



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 27th February 2019

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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, J. S. Merrett, G. A. St Pier,
T. J. Stephens, C. P. Meerveld

The Vale

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

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

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

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur);
Deputy P. R. Le Pelley (*indisposé*); Deputy C. J. Green (*indisposé*)

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States of Deliberation

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

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

CONVOCATION

The Senior Deputy Greffier: Billet d'État III of 2019 – to the Members of the States of the Island of Guernsey I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 27th February 2019 at 9.30 a.m. to consider the items listed in this Billet which have been submitted for debate.

5 And Billet d'État IV of 2019 – I hereby give notice pursuant to Rule 2(4) of the Rules of Procedure that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday 27th February 2019 at 9.30 a.m.

The Bailiff: Members of the States, good morning to you all.

10 You will have noticed that the temperature in this Chamber goes from one extreme to the other, having shivered and frozen last month we are now in danger of overheating. So those who wish to do so may remove their jackets.

STATEMENTS

General Update – Statement by the Vice-President of the Scrutiny Management Committee

15 **The Bailiff:** We will begin the business of this meeting with a statement on behalf of the Scrutiny Management Committee – a general update statement which in the absence of the President will be delivered by the Vice-President, Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

I am rather a late substitution perhaps not a super-sub but I will do my best not to let the side down.

20 Sir, throughout 2018 the Scrutiny Management Committee has continued to hold a significant number of public hearings whilst also progressing evidence-led reviews such as the In-work Poverty Review which was recently debated by the States in January 2019.

In 2018, we conducted public hearings on a wide range of subjects, including on the implementation of the Disability and Inclusion Strategy, on the transformation agenda with the Committees for Health and Social Care, Home Affairs and Education, Sport & Culture; and also a hearing in relation to the HMIC report on Bailiwick Law Enforcement.

25 As a Committee we believe that it is important to conduct regular public hearings as this enables the SMC to monitor progress being made by States' Committees against their policies to analyse their management of resources and to help identify significant areas that might justify a major review. Importantly, public hearings help facilitate greater transparent scrutiny in the public domain, allowing new and additional information to be highlighted which may previously have been overlooked or simply not released.

30 At the same time, conducting full evidence-centred reviews of both policy and financial matters will remain a critical focus for the Committee, particularly from now until the end of this political term.

35 Whilst the Committee were disappointed by the recent decisions taken by this Assembly on in-work poverty, we look forward to closely monitoring progress made on these issues over the next few months within the Policy & Resource Plan.

40 Moreover, the SMC does intend to continue to produce evidence-led reports and reserve our right to bring Propositions to the States if we feel that it is necessary and expedient to do so.

In 2019 our main focus will be on commencing a challenging and interesting work programme with four new major reviews. Firstly, a review of the States of Guernsey's Access to Public Information regime; secondly, a review of capital allocations within the States; thirdly, a review of recruitment and retention of key public workers within the States; and fourthly, overseeing an efficiency review of Aurigny jointly with the States' Trading Supervisory Board.

45 The review of Access to Public Information will chime with many people in our community. 'Sunlight is said to be the best of disinfectants' and that is why better access to official public information can help to improve public confidence and trust in Government if the public sector is seen to be more open.

50 The review will consider the competing objectives of transparency, proportionality and efficiency. The backdrop to the review is that people have a right to know about the activities of public authorities, unless there is good valid reasons for them not to know. This area has become increasingly complicated with the introduction of the new Data Protection Law in 2018.

55 The Committee will therefore set up a task and finish panel to review the effectiveness of the existing Code of Practice on Access to Public Information following its approval by the States in 2013 and the modifications made to the information handling in this political term. The panel will consider whether it is fit for purpose generally. There will also be a careful analysis of previous requests made to date under the regime, as well as a consideration of the appeals process.

60 The Committee will also review the processes associated with the allocation of capital across Government, including the accuracy of financial statements produced to support political decision-making on major capital projects and the operation of the Transformation and Transition Fund. The review will examine a number of recent capital projects and, if required, make recommendations to inform this process moving forward.

65 The review of the recruitment and retention of key public workers will focus principally on putting forward reasoned suggestions to improve how Government can better recruit and retain its own staff, given the well-known challenges inherent in Guernsey's situation. Employee pay costs form the largest single area of expenditure for the States and key workers form a very significant element of this cost. It is intended that the review will concentrate mainly on the policies and procedures in place for the recruitment and retention of nurses, teachers and police officers.

70

In addition, the SMC will be jointly overseeing the efficiency review of Aurigny. This review will produce an initial diagnostic assessment of the operational and financial efficiency of the airline. This will include a review of Aurigny's budgets, management accounts and other management information to develop a better understanding of the airline's performance.

75 The SMC also looks forward to considering the forthcoming policy letter from the Committee for Education, Sport & Culture due to be published in May. The SMC will consider issuing letters of comment as and when appropriate relating to Government policy of substantial political and public interest.

80 We will also endeavour to bring legislation before the Assembly to put into effect resolutions providing for additional powers for the scrutiny function to allow us to be on a par with other comparable jurisdictions like Jersey and the UK in terms of being able to call for people, papers and records to inform a review or hearing.

85 And finally, to repeat a point that has been made before now, that still remains as valid as ever: the Scrutiny Management Committee cannot hope to scrutinise everything within our system of government and so individual Members of the States must also conduct their own scrutiny – both in committee and more generally – in a way that is supplementary and indeed complimentary to the official scrutiny function if the public interest is to be served in the best way.

90 Now, sir, if Members have questions I will do my best to answer those questions. If they do not feel that I have answered them satisfactorily I am quite happy to take those questions back to the Committee, back to the office of the Scrutiny Management Committee so more detailed and more informed responses can be compiled and then provided to Members hopefully in short order.

Thank you, sir.

95 **The Bailiff:** Well, are there any questions? I remind you they may be asked on any matter within the mandate of the Committee.

Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

100 I have to say I enjoy and participate in the Scrutiny public hearings. It has occurred to me on occasions that they could be longer and sometimes information is discovered within the hearing that could be dealt with in a second session the same day. Could I ask that the Committee give consideration to having open public meetings over a longer period of time?

Thank you.

105 **The Bailiff:** Deputy Queripel.

Deputy Laurie Queripel: Thank you, sir.

110 I thank Deputy Brehaut for his question. It is something we have spoken about in the past and quite recently. I think the Committee are very happy to give that idea some further consideration. As Deputy Brehaut will know and other Assembly Members will know, if we discover anything during the hearings that we feel is of real significance that may well lead to a full review anyway. But we are happy to take that idea into consideration.

Thank you.

115 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, sir.

I am a part-time Member of Scrutiny because I sit on the Legislation Committee and chair a dormant sub-committee at least until SACC report back.

120 But my question is actually just that there are only three political Members of Scrutiny, compared to nine in the previous States plus five on Public Accounts; does the Vice-President believe that we would be able to have a larger number of public and private and contract reviews

if the political membership of the Committee was greater than such a small proportion of this Assembly which is less than 10%?

125

The Bailiff: Deputy Queripel.

Deputy Laurie Queripel: Thank you, sir.

130

I am conscious that although I am speaking on behalf of the Committee, I am sort of giving my own opinion to some extent because I have not consulted the Committee on these questions. But I suppose, yes. I think the changes that were agreed in the last States in regard to the scrutiny function in theory look quite good but in practice I am not quite sure they are working out as well as they were intended to – although Scrutiny do have the ability to set up task and finish panels in regard to any subject that might come across its table as it were. So there is quite a lot of flexibility in regard to what we can do but it is not always actually easy to recruit people on to those task and finish panels. We have found that quite difficult at times when we have been looking to do that. So I think probably, yes, it would be good if we could get more Members and more suitable, relevantly qualified members of the public involved as well, but that is perhaps something for a future conversation.

135

140

Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

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

145

Would Deputy Queripel please hopefully be able to answer this question: in making recommendations to the Chamber, do Scrutiny intend to source experts, assisting with advice, and if so is there a cost attached to this?

The Bailiff: Deputy Queripel.

150

Deputy Laurie Queripel: Thank you, sir.

155

Well, we do actually source advice from independent experts now in regard to our reviews. We do go outside of our immediate Committee and our staff to gather information and to gather evidence. We do that already. There is a cost to it of course but we have got a budget. That is what our budget is intended to do, it is intended to fund the function of scrutiny in all its guises. So I do not know if that has helped Deputy Dudley-Owen at all, sir, but that is the only answer I can provide at the moment, I think.

Thank you.

160

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

165

Deputy Queripel mentioned that it was difficult to recruit those to task and finish panels and I would like to know how many of the Members in this Assembly have actually been involved in those task and finish panels. I am sure he might well not know that today, but for me the point I am trying to make is that I am hoping that he is going to confirm that the difficulty is not in recruiting Deputies but external experts and to encourage anyone who is asked to join.

The Bailiff: Deputy Queripel.

170

Deputy Laurie Queripel: Thank you, sir.

We have only been able to bring a few people on to task and finish. There has not been a great number of Deputies putting themselves forward actually. *(Interjection)* Sorry. Three, I am being told three, sir, by the former Vice-President of the Scrutiny Management Committee. There

175 have been three Deputies in this term involved in task and finish panels. I remember Deputy
Dorey was one for the environment review, Deputy Tooley, I cannot remember who else. But it is
not easy; even though the theory is good in practice it is not easy. I think it is probably a bit easier
actually to access people from outside of the States because all Deputies are incredibly busy, they
180 all sit on at least one committee, often more committees than that, and they are all very busy with
their committee work their constituency work etc. so it has not been easy really to recruit
Deputies. But that said, we have not set up that many task and finish panels.

The Bailiff: Deputy Prow and then Deputy Soulsby.

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

I thank the Vice-President for his Statement and I thank the Committee for the work they do.

I just wonder if the Committee could consider one thing, it is the length of time that the
Hansard reports take to become published. In particular the HMIC review which the Vice-
President mentioned. It was not available for the subsequent States' debate. It seems to me it
190 would be in everybody's interests if those *Hansard* reports were made available much sooner than
they are. I wonder if the vice-President could consider that?

Thank you.

The Bailiff: Deputy Queripel.

195

Deputy Laurie Queripel: Thank you, sir.

As a Committee we would be happy to take that point on board, happy to take it back to the
Committee and to the staff. I agree that ideally if those *Hansard* reports were available as quickly
as possible then that would help to inform debate for debating that subject at a later stage, but I
200 do not know what the hold-up is when they do not come forward very quickly, but I am happy to
explore that with the staff and the rest of the Committee.

Thank you, sir.

The Bailiff: Deputy Soulsby.

205

Deputy Soulsby: Sir, I would like to ask the Vice-President of Scrutiny Management
Committee to what extent they look at previous reviews and reports to establish whether
recommendations have been followed up? I think particularly one area which is of interest still is
on air links in the last Assembly by the Scrutiny Management Committee and it would be nice to
210 know whether that has been looked at since.

The Bailiff: Deputy Queripel.

Deputy Laurie Queripel: Thank you, sir.

215 I thank Deputy Soulsby for her question. We do look back at the previous work of iterations of
other Scrutiny Committees. I certainly think we probably could do that a bit more. In my opinion,
we probably do not do that enough, I think we should do it a bit more, but once again I am happy
to take that back to the Committee and to the staff and to ensure that whenever we look at an
area that has been looked at before that we access all the relevant material and documentation to
220 inform the newer review.

Thank you, sir. I do not think I can add much more to it than that.

The Bailiff: Deputy Hansmann Rouxel.

225 **Deputy Hansmann Rouxel:** Thank you, sir.

230 Following on from Deputy Prow's question regarding the time of *Hansard*, one of the things that the Committee did do during the hearing for the Disability & Inclusion Strategy is they filmed it and that was available quite soon afterwards. I wonder if the Committee has given any more thought to actually live streaming the hearings and therefore they would be available straight away for people to access, but they would also be incredibly much more accessible to the entire population straight away.

The Bailiff: Deputy Queripel.

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

It is something we have spoken about, and it has happened of course but I would be happy for it to be a routine and regular thing to do. So once again, we can discuss that as a Committee.

Thank you, sir.

240 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you, sir.

Does the Vice-President agree with me or think it is right that the Deputies sometimes cannot be on the Scrutiny panel because of non-States' members needing to be on there?

245 Thank you.

The Bailiff: Deputy Queripel.

Deputy Laurie Queripel: Thank you, sir.

250 It is a difficult one to answer, sir. Once again, I am conscious of the fact that I am answering on behalf of the Committee but I have not really got the Committee's input on it. I think when we set up task and finish panels we have always done this and we always will, we will always go to Deputies to see if they express an interest in sitting on the panel and of course ideally we would like a Deputy with the right skillset to help conduct that review but we have always gone to Deputies. I do not think we have ever said that we do not want a Deputy because we want somebody from the private sector. I think Deputies, if they express an interest, there is every chance if they are the right person for the job they will get on that panel. So I do not think there has been a problem with that in the past – not to my knowledge anyway, sir.

255 Thank you.

260

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

265 The answer to my question and then Deputy Oliver's question makes me ask this one, and that is: are you saying that Deputies should be putting themselves forward and expressing an interest rather than actually waiting to be approached and informed of the possibility that there is a task and finish panel going on and asking for us to express an interest?

The Bailiff: Deputy Queripel.

270

Deputy Laurie Queripel: For myself, sir, I can only say yes to that question.

Personally, I would be very happy for Deputies, if they see that we are going to conduct a review and the idea is to set up a task and finish panel, I would be very happy to hear expressions of interest from any Deputies if they wanted to sit on that panel.

275 Thank you.

The Bailiff: Deputy Gollop.

280 **Deputy Gollop:** I would be the first to praise this Scrutiny Committee for its excellent public hearings, work on legislation and poverty, but there is a feeling abroad that the Public Accounts side of its mandate has been slightly neglected relatively speaking, despite Deputy Merrett's excellent questions about accountancy standards. Do you envisage some public accounts format hearings anytime soon on budgets of States' departments and also States' trading entities?

285 **The Bailiff:** Deputy Queripel.

Deputy Laurie Queripel: The answer to that question I think is probably, yes.
My personal opinion is that although as Deputy Gollop said the Members involved in financial scrutiny, in particular on the Scrutiny Management Committee and the staff do a very good job conducting that work, I do think the loss of the Public Accounts Committee has rather
290 downplayed or diminished that role and I think that will need over time some review, because I think that needs to be beefed up again.

Thank you, sir.

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

The Bailiff: I see no-one else rising.

**General Update –
Statement by the President of the States' Assembly & Constitution Committee**

300 **The Bailiff:** We will move on to the next Statement which is a general update Statement to be delivered on behalf of the States' Assembly & Constitution Committee by its President, Deputy Inder.

Deputy Inder: Thank you, sir.

I am grateful, sir, for this opportunity to provide an update on the work and priorities of the States' Assembly & Constitution Committee.

305 Much has changed since the last general update statement in February 2018, not least the entire membership of the Committee. I became President on 9th November. I was joined by Deputy Merrett as Vice-President and Deputies Ferbrache, Le Tocq and Yerby.

310 In the three and a half months the current Committee has been in place, we have been extremely busy. Much of our time has been spent looking at preparations for the 2020 General Election. I will cover that in more depth shortly, but I will first give Members a brief overview of the workstreams the Committee has been progressing, and I will cover the workstreams the Committee is under Resolution to deliver first.

315 We have been tasked to review the provisions of the Rules of Procedure of the States of Deliberation and their Committees relating to the matter of direct or special interest and to return to the States with proposals for amending the Rules by incorporation of a suitable definition of the phrase 'direct or special interest'.

We have agreed the workstream will be progressed in the second half of 2019. It will be consulting, or rather we will be consulting, with Members requesting your thoughts and suggestions. The policy letter will be presented to the States in February 2020.

320 We have been directed to review the role and constitution of the Transport Licensing Authority. I have written to the relevant Committees, as directed, and added the Committee *for the Environment & Infrastructure*, asking for their views. We hope to hear back from them by the end of February.

325 Last October the States agreed that voting within the States will be by means of simultaneous electronic voting. We have met with the Chief Information Officer who has agreed to investigate options for the introduction of this system of voting and he will be reporting back to the Committee in due course.

330 Deputies Ferbrache and Yerby have agreed to form a panel to look at the terms of reference for the review of the States of Election, with a view to it progressing with a review proper by mid-2019, and I am grateful particularly to Deputy Ferbrache for authoring the first draft of the terms of reference which is very useful for us.

In June 2018, the Committee published the terms of reference for the review of the Code of Conduct for States' Members and sought feedback from the public. The consultation garnered five responses.

335 Given the requirements of the Referendum and then the change of Committee membership, the workstream was put on hold in late 2018. I am pleased to advise that Deputies Merrett and Le Tocq have agreed to form a panel to progress the workstream in the second half of 2019, and if any Member wishes to join the panel I would be grateful if you could contact Deputy Merrett regarding this.

340 Training for States' Members: in 2018, the previous Committee requested a budget of £10,000 for training of States' Members for 2019. This budget request was rejected by the Policy & Resources Committee.

The Committee was advised that it was felt that the wider States' resources should be utilised to support training requirements. The Committee will raise this matter with the Strategic Lead for Supporting Government when they are in post to progress this.

345 You will understand that our main focus has been the General Election. I know Members may have questions on other items that have been raised with the Committee historically, however, if this Committee has not discussed them, I will not necessarily be able to give a further definitive answer on such matters at this point in time.

350 Any items raised in the Q&A session will be discussed at one of its meetings and Members are welcome to put matters to the Committee at any time through the various usual channels.

Now to the General Election. In February 2016, the States agreed that for the 2020 General Election onwards:

All Deputies shall be elected on an Island-wide basis ... provided that such a system shall first have been approved in an Island-wide referendum.

That Referendum was held on 10th October 2018 and in line with the Resolution, Island-wide voting for 38 Deputies was the winner.

355 The States gave a commitment that it would introduce the electoral system which was the most favoured in the Referendum, providing that the number of persons voting in the Referendum exceeded 40%. The turnout threshold was met.

360 We are approaching this project in stages. We intend to publish our first policy letter on the General Election by 11th March 2019 which will propose amendments to the Reform Law to enable that Election, and it is planned for this to be debated hopefully in the April meeting.

A further policy letter will be submitted later this year providing details which do not require legislative changes, touching on topics such as voter education, voter engagement, hustings and manifestos.

365 I have said previously that this is the 'people's policy' and I repeat that now to remind Members that the necessary amendments to the Law must be made expediently to hold the 2020 General Election as agreed by the people and this Assembly.

370 We have engaged with members of the public in the formation of the initial policy letter. After the Committee was appointed in November it issued a press release inviting anyone who wished to provide suggestions or comments on preparation for the General Election to contact the Committee. The Committee received a number of constructive submissions from members of the public and we are grateful to everyone who took the time to provide feedback.

We held a Deputies' workshop attended by 23 Deputies in December. It has followed up this workshop by circulating notes requesting further feedback from Members and updating Members on its deliberations to date.

375 I believe at that workshop – and Deputy Merrett has told me off again – I suggested a further Member workshop in February; that did not happen due to the pace that we are moving and I can apologise for that. However, we do intend to convene a further meeting with Deputies after the publication of the draft policy letter in March, to talk through the changes we are proposing.

380 The Douzaines have always played a vital role in the administration of general elections and the Committee wishes that role to continue. It met with representatives from the Douzaine in January to hear their views and thoughts on the forthcoming Election and to learn from their invaluable experience in helping to run elections and we will be continuing to liaise with them. And I will say for the public record that we are grateful for their continued support for the election process and delivering our democracy, and I am sure Members will agree with me in that
385 sentiment.

The Committee is also keen to ensure that the Election is as accessible as possible. It has held an initial meeting with representatives from the Guernsey Disability Alliance, Access for All and Age Concern to make sure that they are engaged at an early stage of the process.

390 We are shortly attending an event in early March to meet with Members of the Youth Commission to get feedback on the opportunities and hurdles for young people standing to be States' Members. We are also looking to work with all the schools on the Island to promote the General Election.

Officers of the Committee and Home Affairs are working closely together to ensure there is a cohesive approach to the project, and this will continue.

395 The first policy letter focusses mainly on the legislative changes which will enable the General Election; it also includes a section regarding the emergence of political parties and groupings, and the Committee is conscious that there has been a level of public interest in how such groups operate.

400 It is also conscious that equality of opportunity must be guaranteed for parties and candidates alike and this requires a neutral attitude from the States. The Committee will therefore be proposing that whilst rules will be recommended regarding such groups on registration and campaign spending, it will look to introduce a simple and light-touch approach at this stage.

We have sought to conduct the process openly and given people the opportunity to have their voices heard on this important issue. We will continue our preparations in this vein.

405 Sir, and Members of the Assembly, I know some of you would not have chosen Island-wide voting as your preferred option. But there is one thing that a democratic system is there to deliver and that is democracy itself. We are likely to disagree on areas within the forthcoming policy letters; I am guessing such as, levels of grant, expenditure limits and how we manage parties that may or may not emerge.

410 But if I can ask Members one thing it will be this: to set aside those differences on the result of the Referendum and work towards the delivery of an electoral system which is fair to candidates, fair to the electorate and that respects the rights of 'free assembly' and 'free speech' allowing the Island to move towards the new system of Island-wide voting.

Thank you, sir.

415

The Bailiff: Any questions?

Deputy Tindall.

Deputy Tindall: Yes, sir.

420

I was particularly concerned about the refusal for the budget for training because for me the training is so important for Deputies to understand the Code of Conduct in particular, and I would like to know the President's opinion or even knowledge about why the resources were not provided and how that training can be undertaken as a matter of urgency.

425 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you, sir.
Thank you, Deputy Tindall.

It is rather perverse that such a paltry budget of £10,000 to train what are 38 Members of the electorate, when you look at possibly the salary that some of the top civil servants are on at the moment, we are looking at probably one month's wage. We will make a strong argument for that, and it is something that we need to do. We have got things like GDPR to consider, we have got induction programmes to consider, we have got continued training to consider, and personally I was not impressed when we heard about it when I was a Member of the previous Committee and I am not impressed now. We need that money to train our elected representatives.

435 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I thank Deputy Inder for his update Statement.

440 I was not clear from his Statement whether the £10,000 was from a base of zero or whether the Committee had requested an additional £10,000 in addition to other allocated or existing budgets which might be made available. So could he clarify that point please?

Secondly, there is a policy letter he told us coming up on the next General Election. I think the training, if that is the right word, of those elected in that Election could reasonably be incorporated in that policy letter and his Committee could ask the States to direct that the money be allocated, and so could he confirm that the Committee will consider using the policy letter for that purpose, please?

450 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you for that, Deputy Fallaize.

I will work backwards from that just so I can remember what Deputy Fallaize asked, if that is possible. The second idea, fantastic, great news, good idea, thank you very much. We will consider that. Number one, I genuinely cannot remember if we are working from a base of zero. I suspect that we are but I am happy to be corrected.

The Bailiff: Deputy Gollop.

460 **Deputy Gollop:** Sir, I do not fully know what we are talking about, because (*Laughter*) Deputy Inder referred to decisions I know nothing about. But I would ask, given the enormity of the significant change in our electoral system and the need to encourage diverse candidates from all conceivable backgrounds and situations, will SACC commit to having pre-training of potential legitimate candidates prior to standing in 2020, and post training for the successful 38 in an entire induction of States' affairs, not just Code of Conduct but how to use technology and read financial reports, for example, which I struggle with sometimes?

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, Deputy Gollop.

470 There are two parts to that question and actually might touch on one of the areas where governments are required by the CPA – and I will use this as an example – where within the CPA recommended benchmarks for democratic legislature it asks us to right the gender imbalance that we have got within our current Assembly, but equally the Venice Commission for Democracy asks the States to remain neutral. So there are two parts to that. Our current training needs to be enhanced and GDPR is a massive area which I am actually quite worried about our exposure as

existing candidates. So for training candidates I am sure us as a Government can actually put any money in supporting candidates directly. Now we can work with third parties but after people have actually been elected, we are back into the same cycle of continued training. So the answer is, yes, to the continued training for those that are actually within the Government, but those who
480 want to be candidates I am not entirely sure that us as a Government can be putting money towards any particular programme and we have been looking with third sector effectively to allow them to create those programmes.

Sorry, that was a bit flaky but you get what I am saying.

485 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

I rise to my feet because Deputy Inder has mentioned GDPR more than once now. Presentations were put on for all States' Members, more than one presentation to assist States'
490 Members to understand their position with handling GDPR and the Law that it is actually in place. If any States' Member still feels they have not had enough information there are still staff available that they can go and speak to at any time they like to understand their role without the formal word of training and a cost. It is available to any Member of the States of Assembly.

495 **The Bailiff:** That is a statement rather than a question. Perhaps you can turn it into a question.

Deputy Lowe: Would he agree with me?

Deputy Inder: I am happy to answer that.

500 But sometimes training is just a tick box exercise and we are not in an organisation surrounded by HR, secretaries, support. We are very much independent Deputies on our own. So just because we have all sat in a room and someone has spoken about GDPR that might be a box ticked and someone's derriere is covered, but I am afraid it is not good enough. It is so important, our exposure, because we take random information from people. We deal with parish matters, health
505 matters, we get given stuff and it is so important that this is – I suppose it is not personal development – it is so important that we as Deputies are continually trained in the one area of work where we are absolutely exposed and that is the loss and the control of data. So I absolutely disagree with Deputy Lowe in that regard.

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

The Bailiff: Deputy Lester Queripel.

515 **Deputy Lester Queripel:** Sir, I realise Island-wide voting is a major project for SACC and I appreciate they need to spend a lot of time pursuing and progressing the project but I am concerned that SACC may be in a position where the majority of their time is being spent on Island-wide voting, possibly to the detriment of the other work they have to attend to. Is the President able to allay my concerns, please?

520 **The Bailiff:** Deputy Inder.

Deputy Inder: Well, I think I can.

In the Statement I did mention as we started the workstreams that we are under Resolution to deliver, and none of them will not be delivered within the time that we have been asked. Things
525 like simultaneous electronic voting, I cannot remember. I will just go back one, if you do not mind me, special interest under direction, we are working with ... we are creating a policy letter for ESS to ensure their uprating report is on the same ...

530 So in short what we have actually got is a very efficient system, surprisingly enough. We have had some support from Policy & Resources in a research capacity and we have got other help elsewhere. We have got one officer who has got 70% of their time dedicated to it. We actually are a fairly efficient unit, so through you, sir, and to Deputy Queripel, if he does have any concerns, if there is something he might have missed in the statement that will be produced, I have got the workstreams here and I am happy to pass them on to Deputy Queripel or any other Member who has got concerns in that regard, but I am fairly confident we have got a good Committee, sharp officers and we have got speed and time to do things.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

540 Could Deputy Inder give an indication of what Island-wide electronic voting will look like for the user and the likelihood of what it would cost?

The Bailiff: Deputy Inder.

545 **Deputy Inder:** At the moment it is not looking very good. That is the reality of it. We are in a position, if it was me in my private world, through you, sir, to Deputy Brehaut, right now from 10th October I would know exactly where we could be: I would have the project planned, I would have the first part of the system built. So we have had, what, three, four months since October, but unfortunately I am in a different world now, we have got something called the FDS process and I can only work with what has been given to me.

550 By, I think it is, February or March of this year we have got something called zero tranches and one of the main areas – one of the most important things actually is the vote count at the end of it. What we cannot deliver is the allowing what effectively are very good volunteers to sit there knocking through potentially I will not be 38 times – sitting there making potential or hand counting the – sorry, lost it – hand counting the ballot papers, so the most crucial thing to make this successful actually is the counting process, so that is our main priority. Whether we actually get something, as I understand it, as electronic voting, I would be very surprised at that stage. But that does not mean it is not possible, it is absolutely possible but it might not be possible in the organisation that we are working in at the moment.

560

The Bailiff: Deputy Trott.

Deputy Trott: Sir, it is reassuring to learn of the work of SACC, for which I thank the President.

565 Sir, with a light touch approach to election spending, does the President genuinely believe that some candidates' or groupings' attempts to potentially seek to 'buy' their election can be mitigated?

The Bailiff: Deputy Inder.

570 **Deputy Inder:** I think it can. The problem with that phrase, and with the greatest respect, Deputy Trott, I think there is an element of project fear in there. There are two things, I believe: I do not believe the public are stupid, I think they can see through it; and I do not think they can be particularly persuaded through information or literature. I do not think it is possible to 'buy' an election in Guernsey because I have got greater faith in the public than some might have.

575 What we are doing, we are going to have something called a regulated period so when the bell starts nomination opens to the bell closes the end of the election. What we are seeking to do is to ensure that there is a sort of parity of spending cap, so it is unlikely that the parties in that regulatory period would get any more spending power over an individual candidate.

580 Now how we shift that between Members, for example, one of the ideas is if there is a party of
10 it might be a case that 10% of the individual spending cap is moved to the party. But no-one is
going to 'buy' this election. No association, no party, nothing that is going to emerge is going to
be able to get a £100,000 cheque to bang their way through the election while we are all sitting
on £5,000 or £6,000 to promote ourselves. That ain't going to happen.

585 **The Bailiff:** Deputy Graham.

Deputy Graham: Thank you, sir.

590 *Apropos* the review of the States of Election I have long held the view that it is inherently
counter to justice that those members of the legislature who propose and make the laws should
then elect those who sit in judgement under it, and I refer to Deputies electing Jurats. Could the
President give me an assurance that the review is prepared to be radical in this respect?

The Bailiff: Deputy Inder.

595 **Deputy Inder:** Our job is to set the terms of reference, so ultimately it will go out to a
consultation. It is likely to go out to all of the – and I hate the word – stakeholders which will be
the – and the Presiding Officer is going to get a copy of it – obviously the Electoral College, for
want of a better word, and the public, and of course you as Deputies. So it is a very open process.

600 If I can speak plainly, and this is my opinion only, I genuinely cannot see how – and I am going
to say it, it does not bother me – I cannot see a position where elected advocates should be either
proposing, nominating or speaking for effectively Jurats, there is something very wrong there, so
that is one of things that needs to be got rid of. Now the radical nature of it will ultimately be
down to the consultation itself. So SACC is not going to be radical. Our job is to facilitate that
process and what comes out of it all comes out of it.

605 If Deputy Graham wants to be radical he is more than welcome to make some suggestions
when he gets the consultation.

The Bailiff: Deputy de Sausmarez.

610 **Deputy de Sausmarez:** Thank you, sir.

I was just a little concerned to hear Deputy Inder's summary of the approach to electronic
voting presented as something of a sort of logistical or project management issue, because for
me that misses the point entirely about where the challenge sits with electronic voting. For me, it
is about the fundamental tension between the right to secrecy which is enshrined in the Venice
Commission and the fact that there has to be a reliable audit trail so to speak, and if Deputy Le
615 Tocq might want to correct my pronunciation, but I think it is enshrined in *Loi Relative Au Scrutin
Secret, 1989* – I am not even going to attempt that in French. It has to be a secret ballot and there
cannot be any possibility of matching voter and vote, and I think that is where the absolute crux
of the challenge is with regard –

620 **The Bailiff:** Your minute is up.

Deputy de Sausmarez: – to electronic voting. Can the President confirm?

625 **The Bailiff:** Deputy Inder.

Deputy Inder: Yes, I am happy to respond to that.

630 Deputy de Sausmarez, with the greatest respect from my IT background, since we have had
this conversation I have heard her say this before and I understand the principle of secrecy is
absolutely correct and she will have seen reports which were produced in 2015 which were

probably written two years previously that said it is not possible, but life has moved on since 2015. We have got things like digital keys that can be analysed, we can get rid of web logs. I have spoken separately, not within the FDS, from my old team and other developers, and they have assured me it is absolutely possible to break that link from the submission of the vote to the output of the result. It is absolutely possible what I am saying to you guys; I am not sure it is possible within the organisation that we have got and it is more likely electronic voting, as we understand, looking at the Estonian model, that sort of thing, is not going to happen until 2024.

