



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

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

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

Volume 8, No. 33

ISSN 2049-8284

Present:

R. J. McMahon Q.C., Deputy Bailiff and Deputy Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

Deputies J. A. B. Gollop, C. N. K. Parkinson,
J. I. Mooney

St Sampson

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

The Vale

Deputies 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. McSwiggan,
D. de G. de Lisle, S. L. Langlois

The South-East

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

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

Ms C Foster (H.M. Deputy Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur)
Deputy P. T. R. Ferbrache (*relevé à 11h 55*); Deputy L. C. Queripel, (*relevé à 9h 51*); Deputy M. K. Le
Clerc (*indisposée*); Deputy M. P. Leadbeater (*relevé à 10h 51*); Deputy M. J. Fallaize (*relevé à 10h*
27); Deputy J. P. Le Tocq (*relevé à 14h 36*); Deputy V. S. Oliver (*indisposée*)

Business transacted

Evocation	2813
Convocation	2813
In Memoriam	2813
Former Deputy J A C de Garis.....	2813
Statements.....	2814
General update – Statement by the President of Environment & Infrastructure.....	2814
General update – Statement by the President of Health & Social Care	2819
General update – Statement by the Vice-President of Employment & Social Security.....	2828
General update – Statement on the States of Alderney	2834
Questions for Oral Answer.....	2842
Committee <i>for</i> the Environment & Infrastructure.....	2842
Traffic systems – IRIS fit for purpose; road closures; bus diversions.....	2842
Committee <i>for</i> Education, Sport & Culture.....	2845
Catering and hospitality courses – College relationship with industry; public restaurant service; partnership between Education, Sport & Culture and Economic Development; apprenticeships	2845
States’ Trading Supervisory Board	2852
St Saviour’s Reservoir – Abnormal levels of MCPA and Mecoprop due to chemical spill at Airport; Airport management programme; Use of chemicals.....	2852
Billet d’État XXIII	2857
I. Election of a Member of the Elizabeth College Board of Directors – Mrs Rosy Bowyer elected.....	2857
Billet d’État XXII	2858
Legislation laid before the States	2858
The Airport Fees (Guernsey and Alderney) Regulations, 2019; The Pilotage Dues (Guernsey) Regulations, 2019; The Moorings Charges (Guernsey) Regulations, 2019; The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2019; The Single Euro Payment Area (Guernsey) (Amendment) Regulations, 2019.....	2858
Billet d’État XXIII	2858
Legislation laid before the States	2858
The Financial Services Ombudsman (Case Fee and Levies) (Bailiwick of Guernsey) Amendment Order, 2019; The Weights and Measures (Prescribed Quantities) (Exemptions) Regulations, 2019; The Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019	2858
Billet d’État XXII	2859
I. The Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019 – Approved.....	2859
II. The Income Tax (Guernsey) (Approval of Agreement with Bermuda) Ordinance, 2019 – Approved as amended	2859

Billet d'État XXIII	2860
II. The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2019 – Approved.....	2860
III. The Health Service (Benefit) (Amendment) Ordinance, 2019 – Approved.....	2861
IV. The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2019 – Approved.....	2861
V. The Severe Disability Benefit and Carer's Allowance Ordinance, 2019 – Approved	2862
VI. The Income Support (Implementation) (Amendment) Ordinance, 2019 – Approved as amended	2863
VII. The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2019 – Approved.....	2864
VIII. The Electoral Roll Ordinance, 2019 – Approved	2864
Billet d'État XXII	2866
III. Committee Operational Responsibilities and the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 – Debate commenced.....	2866
<i>The Assembly adjourned at 12.29 p.m. and resumed its sitting at 2.30 p.m.</i>	2866
Committee Operational Responsibilities and the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 – Debate continued – Propositions approved as amended.....	2867
Statement	2879
General update – Statement by the Policy & Resources Committee.....	2879
IV. Amendments to Criminal Justice Legislation in respect of Money Laundering and Terrorist Financing – Propositions carried	2883
Billet d'État XXIII	2887
IX. Environmental Pollution (Guernsey) Law, 2004, Part VII – Air Pollution – Supplementary Policy Letter – Propositions carried	2887
Requête	2893
X. Development of the Business Case and Cost Benefit Analysis for the Extension of the Runway at Guernsey Airport to create a 1,700 metre Runway – Debate commenced	2893
<i>The Assembly adjourned at 5.32 p.m.</i>	2911

States of Deliberation

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

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

CONVOCATION

- 5 **The Deputy Greffier:** Billet d'État XXIII – I hereby give notice that a meeting of the States of Deliberation will be held at The Royal Court House on Wednesday 27th November 2019 at 9.30 a.m. to consider the items listed in this Billet d'État and Billet d'État XXII dated 18th October 2019 which have been submitted for debate.

IN MEMORIAM

Former Deputy J A C de Garis

- 10 **The Deputy Bailiff:** Members of the States of Deliberation, sadly, we must start this meeting of the States by paying tribute to former St Pierre du Bois Deputy John Abram Cogan de Garis, often known by his initials JAC, who passed away on the 19th October aged 98.

He was born in Guernsey on 15th March 1921. He was the oldest surviving former States' Member and one of, if not the, oldest former Member ever.

- 15 After leaving school he worked in accountancy for Black Geoghegan & Till. In 1940 John was evacuated to the UK on one of the last boats out of the Island. While the rest of his family were found billets in various parts of England, he went to work for BGT in London. He was a conscientious objector and experienced the worst of the Blitz first hand, driving ambulances during the height of the bombing raids throughout the War, which horrors made a deep impression on him.

- 20 After returning to Guernsey he continued at BGT for a time. He bought a house in St Pierre du Bois, establishing greenhouses in which he and his late wife Helen grew flowers and tomatoes. As a grower he was experimental and entrepreneurial. During the 1960's he became a director of Vaudin & Keats, large grocers, seed merchants and cattle fodder suppliers in the Bordage.

- 25 Having held parish office in St Pierre du Bois, he sat in the States as its Deputy from April 1970 to March 1982 when he lost his seat in the General Election. He served on a number of States' committees during his time in the States, including in several important roles.

He sat on the Board of Health from April 1970 to February 1975 and the Ancient Monuments Committee the entire time he was in the States. He sat on the Post Office Board continuously from 1971 until April 1994, latterly as a non-States' member. He was a Member of the Electricity Board from October 1974, progressing to be its President from April 1979. Slightly unusually for a Deputy in those days of Conseillers but in recognition of his abilities, he was a member of the Advisory & Finance Committee from November 1974 until 1982. He sat on the Horticulture Committee from the start of his States' service and became its President in April 1979. It was where he faced probably his biggest political challenges, having to contend with high interest rates and direct competition from subsidised Dutch growers after Britain had joined what was then the European Economic Community.

For part of the time that he served in the States so also did his late brother Paul. When younger, John had a fine singing voice and was a member of the choir at Eldad. During the War he and Paul became members of the London Emmanuel Choir, going on tour with the choir as far as the United States of America in the early 1960's. Both also joined the choir for many years at its annual festival concert at the Royal Albert Hall until John's work in the States took up more of his time.

His strong Christian faith guided and underpinned much of what he did throughout his life. He met his wife Helen, a midwife, through the church. They became staunch members of Holy Trinity Church in the late 1960's, at which church they continued to worship into their old age when their health became frail, and a thanksgiving service for John's life was held there at the start of this month. His Christian faith was fundamental to him and remained firm to the very end of his long life.

He leaves two children, Michèle and Jean, who both live in the United Kingdom as well as grandchildren and great-grandchildren. We extend our sincere condolences to them all.

Members of the States, will you please rise with me to honour the memory of former States' Member John de Garis.

Members stood in silence.

The Deputy Bailiff: Thank you all very much.

STATEMENTS

General update –

Statement by the President of Environment & Infrastructure

The Deputy Bailiff: Well, Members of the States, as you may have spotted from the Convocation, this is effectively combining two meetings into one. It is buy-one-get-one-free this month! *(Laughter)* Therefore we have *four* general update Statements: two from the previous meeting and the two for the current meeting.

We will start with the general update Statement on behalf of the Committee *for the* Environment & Infrastructure, and I invite its President, Deputy Brehaut, to make that statement.

Deputy Brehaut: Thank you very much, sir. I will only give one statement if that helps.

Sir, at times it seems like Brexit has been all consuming. Few States' Assemblies have faced the test of this magnitude. It has restricted many of us from progressing priorities at the speed we would have liked and I am sure that is frustrating for us all. A lot of the policy my Committee is shaping will allow Guernsey to thrive in the future by protecting and enhancing our natural and physical environment and infrastructure.

Much of our work is not about putting a spade in the ground now, however, it is less visible work, developing policies to ensure we have the housing people need in the future, the

infrastructure to support those homes, the energy to power and heat those homes, and all this while protecting Guernsey's unique environment.

70 To deliver such major strategies we need to understand the concerns of States' Members, the public and business and reflect the ambitions of this community.

We should harness the considerable expertise on Island, whilst also reaching out to other communities through co-operation on the international stage. Guernsey is a unique Island but many of the challenges it will face over the coming years will not be unique. Like others, we need to reduce our waste, plant trees, manage rising sea levels, replenish depleted soil, reduce greenhouse gas
75 emissions, reduce pollutants, use cleaner, sustainable energy, and protect threatened species and habitats.

We face serious threats in these unparalleled times. Like Brexit, we cannot say exactly when they will impact on us or quantify the impact they will have. What we do know is that there is a duty upon us all to act to tackle these issues such as climate change.

80 Climate change is happening right now. The evidence is clear, it is real, as are the consequences.

In recognition of this the States agreed in June to follow a policy-based approach by introducing, as part of the P&R plan, the priority policy area, Mitigate Climate Change. The Committee will meet its obligation to report back to the States with a Climate Change Policy and Climate Change Action Plan by next May.

85 Climate change touches many areas across the States, from waste and energy, to off-Island travel, imported goods, and even overseas aid. We are not the only Island looking to produce a climate change policy in a short time. Jersey and the Isle of Man, two other small islands, both called a climate change emergency earlier this year and are working in a tighter timescale than we are for delivery.

90 To capitalise on this work already being done in our fellow Crown Dependencies, the Committee took the opportunity to collaborate with both islands. We will make our own decisions, but it makes sense to share information and ideas, and avoid the duplication of effort and costs.

To continue this fast-paced work, in partnership with others, the Committee will attend a summit meeting with Jersey and the Isle of Man in December – that is now 2nd December – to discuss
95 climate change policies across the three jurisdictions.

Work on the energy policy has been a high priority for the Committee. It has taken time to engage meaningfully with industry and other key stakeholders. This added time to the process, but feedback has been invaluable in shaping the policy. These responses were predominantly supportive and have given guidance on areas for further reflection.

100 To keep Islanders informed, a statement of intent was released which summarised the direction of travel for the energy policy. States' Members were also given the findings of the supporting work, giving further detail on the issues being addressed in the energy policy. At the recent IoD debate, the Committee was pleased to see the real appetite for the introduction of new, forward-thinking energy policy which will be delivered early next year.

105 Both the energy policy and climate change policy have carbon emissions reductions as an important theme, and these two policies will complement each other. The third independent workstream is the hydrocarbons supply programme. The interrelated nature of these vital strategies means they must progress in unison and the extensive work completed on hydrocarbons has now become a key component of the energy policy. The energy policy research has re-affirmed the need
110 for fuel deliveries to the Island for the foreseeable future, albeit in reducing quantities. The Committee is receiving further valuable feedback from industry on the outcome of this process and is looking to bring back the recommendations within the energy policy rather than returning later with separate proposals.

115 Coastal defence remains a priority and this year's repointing projects are taking place at Croix Martin and at the Red Lion. More projects will be delivered next year and a longer term capital plan for the management of the sea walls is being developed. It has become clear that Fermain wall is a large and complicated project that requires detailed planning.

As I have explained to the Assembly previously, the Committee has taken a pragmatic view on reinstating the wall in line with the section built in the 1990's, which is in advance of the existing wall structure. This is to reduce the loading placed on the wall by the cliff immediately behind, which was a major factor in the wall's failing. Re-profiling the cliff is likely to be required which will add significant expense. Over the summer a tender was issued to review the design and requirements for the construction for a detailed project as the specific expertise was not available within the States. That tender returned no responses, so following conversations with the potential contractors the tenders will be reissued shortly.

Implementation of the States' decision regarding the anti-tank wall at L'Ancrese East could not progress until the scope of the EIA was decided. In May the Committee was pleased to receive confirmation of the Development & Planning Authority's requirements and officers since have been working with local experts on the environmental impact assessment. We expect the environmental statement to be submitted in the summer of 2020.

In May I provided an update on the Integrated Transport Strategy. I am pleased to report that the first periodic review of the Transport Strategy is being finalised. It evaluates progress towards the Strategy's core aims and will be published before the end of this year.

The development of new infrastructure to help people get around by foot, wheelchair, mobility scooter, bike and bus is an ongoing process. Registrations of electric and hybrid vehicles continue to increase at a pace, with over one hundred electric vehicles registered so far this year.

Convenient and reliable public transport is key to the Strategy. Buses are not just an efficient means of transport, but they generate economic and social benefits as well, while mitigating the negative environmental impacts of the private motor vehicle.

Encouragingly, 2019 shows more improvement for the scheduled bus service for the first nine months, with an additional 93,000 journeys already recorded up to the end of September; that is an increase of 6.5%. Total passenger numbers will be almost two million this year, meaning the annual passenger journeys will have increased by almost six hundred thousand, or 42%, since 2013.

Officers continue to work to maximise opportunities to meet peak demands. Changes introduced for visitors wanting to tour the Island have been a success, easing pressure on the bus service and raising new income of an additional £80,000 so far this year.

Several further improvements were made to the scheduled bus service this year, including additional early evening services in the summer for those making the most of the lighter evenings. Contactless technology too has been introduced, making travel by bus even simpler.

A great deal more work is required to protect and enhance the Island's biodiversity. There are several key areas that need further investigation, data analysis, and development, including bird populations, sour fig, pesticides, and the tree & woodland strategy.

Action is needed as the latest habitat survey reported that Guernsey's richest habitats are disappearing because of the way the Island has been managed. For example, the invasive sour fig has doubled in area since 2010, whilst 90% of diverse grasslands have been lost since 1999.

Whilst a great amount of work is required, the Committee is making greater progress by working in partnership with the community and sharing knowledge with other jurisdictions. We are grateful to our Alderney friends who hosted an inter-Island meeting last month. At this, we signed the Blue Islands Environmental Charter, which aims to protect the environment of island communities.

The biodiversity strategy, working with the Biodiversity Partnership Group – made up of third sector stakeholders – has delivered and supported many initiatives already, including: work by the Pollinator Project raising awareness of the importance of pollinating insects; a Ramsar management plan for Herm to support sustainable use of wetlands; and Guernsey's first BioBlitz in May this year, a citizen's science initiative that gathered valuable data by engaging with schools and members of the public.

It is pleasing that based on the number of nests destroyed, the Asian hornet population has not increased this year. Nearby jurisdictions have seen exponential population growth of this invasive insect which can prey on native insects, particularly on bees. I would like to offer the Committee's

thanks to the many members of the public who have helped search for Asian hornets and in doing so have helped to protect the balance of our native ecosystems.

With such a wide mandate, this Committee is progressing many workstreams. However, it is determined to deliver these in partnership with Islanders and make the most of local expertise. Sharing knowledge with other jurisdictions is also proving to be beneficial and with members of this Assembly adding their support it will allow us to deliver progress on these strategies and to meet the Island's challenges.

I am sorry if that was a bit of a gallop, sir.
Thank you.

Deputy Lester Queripel: Sir, may I be made relevé please?

The Deputy Bailiff: Yes, Deputy Lester Queripel, we will relevé you. Thank you.

Does any Member have a question for the President on a matter falling within the mandate of this Committee?

Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

Amongst the sea defences prioritised for fixing in 2020, can the President tell me whether the slipway at the Douit de Moulin, St Peter's, is included amongst those? Local small fishermen are feeling the brunt of not being able to access that bay and I would be grateful for an update.

Thank you.

The Deputy Bailiff: Deputy Brehaut, are you able to answer that question?

Deputy Brehaut: Yes, the issue I think with most small ... though important to each community with the relative numbers that use them, they are crucially important to that community, but the processes that oversee that ... there is a process called the minor capital expenditure process whereby all of us, all the committees, put in bids for funds for initiatives such as that. Sometimes the minor capital expenditure process means we cannot move as swiftly as we would like to. We are still playing catch up since the storms of 2014. So while it is on the agenda, it will be known to our ACLMS team, a bid will be put together and the minor capital expenditure will run its course and will be seen as a relative priority within that process.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

Given that this Assembly will see within a few months the energy strategy and energy report, how far will Environment & Infrastructure be reacting to the climate change crisis or emergency, but balancing it with the needs of our particular economy and therefore not putting an unduly onerous burden upon local business with additional costs that sometimes apply on Guernsey?

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: I am sorry that saving the planet is such an onerous burden to the community, because it really surely should be as simple as that. The number one priority for this Government, all Assemblies, all communities, is climate change and as small as we are, we must meet our obligations and set an example. I think the growth and expansion that perhaps America is looking for, and still taking oil and coal out of the ground, is not the most intelligent thing to do and Guernsey is a far more intelligent and sophisticated community than that, isn't it?

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, to receive some clarification with respect to the comments on climate change, what progress has been made on the action plan promised and when is this to be published?

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: As I tried to make clear in my speech, there are three pieces of work that overlap: it is the Climate Change Action Plan, it is the energy policy and it is the hydrocarbons policy; because there is obvious interrelationship between those three pieces of work. We will be bringing back the Climate Change Action Plan in 2020; *early* 2020 you will see an energy policy with hydrocarbons, for want of a better word, embedded in it. So energy policy and hydrocarbons, which are important aspects of the same picture, will be early; later, but in the first quarter we hope of 2020, we will see a Climate Change Action Plan.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: The President mentioned updating in relation to the sea wall at L'Ancrese, but as part of the environmental impact assessment that has gone on, how far will that assessment take into account the history of the area pre the construction of the German wall and, in addition, the heritage and archaeological significance of the area which might include, whether we like it or not, the historic significance of the Occupation and its remains?

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: As the community has moved further away from the Occupation, my parents never spoke about the Occupation, now all their grandchildren want to speak about is the Occupation, so the community is revisiting its past in that sense; so there is reinvigorated interest in things such as the tank wall, but it should be seen in the round, bearing in mind it is not a particularly good example, if there is, of German engineering.

The strength of L'Ancrese East as a bay was that it evolved through a natural process. The German anti-tank wall, which is a wall to stop tanks not the sea, was put ahead of the high tide mark which means that the process of the wave not being able to dissipate its energy at the crest of a bay actually in the winter months drags the sands to the bottom of the bay and in the summer deposits it again. If it deposited it higher up the bay we would have the soft sea defence which is what gave rise to the beach in the first place.

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

Climate change policy, I think the words Deputy Brehaut used, sir, was 'I hope'; does Deputy Brehaut believe he has enough policy resource officers to actually deliver the policy on climate change in the first quarter of next year?

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Ideally, no, but I think that is universal across the States and I referenced Brexit as well, which took a number of staff members away. But as I said in my speech I think, the Isle of Man and Jersey are ahead of the game in policy terms; we are meeting with them on 2nd December to inform our policy to two roughly similar Island communities, it is best to learn from them and to learn from the work that they have done and to inform what we are going to do. So hopefully the time and hours they have put in can be to our benefit too.

The Deputy Bailiff: Deputy de Lisle.

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Deputy de Lisle: Sir, the production of renewable energy locally – that is locally – ought to be in the region of 20% by 2020 based on earlier energy policy. What is being done to attain these levels locally currently?

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The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Well, I was as the Power Station with fellow Committee Member, Deputy de Sausmarez. She turned off the Sulzer generator recently which has been in since 1979, that is not now running anymore because it is using the cables back on line. In fact we hope she turned off the right generator! *(Laughter)* The lights did not go out! That diesel generator is off line; we are connected to the grid.

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To answer your question, it would be GF1, it would be the Guernsey/France connection, ultimately that secures Guernsey's long-term renewables. The question then for any community is if you are connecting into such a rich source of renewables what do you do yourselves? If you are doing it for yourself you do it for independence, peace of mind rather than whilst in the context of a broader policy which secures renewables. There is nothing to prevent anyone from going off-grid, but in going off-grid you must realise that the people still on-grid pay for the cables in the ground and pay for the stand-by generation and everything else.

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

Deputy Lester Queripel: Sir, as we all now understand it, Alderney are going to set up a tidal power plant in the not-too-distant future. As part of the energy policy investigations and research, can the President tell me if E&I have undertaken any communication, discussion with Alderney States to establish whether or not we can take power, feed into their tidal power plant as opposed to putting a direct cable to France at the cost of £100 million, I believe.

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The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: I went to the presentation, as did other Members of E&I, with the company that is doing the tidal turbines. Supplying Alderney is a neat solution for them but it is really incidental to what they are doing but it is useful for a small population of 2,000 people to decarbonise. The gentleman who gave the presentation, whose name escapes me, was asked what was the best way for Guernsey to proceed with this and he suggested the cable directly from France to Guernsey.

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The gain for the company doing the tidal energy in Alderney is greater than the Alderney tidal generators. They have received funds, not from Paris, Versailles, but from Normandy Regional, and Normandy Regional are building a factory that will produce the tidal turbines, so the gain to the Normandy community is great and the supply to Alderney is also great but it is incidental to the main project.

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The Deputy Bailiff: As no one else is rising, that concludes questions to the President of the Committee *for the Environment & Infrastructure*.

**General update –
Statement by the President of Health & Social Care**

The Deputy Bailiff: We turn next to the next general update Statement on behalf of the Committee *for* Health & Social Care and I invite its President, Deputy Soulsby, to deliver that Statement.

Deputy Soulsby: Sir, since my last statement to the Assembly in July we have seen continued progress in pursuing the objectives of the Partnership of Purpose – an essential and collaborative approach that will allow Islanders fair access to solutions that meet their health and care needs by placing the user at the centre and making every contact count.

The Partnership of Purpose is more than just a theoretical concept. It is a substantial and complex long-term programme to reshape the Bailiwick's approach to health and care and meet the challenges of growing demand, growing medical advances and growing expectations.

We are already seeing the benefits of embedding the values of the Partnership of Purpose across not only Health & Social Care but also the private and third sectors with some significant and tangible outcomes emerging from collaborative thinking and working.

Here are a few examples. Firstly, following a review of The Acute and Community Pain Service, steps have been taken to develop a more collaborative, integrated, person-centred approach. Psychologists and physiotherapists are working with doctors and nurses to develop this new way of working. Working with the creative industries we are now exploring how virtual reality, alongside other technology, can be used to support better patient outcomes by individuals managing their pain.

Secondly, an agreement on improved data sharing across health care providers through collaboration with the primary care sector is in its early stages but is progressing well and will make a considerable difference in being able to provide a more joined up service.

And thirdly, the setting of a fixed tariff for certain sexual health services means individuals can go to Choices, their GP or the Orchard Centre, wherever they feel most comfortable, for the same cost.

Sir, while we are still at the relatively early stage of a 10-year programme to transform health and care, the Partnership of Purpose is already more than an ideology; it is becoming part of the conversation, it is being referenced by third party stakeholders and is helping to inform decisions and service developments. Real change is happening and a wide-ranging portfolio of programmes and projects are, in different ways, bringing the transformation to life.

Here are a few examples of projects that have already improved outcomes for Islanders. Not only are real benefits being felt by patients, the transformational way people are being cared for means better value in the long run.

We have supported the launch of a pilot project for familial hypercholesterolaemia, led by Queen's Road Medical Practice and Wessex Genetics. This is now live and will lead to long-term savings in cardiovascular care and the avoidance of early deaths.

There is a steady and increasing requirement for access to clinical genetics services and we are looking to establish a visiting service comprising a consultant geneticist and a genetic counsellor. This model is a much more cost-effective way of meeting the increase in demand than sending service users to the UK for consultations and is easier for Islanders.

We have introduced a new diagnostic service in cardiology, using CT scans to create 3D imaging. This has resulted in less patient travel off-Island and reduced the need for invasive follow up. Also by re-evaluating eligibility criteria, we have reduced pressure on the Individual Funding Request Panel for expensive care designed for patients who cannot tolerate open heart surgery.

We have recently opened two new scanners in Radiology; a SPECT-CT scanner – the only one in the Crown Dependencies – and a CT scanner. Together they will provide us with 10 years of Nuclear Medicine and CT scanning and improved clinical functionality and, importantly, resilience.

We have initiated a series of guidance documents for GPs to streamline and clarify referrals to secondary care, which will result in an overall reduction in waiting list numbers and times. We have also clarified and updated the purpose, frequency and need for more than 700 tests currently processed in the hospital labs which we anticipate will lead to savings through the reduction of

over-testing. We have introduced free screening for cervical cancer which looks like it will increase take up to over 90%.

We have developed and published a Joint Strategic Needs Assessment for the over-50's providing an unprecedented understanding of the needs of this sector of the population. We have signed up to the prevention concordat for mental health and conducted an evidence-based gap analysis of mental health services that has fed through to the budget submission. We have opened the autism hub and created an Autism Outreach service that will change the lives of those in our community and mean we are bringing home those who to date have had to live far apart from their families. We have developed a policy framework for the use of medicinal cannabis and produced guidance notes.

