



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court Assembly, Guernsey, Thursday, 27th June 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

St Sampson

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

The Vale

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

The Castel

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

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, R. G. Prow

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

C. Foster, Esq. (H.M. Deputy Greffier)

Absent at the Evocation

M. M. E. Pullum Q.C. (H.M. Procureur); Deputy J. I. Mooney (*indisposé*); Deputy M. J. Fallaize (*relevé à 9h 39*); Deputy J. P. Le Tocq (*relevé à 10h 02*); Deputy V.S. Oliver (*indisposée*); Deputy P. J. Roffey (*absent*)

Business transacted

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

Billet d'État IX

POLICY & RESOURCES COMMITTEE

I. Policy & Resource Plan – 2018 Review and 2019 Update – Debate continued

The Deputy Greffier: Billet d'État IX, 2009. Policy & Resource Plan 2018 Review and 2019 Update – continuation of debate on amendments 18 and 7.

The Bailiff: Who wishes to speak this morning?
5 Deputy Prow.

Deputy Prow: Thank you, sir.
I shall be brief, but I rise to support amendment 6. (**The Bailiff:** Six?) I stand corrected, amendment 7. That is not a very good start, sir! (*Laughter*)
10 With regard to public sector reform I have listened to all the speeches so far and I have to say I violently agree with them all and the questions asked, so I will not repeat them. Certainly, Deputy Peter Ferbrache has made a powerful point for me around the operational aspects of the Civil Service and if they can be reformed – and we are told that they are, and we could lose 200 posts, and we are told this by the Chief Executive. I completely agree with this and indeed in that aspect
15 I think the Civil Service and the Chief Executive should be left to deliver this. But I also agree with him that to amend that amendment 7, which I wholeheartedly support, does not prevent this from happening.

In particular, I support the paragraph in the explanatory note. I think it is important, sir, so I would like to read it out because I think it encapsulates why I support it:

It must be remembered that the States is elected by the people of Guernsey, and so is (rightly) held accountable by the public when services fail or do not come up to standard, just as much as when policy does not reflect the needs or expectations of the populace. There must be effective lines of accountability between the States and the public sector which reflect the democratic character of the States. Given the structure of Guernsey's government, the relationship between States' Committees and Senior Officers is particularly critical in ensuring that Committees are able to discharge their mandates and serve the Island properly.

20 That is why I support this amendment.

But it is interesting that the debate has raised other issues and there have been some good speeches around this, not only around this amendment, around an apparent democratic deficit. And this is the part of the public sector reforms that I think are being questioned, and rightly questioned by Members of this Assembly, particularly with regard to those Deputies who sit on the Principal Committees who are at the delivery end of Government. I think the corporate structures of the States and the matrix principles make complete sense and I do not think there is too much challenge to that as a concept.

I think where the rub comes is the support that the Committees get in delivering and the accountability, the fact that delivery end of Government – and it is not just the Principal Committees, I am sure Deputy Tindall will also point out this advice to all the Committees of the States. Where we are accountable to the public, through this Assembly, and we are open to challenge and that challenge does come, the challenge has rightly come to Home Affairs on the delivery aspects of Government. I think a point that Deputy Fallaize has very powerfully made is around the fact that we can criticise the position we are in but we do have the red book and that accountability to the States of Guernsey is dedicated through Committees and we need to make sure that the Committees are properly supported.

Now, in my view, that needs stakeholder engagement and that stakeholder engagement should have happened right from the very start of this process. I think that is where one of the fundamental problems that arose has happened, and I really hope that amendment 7 is a step to addressing this.

Deputy Green has mentioned, and I agree with him, that there should be at some stage – I do not know when the appropriate time is – a debate about how the current Machinery of Government is going to work.

There has been a long debate around whether we have an executive government or committee government. Now, that is a debate that should be happening in this Assembly and what I do not think is helpful is trying to structure or restructure a Civil Service around an executive style of government when we have a committee structure clearly laid out in the Red Book. Obviously, there are issues with how this works and the governance around it, but that is a debate that should happen in this Assembly and then, and only then, should the Civil Service be structured around whatever we decide. I think that we do need mechanisms and I think those in amendment 7 are more likely to put us in the right direction.

Thank you, sir.

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

Deputy Fallaize: Thank you, sir.

The Bailiff: Deputy Green.

Deputy Green: Sir, thank you, I can be relatively brief.

I think I am going to support amendment 7 in this debate. We have had the benefit of the advice from Her Majesty's Procureur and Advocate Bamber on these amendments, but ultimately it is a matter for Members to think for themselves in terms of what they think is the better option going forward on Civil Service accountability.

In the advice that we have received, or rather the advice that was given, paragraph (c) on the constitutional issues makes a point, sir, that it is not appropriate to introduce employment-related provisions into the Rules of Procedure; but as Deputy Ferbrache pointed out yesterday, we have already got that with Rule 56, which sets out the accountability of the Civil Service. And amendment 7 simply, in my view, updates that Rule in line with the recent Civil Service reorganisation. It does not seek to introduce anything new into the rules, the principles were

already laid down when the last States introduced Rule 56, so that precedent is there and we cannot change the history of that.

75 The advice also deals with the employment issues and the potential consequences of amendment 7 if it is carried or the view that that may have some potential consequences. But I simply do not believe, sir, that the change being suggested in the Le Clerc/ Soulsby amendment is anywhere near as significant as that particular paragraph seems to suggest in terms of the employment issues.

80 Up until very recently, sir, States' Members were directly involved in the appointment of civil servants, but amendment 7 is not going anywhere near as far as the return to that situation. But it is wrong to present amendment 7 as some sort of enormous departure from the long history and precedent of custom and practice in respect of Civil Service appointments. In a way, this is just crystallising it and putting it on a more transparent basis than the perhaps less transparent way that has been done over many years. Neither do I think amendment 7 seeks to alter the Civil Service employment structure or accountability. On the base of the amendment it will continue to be through Policy & Resources and the Office of the Chief Executive, none of that is going to change.

90 What it is really about, sir, is ensuring that there is appropriate involvement from the Committees in the performance management of the senior officers, which will be done by P&R and the Chief Executive. It is about a greater variety of political input into that process, I do not think it is about political control, which is a phrase that Deputy Le Clerc used. I do not think it is about political control, it is about a wider variety of political input into these very important roles, which would be new roles, operating in a much more cross-Committee way. So, fundamentally, that is not actually going to change that much at all and I think amendment 7 does not seek to change the employment structure of the senior civil servants so we do need to keep this in proportion, I think.

95 As I say, we have received the learned advice. I think it is absolutely correct in terms of the high level principles that it sets out and I think it is really for the Members of the floor of the Assembly to actually apply those principles to the detail of amendment 7, because actually when you look at the detail of amendment 7 it is not quite as it is being portrayed in some quarters.

100 Sir, I was directed to look at a report by the OECD, which was an independent review entitled, 'Study on Political Involvement in Senior Staffing and on the Delineation of Responsibilities Between Ministers and Senior Civil Servants.' It perhaps was not the page turner (*Laughter*) that the title suggested it would be, but nonetheless there were some important points in there which I think are valid and relevant to this debate. And one of the points there is that it highlights the OECD independent report; in a way it kind of confirms many of the gut instincts I think that the proposers of this amendment have, which is that it highlights that political involvement in matters of administration, in matters of Civil Service appointments is actually an essential component of a proper, functioning democracy. (**Two Members:** Hear, hear.) That public service neutrality and non-partisanship within the Civil Service does not equal an apolitical process for senior appointments. And I think given that high level report and independent review, which does confirm those sorts of principles, I think we do have to see amendment 7 in that context.

110 So, in a nutshell I would support amendment 7. I think it is about a wider variety of political input into these processes. It is about greater accountability. I do not think we should be unduly swayed by some of the potential consequences that the high level advice has suggested and I think amendment 7 is the way forward.

The Bailiff: Deputy Gollop.

120 **Deputy Gollop:** Sir, as a general introduction I actually do support much of the philosophy behind the proposed changes in the Civil Service, if only because, as some commentators have observed, something needs to be done.

I remember years ago, a senior figure – it might have been in the Chamber of Commerce or the IoD – when I was complaining about the usual complaint about civil servants running the show and he said, ‘Well, thank goodness somebody is, rather than you guys’. And that is a view that I am hearing from some people who perhaps will be taking an interest in politics next year as well.

On a deeper level, I think the changes are not just useful for the reasons Deputy Prow has identified about streamlining and reducing unnecessary posts and expenditure, but it is necessary on a way of really structuring ourselves for a faster moving world in the 21st century that is more reactive and also more holistic actually, looking widely across Committees. I have nailed my colours to the mast. Although we might argue about the details, I think the Island on balance, would be served better by a larger quantity of well-directed and properly impacted public expenditure, as Deputy Fallaize argued yesterday, as one reason why Jersey and other places appear, on occasion, to be more dynamic, although they have their mistakes as well.

But I would also argue that we do need to look again at a different system of government, maybe of a more ministerial or executive kind. (**A Member:** Ooh!) And I add that with the caveat that we do not know what our election structure will bring in terms of different groupings and I am aware that debate has been had a few times before, but not by this Assembly or by, of course, the next one.

But all that preamble out of the way, I want to say that these changes have occurred more by edict and by stealth than perhaps by design, apart from a political point of view. And we can all think, ‘What will be the big issues next year?’ And many people, including some associations have already identified views like economic development, transport connectivity, environmental impact, climate change emergency or crisis, social policy, Brexit and so on. I actually think, probably at the top of that list, will be corporate governance and the relationship between the political representatives, the Civil Service and the public sector more generally, which would include statutory officials. As I think that area is bursting out on many different levels from commonplace populism to more sophisticated arguments about strategic land plans, planning, housing policy, investment and infrastructure and so on, even indeed, air regulation, for example. We definitely need to work hard on that issue, and with perhaps more focus than we have been.

Now, we have before us two amendments. This has been a very unusual debate from my point of view, sir, because although I have sat through numerous policy, planning and strategic policy debates in the past, this has been different in a number of respects, not just by the number of amendments. One of the differences is in the past when, for example, Deputy Trott was the leader of Treasury & Resources and later Chief Minister, he had an uncanny knack, like some of his eminent predecessors, of repelling amendments and generally presenting budgets or plans largely unamended. They were rigorously effectively vetoed on high and usually that philosophy worked.

This time around it is the Policy & Resources Committee who are reviewing the interesting amendments that have been developed and circulated over the past month, and adding watered down or changed versions of their own. And so frequently we are going through the complexities of a double amendment debate. That is one change. Another one is – maybe I was a bit responsible for this in the days when I used to work with other Deputies, not just Deputy de Lisle sitting in front of me but former Deputy Matthews, Webber and so on – in that we started a trend of putting explanatory notes to amendments, and it has now got out of hand, because the explanatory notes are not only longer than the amendments but they are sometimes longer than many policy letters. And it is not entirely clear what their legality is in the sense of having a meaningful Resolution and implementation of policy. They give us a flavour of what it means, but that is all.

And the third unusual element is we have had within our amendment packs, and I have not looked to see whether there are nine or not in this form, the interesting advice by Her Majesty’s Procureur and a senior advocate that have been summarised by Her Majesty’s Comptroller in the Chamber yesterday. Now, we know from other places – the United Kingdom, for example and the

175 United States too – that advice from senior law officers are generally, rightly and appropriately regarded as confidential by politicians who receive it, unless it is publically released. I am not sure about the status of this, whether it is entirely public or entirely private, but one does not need to go into that because I think the bulk of it is contained within the explanatory notes.

180 So if I kind of forensically look at the P&R amendment and come on to the fourth unusual aspect of the debates this week: that, as a senior Member said to me yesterday in passing, when we had those interesting receptions on the reciprocal health agreement we effectively voted – well, it was a gesture, it was a line of direction – but it was really voting for the *status quo*, because we know that Deputy Le Tocq and Policy & Resources do have an open mind towards reciprocal health agreements and we also continue the workstream that ESS and other Committees have done, so we are doing that quite a bit. And this is a kind of *status quo* amendment that Policy & Resources have put across.

The Bailiff: Do you give way?

Deputy Gollop: Yes, I do.

190 **Deputy Merrett:** I thank Deputy Gollop for giving way.

I would ask Deputy Gollop if he could come back to the amendment in play today? That would be most appreciated.

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

Deputy Gollop: Well I am coming back; that is exactly where I am at. In fact, it is not an amendment, there are two amendments. (*Interjection*) Amendment 18 is very clearly a *status quo* amendment, because if you look at 4(a):

The Policy & Resources Committee should be directed to prioritise the action required by Resolution 14 [of Billet d'État XII of 2015] and having consulted with other States Committees (including for the avoidance of doubt Authorities and Boards), report back to the Assembly with its recommendations no later than December 2019;

200 Now, that is a *status quo* amendment, except for the business about reporting back, which it would have done anyway. When you look at the original Resolution, it was 2015 that once constituted in our brand new, all singing, all dancing system, which is only three years old, 'we shall, following examination of the issues, lay recommendations before the States to inform the political arrangements in connection with the States' role as an employer.' Now, they have not done that and it is three and a bit years in so we are kind of having to trust them to do it in the next six months when a lot of work has happened on strategic property, on the new system of governance from a senior executive level and various ... But not this. So in a way, as we saw perhaps in the past on areas like extra care and so on, we have actually changed the system before getting the policy in place, which is curious.

210 But 4.(b) says:

The Policy & Resources Committee should be directed to consider the conventions that apply in other democracies in respect of the relationship between elected members and the Civil Service ...

215 Well, that is huge. It could be the entire Commonwealth virtually, it could be America, the European Union, wherever. The problem with that is, as Deputy Fallaize and many others reminded us yesterday, not only are we smaller scale than most places and have a tighter budgetary limitation, but we do not actually have a presidential, prime ministerial or cabinet system. So, it will not particularly help us to find out everything that goes on in 10 Downing Street, and that has not always been plain sailing in recent times.

And then we go on. This amendment, unusually, spends much of its explanatory note criticising another amendment, the Le Clerc/Soulsby amendment, saying the other amendment:

... does not conform to generally accepted constitutional or good governance principles and, in particular, ignores the fundamental requirement for the Civil Service to be, and to be seen to be, politically impartial.

220 And then it talks about risks, which is always unwise, because we have always been told not to talk about possible legal challenges, but there you go.

Then they point out:

In other democracies the relationship between elected members and the Civil Service exists by virtue of convention or statute [often coupled with], the creation of published frameworks ...

Well, we have not done that, and this is an admission of that. So actually the Soulsby/Le Clerc, amendment is trying to plug a gap.

225 But we do have, as we know, Rule 56, which although it is a little bit of a cuckoo in the nest in that it does apply to something outside of procedure in the parliamentary Chamber, nevertheless, it is all part of our role as a government, and our role as a legislature in terms of elected Members having accountability and a function in choosing senior civil servants.

230 Now, I go back long enough to remember the days when we used to have Education Council Panels which would select every teacher or every headteacher on the Island, which included politicians. At the moment, the consultation with politicians on employment committees is very random. Sometimes it involves the president or vice president, sometimes it is not clear who it involves. In reality, the appointment of a senior officer to a Committee has often a greater material effect on the research capabilities, the resources and the outcomes than a Committee member. And they always say about politicians, we are here today and gone tomorrow, whereas an able
235 civil servant might be in position for even 20 years. Therefore I think it is extremely important.

240 Where perhaps we have an issue is that the system of Civil Service governance from a United Kingdom point of view, that we were probably influenced by, was done in the Gladstonian era or maybe even before that, in the mid-19th century of the year of the Whigs and the Liberals and the Macaulay Trevelyan reforms and so on, and it was to get away from the classic scenario of an aristocratic or mercantile interest hiring their nephew, best friend or whatever to work in the Civil Service and to have an impartial, meritocratic and technocratic system. And I think we heard some of those arguments yesterday. And we would all believe that civil servants need to be appointed on merit. But how can we be sure that in the future, especially if associations gain strength politically, that there would not be a case to be made for politicians taking office for a particular
245 reason to want to have a political adviser? We have seen, ever since Baroness Thatcher's era in United Kingdom politics, in fact, even Sir Winston Churchill did this a little bit, having people from the private sector brought in to have a public executive role. And that grew in the Tony Blair era and has not completely gone away. Now how far should we prevent or structure, I think we certainly would need to have guidelines, about how far we could do that?

250 I think the public really want two things from a political Assembly: they want clarity of decision making and policymaking, within budgets, but they also want those policies to be implemented and the implementation is very much the preserve of officers and the Civil Service. I think the Le Clerc/Soulsby amendment is much more generous in that respect. It might not be perfect in every respect, but I think it accurately reflects that the majority of this Chamber want a greater role in
255 identifying how the organisation develops for the future. Because politicians, in order to deliver their manifestos and their policies, need an effective public service but they also need it to deliver. And politicians risk being exposed in a system across departmental policy of not necessarily being able to access the political resource that they need in order to deliver policies. And you will have a situation where politicians might be blamed for operational failure when they will have had very
260 little opportunity to influence procedures, recruitment, pay and conditions, terms of employment, capabilities, performance appraisal or indeed whether they have people who perhaps even are willing to work with the Committees on some occasions. I know that is rare, but over the 20 years or so I have served to have occasionally come across officers who clearly have not been like Sir Humphrey – well, perhaps they have been like Sir Humphrey from *Yes Minister* – but rather than
265 just having the view of a totally impartial public servant they have, like many of us, strong views

about the direction of travel in a particular policy operational area and those views have been communicated to the Committee but have gone slightly beyond advice. And the Committee has either been influenced by that or, on occasion, has resisted it and that has led to tensions. On those occasions it is sometimes a good thing if a senior officer is able to move people around, without sacking or horrible things like that, because it is not necessarily about competence, it is just about chemistry, really.

Another area, which is a bit technical, but it is something that we need to thrash out over the next year, and that is the lines of accountability. I remember a few years ago there was a call for civil servants to be able to stand for the States, which they can do, and perhaps remain in a public sector role, which they can do in local authority areas in the UK, in certain situations. And the argument was vetoed, but one of the reasons it was vetoed was a senior officer of the day said the problem with that would be management lines of accountability, because you would have one situation one day and another one the next.

Now, under the new system of governance, it is not entirely clear who is responsible to whom. You will have officers serving several departments, you will have cross-Committee officers who will be part of Policy & Resources, you will have a Committee secretariat which may be less powerful than the current chief officers, I think that is the design. You will have policy and people officers who will have huge responsibilities, and they will have to make decisions about whether to allocate more resources to health, or more resources to housing or whatever. How will they make those decisions? Will Policy & Resources, politically, be guiding them? Or will it be a cross-departmental group? We threw out the Board's performance yesterday. I do not know, it is a fog and it will only get less misty if we radically changed our system of government to fit the new pattern. But in the meantime, I think the safest route is to support the Soulsby/Le Clerc amendment, as the most pragmatic way forward.

The Bailiff: Deputy Le Tocq, do you wish to be *relevé*?

Deputy Tocq: Thank you, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I want to preface my remarks by saying that – and I know that every Member could stand up and say this – but I think, given that we are debating the structure of the Civil Service and other things related to the Civil Service, I think it's important to place on record that for most of us our experience of the Civil Service is that we are served by, and the Island is served by, outstanding civil servants, very often – (**Several Members:** Hear, hear.) people who are professional, diligent and who, as I say, serve their Island with great distinction, and I do not think anything that is said in this debate should be seen as inconsistent with that. (**Several Members:** Hear, hear.)

I also want to say something prefacing my remarks, about the Chief Executive, who leads the Civil Service. I think the Chief Executive of the States probably has the hardest job in Guernsey. I think some of us have quite challenging jobs in the States, but I think he has a more challenging job still, to lead from an executive point of view the largest employer, by a long way, in the Island and delivering the most complex range of businesses. My experience of the Chief Executive of the States is that, when I have approached him about concerns I have or issues I want to discuss, which is quite often, he is always very open and always seeks to respond very positively and constructively to the points I am putting to him. And so I think one has to speak as one finds, and it is partly because of that that I have been prepared to offer him, and the Policy & Resources Committee through him, support in relation to the structural reforms that he is now undertaking. I have some doubts about them. I am not sure that they are the kind of structure that I would have come up with if I had a blank sheet of paper, but I think we ought to back the reforms that he is trying to make and then hold him to account for them.

I genuinely believe – although there are bound to be mistakes made along the way, because it is a complex set of reforms – but I genuinely believe that his intention is to ensure that public services are delivered more efficiently and cost effectively and that the elected government is served by the Civil Service on a more consistent basis with high quality officers. Now the proof will be in the eating, as they say, but I genuinely believe that that is his intention.

I also think the Chief Executive recognises the need for some political engagement in the process of designing the structure of the Civil Service and in the personnel and structure of senior officers. In fact, I think he understands it better than the Policy & Resources Committee. The Policy & Resources Committee has a tendency – and this is not a criticism, on the contrary – when faced with amendments to their own policy letters, as Deputy Gollop has just said, to come up with amendments of their own which seek to pull back from some of what they might consider the more radical or objectionable parts of other Members’ amendments, but to move some of the way to meeting the concerns set out. And they have done it with an amendment on corporate services in this meeting and one about the Rules of Procedure for the future Policy & Resources Plan, and a whole lot of other amendments. Normally, I think that their amendments, when they do that, are very legitimate attempts to address Members’ concerns and are quite well constructed. Members will take a view about which of the amendments they prefer, the original or the Policy & Resources version, but normally I think they are quite a genuine and well-constructed attempt to respond to Members’ concerns.

The one that we are debating from them at the moment, amendment 18, is not and I am afraid I have to say this – and I know that I am going to make myself unpopular, or more unpopular with the Policy & Resources Committee for saying this – but on this particular issue of political engagement in the structure of the Civil Service and how the elected government is served, they are just not listening. This amendment 18 indicates that they are not listening, because it asks the States to resolve that the Policy & Resources Committee should be directed to prioritise the action required by a Resolution dating back to 2015. There is a deep irony in a Committee coming to the States to ask the States to direct it to do something which most of the States have been asking it to do for the last four years. **(Two Members: Hear, hear.)**

And then part (b) of the new Proposition they are proposing is that:

The Policy & Resources Committee should be directed to consider the conventions that apply in other democracies ...

So this amendment 18 actually does nothing new – it just says we are asking the States to tell us to prioritise work which we were meant to be doing anyway, which is to have a review about the role of the States as an employer and how to discharge that and says that in carrying out that review we will have some consideration to what happens in other jurisdictions, but it does not move the argument forward at all. How can that be a response to the set of concerns which so many Members, and I think a majority of Members, have expressed in recent months? And these concerns have been expressed for months and months.

I think I am the only Member of the States who voted against an amendment which was brought, I think by Deputy Yerby, soon after the latest phase of public service reform had been announced, which sought to address the concerns around political engagement in that process. And I voted against it, partly because I did not think it was going to work, but partly because we were being assured that the Policy & Resources Committee had listened and they would set up processes which would allow proper political engagement moving forward. And in the months since then that just has not happened.

In the context of this amendment from Deputy St Pier, there has already been talk about the possibility of an appointments board, and I think it is likely that if we approve this amendment 18 that is where we will end up, we will be faced with proposals for an appointments board. But I tell you what I think the Policy & Resources Committee will have in mind is an appointments board rather like as operates in Jersey, which is made up completely of non-political appointees which will not address the concerns that have been raised by Members, but will take them further in the direction of removing the structure of the Civil Service from political involvement. So I think the

likely effect of the St Pier/Le Tocq amendment is to make things worse than they are at the present time.

370 Now, I want to come on to the legal advice that has been presented. Successive Assemblies have been persuaded, I think have allowed themselves to be persuaded, that it is a matter of great constitutional principle that the elected government should be kept as far away as possible from the Civil Service, and probably that the Civil Service should be kept as far away as possible from the elected government. And that the elected government should have no influence whatsoever
375 over the structure of the Civil Service and over the structure and by whom Committees of the States are served at a senior level and I think the legal advice speaks to that.

We are told that it is a key constitutional principle that civil servants are impartial and that appointments to the Civil Service are made on merit through open competition and this is presented as summarising some of the main risks of the Le Clerc/Soulsby amendment. I think that
380 this claim needs to be tested. First of all, because as Deputy Green has referred to, prior to 2004 the Civil Service Board was completely immersed in this area of work and was made up very largely of elected Members of the States. Deputy Le Tocq will probably tell me employment legislation has changed since then, but I do not believe it would be impossible to construct a not dissimilar situation or solution today which took account of that, but more importantly, this issue
385 of impartiality needs to be tested. Is it really a great constitutional principle that the Civil Service should be impartial? It depends what you mean by impartial. Actually, the greatest constitutional principle surrounding the Civil Service is that it is meant to be indistinguishable from the political direction of the government which it serves, not that it is meant to be politically impartial. Let's take it away from Guernsey – if a government is elected in the UK which has been elected on a manifesto, let's say of reducing Income Tax rates, it is no business of the Civil Service to then say,
390 'Well, we have to take a completely politically impartial view of this matter.' It is actually the job of the Civil Service to execute the policies of the elected government.

I accept fully that in the advice that civil servants provide to governments, they must be objective and they must be impartial, but they must not be impartial when executing policy. They
395 must actually execute the policy determined by the elected government. And I think some of the advice that has been made available here, to the States, is asserted as if it is fact without having to present any arguments for it, on the belief that because it is being presented in this way that the States will just accept it without questioning it. Well, I do not think the States should.

Now, the issue here is we have in Guernsey – and it is probably a function of our size – a
400 culture where there is a lack of political leadership of the whole entity of government. There is just not a culture which accepts the constitutional principle that the elected government sets out the political direction of travel. And I could list numerous examples of evidence, but right from the moment of the first day of the induction process after the election, the Civil Service receives Deputies and then starts briefing them about, not only what the current issues are, but about how
405 the system operates and what the relationship is between the Civil Service and the elected government. I do not think that happens in other jurisdictions. I think what happens in other jurisdictions is that the elected government briefs the Civil Service about how it is going to have to be supported to execute its Programme of Government, but in Guernsey that just does not happen.

410 I will give way to Deputy Brehaut.

Deputy Brehaut: But there surely is a difference, is there not, between a party structure with one manifesto in a government with a government in power and a government in opposition and
415 38 individuals each wanting different things? That surely presents a greater challenge for the Civil Service that serves 38 people as opposed to one government.

Deputy Fallaize: Yes, I accept that does make the situation different and it does present additional challenges for the Civil Service, but it does not change the constitutional principle, and I do not believe that there has been a great deal of thought that has gone into asking the question:

420 okay we operate in a system without political parties so we are going to have these 38 Guernsey
Deputies elected, together with the two Alderney Representatives, who form the Government of
Guernsey – to the extent that such a concept exists – and we are going to have to find ways as a
Civil Service of ensuring that we are properly able to adapt to that so that we can serve the
elected government and carry out the direction set by it.

425 There is already talk that there may have to be changes in the political structure of the States
because there have been changes to the Civil Service. Now, can you imagine the Cabinet Secretary
in the UK going to the Prime Minister and saying, 'I have had a think and I want to change the way
in which the senior Civil Service is structured and I am thinking that I might combine some of the
roles of the Permanent Secretary.' And the response of the Prime Minister would be, 'Well, okay,
430 in which case then I'd better change the government department structure. We have got to get
rid of the Foreign Office and merge it with something else, we better get rid of the Secretary of
State for X, Y and Z because we have to make sure that our government structure is lined up to be
consistent with what the Cabinet Secretary wants to do.' It is just completely inconceivable that
that would happen. What would actually happen is that the Civil Service would ensure that it was
435 set up around the structure of departments that the government, through the Cabinet, had
determined.

I will give way to Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

440 As I understood it, any new prime minister coming in is at liberty to do exactly what Deputy
Fallaise has described and to restructure the departments according to what they want. And
therefore it is not inconceivable, and had such a vision been presented to the Committee for
Policy & Resources about how the Civil Service in Guernsey wishes to restructure in order to
provide the best efficient service to support the current political structure, then I think that would
445 not be a problem.

However, what we are lacking is a vision for how it is going to end up in the future. We have
only been presented, as Deputies, with a small picture of the strategic leads and how that looks,
rather than an overarching vision of how it will best support us in the future, and that is where we
are stuck. But I do not, I don't agree at all about the prospect of a prime minister in the UK
450 rearranging departments as inconceivable, because it is within their power to do so.