The Bailiff: Deputy Brehaut again.

Deputy Brehaut: Thank you, sir.

Could I ask Deputy Inder what the current thinking is with regard to by-elections, because the by-election Island-wide is potentially more expensive (*Interjection*) and I know there was thinking around unless it is below a certain percentage then we would not have one. Bearing in mind there are fewer States' Members, this Assembly at times can be quite divided; are there not risks in being one Member down and having a controlling group for a prolonged period of time?

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, Deputy Brehaut, for that question.

My initial idea was actually inspired by – I say *my* idea, it was actually Deputy Langlois' idea – was effectively at some point we would take the 39th and add that person and offer that person the job. But as was pointed out – pointed out quite strongly – by Deputy Le Tocq and Deputy Yerby, they did not get in so we cannot use them. So that is a fact.

So by-elections are likely to be a fact of any future system as they are now. What we are looking to do is for those vacant posts, we are suggesting that a by-election will not be triggered unless there are two people vacant. In terms of expense, I would remind Members that actually that would have happened in either Option E or Option C, and the most expensive one would have been Option E in terms of costs to deliver. Option C would have been the second most expensive; Option A was the third most expensive; D and B – in that order. But that will be in the policy letter and there will be a conversation, another consultation between us, so maybe we can pore over that again another day.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you.

Can he update us whether he expects automated enrolment on the Electoral Roll will happen prior to the 2020 Election?

The Bailiff: Deputy Inder.

Deputy Inder: We have had a meeting with not Members of Home but officers at the Home Committee. Automated updates of the Electoral Roll will not be happening. I understand they are under Resolution but it will not be happening this side of the Election.

The Bailiff: Deputy Gollop again.

Deputy Gollop: The issue of special interest has already been raised; Deputy Prow raised it in the past etc. My question is that given some Committees, if you are ineligible to be a candidate for those committees for perceived political conflict of interest, will you be examining both the mandates of committees and individuals on committees who are sometimes denied access to a meeting or notes because of a perceived political conflict of interest?

The Bailiff: Deputy Inder.

685 **Deputy Inder:** I think that is a reasonable question because we have all got our own ... In fact
currently, I think Deputy Gollop will be struggling to find a Member for his DPA because under
our current system no one on Policy & Resources can sit on it and no one from E&I, so we have
already removed 10 out of the system. There is a real problem with this sort of quasi-judicial issue
690 that we have got at the moment. There is TLA; there is DPA; there is Environment; there is
Economic Development – should not be on it. There is something not quite right there. It is a
reasonable question, it is unhelpful and it is something that SACC, even though it is not a priority,
needs to look at at some point.

The Bailiff: We may only have one person standing at once but I will take Deputy Tindall even
695 though you rose too early.
Deputy Tindall.

Deputy Tindall: Thank you, sir.

700 Would the President agree with me in response to his last question that the Rules might need
to be reviewed if the DPA are unable to get a fifth Member and we happen to be inquorate
through recusal and under the Rules P&R have to stand in? So that puts us in a very difficult
position and may need to be reviewed?

The Bailiff: Deputy Inder.

705

Deputy Inder: I absolutely agree with Deputy Tindall.

The Bailiff: Deputy Hansmann Rouxel. This may well be the last question.

710 **Deputy Hansmann Rouxel:** Thank you, sir.

The President mentioned accessibility and diversity in the Assembly as something to aspire to.
In terms of candidates who try to run and they have a disability, has any thought been given to
what extra support or reasonable adjustments can be given to those candidates to help them
access the election on an equal playing field?

715

The Bailiff: Deputy Inder.

Deputy Inder: Yes, it has. In my Statement I mentioned that we have spoken to Guernsey
720 Disability Alliance and there are two parts to that, there was the ability for candidates to stand,
and the ability for the electorate to vote. So we are having those conversations with the Disability
Alliance and again, Deputy Hansmann Rouxel, we are going to have a number of other meetings
with that group and as the Disability Champion she is more than welcome to come along to
those, absolutely more than welcome.

725 **The Bailiff:** Your 20 minutes allowed under the Rules has elapsed.

**Update on the Provisional 2018 Year-end Financial Position –
Statement by the President of Policy & Resources**

The Bailiff: We will move on to the next Statement to be delivered by the President of Policy
& Resources Committee – an update on the provisional 2018 year-end financial position.
Deputy St Pier.

Deputy St Pier: Mr Bailiff, this time last year I reported that the provisional results showed that 2017 had been an extraordinary fiscal year and an encouraging indicator of renewed strength in our economy.

The updates which I gave during 2018 – in July and then in the Budget Report published in September – have also included good news overall, which more than offset any shortfalls on certain revenue lines or possible overspends.

We now have the provisional financial results for 2018. I am pleased to be able to give further positive news. I must of course stress that the numbers I will quote are provisional and still subject to final adjustment and audit.

General revenue income grew to £438 million, an increase of approximately £8 million, or just under 2%, on the 2017 revenues. The result is also comfortably ahead of the budgeted position of £431 million; Committees and authorities have collectively underspent against their budgets by just under £2 million; the States' Trading Supervisory Board has remitted £3.5 million to general revenue from States' trading assets and property sales; transfers to the Capital Reserve totalled just under £57 million.

I do not intend to break down the numbers in great detail, but would like to highlight certain specifics:

Firstly, following on from the strong year for Income Tax receipts in 2017, 2018 has been another solid year. ETI – the Income Tax collected through employers' payroll – has grown by approximately 1% on a like-for-like basis; in other words, after allowing for the increases to personal allowances and the changes to the withdrawal of allowances for higher earners. This is largely accounted for by an increase in the numbers employed in the economy, including those working beyond traditional retirement ages. This is a continuation of the trend of total employment increasing every quarter since the middle of 2015, which is very good news indeed.

Company Income Tax receipts rose from £70 million in 2017 to about £71.5 million in 2018, a 2% increase. Within this total collections from banking profits increased by over 7.5% in 2018 to £28 million.

Although the increases in Income Tax receipts have slowed from the bumper year which was 2017, I am pleased to note that the real-terms growth in this vital income stream has been maintained.

2018 was also an exceptionally strong year for Document Duty receipts. Although the total number of conveyances was broadly similar to 2017, the different make-up of the transactions led to income increasing by £4.8 million to £17.5 million. In particular, the number of transactions over £1 million increased by 70% compared to 2017 – and the total number of Open Market conveyances rose by 140%.

Receipts from Customs Duty also performed well in 2018, exceeding budget by £1.2 million or nearly 3%. This was driven by a combination of factors including: favourable summer weather influencing alcohol sales; (*Laughter*) – maybe we will have another year – and fuel volumes which only reduced by 1.2% – rather than the 2% trend on which the Budget was based – resulting in this revenue stream exceeding budget by £½ million.

However, not all revenues were positive in 2018. Our investment portfolio experienced a 3.7% decline in value over the year against a backdrop, as Members will know, where global stock markets showed substantial volatility. December was a particularly weak month, with an in-month fall in that month alone of 2.4%, which is unfortunate when we need to take a snap-shot of value at 31st December for the purposes of preparing the accounts.

The volatility is obviously disappointing, but is also to be expected and is entirely normal on an investment portfolio which is invested for the long-term. For example, by contrast, this time last year I was able to report that we had seen gains on the long-term investment reserve of 11%.

Our investments, despite the poor result in 2018, have still returned an average of 7% per annum over the last three years, which is in line with the set investment target. In addition, it is worth noting that we have seen a positive bounce back in markets in 2019 to date, with returns in the period to 21st February being around 4.3%, recouping the 2018 loss in value.

This Assembly set a target for capital returns from States' Trading Assets as part of the Medium Term Financial Plan of £25 million over the four-year period. The target agreed as part of the 2018 budget was £5.5 million and a total of £1.5 million was received in 2018. However, I am pleased to report that the reason for the shortfall was simply the timing of the approval of loan agreements to enable returns from the Guernsey Dairy and Ports, and that £4 million in relation to these returns will be received in 2019. These returns will be transferred to the Capital Reserve.

This timing shortfall in 2018 has led to a lower total transfer than was originally budgeted to the Capital Reserve. However, importantly, I can confirm that the transfer from general revenue was in line with the Budget at £53 million and an additional £1 million of property receipts were generated in 2018 above the budgeted value. And as I have already noted, the timing shortfall will be rectified in 2019.

The level of funding put aside in the Capital Reserve is therefore in line with the agreed policy and growing year on year. Actual expenditure on projects is, however, still lagging behind plans and aspirations with only £48 million spent in total during 2018. Of this, £10 million related to routine minor replacements, and £30 million related to one project – the Waste Transfer Station – which was of course originally not going to be funded from the Capital Reserve at all.

Policy & Resources are monitoring the whole capital portfolio and I am pleased to say that we expect this year should see several more projects beginning to come to fruition. Imminent decisions are also to be sought in regard to some major projects. For example, the modernisation of the Princess Elizabeth Hospital and the transformation of the Education estate over the coming months. As I have said before, it is vital that we bring forward the development of capital plans if we are to ensure that our public services have the infrastructure they need and our economy benefits from this investment. (**A Member:** Hear, hear.)

As I said in opening this Statement, in terms of revenue expenditure the overall position was an underspend of just under £2 million. This was in line with the forecast outturn published in the 2019 Budget Report. However, the position of a number of Committees are worthy of mention.

The Committee *for* Education, Sport & Culture submitted a budget of £3.9 million in excess of cash limit. Therefore, at the beginning of 2018 the likely level of overspend was £3.9 million. The forecast outturn included in last autumn's Budget Report had seen this forecast overspend fall to £3.2 million due to the realisation of budget reductions in year of some £300,000, plus underspends on various Budget headings. I am now able to report that the position at year-end was that the overspend had fallen to just over £2 million.

The Committee are to be congratulated for this improvement in the position. But I must also remind Members that there is still a £3.5 million savings target outstanding moving into 2019. It is therefore vital that the focus remains on the plans already put in place and those which are being developed through the transformation programme to deliver against target in 2019 and future years.

The Committee *for* Home Affairs was forecasting an overspend in 2018 as a result of non-delivery of its savings target in year. At the time of the Budget Report this overspend was estimated to be £400,000. Unfortunately expenditure increased towards the very end of the financial year resulting in an overspend totalling just over £700,000. This additional expenditure came very late in the year, news of which was a surprise to both the Committee *for* Home Affairs and the Policy & Resources Committee.

Both Committees are understandably disappointed with this outturn given that the risk of an overspend beyond the undelivered savings had not been identified as a risk during the monthly meetings of our joint Oversight Board. Following initial investigation, we now understand that there are several reasons contributing to this position including non-recurrent costs in relation to Brexit – we now need to further investigate and better understand why this came as a late surprise to both Committees. This will almost certainly result in some changes in processes and procedures to mitigate the risks of it happening again.

Both Committees will also be working together to ensure that plans are put in place to deliver savings in 2019 and future years; to ensure that operational cost pressures can be better managed

as they arise in the year; and to ensure the delivery of so far undelivered but agreed savings targets.

835 Members will recall that the new Income Support scheme was successfully launched at the beginning of July. Although it is still very early to start drawing definitive conclusions as to the ongoing costs of the new scheme, there was a £900,000 underspend against the budget for 2018 as a result of approximately 300 fewer claimants than assumed. This represents the majority of the overall underspend of £1.1 million for the Committee for Employment & Social Security. Further
840 analysis will now be required to understand the likely impact on the expenditure for 2019 and future years.

Before I summarise the 2018 position, I must introduce a note of caution. With a matter of weeks until the UK is timetabled to leave the EU and with no agreement as yet as to the form of that exit, there is a substantial risk of economic disruption with a consequent knock-on impact on
845 our public finances.

There are also expenditure pressures continuously arising, not least as a result of policy development. We seek to ensure that those cost pressures and developments requiring funding are incorporated into our budget when they are prioritised and help deliver on the outcomes set out in our Plan for Future Guernsey. But we must remember that we have finite resources. It is
850 therefore vital that we continue to develop our approach to prioritising the work we undertake and the resources we apply to it.

That is why it is so important to plan for the medium to long term and the challenges we know that lie ahead.

Fortunately, the results in 2018 are consistent with the trajectory set in the Medium Term
855 Financial Plan which saw us returning to a balanced budget before moving into a sustainable surplus. If we are to deliver a sustainable surplus then we must remain disciplined and continue to seek to deliver on the targets for revenues and expenditure we set.

We do not underestimate the challenge of raising further revenues from our economy. The Policy & Resources Committee has begun the task of researching the options, suffice to say that
860 none of them would we categorise as 'easy'. In this regard, if we can satisfy ourselves that the trends in increased revenues in 2018 are systemic and not one-off or cyclical, then this may relieve, although not remove, the pressure on the requirement to raise new revenues in accordance with our agreed plan.

The need to deliver cost-effective and efficient public services with a smaller number of posts
865 will not and must not change as a result of an improved economic and fiscal position. It is incumbent on us all to challenge the *status quo* and ensure that opportunities to change the way public services are delivered, are fully explored and implemented.

For example, later this year one of the major initiatives underpinning Public Service Reform is the programme reviewing the entirety of our supporting technology known as Future Digital
870 Services (FDS). This will move from concept to delivery stage and this Assembly will be asked to make a decision to allow that to happen. This programme will require investment in order to deliver on its three pillars of transforming business as usual, so that it 'just works'; enabling and accelerating Public Service Reform; and supporting the wider economy. This will be vital if we are to deliver on the ambitions of initiatives such as our agreed Partnership of Purpose for health and
875 care services and the transformation of education, as well as radically improving a range of services we offer to the community, such as the Revenue Service or driver and vehicle licensing.

The Future Digital Services technology enablers will also be a vital element of the programme of organisational and service design, which is intended to improve the services received by the community whilst reducing the number of posts required to provide those services.

880 Members will recall that significant financial savings, estimated to be at least £10 million per annum, should be realised through improving processes; becoming leaner through re-structuring to remove duplication; and integrating and digitalising services.

Sir, returning to 2018 we have recorded a surplus for the year, approaching £10 million, about £8½ million above our original budget for the year. In other words, we were budgeting for

885 £1½ million and the outcome has been £10 million. The Policy & Resources Committee will now
need to understand the short- and medium-term consequences of this improvement. Critically, we
will need to understand the recurring, cyclical and one-off nature of the revenues before building
these results into planning for the 2020 Budget.

Members will recall that the Assembly agreed that the surplus received in 2017 be used to top-
890 up the Future Guernsey Economic Fund; to set aside funding to manage the Brexit 'transition'; to
establish an Overseas Aid and Development Impact Investment Fund; to establish a pilot project
for participatory budgeting; and to rebuild our reserves.

Within the context of the priorities set in the Future Guernsey plan, we are now in the fortunate
position of being able to consider how the additional revenues for 2018 might best be allocated
895 and applied to deliver maximum benefit to the community and our economy.

In summary, 2018 was a year in which our public finances clearly benefitted from growth in our
economy: Income Tax receipts were up; Document Duty receipts were up and Customs and Excise
Duties were up. (**A Member:** Hear. Hear.) It was also another year in which we enjoyed good
control of expenditure. This is a good base on which we can plan to deliver our agreed priorities.

900 Guernsey can be proud of the decisions which have been taken in recent years to improve our
public finances and eliminate deficit spending. It has not been easy, comfortable or pain-free, but
Islanders can be assured that the Policy & Resources Committee is determined that any
underlying improvement in our tax receipts are not used to soften the need for restraint or to
slacken the pace of transformation in public services, but if possible should be used to reduce the
905 need for new or increased taxes in 2020 and future years, recognising as we do, the substantial
pressure there has been on taxpayers for the last 10 years.

The Bailiff: For the record, can I say that that Statement exceeded the 15 minutes permitted
by some considerable margin, but I do have a discretion to extend the period which I have done
910 on this occasion. But if other Committee Presidents are going to want to make longer statements,
I would ask that if you know you are doing it – and my office did point out yesterday that it was
going to be difficult to deliver this Statement in 15 minutes – it would be helpful if you could get
my permission beforehand, otherwise the Presiding Officer is put in a position where he may have
to curtail a statement half way through, which I did not want to do, given the importance of this
915 Statement. But I just make that for the record because Members will have noted that the Rules
were not adhered to on this occasion. But, as I say, I do have a discretion.

Any questions?

Deputy de Sausmarez.

920 **Deputy de Sausmarez:** Thank you, sir.

I thank the President of P&R for his very informative update as usual.

There were lots of things of interest and of note, but one thing that caught my ear was the
exciting news that £8.5 million of additional unexpected savings had been made on, I think it was,
the digital modernisation programme, and I was just wondering whether the President might
925 consider spending say £10,000 of that on training? (*Laughter*)

The Bailiff: Deputy St Pier.

Deputy St Pier: Just to clarify, sir, the £8½ million is additional surplus over and above that
930 which was budgeted, as a result of additional revenues and expenditure restraint, not as a result
of that which Deputy de Sausmarez suggested. It would not be appropriate for me to seek to
make that decision, I do not have the authority under our system of government on my feet in
this Assembly to make that decision, but obviously it is GD matters.

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

Deputy de Lisle: Thank you, sir.

940 Taxes and charges on the individual continue to erode disposable incomes of the individual, whether they be pensioners, people on fixed incomes, young families, middle income earners, or even higher income earners. It gives me the impression that Government appears to be taking too much from the individual, sir. What is being done, given the £10 million that we have said of surplus 2018 and the fact that perhaps too much has been taken from the individual. What is being done to lighten the burden of taxes and charges on the individual coming up to the new Budget in 2020?

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The Bailiff: Deputy St Pier.

950 **Deputy St Pier:** Sir, I refer Deputy de Lisle to my Statement. What is being done is being done through the Medium Term Financial Plan, whereas he will recall I am sure two thirds of the burden of delivery of that plan and the increased pressures on demand on public services is being delivered through the reform of the Public Service and therefore the reduction in the cost of providing those services with only a third falling on taxpayers. But as my Statement made very clear, we absolutely recognise the pressures on taxpayers, which Deputy de Lisle spoke to as well and as my Statement also made clear, once we understand the recurring nature, if any, to those revenues and have confidence around that that will become very relevant information as we go into the Budget planning process for 2020 in exactly the way he suggested.

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The Bailiff: Deputy Kuttelwascher.

960 **Deputy Kuttelwascher:** Thank you, sir.

I wonder if the President knows what was the quanta of the increase in Income Taxes which resulted purely from the reduction of personal allowances for quite a lot of people?

Thank you.

965

The Bailiff: Deputy St Pier.

970 **Deputy St Pier:** Sir, would Deputy (**The Bailiff:** Kuttelwascher.) Kuttelwascher – I am losing the plot this morning, sir – would he mind repeating the question, I am not sure that I understood it correctly?

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Deputy Kuttelwascher: Yes. We had an increase in personal Income Tax receipts. What I would like to know is how much of that resulted from the fact that a lot of people had their personal allowances reduced so that they actually paid more taxes. So how much of that was a result of reduction in personal allowances as opposed to any real growth in the economy?

975

Deputy St Pier: Sir, yes, thank you for repeating the question, I am most grateful for that.

Sir, what I would say to Deputy Kuttelwascher is my Statement made it very clear that the ETI improvement in revenues was on a like-for-like basis, so in other words, having taken account of those changes there was a real increase of 1%, so the original budget of £431 million included the benefit of those changes. The revenues received were over and above that to the value of 1%.

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The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

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I am a strong believer that when our economy – for example, the construction industry – is suffering that Government should, when possible and when needed, clearly invest in capital plans and projects. I was just wondering, sir, if the President would agree with me, with some concern, that we could potentially be going from famine to feast with the PEH, the schools, and the FTS

990 project potentially coming on line and quite how as a government we should manage that so we are not in a scenario where we are importing a lot of labour, for example, or the help into our economy to fulfil these capital projects all in the same time?

The Bailiff: Deputy St Pier.

995 **Deputy St Pier:** Sir, Deputy Merrett asks a very pertinent and valid question. (**A Member:** Hear, hear.) and it is one which has been a challenge in the past, and she is right to identify that there is very real risk that we will be there again – particularly as we can see a number of projects are coming to fruition, as I indicated, in this year. I think the Policy & Resources Committee has greater visibility than any of our predecessors have had, fortunately, in terms of being able to
1000 oversee the capital portfolio as a whole. That will enable us, I think, to be able to make some recommendations to this Assembly in terms of the approval of projects and the timing of projects. That in itself may produce some difficult decisions and some challenges for us as a group in understanding the management of that challenge, but it is a very pertinent issue which may well arise if, as we expect, some of these projects do start to come together.

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The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

I just wanted to ask Deputy St Pier: it is something that he routinely does, and he may have
1010 referred to it when he spoke and I missed it, but will he be circulating his Statement to all Members later on today because I think it is a statement actually the Scrutiny Management Committee and the office might want to pore over in some detail?

Thank you, sir.

1015 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I will be, and of course it will be posted on the Government website as well, sir.

1020 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

Will Deputy St Pier clarify, in the light of the welcome news of a 1% increase in ETI receipts on a like-for-like basis, is that a real increase taking into account the effect of inflation, or is that just
1025 a raw increase?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the original budget of course of £431 million reflected our expectations of
1030 inflation at that point, and so the only increases over and above that was originally budgeted for 2018.

The Bailiff: Deputy Dorey.

1035 **Deputy Dorey:** Thank you, Mr Bailiff.

The revenue income that he mentioned was £438 million, if I heard correctly, but the actual budgeted outturn was £440 million, so I wondered if he could outline why there has been a shortfall from the full outturn that was predicted in the Budget?

1040 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I am afraid I do not immediately recognise the £440 million that Deputy Dorey has referred to. I would need to refer back to that so I am afraid I am not in a position to answer his question this morning, but I will investigate that, sir.

1045 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes, sir.

I am afraid that I did not understand the response that Deputy St Pier gave to Deputy Parkinson's question. Would he please kindly explain that response again?

1050 Thank you.

The Bailiff: Deputy St Pier.

1055 **Deputy St Pier:** Sir, my expectation is that our original Budget took account of inflation and we have exceeded our expectations, therefore we have exceeded our ... but what I cannot answer on my feet without referring back to it is whether the assumptions for inflation were matched by the actual outcome. I would need to check that.

The Bailiff: Deputy Parkinson.

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Deputy Parkinson: Sir, I have to seek a further clarification. The reported figure for ETI receipts was compared presumably with last year's actual receipts not with Budget, and so the question I am asking, very simply, is if the ETI receipts for this 2018 were 1% ahead of the ETI receipts for 2017 regardless of what was budgeted, does that 1% take account of the effect of inflation?

1065

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I think the simplest thing, in light of the questions received from both Deputy Parkinson and Deputy Dudley-Owen, is for a proper reconciliation to be prepared and to circulate it to all Members later today.

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The Bailiff: Deputy Hansmann Rouxel has stood a few times.

Deputy Hansmann Rouxel: Thank you.

1075

The President mentioned the £3.5 million and I believe that went up to £4 million receipts from STSB. However – and it has been raised many times before – that is just circulating money. We at E&I have been customers of STSB on several fronts and experience an increase in what they are asking us to pay for their services. We cannot increase our budget and therefore the services that we actually end up providing to the public are decreased or cut. That is not factored into the budgeting process; we are basically just moving money around. Has any consideration been given to that and will that £25 million target be looked at in the future?

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The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, the £25 million target certainly will remain under review, as we discussed at some length during the Budget debate. The plan is only a plan and therefore it does need to be kept under review. The point which is made by Deputy Hansmann Rouxel again is a valid one. Clearly the purpose or the objective of the States' Trading Supervisory Board is to ensure that States' trading assets trade as efficiently as they can. Again, there are plenty of Resolutions and amendments that have come from this Assembly to ensure that pricing is not used as a way of simply providing returns to the States through this process. The returns that have been achieved, the £1½ million in 2018 and the £4 million which is to follow, of course is a result of, if you like,

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the capital restructuring of those businesses rather than from the revenue streams from them as well.

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The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I appreciate we have already been through the budgetary process but Deputy St Pier said we will need to understand one-offs when we go forward and there are always going to be one-offs in any system. So bearing that in mind, is he confident that bearing one-offs for 2018 could be more than met by the income that we are likely to receive in 2019, but until he has done that with his colleagues that it would be most unwise for Policy & Resources to support any new revenue costing by any, for example, commissions?

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I certainly agree that until we have a proper analysis and understanding of our revenue and expenditure position which obviously will be necessary as part of our 2020 budgeting process that that is what is necessary in order to properly inform the decisions and indeed any additional spending must be in support of the priorities which this States have set through the planning process and not outwith that.

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The Bailiff: Deputy Gollop.

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Deputy Gollop: Those Members and public listening will be pleased to hear the welcome news that expenditure has increased over original expectations, but why does the President of Policy & Resources assume that the logical result of this is a reduction in new revenue streams. Maybe the Island wants more public services and less budget cuts and more universal benefits and answers to the ongoing endemic relative poverty scenario; why can't we have a more generous budget this year?

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I think perhaps Deputy Gollop's question in a sense presents a juxtaposition to the question posed by Deputy de Lisle and Deputy Ferbrache, and I think the reconciliation has to come through the planning process, the Medium Term Financial Plan and Budget process, and again our spending commitments and priorities must be driven by those which are set by this Assembly through the planning process and we must then determine where the revenues are going to come from to meet those spending priorities. If we can deliver those priorities without additional revenues then that is what P&R believe is the appropriate response.

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The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

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I noted the 3.7% drop in investment value attributed to the stock market fall. What proportion of the investment portfolio is in securities currently and can some structural or further structural change be brought in to ease the situation, the turbulence, if you like, and uncertainty, in the market currently?

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I am not able to give an exact percentage on my feet in terms of the proportion of our total investments which are exposed to equities. We have a very diverse portfolio. It is monitored monthly through a disciplined process and indeed we keep the

1145 mandates of the many managers we have under constant review, constantly testing whether they
believe they can or cannot achieve the investment objectives which have been set. I think, as
acknowledged in my Statement, we have to recognise that this is a long-term investment fund
that will experience significant gains and indeed some draw down – in other words, some losses
1150 from one period to the next – and indeed that has been borne out by the 4.3% recovery in the six
weeks since the beginning of the year. So this is the return of normal volatility. The important
thing is what our returns are over an extended rolling period which for the last three years has
been 7% a year which I think is commendable.

The Bailiff: Deputy Dorey.

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Deputy Dorey: Thank you, Mr Bailiff.

The success in the control of revenue expenditure is contrasted by the lack of expenditure of
capital. Often this has been due to a lack of resources to develop and also control that
expenditure. Even when projects have been resolved by this Assembly there is still a lack of
1160 resources which is delaying capital expenditure. What is P&R doing to ensure that projects can
progress and they are adequately resourced across the States, not just in the committee that has
got ownership of a particular project?

The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, Deputy Dorey's question is valid and he is correct to identify that many
projects have not progressed as a result of lack of resources. What P&R is doing in relation to that
is responding to the requests for additional resources to assist the capital programme, and those
requests, I think, in all cases I can recall, have been approved to enable committees to enable their
1170 capital programmes to be taken forward.

Often it is not just a question of additional financial resources as we have noticed in other
areas of our policy implementation; it is around the people with the right skillsets and that is often
perhaps one of the bigger barriers rather than simply finances. But we are doing what we can and
we do not believe that resources are a constraint, certainly financially. So we are absolutely in an
1175 active dialogue with all committees that feel that their capital development programme is
impinged in any way.

The Bailiff: Deputy Soulsby.

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Deputy Soulsby: Sir, the President has mentioned the importance of continued
transformation. At the same time we are going to have a major transformation change
programme Future Digital Strategy and I would just like to seek his assurance that transformation
of other areas of the States will not be impacted by that major transformation programme.

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, quite the contrary. I think the reality is that the other areas of
transformation, including a great swathe of that which is required in the context of the Partnership
of Purpose transformation of health and care services is dependent upon the delivery of
1190 transformation in the digital area. So this is, in Policy & Resources' view, an inevitable requirement
and we need to manage that process in a way that it better enables us to accelerate the process
of reform elsewhere.

The Bailiff: Deputy Laurie Queripel.

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Deputy Laurie Queripel: Thank you, sir.

Once again, apologies to Deputy St Pier if I missed this during his Statement, but I do not think I heard any reference to the Bond when he spoke. Bearing in mind that returns on investments are down, has this or will this have any effect on the Bond Reserve?

1200 Thank you, sir.

The Bailiff: Deputy St Pier.

1205 **Deputy St Pier:** Sir, Deputy Laurie Queripel did not miss it but I was confident that he would raise it as a question. The response to the question is the Bond Reserve will have fallen by 3.7% in 2018 and it will have risen by 4.3% since the end of 2018. The Bond Reserve remains comfortably in excess of that required to meet the obligations of the Bond to date. So the investment experience, whilst it was negative in 2018, overall the Bond Reserve remains in a good position.

1210 **The Bailiff:** There is time for one more question.
Yes, Deputy Gollop.

1215 **Deputy Gollop:** One matter in the interesting speech meriting further scrutiny and analysis concerns the apparent growth over the last four years of the numbers of persons in employment, because other analysts have suggested that there has been an increase in the numbers of retired people and persons of a certain maturity of life on the Island. How can we match up these figures given that we have a relatively static population?

The Bailiff: Deputy St Pier.

1220 **Deputy St Pier:** Sir, as indicated in my Statement, certainly a proportion of the increase in numbers who are employed is a result of more working beyond what would previously be regarded as normal retirement ages. That is a trend which started a few years ago and is continuing. I think it will clearly have a natural limit but I think it is very much part of the strategy of the States in the context of longer working lives and facilitating and supporting of that. So it should be no surprise and indeed I suggest, sir, that it should be welcomed.

Tourism Strategy and the Visitor Economy – Statement by the President for Economic Development

The Bailiff: We will move on to the next Statement which will be from the President of the Committee *for* Economic Development on the Tourism Strategy and the Visitor Economy.
Deputy Parkinson.

1230 **Deputy Parkinson:** Thank you, sir.

A buoyant tourism sector is a benefit to our economy overall. To increase visitor numbers the current Tourism Strategic Plan 2015-25 was developed in collaboration with industry. Published in 2015, it was endorsed by the then Committee *for* Economic Development in 2016.

1235 In November 2016 as part of the Island Development Plan debate, a Resolution was passed to review the Plan and come back to the Assembly with a policy letter before the end of 2018. In June 2017, however, the Assembly passed another Resolution requiring Policy & Resources to undertake a review of sea and air links infrastructure.

1240 As the recommendations of the review may fundamentally alter the nature of our visitor market, the review of the Tourism Strategy was put on hold until we saw the recommendations and outcomes of P&R's review. To the disappointment of the Committee, we have not yet seen that review.

1245 So whilst we are yet unable to fulfil our obligation and present a review of the Tourism Strategy, it does not mean that nothing has been done. Far from it: our visitor economy is becoming stronger; more visitors came to Guernsey in 2018 compared to 2017; more cruise liner day visitors came ashore in 2018; seven new air routes since the introduction of open skies last September – including Heathrow – have been introduced; more inter-Island ferry services in 2019 will be operated compared to 2018; and there has been investment across the sector in accommodation and in attractions.

1250 Of course, some in the sector have challenges and we must assist, whether it is the ability to recruit and retain off-Island staff, or in relation to planning and land use issues. But progress over 2018 means there is increased confidence.

1255 A 2017 review of our tourism product was undertaken by PwC on behalf of the previous Committee. The findings were presented at the industry seminar in the autumn, were shared therefore with industry and are on the States' website.

This review enables us to look at how we maintain and grow our existing tourism market. It has helped to inform the work of the Seafront Enhancement Area working party and to develop thinking on new initiatives, such as promoting our Victor Hugo heritage.

1260 We continue to implement the Tourism Strategy – adapting it to take account of emerging opportunities such as the Potato Peel Pie film; and the need to deal with challenges that are beyond our control, such as bad weather and Brexit.

