were to take this to its logical conclusion, actually is here by invitation of the States and I think it would be possible for that to be pushed a little bit further if the States were in sympathy with Deputy Trott's point without it offending the present constitutional position. In other words, if the States wanted to make it a little bit clearer that they were being presided over because they were inviting the person who holds the office of Bailiff to do so, I think that could happen. But I hope the outcome is that the Bailiff remains Presiding Officer of the States.

In relation to the Code of Conduct, it is imperfect, to say the least. My view is – and I have long been of this view and I was unable to persuade the States Assembly & Constitution Committee of this view when I was President of it, and before that Chairman – that the only way this will be resolved is through the appointment of a person holding a role like a commissioner of standards, a person who has the powers not just to receive cases lodged by others and make some sort of determination privately about whether –

I will give way to Deputy Roffey. I know what he is going to say, but I will let him say it anyway.

Deputy Roffey: Sir, I am just trying to stop what could turn into hours of debate, if possible.

Can I say that SACC have said they would review the Code of Conduct in the second half of this year; that review is fully underway. Right at the top of the list of possibilities as we leave is a Jersey-style commissioner for standards in public life, who can be proactive, who can be seen as totally independent and operate differently. Of course I cannot guarantee my successors will see that through, but that does seem very likely to be the outcome. Therefore if we can maybe just avoid having hours of debate about which way we should go. If that helps; if people want to debate that is still fine but I thought that might help.

Thank you, sir.

A Member: Doubt it.

1685 **Deputy Fallaize:** Thank you, sir.
That was a guillotine directed just at me.
Oh, I will give way to Deputy Trott.

1690 **Deputy Trott:** I am very grateful because I raised the point because that narrative was absent from the report. If the report had made that clear I would not have needed to have posed the question.
Thank you.

1695 **Deputy Fallaize:** Yes, both of those points are very fair. So I hope that Deputy Roffey and his colleagues' successors will accept their advice, if their advice is to appoint a commissioner for standards.

The part of this report which I ... there are two parts of it which I do not think I can support. I am not really fussed about whether the guillotine Rule remains or not, but if it does remain I do not think that it should be subject to a two-thirds majority. I just think that if a majority of the
1700 Members of the States want to do something and the thing is legal then I think the States should do it, and I do not think there should be any provisions in the Rules for two-thirds voting.

In fact later on in the Rules, in the parts of the policy letter which deal with those matters which were suggested to the Committee and which they are not taking forward, in relation to suspending the Rules, they say after a discussion a majority of the Committee agreed it would be
1705 untenable to reject a majority vote in the States, but they are actually proposing that that could happen in relation to another Rule. So I do not favour going to two-thirds provisions.

The other proposal I cannot agree with is the proposal to reduce the lunch adjournment. I disagree with it for two reasons. The first reason, and perhaps the less important reason why I disagree with it, is I really question the basis on which this proposal is being put before the States.
1710 I cannot find at the moment the page in the policy letter – even though they produced an index I still cannot find it ... 5.1. (**Deputy Smithies:** Page 7.) Thank you. I thank Deputy Smithies.

The arguments are the Committee was asked to consider the hours of sitting of the States:

While the Committee agreed the times States' meetings ordinarily commence and adjourn remain appropriate, it did nevertheless agree by a majority that the length of the lunchtime adjournment should be reduced.

That is it. That is not an argument, that is just a statement of an opinion.

1715 My view is that my former colleagues on the Committee are putting this forward essentially because they think it will make the States look good with the public. (**A Member:** Hear, hear.) I do not think there is any other reason whatsoever. We get these arguments that, 'Well, you know, the general public don't get a two-hour lunch break so why should the States?' Well, actually most people I know do not get a one-and-a-half hour lunchbreak, and most people I know do not start work at half past nine.

1720 So if we have got this sort of sackcloth and ashes approach to the life of the work in the Assembly, why don't we start at half eight in the morning or quarter to nine or nine o'clock? Well, I will tell you why. I could have laid an amendment to that effect – it would have lost. What would never have come out in debate is that the reason it would have lost is because there are many Members who would say, 'Well, we get stuck in the traffic.' That is the truth but if you take this
1725 view that we must apply the same hours to the work of the parliament as most office workers are working under, then half past nine till half past five with an hour and a half for lunch is a nonsense, because almost nobody is working those hours.

But the perception is created that it looks good. Those lazy States' Members have chopped half an hour off their lunchtime and have earned some additional Brownie points with the public. I

do not think it would do anything to enhance the reputation of the States, to change the lunchtime from two hours to one and a half hours. In fact, I should think what has done more damage to the States is raising the issue of the length of the lunch adjournment in the first place, **(Several Members: Hear, hear.)** which has happened by the proposals in this policy letter.

The main reason I oppose it is because there is other States' business that takes place – not for every Member every day, but for some Members on some days there is other quite important States' business which goes on during the lunch adjournment.

Deputy Roffey said yesterday that perhaps it should not because the lunch adjournment is meant to be a time when people take a break. Well, what will happen if the lunch period is truncated is the meetings will still take place, but the lunch bit that you might be able to get half an hour or three quarters of an hour lunch afterwards will just go and I think the effect will be completely self-defeating.

Deputy Roffey also said, although he was speaking to the Proposition set out in the policy letter, he then started to speculate about other possible solutions to the time that the States sit and suggested actually it might be a good idea to finish at 12 p.m. and come back at 3 p.m. because that would allow a longer period of time for other States' business to take place during the adjournment and for a bit of lunch or a break as well.

So I do not think SACC has a very well thought out position on this. With the greatest respect to them, I think this is a proposal which really ought to be put in the bracket of populism. **(A Member: Hear, hear.)** And I would very rarely say that about anything that Deputy Roffey is associated with, because I think he is as far away from a populist politician as it is possible to imagine, but I really do not think there are any sound grounds for this particular proposal. The lunch adjournment is of value on some days to some Members to do other States' business and therefore I think it ought to remain.

I would be perfectly happy about the States extending their hours of sitting. If the States want to meet earlier; if the States want to meet later; if they want to come in on Mondays and Tuesdays as well as Wednesdays, Thursdays and Fridays – I will give way in just a moment. I know what Deputy Merrett is going to say, what about people with families. *(Interjection)* Okay, well I will give way now then if I do not know what she is going to say! *(Laughter)*

Mr Merrett: Thank you, sir.

I am so glad that Deputy Fallaize cannot actually read my mind, to be honest. *(Laughter)*

Thank you for giving way. Just the point of if the States want to extend their hours, clearly if we have an hour and a half for lunch, we have extended our hours because we are sitting for half an hour longer. That is just logical, sir.

A Member: That is not the point.

Deputy Fallaize: Yes, but that is not the point. What I am saying is I am not voting against that proposal because I do not want the States to sit for more hours. If the States want to sit for more hours they could do it by starting earlier or finishing later or doing anything else. I just think that there will be time that is sometimes valuable for other States' business taken up if we come back an hour and a half ... and if we are really doing it because we want to bring ourselves more into line with business hours elsewhere, let's not have an hour and a half, let's just have an hour because that is what most people in an office environment have for lunch.

Thank you, sir.

The Bailiff: Deputy Yerby.

Deputy Yerby: Just in passing, sir, in response to Deputy Fallaize's speech, when I am in a committee meeting I do not say, 'Well, I have to set aside an hour in the middle of the committee meeting,' or 'I have to make sure that we are finished by 12 noon because there is other business

that I might need to do later in the day'. When I am in a committee meeting I am in a committee meeting; when I am in the States I am in the States and it takes the time that it takes. I just do not think the argument for keeping the lunch break is any stronger than the argument for changing it.

1785 The States takes priority when you are in the States and the other business gets done when it gets done.

But, sir, my main reason for standing it to ask that when we vote we have a separate vote on Proposition 1(p) which is in respect of Rule 17(12), the proposed new give way Rule. Although Deputy Trott and Deputy Lowe staged a beautiful morality play on the inadequacies of the current

1790 arrangement, in that one did not notice the other standing and requesting a give way, I think it is preferable to giving Members the opportunity to speak up and interrupt another speech on something that is not a point of fact.

In support of that, I would ask Members to cast their minds back, not to where we are now, but to where each of us was when we came into this Assembly, when standing up and speaking in

1795 front of our peers was a much more nerve wracking and less comfortable experience for those of us who were new – not of course, for those who have been in the States for some time and were confident and who could more easily throw a new Member off their stride if they had been able to stand up and say, 'Will the Member give way?' when said Member was in full flow.

Deputy Trott will remember standing, I am sure, in the middle of one of my speeches when I

1800 just studiously ignored him because I had something that I needed to finish saying. (*Interjection and laughter*)

I do not think that the proposed new Rule is fair. I think it could be more disruptive than it need be, the present Rule is not perfect but it is better and I would ask Members not to support the change.

1805 **A Member:** Hear, hear.

The Bailiff: Deputy Graham.

1810 **Deputy Graham:** Thank you, Mr Bailiff.

I would hate Members to think that this is the only thing I am interested in, but I ask this question out of sheer practicalities. If Proposition 1(d) is carried before lunch today how long will we will have for lunch today? (*Laughter*)

1815 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Well, maybe I can speak until lunchtime to resolve that problem.

No, I will just kick off, I did not really think we would talk about you, sir, as Presiding Officer, your role, because it is not really covered in this.

1820 **The Bailiff:** It is not, and I do not want to be sounding as if I am stopping people discussing my role, because then it looks as if I am blocking debate, but debate should be relevant to the Propositions that are before the States. (**Several Members:** Hear, hear.) I know these other matters are covered in the policy letter, (**Deputy Gollop:** I agree.) and that is obviously why they

1825 have been raised. So I am not going to stop people if they wish to do so, but can I just remind you that we are pressed for time and there is still a requête to deal with, but if people what to discuss my role, as it has been raised and I do not want to look as if I am blocking debate, I will not stop debate on that.

Deputy Trott, do you wish to ...?

1830 **Deputy Trott:** Yes, sir, I want to make the point that no offence was intended.

The Bailiff: I am not taking offence.

Deputy Trott: Good, I am sure you are not, sir. But when, if not when discussing a report on the States' Assembly and Constitution, is it possible to address this matter, a matter that we know was of concern to Carswell and to the UK government on occasions?

The Bailiff: I am sure you know the Rules of procedure as well as I do, Deputy Trott. You know how matters can be raised. All I am suggesting is in this debate we try to keep the debate relevant to the Propositions. (**Several Members:** Hear, hear.) But if people wish to cover the other matters that are covered in the policy letter then I am not going to stop them doing so. That is my position.

Deputy Gollop.

Deputy Gollop: I not only agree with you, sir, I was going to move on and just say whatever the merits or demerits of the arguments we have heard, I think it is a debate for another day and hopefully another decade. I do not think it is a relevant matter or a priority to consider for the foreseeable future.

I would add though that, of course, Deputy Trott knows that there are different ways. In our sister island, rightly or wrongly they have been toying with a referendum on the matter, but we will leave that aside. Actually, I was wanting to speak about the general procedure of this report. Because Deputy Trott in his, in a way, masterly speech, was pointing out a real weakness in this report, from my point of view as a long-standing old boy of a Member.

I remember happy days in the golden past when we had a house committee that did things differently, with a different team, they used to come in dribs and drabs with one point at a time – little two-page reports and another month they would come back with something else.

I actually think that is easier for us to follow because I do request you, sir, to treat us delicately and be a bit snowflake with us in allowing us to go slowly through the voting because we have heard the issue of the Alderney Representatives in another *[inaudible]* had about voting. These Propositions are extremely complicated because they do not even say what they are unlike the excellent Social Security report. (**Several Members:** Hear, hear.) (**A Member:** That's a point) So you have to go through it and mix and match. It is a concern that I have.

First things first, let me deal with a priority. The first priority is the lunch hour issue. It is a huge issue. It is a huge lunch – well, not necessarily. Of course one good part of what somebody just said about – Deputy Yerby, I think – I will happily ... if the lunch two-hour break is reduced the work will continue but the lunch part will go. Well, somebody said that. I thought to myself, well maybe you will get one or two more free lunches because the committees will give us something. We had a committee meeting yesterday and I am sure the Members and the taxpayer will be delighted to know we had no largesse on behalf of the taxpayer. So we did our own thing.

The point I am making is we do indeed have duties to attend to which might be professional associations having meetings, sometimes they deliberately choose a States' day for St James' briefing because they know we will be around in theory.

So I think the arguments are populist to reduce and I actually think they are imprecise as well. Deputy Dudley-Owen, amongst others, made an excellent suggestion, I think on the media, that we should have a 15-minute break. If these proposals are adopted and we could recommence at 2 p.m. today or in the future, that will mean that we have a three-and-a-half hour sitting on the trot until 5.30 p.m. That is a long stretch for some of us. It is easy for the world's workers to point their fingers at us and say we should be in here at 8.30 a.m. and we should go on until 6 o'clock and all the rest of it, but I would argue that for some Members sitting here all day is quite tiring because you are concentrating throughout on complicated issues. You also have to think on your feet and it is a different environment than a normal office where people can come and go, or a homeworking environment – all that. So it is unique to itself.

I think we have had a breath of fresh air in this term with a lot of new Members coming along and this might sound sexist but I do feel there has been a little bit of a pressure from some of the new women Members particularly to work harder and not have the lax er that perhaps some of

the people in the past did. Perhaps that is part of this conversation, but I do think that if we go down this route we will probably reverse it again in a year or so, because that is what happened before. Remember back in the good days of the very senior Statesman Mr Roger Berry, he tried this in the 2000-04 Assembly and it went back to where it was after a year or so, because one constraint, I am sure, is that actually if Members go out for a conventional Tennerfest lunch I am afraid there are establishments that cannot serve them. Maybe the solution is to do what business organisations do – abandon the traditional lunch format and go for a working breakfast. But it does have consequential issues.

Moving on from that, I am probably willing to get rid of the guillotine Rule because it has proved to be stressful in this Assembly and timewasting. I might go for the two-minute rule that has been presented to focus more on the interventions. There are quite a lot of worthwhile attempts at reform in the report, generally speaking. I think it is a bit of a smorgasbord in many ways. I think the innovation of facilitating committee members the opportunity to give reasons as to why they wish to sit on the committee is beneficial. In fact it probably should be a little bit more rigorous than portrayed in this report, because what is the logic of a President having a 15-or 20-minute or whatever, half an hour, grilling when a senior member who becomes effectively our external secretary or deputy chief minister, or whatever titles we give them, can go on Policy & Resources without that process. So I think there are some issues that need to be further evolved in this respect.

As for the amendment we passed on the special interest, maybe the first part of it goes far too far in prying that we are not prepared for self-scrutiny. But I would support, I think, the second of the four options, and as a fall-back, the third. I think it is peculiar that we have a different form of special interest in committees than we do in the Chamber and the special interest Rule, as Deputy Dudley-Owen has pointed out, can be used to weaken expertise and maybe structure the debates within committee in a way that is not helpful when the report finally comes back to the Assembly.

I think though I have got one really important issue to finish on – and I think much more important than the length of my lunch hour, when I should go on a diet anyway or whatever. Actually my health this year has not been fantastic. I have had a few ups and downs, and I do feel that, as SACC has seen, changes of personnel on committees, I do support the mid-term elections as a principle.

I think that is one of the reasons why the States then react in a different way. I do feel that the time has come in the next few months or so for me to relinquish my role as President of Planning when the time is right on the political calendar and to let a new generation perhaps take over the leadership role of that committee. Because I have done four and a half, nearly five years on the Planning body, and before that I did seven years on a committee that had a Planning function inherited. So I feel I have done my penance a little bit in terms of Planning.

But one thing that does concern me is a very radical Proposition indeed in this report that has received scant debate so far, apart from one allusion yesterday, and that is the rather draconian Rule that if the President retires, either because of political challenges or because of illness or even because, sadly, he or she has passed away, which is a bit grim but it is in the text, that all the committee suddenly go.

The problem I have with that, even though it would refresh the committee, is that it brings uncertainty and many committees, including Planning, have been through a kind of a bonding exercise, but more importantly they have been through a lot of experience and training and relevant advice from Law Officers and so on about their role. And if because of the accident of a President retiring their role, all of the committee decide not to stand again or are defeated by a whole new team standing because of the mandatory re-election, I do not believe that is really in the public interest or the States' interest. I think the situation we saw on Economic Development, where we had a change of President, where some decided to move on to pastures new and others stayed on, was a more effective way of going about things, in many ways – especially if we reach the second half of a term. So I think I will vote against that Proposition and hope that there will be a special opportunity to do so, sir.

Thank you.

1940 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir. I will try to be as quick as I can.

1945 First of all, in response to Deputy Trott's initial comments about having properties elsewhere, I do feel if you have properties maybe in the UK or France, obviously we are an island community with travel links, you could potentially have something there that might be in the public interest. If you have a lot of property in the UK, for example, or France and you wanted to rent a property in France and you wanted to ensure there is regular ferry connections, wouldn't that be nice, there might be public interest.

1950 The one-and-a-half-hour recess, (d), I do not actually think *[inaudible]* this at all, but several comments: one is Deputy Fallaize said about, 'Who has one-and-a-half hours?' and I think I probably ... I believe that what Deputy Dudley-Owen said in the media – although I have not heard it myself – is that usually you would have an hour and you would have two 15-minute breaks during the day. So I do not think an hour and a half is that unusual.

1955 I think this probably came about, part of this, is that when we first ... potential candidates stand for election I was actually quite surprised that there was a two-hour recess. The States' dates are in our diaries, we know when the States – well, we now know when the States' dates are, and we can make a decision as independent, intelligent adults what we do in that recess – whether it is an hour-and-a-half or two hours, whether we decide we want to have a meeting or we do not, whether we just have a sandwich or have a longer lunch. This is not difficult stuff. We are adults.

1960 Personally, I am quite happy with an hour and a half recess and I am not populist in any way, shape or form – at least I hope I am not perceived as that.

1965 The other thing I want to pick up on, and I will be quick, is (z): that all Members resign if the President resigns. There are pros and cons to this. It was a very difficult decision, sir – *very* difficult decision – for me to resign from my Principal Committee post. It took me quite a period of time. I gave myself a period of time to reflect on the resignation of, first of all, the President and the Vice-President and then the Chief Secretary. That was my decision. That was *my* decision and I wanted to do what I thought was best, not only for the remaining members of the committee, but actually for the Assembly and, more importantly, for the community as a whole. Where is it I think I could really serve in this States? Was I best sat in that seat or was I best foregoing it to somebody else? So I am a little bit concerned about that. I did put the community, I believe, and the States in front of my own position on that occasion. So, that one I am unsure about.

1970 But furthermore – and I would really appreciate Deputy Roffey just confirming this – under (z) it does say:

On election by the States of a successor to a vacated office of President of a Committee, any remaining members of the relevant Committee will cease to hold office.

1975 That just says 'Committee', that does not say board, it does not say authority. For just absolute clarity, if Deputy Gollop was to make the decision to stand down from the Development & Planning Authority (DPA), would the whole Authority fall under this Rule if it is enacted or would it just be a committee? I am really sorry to split hairs, sir, I really am, but it is not clear and after what Deputy Gollop just said I would really like clarity on that, because it is arguable in my mind that the members of the Development & Planning Authority would not need to stand down, because they do not form a committee. If Deputy Roffey could please just speak to that.

1980 I said I would be brief, sir, and I hope I was.

The Bailiff: Deputy Inder.

1985 **Deputy Inder:** Thank you, sir.

I am just going to speak to the guillotine motion.

How have I used it – and failed, normally, every time I have tried to, Probably intemperately to be honest with you. I have been bored of repetition. I have used it where it is obvious where the debate is going. I have used it when I felt Members have not been particularly disciplined themselves, rolling around the same speech, around the same argument, saying exactly the same thing in 15-20 different ways. Through you, sir, Deputy Gollop is in the corner there, gulping like a goldfish at the moment, but he knows who probably is the one I am referring to. And often repeating the same point from previous speeches.