Deputy Fallaise: Respectfully, I think Deputy Dudley-Owen misunderstood what I was saying
and perhaps I did not express it very clearly. Yes, of course, what I was saying was prime ministers
have the powers to rearrange the Machinery of Government, to restructure the departments, to
455 amalgamate them or to separate them. But the decision would be made by the Prime Minister, by
the elected government, it would not be made in response to something that the Cabinet
Secretary had decided to do, it would be the role of the Civil Service.

And the first thing that would happen – and it does happen, Deputy Dudley Own is right –
government departments in the UK come and go all the time, not quite so much in recent years,
460 but during the Blair government they were forever amalgamating departments and separating
them again. And those were decisions made by the Cabinet – or more likely given the nature of
the way he ran government, probably by him – and the first thing that would happen when a new
department was created was that a team of civil servants would be appointed by their senior Civil
Service and would flood in to ensure that department was served in the way that the Prime
465 Minister had set out.

I will give way to Deputy Gollop.

Deputy Gollop: I actually was standing to agree with Deputy Fallaise and to give a specific
example that I half remember.

470 Actually, Deputy Dudley-Owen and Deputy Fallaise have referred to governments taking office
with a parliamentary majority; we know sometimes that does not happen, a coalition or whatever

is necessary. But, for example, one day in the middle of his era, the Right Hon. Tony Blair decided to change fundamentally the role of Lord Chancellor and the Home Office, which had done Channel Island constitutional relationships, went to the Minister of Justice, and the Lord
475 Chancellor no longer had to be a member of the Assembly of Lords or Speaker of the Assembly of Lords and became, in some respects, not even necessarily a qualified lawyer. And you had a period of confusion when, for example, Lord Falconer was appointed and then you had the Hon. Jack Straw as Home Secretary at the start of his era of working with the Channel Islands and was
480 Minister of Justice later, and that actually led to great confusion in the Civil Service for a few days because the decision had been made without being thoroughly thought through, which is sometimes the danger of political judgements of that nature.

But we, of course, in Guernsey, to back up Deputy Fallaize's point, could go to the other extreme because what we would do is we would have a team of high level civil servants working on a paper for six months to a year coming up with proposals that would then be put before
485 Deputies. But I suppose the system we have, to build on what Deputy Brehaut said, is not just about a lack of parties, but about the sense that States' Members—

The Bailiff: This is developing into a speech that is not directly relevant to the amendments that we are dealing with? **(A Member:** Hear, hear.)
490 Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

The point I am trying to make is that in Guernsey there is not a culture of the elected government providing proper political leadership in the way that would be expected of elected
495 governments elsewhere and the Civil Service very often fills the vacuum. And by the way, I do not blame the Civil Service for that, I do not blame the Chief Executive and I do not blame the Policy & Resources Committee. If we choose as an elected government not to behave like an elected government well then somebody is going to have to, and very often the Civil Service is filling a vacuum. But I think, over the years, in doing so, that that has changed the whole balance of the
500 relationship and has changed the perspective of the Civil Service and the perspective of politicians.

There is also a tendency now to stress the distinction between the political and the operational. And again, this is asserted by people in high places with great confidence and is therefore mostly accepted as a statement of fact, but in fact it is hogwash. **(A Member:** Hear,
505 hear.) Because in our system of government – I referred to this yesterday – there is only one legal entity, the States of Guernsey. Obviously, the pre-eminent body is the States of Deliberation and the States of Deliberation act through Committees, and so everything that is done in the name of the States, possibly with the exception of a very small number of functions carried out by statutory officials, everything else done in the name of the States of Guernsey is done in the name of a
510 Committee of the States, made up of elected Members.

All of the Committee mandates include the words:

To deliver or oversee the delivery of, and to be accountable to the States for, any operational functions conferred on the Committee by way of extant legislation or resolutions of the States or which may be allocated to the Committee ...

Now, it would be possible to separate completely the political from the operational, we could do that. We could have a kind of Civil Service Commission which is commissioned to provide
515 services to government and deliver public services, there are all sorts of models available. But the model we have is that what is done by the States, by the officers, is done in the name of States Committees and they, the States Committees, the elected Members, are accountable to the States for what is done.

Now, I am not in any way suggesting that it is a good idea for politicians to start going in and trying to run the Hospital on a daily basis, or run schools, or for Deputy Ferbrache to go down to
520 the Harbour and start telling the Harbour Master how to arrange operational matters – that is a

very bad idea. (*Laughter*) Ultimately, it is down to the discipline of the elected government not to do that. But it is not for the Civil Service, or indeed for elected Members, to start trying to put up artificial barriers between operational matters and political matters when that is anathema to our system of government. (**Three Members:** Hear, hear.)

525 We are also told that the reason that politicians must not have any engagement, or much engagement, in the structure of the Civil Service or the personnel is because the politicians are here today and gone tomorrow and the Civil Service is permanent. Well, that is misleading. It is true that politicians are here today and gone tomorrow, and thank goodness for that. But it is also true that civil servants are here today and gone tomorrow, individual civil servants are. The
530 institution of the Civil Service is permanent, but the institution of the elected government is permanent. The people who happen to hold office at the moment in the Civil Service are temporary, and the people who happen to hold office in the elected government are temporary. So although this idea that the political body is temporary and the Civil Service is permanent is asserted with great authority, I do think it is a misrepresentation and it is part of – it would be too
535 much to call it brainwashing that has gone on – but it is part of the perception that the States have allowed to be created that the Civil Service is something which sits over here and must be kept well away from the elected government.

Now, I have spoken about amendment, whichever one it is, 18. We are also debating Amendment 7 and, rather like Deputy Ferbrache, I cannot see what is actually so objectionable in
540 the wording of amendment 7. I think what has happened here is that this debate, and it has been running on for months and months, is interpreted as a power struggle, partly between the Policy & Resources Committee and the rest of the States, more so between the appointed executive and the elected government. Now I do not see it in that way and actually I do not think the Chief Executive of the States sees it in that way, but I think some people do. And I think that this
545 amendment from Deputy Le Clerc has been interpreted in that way, and therefore a decision has been made to throw the kitchen sink at it and to say, 'It is constitutionally unsafe, it is legally unsafe, it would undo decades of precedents, it would risk an enormous number of unfair or constructive dismissal cases.' But actually, if you read the words of the amendment, it does not take us anywhere beyond where the Chief Executive of the States has always said to me and to
550 other Members of the States, 'This is where I think we need to be.' I mean, he has not expressed it in exactly these words, but the concepts reflect the way it has always been described to me. The first part is just a statement of fact that:

The States of Deliberation is democratically accountable to the people of Guernsey for carrying out the functions of government and parliament.

And:

The public sector is accountable to the States [of Deliberation] through the Chief Executive, whose contract is managed by Policy & Resources.

That is a statement of fact. The next part of the amendment says:

The States operates [of Deliberation] a Committee-based form of government

555 Which is a statement of fact. And then the next part of it just restates a Resolution made by the States in 2015, which Deputy Ferbrache also referred to yesterday.

Then we come on to the more interesting parts of the amendment, part (d):

The Policy & Resources Committee, acting in the role of the States as an employer, shall ensure that appropriate, performance-related feedback is sought from all States Committees as part of the annual performance review of, and prior to any decision to recruit, renew or (except where immediate action is required for disciplinary or security reasons) terminate the contract of, the Chief Executive.

That does not do anything other than say that the opinion of politicians who have worked with that person ought to be sought. It does not say that politicians should make those decisions. It

560 just says that elected Members' opinions should be sought, rather like Deputy Prow was referring to earlier.

The next part of the amendment then sets up the same kind of principle that appropriate performance related feedback should be sought from the elected Members of the States prior to decisions to recruit, renew or terminate the contracts of the senior most office holders serving
565 States' Committees, the new strategic leads and the committee heads of operations and secretaries or principal officers. Well, why should the opinion of elected Members not be sought at all when those appointments are being made to those positions? And it goes on to say:

... the Policy & Resources Committee shall ensure appropriate political representation from the Committees served by each of these roles in the recruitment process.

Well, in my discussions with the Chief Executive that is how he has always envisaged the process working. In fact, I think it is how the process generally does work. There is political
570 representation on interview panels for senior officers, so I do not know what is so objectionable about that part of the amendment.

Then we get to the next part:

The Policy & Resources Committee, acting in the role of the States as an employer, shall consult with all affected States Committees prior to approving any restructure of the Civil Service ...

Well, should that not happen? Should we have a situation ... I said yesterday, the role of the
575 Civil Service is two-fold: one is to deliver public services and the other is to serve the elected government. So does the elected government have no legitimate role at all to determine how the Civil Service is structured? Come on, that cannot possibly be the case. And all it is talking about is consultation, not that decisions should be handed over to the elected government but consultation with it.

I will give way to Deputy Le Tocq.

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Deputy Le Tocq: I thank Deputy Fallaize for giving way.

Sir, Deputy Fallaize is making a straw man argument. He said himself, 'This happens now', and it does. But the point is this: consultation with States' Committees on these matters does not mean that they all agree and what happens, when they do not agree, is they say, 'You did not
585 consult enough,' or, 'You need to come back and do some more until we change.' And that is where it gets difficult. It is impossible to please everybody all the time, I am afraid.

Deputy Fallaize: Well, that is a very fair point, but it depends what purposes you are consulting for.

590 There was a situation, prior to 2004, where if a States' Committee expressed a view that a very senior appointment was about to be made and that appointment was not going to work it would not have been made. I have spoken to Members who sat on the Civil Service Board and they have told me one after the other that was the situation which persisted. That is no longer the situation which persists; there have been cases of senior officers imposed on Committees, despite the best
595 advice of the Committee. Now, one can argue about constitutionally or legally who is in the right or who is in the wrong, but the point is most of the time if that sort of thing is going on it just does not work, it becomes unworkable. It is not in the interests of the States and it is not in the interests of the Island for that sort of situation to happen. But it has happened and Deputy Le Tocq knows that.

600 Part (g) of the amendment from Deputy Le Clerc takes the current situation, where a Committee has the right to inform the Chief Executive that it has lost confidence in a senior officer, and it extends that to any proposed appointment of a senior officer. Well, I do not think there is any ... In principle that is no different. If we have been happy to have a situation where States' Committees are able to advise the Chief Executive they have lost confidence in a senior

605 officer, why should they not be able to advise the Chief Executive that they would not have confidence in a senior officer who may be under consideration for appointment?

And then the final part of the amendment is that any States' Committee should have the right to inform the Chief Executive that it is losing confidence in a senior officer who serves a Committee, which I assume is an attempt to try to extend the current provisions to cover the new
610 strategic leads who have been appointed to even more senior positions serving Committees than those positions for which this rule applies anyway, today.

So, I have heard all of the arguments against the amendment put in a general sense, that the Civil Service must not come under unreasonable political influence which is, of course, correct. I have heard all of the general arguments put that the States must not offend employment law, or
615 must do its very best not to offend employment law, when decisions are made around the Civil Service, I get all of that. What I do not understand is how you get from that to saying that this amendment from Deputy Le Clerc is so objectionable that it needs to have the whole kitchen sink thrown at it in terms of legal advice, political advice, Civil Service advice –

Deputy Le Tocq looks as if he wants me to give way.

620

Deputy Le Tocq: No.

A Member: Give up! *(Laughter)*

625 **Deputy Fallaize:** Yes, that is next month probably.

So I do not think Deputy Le Clerc's amendment is perfect, by any stretch of the imagination, but I think where we are now is that there is clearly an issue and it has been bubbling under the surface for months; it came out a little bit in the States, I think it might have been in the budget debate. There is a serious issue around what is going to be the future relationship between the
630 elected government and the appointed Civil Service, and there are clearly going to have to be discussions around all of that because it cannot be screwed up in a bottle any longer.

So the question for the States today is what is the better starting point? Is the better starting point for those discussions the Deputy St Pier amendment or is the better starting point for the discussions the Deputy Le Clerc amendment?

635 I will give way to Deputy Inder.

Deputy Inder: Thank you for giving way, Deputy Fallaize.

I wanted to actually ask you something earlier on, when you had so much confidence in the public service reform, but it has taken me probably half an hour of your speech to actually dig
640 some information out. In 2016 the costs of running the organisation was £216 million, in terms of pay costs. Looking at the accounts today, it is £231 million. In 2016 we have had 4,418 members of staff; we have now got 4,589 members of staff. Does he actually believe that public service reform is ever going to happen? Because, looking at these figures, I do not believe him.

645 **Deputy Fallaize:** I think some of those figures are influenced by people who were previously existing more or less in their present roles but have been brought into the ambit of the figures. But anyway, if what Deputy Inder is asking me is do I think there is going to be a substantial reduction in the number of Civil Service posts, I am not sure there is, but I was never advocating that there should be or that there would be. I think it is going to be extremely challenging, given
650 modern expectations and, for example, the demographic demands of the future, for there to be a substantial reduction in Civil Service posts. But I am prepared to back the Chief Executive's attempts to make that happen.

He says, 'How can I support public service reform?' Well, look, I back public service reform because the Chief Executive has been appointed to lead it and I have confidence in the Chief
655 Executive on the grounds that every time I have ever discussed any of these matters with the Chief Executive I have found him to be, as I explained earlier, very open, very reasonable, very

responsive and to have a very good understanding of the way in which the Civil Service needs to serve the elected government, and therefore why would I not back him and back his programme? But I do not think that his programme is in any way interfered with by Deputy Le Clerc's amendment.

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As I say, I think that her amendment is a better starting point for the next stage of these discussions. P&R might be able to say, 'We are listening, we understand the concerns, there are all sorts of solutions out there.' Well, I am not confident that they are listening, because we have been having these discussions for very many months and nothing has changed, and all we have got before us is amendment 18 from Deputy St Pier, which merely asked the States to restate a previous Resolution. Now, I know that in making this speech I will have made myself highly unpopular with the Policy & Resources Committee and that a whole load of something unpleasant is probably going to be poured over me, not just in the rest of this debate but in the weeks to come, but I think it needed to be said.

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I will give way to Deputy Trott.

Deputy Trott: I think Deputy Fallaize has articulated his argument well, save in one regard. I think most people in this Assembly and most in our community would agree that the fundamental principle that civil servants are impartial and are appointed on merit is a significant and dominant factor. Now, you spent some time giving us an explanation as to why they should not be impartial. The trouble is – and I am going to use a hypothetical example – let's imagine that the Education, Sport & Culture Committee wished to employ a network of a team and one of the criteria was that they fully believed in non-selective education, so with a year to go to the next election, a team is put together with that criteria. We have a general election, in comes a new Assembly and that decision is reversed. At that stage, the problem is if they have been asked that question and their impartiality has at any stage been compromised, then they are arguably not in a position to be able to deliver that policy, and you get into all sorts of issues to do with constructive dismissal, issues highlighted in the legal advice. The cost of constructive dismissal is a fairly significant burden for the taxpayer already; it has the potential to become an enormous burden and this is why it is always better to keep politicians at arm's length, if at all possible, from these sorts of processes. The Civil Service know what they are doing, they are taxpayers as well and do not want to see very generous severance pay given to their colleagues, unless of course it is avoidable.

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680

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Thank you for giving way.

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Deputy Fallaize: I thank Deputy Trott for that.

I did not say that civil servants should not be impartial in the advice they give to committees, they should be. What I said was they have a role to execute the policies determined by the elected government.

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Now, Deputy Trott, in the example he gave, talked about the belief of officers or potential officers. I am not interested in what they believe. What I am interested in is their preparedness to execute the policies of the elected government. (**Several Members:** Hear, hear.)

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If you have a change of government in the UK, and when one government has been arguing in favour of increasing taxes and the next government is arguing in favour of decreasing them, the Treasury simply switches its position 180 degrees. Nobody knows whether the Permanent Secretary to the Treasury thinks they should be raising taxes or cutting taxes. All that is known is that the Permanent Secretary is committed to implementing the policies set out by the elected government. So I am not interested in what their opinions are or what their beliefs are and they should be advising the States in an impartial way. But they must be prepared to execute the policies set out by the elected government and because of the way in which the relationship has shifted over the years between the elected government and the Civil Service in Guernsey, that is not always the case. And Members of the States who have served on some Committees know that is not always the case, and that is what has to be addressed.

710 So, as I say, I think Deputy Le Clerc's amendment is a better starting point than Deputy St Pier's. I know I will have made myself thoroughly unpopular by making this speech, and I suspect that the proof of that will come in the next few weeks.

The Bailiff: Deputy Le Tocq.

715 **Deputy Le Tocq:** Thank you, sir.
I am reading from Exodus, chapter 5 (*Laughter*) and starting from verse six:

Pharaoh charged the taskmasters and foreman of the Israelites, saying "You shall no longer provide the people with straw for making bricks as heretofore; let them go and gather straw for themselves. But impose upon them the same quota of bricks as they have been making heretofore; do not reduce it, for they are shirkers;

720 Sir, I am not trying to make an analogy that amendment 7, which I am largely going to speak to, is implying that in the illustration that I have given that the Israelite slaves are the Civil Service or the Chief Executive and we are Pharaoh, I think we are both. I think what we are unfortunately doing here is, again, debating something in isolation that if we were to be debating something else we would be saying something contradictory to that and we would be therefore imposing issues upon ourselves that makes the job that we have given ourselves to do much harder. That is the conflict that exists here. Because if we were having a debate on public sector reform, on savings or reducing the headcount, reducing the number of people employed in the public sector, the same people who stood up to support amendment 7 would be saying, 'No, we should be
725 doing this far more quickly.'

We have had a number of people – Deputies Prow, Ferbrache and Deputy Fallaize who has just spoken – who have said – as indeed Deputies Yerby, Soulsby and Le Clerc – who have given us some opinion on the legal advice we have had overnight, they have said, 'We can achieve all of those things that you are fearful might happen, we do not need to go there, we can achieve it, the amendment that has been laid by Deputy Le Clerc and Deputy Soulsby does not undermine those principles.' Sir, I would say probably, but it is going to take a lot longer and in my mind, if we are asking the Chief Executive and our Civil Service to restructure and reform and we add more hoops in, in other words we say we are not going to give you straw anymore, we are actually making it harder for ourselves to achieve the objectives that we want to achieve and that is what I find
730 objectionable here.

I find it difficult and I want to raise the flag because quite clearly there is significant support for amendment 7, and I hope I am wrong here, but I believe that it would become an issue next year that we are not seeing the sort of reform as quickly as we would like. We are not seeing the savings, we are not seeing the efficiencies brought in, because when you start to consult with every States' Committee, it is fine when you speak to an individual Committee on a matter and you say, 'This is how we want to change things, I am very happy for them to lose that post or to be restructured in this way, but do not touch me.' Now, I know that because I have been a president of a Committee, I have been a minister in the past and in fact some people in this Assembly know full well the story of when I put myself forward for a ministerial post years ago, I did not get it in the end, but I did say to the Chief Executive before standing that I would not be able to work with one of his senior officers, what would I need to do, what would happen afterwards? And he said, 'You would need to resign.' Now, we have moved on a long way from that, that was 12 plus years ago. But what this does, potentially, is move us completely in the other direction, which is something that Deputy Gollop alluded to I think in an intervention earlier.
740

750 Sir the speed that this would potentially slow things up and make the issues that we have already dealt –

I will give way, sir.

Deputy Le Clerc: Thank you, sir.

755 I just wanted to say that there is no intention for this amendment to slow down the
 recruitment process because those recruitments have already been made. The senior positions
 have already been agreed, and I believe contracts have been signed. The only appointments left
 are the Committee secretaries. The President had an email last week, or the week before, with a
 760 list of candidates and some lengthy interview process that we were going to have to go through,
 some psychometric testing and everything, and actually all the President said was, 'Look, we know
 all the candidates, there is no need for that long winded process, let's just get on with it.' So
 actually I do not see there are any delays that this will add to the reforms because the next tier
 should be the tier below the senior Civil Service and we are not saying that this amendment will
 interfere in that recruitment process.

765

Deputy Le Tocq: I thank Deputy Le Clerc for that, but I am afraid I am long enough in
 employment matters to know that that may be fine at the moment but as we move forward I am
 sure that will not be the case, I have seen it happen more often than once. And therefore we are
 making it hard for ourselves to see the sorts of changes we have said we want to see when we
 770 have been debating other issues.

770

Sir, Deputy Fallaize referred to the need for us to be reasonable, and I am wanting to be
 reasonable and I hope that the Presidents I have met with over the last few months when I have
 been delegated from P&R to meet with them see that I have tried to do that, I have tried to find
 ways forward. But part of the reason that things are slow at the moment is because we have tried
 775 to find ways in which we can accommodate everybody's requests when the restructuring takes
 place.

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Deputy Fallaize made a point earlier on in the debate about the Rules of Procedure and
 pointed out, quite rightly, that it is the Rules of Procedure for the Assembly and for the States and
 its Committees, that is true. But what we are talking about here are not procedural matters, that is
 780 to do with methodology and things like that; this is structural matters and when we start affecting
 the way in which structure changes it puts all sorts of extra hoops to jump through for those that
 we have given this job to. As Deputy Fallaize said, we are making the job of our most senior civil
 servants much harder. It is impossible to please everyone, and whilst we seek to try and do that in
 some nirvana that exists where everybody can be happy with the changes, it will just delay other
 785 things more and more, and that is what I fear from this amendment. I would like to be proven
 wrong. I do not believe that Resolutions such as this or codifying structural issues makes it easier
 for us. I think it makes it a lot harder for us to achieve the sorts of changes and reforms that this
 Assembly has said that we want to achieve.

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Thank you, sir.

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The Bailiff: Deputy Stephens.

Deputy Stephens: Thank you, sir.

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This debate in its broadest terms is about resetting a perceived imbalance. The amendments
 are different routes to achieving that same thing, or certainly very similar things, and P&R support
 the view that improvements can be made, I want to be very clear about that. I do not think any
 member of P&R are denying the need for us to give some careful consideration to the concerns
 that are being raised.

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The P&R amendment is not a *status quo* amendment, as Deputy Gollop suggests. And when
 P&R amendments are offered which respond to other amendments they are often or usually, and
 in this case, they are attempts to offer the Assembly what P&R think might be a reasonable
 alternative route to achieving the objective that the Assembly wishes to reach.

805

P&R give very careful consideration to Members' concerns. Now, Deputy Fallaize criticises
 P&R's pace in dealing with the particular issue that is in front of us today. I would say that the
 juxtaposition of change in the Civil Service and in the political response to those changes is a

chicken and egg argument. However, I accept that P&R have not been quick enough and we are seeking to deal with that now.

810 Deputy Fallaize's talent for telepathy in knowing what P&R are thinking might well be used in considering what the community are thinking when listening to this debate, and more on that later. But I want to very clearly point out to him – and he is close enough for me to make this really emphatic – that he really does not know what I am thinking very often. I share Deputy Fallaize's opinion but there is no power struggle and I am really pleased that he has acknowledged that, although it may seem sometimes that this discussion is really a, 'My dog is bigger than your dog' wrangle. And I agree with Deputy Fallaize that the bubbling pot of concern
815 about future relationships with the Civil Service is a pot that needs to be turned down to a simmer.

820 Deputy Le Clerc has just made an interjection which referred to the recruiting process and she has dismissed the process that has recently been offered to her, feeling that she has a more rapid and probably better response to the issue of how recruitment might be dealt with. But I would suggest to her that in the route that she is taking there is a real danger that there is a perception of political bias when choices are made on who is to assume different positions.

825 But what I really want to get to, I think, is as this debate progressed yesterday I began to feel really uncomfortable about the use of the word 'power' and assertions by Deputy Fallaize – and I am glad he is here because he will correct me if I am misquoting him – that, 'Power lies in this Assembly.' Because to the listener I think some speeches yesterday gave a false impression of what politics is all about.

He is going to correct me, I give way.

Deputy Fallaize: I am grateful to Deputy Stephens.

830 I am very sensitive to the point that she is making. I think I did say that I used that word because I could not think of a better word, but I think that the use of that word in political debate is always quite unpleasant and unhelpful, actually.

Deputy Stephens: Thank you for that.

835 Instinctive responses often take us to the root of what we really want to talk about, Deputy Fallaize. However, I am asking Members to think back to election night when, after the news that had been received that Members had achieved a seat in this Assembly, the Fairy Godmother arrived and said, 'Okay then, what do you need?' Now, some Members may have asked for compassion, wisdom, stamina, analytical skills or even the ability to brief the Civil Service. But
840 listeners to our debates yesterday might have thought that some Members put power at the top of the list, and I want to absolutely refute that.

845 So, I think it is important in the closing stages of this debate to clarify what we are seeking to preserve in these amendments, because power is a heady but very dangerous gift, if used badly. Authority and responsibility have a very different connotation. Now, I met a gentleman outside Creaseys yesterday lunchtime who seemed defeated by the impenetrability of what he had been listening to on the radio yesterday morning. And so for his sake, and for others who might be similarly confused, I think it is really important in the closing speeches to be careful about language and our final explanation.

850 So to these two amendments: well, I am going to vote for the P&R amendment, and there is no surprise there. But I am doing that because I think it is a more secure route to the rebalancing of relationships, that no Member is arguing against in the sense that I think everybody in the Assembly, all Members in the Assembly see that this is necessary.

855 I am more comfortable with H.M.P's and Advocate Bamber's advice than with Deputy Ferbrache's opinion. But, of course, if lawyers all agreed with each other there would not be many of them with them, would there?

The P&R amendment also would give us time to consult Deputy Yerby's very recently received advice by email – I am sorry, Deputy Yerby, through you, sir – but I have not had time to consider it yet.

860 So, for the listeners who do not like their politicians talking about how powerful the system is or how powerful they are, I am asking those closing the debate to rebalance the language and to give us a more accurate representation of what politicians' key interests are. Which are, as our mandates indicate, to deliver, oversee and be accountable.

Thank you, sir.

865 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff, I will make a relatively short speech.

870 I am obviously hopefully supporting amendment 7 because I believe it is the right way forward. And I would emphasise there is nothing stopping P&R doing the work that they propose in their amendment. There is an outstanding States' Resolution, they can do that work and bring it back to the States.

875 Just to pick up one comment from yesterday that was about special advisers. I think the comment was that they are relatively new. If you go back, I think Harold Wilson in the 1960's when he was Prime Minister had a kitchen cabinet which was his special advisers, so I think the special advisers have been around for a long, long time.

880 I would also just like to go to in relation to point (c) in the letter that is attached to amendment 18, the legal advice, and under constitutional issues the point has been made a number of times about the Rules. But if Members look there is a specific page which has the index for Section 2, Committees of the States and Rules of Committees, so there is actually a separate section on Committees. There is a section on the Assembly and there is a section on Committees and that covers Rules 32 to 60, which obviously includes 56. So the Rules are not rules of the Assembly, the first part is, the second part is for the Committees.

885 I would just like to emphasise that this issue has been, I think, discussed at least three times in this Assembly previously. In July 2013, as has been previously mentioned, there was the Bebb requête and there were the Resolutions of the Assembly from that one. Then, importantly, the States' Review Committee discussed this, I was a member, as was the Chief Minister, the then Chief Minister Deputy Le Tocq was a member and Deputy St Pier, and we had sitting round the table the Chief Executive and we had legal advice, and we spent a considerable amount of time discussing this very issue, I can recall it. The outcome was included in Billet XII of 2015, and there is an extensive section on this issue. So it is not like this has been just added into the Rules without consideration. It has been considered in the Assembly those two times and it has been extensively discussed around the Committee table. Then it was again, in November 2015, in the SACC report which actually had the Rules included in it and that was in Billet XX of 2015.

890 I just see this as an update, and I think Deputy Green mentioned that. It is an update on the existing Rule 56, it is adding a bit more detail, but it is specifically an update because of the Civil Service changes, and it was needed because of that. It has not been done because people wanted to; it was needed because of the specific Civil Service changes that have happened.

900 So, I urge Members, this is not a significant step, it is just an update, and therefore to support it. I also urge Members to think about the fact that this has been considered extensively in the Assembly and around the Committee table with all the major people sitting round that table considering it, so please support amendment 7. And if P&R want to do their review they can do that without the need for any Resolution from the Assembly, because there is an existing Resolution outstanding.

Thank you.

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

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

910 **The Bailiff:** Would anyone who has not spoken and wishes to do so please stand in their place. I see one, two, three, four, five, people standing. Do you wish to go ahead, Deputy Lester Queripel?

Deputy Lester Queripel: I do, sir.

915 **The Bailiff:** I put to you then the Proposition that debate on these two amendments – and I will just wait for these three people to return to their seats – I put to you the motion that debate on these two amendments ... We have got two more people coming in. It is one way to fill the Chamber isn't it! (*Laughter*)

I put to you the motion that debate on these two amendments be closed. Those in favour; those against.

Members voted Contre.