1265 2018 saw a difficult start to the year due to unusually bad weather. However, during the year performance improved and final total visitor numbers, including cruise and visiting yachtsmen, were 420,000 – a 0.2% increase over 2017. Total staying visitors was just about on a par with 2017 – which itself was the highest year since 2012 – but disappointingly visitors staying in commercial accommodation were down by 1%.

1270 The figures should be seen in the long-term context. Tourism has seen a significant decline in visitor numbers since the heydays of the 1960's and 1970's – the end of the £10 British Rail ticket for British Rail workers from anywhere in the UK, the advent of package holidays in the 1970's and then low-cost carriers in the early 1990's, have been significant factors.

The Tourism Strategy was the first long-term tourism strategy and it stated the industry's growth aims. Although total visitor numbers, including cruise visitors, in 2018 did increase slightly over 2017, they have declined over the past few years due to a drop off in day visitors.

1275 It is important to understand the growth achieved in the value generating staying leisure visitors since 2014 – visitors that stay for longer periods in paid accommodation. Total staying leisure visitors in 2018 were 142,000 which is 4% higher than they were in 2014, and in fact 10% higher than they were in 2013. The day visitor market, however, has suffered the most. The loss of the fast ferry double rotations to the UK, and increasing air fares have been the main contributing factors to a 33,000 drop in day visitor numbers since 2014.

1280 Cruise liner visitors are essentially day visitors, and are visitors we wish to return for longer stays. The cruise liner market has increased by nearly 14,000 passengers since 2014, thus helping to plug the gap in other day visitors, and this will provide the main opportunity to grow the day visit market again.

1285 The focus of the Tourism Strategy will be to continue to encourage further growth in high value staying leisure visitors, and in the cruise liner day visit market. The performance, reliability and resilience of our sea and air links has a real impact on visitor numbers. For that reason, the Committee has prioritised developing new and sustainable sea and air links to the Island, and in June 2018 we recommended the introduction of a *quasi* open skies regime on all but the lifeline routes. The objective was to provide greater freedom and flexibility for airline operators to service new routes to Guernsey from the UK, providing the Guernsey resident and both leisure and the business visitors to the Island with greater choice of destinations and departure points.

1290 Last week the Committee was pleased to announce the launch of a summer season daily trial service to and from Heathrow operated by Flybe. The mid-afternoon timing of the schedule offers good international connectivity. The service also offers interlining opportunities with Flybe's code

1295 share partners which have yet to be determined. This is a significant development in the achievement of our stated key objective to secure international connectivity for Guernsey through a major international hub.

Over the past six months the Committee has also announced the launch of six new other scheduled routes to the UK, to Glasgow and Edinburgh and the first scheduled routes to Scotland therefore for many years, and to Liverpool, Southampton, Bournemouth and Newquay.

1300 The Committee has also announced the launch by Sunair of a new 2019 charter route from Groningen in the Netherlands; and an additional charter from Dusseldorf, operated by Eurowings.

In addition, the Committee has strived to develop stronger sea links. We are working with Condor to see how we can get the best possible service for Guernsey, and the 2019 schedule improves on that of 2018.

1305 Last year Manche Iles Express introduced a limited 2018 summer season inter-Island schedule. Additional services were provided by virtue of a joint underwrite by Economic Development and our counterparts in Jersey. However, the level of demand for the additional services did not justify further investment by the States.

1310 Over this summer there will again be inter-Island passenger services between Guernsey and Jersey operated by Manche-Iles on an entirely commercial basis. Between April and October there will be 60 return sailings – five more than last year’s initial timetable – the majority of these sailings will enable Jersey to Guernsey day trips, but there are also a number of opportunities for Guernsey to Jersey day trips. I can also mention that it was announced yesterday that Aurigny will be returning to the Guernsey/Jersey route as well as the Guernsey/Southampton route in the summer.

1320 So in addition to enhanced connectivity to support tourism there has been ongoing commercial investment within the Island’s product offering. For example there has been significant investment and development at Oatlands Village, at the Hougue de Pommier Hotel, the Imperial Hotel, the Peninsula Hotel and the St Pier Park Hotel. We have also seen the opening of a gin distillery at the Bella Luce Hotel. (**A Member:** Hear, hear.)

Some notable new tourist accommodation planning permissions have been granted namely to treat trailer caravans in the same way as motorhomes at registered sites and for the opening of a glamping site. The Committee has directed officers to consider ways in which the current planning policies could be made more flexible for the change of use of visitor accommodation.

1325 Officers have engaged with industry to gain their views and have consulted with the DPA to understand the process necessary to make any desired changes. That work will be part of the formal review of the Tourism Strategy in due course and also of the Committee’s red tape review.

1330 Sir, the cruise industry is an important part of Guernsey’s visitor economy. Last year 89 ships visited the Island, including seven inaugural cruise ships, and just over 118,000 cruise passengers came ashore. It is vital that we continue to invest in and develop the cruise ‘day visit’ market, including enticing more passengers to come ashore, and encouraging them to come back to the Island for a longer break or holiday.

1335 *Visit Guernsey’s* campaigns have been successful in helping to increase the number of return cruise visitors, with nearly 3% of returning visitors having visited the Island on a cruise – an increase from 0.5% four years ago.

1340 This work over the past year has again been acknowledged and endorsed by the leading international cruise recommendation site Cruise Critic. For the third time in as many years Guernsey has been awarded the Cruise Critic Award for the Best Port of Call in the UK. This is a big endorsement of the effort put in by our *Visit Guernsey* Cruise welcome team and their Harbour and Environment & Infrastructure colleagues.

1345 In 2018 *Visit Guernsey* undertook a significant amount of activity to help raise the awareness of Guernsey as a holiday destination. Much of this capitalised on the launch of the Guernsey Literary and Potato Peel Pie Society film. Activity included TV and cinema advertising campaigns, a dedicated microsite and digital campaign, the UK and Guernsey movie premiers, joint promotions

with Studio Canal, Netflix Random House and major UK brands, and significant activity in the UK, the USA, France, Germany and the Netherlands.

1350 As the promotion on the back of the film did not kick off until the beginning of Q2 2018, traditionally the tail end of the travel industry's core promotional period, the real impact of the activity surrounding the movie is not expected until this year.

One of Guernsey's unique offers is the significant footprint left by Victor Hugo. *Visit Guernsey* has been working with Hauteville House and the Victor Hugo estate to promote the reopening of Hauteville House on 6th April following major renovation work. A new dedicated Victor Hugo microsite will be launched to support this.

1355 The new Occupation Trail and Passport will be launched soon, and *Visit Guernsey* continues to work with Festung Guernsey on the planned 'Bunker Day' in June, and other initiatives that are part of the Atlantic Wall organisation activities. *Visit Guernsey* is already working with Jersey and Normandy on the 2020 celebration of the 75th anniversary of the Liberation.

1360 As well as heritage the Committee is also working on the blue economy tourism, green tourism, medical tourism, arts tourism and sports tourism opportunities and last week a national press and digital campaign – with TV historian Dan Snow – was announced.

Visit Guernsey's work has been recognised by two nominations in the UK National Travel Marketing Awards: one for the Potato Peel Pie Society microsite, in partnership with local digital agency TPA; and one for the Potato Peel Pie PR campaign with agency partner Lotus.

1365 I hope the Assembly can support the tourism sector and the work done to promote our Island.

Our tourism sector does have renewed confidence and investment. Let's get behind it on social media and encourage that – and sell Guernsey; let's show potential visitors that we want them to come here. There is much to be positive about and to support.

Thank you, sir.

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The Bailiff: Deputy Inder.

Deputy Inder: Sir, thank you for the update, Deputy Parkinson.

1375 The effectiveness of any marketing agency is measurable: sales up or sales down, visitors in or visitors not in. Now after a backward trend or a flatlining trend in tourism over the past seven years, is now not the time to consider that there is a third sector solution to *Visit Guernsey*, either looking at the Jersey or the Cornish model, because I am in the industry and with the greatest respect, sir, I am not convinced *Visit Guernsey* is working for the tourism industry?

1380 **The Bailiff:** Deputy Parkinson.

1385 **Deputy Parkinson:** Well of course, sir, Deputy Inder in a previous career with the agency Submarine did provide services to *Visit Guernsey* and for whatever reason the agreement for the provision of those services came to an end. We do work with outside agencies – Lotus in this particular case – and I think the campaigns that have been launched have been successful; they have certainly won awards and I think we are seeing increase in visitor numbers as a result of them, but if Deputy Inder has any constructive suggestions as to how they might be improved (**Several Members:** Hear, hear.) he would be welcome to submit them.

1390 **The Bailiff:** Deputy Trott,

Deputy Trott: Thank you, sir.

1395 The President advised the Assembly in his Statement that seven new air routes have been introduced since the introduction of open skies, inferring that open skies was the reason for their development. Is it not the case that these routes, and indeed Heathrow, were not and are not dependent on open skies at all, unlike competition on the Southampton route from Aurigny which

will as a result of open skies be a consequence of that policy, and the success of that is yet to be determined?

1400 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Well, sir, hardly any new routes to Guernsey have been opened for several years up until last summer and seven new routes have been introduced since then, and incidentally we are in discussion about more new routes. I do not think this can be a coincidence.
1405 The fact is we introduced open skies in September and low and behold there are a lot of new routes, where previously there had hardly been any.

With regard to Heathrow specifically, I can contradict Deputy Trott's view when he says that this was not assisted by the advent of the open skies policy, because I can assure him categorically that Heathrow would not have entertained a Guernsey/Heathrow link had the route remained licenced, and in fact one of the specific questions they asked us in the course of negotiations was
1410 if we got a Heathrow route would we treat it as a lifeline route, and so the reality is if we had retained the previous regulated regime we would never have got a Heathrow route.

The Bailiff: Deputy Prow.

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Deputy Prow: Thank you, sir.

I thank the President for his upbeat Statement.

In his Statement he referred to the strategy submission that was resolved by this Assembly to come back to this Assembly by the end of 2018 on that strategy. This was a result from the IDP
1420 debate where Deputy Soulsby put an amendment to it which I seconded. I note his reasoning for the fact that it has not come back, but could he please elaborate and give us some assurance as to where it stands? In particular, I am getting quite a lot of feedback from hoteliers and the hospitality sector who say that their concerns are not being listened to.

Thank you, sir.

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, sir, it is disappointing and I apologise to the Assembly that we have not been able to bring a review of the Tourism Strategy to the Assembly, for the reasons I have
1430 given, but that, as I said in my speech, does not mean that no work has been happening. In fact we are looking at what the new Tourism Strategy might look like. Unfortunately, some of the critical assumptions do depend on the nature of our air and sea link infrastructure, so we are keenly awaiting Policy & Resources' report to this Assembly on how they see those developing. But I can assure Deputy Prow that as soon as we can complete our review we will bring it back to
1435 the Assembly.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

In his Statement, the President mentioned that the old Tourism Strategy, which did not come to the Assembly but was ratified within the Committee and then ratified by the new Committee in 2016, is still being actioned as the current Tourism Strategy until it is reviewed or updated. Can the President advise where this is available to view publicly or whether it is available to all States' Members to actually peruse?
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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, I believe the Tourism Strategy is on the Government website, but I am sorry, I have not had cause to search for it recently.

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The Bailiff: Deputy Gollop.

Deputy Gollop: The President, rightly, is proud along with the work done by the Committee, of the many new airlinks that have been announced recently. But at the same time of course the new year saw the ending after 40 years of our last remaining scheduled service to the mainland, if you, like of France. The President of the Chamber of Commerce, amongst others, is calling for a new scheduled French link. Will that be something Economic Development will look to, not just for the local market but to enhance French cultural and physical tourism?

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Well, unfortunately, the commercial experience of the Aurigny route to Dinard was not very satisfactory. In 2018 that route carried 1,500 passengers, of which only 300 were French. Of course 20,000 French people came to the Island by passenger ferries, so the reality is that market has been served by a different means. But I share Deputy Gollop's view and the view of the Chamber of Commerce that it would be nice if we had direct scheduled air links to mainland France, as he puts it. I can assure you that my Committee is actively working with airlines on all route development and that getting a new connection to mainland France would be a desirable objective.

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The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

Following on from that statistic of 20,000 passengers coming in from France, I can give two examples of where we might be spending money better. A casual visit to the offices of Morvan Fils in St Malo, the main ticket agents for Condor, reveals three large maps of Jersey and not a single reference to Guernsey whatsoever, and from a personal experience last year travelling on two occasions on Condor from the UK, in May I had cause to write to *Visit Guernsey* to point out that whilst there was promotional material for Dorset, Hampshire, Jersey and France available on board there was nothing mentioning Guernsey; and to my disappointment when I travelled again in August it was exactly the same situation. So I wonder if the President could comment on what efforts are being made to promote the Island a little more strenuously in those areas?

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The Bailiff: Deputy Parkinson.

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Deputy Parkinson: Well of course we do not control what marketing material Condor might produce or where they might distribute it, and the reality is unfortunately for us that 85% of the traffic on the southern route, that is to say the route to St Malo, is from Jersey or to Jersey. Now it is a commercial decision for Condor whether they want to provide more services to Guernsey or whether they want to promote the Guernsey services more strenuously, as *Visit Guernsey* and with the resources we have to consider where they are best deployed and clearly our main visitor market is the UK but we will continue to make efforts to support the French market including, as I have said in my Statement, the launch of a Victor Hugo microsite on the site.

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The Bailiff: Deputy Dorey. Deputy Inder has already had a question that is I why I am ignoring you for the moment. Deputy Dorey.

Deputy Dorey: On the Heathrow link, where we are told hundreds of thousands of pounds of subsidy is going to be spent, what percentage do you predict to be locals travelling on that route,

1500 knowing that over half travelling on the Gatwick route are locals, and how can you justify subsidising local business and recreational travel with taxpayers' money?

The Bailiff: Deputy Parkinson.

1505 **Deputy Parkinson:** Sir, we do not have any predictions for what percentage of the Heathrow market will be business or leisure. I rather assume this will be more of a business route than a leisure route and the justification for it is that inter-connectivity, the connectivity which that route provides, with the potential for code sharing agreements and interlining agreements with other airlines connects us with the rest of the world in a way that no other route could. The reality is that
1510 the Guernsey-Heathrow will appear on the Amadeus booking system across the entire world, Guernsey will start to appear as a destination in the route maps of many airlines that enter into code share agreements with Flybe, which of course is likely to become Virgin and the visibility this gives to our visitor market and to Guernsey as a business centre, the value of that is almost incalculable.

1515 **The Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

1520 Does the President of Economic Development have any updates on the future ownership of Condor Ferries?

The Bailiff: Deputy Parkinson.

1525 **Deputy Parkinson:** No, we do not. We are advised by Macquarie's that they will formally enter into a sale process for Condor, or launch a sale process for Condor, in April and we stay in close contact with Condor, they are very open with us about what is going on. Clearly Guernsey has a huge interest in ensuring that this critical lifeline route is maintained. They are very well aware of that and they are still committed to providing those services to Guernsey. So we are staying in touch and obviously as soon as we have any further news on how the sale process might be going
1530 we will let the Assembly know.

The Bailiff: Deputy Inder.

Deputy Inder: Thank you very much, sir.

1535 June/July last year coming out of *Visit Guernsey*, again via the politicians, there was a statement that said 20% of visitors came to Guernsey as a direct result of watching the Guernsey film – 20%. I asked a question about the structural problem within that statement as we have got flatline figures. Now today we are hearing from Deputy Parkinson that the kick-off for the benefit of the film is now going to be this year. Well last year it was 20% this year the kick-off is expected
1540 this year. What confidence can we have in the output and generally the figures that we do receive from *Visit Guernsey*?

The Bailiff: Deputy Parkinson.

1545 **Deputy Parkinson:** I think Deputy Inder may be misquoting the information. The information, as I recall it, was that advance bookings for 2019 are 20% ahead of 2018 –

Deputy Inder: Point of correction, sir, I am not misquoting –

1550 **The Bailiff:** We do not have points of correction on questions and answers.

Deputy Inder: I am not misquoting.

1555 **Deputy Parkinson:** Therefore as we always expected, the full benefits of the film and our association with it we expect to see this summer with advance bookings up 20% I have every optimism that this will be a great boon to our tourism industry.

The Bailiff: Deputy Leadbeater.

1560 **Deputy Leadbeater:** Thank you, sir.
Could the President tell me where on his list of priorities does sports tourism fit, please?

The Bailiff: Deputy Parkinson.

1565 **Deputy Parkinson:** As mentioned in my Statement, we do see opportunities for sports tourism in Guernsey and there are events coming to the Island. There is an international cricket festival happening, I think it is next year, which will bring a number of visiting teams from other European countries. Where we can help to promote any tourism event that is going to bring visitors to the Island, we do. We allocate a budget every year to supporting sporting events in Guernsey that have that potential and that budget is largely allocated through the Sports Commission. So we do support sporting events in Guernsey, we think there is considerable potential in that area. It is a niche product but it is a valuable avenue for Guernsey to explore and we are committed to continuing to support it.

1575 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I am slightly concerned by Deputy Parkinson's response regarding marketing with Condor. I would have thought that *Visit Guernsey* – one of the things they should be doing would be working with the key service providers enhancing the passenger numbers coming to our shores. I was wondering, sir, if *Visit Guernsey* have indeed worked with Condor on this marketing opportunity and if, for example, Economic Development have offered any financial support or been asked for any financial support to support this activity?

1585 **The Bailiff:** Deputy Parkinson.

1590 **Deputy Parkinson:** I assume that referred back to Deputy Smithies' question. As far as I know, *Visit Guernsey* has not offered financial support to Condor to market their French services, but we obviously do promote Guernsey as a brand wherever we can and of course with the internet that means all round the world. So, yes, we will continue to promote Guernsey. The Victor Hugo microsite I have already mentioned will be hopefully specifically useful to that market and we welcome the continuing services provided by Mache Isles Express and the improvement in fact in the Condor southern route schedule for Guernsey in 2019 compared with 2018.

1595 **The Bailiff:** Right, just one more question; it will be the final question, Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1600 In the world of business we understand explicitly that we are trying to attract low footprint, high value businesses. When it comes to tourism I think I understand the reasons because they are a lot more tangible; we still tend to put far more emphasis on visitor numbers rather than visitor value. I was wondering if the President could tell us what efforts the Committee is taking to correctly assess and monitor the value of those visitors on a *per capita* or whatever other basis?

The Bailiff: Deputy Parkinson.

1605

Deputy Parkinson: Well, sir, in the Tourism Strategy – the 2015-25 strategy – it says that the target market is ABC1s and Guernsey has never had the kind of packaged tour market that Jersey, for example, has. So we have traditionally aimed for the higher end of the market. Although opportunities may arise to broaden the appeal of the Island, I think that is broadly where our product is pitched at a higher value end. In terms of how do we monitor the value of individual visitors to the Island, I think that is very difficult. I mean we can conduct exit surveys on what they spend and so on and so forth, but we are not being Big Brother here and we do not want to know everything about how they have spent their holiday. Instinctively, we are pitched at the upper end of the market and it is likely that we will remain there.

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**Potential Extension to the Guernsey Airport Runway –
Statement by the President of the States' Trading Supervisory Board**

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The Bailiff: We will move on to the final Statement which is to be delivered by the President of the States' Trading Supervisory Board, Deputy Ferbrache.

Deputy Ferbrache: Thank you very much.

1620

Sir, in October 2018 the States' Trading Supervisory Board was directed to consult with the Director of Civil Aviation in respect of potential modifications to the Runway End Safety Area, or RESA as it is called, and that is at the eastern end of Guernsey Airport. For any non-aeronautical Members, this is an area within the boundaries of the airfield that is retained to minimise the risk of damage to an aircraft or injury to its passengers, should it overshoot or undershoot the runway on take-off or landing.

1625

Now the intention of the Resolution was to explore whether a limited extension to the existing runway operating length can be achieved by reducing the length of the current RESA. This would require a safety case to be made to the satisfaction of the Director of Civil Aviation for a reduced RESA length. If that could be achieved, the Resolution required the STSB to report back to the States by 31st March with indicative costs of any required adjustments.

1630

Now the management team at Guernsey Airport has commissioned an experienced aviation consultant to conduct a formal aviation risk assessment. This study will consider the potential adjustment to the RESA length to achieve an extension to the runway operating length of around 100 m as well as an alternative means of providing protection around the runway ends. That includes a potential solution known as an Engineered Material Arresting System (EMAS), which uses collapsible cement blocks to slow an overshooting aircraft. The output from this study will provide an evidence base for review by the Director of Civil Aviation in due course.

1635

Regretfully the scoping and commissioning of this study was delayed because the Guernsey Airport management team had to prioritise significant regulatory-related activity over the last few months. STSB agreed unanimously that this essential compliance work should be given precedence over this project, but I can report that the formal aviation risk assessment was commissioned in early February in other words earlier this month.

1640

The timescale for the findings, including the review by the Director of Civil Aviation, means that the STSB should be able to report back on the matter by June of this year. However, in the event that the evaluation is not approved by the Director of Civil Aviation, the board may be able to report back sooner. Just imposing therefore, if the Director says, 'No, the safety concerns cannot be regularised,' we will come back much earlier and say, 'No point going on to the next stage, no point in incurring any further costs.'

1645

1650 Whilst the short delay is regrettable, the STSB remains committed to working through this resolution. Nevertheless, a thorough evaluation is necessary to provide the Director of Civil Aviation with qualified evidence to consider any potential reduction in the existing RESA.

Thank you very much, sir.

The Bailiff: Any questions?

Deputy Gollop.

1655

Deputy Gollop: Sir, I often wish I knew more about the aviation subject like some of our Members. But my question is: given the anecdotal evidence that some airports elsewhere, for example Gibraltar, the City of London, maybe even Southampton, have certain exceptions and are granted certain abilities to operate when they do not necessarily conform to an ideal situation maybe, would it not be in the interests of STSB to evaluate how Guernsey can achieve satisfaction without necessarily ticking every box?

1660

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Well, sir, I never wanted to tick any box if I hadn't had to, but as a result of this Resolution that the States approved last year and in any event the paramount concern is, and always must be with air travel, that of safety; and therefore the first step is to provide the Director of Civil Aviation, if I can pronounce it correctly, with the required information so that he can make a judgement; and if he says it is not safe that is the end of the game, if he says it is safe then we move to the next stage.

1670

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

1675

I voted for the requête that led to this investigation because I thought what was the harm in asking, but I am fascinated to know now, not being one of the few Members of this Assembly that does not seem to be an expert on runway lengths and aviation, Deputy Ferbrache said an extra 100 m might be able to be achieved; what practical difference will that actually make, in his view or his Committee's view, to the operation of Guernsey Airport?

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The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, that is a perfectly pertinent question indeed and what is the point in going through theory if you are not going to achieve something in practice. We have been advised that there are carriers that would be able to operate different types of aircraft that would be able to come to Guernsey if the runway was extended by 100 m. Now the proof of that pudding will be in the eating, but that is the advice we have received.

The Bailiff: Deputy Tindall.

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Deputy Tindall: Thank you.

Would the President agree with me that even if, unfortunately, the proposal that was approved by the requête is unsuccessful, there are other options available to us utilising the present area of the Airport?

1695

The Bailiff: Deputy Ferbrache.

1700 **Deputy Ferbrache:** I would like to agree fully with Deputy Tindall, but I can say to the best of my knowledge and intent there might be. I do not think I can go any further than that because again we would need to take proper advice before we could come forward with that.

The Bailiff: Deputy Kuttelwascher.

1705 **Deputy Kuttelwascher:** Thank you, sir.

Can the President confirm that basically in relation to Deputy Roffey's question, an extra length is 107 m, we are talking about 15cms and we have been informed by one airline operating Airbus 319 that they could operate without performance restrictions and would operate without performance restrictions into Guernsey.

1710 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Yes, sir.

The Bailiff: I see no one else. That concludes the Statements.

Questions for Oral Answer

Guernsey and Alderney – Review of financial and constitutional relationship

1715 **The Bailiff:** We move on to Question Time. There are to be some Questions asked by Deputy Yerby of the Policy & Resources Committee on whose behalf Deputy Brouard will be answering. Deputy Yerby.

1720 **Deputy Yerby:** Sir, the 2016 Review of the Financial Relationship between Guernsey & Alderney said that the then:

Policy Council and the States of Alderney Policy & Finance Committee were committed to working to make sure that Alderney remains an active and vibrant community, which has an economically sustainable future, with a stronger economy and with some increased population of younger, economically-active people who will help to reduce the growing dependency ratios.

Does the current Policy & Resources Committee continue to share this vision for Alderney's future?

1725 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir, and thank you for the Questions.

Yes, Policy & Resources Committee wishes Alderney to have an economically sustainable future. The Committee believes that the relationship should be founded on sustainability on both sides. It is in the best interests of the Bailiwick as a whole. This would mean that Alderney would become less dependent on direct financial support from the Guernsey taxpayers in future.

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The Bailiff: Is there any supplementary or is it your next Question?

Deputy Yerby: Supplementary please, sir.

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The Bailiff: Supplementary.

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Deputy Yerby: Does the Policy & Resources Committee accept that diseconomies of scale mean that it may inevitably be more costly to maintain a flourishing community in Alderney than it is in Guernsey and that the future of the Bailiwick cannot therefore be conceptualised in financial terms alone?

Several Members: Hear, hear.

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The Bailiff: Deputy Brouard.

Deputy Brouard: I think that is probably true but the question becomes who pays. Thank you.

1750

The Bailiff: Your next Question.

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Deputy Yerby: Does the representative of the Policy & Resources Committee agree that a review of the relationship between Guernsey and Alderney, underpinned by the 1948 Agreement, is a matter of constitutional significance for both Islands?

The Bailiff: Deputy Brouard.

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Deputy Brouard: Yes. The 1948 Agreement does not itself define the entirety of the constitutional relationship between Guernsey and Alderney. It does cover the principles on which the fiscal relationship is based, the participation by Alderney in the States of Deliberation, and the transferred services supplied by the States of Guernsey to the people of Alderney.

Nowadays the States of Guernsey also provides services to Alderney such as absorbing Aurigny's operating loss on Alderney's air routes.

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Guernsey should consider on its own behalf whether the existing arrangements are appropriate now and for the future. A healthy relationship is between two willing partners, we cannot be held locked into an Agreement which dates back decades without the opportunity to review it. It is important to consider what is suitable for the Guernsey taxpayers in the future; equally Alderney has the option to consider whether to take back responsibility, political and funding, for any of the transferred services or whether to request that additional services be added to the list. The Committee wishes to ensure that the relationship and the agreement part in it is fit for purpose in the modern context.

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The Bailiff: Deputy Yerby. Is this a supplementary?

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Deputy Yerby: Supplementary, please.

Yes. P&R's representative describes Guernsey and Alderney as partners, willing or otherwise. Does he accept that our larger scale in Guernsey puts us in a position of responsibility towards Alderney, much like the position of the UK towards us, which means we cannot act out of raw self-interest and must act in a way that prioritises the welfare of both Islands even when our interests may be in tension?

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The Bailiff: Deputy Brouard.

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Deputy Brouard: No, I do not think that is true in its totality. Alderney is a separate jurisdiction; it has its own parliament. Guernsey is a separate jurisdiction and has its own parliament. You can find as many lawyers who wish to discuss what the Bailiwick is and what it

stands for but that is a different context. No, I think each party ... Guernsey voluntarily joined with Alderney in 1948 with regard to this Agreement and it has served its purposes and I think Guernsey has done well for Alderney in doing so. It has taken up the obligations that were put on it by the Agreement and has done Alderney proud. I think it is time for the review.

The Bailiff: Deputy Gollop. Supplementary. Is this a supplementary?

Deputy Gollop: In the context of this relationship with the transferred services, could Policy & Resources in conjunction with the States of Alderney be considering whether the transferred services would be better off being paid to a third party such as, for the sake of argument, the County Councils of Hampshire or Dorset or the *[inaudible]* or the Isles of Scilly? Is Guernsey the best value for money, in other words?

The Bailiff: Deputy Brouard.

Deputy Brouard: Deputy Gollop makes an interesting point. This is what the review hopefully will look at and I think when the Home Secretary, I think back in 1946, was looking at the situation with regard to Alderney, it was Chuter Ede at the time, one of his considerations when he was looking at the Home Office's responsibility for Alderney, then after the War, was whether or not Alderney should be linked to Hampshire. That was one of the issues that he was discussing with Sir Philip Neeve and also with Sir Ambrose Cherwell at the time. These are discussions that have gone on. We are at the very cusp of looking at the review and I think, as I discussed with my colleagues from Alderney this morning, some of these questions are probably four to six months too early in our life span, but thank you.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I will put it in the form of a question. I am very disconcerted by the tenor of Deputy Brouard's Answers on behalf of Policy & Resources so far because it seems to be the impression that Alderney owes a great deal to Guernsey, they are in a very fortunate position, we really should be cutting back on the financial support and the other support we give to Alderney. Can he disabuse me and other Members of this Assembly by saying that is not the view and they are not going to go into the review with that pre-conception, because that is certainly the tenor of his remarks today?

Several Members: Hear, hear.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

The review has come about, I think one of the main issues that brought it forward was in fact the airline issue. We are in effect adding a further item to the 1948 list with the PSO agreements or possible PSO agreements. It is always going to be difficult for us with Alderney in doing this review. That is why it has got to be done sensitively, it has got to be done with care, it has got to be not rushed. We have obligations already in place with Alderney, but we still need to do the review. I am sorry if Deputy Ferbrache feels my tenor is not ... I am just trying to be honest and realistic. We have had this relationship for 70 years. It has worked well in parts. There are some parts that need to be change I think, but I am not going to say those now; we need to have the review to see what needs to be changed, and you in this Assembly will decide if any changes happen at all. But we have to start having these adult conversations and it is very easy to make very good soundbites but let's have these adult conversations about some very difficult issues.

The Bailiff: Deputy Lowe.

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Deputy Lowe: Thank you, sir.

Would Deputy Brouard please assist me here inasmuch as the terms of reference for this review, because, as he just actually stated, it started off with looking at the airlines and the connectivity and this seems to have actually gone a lot wider and we are now hearing it is probably going to be part of the constitutional arrangements that have taken place; and yet this States has not actually seen any terms of reference or even directed P&R to go and work with Alderney to actually change any, or review any, part of the constitution.

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So I am a little bit concerned about the 1948 suddenly being thrown in the pot when it is not necessarily a States' direction, unless I have missed something somewhere along the line. So I would just like reassurances that actually the States will be involved in any way forward if it is to change the 1948 Agreement?

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The Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you for that question.

In fact, I think that answer will be teased out by one of the future Questions from Deputy Yerby. But we are just at the cusp of the review, we have not got our ducks in a line, we have not fully thought out all the methodology. So from our point of view we are just now tentatively doing this scoping exercise. Of course any change in the constitution between ourselves and Alderney, or the relationship, or what services are added or taken away or changed or modified, it will be in the gift of this Assembly. But I will return to the other part of Deputy Lowe's question in a moment.

1860

Thank you.

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The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

As was said in the question, previously at a previous meeting the open-mindedness and sensitivity is as Deputy Brouard has just mentioned and yet I still find it extremely difficult to accept that the statements today and the answers to the questions so far have indeed shown an open-mindedness to the approach to be taken, and I hope that Deputy Brouard will reassure me again that this is indeed just an unfortunate mistake.

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The Bailiff: Deputy Brouard.

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Deputy Brouard: I am not sure I understand the question for an unfortunate mistake. We have a 70-year-old Agreement with Alderney, times have moved on a long way since. Just take even the school, the obligation at the time was we had three teachers there, now we have got 15 or 16; it is a completely different delivery. The economics of the Island have changed, the world has moved on, please allow us to have a review of that relationship. It may be better for Alderney in the future, it may be different, it may be better for Guernsey, it may not be better for Guernsey, but we need to have that review in a quiet reflective mood. I do not know what reassurance ... but if you are saying, 'Do not touch ever,' well that is a different kettle of fish, but these are difficult conversations – I take nothing away from that.

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The Bailiff: You next Question, Deputy Yerby.