As promised, we have demonstrated our commitment to adopting a permissive approach towards drug funding, and I was delighted to announce earlier this month that we have been able to secure access to Orkambi for people living with Cystic Fibrosis in the Bailiwick. We have also begun piloting new ways of working in Alderney primary care.

Sir, these initiatives are underpinned by the values of the Partnership of Purpose, people-centred and making use of cross-sector working, making every contact count. The work continues and there are a number of other areas where further developments will be made before the end of this year.

In respiratory services, we will have made the capital funding case for palliative ventilation equipment for degenerative neuromuscular conditions which will save hospital readmissions; end lease arrangements for some medical equipment saving £100,000 per annum in the next seven years; developed a clinical protocol to support end-of-life arrangements for respiratory patients and embedded arrangements to support multi-disciplinary working.

In specialist nursing provision we will have appointed specialist nurses to cover patient cohorts in chronic pain, chronic respiratory conditions, palliative respiratory conditions, urinary tract cancers and bowel cancers. In acute care we will have conducted NHS improvement audits in hospital wards to facilitate efficient discharge from care and multidisciplinary teamwork.

Finally, in respect of the overall model of care, in the next few months we will be announcing plans to formalise arrangements around the Partnership of Purpose itself, establishing a mechanism to accredit those public, private and third sector bodies working with us to realise the Partnership's values.

I said earlier in my Statement that the Partnership of Purpose has become part of the conversation; well, this conversation extends beyond the Bailiwick's shores to our colleagues in Jersey. Published last month, the Jersey Care Model closely reflects the Partnership of Purpose in its ambition, areas of focus and driving principles. Indeed, it even references the need to create a Partnership of Purpose! Imitation is the sincerest form of flattery they say.

I am grateful to all those involved in collaborating on the projects I have outlined today, especially those delivering frontline services. Successful transformation is being brought to life by our committed and professional staff, and just last month, the urology and emergency departments won three awards at the Nursing Times Awards for their innovative, patient-centred practice.

I said at the beginning of this Statement that the health and care transformation programme is substantial and complex. However, we have a firm grasp of the nettle and continue to see progress. Some of the 2017 Resolutions have proved slower and more challenging to deliver than expected, while in other areas we are more advanced than we anticipated. We are well on track to ensure that we have set firm foundations for the new model of care by the end of this term and so ensure that any future Committee can hit the ground running.

Sir, the Committee is dependent on the Members of this Assembly to continue to support this essential programme of work. It will be achieved by cross-committee co-operation to truly deliver collaborative solutions to the Bailiwick's health and care needs.

Recognising that people's health is determined primarily by a range of social, economic and environmental factors, the forthcoming publication of the latest Wellbeing Survey will provide a wealth of information which all Committees can use to inform policy development and service delivery. Whether through the Integrated Transport Strategy, Justice Policy, Transforming Education

or other initiatives collectively, we can create an environment for health which supports a sustainable health and care system for our existing population and those generations to come.

425 **The Deputy Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

430 I would like to congratulate the President and her Committee for a lot of good news that was contained in that, not least the news of Orkambi which I believe is welcomed by everyone in the Bailiwick and I note Jersey are trying to emulate that too.

But my question is really around the PEH travel plan. I wonder if the President could update us on how that is going and if it is going well whether she might recommend that the travel plan at Sir Charles Frossard House is also adopted?

435 Thank you.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I thank Deputy de Sausmarez for her question.

440 The early indications are it has been a great success. We were trying to hold back on the news until we have actually ... we are bringing in brand new changing facilities for nursing staff which were absolutely appalling and needed a complete change and really trying to ... for nurses coming in, wanting to cycle or walk in then having a shower, it was not suitable at all. That is the final piece in the jigsaw and is due in the next week or two, I believe. But it has been successful.

445 I know things must be working better because I am not getting emails from people saying can you sort the parking out at the PEH. If you go there any time of the day now there are lots of red spaces just ready for visitors to park. I thank Environment & Infrastructure for the help that they have given in terms of supporting free bus passes for staff and we would like to bring in more electric bikes as well, and yes, we did increase parking in the temporary parking further away but I think that is only part of the picture; I do think that that is the full reason why we have got to the place that we are now.

The Deputy Bailiff: Deputy de Lisle.

455 **Deputy de Lisle:** Sir, there are still delays and cancellations for people waiting for operations and bed limitation and nursing staff are issues very often given to the public. What is being done to revert this issue of delay and cancellation with regard to operations?

Thank you, sir.

460 **The Deputy Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, we have not got cancellation in certain areas of the service. I mean the problems with orthopaedics have been well documented and, yes, that meant we may be out of the contract waiting times but we have done a lot working with external providers to really bring down that waiting list and that is currently ongoing.

465 The trouble we have is, yes, we have a limited critical care unit and until we have expanded that and the Hospital modernisation programme has been completed, that will constantly be a pinch point that will affect us. We have got that increased demand. As we have said, an increase of 10% demand this year on last year. What we are trying to do is manage that, so we have been investing an extra £1½ million to get on top of that delay and we have cracked it but the people are coming in as fast as we are being able to manage them. But hopefully the critical change that is needed is around changing the Hospital and developing the new suite and critical care and theatres.

The Deputy Bailiff: Deputy Dudley-Owen.

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Deputy Dudley-Owen: Thank you to the President for that update.

It is in a similar vein to the question I was going to ask, but resulting from her answer would the President give me her views on whether the demand for things like orthopaedic surgery was therefore under-anticipated when the contract was being negotiated with the MSG a few years ago?

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The Deputy Bailiff: Deputy Soulsby.

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Deputy Soulsby: Sir, no, in all the modelling at the time we have had a sufficient number of orthopaedic surgeons; in fact new orthopaedic surgeons were brought in as a result of that contract. The truth is that the demand has risen beyond our expectations.

We have been looking at areas where probably we have been seeing unnecessary referrals to secondary care and issues around perhaps people being seen sooner than they need to because in many areas in orthopaedics the problems do dissipate.

490

We have been working very closely with primary care and secondary care looking at the whole muscular skeletal pathway. We are also bringing what is called Get It Right First Time (GIRFT), people from the UK, to actually look at what we might do to actually make us even more efficient. It is a constant change. Things are constantly changing in health care provision – orthopaedics in particular; new ways of working, new forms of surgery, as people will know different forms of keyhole surgery and also there is greater specialism.

495

The one issue that we do have over here is we have to have more generalists than specialists. In the UK you have got people who might just focus purely on one particular aspect of a knee whereas over here we have to have people that deal with knees but also deal with shoulders. So it is in particular in the orthopaedic area we are constantly looking at how we can make things move faster and slicker. But sorry –

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The Deputy Bailiff: Deputy Soulsby, I am afraid your time is up.

Deputy Soulsby: I could go on and on! *(Laughter)*

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The Deputy Bailiff: Deputy Graham.

Deputy Graham: Thank you, sir.

Would the President please update the Assembly on where we stand on the review into primary care provision? I apologise if she mentioned it in her Statement and I did not hear.

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The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: I thank Deputy Graham for that question as well.

515

We have been doing a considerable amount of work trying to formulate the structure of what we want to look at in terms of primary care and primary care funding.

People might think it is as simple as we need to make GPs cheaper but we need to look at this in terms of why people are going to the GP in the first place. We also need to think when people comment about how much you have to pay to see the GP; a lot of community care itself is free, which is not the same in the UK where there is a lot of talk about how the GP is free and is free at the point of care but that is not the same with community care.

520

We are looking at trying to bring a green paper later next year in this term over the direction of travel that we want to go and get an understanding where the States wants to take us. Just for example – it will not help those people at home but – I do happen to have the plan that we put together in terms of primary care. It has got various strands that need to be looked at.

525 It is not a simple thing to do and the one thing that we really want to be careful of is we do not destroy what is good with the system, because really we get an excellent service here and we do not need to fix what is not broken.

The Deputy Bailiff: Deputy Hansmann Rouxel.

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

I thank the President for her update informing us of the opening of the Autism Hub and the Community Outreach that is going to take place there.

I understand there has been a lot of problems recruiting in the specialisms across all medical sides but particularly in diagnostics for children, is that pathway on the way to being robustly corrected or ...?

The Deputy Bailiff: Deputy Soulsby.

540 **Deputy Soulsby:** I thank Deputy Hansmann Rouxel for that question.

Yes, Deputy Hansmann Rouxel knows the difficulties of recruitment we have, the whole area of that specialist area is very difficult to recruit to, it has taken us a lot of time; and as Members will know, in the Budget just a few weeks ago approval was given by this Assembly for us to recruit a community paediatrician who will be able to do those diagnostics. It has been very difficult finding the right people to be able to do the tasks that we need reflective of a small community and reflective of the lack of qualified staff more nationally and internationally.

The Deputy Bailiff: Deputy Gollop.

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

Whilst acknowledging the Hospital and emergency services are 24/7 in their reach, it is fair to say that in many areas the social and mental health services we still have rather a 9-to-5, Monday to Friday culture. How in a Partnership of Purpose will greater flexibility be brought in so that mental and social services can facilitate needs of people with different timetables and situations?

555 **The Deputy Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, Deputy Gollop.

560 I think, as he probably will appreciate, if somebody presents with a mental health issue at the emergency department a consultant will arrive within about 45 minutes, I believe, and you would be lucky to get a mental health nurse to arrive within hours anywhere in the UK.

But we absolutely acknowledge those concerns. It is what happens to people after that when they may be discharged because they have found that they do not have a mental illness that warrants them being admitted to acute mental services.

565 This is work that we have been doing and again that is something that has been approved as part of the service developments in the Budget – Mental Wellbeing Centre, and we are working towards developing that alongside our colleagues in the third sector and principally Guernsey Mind, we have been working very closely with them over the last year and this is a particular area that we are wanting to expand and are working towards doing.

570 **The Deputy Bailiff:** Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

575 Deputy Soulsby mentioned medicinal cannabis in her update. I was just wondering could she possibly tell us during the course of this term how many applications have been made for a medicinal cannabis licence and how many have been approved?

Thank you, sir.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, well the system has changed. I do not know if Deputy Laurie Queripel is not aware of that and I can send him the details if necessary.

But now if people believe that they think medicinal cannabis will be suitable for them they can go to their GP who will refer them to a specialist. It has to be approved by a specialist. They do not need to seek separate approval as well, they just need to report that they have issued that prescription and it is for various conditions. I mean chronic pain being one of them, but also to deal with nausea from cancer, and epilepsy. So there are specific areas where it can be used, but the process is very different from what I think Deputy Laurie Queripel was thinking about, where you had to make independent funding requests to a particular panel.

The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.

Can the President outline how successful the changes to the bowel screening programme have been, in particular in relation to participation rates?

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, thank you, that is a very good question, Deputy Dorey.

We did get an early update this year, I believe, which the indications are they are very positive – the number of people participating in that being far higher than we had before. We are still early days; I think we are just less than a year into that programme but I am happy to get some stats out so we can show people how it is working. But certainly the early indications are it has been really successful.

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I wonder if the President could update us on whether there is any work being done by the Committee on the fees for emergency department, specifically for minors but also for other independents; whether or not there has been any work in restructuring any of those fees to date, sir.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, I am sorry I did not quite understand the question – Deputy Merrett talking about fees for minors.

The Deputy Bailiff: Do you want to re-put the question, Deputy Merrett?

Deputy Merrett: Thank you, sir.

I would like to know if the Committee has done any work to date regarding the structuring of emergency department fees, particularly for minors.

Thank you, sir.

The Deputy Bailiff: Deputy Soulsby. Is that clearer?

Deputy Soulsby: Thank you, yes, sir,

Thank you, Deputy Merrett.

630 Emergency department, yes, work has been done, we have been working closely with the Committee for Employment & Social Security and we are hoping that there will be a policy letter coming out later next year.

The Deputy Bailiff: Deputy Hansmann Rouxel.

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Deputy Hansmann Rouxel: Thank you, sir.

The Committee instituted a free cervical smear programme that started early this year. I wonder if the Committee has done any further work on well woman services, so the entire hormonal lifecycle of women and particularly looking at menopause and how that affects medical conditions in long term sufferers of any condition; and whether that is part of the Committee's work as part of the Partnership of Purpose?

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The Deputy Bailiff: Deputy Soulsby.

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Deputy Soulsby: I thank Deputy Hansmann Rouxel for that.

The Committee has not specifically spoken about that whole cycle, as it were, for women in total, but I am pretty sure that our Director of Public Health will have it very much at the forefront of her mind in the work that she does. I can find out more information of what she is actually doing on that, but I am pretty sure that it is one of the aspects that she is looking at.

650

The Deputy Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

It leads on in a way from Deputy Graham's question about primary care. I am aware that some Islanders go to see their doctor purely and simply to get their prescription renewed. These appointments only take just a few minutes and there are many Islanders that feel that they should not have to do that because they have a long-term condition and they do not feel that they should be going once a month or once every six weeks just to get a prescription renewed. This is clearly a cost to the Islander and to the States to the Health Service. Can Deputy Soulsby tell us is there ever any thought about perhaps talking to doctors about perhaps a lesser charge when people just go simply to get their prescription renewed and not the full charge?

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660

Thank you, sir.

The Deputy Bailiff: Deputy Soulsby.

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Deputy Soulsby: Thank you, Deputy Queripel.

I think that just reflects how that is just one aspect of those issues that we need to work out with our primary care colleagues. Yes, of course those conversations are had. We meet regularly with GP practices – I just met some members last week. But it is just one aspect of those things we need to consider and look at pathways.

670

As I said in my Statement, probably the most important thing that we need to do out of all this is to be able to share data. Data gives us information which enables us to do things in the right way and make sure our services fit the needs of the people. So that is our fundamental core focus at the moment. But what Deputy Queripel says is absolutely something that we need to think about but in the round.

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The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

680 My question to the President is about the Chest and Heart service. It is a third sector service and it is often the point of contact that someone with a serious condition is flagged up with their doctors, it is also a really very useful supply of data about the Island community who use that particular service. Can the President please inform us whether much work has been done with that service to incorporate it more into the Partnership of Purpose as a first point of call for flagging up potential emergencies as well as increasing the data collection provision?

685 Thank you.

The Deputy Bailiff: Deputy Soulsby.

690 **Deputy Soulsby:** Sir, I thank Deputy Dudley-Owen.

Yes, I was at the relaunch of the Chest and Heart the other week and it is a fantastic service which I recommend all Members in this Assembly to visit, not just to meet the people there but also to get checked out because prevention and early intervention is at the heart stone of the Partnership of Purpose.

695 Absolutely, in terms of Chest and Heart we have had conversations with them and other opportunities that we are discussing with them as well. At the core of this though again is data, data, data. Issues around data protection are something that we have to resolve before we can do anything else. That again is something that we are packaging into a policy letter which this Assembly can discuss and debate on again early next year.

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The Deputy Bailiff: Before we move on to the next general update Statement, good morning, Deputy Fallaize, do you wish to be relevéd?

Deputy Fallaize: Yes, please, sir.

705 Thank you.

The Deputy Bailiff: We are now almost an hour in. If Members feel that despite the weather outside they wish to remove jackets or similar in here please feel free to do so.

**General update –
Statement by the Vice-President of Employment & Social Security**

710 **The Deputy Bailiff:** The third general update Statement is on behalf of the Committee *for* Employment & Social Security and in the absence of the President I invite the Vice-President, Deputy Langlois, to deliver that Statement.
Deputy Langlois.

715 **Deputy Langlois:** Thank you, sir.
I am pleased to provide the update on the activities of the Committee *for* Employment & Social Security.

I would first like to summarise the Committee's financial position on its general revenue account and on the Contributory Funds.

720 Based on 3rd quarter financial information, the indications are that we will finish the year within budget on our £88 million general revenue account. If that proves to be the case, it will be very satisfactory, particularly as this is the first full year of the Income Support scheme, around which there was bound to be some uncertainty with the initial budget forecasts.

725 On the Guernsey Insurance Fund, financed mostly by contributions, we are expecting full-year expenditure of £156 million, which is £1.5 million over budget. The additional expenditure is mostly in the areas of pensions, sickness and incapacity. This extra expenditure will increase the operating deficit, before investment income, to £25 million for the year. Members of the States may recall that a drawdown from reserves down to a minimum buffer of two years' annual expenditure is a planned strategy for the fund. But we do need to keep a close watch on the rate of depletion and on any
730 variances from projections due to changing circumstances.

On the Guernsey Health Service Fund, now financed wholly from contributions, we are expecting full year expenditure of £45.5 million, which is £1.4 million over budget. The additional expenditure is being driven mostly by drug costs. There is an increase in the number of prescriptions as well as the cost of the drugs themselves. This will increase the operating deficit, before investment income,
735 to £3.3 million for the year.

It is better news on the Long-term Care Insurance Fund, financed wholly from contributions, where we are expecting full year expenditure of £20.8 million, which is just under budget – largely due to the extra 0.5% that was put on contribution rates from 2017 as an early provision for future pressures to come. The fund is currently running an operating surplus, which is expected to be £8.1
740 million this year, before investment income.

That concludes my summary of the finances.

In the course of the States' meetings in October and November, the States have debated and approved the annual benefit uprating reports for contributory and non-contributory benefits. Those reports and the debates covered much of our business as usual, which I think it would be
745 unnecessary to repeat in this Statement.

Instead I will concentrate this Statement on the three top priorities for Employment & Social Security for completion before next year's Election. These are, firstly, the discrimination legislation proposals; secondly, the detailed proposals for secondary pensions; and thirdly, the necessary reporting back to the States on the funding of long-term care as part of the Supported Living and
750 Ageing Well Strategy

The Committee is devoting a huge amount of time to progressing the discrimination legislation proposals. We are meeting on average weekly or more frequently to review and make decisions on extensive detailed reports and expert advice. As reported by Deputy Le Clerc during the budget debate, and our subsequent media release, the size of the response that we received to our
755 consultation exercise, and the polarised views that have become so evident, have caused the Committee to rethink the scope of the discrimination proposals as well as the detail.

Without question, our refocus has to be primarily on disability discrimination proposals. That is what the States first resolved in 2013, and what the States further endorsed in 2015 under the

760 stewardship of the Policy Council. With the Committee restructures, the baton was passed to
Employment & Social Security from 2016, and we have run with it throughout this political term.
We are determined to deliver proposals to the States on disability discrimination before the Election
next year.

765 We are hearing some calls for us to slow down and get it right, rather than be driven by the
closure of the political term. But we know we can get it right in the time available and that any
further handing over of the baton would risk substantial delay as a new Committee familiarised
itself with the material and inevitably retraced steps over very well-trodden ground.

770 We do recognise that we may have to refine our definition of disability, and we are working very
actively on that. Many people, but in particular the business lobby, do not like the definition we
consulted on, saying that it is far too open ended. Taking account of the consultation, we are
confident that we can return with a definition of disability which will find more support. But we can
be sure that it too will have critics. Amongst the many things that we have learned in this exercise
is that there are very few issues on which even the experts agree. We are going to need the support
of this outgoing Assembly in order to deliver on the States' long overdue commitment to people
with disabilities and their carers.

775 As said, the focus will be on disability discrimination legislation and carers of people with
disabilities, but if time allows we will also include proposals for the protection of other grounds,
currently race, religious belief and sexual orientation.

780 I turn now to our second priority for completion and that is secondary pensions. Members may
recall that the last Assembly gave overwhelming support to an outlined proposal for a system of
second pillar pensions akin to the automatic enrolment system that applies in the UK. This means
that subject to various conditions an employer will have to enrol employees into an approved
pension scheme. The pension scheme may be the employer's own scheme, if it meets the necessary
standards, or it may be a default scheme initially arranged by the States but governed and
administered at arm's length. The Committee has made very good progress with this work and has
785 a policy letter ready to submit for the February meeting of the States. The Committee just needs to
finalise a very brief accompanying policy letter addressing the uprating policy for the first pillar the
basic States pension.

790 Thirdly, there is the work that we have been doing on addressing some of the financing issues
within the Supported Living and Ageing Well Strategy. This concerns the re-examination of the
grants from the Long-term Care Fund, the amounts paid by the people in care from their own funds
and the rates of contributions necessary to keep the scheme financially sustainable.

The Committee has found the development of proposals in this area very challenging.

795 In addition to keeping the scheme sustainable the financial support system needs to ensure the
continuing viability of care homes in the private and third sectors. Two residential homes have
closed in the past year. The closures caused considerable problems for Health & Social Care in
assisting the residents to find alternative accommodation in a sector of reduced size and nearly fully
occupied.

800 Again it is important that the Committee reports back to the States before the Election with its
findings and recommendations. The Committee recognises that the care home owners and trustees
are currently in a position of great uncertainty pending the Committee's report and its subsequent
consideration by the States.

The three priorities that I have mentioned are by no means the only matters on the Committee's
agenda, but they are the most urgent.

Sir, that concludes my update on behalf of the Committee.

805 **The Deputy Bailiff:** Thank you very much.

Do Members have questions within the mandate of the Committee?

Deputy Graham.

810 **Deputy Graham:** Thank you, sir.

Would Deputy Langlois please update the Assembly on any progress that may have been made *vis-à-vis* as a result of, I think it was, the Dorey amendment in previous States, the re-allocation of funding accruing from savings as the Family Allowance is phased out? I confess to being Vice-President of a Committee that has more than a passing interest in what services might actually be funded as a result.

The Deputy Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, Deputy Graham, for that question.

As Deputy Graham said, he is on a Committee which is heavily involved in this because it is the Health & Social Care and Education, Sport & Culture Committees which would benefit from the transfer of Family Allowance to other services provided by the States.

As he probably knows, we have had extensive discussions on what the money would be spent on and we are fairly certain how that will be distributed. The question is how one withdraws the allowance from people who are currently receiving it, because obviously what we wanted to try to do was withdraw the allowance from those households that could afford to lose it and the most obvious way of doing that would appear to be in the same way as one withdraws personal tax allowances. But that is easier said than done and we are currently working with P&R on a potential elegant system which will not add to the administrative or bureaucratic burdens at the moment.

The Deputy Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I was disappointed to see that ESS recently put in place a meagre 12p a week fuel allowance increase for this winter for the poorest members of our community, which I appreciate is based on 0.4 RPI figure up until the end of June but surely ESS could have decided on a compromise and increased the figure by more than 12p a week, bearing in mind that since June energy prices have increased by approximately 16%. Those increases being as follows: electricity 6.8%; coal 4%; gas 3.8% and oil 2%. The majority of those increases were announced prior to the end of June by the energy companies.

So I am wondering how the poorest members of our community who are recipients of the fuel allowance are expected to make up what is more than a 15% shortfall every week. So can the Vice-President tell me please how ESS expect the poorest members of our community to make up that 15% shortfall?

The Deputy Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

I think it would be fair to say that our failure to deal with the current fuel allowance system is an embarrassment to the Committee. It has been on the agenda for most of this term and it is really just a question of scant resources and competing priorities that we have not dealt with it.

But the situation is fairly clear, there are some people in receipt of the fuel allowance who live in houses built in the 1940's and other people who are living in recently completed properties built to a very high degree of insulation who require virtually no heating, the houses are heated through the body heat of the people who occupy them and through the hot water systems, and yet both such households receive the same amount of fuel allowance. That is clearly inequitable and the intention is to come up with a new system which can allocate fuel allowances where it is most required.

We do apologise for not having progressed that as we should have done this term, but it is on our priority list.

The Deputy Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir,
I thank the Vice-President for the update.

865 Whilst the delay to the discrimination legislation is deeply upsetting to some members of the community, I take the Vice-President's word that the Committee is committed to getting the discrimination legislation and particularly the disability legislation through before the end of this term.

870 Can the President confirm that the work that is done on the other aspects of discrimination will benefit from having a modular approach, which was one of the criteria when investigating different discrimination legislation internationally, that it will not preclude those other characteristics being included later on perhaps in the next term?

The Deputy Bailiff: Deputy Langlois.

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Deputy Langlois: Thank you.

I can confirm that an awful lot of work has been done on the other grounds, and it was only post the consultation when we realised that to get something through to the States before the end of this term we would have to concentrate on disability. But there is an enormous amount of work that

880 has already been done on all the other grounds.

The intention is when we come to the States with the policy letter it will actually include a programme for the introduction of the policy letters regarding the other grounds. I can re-assure Deputy Hansmann Rouxel that that will all come in the policy letter.

885 **The Deputy Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I am sure many Members and members in our community were as surprised as I was when we learned in the Budget debate about the change in direction *per se* to discrimination legislation. The Vice-President today, sir, has referred to the consultation exercise on numerous occasions and the polarised response; and my question to the Vice-President is when can Members and members of

890 our community expect to see these responses to the consultation and the submissions from the Principals or any committees of the States so we ourselves can actually review some of those consultation responses?

895 Thank you, sir.

The Deputy Bailiff: Deputy Langlois.

Deputy Langlois: Thank you.

900 We will not be issuing the full set of responses of the consultation. They are vast, but officers are currently preparing an executive summary of those consultation responses which people will be able to look at, read and query and ask us questions about. We thought that was the most economical use of the officers' time who are obviously very busy at the moment and preparing all the consultation documents would be an onerous task on top of the work they are currently

905 pursuing.

So there will be something issued. I cannot give a date for it, but there will be a summary of the consultation responses.

The Deputy Bailiff: Deputy de Lisle.