But it is Deputy Brouard's point that this being a debating Chamber that struck me through the amendment supported by Deputy Lowe, or the other way around. Sometimes you apply things, not always correctly, coming from a business environment. If you are chairing a meeting in a business environment it is possible to curtail the repetition with a good chair. Normally because you own the business and that is the rule you are setting them. But I suppose really – and I do not know if this is a maturity in myself – I do not think anyone actually owns democracy or Members' freedom to express themselves on behalf of their electorate.

So I have come to the view the 26 Rule is probably out of date, so I will be voting to remove it completely, for the reasons that I have outlined. I am not sure that it is democratic for me, having had my say, to then vote to stop another Member's right to speak and I would ask Members to remove the guillotine Rule completely.

Thank you.

Deputy Lester Queripel: Sir, I rise to invoke Rule 26(1), please! *(Laughter)*

The Bailiff: Will those who have not spoken in general debate and wish to do so please stand in their places? One, two, three, four, five, six, seven, eight. Do you still wish to invoke the Rule?

Deputy Lester Queripel: I do indeed, sir, yes.

The Bailiff: In that case, I put to you the motion that debate be terminated. Those in favour; those against.

Members voted Contre.

The Bailiff: I declare it defeated.
Deputy Tindall.

Deputy Tindall: Thank you, sir.

I wish to comment on specific Rule changes, as others have done, and so take them in the order they appear and not in order of importance.

I too, will be brief because I wish wholeheartedly to get to the debate of the requête today.

So to start with I too do not agree to shortening the two-hour break. Firstly, I believe that concentration for six hours a day in uncomfortable seats does take its toll. Secondly, it is necessary to catch up on emails, it is necessary to have meetings, such as we did yesterday with an Emergency Legislation Review Panel, as Deputy Gollop mentioned. It is time used to review amendments and discuss issues raised. Thirdly, I considered two hours lengthy before I was elected, but now I see it as useful. I can see that it may appear self-indulgent to have a two-hour lunch break but that is the point, it is not a lunch break; **(Several Members: Hear, hear.)** it is time used wisely doing necessary work *and also* have sufficient a break to be ready for the afternoon. So I will not support Proposition 1(b).

I also have reservations about 1(p), and Deputy Yerby makes a good point. I will listen to further summing up to make a decision with regard to the give way Rule.

I also wish to comment on the Proposition (u), which is shortening the time for submissions of Propositions in respect of certain types of secondary Propositions. I was concerned that one of the

proposals in this policy letter is to change the ability to submit an amendment to a planning policy, IDP, SLUP etc. as well as others, from seven clear days to five.

My first reaction was that the extra time we had before the IDP debate enabled long and difficult conversations over complex matters, and the extra time vital for both the committee and proposers and seconders. I therefore asked the views of officers, as their experience is very relevant. Their view was that because the Rules were in most cases suspended to allow late amendments which made it more complex to deal with than the amendments that were submitted earlier in accordance with the Rules ... So I agree that as a consequence of reducing the period from seven to five days it would eliminate suspensions of the Rules and I think there is some merit in doing this.

However, will it? I do not think so as I feel the late amendments will continue. So I think the original strong arguments that propose planning law and policy should not be amended without a reasonable period for full consideration by the responsible body and we should stick with the current position. So I will not support Proposition 1(u).

With regard to Proposition 1(v) and the guillotine motion, I feel that this is an important tool requiring a simple majority and when used wisely is useful, and I cannot vote to remove it. So I will not support Proposition 1(v).

With regard to Proposition 1(y), I am unsure the role of President should ever be vacant. It concerns me that this Proposition enables the possibility that this may happen and it does not urge a Member to stand for the role as there is the knowledge that if it is not filled it does not matter. If someone does not stand for election for a presidential role at the first opportunity, why would they stand at a second? So I will not support Proposition 1(y).

With regard to 1(z) I have severe reservations about the resignation of everyone on a committee and I take 'committee' to include all names of the type of committee as we are treated in the Development & Planning Authority in the same way as other committees throughout the Rules. But again if the President of SACC, when summing up, can confirm my understanding.

I do not think the resignation of a President should give rise to a potential change in policy direction, which could of course be the outcome, even if a President resigned for personal reasons. The potential loss of collective knowledge of a committee, and even a possible reversal of hard work that had been done, should not be the automatic outcome when a President changes. We already have means by which we can change the make-up of a committee through a motion of no confidence, and that is indeed a time when the work of a committees is in question; and I am satisfied that this is the correct process and so will not be supporting Proposition 1(z).

With regard to the new Propositions 1(aa) to (dd), regarding the use of the words 'direct or special interests', I did articulate my views earlier and confirm I intend to vote for Proposition 1(dd). However, sir, to make sure that I am voting correctly I would be grateful if my belief that the numberings I have quoted remain the same despite the successful amendments, or if I am wrong, that a revised list will be prepared. Sir, assuming I am right and the Propositions remain the same, I request a separate vote for Propositions 1(d), (u), (v), (y), (z) and (dd).

Thank you, sir.

The Bailiff: I assume your last comment you are referring to the fact we now have two Propositions (bb)? Is that what you are concerned about? Because of the two successful amendments: the Deputy Soulsby/Deputy Lowe amendment added a Proposition (bb) and of course the other amendment on the special interests matter added (aa), (bb), (cc), (dd), so we have two (bb)s. I think the simple thing is if we call the Deputy Soulsby/ Deputy Lowe amendment (ee). Then I think there should be no confusion. Is that the point you were raising?

Deputy Merrett: It is, sir. It is also the fact that obviously we have had an amendment which has two, three, four which I had taken to be Deputy Soulsby's amendment actually, and also because of the irony of our previous debate as to confusion.

Thank you, sir.

The Bailiff: It is coming up to lunchtime. Let me just say, what I was planning to do when we come to the vote is with Propositions right through to (ee) we have, I think, 31 Propositions, let alone Proposition 2, so we have 32 Propositions to vote on. We could have 32 separate votes or we could just vote on the ones where people are requesting a separate vote. What I have done so far is make a note of those where people have indicated they wish to vote separately.

So what I am going to propose is that you use the time available to Members to look through and make sure if there are any others on which you require a separate vote, that you indicate to me, because that way we can isolate those where we are taking separate votes and we can spend time actually looking up the relevant paragraph in the policy letter to make sure people know exactly what they are voting on and we take the rest together in a single block vote. That is what I was intending unless you suggest something else.

Deputy Roffey: I think that sounds sensible, but obviously even if people do not request when there is a vote Sir, regarding cascading decisions, like the one that has been requested on the guillotine, but those would require a separate –

The Bailiff: I think those where we are cascading (**Deputy Roffey:** Yes, yes.) there has been a request for a separate vote on each of them. So all I am asking is that you give some thought to that before we get to the voting.

Deputy Fallaize: It is a good job we will have long enough at lunch to give some thought to that, isn't it!

The Bailiff: It depends when we come back.

Deputy Fallaize: But can I just request before we vote or perhaps after lunch, that we just have a fresh set of Propositions (**Several Members:** Yes.) put in front of us as amended? It does not really matter what letters they are given, that could be modified, couldn't it, but as long as it is clear –

The Bailiff: Between the Law Officers and the Greffe, I am sure that can be arranged and that can be distributed.

Deputy Fallaize: Thank you.

A Member: Thank you.

The Bailiff: Deputy Brouard.

Deputy Brouard: Mr Bailiff, just along the same lines as I wrote to you, and also from what Deputy Fallaize said, it would be very helpful if on that list, besides the numbering, a very brief storyline of what it is about, whether it is the lunch hour, whether it is the sitting time, that would be very helpful.

I am just very conscious of what happened last time and if I was doing this policy letter I would have liked to have seen the headings coming across with the Propositions, because I think we are just adding more to the confusion.

The Bailiff: I am concerned there would not be time to do that in the lunch hour. (*Laughter*) That is why what I was proposing to do –

Deputy-Dudley-Owen: Sir, excuse me –

2140 **The Bailiff:** What I was proposing to do was, when we come to the separate votes, to take them slowly to make sure that everybody –

Deputy Dudley-Owen: There is a table on page 5 – 1.4 – which actually says exactly what Deputy Brouard has said, but if that was used as a Propositions page, the newly drafted one, (A
2145 **Member:** Hear, hear.) then that could suit.

The Bailiff: We will see what can be done. It is just these things need to be done, checked and double checked, (A **Member:** Hear, hear.) because if there are errors made then we are going to be back here next month with people saying, 'A mistake was made, can we please re-debate it?'
2150 (A **Member:** SACC's fault!) So if it can be done, we will see what can be done.
Deputy Prow.

Deputy Prow: Yes, sir, I support your suggestion around picking out those Propositions that we vote on.

2155 One of the issues is that in the Proposition they actually refer to sections in the report, they do not outline them. So what I would ask is there is some narrative around what those –

The Bailiff: What I was saying is I would propose to draw your attention to the relevant paragraph.
2160

Deputy Prow: I support that, sir.

The Bailiff: So I put to you one other thing, without wishing to prejudice the voting on Proposition 1(d), given the amount of business that is still to be addressed at this meeting, I have
2165 been asked to put to you the Proposition that we return at 2 o'clock. So I put to you the proposition that we return at 2 p.m. Those in favour, those against.

Members voted Contre.

The Bailiff: We will come back at 2.30 p.m.

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

XIV. Amendments to the Rules of Procedure of the States of Deliberation and their Committees – Propositions as amended carried

The Greffier: Article XIV, States' Assembly & Constitution Committee – continuation of debate on the amendments to the Rules of Procedure.
2170

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

2175 I will be very brief because we are spending a huge amount of time on this today – and yesterday and the day before. It is really in regard to comments that I made in the media over the length of the lunch break. I do not really mind if we go down to one-and-a-half hours. One hour would suit me as well.

I understand other Members' reasons for wanting a longer recess to look at States' business but really the point that I made in the media was I felt it would be beneficial for us to have two separate breaks in the morning and the afternoon, in order to ensure that Members did not miss votes. Because Members have missed votes, going for a comfort break, and I think that we could do better to facilitate Members who may need to go for personal reasons, downstairs or wherever, and if they happen to miss a vote – and there is no bell to tell us when to come back up – that would be two things that I would like to see extra in the day. I have asked and it was refused to be considered.

The second thing that I wanted to comment on was Proposition 1(z), on the re-election of the committee. I am not going to be able to support that, because whilst I see some rationale behind that, the dynamic and the rhythm of the committee, if there is policy work that has been going on and for some reason the President has to step down or is unable to continue, then I do not see why the rhythm of the policy work, if someone is willing to take that on, should be interrupted if the whole committee has to step down. Those were just a couple of my comments, sir.

Thank you.

The Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir. I too will be brief.

I only wanted to make a couple of points that either have been said rather differently or have not been made. One of those is around the lunch recess. I am absolutely sympathetic and supportive to the idea of making that a shorter lunch break. If we want to make the working day within the States' Chamber longer, then that would be a sensible place to do it, because it reduces the pressure on the road systems, it reduces the pressure on family life in terms of getting back for the evening.

I do think, though, if we are doing that, we do have to make it a lunch break and make it a length which is suitable for getting lunch in. I do not think one-and-a-half hours does that, because it is neither fish nor fowl. It is neither lunch break size, and therefore you could not try and squeeze in a meeting, nor is it long enough to have a meeting and actually get a breath of fresh air, have a bit of a walk around, get those muscles going. I cannot support this but that is not to say I would not support a similar change in the future that did something perhaps a little bit more radical.

I was really sympathetic when I first thought about it, to Deputy Dudley-Owen's suggestion around comfort breaks, because I absolutely agree with her. Most of us I think try to retain our seats for the vast majority of the debate, because we do not want to miss anything and it can be quite difficult when you have no choice but to leave for a brief period. I think it must be particularly difficult for the Bailiff, who is in a position where he cannot just get up and walk out for a five-minute comfort break and come back! I am aware that there are other people who could step into the Chair and I do not know if that is why the Bailiff does not leave, (*Laughter*) I could not possibly say. There is that.

That said, I do not think our physical facilities in the building would allow for us all to take that break in the same 15-minute period if we needed to take it. So I think if we were to go down that line, we might need to do something about providing additional facilities in the building and that is a complication, perhaps an unseen consequence of that one.

The other one is around the guillotine motion. My first temptation was absolutely to think about the larger majority needed to call that. But then I started thinking about what happens if we do end up with a situation of political parties within the States and if we do end up with a situation where we could have two very powerful political parties within the States and it could be possible for one party always to win the debate on a guillotine motion, purely by having the majority that can get passed. So I am not sure that is the way to go either. So I do not know if I will vote for either of those, I think I will vote to keep the Rule as it is.

Thank you.

2230 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

I will be as quick as I possibly can as we all want to get onto airport runways. If I can just thank SACC for the documents we have had at lunchtime. Extremely useful. All I would say is the schedule that we have would actually have been useful in the States' report and probably very useful for the Presiding Officer.

2235 Section 11.6 of the policy letter, which is 'Will the Member give way', I would like that to be taken as a separate vote. All I would say is this is a debating Chamber and the objection I have is limiting the give way Rule to two minutes. In the Houses of Parliament, it is used as a debating tool. We are in a debating Chamber. That is my comment on 11.6 of the report.

2240 I will move on very quickly. The question of the explanatory notes, at 13.6 it says that you can include a brief explanatory note. Well, sir, explanatory notes seem to be custom and practice and also, of course, supporting reports. I would not like to put a limit on an explanatory note and surely any explanatory note could also refer to the report? I do not see the point in that particular proposal.

2245 On the question at 16.5, where on election of the States' successor to a vacated office of President, I do not think we should have lemmings leaping over the cliff. I do not see that as necessary. I think that there might be all sorts of different reasons why a President might resign and making the committee follow is unnecessary.

2250 On the question of special interest, Deputy Roffey, I think, was quite aghast around the thought of removing section 49 in its entirety. I will be voting against that. The reason it is in the amendment is because for some reason I became the go-to Deputy on special interest and I have heard that that was something that some Members wanted debated and that is why it is in. I will not be voting for that, but I will be voting in order of preference down the rest of those amendments.

2255 Thank you.

The Bailiff: Can I just check one thing with you? You raised paragraph 13.6 of the policy letter, the explanatory note to secondary Propositions, which is Proposition 1(r), are you wanting a separate vote on that?

Deputy Prow: Yes, please.

The Bailiff: Okay, thank you. Deputy Smithies.

2265 **Deputy Smithies:** Thank you, sir. I shall be, I hope, even briefer.

I just want to cover two points that have been, probably, laboured to death, but I think I will come at them from a slightly different angle. Certainly, with (z) the resignation of the whole committee, as we have seen, the President of SACC has resigned and taken with him three of the Committee. It is surely up to the individuals? If they feel they can continue on the committee, they will. If they feel they cannot, then they will not. I think that should be left to the individual Members of the committee to sort out.

2270 The other one is probably even more trivial, but it is (d), the lunch recess. I think we are coming at that from the wrong end. Surely we are all fresh and eager to go in the morning, three-hour, session? Why not extend the morning session and, if you want to really shorten the lunch period, do it from the other end? We come back after lunch at 2.30 p.m., we are then faced with at least continuing until 5.30 p.m. and, as Deputy Roffey has said, occasionally we go on until 6.30 p.m.-7.30p.m. That is a heck of a long session. On the whole, I will vote against the alteration to the time for luncheon, but I think in any case it is the wrong way to go about it.

2280 **The Bailiff:** Deputy Green.

Deputy Green: Sir, I will be very brief.

I am going to support all the Propositions bar three. I am going to vote against 1(d) in terms of the reduction of the hours of the break over the lunch period, because I think, as others have said, indeed as Deputy Fallaize said this morning, I just do not think the case has been made. The burden of proof is on SACC to prove and to discharge that burden in terms of putting forward arguments as to why we should move from the current two hours and I do not think any particular arguments have been put to justify that move at all. The burden of proof is firmly on SACC. As Deputy Fallaize said, he called it populism I think, I would call it pointless tokenism. That is what 1(d) represents so I will be voting against that.

Secondly, with regard to 1(p) I will have to vote against 1(p), although I accept entirely the need to change that Rule to introduce the ability of a Member asking a speaker to give way to be able to articulate 'Will the Member give way'. I accept the logic of that because of the geography of this Chamber. If Deputy Smithies in front of me was in full eloquence, as he usually is – sometimes to hypnotic effect (*Laughter*) – if I stand in my place and I am not able to say anything, it is rather difficult without the stupidity of people having to cough and tap Deputy Smithies on the shoulder for him to know that I am asking him to give way. But if I can say, 'Will Deputy Smithies give way?' then it makes sense.

But the objection I have to 1(p) is the introduction of this two-minute limit on interjections. We should be careful. I do not think we necessarily should always think up a Rule. I know that in the past there have been some ridiculous situations where Members have asked speakers to give way and they have gone on and on. We need to be more disciplined.

I do not often suggest that Members sometimes dip in and out of Parliament TV and watch what goes on in the Commons, but when Members of Parliament in the House of Commons ask people to give way and they make an interjection, it is normally very succinct and concise. That is exactly what we should be doing in this Assembly. I do not think we need to have a two-minute limit on it, but we do need the discipline and the sense to keep those interjections to a much more succinct way.

The third point is in relation to 1(z). I take the same view as Deputy Smithies, who just spoke. I do not think that the case for introducing a Rule whereby if the president resigns the whole committee goes as well, I do not think that case has been made. I know that SACC put both sides of the argument in the appendix and I am more minded to accept the argument that is set out in 16.5 rather than the argument in favour at 16.4. It should essentially be for each Member of a committee to decide whether they resign or not. So I will be opposing 1(d), 1(p) and 1(z).

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

The point made by Deputy Smithies about the afternoon session extending is interesting. In July 2015, I have got the figures in relation to the earlier amendment, on the Wednesday the day finished at 6.56 p.m., on the Thursday at 6.50 p.m. and on the Friday at 6.43 p.m. So your point is very good in terms of the fact that, you cannot see it but there are various bits of pink, which is where it has gone over. When we are busy we tend to go over. Having an even longer afternoon session does not make sense.

I am the one Member of SACC who was opposed to (d), I will be voting against (d), as mentioned in the report. I will just go over some of the factors. It is quite often that we overrun in the morning as well. We did it on Wednesday. We were near finishing a particular debate, so we did overrun into the lunchtime.

People who often have to do media interviews, that is when the media want to interview us often, that takes up your lunch. There is research, there is writing speeches. I have done liaising with a Law Officer about an amendment, in reaction to what is happening during a debate in the morning. There are informal meetings with colleagues. There are committee meetings. Environment & Infrastructure, we have just had a Committee meeting where we needed to discuss

something and it has only just been readied, because of Brexit we needed to discuss it at this lunchtime. That was necessary.

We have had presentations on the Lottery, to give an example of something recently. I have done work with for constituents and, obviously, you need to have some lunch. I know it is an important thing that we are able to concentrate for three or more hours if we overrun after lunch. We all need to have some type of break.

With all that, I think that two hours is a sensible time. As Deputy Gollop said, it has been tried before, having it reduced, and the States very soon rejected it. I think we should stay with the two hours. It is the right length of time, knowing that we might have to extend the afternoon session if we are short of time.

I will just comment on one or two of the other ones. On 1(p), which is about the give way Rule, I take Deputy Green's point but Members have not been disciplined and that is why we need to bring in the Rule. There is always criticism about Rules, but the Rules are all brought in because of events which happened. I can remember, for example, a Question Time where somebody made a 10-minute answer to a question, so we had to bring in Rules limiting. Most Rules are reaction to what has happened. Members have not been disciplined. We have known people who have given way have made speeches which have gone on for more than two minutes, so I think they need to be controlled and just keep it to two minutes.