920 **The Bailiff:** The *Contre* have it.
Deputy Yerby.

Deputy Yerby: Thank you, sir.

925 Even a motion to close debate ... Oh no, I do apologise, I was about to say a motion to close debate did not bring Deputy Inder back to the Chamber but here is, and it was his question that I wanted to start with in attempting answering, because I think it will apply to concerns in other Members' minds too. He asked whether a reduction in Civil Service numbers, as foreseen in the Public Sector Transformation Programme, will ever happen. Well, I am certainly cautious about saying, yes, and consistently have been. I do not believe that Deputy Inder was, but I know that
930 Deputy Ferbrache and others were at an earlier meeting about the future Digital Services Programme, when the Chief Executive said, 'It is not 200 posts, it is the value of 200 posts that we are going to be needing.' I remember Deputy Ferbrache being there because he was the one who said, 'Are you sure about that?' And it was subsequently corrected by members of P&R who were there. But I do worry that it will be, in the end, the value of 200 posts that the Civil Service loses
935 and that in fact the numbers will be made to work at the expense of frontline services.

I do worry that the programme is overambitious and has been oversold. But at Budget time I agreed to get out of the way and let them get on with it, as they believe they can. And that is not really what these amendments are about. If these amendments, if in particular the passing of
940 amendment 7, results in Policy & Resources feeling compelled to develop a new framework to govern the relationship between the States and the Civil Service, bearing in mind the point that Deputy Ferbrache made yesterday that perhaps it is better suited somewhere other than the Rules of Procedure then great, so much better. But let's start with the tools that we have got to govern that relationship, and if we evolve from there then so be it. But we have set out, by approving
945 amendment 7, the shape that that relationship will need to be.

I think it has also been said in this debate or in the run up – no in this debate definitely, Deputy Le Tocq said it, and also in the run up to it – that we are codifying things that should never need codifying. For example, that the Civil Service is responsible for delivering directions of the States or that Committees should be consulted before changes are made to pull the rug from underneath them. But we are clarifying those things because in the absence of codification they
950 have not happened because things that should be a basic matter of courtesy and mutual respect have been set aside. They have become inconvenient hoops in the way of progress, rather than due process and mutual co-operative, non-siloed joint working.

Sir, the appearance of these amendments, the appearance of amendment 7 and others that we have covered over the past two days, have no doubt arisen from the perception that the Civil Service is becoming unaccountable and divorced from the Committee structure of the States –
955 that is the perception. But the shock has been in Policy & Resources' response, because Policy &

Resources' responses, particularly to the corporate services amendments we discussed yesterday and in the form of amendment 18 that we are debating now, show that this did not happen by accident or is an unfortunate side effect of something else or because external affairs such as Brexit have taken up so much of Policy & Resources' time that they just have not been able to prioritise what is happening locally. No, the situation that has evolved has their seal of approval, it has their endorsement. Without a blush, in yesterday's debate, in their explanatory note, they said, 'We are not responsible for corporate services, those are provided by the States of Guernsey.' Now, what is the States of Guernsey, if not us? What senior Committee of the States can imagine it is a plausible thing to say that these services are aside from us and they are aside from the Committees and there is some kind of non-political accountability that makes this all okay? Without hesitation, in his opening speech, Deputy St Pier said –

Deputy St Pier: Sir, point of correction.

The Bailiff: Point of correction, Deputy Yerby.

Deputy St Pier: Sir, I did make it very clear in my speech yesterday that the Policy & Resources Committee absolutely accepted political accountability for the provision of those services.

Deputy Yerby: I referred to the explanatory note rather than Deputy St Pier's opening speech, but in his opening speech on this amendment, without hesitation, he said that in cases of conflict the Chief Executive should direct staff who serve multiple Committees as to which Committee they should favour.

I am perplexed that, despite having been open to dialogue with us over the past few months, perhaps over the past few years, P&R really do seem, in Deputy Fallaize's words, not to have been listening. That the amendment presented in the responses to the concerns raised continues to be completely oblivious to the essence of those concerns. I cannot help but feeling that P&R, without reflection or remorse are presiding over the complete disenfranchisement of the political Committees and the death of accountability in the public sector. And, sir, I would say to them it is time to stop, to really listen and to change direction.

A Member: Hear, hear.

The President: Deputy Tindall.

Deputy Tindall: Thank you, sir. Sorry for taking my glasses off, that was silly.

I decided to stop this element of the debate, looking at the legal advice. In my view, it is not just advising P&R or us on amendment 7, but also, or perhaps I should say mainly, on Rule 56 as it is now. For me, this advice is obviously a little late after the horse has bolted. We have this Rule. In any event, we are advised this amendment goes much further, yes, it does, in that it widens the occasions for involvement of politicians and if Rule 56 makes it harder to defend contractual or unfair constructive dismissal claims then the politician being also involved in the same way as Rule 56, recruiting, renewing or terminating civil servants' employment, this will further this. But in my view it does not. The Rules currently include Rule 56(2) and the amendment replaces that. So to me, the amendment is actually reducing the impact of the current Rule 56(2). Sorry, as always the computer moves when you expect it to stay in the same place as you stand up, apologies, sir. Rule 56(2) says, and I paraphrase, 'The Chief Executive or other senior officer must take into account the views of the President of a Principal Committee and through them the members thereof when appointing and appraising senior staff in the service of that Principal Committee.'

That has not been replicated. Amendment 7 talks about feedback, feedback from stakeholders, why is this a problem? Surely they do so now – she says.

1010 I note in an article arguing on the use of public information in social media which says, 'Assessing social media accounts of potential candidates is an excellent way to minimise the chances of making a poor hiring decision.' So why not ask those who work with a person? Why not speak to stakeholders, to politicians? Rule 56 talks about the Chief Executive having to take into account these views, whereas 4(d) and (e) only ensures feedback is sought. What P&R does with it is not set out; (e) also talks about appropriate representation in recruitment, and again, why not have appropriate political involvement?

1015 The parts of the amendments to Rule 56 which do appear to go further is the inclusion of all Committees rather than, as now, only Principal Committees. However, that may only be in respect of new Rule 56(d) and the Chief Executive. As for the Strategic Leads, an amendment to Rule 56 at (e) refers. I have been informed that these leads would be supporting junior Committees, such as the DPA, but from page six of the Chief Executive report in the P&R Plan it describes the support the leads will give to the Principal Committees. The report does not mention how or if they will support junior Committees. This is yet another piece of the jigsaw that needs clarification, a minor one perhaps to some. There are some far more serious concerns already articulated today, but it is one.

1025 Which comes back to feedback: the amendment does come back to how P&R will use the feedback, what they consider is appropriate, and which States' Committees are affected as well by any restructure. Yes, there is a concern over the current Rule 56, and so Rule 56(g) and (h), in that it includes an expectation that a political lack of confidence will result in no appointment, which obviously will not affect a dismissal claim or (h) a transfer between Committees which, for example, may or may not be deemed to be constructive dismissal.

1030 For me therefore, amendment 7 improves on Rule 56 from a perspective of employment risks. Those that remain are in our Rules already, and I ask P&R or SACC if they have time to consider amendments in respect of (h) of the new Rule in respect or any employment concerns. So therefore I have to agree with Deputy Fallaize, amendment 7 is a better start. As for amendment 18, to paraphrase Deputy St Pier in the previous debate, these words, in my view, are superfluous and so I will not be voting for this amendment.

1035 Thank you, sir.

The Bailiff: Deputy Lowe.

1040 **Deputy Lowe:** Thank you, sir.

I stand to say I am going to support amendment 7, but the reason I stood rather than just to say how I am going to vote was to actually endorse what Deputy Laurie Queripel was saying yesterday, because I think we cannot underestimate the feeling out there, which is right in many cases, that the public at large feel that we are not doing our job properly because we are no longer accountable (**A Member:** Hear, hear.) and the buck stops with us. We have seen many things over the last year or two where we are out there, the public are actually saying to us, 'But it is your Committee or that Committee.' And we say, 'Yes, but it is centralised.' 'Yes, but you have still got to be responsible.' Well, we cannot, it is centralised.

1045 And I think certainly those that attended the Vale Douzaine meeting on Monday were left in a situation by those present making it extremely clear how they felt about the States and what was happening within the States, we were not left in any doubt whatsoever.

1050 What was interesting though, a columnist who used to be the Editor of the *Guernsey Press* gave us a hard time about being accountable and how we should be accountable if such and we had lost control. And that same day his column was supporting corporate and everything in the centre, so you cannot have your cake and eat it, was the message that was coming for us who were sitting around the table. Which way do you want it?

1055 But, nevertheless, I think it is right that we have got this on record about the feeling out there. And we were all – I am sure the others had it expressed as well at other Douzaines and indeed from the public at large – being accused of losing control and civil servants ... rightly or wrongly,

1060 some of it is perception, there is no doubt about that, that we are working for the Civil Service rather than the other way around. And so I would like to dispel that, but it is very hard when we have got things centralised and we are not able to hold them to account because it is in the corporate at the centre.

1065 I have been on lots of interviewing panels, as was mentioned before by, I think it was Deputy Fallaize, there used to be a huge number of us sitting around, I mean, for Education there were 12 of us sitting around a table for a post that was not even a headteacher. That is how it used to be done. I am not suggesting that is the way to go and to go back to that. I think we have nearly got it right, it is just that accountability. I think this amendment actually would help address that and I am grateful to Deputy Le Clerc and Deputy Soulsby for bringing this amendment and to see how
1070 the States vote but, as has been said, it does not stop P&R still carrying out the review that they should have done a few years ago.

Thank you very much.

The Bailiff: Deputy Tooley.

1075

Deputy Tooley: Thank you, sir.

Having discussed this amendment for the last week or so with colleagues since it has been published, I am aware that the comments I have on my list that have not already been made will be made far better by Deputy Soulsby when I think she will rise to speak soon, so I am not going
1080 to speak at length, I am going to be pretty brief.

I was quite tempted to preach a sermon explaining why Exodus far better represents the position of amendment 7 than it does the position Deputy Le Tocq gave it in his speech, however, far be it for me to argue with Pastor Le Tocq. Although I will just offer a couple of quotes which I think are more relevant perhaps to the P&R plan. So, Habakkuk 2:2 says that:

The Lord answered me and he said "Write the vision; and make it plain on tablets, that he may run who reads it.

1085 *(Laughter)* Proverbs 1, Chapter 5 says:

A wise man will hear and increase in learning, and a man of understanding will attain wise counsel.

Proverbs 11:14 says:

Where there is no counsel the people fall: but in the multitude of counsellors there is safety.

And that brings me to Proposition 4(e), as it was listed here, where the amendment which has been laid by Deputy Le Clerc and Deputy Soulsby is talking about the opportunity for Principal
1090 Committees and other Committees to offer appropriate feedback on the services they are receiving from the Civil Service in order that the right ongoing training can be offered to those members of staff, the right CPD, the right feedback can be given to them in their appraisals.

My reading of this amendment, as well as updating to reflect the new system, Rule 56, this offers and sets out proper structures in which that feedback will be made available to Policy & Resources and to the Chief Executive, in order for him to be better able to give his staff the
1095 direction that he feels they need following conversation with the people to whom they provide their services. What this amendment is seeking to do, I would advise Deputy Le Tocq, is provide straw to the Chief Executive so that the bricks that he is making from the Civil Service do not crumble. Because one of the key things that bricks without straw metaphor is used to explain is why governments crumble when the people are not involved in the decision-making process.
1100 Removing the elected officials from this process is precisely what removes the straw from those bricks and therefore it is critical if we want bricks with straw that we have political feedback into the system.

Thank you.

1105 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

1110 Before I start, I really would like to make it clear this amendment is not an attack on the Civil Service or the Chief Executive. Health & Social Care, in particular, is very well served by its senior officers and receives much support from civil servants outside the Committee and this amendment should not be seen in any way to question that. (**Two Members:** Hear, hear.)

And whilst he may not think so sometimes, and I have challenged him quite a bit over the last few months, it has to be said I say the same about the Chief Executive.

1115 It is also important to understand that this amendment is not designed to undermine the new structure. I have reservations over how it will work, and we wait and see. But this amendment has nothing to do with that of the recent appointments.

1120 Much play has been made over the issue of impartiality and whether it is possible to have political involvement in the appointment and performance of senior staff. Putting aside the fact that for decades, as Deputy Lowe has already mentioned, this is what happened in the States, and as Deputy Le Clerc has said, we are not giving politicians a direct ability to hire or fire here. I do think it is important to build on the response to Her Majesty's Procurer's advice and the elements highlighted by Her Majesty's Comptroller yesterday. We are told that, and I quote, 'It is a key constitutional principle that civil servants are impartial and that appointments to the Civil Service are made on merit and through open competition.'

1125 Well, absolutely, I think everybody agrees with that. This is not what this amendment is challenging in any way. As set out in the table we have sent to all Members – and you may not all of you have been able to have a chance to read it – in answer to the advice the principle of impartiality is that civil servants must not impose their own political agenda. They must be equally ready to serve fairly any political Committee, points that Deputy Fallaize has talked about in terms of different fiscal policies, no matter what differences there may be between their personal philosophy and the Committee's plans. However, impartiality does not mean indifference to political direction, which is a risk if the Civil Service is held to be an entirely separate organisation. (**A Member:** Hear, hear.)

1135 Her Majesty's Comptroller also highlighted claims this amendment, 'Risks civil servants being perceived to be, or being, either appointed, retained, promoted or dismissed, on the basis of personal or political patronage.' Now, as we have already said, what we are proposing is just an extension of what currently happens with various senior roles, this is in order to fit the new senior leadership structure.

1140 However, I think it is important really to question the point being made here about impartiality. Now, in P&R's counter amendment it includes a direction for P&R to consider conventions that apply to other democracies in respect of the relationship between elected Members and the Civil Service, especially with regard to employment matters and to ensure that reflects best practice. Well, that work is not needed. It has already been done, and Deputy Green referenced this earlier today. It is already mentioned by the OECD and the title gives it away, 'A Study on the Political Involvement in Senior Staffing and on the Delineation of Responsibilities Between Ministers and Senior Civil Servants.' I think that might tell you that it might be a useful document in this debate. The authors concluded that political involvement in an administration is essential for the proper functioning of a democracy. That:

... political involvement can be a rational response to situations where the executive faces structural arrangements which generate a multiplicity of principals who might block change.

They conclude:

... against the assumption that underpins much public management literature, which warns about the negative effects of political involvement and often suggests that purely administrative determination of staffing decisions is the preferred state and that any steps down the path of political involvement are intrinsically damaging to governance.

1150 They state:

There has been a tendency, particularly in Westminster-based systems, to assume that a completely apolitical appointment process is in some way the ideal, and that any evidence of political involvement is a departure from a preferred path. This study might provide some encouragement for those that note that the issues are rather more shaded than this would suggest and that the part played by informal institutions in support of merit and of separation between administrative and political roles is significant.

1155 Deputy St Pier made lots of references to the UK, but as Deputy Fallaize has made clear, we do not have the same system as the UK. Other countries, those hotbeds of poor governance like Sweden and Denmark, do include political appointments; indeed go far beyond what this amendment is seeking to do. The extent to which there is political involvement in the appointment of performance management of senior staff varies considerably from the UK system where this does not occur, but there are political advisers, to the US where all senior appointments are political appointees. In between, there are a number of variations but Westminster is very much the exception to the rule.

1160 I actually do agree with Deputy St Pier and Ferbrache that the Rules are probably not the most appropriate forum for employment related provisions, but as has already been pointed out, they are there already. However, P&R are already under a Resolution to review, and this is something we can do now without needing another Resolution.

1165 On that, I am nervous, especially when I heard Deputy St Pier talking about Jersey, that there may be a suggestion of a statutory appointment board that they have there. The advantage is some element of independence, but the counter to that is the independence, that the same sort of people are appointed that the board believe appropriate. However, this is something that P&R can look at and I suspect this will be given priority should our amendment 7 be approved, whether or not they get amendment 18 through.

1170 Sir, this amendment is not designed to politicise the Civil Service, it is again about accountability. What we are doing is attempting to ensure that this is not lost under the new senior leadership structure. This amendment does not put Committees in charge of the performance management of senior officers, that still rests with P&R and the Chief Executive. It just occurs that they are involved, just like now.

1175 Sir, surely we, as elected representatives, are required to ensure that we have a properly accountable Civil Service that is working in the best interests of the people of the Bailiwick. **(A Member:** Hear, hear.) That is what this amendment seeks to achieve and I ask Members to support it.

1180 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Thank you, sir.

There are some aspects of this debate I have found a bit painful. I am just wondering what the civil servants listening into it must be thinking about it.

1185 Deputy Fallaize made the interesting observation that in most jurisdictions an incoming government briefs the Civil Service, and in Guernsey it is very much the other way round. And Deputy Brehaut interjected that is because in most jurisdictions the incoming government is formed from a majority party, whereas in Guernsey the Government comprises of 38 individuals, each with their own manifesto. My recollection of the beginning of the term is that the civil servants have to go through the painful process of reading through 38 manifestos in an attempt
1190 to devise some kind of idea of what the policy of the Government might be and then presenting it to the 38 Members of the Government and asking them whether what they divined actually represents the policies they wish to pursue. So there is a very intimate relationship between the Civil Service and the Government at that stage. This idea that somehow the Civil Service can be impartial in the formulation of policy has to be seen in the context of that unusual, almost unique
1195 process. And I think that affects the relationship between politicians and the civil servants throughout the rest of the term.

I think several terms ago the flaws or the problems inherent in such a system were acknowledged. And the concept of the Government Business Plan, something which could be handed over to the next government to form the basis for policy, was devised. But since then it has gone through various iterations – we have the States’ Strategic Plan and we have now got the Policy & Resource Plan, and not once has that actually worked quite as intended because every incoming government really likes the idea of starting from scratch and renames the document and comes up with their attempts to devise their own policies. And because they are starting from scratch it is a long painful process, it takes the best part of the first 12 months of every term. So the hope is that the current future Guernsey plan will be robust enough to break that pattern and actually be accepted by the next Assembly as a whole and may be discussed and changed, but not actually starting from square one again.

I suppose what I am trying to say is that this is a very unique situation and therefore our relationship with our civil servants is unique, starting from that very first day the Assembly takes office. I do not see amendment 7 as being an end in itself; I just see it as a move towards somehow acknowledging that we are unique and our system is unique, and there is no point really in looking at other jurisdictions which have a more hierarchical political system than us and that somehow our unique system requires a unique relationship and a unique Civil Service structure. I am not convinced that the one being implemented at the moment is the solution, but I think if we do a vote for amendment 7 it is a move towards us actually considering our unique situation and maybe evolving something which will work more efficiently and more beneficially for the Island in the future.

So I will be supporting amendment 7. I have got some reservations about political interference, I am slightly concerned about that, but I think somehow you have got to take a few risks in life, and I think it is worth taking that risk and voting for this amendment.

Thank you.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

This debate has left me feeling much more uncomfortable than I had imagined I might feel and I think a line has been crossed in this Assembly today for some reason. I think some of the remarks made, however obliquely, regarding the Civil Service have been unfortunate and for Deputy Fallaize to say that he expects the wrath of Khan for challenging Policy and Reform, or there may be consequences somewhere down the line, I think is particularly unfair (**A Member:** Hear, hear.) and if I can be candid, not necessary. I have always been of the view that P&R have had a particularly good relationship with Education, Sport & Culture and we are helping them (**A Member:** Which one?) to deliver on a full programme. I have a sort of golden rule that I do not want to get involved in any aspect of the Civil Service, particularly with regard to recruitment.

When I was in my first term in the States I found myself ... In fact, just before I was elected to the States, I was a non-States’ member and in fact I was on the School’s Advisory Council and I was one of 14 people – 14 people! – interviewing a teacher for a role as the deputy head of one of the Island’s secondary schools at that time. What a crazy process and I thought I would never find myself in that position again. There was no *need* for me to be there; the process could have been much more linear.

Again, in my first term of four years I found myself involved in a number of interviews and it made me feel uncomfortable, for different reasons, when we have a Civil Service structure in place that has a process that they believe they are delivering the right person to do the job. And why would they not want to do that? Sometimes I felt uncomfortable with what I saw by any magnitude, what might be described as political interference by whatever magnitude.

Now, one disaster of an appointment – I served on HSSD, as I keep reminding you all, and we had the then ... I will name Mr Mark Cook, because he left, and there was an appointment following him. That appointment was an *absolute* disaster. I think anyone who had any experience

1250 of that individual from the first week, it was truly ... This person has since left, of course, with serious –

The Bailiff: I think you need to be careful what you say. (**Deputy Brehaut:** Yes –) I mean, it is somebody who is clearly identifiable. (*Interjections*)

1255 **Deputy Brehaut:** Can I just –?

The Bailiff: You can comment on the process, but I would be careful about ... (*Interjections*)

Deputy Brehaut: Thank you, sir, I take the point.

1260 The process was an absolute disaster and it has proved to hold back the HSSD for a considerable period of time and the remedy proved to be actually appointing somebody with local knowledge.

1265 Why I refer to that case in particular was that it was the political pressure people were under at the time to deliver at HSSD. There was enormous external pressure from other politicians to resolve issues at HSSD and I could not blame the service for trying to do something unique, different as a one-off to try and resolve the issues that were there.

I will give way to Deputy Fallaize.

1270 **Deputy Fallaize:** I am grateful to Deputy Brehaut, but is it not the case – he will correct me if I am wrong – that the appointment was made in the face of the opposition of the Committee President of the time, which perhaps takes us back to the whole point of this debate?

Deputy Yerby: Point of order, sir.

1275 **The Bailiff:** Deputy Yerby.

Deputy Yerby: Given your comment about the identifiability of the individual, should we perhaps cease debate on this particular appointment altogether.

1280 **Two Members:** Hear, hear.

A Member: It is not fair; it is typical – unfair.

Several Members: For!

1285

The Bailiff: I think –

1290 **Deputy Brehaut:** You see, sir, this is the territory we go into when we place amendments. There have been a number of references in this debate with regard to the Civil Service collectively, which I think have been unnecessary. So we cannot pick and choose, I am afraid. (**A Member:** You can.) I do not intend to refer to that again.

The Bailiff: You can generalise, though –

1295 **Deputy Brehaut:** I am trying to do that, sir, but sometimes you need an example to give it a context. (**A Member:** Terrible.)

Deputy Inder, from a sedentary position, can criticise me all he likes to try and put me off my stride, but I will not be, because I am trying to make a serious point here and I do not intend to give way. (**A Member:** Typical, typical.)

1300 There was an appointment at another senior level that was made some time later and that too
 did not work out. The point I am making is, the appointment process at times is not perfect and
 mistakes are made, but talking about the Civil Service and public sector employees – and there is
 often confusion over that without, because people talk generally of 4,000 or 5,000 civil servants
 1305 when of course we are talking about firemen, policemen, teachers and all the other public sector
 employees – on that volume of people, occasionally mistakes would be made. And some mistakes
 unfortunately, regrettably, were extremely costly in more than one regard.

Deputy Le Clerc has said that the appointment of Chief Secretaries – she has referred to that
 process. Again, I have been virtually hands-off in that process. I know that has not gone down well
 with other Presidents, potentially, but I have had no involvement in that process. I have not. I
 1310 think, as Presidents, we were copied in with a list of individuals and I think I have responded to
 one email. A lot of other Presidents have wanted a lot more input in that process. I have chosen
 not to do that – it is just, I suppose, a difference in stance.

This point being raised about ‘the community want to know what is operational; they believe
 that you are accountable’ – and it is the Civil Service, if you like, that are the buffer or that are
 1315 leading the process. Think about this: it is usually the political opponents of a Committee that
 want *you* to be accountable and the only way they can do it is by taking some operational level
 decision and putting it at your door. The volume of operational stuff that we see as a Committee,
 that other politicians at times are *desperate* to put what they see as an injustice, or something they
 do not approve of, they are absolutely keen to put it at the door of the politicians rather than see
 1320 it as an operational issue.

This debate is, in my view ... Again, some politicians are drawn like moths to the flame of
 process, to the detriment of the greater process. I think there has been a criticism that P&R could
 have perhaps engaged before now, but I do not feel that it has been entirely appropriate that we
 have had the nature of conversations that we have had on the Civil Service to date in this
 1325 Assembly. And while I am on my feet, having been speaking and reflecting on my reference to
 one appointment to HSSD, I do withdraw any remarks that may have offended anyone, sir.
(Several Members: Too late.)

Now, the point raised by Deputy Shane Langlois, not only are we 38 individuals but we are
 38 individuals at times bringing a policy letter to this Assembly without the support of a full
 1330 Committee. So how does a Chief Secretary resolve that tension and what demands do we put on
 them at times, not to resolve the policy itself and get the policy implemented, but to have the five
 politicians and one Committee facing the same way to deliver on any given policy?

My observation, just as it crosses my mind, has not been on the staff appointments at a high
 level, I think the public would be surprised at the absence of staff at the lower levels of the Civil
 1335 Service, that create problems at times. We simply do not have people in position to do the
 relatively small aspects of Government business, let alone at the higher level.

My view on both amendments is that I intend to abstain. I do not intend to vote on them. I
 think there has been a colossal misinterpretation of this process. I think people are seeing demons
 where there are no demons. **(A Member: Hear, hear.)** And I think we need to be very careful that
 1340 as a set of politicians, as a group of elected representatives’ today, we have come in – some
 people – with a given point of view, and some of the amendment will succeed and a structure will
 be in place that perhaps the next group of individuals elected believe does not work for them.
 And where does that begin? Where does it end?

It does concern me that we have got drawn into a process and we have over-interpreted and,
 1345 in my view, *misinterpreted* some of the processes around recruitment and retention of key
 individuals.

Thank you.

The Bailiff: I see no one else wishing to rise. I think it was agreed at the outset that we would
 1350 deal with amendment 18 before amendment 7, so I invite Deputy St Pier to reply to the debate on
 amendment 18.

Deputy St Pier: Thank you, sir; and thank you for quite a long debate, and those that have contributed and participated in it.

1355 Sir, I think most of those who have spoken have spoken against amendment 18 and in favour of amendment 7. I think in responding to the debate overall, I need to pick up some comments in relation to that.

Deputy Fallaize, in particular, walked us through amendment 7 and took us through some of the words – and I should hasten to add, I think, echoing Deputy Brehaut’s comments about the wrath of Khan and I think there have been several biblical references in this debate (*Interjection*) as
1360 tends to happen (**A Member:** It was *Star Trek*.) from time to time.

In relation to the amendment, Deputy Fallaize picks out a number of words and really says how reasonable all of this is. So, for example, when we look at subsection (e):

The Policy & Resources Committee, acting ... as an employer, shall ensure that appropriate, performance-related feedback is sought from each Committee ...

How reasonable is that?

Of course, the uncertainty will revolve around what is ‘appropriate’? I can see that there will be
1365 disagreement. Some Members, some Presidents will have one view as to the level of involvement they should have in giving that feedback, and others will have a different view; and similarly, when we talk about ensuring ‘appropriate political representation’ in relation to the participation in the panels that appoint the Chief Executive and these lead roles. Well, these lead roles in particular, by definition, straddle pretty well all the Principal Committees and of course many of the what are
1370 now termed Junior Committees. So what is the definition of appropriate political representation on that panel?

The Chief Executive may reasonably say, ‘Well, actually, I think it is appropriate to consult and have one political representative representing everybody in the process because that keeps the panel at a sensible size. Others may take the view that actually the strategic lead for people is
1375 sufficiently important that *they* wish to be at the table, or somebody from their Committee wishes to be at the table. This is opening a Pandora’s Box in terms of what we really mean by some of these words.

In relation to (f) there is a reference to Policy & Resources ‘shall consult’ with affected Committees. Now Deputy Le Tocq spoke to this, consultation does not mean necessarily
1380 obtaining consent or agreement from every Committee that is consulted; but that is not a position which is necessarily accepted by all Committees or will be accepted in all circumstances by all Committees. It is a recipe for disaffection, I would suggest, between Committees.

I think, sir, the concerns of the Civil Service have been expressed through the Association of civil servants and I think that the legal advice has been received as well. There has been a plea by
1385 Deputy Yerby and others today that Policy & Resources needs to listen to those concerns expressed by political representatives here in this Assembly today. I do hear those concerns and I am going to return to that. But equally I would play it back and say Members of this Assembly also need to listen to some of the concerns which have been expressed on behalf of civil servants who of course naturally do have difficulty expressing views, particularly on matters such as this, by
1390 nature of their positions.