Deputy Yerby: Given that the UK was a party to the original 1948 Agreement, together with Guernsey and Alderney, can the representative of Policy & Resources outline what engagement

1890 his Committee believes will be necessary with the United Kingdom, as part of the proposed review?

The Bailiff: Deputy Brouard.

1895 **Deputy Brouard:** Thank you.

Guernsey and Alderney were the parties to the original 1948 Agreement. The Agreement itself was facilitated by the UK government seeking to support Alderney after World War II. At that time Alderney was administered from local direct and indirect taxation. Crown lands – a significant area of which was transferred to Alderney in the 1950's – were administered from Crown revenues. The shortfall was met from H.M. Treasury Funds. The Home Office had had a more direct interest in the affairs of Alderney and had reviewed the Island's finances in 1920. Consequently, the UK's role was very different in 1940 than it is today.

1900 The UK will be engaged in this review to the extent that it is a normal part of the dialogue through the Minister at the Ministry of Justice responsible for managing the relationship at official level with the Crown Dependencies team. We have discussed the matter with the Ministry of Justice, including Lord King, and it has been indicated that the UK government does not envisage playing an active role in the review of the Agreement.

The Bailiff: Yes. Alderney Representative Snowdon.

1910

Alderney Representative Snowdon: Thank you, sir.

Would Policy & Resources confirm that the review will be independently chaired (**A Member:** Hear, hear.) when it takes places, so that both parties are heard equally?

Thank you.

1915

The Bailiff: Deputy Brouard.

Deputy Brouard: I am not in a position to give that undertaking. We are at the reviewing the review stage at this moment – how that actually will transpire. I was hoping and my belief is that, using some of the organs that we have already, we liaise with Alderney, would be a very good starting point. I have not ruled it out, I have not ruled it in, from my point of view or from my colleagues in Policy & Resources, but I would envisage it is two Governments talking to each other and I think that should be the way forward. I do not think we should be into an adversarial position at all.

1925

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you.

1930 I would just like to take this opportunity to thank Guernsey for all their help since 1948. What it would have been without you I will never know, I cannot imagine, but thank you each and every one of you.

Sir, would the President of Policy & Resources agree with me that any changes to the relationship between Guernsey and Alderney really need to be sustainable for the long term and we will only reach that goal if both Assemblies are involved, possibly, probably, preferably with a third party?

1935

Thank you.

The Bailiff: Deputy Brouard.

1940 **Deputy Brouard:** I agree with everything Alderney Representative Roberts said apart from the last few words. Without the third party, I agree with everything he said.

Thank you.

The Bailiff: Deputy Tindall.

1945

Deputy Tindall: Thank you, sir.

Could Deputy Brouard highlight what has happened so far with the dialogue between the two Assemblies, please?

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The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you for that question.

Would you be so kind as to wait until one of the other questions that Deputy Yerby will ask –?

1955

The Bailiff: May I remind Members supplementary questions should arise out of the Answer that has just been given, it should not generate into a general sort of question and answer session.

Deputy Gollop, is this a proper supplementary?

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Deputy Gollop: I hope so. (*Interjections*)

My supplementary is if there is a breakdown of agreement between the States of Alderney and the States of Guernsey during this process of reconsideration, would the British government then be requested to become a consultant or involved in any way?

1965

The Bailiff: Deputy Brouard.

Deputy Brouard: I know this review will set many hares running. I do not think I am able to shoot any of them at this particular time. We are still at the very cusp of this review. We are going to handle it as delicately and as sensitively as we can, but there are some adult awkward issues that we need to tackle and I think it is right and fair, as two mature parliaments, that we sit down across the table and have an honest chat. But I cannot speculate what ifs, and what ifs, and what ifs. I am awfully sorry.

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The Bailiff: Deputy Tooley.

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Deputy Tooley: Thank you, sir.

I wonder if Deputy Brouard would agree with me that it is not unreasonable of Alderney to think that it might be beneficial to them to have an independent Chair to ensure that all voices are heard equally in such a meeting, and that whatever decision is made, this is not an unreasonable request that would come from Alderney?

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Thank you.

The Bailiff: Deputy Brouard.

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Deputy Brouard: I can understand the question and I can understand the sentiment behind it. We are not at that stage yet as to how we are going to undertake the review, and as I mentioned earlier, these questions, welcome as they are, as they tease the issues out, are really about probably four to six months too early in our system. Once we have a little bit better understanding of what we are looking at, what we are trying to achieve, what we are trying to understand. Because we want exactly what the Alderney Representatives want, we want to be in a position where we have sustainability for the next 70 years.

1990

The Bailiff: Deputy Le Clerc.

1995 **Deputy Le Clerc:** Sir, Deputy Brouard has said several times that we are on the cusp of this work and I think everybody here will be disappointed because I think we thought it had been well underway rather than just on the cusp. Has he got any idea of the timeline of when we are likely to see some sort of policy paper in this Assembly?

2000 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you.

No, is the honest answer to that. I have not got ... (**A Member:** Brexit.) I suppose with this particular issue, and again this will come out in one of the other Questions from Deputy Yerby, it will take as long as it takes to get to a position where we are able to present to our parliament here and for Alderney perhaps to present to their parliament. We have got a lot of water to go under the bridges as we go forward. So I would not like to be hamstrung or constrained. We have waited sort of 70 years to get to this milestone, I do not want to just force a position ... or to force Alderney into a position they do not like or that we force Guernsey into a position that we do not like. Let's just understand exactly what we are doing and do it sensitively.

2010 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

2015 Considering we were previously asked to delay the outcome of the debate on the runway, surely there has been some consideration of the timeline up to this point, and I would like assurances as to what was considered at that point; if a delay was going to happen then there must have been an understanding of how long?

2020 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Sorry, I am not understanding the question. There is not any delay because we have not worked out exactly what we are going to be doing yet.

2025 **The Bailiff:** I think we should move on to the next Question, I think we are straying off the previous Answers.

Deputy Yerby.

2030 **Deputy Yerby:** Given that the January 2019 debate on the Alderney runway revealed substantial differences of opinion about the desired future relationship between the Islands, will the Policy & Resources Committee undertake to ensure that the Committee facilitates a process of engagement with all States' Members on the proposed review before any further work is undertaken?

2035 **Several Members:** Hear, hear.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

2040 The Committee Members listened carefully to the points raised during the Alderney runway rehabilitation debate, we will review the *Hansard* record in due course to ensure that the range of views are taken into account. What was clear from the debate was that there was a desire to ensure that the relationship is fit for the challenges of today.

2045 It is within P&R's mandate to advise the States and to develop and implement policies relating to fiscal policies, economic policies and financial and other resources of the States. Also relating to

external relations, international constitutional affairs, including relationships with other Islands of the Bailiwick. A review of the 1948 Agreement sits firmly within both of these areas of responsibility.

2050 In due course the Committee intends to consult with the relevant Guernsey committees – those that have political oversight of the services provided to Alderney – and the outcome of discussions between Guernsey and Alderney representatives and about any proposals for change. Any proposed changes to the 1948 Agreement would need to be considered by the States of Deliberation. Those decisions would not be for Policy & Resources Committee alone, it is expected that Alderney's parliament will also wish to consider the matter.

2055

The Bailiff: Deputy Yerby.

Deputy Yerby: Supplementary, please.

2060 Sir, the UK government is currently being painfully reminded that constitutional affairs are a matter for the whole Parliament. Would P&R's representative agree with me that this is something that P&R should be mindful of in considering the extent of its mandate when it comes to constitutional affairs?

2065 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Absolutely. As a parliament we have decided to delegate responsibility to Health to five Members, Education to five Members, (*Interjection*) speed limits to five Members. Thank you, Deputy Fallaize. So we have a responsibility. Obviously we would not wish to bring a policy letter to the States that is going to be completely thrown out. We would need to take our parliament with us just as much as Alderney needs to take their parliament with us. So, yes, of course we need to be cognisant of Members' views. And I am sure that will be part of the review.

2070

The Bailiff: Another supplementary, Deputy Yerby.

2075 **Deputy Yerby:** Second supplementary, please, sir.

Deputy Brouard has on a number of occasions described these questions as four to six months too early, notwithstanding that in the last Budget Report we were advised that the review was already underway. Is there now an appreciation in light of various questions from this Assembly and in the previous debate that there are fundamental concerns and differences of opinion within the States that need to be taken into account in the formulation of the terms of reference for this review at this stage?

2080

Several Members: Hear, hear.

2085 **The Bailiff:** Deputy Brouard.

Deputy Brouard: I am not too sure I fully understand the question, but it is in Policy & Resources' mandate to do the review. We will undertake whatever research we need to do to ensure that we approach the review in the right manner with the openness that is needed and taking into account ... I mean our major committees are intertwined with Alderney: Police with Home, Health, Education. Of course we are going to be taking their views into account. Of course they have been contacting Policy & Resources about some of the issues and the challenges that they face with the northern Isle and perhaps through the review the idea is that some of these may be able to be resolved to everybody's satisfaction.

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Deputy Laurie Queripel: Sir, supplementary.

The Bailiff: Deputy Laurie Queripel.

2100 **Deputy Laurie Queripel:** I think just to put the question another way, sir, will the Members of this Assembly be consulted in regard to the forming of the terms of reference of the review or not?

The Bailiff: Deputy Brouard.

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Deputy Brouard: I have not got an answer to that. I would probably think not at this stage, because just as the terms of reference to review speed limits are with the Environment Department, the terms of reference to review drugs and whatever rests with Health, the terms of reference for other things rests with their individual committees. It is Policy & Resources' responsibility to undertake this review and we will do it in our best endeavours.

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

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I think it may be difficult for the Policy & Resources Committee to consult on the terms of reference, because these terms of reference will be between one government and another government. But it might be a good idea, listening to the questions which are being asked this morning, if the Policy & Resources Committee, or Deputy Brouard on their behalf, were to undertake to invite Members of this Assembly to submit to the Policy & Resources Committee any matters which they consider should be or should not be included in the terms of reference, and then allow the Policy & Resources Committee, on behalf of the States of Guernsey, to agree the final terms of reference with the States of Alderney. Is that a process which Deputy Brouard could perhaps commit his Committee to?

2120

2125 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Certainly at this stage I have no difficulty at all with asking States' Members to submit their concerns on items that they wish to have in the review. That is no problem at all and I would welcome that because that is exactly what we are trying to do now just to understand how the two Islands are interlinked, how the costs are spread, where there are issues that we need to have these conversations about. So I can certainly give that undertaking and would welcome input from all 38 of us and also from our two Alderney Representatives.

2130

The Bailiff: Your next question, Deputy Yerby.

2135

Deputy Yerby: Can P&R's representative say whether objectives of social and environmental reform or harmonisation between the Islands, as well as economic reform, are intended to be in scope of the review?

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The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

2145

One of the challenges of the relationship as it currently exists is that we are in fiscal union but not in political union. Where there are different social or environmental standards in Guernsey and Alderney. Those differences can affect the costs of providing certain circumstances. There are differences which need to be understood; examples include population management, minimum wage, traffic safety standards, waste disposal. Policies made in Alderney might mean that higher costs have to be sustained by Guernsey. For example, if there are more injuries or more serious

2150 injuries due to lower traffic safety standards which are then dealt with by our Health Service. It is likely to be a feature of the review but not the prime focus.

The Bailiff: Deputy Yerby.

2155 **Deputy Yerby:** Sir, if these objectives are not a prime focus of the review then is P&R not simply repeating the work done in 2015-16 on the financial relationship between Guernsey and Alderney, and would it not be better simply progressing the plans for financial transformation of our relationship with Alderney as agreed by the States in early 2016?

2160 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you.

No, I think this review is trying to encompass all that has gone before and all that will be the future; that is what it is trying to encompass. So of course these are issues that go into some of the granular parts of it and it is part of the whole review. But as I said earlier, we are several months too early in these questions.

2165 Thank you.

The Bailiff: Deputy Ferbrache.

2170 **Deputy Ferbrache:** Sir, on behalf of the Policy & Resources, how can Deputy Brouard be saying that the issues – the environmental and other issues – that have been mentioned in Deputy Yerby's question will not be given significant weight because they will have financial considerations? Also is he really saying on behalf of Policy & Resources that there should be different standards applied in Alderney to those applied in Guernsey and the Alderney community should have fewer concerns for the environment and other such things than Guernsey? Is that really the view of Policy & Resources?

2175 **The Bailiff:** Deputy Brouard.

2180 **Deputy Brouard:** Thank you for that question.

It is in fact the opposite way round, Deputy Ferbrache. What we have now is we have different standards between the two and I take one example: maybe you do not have to wear a seatbelt in Alderney, however, that may be politically very successful in Alderney; however, if you do have that car accident and you have that massive head injury, that is now twice as bad because there was no seatbelt, that ends up as a cost to our Hospital and our care. So those situations are happening now. Minimum wage – we do not have a minimum wage in Alderney. However, we do supply support for people who do not have work. So these are some of the real tricky conversations that we absolutely do need to have. So I totally agree but just the opposite way round.

2185 **The Bailiff:** Deputy Tindall.

2190 **Deputy Tindall:** Thank you, sir.

Will Deputy Brouard reassure the Assembly that, unlike the UK government and their Brexit red lines, that these sort of things will not be red lines within the negotiation between Alderney and Guernsey?

The Bailiff: Deputy Brouard.

2200 **Deputy Brouard:** I am awfully sorry. Could Deputy Dawn Tindall just repeat ...? What red lines are you talking about? I am not understanding.

Thank you.

2205 **Deputy Tindall:** You were talking about harmonisation of things like seat belts and the minimum wage, and I asked whether or not these would be red lines that Alderney had to adhere to in order to undertake these negotiations?

The Bailiff: Deputy Brouard.

2210 **Deputy Brouard:** Absolutely not. These are the situations now and these are the conversations which we need to have. I do not know what the outcome of those conversations will be, but it will be for this Assembly to decide if what we come back with is suitable or not. But these are just some of the tensions that we have from your departments with Alderney and I am sure Alderney have got some tensions with us that they would like us to look after or put more facilities or services in place. But we are not negotiating at this moment in time.

The Bailiff: Deputy Roffey.

2220 **Deputy Roffey:** Would Deputy Brouard agree with me that this 70-years-on review of what was intended to be not a permanent relationship when it was first entered into should be completely and utterly root and branch with nothing ruled out, everything from total independence to eleventh parish status, and that it would be inappropriate I think for us to set terms and conditions that would actually limit those sort of discussions taking place, and will he assure the Assembly that everything will be considered?

2225

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you for that question, Deputy Roffey.

2230 Yes, I very much hope so. This is the opportunity. It is 70 years on. We at Policy & Resources think as part of our mandate it is time to have that root and branch look at our relationship because Alderney will be there 70 years on and we need to be able to sustainably work with them in whatever that looks like. But I do not know what that looks like, and a lot of this will be what Alderney feels, and what Alderney wants to take back, or what they do not want to take back, or what they would want to give us instead or as well as. It is understanding that particular ... In fact

2235 today there is an item that Alderney have wished us to progress with regard to taking back some of the control over their TRP and how they rate their houses. We have to work with each other and we are locked in but we need to understand what is best for both Islands going forward for the next 70 years.

2240 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Sir, sometimes I have perhaps been perceived or misperceived as a weak chairman or president of organisations because I have gone to a meeting not knowing what my Members think. How do Policy & Resources feel that their base, their starting base, is honestly representing best interests of Guernsey Island, when for all they know most Members of this

2245 States want a different outcome to the review or a different set of issues to be analysed?

The Bailiff: Deputy Brouard.

2250 **Deputy Brouard:** Thank you.

2255 I think it is exactly the same position that every committee finds itself in when you are trying to bring forward policy. It is in Policy & Resources' best interest to take as many of this Assembly along with us as it is to alienate any of you. So if for some reason you think that Policy & Resources are being the big bad wolf in bringing this forward, we are not, we just think it is time to have that review. But unfortunately, whether we like it or not, there are some nitty-gritty things in our relationship which do cause tensions and we have to have some difficult conversations.

The easiest thing would be for Policy & Resources to just kick it down the road and leave it for somebody else. Easy.

2260 **The Bailiff:** Deputy Inder.

Deputy Inder: Just quickly, sir, and it does arise from Deputy Brouard's response, would Deputy Brouard accept that some of the narrative coming out from Policy & Resources basically blaming Alderney for the purchase of the Dorniers might not have helped the situation?

2265 **The Bailiff:** Deputy Brouard.

Deputy Brouard: I do not think Policy & Resources have blamed Alderney for purchasing the Dorniers; that was probably a decision for Aurigny's management board. Air services to Alderney and lifeline routes is one of those topics that I am sure will form part of the review. There are issues when we choose to live on an Island that is surrounded by sea and there are issues for when Ridunians decide to live on an Island surrounded by sea.

2275 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I am a bit confused, sir, because we seem to have a terminology of a bit of 'us and them' and occasionally it is a 'we' and I am really confused as to when it is the 'we' of us being this Assembly, who clearly has two Alderney Reps or the 'we' of Alderney's Assembly. So Deputy Brouard has said – and just for confirmation if you do not mind, sir – that this Assembly will debate and decide: well surely, *both* Assemblies will have to debate and decide and surely, sir, I propose to Deputy Brouard that both Assemblies potentially need to come to an amicable position that both Assemblies will debate? Is that the intention, sir?

2285 **The Bailiff:** Deputy Brouard.

Deputy Brouard: The issue is of paramount importance from Alderney's Assembly and they will obviously be debating this. How they do that is not for me to dictate to them ... how they should look at this issue, and I think another Question will come up from Deputy Yerby later that touches on this. But it is our responsibility as Policy & Resources. We have fiscal union with Alderney, we have a responsibility there, we have a responsibility as an Assembly to honour the 1948 Agreement as modified in the 1950's, 1970's and 1990's. So those things go hand in hand.

2295 We cannot make any fundamental changes to the arrangements without the support of you, this Assembly, or us, this Assembly, here we cannot do anything, so whatever Policy & Resources come back with, whatever we do, it will be in your gift to say, 'Yes, we wish to proceed with this,' or, 'No, we do not,' or whatever. So the casting vote and the power will be in this Assembly.

The Bailiff: We need to get back on track with questions that are proper supplementaries and there are still a number of substantive Questions still to come. Can I suggest that we just move on with the next Question? We are straying way beyond what are proper supplementaries.

Is this a proper supplementary?

Deputy Fallaize: This is a genuine one, sir.

2305 **The Bailiff:** Arising out of the Answer?

Deputy Fallaize: Yes.

2310 Deputy Brouard said in his Answer that no part of the Agreement could be changed without the agreement of this Assembly. I do not know whether that is true or not. Typically committees have more powers under law than they use without referring to the Assembly, but surely the critical point is that no part of the Agreement can be changed without the agreement of Alderney as well as Guernsey. Now I think that is what Deputy Merrett was getting at in her question. Can Deputy Brouard confirm that no part of the 1948 Agreement can be altered without the agreement of both Islands or is that actually not the case?

2315

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

2320 I do not have the answer to that particular question. (*Interjections*) The issue is you are almost sort of forcing me into a sort of a marriage situation and a divorce situation, the Agreement has worked well because the two parties have been consenting to the arrangement. If one party wishes to change the arrangement, I do not know the full impact, at this day as I stand here and speak, exactly how that would happen, but if Alderney wanted to add something in would you say that we have to accept it? If we want to take something out does Alderney ...? It is not a question that I am in a position to fully answer today on such a delicate and important issue on the hoof, standing up here answering questions which are difficult as they are an early part of negotiations. I do not want to prejudice the negotiations that will happen at this stage because we are not at that point.

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2330 **Deputy Fallaize:** Sir, could H.M. Comptroller perhaps advise on this narrow point of whether both Islands would need to agree to any changes to the 1948 Agreement or not because clearly if both would, then some of the anxiety there clearly is in the Assembly is addressed because Alderney's agreement –?

2335 **The Bailiff:** This is Question Time, we do not normally start asking questions of –

Deputy Fallaize: No, but it is very important though, isn't it?

Deputy Soulsby: I can ask it as a question, sir.

2340

The Bailiff: Ask Deputy Brouard a question?

2345 **Deputy Soulsby:** Would Deputy Brouard think that it is probably justified that Alderney would have to approve it, given that the Reform Law, which I believe has to be changed, requires 75% of this Assembly to approve it which would then have to go to the Privy Council and the Privy Council would expect that Alderney would have been properly engaged and were accepting of it?

The Bailiff: Deputy Brouard.

2350 **Deputy Brouard:** Thank you for the question.

I am not in a position today to answer that. These are some constitutional questions which would need, in my view, some reflection, some thought and some research, and it is not something I am prepared to do or commit this Assembly, because in effect that is how it would be taken by other parliaments watching us today to those sort of positions. I am purely here today to

2355 answer as best I can the 11 Questions from Deputy Yerby and I am not in a position to go into that raw constitutional legal framework.

The Bailiff: We are sort of straying almost into debate, but is there anything, Mr Comptroller, that you wish to add that would help us to speed through the rest of these Questions and perhaps mean that we get to lunch reasonably on time.

The Comptroller: Sir, I hesitate to suggest that there is anything I could say that would help speed matters up. I just make the observation that the Agreement that was reached is underpinned by some pretty fundamental and far reaching legislation that I think was agreed by both Assemblies. What I would say without committing myself, I would like to consider fully, is it seems to me that unknitting that legislative framework would need the agreement of both Assemblies, but that is just my initial impression that I have.

The Bailiff: I think that is the answer.
2370 Deputy Yerby, your next Question.

Deputy Yerby: Can P&R's representative outline what engagement has taken place with the Committees responsible for providing transferred services as part of the design of this review, and what further engagement is planned?

2375 **The Bailiff:** Deputy Brouard.

Deputy Brouard: The review is about the relationship between Guernsey and Alderney about what might be required in the future and about the financial impacts of the existing arrangement. At this stage it is too early to engage the committees which have political oversight for the provision of services. However, they will be consulted as the review progresses in order to understand the impact of the existing arrangements in terms of cost processes to deliver the services.

2385 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.
Deputy Brouard responded with regard to the committees involved in transferred services previously referred to other potential services that may or may not be in the mix. Can I ask if he is referring to Principal Committees or whether it will be expanded to other committees such as the Development & Planning Authority who provide services to Alderney at the moment?

The Bailiff: Deputy Brouard.

2395 **Deputy Brouard:** Thank you for that, that is very helpful.
Certainly, Policy & Resources has not got to this position but I am pretty sure I can rely on my colleagues to back me up on this. When we undertake the review proper I have no difficulty at all in writing to all States' committees asking if they have any input or views that they wish to put forward that should be taken into account with ourselves.

2400 So I thank her for the question.

The Bailiff: Deputy Yerby.

Deputy Yerby: Will the Policy & Resources Committee undertake to ensure that the Guernsey politicians tasked with negotiating with the States of Alderney will represent the majority views of

the States in respect of the desired future direction of the relationship between the Islands, and that the Committees providing transferred services will be represented among this group?

The Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you.

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No negotiation is currently taking place. The Committee is exploring the issues to gather an understanding of the full picture of the relationship and the political aspirations and concerns, including what costs are involved to supply the services and how these costs have been affected by political decisions in each Island. Consideration will be given as to what the future arrangements might be and how appropriate it is for a large discrepancy between income and expenditure to continue. As in my earlier answer to Question 4, any changes to the relationship would be recommended by the Committee, but it would be for the States of Deliberation to consider and decide. It is not currently intended that Members of other committees would be part of the initial discussions with Alderney. However, their advice and knowledge will be of great assistance going forward. This is along similar lines to the Alderney Liaison Group and Bailiwick Council meetings when all manner of topics are discussed and Guernsey committee members and officers are invited to the meeting as subject experts for particular agenda items. I would just like to add on that one success story that we have had between us is of course the territorial seas where we managed to come together and work for the greater good of the whole Bailiwick.

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The Bailiff: Deputy Yerby, is this a supplementary? Yes.

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Deputy Yerby: Sir, I mean this without disrespect and just as an observation on the divergence of views within this Assembly. In light of last month's debate and today, my underlying concern within this question is that a Policy & Resource Committee out of step with the majority view of the Assembly may hare off on a review that damages relationships between the Islands for a generation. I have suggested one way that might soften that. What alternative assurance can P&R's representative give me that they do recognise this as a risk and that they will take active steps to manage it?

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The Bailiff: Deputy Brouard.

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Deputy Brouard: I am fully aware of the risks and will do whatever we can to manage it appropriately. There is some difficulty there. When we get to the nitty gritty there will be some difficult conversations to be had now we have to do the best by our parliament, our Government, our Island, and also our responsibilities under the 1948 Agreement, just as Alderney will have to do from their point of view of how much power they wish to retain politically, how much power they want to give up, do they want things changed. All those will be in the gift of the review. But obviously Policy & Resources are not that insensitive. We may look it at times but we are not that insensitive. We know this is difficult and we know the feeling of this particular Assembly with regard to Alderney. I have a great affection for Alderney as well. I have worked there, it has been near my Island for many years. Am I trying to scupper them? Absolutely not, but we need to have a proper review.

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The Bailiff: Deputy Trott.

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Deputy Trott: Sir, does Deputy Brouard agree with me that any revision to such an Agreement must be fair to both parties and, as a guiding principle, a growing subsidy funded from Guernsey resident taxpayers should be expected to be addressed as a normal course of Assembly business. Further, is it not the case that to allow such subsidies to continue to grow unchecked is irresponsible with regards policies previously endorsed by this Assembly, particularly concerning

fiscal prudence and value for money, and can he further reassure the Assembly that these matters are well understood by all Members of P&R?

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The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

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Thank you, Deputy Trott. Yes, of course I do and that will be part of the review, but I think also, which is interesting from the colloquial and round the edges discussions that we have had – and this will come up in another question from Deputy Yerby later – Alderney are not that far away from where we are. They also recognise that there are issues that need to be addressed. So we are not necessarily having to break a door down to have the discussions, that door is open for us to come in and have those difficult discussions, and I thank Deputy Trott for his question.

2470

The Bailiff: Deputy Yerby, your next Question.

Deputy Yerby: Can P&R's representative indicate how this work can be considered a priority of the States, given that it has not featured in any iteration of the Policy & Resource Plan to date?

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The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

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The review of the 1948 Agreement could be considered as business as usual falling within the Committee's responsibilities for fiscal policy, economic affairs and the financial and other resources of the States. Within phase two of the Policy & Resource Plan, the Medium Term Financial Plan policy includes the objective for the States of Guernsey to be able to achieve and maintain a balanced budget and then to move into sustainable surplus. Consideration of the income from Alderney's tax and Social Security receipts compared to the expenditure on transferred services will contribute to that objective.

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The Bailiff: Deputy Yerby.

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Deputy Yerby: Sir, everything in the Policy & Resource Plan can be linked back to the mandate of one or another committee of the States. By this logic, everything in the Plan is therefore business as usual. Is P&R's representative telling this Assembly that the P&R Plan is now redundant?

The Bailiff: Deputy Brouard.

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Deputy Brouard: That may be a clever question. I am going to probably answer it, no.

The Bailiff: Your next Question, Deputy Yerby.

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Deputy Yerby: The combined impact of Brexit and a renegotiation of the 1948 Agreement will be difficult and resource-intensive, even for Guernsey. What consideration has the Policy & Resources Committee given, or does it intend to give, to the effect of this combined impact on Alderney?

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The Bailiff: Deputy Brouard.

Deputy Brouard: We are not currently renegotiating the 1948 Agreement, it is being reviewed. Following that review there may be changes suggested to the relationship between Guernsey and Alderney, as I have mentioned in Question 2.

2510 As Deputy St Pier said in a statement to the States on 30th January, the delivery of Brexit is affecting us all by drawing time, people and money away from our priorities. Guernsey's Civil Service has been dealing with the wide-ranging complexities whilst continuing to deliver service to our community. Dealing with Brexit is not affecting Alderney's resources to the same extent; Guernsey has taken on the lead for the whole Bailiwick considering the impact of various elements
2515 of Brexit on the Bailiwick as a whole, and keeping Alderney and Sark informed to enable them to take their own decisions as appropriate.

Recent consideration of whether to support air links to Alderney and how to fund such support has brought the wider financial relationship between Guernsey and Alderney into sharper focus. The priority has to be to deal with Brexit. That is a process and situation with far reaching
2520 consequences with a deadline imposed upon us. The review of the 1948 Agreement is important but not as time pressured as Brexit. The resources needed to support the initial phase of the work on the 1948 Agreement will not impact the Brexit priorities.

The Bailiff: Your next Question, Deputy Yerby.

2525 Sorry, supplementary, Deputy Fallaize.

Deputy Fallaize: Sorry, sir.

Deputy Brouard's Answer is intriguing because he said it was not a renegotiation of the Agreement, it was a review of the Agreement, which I think implies that there is going to be a
2530 review and then there might, subsequent to a review, be a renegotiation, but I thought the people who were carrying out the review were the people who would be included in any subsequent renegotiation. So just for clarity, could Deputy Brouard perhaps confirm: are the two parties to the Agreement working their way through the Agreement and within that same process potentially negotiating changes to the Agreement, or is it more so the case that the Policy & Resources
2535 Committee, on behalf of the States of Guernsey, is carrying out a review of our side of the Agreement, as it were, and then subsequent to that there might be some kind of renegotiation of the Agreement with the other party to it? Because I think they are quite different types of work.

The Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you.

I will probably answer the question in a different way. My vision or my view – and we have not got to that stage with Policy & Resources yet – is that the first bit is we do the review, we understand exactly where the bits of the spider's web touches our services here, what they cost,
2545 how they are moving, what is the future going to look like 10, 20, 30, 40 years out, and then at some point we will then be talking with Alderney – their feelings, their choices. They know that we are undertaking or about to undertake this review so they are fully cognisant of this, we have letters exchanged about it at a very early level. From then, once we understand the review, their aspirations, our aspirations, I am sure we will get to a negotiation point and things will be
2550 negotiated as in life and then maybe successfully or unsuccessfully we will return to this Assembly here and Alderney will return to their Assembly with either changes or not, or where there are difficulties that may have to be put off for another day. So it is almost an iterative process, although I do not quite understand the word 'iterative'.

2555 **The Bailiff:** Deputy Yerby, your 10th Question.

Deputy Yerby: Given the much smaller size of Alderney's parliament and of its Civil Service by comparison with Guernsey, what steps will the Policy & Resources Committee take in order to ensure that Alderney can enter any negotiations on an equal footing with Guernsey?

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The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you.

2565 There are no negotiations as such at the present time. The start of this process to review the 1948 Agreement is a political discussion between Alderney and Guernsey. The Committee considers it is possible to have frank, honest and robust discussions between representatives of the two Islands without any external parties involved.

The Bailiff: Deputy Yerby.

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Deputy Yerby: Sir, is P&R prepared to provide Alderney with additional resources if these are required to enable it to engage in this review process and properly represent and defend its community's interest?

2575 **The Bailiff:** Deputy Brouard.

Deputy Brouard: I am sure Policy & Resources will consider that request if we are so asked.

The Bailiff: Deputy Roffey.

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Deputy Roffey: Would Deputy Brouard not agree that this is really the focus of the need for a possible independent moderator or Chair; (**Several Members:** Hear, hear.) that while the UK government would be utterly inappropriate because it would lessen our standing as independent jurisdictions, somebody with an international reputation for brokering agreements would seem to even up the inequality of arms between Guernsey and Alderney? It is a bilateral agreement between two independent bodies, I understand that, but they are very different sizes and if we were negotiating with the UK I think we would want some type of equality of arms as well.

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The Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you.

I understand the question. That is something that will be, as I pointed out to Deputy Fallaize, an iterative part of the review if that turns up that that is something that we find that would be helpful then so be it. But we are in a unique position. People choose to live on Alderney people choose to live in Guernsey, there are fundamental aspects of this. I suppose the best answer I can probably give is one I gave for an earlier question: we cannot be held locked into something that we do not want; we can be held locked in to something that we do want. We need to have that review to find out exactly how we feel and Alderney need to have that review on how they feel.