I will give way now.

The Bailiff: Deputy Green.

Deputy Green: I thank Deputy Dorey for giving way. I will be brief. Why two minutes?

Deputy Dorey: We had a discussion. There were some views around the table we should limit it to one minute. It should be short, sharp and to the point. But sometimes people need to develop a point, but succinctly, and we felt that two minutes was about right. It is a matter of judgement. Also in relation to Members asking, 'Will the Member give way?', we all know about the coughs and things, I hope when you bring that Rule in people will use it responsibly and not try to interrupt somebody when they are in full flow.

If perhaps somebody stands up and they are seen, but if they are not seen they can choose the right moment to say it. There will need to be some discipline otherwise we will have to bring in further Rules, or whoever is on SACC in future will have to bring in further Rules.

There has been some comment about 1(u), which is the five-day Rule for amendments. I have never liked the fact it has gone to seven days. The fact that, with the Budget, the amendments have to be completed during this States' meeting, when we have a two-week gap, particularly the Budget which starts on a Tuesday, you are having to get the amendments done before the end of the previous States' meeting, which I do not think is beneficial to anybody. I think five days is the right balance.

It is interesting that Deputy Gollop said that the staff said if it results in less suspension of Rules then it would be good. In the past, Members have not been willing to suspend the Rules but more recently they have been willing to suspend the Rules. Hopefully we should go back to a situation where Members are less willing to suspend the Rules, because people have got that much longer period to bring their amendments. I think five days is the right balance in terms of giving the committee concerned the time to develop its point in opposition to the amendment or not, but also giving Members sufficient time to put their amendments in. So I would urge Members to vote for 1(u).

1(z), which is about whether the whole committee should resign, when we have elections for committees, if we go back to May 2016, it is the President who proposes the people he wants on his committee. Other people can put others forward. If the President has a role such we should give him the opportunity to propose the people that he wants on his committee and if it involves some of the people who have not resigned who are currently on the committee, that is great. If

somebody else on the committee is not proposed, they can stand against his team. But I think we should give the president the chance of putting forward his team that he wants. The States can reject or accept it but at least he should have the opportunity to do that.

2390 **A Member:** Will the Member give way?

The Bailiff: You are being asked to give way

2395 **Deputy Merrett:** Will Deputy Dorey agree with me that it could be he or she for president and if he could refer to them just as 'the president', please?

Deputy Dorey: Sorry, the president. I think I have made my point on that.

2400 In terms of amendment six, which is into (aa), (bb), (cc) and (dd), I strongly urge Members to reject (aa), (bb) and (cc) and go for (dd). I made the argument when we last debated about that in 2002. That is when we introduced the Rules as they are now. It has been there for 16 years. It was introduced for very good reason. It has resulted in people having more confidence in the States. I accept that the Rule can be changed, but I could give you an example in relation to myself where I had a special interest as being a member of an organisation but I had no beneficial interest. I felt that special interest meant that I should not participate in these matters as a committee Member

2405 –

The Bailiff: Deputy Prow.

2410 **Deputy Prow:** I thank Deputy Dorey for giving way. In the example he is giving, would it not also have been a direct interest?

2415 **Deputy Dorey:** I do not think so. I think it was a special interest. It was not a direct interest. I think it is important. What we have got to think about, the most important thing, is the confidence of the public in the States and what goes on behind closed doors in committees. Sometimes you have got to err on the side of caution and it is important that we err on the side of caution, because this States has been in a position before where there are constant rumours and people lose confidence in what happens in committee meetings. It is very important. That confidence can very easily slip away and it takes a long time to build up and that is why, in 2002, they brought the Rule in.

2420 I am quite happy to have a look at it again and see if we can improve it. As a Committee, we did put (aa) forward to note we wanted to look at it again. But I would not do anything more than that. We should only change it based on a proper analysis of that, a proper report, not on the hoof, by an amendment which came in at a very late stage. I urge you, please vote for (dd) for that.

2425 I have gone slightly out of order. Just going back to 1(x), which has mentioned about property overseas. Perhaps Members do not remember the history of this but the original proposal was for the address of a property overseas and I think Deputy St Pier led the opposition to that and he put a very good point, which the States accepted, that we should not identify addresses of properties that people own overseas. But it was felt, as we mentioned, if people do own property overseas, at least the region or the area should be identified and that is, unfortunately, being part of Government and the public having knowledge of what our interests are. We feel that was a fair balance between what was proposed before and rejected and the public being able to understand the interests that we have.

2430

2435 I know we have been asked not to refer to it but I do totally agree with Deputy Trott's comments in relation to the Bailiff and I do passionately believe there should be separation of powers. There are many parliaments around the world, and I have spoken at meetings where they

have an elected speaker, and it works perfectly well. I am sure we could have it work perfectly well for us. It is something that we might have to do at some point in the future.

The only other point is could we have a separate vote on (ee), in relation to the amendment that was proposed in relation to electronic voting?

Thank you.

The Bailiff: Indeed.

Deputy St Pier.

Deputy St Pier: I start by declaring an interest in Proposition (x). I do have property interests outside the Island which would fall to be declared under this Rule. I will start with that.

I will be opposing Proposition (x). I think that Members do have a legitimate right to privacy in respect of their affairs and to breach those rights does require a very high burden of proof, which is very much as Deputy Green was speaking in respect of Proposition 1(d). I think the same standards or higher should apply to Proposition 1(x).

This is a Rule which appears to be hunting for a problem to solve. Deputy Dorey said most of the Rules have been brought in in response to problems which have been identified; I am not aware of any problems which have been identified in respect of external property interests which require such a response.

This is an intrusion into people's private lives and there has to be a very good case for doing so, which is not made out by the Committee themselves. It is a very bland paragraph:

The Committee concluded that there may be occasions where a property situated outside the Bailiwick is a relevant interest which should be disclosed in relation to matters under consideration by the States, e.g. discussion on transport links etc.

No evidence whatsoever. If somebody has a condo in Florida or a barn in Brazil I cannot conceive of any possible policy implications for that in Guernsey. If by any remote chance there is one, we already have the Rule which requires that interest to be declared in committee or before this States before the matter is discussed or voted upon. Nothing further, in my view, is required. This speaks very much to Deputy Inder's needs and wants. The public and other Members may want to know what interests people have, but they frankly do not need to know. I think this should continue to be opposed for that reason.

Members should regard this as being a slippery slope. Where do we stop? Why should we not require a Rule that discloses everyone's assets or their net worth, or their net debt, for example? It may be very important we know whether Members are indebted. Or how much jewellery they have. You can take this to absurd levels and I think we should be very careful in doing so.

We have to remember that this intrusion into people's private lives, which is already significant on Members anyway, quite apart from this Rule – I will not give way – will potentially put off good candidates who may wish to stand in future elections. Please, I would request a separate and recorded vote on 1(x), sir, and I would urge Members to oppose it.

In respect of Propositions (g), (h), (i) and (p), I would like a separate vote on those. This feels to me like micro-management, that we are imposing a 10-minute Rule here and a two-minute Rule there. I do not think there has been sufficient evidence presented that this, again, is a problem that requires the solution of micro-managing to the nearest 60 seconds. In light of that, I will be opposing (g), (h), (i) and (p) also.

Finally, in relation to the Presiding Officer point, which obviously is addressed in the policy letter but is not a Proposition but has arisen in debate, I would encourage the Committee, or the newly constituted Committee, to consider this issue further. At the moment the policy letter, as presented by the outgoing Committee, says that they will keep the matter under review watching what goes on in Jersey.

I would encourage the new Committee to have due regard to the fact that you, sir, will be retiring in 2020 and it would be wise to give consideration to this ahead of that, because it is

always easier to do this absent the implications in relation to any given personality in the sense that it is easier to make these decisions without the thought or the consequences that might apply to whoever your successor may be, sir. Notwithstanding that the workload of the Committee is clearly significant, with the implications of the Island-wide voting referendum, I think the Committee would be wise to give consideration to this matter before your retirement and bring any recommendations they may have to the Assembly, having given the matter further thought.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I primarily rise so that I do not disappoint Deputy Roffey and also to show, just occasionally, he is right. I would just like to touch upon a point that Deputy St Pier said. I absolutely agree with him in relation to (x) and I can say I used to own property outside of the Bailiwick of Guernsey, but I do not now, so I do not speak from any personal interest.

There can only be so much intrusion into a person's private life and I do not really get these that are saints. I might be named after a saint but I certainly am not one. We do not live in the age of the puritans. Oliver Cromwell died and his son did not last very long thereafter. People should have a degree of privacy.

But that is not the real reason I rose, other than to just mention it because I think the point has been well made by Deputies Trott and St Pier. The real reason I rose is I think people listening out there have heard enough about how hard States' Members work and how they need every second of their 120 minutes of their lunch break; how this Rule and that Law this this, we should be two minutes for this, five minutes for that, 10 minutes for that.

I happen to come across my very good friend Deputy Fallaize as we were going out of the Assembly room at lunch time. He said to me, 'I do not think you have enjoyed this debate much.' That is a classic understatement. It reminds me of the days, and I know he is a great Arsenal supporter, there was a manager years ago called Bertie Mee. They used to win lots of trophies but they bored everybody to death. I am bored to death; the people out there are bored to death. Let us vote.

The Bailiff: Deputy Roffey, I think that is your cue to wind up the debate.

Deputy Roffey: It is, sir, and actually it is exactly how I was going to start my own speech. In some ways I feel I ought to apologise to the people of Guernsey who are being not glued to their radios for the last day-and-a-half about the amount of navel-gazing that we have actually done. I know Members might say, 'That is pretty hypocritical, you are President of SACC and SACC brought this policy letter.'

That is true but, as I said at the start, most of the content was suggested by other Members of this Assembly and actually the vast majority of the debate was not on the original content of the policy letter but on amendments that were brought to it. I do think we have been rather self-indulgent and I do agree with Deputy Gollop in saying, on reflection, this is not the way to bring changes to our Rules of Procedure, with a whole smorgasbord like this, because it is just an invitation for everybody to put their own pet project in. Not only on that occasion: 'If I lose that time around, to do it again next time. It's a SACC policy letter so whatever we want to do with Government we will throw it in.'

Then we will have the same *Groundhog Day* debate time and again. If I was still on SACC then I would be saying we are going to do this differently. Having said that, I thank Members of the States for the last day-and-a-half; it has made my regret at having to step down from SACC very much less than it would have been otherwise!

We started with Deputy Trott and the code of conduct, I think I picked up during an intervention to Deputy Fallaize. The overseas property has been brought up by one or two people. Let me say overall, the way people vote on these proposals will not necessarily be seen as a

victory or defeat by SACC. We have been having to respond to approaches that were made to us. Some things, we just said no, that is completely out of order. They are at the back of the report, we did not recommend them. Other things we tried to take a balanced view.

We were asked by some Members of the States to let everybody's real property be listed, including in the *Press*, wherever it was. We went back to the last time that was discussed and said, 'Actually there were some really good points made. That is a security risk.' Perhaps without debating it through as much as we should have done, we said, 'Maybe if we are talking about perhaps Condor withdrawing and we are going to have a new southern link and put £2 million into it and lots of people here have got houses in Normandy or Brittany, perhaps people may want to know if that is why they are voting a certain way.'

We tried to take a middle ground. Entirely up to the States, really what they decided to do with that.

Yes, I give way.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you very much Deputy Roffey. I just wanted to expand on that and I thank you for that because Deputy St Pier did not want to stand down for that. We are often told we are working with Jersey. If you look on Jersey States' Members Declaration of Interests, they have to declare wherever they own property, whether it is in France, Timbuktu or wherever, but they do not put the full address. They will put an area of France, or an area of Kent and what have you. I do not see there is anything to be afraid of. We are being always told we should work with Jersey and do the same as Jersey, because they have got a lot better, so I do not think there is anything for Members to worry about.

Deputy Roffey: I thought the point of working with Jersey was so they could learn from us how to do things properly, but there we go. **(Several Members:** Hear, hear!) Deputy Trott raised the attendance records that SACC keeps. We keep them because we have been asked to by this Assembly.

I was actually quite surprised there was no amendment to get rid of them, because people always moan about them. I agree they are pretty meaningless as a record of the amount of work that people do. I suspect the reason there was no amendment on that is because people out there would start pointing fingers at whoever put the amendment, saying, 'Oh, what have they got to hide? They are trying to get rid of the attendance record.'

I have to say I think they are of dubious worth, to put it mildly. It runs us into all sorts of things like what is a States' Committee? Is the Legislation Committee a States' Committee or is it a subcommittee and if you allow them to be listed then what about the subcommittees of health and education? It is a little bit like *[inaudible]* I would not worry if it disappeared.

Deputy Trott suggested we should go for mid-term elections. Actually I do not think he is right that there used to be mid-terms. There used to be rolling elections. Every year a part of a committee was elected. The reason we did not even approach this in this policy letter is that we were waiting for the result of the referendum before we could make any sense of it. If option E had won, it would have had a totally different flavour of what happened with committee elections than if option A had won, which it happened to do.

My own preference, which I am no longer in a position to put forward actively, is that we should elect people, *en bloc* for four years, one-year into a new term. The election that should happen just after the election, where we do not know each other very well, or some of the newcomers anyway, should be to fill the vacancies that have been created by the general election and to complete the final year of that term. I think that would work much better than electing everybody just days after a whole new Assembly comes together. So I recommend that to my successors.

2590 There was some limited debate started by Deputy Trott on the dual role of the Bailiff. I think I
 am quite akin to where Deputy Fallaize is. In principle it is all wrong, in practice I cannot see
 anything much better. He did say there were technical reasons for thinking it was wrong, or
 constitutional reasons. The only one I really know is the doctrine of the separation of powers. I do
 warn Members to worry about where they are going with that. That doctrine, I have not read it for
 2595 some time, but I think there are three powers that should be separated. There is the Judiciary,
 there is the Executive and there is the Legislature.

In Guernsey of course, almost uniquely, there is absolutely no separation between the
 Executive and the Legislature because Executive powers diffuse throughout the whole of this
 Assembly. I am old fashioned enough to think that feels more democratic than having a little
 2600 Cabinet off somewhere, having all the Executive power and the rest of us just holding them to
 account.

If we are going to go looking at the role of the Bailiff on the basis of that doctrine I think we
 need to look at the whole of the doctrine. Actually the doctrine is mainly there to stop executives
 controlling the Courts. I have seen it in Sri Lanka; not this Government, the last Government,
 2605 hounded the Chief Justice out of power because she was not giving the rulings that they wanted. I
 am not calling a Sri Lanka a banana republic, although they do have very much bananas. That is
 really the kind of worrying thing that goes on.

I think the idea that somehow the Royal Court has got a death-like grip on the head of the
 States because the Bailiff presides is just so ludicrous as to be almost absurd. Having said that, it is
 2610 technically in breach –

I give way.

Deputy Trott: I do not think for one moment Deputy Roffey was seeking to mislead but I do
 want to make the point, this is an important record here, that my issue was exclusively about the
 2615 dual role of an unelected Presiding Officer, not about the dual role of the Bailiff. About the fact
 that the Presiding Officer in this Assembly is not elected. I consider that to be inappropriate in the
 modern age.

Deputy Roffey: That is quite true, but I used Deputy Trott really as a kicking off point for a
 2620 number of comments that were made, including by Deputy St Pier and Deputy Dorey. That is my
 take on that.

The give way Rule, I think, was first brought up by Deputy Yerby. Her concern is something
 that I actually raised in my opening speech. Yes, it is a concern that over- *[inaudible]* characters
 might be standing on their feet all the time and saying, 'Will the Member give way?' But I am not
 2625 sure the alternative is any better.

We saw Deputy Dorey speaking just now. You intervened at one stage, sir, and said somebody
 wants to give way, his neighbour poked him in the ribs to say that Deputy Prow wanted him to
 give way. If you have got a newbie that is giving their first speech, I am not sure which I would
 prefer: somebody saying, 'Will the Member give way' or the Bailiff saying, 'Somebody wants you
 2630 to give way' or my neighbour doing that to me and saying, 'He wants you to give way!' (*Laughter*)
 I suggest we give it a try. I really would be disappointed in the Assembly if people were using it as
 a bullying tactic, but if that happened we would have to change. I fully accept that. But I do think
 we have to get this right.

This question of 15-minute breaks. Well, I take the point but I do not understand why so few
 2635 people go out of the States during the debate in the moment, in bits that are not particularly
 (*interjection*) – now might be a good time to do it! There is a radio. You do not have to miss
 anything. Yes, I take Deputy Dudley-Owen's point that if you are going for a comfort break, then
 you have not got a radio in there with you. I am sure that can be arranged by my successor! I have
 to say I have probably got one of the weakest bladders in this Assembly – I am very close, I know
 2640 – but I do not tend to miss many votes. I am not taking your trannie into the ... no!

This whole question about whether, if a president goes, the whole committee should go. I understand the arguments against. I articulated them myself in the opening. But we do need to remember that with situations like Deputy Gollop says he may go. He has got well-trained and qualified members who have been through training courses. I think somebody else said if a committee is firing on all cylinders ...

Surely we as an Assembly in those circumstances are going to be very likely to put those people back in? We are going to recognise that. They will stand for re-election to do it. But in other occasions, where you have got a president coming in who is chalk and cheese with that committee and saying, 'You have entrusted me to take over from Fred, who is the president, but the team that he picked 18 months ago is just the last team in the world that I would have.' I think that is a real problem. You could have dysfunctionality.

We will not cry over the result of any of these things. This is not SACC's set of Rules, it is the Assembly's set of Rules and you will decide. We felt, just on balance, that the new Rule was worth bringing in because we thought, if there really was a mismatch between a committee president and his membership the impact could be worse than actually not doing it.

Deputy Merrett, in relation to that, said is it just committees or authorities too? I refer Deputy Merrett to the definitions in Rule 32 and the interpretation of that in Rule 33 of the Rules of Procedure. Yes, authorities are committees. I will pass it across to you afterwards to have a look. So it would be every single committee, authority, whatever, of the States.

Deputy Tindall said our lunch break is not a lunch break. Fine. If it is something else, then I think we need to start looking at it afresh. If it is a lunch break, then we felt that two hours was too long. I have to say this proposal, I get the feeling it is going to lose, but it has succeeded. If I give one recommendation to my successor, if you are bringing in some controversial package of proposals, always put something in to draw Members' fire! That seems to have worked really quite well. We do actually believe in it – we did not just put it in for that reason! (*Laughter*)

She wants the lunchtime to catch up with her emails. One thing that has changed in the States, I used to go home after an exhausting day, about 7 p.m., have a glass of wine and a bath. Now I go home and I find there are 60 emails waiting for me. Fifty of them have come from people sitting in the same room as me, sending them to me so that when I get home I cannot get an early night! (*Laughter*) Cultures change; what can you do?

Now Deputy Tindall was against this Rule saying that in theory there could not be a president if nobody tries to stand for their seat. I say how long can you force somebody that wants to go to carry on in office? Of course you can say to them, 'You cannot go the moment your resignation goes in.'

Let us take me as an example. I have decided it would be wrong for me to stay as President of SACC. Now I will happily stay, carry on the duties until the Bailiff convenes a notice to have another Meeting to seek people to take my place. I have got a meeting next week to talk about electronic voting and I will give it my full attention, whatever. What if nobody at all stands to take my place? Should I be forced, for the next 18 months, to carry on as President of SACC? (**Several Members:** Pour!) You are going to get some pretty poor outcomes!