I think it *is* understandable that civil servants will have some reservations about what these words will actually mean and pan out in practice in terms of their appointment, or for perhaps the next promotion that they might be seeking, or for their performance appraisals. By way of illustration of what that may mean in practice, I am going to refer to the review of governance in
1395 Home only this week. Now we know there is controversy about how it came about and the methodology. But the President of Home has emailed us all yesterday to say that the recommendations are accepted, and that the recommendations are sensible, and that they are being pursued and implemented by the Committee. So the recommendations are accepted.

Well, recommendation 1 is that the Committee should work with civil servants and heads of
1400 service to redefine the boundaries between their strategic roles and responsibilities, and the

responsibilities of civil servants and operational heads of service. This should include agreed and collaborative approaches to managing issues that have both strategic and operational elements.

1405 So what that is saying is that there is a disagreement about where the boundaries lie and the roles and responsibilities of the Civil Service and the elected political representatives. So that is an acknowledgement in that recommendation that there is an issue there that has been accepted by the Committee. So if we put ourselves in the position of the Civil Service looking at us today and listening to us today, I think we should acknowledge that they do have legitimate concerns as to what these words will mean in practice if this amendment is accepted.

1410 Now, I think it is very likely, given the debate today, that amendment 7 may well find favour and if that is the case then I think the right response – having listened to the Assembly, as Deputy Yerby has asked Policy & Resources to do, and others have asked us to do – will be to move quite quickly to actually remove these Rules from the parliamentary Rule Book – which I think everybody has accepted is not the right place – and to return to this Assembly with some form of legislative solution to deal with this. It may not be the UK model, for reasons that Deputy Soulsby
1415 has said; and it may not be the Jersey solution for reasons that others have said. But I do not think that this amendment, and leaving that as the end of this story, will be the right solution for all the reasons that I have expressed both in opening this debate and now closing it.

1420 It is clear that we have unearthed a problem that needs to be addressed. Our recommendation with amendment 18 is to go away and look at it and come back quite swiftly; if that is not the will of the Assembly we are still going to need, I would suggest, to do that in order to re-present a solution which takes this away from the parliamentary Rule Book in a way I think perhaps was first identified by Deputy Ferbrache, but also echoed and supported by many others. This is perhaps not the ideal solution.

1425 So, for all those reasons, I would continue to press a more cautious approach through amendment 18; but I do just counsel that I think, having listened to the Assembly, there is an alternative response that will still be necessary even if amendment 7 is the preferred solution today, sir.

1430 **The Bailiff:** We will vote first on amendment 18 and then Deputy Le Clerc can close on amendment 7.

So we are voting on amendment 18. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I think that *Contre* have it. If anybody wishes to challenge that we can go to a recorded vote.

1435 **Deputy Trott:** I do not challenge it because I think you are right. But I think on matters of this significance a recorded vote would be of use.

The Bailiff: Can I have a recorded vote, then, on amendment 18, proposed by Deputy St Pier and seconded by Deputy Le Tocq?

There was a recorded vote.

Not carried – Pour 6, Contre 30, Ne vote pas 1, Absent 3

POUR

Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Hansmann Rouxel
Deputy Le Tocq
Deputy Brouard

CONTRE

Deputy Le Pelley
Deputy Merrett
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Dudley-Owen
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Prow
Deputy Roberts
Deputy Snowdon
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater

NE VOTE PAS

Deputy Brehaut

ABSENT

Deputy Mooney
Deputy Roffey
Deputy Oliver

1440 **The Bailiff:** The voting on amendment 18 was 6 in favour, with 30 against, and one abstention. I declare it lost.

Deputy Le Clerc will reply to the debate on amendment 7.

Deputy Le Clerc: Thank you, sir; I am not going to take too long.

1445 I just want to go through some of the points that have been raised and most of them have been in support of amendment 7.

Deputy Laurie Queripel started off the debate yesterday and asked if it would stop the current reforms. I do not think it will stop the current reforms because the senior appointments have already been made and it is just the Committee secretaries now to be appointed, and there is a recruitment process in place at the current time. So I do not believe it will prevent that happening.

1450 Deputy Ferbrache commented on Rule 56 and I think following the outcome of this debate there will be a look at that Rule 56 and I think that is probably necessary.

As I say, I do not think I am going to talk for too long. I think Deputy St Pier talked about the performance appraisal. I think it is right that we give some input into that. I think it is probably what the public would expect. The Civil Service probably do have some concerns about the way that this debate has gone and one thing I want to stress is that I am not questioning the selection of those senior appointments that have already been made. I have faith in those appointments. They are good people and I am sure that they will do a very good job. I, like others, have got some concerns about the matrix-style of the management and some of the reporting lines; and, for example, the strategic lead for people has four Committees reporting into them. The operational lead that was at ESS will now report into two Committees. So perhaps it is the volume of work for some of those people that I have got a concern about, but we are already in that process and I do not see it being delayed.

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1465 I just want to reiterate that this is *not* an amendment to take control of the Civil Service. It is
the amendment that gives some political input into recruitment and the appraisal process; and it
will not be for a Committee to have sole powers to hire and fire civil servants – at the present time
that will remain with the Chief Executive and P&R as employer. But I think what has come out of
this is that this work needs to continue and I hope that if we agree this amendment today that
P&R will take that work on and come back, sooner rather than later, with revised Propositions,
1470 particularly on Rule 56.

So I welcome that and I urge you to support the amendment.

Thank you.

1475 **The Bailiff:** So we vote on amendment 7, proposed by Deputy Le Clerc, seconded by Deputy
Soulsby –

Deputy Le Pelley: For the same reason as Deputy Trott said before, sir, could we have a
recorded vote?

1480 **The Bailiff:** We will have a recorded vote on amendment 7.

There was a recorded vote.

Not carried – Pour 30, Contre 6, Ne vote pas 1, Absent 3

POUR

Deputy Le Pelley
Deputy Merrett
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Prow
Deputy Roberts
Deputy Snowdon
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Tindall
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater

CONTRE

Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen

NE VOTE PAS

Deputy Brehaut

ABSENT

Deputy Mooney
Deputy Roffey
Deputy Oliver

The Bailiff: The voting on amendment 7 was 30 in favour, with 6 against and 1 abstention.

I declare it carried.

That brings us to two more amendments that both cover the same territory – 19 and 3. I have
not spoken to the proposers, but I wonder whether we can take these two together?

1485 Deputy Le Tocq, would you be happy to debate them together?

Deputy Le Tocq: Yes, sir.

The Bailiff: And would you wish to speak first?

1490

Deputy Le Tocq: I have no preference, thank you, sir.

The Bailiff: Deputy Merrett, are you happy to debate them together?

1495

Deputy Merrett: I do not wish to debate – No, sir, I am not.

The Bailiff: You are not?

Deputy Merrett: No, sir.

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The Bailiff: Right, in that case we will take 19 first.
Deputy Le Tocq.

Amendment 19:

1. To insert the following Proposition –

'4. To direct the States' Assembly & Constitution Committee (SACC) to consult with the Policy & Resources Committee and other Committees of the States (for the avoidance of doubt including Authorities and Boards) on how effective parliamentary rules can be introduced to address the concerns centred on Rule 4(3) which are that:

i. while every Proposition laid before the Assembly should address the requirements of Rule 4(3), in practice this captures only Original Propositions;

ii. Secondary Propositions may be laid at any time without the scrutiny set out in Rule 4(3);

a. at no point is the Treasury function of the States of Guernsey required to have oversight of or comment on financial implications of propositions; and

iii. at no point is the States of Guernsey policy function required to have oversight to ensure that overarching policy matters such as climate change or health and well-being have been considered as resolved by the Assembly.

Deputy Le Tocq: Thank you, sir.

1505 Briefly, the reason for this amendment is obviously in response to the amendment that has not yet been laid, but considering the concerns in that amendment which the Policy & Resources Committee do not have issue with, but because it applies to a Rule – Rule 4(3) in the current Rules of Procedure, which is not currently functioning or working – we believe the whole thing needs to be looked at again, which is why we are directing SACC to do so, rather than amend a Rule that is unworkable at the moment. That is simply the reason behind this amendment, sir.

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The Bailiff: Deputy Brouard, do you second the amendment?

Deputy Brouard: Thank you, sir.

1515

Deputy Yerby: Sir, I wish to try and move Rule 24(4) again.

The Bailiff: Rule 24(4). Can those who support debate on this amendment, please stand in their places. (*Laughter*) We have five people standing.

1520 Well, under Rule 24(4) if fewer than seven Members stand when invited to do so, the amendment shall not be debated and no vote thereon shall be taken.

So we will move on to amendment 3.

Deputy Merrett.

Amendment 3:

1. For Proposition 1(g), substitute the following Proposition –
'g). To replace Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees with the following:

"(3) Every proposition laid before the States which has:

(a) financial implications to the States; and/or

(b) environmental implications (including climate change implications); and/or

(c) health and wellbeing implications for the population of the Bailiwick,

shall include or have appended to it in a policy letter or requête or otherwise a statement of the implications of carrying the proposal into effect as indicated in the following table;

Issue/implication	Statement
<i>Financial implications</i>	<i>An estimate of the financial implications to the States</i>
<i>Environmental implications (including climate change implications)</i>	<i>A statement setting out the environmental and climate change implications of the proposal, including the mitigating actions proposed in respect of any detrimental consequences</i>
<i>Health and Wellbeing implications</i>	<i>A statement setting out the implications of the proposal on the health and wellbeing of the population of the Bailiwick including the mitigating actions proposed in respect of any detrimental consequences</i>

Provided that:

The proposer(s) of such a proposition may request from any Committee any information required to enable such a statement to be included or appended and the Committee shall thereupon provide complete and accurate information to enable the proposer(s) to set out the statement.'"

Deputy Merrett: Thank you, sir.

1525 It is good to know, in the first instance, that P&R do not have a problem with it, so that is good. That is the first thing we note.

In the P&R Plan, as submitted, all the climate change Propositions were sequential, sir; but P&R and your good self have chosen not to debate the climate change Propositions sequentially. But they were at the Propositions 1(e), 1(f) and 1(g).

1530 Members will recall that we debated amendment 1(e) at the beginning of this debate and the amendment was successful which in broad terms gave more direction, more clarity to the development of a climate change action plan. A debate followed and it was determined that Assembly would accept that amendment. We could all be sure that we had done our bit by directing E&I to bring back to us a policy paper or some big ticket items regarding our impact on climate change. So we had ticked that box there – May 2020 it is, and I am pleased it is so.

1535 And 1(f), sir, strays into the operational functions of Committees and we will determine if we wish to accept that Proposition in the main debate, which I hope will later on today, because no amendments were placed to 1(f) – again, broadly, it asks us to ensure that, when delivering or overseeing the delivery of operational functions that the Committees reasonably assess and address the consequential impact on climate change. Good! So an action plan and an operational functions. Good!

1540 Then we get to 1(g) which is in relation to policy papers that are laid before the States, should also ask to look at climate change; we should assess it – we *should*. You do not have to, but you *should*.

1545 For completeness, sir, 1(g) is this:

that all Committees of the States of Deliberation when laying policy letters before the Assembly should assess therein any consequential impact on climate change of their proposals together with, where appropriate, their adaptation and mitigation actions;

Well, sir, these words reminded me of Rule 4(3) which is:

Every proposition laid before the States which has financial implications to the States shall include ...

– shall include –

... or have appended to it in a policy letter or requête or otherwise an estimate of the financial implications to the States of carrying the proposal into effect;

So should we? Do we?

1550 Back in 2010 – and I am sure Deputy Dorey or Deputy Fallaize will jump up and give me a history lesson if I require it – but back in 2010 in SACC’s report regarding the States’ Strategic Plan it was determined that the financial implication *should*, or indeed under Rule 4(3) *would* be included in Propositions laid before the Assembly. That Rule has only been written as recently as 2015.

1555 So for clarity, sir, it was determined that every Proposition that would cost the States money or a Proposition that would cost our *community* money – what that cost might be to the States is clearly what the cost might be to our community – the *cost*, in this instance is financial. However, our community is recognising that the cost of our decisions to them is far wider, sir, than just financial. The costs of our decisions are also the social and environmental costs and the social and environmental implications also have a cost. Our decisions affect their health and wellbeing and
1560 their environment. And that, sir, has a huge cost.

The cost is far bigger than just monetary. As an Assembly we are now starting to recognise this. Our community past, present and future will feel the consequences of our policy-making decisions; the consequences of the Propositions that we deliberate, debate and determine in this very Chamber – the cost of our decisions.

1565 So what reassurance have they or other Members that we have considered the implication to their health and wellbeing, the environmental and climate change within our Propositions? We should have – we *should* – but have we, to date, in all Propositions? I would argue not, sir.

1570 If Proposition 1(g) and Rule 4(3) remain unamended we will continue to be guilty of trying to only know the financial costs. We would be trying to know the cost of everything but the *value* of nothing. We will not be giving the original intent of Proposition 1(g) any practical effect – there would be no practical effect at all, sir.

1575 Now, how successful we are engaging with Rule 4(3), if they are estimates or guesstimates, is not what we are being asked to decide today. We are meant to get an estimate. Is Rule 4(3) perfect? Do we get our financial estimates right? Of course not. But should we show consideration for the financial cost to our community? Of course we should. Should we show consideration to the health and wellbeing of our community? Of course we should. Should we show consideration to the environmental cost to our community? Of course we should. The financial, health and wellbeing, and environmental cost should all be considered.

1580 Now, Rule 4(3) is actually helpful, sir, in that it provides proposers of such Propositions to request, from any Committee, any information required to enable such an estimate to be included or appended.

1585 So, sir, Members will be pleased to know that I am not sitting at home with my calculator trying to figure out the financial cost. I am not getting out a rather large abacus. They may be even more pleased to know that I do not smoke. Why, sir? Are they pleased for my health and my wellbeing, sir? Well, maybe. But also, maybe because they will know that I am not working out our financial costs on the back of a fag packet. The reality, sir, is that Members contact the relevant Committee to ask for the information under Rule 4(3). The Committee are asked to provide complete and accurate information to allow the proposer to set out the estimate.

1590 Now, I should add, sir, this amendment is not about how accurate the financial estimates are. That is a separate debate and I hope one which will follow. It is not about whether Members abide by this Rule or not. That is arguably another debate. As a Member, I am often very politely and respectfully advised by H.M.P – Her Majesty’s Procureur – to take Rule 4(3) into consideration. It is almost her mantra.

1595 So I ask the Committee: the Committee officers provide the data, if the Committee has a finance partner or not or if they discuss their estimates with the Treasury function or not it is for that Committee to determine, as a Member would simply request the information, so do we need to amend the Rule?

Now, sir, climate change is discussed in P&R’s Plan from 3.51 to 3.6. In 3.5, sir, it states that:

Government must continue to reduce Guernsey’s contributions to global climate change through the policies it develops ...

So we have gone from a ‘should’ to a ‘must’. It continues, stating that we have:

... made a good start with many factors relating to climate change included in existing work streams ...

1600 – with those being given as examples of policy *all* sitting under the mandate of Environment & Infrastructure. So is this just E&I’s problem? Are they the only policy-making Committee that should be concerned? I thought we all were.

1605 I thought we had determined, unanimously, that we were all concerned – even Deputy Paint is not prepared to take the risk that climate change, the damage to our environment, is not happening.

In 3.58 we are advised that:

... [P&R] therefore recommends as an immediate action that all policy matters brought to the Assembly should address their consequential impact on the environment.

Now, this reminded me sir of the debate we have with regard to the Health and Social Care Partnership of Purpose policy paper, Proposition 15, as unanimously agreed by this Assembly in that, sir, we determined – and I will quote, sir:

[To affirm that the States] in all its policy decisions, should consider the impact of those decisions on health and wellbeing, ... across all government policies;

1610 We all agreed that and it probably felt pretty good when we did. But then how did we see that put into effect? What has the practical effect of that Proposition been? Deputy Gollop says, ‘Next to nothing’, sir. I would say limited and I am trying to be respectful when I say ‘limited’ and actually surprisingly for me I am trying to be diplomatic, for a change. But just as I said before, I am an optimist, but I would concur with Deputy Gollop’s comments.

1615 Now, Rule 4 is simply titled: ‘Information to include in motions laid before the States’. It is quite a simple rule, just procedural and which guides Members, sir – it *guides* Members on what they need to include; for example, 4(1) regarding an original Proposition, that it:

... shall have appended to it a statement that it has been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.

1620 Now that, sir, is usually when I get a nudge, meaning 4(3) from H.M.P. Officers may also be helpful and give me a little nudge, but at the end of the day it is up to Members how we adhere to these Rules. It is up to us how we wish to effect them.

1625 Some Members were asked today to decide, do we want to include in *our* Rule 4(3) the implications to the costs not only in financial terms, but the implications to our environment *and* our health and wellbeing. If we do not agree this today, sir, as a Government we will continue to try to know the financial cost of everything. I hope I have persuaded Members that cost is wider than just fiscal. I believe, sir, it is time this Assembly considered the implications or the cost to our

community. If not, sir, we will continue to consider in every Proposition the financial cost. We will continue to consider the cost of everything, but arguably the value of nothing.

Thank you, sir.

1630 **The Bailiff:** Deputy Tooley, do you formally second the amendment?

Deputy Tooley: I do, sir.

The Bailiff: Are you raising 24(4), or not?

1635

A Member: No, sir ...

The Bailiff: Deputy St Pier or Deputy Le Tocq, do you wish to speak at this point? Anybody on behalf of P&R wish to speak at this point? No.

1640

So, Deputy Inder.

Deputy Inder: Sir, this amendment reminds me of the same reason I think we should reject this, as we should have rejected the Deputy Tindall and Deputy Gollop amendment.

I am just going to go back to 1(e) of the Policy & Resources Plan:

... the Committee for the Environment & Infrastructure to develop a climate change policy and a 'Climate Change Action Plan' in a policy letter no later than May 2020;

1645

It is Groundhog Day. I thought we had this conversation only yesterday in which we agreed that we are going to wait for the Climate Change Action Plan to determine what our climate response is likely to be. Now, under the Deputy Merrett and Deputy Tooley amendment:

Environmental implications (including climate change implications):

A statement setting out the environmental and climate change implications of the proposal, including the mitigating actions proposed in respect of any detrimental consequences

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Well, Deputy Merrett should know that we will be changing the Rules tomorrow. It will be interesting what the response from Education will be when they lay their policy letter next Wednesday because when you bring your policy letter out, through you, sir, Deputy Fallaize, we will be expecting to see in environmental implications, a statement of the environmental and climate change implications of the proposal, including *all* the mitigating actions proposed in respect of any detrimental consequences.

Now, without us –

1655

I will give way.

Deputy Fallaize: I am grateful to Deputy Inder for giving way. I can tell him that it will not contain that (*Laughter*) because I am sure even Deputy Merrett would accept that the States cannot possibly change their Rules on a Friday and expect that a Committee that submitted something at three o' clock on the following Monday can respond.

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Deputy Inder: Well, in our world of policy and procedures that is *exactly* what we will be expecting because we will be changing them tomorrow and *you* will be under clear direction on our policy procedures to add that in any Proposition that will be submitted, through you, sir. I am not looking at Deputy Fallaize. I was kind of looking at him, I must admit – (*Laughter*) and that is what I will be expecting!

1665

So that will be adding even *more* reasons not to add to the nonsense of the two-school models. (*Laughter*) But of course Deputy Merrett herself has got a requête in play. She has a requête in play relating to the IDP and the DPA. Now, of course if this goes through, again we are going to have to guess our way through what the climate implications are in what Guernsey can

1670

or cannot afford. I thought, listening to Deputy de Sausmarez in her original amendment which was supported by Deputy Dudley-Owen, it was effectively setting a sort of terms of reference for the likely climate change action plans. Is that a fair assessment? Would you agree?

1675 Now, until we have had that debate I do not know what this means. I do not know if tomorrow my perception might be as soon as we bang on a couple of extensions to our community schools, does that mean they are going to have to plant a rainforest the size of Denmark somewhere else? I do not know what it means. So it is all going to be down to *absolute perception*. Until you have had the Climate Change Action Plan debated and we know exactly where we are going, that is the point then when we apply what we have decided in this Assembly to any future process.

1680 To do this now is basically just guessing our way through it, because Deputy Merrett and Deputy Tooley – or anyone else, I am not particularly picking on these two ladies, but their perception of what climate change mitigation might be is not the same as mine or Deputy Leadbeater's.

I will give way.

1685

Deputy Leadbeater: Sir, I thank Deputy Inder for giving way.

I just think we do not need to focus solely on climate change here because 3(b) is environmental implications and they just give an example of climate change implications. There are many other environmental considerations: promoting biodiversity, countering deforestation, 1690 protecting marine life, not just polluting our air but polluting our seas and our fresh water supply. I just do not want us to narrow this debate to focus on climate change rather than the whole environmental package.

1695 **Deputy Inder:** I accept that, but again that is perception. So, Deputy Fallaize, you certainly are going to have a busy weekend if this gets through the House!

But why settle on health and wellbeing implications? If I remember correctly, in my miserable year on Education, (*Interjection*) I seem to remember there was an amendment hanging – and probably miserable for everyone else, to be perfectly frank with you. (*Laughter*) But in my particularly miserable year on Education I seem to remember us seeing an amendment and I have 1700 got a feeling it was signed by Deputy Le Clerc and it was related to disability access that any future Government Bills had to pay some kind of deficit, sir. Well, why is that not in there? Why are the population objectives not in there? What about the Energy Plan?

Why is it particularly these two, of everything, that are just in here today? Why is it just this?

1705 We have made a decision yesterday. We have moved away from 'emergency', we have moved to 'crisis'. I think the whole House is accepting that we are going to have an action plan. The terms of reference have been set. We have got a rough idea where we are heading but today is not the day.

1710 And I will remind Members – and actually Deputy Merrett is kind of on her own inasmuch as preparing a requête is actually quite difficult as an individual Member. It is actually easier if you sit under a Committee because you have got officer assistance, you can tick off financial implications, you could probably tick off environmental, you could do health and wellbeing, the population objective and energy plan policy; but when you are a Deputy on your own trying to fight, effectively, the system because you absolutely, fundamentally agree that something is incorrect – like Deputy Paint and I were trying over the harbours – we are dead in the water!

1715 Now, we have just had a debate about taking effectively ... We have just had an amendment that has been passed and I do not know how long it is going to last, which talked about effectively resting almost to a degree putting democracy back within the Chamber. This will not do it; this will basically centralise power back at Committee level and would absolutely diminish the ability for independent Deputies to work independently to go out on their own, to come up with policies and Propositions. This could kill us, dead in the water.

1720

By supporting the amendment previously, what you are doing now is actually centralising power back in the Committees that you might be fighting, because as an independent Deputy

with environmental implications you have not got a clue what you will do tomorrow and, if this is passed, I will expect Education on Wednesday to have all of these environmental implications, because it is actually backed by one Member of Education.

Thank you, sir.

The Bailiff: Deputy Green.

Deputy Green: Thank you, sir.

I entirely endorse what Deputy Inder just said, I think he is absolutely spot on. This will be a barrier to independent Deputies bringing amendments in this Assembly. It is a recipe for mass bureaucracy. I think in practice it will end up being entirely tokenistic and that does not actually serve any good use.

I have some sympathy for the financial implications of a particular Proposition, I think that makes sense. But, as Deputy Inder says, why stop with these particular three examples? Why not any other considerations? Why not the potential impact on the rates of poverty in our society, or the rates of inequality in our society, or the effect on the economy, or business, or the general levels of competitiveness? These decisions, these considerations in this particular amendment are entirely subjective, and you can write a list as long as your arm if you really wanted to of things that a person bringing a Proposition should tick the box.

And that is the problem, it is tokenistic and it is a tick-box exercise; but it will end up being a fetter and a barrier to independent Deputies moving amendments on the floor of this Assembly.

So I will not be supporting it.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I support both the comments made by Deputies Inder and Green – perhaps aptly named ‘Green’ in relation to environmental matters, but there we go. *(Laughter)* But in respect of that, my concern is probably more banal and prosaic really, because not all that long ago we had a proposal about providing some money to buy some buses and they were to be diesel because the electric buses were not sufficiently developed at that particular time. Now, that was a straightforward decision and I think it received unanimous approval at the States – certainly I voted for it so it should have been unanimous. *(Laughter)* But the point is: if Deputy Brehaut or his successor was to bring a similar proposal in a year or two’s time if this was passed, they would have to bring a thing saying the cost of this is so-and-so, the effect is such-and-such, and we have done this to mitigate –

I give way to Deputy Hansmann.

Deputy Hansmann Rouxel: Thank you.

It is just to put into perspective that that would have been what we did and we did do that as part of the course because, naturally, environment is in our mandate and we are keenly aware. I take on board the difference if you are outside of that remit, but it is about the States giving clear indications of what those environmental impacts have done, but that statement would have been part of our business plan as it was, anyway.

Deputy Ferbrache: If that is the case, why do we need a Rule, then? *(Interjection)* If people are doing it already, why do we need a Rule? I fully accept what Deputy Hansmann Rouxel says, it is already being done. So why bring another Rule? And Deputy Fallaize, in the last comment he made about the Education debate and about the report that is coming out on Monday, actually said some sense because if this Rule is passed today it will strictly be applicable but it will be a nonsense for them to have to go back and spend another three or four weeks, or however long it might take to do that. *(Interjection)* So it is common sense. That is the trouble: when you bring in a Rule you often put common sense out the back door.

1775 Now, Deputy Hansmann Rouxel has just given an exemplar of where you exercise your common sense – they brought the proposal, they had regard to the environment principles and they mentioned that in their policy letter. And it would be the same under health and wellbeing if the Health Committee brought a proposal to ban smoking completely, they would put forward all their proposals, all their implications, and say what the benefit would be.

1780 And let us just say, Guernsey Electricity via the States' Trading Supervisory Board – and it has not got it, but if it has, it has not told Deputy Smithies, Deputy Kuttelwascher or me – but it suddenly wanted to extend the power station. Now, it would, as part of that policy letter, absolutely bring in why we need it, what the implications will be, what we will do to mitigate the effects on the surrounding neighbours. It would do that –

1785 I will give way to Deputy Soulsby.

Deputy Soulsby: I thank Deputy Ferbrache for that.

1790 The examples he has given are those subjects which relate directly to that Committee's mandate. So he referenced buses and Environment & Infrastructure which, as Deputy Hansmann Rouxel said, 'Well we would wouldn't we, because it is in our mandate'. He talked about health and wellbeing and what we might do on tobacco. Well, yes, because it is in our mandate.

1795 I think what this Proposition is trying to get at is to say we should all be thinking about these things within our own different mandates in different Committees. There is something certainly from our Committee, Health & Social Care, that is about health and wellbeing – health in *all* policies across the States of Guernsey.

So I think that is what this amendment is trying to get at. Whether I support it or not I will wait to see further debate. But I think that is the intention, it is not just for those Committees within whose mandate those particular areas relate, who it is relevant to.

1800 **Deputy Ferbrache:** Again, just like Deputy Hansmann Rouxel, Deputy Soulsby makes my case for me because, if it is the mandate of that Committee, you address it anyway – we would address it in STSB; Deputy Soulsby would address it if she was bringing that kind of proposal that I alluded to; Deputy Hansmann Rouxel in her comments would address it there.

1805 Just exercise common sense, otherwise you are going to get the concerns expressed by Deputies Inder and Green that the independent person thinks 'I've got a good idea' – and it probably is a good idea, because many requêtes are successful – but you are going to bring in bureaucracy, you are going to bring in cost. And let's just give my example – I appreciate the point, and if Deputy Hansmann Rouxel was to speak up and say I am speaking rubbish again she is more than entitled to, sir – *(Laughter)*

1810 But let's go back to the bus situation. We would have to have a statement from Environment – and this is what I think Deputy Inder was also going at – setting out the environment and climate change implications of the proposal. Now I know Deputy Leadbeater said it is wider than that but, at the moment, it includes that and you could not ignore it because that would be the Rule, if this was passed today, so you would have to have a regard to the climate change implications.

1815 What would be the climate change implication, because diesel is being spewed out into the atmosphere? I know it would be controlled as best it could be, but we would have to have regard to the fact that possibly it would hasten the increase in the temperature of the world by 0.0000000 ... *(Laughter)*

1820 Deputy de Sausmarez – I hope she makes the hat-trick for me of making a point today! *(Laughter)*

Deputy de Sausmarez: Sir, I am rather concerned that Deputy Ferbrache is misunderstanding his own point! But actually if my memory serves me correctly the policy letter that Environment & Infrastructure brought on the buses was quite a lengthy and detailed document, and it did indeed include quite a detailed breakdown of not just the emissions values of the new fleet but the difference between that and the fleet they were replacing. Now, I think it also from memory talked

about not just emissions, but it also talked about other forms of pollution – because obviously emissions is one and, speaking to Deputy Leadbeater’s point, it is not just about climate change. But I think that detail was included.