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The Bailiff: Deputy Yerby, your final Question.

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Deputy Yerby: Can the Policy & Resources Committee outline its engagement with the States of Alderney to date, and its planned next steps in respect of this review?

2605 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

The Committee has engaged with the States of Alderney through the regular Alderney Liaison Group meetings and by direct engagement with Members of the Alderney Policy & Finance Committee. There has been correspondence between Policy & Resources and P&F. So far the engagement could be characterised as initial soundings. Over the coming weeks the Committee and its officers will develop the political discussions. As it is a situation which has existed for

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70 years, it is important that the review is conducted in a calm, considered fashion with full information about the costs and operation of the services.

2615 As I already said, if there are any changes recommended as a result of the review they will then be referred to the States of Deliberation and no doubt Alderney would also wish to refer the matter to their own parliament.

The Bailiff: One more supplementary.

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Deputy Yerby: My final supplementary, sir, I promise.

Deputy Brouard has repeatedly referred to this Agreement as an arrangement that has persisted for 70 years. Would he agree with me that much of the work that he is describing as being central to this review was done by the States only three years ago and brought in a policy letter in early 2016?

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The Bailiff: Deputy Brouard.

Deputy Brouard: Yes, much work has been done, but I think, picking up on the point in the question from Deputy Roffey, this is our chance to have a real root and branch review. We need to put the niggles that we have on our side and the niggles that they have on their side to bed; we need to be able to be sustainable going forward for the next 70 years; we need to come to an arrangement that works for both of us as best it can, and there may be some awkward discussions to have in that review.

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The Bailiff: We will rise and resume at 2.30 p.m.

*The Assembly adjourned at 12.36 p.m.
and resumed its sitting at 2.30 p.m.*

Billet d'État III

ELECTIONS & APPOINTMENTS

I. Election of a Member of the Transport Licensing Authority – Alderney Representative Roberts elected

Article I.

The States are asked:

To elect, in accordance with Rule 16 of The Rules of Procedure, a member of the Transport Licensing Authority to complete the unexpired term of office (that is to the 30th June 2020) of Mr S. D. G. McKinley O.B.E. who has ceased to hold a seat in the States of Guernsey.

The Deputy Greffier: Billet d'État III, Article I – Election of a Member of the Transport Licensing Authority.

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The Bailiff: Do we have any nominations? I think there are quite a few people who are not eligible. By my reckoning there are 18 Members of the States who would be eligible. Any nominations for membership?

Yes, Deputy Leadbeater?

2645 **Deputy Leadbeater:** I nominate Alderney Representative Roberts.

The Bailiff: Alderney Representative Roberts. Is there a seconder for Alderney Representative Roberts? Deputy Inder. Thank you.

2650 Are there any other nominations? No. In that case, I put to you the Proposition that Alderney Representative Roberts be elected as a Member of the Transport Licensing Authority, proposed by Deputy Leadbeater, seconded by Deputy Inder. Those in favour; those against.

Members voted Pour.

The Bailiff: Congratulations on being elected.

II. Election of a Member of the Development & Planning Authority – Alderney Representative Snowdon elected

Article II.

The States are asked:

To elect a member of the Development & Planning Authority to complete the unexpired term of office (that is to the 30th June 2020) of Deputy Lester C. Queripel who has resigned that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation.

The Deputy Greffier: Article II – Election of a Member of the Development & Planning Authority.

2655 **The Bailiff:** Any nominations, Deputy Gollop?

2660 **Deputy Gollop:** Yes, sir. I thank Deputy Lester Queripel for his diligence and work. There was not an inundation of nominations but given he is a full Member of this Chamber and has relevant experience on the Building & Development Committee in Alderney, I propose Alderney Representative Mr Alex Snowdon.

The Bailiff: Is there a seconder? Deputy Oliver.

2665 **Deputy Oliver:** Yes, sir.

The Bailiff: Are there any other nominations? No.

2670 I put to you then the Proposition that Alderney Representative Snowdon be elected as a Member of the Development & Planning Authority, proposed by Deputy Gollop, seconded by Deputy Oliver. Those in favour; those against.

Members voted Pour.

The Bailiff: Congratulations on being elected.

LEGISLATION LAID BEFORE THE STATES

No. 69 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 1) Regulations, 2018;
No. 70 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 2) Regulations, 2018;
No. 71 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 3) Regulations, 2018;
No. 72 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 4) Regulations, 2018;
No. 73 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 5) Regulations, 2018;
No. 74 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 6) Regulations, 2018;
No. 75 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 7) Regulations, 2018;
No. 76 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 8) Regulations, 2018;
No. 77 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 9) Regulations, 2018;
No. 78 of 2018 - The Road Traffic (Speed Limits) (Amendment) (No. 10) Regulations, 2018;

Motion to annul not carried

The Deputy Greffier: The following Regulations are laid before the States: The Road Traffic (Speed Limits) (Amendment) Regulations 2018, numbers 1 to 10.

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The Bailiff: Members will be aware that there is a motion to annul these Regulations. We do not often have motions to annul so I will just explain the procedure. The first thing that will happen is that I will invite the President of the Environment & Infrastructure Committee to speak on the matter, which is what the Rules say. Then after that the motion to annul will be laid. That needs to be proposed and seconded.

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We will then have general debate, at the conclusion of which the President of the Committee will have the penultimate speech, following which the proposer of the motion replies to the debate. So Deputy Meerveld will have the last speech. But we begin with Deputy Brehaut, as President of the Committee, who may speak on the matter, that is the matter of the Speed Limits Regulations.

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Deputy Brehaut.

Deputy Brehaut: Thank you.

Just a bit of background and context then, Members. The proposal is to introduce and extend 25mph speed limits to broadly cover all local centres and main centre outer areas, as defined in the Island Development Plan. This is the first of a two-phase review of the Island's speed limits. Further consultation in respect of phase two will follow in due course. I know we know the annulment is out there. I want Members to be aware of that. In due course you will have a report that you will probably be asked to produce by the proposer of the amendment. It is coming your way anyway.

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The areas selected for phase one are recognised as community focal points where there is a high concentration of residential properties, schools and amenities. By reducing the speed limits in these more densely populated areas, the Committee considers it will make roads safer for vulnerable road users and encourage more people to walk and cycle, especially when undertaking shorter journeys, which will improve health, enhance the environment and minimise pollution, which accords with the vision for travel on the Island, as contained in the Integrated Transport Strategy. In addition, it is proposing to introduce 25mph limits in the vicinity of Blanchelande College, as it was noted it was the only school on the Island that currently has 35mph limits.

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I want to thank Deputy Lester Queripel for contacting me yesterday evening to ask what will be contained in phase two, which is relevant to the matter. Speed limits around schools, including the possibility of introducing part-time and reduced speed limits, that will be in phase two, because a number of people have raised that. Of course the Committee, and committees before this, have been looking at the issue of speed limits for some considerable period of time.

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So extending some of the proposed reduced speed limits to adjoining roads or, indeed, roads elsewhere, review of speed limits across the Island and one of the key elements of the wider

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review would be to address the current set up whereby smaller lanes, often single-lane carriageways, which are not located by a school or are not within the local main centres or within the maximum Island-wide speed limit, 35mph.

2715 Deputy Lester Queripel also asked why the 100 m lead-in to roads and the 100 m exit, or the positioning of the signage. It sounds a very small detail, but you have to be fair on the motorist and you have to give them a clear warning. So if you were returning, for example, from Rue Cohu into Le Friquet you cannot have a confusion of signs as you immediately turn into the road, so you give the driver that 100 m before it is clearly signed.

2720 Members, to be clear, we are not seeking to introduce an Island-wide limit of 25mph. There will be no new 81 speed zones. This is not a blanket approach. I say to my colleagues directly at Home, that press release, or rather that feedback on consultation which became a press release, contained the expression, 'a blanket approach' – that wording cost us a great deal of time and energy in explaining to the community that this was not a blanket approach.

2725 'The other 55% of Islanders are opposed to our proposals.' No, they are not. Of the very few people who took part in the consultation, 29 people said they were opposed to a blanket approach, which it is not. Incidentally, one Member of this Assembly responded to the consultation. I do not think the proposer or seconder of the annulment participated in the consultation. Deputy Lowe responded on behalf of the Home Affairs Committee; Deputy Paul Le Pelley wrote in.

2730 I stress those points as the context, the hysteria in some circles, in relation to our proposals, really did get out of hand. Speed limits have been set by this Assembly in this manner, through SI, since an Ordinance in 1934, for 85 years. I did have a bit more to say but I am not going to say it, because Deputy Meerveld has been the critic of this Assembly in its absence of strategic thinking and its ability to knuckle down to do the work ahead. Yet he wants a debate, which is what the
2735 annulment is for, to debate Statutory Instruments.

Members who have contacted me directly – that is 24 of you – say that you will not support this annulment. Twenty-four of you have said that, even regardless of the content of the debate, they will not support the annulment. Two Members that have said they will, I will name them. Deputy Inder – I do not know whether he will allow me to say that, so he is not included in the
2740 number – and one other Member. I have not spoken to the Alderney Reps.

So potentially 26 people could oppose this annulment. So what I would like to happen is ideally for Members not to support it but let us allow Deputy Meerveld to give his speech, let us hear what he has to say. But I do not intend to respond in any detail to more negative narrative about my mandate, my Committee members, the lack of evidence, which simply brings this
2745 Assembly into disrepute. I just want Members to approve these Statutory Instruments, these Regulations, and move on.

Thank you.

2750 **The Bailiff:** We come, then, to the motion to annul, which is to be proposed by Deputy Meerveld.

Deputy Fallaize: Can I make a point of correction for this point?

2755 **The Bailiff:** What, correcting the procedure?

Deputy Fallaize: No, just something that Deputy Brehaut said.

2760 **The Bailiff:** He has sat down. I did stop somebody raising a point of correction at the last meeting after the speaker had sat down because, if he disagrees with what you say, then he has got to get up again. You can make a speech in due course, if there has been anything that has misled the Assembly. The Rules say that you can raise a point of correction, interrupting another

Member, but clearly once that Member has sat down you are not interrupting him. I am only trying to interpret the Rules such as they are.

Deputy Meerveld.

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Deputy Meerveld: Thank you, sir. Do we need to propose and second?

The Bailiff: You need to propose it and you can make your speech in support of proposing it. Then I will turn to the seconder to see whether he formally seconds or whether he wishes to speak at that point.

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Deputy Meerveld.

Motion to annul.

The States are asked:

To resolve, pursuant to section 8A(1)(e) of the Road Traffic (Speed Limits and Trials) Ordinance, 1987, that the aforementioned Regulations be annulled.

Deputy Meerveld: Thank you, sir.

The motion to annul has been laid due to concerns regarding the blanket approach taken in targeting a large number of our roads detailed in these 10 Statutory Instruments and the lack of local road-specific research justifying these proposed speed restrictions. The Committee *for the Environment & Infrastructure* has used the Island Development Plan for real estate development to target roads within seven local centres and two main centre outer areas. The IDP was never designed as a traffic management tool.

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This brings into question the validity of basing traffic management decisions on the subjective boundaries of these real estate development areas. For instance, I live on Rue Carrée in L'Islet and based on the boundary defined in the IDP, the proposal is to divide the road in two; one end of it being restricted 25mph, while the other end remains unrestricted at 35mph. Where is the evidence proving that one end of my road needs a speed reduction while the other end, with two bus stops, a busy shop and a tourist attraction, remains unrestricted at 35mph?

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What is the evidence-based justification for restricting the speed on half of Rue Carey while not restricting speed on Camp du Roi Road, which suffers equally dense ribbon development, is near Hautes Capelles School and encompasses several shops and a garage? Generic international research and policies have been presented as justification for these changes. However there has been little or no local road-specific evidence presented to justify restricting speed limits on a large number of our local roads.

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While travelling to primary destinations in the UK it is often possible to route around speed-restricted residential areas; on ring roads, A-roads, or motorways. Guernsey has none of these, nor the ability to develop them. Guernsey's primary road network is the larger roads that intersect these nine target areas. Restricting speed on them will reduce the efficiency of our road transport system and will have a negative economic impact.

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Where are the traffic impact studies undertaken to determine the aggregate impact of restricting speed on all these additional roads? What research has been undertaken on the potential negative issues that these restrictions may introduce, such as a reduced transportation efficiency, congestion and roadside pollution, plus increased traffic in smaller lanes, due to drivers diverting to avoid these bottlenecks?

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Deputy Smithies and I have laid this motion to enable the Assembly to debate whether they wish to approve these Statutory Instruments and their blanket approach or if they wish to annul them in the hope that the Committee *for the Environment & Infrastructure* will have more targeted proposals based on road-specific evidence, justifying speed restrictions or alternative traffic-calming measures.

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We hope that this debate will focus on the principles of good governance and evidence-based decision-making, rather than descend into a debate on the merits of individual roads. We also

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2810 hope that the Assembly will appreciate that Deputy Smithies and I do not oppose speed restrictions where there is road-specific evidence supporting that decision and that laying this motion to annul enables this debate as part of the checks and balances within our political system.

Thank you, sir.

2815 **The Bailiff:** Just before I call the seconder, can I just further explain the procedure? There will only be one vote. The vote will be on the motion to annul. If the motion to annul carries then the Statutory Instruments are annulled. If it fails then these Statutory Instruments stand. There will not be a further debate; it is not like debating an amendment where you debate the amendment and then go on and have general debate. The general debate here, such as it is, is on the motion to annul and there will just be a single vote at the end of that, which is either to annul the statutory instruments or not.

2820 Deputy Meerveld?

Deputy Meerveld: Just as a point of clarity for the Members, then, if this motion fails, is not supported, then automatically all 10 of these Statutory Instruments are laid and that is it?

2825 **(The Bailiff:** Exactly.)

Thank you.

2830 **Deputy Brehaut:** Could I just say, because what Deputy Meerveld said in the email to States' Members is that you can support the annulment and then have a vote on Blanchelande College, for example, which you cannot. I have to be clear to States' Members, when I was working that through my own mind –

The Bailiff: You are making a speech now.

2835 **Deputy Brehaut:** I beg your pardon.

The Bailiff: Deputy Smithies, are you seconding the motion to annul?

2840 **Deputy Smithies:** I am, sir, and if I may I would like to speak now, quite early on in the discussion. I will not call it a debate because I hope it does not turn into a huge debate. From the outset I want to be clear that I would regret it if this became a debate about whether the proposed speed limits should be modified on individual basis.

2845 My purpose in supporting this motion to annul is not to oppose a reduction in speed on some of the Island's roads, but to oppose the lazy way in which the Environment & Infrastructure Committee seek to introduce them. This should not be a debate about individual roads and I hope there will not be any attempt to obscure the debate by trying to go down that route.

2850 E&I has claimed that the Statutory Instruments were split into 10 separate items to allow Deputies to make a case to annul any one or more individually if they felt that some roads needed to remain at 35 miles an hour. That seems to me to be trying to open a debate about the very thing that E&I claim to want to avoid.

2855 The method used in selecting the roads that we are considering today was largely, with a couple of exceptions, to consider all roads contained within the local centres and main centre outer areas as defined in the IDP, which as Deputy Meerveld has very clearly said was designed to cover building development which could, in itself, be subject to a traffic management survey and plan, which might define areas where reduced speed was considered necessary. It was not designed to pre-judge the outcome of any such survey.

It is my belief that we should send E&I back to rethink this policy and come back to the States with a well-thought-out and evidenced policy letter. It is long past the time when E&I should address the overall policy and not be adopting this partial and piecemeal approach to traffic

2860 management and road use. An integrated policy is needed, which addresses the needs of all the Island, not just particular pressure groups and special interests.

The extension of pressure points by the confusing and frequent changes from 35mph to 25mph and then back to 35mph, or down to 20mph, does not make life any easier for the motorist or, consequently, for the cyclist or pedestrian. The nearest thing to a policy letter which we have at the moment is the Speed Limits Decision Notice, a deeply flawed and partisan document based on prejudice and poorly argued evidence, which seeks to slip in a policy principle in favour of minority interests and which is based on social engineering. Indeed, it starts from a chosen decision and then seeks to find evidence to support it, totally ignoring any inconvenient counter-argument.

2870 In its invitation to the public to comment on the proposed speed limit changes late last summer, the Committee re-stated the wish to:

... encourage more people to walk and cycle, which will improve health and enhance the environment and minimise pollution.

Taking the decision notice, it depends heavily upon evidence which is, I consider, partisan and in some cases inappropriate for Guernsey. The Committee, on page 3, states that:

On the basis of the evidence submitted in this Report, believes that the benefits of introducing further 25mph limits far outweighs any perceived disbenefits.

2875 Well, I believe there is still a case to be made. Turning to the way in which the public consultation has been dealt with in the decision notice, inevitably most of the responses quoted consisted of opinions and not evidence. This applies to the 165 objections as much as it does to the 136 expressions of support. However, it is the Committee's handling of the responses, which is interesting.

2880 The objections are, in appendix 1, lumped together in broad categories and then painstakingly taken apart and critiqued. Unfortunately, most of the criticisms are not evidenced but simply covered by such unsubstantiated phrases as: 'it is internationally recognised', 'this is a misconception', 'there is overwhelming evidence' and the one which I really like, 'any modal shift towards walking or cycling that results from creating a less intimidating environment will improve the throughput and therefore improve congestion as it will reduce the pressure on road and junction on capacity'. Make of that what you will.

2885 There is no equivalent attempt to categorise and address the expressions of support. We are left in the dark as to what the substance of that support was. Only nine of the 136 expressions of support are quoted, on page 12, and are mainly the unqualified opinions of the writers. On page 15 of the decision notice we have the Committee's response to the challenge that there is no evidence base to support the proposed changes, the pursuit of which was referred to by Peter Gillson in his column in the *Press*, headed: 'Like nailing jelly to a wall' – his colourful phrase to describe his frustrated attempts to use the Freedom of Information Rules to obtain from the Committee some of the huge body of evidence which had informed the Committee's decision to bring forward these Statutory Instruments.

2895 On page 15 the criticism of the lack of data is dealt with as follows:

The most relevant evidence is the huge body of empirical data, research and analysis that has informed the Safe System Approach, some of which is set out earlier in this decision notice.

2900 Referring back to page 5 of the document, under the Safe System Approach, we read that speed management is one of the simple tenets of the Safe System Approach as speed has a direct relationship with collision force. Is that evidence? Common sense, maybe, but not evidence. In dealing with pollution we are informed that creating a road environment more conducive to walking and cycling is therefore the most effective way to reduce traffic-derived air pollution and reducing vehicle speeds is an important factor in achieving this. Not necessarily so. Lower limits

force drivers to use lower gears and increased engine revs. Also at slower speeds drivers are on the road longer to cover the same distance.

2905 There are some examples in the decision notice of misquoting evidence or at least not giving the full quotation. On page 17, it references a Transport for London publication, which, 'discredits the myth that lower speed limits increase pollution' and summarises, 'the health benefits of slowing traffic will dwarf any disbenefits'. But it fails to complete the quotation, which in the original continues, 'most of these benefits will come from supporting a shift to walking and cycling'. So there you have it, far from discrediting the myth that lower speeds limit increased
2910 pollution, it actually states that walking and cycling are less polluting, and that is not quite the same thing.

One final example of selective editing, on page 19, in respect of fears about increased journey times, we are assured that studies show that slower speeds are largely mitigated by reduced distances between vehicles as the breaking distance required also decreases. But that report
2915 originates in Helsinki, a city of half a million inhabitants – not exactly Guernsey then. The study then goes on to demonstrate that lowering the speed limits to 18mph in Helsinki resulted in a 15% reduction in accidents, whereas a reduction of 50% was achieved by the introduction of speed cameras.

The Committee tells us on page 23 that there is a larger piece of work to come to review speed limits across the Island, and referred to in his introduction by Deputy Brehaut. So that is phase two and that is an admission that the Committee *for the Environment & Infrastructure* has failed to deliver a strategic review of the Island's speed limit, which has been awaited since 2006.
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The clearest indicator of what phase two might propose is that it would include a review of speed limits in lanes and time-limited speed limits around schools. Again, confirmed by Deputy
2925 Brehaut earlier, and it would be brought to the States in a policy letter. So why do we need phase one? The obvious thing for E&I to do is to press ahead with a full review of traffic conditions and then come forward with a policy letter, which would propose clear guidance and solutions to any problems found.

What we have before us is a sort of interim measure, which might, although I doubt it, be revised and overturned in an evidence-based phase two policy letter. It would seem to me that the idea behind the Statutory Instruments is to try to get drivers accustomed to the idea of lower speed limits ahead of any further work on a definitive policy.
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I urge the States to support this motion to annul these Statutory Instruments in order to require the Committee to bring a policy letter before the States, with detailed proposals for a strategy, which will explore alternative, possibly more effective, means of traffic control and management. That concludes my speech. I would just add that I expect this motion to fall. We have already heard that perhaps 24 Members of the Assembly have made up their minds already, which I find interesting, because I always at least try to listen to the arguments before making up my mind, but there we are. Such is life.
2935

2940 Thank you, sir.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

2945 On behalf of the Committee *for Home Affairs* I would like to remind Members of the stance that the Committee shared with the Committee *for the Environment & Infrastructure* in August 2018, when we were consulted on the proposals. These were primarily that while there may be arguments for reassessing speed limits around certain danger spots or stretches of the highway, the blanket approach was not sufficiently evidence-based.

2950 The Committee also endorsed a submission made to the consultation by the Police, which included that, as a general principle, initiatives which improve road safety and ensure the free flow of traffic are to be welcomed and that where lower speed limits are set around schools there is an option for these to apply only when the schools are open and that the Police currently focus on

2955 the reckless few who travel at excessive speeds, thereby putting all in danger. I have said that before in our statement to the States regarding that as the policy priority, to address speeding.

2960 The Police also stated that, regardless of the defined speed limit, most drivers proceed at a speed they consider appropriate for the road in question and this is not unique to Guernsey. It has been analysed both here and across the UK. The Police also added that revising the speed limits may create a public expectation of significantly more Police speed checks than at present, but this is unlikely to be met given our finite policing resources.

2965 We all recognise that the mandate to recommend speed limits rests with Environment & Infrastructure, so Members of Home Affairs will be speaking and voting on this motion as they see fit. What I will add here is none of these changes to the speed limits are Police-led. In other words, have the Police contacted E&I and asked them to consider such-and-such road, reducing the speed limit to 25mph, because they have concerns at the amount of evidence they have with so many incidents or accidents concerning a particular road? No. These changes are from E&I.

2970 For my own part, I have come in for some criticism from the President and Members of E&I for using the term 'blanket'. They may not like it but it is central to the reasons why I believe the States must support this motion to annul. Their objection to my use of the term is that for the speed limit of 25mph to be described as a blanket it would cover the whole Island. I understand that an Island-wide 25mph was something that they may have contemplated but we will find out more in their phase two proposals.

2975 For me, a blanket does not cover the whole house, or the whole room, but does cover a relatively large area, be that a sofa or bed or a person. In this respect, E&I's proposals are broad and embracing, around 80 roads or parts of roads. It seems to be focussed around parish centres in what can only reasonably be described as a blanket fashion.

2980 I will be the first to agree that we need Guernsey to be a safe place to travel around, whatever mode of transport or if walking or cycling. Equally, however, we have to be realistic in that for many of the roads selected there are long periods of the day when there will be no pedestrians, horses or cyclists using them but still drivers would have to proceed at 25mph or below.

2985 I also know E&I have been asked to reduce the speed limit by the playing fields used by the Vale Primary School. The children walk along the road to the playing fields. Yet this stretch of road is not even on the E&I list and it should be. When the roads were identified there was and still remains a public backlash –

Deputy de Sausmarez: Point of correction.

The Bailiff: Point of correction from Deputy de Sausmarez.

2990 **Deputy de Sausmarez:** I believe the road that Deputy Lowe is referring to is Les Rocques Barrees and that is included in Statutory Instrument 8, I think?

The Bailiff: Deputy Lowe.

2995 **Deputy Lowe:** When the roads were identified there was and still remains a public backlash. I remember listening to the head of Blanchelande College on the radio as the speed limit was being reduced to 25mph and how did he feel about it? Was he pleased? He responded they did not seek a reduction in the speed limit as he did not believe there was an issue but as it was on the list, adding a pavement as well was a good idea. Well we have since heard yesterday that the engineers have now decided that a pavement will not be appropriate because of the safety of the wall, so they are going to paint a line instead.

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Deputy Hansmann Rouxel: Point of correction.

3005 **The Bailiff:** Point of correction, Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: It is not that we decided that it was not appropriate; we have been told that it is structurally not possible to do, not decided that it was not appropriate.

The Bailiff: Deputy Lowe.

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Deputy Lowe: Same difference. Of course you can either have a pavement or you cannot –

Deputy Brehaut: Sir, I need to make a significant point of clarification. Thank you, sir.

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Deputy Lowe has said that a road will remain at 35mph and that is not the case. I would like her to acknowledge that. The second point is that because of the structural integrity of a wall we cannot put a pavement in. It is not that we have opted not to. Please be careful in what you say.

Thank you.

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Deputy Lowe: Perhaps when you look at the transcript, I have not said anywhere that it will remain at 35mph. Of course if there are roads which are known to be dangerous, based on evidence, or accidents, or incidents, then certainly options to improve safety, such as traffic-calming or warning signs, or even reducing the speed limit should be considered and implemented.

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It is, however, this level of evidence that is woefully lacking in E&I's decision to re-categorise swathes of the highway as 25mph. What needs to happen is for E&I to go away and make decisions on a road-by-road basis, against clear and transparent criteria, which can be subject to public scrutiny. It would be entirely inappropriate for this Assembly to be having a debate about which road should be at 15mph, 20mph, 25mph or even 35mph. That has to be left in the domain of E&I, but it needs to do the job properly and base it on evidence that all have the chance to see.

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I also have to voice my disappointment at the way E&I handled the consultation process. It was easy to gain the impression that the Committee had made its mind up in advance and had paid lip service to the need to obtain the views of the public. It was seemingly so confident that it would be proceeding, regardless of what the public said, it ordered hundreds of signs and signposts.

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When the clear majority of the consultation responses came out against the blanket proposals, E&I dismissed them as not being truly representative. I am sure if the majority had been the other way it would have been trumpeted as a resounding endorsement of E&I's plans. But no, it seems that to E&I if a consultation does not say what you want, you ignore it.

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As a States we have an important role not to be setting the individual speed limits of sections of roads. We would be here for weeks if we tried to do that. No. But we do have a role to make sure Committees discharge their functions effectively, fairly and based on sound evidence. If they do not do it; for us to call them to account and direct them to revisit their decisions. That is exactly what we need to do today.

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Setting of speed limits needs to remain with E&I, but the Committee does need to return to the board table and, guided by professional officers including the Police, reassess based on road-by-road evidence whether speed limits need reviewing, to make public the criteria and evidence used in reaching those decisions and then return to this Assembly with regulations, which are then likely to go through without question. At this time, however, we do regrettably need to annul these Regulations. As such we need to support this motion.

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Thank you, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

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I have an excitable form of apathy in relation to this issue! I honestly cannot understand the level of hysteria which has accompanied the publication of these Statutory Instruments, from some States' Members. Deputy Smithies, when he spoke, made some interesting points but he

basically took the approach of explaining how he would approach this issue if he was a Member of the Committee *for the Environment & Infrastructure*, and I think that is the central problem.

3060 This is about the level of decision-making. These decisions, what is the most appropriate level for them to be made? Is it in the States' Assembly or is it by a Committee of the States? It is no good Deputy Meerveld and others, who are in his case proposing, or others who are supporting the motion to annul, saying they are not asking the States to come to a view on whether a particular road or set of roads should be 35mph or 25mph, because that is the effect of the motion they are putting before the States.

3065 If Deputy Meerveld's motion to annul is successful then a whole pile of roads and lanes, and most of them are lanes, will continue to have a 35mph speed limit. If Deputy Meerveld's motion to annul is defeated, they will have a 25mph speed limit. So that is the debate in which Deputy Meerveld is trying to engage us, through his motion to annul.

3070 There are some things which are best dealt with at the level of Committees. Every day, Committees, of which we are not Members, and I say this to all Members, make decisions, which as individuals we may not agree with. There may be things that the States' Trading Supervisory Board does, that Deputy Smithies sits on, that I do not agree with. Maybe waiving landing fees in relation to the Heathrow link? I do not know, I do not have a particularly strong view one way or the other. But probably some Members disagree with that view.

3075 But does that mean the matter should be brought into the States so the States can take a view, the whole Assembly can take a view on what the landing fee should be? If the States try to involve themselves in the designation of speed limits along particular roads then I think it is the thin end of the wedge. What will it be next? It might be what should be the class sizes in all of our schools, how many patients should be allowed on the wards of the Hospital? These are the kinds of intimate details of administration, which are best left to committees.

3080 I do not know how long it is that speed limits have been determined by Statutory Instrument. Deputy Brehaut says 1934. The second point I want to make.

Oh, Deputy Laurie Queripel wants me to give way, which I will.

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The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

I am very grateful for Deputy Fallaize for giving way.

3090 I understand what he is saying but as States' Members we have been elected to hold committees to account and we have been elected to scrutinise the actions and the decisions of committees. I know what he is saying about debating things in the States but does he not think it is a duty of States' Members to take an interest in these kinds of things that he is talking about and raise concerns if they have concerns about these decisions and these actions that are being taken and put forward? Is that or is it not the case?

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Deputy Fallaize: It is a matter of where is the appropriate level of decision-making? Yes, it is appropriate for States' Members to scrutinise committees, to ask questions of committees. I am the last person who should stand before the States and say that individual States' Members have no right to express opinions in relation to matters that fall within other committees' mandates, because I have been doing it for 10 years.

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But there is a difference between the States involving themselves on fairly substantial matters of policy and getting embroiled in detail. No matter how interesting individual road speed limits may be, in the array of substantial issues the States have to deal with, they are well down the list of priorities.

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We have had, in the last week or so, just to use as an example, the Committee *for Economic Development* providing a subsidy, which when you include the landing fees discount is probably close to £1 million public subsidy, in order for a commercial operator to run a Guernsey-Heathrow

3110 rotation once a day for seven months. That has not come to the States, that has just been a decision made at committee-level, announced in the media.

No Member has sought to lay a motion before the States to try to get that debated. Yet here we are, a few days after that decision was announced by a Committee, we are here being asked to debate, in practice, whether a speed limit should be 35mph or 25mph along a few dozen roads. I do think it is quite pathetic.

3115 I do not necessarily disagree with many of the points that Deputy Smithies was making but, if we are all individually going to bring to this Assembly administrative decisions of detail that are made by other committees, which we do not like, well we could reserve seven days a week, 52 weeks a year in our diaries because we would never do anything else.

3120 Deputy Lowe said this is a blanket approach and Deputy Brehaut says it is not a blanket approach. I am not sure why Deputy Brehaut is so upset with the term 'blanket approach' because my reading of what Deputy Lowe is saying is that the Committee is applying the policy consistently. Rather than a blanket approach, would she rather a haphazard approach or a piecemeal approach where some roads, which conform to a certain set of circumstances, should be 25mph; another set of roads which conform to the same circumstances should be 35mph? That would not make any sense.

3125 If it is a blanket approach that is not surprising because what the Committee has said from the outset is it is applying the existing policy and it has found that, within the terms of the existing policy, there are some roads and lanes which should be designated 25mph, which currently are not. So no wonder what they are proposing comes across as a blanket approach, if they are applying the policy consistently.

3130 The third point is, and I suppose in a way that this is the crux of why I am opposed so much to this motion to annul, I just think that these changes are generally a good thing. I find it a very odd cause for some Members of the States to take up. I am not sure if I had availed myself of the kind of information and advice that the Committee Members have, if I was a Member of that

3135 Committee, I would have been, if I am coming at it as a lay person without the benefit of any expertise, I would have designated all of these roads at 25mph. I might not have designated Braye Road, for example. I am not convinced one way or the other.