At the end of the day you have to allow people to go eventually. We used to accept people's resignation from the moment the letter arrived on your desk, now we are saying you have got to wait until the replacement at least tries to be chosen. I do not think you can go any further than that, really.

There was a committee, I cannot remember which it was, that stepped down and it was actually touch and go whether anybody was going to come forward to take the ... (*Interjection*) I do not know why, it is a great committee that.

Deputy Prow does not see the point of allowing a report to be attached to an amendment because we have already got the explanatory note. Utterly different things. The explanatory note should be just explaining the impact, the effect the amendment would have, because with technical amendments it is not often clear. They are starting to morph into reports, I give Deputy

Prow that, but it is not a place to articulate the arguments, it is supposed to just say what the effect is.

Taking Deputy Lowe's point, we did look at something from Jersey. Down in Jersey, when you put a secondary proposition, like an amendment, you can put a report on it. That is meant to be a persuasive thing where you set out your arguments so that people know before the day why you are doing something. We thought that looked like quite a good idea, in exactly the same way as a policy letter would explain an original Proposition. That was down to Members whether they wanted it, but we thought it was an innovation that might actually be quite useful.

Deputy Green is against the two-minute Rule. I agree with Deputy Dorey. We have done it because we have had to do it because we would much rather not have to address this in any way, shape or form. But I just think we do, because it has got out of hand. Deputy St Pier I have dealt with as far as the property elsewhere is concerned. It was not one of the most burning issues for SACC, it was to try and find a compromise for those wanting it named and those who felt it should not be there at all.

I think that, eventually, about a quarter past three on Friday afternoon, is about it. Although I imagine we will be an hour or so going through all the recorded votes, now. So good luck, over to you sir!

The Bailiff: Deputy Soulsby?

Deputy Soulsby: I would just like to declare an interest under (x), having an overseas property.

Deputy Le Tocq: Sir, I also would like to declare an interest under (x).

Deputy Dudley-Owen: Sir, I also wish to declare an interest in (x).

The Bailiff: That is Deputy Dudley-Owen and preceded by Deputy Le Tocq. Now Deputy Oliver is on her feet.

Deputy Oliver: I would like to declare an interest in (x).

Deputy Brouard: Interest in that, sir.

The Bailiff: Deputy Brouard.

Deputy Brehaut: *Moi aussi.*

The Bailiff: Deputy Brehaut.

Deputy Inder: Interest in (x), sir.

The Bailiff: Deputy Inder.

Deputy Hansmann Rouxel: An interest in (x), sir.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Tooley: And, sir, I own a property in the UK, although not one in Guernsey.

The Bailiff: Deputy Tooley. Deputy Meerveld?

Deputy Meerveld: I have an interest in (x), I guess.

2745 **The Bailiff:** All under (x). It might be easier to see who does not! What I will do is go through first those Propositions on which people have requested a separate vote and then everything else we will take together in a single vote. So the first one is Proposition 1(d), which is the Proposition that has the effect of shortening the lunch hour by resuming at 2 p.m. rather than 2.30 p.m. Those in favour –

2750 **Deputy Lester Queripel:** Sir, can we have a recorded vote, please?

The Bailiff: Proposition 1(d). Look at the right hand column, Deputy Lowe. So Proposition 1(d), a recorded vote.

There was a recorded vote.

Not carried – Pour 15, Contre 24, Ne vote pas 1, Absent 0

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

2755 **The Bailiff:** Members, the voting on Proposition 1(d) was 15 in favour, 24 against, with one abstention. I declare it lost. The next one on which we have been asked to have a recorded vote is Proposition 1(g), which relates to Rule 10(1) dealing with statements enabling a Member to correct information previously provided by that Member in the statement and limiting the period in any statements under Rule 10(1) to not exceeding 15 minutes in duration. Those in favour;

2760 those against.

Members voted Pour.

The Bailiff: I believe that is carried. That I declare carried.

2765 Next we come to Proposition 1(h), which relates to Rule 10(2) and imposes a time limit of 15 minutes on statements to be delivered by a president or member of a committee who has tendered a resignation from that office. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that carried.

2770 Next, 1(i), which relates to Rule 10(3) and again imposes a 15-minute time limit on a statement made by a Member, on behalf of and approved by a committee. A 15-minute duration. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that carried.

2775 The next one, on which I have noted a request for a recorded vote, is 1(p), relating to Rule 17(12), and this is the give way Rule, enabling a Member who wishes to request a Member who is speaking to give way to shout out, 'Will the Member give way?' Also limiting the length of time for which that Member to whom the Speaker gives way of not more than two minutes. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: That is lost, I believe, but if anybody challenges that – (**A Member:** A recorded vote?)

2780 You challenge that? We will have a recorded vote on Proposition 1(p). P for Peter. The saint or the other one, whichever!

There was a recorded vote.

Not carried – Pour 17, Contre 23, Ne vote pas 0, Absent 0

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

The Bailiff: The voting on Proposition 1(p) was 17 in favour and 23 against. I declare it lost.

2785 Next we have Proposition 1(r), relating to Rule 24(1), which involves the insertion of the words in relation to somebody lodging an amendment or sursis, or other secondary Proposition, that it

can include a 'brief explanatory note, a supporting report may be attached to the secondary Proposition at the time of submission'. Those in favour; those against.

Members voted Pour.

2790

The Bailiff: I declare that carried. That brings us to 1(u), dealing with the time period for lodging secondary Propositions, reducing it from the seventh clear day before the meeting to the fifth clear day before the meeting. Those in favour; those against.

2795

Members voted Pour.

The Bailiff: I declare that carried. Proposition 1(v), this is the guillotine motion and this one is in two parts, so we need to take option one first of all; option one being to delete Rule 26(1) and renumber the subsequent paragraphs accordingly. So the first option is to guillotine the guillotine motion; cut it out, get rid of it, delete it.

2800

Deputy Lester Queripel: Sir, could we have a separate recorded vote on both, please?

The Bailiff: A recorded vote on option one under Proposition 1(v).

2805

There was a recorded vote.

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

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

The Bailiff: Members, the voting on Proposition 1(v), option one was 15 in favour, 25 against. I declare that option lost, which means we need to vote on option two, which proposes changing the majority required for a successful guillotine motion to two thirds. Those in favour –

2810

Deputy Lester Queripel: A recorded vote on that one as well, please, sir.

The Bailiff: A recorded vote on option two on Proposition 1(v).

There was a recorded vote.

Not carried – Pour 5, Contre 35, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Gollop	Deputy Ferbrache	None	None
Deputy Le Clerc	Deputy Kuttelwascher		
Deputy Dorey	Deputy Tindall		
Deputy Brouard	Deputy Brehaut		
Deputy Roffey	Deputy Tooley		
	Deputy Parkinson		
	Deputy Lester		
	Queripel		
	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 Smithies		
	Deputy Hansmann		
	Rouxel		
	Deputy Graham		
	Deputy Green		
	Deputy Paint		
	Deputy Le Tocq		
	Deputy Dudley Owen		
	Deputy Yerby		
	Deputy de Lisle		
	Deputy Langlois		
	Deputy Soulsby		
	Deputy de Sausmarez		
	Deputy Prow		
	Deputy Oliver		
	Alderney Rep. Jean		
	Alderney Rep.		
	McKinley		

The Bailiff: We probably could have saved time by asking those Members who supported it to stand in their places. Not with 1(x), I think that maybe a closer vote, but maybe when we get on to (aa) and (bb), I may revert to asking people to stand in their places. The voting on option two under Proposition 1(v) was five in favour, 35 against. I declare it lost.

2815

The next is Proposition 1(x), which deals with declaration of interest. We have had a request for a recorded vote. We will have the recorded vote.

There was a recorded vote.

Not carried – Pour 17, Contre 23, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Tooley	Deputy Ferbrache	None	None
Deputy Le Clerc	Deputy Kuttelwascher		

Deputy Leadbeater	Deputy Tindall
Deputy Le Pelley	Deputy Brehaut
Deputy Merrett	Deputy Gollop
Deputy Lowe	Deputy Parkinson
Deputy Laurie Queripel	Deputy Lester
Deputy Paint	Queripel
Deputy Dorey	Deputy Mooney
Deputy Brouard	Deputy Trott
Deputy Dudley Owen	Deputy St Pier
Deputy Yerby	Deputy Stephens
Deputy de Lisle	Deputy Meerveld
Deputy Langlois	Deputy Fallaize
Deputy de Sausmarez	Deputy Inder
Deputy Roffey	Deputy Smithies
Alderney Rep. McKinley	Deputy Hansmann
	Rouxel
	Deputy Graham
	Deputy Green
	Deputy Le Tocq
	Deputy Soulsby
	Deputy Prow
	Deputy Oliver
	Alderney Rep. Jean

2820 **The Bailiff:** Members, the voting on Proposition 1(x), with 17 in favour and 23 against, I declare it lost.

The next one where we have a request for a separate vote is Proposition 1(y), which is at the top of page 10 of the supplementary notes that you have had, relating to term of office Rule 37(4) and the insertion of the wording, 'a Proposition being laid before the States for'. I think it is a rather technical amendment. Those in favour; those against.

Members voted Pour.

2825 **The Bailiff:** That one is carried.

Proposition 1(z) is more controversial, I think. This is the one relating to the term of office, Rule 37(4) recommending inserting a new Rule, 37(4)(a), reading:

2830 On election by the States of a successor to a vacated office of President of a Committee, any remaining Members of the relevant Committee will cease to hold office.

We will have a request for a recorded vote (**Deputy Lester Queripel:** Yes, please, sir.) from Deputy Lester Queripel. So a recorded vote.

There was a recorded vote.

Not carried – Pour 14, Contre 25, Ne vote pas 1, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Brehaut	Deputy Ferbrache	Deputy Tooley	None
Deputy Parkinson	Deputy Kuttelwascher		
Deputy Leadbeater	Deputy Tindall		
Deputy Le Pelley	Deputy Gollop		
Deputy St Pier	Deputy Lester		
Deputy Fallaize	Queripel		
Deputy Inder	Deputy Le Clerc		
Deputy Paint	Deputy Mooney		
Deputy Dorey	Deputy Trott		
Deputy Le Tocq	Deputy Merrett		
Deputy Yerby	Deputy Stephens		
Deputy Langlois	Deputy Meerveld		

Deputy Soulsby
Deputy Roffey

Deputy Lowe
Deputy Laurie
Queripel
Deputy Smithies
Deputy Hansmann
Rouxel
Deputy Graham
Deputy Green
Deputy Brouard
Deputy Dudley Owen
Deputy de Lisle
Deputy de Sausmarez
Deputy Prow
Deputy Oliver
Alderney Rep. Jean
Alderney Rep.
McKinley

2835 **The Bailiff:** The voting on Proposition 1(z) was 14 in favour, with 25 against and one abstention. I declare it lost.

That brings us then to the Propositions that have been inserted as a result of the successful amendment from Deputies Prow and Dudley-Owen, that are (aa), (bb), (cc), (dd), so they are cascading in that way and we need to take them in that order. I suggest that for (aa), that first of all, I invite those in favour of it to stand in their places. Or let us do it *aux voix*. Let us start at
2840 basics, take it *aux voix* if we can: (aa) is to delete Rule 49, declaration of interests at committee meetings. Those in favour; those against.

Members voted Contre.

2845 **The Bailiff:** Proposition (aa) is lost; (bb) is to delete the phrase 'or special'. Those in favour; those against.

Members voted Contre

The Bailiff: I declare that lost; (cc) is to insert a definition of special interest as meaning 'an interest from which the Member or other person concerned could derive benefit'. Those in favour;
2850 those against.

Some Members voted Pour; others voted Contre.

The Bailiff: I believe that is lost. If anybody challenges that ... Are you challenging that? Deputy Lowe has challenged it, so we will have a recorded vote on Proposition (cc).

There was a recorded vote.

Not carried – Pour 16, Contre 24, Ne vote pas 0, Absent 0

POUR

Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Leadbeater
Deputy Mooney
Deputy Le Pelley
Deputy St Pier
Deputy Stephens
Deputy Inder
Deputy Lowe

CONTRE

Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy Meerveld
Deputy Fallaize

NE VOTE PAS

None

ABSENT

None

Deputy Laurie Queripel	Deputy Hansmann
Deputy Smithies	Rouxel
Deputy Dudley Owen	Deputy Graham
Deputy Prow	Deputy Green
Alderney Rep. Jean	Deputy Paint
Alderney Rep. McKinley	Deputy Dorey
	Deputy Le Tocq
	Deputy Brouard
	Deputy Yerby
	Deputy de Lisle
	Deputy Langlois
	Deputy Soulsby
	Deputy de Sausmarez
	Deputy Roffey
	Deputy Oliver

2855 **The Bailiff:** Members, the voting on Proposition 1(cc) was 16 in favour, 24 against. I declare it lost. That brings us to Proposition (dd), which is to direct SACC to review the provisions of the Rules relating to direct or special interest. Those in favour; those against.

Members voted Pour.

2860 **The Bailiff:** I declare that carried.

Next we come to what is Proposition (ee), which is a Proposition inserted as a result of the successful amendment from Deputies Soulsby and Lowe, dealing with electronic voting. Those in favour; those against.

Some Members voted Pour, others voted Contre.

2865 **The Bailiff:** I believe that is carried but, again, if anybody challenges that, we will have a recorded vote on whether we should have electronic voting. So there is a recorded vote on Proposition 1(ee).

There was a recorded vote.

Carried – Pour 24, Contre 15, Ne vote pas 1, Absent 0

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

Deputy Oliver
Alderney Rep. McKinley

The Bailiff: Members, the voting on Proposition 1(ee) was 24 in favour with 15 against and one abstention. I declare Proposition 1(ee) carried.

2870 We now deal with all the remaining Propositions together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried. That concludes this debate.

REQUÊTE

XV. Runway extension –

**To examine the possibility of commissioning 107 m of starter strip/paved runway end safety area (RESA) to increase the current available runway length from 1,463 m to 1,570m for take-off and landing on RW09 and landing on RW27 –
Requête carried**

The States are asked:

1. To direct the States' Trading Supervisory Board to consult with the Director of Civil Aviation to determine if:

a) A 90 metres 'undershoot' RESA is acceptable for landings on runway 27

b) A 90 metres 'overrun' RESA is acceptable on runway 09.

AND

c) To identify any safety enhancements, including EMAS, which would be required to enable the commissioning of 107 metres of the starter strip/paved RESA or to mitigate the reduction in the length of the RESA from 197 metres to 90 metres.

2. Following that consultation, if there is evidence to suggest that the commissioning of the 107 metres is possible, to direct the States' Trading Supervisory Board to return to the States by March 31st 2019 with a Policy Letter giving, inter alia, indicative estimates of the costs of all components of the commissioning requirements.

The Greffier: Article XV, Requête – to examine the possibility of commissioning 107 metres of starter strip/paved runway end safety area (RESA) to increase the current available runway length from 1,463 metres to 1,570 metres for take-off and landing on Runway 09 and landing on Runway 27.

2875

The Bailiff: Debate will be opened by the lead requérant, Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

2880

Now for the really interesting part of the day! (*Laughter*) Sometimes one wonders where to start, because the catalyst for this started about seven years ago. But I will not start there, I will come a bit closer. If you look at the date when the Requête was submitted, it was four months ago, rather a long time. In the meantime, for those of you who have got an iPad or an iPhone and have got Google Maps, you can have a nice aerial view of the runway and you can actually see the bit I am talking about, which may be of help, it may not. But go into the satellite picture mode.

2885

So what really started this? Well we have to go back to sort of May/June when PwC were appointed and started doing their review and one or two Committees and people were given an interim brief of where they were at and that is where it started. Really it all started with Deputy

Parkinson. If you remember, or if he remembers, he tweeted that basically the message from PwC was that the future procurement of aircraft by all the short-haul airlines would be such that they would need 2,000 m of runway to operate them, 2,000 m was not really possible at Guernsey, so what is the point of doing anything?

That is what started it, because when that message went out, be it accurate or not, it set the hares running and I was inundated with all sorts of questions by all sorts of members of the public, including one or two champions of industry. One meeting I had in particular – I will not mention the name, but I could later, I am sure he would not mind – said, ‘What do we do?’ I said you have really got to lobby P&R to see if you can put your views as a stakeholder why you think something else should happen.

It was so intense, the interest and concern from commerce that they were even talking about commissioning their own business case to see what would be the most effective runway length for Guernsey. The private sector were talking about doing their own business case, blow the Government. I said, ‘It is a bit soon, just have a go.’

It even got to the stage where I was interviewed by PwC and during the interview and presentation by them, they had already got wind of this Requête and that was really why it was there. I wanted at least to put the idea of reviewing the runway length on the table. So I already think that was the first success of it so far. I am convinced that if that had not happened there may have been nothing on the table at all, if PwC were left with their initial conclusions.

What has happened since, and I have seen the draft and I have to be careful but people have let all sorts of cats out of the bag, they are looking at various options for the runway, never mind the sea links. I am told that maybe what I am suggesting is one of them. But it is not, because what they are proposing to look at and do has got nothing to do with what I am proposing to do and I will explain.

We have got 120 m of, I will call it, sterile runway, which was the result of us moving the actual runway 120 m to the east to create a longer runway and safety area. Here is the interesting thing, it is used now for take-off. The whole length. But that is only a quarter of the capability of that piece of concrete. If you look at the airfield plates for that, it will give you a take-off run to the west 120 m longer than to the east. That is a quarter of the capacity of that piece of concrete.

I will not talk about the ability to land, I will do that last. But let us go to the other end of the runway and you are taking off to the east. At the moment the declared length is 1,463 m. Could we use most of the rest? At this point it might be worth noting why I am using 107 and not 120 m. It is quite simple, if you go to the eastern boundary, measure 90 m for a runway and safety area, and you also have to have 60 m for a runway strip, this intrudes by 13 m into the actual runway. In fact the old runway had a very short displaced threshold because of that. You have got to have you 90 m plus 60 m and that is it. If it happens to take up a bit of the runway, theoretically you have got to ignore it, it is not there.

That is why we have come up with this 107 m in this direction. Not relevant, obviously, taken to the west. At this point it might also be worth mentioning what is a runway and safety area? Some people somehow think it makes the aerodrome or landing somewhat safer. It is a complete nonsense. All a runway end safety area is, is an area of land, at each end of the runway and in fact going to the side as well, which is free of obstacles. The only guarantee that any aircraft running into it has is it will not hit a wall, which is useful.

There are obstacles in it, aials, but they are frangible, so the idea is they will come off worse than the aircraft. You never want to end up in one of these safety areas because most of them are nothing more than fields, grass. I can demonstrate that, the last aircraft to run off the runway in a westerly direction was an F27. It came off the runway. It was completely written off. It left the airfield in the end on flatbed trucks. Fortunately the passengers survived. There is no guarantee of anything other than there is no obstruction which you can run into and cause severe damage.

You could just imagine an A380, at 480 tonnes, running off the runway at Heathrow, at 60-70 knots because of a fault or a rejected take-off. I do not think they would survive because, remember what happened to the British Airways 777 which happened to land short because the

engine stopped? That is what the runway end safety area is for, but that was a write-off. It landed on the grass, finished, all in bits.

If you really want to talk safety areas, every runway should have an appropriately calculated length of engineered material arrestor system which is there to stop the aircraft safely and you can actually tow them out and they fly another day. If you are really talking about safety, that is what you need. But there is always a trade-off between cost and safety.

Let us go back to the other direction, landing on 27. If I go back seven years, I was on the last session in my first term of the Public Service Department and the Rules had changed after they had started doing the Airport rehabilitation. What happened was EMAS was a consideration and then suddenly the undershoot function of a runway end safety area changed. Ninety metres was more than enough, so at that time, if we had left the instrument landing system, all the approach lights and everything where they were, saved a shedload of money, we could have just left it and we would have had the full length, as we used to have. Landing in the same place as before.