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Deputy de Lisle: Thank you, sir.

The substantial increase in the benefit limitation through Income Support has been funded by higher property rates, sir. The escalation in property rates threatens pensioners and those on fixed incomes losing with their homes.

915 My question: a policy letter was due by March 2019 on the future of the benefits limitation and other aspects of Income Support, hopefully curbing these increases; what is the status of this paper that was supposed to be delivered on the future benefits system by March 2019?

Thank you, sir.

920 **The Deputy Bailiff:** Deputy Langlois.

Deputy Langlois: As Deputy de Lisle will know, there have been some radical changes to what was called Supplementary Benefit and is now called our Income Support system. It is more equitable now, it is clearer, far more transparent, and it will be developing.

925 I am trying to avoid the fact that I have got no idea what paper he was referring to (*Laughter*) in terms of us promising it, but obviously the whole system will be developing and it will be informed by our debate at the beginning of next year on the situation regarding the States' revenues, because obviously Income Support is paid for through general revenues. He mentioned the benefit limitation being paid for by increasing TRP but really we do not hypothecate general revenues in that way, 930 that was just a way of increasing the general revenue's income to allow the funding of an increase to the benefit limitation, amongst other things.

So before the end of this term I expect we will be coming back with new proposals. Traditionally, those are included in our uprating report, but more recently we have been having policy letters specifically about issues rather than tucking them away in our uprating report which obviously –

935 **The Deputy Bailiff:** Thank you, Deputy Langlois –

Deputy Langlois: – we have already had our last one.
Thank you.

940 **Deputy Bailiff:** – your time is also up.
Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

945 With relation to residential care homes, has the Committee done any work looking at the recruitment and retention of staff; and is there any work that the Committee thinks needs to be done to support that sector to deliver the care that it needs to the community?

The Deputy Bailiff: Deputy Langlois.

950 **Deputy Langlois:** Thank you, sir.

Well, the States several years ago took the decision to move out of the public sector provision for care and to rely on an expanding private sector, so we are not directly involved in the remuneration or the recruitment of carers and nursing staff at the care home; that is the owners and the managers. But obviously the subject does come up because that is the major cost for these care homes, so when we are discussing the grant rates as we are at the moment, as I said in my speech, with the care home owners, the question of affordability of the staff does come into the conversations, and they are continually being compared with the salaries and pay rates in the public sector under Health & Social Care, so it is a very live issue but we cannot actually directly affect the recruitment of the nurses and the carers ourselves.

960 Thank you.

The Deputy Bailiff: Deputy Gollop.

965 **Deputy Gollop:** As a Member of the Committee, would the Deputy President agree with me how important it is that Employment & Social Security are not working alone on looking at the

Supported Living & Ageing Well Strategy and that we get full co-operation from all Members of Policy & Resources and Health & Social Care to ensure there is a sustainable future for residential care homes run to the best of their circumstances?

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The Deputy Bailiff: Deputy Langlois.

Deputy Langlois: Thank you.

975

I can only agree with Deputy Gollop on that point. It is long-term care and we have got a Health & Social Care Committee, so obviously there is a big overlap between the two Committees regarding the SLAWS proposals and particularly regarding care. Personally, I would like to see an even bigger overlap but that will come in time, I think.

Thank you.

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The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I will try and be more succinct in my question to the Vice-President.

985

My question, sir, is this: that I wish to belong to a Government which is open and transparent and with a presumption of disclosure, therefore if there have been any submissions to the consultation regarding discrimination legislation from a Principal Committee, will the Vice-President undertake to ask those Principal Committees if they will fully disclose any submission that they gave to the consultation, please?

990

The Deputy Bailiff: Deputy Langlois.

Deputy Langlois: I do not think there is any problem with us issuing the submissions of other States' Committees for the consultation. I am sure we will be doing that.

Thank you.

995

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1000

Regarding my question a few questions ago, I forgot to actually mention it, so it is unfair for me to expect Deputy Langlois to have read my mind, but really one of the aspects of my question I was driving at was whether the population management regime at the moment is supporting that sector adequately and whether the Committee thinks that there are any improvements, for example things like employment permits that need to take place.

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The Deputy Bailiff: Deputy Langlois.

1010

Deputy Langlois: That is an interesting question. I think probably the answer would be too complex. Certainly hearsay is that a population management regime such as we have does cause problems, in that, whereas nurses can obtain permits to work here, it is harder to recruit lower skilled but extremely necessary workers in the care home sector. But that is anecdotal; we have not got any statistics on that. That is just from discussions with care home owners.

I am sure that our population management regime has some impact on our care home provision. How detrimental it is or how beneficial it is I would not like to say right now, but it is an interesting point to raise.

1015

The Deputy Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

It was just following the answer that Deputy Shane Langlois has just given because in my statement that I gave to the States last month, I think it was, I addressed the concern about population management; so would he agree with me that it was expressed in this States that actually population management are very supportive to the care homes, but they have not actually engaged with the Population Management Office?

The Deputy Bailiff: Deputy Langlois, are you able to answer that question?

Deputy Langlois: Thank you.

Deputy Gollop was moving around a bit so I think I missed the last of that question. *(Laughter)* But I would agree with Deputy Lowe that the population management regime has proved to be quite flexible and it gets a lot of criticism but certainly in the world of care homes it is at a certain level people have been criticising population management regime. But I simply do not have the data or any statistics to come down on either side of the argument. But I do acknowledge that it does appear to be a very flexible system.

Thank you.

Deputy Leadbeater: Sir, can I be relevé, please?

The Deputy Bailiff: Yes, you can, Deputy Leadbeater. I was waiting until we had finished questions on this update Statement. Do you wish to ask a question now?

Well nobody else is rising.

General update – Statement on the States of Alderney

The Deputy Bailiff: Therefore, Members of the States, we move to the fourth and final general update Statement. This time on behalf of the States of Alderney and therefore I invite Alderney Representative Roberts to deliver that Statement.

Alderney Representative Roberts: Thank you, sir.

This year has been dominated by efforts to protect our connectivity. At the beginning of the year a hard battle was won to ensure the rehabilitation of our runway. I am pleased to say this is going ahead as planned.

The months following have been dominated by the public service obligation contracting process for our air links and efforts to ensure our Island, and the Bailiwick, is properly connected. These efforts continued throughout the year, led by the Committee *for* Economic Development.

We have also had preliminary talks about the terms of reference for a review of the 1948 Agreement. As of today we are still waiting to finally agree the scope for this work.

On the wider front Alderney, like Guernsey, has been dealing with the outwash from a possible no-deal Brexit and all the uncertainties that this has created. This has taken up much time. It has taken up much of our civil servants' time, including the Law Officers who otherwise might have been progressing other legislative concerns. We are waiting to progress a number of matters including our partnership law, legislation around employment, the minimum wage and disability discrimination.

However, one good achievement has been the extension of our territorial waters from three to 12 miles, along with the rest of the Bailiwick, and we have a clear understanding that Alderney, Guernsey and Sark all have the right to manage their marine resources in a manner that benefits each jurisdiction.

Alderney is the closest Bailiwick Island to France. We share The Race – the strong tidal flow which has the potential for green energy, and a cheaper, cleaner economic future. We are working with Alderney Electricity to consider how best we can secure our future energy and develop tidal power in the future.

There are some good news stories and I will highlight just a few.

Improvements in our population; our resident population rose up to 2,039 by September 2018 – it is a steady but sustainable rise of 2.3% over five years.

Improvements in the economy: average earnings up by 2.6% in March 2019, and an increase of 7% in the number of employers on the Island.

On the financial side, through good housekeeping, we have balanced our books and we have even returned a small surplus to the States of Guernsey for the second year in a row.

The construction industry and housing sectors are doing well and we have established a cannabis/CBD oil industry which is progressing well.

The first phase of our project to extend the Connaught Home has now started.

Alderney Electricity have agreed heads of terms with Simec Atlantic, for a power purchase agreement that would see Alderney connected to France by an electric cable.

The States of Alderney is reviewing its governance and has agreed to move towards separating our legislative and executive functions. We have a new Code of Conduct that reflects Commonwealth Parliamentary Association standards.

We have hosted a number of very successful international festivals which have included the Wilder Islands and Blue Islands summit which resulted in the signing of the Blue Islands Charter in Alderney.

We have had our usual annual events, including the Literary Festival, Performing Arts Festival, and Chamber of Music, the annual fly in, and air races, the hill climb, golf tournaments and of course Alderney Week, Fishing Festival; and of course our football team continue to play the best football in the Bailiwick in the Priaux league! (*Interjections*)

A growing number of visitors are arriving in Alderney to visit our new bird observatory and this is gaining a huge reputation in the birding community, as the geographical migration passage of Alderney is outstanding and supporting our visitors in the shoulder months.

The dig on Longis Common near the Nunnery, revealed extraordinary finds about our Roman and Iron Age past and there is clearly much scope for ongoing work that can add attractiveness to our Island as a visitor destination. We are working on plans to exploit this. My good friend Peter Ferbrache visited the Nunnery dig and was very impressed, and I know he likes anything of great age! The Nunnery is one of the best preserved Roman forts in Northern Europe and this year we have been able to ensure that it is open for the public.

We have continued with the work necessary to combine and repatriate property taxes and look forward to 2021 when we will be able to set them out in a manner that most suits our community and economy.

The Little Ferry had another good year, connecting Alderney and Guernsey throughout the summer, subsidised by the States of Alderney.

We continue to work with those who wish to develop Fort Tourgis and who have secured Dutch Government guarantees.

Sir, I have been brief but I hope you will note just how much of what I have talked about is fundamentally linked to the maintenance of good transport links. That is the pivotal driver of our whole economy in Alderney.

In September and October we experienced what happens when transport fails and one airplane was grounded for maintenance for nine weeks, another reaching the end of its life. It took only weather delays and further technical problems to plunge the Island into a desperate position and people could not travel. We lost business. If Alderney goes into recession, if its economy fails because of the loss of this pivotal driver, the whole Bailiwick will feel the economic impact including our sister Island and partner Guernsey.

1115 So to conclude we continue to work for a good, friendly conclusion to the 1948 Agreement, for
we are friends and partners and we must not lose sight of that in the coming months of discussion.
Thank you.

1120 **The Deputy Bailiff:** Does any Member have any question on a matter for which the States of
Alderney has responsibility that he or she wishes to pose to Alderney Representative Roberts?
Deputy Trott.

Deputy Trott: Thank you, sir.

We are friends and friends are honest with each other. (**Alderney Representative Roberts:** Glad
to hear it!)

1125 With the current £6 million per annum subsidy from the Guernsey taxpayer to the little over
2,000 Alderney residents equating to a subsidy of approximately £3,000 per annum for every man
woman and child, is there now any greater understanding in Alderney of the fact that if the same
budget deficits were enjoyed by each resident of Guernsey the equivalent losses would be a
staggering £189 million per annum.; or, sir, do some of my friends in Alderney remain in denial?

1130 **The Deputy Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Well, sir, I think that goes both ways – the denial factor.

1135 Guernsey has benefited a great deal from the gambling trade and it was started in Alderney and
we never get the recognition of the indirect benefits that comes from that. I do see the problem
and we need to do this with our new financial relationship and this needs to be talked about, Deputy
Trott, and it will be, it will be indeed.

1140 So I look forward to a better future, a future that is better for both Islands, a future that provides
Alderney with a proper transport link that serves Alderney and does not carry on the way it has
been and yet saves Guernsey money, and that is the solution. I look not for blame, I look for solution.

The Deputy Bailiff: Deputy Lester Queripel.

1145 **Deputy Lester Queripel:** Sir, can Mr Roberts tell me please: should Guernsey want to connect
up to the Alderney tidal power plant would the plant be able to provide enough power to Guernsey
to then enable us to cut our ties to France and no longer be in a position where we rely on them to
provide us with electricity?

1150 **The Deputy Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

1155 At the current time it is a pilot operation, but the more we get this up and running, I see no
reason for the future for all of the Bailiwick to benefit from Alderney's tidal power. It is a future that
is worth investing in, and it goes to show that actually Alderney is worth investing in for the future.
Thank you.

The Deputy Bailiff: Deputy Inder.

1160 **Deputy Inder:** Sir, on a number of websites that promote Alderney as a place to live – not
necessarily work actually, a place to live – one of the quotes says:

Alderney offers an open housing market and actively promotes this to early retirees and the retired.

So that is a quote, which is good news I guess that there has been some population growth.

If the Alderney Representative can give an answer, what is the make up of that population growth; is it the economically active, the business driver or the early retirees, the retired and the ones that are costing Guernsey an awful lot of money when they get ill?

1165

The Deputy Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Well, sir, some of those people that have come to the Island actually started businesses and invested a great deal of money in the Island. We have got one investor at the moment who is investing almost tens of millions into the place with development.

1170

I do see the problem where somebody can come to the Island without a housing policy – which we have no choice, you cannot change it, you cannot go to a two-tier and impose residency problems on the people because Alderney would just suffer so badly it would collapse like a pack of cards.

1175

But there are ways I think through personal insurances which will have to be talked about with the financial agreement for the future, whereas people will perhaps take out a private insurance, something like that. Private insurance to help take it forward. I do not know, I do not have all the answers for that.

1180

Remember usually when a representative does the Alderney statement it is a bit like sending one of our Deputies the other way and have to talk about all things Alderney. I have no support whatsoever this morning, so you will have to just bear with me on that. I am doing my very best. But I am sure these things can be worked out. We sit around the table as friends and say, 'Well what can we do about that?' Come to a solution.

1185

The Deputy Bailiff: Alderney Representative Roberts, I am afraid your time is up for that answer.

Alderney Representative Roberts: Sorry, sir.

The Deputy Bailiff: Deputy Roffey.

1190

Deputy Roffey: Thank you, sir.

1195

In his Statement, Alderney Representative Roberts flagged up the fact that Alderney is moving towards an executive system of government where for the first time in history a majority of the Members of the States of Alderney will not be Members of the Government of Alderney. I just wondered if he felt that had any ramifications for the way Alderney was represented in this Chamber, whether it was acceptable still have representatives of the States of Alderney or whether we need representatives of the Government of Alderney, what the thinking was in Alderney on that issue?

The Deputy Bailiff: Alderney Representative Roberts.

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Alderney Representative Roberts: Thank you, sir.

1205

I have my own view on this, and I rushed back on the Wednesday evening when we were late one night and there was not much left from here to get back to the States' meeting and I was denied the chance to vote. I will not go into that for the moment. But I was not a supporter. I am merely reporting what has been reported to me from the States of Alderney. It was a sentence that was put in in my report and I think – but I do not want to give my own view.

Thank you.

The Deputy Bailiff: Deputy Gollop.

1210 **Deputy Gollop:** Thank you, sir.

You have explained the Rules to us that we can only ask questions about matters that are relevant to the organisation of the States of Alderney, but my question is in view of Mr Roberts' Statement, does he feel that the States of Alderney at Member level and Government level have been sufficiently involved and consulted in the public service obligation contract that Economic Development are leading on?

The Deputy Bailiff: Alderney Representative Roberts.

1220 **Alderney Representative Roberts:** In a word, personally, Deputy Gollop, no.
Thank you.

The Deputy Bailiff: Deputy Brehaut.

1225 **Deputy Brehaut:** Thank you, sir.

I suppose it is a variation on Deputy Inder's question, but bearing in mind the very delicate make-up of the Alderney population, things such as the dependency ratio, does the Alderney Representative believe that they have the tools at their disposal with regard to permits for Alderney to ensure that they discriminate in favour of people potentially who are more economically active? Does such a mechanism exist within the Alderney permit system?

1230 **The Deputy Bailiff:** Alderney Representative Roberts, are you able to answer that question?

1235 **Alderney Representative Roberts:** We already operate a system of work permits and each and every person that comes to the Island is screened. Everybody that works on Alderney, unless I believe if they are a businessman or something like that, there is an exemption somewhere. But any worker that comes to the Island actually has to have a work permit unless you are local, unless you are born on the Island it does not matter but if you are not, or you are a spouse that was not born on the Island then you have.

1240 They do award them permanent ones, not all the time; they will give them one for two/three years; after they have been on the Island maybe, I do not know, five or 10 years or so they will give you a permanent one. I think this helps a lot and as you can see from the figures that I gave you, it is growing which is surprising so, for all hiccups we have had with our travel. It just shows the potential of the Island, if we feed it. You would expect it to be going down and it is doing okay actually, it is doing better and I am encouraged.

1245 Thank you, Deputy Brehaut.

The Deputy Bailiff: Deputy Merrett.

1250 **Deputy Merrett:** Thank you, sir.

I think the point that he is trying to get to and certainly the question that I wish to ask, is regarding the demographics of Alderney, and if the Alderney Representative is able to give us the percentage because in his recent response, sir, he said about the working people having a permit, I think the concern is the people that are coming to the Island are not working, so what percentage of the population are working and what percentage of the population are not?

1255 **The Deputy Bailiff:** Are you able to answer that, Alderney Representative Roberts?

Alderney Representative Roberts: Deputy Merrett, I thank you for that question.

1260 I will be honest with you, I have not got those figures with me but I can write to you and I will let you have those figures. That is just something I cannot answer.

Thank you.

The Deputy Bailiff: Deputy Gollop.

1265 **Deputy Gollop:** Alderney Representative Roberts has mentioned several times the importance of cordial round the table discussions with the States of Guernsey on the 1948 Agreement and other issues, which has already elicited a question from senior Member of Policy & Resources.

My question is would Alderney Representative Roberts welcome the opportunity for more dialogue with Policy & Resources and Economic Development on finding additional business and economic opportunities for the Island?

1270

The Deputy Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

1275 Deputy Gollop, yes, I would welcome that, I would welcome that with open arms. But what I would like to see is a greater number of Alderney politicians who have not had any view or any say on the way forward with the 1948 Agreement.

We cannot thank you enough over the last years since the War I will thank you every time I come and we speak about it: to Guernsey, thanks for looking after Alderney. It has left us with a bit of a limp but hopefully that limp will be gone soon.

1280 I would just like to see more Alderney politicians involved in your discussions. It seems to be shut down to a couple of people and we are just not consulted, so how can we give our views?

The Deputy Bailiff: Deputy Lester Queripel.

1285 **Deputy Lester Queripel:** Sir, can Mr Roberts tell me please if he thinks that the Alderney Liaison Group is fit for purpose, and if the answer is no, where does he think improvements need to be made?

The Deputy Bailiff: Alderney Representative Roberts.

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Alderney Representative Roberts: My personal view is that, no, it has not achieved much really. I think we need to go back to the drawing board and set something out a little more robust, if you like, because it has not got a great record of achieving a lot and it is a great shame.

Thank you.

1295

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Thank you.

1300 Alderney Representative Roberts, excuse me if I have asked this question before – I have got a funny feeling I have – but I have never quite understood when you have got Alderney sitting between England to the north, the Cotentin Peninsula to the east, Guernsey to the south and Jersey to the south east, why that economy does not seem to be performing as well as it should be.

1305 I am not entirely sure it is all down to travel links. I am sure they play a part, but has any work been done by Alderney Government looking at ideas of how to change the mindset of the population, possibly the Government? Has the Government ever done any work on some great idea? Because I just cannot understand how an island in the English Channel in the middle of four functioning economies is not working as well as I believe it should be.

The Deputy Bailiff: Alderney Representative Roberts.

1310

Alderney Representative Roberts: Deputy Inder, thanks for asking that question, it gives me a chance to answer it. We are holding workshops at this very moment on that very subject of how we can improve things. We did some last year. I think we have got some things coming up – very

1315 promising things that will provide a lot of employment for the Island, particularly in the building industry, and I think we are doing that. As I said, we are having workshops at this very moment – well not at this moment, but in a couple of weeks.

The Deputy Bailiff: Deputy Laurie Queripel.

1320 **Deputy Laurie Queripel:** Thank you, sir.

I was just a bit disturbed by the answer I heard about the discussions about the 1948 Agreement. Sir, Alderney Representative Roberts said that he would like the views of the Alderney States' Members to be better represented in those discussions. Surely the officials representing Alderney are putting those views forward. If they are not, is there a problem between those representing Alderney and Alderney States' Members? Why aren't those views being conveyed via Alderney's Representatives in those discussions?

1325 Thank you, sir.

The Deputy Bailiff: Alderney Representative Roberts.

1330 **Alderney Representative Roberts:** That is a very good question and I would love to see it happen, but it is not happening. I mean I do not know what goes on at these meetings and I do not get much of a report on it. So I would love to be more involved.

1335 **The Deputy Bailiff:** Deputy Brouard.

Deputy Brouard: Would Alderney Representative Roberts agree with me that those Members who attend the Alderney Liaison Group meetings may have a different opinion than his?

1340 **The Deputy Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: The whole world has a right to a different opinion from me.

The Deputy Bailiff: Deputy Lowe.

1345 **Deputy Lowe:** Thank you.

Would Alderney Representative Roberts agree with me that it might be beneficial if perhaps Guernsey States' Members also visited Alderney and saw actually ... you very rarely and you will struggle to find an empty shop in Alderney, unlike Guernsey, but clearly there are problems – reading the news today about the Belle Vue Hotel where their planning had failed on that? So there are problems in Alderney but equally there is a thriving economy I think in your town. So could you give us assurances that the planning issues are being looked at at political level to ensure that a situation like the Belleview will not necessarily have to go back on the market and can be addressed?

1355 **The Deputy Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Yes, thank you, sir.

Yes, this is a bit egg on face, isn't it? The Alderney States do not look very good here. It was bandied between two committees and it was going ping-pong between the two and it went on longer than it should have done and unfortunately the investor pulled out. We asked him to reconsider but unfortunately up to this point in time he has not.

1360 It was a case, I think, of one committee not talking to the other and it just went on too long. It was a traffic problem. When you come out of the Belle Vue there is a large car park and as you come round the corner towards the public works or onto The Butes, or wherever ... ???[11:16:06]
1365 there is a bend there. Now, with the traffic coming from the supermarket they were worried that

this was going to cause an accident with people walking round the corner, round that sharp bend, and that is the difficulty they had. Also there was a difficulty with moving a window, an entrance and so it was between the two, but it was GSC and BDDC together working or not working or not ... It went wrong. It was something that went wrong and went on too long and the investor pulled out. We are disappointed. I am very disappointed because I wanted that to go ahead and that was my personal view.

The Deputy Bailiff: Alderney Representative, thank you.
Deputy Parkinson.

Deputy Parkinson: Following on from Deputy Lowe's question, would Alderney Representative Roberts agree with me that Members of the States of Guernsey, including Committees of the States and their Presidents, do visit Alderney, do meet with Members of the States of Alderney and do discuss matters of common interest?

Several Members: Hear, hear.

The Deputy Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Yes, indeed they do, Deputy Parkinson, and I am always delighted to see you down in Alderney, and indeed I would like to see more Deputies that we do not see so often, and perhaps more Alderney States' Members coming to Guernsey might be better, to come and meet you at various functions or meetings or whatever or sit in on meetings. But yes, I do concede that point, sir.

The Deputy Bailiff: Deputy Mooney.

Deputy Mooney: Yes, sir.

I would just like to ask Alderney Representative what is the effect of the new planning charges being on the Fort Tourgis project, because I believe they have increased severely?

The Deputy Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you very much.

The Fort Tourgis project goes on for a long time. That is not due to planning. There is a large charge for large developments like that; this can be waived if it is for the good of the economy and to encourage the developer.

We are still waiting for the completion of the due diligence work on Fort Tourgis before a financing plan can be put into place. The project promoters, Move, are also seeking future of the Southampton link; it is pivotal on that. According to Move, the developers, it depends on the Southampton link, it is vital to the operation. An estimated 70 workers will be travelling on that service each week back and forth. It is going to have 70% of Dutch workers working on that project and all of them want to come through Southampton because there is a link there from Europe that they are using and they want to come direct.

Thank you very much.

Questions for Oral Answer

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

Traffic systems – IRIS fit for purpose; road closures; bus diversions

The Deputy Bailiff: Well, Members of the States, we now move to Question Time proper.

The first set of Questions carried forward from the previous meeting are to be posed by Deputy Gollop to the President of the Committee *for the* Environment & Infrastructure.

1415 So, Deputy Gollop, your first Question please.

Deputy Gollop: Thank you very much, sir.

My first Question to Deputy Brehaut is: Island Road Information System (IRIS) has been an important tool in road closure management and communications for a number of years; are there
1420 digital and operation improvements that could be made to ensure the system is fit for purpose?

The Deputy Bailiff: Deputy Brehaut to answer please.

Deputy Brehaut: Thank you, sir, and thank you to Deputy Gollop for the Questions.

1425 The Island Road Information System was upgraded in August to a newer version of the software called Traffic Works. The map showing roadworks is now available via gov.gg/roadworks. The enhancements include: an improved map providing the public with more information and an easy layout; improved back office functionality to help staff plan works more efficiently, including co-ordination checks and enhanced management of inspections. The system is now fully web-based
1430 and it is easier for users to access and for contractors and staff to update on live works. This then automatically updates the public information pages.

Traffic and Highway Services has also identified potential further enhancements including the possibility of such things as push notifications which are a form of alert which would notify the public on upcoming and live works. These will be discussed with the new States of Guernsey IT partner Agilisys.
1435

The Deputy Bailiff: Is this a supplementary, Deputy Gollop?