3140 But when I look through the list of roads most of them are relatively small. I think most people looking through them would probably be surprised that most of them are not 25mph. I look through the ones in the Vale and about 80% of them I was surprised that they were not 25mph zones. Many of them are lanes in which you can only pass one car comfortably without having to reverse; if two cars come along the road you have to reverse to the other end of the road.

3145 So I cannot quite understand why there is so much, I think it is hysteria, but so much angst in relation to an attempt to change this series of roads from 35mph to 25mph. Yes, it might be that the Committee has got two or three wrong. It might be that I would have made judgements that were different in respect of two or three roads.

3150 I do not think this is a major disaster if we end up with two or three roads which are 25mph, which some of us think should be 35mph. In terms of what it is worth spending debating time on and bringing motions to the States to get excited about, I find it hard to believe this has come to the top of anyone's priority list.

A Member: Sit down, then!

3155 **Deputy Fallaize:** I know it is always cheap to stand up and say, 'we should have a very short debate,' and then make a long speech right at the start of the debate! But Deputy Smithies said that this was potentially a matter of getting drivers accustomed. I do not think Guernsey drivers need to become accustomed to 25mph zones because there are dozens of them, probably hundreds of them. I do not think that by designating these roads, Guernsey drivers are suddenly going to become confronted with this wholly unfamiliar concept of a 25mph zone. So I do not

3160 think that can be the reason behind the changes.

3165 He also said that this was potentially an interim phase. I think that is because these changes are in accordance with the existing policy and therefore they are inevitably interim because they predate any kind of strategic review. And the last point I want to make is that, it has not been said in this debate so far, although I think Deputy Smithies came close to saying it, but it has been said in the lead up to this debate, that these proposals are somehow anti-motorist.

3170 I do not understand and I would like somebody who feels that they are anti-motorist to explain it, if they are supporting the motion to annul. I do not understand why re-designating a speed limit along a road or lane from 35mph to 25mph is an anti-motorist thing to do. That presumes that if we were to change it from 35mph to 45mph, that would be a pro-motorist thing to do. Maybe if we got up to 55mph, that would be an even more pro-motorist thing to do. I do not understand the logic of believing that the changes set out in the Statutory Instruments are an anti-motorist initiative.

3175 I am a motorist. I probably go around by car, not always but more frequently than I should; certainly more frequently than some of the more environmentally noble Members of the States on their bicycles or electric bikes and on public transport. So I am not anti-motorist. I am a motorist and I do not think that my freedoms as a motorist or my opportunities as a motorist are somehow going to be restricted by this relatively small number of roads changing from 35mph to 25mph.

3180 But I am pleased you made that clarification at the start of the debate, sir, because there has been a sense leading up to this debate that we are going to be asked whether or not to approve these changes. As understand it, the Statutory Instruments have already been made. They will not come into force until 7th April 2019, but they will come into force, based on the judgement made by the Committee, unless Deputy Meerveld's motion to annul is successful.

3185 I cannot remember the last time the States were asked to annul a Statutory Instrument. I think it may have been about 15 years ago, in relation to Family Allowance; maybe even longer than that.

Deputy Brehaut: Point of information, sir.

3190 **The Bailiff:** There is no such thing.

Deputy Brehaut: Sorry, you could give way, if you like.

Deputy Fallaize: I can, yes.

3195 **The Bailiff:** Deputy Brehaut.

3200 **Deputy Brehaut:** The late Dave Barrett annulled an amendment on tent dwellers and that fell under the Housing (Control of Occupation) Law. I think that was about 15 years ago, but it is an extremely rare event in itself.

Deputy Fallaize: And now the tent dwellers are getting their revenge! I just think that this is a matter that is best left to the Committee and I do really encourage the States not to involve themselves in matters of detailed administration because I think, once this starts, I fear where it will end.

3205 I know it is an easy thing to say in the States and it has become a bit of a cliché, but we do have more important things to be getting on with than trying to annul a few Statutory Instruments to change the speed limit along a few roads by 10mph. So I would encourage Members to throw out this motion to annul and, notwithstanding the speech I have made, which has been too long, to do it quickly.

3210 **The Bailiff:** We will hear from a Member of the Committee, Deputy de Sausmarez, and then Deputy Kuttelwascher; he has stood a few times.

Deputy de Sausmarez: Thank you, sir.

3215 I think you missed a trick there. Deputy Kuttelwascher was promising to be very short, I think. I will try to keep it brief, bearing in mind what Deputy Fallaize has just said.

Notwithstanding what Deputy Fallaize has just said, I do think that this is an opportunity to clarify some of the huge amount of misunderstanding around these, because clearly there is a lot of misunderstanding. I think there are all kinds of contributing factors to that. I think there has been some quite muddled commentary in the media, as well, which has not helped, perhaps. So I would like to take the opportunity to set a few things straight in people's heads, perhaps.

3220 First of all, this idea of evidence. We have heard a lot of talk about evidence: 'We need local evidence,' 'We need this evidence base.' I could, but I am sure Members will be relieved to hear that I will not, spend quite a lot of time talking about how certain evidence bases, data sets, are wholly inadequate in terms of making these kinds of judgements.

3225 For example, I am not going to go into the details but, as the Police themselves will confirm, Police data is famously inadequate. Collisions, for example, are hugely under-reported. Near misses do not get reported at all. Fear does not show up as a statistic. So the Police themselves are very up front about this and say their data does not even come close.

3230 I could talk about the history – this is where I could get very boring – about how different data sets have been used in different ways at different points in history in different places, in terms of setting of speed limits and all of this kind of thing. But, to be honest, I do not need to, because it is not the relevant point. The evidence that I believe people are talking about misses the point of what we are actually basing these Statutory Instruments on.

3235 Basically, if we unpick the logic, if we can assume that the evidence that people are asking for are things like collision data, injury data, speed data – I am assuming these are the kinds of data sets that people are crying out for – as Deputy Fallaize alluded to, where would that take us? If we decided to base speed limits on data like those, where would we end up?

3240 We have never done it that way and if we go back to maybe the early 1960's and in my mind's eye we would have a group of people sitting around a table with cigar smoke drifting up around their horn-rimmed glasses and their neatly parted hair as Roy Orbison comes drifting in from a distant radio, maybe that is how they made their decisions.

3245 They would maybe look at those data sets, if hypothetically this is how they approached it back in the day, and they would see that actually down La Charroterie, no problem – I do not know why I picked La Charroterie, actually, just looking over at Deputy Ferbrache there. The Bordage, sadly three people had been in collisions on The Bordage and had been hospitalised by Mini Coopers, but down Fountain Street, no problems at all.

3250 If we extend that logic, we would have 35mph down La Charroterie, we would have 25mph at The Bordage, we would have 35mph again at Fountain Street. That kind of haphazard piecemeal approach is just barmy, to be honest. We have never done it that way. What we are talking about here are speed limit zones and those zones are based on land use and that is the absolutely key point.

3255 So the evidence that is the most relevant, that trumps all other pieces of evidence is what are those streets for? How do people use them? Where are they? What do they do? Are they used by people who live there? Are they densely populated? Are they characterised by shops, by post offices, by schools, by churches? Can we realistically expect quite high volumes of people to be moving about between those places?

3260 The answer in local centres and main outer centres is yes. That is the relevance of the IDP. The IDP actually gives us a definitive idea of where those community hubs are and that is what they are used for. That is where development will continue to be concentrated. So it has always been the case, since those hazy days back in the early 1960's when the powers that be decided it would be sensible to make those areas 25mph, in order to facilitate people moving around in a way that is appropriate for the area.

The policy that was adopted back then is the policy that we continue to have today and that is all we are doing. As Deputy Fallaize rightly observed, this exercise was simply a case of applying

3265 that existing policy more consistently because there were, historically, some anomalies. Some communities, I do not know whether communities had evolved more quickly than others in some cases, grown a little bit or it just had not been particularly accurately applied in the first place so we were sort of updating the existing policy and applying it.

3270 It is really nothing very radical. All the other data is, I think, utterly fascinating but it still does not trump the main piece of evidence, which is the land use. What are those roads used for? That is the fundamental piece of evidence. That is what policy has always been based on and that is the policy that underpins these particular Statutory Instruments today.

3275 In these areas it is completely realistic. We have got concentrations of people and it is realistic to expect, if you live in one of these areas, that you can just pop to the shop on foot or on your bicycle or on your mobility scooter or whatever it is. I think it is unrealistic to expect that people might have to make a short trip of, say, perhaps a few hundred metres by car because they do not feel safe.

3280 That feeling safe is absolutely crucial. We know, and this is from various sets of local data, that one of the biggest barriers to people moving about in that way at the moment, locally, is vehicle speed; especially because we do not have the most appropriate infrastructure. Quite often we do have lanes, which do not have pavements. We see children walking to school, basically having to queue up with the traffic sometimes. Our pavements are very narrow and all these kinds of factors. We know, because they have told us, that people locally are intimidated by vehicle speed and that is one of the main barriers to them making that short trip by foot or by scooter or whatever it is.

3285 So that is what we are trying to achieve and I think that is what Deputy Smithies might have referred to as minority interests; I just think it is common sense. Deputy Smithies completed the quote about the evidence. Actually all the evidence that was cited in the decision notice is listed in the footnotes and there are multiple documents. I could rattle off a list but I do not think there is any point. But they are reputable organisations that people will have heard of: the World Health Organisation, NICE, all sorts of very well-known organisations here. As I say, it is just about land use. That is what trumps all other things.

3290 Each of these areas is really important to the people living in those areas. Deputy Smithies criticised the consultation process. I think that we did not set our expectations on that consultation process clearly enough, I will take that. I fully accept I think we should have been much clearer about what we were expecting. What we did not expect is for everyone to be road safety experts because we know they are not. But what they definitely are experts in is what it feels like to live and go to school in those communities. So it was that qualitative information that we got back from the consultation which actually was completely crucial.

3300 We have heard from various members of those communities and I think they do paint a really compelling picture, actually. Some of them there has been a bit of a controlled experiment going on in the Ville Amphrey, where they have actually reduced their speed limit on a temporary basis and actually it has quite revolutionised the way they are able to use their street. So that is why I think we have heard quite a lot from them. They are pretty horrified at the thought that their lane might remain at 35mph.

3305 We all know that speed limits are not a panacea. E&I have never gone out saying anything else. We have never said, 'Yes, what we are going to do is we are going to put a sign up and that is going to be it. The roads are going to be safer.' We know it is not a magic wand and it does not just overnight do the trick.

3310 But interestingly, speaking of evidence, I have got an Atkins 20mph research study, which is a meta-analysis of all the various speed reductions to 20mph in the UK and it does show that there is a significant positive impact on people walking and cycling. So, for example, 9% of households with children, aged six-10, are now cycling in their local area, that did not before; 59% of people who already ride their bikes a bit are now riding their bikes more for local trips than they did previously.

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3320 So we know that even the act of just bringing those speed limits down a bit, does actually have a statistically significant effect. However, it is not the be-all-and-end-all. But – and I find it extraordinary that I am going to use this analogy, because I do not wear the stuff myself – if you think about it in terms of make-up, speed limits are like the foundation layer; they underpin all those other measures that people are right to mention, that are really good at making sure that vehicle speeds in reality do come down. All of those are underpinned by lower speed limits.

3325 It is just like the foundation layer. There is lots of work to be done. Deputy Brehaut has already talked about phase two. Because the principles of land use are so strong in the way that speed limits are set, I just cannot conceive of a situation where any phase two would come back and recommend that those lanes are 35mph.

I think if we supported the motion to annul it would just be kicking the can down the road. We are going to take a more strategic look at this. We have started that process; it is going to be a big bit of work and it does take time. We have been working on it for some time already, collating various different things.

3330 But I think for the time being, why would you object to these? As Deputy Fallaize says, when I have sat down with maps and shown people, the most common reaction has been surprise that these are not already 25mph roads because they sit comfortably in zones that people intuitively assume should be 25mph areas for the vast majority. So I really would encourage Members to reject the motion to annul and let us get on with making our roads feel that little bit safer and encouraging a wider variety of transport options for the community.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

3340 It was going to be a minute. It will be a minute and a bit now because Deputy Fallaize was intimidating, I think, that I was going to lay a guillotine motion, but that is not the case. But after my speech that might be the effect!

3345 I just did some sums. What are we talking about? Let us presume we are going to traverse a quarter of a mile at 25mph as opposed to 35mph, which might be a typical length of a particular limit in a village. It will take you 10 seconds longer. Well how trivial is that? How can you get excited about that?

3350 Even if you are going coast to coast and you had a mile-and-a-half of this dreadful speed limit, that will add one minute to your journey time, it is trivial. Why are we talking about it? It really does not matter, because on the day, in the rush hour, you will not be able to get anywhere near any of these limits. I really think we are wasting time at this stage. (**Several Members:** Hear, hear.) I hope that as a result of the triviality of the real effect of these, people see that it is time to call it a day and dispose of this motion.

The Bailiff: Deputy Paint.

3355 **Deputy Paint:** First of all, Guernsey is a very courteous place to drive cars, ride motorbikes, even walk. More than any place in the world I have ever visited. I have driven in the United States, Canada, the Far East, just about all of Europe, the UK, Ireland, many places. Here people stop when people are crossing the road, even if they are not at zebra crossings or pelican crossings or whatever. They do stop or drive carefully. Nowhere else will you see such courtesy.

3360 Now I honestly believe that limits on main roads should have come first, not blanket as it is now, because – and this is not my suggestion, that has happened at the Castel Douzaine – one Douzenier came up with a very sensible suggestion and what he came up with was sort out the 35mph roads and the bits that you might think in those roads should be 25mph and then the rest, when people complain that there is fast traffic in their lanes, you can reduce it to 25mph. Does that not make a lot more sense than what we have here?

3370 Yet again, E&I are provoking the general public, because they do not know what is coming next. The next thing they are worried about is, is it going to be 25mph all around the Island? Is it going to come? Is this Government going to say, 'Yes, it is okay,?' I will just tell you what my average speed in Guernsey is. It is 16mph. If I had to go down to 25mph everywhere I go to, I will be down to 12mph or 13mph; that is causing a lot more pollution.

3375 In France, it is actually 46.8mph. It is the same car. There is the same engine, but I get 46.8mph in average in France. The next thing is the policing side of it. How are you going to police it? It is alright to tell people you are only allowed to do 25mph in this lane. But how are you going to police it? Are you going to get more traffic police at perhaps £2 million or £3 million a year cost, when it might not be necessary?

3380 Regarding what Deputy Fallaize said, the problem we have here is trust. That is a problem. I have said it several times before; it was said about me last time in the last debate, and it is trust. The people have lost trust in this Government because things have happened and it is generally E&I that is causing it.

3385 **Deputy Brehaut:** Excuse me, sir, I would like to make a point, if I can, that the term 'untrustworthy' – and it is often aimed at this Committee – cannot be parliamentary. Surely it is in the realms of 'liar', being untrustworthy, and it is unparliamentary and I think the Deputy should withdraw it.

3390 **The Bailiff:** He is not saying that any individual is untrustworthy; he is just saying people have lost trust in this Assembly. Well, he said E&I are. He is not saying any individual ... Oh, he is saying individuals are not trustworthy.

Deputy Paint: Well, it was said about me.

3395 **The Bailiff:** Certainly it would be unparliamentary to accuse any Member of the States of being untrustworthy.

3400 **Deputy Paint:** I will withdraw my words then, if it causes offence, but that is what I am going to do anyway. That is the truth of it. That is why we get so much adverse opinion from the public and that is the truth of it. Now if E&I came back with something like I proposed earlier, which sorted out the 35mph, then went with the 25mph, believe it or not, I would support it. But the way it is being put to us is wrong and I am sorry that I will be supporting the motion.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

3405 **Deputy Ferbrache:** Well, sir, I am and still remain, despite the very able speech of Deputy Smithies, one of Deputy Brehaut's 24. Because this really is a matter for that Committee. One of the phrases in Deputy Smithies' speech that I thought was remarkable, but sadly not remarkable for the right reason, is that he said it does not matter if it makes common sense if the evidence is not there; or words to that effect. Well actually common sense is what we are supposedly here for.

3410 I did groan when I heard Deputy de Sausmarez talk about the World Health Organisation. I am not quite sure what that has got to do with a 25mph speed limit, but there we are, I am sure there is a reason. I look at it this way: each of the individual districts, I thought each of that makes sense. We have all had the same email traffic, no pun intended, from members of the public, and it has almost been one way, saying 'Why is this going to be that speed for so long, why has it not been reduced before? By the way, there is a lane around the corner that should be reduced to 25mph because it is 35mph and that does not make sense.' There have been one or two the other way but that has generally been the way it has been.

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3420 Probably in this States, I would be seen to be more akin normally to Deputies Meerveld and
Smithies than I would be say to Deputy Brehaut. I do not think that is fair but I think that would be
the way we would be perceived. But I am very disappointed that they have wasted the States' time
with this motion, because I have written down Beghins, I have written down HMV – both of those
3425 have closed of course – I have written down the fact that our air passenger figures are at the
lowest since 1995 and Aurigny since 1971, that our figures for passenger travel on the sea are just
a smidgeon up on what they have been. If you could just go back a few years they were much
higher.

We have got all those kinds of problems, all those kinds of issues that we should be
concerning ourselves with and we are really debating whether L'Aumone should be 25mph? It is
absolute self-indulgent nonsense. I have got to say I was disappointed when you get Deputy
3430 Fallaize with we should deal with it summarily and then spoke for 17 minutes, I think there has got
to be a degree of responsibility the other way too and that was irresponsible. If it is not
parliamentary I apologise and I do not really.

In connection with that, this is a decision for E&I. I fully accept that they have looked into it
extensively because the conclusions, whether they should have had a traffic impact report,
whatever that says – I wonder what that would have cost and how much time it would have taken,
3435 how much resource it would have used – I look at their conclusions and they are reasonable. Even
if they were unreasonable, unless they were so excessively unreasonable and I thought I would
have to interfere then that is when I would interfere.

Each committee has got to be given a significant band of tolerance when they make this kind
of decision. My goodness me, the public of Guernsey must think we really have a poor States if
3440 they are talking about, debating whether L'Aumone should be 25mph.

The Bailiff: Deputy Prow.

3445 **Deputy Inder:** Rule 26.1, I want to try and invoke it? Thank you very much.

The Bailiff: Anybody who has not yet spoken in debate but wishes to do so please stand in
their place. We have five standing in their place. Do you still wish to go ahead with it Deputy
Inder?

3450 **Deputy Inder:** I will give it a go.

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

Some Members voted Pour; others voted Contre.

3455 **The Bailiff:** I think I am going to go to the recorded vote on that one. So we go to a recorded
vote on the guillotine motion that debate be terminated.

There was a recorded vote.

Not carried – Pour 13, Contre 23, Ne vote pas 0, Absent 4

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

The Bailiff: Members, the voting on the guillotine motion was 13 in favour, with 23 against. I declare it lost. Debate will continue; I thought it was closer than that.

Deputy Prow, I had already called you.

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Deputy Prow: Thank you, sir.

I would like to start by assuring the President of Environment & Infrastructure that I rise to support the annulment but, in doing so, I am not criticising in any way either the President or his Committee. I have to say that I do have some sympathy with the arguments put forward by Deputy Fallaize, Deputy Kuttelwascher and Deputy Ferbrache. But I think I would mitigate some of what they are saying against the fact that there has been a great deal of public interest in this and in my email inbox it has not all been one way. I also believe the interjection from Deputy Laurie Queripel, that it is our duty to scrutinise these things.

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One other point I would make is it is not just the Committee *for the* Environment & Infrastructure that have officially discussed this at committee, it is also the Committee of Home Affairs where we listened very carefully to the consultation which the Police gave. I would just like to put some balance but, sir, I will be brief.

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I should say from the outset that I welcome initiatives as a general principle which improve road safety and ensure a free-flow of traffic and I accept there may be arguments for reassessing speed limits around certain danger spots or stretches of highway and certainly some emails that I have received do point out where this might be the case.

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However the blanket approach, which will be achieved by the combination of the effect of the 10 Regulations, does not in my view appear to be sufficiently evidenced. This is, as I understand it, the majority view of the St Martin's Douzaine, the parish which I live in. While I entirely accept that Environment & Infrastructure Committee are acting within their mandate and are empowered under the Road Traffic Ordinance to lay such Statutory Instruments, I need to explain what I understand is meant by blanket speed limit – the expression used by the Police in their consultation response to E&I. The E&I published a decision notice announcing these proposals:

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... to introduce or extend 25mph speed limits to broadly cover all local centres and main centre areas as identified in the Island Development Plan.

3485 Simply bolting a disc with the figure 25 on it on 80 new roads, just because of their definition in the IDP, will not in my view improve road safety. There is already copious street furniture on our roads. Some existing signs obscured, not prominently displayed or repeated sufficiently. That appears in the Police response. Furthermore, the decision notice is very revealing as it outlines that the approach which will be enforced through the 10 Regulations is only phase one. Phase two is to be a broader initiative to review speed limits across the Island.

3490 This is the crux of my objection. What is the full extent of E&I's speed limit policy and why is it being dished up in two so-called phases? We need to see this in the round and in a policy letter which provides the evidence to justify the real intents. Is it really about road safety or initiatives to try and discourage car use?

3495 It is further submitted that the consultation conducted by the Committee for E&I and the range of feedback, including from the Police and the parishes, has failed to establish an urgent need to introduce rules and regulations or make it sufficiently clear what the reasoning is, or produce a robust case for this blanket approach.

3500 Based upon trials previously carried out in Guernsey and the UK, which is evidenced, that regardless of the defined speed limit, most drivers proceed at a speed they consider appropriate for the road in question. Again this is contained, as the President of Home Affairs said, in the Police response. Crucially that response also says:

Revising the speed limits as defined in the regulations may create a public expectation regarding a level of enforcement that is unlikely to be met within finite police resources.

3505 Sir, the Police have told E&I that it is the drivers that recklessly travel at excessively high speeds that are the target of policing operations. They represent the greatest danger to the public. By reckless this means that the speed is unsafe whether it is 25mph or 35mph, or where the road conditions at the material time render the speed unsafe.

May I quote from a UK High Court judge, when summing up an appeal hearing, when he was referring to deterrents. He said the deterrents were not just about the offences laid down in legislation or the court's ability to sentence offenders put before the courts. Deterrents are only effective when those two factors are combined with the likelihood of getting caught.

3510 My motivation in supporting this annulment is to strongly encourage E&I to consider alternative traffic control and management technology measures, such as those in place along the Town seafront and Fort George. Indeed the Police have recommended to E&I that the increased use of technical infrastructure, including flashing lights at the approaches to schools and other danger spots, to act as a useful warning for drivers.

3515 If the annulment is successful I would recommend that E&I only resort to the imposition of regulations where there is clear supporting evidence that, in relation to the specific location, reducing the maximum speed limit will enhance safety. This includes imposing speed limits only when they are proportionate to the evidenced risk. For example, if the main reason is to reduce the speed limits due to proximity of the school, the lower limit is only applied at those times of day when the school is open.

3520 Thank you, sir.

The Bailiff: Deputy Tooley.

3525 **Deputy Tooley:** Thank you, sir.

I am not going to speak for very long but I just want to talk about a couple of curious things that I have noticed during the course of this debate. One is a notion that E&I are trying to force drivers out of their cars by changing the speed limits. Clearly if that is the intention that is never going to work. It is not as though we are going to think, 'Heck, I was going to drive to Waitrose

3530 when it was a 35mph, but now I have got to go at 25mph for part of the journey perhaps I will walk; there is really no point taking the car.' It is not going to work for me, it might work for other people.

Rather, I might think, it is a gorgeous day, maybe we will walk to the park instead of drive, because the road is safe enough for me to walk down it with my children because the cars on the road are going more slowly and that has got to be a positive.

3535 The second is a notion that drivers are perfectly aware of the limitations of the road at any time; that they are able to make on-the-spot judgements, which account for the change in the light, the change in the weather, the number of cars on the road, the number of people on the road, that they are able to adjust for whether somebody might happen to run out into the road and so on. That is great, I absolutely agree that most drivers in most circumstances can make those decisions. But that kind of calls into question why we have any speed limits on our roads at all.

3540 If our drivers are all the time so perfectly capable of making the decision about what the right speed is for that road at that particular time, maybe we do not need speed limits? Maybe we could just do away with the whole lot? Clearly that is not the case. Clearly we protect road users by placing some restriction around how fast we drive along the roads and clearly there are some roads on which it is more appropriate that we restrict that speed at a lower point than on others.

3545 These roads are all roads, as has been said, where it is quite clear that the general public would feel safer when they are outside their tin boxes if the traffic was moving along at a lower speed. It is equally clear that, since 1934 – a time which I think we still had committees for the disposal of rats, and so on, in Guernsey – way back then the decision was made that this was the kind of thing that did not really need to be discussed in the States. It needed to be discussed at committee-level by people who could get down into that nitty gritty.

3550 It is really inappropriate that we are discussing, as Deputy Ferbrache has said, something that actually, on the surface of it, is not for anybody that far from where they would place these speed limits so that seems crazy. The one other thing I would say is that there has been a fair bit said about the Police commentary around whether they would be able to police changes to these speed limits. It is a valid point. Some stuff about the public expectation of enforcement.

3555 I think it is a real shame that the public have been told, 'Do not expect us to enforce these.' Because actually surely the deterrent of thinking that these might be enforced would be part of what would drive down speeds on the roads? I am not giving way, because everybody has got plenty of time to talk and we are trying to get through this debate.

3565 **Deputy Lowe:** It is a point of correction, sir.

The Bailiff: If it is a proper point of correction, Deputy Lowe, point of correction.

Deputy Lowe: I will say it and then you can decide, sir.

3570 **Deputy Tooley:** Is it a point of correction?

The Bailiff: I have to trust Members. Deputy Lowe has told me it is a proper point of correction. Having said that, Deputy Tooley, if you would sit down while Deputy Lowe makes the point.

3575 **Deputy Tooley:** That is fine.

3580 **Deputy Lowe:** It is a point of correction because at no time have the Police actually said they will not be out there actually trying to catch people that are speeding. All the Police are actually saying is that they will not have any extra resources than what they have got and currently many people would say, 'Why are the Police not carrying out more police checks because of the

speeding?' So that is where the information needs to be very clear. They are still carrying out police checks.

3585 **The Bailiff:** Deputy Tooley.

Deputy Tooley: Thank you, sir.

I think that was actually quite a useful interjection because clearly the Police think that these police checks might be worth enforcing because there will be times when the public are crying out for the Police to be establishing the speed at which people are travelling and so on.

3590 Deputy Soulsby, since I have given way once –

Deputy Soulsby: Thank you, Deputy Tooley.

I do not see why just changing the speed limits should actually increase the need for more Police resources? They have already got 35mph there; surely the Police have to make sure that people are doing 35mph? I really struggle with that.

Deputy Tooley: Thank you.

3600 That was my next note, thank you very much! Furthermore, I think it would be a very interesting question to ask of our Law Enforcement services and so on whether, if they were given the chance to draw up completely for themselves, their list of priorities, whether we are asking them to enforce other policies that they think are less beneficial to us than this one would be.

Thank you.

3605 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

In his opening speech, Deputy Brehaut responded to a couple of questions I asked recently and I thank him for that. In response to a request I made via an email to E&I last week for us all to be provided with a list of the roads that will be affected, Deputy Hansmann Rouxel provided us with that list and I thank her for that because she did that within a few hours of my asking.

3610 Now having thanked Members of E&I for their responses, I am extremely disappointed that I had to ask those questions and make that request in the first place. I feel E&I should have provided the Assembly with as much information as possible themselves, long before this debate – if you pardon the pun, sir –

Deputy Merrett: Point of correction, sir.

The Bailiff: Is this a point of correction?

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Deputy Merrett: It is, sir, because I have in my hands a speed limit notice which was given over to Members many moons ago. Saying he had to request the information and has only had it recently, I find, well, it is incorrect.

3625 **The Bailiff:** Deputy Queripel.

Deputy Lester Queripel: Sir, if you will pardon the pun, I feel they would have taken us on the journey with them if they had done that. I ask them to please do their absolute utmost to take us on the journey with them during phase two because there are several roads that, as other speakers have said, they feel and I feel should have been included in phase one and they were not.

3630 I think other speakers have already asked this, I am just wondering why two phases were needed, why everything could not have been done in one fell swoop, in one phase. Perhaps that

3635 has already been answered, but I missed that so I am hoping Deputy Brehaut can answer that when he responds, please.

Deputy Brehaut: I can give a point of clarification now, sir.

3640 **Deputy Lester Queripel:** I can give way, sir.

Deputy Brehaut: Sorry, yes, thank you for giving way.

The issue is that SIs fit under current policy, so to do any revisions beyond these SIs require a change in policy, which means a report will come to this Assembly. So there will be a report to this Assembly when we are looking to do something different. This sits under current policy and has
3645 done for 85 years. That is why it is in two pieces.

Thank you.

Deputy Lester Queripel: I am grateful to Deputy Brehaut for clarifying that issue. I am undecided as to which way to vote. I will listen to the remainder of the speeches and the summing up and just hope that somebody will say something that will help me make up my mind.
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Thank you, sir.

The Bailiff: Deputy Graham.

3655 **Deputy Graham:** Thank you, Mr Bailiff.

I agree with Deputy Ferbrache and Deputy Kuttelwascher and Deputy Fallaize. I cannot really believe that we are doing this, but we are. I was not going to contribute to it but I have noticed that both the President and the Vice-President of Home Affairs have spoken and given a view and I would not like the Assembly to feel, certainly as a Member of Home Affairs, that I concur,
3660 certainly with some of the things that are being said. It is certainly not my outlook on where Law Enforcement should face up to some of these things.

Let us first of all deal with this canard about most Guernsey drivers adjust their speeds to conditions as a justification for having no regulation. I think Deputy Tooley has just made the point, I would endorse it. For a start I do not know what the evidence is that most Guernsey
3665 drivers adjust their speed. I assume it is probably true but there is certainly no evidence being produced for that assertion.

But then so what? Where is the sequitur to that? Most people in Guernsey do not go around bashing people but we have a Law that says that you cannot bash. Most people do not go around stealing, we have a Law that says you cannot steal. This approach is effectively saying because
3670 most people behave appropriately there is no need to have a regulation at all or a limit at all. As a Member of Home Affairs I cannot subscribe to that,

The other canard and Deputy Paint repeated it and it was challenged by Deputy Heidi Soulsby is this notion that suddenly converting a 35mph limit to 25mph is going to require £2 million a year extra resources in the Police. Well, they are either enforcing the current limit or they are not.
3675 They will not enforce any new limits or any more or less than they are currently. So I am not sure what these extra resources are going to be needed for.

It is true that the Police cannot be everywhere. It is true that the Police prioritise their attitude to the most egregious areas of traffic offences that are a danger to the public. That is true. But the Guernsey public are not so stupid as not to know that resources are limited and to really justify
3680 not doing something because you doubt the capacity of Law Enforcement to enforce it is certainly not an attitude that I would endorse whilst a Member of Home Affairs.

I am intrigued by the way that 'blanket' has become a sort of pejorative term but, since it has, there is an irony there, is there not? In the Castel, by one of these Instruments, eight tiny stretches of road are going to be affected by this. Nothing Draconian. Now there are hundreds and
3685 hundreds of similar small stretches of road in the Castel parish. So we are talking about a tiny

proportion of them. If there is a blanket being used here, it is in a blanket annulling – all 10 go, 100%, so can we just stop talking about blankets of whatever size?

3690 If I leave anything to the States when I retire at the end, I hope it might be that I will be known for having used quite a lot the phrase 'paralysis by process'. Now to listen to some of these arguments we would be doing nothing in this field without the most enormous research. One would almost think at times that we were going to re-do the Domesday Book. In private enterprise, if routine decisions were subjected to that sort of degree of paralysis then companies just would not move on and therefore I am surprised that the author of this motion to annul should happen to come from a business background. This is not stuff on which we should be
3695 dwelling too long.