The pushback from the committee members was extraordinary and I still do not know why. No logic to it. Anyhow, I thought, you learn a lesson. First term in the States, you think logic never prevails. I found myself in the next term, as Deputy Minister of T&R, I was back on the Airport Project Board and I thought, let us have another go, because they had not done the work yet. They had got to the stage where they had ordered new approach lighting and I said, 'Let us have another look at this, can we just leave things as they are?' 'No, we have ordered the approach lighting.'

I said, 'If you just change the lighting and leave it where it is, just new lighting.' Nobody wanted to ask the question. It would have been a change in the overall plan, if you like, but it would have been a matter of just leaving things as they are. Did not work. Sad.

At the same time, because I was on the board I knew there was an excess of materials being left *open [inaudible]* and I asked the question of the Airport Project Manager, what would it take to actually pave that runway end safety area all the way to the boundary, so you would have had a hardstanding all the way, 1,720 m, possibly of runway, although it wouldn't be able to be used unless you then created a safety area far to the east, over the road, La Villiaze Road and the rest. It would have just been a hardstanding safety area. I had a quote of £3.5 million. The material was there and they said, 'Call it £4 million, just for contingencies.' They had to move drains and other things.,

I said it would just be termed a pavement area which was nothing more than a runway end safety area, which happened to be paved and not grass. You would not believe what that caused. The money was actually available still in the Airport Project Board budget, it could have been done. So what happened? 'No, we will not do that. We will sell the materials to Ronez.' It was practically given away and the opportunity was lost.

Right now, it would have been very favourable because to do that now will cost multiples more than it would have done. It was a great opportunity but, once again, it was a blunder. We have had several blunders up to now, so my view now is can we somehow try and take a step forward from past blunders, because what I am actually proposing, on a fair day, would mean you would not have to spend any money!

When you look at what PwC want to do, they want to look at possibly using this whole 1,583 m that we have got up there and commissioning it. You would have to build a runway end safety area of 240 m and the rest of it, you would be going over La Villiaze Road, you could move the ILS, you could move the approach. Expensive project – £20 million maybe? To me, that would be extremely poor value for money and I would not want to support that because, just for a little extra money, you could have maybe 1,750 m and the benefit would be a multiple of what it would have been before for maybe a small percentage increase in costs.

That is what PwC are looking at. At the moment their report is still in draft and only last week we, as a committee – well, not a committee, a board – were asked to put some further submissions to it. I hope, or it should come back to us for 12th December. I do not know if it will. But all that report will do is it will come back with Propositions or suggestions or

recommendations as what could be done, but nothing more than that. If you are going to go any further, you have got to do a real in depth cost-benefit analysis of trying to determine what is the best, the optimum length for Guernsey.

That would not come back until next summer and it would involve a lot more money so I think, when this report comes back, if this States want to bin it and do nothing, they will have that opportunity. This is what happened to Economic Development two years ago, if you remember. We brought forward a proposal in our business plan to look at a possible development of a business case for an appropriate runway length. I will not say what it is – an appropriate length.

There was an amendment submitted by two Members and then that was withdrawn because P&R decided they could do something a little better and look for air links and sea links altogether. But we are two years on from there and where have we got? Well, practically nowhere. I have no idea what will come back as the final report from PwC but what I am proposing is something that could happen very quickly.

When I say quickly it could be a matter of weeks to determine what I want to determine in Proposition 1. The two significant things are how you review the runway end safety areas. Why I find that promising is the most significant advantage would be if we could take off to the east and use the whole length, so you would end up with a 90 m runway end safety area.

Why that interests me is I am aware of a development proposed at Southampton Airport, where they want to build an extra what they call starter strip, or an extra bit of runway. They already have 1,720 m. They want to increase it by 170 m-1,890 m, a very long runway. But nothing will be done to extend the runway end safety area at the other end, because the M27 is in the way.

If, say, the CAA or anybody else find that acceptable, what is good for them, why can't it be good for us? Because ours would be a much shorter runway and all the rest. Jersey has a 90 m runway end safety area at the end of its westerly take off. Not so long ago, they rehabilitated, they did a new layer. They were not required to move anything. If you look at other airports in the UK, Southend, that has got 90 m at each end.

Sometimes I think we might be a bit like the English when it comes to implementing EU Regulations. We do them but the French do not. You know what I mean? It is a judgement. Ultimately the judgement will rest with the Director of Civil Aviation (DCA), who we only appointed last month. I have already met him. I met him before his appointment, just to sound out his views and he is willing to ask the questions. I said, 'Fine.' I contacted Deputy Ferbrache when he was elected President of the STSB and I said, 'Look, we are doing this Requête,' – which he has signed – 'but I am willing, if you like, to be seconded to the board to carry out the donkey work. I will manage all the interviews, all the communications, phone calls.'

It will mean talking to lots of people, the operators of Southend Airport to the CAA, talking to him. But things have happened or moved on since then. I am suddenly on it. I have now got a requête that would be effectively directing me to do something, which is fine and I am happy to do it.

Proposition 1 could be determined within weeks, or before Christmas, depending on how quickly the response is coming. If the Director of Civil Aviation said, 'Fine, I have seen the risk assessment for reducing the runway end safety area for the circumstances, so do it.' All you have to do is send out a notice to airmen saying you have now got 1,570 m take off to the east, but you have got a 90 m runway end safety area. That would only be required on a very few occasions; 99% of the flights would do fine with the 1,463.

I say that because going back again to when easyJet were talking about possibly coming here and they said there would be some performance restrictions, I have looked into it. There are no performance restrictions to them landing to the east or to the west on our current runway. However, take off is another thing. Take off to the east, they said they would have to block off just six seats, possibly, because they did not want to get into a position where they had a full aircraft on a hot day, where it was impossible to meet the operational requirements and offload

passengers. Because – you know what? – they have to pay passengers who are disrupted and that is not the way they operate.

Now six seats is just 600 kg. That is a very marginal amount of runway. That is why I thought this is possible. We have heard from an operator of Airbus 319s; if we could have 1,570 m available to the east they could operate here. So it is possible. The big problem is not possibility but probability and that decision will rest with the Director of Civil Aviation.

If I go back to clauses 5 and 6 in my Requête and say why I am doing it, because an Airbus 319 is a particularly useful aircraft because of its size in terms of passenger capacity and the fact that there are most of already several thousand of them in the European area, used by charter companies, would it not be just great if, when we come to our Island Games, charter companies could actually come here direct because it would be a lot cheaper for the passengers – and leave direct to wherever they are going? That is the other advantage people forget about a slightly longer runway: the radius of operation you can have. It is all advantages.

So as far as operating or taking off to the east, it could be done for no cost if the 90 m runway end safety area is accepted. If the DCA was to come back and say, 'I will look at it but I think you ought to have engineered material arrestor system,' that would cost money. I would not think it would be worth it in the short-term because it could be a sunken cost. It could be abortive work, especially if another length of runway or other recommendations may come out of the second report from PwC and if it is accepted at that time.

But as of now, nothing is certain about any recommendations actually coming out in the first place, because the second report, I still think there is a chance of it not even materialising; purely because of recent history. Even if there is a recommendation after a full cost-benefit analysis, it may be rejected. So here is a possible quick win. Why would you not want to do it, especially at no cost?

Now just a quick mention about landing to the west. Just leave everything as it is. You could still use instrument approaches. I will just mention some things: VOR DME, Localiser DME. You could actually operate down to maybe 600 ft with the current instrument approach system, because it would not be a position approach and transition onto a visual landing onto the full length of the runway, Pilots can do that. Every six months they have to demonstrate non-precision type approaches.

Here is the good bit. The Airbus 319 can land on a full cap *[inaudible]* now. The only problem is it has to use what they call medium autobrake setting, rather than low, which means that braking is rather fierce. It does not do any good to the tyres or the brakes or the wheels, or indeed the runway. But it is a possibility.

So the problem really is the take-off in the Island and direction. All I want to know is do you want to give it a go; or, as John Gollop said, do you want to give it a whirl? It will not cost you anything. It is business as usual-type stuff. I will do the hours. It will take a few hours of time with the DCA. I will no doubt be talking to people in the CAA; I used to work with them. I might be able to pull a few strings. I used to be an authorised examiner and instructor for the CAA for 15 years.

I have taken advice from St James' Chambers. The DCA can do what he likes within at least the ICAO] regulations, which are not quite the same as CAA regulations; CAA can provide advice. He licences the aerodrome as to whether or not he thinks it is safe. Safety is an interesting issue. It is risk management. You never get rid of it all, but I think you can put forward a very good risk assessment for accepting a 90 m runway end safety area at the eastern end, because historically we have never had an overrun in that direction. Ever.

There is a message there. In the past we have operated jets, like the BAC1-11, the Vickers Vanguard four-engine turboprop. It has never happened. The danger appears always to have been to the west, because when you land to the west, you usually have the gusty wind and nasty weather. In the occasions when there was an overrun it was put down to pilot error; it landed three-quarters of the way down the runway, he was not going to stop if he could. If you operate aircraft and you are disciplined you never want to end up in those so-called safety areas, because there is no guarantee, if it is a field, that you are going to walk away from it.

There is the possibility of it. How probable it is, for using the whole length landing to the west, using a non-precision, I think it is highly possible, because I go back seven years, the director of civil aviation at the time approved it. He said, 'I will accept the 90 m undershoot area.' But unfortunately the Committee that I was on did not.

3100 So I suspect you would get an answer within weeks, assuming I get rapid responses. I hope to have an answer to all this even before the PwC report is even completed or published. In which case, the second Proposition of mine, I could rescind. It is there, but it would not become relevant any more. There is a date in there for next March but that is by next March. It could actually be by the end of November.

3105 If Proposition 1 has a measure of success I am quite happy to then bring forward whatever to rescind Proposition 2. That is because of events. When I drafted this Requête, there was no mention of anything, of utilising any sort of extra runway length. That is where we are. All I want to know is would you like me to give it a whirl? It is a simple as that and it will not cost you anything.

3110 If you look at 5 and 6, the clauses, it is to see if we can actually glean some benefit, which could result at least in the short-term of some more economical operations in and out of Guernsey and, believe it or not, lower prices. Who knows? There we go. May I suggest you support the Requête?

Thank you.

3115 **The Bailiff:** Under the Rules it is the President of the Policy & Resources Committee that may speak next. Deputy St Pier.

Deputy St Pier: Thank you, sir. I will take the opportunity to speak, albeit briefly.

3120 There is a letter of comment which the Vice-President submitted a little while ago and I think, probably, the most relevant paragraph is the one that begins on the second page, which is:

The Committee's view is that there is merit in exploring technical aspects and potential benefits of the proposal set out in the Requête; that this work should be undertaken alongside the evaluation of other options relating to air links infrastructure so that the merits of the proposal can be looked at in the context of the whole picture relating to that infrastructure ...

3125 And it therefore 'should be undertaken as part of the next phase of the review'. Having listened to Deputy Kuttelwascher today open the debate and also to the informal conversation I had with him yesterday, I absolutely understand with greater clarity now as to what it is that he is seeking to ask. What I do not understand is why we still require the Requête to achieve that, particularly as he says, quite a lot has changed since this Requête was originally submitted: the leadership of the States' Trading Supervisory Board and of course, indeed, Deputy Kuttelwascher's own position on that board now.

3130 He has been in the position for a month; that is a number of weeks. He could have already done this in the last few weeks and I would suggest that, given what he had said to us today, he could probably do it in the next few weeks, with or without the Requête. So I am left a little bit confused as to why we are still here. It does strike me that this is within the mandate of the STSB. They have complete authority to be asking the questions which Deputy Kuttelwascher is seeking to ask. There is no cost in doing so. There are no restrictions on the STSB delegating that to Deputy Kuttelwascher to get on and do it, exactly as he asks.

3135 I am not sure it really requires the sanction of this Assembly. The rationale for why the Requête was originally submitted in different circumstances may have been clear then. It is considerably less clear now. So I think Deputy Kuttelwascher should just get on with it, but I think he does need to address when he sums up why he really needs the sanction of the States to enable him to do that, when he already has that capacity. I do not think I can add much more to the debate at this stage.

3140

3145 **The Bailiff:** Now, the letter of comment from the Policy & Resources Committee suggests that we follow Rule 28(3), which of course we should do. But I am a little bit confused, because it is not clear to me whether the Committee itself followed Rule 28(2), which is mandatory on it, which required it to consult any committees appearing to the Committee to have a particular interest in the subject matter of the Requête and then those committees would have had the opportunity to lay a letter of comment. I have not seen any letters of comment, I do not know whether that is because those committees were not consulted or whether they were consulted but did not wish to lay a letter.

3150 But as I have been asked to invoke Rule 28(3), I will do so and I will give an opportunity to the President of the Committee for Economic Development, if he wishes to speak next and then to the President of the States' Trading Supervisory Board to speak after that. But as I say, maybe there are letters of comment from those committees; I have not seen them.

Deputy Parkinson?

Deputy Parkinson: Yes, sir, I might as well contribute what little I have to contribute at this point.

3160 As has been mentioned, PwC are undertaking a review of air and sea link infrastructure, which includes work around the runway length. But the runway length is not the starting point of that. The work will hopefully identify the type of connectivity that Guernsey needs, the places it needs to connect to, the frequencies, the likely volumes on those routes.

3165 From that will flow information about which carriers would be the optimum solution to provide that connectivity on those routes and from knowledge of the equipment used by those carriers, and therefore the infrastructure that equipment requires, we should be able to make an informed decision about the runway length. But that is the end of the process, that is not the beginning of the process.

3170 That work is ongoing. I think it would be fair to say, without hopefully stealing all of PwC's thunder, that they are basically considering two options beyond the *status quo*. One would be an extension of the runway within the existing airport boundaries and that would be of the sort of length that Deputy Kuttelwascher is talking about, 1,570 m-1,580 m. Alternatively what we might call a full-length runway extension, which would take it out to 1,700 m or 1,800 m, which would allow larger aircraft to operate from it.

3175 Clearly the moment you go outside the airport boundaries, you have major planning issues, you have quite considerable logistical problems. It means raising ground levels. It is not something that we would be able to do easily or quickly. But the business case for choosing either of those options will depend on the original rationale. Where do we want to connect to, who is likely to provide that service and what equipment do they use?

3180 I just think with this investigation, I entirely take Deputy St Pier's point that Deputy Kuttelwascher is free to go and do it, he does not need the sanction of the Assembly to just get on with this. But to me it is premature. Essentially, you have to decide what you are trying to achieve and then work back from what you are trying to achieve, to what infrastructure do you need to achieve it?

3185 At this point, standing here, I literally do not know whether what we could call a short extension within the airport boundaries would meet the requirements or whether a fully worked business case might come back saying, 'Actually you need to extend the runway to a full length,' By which I mean the sort of length that would take these A320s and so on, without payload restrictions to reasonable European destinations.

3190 That work is simply in progress. This debate is, frankly, premature. We are discussing what the solution might be without even having identified what the requirements are. I think I can fairly say that in the December States' meeting, Policy & Resources are likely to come back with a policy letter on the progress made by the PwC review. Economic Development will also be producing a policy letter to that States' meeting, which will set out our air transport strategy. In other words,

3195 set out where we would like to connect to and what that means in terms of carriers and equipment and therefore infrastructure requirements.

We will be coming back to the Assembly in December to discuss all of that with you and the proper time to get deeper into these issues is when we have the first stage of the PwC report signed off and we can produce those evidenced policy letters to the Assembly in December. As of
3200 now, if Deputy Kuttelwascher wants to do some homework on what can be done with the existing concrete strip, he can just get on and do it. I really think this whole Requête process is completely unnecessary.

The Bailiff: Deputy Ferbrache, do you wish to speak?

3205

Deputy Ferbrache: Yes, sir.

I am a signatory to the Requête. I thought about delaying this speech and speaking later but, having heard the negativity from Deputy St Pier and Deputy Parkinson – because that is what it is, it is negativity; push the can further down the road – I feel I have got to speak now.

3210 We are at 26th October 2018. On 1st May 2016, we took office as a new States' Assembly. One of the key issues was air links, the other was sea links – one of the *key* issues, and what have we done about it in the last two-and-a-half years? Very little. The terms of reference when I was President of the Economic Development Committee, we were told by Policy & Resources Committee, 'Let us agree terms of reference,' they took forever. It was like running through
3215 treacle. It was not like running through a bowl of treacle, it was like running through a sea of treacle. It took too long.

I cannot remember exactly when, because age is withering me and [*inaudible*] but a few weeks ago we attended a meeting, before the lunch break, 7.30 a.m. on a Wednesday morning, with senior officials of Aurigny; Deputy St Pier was there, Deputy Parkinson was there and civil servants
3220 were there. The main purpose was to decide whether Aurigny should have two or three ATRs. I do not mean purchase them, it was just whether they had a business case for two or three ATRs. They persuaded us very clearly, as regards whether they should have two ATRs or three ATRs, so that it should be three.

I was told for the first time that PwC had produced a draft report. There had been absolutely
3225 no consultation, as far as I was aware, with the States' Trading Supervisory Board. So I asked could I please see a copy of it. 'Of course you can.' I got a copy within 24 hours and it was a draft report. That report is, I think, the report that Deputy Parkinson was talking about being finalised before the States in December.

But that is stage one. We are going to have a stage two and I do not think the terms of that
3230 reference, with PwC, have been agreed yet. There could be a stage three and there might be a 3(a) and a 3(b) and a 3(c) and a 3(d). Sometimes we have got to move on. What is the harm of Deputy Kuttelwascher's Requête? Because it actually says, 'Let us do something and let us do it within a limited period of time.'

To say almost dismissively, he can get on with it [*inaudible*]. It needs, in my view, the
3235 *imprimatur* of this Assembly and it needs to be telling the people out there that we are actually doing something; we are not looking just for another report, we are not looking just for another period of discussion, we are actually going to do something.

The people of Guernsey have had enough of reports, enough of consultants, enough of, 'Let us make a decision tomorrow', 'We are going to make a decision tomorrow', but it is like that famous
3240 song, 'Tomorrow never comes'. I would like tomorrow to come today. I would like today to do something. They may not like him in Oxford or Cambridge any more, but I like Winston Churchill and I like quoting from Winston Churchill. What Deputy Kuttelwascher is proposing is not the beginning of the end, it is the end of the beginning.

Sorry, I give way to Deputy Graham.

3245

Deputy Graham: Thank you very much.

The Bailiff: Can you put your microphone on?

3250 **Deputy Graham:** It is merely to say that, as far as Winston Churchill is concerned, his archives are actually in the University of Cambridge by Churchill College and they are proud to do so.

Deputy Ferbrache: I am always grateful for Deputy Graham's interpositions, they are always interesting and informative.

3255 In relation to what we are talking about here, this gives a quick fix. It gives a potential temporary solution. It is not the end of it. PwC and this Assembly will, in due course, make a decision. PwC will make a recommendation and then the Assembly will make a decision as to whether there should be a 1,700 m or 1,800 m runway.

3260 My views are well known. It clearly should be. But that is for another day. The Requête is not complicated or difficult. It says: can we do stage one? If we do stage one and that gets the thumbs-up from the relevant technical experts then STSB, by the end of March next year which is still five months off, will come up with some costings.

3265 That is not the end of the world. If between now and then it gets subsumed, because PwC does their stuff then that is great. If it turns out that is April rather than March, that is just about acceptable, but I would rather it was April 2019 instead of, as I see, April 2020, April 2021. Look at this booklet. Our air figures are stagnant. They have been stagnant for years. Look at Jersey's, which are going through the roof. They have got aircraft that fly in the sky, we have got aircraft that cannot fly in the sky backwards and forwards in the air, because our runway is an antiquated old-fashioned thing.