Deputy Gollop: Subsequent to asking the Question, I attended a Digimap conference where
1440 some of the next generation of technology was being flagged up, including the possibility not just of apps but of effectively surveying and triangulating what is under the road to what is over the road. Will that lead to greater precision and hopefully time reduction in essential road closure programmes through utilities such as telecommunications, water and electricity?

1445 **The Deputy Bailiff:** Deputy Brehaut to reply.

Deputy Brehaut: I do genuinely appreciate these questions. I would stress though that this is operational business which is overseen on a daily basis by people who have all of your concerns at heart and in mind. So you are right, when a road is opened up sometimes what is underneath the
1450 tarmac does not correspond with the schematic that is sat in front of someone. So yes, it is important to get all of those elements tied in together and that will be done clearly at operational level and enhanced, I am sure, by IT processes.

The Deputy Bailiff: Is this another supplementary, Deputy Gollop? No.

1455 Your second Question then please, Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

Sometimes anecdotally roads are signposted online and/or manually as closed to through traffic but in reality can be safely traversed. Can such scenarios be more instantly managed and communicated via social media?

1460

The Deputy Bailiff: Deputy Brehaut to reply.

Deputy Brehaut: Thank you, sir. Thank you, Deputy Gollop.

General pedestrian access and vehicular access to properties must be maintained during all roadworks. Also measures have been implemented to maintain access for cyclists wherever possible. Where practical our major routes access is also provided for buses at peak times.

1465

As soon as contractors have confirmed completion of works instructions are passed to reopen the road. Where feasible, officers will request that contractors turn the signs in to further reduce delays. However, on occasions although works appear to have been completed, the road must remain closed to allow the very hot asphalt time to cure and/or reinstate the road markings.

1470

As well as providing updates via its roadworks system Traffic & Highway Services also provides updates via its Facebook and Twitter accounts as well as via the general media.

1475 **The Deputy Bailiff:** Supplementary questions? Deputy Gollop.

Deputy Gollop: Yes, whilst appreciating these are predominantly operational matters, more so than perhaps in the days of traffic committees, my question here would be: how far are Environment & Infrastructure able to facilitate the communication resources to ensure, for example, social media has proper resources attached to it so that it can be relevant rather than out of date?

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The Deputy Bailiff: Deputy Brehaut to reply.

Deputy Brehaut: Staff take a keen interest in ensuring that public have real time information and in this regard the Committee do. I have to say particularly with regard to cycle access through closed roads, because it is very frustrating when a cyclist has to take a diversion when clearly they could have got through. However, in real times sometimes that is not possible because something can change in the road and it has to be closed. But there is a real focus within Traffic & Highways to get meaningful real time information out there and regular updates.

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The Deputy Bailiff: No further supplementaries, so your third Question please to the President, Deputy Gollop.

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Deputy Gollop: Thank you very much.

Yes, there appears to be a growing trend of radical bus diversions cutting off vast areas of the Island and potentially vulnerable members of the public losing their bus services for days or even weeks at a time. Can health and safety requirements be adapted to suit more flexible public transport alternative routes?

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1500 **The Deputy Bailiff:** Deputy Brehaut to reply.

Deputy Brehaut: Thank you.

Sir, a convenient and reliable bus service is of great importance to my Committee. Officers within Traffic & Highway Services work very closely with the bus company to choose the most suitable bus diversion routes around roadworks. The aim is to maintain services on as much of the route as possible. For example, during the recent closure of Route de la Lage – Lague, I beg your pardon –

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where the only suitable vehicular diversion was via the Mallard, it was agreed with the contractor that scheduled and school buses could travel through the works at agreed times to maintain key services. In addition, scheduled routes were amended so that the Pleinmont area could still receive a regular service with the option to connect to other services at the Airport. But we will continue to look at further opportunities to minimise disruption while still ensuring the safety of those at work and on the public highway.

The Deputy Bailiff: Supplementary question, Deputy Gollop.

Deputy Gollop: Yes, despite examples, when previous companies operated the services and many of the buses were bigger than today diversionary routes used to, for example, use the Chemin Le Roi, Le Variouf and Route des Coutures outside St Martin's School when roads in St Martin's were closed. That is rarely done nowadays, for example, which has the detrimental effect of cutting off much of that parish when essential roadworks are done. Are there alternative arrangements that could be in, for example, one-way systems or use of minibuses during extended periods such as those?

The Deputy Bailiff: Deputy Brehaut to reply.

Deputy Brehaut: I think when a diversion is for an extended period there is obviously enormous merit in looking at all the opportunities including the one-ways. The other problem might be a relatively short closure where you suspend parking for sometimes 24 or 48 hours, then it is unclear for residents just exactly what the situation is and how long the delays will last. But this really is the core business of the staff and CT Plus; they spend hours trying to get this right and endeavour to do so.

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I would like to ask a supplementary regarding, for example, Grandes Maisons Road, when that is closed because no buses then go along Church Road or along New Road; and in fact a densely populated area of our community, being Grandes Maisons and that area, then have to walk into The Bridge or to the Seafront which is quite a distance for some members of community. So has any consideration been given to actually diverting the bus via Church Road, Church Lane, back on to The Bridge and back into Town that way, therefore being able first of all allow buses to disembark, but also to embark the bus without walking long distances?

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: I am sure those are all considerations for people who organise the diversions. The tension always in Guernsey is that we have a demand on infrastructure, there is demand for housing, there is a great deal of housing, for example, being built in St Peter Port South at the moment; that with it, introduces other problems. In fact a problem worth having, for example, if you are diverting because of houses being built, that then requires a little bit of management.

If at any time Deputy Merrett feels that there are solutions that are not apparent to either the bus company or to our staff then please contact them and see if her ideas can be adapted, or both adopted and adapted.

Thank you.

COMMITTEE FOR EDUCATION, SPORT & CULTURE

**Catering and hospitality courses –
College relationship with industry; public restaurant service;
partnership between Education, Sport & Culture and Economic Development;
apprenticeships**

The Deputy Bailiff: As no one else is rising we will move to the second set of Questions also being posed by Deputy Gollop, but this time to the President of the Committee *for* Education, Sport & Culture.

So your second set of Questions, the first question please, Deputy Gollop.

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

My first Question is: how far is the Guernsey College of Further Education working together with relevant industries and Skills Guernsey able to ensure sufficient numbers of students can form a viable cohort to learn modern hospitality, restaurant and catering skills?

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The Deputy Bailiff: I invite the President of the Committee, Deputy Fallaize, to reply.

Deputy Fallaize: Thank you, sir.

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In recent years it has proved increasing difficult to attract students to apprenticeships and fulltime training courses in hospitality and catering. In 2013, 12 first year apprentices enrolled; in 2014 there were 16 new enrolments; from 2015 onwards the numbers have been lower, with only five first year enrolments this September. The number of students studying in this sector full time has declined from 34 in 2013 to nine at present.

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The Guernsey Institute is attempting to reverse this decline. Its efforts include working with schools and Careers Guernsey to promote career paths in the industry and working with the office of the Committee *for* Employment & Social Security to deliver what are called Preparing to Work in Hospitality courses. There is engagement with a number of employers in the sector who are supportive of the initiatives of the Guernsey Institute.

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The Guernsey Institute has also started a project working with students who face barriers to learning and employment. It provides work placements within the cafés at its campuses. These aim to equip students with the skills and experience needed for them to move into paid employment. This initiative is generally being supported by the hospitality and catering sector.

Of course it is always important that such placements should be considered desirable and valuable by all parties involved, not least the student.

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The Deputy Bailiff: Supplementary question, Deputy Gollop?

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Deputy Gollop: A supplementary here is that, hearing the responses of a gradual decline from 16 perhaps down to five or nine students, is the President on behalf of his Committee *for* Education, Sport & Culture able to guarantee that the Guernsey College or Guernsey Institute can maintain the facilities, teachers and infrastructure that is so much a part of Island life for the future?

The Deputy Bailiff: Deputy Fallaize.

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Deputy Fallaize: Well, I think the only answer to that question is that it depends on the number of enrolments. Clearly the Committee would not be in a position to maintain the lecturing staff and the facilities and the infrastructure if there were not any students because the courses have to serve the students. But it would be very regrettable to reach that position and that is not an objective, it would be undesirable. So every effort, as I say, is being made to try to encourage as many students

1600 as possible, both apprentices and full-time students, to enrol in the catering and hospitality courses which continue to be offered in their full form at the present time.

The Deputy Bailiff: Deputy Inder.

1605 **Deputy Inder:** Just a supplementary to Deputy Gollop's Question. Back when I was at catering college – for the miserable couple of years that I was there – there were cohorts of 30, 40, 50 and 60; down to five is going to be an extremely expensive cost per student. He may not be able to answer it now, through you, sir, but I was just wondering what is the cost of the hospitality and catering faculty at the moment?

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The Deputy Bailiff: Are you able to answer that, Deputy Fallaize?

Deputy Fallaize: No, but I can certainly provide Deputy Inder and indeed other Members with an answer to that question in writing. I am not sure that Deputy Inder's description of his experiences is going to entice many new students on to the course! So we will not send Deputy Inder out to promote the course, but we are making every effort to ensure that as many students as possible enrol, but I will get him that information.

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The Deputy Bailiff: Deputy Prow.

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Deputy Prow: Thank you, sir.

I thank Deputy Gollop for his excellent Questions.

Is the President aware of the initiatives being undertaken in our sister Island of Jersey around Highlands College and the extent of courses available which includes a Confederation of Tourism and Hospitality Level 3 Diploma? Does he agree with me that it is not only students that might wish to take this up but people already in the industry who want to progress and that Jersey have done this in response to their skills and labour shortages, and does he think that perhaps liaison with Jersey and what they are doing might be beneficial?

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Thank you, sir.

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The Deputy Bailiff: Deputy Fallaize – (**Deputy Fallaize:** I think –) Just a minute. I am going to take that as at least two questions and no Member may ask more than two supplementary questions, so there will not be another question, Deputy Prow.

Are you able to answer those questions please, Deputy Fallaize?

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Deputy Fallaize: Does that mean I get twice the time to answer them, sir?

The Deputy Bailiff: I would not start using your time up yet! (*Laughter*)

1640 **Deputy Fallaize:** I think Deputy Prow makes a very good point. There has been a reasonable level of dialogue with Highlands College and our officers in connection with planning for the Guernsey Institute because Deputy Prow and other Members will be aware of the changes which are taking place in this sector around the merger of FE and on-Island HE provision. It became apparent to us in those discussions that there is quite a lot that Highlands College is doing which we can learn from and can be of benefit to us, and I think there is some opportunity for joint working with Highlands College.

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I cannot give Deputy Prow an answer to specifically what could be learnt from Highlands College in this area, but generally I think there are things that can be, and I am very happy to look into whether that would apply, particularly in this area of hospitality and catering.

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The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

As we know, sir, hospitality is struggling to recruit people into the industry, so I would like to ask a simple question: how does the Committee intend to grow the uptake of these courses?

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The Deputy Bailiff: Deputy Fallaize.

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Deputy Fallaize: Well, this is slightly paradoxical to be standing here answering the question in this way, but one of the ways is actually by enabling the professionals who work in this sector, both in the industry and educationally, to get on with their job. So I do not think that politicians are going to come up with any bright ideas for how to encourage more students on hospitality and catering courses.

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Clearly, it is a combination of the way in which the courses are promoted and perceived by students, the extent to which the industry is involved. There are all sorts of social and cultural trends as well. Courses, in the FE sector more so than in compulsory education, change from time to time; the demands of industry, the interests of the community change, and if you went back and looked at FE provision 30 years ago it would look very different from how it looks today.

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Our education provision in this sector has to be responsive to the needs of the industry but also the demands of students. So there is not a magic wand, but I am satisfied that everything that could reasonably be done is being done in this area.

The Deputy Bailiff: Deputy Dudley-Owen.

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Deputy Dudley-Owen: Thank you, sir.

My interpretation of what the President of Education, Sport & Culture has just said is another example of hands off by politicians in education, we are not going to be doing anything, this is about letting professionals get on with their job, which is all well and good. However, politicians, in my view, do have a great role to play. I would like to know what joined-up policy approach Deputy Fallaize thinks that we could achieve by working with Economic Development as well as Employment & Social Security where politicians actually really should have a part to play in this issue?

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The Deputy Bailiff: Deputy Fallaize.

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Deputy Fallaize: Well obviously politicians have a part to play in terms of policy. What I am saying is that the way in which this provision functions is always going to be determined by what is done on the ground and the people who are closest to this are the people in industry and the people in the education providers, and they do need to be given the freedom to arrange the courses and invest their resources in the way they see fit.

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Now clearly politicians have an important role to play at a policy level. I have already said in answer to this question, the first Question, that the Employment & Social Security and Education, Sport & Culture have been working together to set up these courses in hospitality. If Deputy Dudley-Owen feels that there is more that could be done between her Committee, Economic Development, and our Committee to encourage more students to take up hospitality courses then of course we are prepared to work together on that.

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But there are particular structural challenges in this area, and I think it would be unrealistic for me to stand here today and to say that by altering things at a policy level by flicking a switch we can suddenly encourage more students into the hospitality and catering sector. We have to remember to some extent there is a finite number of students and if they are not –

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The Deputy Bailiff: Deputy Fallaize, I am afraid your time is up for answering that question. Deputy Inder.

1705 **Deputy Inder:** Sir, just one for the catering and hospitality, given the low figures and the likelihood of, I assume, the existing catering facilities including the restaurant will be incorporated in any new-build on the Ozouets site. Wouldn't this be the time to consider whether savings could be made if we did a deep down analysis and actually consider whether hospitality and catering is worth considering, because to build for restaurant and kitchen facilities is going to be absolutely colossal to find that we have only got five students a year?

1710 **The Deputy Bailiff:** Deputy Fallaize.

1715 **Deputy Fallaize:** Well, Deputy Inder asks a useful question. This is the conflict because on the one hand I think Deputy Dudley-Owen is suggesting that we could be doing more to encourage more students into this sector and Deputy Inder is suggesting that if there are not enough students in this sector then why invest new money in it.

1720 The planning for the Guernsey Institute which will have to be carried out to the same very detailed level as in other areas of reform in education will provide for the Guernsey Institute to be built in response to current and likely future industry and education needs. Now if that means that some resources which are currently going into some sectors need to be shifted into other sectors which are likely to be more viable or successful in the future then that is what will be done, and the business cases for those projects will be subject to the normal, quite detailed level of scrutiny.

1725 **The Deputy Bailiff:** We move to your second Question to the President then, Deputy Gollop, please.

Deputy Gollop: Thank you very much, sir.

1730 Is the College of Further Education or Guernsey Institute at any site able to maintain for public appreciation and enjoyment especially, for example, in the Tennerfest dining period full dining, training, restaurant, bistro facilities for use by the general public as diners?

The Deputy Bailiff: Deputy Fallaize to reply.

Deputy Fallaize: Thank you, sir.

1735 I am afraid it is not possible to offer a consistent restaurant service to the public while the number of students studying hospitality and catering remains low. This challenge is not unique to Guernsey, *The Caterer*, a weekly business magazine published in the UK recently commented as follows:

Part of the issue ... is the industry does not appeal sufficiently to younger workers. A report by the ... [hotel industry training body] found 53% of 16-20 year olds would not consider a career in hospitality. The reasons for this are that it is seen as 'a stepping stone to another career', having 'limited career prospects' and viewed as 'a part-time job whilst studying'.

Experience suggests that a local survey would produce very similar findings.

1740 **The Deputy Bailiff:** Supplementary question, Deputy Gollop?

1745 **Deputy Gollop:** My supplementary would be in view of the low numbers obliging the cancellation perhaps of full consistent restaurant facilities that customers liked, is it not now the time to really do a recruitment drive for students from the Island schools, including of course Alderney and Sark and maybe even outside of the Bailiwick, to ensure a viable cohort of students is there to maximize teaching resources, the new-build that Deputy Inder has referred to and the hospitality waiting side of the course?

The Deputy Bailiff: Deputy Fallaize to reply.

1750 **Deputy Fallaize:** Thank you, sir.

Yes, but every effort is made with schools; there is a great deal of promotion of the courses and opportunities at what is now the Guernsey Institute made to school leavers.

1755 What I think Deputy Gollop has to bear in mind is that there is a relatively small number – I mean small in percentage terms, in absolute terms very small number – of students who leave school each year and who do not either enrol on a course, either a sixth form course or an FE course, or an HE course off Island or go into the workplace.

1760 So this is why I said in response to an earlier question, to some extent there is a finite number of students here and if there is growth in one area of study it is likely that there will be a decline in another area of study. Now this is a problem that is being felt by the hospitality and catering sector at the present time.

Yes, everything should be done to try to promote students enrolling on those courses and I am satisfied that everything is being done. At the moment the staff, the facilities and the infrastructure are adequate to run the full-time and apprenticeship courses to the extent that there is a demand for them from students.

1765 **Deputy Gollop:** My second supplementary therefore –

The Deputy Bailiff: Deputy Gollop, second supplementary.

1770 **Deputy Gollop:** Thank you very much, sir.

1775 ... would be is it not the time for maximising the potential for enrolment on the catering and restaurant service courses from people across the diversity and equality spectrum, including those with disabilities, but also including students of maturer ages, perhaps like some of us Deputies or ex-Deputies? Do we need to widen the context of recruitment and not just, you could say, teenagers?

The Deputy Bailiff: Deputy Fallaize to reply.

1780 **Deputy Fallaize:** The courses are not restricted only to teenagers. The course that is being run at the moment is an apprenticeship course. Now in order to qualify for an apprenticeship you have to have an employer, so there has to be some qualification in order to get onto that course. But Deputy Gollop is wrong to suggest that the full-time courses are restricted only to teenagers. Look, all I am saying is I am satisfied, the Committee is satisfied, that every effort is being made to promote both the apprenticeship and full-time courses to school leavers and others.

1785 If any Member has ideas for what could be done in addition to what is being done at present, then of course the Committee and indeed the Guernsey Institute is happy to take on board those suggestions. But I think that this is a trend related to the economy and social changes rather than to any lack of promotion of the courses by the professionals.

1790 **The Deputy Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

1795 Would the President of Education, Sport & Culture – I am not sure if he can answer this one or not, but – know how much encouragement amongst the high schools and the sixth form high schools ... to encourage youngsters to attend on work experience, because that is a sort of start before they even get to leaving age and working with the hotel and hospitality sector to encourage them to go in beforehand to see what is on offer? It is not just working in the kitchens, as many think of hospitality, it is actually very broad and very wide, and it might be worth a partnership with the hospitality sector visiting the schools to make them aware before the work experience and getting many to go on the work experience.

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The Deputy Bailiff: Deputy Fallaize.

1805 **Deputy Fallaize:** Well, there is a great deal of work experience – I know Deputy Lowe knows this, but there is a great deal of work experience which goes on in our schools. I do not know all of the sectors and companies involved but I do know that schools are always very keen to add to the number of companies who are taking part in those schemes.

I think a further point worth making because Deputy Lowe raises the issue of the employers is of course that there is often in this sector a lot of concern about the population licencing regime. 1810 Well of course for every local student who can be recruited into this sector there is a population licence fewer required, so one would hope that the industry itself is making every effort to promote itself to school leavers and those at the College.

1815 **The Deputy Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

Is the President able to answer my question of: in what year group and how many days are students encouraged to go on work experience?

Thank you, sir.

1820 **The Deputy Bailiff:** I am going to rule that one out, Deputy Fallaize, on the basis that it arises out of the previous answer rather than the Answer to the principle Question.

Nobody else is rising to ask a further supplementary question so, Deputy Gollop, your third Question please.

1825 **Deputy Gollop:** Thank you very much, sir.

Would Education, Sport & Culture welcome a closer relationship and joint policy making partnership with Economic Development, tourism and the hospitality sector encouraging people of all ages to consider hospitality as a career and skills retraining opportunity for a bright future?

1830 **The Deputy Bailiff:** The President, Deputy Fallaize, to reply.

Deputy Fallaize: Thank you, sir.

Deputy Dudley-Owen, in one of her questions, has already pre-empted this question. My answer 1835 is as follows: yes, of course, there is already partnership working between the bodies identified by Deputy Gollop.

Following discussions with employers in this sector who report significant recruitment challenges, representatives from the Guernsey Institute and the office of the Committee for Economic Development have explored the possibility of attracting off-Island apprentices to work 1840 and study in Guernsey. At present no viable way has been found to do this but we hope it may bear fruit in the future.

My Committee and the Guernsey Institute would welcome all approaches from other committees, employers and others to work collaboratively to look for solutions to the challenges we have been discussing in these questions and answers in order that we can support the industry 1845 with its future workforce requirements.

The Deputy Bailiff: No supplementary questions.

So your fourth and final Question to the President please, Deputy Gollop.

1850 **Deputy Gollop:** I have a couple of supplementaries from this Question.

My Question: does Education, Sport & Culture see as desirable, if not essential, enhancing and encouraging apprenticeships of other local students to learn hospitality, catering, travel and tourism

skills, given the labour shortages and potential implications of Brexit in sustaining this vital part of our economy and quality of life offer?

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The Deputy Bailiff: Deputy Fallaize to reply.

Deputy Fallaize: Thank you, sir.

1860 Yes, clearly the prolonged uncertainty surrounding whether, and if so under what terms, the UK will leave the European Union does nothing to help the industry's recruitment challenges. But the Guernsey Institute makes significant efforts to encourage local students to explore the range of careers available with local hospitality and catering employers which includes providing information about qualifications available and career progression opportunities.

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The Deputy Bailiff: Supplementary question, Deputy Gollop.

1870 **Deputy Gollop:** My first supplementary is: given Deputy de Sausmarez's earlier question about the need for ensuring local skills are developed on Island, can't more effort be done to work with companies on the Island to encourage more apprenticeships perhaps for people of mature ages, as well as the traditional school leavers?

The Deputy Bailiff: Deputy Fallaize to reply.

Deputy Fallaize: Thank you, sir.

1875 With respect to Deputy Gollop, I think this is now the same question being asked in (**A Member:** Hear, hear.) a dozen different ways.

Yes, every effort should be made, both at policy level and operational level, by the professionals to promote courses and careers in hospitality and catering.

1880 There are considerable efforts being made, not least because as we have identified in this set of questions and answers there are facilities, there are staff, there is an infrastructure at the Guernsey Institute established to cater for these courses and for these students.

1885 I have explained what is being done between the professional officers of committees, multiple committees and the Guernsey Institute to try to encourage take up of courses in this area. Deputy Dudley-Owen, I respect, thinks that more could be done by her Committee and our Committee working on this at a policy level. I am very happy to set up a meeting to hear her suggestions and the suggestions of her colleagues in this area, but I reiterate my answer to previous questions to Deputy Gollop, which is that I think that everything that could be done is being done. The take up at the moment is disappointing and hopefully that can be arrested in the future.

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The Deputy Bailiff: Second supplementary, Deputy Gollop.

1895 **Deputy Gollop:** To ask the question perhaps a different way, would it be useful if liaison was also conducted with the Population Management Office and Home Affairs as to how establishments who maybe have had their licence applications turned down can find the resources they need by working more closely with the Guernsey Institute?

The Deputy Bailiff: Deputy Fallaize.

1900 **Deputy Fallaize:** Well, I think the Population Management Office would take those issues into account when considering licence applications.

Now I think it is fair to say – Deputy Lowe may correct me if she thinks that I am wrong – that there is a prevailing view in this industry that the licence regime could be more liberal. But in a sense that does conflict with the theme of the questions being asked this morning and the wish to try to encourage as many local people as possible to become involved in this sector of industry.

1905 So I think the Population Management Office has a very difficult task in trying to balance these competing demands, but I think also it does reiterate that it must be in the interests of the industry to work with education professionals to encourage as many local people as possible to take up courses in this sector.

1910 **The Deputy Bailiff:** Nobody else is rising.
Good morning, Deputy Ferbrache, do you wish to be relevéd?
Will the questions that are being posed to the States Trading Supervisory Board next by Deputy de Lisle be answered by you?

1915 **Deputy Ferbrache:** They will be answered by my very able Vice-President.

The Deputy Bailiff: They will be answered by the Vice-President. Thank you for that clarification.

STATES' TRADING SUPERVISORY BOARD

St Saviour's Reservoir – Abnormal levels of MCPA and Mecoprop due to chemical spill at Airport; Airport management programme; Use of chemicals

The Deputy Bailiff: So, Deputy de Lisle, you have some questions to pose to the Vice-President, as it now will be, of the States' Trading Supervisory Board. Your first Question, please.

1920 **Deputy de Lisle:** Thank you, sir.

The St Saviour's Reservoir has been cut off from public drinking water supplies after a pollution incident, which has been linked to the use of herbicides at the Airport. Stream samples taken from St Saviour's Reservoir area and Kings Mill's water treatment works have been reported to show abnormal high levels of two herbicides, MCPA and Mecoprop, while samples taken from St Saviour's water treatment works also showed levels.

As the chemicals are known to be toxic, sir, what range of levels of MCPA and Mecoprop are in the raw and treated water and what are the regulated UK permitted levels?

The Deputy Bailiff: I invite the Vice-President, Deputy Smithies, to reply.

1930 **Deputy Smithies:** Thank you very much, Mr Deputy Bailiff.