1830 Oh, sorry, it is three years.

But I refer Deputy Ferbrache back to the point that Deputy Soulsby made and the concern is not around the remits of those Committees already tasked with these issues, it is about incorporating these very considerations into the issues where you might not naturally think about them.

1835 Now, naturally, when we talk about buses the emissions of those buses is going to be a factor and the fact that the proposed new fleet and actually the fleet we now have is very, very significantly cleaner in some respects, 98% –

The Bailiff: Is this becoming a speech? (*Interjections*)

1840

Deputy de Sausmarez: Sorry, I do apologise –

But I hope Deputy Ferbrache will appreciate the point that it is not about the remit of those specific Committees, but incorporating those considerations into the areas where it might not necessarily be so obvious.

1845

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Thank you.

1850 As Deputy Fallaize said in, I think, a 40-minute-plus speech – it might have been a 45 or 50-minute speech – this morning about the Committee system, and it was so interesting I left for part of it, but ... (*Laughter*) his thoughts in relation to it. Oh, and he is leaving now – (*Laughter*) so that is good. Perhaps he is going to see if Arsenal have bought a centre forward at last! But we will see.

1855 But in connection with all of that, and going back to the general points, again, Deputy de Sausmarez is making the same points as Deputy Hansmann Rouxel and Deputy Soulsby that if it is in your mandate you will do it anyway.

1860 The general point about us all having regard to climate change, environmental issues, wellbeing, etc., that is a *general* responsibility we have got as States’ Members but if we bring this in as an absolute Rule – which it will be if it is passed by this States this afternoon – then it will be over-egging the pudding, it will be bureaucratic, it will stop the States doing business, it will add to the cost of business and it will not improve the environment or the wellbeing of any one of our citizens.

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

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

**Policy & Resource Plan –
2018 Review and 2019 Update –
Debate continued**

The Deputy Greffier: Continuation of debate on amendment 3.

1865

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

My patience has paid off.

1870

Before lunch we spoke or we heard speeches from Deputies Inder, Ferbrache and Green who were quite robust in their disagreement with this particular amendment laid by Deputies Merrett and Tooley.

1875

I have a completely different view about this. I do not think it is overly bureaucratic, I do not think it is administratively burdensome and I think that we should be working to this as a standard across the States.

1880

This is about governance. Now that is a hot topic in this Assembly at the moment (**A Member:** Hear, hear.) and what we do not do well actually but we do not know the standards to which we are meant to adhere. This actually starts to go some way toward putting those standards in, because this starts to create the framework and the structure around which we should be analysing every single policy idea that we have.

So we have a policy idea, we should be measuring it against certain criteria. Now in business – Deputy Inder is desperate to interrupt me so, yes, sir, I give way.

1885

Deputy Inder: I absolutely agree, through you, sir, Deputy – I keep doing it – Dudley-Owen is proving my point. We do not know what the standards are until we have a climate change action plan which this Assembly has agreed we do not know what the standards are, so she is absolutely right, so I will be expecting her to reject this amendment.

Deputy Dudley-Owen: Thank you for his interjection, sir.

1890

So as I was going to say, the criteria against which we should and I would hope that we will move towards in reviewing our policy direction is political, economic, social, technological, environmental, legal, commonly known as a PESTEL analysis. There are variations on this theme and in that regard you also look at your risk appetite.

1895

Now you can chuck out any of those if the environmental concerns outweigh the political, outweigh the social, outweigh the technical, you might not really care, you might turn round as a committee and say, 'Actually our appetite for risk is extraordinarily high so we have considered all those aspects but we will go ahead anyway,' but at least we have done things properly. It does not matter if it is inside of your mandate or not inside of your mandate because, as Deputy Ferbrache was saying, well I would expect the Environment & Infrastructure Committee absolutely to be thinking about environmental concerns and the Health & Social Care Committee absolutely to be thinking about health and wellbeing concerns.

1900

But I think it goes further than that: Health & Social Care should be thinking about political, technological, legal, economic concerns as well. All of us should have a backdrop against which we are devising our policy and currently we are hit and miss with that at best, and it really becomes very difficult for us in terms of trying to be accountable and transparent and open in our decision making if we do not have a template of criteria against which we are measuring ourselves.

1905

I understand, having spoken to officers behind this particular policy letter, that this is something that is on their radar, something towards which to move to because it just makes it so much easier for everybody to know that we are all working from the same template. It actually increases our opportunity for creativity.

1910

So I really hope that people who think outside who are listening and those people in the States who are unsure about this are reassured that this for me is not administratively burdensome or an overly bureaucratic step.

1915 The climate change action plan actually for me has got really very little to do with this. This is a structural issue; this is an administrative tool to help us in our decision making and help us adhere to good governance principles which at the moment are hit and miss.

Thank you.

1920 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

I agree with Deputy Dudley-Owen, but I should also add that for me looking at this amendment I think it will actually assist individual Members because it is in effect enabling them to go to committees to get this information to support their Propositions, so it will assist them in communication.

1925 It would though, however, increase the need for resources for those committees to respond. But is that a bad thing in the sense that the outcome could be beneficial, it may start the ball rolling for us to actually be able to every single step of the way think about these three things in what we do? Oh, dear, yes of course, that is what we are aiming to do; we want to think about these, we want these front and foremost, we want to be focused on this.

1930 The problem that I do have though is that currently Rule 4(3) actually talks about financial implications and the rest of the Rule also requires other things to be included in policy letters. They are not included in policy letters, not *per se*, not absolutely 100% followed. Sometimes they are in policy letters when they are not even relevant. So for me there is no enforcement of this requirement so therefore it can be taken for what it is. I do not think it is going to mean that a policy letter without this information is automatically thrown out, we can suspend the Rules if we wish.

So I have to say, balancing the pros and cons, it comes out as a *Pour*.

1940 Thank you, sir.

The Bailiff: Deputy Laurie Queripel was quickest.

Deputy Laurie Queripel: Thank you, sir.

1945 That is normally the case, not when I speak of course but ... (*Laughter*)

I am not convinced as yet that I need to support this amendment, but of course I am going to listen to the rest of the debate. I have heard Deputy Dudley-Owen and Deputy Tindall since lunch time and Deputy Merrett has got to respond, but I am not convinced as yet even though clearly these are very worthy considerations and the amendment is laid with a good spirit with the best of intentions.

1950 I do share the concerns that have been raised this morning by Deputy Ferbrache and Deputy Inder and Deputy Green and I have got to expand on a few of those points, if I may.

Now to me I think when committees are constructing and developing and bringing policy letters to the States that is quite challenging for them anyway even though they have got all the support of their officers and the resources at their disposal, and we do hear from committees very often that they do not feel that they have got enough support staff or enough resources.

I actually that this will create barriers for individual States' Members, as Deputy Inder said, when it comes to requêtes or amendments or even a sursis.

1960 I think we have to be candid, and this is not meant in any derogatory way at all, but my experience has been and I have been trying to put together a motion or part of a team of Deputies trying to put together a motion, it is not always that easy actually to get the advice that you need because the people you are going to are already incredibly busy, whether it is the Law Officers or people within committees, they are already incredibly busy; and to sometimes get the

1965 advice you need before the amendment or the motion deadline can be very difficult. So I think that is going to potentially impinge upon the democratic process and add process where I think it is not quite that practical.

1970 Now the reason why I say that, sir, is I would like us to imagine a scenario, a bit like this debate really when there are 10 or 12 amendments up for play and let's say these 10 or 12 amendments most of them impact in some way on the mandate of Health & Social Care or Employment & Social Security, they have then got to put together assessments for 10 or 12 amendments and those amendments might relate to the mandate of those committees but they might have some difference between them. So it will not be like they can just provide one letter of comment or one letter of assessment, it might mean they have to provide 10 or 12 letters of assessment or letters of comment with varying sort of pieces of advice and assessment. So that is the first thing, sir.

1975 The second thing is – I have not done it so much in this term, but in the last term and it was not called Rule 14 Questions then I think it was called something else, but anyway in this term the Written Questions are called Rule 14. They were 6 in the last term I think. Whenever I submitted Rule 14 Questions, yes, committees, or departments then, always did their best to respond to them, but often you heard from ministers, and it would be presidents now, that, 'We can do without this. We have got enough work to do already. We have got to put aside officers' time and resources to answer these Questions.' And actually often to compound their point, when they sent you back the answers to the Question they put at the bottom, 'Resourcing the responses to these Questions has cost £400 or £450 or £600.' So the point I am making is there is always to some extent a kickback when you submit Questions. There is always the argument that, 'We are going to answer them, yes, but it is putting us to a lot of inconvenience and there is a cost to it,' and the price tag will be at the bottom of that response, £400 or whatever it is.

1985 So I think whether it is multiple amendments for one debate, I think that is going to cause problems for committees who are already stretched, whose officers and resources are already stretched, and that is also backed up I think by the sort of response and to some extent, without trying to be offensive, the attitude toward Rule 14 Questions.

1990 Now the other thing I think, sir, is I think all Members anyway are sensible and considerate people and I think whenever you put something like an amendment together or a requête or whatever you should be thinking about these sort of things really yourself, and you should have some idea I think of what you are putting forward and what the implications might be in a broader sense.

1995 But the other thing is this. If I am going to bring an amendment to the States that impacts upon or touches on the mandate of any Principal Committee I think they will already have looked at that; if it has been submitted in good time, they will have looked at that amendment and they will either provide comment to Members before debate or comment to Members during debate to help to guide them in their decision making. So I think actually the advice can be forthcoming from committees anyway just prior to debate or during debate in regard to these kinds of issues.

2000 Also, sir, I think a lot of these things, and I have heard that ... and Deputy Tindall is right some of these things are not captured explicitly within States' documents and Rules and objectives and policies, but many of them are captured across that array of things, whether it is Rules or objectives, P&R Plan objectives and within policies like the Partnership of Purpose policy letter which has been quoted already. So I think a lot of these things are already covered anyway within various States' documents, Rules, objectives, policies and a lot of these things are things that we all consider I think anyway.

2005 But my most important, I think, point, sir, or the point I would like Members to bear in mind most is actually this is adding process, and I think the Members who have spoken in favour of this amendment and also the proposer and seconder have underestimated just the sheer amount of work that will be required for committees to provide all the material they need in a letter of comment to be attached to an amendment or a motion.

2010 I just really want Members to think about what happens when we have a debate with 20 amendments or when you send Written Questions to committees, they really find it a struggle, a

stretch, to respond to those sort of things, because we always hear this call that there is not enough resources, not enough staff members.

I think this is well intended, I think that these are things worthy of consideration but I think just in a –

2020 I give way to Deputy Dudley-Owen, sir.

Deputy Dudley-Owen: I am very grateful to Deputy Laurie Queripel for giving way.

2025 My question to him is about taxpayers' money in this, because the taxpayer expects their money to be spent on well-constructed, well-considered, thoroughly thought out policy letters, direction, politicians who are really thinking in a global way about the policies that are going to affect their everyday lives. To put the extra process behind it, you may say it takes extra money at that time but actually gosh don't we spend an awful lot of time clearing up things that are not well thought out, flip-flopping between decisions?

2030 So please can we have a response on that, sir.

Deputy Laurie Queripel: I think that would be the way of things even if we did all that. I think there would still be kickback from certain Members of certain committees even if all these letters of advice and assessments are attached to amendments anyway.

2035 But I think actually the other thing I was going to say is that when an amendment comes to the Assembly, I do believe this Assembly is filled with intelligent capable people, it is this Assembly that is the final arbiter, it is this Assembly that makes a judgement on any Propositions that come to this Chamber, and I generally speaking think that Members will exercise good judgement and common sense.

2040 But even Deputy Dudley-Owen, I think, is really underestimating the practical aspect of this and the sheer amount of work it would create for committees. I do not know how many committee presidents are going to support this amendment but I would like to hear from them what they think about what it would mean for them if they have to deal with the consequence of having to comment on 12 amendments and do all that research perhaps two weeks before debate. (**A Member:** Hear, hear.)

2045 I will give way to Deputy Merrett. I was going to sit down but I will be the gentleman as usual.

Deputy Merrett: Thank you, Deputy Laurie Queripel.

2050 Sir, before us today we have in this debate 20 amendments and under the current Rule 4(3) all those amendments, because they are all Propositions, should have a fiscal implication. Do they? No. Are we still debating them? Yes. The requête that Deputy Inder submitted, did that have financial implication on it? No. Did we still debate it? Yes. This is a Rule that we can as Members interpret as we see fit. It will not block everything or not.

Deputy Laurie Queripel: I am finished.

2055 Thank you, sir.

The Bailiff: You are finished.

Deputy Meerveld.

2060 **Deputy Meerveld:** Thank you, sir.

I must admit I was minded to support this amendment but I have been swayed by the debate.

2065 I did have a niggling concern about how this would work practically for independent Deputies who come forward with a requête, or come forward with an amendment, that may be a very good idea that the States should consider, but they do not have the resources or ability to tap into to produce the requirements that are meant to accompany it. I can see arguments appearing in the future, 'Oh, no, we should throw this amendment out or this requête out without considering it because it does not tick these requirements.' So that was the point raised by Deputy Inder.

2070 Then the point raised by Deputy Green as well that, while these are extremely deserving considerations, and I would hope that anybody putting in an amendment or requête or policy letter that has an impact in any of these areas would cover these as part of that proposal. It is an arbitrary list, we could carry on expanding that; we could add, 'Must take into account all people with disability' or 'people of a certain age' or 'under a certain age,' and the list could go on and on and on. It does create a danger of increasing bureaucracy.

2075 I can also see amendments and requêtes not making it to the Assembly. Again they could be justifiably good ideas that should be debated but they do not make it to here because the committees involved are given those amendments and asked to supply the supporting information and they physically cannot do it by the debate date.

2080 So I think there are practical implications here. Whilst I would encourage everybody doing an amendment or any Proposition that has an impact in these areas to cover them as part of the documentation, I have come to the conclusion I cannot support this amendment which would effectively mandate it. Even though we may use our discretion to overlook it, we are building another layer of potential complication and bureaucracy and potentially obstructing good ideas and suggestions that should be discussed from coming forward.

2085 Thank you, sir.

The Bailiff: Deputy Graham, then Deputy Leadbeater.

Deputy Graham: Thank you, Mr Bailiff.

2090 I think I know Deputy Merrett and Deputy Tooley well enough to know that they would never knowingly or intentionally patronise or condescend to any of us, but unintentionally or not I find this amendment is actually quite patronising in its message, because it is effectively saying that whether addressing individual Members of the States or whether committees we are not really trusted to think across the *piste* whenever we are approaching policy matters of a particular interest to us. I just do not think if that is the message that it stands up.

2095 I do not think it is just me, I suspect every Member of this Assembly whenever they are considering policy initiatives will think across the *piste*. I think to that extent it is an otiose amendment really, it serves no purpose.

2100 But it goes a bit further than that and Deputy Inder and others have alluded to this. It has created a hierarchy of importance here. Three areas of government are singled out as deserving of special reminder whenever we are approaching policy matters and, by omission, others are really relegated out of the hierarchy altogether.

Well, I will give way but my message is only a brief one.

2105 **Deputy Yerby:** I am grateful to Deputy Graham for giving way just because I do not think either of the faults he holds the amendment accountable for are of its own creation. The creation of a hierarchy of things we should consider and things we should not already exists within Rule 4(3) while directing Members to consider particular policy issues in cross cutting in any piece of work. The amendment there is just a response to the Propositions that are already in the P&R Plan so what it is being blamed for is not its fault.

2110 **Deputy Graham:** Well, I do take that point, but I mean as I say intentions are not always the true measure of an amendment, particularly this one. By accident there is a hierarchy being established here, and by omission we are leaving out such factors as effects on the economy. Does this affect the way that we keep the Island safe and secure and as Member of Home Affairs, just about, that is something that would instinctively occur to me, but like every other Member of the Assembly, I am sure whenever one of these policy initiatives comes in front of me I always do say what is going to be the effect of this on this, that and the other. So I really think it is there. I do not resent being patronised because the intention was not there but to be honest that is the message almost of this amendment, and to be honest until a supporter of this amendment

2120 satisfactorily explains to me why these three particular members of the hierarchy and not others I am not minded really to vote for it.

The Bailiff: Deputy Leadbeater then Deputy Tooley.

2125 **Deputy Leadbeater:** Thank you, sir.

Can I first ask for some advice from H.M. Comptroller please? It states here:

Every proposition laid before the States which has:

(a) financial implications to the States; and/or

(b) environmental implications

'And/or'. That raises you could just have one of those (a), (b) or (c) because it is an 'and/or'.

2130 **The Comptroller:** I am not quite sure how to comment on that. I think it is designed to give sort of maximum flexibility to try and cover every implication that is within the Proposition.

The Bailiff: Yes. So it might not have financial implications but it might have environmental implications –

2135 **The Comptroller:** Indeed, sir.

The Bailiff: – but not health and wellbeing implications.

2140 **Deputy Leadbeater:** So it will be specific to the actual motion that is laid whether there would be financial implications, there would have to be covered whether there would be environmental implications; they have to be covered ... that is correct, yes?

The Comptroller: Yes, it is a catch all effectively. So if there are any of those implications in the Proposition they will have to be addressed further to Rule 4(3).

2145

The Bailiff: Yes.

Deputy Leadbeater: Okay. Thank you for that.

2150 My only comment on this is I agree with Deputy Dudley-Owen: it makes sense. We heard from Deputy Soulsby this morning saying that of course if there is something that comes from Deputy Brehaut's Committee it is going to have environmental thought put into it, and of course it is going to have health and wellbeing thought come into it if it comes from Deputy Soulsby's. But these are common sense sort of principles so putting them into one sort of template I have got no problem with.

2155 To be honest, I kind of liken these Propositions to the recommendations in the Catherine Staite Report because they are just generic common sense and I see no reason not to support them.

Thank you.

The Bailiff: Deputy Tooley.

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Deputy Tooley: Thank you, sir.

I am quite surprised, if I am honest, that so many people think that this is such a bad idea and I will tell you why.

2165 My position coming in to this and agreeing to second this Proposition was almost exactly that which has just been outlaid by Deputy Graham. Absolutely, I believed that every single Member of this States when considering a Billet, when considering a policy letter, when looking at Propositions was in their mind, out on a piece of paper or a fag packet or wherever else, weighing

up the financial implications, considering whether there was an environmental impact, making note of whether there were health implications that might need to be mitigated by the actions that we decide in this Chamber.

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I am genuinely shocked, as somebody who is not normally shocked, that there have been speeches in this Chamber suggesting that actually there are people who are making decisions thinking, 'We will not worry about that. Let's not think about that. It is too much to think about whether there might be a health implication in what I am proposing. That is a bit difficult and so maybe we should not include that in our deliberations and our considerations of whether we take a step direction.' I am genuinely quite shocked that there are people arguing that that is the position that we have now.

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So I will be scrutinising any policy letter that has those individuals' names on it far more closely in future because I would have assumed they would have considered those things and they have just told me that they will not. On behalf of the public I am quite shocked about that.

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Deputy Inder has pointed out that I am a Member of the Education, Sport & Culture Committee. He is absolutely right, for just over a year I have been and it has been the furthest from a miserable year I could possibly imagine, so it must be a very different place to the one that Deputy Inder was involved in. Maybe something has changed! *(Laughter)*

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But I am also Vice-President of Health & Social Care, and as Vice-President of Health & Social Care, and as an ordinary Member of the States, and as an ordinary member of public, and as an ordinary parent of children growing up on this Island, it is critically important to me that every decision that we make in the States considers the financial and economic impact that we have on our community, that it considers the environmental impact that we have on the society in which we live and the physical community in which we live; that it is absolutely imperative that we are considering the effect this might have on the mental and physical health and wellbeing of the people in our community.

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All this is asking people to do is to save, I do not know it depends on whether it is an amendment that has come from two people or a requête that has come from seven, or a policy letter that has come from a committee, the other 38 or 35 or 33 people going and doing that work for themselves. Because actually each and every one of us, if it is not in the policy letter should be, and I assume are, doing the work to make that position known to ourselves before we make a vote, because if we are not we should be abstaining. We should not be voting on things if we are saying, 'I did not have time, it was too difficult. I just thought I would leave it to them.' We should not be doing that.

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There was nothing patronising in this amendment at all, I would like to reassure Deputy Graham. If I was writing it now there might be because people in this room have told me that they are not considering these things and that beggar's belief.

Thank you.

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The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I could not agree more wholeheartedly with the words of Deputy Dudley-Owen and Deputy Tindall and others, but certainly this is an issue of governance and as Deputy Tooley has very passionately just outlined, this is a fundamental part of our jobs when we sit in this Chamber and when we are formulating policy. A big part of our role is to make informed decisions and I do not see how those decisions can be properly informed decisions if these factors have not been taken into account.

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I appreciate there are a lot of people who have stood up and said, 'Well of course these are ...' – well, on the one hand people are saying, 'Well of course we all do this anyway,' and on the other hand people are saying, 'Oh well of course we would never have time to do this.' I think if we are honest with ourselves it does not happen, it does not happen regularly, it does not happen

2220 thoroughly, and as a result we are probably not making the best informed decisions that we could and should be making.

So I think this is a useful amendment because what I think it does is it gets us into the habit of automatically, well if it is embraced by my colleagues it will get everyone into the habit of by default considering these issues at an early stage.

2225 I think it is particularly helpful in options appraisals. So how many times have we seen policy letters where we see the workings of the committee bringing forward various Propositions and they have considered various options against each other? Quite often we will see tables in there which compare the financial cost of one option against another. But how many times do we see a table which compares the financial cost and the environmental impact and social factors such as health and wellbeing? We very rarely get that kind of holistic view, and actually I completely agree
2230 with Deputy Dudley-Owen, that is exactly where we should be going with some other factors thrown in besides, as Deputy Inder actually pointed to.

This does not get us straight there but this is a really helpful stepping stone, I think, in the right direction. Certainly I think what it will also do is that by just getting hopefully everyone into the habit of asking those questions at an early stage I think what it will do is help really grow the
2235 knowledge base within the States as a whole, even within the staff and within political committees, and we will all learn something. I think it can be really beneficial from that respect.

I would like to pick up on a point. Deputy Inder made reference to the climate change policy and the climate change action plan and he is quite right, but I have to say I do not see that there is any kind of conflict between that bit of work and what this amendment is suggesting. I certainly
2240 do not think that we need to wait for that bit of work in order to be considering the financial and environmental and health and wellbeing implications. So yes, we certainly do not need to wait for the climate change action plan before we can start considering environmental considerations. It is just that we do need to factor those in.

I do not think I am being too presumptuous in saying that it is a pretty safe foregone
2245 conclusion that our climate change policy will be along the lines of: we need to minimise our environmental impact. I think there are no spoilers there; I do not think anyone is going to expect us to reach a conclusion other than that. So I think it is very reasonable to assume that we can start considering these things and even if it is at just quite a high level it does not need to go into the exact tonnage of carbon or anything like that. I think just even showing your workings – as
2250 teachers, maths teachers in my school days used to like to say to me when they were convinced I was not going to get the answer right – show your workings and I think actually just going through those thought processes and considering those options is going to be really helpful.

Deputy Graham talked about a hierarchy and I found that absolutely fascinating actually because I think we have had a hierarchy for a very long time and that has been financial
2255 considerations and then tumbleweed.

One of the things that I have been very keen on doing since the start of this political term is rebalancing those because I really am a very strong believer in a symbiotic relationship between environmental, and social, and economic factors; and I do feel as though quite often decisions are based disproportionately on financial factors sometimes where other factors are not taken into
2260 account. I think environmental and social factors often struggle because they are not as quantitative as fiscal factors and they are also sometimes not as immediate, particularly with regard to environmental factors.

So as we discussed during the debate on amendment 13, many of the impacts of our decisions we make today will be felt not necessarily in the next few years but disproportionately in the decades and generations to come; and because they do not have that same immediacy as money in and money out I think they do not have the same kind of force in our decision making processes. I think what this amendment does is it evens that out a little bit.

So I would recommend this amendment. I commend it to my colleagues and I would urge people to support it. I think it is a very pragmatic step in exactly the right direction.

2270 Thank you.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, thank you.

2275 This amendment – to get back to the amendment strictly – is to the Proposition 1(g) and Proposition 1(g) states that:

... when laying policy letters before the Assembly should assess therein any consequential impact on climate change of their proposals ...

Now that is directly related to page 22 and paragraph 3.58, and 3.58 states that:

The Policy & Resources Committee therefore recommends as an immediate action that all policy matters brought to the Assembly should address their consequential impact on the environment.

Now it is specifically environment.

2280 I wrote to Deputy Brehaut and Deputy St Pier and asked that in Proposition 1(g) we should really change the fact of climate change to environment in that particular case, 1(g), to address the substance of paragraph 3.58 in the report itself which that particular Proposition, as I see it, had been drawn.

2285 If I can go back to 2009, the Policy Council at that time requested all departments to identify and comment upon any significant environmental issues in all States' reports which are submitted for inclusion in a Billet d'État. Now Deputy Trott at that time sent out a letter to all departments stating that in view of an amendment that I put in and Deputy Fallaize seconded, considering our environment will be core to all policy decisions and actions, he said:

... in view of this the Policy Council will in future require departments to identify and comment upon any significant environmental issues in all States' reports which are submitted for inclusion in a Billet d'État. I should therefore be grateful if you would note this requirement and ensure that your department complies with it before it submits any reports for consideration to the States.

2290 Now to get a background to that we had a very buoyant economy before 2009 which was threatening to some degree the environmental integrity of the Island with development. Circumstances have changed somewhat today, but at that time we were being overrun by development from the point of view of a number of people in the Island and it was important to look at that critically. The whole idea there was to balance environmental integrity with economic growth and that was done through that particular initiative in 2009.

Now to some degree section 3.58 in this report is going back to that because it is saying that:

This reinstates previous practice lost under the cessation of the States' Strategic Plan (established in 2009) and changes to the Rules of Procedure (in 2016).

2295 They wanted to reinforce that, so in reality because of the emphasis now environmentally on climate change they have put climate change in that particular Proposition rather than what I thought they should have put which was the word 'environment' and then we would get back to what we had in 2009.

2300 True, the balance perhaps is not as critical today, although many people would say it is as critical today with climate change and so on, but that is what I interpreted from those paragraphs in this particular Billet.

2305 Now what this amendment is doing is going quite beyond what was, I think, intended from the point of view of the P&R Committee which is going to not only deal with, if you like, climate change or environment, but it is going beyond into the social realm, and it is going beyond into the development realm in terms of the economy. You could then turn around and say: is this not weakening in fact the original emphasis and the emphasis of the report here which is directed specifically to the environment and maintaining environmental integrity over a lot of development? That was my point at that time when I wrote to the Deputies Brehaut and St Pier.

2310 So this particular amendment puts me in a dilemma because first of all it says, yes, environment is the word rather than just climate change, but secondly, it turns around and says but at the same time we want to include social aspects in terms of health and wellbeing, and we want the financial implications to be put in.

2315 But historically, when the States have come forward with financial implications they have generally said what they are going to cost, they have generally made that point but what we have not had was the balance which I was wanting those years ago in terms of environmental integrity and the balance against economic growth.

So I leave you with those wise words, sir. *(Laughter)*

The Bailiff: Deputy Le Tocq.

2320 **Deputy Le Tocq:** Thank you, sir.
To follow on from those wise words, sir –

A Member: More Bible quotes!

2325 **Deputy Le Tocq:** No, no Bible this time!

I believe that the intentions of Deputies Merrett and Tooley were good intentions. However, the Policy & Resources Committee cannot support this amendment, that is why we tried to lay an alternative because we believed in the intentions but we feel that whole Rule needs to be looked at. In fact one could say, sir, that this amendment is an example of the sort of amendment that should have human resource implications attached to it, because what I would predict, sir, is if it passes what will be put in the majority of cases are very bland pieces of information which will have been a waste of time and of no use to us here.

2330 I accept that we are always demanding more information, but with that comes a cost and in a small jurisdiction we have to apply a reasonable allowance for that. If it is not that what will happen is, and I think Deputy Green alluded to it, is that it will put people off bringing requêtes and amendments and others sorts of Propositions and it will just add delay which I was talking about before.