3270 If this Assembly thinks that the world will doff its cap to Guernsey and its antiquated runway and its antiquated air link system, then it is living in a fantasy world. We have seen the Flybe losses, which are many millions, we have seen other reputable aircraft carriers go bust. It is a very difficult market, we are very small fish. Let us hope we can fry some of those fish and get on with this and approve this Requête.

3275

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

3280 Deputy Ferbrache talked about an antiquated runway. I do not think you can call it antiquated. We have just spent £80 million or so on the whole project of improving the runway, so I would not like other people to pick up that we have an antiquated runway. We spent considerable money to have a good quality runway. It might not be the length that he likes, but it certainly is not antiquated.

3285 Just one comment first, in relation to Environment & Infrastructure. Everybody seems to forget that one of the responsibilities of Environment & Infrastructure is – and I am reading from the red book of responsibilities – '1, infrastructure, including but not limited to water, waste water, ports and airports.' So actually anything to do with the infrastructure of the Airport does come under the responsibilities of Environment & Infrastructure.

3290 **Deputy Kuttelwascher:** Sir, point of correction.

The Bailiff: Deputy Kuttelwascher.

3295 **Deputy Kuttelwascher:** I am not suggesting any change to the infrastructure, just a review of the regulations. That is why I did not consider it relevant to discuss the matter with Environment & Infrastructure; simple as that. I am not suggesting any change to the infrastructure.

The Bailiff: Deputy Dorey.

3300 **Deputy Dorey:** I think he is suggesting a change the wrong way, in safety areas, which is part
of the infrastructure. As a Member of the States in the 2008-12 term, there was a lot of
questioning about the need for the long RESAs and I remember there were meetings where
States' Members attended which were given by Public Services questioning why we had to have
such long RESA areas. The depth of questioning was such that the consultants which the then
3305 Public Services Department had, RPS, States' Members were not satisfied with it, so they had to
get in a second consultant to do a peer review on the proposals, which was done by Halcrow of
RPS, which was the first consultant.

I am just trying to say that, before the project went ahead, there was a double review of the
consultants' conclusions in terms of what was needed. I read from the report, which was given to
3310 States' Members and I am just trying to explain why States' Members at that time concluded what
they did and supported the need for the RESAs at the length that they currently are.

It said Halcrow, who did the peer review, carried out a numerical analysis to assess the overrun
risk of each of the options. I think there were eight E options which were considered at that time.
They go on:

3315 The risk assessment established that only RESAs of 200 metres or longer would be acceptable to the CAA
and thus likely to find favour with the Director of Civil Aviation.

It went on to say in the next paragraph:

Halcrow commented that the longstanding shortfall in RESA provision in Guernsey and the history of overruns would
make the regulator likely to require some improvement to the situation as part of a major works.

3320 That was the measure that we were given. Because we were doing major works, we had to then
improve our RESA. That is why, I believe, I and other States' Members supported the RESAs as
they are today, which is just under 200 m at one end and over 200 m at the western end.

I am sceptical about the purpose of this review, because the previous conclusion was that we
needed those RESAs. I have listened carefully and I have not heard anything that is new, or
3325 anything significant that has changed, that will lead to any different conclusion. I will listen to the
rest of the debate but I need to hear something new, which will mean that if any review would
reach a different conclusion to the double consultant review, which was done at that time.

Thank you.

3330 **The Bailiff:** Deputy Smithies.

Deputy Smithies: Thank you, sir.

I did not sign this Requête, because nobody asked me! I would have done and I fully support
it. Ultimately, the bottom line is what is the harm? I think the advice that I am hearing is that STSB
3335 actually has the mandate to do it and I think we do. So unless there is a particularly strong reason
not to do it ... maybe there is new evidence and Deputy Kuttelwascher has in his introduction
produced some new evidence. We have got a new Director of Civil Aviation to ask the question of.
Things have changed. What is the harm? To take another quotation from Winston Churchill:
'Action this day.'

3340 **The Bailiff:** Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

3345 Yes, I have supported this Requête because when I think back to the £80 million Guernsey
Airport pavements rehabilitation programme of works, we sacrificed an awful lot in the west for a
total paved length of 1,583 m; 120 m of tarmac was extended in the west and to do that, 11 fields
were taken, a road was closed and buried, nearly a mile of earth banks were taken out.

During that period, I ran a green ribbon campaign. I wanted EMAS on the west end, years ago, in order to save those losses: the road, the fields, the earth banks. EMAS was going to cost £3 million. It was rejected at the time – £6 million to do both ends.

Given that sacrifice, we need to use what we have as fully as possible, in my view. If that will suffice for the A319 and easyJet, let us have it. The public wants it. Surely it is not too much to ask to use the existing runway airport infrastructure for maximum operational benefit. My concern, like others, is immediate. Any lengthening of the runway would take years to accomplish, with planning approvals, environmental assessments and development and costs of £20 million.

The Bailiff: Deputy Dorey has a point of correction.

Deputy de Lisle: Thank you.

Deputy Dorey: I will read out from the Billet that was in 2009. It says:

The capital costs of option a with EMAS was estimated to be £9.6 million more than the Department preferred. Option c would have an ongoing live cost, as currently recommended, would require a renewal every 10 years, at a cost of £6.5 million.

He quoted £6 million, I do not think that is right. It says £9.6 million, with an ongoing cost every 10 years of £6.5 million.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: There were differences of opinion at the time on that, sir. The numbers that I got from the company that would have done the job, or one of the companies that would have bid on it, was £3 million, on the west end. So what I am saying is surely it is not too much to ask to use the existing runway infrastructure to its maximum operational benefit and I think waiting for the PwC work, which is based on broad connectivity, more generally, as Deputy Parkinson has indicated, with options for extension within the airport boundary at 1,570 m and then of course 1,700 m and 1,800 m extensions, that is going to take an enormous amount of time.

We need to be looking at this right away to see what can be accomplished with what we have got, immediately. It is disturbing to think that we have sacrificed and we are not getting the maximum from what we have paid, as well, in terms of £80 million. Now if a runway length, for 1,570 m, is available then it would enable the Airbus A319 to operate commercially with a full load into Gatwick and Guernsey Airport. It would also allow the Embraer 195, our current jet, to fly to more distant destinations, as a result of reduced payload penalties. The flights to Barcelona, which were restricted last year, Aurigny could operate an A319 with the resulting cost savings and lowering of fares.

So given this, some would argue we do not need an extension and we can do a lot with what we have. I think it is very important that we look very positively at this particular Requête. Others have 90 m RESAs, so why can't we have a 90 m RESA on the east end? Please support the Requête.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

When I first saw Deputy Kuttelwascher's Requête, I could not quite decide whether to thank him for taking me for a trip down memory lane or admonish him for inflicting a *Groundhog Day* peppered with acronyms and declared distances. Having listened to just a few of the speeches, I think probably the latter is true. It is very reminiscent of the debate eight years ago, with people bandying around figures to suit them. I think Deputy Parkinson hit the nail on the head when he

said Deputy Kuttelwascher is proffering a solution when we have not actually defined what the problem is.

Deputy Kuttelwascher: Point of correction.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: I think I was clear that I am not offering a solution, I am offering an interim solution pending what is going to be delivered by PwC, because what I am offering is a temporary solution with some immediate benefit.

The Bailiff: I do not think that is a correction of what Deputy Langlois was saying.

Deputy Kuttelwascher: Well it is, he said I am offering a solution. I am not.

The Bailiff: No, he was quoting what Deputy Parkinson had said.

Deputy Langlois: That is right, exactly.

Deputy Kuttelwascher: He was wrong as well.

The Bailiff: You should have risen then! *(Laughter)*

Deputy Langlois: I think it is being a bit pedantic to say, 'I was not offering a solution, I was offering an interim solution,' when, in his speech, he said he was not even offering that; he was offering to investigate a solution. In some ways, one might be trying to save him from himself. As Deputy St Pier has said, if it is just an investigation and he is offering to undertake it at no cost, what actually is the point of the Requête? Why did he not just get on with it himself?

I do not want to dissuade Deputy Kuttelwascher from doing this investigation. I am slightly worried about the States putting its name to it, though, and I will not be supporting it for that reason. It is okay for Deputy Ferbrache to say we have had enough reports, enough reviews. He is absolutely right, we have, but we cannot face the reality of the problem. We just continually have reports because it is a way of deferring coming to terms, defining what the problem is.

It is not an easy problem to define and it is not an easy problem to find solutions for. We are avoiding that by continually commissioning reports. In that way, Deputy Ferbrache is right. On the other hand, he is not offering any movement towards a definition of what the problem is. That is exactly what happened eight years ago and, in the end, what you do is end up spending vast sums of money on infrastructure, in the hope that is going to cure the problem and it never does.

We have probably spent about £120 million on the terminal and on the airport refurbishment and our services are no better, probably worse, than they were before we started on that work. Yet we still seem to believe that somehow services will improve, miracles will occur, if we just keep pumping money into infrastructure, without actually thinking about the services and what we are actually trying to achieve.

I did not delve too much into the old files, but Deputy Kuttelwascher had been hinting that somehow the Rules have changed in the last eight years. So I did check out the ICAO, the FAA and CAA's advisory circulars and really things have not changed very much in the last eight years. Their attitude to EMAS is slightly more positive now, but the engineers reported in 2012 that the CAA were quite happy with EMAS, so we could have used EMAS as proposed by Deputy de Lisle, instead of extending to the west. It is just the very high cost of the EMAS solution is what put the States off, I think, in the end.

I am not going to run through Deputy Dorey's meterage, again, but he did get it right. Deputy Kuttelwascher is promulgating the idea that with a 60 m runway strip, we only need a 90 m RESA;

in other words the absolute minimum. As Deputy Dorey said, the very thing, the reason we spent the £80 million on the runways, partly refurbishment and partly to increase that minimum to as near to 200 as we can get.

He is now saying we can revert back to what we had before we spent the £80 million and it will be perfectly acceptable. Well it is not going to be. It is inevitable it would have to be EMAS enhanced. An EMAS-enhanced RESA is a 60 m runway strip and 120 m for the EMAS, which is 180 m and, according to even Deputy Kuttelwascher's figures, we have only got 150 m.

So there is no 'cheap as chips', 'we might as well just get on with it', solution to this problem. I am sure he is going to find that out when he starts looking into this in a lot more detail. What I am trying to say is that everybody is right and everybody is wrong. Just simply, we are not being realistic and looking at what the problem is.

I have got no great faith in the forthcoming air review. I have got a feeling it is going to be a repeat of what we have seen in the past, because the ownership of Aurigny is what makes all the difference to Guernsey. Just saying we should extend our runway and that will be the end of it, we will get cheap fares, tourists will start coming in, is just pie in the sky and completely unrealistic.

This States simply does not want to face up to the realities of the situation. It is far easier just to keep throwing off easy soundbites about Aurigny's losses, etc. A reluctance to get on with it and extend the runway, all that sort of stuff. Nobody is putting it all together into a coherent policy to deal with our air links. If Deputy Kuttelwascher wants to get on with it, fine, but I do not think the States should be endorsing it, because I do not think it is going to go anywhere very far. We will be having this debate again in a few months' time anyway.

Thank you.

The Bailiff: Deputy Stephens.

Deputy Stephens: Thank you, sir.

I hope Deputy Ferbrache will not mind me suggesting that he and I are of a similar vintage. As I have listened to him speak over time, sometimes with pleasure, I have realised that we have similar early histories. For instance, my first home that I remember, was a two-up, two-down terrace with an outside toilet. (*Cheers*) When Deputy Ferbrache refers to outside conveniences then I fully understand what he is speaking about.

I achieved a scholarship at 11 years and completed my education at a very well-regarded girls' school. I gained A-level at economics but I do feel I have to point out, unlike Deputy Ferbrache, there was no need for me to re-sit to get the required grade! I have owned many dogs in my lifetime, but never one named Roger.

Having a similar early history maybe gives us a similar regard for decisive action. So my question is, since his assumption of the leadership of STSB, in June I think, and Deputy Kuttelwascher's willingness to do the work, why on earth have they prevaricated? This Requête has my support. I have no reason to reject it at all, but I just do not understand why they have hidden behind the Requête and just absolutely not done what they were offering to do. Maybe they will clarify that.

Thank you, sir.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

My understanding from statements earlier was that the Requête was laid before these gentlemen assumed their positions. Therefore, they would not have had that process. I would guess they have probably been fairly busy since assuming those posts, to be able to proceed.

Anyway getting to the case at point. I refer to this, I put it in the category of a no-brainer. The fact is we have 107 m of concrete we have paid for sitting on the ground that is not being used. The Requête simply asks in Proposition 1 that we request of the DCA, can that 107 m be utilised?

3500 If the answer is, yes, then the second part of the Requête asks the STSB to come back with a policy letter if there are any costs associated with it, to actually go ahead and implement it.

This can be done with no delay. It complements our decision earlier this year to have open skies. It would have immediate benefit by allowing more economic flights in and out of this Island; lowering costs for travellers. Something we all want to see happen and it does not need to be subsumed into a – sorry, I will not be giving way – PwC report or any other report that may delay any decision for years.

3510 Through you, sir, I would like to thank Deputy Kuttelwascher for the hard work he has put into this and also I commend his practical solution, at minimal cost, that will potentially help alleviate some of our travel issues and I say it again, this is a no-brainer decision. I ask everybody to support it.

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

3515 **The Bailiff:** Will those who wish to speak and have not already done so stand in their places? We have five people standing; some of them half-standing but I think they are standing. Do you wish to proceed, Deputy Queripel?

Deputy Lester Queripel: Yes, sir, please.

3520 **The Bailiff:** I put to you the motion that debate be terminated. Those in favour; those against.

Some Members voted Pour; others voted Contre.

Deputy Lester Queripel: A recorded vote, please, sir.

The Bailiff: A recorded vote, then, on the guillotine motion.

There was a recorded vote.

Not carried – Pour 10, Contre 24, Ne vote pas 3, Absent 3

POUR

Deputy Kuttelwascher
Deputy Lester Queripel
Deputy Le Clerc
Deputy Meerveld
Deputy Smithies
Deputy Green
Deputy Paint
Deputy Le Tocq
Deputy Prow
Deputy Oliver

CONTRE

Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Mooney
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie
Queripel
Deputy Hansmann
Rouxel
Deputy Graham
Deputy Dorey
Deputy Brouard
Deputy Dudley Owen
Deputy de Lisle
Deputy Langlois
Deputy Soulsby

NE VOTE PAS

Deputy Gollop
Deputy Le Pelley
Deputy Yerby

ABSENT

Deputy Leadbeater
Alderney Rep. Jean
Alderney Rep. McKinley

Deputy de Sausmarez
Deputy Roffey

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The Bailiff: Members, on the guillotine motion, there were in favour 10 votes, with 24 against and three abstentions. I declare it lost and I call Deputy Tindall.

3530 **Deputy Tindall:** Thank you sir. I support the idea of investigating the use of the current infrastructure to extend the runway. I support the idea of the use of the RESA if, taking into account all the other considerations of what can be done to enhance our air links, it is the right approach. But I agree with Deputy St Pier in all that he said. Why are we not even debating an STSB policy letter, if it was as easy as Deputy Kuttelwascher said?

3535 I also agree with Deputy Parkinson that it is premature to ask for us, the States, to agree to this type of extension. That said, I wish to address one particular point which Deputy Kuttelwascher raised in his opening speech. I wish to put on record that Deputy Kuttelwascher kindly sent me a copy of the draft Requête in June, asking me if I would support it. I was certainly inclined to support the principle of looking into using the RESA, but I was curious to know why Deputy Kuttelwascher required a policy letter to be done by STSB, when he knew that P&R and Economic
3540 Development had commissioned a report by PwC, which had in its terms of reference, a review of the use of current infrastructure.

To me, there was a simple answer to this and so I asked Deputy Kuttelwascher whether he had sought for an addition to PwC's terms of reference, to see if he could specifically look at the RESA. He advised me he had not and it was too late. However, I did not take no for an answer. I emailed
3545 an officer and received back, within 24 hours, confirmation from PwC that the use of the RESA would be considered and the exact wording of the Requête would be specifically dealt with within the report. Success.

Deputy Kuttelwascher claimed in his opening speech that PwC is looking at the wrong use of the current infrastructure. So I would like him to advise how he knows that it is not going to be specifically considered, as I have been told by PwC. Perhaps it is simply that he feels it will not be considered as fully as if he does the review himself, especially in the light of the history he recited. I hope he will say more in summing up on this point. (**Deputy Kuttelwascher:** Oh yes!) (*Laughter*)

3555 So, to me, supporting this Requête is basically not acknowledging the work that has been done; does not acknowledge the options which need to be fully considered and simplifies the issue to finger-pointing, saying that those who do not vote for this Requête are the baddies who do not want progress. That simply is just not the case. I cannot support this Requête. Of course I want to get the air links we need and indeed the sea links, but I do not want unnecessary duplication.

3560 Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

3565 Notwithstanding any hypothetical or whatever planning issues that could come out of the wider issues, I very much want to support the Requête and I think if it had been given to me to sign I would have considered signing it. I do commend Deputy Kuttelwascher for getting a very broad selection of Members, across the Chamber, to support it.

I think we are missing the real kind of pithy point here. The selling point of the Requête to me is the argument it is not just about, I do not know, flying to Barcelona, although it might be nice
3570 to go there, but if a runway length of 1,570 m was to become available it would enable an airbus to operate commercially with a full load. It would also allow the Embraer 195 to fly to more distant destinations as a result of reduced payload penalties. Now that is a –

The Bailiff: Giving way to Deputy Parkinson.

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Deputy Parkinson: Sir, several Members have glossed over one important issue. If you are to land an Airbus 320 or whatever in Guernsey, it is not simply a matter of the runway length, it is also a matter of the runway strength. The PN number for the Guernsey Airport runway, I believe, is 36. To regularly land aircraft the size of an A320 you would need to upgrade the runway strength to somewhere around the mid-40s. That is not just adding on 70 m at one end or 90 m at one end. The whole length of the runway has to be upgraded to take the weight.

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Deputy Gollop: I want to point out that the text in the Requête, such as it is, is the Airbus 319 rather than the 320. I think the point though is the Requête does not actually produce a solution. It produces a means to a solution. It requests the States, this Assembly, and we are here just in a parliamentary context, we are not involving any officers directly, to direct the States' Trading Supervisory Board, which is a Committee that Deputy Ferbrache, Deputy Kuttelwascher and Deputy Smithies sit on, to consult with the Director of Civil Aviation. There has been a change of personnel there.

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That is a very different process from having seen a draft – I have not seen anything of the PwC report that everyone is talking about. It is a different format because it is directing a specific committee that effectively owns and manages the Airport for all of us, on our behalf, and in a sense one of the airlines, to consult with a statutory official. This statutory official did not perhaps exist nine years ago. It was a different context of regulation, so a lot of the points Deputy Dorey has made may have changed.

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I am a great believer, always have been, that given our very small land area in Guernsey and our peculiarities as a community, we should expect if we can to get realistic dispensations and exemptions. Gibraltar manages it, the City of London Airport manages it, Southampton to a certain extent manages it. Alderney does, in a way.

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I will give way to Deputy Dorey.

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Deputy Dorey: Thank you.

It is a point of correction really. The report, which is September 2009, simply refers to the Director of Civil Aviation. On each option there is the Director of Civil Aviation's comments and I referred to the Director of Civil Aviation in the point that I read out, so he was in post then, as I understand it.

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Deputy Gollop: I do stand corrected there, but it was two directors of civil aviation ago. The airline industry, safety parameters, the nature of installations at airports, the technology, EMAS, they were all changing. I am not an expert in this, but this is not actually making a decision, it is just opening a door quicker than the process Deputy Parkinson and Deputy St Pier outlined – a parallel workstream, in some ways, which is useful because we do that on the Disability and Inclusion Strategy, for example.