Samples taken on 16th October from the Beau Valet stream, one of the three streams that feed into St Saviour's Reservoir, contained 12.9 mcg per litre of MCPA and 11.7 mcg per litre of Mecoprop. Samples taken from Les Padins stream showed concentrations of both chemicals of between 60 mcg and 70 mcg per litre. However, it is important to note that since 2012 this particular stream has not been collected at St Saviour's Reservoir and is instead discharged to the sea.

The regulated UK permitted levels in drinking water for both of these chemicals is 0.1 mcg per litre and that is set at several times below what would be expected to result in any potential harm to human health following continuous long-term exposure.

1940 Samples of treated water taken from the St Saviour's Treatment Works on 7th November were below that level – 0.094 mcg per litre for MCPA and 0.099 mcg per litre for Mecoprop. Nevertheless, as a precaution, while further investigation is carried out, the reservoir was taken off supply when the stream sample results were received on 8th November.

1945 **The Deputy Bailiff:** Deputy Smithies, I am afraid your time is up for answering that particular Question.

Any supplementaries? Deputy de Lisle.

Deputy de Lisle: Yes. Thank you, sir.

1950 The public concern is with the high levels of herbicide pollution in the treated drinking water from St Saviour's and Kings Mill's treatment works at or above permissible levels and the effect on the Airport natural habitat. How regularly are these high levels occurring and has there been further investigation by Guernsey Water?

1955 **The Deputy Bailiff:** Deputy Smithies to reply if he can.

Deputy Smithies: Thank you.

I welcome that opportunity to continue. Samples taken from the Kings Mill's Treatment Works on 7th November were 0.037 mcg per litre of MCPA, which is well within the UK permitted level, and 0.112 mcg per litre of Mecoprop which slightly exceeds it. When the sample was taken this treatment works was also being fed from St Saviour's Reservoir which is now no longer the case.

1960 I am now pleased to be able to inform the States that as at 2 p.m. yesterday the latest set of results from samples taken on 20th November show that levels within the streams and St Saviour's Reservoir are now within the accepted levels for water treatment. Guernsey Water can also confirm that no further treated water failures have been detected.

1965 Monitoring is carried out on a regular basis and further monitoring of the systems will continue.

The Deputy Bailiff: Deputy de Lisle, second supplementary.

1970 **Deputy de Lisle:** Thank you, sir.

My second supplementary on that. You have given me specific readings on specific days but not the range that I asked for over time. Can I please be provided with the range? Can this be provided for public scrutiny in published format on a regular monthly or quarterly basis in the future?

1975 **The Deputy Bailiff:** Deputy Smithies to reply.

Deputy Smithies: Yes, sir.

I apologise to Deputy de Lisle because I was not aware that he had actually asked the question about the range. That information I do not have to hand. However, it will be provided in written form and will be available to the general public.

The Deputy Bailiff: Nobody else wishes to ask any supplementary questions on that answer. So your second Question to the Vice-President please, Deputy de Lisle.

1985 **Deputy de Lisle:** Thank you, sir, and I thank you for the response there that we will have the published information in the future.

The chemical spill may have been caused, sir, by the application of approved herbicides for weed control under an established part of the wildlife and habitat management programme at the Airport. Can a copy of the Airport management programme be obtained and who is managing it and applying the chemicals and paying for it?

1990 **The Deputy Bailiff:** Deputy Smithies to reply please.

Deputy Smithies: Sir, the Wildlife Habitat & Bird Hazard Management Plan is an internal Airport document which determines policy, responsibilities, procedures, reporting, audits, training and the maintenance regime, across all aspects of the Airport's management of habitat, wildlife and bird management.

2000 The matter of application of herbicides while forming a brief element of the overall management plan is addressed more comprehensively in Guernsey Airport's Aerodrome Grass Renovation & Maintenance Programme 2019-20, a copy of which has been provided to Deputy de Lisle. The work within this programme is managed by the Airport Operations Department funded through Guernsey Airport's maintenance budget using its own ground housekeeping staff.

2005 **The Deputy Bailiff:** Supplementary, Deputy de Lisle?

Deputy de Lisle: If I can ask a supplementary on that, sir.

2010 I was pleased to receive Guernsey Airport's Aerodrome Grass Renovation & Maintenance Programme for 2019-20. What struck me though was the application in most months of quite heavy applications of selective cocktail of weed killers including glyphosate and Katana weed killers, even to the runway taxi way edges and the boundary and fence areas of the Airport.

2015 One cannot ignore the World Health Organisation's (WHO) international energy on cancer that classified glyphosate as probably carcinogenic to humans and the decision recently of jurisdictions like Austria and Germany to ban the use of glyphosate altogether. Can you outline, please, what is sprayed, where and by how much?

The Deputy Bailiff: Deputy Smithies to reply.

2020 **Deputy Smithies:** Yes, sir, that is purely within the Airport management plan and without pre-empting the answer to Deputy de Lisle's third Question which deals with that, the Deputy can rest assured that consideration is being given to alternative means of control and their application, and we are very cognisant of the World Health Organisation ratings for these various chemicals, alternatives are certainly being explored.

2025 **The Deputy Bailiff:** Second supplementary, Deputy de Lisle?

Deputy de Lisle: Second supplementary, if I may.

2030 We are told that the work is managed by the Airport Operations Department using its own groundskeeping staff. Can I be clearer on this? In applying the chemical sprays, does the Airport bring in specialised outside outsourced assistance from private companies specialised in using toxic chemicals? If it is all done by groundskeeping staff how are they protected?

The Deputy Bailiff: Deputy Smithies to reply.

2035 **Deputy Smithies:** Sir, only trained and certified staff holding a PA6 PA2A certificate will be permitted to apply herbicides at Guernsey Airport. All measures including retraining and refresher courses for operators are in place and will continue to be so. Also recalibration of spraying equipment and the review of the existing equipment for its suitability will also be undertaken.

2040 **The Deputy Bailiff:** Deputy Inder.

2045 **Deputy Inder:** Sir, just from this stream of questions, it is giving the impression that a lot of the management is effectively done by some type of chemicals. I am wondering if the staff at the Airport or maybe Deputy Smithies might be able to help us: why aren't they just using ride-on lawn mowers like most other land management places use, such as the L'Ancrese Golf Club, for large grass areas? What is the intensity or the concern about certain types of weeds which cannot be killed by an aggressive lawnmower rather than an aggressive chemical?

The Deputy Bailiff: Once again I think there were two questions there from Deputy Inder. Deputy Smithies, are you able to reply to both of them please?

2050

Deputy Smithies: The management regime is one which has been worked out over several years and indeed there would be alternatives that one could employ aggressive lawnmowing. But one has to consider the effectiveness of that. Between lawnmowings obviously the grass would grow, this would then provide a habitat for insects which would encourage birds; and the primary object of this is to avoid catastrophic bird strike at the Airport.

2055

The Deputy Bailiff: We move to your third and final Question to the Vice-President please, Deputy de Lisle.

2060

Deputy de Lisle: Thank you, sir.

Why are these toxic chemicals being applied when alternatives are available, given the significant risk to human health and wildlife? Would the States' Trading Supervisory Board encourage the Airport authority to stop applying these chemicals and instead use land management techniques other than chemical controls?

2065

The Deputy Bailiff: Deputy Smithies to reply please.

Deputy Smithies: Thank you, sir.

2070

As implied by some of my previous answers, the STSB is working to minimise the use of chemicals wherever possible. With some natural measures including seaweed concentrates being applied earlier this year to encourage improved habitats.

However, the recommendations received by Guernsey Airport from UK leading aviation grass and habitat management specialists is that some limited use of herbicide remains the single most effective approach in dealing with aerodrome grass habitat management in general and on Guernsey in particular to help to reduce bird strike.

2075

The Deputy Bailiff: Supplementary question, Deputy de Lisle.

Deputy de Lisle: Sir, if I can give a supplementary.

2080

Will the STSB use its influence to stop – and that is the critical point, *to stop* – this chemical spraying forthwith as it is non-essential and, as a States' body, polluting the reservoir is something that one should carefully avoid; and as one of the Island's major sources of drinking water, for the health and safety of the Guernsey public, for the safety of people working with those chemicals, sir, will STSB not stop the use of toxic chemicals?

2085

The Deputy Bailiff: Deputy Smithies to reply, please.

Deputy Smithies: Clearly, it forms no part of our mandate to pollute the reservoir, so clearly all steps will be taken to prevent the repetition of such an incident.

2090

I think when the joint report which is being prepared by Guernsey Water and Guernsey Airport is published it will be seen that there were a series of unfortunate incidents which have been identified and without pre-empting the report which will be addressed and dealt with.

In terms of stopping chemical spraying, this has to be, I think, the ultimate aim, but in the meantime we do have to manage the Airport and this is the only means available to us at the moment. Once alternatives become available I am sure they will be implemented as soon as possible.

2095

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you.

2100 Would the Vice-President acknowledge that the Guernsey Airport is increasingly becoming a bad neighbour in the Island? Whilst providing an essential service, the polluting nature of the operation from PFOS to oil spillages through the Lagan work, through to noise pollution and now this chemical pollution, is increasingly damaging our environment in the Island?

2105 **The Deputy Bailiff:** Deputy Smithies to reply.

Deputy Smithies: I think that characterisation is a little bit strong. I do not think Guernsey Airport is a bad neighbour. There have been some incidents, but not all coming at once, over some time, and it is certainly the policy and the intention of the STSB to direct Guernsey Airport and indeed any of our areas for which we have responsibility to strive to maintain good neighbourly intentions.

The Deputy Bailiff: Deputy de Lisle, second –

2115 **Deputy de Lisle:** Can I ask a second supplementary, sir?

The Deputy Bailiff: Yes, second supplementary, Deputy de Lisle.

2120 **Deputy de Lisle:** Just given that clean water and food clear of harmful chemicals are fundamental needs and basic human rights of our people, would you not agree with me that these fundamental rights are being compromised by the increasing use of toxic chemicals to control weeds on the Airport?

2125 **The Deputy Bailiff:** Deputy Smithies to reply.

Deputy Smithies: I think this is like motherhood and apple pie; how could say other than, yes, we are fully cognisant of the need for clean water, human needs and basic human rights. But as in many of these questions, it is a question of balance. I have indicated that alternative methods of control are being considered and indeed encouraged, but at the moment we have the balance of the right of the Guernsey population to travel from the Airport in safety and not run the risk of a catastrophic accident occurring if there were to be a bird strike on aircraft take-off or landing.

The Deputy Bailiff: Well, Members of the States, that concludes Question Time. We now move on to the first item of business, please.

2135

Billet d'État XXIII

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

I. Election of a Member of the Elizabeth College Board of Directors – Mrs Rosy Bowyer elected

Article I.

The States are asked:

1. To elect a member of the Elizabeth College Board of Directors, who need not be a member of the States, to replace Mrs Anne-Marie Collivet whose term of office will expire on the 5th January 2020, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation, as set out in Section 1 of The Rules of Procedure of the States of Deliberation and their Committees.

The Deputy Greffier: Billet d'État XXIII, Article I – Election of a Member of the Elizabeth College Board of Directors.

2140 **The Deputy Bailiff:** Are there any nominations?
Deputy Trott, you are rising.

Deputy Trott: Thank you, sir.

2145 May I first take this opportunity to express the gratitude of the Board of Elizabeth College to Mrs Anne-Marie Collivet for her excellent service over the last six years.

Sir, the Board of Elizabeth College has embarked on a tremendously exciting procurement and conversion programme of a substantial building adjacent to the existing College grounds.

2150 Sir, I propose, and Deputy Dorey will second, Mrs Rosy Bowyer – a lady who is known to many, if not most, possibly all of us, through her work as the former Director of States' Property Services.

The Deputy Bailiff: Deputy Trott, I hate to do this to you but it does say that I should simply invite candidates to be proposed and seconded, rather than you speaking about the candidates that you are supposed to propose, under Rule 16(7). (**Deputy Trott:** Yes.) So, having proposed Mrs Bowyer, that is it.

2155 **Deputy Dorey:** is that nomination seconded?

Deputy Dorey: Yes, sir.

The Deputy Bailiff: Are there any other nominations?

2160 I am going to put to Members of the States the nomination of Mrs Rosy Bowyer as a director of the Elizabeth College Board of Directors. It is proposed by Deputy Trott, seconded by Deputy Dorey. All those in favour; all those against.

Members voted Pour.

The Deputy Bailiff: I declare her duly elected.

2165 Do you wish to make a statement at all, Deputy Trott, about that? (*Laughter*)

Deputy Trott: No, sir, I was aware of that Rule.

The Deputy Bailiff: Thank you very much.

Let me congratulate Mrs Bowyer on her election.

Billet d'État XXII

LEGISLATION LAID BEFORE THE STATES

The Airport Fees (Guernsey and Alderney) Regulations, 2019;
The Pilotage Dues (Guernsey) Regulations, 2019;
The Moorings Charges (Guernsey) Regulations, 2019;
The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2019;
The Single Euro Payment Area (Guernsey) (Amendment) Regulations, 2019

Billet d'État XXIII

LEGISLATION LAID BEFORE THE STATES

The Financial Services Ombudsman (Case Fee and Levies)
(Bailiwick of Guernsey) Amendment Order, 2019;
The Weights and Measures (Prescribed Quantities) (Exemptions)
Regulations, 2019;
The Weights and Measures (Intoxicating Liquor) (Amendment)
Regulations, 2019

2170 **The Deputy Greffier:** The following items of legislation are laid before the States: Billet d'État XXII – The Airport Fees (Guernsey and Alderney) Regulations, 2019; The Pilotage Dues (Guernsey) Regulations, 2019; The Moorings Charges (Guernsey) Regulations, 2019; The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2019; The Single Euro Payment Area (Guernsey) (Amendment) Regulations, 2019.

2175 Billet d'État XXIII – The Financial Services Ombudsman (Case Fee and Levies) (Bailiwick of Guernsey) Amendment Order, 2019; The Weights and Measures (Prescribed Quantities) (Exemptions) Regulations, 2019; The Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019.

2180 **The Deputy Bailiff:** Members of the States, we note that all of those measures are laid before this meeting of the States. I have not received any motions to annul any of them.

Billet d'État XXII

POLICY & RESOURCES COMMITTEE

I. The Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019 – Approved

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Billet d'État XXII, Article I, Policy & Resources Committee – The Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019.

2185

The Deputy Bailiff: Is there any debate on this particular item?

If not then I put The Reform (Guernsey) Law, 1948 (Amendment) Ordinance, 2019 to you. Those in favour of approving it; those against.

Members voted Pour.

The Deputy Bailiff: I declare that duly carried.

POLICY & RESOURCES COMMITTEE

II. The Income Tax (Guernsey) (Approval of Agreement with Bermuda) Ordinance, 2019 – Approved as amended

Article II.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Guernsey) (Approval of Agreement with Bermuda) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

2190

The Deputy Greffier: Article II, Policy & Resources Committee – The Income Tax (Guernsey) (Approval of Agreement with Bermuda) Ordinance, 2019.

2195

The Deputy Bailiff: Is there any debate in opening this, Deputy St Pier, as the President of the Committee, or do you want to move straight to laying the amendment?

Deputy St Pier: Straight to the amendment.

The Deputy Bailiff: Thank you very much. The amendment then.

Amendment.

In section 3 of the draft Ordinance entitled "The Income Tax (Guernsey) (Approval of Agreement with Bermuda) Ordinance, 2019" (Article II of Billet d'État No. XXII of 2019), for "11th November, 2019" substitute "2nd December, 2019".

2200 **Deputy St Pier:** Sir, the amendment is very straight forward: simply to change the commencement date from 11th November to 2nd December and this is simply necessary because obviously the States was unable to get to this item of business during its last meeting.

The Deputy Bailiff: That amendment is seconded by you, Deputy Trott?

2205 **Deputy Trott:** It is, sir. I am happy to do so.

The Deputy Bailiff: Thank you very much.

Is there any debate on the amendment?

2210 In that case, I will put to you the amendment proposed by Deputy St Pier, seconded by Deputy Trott. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare the amendment duly carried. Is there any debate on the draft Ordinance as now amended? In which case, I will put to you the Proposition to approve the draft Ordinance, The Income Tax (Guernsey) (Approval of Agreement with Bermuda) Ordinance, 2019 as amended to you. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare the Proposition duly carried.

Billet d'État XXIII

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

II. The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2019 – Approved

Article II.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Billet d'État XXIII, Article II, Committee for Employment & Social Security – The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2019.

2220 **The Deputy Bailiff:** Is there any debate on this draft Ordinance?

In that case, I will put the Proposition to you to whether you approve the draft Ordinance. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that duly carried.

2225

**III. The Health Service (Benefit) (Amendment)
Ordinance, 2019 – Approved**

Article III.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Health Service (Benefit) (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article III, Committee for Employment & Social Security – The Health Service (Benefit) (Amendment) Ordinance, 2019.

2230 **The Deputy Bailiff:** Once again, Members of the States, is there any debate on this particular draft Ordinance?

In that case, I will put the Proposition to approve it to you. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that Proposition duly carried.

**IV. The Long-term Care Insurance (Guernsey)
(Rates) Ordinance, 2019 – Approved**

Article IV.

Whether they are of the opinion to approve the draft Ordinance entitled "The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

2235 **The Deputy Greffier:** Article IV, Committee for Employment & Social Security – The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2019.

The Deputy Bailiff: Once again –
Deputy Gollop?

2240

Deputy Gollop: Yes –

The Deputy Bailiff: Are you opening on behalf of the Committee?

2245 **Deputy Gollop:** No. I could. Deputy Langlois ...

The Deputy Bailiff: Deputy Langlois, do you wish to one on behalf of the Committee before Deputy Gollop speaks in general debate? No. Deputy Gollop then. *(Laughter)*

2250 **Deputy Gollop:** I could open.

I entirely support the Ordinance. **(The Deputy Bailiff:** Good.) We had a long debate only a few weeks ago.

2255 But I rise not only to thank Mr Roberts for what he said about the improvements and the next stage of life for the new Connaught Home in Alderney where my mother spent a number of happy years – of course it applies to both Guernsey and Alderney – but I thought one of the most notable speeches we have seen in this Chamber in the last season really was by Deputy Trott who really

made a political punch earlier in the month when he pointed out the benefits the taxpayer or service user or Social Security payer gets in Guernsey, and how much of the time most of us most of the time are probably in receipt of a credit financially because somebody else, somebody who is perhaps very successful in life or who is contributing in business or other professions, is actually paying more than other people. That is not a criticism that is just a comment.

Because when you look at the rates of benefit the Guernsey we know, as you heard from Deputy Langlois in his excellent speech and questions, we are working on the Supported Living & Ageing Well Strategy and I asked a question, part in jest, about health, but actually we do have extremely valid contributions from senior health officers and from Deputy Soulsby and from senior officers at Policy & Resources. But at the same time hard decisions will have to be taken regardless of your political persuasion, whether you are a little bit towards Jeremy Corbyn or toward Boris Johnson or towards Theresa May, there will be issues about long-term care insurance that will affect our politics next year.

My point is just simply this, look at what we already pay per person – that we will approve I am sure – £463.89 per persons resident; for those receiving additional care, £611.24; and for those in the Cheshire Home, £866.11 and respite as well. The point I am making is those figures are significant, they are funded fundamentally by social insurance; once upon a time there were top ups from general revenue – not these days so much; and if we are to retain that level of support for what will be in the more expensive sector in terms of recruitment, training, regulation, quality of care, we will have to consider very carefully, not just what Deputy St Pier and his Committee have put across in their fiscal report, but other issues related to Social Security, health care, Partnership of Purpose, and Supported Living & Ageing Well. I am just flagging up 2020 issues.

The Deputy Bailiff: Do you wish to reply to that at all, Deputy Langlois, on behalf of the Committee?

Deputy Langlois: Only to thank Deputy Gollop for raising some interesting points and forewarning of the debate to come.

The Deputy Bailiff: So I put to you the Proposition whether you are minded to approve the draft Ordinance entitled The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2019. All those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that duly carried.

V. The Severe Disability Benefit and Carer's Allowance Ordinance, 2019 – Approved

Article V.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Severe Disability Benefit and Carer's Allowance Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article V, Committee for Employment & Social Security – The Severe Disability Benefit and Carer's Allowance Ordinance, 2019.

The Deputy Bailiff: Anyone wishing to debate this Ordinance? No.

2295 In that case, I will put the Proposition to you to approve the draft Ordinance. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that Proposition duly carried.

**VI. The Income Support (Implementation) (Amendment) Ordinance, 2019 –
Approved as amended**

Article VI.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Support (Implementation) (Amendment) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article VI, Committee for Employment & Social Security – The Income Support (Implementation) (Amendment) Ordinance, 2019.

2300

The Deputy Bailiff: Deputy Langlois, do you wish to open debate generally or do you want to move straight to the amendment?

Deputy Langlois: Move straight to the amendment, sir, please.

2305

The Deputy Bailiff: Thank you very much.
I understand you are now proposing this amendment.

Deputy Roffey: I am happy to second it, sir.

2310

Deputy Langlois: That is correct, sir.

The Deputy Bailiff: Do you wish to speak to it at all?

Amendment.

In the Income Support (Implementation) (Amendment) Ordinance, 2019, immediately after section 1 add the following section -

*"1A. In paragraph 6 (rent) of the First Schedule to the Ordinance –
(a) in subparagraph (1)(b), for "£75" substitute "£76.50", and
(b) in subparagraph (2A)(a), for "£75" substitute "£76.50"."*

2315 **Deputy Langlois:** Only to explain that it is a corrective amendment. The States made a decision in November regarding a figure which was not then translated to the Ordinance, so it is just inserting a figure that should have been there in the Ordinance which has been agreed by the States but by error was omitted, that is all.

2320 **The Deputy Bailiff:** Right. Deputy Roffey, you are formally seconding that, I gather? Yes.
Any debate on the amendment?

If not, I will put the amendment to you which is to insert an additional clause 1A into the draft Ordinance, proposed by Deputy Langlois, seconded by Deputy Roffey. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare the amendment duly carried.

2325

Is there any debate on the draft Ordinance as amended?

In that case I will put the Proposition to you to approve the draft Ordinance as amended. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare the draft Ordinance as amended duly carried.

COMMITTEE FOR ECONOMIC DEVELOPMENT

VII. The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2019 – Approved

Article VII.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

2330

The Deputy Greffier: Article VII, Committee for Economic Development – The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2019.

The Deputy Bailiff: Is there any debate on this draft Ordinance? President? No.

2335

In that case, I will put the Proposition to you to approve this draft Ordinance as well, The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2019. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that Proposition duly carried.

COMMITTEE FOR HOME AFFAIRS

VIII. The Electoral Roll Ordinance, 2019 – Approved

Article VIII.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Electoral Roll Ordinance, 2019", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article VIII, Committee for Home Affairs – The Electoral Roll Ordinance, 2019.

2340

The Deputy Bailiff: Is there any opening debate on this draft Ordinance?

Deputy Lowe: No, thank you, sir.

2345 **The Deputy Bailiff:** Deputy Gollop, you wish to speak, do you?

Deputy Gollop: Yes, we had the privilege, I suppose, and the honour to look at this on the Legislation Scrutiny Committee that Deputy Green and Deputy Tindall and Deputy de Lisle also sit on, and Deputy Paint and Deputy Laurie Queripel, and it was a mystery this, in many ways for me, because the Electoral Roll responsibility is kind of split between Home Affairs who have the legal responsibility and the States' Assembly & Constitution Committee who are in a sense coming up with a policy framework that will govern the Election. And this is kind of late because I believe we were supposed to get to this point of encouraging enrolment by the early Autumn, September-October, and now we are voting for the Electoral Roll in existence at 11.59 p.m. – it will be actually Saturday night ... will cease to be valid and replaced by a new Roll. Then we will vote pursuant to and in accordance with this on or before 2nd December. The Registrar General shall cause to be distributed to each dwelling in the Island such number of forms of application.

2350 Well has that happened? I mean we are literally less than a week away from 2nd December and I do not recall seeing or hearing about these forms going not only to every dwelling, every home on the Island, but also to homes of multiple occupation and flats and residential homes and so on. It does seem that this is a bit last minute and I am kind of unsure of the wider context of this, but I do support it.

2365 **The Deputy Bailiff:** Deputy Inder.

Deputy Inder: I can possibly help Deputy Gollop there.

As far as I understand – I am sure Deputy Lowe may assist me if I am wrong – you are right about 2nd December. I understand there is something in place at the moment within the next couple of weeks that effectively the promotion of the Electoral Roll which forms part of the Election starts from 2nd December, but until we change the Law there is not much that can be done and that is why we are here today.

As far as I understand – and Deputy Lowe again might be able to help me out – it is all in preparation; within the next couple of weeks we will be seeing flyers out to every home in Guernsey.

2375 **The Deputy Bailiff:** No one else is rising. The President, Deputy Lowe, for the Committee for Home Affairs, do you wish to reply to the debate?

Deputy Lowe: Thank you, sir.

2380 I think you will find the date was late because of the Douzaine Elections and the Parish Elections, so you could not close the Roll too early and then open up a new one. There was part of that taken into consideration as well.

But Deputy Inder is absolutely right, things will be going out to all households very shortly and that campaign is well programmed and will be released quite shortly.

2385 **The Deputy Bailiff:** Well, Members of the States, I put to you the simple Proposition whether you are minded to approve the draft Ordinance entitled The Electoral Roll Ordinance 2019. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that duly carried.