There are positive reasons for doing what the Environment & Infrastructure Committee are proposing. We have heard that this has made a few motorists and a few members of the public irate. I have to tell you, Members of the States, in recent weeks I have had countless conversations on doorsteps with the people who are actually living in the local areas affected by these Statutory Instruments and, without exception, the voice to me has been the traffic around here is too fast. We fear for going out.
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Now I have not necessarily fished for their opinion on that. My standard approach is to say, 'Have you got any issues for me?' You would be surprised how number one comes the speed with which the traffic is passing through some of these local areas. So those who claim to represent the general people out there, and of course this point was made specifically by Deputy de Sausmarez, this is all about where these local areas are, who is in them, what goes on in them, how are they affected.
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It is not about the overall traffic scheme around the Island. It is the effect on the people and the businesses who try to exist within these communities. We ought to be listening to them and drown out some of the hysteria. That is my piece. I just wanted to make sure my position, as a Member of Home Affairs, was fully understood.
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The Bailiff: Deputy Tindall.

3715 **Deputy Tindall:** Thank you, sir.

Many points have been made. I just want to emphasise them from my perspective, if I may. Deputy Kuttelwascher said this was trivial. For me it is not trivial. Actually having one extra person who is able to go outside their door and pop to the local shop without fear is brilliant. One person, one child cycling to school, feeling safe, that is what we are talking about here.

3720 We talked about enforcement and I do think we are the deterrent here. We are the ones who are responsible for driving safely when we are in our cars, or whatever transport. Because for me, when I am going along at 25mph on my electric bike, and I can go that fast, and I have cars overtake me on the pavement, I find that really annoying, to say the least.

3725 **Deputy Kuttelwascher:** Sir, point of correction, please.

The Bailiff: Deputy Kuttelwascher.

3730 **Deputy Kuttelwascher:** A bit belated; I had to walk from the library because of what I heard. I did not say that distance was trivial. I said the time difference is trivial. It is very different. In fact I gave different distances. It is not the same thing.

3735 **Deputy Tindall:** I do apologise, I meant to say that the journey time was considered trivial. So for me, the responsibility of all drivers to drive within the speed limit is because we are courteous. We need to be courteous, we need to be safety minded and I am absolutely terrified to know that there are people going at 60mph or more around this Island. It should be a lot more considerate of all our road users.

3740 I absolutely agree with Deputy Graham with regard to paralysis by process. This is something that I am surprised Deputy Ferbrache did not make more of. He mentioned it. Because actually good or ill-process, I still think the outcome of this is just so important. It is within their mandate and I really wish E&I all the best with phase two, hopefully remembering Morley Corner, which is where these major speeds are, going around a dangerous place.

3745 I am very grateful to Deputy de Sausmarez mentioning the reason behind it, really articulating this is about where the concentration takes place. Land use is precisely that. It is based on the SLUP and I think that was extremely helpful. But I would also just end on I hope phase two will cover Ruelle Tranquille; 15mph is what we want. I would love to join those roads and make it absolutely certain that people know that these roads are not for racing up and down.

Thank you, sir.

3750 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Thank you, sir.

3755 The most hurtful thing that has been said so far, if you happen to be a Member of the Committee *for the* Environment & Infrastructure, was Deputy Smithies, who accused us of taking the lazy way to introduce the speed limits. It was quite interesting because it reflected a few things other speakers have mentioned, which is what they were looking for is a comprehensive, well-researched speed limit review for the whole Island.

3760 Anybody who has been involved in this and, as he mentioned, 2006, knows there is copious information, lever-arch file after lever-arch file, full of letters from people saying that the traffic outside their road moves too fast; all sorts of speed limit checks, accident reports. There is an awful lot of information. But the key point is that Guernsey has an extraordinary range of roads and road types. Not only that but each individual road varies in its nature every few hundred yards.

3765 In other words, a comprehensive review is an extraordinarily complex undertaking and that is why the speed limit review has been delayed for the best part of a decade. We did not want to hit the same rocks as other departments and committees have done. So we looked at it not in a lazy way but in a 'How can we progress this?' way.

3770 The obvious thing seemed to be to take what we have got now – in other words, there are existing 25mph speed limit zones on the Island, obviously the urban areas, St Martin's and since 1987, St Pierre du Bois, and to take that as the basis for phase one of our review and attempt to apply that consistently across the Island as a policy.

3775 The fact that we use the IDP and the local centres, a lot of effort had gone into identifying the local centres as having a whole series of facilities and services and amenities for communal use; very similar to the St Pierre du Bois situation. There were a lot of analogies between those local centres, St Martin's and St Pierre du Bois, which already had the 25mph zones, and it was a way out of the impasse and the difficulties of looking at the whole picture. It seemed sensible to build up the picture from the base, which already existed.

3780 That is why we applied consistent policy across the Island and it all started falling into place. Some trepidation has been expressed about phase two, but phase two might take various shapes. I do not think that people should worry about that too much because there will be a policy letter coming to the States on that and the Assembly will have the opportunity to discuss that.

3785 But at the moment all we are doing is trying to apply a policy consistently across the Island. Why should people in St Pierre du Bois have the benefits of a 25mph speed zone whereas people in other places, L'Aumone, for instance, have to cross main roads with a 35mph speed limit. So that was it. It was perfectly logical. It was not lazy in any way.

Just briefly following on from that was the question of the research, which has been brought up several times. I think as Deputy Graham has just alluded to, evidence-based decision-making is about making decisions based on the best available evidence. It is not using a purported lack of

evidence for indecision or waiting on such a time as one is swamped in evidence. Usually it is too late to make the decision, then.

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That is the error in the 'Where is the evidence?' argument. Where is the evidence for the new Heathrow air link, for instance? I just took that as a recent decision a Committee has made but one could choose virtually any decision committees or the States makes. You are never going to have 100% evidence, there is always going to be an element of decision-making. In fact that is really why we are here.

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It is totally spurious to say we want an evidence-based, well-researched overall speed limit review. That is not how the world works. The sensible thing is to take what you have got at the moment, which is working, and build on that, and that is exactly what the Committee has done with these SIs.

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The Bailiff: Deputy Gollop.

Deputy Gollop: I wanted to speak on this issue, even though I would agree with some of the views that it is a disproportionate amount of time. But I want to examine the arguments Deputy Kuttelwascher, Deputy Ferbrache and Deputy Fallaize, particularly, made for suggesting this was not a great use of States' resources or time.

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The thing is we all make a subjected judgement about what is important to us. I look at the Billet this month. We have got an interesting mini-debate coming up, maybe, on the new Land Planning Law this afternoon and we also have Economic Development and electronic transactions and Asian Infrastructure Investment Bank, Articles of Agreement. Now they are very important to certain people in the corporate sector. They are actually, probably, extremely important for our economic future and future revenues. But I do not think they are massive public issues.

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My feeling about Deputy Fallaize, Deputy Ferbrache, Deputy Kuttelwascher, but they could stand to correct me here, is none of them follow Twitter or Facebook very much, whereas some of us –

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Deputy Fallaize: Sir, I must correct Deputy Gollop, he is wrong to say, 'Not very much.'
(*Laughter*)

Deputy Gollop: Fair enough. What I mean to say is some of us go to Douzaine surgeries or parish surgeries and we usually get between five and 20 people, if we are lucky. But there has been a certain amount of social email traffic on Facebook and Twitter and other elements of this. This pool of people, whether they represent 500 or 5,000 or 15,000 is in a way irrelevant, but for many people it is a significant issue.

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I do not quite understand why that is. It is something to do with, perhaps, nostalgia for a past that did not exist. Somebody mentioned the 1930's. Of course, less than 10% of the Island would have owned cars at that time. I think it is about freedom. I think it is about the sense that a private car is your own possession, you have worked hard to provide for it, you have a right to use it, and a sense – however inaccurate – that some politicians and campaigners have been a bit anti the motor car; perhaps not anti, but they would wish to discourage its use.

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Obviously the argument that if we raise the speed limits to 45mph or 55mph would be a different question. I think in Jersey it is 40mph and, for many years, the Isle of Man had no official speed limit, which was not a great issue. But there have been people who have suggested that if the Proposition today was to raise speed limits that would be perceived as pro the motorists.

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For certain kinds of motorists it would be. We cannot get away from the reality that we are, to a degree ...

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The Bailiff: You are giving way to Deputy Merrett?

Deputy Gollop: Yes.

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Deputy Merrett: Thank you, Deputy Gollop, for giving way.

I just want to say something very briefly. Our road network is not purely for motor vehicles. Our road network is a public highway and how our community get from A to B, whether that be on foot, on horse, on the bicycle or by bus. It is not purely for cars or for vehicles so I think we
3845 need to make this debate a lot bigger – well not bigger, I should hope a lot smaller – so we think a bit bigger than just cars and cars travelling at a certain speed. It is about our community accessing different areas of their local vicinity and of the Island in a safe and reasonable manner and it does not have to be in a tin box.

Deputy Gollop: I would agree with Deputy Merrett, except the phrase ‘tin box’ would appeal to some people and perhaps less to others. Perhaps in the future cars will be plastic boxes, I do not know, or glass boxes.

My point here is that I remember going to a Guernsey law course taught 20-odd years ago by a prominent local advocate and he said we should look beyond the roads as just for cars, because
3855 people can walk in the roads. I thought people might consider me drunk if I am walking in the middle of the road at a certain time. The point is we can have bicycles, tricycles, horses, mobility scooters, children on scooters, all kinds of things in the roads.

Where I am coming from is that if we had a community whereby the normative speed limits, given our road structure and culture, was say 45mph or 50mph, as it is in many English villages, probably French villages too, that would be quite alienating, especially given the volume of traffic
3860 and the still significant amount of pedestrian traffic.

What I am putting across here is that we already have responsibility for all road users and when one looks at the last 15 years, I was a member of various traffic committees, I was a member of the Vulnerable Road Users Group and a member of the Living Streets Committee, past
3865 president. They campaigned on many issues including safe walking to schools and high visibility waistcoats.

What is the reason? It is all about better choices. It is about putting people first. The road user has to consider there are many more activities going along the road than just a person in a great sports car that probably could go at 200mph if it was pushed. There is the mother or father with a
3870 pram, or grandparents, there is a person who is unsteady walking.

About half a dozen or more of us, actually, about a dozen of us Members actually went on a dementia training exercise – that was very interesting because you have to consider there are people in the community who may have a hidden disability and may be trying to live their lives as well as possible and might not necessarily perceive the car in the same way as an average younger
3875 or whatever member of the community. You have to bear that in mind.

I also did a pets course recently, ‘How to look after your pet’, even though I do not have one, but the WEA were putting it on.

The Bailiff: Is this relevant?
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Deputy Gollop: I was shocked to hear from the animal expert that something like 200 cats die a year on Guernsey roads. I am afraid a black cat is not always the luckiest kind of cat in Guernsey, because they are not seen, particularly at twilight and at night. They are more likely to pay the price if the car is going at a certain speed.

The point is however good and expert many drivers are, and I take my hat off to some of them, given Guernsey’s uncertain road conditions, our tendency towards fog and inclement weather, the bends around corners, we need to consider those people too. I know, Deputy Fallaize, we cannot consider every minutiae of committee policy here, but even something like classroom size, as he gave in example, another one was the number of patients in the ward; actually we have had policy
3885 letters on both. We have had policy letters, for example, in Deputy Roffey’s time, that radically looked at changing the shape of hospital wards so that they are more friendly.
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3895 The small policy and the big policy go together. Perhaps if it had been me on Environment & Infrastructure, I would have tried to compromise a bit, given the mixed message they got back from the consultation exercise, because I do think there is an issue with committees going out to consultation and then not necessarily going with the most popular path.

The Bailiff: Giving way for Deputy de Sausmarez.

3900 **Deputy de Sausmarez:** I am grateful for Deputy Gollop giving way to me. I did say when I spoke that I think we could have been clearer about that consultation exercise. I do not think we set the parameters and our expectations in what we were looking for very well. I think in any future exercise that is something we would certainly look to address.

3905 But I think certainly what the consultation was not was a referendum. But I do have an observation to make. We were looking for that qualitative data, the experience of using those areas, as Deputy Graham alluded to. But I do have an observation, which I think is actually quite helpful. When you scan through the consultation responses, very generally, in the vast majority of people who responded to the consultation, he named individual streets and areas, were supportive of the 25mph speed limit being extended to those areas and, generally speaking, with a couple of exceptions, the opposition tended to be broader, non-specific objections or
3910 sometimes just insults, to be honest.

So I think that is quite a pertinent observation to make. There was quite a difference in the type of responses that we got and certainly the responses that related to specific areas, specific roads, on the whole, tended to be supportive and the responses that tended to be in opposition to the proposals were more generic and generalised.
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Deputy Gollop: I thank Deputy de Sausmarez for her interjection and would agree with her that that became apparent last summer, but it does raise the issue of what your terms of reference are when a committee or area of the States goes out for consultation. But I do agree with a lot of what Deputy Lester Queripel has said and I know he has had a principled objection to even
3920 considering digital development in Ruelle Tranquille, for example, which is a point of view that Living Streets, at one stage, would have gone along with as a policy, because of the need to consider, as Deputy Tindall has alluded to, even lower speeds.

So actually, as a States' Member and activist, one gets dialogue of all kinds about people who would not mind driving along at 40mph along the coast road, to people who would like to go
3925 faster than down La Vauquiedor despite it being so close to a hospital and a retirement home, to other individual representations.

Had I been sitting on E&I, I probably would have sacrificed Salerie, Gategny and Salter Street, Salerie Corner, as a bridge too far. I have been persuaded, I think, by views that Braye Road is a good idea. But we are not deciding, rightly, between each one of the 10 areas and so, when I look
3930 at the overall public good of what Environment & Infrastructure are trying to do for public safety and the community and compare it with the blanket effect of the curtailment motion, I have to say I am going to support Environment & Infrastructure.

I suppose the shrewd position for some Members would be to say I do not believe in this kind of debate in the States so I will support Environment & Infrastructure, but I am against all the
3935 speed limit changes. But no, I am not. I think the majority are extremely sensible and we should certainly trial all of them.

The Bailiff: Deputy Dorey.

3940 **Deputy Dorey:** Thank you, Mr Bailiff.

I will make a short speech. I will just say these are a balance between the needs of the motorists and vulnerable road users, particularly cyclists and pedestrians. The Committee is advised by professional staff. They analyse the evidence, they present the evidence, they advise us.

3945 We make the decisions based on their evidence, common sense and everything else. They essentially write the reports. I think there was some criticism about the reports. We might edit them but they are primary writers of them. Local centres and outer main centres were identified by criteria of their current use and that is why they were included in the Island Development Plan, by the boundaries, because of their current use.

3950 The existing policy is that built-up areas and, following a States' Resolution in 2006, around schools should be 25mph. We have currently 331 roads on the Island which are 25mph. This is just a continuation of the existing policy, applying it to the local centres and the outer main centres. The clue is in the name. They are centres of activity and they therefore have vulnerable road users and we should protect them by giving a clear indication to the motorist that they need to reduce their speed in those areas.

3955 We have included one or two other roads, like Le Friquet, and I do not think most people would argue with that, due to the high number of commercial traffic on that road, the fact there is no pavement and there is a hotel in that road. I just ask you, please, do not support this annulment.

Thank you.

3960

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

3965 Just a couple of comments. I can remember in 2007-08 as Minister of the Environment, then, when a comprehensive review of speed limits came before the board, as a result of public concerns with respect to speeding on not only the lanes, but some of the major roads in the Island.

3970 Officers brought before the board a request for a consultants' study at that time and, when asked, we found out that a costings study was going to cost £40,000 to review comprehensively the speed limits across the Island. As a board we voted that down, to be carried out instead by the officers of the Department.

3975 It has taken a long time coming, over 10 years, but I fully support that certain roads need to be changed from 35mph to 25mph to make those roads safer to road users and as a result I would not support the motion to annul the Statutory Instruments and wholeheartedly support the Environment Committee in their deliberations.

Thank you, sir.

The Bailiff: Does anybody else wish to speak in general debate? Deputy Hansmann Rouxel.

3980 **Deputy Hansmann Rouxel:** Thank you, sir.

3985 Very briefly, there is only one thing that I wish to say. I am very glad for Deputy Graham's interjection, a different perspective from Home. It is just to put on record that the operational side of Environment & Infrastructure, Traffic and Highways, meet on a regular basis with the Police on an operational level. So I can understand why the political Members of Home might not be aware of that. But I think the picture painted is rather different to the picture that we at Environment & Infrastructure get from our officers.

3990 Just to give a timeline, to set the record straight, on 22nd March 2018, at the Police traffic joint staff meeting, Traffic and Highways updated the Police on the progress of the Island speed limit review, including the changes made to local centres and recommended speed limits and slows around schools and they advised Police then that they would soon be consulting Police on the proposed changes to the local centres.

Then, on 10th April 2018, they sent an email to the police officers with the maps showing the speed limit proposals. They followed that up on 28th April and at the joint staff meeting they asked for comments on the proposed speed changes. The police officers in attendance

3995 considered that it may not be appropriate to make a comment on the proposed speed limits on local centres but would check with the Head of Law Enforcement. So that was on 27th April 2018.

We went out to consultation to the general public on 16th July. We only received a response from the Head of Law Enforcement on 13th August, which was the last day of the consultation. So we had consulted. We had tried to get consultation before. That was dated 7th August but was
4000 appended to the response by the political Members of Home.

So it is not quite as simple as that and I genuinely want to put on record that we have to get beyond this antagonistic approach between the management of traffic on the Island and how it is enforced. In phase two the information we have and understanding how enforcement impacts speed management, it is crucial that we work with Home and develop innovative ways of enforcing that do not require extra resource. What Home are constantly saying is they do not
4005 have the resources to enforce the way that it should be enforced. Absolutely we can –

The Bailiff: There is a point of correction, Deputy Prow.

4010 **Deputy Prow:** Relating to the comments that the Head of Law Enforcement referred on 7th August to the Committee *for the Environment & Infrastructure*, where they make their views quite clear. That is what I was referring to in my speech. They are not the views of the Committee. Deputy Graham has made that quite clear. I was referring to the views of the Head of Law Enforcement and they are clearly laid out in the letter of 7th August 2018.

4015 **Deputy Hansmann Rouxel:** I understand the interpretation of policy by the two Committees can sometimes be different. I think we need to get together and, in the second phase, with that policy letter, make a commitment to working with Home on what that speed enforcement policy is. That is the crux of that issue. We know that the IT systems, from the HMIC Report, and data
4020 collection is not what it should be, so expecting the Police to be able to manually ... We had the Head of Law Enforcement ask us if we could provide resources for a member of staff to sit and manually go through all the data to correlate. What a waste of Police time that would be.

So expecting the amount of resource put into going through little bits of data in order to know what we know is common sense and is already existing policy would not be good resource, but
4025 we do need to manage how we go forward with the speed limit review and that will require working closely with Home and effectively creating a policy of how things are enforced.

I am not disregarding that, I just wanted to put on the record that, on an operational level, the officers work very closely together and it is a misnomer that there has somehow been this vacuum of response.

4030 The last thing I want to say is just on the policy side. We have a number of policies that are encouraging people to be out, vulnerable road users to be out, on the road, and we are trying to increase those numbers. It is irresponsible of us, as an Assembly, not to recognise that there are more points of conflict between motor vehicle users and less vulnerable road users. If we as a States have a policy where we are encouraging people to do that and we are not recognising that
4035 we need to try and make that a safer experience then I think that is an irresponsible position for us to have as an Assembly.

Thank you.

4040 **Deputy Trott:** Sir, very briefly, Members will know that I always look for the positive in everything and I think the management of traffic is occasionally a source of much pleasure. I think what an absolute joy it was to watch all those rally cars hurtling around the lands in St Saviour's and St Andrew's last weekend; an absolute joy, sir.

4045 **The Bailiff:** No one else is rising in general debate, so Deputy Brehaut and then it will be Deputy Meerveld.
Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

Deputy Trott, he rises like a rocket, then he falls like a stick!

4050 I just wanted to pick up on what a number of people have said. I will start with Deputy Rob Prow. Deputy Prow said that St Martin's Douzaine were in favour of the annulment. Let us hit the nail on the head here, the Senior Constable who signed the letter is the former president of the GMTA and a most strident opponent of the Transport Strategy at the time – the most strident opponent.

4055 He gave the motorists' perspective, with regard to road safety, despite the fact we now have seven emails from the residents of Ville Amphrey, two from Les Traudes, two from Ruelle Rabey, the people living in the lanes are saying, 'Please, Constables reduce the speed,' and the Constable is saying, 'Thanks but we are not inclined to.'

4060 More to the point, St Martin's Constables are calling for a global annulment of speed limits in other parishes. I went to my Douzaine, was it yesterday or the day before? I went to my Douzaine on Monday. I was late, because I thought the meeting kicked off at 7.30 p.m., it did not. I said to Deputy Le Clerc and Deputy Tooley, Deputy Tindall: 'How did the Statutory Instruments go down?' They said, 'They have not raised it yet. Nobody has spoken.' My Douzaine, St Peter Port Douzaine, did not even broach the subject of speed limits. Not one word. Yet we are told that every Douzenier on this Island is opposed to them.

4065 Deputy Prow, I just want to get this idea, because several people have referred to this, speed limits were set principally by policemen driving around the Island, feeling safe in their cars. 'Oh, I think I can do 35mph here. Wait a minute, I do not think 25mph feels particularly safe for the driver.' The pedestrians' perspective is constantly missed out in all this and that comes through time and time again. There is a safe speed to drive and an actual safe speed where a car should pass a pedestrian.

4070 This idea that we need Guernsey research, because the laws of physics and gravity are different in Guernsey to Copenhagen and Croydon. This idea that Guernsey children, please excuse my not being too plain, are more resilient in that regard than any other children on the planet? The risk is as great to them as they are in any other community and children walking to school in Guernsey, particularly through the lanes of St Martin's and the Vale – and I have to remind Deputy Lowe that road she referred to is currently a 35mph and will be a 25mph – people are vulnerable.

4075 We need to touch on this issue of the Police because people feel that the Police sit principally with the Home Department, or rather Police responsibilities sit with the Home Department. Well they sort of do. But since the Home Affairs Committee have been formed, eight items have come to us and from the Police.

4080 Do you remember the Police used to do cycle proficiency? They do not any more. That is done by us or staffed through Bikeability. Events, whether it is the hill climb or a sprint, you would see the Police there. You do not now. That is not done by the Police any more. When traffic lights fail, you used to see policemen there, you do not any more. That might be covered by our staff or it might be covered by civil contingencies. There is a list of eight items that have come to us that formerly sat with the Police.

4085 I beg your pardon for pointing. It was a speech made by Deputy Graham and it crossed my mind what a colossal shame this is that this is not a joint report. Why can't E&I and Home produce a joint report on speed limits? Because this is a road safety issue that should be the responsibility of my Committee and of Home. It really is a terrible shame that we cannot get there and I think, actually, for at times politically motivated reasons that never the twain shall meet. That is extremely unfortunate.

4090 A number of functions have come over from the Police to us and I have made that point. Deputy Prow said the issue of street furniture. I do not want to be too emotive, but I will give one example. Every time you give an example like these, people say, 'Ah, but ...' There is more street furniture in Summerfield Road because a girl died. She got run over. So there is more street furniture. That is sort of the price you pay. Sorry, sir, if Deputy Lowe wants to take her seat, I will

give way to her, but I would rather not hear her quite so much behind my shoulder while I am trying to speak. **(Several Members: Ah.)**

4100 Now Deputy Tooley hit the nail on the head too. This idea of evidence and how we arrive at evidence and this is the bind we are always in. Once speeds are reduced, once drivers behave responsibly and people return to the footpaths and they return to their bikes, that is the evidence. But it takes a little while to get there. So if you do not have these measures then you will never get there. Thanks again to Deputy Graham for pointing out that if a road has a limit, if the limit

4105 changes, you do not have a Police Force to do 15mph, a Police Force to do 25mph or 35mph.

Deputy Paint, who believes that 25mph probably is not the appropriate speed limit. He has stolen a march on me, because when he was on the Environment Department of 2008, he set the speed limits at 20mph around the schools. So this idea that 25mph is something radical, when Deputy Paint himself sat on a Committee that imposed those limits, I find interesting.

4110 Deputy Gollop touched on Facebook and we should not jest so much or be too dismissive. Our consultation exercise was blighted by Facebook where, once people realised there was a consultation, global notifications were sent around, extremely unpleasant notifications: 'Brehaut and his cronies will want you out of the car', 'use this opportunity', 'make sure you take part in the consultation'.

4115 It does skew results and it is unfair. I have to say, some of the language, not to dwell on it, I pretend like I have got broad shoulders but it has been pretty tough at times with the amount of abuse I have had, my Committee Members have had and, can I just say, I do not think any senior Members of this Assembly have stepped in at any stage, on any forum, to say, 'They are elected representatives, they are carrying out their mandate, please just back off a little bit.' It has been

4120 very intense at times.

Again Deputy Lowe's speech was essentially from a drivers' perspective. I have mentioned that point before that is clearly speed from the drivers' perspective. Deputy Lowe is well known for saying, 'I have been in this Assembly for 14 years,' how many times has Deputy Lowe said, 'Advice from Law Officers is advice.' You do not have to take it, you are the politician, but advice from the

4125 Police Force is sacrosanct. I think there is a judgement to be made by the individual.

Sorry, Deputy Lowe, I thought she was asking me to give way. I will give way to Deputy Graham.

The Bailiff: Deputy Graham.

4130

Deputy Graham: I thank Deputy Brehaut for giving way.

I wanted to make a point, actually, to support his argument or to enlarge on it. It is an artificial division to be talking about motorists and non-motorists. The Assembly heard me, earlier this afternoon, arguing principally from the point of view from those who live in some of these local

4135 areas. I have to say I too am a motorist and I was wiped out by a heavy truck in a 25mph zone, for which I am very grateful, as a motorist, because I think had I been in a 35mph zone and the impact had been at 30mph instead of 20mph, I doubt whether I would be standing here now.

Deputy Brehaut: Thank you, sir.

4140

Thank you, Deputy Graham. I think it was possibly Deputy Smithies that mentioned Peter Gillson. Peter Gillson is a fascinating character; a man who has committed more to the pages of the *Press* than he ever did for *Hansard*. *(Laughter)* A man who has said far more through the pages of the *Press* than you will ever find on *Hansard*. I have to say, to be blunt –

4145 **The Bailiff:** He is not here to answer to that and I am not sure that is correct. I think Deputy Brehaut, I must ask you to withdraw that comment.

Deputy Brehaut: Sir, the gentleman is now a journalist who has a regular comment –

4150 **Deputy Kuttelwascher:** Sir, another point of correction. I think when Deputy Gillson was here, *Hansard* was not in effect anyhow.

The Bailiff: No, it was.

4155 **Deputy Kuttelwascher:** There we go.

The Bailiff: You can probably make the point in a different way, Deputy Brehaut.

4160 **Deputy Brehaut:** Okay, sir. I will make a point in a slightly different way. Because something is produced in the *Press* and it is not particularly well written does not give their argument any more credence, in my view. We have endured I do not how many front pages, how many comment columns from what is hysteria around the introduction of speed limits.

4165 I have to say that Deputy Smithies, he did give a very good speech and, again, it was a good speech, but I think it was from the motorists' perspective. I referred to Peter Gillson earlier, what he misses like that gentleman is this idea that once you have the change that these measures give you then that is the evidence rather than saying, 'What are the fatality rates, how many collisions, how many near misses? And if you do not have those do not act.' You have to look beyond that as to what is achievable.

4170 I will close there. I did not want to imply when I spoke earlier that Members will vote in a way despite the debate. I was given strong indications from Members on a one-to-one, they just wanted to get on with it and not have a debate, but we have had one. What I sense we are going to have again now is a speech that we are going to have to say that there is no evidence, that we will be waiting for stage two of the report, and that is being dealt with in policy terms, because we cannot deliver that for you now and it is going to be another, I am afraid, I sense, criticism of process, which I think reflects very poorly on the professionals we have at E&I who live and breathe this type of work.

4175 What I find ironic in all this is the idea: bring us back this report rather than do this in isolation. Do you think if this Committee or any committee brought back a singular report, with perhaps 280 changes to the road system, that it would get through this Assembly? I just do not think it would.

4180 The idea that, if you throw this out today, we will have a report later on which we will approve, I do not think that is the case. But what nobody is doing, even columnists in the *Press*, even Members of this Assembly, respectfully, nobody is making the case for the green lanes to remain 35mph. Nobody is really making the case. They can say annul them and throw them out, but

4185 nobody here is making the case for Blanche Pierre Lane by St Martin's Football Club to be, seriously, 35mph.

So Members I would ask you please to vote Contre and deal with this annulment and then we can press on with real measures to improve road safety on the Island.

Thank you.

4190

The Bailiff: Deputy Meerveld will reply to the debate.

Deputy Meerveld: Thank you, sir.

4195 Deputy Brehaut has made much of the fact that E&I and its predecessors have been laying amendments to the road speeds as SIs since 1938. I wonder, in those 81 years, when E&I or one of its predecessor committees has laid SIs to amend the speeds of some 80 roads, without any official request or support from the Police Force, from Law Enforcement?

4200 I suspect, if we went back in history, that (a) it would be very unusual for that number of roads to be addressed in one block and (b) I would expect that most of the requests that have been laid as SIs, would come in as a request from Law Enforcement, while putting forward an argument for a specific change for a specific reason.

4205 So I think the long history of SIs and their use in this manner is being misrepresented as, basically a cover for what I am seeing here as being a politically motivated decision. It is politicians here who are trying to make a decision on a blanket basis on significant areas of the Island, without having that evidence base that I look for.

Deputy Lindsay de Sausmarez covered why are we doing this. It is because of the Island Development Plan, which is a plan to develop real estate. Inside of that plan and our planning processes, any site over a certain size requires a traffic impact study to be done with direct relationship to that as part of the development framework.

4210 So in fact traffic assessments are done on an active basis whenever a site is developed inside one of those centre areas and yet we have E&I here making a political decision to slow all the roads down. Again, I do not think anybody is saying that green lanes should be 35mph. Of course we are not. But what we are saying is the main thoroughfares that travel through those centres why should they be slowed to 25mph?

4215 In all of this debate, nobody has answered those basic questions I raised at the start. How do you justify have of Rue Carey being 25mph and half of it 35mph, particularly as a 35mph end of the road has two bus stops, a very busy supermarket and a tourist attraction and the other end of the Rue Carey does not have any of those? So why is the end that has got no public facilities on it slowed to 25mph and the path that has all the facilities is?

4220 Then Deputy de Sausmarez mentioned it is because of the zoning of the centres, because of their shops and amenities that people may want to walk to and the fact that they are heavily built up areas. Again, in my opening speech, I said why not Camp du Roi Road? Camp du Roi Road has got a butcher's in the middle of it, it has got a shop selling cast iron stoves. It did have a bicycle shop at one end. Just around the corner at the end of the road, it has got a corner shop, it has got a garage and it is equally densely built up as Rue Carey or any of these other roads in the centres.

4225 So I am looking at this and saying where is the logic in this, where is the justification? Where is the analysis that is usually done? Deputy Richard Graham said to me he was surprised that a person like me, a businessman, who has objected to some of the processes in this States and voiced my opinions about seeing efficiencies, is raising this. It is exactly because I am a businessman I look at this.

4230 I look at the fact this States has repeatedly raised issues about good governance, evidence-based decisions and trying to justify what we do to the public and yet, I do not find that in the Statutory Instruments. I do not see that process. As a businessman I want to see information, I want to see logical argument. I want to see an analysis of the negative impacts and make sure that the positives outweigh the negatives. We are not seeing that analysis here.