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You do not have to do everything in one respect before you get onto another. It is like the busy cook who manages to cook the potatoes at the same time as the fish, otherwise it would all go in the wrong order. This would be very useful work, because we do need to look at the feasibility of the project. If you look at 1(c), which is the best part of it, it says:

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To identify any safety enhancements, including EMAS, which would be required to enable the commissioning of 107 metres of the starter strip/paved RESA or to mitigate the reduction in the length of the RESA from 197 metres to 90 metres.

There is no attempt to hide a potential capital project here. But there are other ways of looking at this. We need that information and maybe even a second opinion. It is just to see if there is evidence to suggest that commissioning is possible. It is to speed up. We have had this frustrating debate with a circle of four years rather than five. We can actually be in a much better position to make an informed decision, that all Members want, by March next year.

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I very much support that and also say, Deputy Langlois made a good point about some of us wanting unrealistic things and we will not accept bad news. I am one of those. I will not accept bad news. We must work to actually have the progressive thinking that other people in our community are showing. Transport is the number one issue in terms of economic development and also in terms of people's desire, I think, to expand their horizons.

There has been a degree of negativity shown today and we do very much, I think, need to overcome that. At the end of the day, we need to have complete information on what is relevant and what is possible. I support the Requête going forward and I think it will send out a very negative message for the next stage of progress if we, on a late time on a Friday afternoon, rebuff it.

The Bailiff: Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

As far as I am concerned, there is a context to all this. The context began back in May 2016, when we were all knocking on doors, what was the number one issue above education, above waste? It was connectivity by sea and by air. (**Several Members:** Hear, hear.) We were basically told to get on with it.

I am not one of those who would say you have got to do anything, but I am one of those that said we must do something. It is not as if we have not thrown talent at the task. We have had Deputy Trott with oversight of Aurigny. We had the review of Aurigny. Unfortunately it produced the sort of Janus-facing report and to be honest I do not think I am the only Deputy in this Assembly who has rather lost track of where we stand on that. No doubt Deputy Trott one day will remind me.

To be honest, precious little seems to have advanced in that direction. It is the same, really, with the sea connections. We have had a marginally improved summer service between Guernsey and Jersey, but Liberation still is in the will-she/won't-she mode. We cannot really point to substantial advance there.

But it is not because we have not thrown talent at it. We have had Deputy Parkinson, more recently, at Economic Development, having previously been at STSB and, before him, at Economic Development we had Deputy Ferbrache with co-pilot Deputy Kuttelwascher. So we have tried but the truth is that to the man and woman in the street and to the lay Deputy, nothing much seems to have happened.

Another bit of the context is this: this Requête was laid back at the end of June. So it is already four months old. As has been pointed out, Deputy Kuttelwascher was nowhere near being a Member of STSB, nor was Deputy Ferbrache. Interestingly, all three current Members are for it. Also, since then, we have had the quasi-open skies debate. Has that not changed the theatre somewhat? In my view it most certainly has.

I find listening to this debate there is something rather Kafkaesque about it. On the one hand, nobody that I have heard so far, has indicated that what Deputy Kuttelwascher is proposing to do is going to cost any money to investigate. It is not going to cost any great resources to do it and it may even lead to a success. I notice Deputy Langlois says there is no question of the Civil Aviation Authority's acceding to RESAs of only 90 m. I do not know on what authority he makes that statement, but I have heard Deputy Kuttelwascher and, on balance, I think I am inclined to accept his advice on that one.

I feel we have got to the stage where I am saying to myself: 'What are they afraid of in giving him a mission?' Deputy St Pier says what is the point, he can get on and do it without any direction from the States. But I would say, why would he? If this Assembly rejects this Requête we are effectively saying to him do not bother. Why would we say that? It is not going to interfere with any other workstream. There may be a little bit of duplication, although I have to say, until I see it, I am not prepared to accept any assurances to what is and what is not in the PwC report, which has been a hell of a long time coming, as many of the things are.

I hope I am one of the more positive Members of the Assembly, in the sense that I think we can look back on two-and-a-half years of several achievements, which do not always get talked about. But I think we have also been a States characterised by paralysis by process. We have heard it being aired in this debate so far and I really feel that sometimes the States really does talk itself into paralysis by process. I think this is one occasion where there is no need to do it.

What are we afraid of in saying to Deputy Kuttelwascher, now as a Member of STSB, under the leadership of the President of STSB and with the support of the other Member of the STSB, to go for it? There is no cost to it and – who knows? – he may even come up with a temporary solution. I do accept what Deputy Parkinson says, up to a point, is absolutely valid – we should not be doing this in a vacuum.

But is it not received wisdom that needs to be challenged that, if we can use a greater length of our runway, we have more prospect of responding to the quasi-open skies policy that we have signed up to back in July, after we placed this Requête, if I can just remind you? Members of the Assembly, please have the courage – and also the wisdom – to give full support to Deputy Kuttelwascher, now as a Member of STSB, to go away and, on our behalf, come back with some advice. *(Applause)*

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I am one of the ones who does not understand why we are debating this Requête when STSB can do this work anyway, despite what Deputy Graham has just said. The reality is, even if this Requête loses, STSB will go and do the work. So is this whole debate not pointless?

I may be missing a fundamental point somewhere along the line. Maybe this debate is necessary. In which case I remind colleagues all this Requête is seeking to do is a consultation, which will result in a report being presented to the States. I might be many things, but I am not a sadomasochist. I do not see the point in debating something that is an operational issue within a Committee. I stand to be corrected. That is why I invoked Rule 26(1). I plead with colleagues, can we just cease the debate, let Deputy Kuttelwascher sum up and we go to the vote? **(Several Members:** Hear, hear.)

The Bailiff: No one else is rising, so we need to go through the closing formalities. Let us start with Deputy Ferbrache having an opportunity to reply if he wishes to do so?

Deputy Ferbrache: I do not think I need to.

The Bailiff: Deputy Parkinson, do you wish to do so?

Deputy Parkinson: No, sir.

The Bailiff: Deputy St Pier, do you wish to?

Deputy St Pier: Yes I do, sir.

The Bailiff: Deputy St Pier, then.

Deputy St Pier: Sir, just responding to Deputy Graham's question on where we got to with the strategic review of Aurigny, I think all the recommendations are being implemented; there is new shareholder guidance that has been prepared by the States' Trading Supervisory Board. As a result, the public service obligation process is underway. As Deputy Ferbrache said, the consequential discussions around the size of the fleet have taken place with Aurigny and appropriate guidance followed. So there has been significant progress in that area.

Deputy Ferbrache and I getting into bed together, figuratively, on an amendment earlier this week took many people by surprise. Actually Deputy Ferbrache and I agree on many things quite often, to the surprise and disappointment of a number of people both inside and outside this place. Deputy Ferbrache has actually convinced me today, with his speech, but probably not for the reasons that he would wish.

He described my speech, and indeed that of Deputy Parkinson, as being negative and kicking the can down the road. If that was the impression he was left with then I apologise. I was not clear enough. The impression I wished to leave was one of total confusion as to why we were here at all. Neither Deputy Ferbrache nor Deputy Kuttelwascher are wallflowers and yet very much, as Deputy Stephens said, we do seem to be hiding behind the skirts of this Requête before actually getting on and doing anything.

Deputy Ferbrache quoted Churchill. I shall pick another statesman, Abraham Lincoln, who said, 'You can fool some of the people, some of the time, but you cannot fool all the people all of the time.'

I will give way.

Deputy Trott: Thank you.

I think people who regard Deputy Ferbrache as being a wit are half-right, sir. (*Laughter and applause*)

Deputy St Pier: I think we need less cheap talk and less hot air and we need just to get on with the job. P&R will unanimously support this Requête because we want no more excuses for any further delay in the STSB doing what they already are mandated to do and what they have the authority to do. We want the STSB to stop looking for scapegoats for not doing their job. So we will support the Requête, particularly in light of the undertakings from Deputy Kuttelwascher in relation to the fact that there are no costs to be incurred and indeed to the withdrawal of Proposition 2 in due course, or its rescission if that indeed is appropriate. On that basis P&R will be supporting this Requête unanimously.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: I think in answer to the original question from Deputy St Pier, indeed Deputy Stephens and my good friend behind me Deputy Lester Queripel, so why am I asking for the support of this Assembly? Clause 6 says:

Your petitioners wish to test whether there is an appetite amongst Members to pursue the possibility of using existing airport infrastructure for maximum operational benefit in pursuit of lower air fares and improving risk.

We have already heard from a couple who just do not want to do it. There are lots of reasons. Historically, people will see this possibly as some sort of threat to Aurigny and there are some people in this Assembly who just do not want to do that. There are people in this Assembly who want to keep the runway short.

In fact when I go back to the time of the airport rehabilitation, there were people who were willing to shorten the runway in order to have the appropriate runway end safety area. One person even said we should dig up the whole runway, recycle it and everybody go by boat. That was before Liberation.

Now that is purely the reason. I have only been on STSB for a few weeks and I have spent the last couple of weeks being inducted and I am a director of this company and that company and I have been to see ... there is very little time for this. But I have done some homework, as suggested by Deputy Parkinson, and the main homework relates to regulation and it relates to what is happening at Southampton. Because there they are going to extend the runway, as I mentioned earlier, and they are going to maintain a 90 m RESA at the other end. Much longer runway. So

something has changed – and this is the CAA approval. I will have to discuss with them exactly what it is and under what terms.

When I think of one of the comments from Deputy Parkinson, I am not proposing the end solution. This is an interim waiting for the – what? – three years, five years, that there might be, if we ever do anything. Deputy Parkinson sought to mention Airbus 320, which is bigger and heavier than Airbus 319. If ultimately you want to accommodate these aircraft you will no doubt have to overlay the runway and make it a bit stronger, but that is for the PwC report.

Deputy Parkinson: Point of correction, sir.

Deputy Kuttelwascher: That is alright.

Deputy Parkinson: Deputy Kuttelwascher is implying an Airbus A319 can land on a runway with a PN of 36. I do not believe that is true.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Sir, we are not talking about aircraft going off at their maximum weights and that was one of the problems historically with some of the deductions at PwC. They were looking at maximum weights of aircraft, especially for take-off. That is how they came up with this original 2,000 m nonsense. For the sort of operations we have, the aircraft will not be at maximum weights. At maximum weights, I agree with him; we will not be operating at maximum weights. Because of the length of the runway you will be limited to the amount of fuel anyhow. You are not going to go more than 500 miles, so it is not an issue. It is confusing, but it is not an issue.

Deputy Dorey I am afraid does like to live in the past, along with Deputy Langlois. He is referring to reports from 2009 and I remember the reports, I remember the York aviation report, which made three assumptions which not only proved to be horribly wrong but the opposite happened. In fact if they knew then what we know now, we would have had a 1,700 m runway. But that is life.

One of the things there was some arguing about was the actual power of our Director of Civil Aviation – and it has changed. He does not have to do what the CAA want. He will no doubt take advice. Ultimately, and I have got the legal advice from St James' Chambers, he has the discretion and he can revert to ICAO minimum RESAs if he sees it is worthy, if it is not too risky or anything else. It has changed.

At the time of the rehabilitation, when Fergus Woods was the DCA, he had to do what the CAA said. That is no longer the case. We have a lot more freedom. Are we an independent jurisdiction leading the world? We can be a little bit different. It is like all legal advice: do you have to take it? No, you do not have to take it and sometimes it is wrong. I am sure the CAA will come up with some advice, which will be sought during the process of negotiation.

It is what is happening at Southampton that brought this on. Southampton are lengthening a runway. They are going to maintain the 90 m runway end safety area. They would not be doing that if it was not approved. Things have changed.

Deputy Smithies, thank you. So right. I have got to go back to Deputy Tindall. I will tell you exactly what happened. I had this discussion with the chief minister last night, about the difference between what PwC are looking at and what I am suggesting. I had a meeting with PwC after my Requête was published and asked them if they were aware of it. But what they are doing and what was suggested was it would be 15a, if that was to be the final runway length, they could not do that within the current airport boundary. All they have to do to do that is extend the runway end safety area. It will be going over La Villiaze Road. You can put your 240 m out there, move everything else. I suspect you are talking about a figure of £20 million.

That is not what I am discussing at the present time. All I am saying is if you get the sanction of the DCA it is possible to bring into use the 1,570 m. He may say no. In which case, end of story. However, it will bring into play another issue of EMAS, which was mentioned again, talking in the past from nine years ago. There is now a company in Sweden called Runway Safe who produces a completely new version of EMAS which is easily engineered to what your airport is like. Are you going to be stopping A380s or are you going to be stopping A319s? It is different. It is cheaper. It is made in Sweden. My goodness, we could send our rubbish in one boat and bring back the EMAS in the other boat! *(Laughter)*

EMAS technology has moved so far in the last nine years it is surprising. I am hoping to invite this Swedish company over to give us a presentation, because it should inform PwC. If they want to go to 17 m or whatever, using this EMAS, which is a far safer option for people in airplanes to entre, you may be able to reduce the amount of land you actually need. So it is a moving situation. Technology is there. Unfortunately regulation and technology never go hand in hand; the technology has moved at a faster pace than regulation. It took forever for the CAA to even accept the concept of EMAS.

What is the time? 5.22 p.m. Deputy Gollop, a perfect analysis. He is dead right. The real reason is why should I want to bother doing this with my colleagues, spending hours and hours on something the States do not want to do? There is no reason. The last thing I want to do is waste my time. Your sanction, your support, would add some weight to the negotiations. If I go to the DCA or talk to people in the CAA, I would say, 'Hey, the Government in Guernsey on Friday night, on the 27th' – it is the 27th, is it not? – 'sanctioned the progress of this. This is something we would like.'

It is a bit different from me going up there on my own saying I want it but the rest of them do not. It just is not a good negotiating position. To have the sanction of this Assembly gives some more impetus to the progress of negotiation. Whether or not it affects the result, I do not know. But it might. So it is worth doing. So, Members, please support the Requête.

The Bailiff: Members, there are two Propositions in the Requête. I was going to put them both to you together but Deputy Lester Queripel is rising –

Deputy Lester Queripel: A recorded vote, please, sir.

The Bailiff: – and requests a recorded vote on the two Propositions on the Requête. Would it be acceptable to you if we invited those who wished to vote against to stand in their places? **(Several Members:** Yes.) I will read out the names –

Deputy Lester Queripel: No, I would like it recorded, please, sir.

The Bailiff: Okay.

There was a recorded vote.

Carried – Pour 35, Contre 2, Ne vote pas 0, Absent 3

POUR

Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Mooney

CONTRE

Deputy Brehaut
Deputy Langlois

NE VOTE PAS

None

ABSENT

Deputy Leadbeater
Alderney Rep. Jean
Alderney Rep. McKinley

Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley Owen
Deputy Yerby
Deputy de Lisle
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver

The Bailiff: Members, the voting on the Requête was 35 votes in favour and two against. I declare it carried.

Procedural

3870 **The Bailiff:** We have just one matter remaining on the agenda, which is the Schedule for Business, but some of you may recall on Wednesday morning, it seems a long time ago, back on Wednesday morning when the President of the Committee *for* Education, Sport & Culture gave his general update statement he said that he would not be able to disclose what was in the statement that has been released between now and then but that I had given him permission to make another statement later at this meeting. He said at that time that he believed it would be
3875 the penultimate item on the agenda.

So I have a request from Deputy Fallaize to make a statement as the penultimate item on the agenda but it is now 5.30 p.m. so we can only do that if Members agree to extend this meeting to enable that statement to be delivered. So what I am putting to you is that we continue to sit to enable that statement to be made. Those in favour; those against.

Members voted Pour.

3880 **The Bailiff:** We will continue to sit and we will have a statement from Deputy Fallaize.

STATEMENT

**Two high school sites and transition plan –
Statement by the President of the Committee *for* Education, Sport & Culture**

Deputy Fallaize: Thank you very much, sir, and I thank the Assembly for allowing me to make this Statement.

The Bailiff: I remind you under the new Rule it must not exceed 15 minutes.

3885

Deputy Fallaize: I was going to say, I do not think if I am going to go over, but if I go slightly over, maybe you will rule that there are exceptional circumstances, which is allowed if you look in the brackets, sir!

3890

What I propose to do is simply to read out the letter which was sent sequentially by email on Wednesday to staff, school committees, deputies and parents and then sent by post to parents on Thursday, because that will mean everything is essentially in play if any Member wishes to ask a question and it conveys all of the necessary information.

Dear Parent or Carer,

I am writing to you as the President of the Committee for Education, Sport & Culture to share important information about the future of secondary education. As many of you will be aware, the States have agreed to substantial reforms of secondary and post-16 education. The following bullet points summarise the future structure:

- The four existing secondary schools (three 11 to 16 schools and one 11 to 18 school) will close and they will be replaced by two 11 to 18 colleges, both of which will have sixth forms, and the two colleges will be part of one organisation (one school);
- Full-time and part-time technical, professional and vocational studies, including apprenticeships, will be delivered in a single organisation with the objective of integrating the College of Further Education, the Institute of Health and Social Care Studies and the GTA University Centre as soon as practicable, ultimately with the aim of partnering with a UK university to create University College Guernsey;
- St Anne's School will continue to provide secondary education in Alderney and Le Murier School and Les Voies School will continue to provide for students with special educational needs.

At present our secondary schools vary greatly in size. In contrast, the two 11 to 18 colleges will be of a very similar size with a very similar number of students in each college. Resources will be used more effectively to provide the greatest possible benefits to students. The number of students in each college will be in line with the average size of the highest attaining comprehensive schools nationally, almost all of which also have sixth forms. All students will have the widest possible range of curricular and extra-curricular opportunities. Teachers in Guernsey will be able to work across all key stages in secondary education, which will maximise the chances of developing, recruiting and retaining great teachers.

The post-16 phase will provide a single sixth form operating across the two colleges, allowing for a broad range of subject choices. Technical, professional and vocational studies will be part of a single, integrated organisation.

Earlier this year we made a commitment that before the October half term we would announce the sites which we propose to use for secondary education in the future and the transitional arrangements to close the four existing schools and move to one school operating across two 11 to 18 colleges. We have completed the work necessary to meet that commitment.

The two 11 to 18 colleges will be based at Baubigny in St Sampson's and Les Beaucamps. Both of these sites have several advantages. They are conveniently located for their partner primary schools. The existing facilities are built to modern design standards and have a long-term lifespan. There are good opportunities for the necessary extensions to be built. They can continue to operate as schools during the construction period. The school at Baubigny was opened in 2008 and was built at a cost of £43.5m. The school at Les Beaucamps was opened in 2012 and was built at a cost of £37m.

The Committee considers that these two sites are clearly the best locations for the two 11 to 18 colleges. All of the site options have been researched and the Committee has taken an objective view based on the practicalities of each site. The two sites which we wish to use present a cost-effective option.

Other site options would be more expensive and/or create too much disruption for students. Using the sites which currently have the highest standard of facilities – mostly because they have been built more recently – removes the need to build a completely new school at La Mare de Carteret and to carry out extensive refurbishment of the Les Varendes site, which is nearly 35 years old and which would have required students there to move to another site during refurbishment before being moved back.

While buildings are not unimportant, clearly education is about much more than buildings. Throughout this period of change the Committee will continue to work with educationalists and other colleagues in schools to ensure that the main focus remains on providing the best possible opportunities for the students of today and tomorrow. We are determined to capture the very best of our existing schools in their two successor colleges.