Billet d'État XXII

POLICY & RESOURCES COMMITTEE

III. Committee Operational Responsibilities and the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 – Debate commenced

Article III.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Committee Operational Responsibilities and the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 dated 4th September 2019 they are of the opinion:

1.To note the contents, including the schedules of operational responsibilities set out in Appendix 1 for the various States' Committees,

2.To agree that Rule 58 of the Rules of Procedure of the States of Deliberation and their Committees, to read as follows,

"The Policy & Resources Committee has the power to allocate operational functions to Committees, and to transfer them between Committees, as set out in Annex Two to the mandates of the Committees of the States, without requiring the approval of the States;

Provided that:

the allocation or transfer has the agreement of all Committees concerned and also provided that neither mandates of Committees of the States nor Annex One attached thereto may be amended without resolution of the states;

Provided also that:

the power to transfer shall not apply to an operational function conferred on a Committee by legislation."

and

1.To approve the draft Ordinance entitled 'The Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019' and to direct that the same shall have effect as an Ordinance of the States.

2390 **The Deputy Greffier:** Billet d'État XXII, Article III, Policy & Resources Committee – Committee Operational Responsibilities and the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019.

2395 **The Deputy Bailiff:** Members of the States, I do not want to get a reputation for starting late and finishing early, but rather than invite the President of the Committee to open the debate, bearing in mind that this has got a number of amendments, what I am minded to do now is simply to adjourn until 2.30 p.m. and get a fresh start on this item then.

So we will now adjourn until 2.30 p.m.

*The Assembly adjourned at 12.29 p.m.
and resumed its sitting at 2.30 p.m.*

**Committee Operational Responsibilities
and the Organisation of States' Affairs (Transfer of Functions and
Consequential Matters) Ordinance, 2019 –
Debate continued –
Propositions approved as amended**

2400 **The Deputy Greffier:** Article III, Policy & Resources Committee – Committee Operational Responsibilities and the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019.

2405 **The Deputy Bailiff:** I invite the President of the Policy & Resources Committee, Deputy St Pier, to open the debate.

[Amendment 3](#)

For Proposition 1, substitute the following proposition:

"1. To note the contents and to agree the schedules of operational responsibilities for the various States' Committees as set out in the Appendix to this Proposition"

Deputy St Pier: Sir, this policy letter marks an important milestone in the most recent review of our Machinery of Government as it discharges the remaining Resolutions from the three policy letters of the States' Review Committee; indeed, I guess it could best be described as tying up some of the loose ends.

2410 It covers three matters, namely to confirm the schedules listing the operational responsibilities that have been made by my Committee following consultation and discussion with each of the committees. It amends Rule 58 of the Rules of Procedure to ensure that in the future the Committee can quickly and simply amend the Schedules of Operational Responsibilities when requested to do so by a committee, and it presents a draft Ordinance, the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019, which ties up a few of the transfers of functions which were perhaps overlooked in 2016 when the Machinery of Government at that time was introduced.

2420 Now my comments mainly relate to the Schedules of Operational Responsibilities and I will deal with that matter first, together with the Committee's amendment 3 of the Agenda. On first inspection, it should have been fairly straight forward to produce a list for each committee, but the reality was that because these responsibilities are undertaken day in, day out, it has proved difficult to list them as so many are undertaken without recognising them as key operational responsibilities.

2425 However, drafting the Schedules has taken much longer than was initially anticipated and of course this is in part due to staff changes across the committees but also due to the complexity of identifying committees' operational responsibilities.

A further complication has been where operational responsibilities cut across two or more committees and where the mandate may remain with committee A but the day-to-day operational responsibility has been transferred to committee B as part of the operational reorganisations.

2430 So the Schedules of the Committees Operational Responsibilities were agreed by the Policy & Resources Committee in August this year. However, since then a number of committees have contacted us requesting some minor changes to the Schedules and having considered those requests the Committee concluded that the simplest approach would be to bring an amendment, which is amendment 3 which seeks to replace the Appendix to this policy letter with a new one – just to pick up all of those changes in one go – and I think that has met with the approval of the committees who were concerned.

2435 I hope that Members of the Assembly will note the Schedules as amended and recognise that as and when any further amendments or corrections may be required these can be actioned perhaps more simply and quickly.

2440 Which takes me to Rule 58 of the Rules; under this Rule the Committee can amend and update operational responsibilities in a timely manner. As the reforms of the public sector continue it is likely that some operational responsibilities may move again from one committee to another and Rule 58 will enable the Policy & Resources Committee to amend the Schedules as may be required when requested to do so by the relevant committees. Similarly, as new areas of work commence the Committee may request which Schedule to be revised to reflect this. So I think it is an entirely pragmatic suggestion in relation to Rule 58.

2445 The proposed amendment to Rule 58 set out in Proposition 2 confirms the recommendation of the States' Review Committee to give the Policy & Resources Committee the power to allocate operational functions to committees and to transfer them between committees without requiring the approval of the States with the agreement of all committees concerned and provided that neither mandates of the committees of the States, nor Annex 1 attached, may be amended without Resolution of the States. In other words, it would need to come to the floor of this Assembly.

It is important to remember that Rule 58 does not extend to transferring operational responsibilities where the function conferred on a committee is by legislation and in these circumstances additional transfer of functions ordinances will continue to be required.

2455 Finally, I ask Members to approve the draft Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance. It is, as I have already said, a tidying-up ordinance which transfers minor statutory responsibilities which were overlooked in 2016. With the assurance that my Committee will continue to support requests from committees for their Schedule of Operational Responsibilities to be amended and to ensure that they continue to reflect what a committee is doing, I ask the Assembly to support the Committee's amendment, agree to amend Rule 58 and to approve the legislation.

2460 Sir, we have submitted two further amendments. I am very happy to have them all laid together and debated together if you are happy to deal with it in that way, but that, sir, is a matter for you.

2465 **The Deputy Bailiff:** Thank you.
Deputy Le Tocq.

Deputy Le Tocq: Can I be relevé, please, sir?

2470 **The Deputy Bailiff:** You may be relevé. Thank you and welcome
Deputy St Pier, is it your wish to take amendment 3 first, effectively, because you have almost spoken to it first?

Deputy St Pier: I have, sir, yes and to be honest, I have nothing further to add.

2475 **Deputy Ferbrache:** I second that – the amendment ... *[Inaudible]*

The Deputy Bailiff: It is not that one, Deputy Ferbrache, that you are seconding.

2480 **Deputy Ferbrache:** I thought that Deputy St Pier was dealing with the whole thing together. That is why I am assuming ... if it met with your approval.

The Deputy Bailiff: He is inviting me to and I am just trying to take it in the order that may logically follow.

2485 So amendment 3, Members of the States, is the first one that is being proposed by Deputy St Pier and he has already spoken to it.

Do you formally second that, Deputy Trott?

Deputy Trott: I do, sir.

The Deputy Bailiff: Is there going to be any debate on that particular amendment or can I simply put it to you without further debate? Is anyone wanting to speak?

Well, what I am minded to do is to put all the amendments in play, take a debate on the three amendments, possibly run with general debate as well, then run the winding up on the amendments sequentially.

So amendment 1, Deputy St Pier, you are proposing?

[Amendment 1](#)

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

"2A. To delete "(b)6 Property and real estate owned or leased by the States;" and "(b)8 States' corporate engineering and architectural services" from the mandate of the States' Trading Supervisory Board in Appendix A to the Rules of Procedure of the States of Deliberation and their Committees."

Deputy St Pier: Sir, yes, and I will do so now and briefly speak to it.

In proposing this amendment I would just draw Members' attention to the explanatory note and will just expand a little on that now. The Policy & Resources Committee and the States' Trading Supervisory Board have been in dialogue on this and we have agreed that the current arrangement for, and I quote:

... the management and administration of all States owned and leased property and real estate including the provision of advice to the organisation on property matters and the provisions of corporate engineering and architecture services" ... rest as an operational function with the [States' Trading Supervisory] Board [but it is perhaps] generating confusion and impeding the efficient and effective management of [States' property assets] when set against the policy setting responsibilities of [my] Committee.

I would just remind Members that the States' Property Services is an internal service provider for States' activities and so does not naturally sit in the trading group as it is of course neither a trading nor a commercial concern. It is entirely general revenue funded and any income is directed into general revenue.

The transfer of these operational functions from the States' Trading Supervisory Board to the Policy & Resources Committee has been agreed under Rule 58 of the Rules. However, the approval of the States is required to amend the mandate of the States' Trading Supervisory Board and no amendment to Policy & Resources mandate is required as it already includes its role to advise the States on property portfolio matters.

Both committees do consider it expedient to bring this matter to the Assembly at the same time as it is asked to approve the other Propositions relating to this item and I would like to take this opportunity to thank Deputy Ferbrache and Members of the States' Trading Supervisory Board for their engagement on this and for their support on this matter, sir.

The Deputy Bailiff: Do you formally second that amendment, Deputy Ferbrache?

Deputy Ferbrache: I do, sir.

The Deputy Bailiff: Thank you very much.

Just for the sake of completeness, Members of the States, we will put the final amendment which is numbered 4 into play as well and then have a general debate on everything under the sun relating to this topic, and that is also proposed by Deputy St Pier who wishes to speak to that.

[Amendment 4](#)

To insert at the end of the words in proposition 3 "subject to the following amendment -

(a) After section 10 insert -

"Plant Health Legislation.

11. (1) *The functions, rights and liabilities of the States Committee for Economic Development and of its President or Vice-President arising under or by virtue of the enactments set out in subsection (3) are transferred to and vested in the States Committee for the Environment & Infrastructure or (as the case may be) its President or Vice-President.*

(2) *For any reference in any enactment referred to in subsection (1) to the States Committee for Economic Development or its President or Vice-President, however expressed, there is substituted a reference to the States Committee for the Environment & Infrastructure or (as the case may be) its President or Vice-President.*

(3) *The enactments are –*

(a) *the Loi relative au doryphore (anglicé Colorado Beetle), 1933,*

(b) *the Colorado Beetle (Bailiwick of Guernsey) Law, 1956 (insofar as it relates to Guernsey),*

(c) *the Plant Health (Enabling Provisions) (Guernsey) Law, 2014,*

(d) *Ordonnance relative à la Vente, au Déplacement et a Transport de Plantes Contaminées,*

(e) *the Ordonnance relative au Doryphore (anglicé Colorado Beetle), 1933,*

(f) *the Narcissus Pests Ordinance, 1938,*

(g) *the Potatoes (Wart Disease) Ordinance, 1950,*

(h) *the Colorado Beetle (Export of Potatoes) Ordinance, 1952,*

(i) *the Road Traffic (Conveyance of Plant Material) Ordinance, 1976,*

(j) *the Control of Diseased Plant Material Ordinance, 1976,*

(k) *the Plant Pests Ordinance, 1982,*

(l) *the Tree Pests Ordinance, 1982,*

(m) *the Import and Export (Plant Health) Ordinance, 1982,*

(n) *the Import and Export of Trees, Wood and Bark (Health) Ordinance, 1982, and*

(o) *the Plant Health (Guernsey) Ordinance, 2019.", and*

(b) *renumber sections 11 and 12 as 12 and 13 respectively."*

2525

Deputy St Pier: Thank you, sir.

Again, I shall be brief, and again just draw Members' attention to the explanatory note. We have been asked by the Committee for Economic Development and the Committee for the Environment & Infrastructure to bring this amendment. It seeks to transfer the current statutory functions in relation to the regulation of plant health from Economic Development to Environment & Infrastructure and this is simply to be consistent with the proposal that Environment & Infrastructure holds the operational functions for plant health. The policy responsibly for the promotion and development of horticulture will of course remain with Economic Development as set out in its mandate.

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2535

Again I thank both committees for their dialogue on this matter, sir.

The Deputy Bailiff: Do you formally second that amendment, Deputy Trott.

Deputy Trott: I do, sir, thank you.

2540

The Deputy Bailiff: Thank you very much.

Members of the States, we have got a set of original Propositions and some amendments to debate. When we come to the end of the debate we will take the amendments probably in the same order again for voting, before voting on the Propositions as amended, if they are amended.

2545

Deputy Tindall.

Deputy Tindall: Thank you, sir.

Felt a bit like musical chairs there, I was not sure when general debate was to begin.

I would like to start by saying that I have no issue with the three amendments in play. I wish to make some observations and just to confirm to the Assembly why we withdrew amendment 2.

2550

The main issue was that when I first observed the draft it was not a draft sent to the Development & Planning Authority, it was sent to Health & Social Care and I noted an inaccuracy in the operational functions for Environment & Infrastructure. This is really the point of what I wish to say. It is a shame but when you see a policy letter which refers to compliance with Rule 4, I really urge all Members here to ensure that that compliance has actually been fulfilled.

So compliance with Rule 4, the policy letter says – and I want to take it in reverse order – 6.3, Rule 4(5), details of the consultation undertaken by the committee is set out above. Then Rule 4(4), the Propositions have, and I read this as per the policy letter, the:

... [unanimous/majority] support of the President and members of the Policy & Resources Committee.

So that is my first question, can you confirm please whether or not it has unanimous or majority support of these Propositions?

The last one mentions Rule 4(1) and having taken advice on legal and constitutional matters. My main issue is actually that reference to consultation which is set out more fully in 5.1:

The Policy & Resources Committee has consulted with all States' Committees ...

And this was confirmed by Deputy St Pier in his opening speech.

All the States' Committees have advised that the operational functions and responsibilities, as drafted, are correct.

In the original policy letter they were not correct, and Development & Planning Authority were not consulted.

Now as it turns out, as many of you know, through you, sir, the policy letter was actually laid, it was not debated, there was not time, then it was withdrawn, then it was laid again, then we have these amendments. So for me there was plenty of opportunity to get this right, but there was also plenty of opportunity when I represented several times that it was wrong, and in the end – and I thank Deputy Brehaut for supporting the amendment we did not lay to correct those errors within both the mandate for E&I and the mandate for Development & Planning.

Some of my colleagues will appreciate the reason why I was slightly incensed by the error, because of course the error was this traditional error about what the actual Development & Planning Authority was all about, and the responsibility for planning was given to E&I and not DPA. So it was quite important from this perspective.

However, the point I am trying to get at is I would like to understand how a Committee who is advising the States that everyone has been consulted makes sure that everyone has been consulted, because as I understand when I investigated, I was told, 'Oh, it has been given to the Chief Secretaries,' as was, and presumably in future will be given to committee secretaries. Again, Development & Planning Authority officers have said, 'No, we did not see anything.'

So I am just saying this as almost like a story for us to learn by, because even though the import of this particular policy letter may not be, in the grand scheme of things, that much, that important, what is said in those policy letters and what is repeated in the States is extremely important (**A Member:** Hear, hear.) for other policy letters.

So whilst we have, on the fourth attempt to get the Development & Planning Authority's operational functions, and E&I's, correct, I would like the reassurance from Policy & Resources and Deputy St Pier in his response, of a governance issue of how this Rule will be reiterated and reinforced, but not only that, that in particular when Rule 58 is requested there is this consultation going forward.

I am sorry if it sounds a little bit of I am having a go, but I am very aware that when Propositions are made, and amendments, that consultation is very important, it is very important to enable good debate and moving forward. As it has turned out, we have managed to withdraw that amendment and, for that reason, I am grateful to all those who were involved to get the final result to what we need.

Again I thank very much P&R for indeed doing so.

Thank you, sir.

The Deputy Bailiff: Deputy Lowe.

2600 **Deputy Lowe:** Thank you, sir.

It is interesting to hear Deputy Tindall's speech there because she wants P&R to get this right and that is exactly what I would like to do as well.

2605 I am not going to vote against the amendments and I am not voting against the report, but I do want to add here that I think this is, the words best to use are, a dog's dinner. But having read the Schedule of Operational Functions for Committees set out in this policy letter, that is the phrase that springs to mind.

2610 I am not seeking to oppose this policy letter, as I just said, but it is clear to me that in co-ordinating the responses from committees, the Policy & Resources Committee has failed to provide any consistency in their approach or sufficient guidance to committees in preparing their operational schedules.

2615 How we compare the level of granularity adopted by some committees in presenting their operational functions with the high-level approach adopted by others. For example, we see 27 operational functions listed for the Committee *for the Environment & Infrastructure*, a committee with a budget of £12 million, compared with just 12 high level functions listed for the Committee *for Health & Social Care*, a committee with a budget of £120 million. Then we have no less than 54 functions listed for the Committee *for Education, Sport & Culture*, compared with the Committee *for Home Affairs* which has, like HSC, presented a high-level summary of its functions.

2620 I submit that these schedules of operational functions provide little clarity for the Policy & Resources Committee and indeed all States' committees should they be looking to transfer any functions between committees, let alone a member of the public trying to identify what functions each committee is responsible for.

Not only are there wide variations in the level of granularity, but even the format and style is inconsistent with sub-activities shown using numbers, bullet points, dashes, letters, the list goes on.

2625 I will simply conclude by saying that while I am not fundamentally opposed to the Propositions, please could Policy & Resources Committee ensure that in future when consulting committee offices that it provides more guidance so that a consistent approach across all States' committees can be achieved.

2630 Also that when it receives the feedback it then fulfils its co-ordinating responsibilities by comparing and contrasting the submissions to ensure that what is presented to this Assembly has an appropriate level of consistency. What we have here is a real mish-mash.

2635 I contemplated lodging an amendment but I do not want to be wasting valuable States' time on what should be a straightforward organisational document. I do however believe that the best outcome would be for P&R to reflect on the mess of this document and its own volition to offer to return to the States with the same information but in a properly structured format and consistent level of details across all committees including the DPA.

Thank you, sir.

The Deputy Bailiff: Deputy Gollop.

2640 **Deputy Gollop:** Deputy Lowe has made me think about Mish Mash that used to be the name for a restaurant in Guernsey. Hopefully they did better than dog's dinners! (*Laughter*)

2645 Now I feel like a mucky pup at times because only last week – and I see Deputy Ferbrache amongst other Members being slightly amused and bemused by my comments – but I fell foul of the official channels because I started writing questions to one committee about operational responsibilities that were probably 98% more in another area.

There are nuances and certainly I support various other Members of the States, as did Deputy Inder, who called for perhaps more of a department, or you could call it a ministry, of transport

because what we have done, for example, on air and sea transport is the reshaping of Government, split it five or six different ways, so that it is not the activity that is regulated, it is the functional, philosophical level, the thinking from the doing and the management from this; and it is not easy, especially for a small community.

I know we should not draw attention to what goes on elsewhere and I know actually we are probably doing better much of the time, but I recall various chaotic UK reshuffles that go on between ministers. There was one particularly in the Blair era, but it has occurred since as well, whereby the Prime Minister of the day has reallocated portfolios and nobody in Whitehall has been aware as to who has actually, for the sake of argument, got responsibility for liaising with the Channel Islands.

So they do it one way, which is seat of the pants, almost the back of a cigarette packet, we do it in a more deliberative and careful way but it is a slow process and it does lead to the inconsistencies Deputy Lowe has identified.

Deputy Tindall, I am pleased she spoke because she said something that I might have said a year ago in her position, perhaps in slightly different words, but the point is there; that DPA has often been ignored in an administrative sense in the way these processes are done because it is not quite a Principal Committee nor is it just a functional committee.

If you turn to one of the amendments – which is different, I believe, than the amendments that are online; this is another complexity which perhaps I got it wrong and accessed the wrong thing, but this only goes to show how hard it is sometimes to collate these matters – but if you look at the Development & Planning Authority point in amendment 3, you will see amongst other things:

To insert a new item 4: "Providing advice and administrative support relating to land planning other than in relation to the certification of the States' Strategic Land Use Plan."

Well of course it is quite right that actually DPA really stands alone on most aspects of planning; perhaps an element of housing policy is part of E&I or ESS, but it the planning political committee of the States. And yet, as Deputy Ferbrache pointed out at the beginning of this term, the key Strategic Land Use Plan (SLUP) belongs to Environment & Infrastructure, and still does.

On the other amendments I am a bit reluctant to support, despite cross-committee support, the STSB transfer of the property assets and management to Policy & Resources, because I remember – and some other Members around the States might, Deputy Trott being one of them – that back in the day the Board of Administration was arguably the second most important committee of the States, I would say the most important, and it had control over most, if not all, functions of property. There was a tradition that carried on to a certain extent mixed with Public Services and Treasury & Resources and now we have a more commercially minded and more hands off perhaps States' Trading Supervisory Board, a very different era. But I do not quite understand whether this change today will, for example, mean the STSB will have less say over the Harbour estate, or the Airport, or other elements, and we are centralising not quite a cabinet but to a core government a very important, malleable part of our resources and this goes a lot further I think that the reshaping of Government envisaged.

That brings me to two aspects of the other amendments. I think I will vote for the Environment & Infrastructure growing a little bit by taking on some of the responsibilities of Sea Fisheries, marine management, habitat, biodiversity, because it makes sense in the context of climate change.

But I do not want to be given a rough tongue and told to learn my *plaice or sole* or whatever by the fishermen and hopefully women of Guernsey in fishy tales, because I am well aware Deputy Paint, partly on behalf of the Fishermen's Association, has expressed reservations over the years about Environment & Infrastructure undermining the economic and management side of fisheries, because we somehow need to find a coherent balance between international relations and environmental conservation to ensure that fish and molluscs thrive for another generation, and the realities of whether we can manage viable fishing and marine industry today.

2695 I would not wish to see a vote today lead to the partial shutdown of the industry through perhaps committee misunderstandings, much as I support a greener approach to marine management on many levels.

My other point relates to plant health. Yet again it seems sensible to give Environment & Infrastructure most of those powers because it is about ecology, it is about biodiversity, it is about regulation, as we will come to later, and environmental protection.

2700 But we then create the anomaly that horticulture is still regarded as a commercial side of Guernsey's economy. Once upon a time, as we heard earlier today, Horticulture Committee was one of the three or four most important committees of the States and arguably the most important industry of the 1960's and 1970's. But now we are in a situation where, where are we if horticulture, which should incorporate natural produce, market gardening, maintaining food supply, is with one committee but we are transferring the health side of it not to health but to Environment & Infrastructure. So I have got problems there.

2705 So I think to me this is quite an exciting policy letter of significance precisely because it is so insignificant because we have waived the right in this term to really look at the Machinery of Government and how we are organising functions and managing it.

2710 I think that will be a big issue for the next Assembly to resolve and it would be perhaps unwise to do too much at this stage with a few months to go and an Island-wide General Election in the offing. But I still have reservations about the system that we manage, its functionality and some of the changes being suggested.

2715 **The Deputy Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

I shall be brief as I do not want a second ticking off today.

2720 Could I just draw attention to the policy letter, section 2.1? It basically tells us that the mandates of the States' committees are in two parts: one part setting out policy responsibilities and an Annex detailing the operational responsibilities.

2725 Sir, I believe this is a reminder in particular to those involved with public sector reform that we have and we still have a committee system of government, not a cabinet or an executive system, and that was discussed in Question Time around where Alderney may be going.

2730 When we challenge committees, some more than others, it is those committees who are held to account, particularly in this Assembly but also by the electorate and the media. For the avoidance of doubt, that does not mean to say that we should not be very careful about good governance arrangements, and everybody in this Assembly knows what a big fan of that I am, sir – that is the position and I think the policy letter reminds us of that.

Deputy St Pier in his opening said that this was tying up loose ends, but I tend to agree with Deputy Gollop in that I would like to see before the end of term some sort of debate around whether this new organisation actually is fit for purpose.

Thank you, sir.

2735 **The Deputy Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Thank you, sir.

2740 I just rise, first of all, to record my thanks to Deputy Paint who pointed out some of the incorrect footnotes regarding Sea Fisheries to us, and that is the basis of amendment 3 particularly, so I would like to thank him for that.

2745 With regard to property and the issues that Deputy Gollop raised, I think it is fair to say – and obviously Deputy Ferbrache might have some other comments on this – but at the moment it is very incumbent upon us, if we are going to see reform to do that in a cohesive way and property and people go together very often.

If we want to change the way in which we use our staff efficiently then that has to go hand in hand in tandem with the use of our property. It still remains, and will remain, the responsibility of this Assembly to ensure that we have efficiency when it comes to reform, but if we are going to do that in the manner and to the extent that I think the public of Guernsey are asking for then we need to do that in a far more co-ordinated way.

The Deputy Bailiff: Deputy Paint.

Deputy Paint: Sir, I would like to thank Deputy Le Tocq because I have put a lot of work into this behind the scenes of course.

But I really ... by what Deputy Gollop said, and what appears to be what a lot of Deputies in this Assembly do not know or think, that fish have no borders, they do not even have passports! *(Laughter)* They are visitors to these waters, they come and go seasonally, or at least most of them. So it appears, certainly by what Deputy Gollop said, that he thinks the fish live round here forever, but they do not. *(Laughter)*

Let's take a fish like a bass: it could be on the west coast today and tomorrow at the Isle of Wight; they travel very fast. You have got to get this into your head that they do not live here all the time, they pass through and most of the shellfish do as well. If you take a crayfish they are only here in the autumn; in the winter nobody knows where they go! *(Interjection)* No and it is perhaps better that we do not. *(Laughter)*

So I have grave concerns about giving too much power to too few people, especially where they do not really know a lot of the aspects of many things that do happen. They listen to the experts but there you go.