2335 Now I try to be a moderate where possible, I recognise that the current Rule that we have is aiming to do something but it clearly does not do that, it does not work at the moment.

2340 Sir, Deputy Fallaize earlier in a different part of the debate talked about discipline. Sir, this Assembly is very good at choosing when to apply Rules and when not to apply Rules, (**A Member:** Hear, hear.) so what is the point of us spending ages talking about something that even the proposer and others have suggested that we will choose when to apply it or not.

2345 In my mind let's just vote against this, let's rethink ... I think the Committee I now sit on, SACC, should rethink what is proportionate and appropriate in terms of the information that is given to the States, but let's not fool ourselves that by supporting this amendment we will be better served.

The Bailiff: Deputy Hansmann Rouxel.

2350 **Deputy Hansmann Rouxel:** I was not going to speak but just in answer to some of the concerns around added resource, and I absolutely understand the concerns people have raised about added bureaucracy, and it is only added bureaucracy when you turn it into a tick boxing exercise, and I think if you were to unpick the speeches from the Members who have supported this amendment and the understanding of how you interrogate information, and what tools you need to interrogate that information, then I think it is quite telling.

2355 It is not about adding more bureaucracy and more resource. If a policy letter or requête is laid to the States P&R writes to the committee whose mandate it does cross and that resource is then placed in a comment letter right before debate. Now all this amendment proposes is those

2360 resources that go into preparing the ... if something touches your mandate right before the debate that would happen before the requête or Proposition was laid, so that we are when we get to the debate able to have a more informed decision making process. That is all.

I give way to Deputy Laurie Queripel.

2365 **Deputy Laurie Queripel:** Thank you, sir.

I thank Deputy Hansmann Rouxel for giving way.

Could she guarantee that? Without a Rule saying a committee has to provide that information prior to the deadline that the amendment or the requête has to be laid how could that be guaranteed that that information would be provided in good time from the committee whose mandate is touched by the requête or amendment?

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Deputy Hansmann Rouxel: On the second page of the amendment it does say:

Provided that:

the proposer(s) of such a proposition may request from any Committee any information required to enable such an [statement] to be included or appended and the Committee shall thereupon provide complete and accurate information to enable the proposer(s) to set out the [statement].

Now I do understand the reticence that people have that this is adding more work. But nobody is saying that we should not be looking at these things.

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The work happens, it is about making sure that the work happens at the right point. There is always time pressure and, yes, it is difficult but there is not enough of a reason not to include these requirements, and like the financial at the moment, is that onerous to know what the financial implications are? But marrying it with the other implications of whatever you are doing in this Assembly so we are making informed decisions, that is all this amendment seeks to do.

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

I have had a sort of sense of unease about this amendment since I first read it. To an extent I have not been able to sort of put my finger on exactly why it made me feel uneasy.

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But I thought it would perhaps assist me to reflect on some recent policy letters that have been brought to the States and to consider how this Rule would have impacted on them if this Rule had been in place when they were brought to the States. I picked a few sort of random examples from my recent memory, one of which was the STSB policy letter on the purchase of three new ATRs and the States' funding for them. I was thinking to myself well what would the environmental impact assessment on that policy letter have looked like? Would we have had an analysis of the environmental cost of building three new aircraft, the CO₂ produced in the manufacturing process? (**A Member:** Yes.) Would we have had an assessment of the environmental impact of operating the aircraft and the CO₂ that resulted from that? And surely if you were going to look at that you would need to have the comparative figures of the CO₂ cost of continuing to operate the existing aircraft to see if there was an improvement or a deterioration from the current position, and if you were looking at that, really wouldn't you have to –

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I give way to Deputy de Sausmarez.

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Deputy de Sausmarez: I thank Deputy Parkinson for giving way.

I think that sounds like exactly the kind of holistic well informed decision making we should be doing.

Deputy Parkinson: Well that gives me even more cause for concern because I just do not think it is practical. (*Interjection*) I mean if you were going to do all of that research then surely you

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would need to look at the CO₂ impact of alternative forms of transport. Would it be better in environmental terms to make everyone go on a ferry?

I give way.

2410 **Deputy Hansmann Rouxel:** Thank you for giving way.

The fascinating thing is that we are not the only jurisdiction that is doing that, so when it is complicated calculations on CO₂ emissions the work is out there in droves.

2415 So although the concern that Deputy Parkinson is raising over extra work, it is about just correlating the work that is already out there and actually providing a very simple, easy way of people assessing what climate change impact is there.

Deputy Parkinson: Well I do not entirely accept that because you would have to assess the CO₂ impact for the given journey. The circumstances of Guernsey are different from the circumstances of other places and the alternative forms of transport that you could be measuring against are different for Guernsey rather than other places.

2420 So I think although there is no doubt a huge amount of generic data out there you would actually have to do the assessment for the position of Guernsey and the specific ferries that operate to Guernsey, for example.

2425 Would you end up even discovering what the benefits would be of discouraging travel all together? The further it goes it seems to me the more absurd it gets.

As another example, I think back to another policy letter that was brought by STSB in my time as President of that Committee on the waste transfer station. Well, I mean you could have written several volumes of environmental impact assessment around that and probably just ended up with a sort of rather ideological debate about whether that was the better environmental solution compared with other solutions. But I just think this would have ended up being a monster.

The Health & Social –

I give way to Deputy Merrett.

Deputy Merrett: Thank you, Deputy Parkinson.

2435 I wonder if the Fiscal Rule, if the intention of that is to know exactly which taxpayer pays how much tax into which pot of money that is Capital Reserve or Core Investment.

2440 We do not want that much detail from the Fiscal Rule, we want to understand what the costs will be, we do not want to know which taxpayer is paying it, which particular person. We are seeing shadows here which I do not believe exist; I think we are taking a mischievous interpretation, to be honest, sir.

Deputy Parkinson: Well, again I do not accept that. I have not suggested that anyone should measure the environmental impact on any given individual. The point about the Fiscal Rules is actually money is quite simple, you can actually work out the financial cost of something and it is simply an arithmetic calculation which we do every day in our normal household budgeting. I am not suggesting that this be reduced to exactly whose environment is being compromised by any given policy letter, of course we are talking about the global environment, the environment that affects us all.

2450 HSC's policy letter on the re-development programme at the Hospital, that could have had quite a substantial environmental assessment, and I just feel that it is going too far.

I give way to Deputy Soulsby.

Deputy Soulsby: I thank Deputy Parkinson.

2455 We did actually cover off environmental aspects of the Hospital and we actually are bringing in solar panels on to the Hospital which should make quite a significant difference, I think.

But Deputy Parkinson is going on and actually really having a go at the amendment but is he actually then saying he disagrees with 1(g) as well which basically says:

... that all Committees of the States of Deliberation when laying policy letters before the Assembly should assess therein any consequential impact on climate change of their proposals together with, where appropriate, their adaptation and mitigation actions;

From what he is saying it sounds like he will vote against (g) as well.

2460 **Deputy Parkinson:** Well, I must say I am minded to do so, because the more I think about it I just think we are opening up a hornet's nest.

Yes, we are, I think, all of us conscious of environmental issues and have a general predisposition to try to do things in an environmentally sound way, but ultimately there are many circumstances which are outside the control of a small community and the reality is that we are
2465 dependent, for example, in the area of aviation on technology which is available globally and we just buy the kit that is available. That is true of an enormous amount of materiel that this community uses.

So I am concerned that we are getting deeply drawn into some big issues that actually we have little control over and writing out long reports on trying to quantify the exact CO₂ impact of this, that or the other and Deputy Inder gave the example of the forthcoming schools policy letter, which will no doubt have quite wide ranging consequences. I just feel we are getting into very
2470 deep water and to no very obvious benefit in my view.

So at the moment I am not inclined to support this amendment, and I will listen to the rest of the debate with interest.

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The Bailiff: Deputy Brehaut and then Deputy Yerby.

Deputy Brehaut: Thank you, sir.

In relation to the point made by Deputy de Lisle, he did email both Deputy St Pier and myself with regard to the point that he raised and he did receive a response from possibly the report's
2480 author but under at least mine and Deputy St Pier's signature I think he did get a response.

I just wanted to talk about Rule 14s because it was raised by Deputy Laurie Queripel. Rule 14s – we have had some Questions on occasions that have involved the input of the Harbour Master, the Deputy Harbour Master, the States Engineer and his team, UK consultants, our lead on
2485 renewable energy, the individual writing energy policy team; they have to get in the room together to get the answers.

Now that is great because it is seen as scrutiny and it is seen as being open. It does take a huge amount of time, and I am not opposed to Rule 14s, I would ask just ask that sometimes when you get 20 or 30 or 40 Rule 14s then you must have some awareness that the people
2490 involved in producing the thing that you are interested in are then completely consumed, by sometimes some hours, in getting the answers to you.

With regard to this amendment, if we were looking at the Fermain Wall that we are currently drawing up plans on, the financial implication will be known to you, the environmental implications will be known to you through an environmental impact assessment, the health and wellbeing implications will be known because it is enhancing the public realm for people's
2495 enjoyment. If I was then to do the same on the coastal defence programme the financial implications will be known, the environmental impacts and the health and wellbeing is less in the mix but it is still there. If I said we wanted to extend Guernsey's cycle routes then the financial implications would be there, the environmental implications would be there for some, some
2500 people might acknowledge them, and the health and wellbeing implications may be embraced by some and opposed by others.

It seems that this amendment will facilitate, will grease the rails –

I will give way to my good friend Deputy Inder. *(Laughter)*

2505 **Deputy Inder:** Deputy Brehaut, he has reminded us of a piece of work that he is doing on apparently on the Fermain tank wall ... not Fermain! Did I say Fermain tank wall? (*Laughter*) I am going to refer to a tank wall.

But I have got to remind him, and I think sometimes we forget what we have said, what we have done, what we have voted for, what we have acted; it is almost like we sort of leave this Assembly sometimes and then forget everything we said, come back, everything goes back reset to factory settings, we come back and we are completely different people. I must remind him what he has forgotten is that Deputies Ferbrache and myself put together a sursis against his policy letter for the tank wall asking him to actually do that; we wanted to see an environmental impact assessment, we wanted to see all of the proof before they took the wall down. Every single Member of Environment & Infrastructure actually voted against it, so what they were saying yesterday is not what they are saying today.

I am sitting down, thank you. (*Interjections*)

Deputy Brehaut: I gave way with an open and warm heart, but there we are. (*Laughter*)

2520 Can I say that Fermain will have an environmental impact assessment, as will any proposed – I do not want to talk about the tank wall each and every day of my life, but even if you are going to do something to the tank wall like make it bigger and wider and stronger you will need an environmental impact assessment, that is the nature of things these days.

The point I am trying to make is if we are seeing this –

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Deputy Inder: Point of correction, sir.

And if you take it down there will be an environmental impact assessment – (**A Member:** Yes, yes.) bigger and wider is what we said; you did not say when you remove it. (*Interjections*)

2530 **Deputy Brehaut:** I think some days it would be easier if I just took Deputy Inder home with me, he could sit opposite me and just moan at me for the remainder of the day (*Laughter*) and then at least he would be content.

The point is if you leave the wall intact it has to be protected and to protect it it becomes larger and bigger and you need the – I do not want to dwell on that.

2535 I do actually align myself with the rationale with what Deputy de Lisle was saying actually, is that the environment considerations sometimes should ultimately trump everything but of course people are not in one mind with regard to environmental issues.

But again to finally try and round off my point, if you think this is going to oil the wheels, grease the rails of a policy letter that you have put your life and soul into, think again because what you will give is now three opportunities potentially for the policy letter that you are presenting to be rejected – not on the first round but certainly on the second, and if not on the second then the third. But I think that the process is not so far removed from ... I do think this amendment is sort of inert or benign if there is a middle ground between the two, but just be aware that if you do approve this amendment then you give people more than one door to open to get at the thing that you value most that you want to get through the Assembly and a chance to stall your plans if you are not careful.

The Bailiff: Deputy Yerby.

2550 **Deputy Yerby:** Thank you, sir.

I wish that I had bottled up a bit of Deputy Tooley's righteous anger to unleash after Deputy Parkinson's speech because, my goodness, I understand why she did it then.

2555 This amendment has had some unusual defenders and also some unusual detractors and, in saying that I probably now fall into the latter camp, I have to start by saying that I saw a draft of this amendment and would happily have seconded it but Deputy Tooley stepped into the breach.

Everything that has been said in defence of the amendment I support, but Deputy Inder raised some important points in his opening speech which caused me to think again.

2560 While Deputy de Sausmarez was speaking I was starting to think some of this sounds very familiar, I remember having done some of this and I am sure we did not write it – I remember having done things like she was describing when I was a civil servant and I am sure we did not write all of that out of the Rules completely. Rule 4(5) says that:

A policy letter accompanying an original proposition shall include a statement setting out how the propositions ... relate to the Committee's purpose ...

– the Committee that is laying it, but also –

... how they contribute to the States' objectives and policy plans,

2565 So we do have a Rule that in the context of policy letters and because the Rule refers to original Propositions I believe that does also include requêtes. We do already have a Rule that allows us to do the kind of corporate governance joined up thinking that Deputy Dudley-Owen is right in asking us to do.

2570 What Deputy Inder's speech unpicked for me, which I had not thought about in the drafting of the amendment, I had not really thought up until the point when it began to be drawn out in debate is that the amendment moves away from original Propositions and instead relates to all Propositions.

Now I am not worried about Deputy Inder standing up and saying he is going to use this amendment to give ESC a hard time. I agree that from the minute we change the Rules we have changed the Rules and so he would be within his rights to do that, but I am sure he is going to do that anyway. (*Laughter*) That is not what is putting me off it. (*Interjection*)

2575 But the other point that he made was about whether independent Members would have the confidence to provide the kind of information that this Rule would ask for when it came to amendments or other forms of secondary Propositions.

2580 Deputy Fallaize is not here so it is not terribly fair of me to rib him, but I had a conversation with him fairly recently where I said, 'I have got to try and change you remind because you are accepting something because it is a system that you are clever enough to make work for you, but that does not mean it is going to work for everyone.' I wonder if I have been a little bit oblivious in accepting this amendment in thinking, 'Well I know that it does not mean that we have to have every 'i' dotted and every 't' crossed, that it means that we can provide a sensible level of information akin to the level of information we provide right now in response to Rule 4(5).

2585 I have worked with States' Members from across this Assembly in putting together different amendments at different times in this term and I do genuinely think that that is a valid concern and that possibly we do need to stop at original Propositions rather than having a Rule that also covers secondary Propositions, because committees and bigger groups of Members working together on a requête do have access to a wider range of resources that allows them to do the thinking, and the thinking should already be being done, it should be being done in relation to Rule 4(5) and maybe those of us who see the value in this amendment need to get more rigorous about enforcing Rule 4(5), insisting on drawing out the areas where policy is in conflict with, or enhances States' objectives in relation to health and wellbeing and the environment.

2595 If this amendment does not pass, and I am more ambivalent than I was at the beginning of this debate, then let us use Rule 4(5) with all the capability that it gives us.

2600 But coming back to Deputy Parkinson's speech to close with, and what Deputy de Sausmarez spoke about, the particular value of a Rule or the kind of thinking that this Rule requires in the context of options appraisals, maybe what is needed is not a change to the information that we put in every policy letter or every amendment or every requête, but a change to some of the Rules around the States' business case process to make sure that we really do give equal weight to environmental and social and equity considerations as much as we do the financial and economic ones, because I do think that the business case process is very firmly weighted in one direction

and, trying to find a middle way in this debate, that is probably where it would be the wisest use of resources and the most effective place for consideration to give greater weight to social and environmental considerations alongside environmental ones.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I find myself very ambivalent about this amendment because I mean my loyalty to the UK, well England and Wales to be more accurate, Green Party means that, like Deputy de Lisle and other Deputies, Deputy Brehaut and so on, I am very attracted to the importance particularly given the work of the climate change movement both worldwide and in Guernsey of impressing the environmental implications and that includes and embraces the climate change implications.

We had a history and geography lesson really from Deputy de Lisle earlier and he was right that 10 years ago there was a feeling when our economy was booming before Zero-10 and to a certain extent immediately after it, when we were going through a period in terms of the economical construction model of significant building across the Island and that shaped, to be honest, the thinking of the Island Development Plan which I am sure will inform debate next month because the previous planning regime had been on balance more restrictive.

I can see though that we also need, perhaps to add to that, health and wellbeing implications of the population of the Bailiwick. Now we can all argue what health and wellbeing means. I would interpret it as not just about not putting a park bench in the middle of the Town Church so that a certain Deputy would sit on it and eat his drinks and smoke his cigarettes and you might have to look at that kind of thing; but I would look at it in broader perspective, and health and wellbeing surely covers some of the social policy objectives that Deputy Yerby has identified and probably disability and inclusion as well because health and wellbeing and the quality of life is linked to that.

Yes, I can be picky here and say that perhaps we as a member of 2020 and especially of the Islanders Association, we do need also to be looking at economic and population implications that go beyond our own perhaps rather self-centred financial implications to the States, because sometimes we will do something that is wise for us as custodians of the taxpayers' money but not necessarily wise for the economy. One can think of issues like that.

We have heard from Deputy Parkinson quite a few examples from the STSB's empire. One that springs to my mind that I know is close to Deputy Merrett and Deputy Hansmann Rouxel's heart, Deputy de Sausmarez too, was the issue we had over the re-siting and extension of a new or an enhanced crematorium facility, and I do not think in that debate although we looked to a certain extent at the planning implications and definitely the financial implications we really looked at the wider environmental implications or the health and wellbeing implications. That is why this is useful.

Now one concern I do and did have was about how it would hamper, as Deputy Inder pointed out earlier, and Deputy Laurie Queripel, the backbench Member, the person who is wanting to make change through amendments, through a sursis maybe, and through requêtes.

Now I do not think we have heard a perfect answer on that because Deputy Merrett has given the impression that in certain situations you can waive the requirements, but then that of course kind of contradicts the importance, and it was a very good speech from Deputy Tooley who very much emphasised that we should always have these things uppermost in our mind and be evidence based really when considering the issues. Well how can we collect that evidence? We have had different views from Scrutiny Members today and different views from SACC Members on this particular amendment.

I do think that if we do approve this today and it has teeth rather than just gesture towards health and environment then logically it has to – because I read the word Proposition as applying to anything a States' committee, whether so called junior or senior, puts before us. But it should

2655 also logically apply to amendments which amend Propositions especially from Policy & Resources but all committees really, and also material requêtes.

A debate we are not having but keeps on coming before us is the future whereby maybe associations of Members who are working together collectively will be more important than all of us being 38 or 40 isolated individuals.

2660 We have also got to consider, and SACC in a way have refused to consider this, successive committees, how well resourced are States' Members individually to answer these questions without the Civil Service being able to give them the support they give to committees?
(Interjection)

2665 We had a little bit of a negative debate in some respects earlier today about the Civil Service. I want to perhaps put the other side that we do have many excellent civil servants, both of the younger generation and the senior figures, and these people have done invaluable service to many committees I serve on, Planning being one obvious example, but the Disability & Inclusion team and Longer Working Lives on Employment & Social Security, but actually good policy and legislation officers and researchers are like gold dust. They are a resource that is limited both by training, personal qualities and finance. We do need to ensure that those people, or people from
2670 outside of the States if we cannot find those people, will help States' Members whether independent or in, if you like, parties or associations to come up with constructive policies that are well researched so that you do not get inequality of arms whereby a States' committee is able to have this advice but not individual Members.

2675 Another point I would add on to that is if this is accepted I can guarantee that it is likely that it will lead to slightly greater expense of resources with policy letters and slightly greater delays. We have already heard a little bit of banter if you like between Deputy Inder and Deputy Fallaize about the important Education, Sport & Culture policy letter. Well clearly if that policy letter is obliged and if you follow Deputy Tooley's logic it should have in mind, even if it is not spelled out, every Member of ESC should be thinking about the implications on motor cars, on environment,
2680 on health and wellbeing of the project. It will lead to more work and a degree of longer duration of thinking.

So I think on balance I probably will support it, but it seems like an idea that has not quite matured and needed perhaps another few months of work in conjunction with Policy & Resources and SACC to actually develop exactly what is needed and maybe cover the gap because Deputy Merrett might persuade me otherwise but there is a potential gap in that it clearly is designed, rightly, to ensure that all States' committees bringing major policy letters have health and wellness and environment in mind, but shouldn't that thinking be more than just half a page, but actually extend to requêtes and amendments as well, especially amendments of significance like we might be seeing today?

2690 **The Bailiff:** Deputy Merrett will reply.

Deputy Merrett: Thank you, sir.

2695 I do hope, sir, that all the hot air in this debate today has not actually damaged our environment, to be honest.

Okay, these are our Rules, we are able to interpret them reasonably and pragmatically on occasions. We did not reject previous requêtes because they did not have a fiscal implication; clearly we could have done but we did not.

2700 I was not under the impression from today's debate that we were just parking our concern about environmental impacts until May next year and we are just waiting for E&I to do their bit because it is under their mandate. I certainly had the impression from when people spoke that they had more consideration of the issue at hand than just wait the year, but some Members think, 'Just wait a year, wait another year, it sort of comes forward and we will go from there.'

2705 I have not counted, sir, and I do not intend to, but if we are going to have somebody that does a lot of amendments and does requêtes and will work on such things – and I am probably quite a

good contender for one of the Members with the highest or certainly a considerable amount of amendments and requêtes, so I probably can speak from relatively good experience of how I have had the resource to work on them, the drafting, etc. Now the one part I found the absolute easiest is to say to a committee officer or committee, 'What is the fiscal implication of this please?' It is literally a question. I was very deliberate in the forthcoming requête to say, 'I want that fiscal implication but I would like it broken down into Propositions so Members can have an informed choice on which Proposition, of how much that would potentially cost.' That is my experience.

The actual difficulty with drafting a requête or amendment in my world for an individual Member, because that is what a lot of this debate has talked about today, is actually drafting the thing in the first place; it is actually saying, 'Right, this is what I am trying to achieve, how do I achieve it? What is the correct parliamentary mechanism to do it? What is the best opportunity to do it and who can help me?' I must admit Deputy Yerby is absolutely, as you all know, pretty sound at giving that advice and support. But there is also the advice and support from the entire Civil Service.

So if I was to meet with an officer from Environment & Infrastructure, from Home Affairs, as an independent Deputy I can request that at any time; they are there to help and, I do not like the word serve, but they are there to help and assist me, that is better, facilitate, help me at any point. I have had many meetings with many officers at many different levels. As Members will know, I do not know anything about job titles but I have always managed to get to the right person and been able to proceed accordingly.

So I think that is a little bit overegged to be honest. I think if Members as individuals are determined, as I am determined, to do requêtes, if I feel passionate about it, if I am determined to do an amendment because I feel passionately about it, then I think as individual Members we have the integrity to do that and I think the resource is already there, it is already there because it is serving the committees, it is serving Members. So I think that has been overegged.

Now it does say, as exactly in the original Rule at the moment, that we may, Members may, *may* request this information. I do not believe it is only up to E&I to consider environmental implications in their policy papers, I was quite actually distressed by that and I resonate with that Deputy Tooley was saying. I was quite ... well I was astounded by it to be fair. This is about exercising common sense. So if I was doing something and I had a health and wellbeing consideration, for example, then I am going to look towards a health officer or a Member of Health and just ask them, 'Do you think this has an implication? Do you think ...?' It is a discussion and then I can and/or put it in my paper. So I think it is about exercising common sense and being pragmatic. I suggest common sense will prevail as it has prevailed when we have used the existing Rule that we have had for numerous years.

Then I come across the whole way we interpret Rules and I studied Law a long time ago and I am quite happy to give way to somebody who has got far more experience than me, but there is an interpretation of rules, there is a mischievous interpretation, a literal, or a golden, they are called golden rules and different judges will, and usually they do it the same way but there is a mischievous interpretation. I think that is what has happened pretty much with some Members today. It is a very convenient way of interpreting something but it is pretty mischievous. Then we have the literal interpretation where you say, 'No, it literally says that. That is what I am going to do and I will hold you to account if you do not,' which is quite ironic for some Members that are doing it as a literal interpretation when they have not literally interpreted the Rules so far in their political career. Or we have the golden interpretation, which is basically the common sense, pragmatic, mature, some could say, way of interpreting it.

But if Members do decide to interpret this mischievously or literally then it is for the other Members in this Assembly to counter that and to say, 'If that behaviour becomes prevalent then it is up to us to monitor our behaviour – oh and you, sir – in this Chamber. This is not a competition about who can shout the loudest. *(Laughter)* I think I would win that competition actually maybe, sir. Deputy Leadbeater has a sore ear after I have spoken, as he sits right next to me.

2760 Now Deputy Brehaut said, and I think it was Tuesday of this week, and I think this is one of my concerns and I opened debate saying this, we did debate all the environmental concerns in the P&R Plan, they were sequential in the policy paper and I do not know why, but I do not have a ... well I can only inference it, but we decided to do this one last. But Deputy Brehaut said, and I cannot do it verbatim but again I am happy to give way to Deputy Brehaut, that actions will actually be difficult – that when we actually come to put into effect any climate change policy paper in May 2020 of course they could suggest some of the things we do, as in take into consideration with our policies, I mean it is a bit common sense, isn't it, that it will be difficult, and it is difficult. It does not mean we should avoid it, it does not mean we should not do it.

2775 If we have this Rule, as I said earlier in my opening speech, existing at the moment it gives us a nudge, it says, 'Look, a fiscal implication, consider that please.' It reminds us that we should put it in. Do we all put it in, sir? No, we do not. No, we do not. Should we put it all in? Well potentially yes, but we do not. It reminds us, it gives us a nudge. So do we want Members to have that nudge, to have that consideration there? I am glad that Deputy Graham knows me relatively well and it is certainly not intended to be in any way, shape or form patronising. Do I believe, sir, that every Member does the research on the environmental and social implications? No, I do not, sir. I am happy to put my hand up in the air because I do not always do it myself either, sir, I do not. Do we want the 39 Members of the Assembly to be doing that? Well actually, no, somebody would have to put the amendment and second it, so 38. Or do we actually want that to be a consideration in the first instance, which is a very good point that was made by other Members.

2785 So Members, in my opinion, can choose because there are Rules in what is appropriate to request, and what is not. We are meant to be leaders, sir. We are meant to be giving the direction for the request to the civil servants. We had that discussion earlier, I think. So we are meant to be, I mean there is this new – oh, gosh, I hope I get the name right because this will be on *Hansard* – strategic – actually Deputy Dudley-Owen has helped me out here – (**Deputy Dudley-Owen: Strategic Needs of Government.**) Strategic Needs of Government, thank you very much. They are going to be sitting across Government apparently, well potentially, I am a bit unsure now, but they are going to be doing that. Maybe it is something they can get into their role, they build it into their role when they are advising Members and committees. I do not know.

2790 So in my opinion I certainly laid this amendment with all good intent. I came into this Assembly thinking that it was fiscal implications, as in financial, that was of uttermost importance to our community. I have learnt, I have certainly matured in the last three years – I have got a lot greyer for certain – and it is not just the fiscal, the financial, implications that concern our community and that is loud and clear to me. It is also the implications on our environment and the implications on the social health and wellbeing of our community.

2795 Now we need to start looking at this holistically and we need to start doing it sooner rather than later. I am afraid, sir, it really is time to start walking the talk, and if this amendment passes today that will be the very first step in doing that. If it does not then it will obviously be regrettable, we can discuss it in SACC till the cows come home but obviously all five of us have got a slightly different stance so that will be a very interesting deliberation, as they usually are.

2800 But I would urge Members to support this and actually say we want to actually give some impetus, we actually want to, when we look at the P&R Plan, when we made the decision on the paper Partnership of Purpose we decided that we would do this and it appears that we do not actually want to do it at all, but we decided that in Proposition, I think I said it was, 15 of that paper, we may or may not decide it as a Proposition in this paper.

2805 But if we are going to make decisions then we need to put our money where our mouth is. We need to actually do it not just talk about it. We actually need to do it, and that is what I really think is the intent of this amendment; and of course I would say this, sir, but I do urge all Members to support it.

Thank you.

The Bailiff: We vote then on –

Deputy Merrett: Sorry, sir, could we have a recorded vote please?

2810

The Bailiff: We will have a recorded vote on amendment 3 proposed by Deputy Merrett, seconded by Deputy Tooley.

There was a recorded vote.