The Committee will take a report to the States by the middle of 2019 to seek funding for the necessary building works. This report will contain all of the details necessary to obtain that funding, including in relation to costs. Our report will also include proposals for the capital developments necessary to create the new integrated College of Further Education, Institute of Health and Social Care Studies and GTA University Centre at Les Ozouets and the redevelopment of La Mare de Carteret Primary School.

In the coming months and years we will work closely with our teaching profession and their union representatives as we transition from four sites to two. The Committee confirms that there will be a teaching position for all current secondary teachers who want one following the reforms. This will, however, be a period of change for staff and a collaborative approach with open dialogue is essential.

The two 11 to 18 colleges, operating as one school, will largely be in place by September 2022 and will be fully operational by September 2023 with facilities that meet the highest educational standards.

3895 Then in the letter we set out some tables which explain where students who are currently in primary or secondary schools will be educated throughout their years in secondary school and post-16. The letter continues:

From September 2021 all students entering Year 7 (current Year 4 and below) will do so at the St Sampson's or Les Beaucamps sites and will not need to move during their remaining years in compulsory education.

The transition plan was developed following consultation with educationalists. It means that even during the transition period very nearly 90% of students will complete their compulsory education on the same site which they joined for Year 7. There will be no more than one additional move for any student. No student will move between Years 7 and 8, having of course moved to start secondary school between Years 6 and 7.

In addition, a much larger percentage of students will be able to remain on their site for post-16 studies compared to around 20% at present and 0% under the 'three-school model' considered by the States previously. The transitional period to establish the new 'two-college model' will last no longer than the transitional periods would have lasted in other models previously proposed and rejected by the present States.

When the Committee was elected earlier this year it inherited a commitment made to parents of students in the selective year groups at the Grammar School that throughout Years 7 to 11 they would continue to receive a Grammar School education. Our transition model maintains this commitment: it provides for those students to remain in 'selective' year groups at their current site. This means that for the academic year 2022/23 the school at Les Varendes will accommodate students in Years 11 and 13.

However, the Committee is conscious that some of those parents may prefer their child/ren to complete their education in one of the two new 11 to 18 colleges, which the transition model allows for if it is their wish, and therefore in the years ahead the Committee will maintain dialogue with those parents to establish their wishes well in advance.

This afternoon (Wednesday 24th October) secondary head teachers shared the information in this letter with the staff at their schools. All staff and parents were sent this letter by email this afternoon and it will also be sent to parents in Thursday's post. The media have been informed and will be free to report the announcement from Thursday.

We will hold two sessions after half term where, if you wish, you will be able to speak to me and other Committee Members, the Director of Education, the Executive Headteacher of secondary schools and other educationalists. These will be held at Les Beaucamps on Wednesday 14th November between 6pm-8pm and Saturday 17th November between 10am-midday.

In a limited range of circumstances parents may be able to apply for their child to attend a different secondary school. Information and guidelines on how these requests can be made, and under what circumstances they may be granted, has been published at www.gov.gg/partnerschools. Please bear in mind that capacity is limited at all secondary schools and therefore it may not be possible for requests to be approved.

At some point during the transitional period it will be necessary for some changes to be made to school uniforms to reflect that we are moving to one school in two 11 to 18 colleges. This is one of a number of issues where our work includes taking into account the views of the Youth Shadow Committee (made up of students in our secondary schools), which we established earlier this year. Further information about uniforms will be made available as soon as possible.

It is important to emphasise that the three current 11 to 16 schools and the one 11 to 18 school will close and two new 11 to 18 colleges (operating as one school) will open in their place. The names of the new 11 to 18 colleges will not be known by their locations, i.e. St Sampson's and Les Beaucamps. We will consult with the community before determining the names of the new school and colleges. Further information about this consultation process will be announced in the near future.

Should you have any questions about the sites or transition plans, or how they apply to your child/ren, please feel free to contact the Education Office by email at educationfuture@gov.gg or by phone on 733084.

Yours sincerely,

3900 So that was the letter, which was sent to all stakeholders. I thank the States for their patience in listening to me read it out when they did receive it by email on Wednesday afternoon, but I did so in order that any Member who wishes can ask any question they wish and I am happy to take those questions now.

The Bailiff: Questions within the context of the Statement.
Deputy Green.

3905

Deputy Green: Sir, the question I have is a very important matter which did not make it into the Statement, which is when can we actually expect to receive the disclosure on what the full cost of the two-school model is going to be? What exactly is going to be the full capital cost of moving to a two-school model? When can we expect to see the full projected general revenue savings that we have been promised?

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Can I say from my Committee's point of view, we are going to be keen to assess the value for money of these proposals? Without a clear explanation of what the full capital cost is going to be and the projected general revenue savings, it is going to be very difficult for this Assembly to make a genuine assessment of value for money. Can I ask Deputy Fallaize when can we expect to receive that information?

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The Bailiff: Deputy Fallaize.

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Deputy Fallaize: In fact I would go a stage further than Deputy Green. Not only would it be difficult for the States to scrutinise the proposals without that information in fact it would be impossible and it would be completely unfair for us to ask the States to operate in that way. So the full costs will be made available at the time that Committees normally make the full costs available, which is when they go to the States to ask for permission to carry out projects.

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So at the time when we propose the necessary policy letter to the States, seeking the approval of the States to get on with the capital projects, that policy letter in the normal way will have all of the financial information outline and that will be in the first half of 2019. As I have said in the Statement, in the letter, the transition period will last no longer. The transition period effectively has not been delayed by the two-school model. The new colleges will be open at the same time. In other words, the construction period is going to be compressed from the previous period. But the answer to Deputy Green's question is the first half of 2019.

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The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

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I would just like to ask Deputy Fallaize would he consider or would his Committee consider allowing the Scrutiny Management Committee to get an early look at those costings and figures?

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: Yes, I cannot give Deputy Queripel an indication today of exactly when they will be available but I suppose it is a fair assumption – we are beginning to build the case, obviously – they would be in a form that they could be of some use to the Scrutiny Management Committee before, even if it is only slightly before, they are laid before the States. In the interests of openness and transparency, I do not see any problem in meeting his request. Although if Deputy Green perhaps could write to me to make that request formally then we will be reminded at the appropriate time.

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The Bailiff: Deputy Hansmann Rouxel.

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Deputy Hansmann Rouxel: Thank you, sir.

In the new sites chosen, can the President advise whether there will be any addition to the SEN provision, as there was in the original La Mare de Carteret rebuild? There was a specialist autism centre, which was then taken out in order to save costs. Would those then be in these two new sites?

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

3960 The answer to that is we will be driven by the best educational evidence. If that shows that the best way of providing for special educational needs is to have centres in both of the colleges then that is what we will do – and the plans are sufficiently flexible to accommodate that. We have made a commitment which remains the case that Le Murier School did not need to be moved in order to accommodate our two-school model.

3965 That continues to be our commitment but if, on the basis of educational evidence, it is demonstrated it would be better and more inclusive to move to an arrangement where there is provision across both colleges, then that is what we will do. We are shortly to commence a review of special educational needs provision and we believe we can obtain the necessary evidence to answer Deputy Hansmann Rouxel's question before we come back to the States in the first half of 2019.

3970

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

3975 I am not known for my diplomacy, so I apologise, through you sir, to Deputy Fallaize for what I am going to ask. It does seem a little bit odd to me that these two sites have been decided upon but there has been no financial modelling thus far. It must have been a consideration of the Committee on deciding on these two schools. They must have some information and I would urge them to share that with Scrutiny as soon as possible. The question is can they share that with Scrutiny as soon as possible?

3980 Thank you, sir.

The Bailiff: Deputy Fallaize.

3985 **Deputy Fallaize:** Of course there was some financial information put before the States in January when the States debated the various school models. The previous Committee published outline or indicative capital costs for the two-school model and the three-school model. We were slightly sceptical about those costs, and that is not a criticism of the previous Committee, it is just that they did not have a great deal of time to work them up. I think our scepticism has been subsequently justified but those costs still provide a useful indication for the States to have an understanding. It is likely the capital costs will be greater, which was accepted by the States at the time.

3990 There is some financial information available, but it is not in a form which it would be useful to share with the Scrutiny Management Committee. The problem is, if Committees publish that sort of stuff prematurely, like if you think about the inert waste project and the costs are indicative, if when further work is done the costs change even by a moderate percentage the Committee is then criticised for being incompetent and sloppy originally. So we will share this information at the appropriate time once it has been sufficiently worked up.

4000 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, in light of his Statement, can the President assure me as to the continued commitment of his Committee to the community and the learning hub at the Ozouets campus?

4005 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Yes. The position of the Committee is that we are perfectly happy to accommodate the community and learning hub at Les Ozouets and indeed to assist and support in its development so long as it does not in any way blight the sight, if I can put it that way, and

4010 make it harder for the redevelopment of the integrated College of FE and Institute and GTA on that site subsequently. That has been the original position taken by the Committee. It remains the position taken by the Committee and I do not foresee any change in that.

The Bailiff: Deputy Inder.

4015 **Deputy Inder:** Thank you for the update, Deputy Fallaize.

I am just intrigued. As you know, I came in somewhat later to Education, probably one of the worst years of my life. But there have been other years. (*Laughter*) The next few years might be just as bad. I am just wondering, I was very keen on modular building, because I think building technology has moved on quite substantially. Huf Haus, Hanse Haus, Portakabins are not what
4020 they are used to be. Can I ask you if, within your plans, are you giving that any serious consideration rather than being restricted to glass, steel, pillars and all the other nonsense that we do not need to do, actually?

The Bailiff: Deputy Fallaize.

4025 **Deputy Fallaize:** What I can say is that we are going to propose building schools which provide good facilities for education, not buildings which win design awards. I think that probably, in the general sense, gives Deputy Inder some reassurance. The answer to his question is, yes, but more generally we have taken the whole thing back a stage and we are going through a quite
4030 rigorous process of assessing exactly what size the schools need to be, what size do the classrooms need to be, what needs to be the provision.

Previous proposals from Education have been blighted by rows with the Treasury over exactly how large the schools in Guernsey need to be, because they have been built at a size very different from those in other places. We want to try and get all of that sorted out in advance, so
4035 that when we come back to the States, relevant Committees are on the same page. That process involves quite a lot of, value engineering is not the right word, but examining how the schools can be built in the way that provides the greatest value for money.

The Bailiff: Deputy Oliver has stood a number of times.

4040 **Deputy Oliver:** Thank you, sir.

With the two schools that have been chosen, can the President confirm if any land actually needs to be compulsorily purchased?

4045 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: I can say that there is no indication at either site that any parcel of land needs to be compulsorily purchased and we have had no discussions with anybody about compulsory purchase of land.

4050 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Would the President of Education please inform us what communication and what support has been given to the teachers and indeed to the pupils and indeed the parents
4055 because, bearing in mind we are talking about the buildings, but there are people in those buildings who have concerns or support – there is both, I accept that. So what is actually happening with support with the teachers?

The second part of that question is that I believe I heard you say on the radio, that there would be a public presentation for whoever wanted to attend. I am not sure how many you are putting
4060 on but the potential for possibly over 3,000 who could be affected – 1,700 from each school –

parents who have got children currently in the school, if it is just a presentation they are probably right in being interested to come but bearing in mind the numbers are going to double, it may be an awful lot of people that may wish to come and question you. So how many presentations are you putting on?

Deputy Fallaize: If I could take the second part of the question first, we are initially putting on two, on the dates I just indicated. If the demand indicates that there is a wish for more than two, we will put on as many as the demand indicates. I do not mind and I do not think any other Member of the Committee minds if we are there every night three or four weeks. We will start with two and we will respond to demand accordingly. Maybe some of them do care about being ... *(Laughter)* Depends what the alternatives are, I suppose.

In terms of support, the head teachers, we have tried to ensure they are properly equipped and properly informed and properly supported so that they can support their school communities. In the days and weeks and months ahead, we of course will try to ensure that adequate resources are available to support all the stakeholders in the system.

We have, as part of this Statement, provided a commitment that all secondary teachers who want a job following the reforms will have one, which we hope will at least provide some certainty for the teaching profession where there has previously been uncertainty. But the support of all stakeholders, including teachers and parents and pupils, is a priority for the Committee.

The Bailiff: Deputy Yerby.

Deputy Yerby: Sir, one of the things that the Committee's proposals was sold on and one of the reasons why I supported them was their commitment to academic rigour and high standards for all children. I was a little surprised, I suppose, that Deputy Fallaize said there would be a job for every teacher who wanted it in the new structure, simply because I assumed there must be some mismatch between the distribution of subject matter expertise and the curriculum as it will exist in the new school. Can the President perhaps address my confusion and give me some reassurance?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: I can. I am not sure that the two parts of Deputy Yerby's question are particularly linked. The Committee is committed to academic rigour. I think some of the things that I set out in my statement on Wednesday indicate that around inspection regimes, future methods of assessment etc.

The issue over teaching jobs is this: I hate the term natural wastage, but Members will know what I mean, over this transitional period, if you take the average number of teachers who, for whatever reason, leave the service each year, it is many more than the number of roles which will be lost as a consequence of the reforms. That is why we are in a position to be able to provide this commitment of a teaching role. If what Deputy Yerby is getting at is the possibility of teachers who are not performing at the required standard, then there are other means of dealing with that and we will deal with that.

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

Deputy Ferbrache: Sir, following on from Deputy Oliver's question, can the President say yes or no, whether they have a binding legal commitment for all the land they may require to fully carry out these proposals in relation to these two schools?

Deputy Fallaize: I hope Deputy Ferbrache will forgive me for being somewhat circumspect in answering this question, because I do not want to prejudice the position of the States. The position is that we have the land necessary to carry out the essential aspects of the

redevelopments. However, at both sites, if we were able to obtain additional land, it is possible that it would make it easier to provide some of the ancillary facilities.

4115 That is not to say they could not be provided on the existing sites but it would make it easier if
we had some additional land. So we have made enquiries of landowners around both sites. We
have had very positive responses from landowners around both sites. That is why I answered
Deputy Oliver's question in the way I did, in relation to compulsory purchase. I am not going to
say any more about that because, as Deputy Ferbrache will appreciate, the negotiating position of
4120 the States could potentially be compromised.

The Bailiff: The 15 minutes have elapsed. I am not minded to extend it. It has been a long enough meeting. Let us try and finish by 6 p.m.

Billet d'État XXIII

POLICY & RESOURCES COMMITTEE

XVI. Schedule for further States' business approved

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 6th November 2018 and subsequent States' Meetings, they are of opinion to approve the Schedule.

STATES OF DELIBERATION

SCHEDULE for FUTURE STATES' BUSINESS (For consideration at the ordinary Meeting of the States commencing on the 24th October, 2018)

Item for Special Meeting of the States commencing on the 6th November 2018

P. 2018/xx States' Budget

Items for Ordinary Meeting of the States commencing on the 28th November 2018

(a) communications by the Presiding Officer including in memoriam tributes;

(b) statements;

(c) questions;

(d) elections and appointments;

*P.2018/104 – States' Trading Supervisory Board– Appointment of Non-Executive Directors – Guernsey Post Ltd**

(e) motions to debate an appendix report (1st stage);

(f) articles adjourned or deferred from previous Meetings of the States;

(g) all other types of business not otherwise named;

No. 44 of 2018 - The Electoral System Referendum (Miscellaneous Provisions) (No.2) Regulations, 2018

No. 45 of 2018 - The Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018

No. 46 of 2018 - The Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2018

No. 47 of 2018 - The Financial Services Ombudsman (Case Fee and Levies) (Bailiwick of Guernsey) (Amendment) Order, 2018

No. 50 of 2018 - *The Electoral System Referendum (Miscellaneous Provisions) (No.3) Regulations, 2018*

No. 52 of 2018 – *The Mooring Charges (Guernsey) (No.2) Regulations, 2018*

No. 53 of 2018 - *The Harbour Dues and Facilities Charges (Guernsey) (No.2) Regulations, 2018*

No. 54 of 2018 - *The Pilotage Dues (Guernsey) (No.7) Regulations, 2018*

No. 55 of 2018 - *The Airport Fees (Guernsey and Alderney) (No.2) Regulations, 2018*

P.2018/94 – *The Probation (Bailiwick of Guernsey) Law, 2018**

P.2018/95 – *The Referendums (Enabling Provisions) (Guernsey) Law, 2018**

P.2018/96 – *The Income Tax (Guernsey) (Approval of Agreement with United Kingdom) Ordinance, 2018**

P.2018/97 – *The Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018**

P.2018/98 – *The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018**

P.2018/99 – *The Health Service (Benefit) (Amendment) Ordinance, 2018**

P.2018/100 – *The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2018**

P.2018/101 – *The Severe Disability Benefit and Carer's Allowance Ordinance, 2018**

P.2018/102 – *The Family Allowances Ordinance, 2018**

P.2018/103 – *The Income Support (Implementation) (Amendment) (No.2) Ordinance, 2018**

P.2018/106 – *The Guernsey Legal Aid Service – Approval of the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018**

P.2018/107 – *Committee for Employment & Social Security – Amendments to Statutory Minimum Wage Arrangements to come into Force on 1st January 2019**

P.2018/92 – *Committee for Health & Social Care - Organ Donation – introduction of a 'Soft' Opt out Scheme**

P.2018/93 – *Committee for Economic Development – Proposed Amendments to the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008**

P.2018/105 – *Committee for Economic Development – Implementing the States of Guernsey's Economic Development Strategy**

(h) motions to debate an appendix report (2nd stage);

(i) Schedule for future States' business.

Item for Ordinary Meeting of the States commencing on the 12th December, 2018

P.2018/91 - *Requête – Drug Funding**

*Amendments to the proposed Meeting dates and order are permitted only for those items marked with an *.*

Item for Special Meeting of the States commencing on the 25th June, 2019

P. 2019/xx *Policy & Resource Plan* P. 2019/xx *States' Accounts*

4125 **The Greffier:** Article XVI, Schedule for future States' business.

The Bailiff: Deputy St Pier.

4130 **Deputy St Pier:** Sir, I tabled the schedule, which has been circulated. As ever, I think it is relatively self-explanatory. Although it appears to be relatively long, of course much of that is Statutory Instruments and legislation and the amount of substantive business is relatively limited. I wish to draw Members' attention in particular to, on the final page, the Requête on drug funding, which it is proposed should be debated on 12th December. In the ordinary course it would be eligible for a debate at this meeting on 28th November. However, the Committee for Health &
4135 Social Care have requested some further time be allowed to enable them to provide a response and hence the recommendation that it be debated in December.

4140 Although we are aware that there is potentially a significant amount of business that is likely to be submitted for December and therefore will potentially be a full three-day meeting, of course whether all of that business will appear in time is always a challenge for many Committees. What we do propose is that the Requête should actually be the first substantive business for debate in December, given the requérants' patience in allowing Health & Social Care a little more time. I felt it only fair to make Members aware that is the position which P&R wish to adopt in relation to that Requête and with that I ask Members to support the schedule.

4145 **The Bailiff:** I have not received notice of any amendment to the schedule and there is no provision for debate, so we go straight to the vote. Those in favour; those against?

Members voted Pour.

4150 **The Bailiff:** I declare it carried and can I just say that I have had representations that, in view of the workload of the States' Assembly & Constitution Committee to get done the work that needs to be done to prepare the legislation that may be needed to implement the result of the Referendum, it would be helpful if certainly a new President and new Members could be elected sooner rather than later. Rather than leaving it five weeks I am considering issuing a special Billet to enable that election to take place at a special meeting to be held immediately following the Budget meeting.

4155 Under the Rules, it has to be two different meetings. That is the way the Rules work. I am sure Deputy Ferbrache will be delighted to know that I have complied with the Rules. So it is likely I will issue that. If I am going to, I will issue that at the beginning of next week, so it is likely those elections will take place immediately following the Budget meeting; and that concludes the business for this meeting.

The Assembly adjourned at 5.57 p.m.