I am really worried about at least two of these amendments that will put too much power into too few hands – that is what worries me; and there will not be a proper debate on a particular subject – that worries me greatly. Guernsey has operated by debate all these years and it seems to work – well some of the time – reasonably well.

As Deputies we are elected by the people to represent the people **(A Member:** Hear, hear.) against the excesses of some parts of Government and I would not like to see that at all.

Thank you, sir.

The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I rise really just to deal with some of the points made by Deputy Gollop and some of the other speakers.

Now let me just say in relation I have no idea whether Deputy St Pier's Committee spoke enough to Deputy Tindall or not; he will respond to that no doubt when he makes his closing remarks. But what I do see in this policy letter generally is it is not only a sweeping up, it is a cohesive evolution of the Government over the last three and a half years. It has looked at the mandates over the last three and a half years and decided that really this is the best way to tweak them a bit.

I do not regard it as a turf grab, I do not regard it as a turf war, and certainly in relation to the property services there has been detailed discussion between the States' Trading Supervisory Board – we are not a committee, we are a board – and the Policy & Resources Committee over this particular issue and I think in fact we probably led it, i.e. the States' Trading Supervisory Board led it, and we would not have led it if we had had concerns about – I do not like using the word control – losing responsibility for the development of the Harbour and the Ports because they are trading bodies. We will continue under our mandate to be responsible for those.

But whether or not ... if you remember the discourse some States' meetings back between myself and Deputy Parkinson about 2, Cornet Street – in fact, it has not sold in the end because the sale fell through! *(Laughter)* – but about whether that should be somewhere for the Victor Hugo Museum – and then I understand that the people did not want it as the Victor Hugo Museum, but anyway there we are – but that really is a policy decision. Just look at the words that govern and

signify what the Committee do. The Policy & Resources Committee are responsible for policy and for resources and, as Deputy le Tocq says, resources is people, resources is property, and therefore they are responsible for it.

States' Property Services is not a trading body, it is not a trading body like Guernsey Electricity, Guernsey Water or the Harbour or whatever it is. It seems to us as Members – the political Members in particular and also one of the voting members of the non-States' members – that having dealt with this for the last three and a bit years, as Deputy Smithies has done as a constant Member of the STSB over that time – and he deserves lots of plaudits for that – but myself for the last 18 months, Deputy Kuttelwascher for the last 14 months or 12 months or whatever it may be – the ideal fit for this particular group covered by the amendment that I am seconding is Policy & Resources. It is a matter of policy what should happen in relation to States' property, it is a resource of the States. It is not a resource of the States' Trading Supervisory Board, which is not a committee.

So therefore (a) we are very conscious of our duties to make sure that, for example, and I just mention the Harbour and the Airport because that is what Deputy Gollop mentioned; and (b) that in the form of constructive government that takes up the point that Deputy Paint made, there should be discussions between relevant boards and committees so that it can be decided how best the function of government should develop.

Certainly both generally and in particular in relation to the amendment that I have seconded, I believe that what Policy & Resources have come up is something that the States should wholeheartedly and unreservedly support.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

Just very briefly, I just wanted to make clear that I was contacted by a civil servant who could not apologise enough saying that a function of Economic Development was an error attributed to E&I and that was clarified; it was an administrative error that was clarified and ultimately amended very quickly. There was no intent, certainly at political level and at staff level, for E&I to acquire anything from Economic Development, particularly the overall obligation of the Sea Fisheries.

With regard to plant health, I mean the roles are indivisible; it is people doing a function and whether they do it for a given committee or another really does not change the job spec on a daily basis and they are doing it ultimately for the States of Guernsey, aren't they?

The Deputy Bailiff: Deputy Smithies.

Deputy Smithies: As no-one else is rising, sir. I just want to speak briefly on amendment 1 which if Deputy Ferbrache's arrival had been delayed I would very happily have seconded.

A little history. Property Services' function, related mandate and operational functions, were transferred to the STSB from the previous Treasury & Resources Department in 2016.

Property policy was transferred to the P&R Committee and all other corporate service functions, including policy matters and operational responsibilities previously held under T&R, were transferred to P&R.

Also included were the other internal corporate functions such as procurement information and communication technology, risk management and financial management. In all these other policy areas the P&R Committee retains oversight of the operational responsibility for delivery of the related services.

The current organisational arrangements are proving very confusing and conflicting for the committees, staff, customers and other stakeholders. This confusion in turn leads to difficulties in progressing the property related changes and transformation agenda as well as delivering the business as usual.

The effect of the change proposed under the amendment will be that all internal corporate services will now be within the mandate of the P&RC. Political oversight and Civil Service line

2850 management lines will also be clearer with States' Property Services reporting into a member of the Chief Executive Office's strategic leadership team in line with the other corporate services.

Importantly, this simple change will enable an improvement in the pace and focus of delivery of the considerable public services reform property workstream and inter-relationships with the other public service reform programmes.

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The Deputy Bailiff: Well, on the basis that nobody else wishes to speak in debate, what we will do is we will tackle amendment 3 first, please, Deputy St Pier.

So do you wish to reply to the debate on amendment 3, the big one?

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Deputy St Pier: Yes, sir.

I am just making sure I have got the right one, that I speak to the right one.

I think principally in response to that it was really Deputy Tindall's comments which really pertain to the necessity for amendment 3. I mean the oversights which Deputy Tindall referred to, sir, I think was really because the matter was passed around several different offices because of the extended period over which this work was undertaken, and the notes that came back showed that the Development & Planning Authority had signed off on their schedule and that no further changes were required.

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So I think it is clear there has been a breakdown in the process in communication and no doubt that was as a result of the extended period over which it was undertaken. I will seek to give the reassurance that Deputy Tindall is looking for, that there should be perhaps better engagement than had appeared to have taken place in relation to the DPA.

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I think certainly Rule 58 allowing the swifter resolution of some of these issues will certainly assist, and I think actually even during the course of this debate a couple of Members have pointed out issues which may well need to be addressed through the use of Rule 58, so I think that shows the worth of it.

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So I hope, sir, that addresses that particular issue from Deputy Tindall, but I think it is certainly acknowledged, the point that she has made.

With that, sir, I do urge Members to support the amendment.

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The Deputy Bailiff: Members of the States, if you take amendment 3, which is proposed by Deputy St Pier and seconded by Deputy Trott, it has two functions: it substitutes Proposition 1 and it also substitutes the Appendix to the full set of Propositions as attached to it. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that amendment duly carried.

2885

We will take next, if we may please, Deputy St Pier, amendment 1.

Deputy St Pier: Sir, I think this really has been dealt with during debate and I thank both Deputies Ferbrache and Smithies for their contributions in the debate.

I think in particular really echoing what Deputy Ferbrache said in relation to the Harbour estate by way of example as raised by Deputy Gollop, that will very clearly stay under the control of the States' Trading Supervisory Board as a trading asset under their control in exactly the same way; it remains a trading asset of those businesses in the same way, for example, as Guernsey Electricity's estate is in the control of that particular company. There is no reason why the trading assets of the unincorporated assets would move from the States' Trading Supervisory Board; and I thank Deputy Ferbrache for that clarification.

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With that, sir, I urge Members to support the amendment.

The Deputy Bailiff: Members of the States, amendment 1, proposed by Deputy St Pier and seconded by Deputy Ferbrache, will insert Proposition 2A after Proposition 2 if you are minded to approve it. So those who are in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare amendment 1 duly carried.
Therefore, finally amendment 4 please, Deputy St Pier, to reply to the debate on that.

Deputy St Pier: Sir, I have nothing to respond to.

The Deputy Bailiff: In that case, Members of the States, amendment 4 is proposed by Deputy St Pier, seconded by Deputy Trott, which has the effect of adding words to Proposition 3 and effectively inserting a new clause into the draft Ordinance that is related thereto. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare amendment 4 duly carried.
I now invite the President of the Policy & Resources Committee to reply to the debate.

Deputy St Pier: Sir, very briefly, I think the only substantive point not otherwise dealt with through the amendments is the one raised by Deputy Lowe in relation to the consistency and I do take the point but I think again it is noting –
I will give way, sir.

Deputy Tindall: I thank Deputy St Pier for giving way.
There is the second point about whether the Propositions are unanimous or majority, as I raised.
Thank you.

Deputy St Pier: Sir, I do apologise for not addressing that. I had scribbled that down to respond to and then failed to understand what my note meant. So it was to confirm that they do have the unanimous support of the Policy & Resources Committee.

So Deputy Lowe's point, again I think it is as a consequence of this being undertaken over an extended period of time.

Working with H.M. Comptroller, we did attempt to provide some consistency in the wording, but this is of course one of the challenges of the system of Government we have with committees having primacy over the bits of Government which they seek to have influence. I have no doubt whatsoever that had we said, for example, to the Committee *for* Home Affairs, 'It shall be like this,' Deputy Lowe would have been the first person to say, 'No, it won't because the Committee *for* Home Affairs would like it to look like this.' So I think in a sense it is a question where we are damned if we do and damned if we don't.

Certainly I think the central point there to Deputy Lowe's point, that seeking to achieve consistency, I think, is an admirable objective, again I would submit, sir, that the methodology that we will have going forward with Rule 58 allowing swifter changes will perhaps better achieve that and also better allow committees to have input into their own Schedules in due course and no doubt the new States with new committees may have slightly different views.

I will give way, sir.

Deputy Lowe: Thank you Deputy St Pier.

The reason I raised it is that some that were in the States previously, if you go back to the old Government Business Plan we were all asked to supply five of our priorities of the work we were

2945 trying to do; many of the committees complied with it and others put in 57 and 60 and this is almost a replication. I think lessons still have not been learnt that rather than send it back and say, 'No, comply with it. We asked for five. Please do that so it is consistent right across.' Because we could have put an awful lot more but we were doing the high-level, the same as Health & Social Care. So that was the reason why it was raised as well – the consistency.

2950 **Deputy St Pier:** Sir, I have nothing further to add and do ask Members to support the amended Propositions.

The Deputy Bailiff: Thank you very much.

2955 Members of the States, there are four Propositions. Proposition 1 is effectively derived now from amendment 3; Proposition 2 remains as originally; there Proposition 2A has been added by amendment 1; and Proposition 3 has been supplemented by amendment 4.

Unless there is a request for separate votes, I am proposing to put them all to you together. Those in favour of the four Propositions; those against.

Members voted Pour.

The Deputy Bailiff: I declare all four Propositions as amended duly carried.

STATEMENT

General update – Statement by the Policy & Resources Committee

2960 **The Deputy Bailiff:** Now, Members of the States, it will not have escaped your attention that when we did Statements first thing this morning Deputy Le Tocq was absent. He is now here; he has sought permission to make a Statement on behalf of the Policy & Resources Committee and I am inviting him to make that Statement at this juncture.

Deputy Le Tocq.

2965 **Deputy Le Tocq:** Thank you, Mr Deputy Bailiff.

I apologise to you, sir, and the Assembly that I was not here earlier. I was coming back from Paris where I have been in meetings with the OECD representing the States.

2970 Sir, I wish to take this opportunity to provide States' Members with an update on the significant progress being made by the working group on the development of a framework setting out the relationship between the States' Members and senior officers of the Civil Service.

Members will recall this direction being set in the States at its meeting of 28th June 2019, by way of support for the Le Clerc/Soulsby amendment to the Policy & Resource Plan – 2018 Review and 2019 Update – Billet d'État IX, amendment 7.

2975 A working group was set up comprising of representatives of the Policy & Resources Committee, elected Members, Civil Service, Law Officers, and a corporate lawyer as an independent advisor. This Group has been conscious to deliver a quality, well thought out framework, rather than to rush through proposals despite the tight timeframe being worked to.

2980 As part of the process the working group sought to verify the intention of each of the Resolutions with Deputy Soulsby and Deputy Le Clerc, as proposers of the amendment. So it was confirmed that the aims of the amendment were firstly to ensure that States' Members are appropriately consulted in the recruitment of senior officers; the renewal or extension of senior officer contracts; and the removal, in certain circumstances, of employees from senior officer posts.

2985 Secondly, to provide a means by which States' Members may raise concerns and provide
feedback to the Chief Executive about the conduct and performance of employees holding senior
officer roles, or the appropriate process in the case of concerns and feedback regarding the Chief
Executive.

2990 Notably, Deputies Soulsby and Le Clerc confirmed that the intention was that each of the
Propositions within the amendment would apply only to the roles of the Chief Executive, the
strategic lead positions, the Managing Director of the States' Trading Supervisory Board, the
directors of operations, and committee secretaries.

So for the avoidance of doubt the Resolutions do not therefore relate to any other definition of
senior officer within the Civil Service. This will be further clarified in the policy letter that will follow
and which is currently being drafted by the working group.

2995 The working group has given consideration to the following: (a) fundamental principles, and core
values of the Civil Service, including that civil servants should be appointed on merit, through open
competition, and free from political patronage; (b) employment law, and contractual provisions,
including that the Chief Executive holds ultimate line managerial responsibility for civil servants; (c)
working papers and studies produced by the OECD; (d) current States of Guernsey practices, policies
3000 and directives regarding selection and recruitment procedures, and performance related feedback,
including the current Senior Appointments Directive; (e) relevant material, including the Civil Service
Code and the Code of Conduct for States' Members; (f) the Public Functions Law 2018, and
proposed amendments to the same; and (g) arrangements that exist in other jurisdictions.

3005 With regard to OECD recommendations, at the meeting of 28th June, States Members focused
in particular on such recommendations which conclude that there is some support for political
involvement in appointments or dismissals which may be achieved without affecting the principles
of public service neutrality.

3010 Within the OECD studies there was diversity amongst OECD countries in the level of political
involvement. In some OECD member states a clear line was drawn between senior staff appointed
politically and others appointed using an administrative procedure.

In other countries senior staff were appointed by a hybrid procedure in which administrative
selection criteria, like merit and experience, were combined with political considerations.

3015 It is clear that whilst there is obvious benefit in these studies, a bespoke solution will be required
in Guernsey to address the unique nature of our Government, and the Civil Service – and I will go
on to address this shortly.

I would therefore like to take this opportunity to share with the Assembly the draft
recommendations of the working group, as well as provide a bit of detail from the stakeholder
engagement so far which has been undertaken, and inform the Members of further engagement
which is envisaged over the next few weeks.

3020 As part of the process the working group has engaged with States' Members, relevant unions,
and; senior leaders from within the Civil Service.

3025 Feedback has generally been very positive with some very constructive and well-reasoned
comments. In developing this framework it will not be possible to please all and there will inevitably
be some give and take on both sides. What we hope to achieve is a practical solution which assists
in the delivery of services by the Civil Service to Government.

Having considered the arrangements from across a number of different jurisdictions, the OECD
recommendations, and stakeholder feedback, the working group is aware that a bespoke and
tailored solution will be required for Guernsey due to the unique style of our Government and the
Civil Service.

3030 It therefore may be appropriate, in time, to develop a legislative framework as is the case in most
other jurisdictions. The working group was conscious that preparing legislation in the short term
may be counter-productive, however, and that further development and testing of a protocol as
part of a wider framework is likely to be beneficial.

3035 The working group therefore recommends that in the short term a protocol should be developed
and agreed between States' Members through the Policy & Resources Committee, as employer,

and the Chief Executive, setting out the relationship between this Assembly and senior officers of the Civil Service.

Policy & Resources Committee have confirmed support in principle for the further development of the protocol.

3040 The purpose of the protocol would be to (1) set out an agreed means by which States Members will be consulted on the appointment, performance reviews and objectives, renewal or extension of contracts and continued service to a particular Committee; (2) promote effective working relationships between States' Members and identified senior officers within the context of their respective mandates; (3) develop a consistent approach to responding to concerns or complaints
3045 between States' Members and senior officers; (4) provide an opportunity for mediation to resolve complaints between States' Members and senior officers; (5) to ensure an effective mechanism to deal with inappropriate behaviours on the part of States' Members including, for example, cases of undue influence, or conduct which undermines the principles of good governance and established due practice; and (6) to ensure an effective mechanism to deal with inappropriate behaviours on
3050 the part of Civil Servants towards States' Members.

Should a protocol be adopted, it is recommended that there should be a review in two years' time to assess effectiveness and consider whether it may be appropriate to develop a statutory framework addressing the areas set out in the protocol.

3055 This two-year period allowing for the commencement of a new political term and the full implementation of the Civil Service new Target Operating Model, would also enable other legislative development including, for example, any amendments to the Public Functions Law, 2018, and the Law Reform Ordinance, 1948, as may be appropriate.

A two-year review period would also enable provisions of the protocol to be fully tested and further developed as appropriate.

3060 So in terms of the next steps, as I referred to earlier, the Senior Officer Appointments Directive which details the recruitment process, and political involvement in the same, has been updated to reflect the new roles of the senior officers.

3065 This updated Directive was approved by the Policy & Resources Committee on 20th November and will now be communicated to relevant parties recognising further recommendations will follow as part of a policy letter that will be submitted for debate in February 2020.

With regard to the protocol it is intended that the proposed terms, which the group have a working draft version of, will now be subject to further stakeholder consultation and roundtable discussions which I encourage Members to attend and engage with as fully and as constructively as possible.

3070 Once the next stages of the process have taken place a final version of that protocol and accompanying policy letter will be drafted and presented for debate in this Assembly in February 2020.

Thank you, sir.

3075 **The Deputy Bailiff:** Members of the States, there is an opportunity now to ask any questions within the context of that Statement.

Deputy Paint.

3080 **Deputy Paint:** Sir, I very much appreciate what Deputy Le Tocq says and there are some aspects I understand quite well.

But would it not be wise for this Assembly, all Deputies in this Assembly, to be informed of the names of the applicants for Civil Service roles. There is a very good reason why I am asking this and I think Deputy Le Tocq will know why, but I am not prepared to speak out in public; but if a civil servant or somebody under contract was applying for a permanent job would it not be wise for
3085 every one of us to know who it was and how many applicants there were? Because these things have concerned me for a while.

The Deputy Bailiff: Deputy Le Tocq.

3090 **Deputy Le Tocq:** I understand Deputy Paint's concerns, however, I think we are constrained by what is manageable and legal to do and the framework and protocol will outline who should be involved in that process. At the moment it is not consistent across various committees, so we certainly need to make that clearer, but I do not think it will be the case that all Members of the Assembly will be involved in every case of a senior officer appointment.

3095

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Sir, whilst I very much welcome the work and the context and the disciplinary and mutual trust framework that Deputy Le Tocq has outlined, I wish to ask how does he, or the Committee rather, envisage the system working when let's say, for the sake of argument, July 2020 a new States is elected, new committee members join the senior Committee, Policy & Resources, or take on presidencies of the other committees and they would prefer a different lead civil servant or different senior secretary to the committee without questioning the integrity or competence of the incumbent? How does the system work then? What does a political body have in nudging the senior management set of talents?

3105

The Deputy Bailiff: Deputy Le Tocq to reply.

Deputy Le Tocq: I cannot speak for Deputies Soulsby and Le Clerc but I know some of those concerns were the motivation behind the amendment. So I do not think it is only a concern when a newly elected Assembly comes into place.

3110

I think we have to take it on good faith that if this Assembly decides on a protocol then that would need proper testing and working out and the new Assembly would abide by that until such a time as that is amended, tweaked or whatever and put into some sort of statutory framework.

3115

In the meantime, if this Assembly chooses not to go down that route we remain with the current system. I think we are all pretty much agreed that the current system is stretched and not appropriate for the style and the scope and the size, even the culture that we currently have.

So through the engagement that I think we have had, not only from Members of the Assembly but from stakeholders outside, I think we are moving in a way that will be a compromise certainly but acceptable to the new Assembly as well.

3120

The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

3125

Deputy Le Tocq said that the States will agree or could potentially agree this protocol, but clearly the agreement would also be on behalf of civil servants. So I was just wondering how the senior civil servants would be agreeing such a protocol.

The Deputy Bailiff: Deputy Le Tocq.

3130

Deputy Le Tocq: Through our engagement, obviously what is not changing, sir, is that the Chief Executive remains the head of the Civil Service and the ultimate responsibility, particularly for the senior officers that we are talking about here. We are not talking about all roles in the Civil Service, we are talking about the senior roles, and as a result of that any protocol would need to be signed and ratified by Policy & Resources Committee on behalf of this Assembly if this Assembly chooses to go in that direction, and the Chief Executive.

3135

The Deputy Bailiff: Deputy Laurie Queripel.

3140 **Deputy Laurie Queripel:** Thank you, sir.

I apologise to Deputy Le Tocq if he has already mentioned this or perhaps he has done it, but could he ensure that the Statement he has just made could be emailed out to all States' Members in due course?

Thank you.

3145

The Deputy Bailiff: Deputy Le Tocq.

Deputy Le Tocq: It will be in due course, I promise that.

3150

The Deputy Bailiff: Deputy Gollop.

3155 **Deputy Gollop:** Sir, at the risk of covering something that may have been already partially covered, I would ask that when this debate originally started, when Deputy Soulsby and Deputy Le Clerc raised the point, one of the corner stones that Deputy Ferbrache and others identified was the curious inclusion within the SACC 1948 Laws elements about reorganising senior staff. Does Deputy Le Tocq envisage that the new protocol would create a new kind of regime that might be in legislation or might not, but would have nothing to do with States' Assembly Rules and procedures or its founding in Law?

3160

The Deputy Bailiff: Deputy Le Tocq to reply.

3165 **Deputy Le Tocq:** I think the working group has been conscious of the fact in doing this process, it is perhaps not surprising, a number of things have occurred to us that ought to be looked at or would take longer and will require perhaps a different way of reviewing them and some of that covers the sorts of things that Deputy Gollop was mentioning.

It certainly needs to be the case that we have a framework that is separate to our Rules of Procedure as elected Members in this Assembly in terms of the relationship and we need to make sure that that protocol is the beginning of that phase.

3170 But can I also say, sir, that I think one of the things that has become very clear to me is that we have been evolving certainly since the end of the Second World War in terms of what this Assembly does, perhaps the focus was more on being a local government and having more local government type of style of support. Now we are much more focussed on international things, we are still focussed on local things as well. As a result of that, the relationship and the type of relationships in our Civil Service needs to change and needs to be reflected in that. I think the protocol will be the best way of moving forward on this ground.

3175

The Deputy Bailiff: Thank you all very much.

COMMITTEE FOR HOME AFFAIRS

IV. Amendments to Criminal Justice Legislation in respect of Money Laundering and Terrorist Financing – Propositions carried

Article IV.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 2nd September, 2019, of the Committee for Home Affairs, they are of the opinion to endorse the policy approaches set out in the Policy Letter:

1. To agree to amend the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, the Drug Trafficking (Bailiwick of Guernsey) Law, 2000, the Criminal Justice (International Cooperation) (Bailiwick of Guernsey) Law, 2001 the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 and the Disclosure (Bailiwick of Guernsey) Law, 2007 to enable the delegation of the functions and powers of Her Majesty's Procureur under those Laws to a Crown Advocate or another Advocate of the Royal Court.

2. To agree to amend the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 and the Disclosure (Bailiwick of Guernsey) Law, 2007 to extend the prohibition on tipping off to all requests for information made under those Laws.

The Deputy Bailiff: We will now resume the agenda and call the next Article please.

3180 **The Deputy Greffier:** Article IV, Committee for Home Affairs – Amendments to Criminal Justice legislation in respect of Money Laundering and Terrorist Financing.

The Deputy Bailiff: I invite the President of the Committee, Deputy Lowe, to open the debate.

3185 **Deputy Lowe:** Thank you, sir.

This policy letter follows the recommendation of Her Majesty's Procureur who wrote to the Committee for Home Affairs on 6th August 2019, recommending two amendments to the Bailiwick's criminal justice framework for addressing money laundering and terrorist financing.

3190 The Bailiwick's criminal justice framework contains legislation which addresses money laundering and terrorist financing, which is anti-money laundering and combatting the financing of terrorism. It has been developed and amended over many years to seek to keep pace with international norms and also to address matters of effective implementation or technical matters which arise from time to time.

3195 Two matters relevant to each of these perspectives have been raised by Her Majesty's Procureur in proposing amendments to the legal framework. I do not propose to list the legislation concerned; it is clearly set out in the executive summary of the policy letter.

The first legislative amendment relates to the delegation by Her Majesty's Procureur of her powers and functions in relation to applications to the Court for order to be made, or in relation to the disclosure of information under the legislation specified in the paragraph above.

3200 The second amendment relates to including specific protection against tipping off under the Disclosure Law and the Terrorism Law in relation to recent revisions so that all requests for information made under these two Laws will be treated in the same way.

Sir, on behalf of the Committee for Home Affairs I ask this Assembly to support these proposals.

The Deputy Bailiff: Deputy Tindall.

3205

Deputy Tindall: Thank you, sir.

Two Propositions here, one of which I feel is straight forward in the sense that the work done by Her Majesty's Procureur and indeed others in the Law Officers' Chambers, it is important to be able to delegate those functions and it is very practical and expeditious to do so.

3210

As with that particular Proposition, we also had the opportunity to discuss what this means when we were at our Legislation Review Panel meeting because the second Proposition had given me some cause for, not concern but discussion points.

3215

The basics of tipping off are not actually in this policy letter and I just wanted to read a very short description of it so perhaps people will understand where I am coming from. This is actually from a guidance note which was issued by H.M. Procureur as long ago as October 2011 on prosecution for tipping off and it says:

The tipping off offences were introduced to underpin a regime for making SARs ... [suspicious activity reports, as they were, or otherwise disclosures] under the Disclosure Law and the Terrorism Law.