2815

Not carried – Pour 10, Contre 23, Ne vote pas 2, Absent 5

POUR

Deputy Merrett
Deputy Hansmann Rouxel
Deputy Dorey
Deputy Dudley-Owen
Deputy de Sausmarez
Deputy Kuttelwascher
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Leadbeater

CONTRE

Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Graham
Deputy Green
Deputy Paint
Deputy Le Tocq
Deputy Brouard
Deputy Yerby
Deputy de Lisle
Deputy Soulsby
Deputy Prow
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Ferbrache
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc

NE VOTE PAS

Deputy Le Pelley
Deputy Tindall

ABSENT

Deputy Fallaize
Deputy Langlois
Deputy Roffey
Deputy Oliver
Deputy Mooney

The Bailiff: Well, Members, the voting on amendment 3 was 10 in favour, 23 against, with 2 abstentions. I declare it lost.

We move on. Two amendments have been circulated and should be on your desk. We will take amendment 20 first to be proposed by Deputy Tindall, seconded by Deputy Green.

2820

Deputy Tindall: Sir, I believe we need to propose suspending the Rules first.

The Bailiff: Yes, we have to first suspend the Rules, you are right, for amendment 20 to be laid. Those in favour; those against.

Some Members voted Pour, others voted Contre.

2825

The Bailiff: I believe that is defeated so.

Deputy Lester Queripel: Can we have a recorded vote please, sir?

2830

The Bailiff: A recorded vote then on whether to suspend the Rules to enable amendment 20 to be laid.

There was a recorded vote.

Carried – Pour 20, Contre 14, Ne vote pas 0, Absent 6

POUR

Deputy Le Pelley
 Deputy Merrett
 Deputy Meerveld
 Deputy Laurie Queripel
 Deputy Hansmann Rouxel
 Deputy Green
 Deputy Dorey
 Deputy Dudley-Owen
 Deputy Soulsby
 Deputy de Sausmarez
 Deputy Prow
 Alderney Rep. Roberts
 Alderney Rep. Snowdon
 Deputy Kuttelwascher
 Deputy Tindall
 Deputy Brehaut
 Deputy Tooley
 Deputy Gollop
 Deputy Lester Queripel
 Deputy Le Clerc

CONTRE

Deputy Trott
 Deputy St Pier
 Deputy Stephens
 Deputy Inder
 Deputy Lowe
 Deputy Smithies
 Deputy Graham
 Deputy Paint
 Deputy Le Tocq
 Deputy Brouard
 Deputy de Lisle
 Deputy Ferbrache
 Deputy Parkinson
 Deputy Leadbeater

NE VOTE PAS

None

ABSENT

Deputy Fallaize
 Deputy Yerby
 Deputy Langlois
 Deputy Roffey
 Deputy Oliver
 Deputy Mooney

The Bailiff: I suspect some Members may have changed their vote between the aux voix and the recorded, but –
 Deputy Merrett.

2835 **Deputy Merrett:** Sir, could I just make a request while the votes are being counted?
 We have had lots of amendments to the policy paper before us today. Is there any way Members could have a new set, a consolidated version of those before we come to vote?

2840 **The Bailiff:** There will be a consolidate version circulated before you vote on them. Clearly it is not going to be circulated until we have dealt with them all, but there is a work in progress which is to produce a consolidated set of Propositions.

Well, the voting on whether to suspend the Rules to enable amendment 20 to be debated had 20 votes in favour in, with 14 against. I declare it has now been carried.

So Deputy Tindall may lay the amendment.

2845 [Amendment 20](#)

In the event that Amendment 17 is approved, to insert the following paragraph in the amended Proposition immediately after paragraph 4. c):

"ca) To direct the Policy & Resources Committee, when coordinating a regular forum for the working group in accordance with paragraph c), to invite all other Committees of the States not referred to in paragraph b) to appoint a delegated representative to attend each such forum if they so wish.";

ALTERNATIVELY, in the event that Amendment 17 is not approved but Amendment 6 is approved, to insert the following paragraph in the amended Proposition immediately after paragraph 4. c):

"ca) To direct the Policy & Resources Committee, when setting up a working group or coordinating regular summits under paragraphs b) and/or c) respectively, to invite all other Committees of the States not referred to in paragraph b) to appoint a delegated representative to attend each meeting of such working group or such regular summit if they so wish.".

Deputy Tindall: Thank you, sir.

I will be brief.

2850 I was hoping that we would not need to lay this amendment. It was actually as you can see an either/or amendment if amendment 17 passed or if amendment 17 did not pass and amendment

6 was successful. Amendment 6 is successful. And it is simply basically the question I asked Deputy St Pier in debate which was unanswered and I had consulted presidents, of which a few responded, and in particular obviously it was seconded by Deputy Green that the junior committees, as now is the phrase, should actually be included in these regular summits in respect of corporate services.

I had asked for clarification from Deputy St Pier when we would be invited and through email he advised that it was when it was an elephant in the room, it would be obvious and that we would be invited when P&R saw fit and also the fact that it would be obvious. The reason, as has been mentioned in the explanatory note, is at the moment I still think there are elephants in the room where we actually need to be invited and we are not, it is a lottery.

So I had hoped that the reassurance from Deputy St Pier would be forthcoming to indicate a greater degree of consultation as to when we would be invited, but as that was not forthcoming and also on the basis that I did not lay the amendment on a prior occasion because I did not want to interfere with the debate itself on 6 and 17, so really this is why it is late, for which I apologise, this is why it is there, because I did not get this explanation and reassurance and also because it is just for consistency. We have had amendments through this P&R Plan which treats the junior committees with what we consider the respect we deserve and therefore I ask the Assembly simply to continue that consistency, to add this extra part so that we can take part in feedback in respect of corporate services of which we all here enjoy as is acknowledged in both those amendments 17 and 6.

I ask Members here to please support this amendment.

Thank you, sir.

The Bailiff: Deputy Green, you second the amendment?

Deputy Green: Yes, sir.

The Bailiff: Deputy Trott, in the absence of Deputy St Pier who is not in the room because he has left for the BIC as he told us yesterday, do you wish to speak at this stage?

Deputy Trott: Well I suppose, sir, I could offer the Policy & Resources Committee's view. What good it will do time will tell, but I will offer it nonetheless.

This morning you heard us articulate arguments about casts of thousands in one room and how unproductive gatherings of that type can be. We are getting to the stage if this amendment is passed where it is going to appear to some like the States' meeting *in camera*, quite frankly, there are going to be so many people there.

Look, I think it is borderline whether the format that has already been agreed will be successful. I think this will give it less chance of success but the States will do what the States wishes and P&R will enact whatever the States advises.

But I shall vote against this amendment and I suspect most of the Policy & Resources Committee will do the same.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Well, sir, to give Deputy Trott some comfort to P&R, they will get another vote because I support what he says. Otherwise these meetings are just getting unwieldy.

They are the senior committee, they are populated by experienced people. If they believe that a Member of, to use Deputy Tindall's phrase, a junior committee – I am President of not a committee but the States' Trading Supervisory Board which I suppose falls into that category in the definition that we have it – then I would anticipate that they would invite us, or we could on occasions ask to be invited, but otherwise we are going to have so many people in the room we are going to have to hire Beau Séjour.

The Bailiff: Deputy Inder.

2905 **Deputy Inder:** Sir, I cannot get too excited about this amendment. As a President of one of, I
suppose the, it is an Assembly committee – I am not going to use the word ‘minor’ or ‘junior’, an
Assembly committee – we get invited as and when it is relevant and I leave that to the senior
committee to do that within their own jurisdiction. The only time I slightly fell out with them over
2910 that is over not being invited, but that is me as a person, as a Deputy to the FDS, but I was not
representing SACC at the time. So I am likely to join Policy & Resources on this one and support
their rejection of this amendment.

Deputy Leadbeater: Can I invoke Rule 26(1), please, sir?

2915 **The Bailiff:** Yes. Would anyone who has not yet spoken and wishes to do so please stand in
their place? Deputy Gollop, do you still wish to go ahead?

Deputy Leadbeater: Please, sir. (*Interjections*)

2920 **The Bailiff:** I put to you then the motion that debate be closed. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that one carried. Nobody is challenging that this time.
So Deputy Tindall will reply to the debate.

Deputy Tindall: Yes, thank you, sir.

2925 I mean obviously I have not got a great deal to respond to but the simple point is that it has
been felt that it was a lottery. The two Presidents that rose to speak I have to say from my
perspective at DPA there may well be this feeling that those two committees are actually invited
when the DPA has not been invited and that is the lottery I am talking about.

2930 Yes, there is obviously this element of too many people in the room and it does not mean to
say that we will attend, it just means that we have the choice. In other words, I was hoping Deputy
St Pier would say, ‘Here is the agenda. We will give that to you as a right, you can then indicate
whether or not you are coming along,’ but just having a general, ‘Yes, you might be welcome if we
think fit,’ was the feeling that we had at the moment and we wanted to put that on a firmer
footing without *Hansard* confirming that we would have this, in my view, respect of being given
2935 and being more included in these conversations, which clearly are so relevant to us.

So for me it is putting that out there so that we will be invited as a right. I do not anticipate we
would attend on things that were not relevant but at least we would be given that opportunity.

I therefore ask this Assembly to support this Proposition and if I may say so, because of the
closeness of the way in which it has been voiced, I would ask for a recorded vote.

2940 Thank you.

The Bailiff: We will have a recorded vote on amendment 20.

There was a recorded vote.

Not carried – Pour 12, Contre 21, Ne vote pas 0, Absent 7

POUR

Deputy Le Pelley
Deputy Meerveld
Deputy Laurie Queripel
Deputy Hansmann Rouxel

CONTRE

Deputy Trott
Deputy Merrett
Deputy Stephens
Deputy Inder

NE VOTE PAS

None

ABSENT

Deputy St Pier
Deputy Fallaize
Deputy Yerby
Deputy Langlois

Deputy Green
Deputy Paint
Deputy de Sausmarez
Alderney Rep. Snowdon
Deputy Tindall
Deputy Tooley
Deputy Gollop
Deputy Lester Queripel

Deputy Lowe
Deputy Smithies
Deputy Graham
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy de Lisle
Deputy Soulsby
Deputy Prow
Alderney Rep. Roberts
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Brehaut
Deputy Parkinson
Deputy Le Clerc
Deputy Leadbeater

Deputy Roffey
Deputy Oliver
Deputy Mooney

2945 **The Bailiff:** So the voting on amendment 20 was 12 in favour, with 21 against. I declare it lost.
That brings us to amendment 21, to be proposed by Deputy Trott, seconded by Deputy Le
Tocq.
Deputy Trott.

[Amendment 21](#)

To add the following Proposition:

"To direct the Policy & Resources Committee to ensure that an account of the progress of Future Digital Services Programme as at the end of each year is included as an appendix to the annual report on the States of Guernsey Policy & Resource Plan (known as the 'Future Guernsey Plan') which shall include, as a minimum:

(a) Actual costs of delivery (vs. budgeted);

(b) Actual financial and non-financial benefits of delivery, including cash savings realised (vs. forecast);

(c) Progress on the projects within the Programme, including any projects which have been completed, added to or removed from the programme since the last annual update; and

(d) A statement of the performance of the strategic partnership, including the performance of Agilisys Guernsey Limited, the new corporate entity established by Resolution 2 on Article 6 of Billet d'État X, 2019, and the retained IT function within the States of Guernsey."

2950 **Deputy Trott:** Thank you, sir.

The keen eyed amongst Members of the Assembly will notice that this amendment bears an uncanny resemblance to the Inder/Soulsby amendment to the extent that it is a perfect replication. An earlier amalgamated amendment fell away so as a consequence it is easier for the Policy & Resources Committee to place this amendment on behalf of Deputies Inder and Soulsby
2955 to avoid sort of playing around with the Rules and requiring suspension of the Rules or alternatively to see this amendment placed against the accounts which would not be ideal.

So it is self-explanatory. As I have explained to my friends, it does have P&R support. They are well aware of the risks they take with that approach. I hope it does not jeopardise its success
(*Interjection*) but time again, time will tell, sir.

2960 Thank you.

The Bailiff: Deputy Le Tocq, you second it?

Deputy Le Tocq: I do, sir.

2965

The Bailiff: Deputy Inder.

Deputy Inder: Sir, thank you.

2970 They just show that plagiarism is a sign of flattery, you never know. The fact that it looks like something that Deputy Trott seemed to think is the opposite side of the Assembly today it might actually help him.

2975 But it is a sensible amendment. I think it is right that something as sort of long and as vast as the FDS process where you can never actually see something built, unlike a building – and I will use Deputy Parkinson's example – unlike building a waste transfer station, we know where the foundations are going in, we know there is a bill attached to it, we can see the outcome, it finishes and that is the price of it.

But with things like IT there are risks and I was not here in the last debate but I think those risks, even though the FDS walked through this Assembly, they were as far as I understand it well spoken by Members of the Assembly.

2980 All we are really asking, it is a big old project, there have been a lot of promises related to this, I think we are ... just as keepers of the public purse wrapped up in the FDS policy letter, as I recall, there was effectively processes within the team, that effectively there were checks and balances already within the 10-year process. I think all this is really asking is can we see some of these within the Policy & Resource Plan and can we have a bit of discussion and can we keep an eye on it on an annual basis.

2985 I would ask people to support the amendment.

Thank you, sir.

The Bailiff: Deputy Green.

2990

Deputy Green: Sir, I was one of the three Members of this Assembly who voted against the Future Digital Services Programme along with the three musketeers perhaps, Dr de Lisle, Deputy Laurie Queripel and myself.

2995 But I must say I wholly endorse this. I was pleased to see the original version that Deputy Inder and Deputy Soulsby came up with as an amendment to the accounts, but I think this is the sort of ongoing governance and reporting which is of value, and bearing in mind it is such a big contract and, as I say, I voted against it but it sailed through the Assembly very handsomely in the end. There does need to be ongoing governance and this is a step in the right direction, so I am happy to endorse this.

3000

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

3005 I think acceptance of this amendment is critical and essential. I think many people voted through the Future Digital Service proposal basically with a little bit of a heavy heart because the risks are there.

3010 One the things I found in my 12 years nearly now in the States is that when projects have been progressed, initiated, completed, there is scant regard given to actually whether any benefits have been achieved at all, let alone quantification of them and it is something that has always been pursued.

3015 I remember of T&R we tried to somehow quantify, if you like, the benefits as the project went along. So this is necessary, because it is a highly – (*Interjection*) well no, it is a very high risk project because when you have had big projects like in the UK in the NHS and they are only dealing with one aspect of IT development, maybe ... This one is dealing with everything, including security, cyber security, and that is particularly important because if we go further down the route of e-Government and the cyber security is not keeping up to speed we could end up with the lights going out and nobody knowing what to do for a long time. So we need to keep our finger on the pulse of this project and I am glad P&R have brought this forward because I think the reason it

3020 was brought forward under the other policy letter was because of time limits. So I am very pleased and I would hope this gets unanimous support. (**Two Members:** Hear, hear.)

Thank you, sir.

The Bailiff: Deputy de Lisle.

3025 **Deputy de Lisle:** Sir, I voted against this policy to expand the amount of money being spent on the proposal which was a £200 million, if you like, spend on IT and digital services, an additional £40 million over 10 years' duration. I was hoping that in fact the people proposing this extension would have looked very carefully at some of the areas within digital and IT that perhaps
3030 could be expended and left aside in order to bring in some of these nuances that they wanted without increasing the budget to the States from £160 million to £200 million.

I think we have to look very critically in the future. If we want to expand something, if we want to introduce new services or new elements to an existing service then take a look at what we have got at the moment and how we can rationalise within what we have got in order to do.

3035 Because in reality, with IT particularly, things change very quickly and with IT there are many things that are defunct and you want to keep up with whatever is new and current so drop the old and bring in the new but do not keep the old and the new and lumber the exchequer with £200 million instead of £160 million as it was before.

3040 So I would have preferred and I would prefer now, I would like very much now that we make savings on this programme. Therefore I fully support the annual review and I hope through those annual reviews that they come in with a budgetary amount far less than the £200 million that was proposed initially.

Thank you, sir.

The Bailiff: Deputy Merrett.

3045 **Deputy Merrett:** Thank you, sir.

I do not know whether I would have supported the FDS paper and I apologised to members in my community previously for that. I have had subsequent time from that debate to read further into the paper that was before us then and I probably would have come down on the same side
3050 as the three musketeers – four musketeers, probably even five at one point. So I am very appreciative of the opportunity to support this amendment to ensure that we have got some sort of eye on the ball of what is happening with this project.

3055 Although I will take the opportunity, sir, to point out the absolute irony that this has not got any financial implication on it under 4(3) (**A Member:** Hear, hear.) which it should have as it is a Proposition. So it has not got that, so maybe when Deputy Trott does sum up, were we going to have an annual report anyway or what would the resource implication be to have an annual report? I think we need it. One assumes that P&R would be doing it anyway, but of course I have now learnt not to assume. I am not going to play the mischievous rule or the literal rule, but I would like to know just if any consideration has been given to any resource implications. I think it
3060 is a valid question. I do not think I have to worry about the environmental implication on this or the social one but I would ask that one, sir.

Thank you.

The Bailiff: I think Deputy Trott would like you to repeat the question.

3065 **Deputy Merrett:** Sir, my pertinent question is will there be any additional resource implication to bringing back this annual report, appended to the – if we agree to change it, we call it the Future Guernsey Plan, what the resource implication will be for having that as an additional appendices.

3070 Is that clear enough Deputy Trott, sir?

The Bailiff: Any further debate? No.
Deputy Trott then can reply.

Deputy Trott: Thank you, sir.

3075 Well let's start with Deputy de Lisle. He told us that we should drop the old and bring in the new, and I think only spend on IT where necessary. So he will be delighted to know that is precisely what we decided to do when we were debating such a major spend very recently.

3080 With regards the question from Deputy Merrett, 'Would there be any additional resource implications?' I think the answer to that is almost certainly. There is a cost to doing this but one would hope that much of this would be part of the process in any event. I think this is simply formalising it and not much more.

Now interestingly, sir, I think this amendment is going to be supported so let the record show that Trott moved two amendments and succeeded with both and can record a 100% success rate. *(Laughter)* Things are back to normal, sir.

3085

The Bailiff: It is not over till it is over, Deputy Trott! *(Laughter)*

Deputy Trott: Sorry, I will give way.

3090 **Deputy Kuttelwascher:** He has given way.

I thank Deputy Trott for giving way

I could maybe give him the formula for success. First of all, if you are going to lay an alternative amendment make sure it is exactly the same as the one you are replacing! *(Laughter)*

3095 Secondly, if you are going to lay an alternative amendment which waters down another amendment don't bother. In that case that is why he has succeeded on these two occasions, I think.

Deputy Trott: I thank Deputy Kuttelwascher for his words of wisdom, sir.

3100 **The Bailiff:** We vote then on amendment 21. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

And after nearly three days of debate we come to general debate. If anyone wishes to speak in general debate? No?

Deputy Green, you indicated you would do so.

3105

Deputy Green: Sir, I feel obliged to on behalf of my Committee. We did issue a letter of comment in relation to the Policy & Resource Plan Update for 2018 and the Future Plan for 2019. I am not going to read out the letter verbatim, Members will be glad to hear, but just a few points in relation to some of the points we raised in that letter.

3110 First of all, in relation to transition. The Committee, my Committee:

... noted that the Policy & Recourses Committee's Plan Update for 2019 recognises it will be important to ensure a seamless transition from one Assembly to the next. In order to achieve this it has been suggested the States' Assembly and Constitution Committee offer new States' Members an induction to include clear guidance on the policy planning process within the States and how the embedded future Guernsey Plan is central to this. [We consider as a Committee that] ... it is an explicit expectation of our community that elected members and [indeed] elected non-States members [should] attend induction sessions, [and indeed] the Scrutiny Management Committee also believes consideration should be given to including a requirement for mandatory attendance at induction sessions in the code of conduct, with proportionate sanctions, if Members consistently fail to attend.

Additionally, the Scrutiny Management Committee believes specific training to ensure better understanding and guidance to Members regarding scrutiny and the mandate of the Scrutiny Management Committee should be

introduced. We have realised from the many interactions and submissions received during this political term that currently such understanding is [fairly] limited and improving it will only serve to enhance good government.

Secondly, in relation to in-work poverty – it seems a long time ago since we were debating the first amendment on this, but on the subject of poverty in Guernsey:

The Scrutiny Management Committee does welcome the announcement that the Guernsey Community Foundation intends to commission research on poverty in Guernsey ...

That is Section 3.18 of the policy letter.

It remains clear that additional work in this area is [required] to inform future government action and [we believe that this should] be undertaken as a priority. However, given that the Scrutiny Management Committee's In-work Poverty Review was in progress for over two years and represented a ...

3115 – considerable amount of work for the Panel and the Committee and for civil servants and for members of the public, we were somewhat disappointed that the P&R Committee, whilst producing data to indicate the significant scale of the problem, had made rather a limited progress in relation to an issue which we considered to be of vital importance for so many Islanders.

3120 So I repeat now we wish to emphasise the urgency of this issue and respectfully suggest that any further delay is unacceptable.

In relation to matters of transparency:

The Scrutiny Management Committee has noted [that] in certain areas the Plan references information which is not [actually] currently in the public domain. The Plan refers to the Justice Review, and the review of the relationship between the States of Guernsey and St James's Chamber [which was] commissioned by the Committee for Home Affairs and the Policy & Resources Committee respectively.

3125 Certainly some aspects of what has been achieved so far in the Justice Review have not been actually put into the public domain. The report in relation to the relationship with St James's Chambers, which I believe was undertaken by Advocate Peter Harwood, that has not been placed into the public domain. So we just wanted to make the point that it was slightly odd, we thought, that there were matters that were actually specifically referenced in the Plan which relate to matters which are not actually in the public domain. We just wanted to underscore that because generally the fact that these reports have not been released into the public domain should be noted and they should be indeed, I think, published in due course, especially if the principal documents driving the Programme of Government is referring to them it is a bit strange that they are not already sitting in the public domain.

3130 Finally, sir, just to touch on the section in the Plan concerning economic policy. The Scrutiny Management Committee has concerns regarding how the senior committee of the States will be able to demonstrate its ability to properly monitor 'our economic environment' which is the language of the Plan, given the absence of a States' Economist for a number of years and given the proposal that the Policy & Resources Committee will be bringing to the States later on this year, September I think, in terms of asking the States to consider setting aside the annual fiscal reviews.

The Scrutiny Management Committee believes that high quality economic advice should be central to informing future government policy and that any significant policy developments intended to stimulate the local economy should include robust economic analysis. [and we would say] it remains unclear whether the newly established 'Economy & Productivity Advisory Panel' will provide any professional economic input as yet ... [because] no clarity exists on the exact composition of [that] Panel.

Thank you.

3140

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: I would be happy to let Deputy Kuttelwascher go first if he wants to as I am not quite ready.

3145

The Bailiff: Okay. Deputy Kuttelwascher then.

Deputy Kuttelwascher: Sir, I am always ready. I never write anything down. (*Laughter and interjections*) Anyhow.

3150

Sir, I just want to give a perspective on this issue of climate change which appears in 1(g), it has been referred to under global warming, it has been referred to as urgent, critical and should it be an emergency. So in this Assembly you have only got the benefit of one trained scientist, that is me. That was my formal education. The last two States we had two in each States so that is a shame it has gone down to one.

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But from a scientific point of view if I had arrived in my space ship from Mars and I was asked to assess where we are today without any preconceived ideas and purely as a scrutinising scientist I would say this, alright the implication is the earth is warming. Now Deputy de Sausmarez recently said it was about 1°C – now that 'about' is significant. The problem with assessing the impact of a warming atmosphere is very difficult, if not impossible, to model. Whatever you model is going to have a large margin of error because half the planet is having winter and half is having summer, temperatures vary with altitude, it drops in a standard atmosphere by 1.9°C so what exactly are you measuring when you are measuring temperatures or average temperatures?

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The whole point is this, it is so complex to model this –

I will give way to Deputy Trott.

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Deputy Trott: Thank you.

On a point of accuracy it drops by 1.98°C per 1,000ft.

Deputy Kuttelwascher: I thought that was what I said.

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Deputy Trott: No you said 1.9°C.

Deputy Kuttelwascher: I will shout louder – it is just under 2°C. No that is fine, but that is only a standard atmosphere, but that may not be the case on the day. It is the international standard atmosphere, but that never exists anyhow but it is just an average so it does not really matter. But touché.

3175

This problem has actually highlighted: what is the impact of such an issue? Deputy Smithies highlighted it yesterday when he said we have had so many recent forecasts about things going to happen and they have not, because I then say as a scientist one of the books one had in one's library was the Theory of Errors. When you have a complex equational model and you input data you have to know the accuracy of the data plus or minus 1%, 10% or whatever, then you know the accuracy of what comes out. I can guarantee it is well on nigh impossible to monitor the world climate, and the thing is you have warming in one part and you have cooling in another part, but there we go.

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So let's take the issue of warming. All right, what causes warming? Everything is focused on the sun and then we think of warming gases, we tend to focus on carbon dioxide, methane is also a carbon gas but that is sort of not considered very much; we are totally focussed on carbon dioxide – it has gone up by so many millionth parts per billionth or whatever. But if you say to somebody what is the most abundant warming gas in the atmosphere most will not know because I have asked a few people and they did not know and the most abundant warming gas in the atmosphere is water vapour.

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Two thirds of the surface of the earth is covered by ocean, there is an awful lot of water vapour. So what controls water vapour? One aspect of possible control is the temperature of the sea because the sea can warm the atmosphere immediately above it, especially if the atmosphere

3195 above it is cooler. So you think well what causes warming? Well obviously the sun is one, but how many people ever consider undersea or sub-sea volcanic activity? The middle of the earth is mighty hot.

So I did a little desktop exercise on this and thought, 'How much volcanic activity is under our oceans?' and what I found was surprising. Looking at the Pacific which is a very active part of the world, they reckon there is about 4,000 active volcanoes or areas of active volcanoes per million km². When you expand that for the whole world, for the whole two thirds oceans, they reckon there are as many as a million active volcanoes spouting all the time to varying degrees. So could we over the last 50 or 100 years be going through a point where these volcanoes have been more active and heated up the sea? Is it the sea that is heating the atmosphere? I do not know. I really do not know and neither does anybody else. But nobody is considering it, or if they are they are keeping it a big secret. Where does sub-sea volcanic activity come in the modelling of climate change? I suspect nowhere. Now why not?

The other thing is about 1°C temperature, does it have massive impact on climate? Well it will have an impact but people muddle climate with weather. We have had extreme weather for a long time, we have extreme climates in past decades, in past millennia and in geological time. We have had quantities of carbon dioxide in the atmosphere four times greater than they are now millions of years ago, but we are still here. You cannot just ignore this, you have to answer the question. What is really the problem?

You then go and talk about well we have a very active eco system on this planet. Carbon dioxide is a real problem for a lot of people because it is not a pollutant, it is an airborne fertiliser, without it there would be no plant life, without any plant life we would not be here. So what is the optimum level of carbon dioxide in the atmosphere? I do not know. I wish somebody would try and work it out. If we start reducing carbon in the atmosphere what sort of level do we go to? You do not want to go to zero because you would go with it.

Then you think well how does carbon dioxide get processed. Well everybody thinks of forest trees, plant life but there is another one, plankton and again do a desktop exercise, plankton is thought to process between a quarter and a half as much carbon dioxide as the plant life on the earth. Now what effects do sea temperature have on plankton, which is a primary food source for fish? So what I am trying to say is the issue is very complex. What are made with the projections? They are assumptions but nobody is ever telling you what the order of magnitude of possible errors are. We say we have gone up 1°C and in 50 years we are going to go up 4°C – it could minus 1°C, it could be plus 10°C, we really do not know.

Fifty years ago, give or take a year, there was a great body of scientists telling us all we were about to enter an ice age. One of those scientists was one of the founder members of the IPCC who changed his mind – a very fickle bloke who said, 'No, no, it is not an ice age now it is a hot age.' He is now deceased so I will say no more because one must not speak ill of the dead, but scientists adjust their views according to evidence as it pours in.

What could cause an upset of all these forecasts? Krakatoa – I am sure none of you remember it, it was 19th century, that blew its top in the Far East; it created a cloud of ash which created massive drops in world temperatures, it caused great famines because crops did not grow, blah, blah, blah.

If you go back to the time of the dinosaur, what happened then? (*Interjections*) A meteorite landed somewhere near Mexico, Cancun, again obliterated light, the earth cooled rapidly, vegetation decreased rapidly and the poor old dinosaurs had nothing to eat. That could happen tomorrow. In fact there was quite a big impact meteorite in Russia not so long ago.