4235 We have had several Deputies say why are we debating this? This is inappropriate. It is a waste of time. Deputies Ferbrache, Kuttelwascher, Tooley, Fallaize have all made comments along those lines. Well hold on a second here. This is part of the process of the Assembly. Whilst I am very critical of the way this Assembly works, we have to operate within the mechanisms that this Assembly provides and one of the checks and balances within the Assembly is when an individual or two Deputies see something that they object to in the way the process is done here – I am not arguing about the roads, I am arguing about the process, the way it has been approached – then a check and balance within this Assembly is the ability for us to bring this motion to annul and to ask the Assembly to decide how to proceed.

4240 Now if the Assembly wishes to support, in my consideration, decisions from the Committee *for the Environment & Infrastructure*, to slow down significant chunks of our roads and cause potentially issues in our transportation system, then that is fine. If that is what the Assembly decides, it is in their authority just to let them get on with it. Certainly that is easy to do.

4245 What Deputy Smithies and I have done is possibly taken a harder route. We have decided to stand up and bring to this Assembly what we believe is a major issue for a lot of Island residents. They are concerned that this Assembly does not listen to them, that this Assembly is out of touch with the electorate, that we are not responding to their desires and needs. The fact is that E&I's own survey and consultation came back with a majority saying they did not support this initiative

4255 and Deputy Smithies and I have looked at this and said not only do we question whether it should be done in this manner but also whether or not we are illustrating good governance and due diligence in the process.

Therefore I recommend to this Assembly that we do annul these Statutory Instruments and then E&I can bring back, and I expect they could bring it back very quickly, ones for specific locations, Blanchelande etc. and there are some other areas where I am sure there would be a general agreement that there should be slower rates.

4260 Again, where are we looking at the big picture? Another thing Deputy Peter Ferbrache mentioned was, 'It is all about these little lanes. Who would want to drive 35mph in little lanes?' Anybody who has looked at the map of Guernsey showing the road restrictions would realise that most of St Saviour's and all of Torteval – in fact a whole south-west corner of the Island, all those little narrow lanes only wide enough for one-car, up in the higher parishes, are all 35mph. Why?

4265 That is not being addressed here. I am seeing a blanket policy being introduced and I fear, just as Deputy Jeremy Smithies said, this is an attempt at social engineering rather than evidence-based decisions being foisted upon this Assembly in the form of Statutory Instruments and I suspect that, if this Assembly approves them and lets them go through, they will find out just how unpopular these moves are when their street signs start going up.

4270 Thank you, sir.

The Bailiff: We come then to a vote on the motion to annul and, just for the benefit of anyone listening, those who vote Pour are voting to annul the Statutory Instruments. Those who vote Contre are voting effectively to uphold the Statutory Instruments and there will then be no further vote. But the vote is whether to annul or not.

Deputy Meerveld: Sir, I would like to request a recorded vote.

4280 **The Bailiff:** There will be a recorded vote.

Deputy Fallaize: Sir, that is not quite the case, is it? If you vote Contre you are voting against annulling the Statutory Instrument.

4285 **The Bailiff:** I am just explaining to those listening, the effect of a Contre vote will be that the Statutory Instruments stand. Yes? If the States vote Pour then the States will be voting to annul the Statutory Instruments, they will fall away. If the States vote Contre, the effect will be that the Statutory Instruments are not annulled and therefore the Statutory Instruments remain in place. I am only trying to explain it to those listening.

4290 **Deputy Le Tocq:** The complication is we do not normally vote on Statutory Instruments; they are executive orders.

4295 **The Bailiff:** There will not be a vote on the Statutory Instruments; it is purely a vote on the motion to annul. That is why I thought it would be helpful to explain it. Perhaps I confused people, so perhaps we had better just go to the vote. It is a recorded vote on the motion to annul.

There was a recorded vote.

Not carried – Pour 6, Contre 28, Ne vote pas 3, Absent 3

POUR

Deputy Prow
Deputy Mooney
Deputy Meerveld
Deputy Lowe
Deputy Smithies
Deputy Paint

CONTRE

Deputy Brouard
Deputy Dudley Owen
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep.
Snowdon
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Hansmann
Rouxel
Deputy Graham
Deputy Dorey
Deputy Le Tocq

NE VOTE PAS

Deputy Lester Queripel
Deputy Inder
Deputy Laurie Queripel

ABSENT

Deputy Leadbeater
Deputy Le Pelley
Deputy Green

4300 **The Bailiff:** The voting on the motion to annul was six in favour, with 28 against and three abstentions, so I declare the motion to annul lost.

We move on to the next matters.

The Public Records (Fees for Registration and Certified Copies of Documents) Regulations, 2018;
The Marriage Fees (Guernsey) Regulations, 2018;
The Fire Services (Fees and Charges) (Guernsey) Regulations, 2018;
The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2018;
The Health Service (Payments of Authorised Suppliers) (Amendment) Regulations, 2018;
The Health Service (Medical Appliances) (Amendment) Regulations, 2018;
The Social Insurance (Benefits) (Amendment) Regulations, 2018;
The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018 (Commencement) Regulations, 2018;
The Guernsey Finance LBG (Levy) (Guernsey) (Amendment) Regulations, 2018;
The Income Tax (Substance Requirements) (Implementation) Regulations, 2018;
The Notifiable Animal Diseases Order, 2018;
The Income Tax (Substance Requirements) (Implementation) (Amendment) Regulations, 2018;
The Boarding Permit Fees Order, 2019

4305 **The Deputy Greffier:** The following legislation is also laid before the States: The Public Records (Fees for Registration and Certified Copies of Documents) Regulations, 2018; The Marriage Fees (Guernsey) Regulations, 2018; The Fire Services (Fees and Charges) (Guernsey) Regulations, 2018; The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2018; The Health Service (Payments of Authorised Suppliers) (Amendment) Regulations, 2018; The Health Service (Medical Appliances) (Amendment) Regulations, 2018; The Social Insurance (Benefits) (Amendment) Regulations, 2018; The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018 (Commencement) Regulations, 2018; The Guernsey Finance LBG (Levy) (Guernsey) (Amendment) Regulations, 2018; The Income Tax (Substance Requirements) (Implementation) Regulations, 2018; The Notifiable Animal Diseases Order, 2018; The Income Tax (Substance Requirements) (Implementation) (Amendment) Regulations, 2018; The Boarding Permit Fees Order, 2019.

The Bailiff: There has been no motion to annul any of those! (*Laughter*)

LEGISLATION FOR APPROVAL

COMMITTEE FOR ECONOMIC DEVELOPMENT

III. Electronic Transactions (Electronic Agents) (Guernsey) Ordinance, 2019 – Proposition carried

4320

The States are asked:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Electronic Transactions (Electronic Agents) (Guernsey) Ordinance, 2019', and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article III, Committee for Economic Development – the Electronic Transactions (Electronic Agents) (Guernsey) Ordinance, 2019.

4325 **The Bailiff:** Is there any request for any debate or clarification? No? We will go straight to the vote, then on the Electronic Transactions (Electronic Agents) (Guernsey) Ordinance 2019, those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

DEVELOPMENT & PLANNING AUTHORITY

IV. Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019 – Proposition carried

The States are asked:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019', and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article IV, the Development & Planning Authority – the Land Planning and Development (Certificate of Lawful Use) Ordinance, 2019.

4330

The Bailiff: Deputy Gollop.

4335 **Deputy Gollop:** Sir, I have a prepared speech and I know some issues have come up with some Members. As Presiding Officer, sir, fellow Members, I am pleased to commend to you for approval the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019. Most Members here will remember the marathon Island Development Plan debate in the latter part of 2016, which was held over a month or so, on five or six different days etc.

4340 The journey towards this Ordinance began in November 2016 when, as part of the Island Development Plan debate, and I would argue with Deputy Meerveld that the Island Development Plan is more than just about real estate, because it involves the community and I do hope the community will take up community plans, which will inform both roads and other wildlife issues. But as part of the IDP debate – I must not get distracted – the States directed the Development & Planning Authority, after consultation with other relevant committees, to determine which changes would need to be made to legislation or policy in order to establish a gateway for the development of a cafe, or similar, at the Stan Brouard Group's Land du Marche site.

4345 Now that was one of the amendments that made it. We have heard reference today to one on tourism that is still being looked at and I think I remember Deputy Trott was one of the prime movers of the successful amendment. We came back in due time and, after investigation of the various options, the DPA reported back to the States, virtually within the four months, on 7th June 2017, with a policy letter containing proposals to make provision for Certificates of Lawful Use, under the Land Planning and Development over-arching Law (Guernsey) 2005.

4350 The proposals were principally to allow applications to be made to regularise unlawful changes of use where a compliance notice cannot be issued in respect of that unlawful use under the Law, mainly because of time elapsing, and the use does not amount to a contravention of a compliance notice enforced at the time of the application.

4355 Effectively, in layman's terms, it is about historic failures of process, which now go back into the mists of time, perhaps. The proposals also included provision for a right of appeal against the

refusal of a certificate from the DPA and other procedural provisions, including the making of applications and revocations and provisions for fees.

4360 These proposals were approved by the States and the States directed the legislation be prepared to give effect to its decision. I know some people have been asking what happened to this but it was going through the pipeline and here it is today. When considering the matter in June 2017, the States noted that the introduction of a system of Certificates of Lawful Use, as proposed, would be likely to deliver the outcome sought by the States to provide a gateway in relation to the development of a cafe at the Stan Brouard Group's Land du Marche site. This approach was supported by both the Committee *for the* Environment & Infrastructure and the Committee *for* Economic Development.

4370 I should mention I am not a great fan of talking about specific sites but that was an amendment of the States and it should be understood that, if and when we pass this Ordinance today, it will apply without fear or favour across the Island, regardless of owner. It will be very much about the nature of the site, not about any corporate structure.

4375 Furthermore, the States also noted that it would potentially resolve an existing unsatisfactory situation which had indeed been criticised by independent planning inspectors. It provides a means of regularising long-standing unlawful uses in respect of which no enforcement action can be taken under the Planning Law. People say, 'Why can't you do anything about this?' Because the tools in the tool box were not the right tools. This, I think, plugs the gap.

4380 Although the 2016 Resolution directed the Authority to look solely at a gateway in relation to the site I have already mentioned, the States subsequently noted that, once the legislation was prepared and brought into effect, the ability of the Authority to issue certificates would, as I have said, apply to any scenario; both current and those which could arise in the future, whereby an unlawful use can be declared lawful.

4385 We are grateful as a committee to the Crown advocates involved for their diligence and expertise and the legal drafting of the Ordinance, which has been considered and agreed by the Legislation Review Panel – a process in which I personally took no part, despite being a member of that committee. I remember there were two of us on that committee and I took the short straw and walked out of the door.

4390 I am confident the Ordinance, as drafted, fulfils the objectives of the States as set out in the Committee's policy letter. I ask Members to approve the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019, which will come into force on 6th May 2019. However, some Members have already raised issues.

4395 Deputy Yerby asked us how the fee of £250 was determined. Our response is that a fee would be charged for an application for a Certificate of Lawful Use, which in the UK is currently around £200. But it is recommended that similar fees be levied in Guernsey. On this basis, given our slightly higher building costs and alleged affluence and economic buoyancy that Deputy St Pier reminded us this morning, £250 seems a fair compromise.

4400 Also Deputy Hansmann Rouxel has raised various points that she made, going into more detail. I regret we do not have more ecological wildlife protection Acts in Guernsey but, in other respects, this Ordinance follows closely similar provisions in the UK which have operated for many years. There is consequently no provision for inviting representations from third parties, such as neighbours, which reflects the position in England, Wales and Scotland, but not necessarily the Republic of Ireland.

4405 This is primarily because, in order to issue a certificate, the Authority must be satisfied as to the lawfulness of the use. The burden of proof regarding the lawfulness of the use is therefore on an applicant and, in this context, it is unlikely that comments from neighbours, etc. however well intentioned, would make a material difference in Law or in practice to the Authority's objective assessment of factual evidence in the case.

However, we are considering as an Authority – we now have a new Member as well – whether we would, on occasions, apply discretionary powers to invite, for the sake of argument, learned

4410 societies or parish Douzaines; but I would not say that that would be our general policy and I think other Members of the DPA may contribute to elucidation of this point.

The Bailiff: Is there any debate? Deputy Hansmann Rouxel.

4415 **Deputy Hansmann Rouxel:** Yes, thank you, sir.
This is a bit odd for me, because I am not a planner by nature, but this Ordinance, on the face of it, seems like a neat tidying up of a problem that was raised during the IDP debate. During that debate, when the original amendment came through it asked something like changing the whole SLUP so a business could have a cafe and I thought that was a bit of an overkill, surely?

4420 So I did a bit of research at that time and looked into what other countries do with retrospective planning permissions in the US and Certificates of Lawful Use in the UK and I did speak to officers at the time. During that debate, obviously, being a newbie, I did not have the wherewithal to do anything about it. I spoke to Deputy Fallaize, who redrafted the amendment so it was not as outlandish as asking for major changes or directing major changes in the SLUP but could potentially and would potentially lead to something sensible and do-able, like the
4425 Ordinance we have today.

When the policy letter came to the Assembly, it pointed out that this was a practical way of overcoming something, which the planning inspectors had pointed out was a problem, and I thought it was looking good. However, the policy letter did point out to this affecting more than just one site. If the Propositions are approved and the legislation passed, the ability of the
4430 Authority to issue certificates will apply to any scenario, both current and those which may arise in the future, whereby unlawful use can be declared lawful.

In the policy letter it did point as to the possibility of other people, other than Stan Brouard's, applying for certificates. But the policy letter does not mention what any of these other potential places might be and, with the size of Stan Brouard in mind, there really is only one or two other
4435 places that spring to mind, the Alliance being one of them. The policy letter also plays down the number of potential applications by stating:

Indications from legal practitioners specialising in planning matters in Guernsey are that there are likely to be relatively few applications made for Certificates of Lawful Use, if such a system were to be introduced, and that the appeal work arising from such a system is unlikely to be onerous.

So there could be others, but not that many, and the only example provided is quite a big floor space, so I could be forgiven, and all Members could be forgiven, for missing the possibility that
4440 vinery sites that have been used illegally for all sorts of uses, and neighbours having constant struggles with them, can potentially start applying for these certificates.

Well that is where my concerns arose. When, during a planning application for a vinery site, which was being used unlawfully at the time, it was intimated that if the planning permission did not go ahead they would potentially be able to apply for one of these, I began to investigate and find out what the implications of that would be.
4445

So what are the potential pitfalls with that? In the policy letter it paints a rather different picture to the benefits to the States, and therefore to the public, to what these certificates actually are capable of doing. In the policy letter it says:

This approach would have the benefit of providing a route whereby anyone with an unauthorised use, once immune from enforcement action, could seek to regularise their position, ensuring that such development can be brought under proper planning control and so helping contribute to the broader States' objectives.

Now that phrase, '... can be brought under proper planning control', does to my non-planning-specific mind seem to indicate that, yes, they will go under the same rules as everyone else and I
4450 imagined a situation similar to the way that we have planning permissions, with caveats and mitigations put on the permission.

4455 So it might be a good thing to have these properties brought under that control but, when I started to investigate these certificates and what they actually involve, that is not the case and, as Deputy Gollop has pointed out, it is just based on fact. There are not any caveats or mitigation that can be put in place. It is simply a legal document, which sets out exactly the area of use and what it is applied for and, in the case if it is being used a period of time, 10 years or four years, depending on the circumstances.

4460 So initially I did not see the benefit set out in the policy letter brought under planning control; with a lot of these anomalies that have been going on for years and years, the story behind Stan Brouard is epic, you could write a *Toilers of the Sea* about it and perhaps film it for a little bit less than £10 million.

4465 The theme of all these anomalies within the planning system that could be regularised is 'creep'. Add a little here, maybe do a little bit something more there. If there is an application for a certificate and the certificate is granted, it would stop the creep. That is how it comes under planning control and I can see the benefit of that; stopping the creep. Because they cannot do anything else but stopping the creep and having everything classified and clearly demarcated would have a benefit.

4470 I am assured by the DPA and Law Officers that the certificate does not certify the lawfulness of any use arising from material change of use within the meaning of building regulations. So, in other words, if what has been built is outside building regulations, by getting a Certificate of Lawful Use, does not make the building unlawful. That is how I understand it.

4475 The certificate only certifies the lawfulness of use as at the date of the application and not of any other later material change to that use and that is the creep that I was talking about. It is going to stop that.

4480 My second concern regarding this Ordinance arose from the contrast with the planning applications process. Neighbours have no say. There is not a requirement to inform neighbours. In light of some of the contentious planning applications that there have been, it just seemed unfair that neighbours could be completely disregarded in this way. I did ask whether neighbours could provide comment but this was not possible because of the nature of the Law. They cannot influence that because it is just fact and evidence that the certificates are based on.

4485 So it is not even possible to inform neighbours and ask them for evidence that might contradict the applicants' assertions of the use of the property. I looked at the UK Certificates of Lawful Use and, yes, there is not a statutory obligation to ask neighbours, but some local authorities do seek out evidence from neighbours.

4490 I brought this to the attention of the DPA and have had some feedback from them, which I was waiting to hear whether they would be exercising a non-statutory consultation, such as Deputy Gollop intimated they could possibly look at doing. On some occasions, it does not need to be statutory, it does not need to be every one, but there might be occasions where evidence can be obtained from the neighbours, which contradicts what the applicant has said, whilst it might not be necessary to do every case.

4495 I was awaiting response from the DPA from last Thursday but, alas, I received an email from an officer informing me that, by majority, the DPA would not be supporting any consulting, statutory or non-statutory. I received that yesterday afternoon so I apologise, I did not have time to send out to all States' Members and hence why I am doing a long speech to explain my position.

I give way to Deputy Oliver.

Deputy Oliver: Thank you, sir.

4500 Just for clarification, this might have changed, because the committee actually had not spoken about it as a proper committee and it has just been done via email. At the next meeting we will be discussing this as a committee.

Deputy Hansmann Rouxel: Thank you, so it may develop. I can understand that there may be reticence to open up a can of worms by speaking to neighbours and that the responses, like

4505 responses to planning applications, may not provide the evidence, but rather create an expectation that they can somehow influence the authority not to issue a certificate, when the issuance of a certificate is quite clinical and based purely on facts. But I do think that we should not shy away from being open and transparent and we should have a more proactive approach to educating the public on how planning works.

4510 I know that the DPA has done a lot to move in this direction, so I was disappointed that they have decided not to have any consulting and in my view it is a backward step to be a less transparent system.

4515 My third concern I have is something that came to light when I again compared the UK legislation this is based on. It is true that a Certificate of Lawful Use does not absolve the applicant from following all other laws, like building control. In the UK, these protections, like the Wildlife and Countryside Act, Listed Buildings and Conservation Areas Act, building regulations, many of these other laws we do not have Guernsey equivalents. So we would not be providing the same level of protection that this does in the UK or elsewhere.

4520 Now I accept this cannot be resolved by planning because it does not fall under planning. But it does serve to highlight that one of the problems we face with having an all-singing, all dancing piece of Planning Law, in order to protect the public interest, we do have to have loads of other regulation and I do not want to pre-empt the debate around regulation, which we will have probably tomorrow, about health. But we cannot keep relying on piecing together bits of cranky ancient legislation to provide effective protection for the public.

4525 We have to have simple and clear modern regulation that does not create a bureaucratic quagmire and it is possible to do that. I am left feeling wholly unsatisfied by this Ordinance because, on the one hand it does provide a much-needed solution for regularising something that should be regularised, but on the other hand I have concerns that there could be some unforeseen implications of this legislation.

4530 But I have to be pragmatic and I have not done anything in time to amend this legislation; and, to be honest, what could be done? A statutory obligation to consult? I have already said I think that would be overkill. But my major concern is the lack of supporting legislation, like the Wildlife and Countryside Act, or pollution legislation, which we have agreed but has not been drafted yet.

4535 These other protections would not be solved by me laying an amendment to solve this. So I will end this unexpectedly long speech with a plea to the DPA to provide some transparency around this new certificate and proactively inform the public what it actually involves and what benefits there can be.

4540 I would also make a plea to ensure that proper records are kept of people raising issues with the Authority. I have heard too many stories – yes, they are anecdotal but I have heard too many stories – where someone has contacted Planning and there is no record of them having done so. If this is to work and we are not going to be creating more of these scenarios in the future it is vital that modern digital, customer capture technology is used, so that information is captured and easy to find and it does not become a laborious, bureaucratic nonsense to try and find the information.

4545 Thank you.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

4550 I have to register my opposition to this Ordinance. I have been opposed to these proposals all the way through. I cannot object to the fact that the DPA have brought something back that fulfils the instructions of this Assembly but I have always felt that those instructions were wrong.

4555 I feel uncomfortable talking about an individual case but the catalyst for this was an individual case. In fact that it was brought by an amendment during the IDP debate took me back to the DDP5 debate in 1982, where we had a plethora of independent sites where we would have an amendment so that people could build a bungalow for their daughter in their back garden.

I thought it was bad Government and I thought it was particularly bad Government that the DPA have been sent away, we have spent time, officers' resources, Law Officers' resources, drafting an Ordinance so that a business that had been developed illegally, in contravention of the Planning Laws and as a result could not add a cafe, should be able to do so because of course they must be rewarded for developing a business illegally.

Now it is wrong to mention one individual case. Well, Deputy Hansmann Rouxel has mentioned another one where a company, who had a warehouse, that was only zoned for wholesaling and therefore was an awful lot cheaper than a building for retail would be, decided to ignore the Planning Laws and to retail out of that large warehouse only zoned for wholesale.

So of course, for £250 they ought to be able to rectify that. I think, I know I am a lone voice in this and we have had enough debate that was going nowhere all afternoon, I just need to register my opposition. I just think this is wrong in principle, sending out all the wrong messages. You lot vote for it – sorry, sir, you will not be obviously – through you, sir, other Members can vote for it but I will not be.

4570

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

My speech is in response to the fact that I understood the Development & Planning had actually made a decision. Now I am informed we have not made a decision so I thought I would stand up and explain why I would object to including even a discretionary consultation. I will be very brief.

Basically discretionary consultation is used in local authorities in the UK, and the Isle of Man has mandatory consultation but there is a difference between their legislation and ours. In the UK and Isle of Man systems they provide for certificates as to whether any proposed use of buildings of land would be lawful and whether building operations would have been or are to be carried out on land are lawful. In other words, future use. This is not, this is past tense. This is about proof as to what has been going on in the past over a long period of time. It is not based on oral evidence from the applicant.

For me, it would be raising a really false expectation that the neighbours could influence this factual decision and therefore I cannot adhere to that. Also, I have to take issue with Deputy Hansmann Rouxel with regard to records. We have actually had several occasions where people have said, 'But I told you this and I told you that.' We have gone back over the record and the problem we have is that these complaints are not formalised. They are not given information in detail in order to be able to record-keep.

This is the problem and this, I hope, will be highlighted by the Certificate of Lawful Use, the fact that please can, if anyone has any complaints to make about land use – and it is land use, not development; we are talking about change of use here – to make sure it is properly recorded. Get an acknowledgement so that it can be used evidentially at a later time.

I really genuinely hope that because I have often said, as Deputy Roffey alluded to, I do not like this particular piece of work. I find it abhorrent that one particular commercial activity can be benefited and our resources used as a result of it and I have said that all along. However, obviously the reasons for those concerns were recorded in *Hansard* when this was first raised but of course it does resolve the issue of what the planning inspectors raised and, as a result, I decided that the best course of action was to agree and only on that part.

I would like just to add, finally sir, that the President has said, with regard to our roles on the Development & Planning Authority and the Legislation Review Panel, we are of course both on the Panel and the Authority, Deputy Gollop and I agreed beforehand that because I had voiced these concerns about the legislation in debate, and then to make the Panel quorate at the time for the review of the Ordinance, I took part in the consideration of the legislation. So as a result of those views and the fact that I was involved in the legislation, I will be recusing myself if a decision ever came before the DPA whilst I was a Member.

Thank you, sir.

4610 **The Bailiff:** Can I just have an indication of whether anybody else wishes to speak and, if so, how many wish to speak in this debate? Deputy Inder? I propose then that we continue to sit to just deal with this item. Those in favour; those against.

Some Members voted Pour; some Members voted Contre.

The Bailiff: That definitely has not ... unless it was just a few people shouting? I will put it to you again, that we continue to sit. Those in favour; those against.

Members voted Pour.

4615 **The Bailiff:** Definitely the Pours have it. I think you were just a bit weary the first time around! Deputy Inder and then Deputy Gollop will reply.

4620 **Deputy Inder:** Hopefully, no, I am certainly going to be brief. It is often the case, sir. I need a picture and I have come from where the big brown horse stood in the green field and I get that. It is Deputy Roffey that summed it up to me. To me, it looks like a get-out clause for larger companies that seem to have done some kind of planning wrong. It looks like you can pay to regularise your illegal developments.

4625 If I am not understanding it, if Deputy Gollop can convince me that we are not effectively adding value to illegal developments, I may well vote for it. But if by giving a certificate to someone means we are suddenly going to add value to developments or land use, which should not be there in the first place, I am not voting for this.

The Bailiff: Deputy Merrett.

4630 **Deputy Merrett:** As we are sitting on, sir ... I think nobody else has mentioned the very obvious – obvious to me anyway. If there is unregulated or unlawful use of land, then that should be investigated by Planning when it is brought to their attention. If it is left to drift for four, five, six, ten years, and the business is built, there has to be some way in which we can give some certificate to try and regulate it in some manner, even it is just to stop creep.

4635 So I would urge Planning that, quite honestly I do not believe that Planning or anybody could miss Stan Brouard or miss what has happened at the Alliance, but if that is the case I would urge members of our community to contact Planning. I do not disagree with Deputies on this at all – if Planning are saying that the members of our community are not doing this in a certain way or a certain standard, then I think Planning needs to go back and ask the questions and engage with the community and not expect the community to be able to engage with Planning on their terms, giving them the information that they require if that information is actually requested, asked for or recorded in the first place.

4640 But yes, members of the community, please let us know and Planning should actually act. If they do not act then actually this is the way of progressing it going forward.

4645 Thank you, sir.

The Bailiff: Deputy Ferbrache.

4650 **Deputy Ferbrache:** Sir, I am only going to declare an interest and not vote, because I acted for Stan Brouard for many years in relation to these matters. I acted for the warehouse company that became for many years and I have also acted for a bit-part owner of a former hotel that benefited from such provisions over many years. So I think it would be prudent for me not to vote.

The Bailiff: Deputy Gollop.

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Deputy Gollop: I certainly will not be long-winded. If I say anything that is incorrect, it is probably not because I am trying to mislead the States, you will be glad to hear, it is because I might get things wrong and you do get interjections from our learned friend or H.M. Comptroller or somebody because Planning is certainly at the cusp now of being on the borders of being difficult for lay politicians to speak on, because you often do require extremely accurate and precise arguments. But I will do my best to go through the points.

4660

Deputy Merrett is quite right, we need to find a way of overcoming anomalies from the past and indeed, if there are sites which are clearly not being used in accordance with the current plan, then we do require States' Members and the wider public and Douzaines to inform us. On the point of records, I am slightly disconsolate to hear that maybe not all official meetings are being recorded with clients and customers of the DPA. I will look into that. We do discuss at our meetings every month the gradual evolution of electronic technology for, perhaps one day, an all online planning system.

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In relation to Deputy Inder's point that has been raised by other people as well, the problem actually is doing nothing. Actually I sympathise a lot with what Deputy Roffey and in a way Deputy Tindall has said, because we started the Island Development Plan, and the Environment Department before us, without necessarily wanting to go down this route.

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One thing that planners do not like is illegal use of any kind, whether it is creeping or creepy or whatever. We want to stop it. But if it is in the past, going back beyond effective time you can administer justice then you end up with an impasse. We cannot easily order compliance orders for something that is that long ago under a previous regime.

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You sometimes have to take more Deputy Trott's view and have a pragmatic outlook as to the nature of the site. I could give an example, I will not name where it is, but we were discussing one day in committee the anomaly that if we turn down a planning application for a change of use on the site, which perhaps was a popular thing to do, the irony was that it could well be that kind of owner could apply for a Certificate of Lawful Use, under the new Ordinance, and have fewer controls.

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So the paradox is that if you do pass all the lawful tests that Deputy Tindall has outlined, you need not alter the site in the future. Because as soon as you then want to creep it further you will be breaching the Law and you will be dealt with accordingly. So it will apply in reality to a very small number of circumstances that go back well before the life of this Assembly and the life of the current Law.

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So I think Members can be rest assured that possibly we could sit in a room and name the obvious candidates and there are unlikely, I think, to be that many more really significant ones. I agree with Deputy Hansmann Rouxel that we have been behind the times in a way with parallels to, say, the Wildlife and Countryside Act 1981, but that goes well beyond the spirit of this amendment and what is before us today. I believe what we have today is adequate but can be improved and built on in the future.

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As regards to the more fundamental question that Deputy Hansmann Rouxel and Deputy Tindall have raised, Deputy Tindall is of course correct that it is not the same creature as the legislation in the UK and the Isle of Man. This is a simpler more pragmatic piece of work and very much it relates to the past, when it was carried out. I personally cannot see what good would be done by consulting with neighbours, however well-intentioned, because as Deputy Tindall has pointed out, we cannot raise expectations.

4695

However there are differences of view on the committee and I would also add to this that I could personally – which is why I reconsidered my position this morning – envisage certain circumstances whereby you might be required to consult with an agency or a Douzaine. But I think as a general principle, as Deputy Tindall has outlined, it is very much concerned with the lawful use. It is not a new planning application and should not be confused as such. That is why we are in this situation, precisely because in the past somebody did not get planning permission.

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I give way.

The Bailiff: Deputy Inder.

4710 **Deputy Inder:** Thank you.

I just want to pick up on one point, Deputy Gollop. I know we are at the end of the session but just previously you said that you did not want neighbours to have any input in normally a place where they are not particularly happy about because we know it is an illegal development. But you are quite happy for the applicant just to pay £200-and-something licence fee and just get their illegal development legitimised. Something does not quite stack up in that.

4720 **Deputy Gollop:** Well, of course, Deputy Inder's perspective is based on a political judgement of the States, the month Deputy Inder arrived, when the States decided to support an amendment. It was never part of the Island Development Plan. It raised an issue that planning inspectors had commented on. I think the Planning Department had reservations for precisely the reasons Deputy Roffey and Deputy Inder had revealed, but the will of this Assembly was clear that it wanted this Ordinance and we believed that therefore this is the best way of actually doing the work in the most efficient manner.

4725 Certainly we would not design a system which allowed people to ride roughshod over normal planning guidelines. We are basically starting with a clean sheet of paper and forgiving past misdeeds where, dare I say it as an example, with a few other offences to take into consideration that in another context would have been part of a statute of limitations.

4730 I think the Members who are uncomfortable with this have to accept this is a compromise based upon the majority view of the States and it has been drafted and considered very carefully in relation to those circumstances and it should stimulate the economy, where sites have been in dispute.

The Bailiff: We go to the vote. Deputy Lester Queripel?

4735 **Deputy Lester Queripel:** A recorded vote, please, sir.

The Bailiff: We will have a recorded vote.

There was a recorded vote.

Carried – Pour 28, Contre 7, Ne vote pas 2, Absent 3

POUR

Deputy Brouard
Deputy Dudley Owen
Deputy Yerby
Deputy de Lisle
Deputy Soulsby
Deputy Prow
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Lester Queripel
Deputy Le Clerc
Deputy Mooney
Deputy Trott

CONTRE

Deputy Langlois
Deputy Roffey
Deputy Parkinson
Deputy Inder
Deputy Lowe
Deputy Smithies
Deputy Dorey

NE VOTE PAS

Deputy de Sausmarez
Deputy Ferbrache

ABSENT

Deputy Leadbeater
Deputy Le Pelley
Deputy Green

Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Graham
Deputy Paint
Deputy Le Tocq

4740 **The Bailiff:** Members, the voting was 28 in favour, with 7 against and two abstentions. I declare it carried.

We will rise now and resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.46 p.m.