So what we have to do is adjust to what the effects are at the moment. I have got no issue with reducing carbon footprint because oil, gas, coal are very fundamental primary ... well we burn them but they are products, they are primary inputs, we create fertilisers, from them, the last thing you want to do is burn them. And they are finite so they will run out. Why wouldn't we want renewable energies? Blooming good idea, I agree because the other thing with burning fuels is, alright, they give off carbon dioxide but they also do a lot of other damage – PM2.5, for Deputy

de Lisle if he is listening (*Interjection*) There are massive amounts of pollution and the other thing that happens with a subject like climate change is it is getting muddled with pollution in general.

3250 There is a lot of action recently over plastics and that is a different topic. I could not agree with people more, plastics should not be dumped in the sea, of course they should not, but the problem is people then say, 'Oh, we will have paper bags,' but a paper bag takes three times as much energy as a plastic bag to produce.

I will give way.

3255 **Deputy Hansmann-Rouxel:** Thank you so much, Deputy Kuttelwascher. Could Deputy Kuttelwascher tell me what plastic is made from?

3260 **Deputy Kuttelwascher:** Yes it is made from oil and you can make it from coal as well and you can make it from ... you can do alternate type plastics from other products. But that is what I am saying. It is a fundamental product which can be useful and plastics are useful. The problem with plastic bags and rubbish going in the sea is the way we deal with plastic products when they are no longer wanted. That is the problem, and that is something that can be addressed. In fact I think a plastic bag is far more useful in many areas than a paper bag, especially if it rains a lot.

3265 So why are we muddling pollution with this particular subject? That is all I am saying. Just think about it now; 1(g) has decided that we have got to give due consideration to climate change. I wish it had stayed as the environment because there are a lot of polluting issues that ought to still be there. Why are we only focusing on this one issue? I do not know. I really do not know. So when one discusses climate change do not be surprised if in the future you get some surprises which do not quite fit in with the projections.

3270 I certainly do not feel we are anywhere near what can be described as an emergency. Is it critical for about a degree? I do not know. You could say if the average temperature went up a degree you would suddenly have a great area of Russia and Canada which could be brought into wheat production, might help create more food, then you say you have sea level rises. All right we have had these for a long time in the past and what happened in the past they have usually just upped sticks if they got flooded on the coast and moved inland. But it is a bit difficult to up sticks in New York or something. It is a bit more permanent.

3275 I do not fear for the future at the moment personally. There is all sorts of information out there and people are picking and choosing what they want, which is fine. Therefore be very careful what you wish for because you may end up reducing carbon emissions and there may be no effect on temperatures. You do not know, nobody knows yet.

3285 So fine, look at it from the point of view of preserving what we have in the ground for its best possible use and oil, gas, coal, are better used in another fashion. Renewables are the way to go and ultimately my feeling is that the base side of energy will be provided by nuclear fusion, not fission because fusion does not produce any radioactive waste. So there is a lot of hope for the future and I suspect my grandkids will be enjoying it in 50 years' time and their kids in 100 years' time.

So I feel quite content and hopeful and I am certainly not panicking.
Thank you, sir.

3290 **The Bailiff:** Deputy de Lisle

Deputy de Lisle: On a point of correction, if I may. There is not –

The Bailiff: Well he has sat down now, so if you make this this will be your speech.

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Deputy de Lisle: Well that is fair enough, sir.

The Bailiff: So this is your speech then Deputy de Lisle.

3300 **Deputy de Lisle:** I just wanted to make the point that there is more than one scientist in the Assembly, and mine is in terms of geology and geomorphology which is very relevant to climate change and the whole issue of climate change.

I have to say that we have gone away from the term global warming now to climate change, because it is well known that we are in the middle of an interglacial period and there is concern, and there has to be concern, because the ice sheets are generally retreating, continuing to retreat from where they were up to the London, Bristol area covering the whole of the British Isles and a lot more land area. They have retreated back but we are in the middle of that retreat at the current time and there is a lot more to go. So we have to be very concerned about climate change because of the low laying nature of our Island, in that if you look at the Island you will see that the sea level has been up as far as the top of our Island and it has been a lot lower in the past than we see today. In the region of 200 feet or 300 feet actually each way. So we have got a long way to go in terms of this interglacial period and we could well see that in future generations they will have to make very major changes in terms of protection of our coastal area and in other ways too.

3310 So it is not just a matter of dealing with hydrocarbons, it is a matter of also dealing with the natural forces through the migration back, if you like, of the ice through the interglacial activity that is going on at the current time.

3315 Thank you, sir.

The Bailiff: Deputy Lester Queripel.

3320 **Deputy Lester Queripel:** Sir, by my reckoning we have had 192 speeches on the P&R Plan over these last three days. I am sure everyone has heard more than enough. (*Interjection*) However, (*Laughter*) seeing as how I was the only Member of this Assembly to vote against and rally against the P&R Plan when we debated it back in November 2016 I feel the need to make this speech.

3325 Now I want to start by saying that I have long since realised I was wrong to rally against and vote against the P&R Plan, because the P&R Plan is turning into a good news story for this Government and for our community. And seeing as how there seems to be a reluctance to talk up good news stories in this Assembly then I am going to talk it up in this speech. (**A Member:** Hear, hear.)

3330 Before I go on, sir, I just want to take us back to something Deputy Gollop said earlier this week when he said he thought we should do a lot more grandstanding. So I sincerely hope this speech I am making is not considered to be grandstanding because it most certainly is not, as far as I am concerned.

3335 What I am doing here is talking up the good news story for our community because I very much doubt if more than maybe a couple of hundred fellow Islanders have actually read this P&R Plan update from cover to cover. So how will they actually know what is in it if they have not read it unless we tell them what is in it.

3340 Yes, they more than often get to hear bad news in the media coming from the States. The tragedy is and the reality is that the media, for reasons only they know, very rarely publish good news associated with the States. They may not publish a single word of what I am saying now in an attempt to relay good news to the community. I can only hope they do at least publish some of this good news I am about to focus on. But if they do not do that then I will just take comfort from the fact that at least Islanders listening to the debate on the radio will hear what I am saying.

3345 Now why do I say this P&R Plan is a good news story for this Government and our community? Well in paragraph 1.7 on page 6 we are given an example of just a few of the workstreams that have been completed this year, and for the benefit of fellow Islanders listening on the radio I think I will run through that list, sir: starting at the top we have Brexit planning and legislation; next on the list we have the extension of Guernsey's territorial seas; then we have the extension of the UK's membership of the World Trade Organization to Guernsey; we have the States of Guernsey Economic Development Strategy; proposals to modernise our Hospital; transport connectivity and

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contingency planning; the submission to the UK for the extension of the UN Convention of the Rights of a Child; the Carers' Action Plan; and finally the review of the Marriage Law. Every single one of those is a major piece of work. Those are just a few examples of the enormous amount of work that has been done by this Assembly and members of staff in progressing this P&R Plan.

3355 Now I am of the opinion that there is a time to criticise the States when that criticism is justified and there is a time to praise this States when that praise is justified. On this occasion I am in my praise the States mode.

So to continue in that mode if we look at paragraph 3.86 on page 27 we see that we are told:

2018 was a good year with positive income receipts, particularly in income tax and document duty which, together with an expenditure underspend, meant that there was a surplus that modestly exceeded that [figure that was] budgeted.

3360 Well surely that is a good news story, sir, for Islanders, and surely it is a testimony to all the good work that this Assembly has undertaken and continues to undertake, and in the words of Jimmy Cricket, sir, there is more, because if we look at paragraph 3.102 on page 30 we see we are told in that paragraph:

... that delivery of ... savings is not about cutting services, [it is about realising those] savings by delivering services at a lower cost.

3365 If we look at the bottom of page 30 we see that the current estimate for savings in relation to the service design workstream is between £10 million and £17 million for the two-year period from 2019 to 2021. This comes at a time when the public are crying out for us to reduce expenditure whilst still maintaining services, so surely that is yet another good news story for our fellow Islanders to celebrate.

3370 If we look at the progress reports on pages 13, 14 and 16, 18, 19 and 20, 23, 24, 25, 26, 27, 28, 29 and 30, we see that in the main there is a plethora of good news stories from those pages. I just want to focus on a couple of those areas in this report.

Starting with paragraph 3.9 on page 13 where we are told that due to there being increasing concern regarding what appear to be unintended consequences of the Children's Law it is critical that changes to primary legislation is advanced as a priority to prevent delays created by the system to ensure the best and safest outcomes for children and young people.

3375 Over the page at the top of page 14 we are told that a significant milestone was reached recently when the States submitted a formal request for the United Nations Rights of a Child to be extended to Guernsey but that is yet another major piece of work and yet another good news story for us all.

3380 Why do I think that is so important? Well not long after my brother, Deputy Laurie Queripel, and I were elected in 2012 we were contacted by 33 parents and grandparents who told us they had experienced abuse and injustice at the hands of Children's Services and the judicial system here in the Island. So seeing as we were both Members of the Scrutiny Committee at that time when the late and much missed Mr Paul Arditti, the Alderney Representative who was the Chair of the Committee at that time, asked us for suggestions as to what kind of work we should undertake what kind of reviews we should undertake, my brother and I suggested a review of Children's Services. That review was undertaken by a UK professor, Professor Kathleen Marshall, which resulted in a report being produced containing 21 recommendations, and many of those recommendations have now been progressed and implemented by States' departments – another example of the good news I referred to in this P&R Plan update.

3390 If we look at paragraph 3.44 on page 20 we see that the first stage of the Justice Review is now complete and phase two is now underway.

If we look at paragraph 3.46 on the same page we see that it reads as follows:

It is clear that many social justice services such as the Family Proceedings Advisory Service continue to operate under an unsustainable demand which leads to delay in outcomes which may be distressing and harmful to children and those who care for them ...

On the following page, paragraph 3.47, we are told that:

The Island is seeking a justice strategy that recognises both criminal and social demands. Given that [P&R] is working in partnership with the Committee *for* Home Affairs to deliver the Review, and in light of this pressing identified need, it is [now] recommending work that removes delay from systems and processes relating to the delivery of services to children and young people ...

– in the Island and that can only be good news for us all, sir.

3395 I hope that provides comfort for children and their family members who feel they have
suffered injustice and abuse from Children’s Services in the past, because surely that demonstrates
that the States have listened to their complaints and their concerns and for some of them, sir, in a
real sense this has come too late, but their experiences prompted these changes so I can only
hope they take some comfort from that. Because these changes that have been made and
3400 continue to be made are made with the intention of ensuring that none of our children or their
family members will ever be in a position where they are forced to endure the circumstances and
situations that Deputy Laurie Queripel and I witnessed back in 2012 when we were first
approached by the 33 family members I referred to earlier.

Moving on with yet more good news, sir –

3405 I see I am being asked to give way in my delivery of this good news. I will give way to Deputy
Leadbeater.

Deputy Leadbeater: I thank Deputy Lester Queripel for giving way, sir.

3410 I just want to say that on the back of Kathleen Marshall Report we had the Ofsted inspection
and one of the recommendations that came out of the Ofsted inspection was that the next time
there was an inspection of the Family Proceedings Advisory Service they would also like to inspect
the Children’s Services under the remit of Health & Social Care because there is clearly still a lot
more work to be done.

Thank you.

3415

Deputy Lester Queripel: I thank Deputy Leadbeater for that information, sir, that is yet more
good news.

Moving on with more of my good news, sir, we are told in paragraph 3.37 that:

A priority for 2019 [is] the introduction of capacity legislation to ensure that there are safeguards in place to protect
people who may not have the capacity to make their own decisions.

In paragraph 3.36 we are told:

There has also been a significant focus on early intervention and prevention through a comprehensive health and
wellbeing programme. This has included the [establishing] of a Health Improvement Commission for Guernsey and
Alderney; the introduction a pilot [scheme] to introduce free contraceptives for the under 21s ... and the publication of
a Joint Strategic Needs Assessment for older islanders ...

3420 And I have that here with me, sir. I am assuming my colleagues have been provided with
copies of this and I urge them to read it if they have not already read it, because it is an excellent
piece of work and it tells us that the next step will be that an implementation plan for the delivery
of the proposed workstreams will be developed and the focus will be on high quality health and
care services for the over-50’s. I was privileged and absolutely delighted when I was asked to
3425 contribute to this assessment as a representative of Age Concern. It is obvious when one reads it
there is a lot of hard work gone into it and I commend the Committee *for* Health & Social Care for
facilitating and compiling such an important piece of work. Yet another example of the good news
associated with this P&R Plan.

3430 Sir, the arts is the fastest growing industry in the UK. It is creating hundreds of jobs every year.
Government and local councils realise the value of the arts to the community and continue to
make more and more money available to support and progress the arts. So it concerns me greatly

that we here in Guernsey seem to be somewhat behind the times in appreciating the value of the arts to the community.

3435 If we look at the list of grants and subsidies provided in this update on the fifth page of appendix 8(c) we see in that list just over £14 million was paid out in grants and subsidies in 2018 and only £114,000 of that £14 million was granted to the Arts commission.

3440 In that same list of grants and subsidies we are told the Sports Commission received £209,000 in 2018 and I applaud that level of support because it is absolutely vital we support sport. Sport needs as much money as it can get because sport is of tremendous value to our community, as are the arts but the disparity in funding concerns me somewhat.

It concerns me because the Arts Commission receives £95,000 a year less than the Sport Commission yet surely they are of equal value to our community. Both generate the feel-good factor and both support and maintain the wellbeing of Islanders, they both perform the same crucial role in our community.

3445 So in relation to that, sir, I have a two-part question for Deputy Trott please when he responds. Does Deputy Trott not agree with me that it is time we as a Government realise the value of the arts to the community and made a lot more money available for the arts? (**A Member:** Hear, hear.) Do P&R or any Member of P&R have any intention of working with Education, Sport & Culture in the not-too-distant future with a view to seeking to increase the grant to the Arts Commission by another £95,000 to bring them up to the level of the Sport Commission?

3450 Now in saying that, sir, of course I realise every committee and department spends their budget as they see fit, so there is every chance that Deputy Trott will say in response it is up to the Committee *for* Education, Sport & Culture to decide how they spend their budget. But what I am saying is that I think we as an Assembly raised our game when it comes to valuing and supporting and championing the arts. Surely we cannot just rely on one committee who are under constant pressure dealing with all sorts of other things in their mandate to talk up and champion the arts. Surely we all need to play our part in doing that. So I would like to hear Deputy Trott's views on that when he responds.

3460 Sir, moving towards conclusion, there are some out in our community and even in the media who see this whole P&R Plan as a navel gazing exercise and that it is a complete waste of States' time. There are some out in our community and in the media who refer to this States as the worst States ever and as being an inactive States. So, sir, I would ask those who hold those views to take a serious look at what this States has done and what it continues to do on behalf of the community. Because this P&R Plan update proves that there is good news to celebrate, and I ask Islanders who hold those views to please allow themselves to celebrate it.

To finish the last time I talked up a good news story in this Chamber I was ridiculed by some members of our community and some members of the media – well that is all water off a duck's back to me, sir; it goes in one ear and goes out the other, because I see it as our duty to relay good news stories to the people of Guernsey when there are good news stories to relate.

3470 The last time I did relay a good news story to the people of Guernsey it was in relation to the Financial Transformation Programme which had realised annual recurring savings of £29 million. Yet some members in the community and some members in the media did not consider that to be a good news story.

So I rest my case and I am now at the mercy of the members of the community and the media.

3475 Thank you, sir.

The Bailiff: Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

3480 I rise merely to respond to Deputy Lester Queripel's concerns about funding of the Arts Commission and related subjects. I am sure Deputy Trott will cover this when he responds to what debate we have. But if I could just put his mind at rest, I think to try to judge the ... certainly the Committee *for* Education, Sport & Culture and their contribution to the Arts Commission purely

3485 on the grant is a little bit out of context because there is a wider context. I mean, for example, the Committee funds in its entirety the music service. I have not got the figures in front of me but I think the figure of £800,000 a year comes to mind.

Any Members of the Assembly who, like me and others, were present the other day at Beau Séjour where there was a complete day of musical activity finishing up with a huge symphony orchestra playing the Tchaikovsky's Fifth Symphony, I think it was, will have seen in the course of that day over 600 of our young people engaged in performing music to a really high standard. Of course that is something that is encompassed beyond the direct grant.

3495 But Deputy Lester Queripel does raise a valid point: the whole business of balancing donations between the various spheres of the arts and indeed to sport is a complicated thing. All I can say is that there is a new arts strategy, it is a work in progress. It is being made in conjunction with the Youth Foundation and also the Arts Commission itself, and the Committee is fully committed to it.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I will be brief.

3500 I thought I will just start because I couldn't not respond to Deputy Kuttelwascher. But I did have a lot of sympathy with him actually as to why the focus is just on climate change and not the environment.

3505 Members may be aware that a new geological epoch is currently being proposed called the Anthropocene which is the human epoch. It dates from the beginning of significant human impact on Earth's geology and eco systems, including anthropogenic climate change, but not limited to it. It covers the human impact on biodiversity, biogeography, nocturnality, geomorphology and stratigraphy. The point here is that whether or not there are many other influences on the Earth, man is making an indelible mark on this planet and it is about time we realised how we are destroying what is around us and from my point of view how we need to treat our planet with far more respect. So that is just my response to Deputy Kuttelwascher.

3510 I thought I would just focus on HSC. We have contributed quite a few numbers of pages to the Policy & Resource Plan and I am sure Members have read all 314 – I will not give way to Deputy Kuttelwascher now because I have moved on to another part of this.

3515 I do think it is worth focussing on a number of matters following on from what I said when we debated the amendment on the Medium Term Financial Plan. Members will see the sheer amount of work being undertaken by Health & Social Care the review of the model and funding of Primary Care. Now the key objectives on that are not to lose what works well, such as speed of access – I mean we all know it is great; nowhere in the UK could you just phone up in the morning and get an appointment in the afternoon. Islanders really appreciate that level of service. (A Member: Hear, hear.) But also diversifying and broadening the offer to make it more accessible and affordable and investing more into prevention and early intervention. Now it is easy when people say primary care is not accessible, we need to put more money into primary care. I totally understand that, but this is an incredibly complex piece of work. We are dealing with multiple different providers across the Islands and we do not want to destroy what is working well. So that is a really complex piece, as I say, and needs careful handling. But of course it will not come without cost.

3525 Transforming community services, we are working with Education, Sport & Culture to redesign community service provision and develop a more co-ordinated approach. It will not come without cost.

3530 Digital transformation, the line will shortly begin to go live starting with Gifford Ward in a couple of weeks but we urgently need to replace the main system called track-care. Now a lot of preparation work has been undertaken but again it will require more cost.

3535 The review of drugs, treatments and devices. This has been completed and it is an excellent review. A policy letter is being drafted and it will be published in the coming weeks. If Members support it it will come at considerable extra cost.

We mentioned mental health services, I cannot remember what day it was now but that will be extra cost.

The Joint Strategic Needs Assessment that Deputy Queripel referenced provided to Members earlier this week, could also have cost implications.

3540 That all has to be seen against the background of increasing costs, the ageing demographic that is £1 million every year to that underlying budget pressure. Medical inflation is higher than general inflation and changes in Best Practice require increased expenditure. This is a time we are at the limit of our budget.

3545 The fact we only went over budget by 0.15% or £177,000 is thanks to P&R. I know they have had a lot of grief this week but thanks do need to go to P&R for working very closely with us and supporting us during some difficult times, and they have been quite difficult actually not just in terms of whether we make our budget or not but emotionally some of the issues that we have had to deal with are really very sensitive and things that we have had to deal with very carefully. So I do thank them for supporting us for those pieces of one-off unpredicted expenditure.

3550 But also because of the sheer hard work of staff across the board at HSC. I think there have been not just a few sleepless nights amongst some of the senior staff over how the budget was going to turn out by the end of the year. So that 0.15% really does not convey the amount of work that has gone on, but it is going to be extremely difficult to achieve a balanced budget this year and for all the pressures that I mentioned. But actually also for positive reasons. I am not going to mention it now, that will be for next month but the irony is that our pressures have been greatedened by the really good work that has been going on. Again that is jointly between P&R and HSC.

3560 But the point I want to make is in this 314-page document it contains an awful lot of work with a lot of costs associated with it and if we wish to keep to the Medium Term Financial Plan some or many of these projects are unlikely to ever make it through the budgetary process. Not that I think the Medium Term Financial Plan has been met, the ingenuity required to get around it is certainly more cunning than Baldrick's cunning plan, but I think personally we have probably reached the end of the road as far as the Medium Term Financial Plan is concerned in its current iteration and I certainly think that if we are going to meet the needs of Islanders in the coming years that is what we really need to focus on as part of our Budget in a few months' time.

3565 Thank you, sir.

The Bailiff: Deputy Parkinson.

3570 **Deputy Parkinson:** Thank you, sir.

Well after three days of debate on 21 amendments, or whatever it is, I do think we have probably got this Plan to a reasonably good place and one that we can all rally round and support.

3575 The biggest hole of course in terms of what has been knocked out of the Plan over the last three days is the area on governance of areas of focus and specifically the elimination of the policy supervisory boards, which leaves a gap in the original drafting which frankly only P&R can fill. Indeed the Plan says at 5.11:

The Policy & Resources Committee has duties and powers in the leadership and coordination of the work of the States, and particularly in promoting and facilitating cross-Committee policy development.

When they go on to say that a methodology to inject pace must be found the obvious answer is this lies in their own hands.

3580 During the course of debate the Seafront Enhancement Area was mentioned several times as a group which has underachieved in this respect. I accept that progress on the bigger picture aspects of the work of the Seafront Enhancement Area as opposed to the quick wins which it has identified has been disappointing. However, three Members of Policy & Resources sit on the Seafront Enhancement Area and they are perfectly placed to inject the pace that is needed.

3585 Indeed Deputy St Pier of course chairs the group. It is a pity then that they have not used their talents to move the group on faster. Instead three Members of P&R supported a requête which would have torpedoed a large part of the Seafront Enhancement Area workstream. The term inert waste might have been coined to describe P&R's contribution.

3590 In the last year of this term of government I hope we will see a more positive contribution to all of our cross-committee workstreams. P&R is perfectly placed to bring policy letters on any area of those cross-committee matters and should use its authority and its initiative and talents to bring forward proposals when it can.

But overall as I say I think the Plan has got to a good place and I am sure all Members will now support the amended Plan.

3595 I respond also to a question raised by Deputy Green who asked about the role of the Economy & Productivity Advisory Panel he was unclear about the membership of the Panel which I can advise Members consists of Mr John Perkins, Mr Philip Marr and Mr Simon Phillips. The Panel has met several times. The role of the Panel is to advise the Committee *for* Economic Development on productivity matters which we consider to be a fundamental issue facing Guernsey's Economic
3600 Development Committee. It has no role in advising P&R on economic matters in general or on fiscal policy in particular.

Apart from that I do not think that anyone else has asked anything that I need to respond to so I just urge Members to support the amended Plan.

3605 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you.

Sir, it is useful to have this opportunity to update the States and the wider community for Home Affairs on the progress and matters within the Policy & Resource Plan, and since the last
3610 update in June last year and to provide details of the work we have planned for the year ahead.

The Committee's policy priority is in the context of the P&R Plan with the Brexit, Justice policy, security and cyber security, strategic population strategy, international standards and supporting the work of Children and Young People's Plan.

3615 Brexit has been a dominant theme over the past year particularly for Law Enforcement with the focus being on the rights and movements of EU nationals. Maintaining the common travel area and ensuring that trade agreements and new customer arrangements are in place as the UK prepares to leave the European Union.

3620 We have also undertaken contingency planning for all eventualities including the no-deal scenario. Resources have had to be diverted to this area which has negatively impacted on the delivery of our other work.

3625 Turning to the justice policy, a three-phase review is currently underway which (a) defines what we mean by justice, (b) looks at where we are now, and (c) considers where we would like to be in the future. Phase 1 is complete and phase 2 which involves engagement and discussions with the main stakeholders delivering justice related services is nearing completion. Phase 3, which will commence in the next month or so, will involve consultation with service users and the public. I do hope as many people as possible will take that opportunity to contribute to this review during the consultation phase; it is so important they do so.

3630 The outcome of all this work will be a policy letter outlining a blue print for justice policy which will be brought to the States early in the New Year. This significant piece of work which will include an examination of the links between justice and social policy will take us forward in transforming justice in line with the Future Guernsey outcomes, public service reform and the Medium Term Financial Plan.

3635 Of course there is the potential to make savings and at the same time improving our services to the community. We are not in a position to quantify or value any savings at this stage; however, as an example we already believe we will scope to use technology through future digital services to streamline the processing of individuals and paperwork as people move through the criminal

justice system. At present these are hand written notes transcribed into electronic systems which at different stages need to be printed into hard copy and then later re-input into the data base of the next service handling an individual. We are hopeful that this might be an early win.

3640 In the medium to long term the real savings lie in keeping people out of the justice system or ensuring their experience of it is short and infrequent. If we can get this right with cross-committee working and engagement with external agencies, third sector partners, the Law Officers and the courts, there is scope for greater positive intervention with troubled families and individuals.

3645 This is going to require a significantly more holistic approach to intervention and support than we currently operate and as a result we could in 20 years' time have reduced by say 20% the number of people entering and staying in the justice system. The savings across the States will be significant. It will, however, require a different approach to budgeting and the focus will have to turn to measuring success over a much longer time frame than the current budgetary or even the
3650 Medium Term Financial Plan cycle.

Work continues on security and cyber security strategies. The Committee has developed and published the Cyber Security Strategy and is now working in partnership with Jersey to move from the words of implementation. One of the key elements of this strategy is to ensure the Bailiwick has the technical capability and expertise to respond to the very real cyber threats posed by
3655 hackers, organised crime and potentially hostile states. These threats are not limited to government institutions but have the potential to cripple whole business sectors, public services and critical national infrastructure.

While it is reasonable to expect all parties to organise their own protection, we need to recognise that external attacks can be sophisticated and reach beyond the boundaries of a single
3660 local business. Given the criticality of the Channel Islands being able to co-ordinate a response to such threats, consideration is being given to the possible establishment of a computer emergency response facility. The details of whether this is physically based in the Islands in its entirety or made something of a hybrid with UK national cyber security centre is yet to be finalised along with the necessary business case to support the funding for such a service. However, the
3665 catastrophic economic and social impact of not being able to respond effectively and in timely manner to this security threat means it is not an option nicety.

In addition to cyber security the Committee is already commencing initial consultation on the Bailiwick's general security strategy. This is set to come before the States this autumn.

The next P&R Plan priority with the Committee playing a key part relates to the Strategic
3670 Population Review. This is not the day-to-day administration of the Population Management Regime but rather the focus on the long-term strategy of maintaining optimum level and mix of population. This is largely led by the Policy & Resources Committee and there are a range of views in this area and dialogue is ongoing.

Another area where we have a direct link into the P&R Plan priorities is in respect of the
3675 Children and Young People's Plan. In this respect the Committee has continued to contribute at both political and officer level to the important but complex area of developing and supporting young people through the challenges and opportunities that many face.

Aside from policy, the Committee has a wide mandate covering business as usual and continues to be pro-active in the pursuit of efficiencies and savings in the context of public service
3680 reform and the Medium Term Financial Plan. Evidence of this over the last year was the vacation of Les Vardes Assembly. Further transformational opportunities including property rationalisation are currently being explored with service areas.

In addition to managing the finances and driving efficiency, the Committee continues to have a
3685 raft of critical legislation and policy proposals to bring forward which will include in the coming months, sexual offences legislation, vetting and buying, the domestic abuse strategy, age verification for internet pornography, and violence against women and girls' strategy. Most of which also link to other key policy priorities where the Committee plays its part which is in respect of international standards.

3690 Of course it equally contributes to maintaining the standards in respect of matters such as immigration, tackling cross border crime, international financial standards, human rights, and so on.

The Committee also continues to address the eight recommendations and 26 areas for improvement contained within the HMIC Report and follow up inspection by HMIC which has been scheduled for the end of 2019.

3695 Amongst other work, the Committee has also prioritised a review of the Police Complaints Law, and is preparing for the Election 2020 including the creation of a new Electoral Roll.

The Committee *for* Home Affairs continues to use its best endeavours to serve the States and this Island by delivering what it can of this Plan and its mandate within the resources available.

Thank you, sir.

3700

The Bailiff: Can I just have an indication of how many more people might like to speak in general debate? Four. I suggest we rise now then and resume tomorrow morning.

The Assembly adjourned at 5.29 p.m.