3220

I should also add at this point, for those who do not know, there are in fact at least seven versions of tipping off, not just in those two Laws – all slightly different, but they are also in the Drug Trafficking Law, Proceeds of Crime Law, also the relatively new Beneficial Ownership of Legal Persons Law and both Alderney and Guernsey Companies Law. So it is quite a wide provision that professionals have to consider. So, to go back to the guidance note:

Their purpose is to prevent the subject of a SAR or other person from causing prejudice to ongoing or future investigations into money laundering or terrorist financing as the case may be. In order to achieve this, it is important that as few people as possible are aware that a SAR has been made. For this reason the scope of the offences is necessarily very wide, with a correspondingly narrow range of exemptions, and the offences carry substantial penalties.

And, not in the note, that is actually up to five years' imprisonment for tipping off.

However, it was not and is not the intention of the Bailiwick Authorities that the tipping off offences should forestall legitimate attempts to prevent money laundering and terrorist financing. It is extremely important those working in the finance sector and other affected industries are content that they are able to communicate concerns if they are to discharge their AML/CFT [anti-money laundering and countering financing terrorism] responsibilities effectively.

3225

As I say, very brief and the note does go on a little bit more about the situation where prosecutions occur to reassure the members of the finance industry that they can do their job and not be prosecuted.

3230

Now the reason that I was slightly concerned was simply the idea that the need to prevent tipping off is extremely important; if a client knows they are being investigated they may prevent information or documentation being released, even destroy such information or documentation, anything as I say basically to prejudice an investigation, and that is important, to ensure that the discussions can be had behind closed doors in order to ensure that our very able individuals at the Financial Investigation Service (FIS) – which I ... I always get that wrong between FIU and FIS but I am sure you all know it is the law enforcement section – and it is really important. Now this vision is basically extending that to all requests.

3235

As I say, initially I was concerned that, 'Hang on a sec, are we extending this too far?' but actually it is absolute sense. If we have, which we have, already agreed that the FIU and FIS can obtain this information then naturally that communication request for information may well lead to the recipient realising that there is a suspicion out there and therefore is on notice not to tip off.

3240

So it is not opening the floodgates; I was reassured it is not in any shape or form that way and I hope that short recitation will assist with my colleagues to realise that this is actually a very sensible next step in covering all bases of tipping off.

I would like to finish though on a procedural matter. It is a bit of a theme already – only two speeches but it is still a theme. I am just curious why, if there is a new trend in policy letters with

regard to Rule 4, in this policy letter and I also note in the two recent policy letters laid by Home Affairs that it comments that whilst the Propositions have been approved unanimously it notes that Deputy Oliver and in the other two policy letters, Deputy Smithies as well, were not present. I would like to understand why that is included. If it is at the behest of the individuals that is fine but I do not want this trend to be included in policy letters *per se*. Sometimes us and our colleagues cannot attend. I do not think this is required by the Rules and I think it is an unnecessary new trend, and I have not seen it in any other policy letters, just these three. So I would be grateful for Deputy Lowe to explain why that has been included.

But back to the main Propositions, they have got my full support.

Thank you, sir.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

I note that there are two serial offenders when it comes to financial crime debates and that is Deputy Tindall and myself, and I apologise for that.

I just want to make a couple of points. The first is a question and I think possibly that it is not a matter for me, but for H.M. Comptroller to answer, which is around Proposition 1. Now I note there are five pieces of legislation which are quite complex and thorough pieces of legislation and Proposition 1 talks of functions and powers. When we talk about functions and powers of Her Majesty's Procureur, does this also apply to ordinances and statutory instruments, which I believe some do involve functions and powers? That is the first question that I have.

I agree with Deputy Tindall, I think Proposition 1 seems to me to be entirely sensible and I thank the Law Officers of the Crown for alerting the Committee *for* Home Affairs to this.

I think one point also needs to be mentioned, that by being able to delegate those functions to other Crown advocates or another advocate of the Royal Court also will help to avoid any conflicts of interest which might arise around the separate functions around the investigation of offences and prosecutions of crime. So it all seems eminently sensible.

Sir, this is a policy letter around financial crime which actually stands in its own right and, as has already been alluded to, comes from recommendations from the Law Officers. I have a slight concern that previous debates in this Assembly around this subject have actually come around the Budget debate and in particular I would like to know more about the transformations that were suggested in the last Budget debate in November. It seems to me that it is a very important subject, it is part of this Bailiwick's reputation to make sure our finance industry is above board, and more importantly that criminals are not using the services that we provide to launder money or for terrorist funding. So it seems to me that I think this Assembly should perhaps get more appraised and have more ability to debate and know what is going on.

In particular if you go back to the November before that, the other Budget debate, when the President of Home Affairs and myself laid an amendment which was passed, which was to agree a review of the governance and operations of the Seized Assets Fund. I perfectly accept that this is not only Home Affairs, this is Policy & Resources Committee and H.M. Receiver General, but this Proposition, which was 51 of the previous Budget debate, did direct for the report to come back to the States no later than December 2019. Now I have looked in the schedule of States' business and it does not seem to me that that deadline will be met and I would like some indication of where we are with that and I think in the round, if there is to be some transformation and some initiatives around fighting financial crime, what they are and certainly before the end of this term.

Thank you, sir.

The Deputy Bailiff: As nobody else is rising, I will call the President of the Committee, Deputy Lowe, to reply to the debate.

Deputy Lowe: Thank you, sir.

3295 There is very little to reply to and I thank Deputy Tindall for expressing that we are not opening up the floodgates, because that is absolutely right. But I think it is worth reiterating on page 3, the penultimate paragraph, and I will read it because I think that is the very reason why we have got this States' report as well inasmuch as:

HM Procureur has further advised that the current position with regard to criminal investigation is inconsistent with that in jurisdictions with similar legal systems, such as the UK, where delegation of investigatory powers for crimes of all kinds is commonplace, and that there are no policy grounds to retain the current position under the AML/CFT Laws.

I think that should give Members comfort that this is not something we are just doing on our own but is actually reflective of what happens in other places.

3300 Deputy Tindall also asked about why it is written in the back, how it is written about the support; that is my understanding of how it is supposed to be under the Rules and if we have done it wrong then so be it. It was unanimous with those present and through transparency and being open it explains why the other two Members actually were not able to vote because they were absent at that time. So you know exactly that rather than put it was unanimous or it was by a majority, it makes it very clear and that was my understanding of the Rules of how reports should identify at the end of a report. If we are in the minority of one and we have been doing it wrong, fine, or if the majority have been doing it wrong perhaps you want to start doing it right because I have questioned the Rules before and was the advice that we have been given previously.

3310 So again I think Deputy Prow ... I mean obviously this is an area of work where he had a very keen interest when he was on Home Affairs with his background as well and we are pursuing as soon as we can to get reports back to this States, but I cannot actually give you a date at this moment in time, but I will try and establish a new date and get back to you as soon as I can, Deputy Prow.

I ask Members to support this Report.

3315

The Deputy Bailiff: Well, Members of the States, there are two Propositions. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare both Propositions duly carried.

Billet d'État XXIII

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

IX. Environmental Pollution (Guernsey) Law, 2004, Part VII – Air Pollution – Supplementary Policy Letter – Propositions carried

Article IX

The States are asked to decide whether, after consideration of the Policy Letter entitled "Environmental Pollution (Guernsey) Law, 2004, Part VII – Air Pollution – Supplementary Policy Letter", dated 17th October 2019, they are of the opinion

1. To prescribe the following as operations requiring a licence under Part III of the Environmental Pollution (Guernsey) Law, 2004 –

- a) the 'Part B' processes described in paragraphs 2.3 to 2.5 of that Policy Letter; and
b) the 'Part A' processes described in paragraphs 2.8 to 2.10 of that Policy Letter.
2. To approve the additional powers for the Director of Environmental Health and Pollution Regulation to make statutory instruments in relation to the technical matters set out in paragraph 2.13 of that Policy Letter.
3. Only if propositions 1 and 2 have been approved, to approve the draft Ordinances entitled -
a) "The Environmental Pollution (Guernsey) Law, 2004 (Commencement) Ordinance, 2019", as set out in Appendix 1;
b) "The Environmental Pollution (Air Pollution) Ordinance, 2019", as set out in Appendix 2; and
c) "The Environmental Pollution (Enforcement and Appeals) Ordinance, 2019", as set out in Appendix 3,
and to direct that each of the same shall have effect as an Ordinance of the States.

3320 **The Deputy Greffier:** Billet d'État XXIII, Article IX, Committee for the Environment & Infrastructure, the Environmental Pollution (Guernsey) Law, 2004, Part VII, Air Pollution – Supplementary Policy Letter.

The Deputy Bailiff: I invite the President of the Committee, Deputy Brehaut, to open debate on this matter.
3325 Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir.

3330 In February 2017 the States of Deliberation directed the drafting of legislation to commence part VII of the Air Pollution of the Environmental Pollution (Guernsey) Law, 2004 and that became known, I think, as the bonfire debate. I suppose even in saying the word 'bonfire', with no pun intended, you reignite a debate! (*Laughter*) I do have – which I can leave for Members and it will be available online – a guide to bonfires, because all jokes aside it is the doing bit and it is important to people.

3335 During the legislative drafting process it became apparent that the list of operations requiring a licence in the Director's original report that informed the initial policy letter did not expressly cover certain industrial activities requiring a permit under the equivalent UK legislation. The Director's report listed various industrial activities that are classified as Part A processes in the UK and which present the highest risk of environmental pollution. The list was not, however, exhaustive as it failed to detail all processes that fall within the United Kingdom's environmental permitting pollution prevention and control regime. Failure to include these processes would have left a regulatory gap
3340 and associated risk of non-licensable polluting activities.

Now when I say Director, sir, that is the Director of Environment Health & Pollution Control. The Director's report also did not specify the so-called Part B processes which involve a risk of air pollution which would also need to be regulated.

3345 Part B processes also require a permit under the UK Environmental Permitting Legislation but are regulated by local authorities as opposed to the Environmental Agency in the UK. In Scotland SEPA regulates both Part A and Part B processes. Part B processes are more common and likely to exist in Guernsey and the lack of inclusion of these types of processes would prevent pollution prevention measures being applied to smaller scale industrial processes.

3350 This supplementary policy letter seeks approval for amendments to the proposals agreed in February 2017 and it provides clarification regarding terminology within the Director's report.

Part A processes are broadly emissions from something such as the Island's diesel generator, Part B are a little more varied, for example, emissions coming from something like a paint spray booth.

3355 Sorry for the dry nature of the document and the legislation but I would ask that Members endorse what is within it.

Thank you.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Yes. Thank you very much, sir.

3360 I went to the Town Douzaine meeting and it is fair to say they did not want to reignite the bonfire debate which was so well covered in previous things, but nevertheless I think there are perhaps two or three points I would like to bring.

In the covering letter dated 17th October 2019 from Deputy Brehaut to Deputy St Pier, it was identified that the supplementary policy letter be considered at the States' Meeting on 27th
3365 November with high drafting prioritisation and we have indeed gone through the legislation procedure on that.

But the point is made there are currently insufficient regulatory controls in relation to air pollution and this has implication regarding burning associated with waste linked to the Waste Strategy and the regulation of local point source emitters. The Propositions are asking the States to approve the legislation directed in 2017, with some changes, consideration of the Propositions in
3370 November 2019 will allow Guernsey's first specific Air Pollution legislation to come into force in early December. Well, that is a Christmas present for everybody on the Island maybe.

But the point I want to raise is that bearing in mind changes have been made that probably initially go beyond the policy letter and that we will have these changes implemented very suddenly now, how far has Environment & Infrastructure in conjunction with Environmental Health & Pollution and other bodies been able to build up a resource of – I know Deputy Brehaut has already mentioned the bonfire guide – but effectively a public relations mass advertising campaign that works?
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Because I am an avid listener or 'listen back', because I do not have time during the day usually, to *BBC Guernsey* and the morning discussion shows that we hear with the personalities involved and from time to time they will have phone-ins or discussions about waste, sometimes involving senior civil servants and recycling officers and so on, but sometimes callers-in make misguided remarks that you can burn this or do that or whatever. Now a lot of that is anti-social, possibly illegal, definitely illegal maybe from December, and I think we very much need to work directly and through the parishes to inform the public of what is appropriate and what is not, and what is lawful and what is not. So I just hope that that workstream is there and that we actually have the doing part of it behind the policy and legal work which has clearly been done to a satisfactory standard.
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The Deputy Bailiff: Deputy Tindall.

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Deputy Tindall: Thank you, sir.

I am going to be extremely brief, simply because we are all so excited to get on to the runway debate.

I just wanted to add my sincere approval to all of the excellent environmental restraints that this legislation brings in, simply because I was unfortunately unwell and missed the bonfire debate, so I
3395 just wanted to add that on *Hansard* to say that I would have supported the original Propositions, perhaps even the bonfire, I do not want to reignite that.

But I would like to just add, as I did with the previous debate, that having reviewed this legislation at Legislation Review Panel we had the opportunity to have discussions and explanations, and I just want to repeat again my view that the outcome of those discussions should really be submitted as a letter of comment as a normal process in order for this Assembly to benefit from that.
3400

I do hope that the next Scrutiny Committee will actually consider identifying resources or even necessarily requesting further resources so that these letters are submitted as a regular feature. I know that this Scrutiny Committee, as P&R quoted, are being fiscally responsible by not requesting the extra £500,000 that was originally indicated as potentially available to them, but this particular item of this letter of comment from Legislation Review Panel I think would be highly beneficial.
3405

Thank you, sir.

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, thank you.

I am pleased to see air quality standards and targets being introduced by legislation.

The fact is that we have been without ambient air quality standards while the rest of the EU, US and so on have had strict standards for years.

Needless to say we have been able to refer to EU legislation for guidelines. However, times have moved on and we have to recognise changes that have taken place in the interim, particularly with respect to the main air pollutants, PM2.5s and sulphur and nitrogen oxide and lead, all of which we have been daubed with in Guernsey over the years without very strong legislation to conform with.

I would also like to point out just one example where perhaps we have to look at the changes that are being brought through the EU with respect to PM2.5s, the fine particles. Our targets are 25 micrograms per cubic metre, but currently the targets have changed in the EU to 20 micrograms per cubic metre based on a three-year period legally binding by 2015, so that is really done, and 18 micrograms per cubic metre based on a three-year average to be attained where possible in 2020.

So in other words, ours to be enforced not until the end of 2020 puts us behind the curve quite dramatically, behind the curve the limits in the EU and the US from the very start of the end of 2020. So I think we have got to pick up our socks and when we look at the US their targets are 15 micrograms per cubic metre and they have had those for years, and as a result of that they have actually caused to close so many hospital incinerators in the United States, a phenomenal number down to just 30 to 40 today from hundreds in the past.

I just wanted to also make the point that we have looked, or at least it has been noted with regard to ultra-fine particles from the power station hospital incinerator and the crematorium that we do have serious issues with regard to the emissions, in that incineration of waste vaporises heavy metals making the particles emitted even more lethal when you inhale them into lungs and emissions will consist of PM2.5 and PM1 particulates, which mostly pass through the abatement equipment and which go into the deepest part of human lungs when inhaled. In fact 90% of PM1s escape through the abatement equipment and health can be put at risk through that particular process.

So it is a matter of taking care and perhaps from my point of view I would prefer that we go for the 15 micrograms per cubic metre annual like the USA to give the small population density that we have – I should say, given the small Island and the *high* population density here that I would rather work with those particular standards.

Yes, I give way.

Deputy Tooley: I thank Deputy de Lisle for giving way.

I wonder perhaps though if he could enlighten me as to what those hospitals where incinerators have been closed down are doing with their difficult to process waste, their toxic waste and so on. Are they sending it to a central incinerator which is then disposing of this, because of course on a small Island community that would present us with significant challenges?

Thank you.

Deputy de Lisle: No, they are using totally different methods now and they are not using incineration at all.

The one other point that I wanted to make was that most attention during the consultation that Deputy Brehaut and his group focussed on with regard to the new legislation focussed on bonfires and I think it is important that during this meeting the actual legislation before the States with regard to bonfires is clearly outlined when he sums up, in terms of what can be burnt and particularly from the point of view of households so that it is clear to people what burning can be done and what cannot be.

I take it that waste can be burnt in a receptacle designed and constructed for the purpose but it does not apply to the burning of waste that consists of dry part matter provided that it is burnt on

the land where the plants are grown, but that needs to be clear to people because they might have other material within the bonfire that is lighted to get rid of dry plant matter.

The Deputy Bailiff: Deputy Dudley-Owen.

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Deputy Dudley-Owen: Thank you, sir.

I will be brief in my comments.

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The Director of Environmental Health has been granted many powers with this legislation and I am interested to know from the President of the Environment & Infrastructure Committee what resources the Director has now and what further resources will be required in order for him to enforce the provisions of the legislation as well as to enact his powers? Clearly, there needs to be some augmentation of his office in order for this Law to become meaningful within our community. If he would be able to cover that in his summing up I would be very grateful.

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But also to just add some support to the words from Deputy Gollop, and really backing up what Deputy de Lisle has just said now, in relation to communications – I saw Deputy de Sausmarez was shaking her head vigorously in regard to certain comments that Deputy de Lisle was saying before about what matter can be burnt. I mean the Law is clearly very dry and needs to be translated into layman's terms so that we all really are very aware of what we can and cannot do, and I hope there has been some budget put aside in order to assist communications so that can be engaged with the community.

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Thank you very much.

The Deputy Bailiff: As nobody else is rising, I shall turn to the President of the Committee, Deputy Brehaut, to reply to the debate.

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Deputy Brehaut: Thank you very much, sir.

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Deputy Gollop asked what can we do with regard to promotion. Of course we could have been doing a bit more but we are sitting later this month, aren't we, so we have the deadline for legislation to be enacted 2nd December, so we will promote heavily, particularly with regard to – I do not want to dwell on bonfires, but those are some key messages we need to get out. This leaflet will be online and I am sure the Constables, the Douzaines and other agencies will help us get it out there and get it out to the community.

3495

Can I just say with regard to this, there is clearly a correlation between the new waste regime and certain behaviours that then follow, but a lot of it is urban myth, I think, that most people have adopted to like and endorse the change in particularly household waste collection. Now some will say that some people do not and they still burn everything and they discard items; well that is what we need the legislation for, but it is not as widespread as people imagine, and some of the fly tipping is more related to the commercial sector or builders that come and go and do not pay or even sometimes dispose of waste, then there can be no charge at all.

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I agree entirely with Deputy Tindall and the letter of comments; I would endorse her proposal to have a letter of comment from Scrutiny with regard to the proposals.

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I hear very clearly what Deputy de Lisle is saying. Historically, we have had European guidelines as a base line we have operated with best practice. Now we have our own parameters to work by, so it does make it easier for the office of the Director of Environmental Pollution to keep on top of things.

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I would say to Deputy de Lisle in a gentle way, I will pull up my socks and he can pull up his socks too. When I come to this Assembly and say we need an integrated transport strategy, I am worried about PM2s, for example, around Fountain Street and I am worried about PM2s over the Town area, I hope I am not met every time with a call to get more cars into Town to sustain St Peter Port and its vibrant economy. There is a balance to be had there, I am sure.

Yes, I have mentioned the emissions from power stations which are monitored and the legislation will be there to protect the community more broadly.

3515 With regard to the office of, I forget the titles, the Director of Environmental Health & Pollution Regulation, it is a small team and I reported an incident, interestingly enough, about a month ago of a person clearly burning household items and they acted extremely deftly – I do not think it was because it was me, they just acted very swiftly, they went out and dealt with it. Such events are few and far between so they can list open burning of things other than dry garden waste is becoming increasingly uncommon and they just started now, I think, to attend to these things. But there is no doubt there will be a greater demand and I cannot tell you now what ... we may see a request from that office for further staffing, but it is not something I have seen at this stage.

3520 Deputy Trott did ask me a very specific question, which I will answer, which is and I will do it in the style of an FAQ 'Can I have a bonfire for a small-scale event?' He did not say in the higher parishes but that is what he meant. Yes, if you are having a small-scale event such as a campfire, outdoor party or barbecue or celebrating a specific event such as a Guy Fawkes Night or New Year's Eve or Liberation Day, then it is okay to have a fire as long as you do the following: only burn wood or dry plant matter – green waste; have the fire supervised by a responsible adult, so perhaps your children can do that; (*Laughter*) (**Deputy Trott:** Very good.) and ensure that the fire is not more than three metres high and three metres wide – that is six cubic metres or the contents of a skip basically, it is that big; but do not burn for more than 24 hours and this includes relighting the fire; 3530 and do not cause dark smoke. So we can put this all online and people are welcome to read it. We may be coming back tomorrow, I do not know; if we are then there will be a copy left in the Member's Room.

I ask Members to support the policy letter.

Thank you, sir.

3535 **The Deputy Bailiff:** Well, Members of the States, there are three Propositions but we have to take Proposition 1 and 2 first to see what happens before we get to Proposition 3. So I put Propositions 1 and 2 to you together. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare Propositions 1 and 2 duly carried.

3540 Now although Proposition 3 is a single Proposition, as is a suite of legislation I think we should have separate votes on each of the draft Ordinances as if they were separate Propositions. So I am going to put to you first the approval of The Environmental Pollution (Guernsey) Law, 2004 (Commencement) Ordinance, 2019, which you can find as Appendix 1 to the policy letter. This is Proposition 3(a). Those in favour; those against.

Members voted Pour.

3545 **The Deputy Bailiff:** I declare that Ordinance duly made and the Proposition duly carried.

The second Ordinance is the draft Environmental Pollution (Air Pollution) Ordinance, 2019 found in Appendix 2, starting at page 17. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that Ordinance made and therefore the Proposition duly carried.

3550 Finally, the Environmental Pollution (Enforcement and Appeals) Ordinance, 2019, which you will find at Appendix 3 much further on in the policy letter. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declare that Ordinance duly made and all the Propositions therefore have been carried.

REQUÊTE

**X. Development of the business case and cost benefit analysis for
the extension of the runway at Guernsey Airport
to create a 1,700 metre runway –
Debate commenced**

Article X.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

- 1. To direct the Committee for Economic Development to present a business case and cost benefit analysis for the extension of the runway at Guernsey Airport to achieve a length of at least 1,700m.*
- 2. To agree that this work should be completed by May 2020.*

The Deputy Greffier: Article X, Requête – Development of the Business Case and Cost Benefit Analysis of the Extension of the Runway at Guernsey Airport to create a 1,700 Metre Runway.

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The Deputy Bailiff: I invite the lead requérant, Deputy Kuttelwascher, to open the debate.

Deputy Kuttelwascher: Thank you, Mr Deputy Bailiff.

3560 I would like to start, and I shall be quite brief, but I would like to start with some comments made by Deputy Trott in *The Guernsey Press* relating to this requête. The first thing he said was that P&R were flabbergasted that this should appear. I am not sure why because things have moved on and certain things have happened and there have been things that have changed.

3565 Secondly, he made rather an odd comparison saying £300,000 would educate 50 pupils through our secondary education system. I am not sure I know the relevance but isn't it curious that is exactly the same figure that was being hopefully given to the Guernsey Finance assuming they produce a business case, but I still do not see what the relevance is. It is a complete red herring. Whether it is to frighten people into thinking that if you do the requête you will not be able to educate 50 people in the States, I do not know but anyhow.

3570 So what has changed? The previous debate centred around a cost of £700,000 or so, and that debate lost just by one vote, 20:19, and numerous Deputies – quite a number actually – were concerned about the amount and in fact the figure of £300,000 was bandied about and some people were asking why didn't someone lay an amendment and reduce it. Well, you have basically halved it now: up to £360,000, *if required*. The reason I say that is that I have been in contact with the office of the Committee for Economic Development, and I thank them for their help and assistance. They have done a lot of work in relation to this, in relation to the cost side of a possible runway extension up to this magic 1,700 metres or so. I leave a little bit of wayleave around it, it could be 1,710; it does not matter, it is what you can fit.

3580 One of the reasons they are doing this work also is they need to inform their tourism strategy, and it is work they are doing in part because of that but they cannot quite complete it. I think they could still do a lot of work in relation to the benefits because it is a matter of collating lots of information and what may be needed in the end is some sort of assurance report from somebody to show that it is all factual, valid. So I think the cost has come down dramatically.

3585 Something else that has happened, if you remember, the 1,570 metre runway option which resulted as a result of a requête I laid which was considered and it was set aside. I mean you could commission that, in fact you could commission the 1,583, but it would require creating a runway end safety area which would currently go over La Villiaze Road and a bit into the Valley. You would have to create a 240 metre RESA and that would then throw up the issue of value for money, and if

you are going to do that I think the argument would be well you might as well look at 1,700 metres because you can actually fit 1,700 metres within the current Airport boundary. That is the actual concrete part or asphalt part of the runway, it is only another 117 metres more than what we have already got.

What is interesting is 10 years ago I did try and get that done, it would have been termed 'a paved runway and safety area' and the cost of just creating that to the same standard as the rest of the runway was £3½ million but it could not be used as a runway. But there we go, it is just a thought.

So there has been work done on the cost of this but it is the benefits that need to be evaluated.

The purpose of this requête is not to try and discuss or produce a business case; we would be here a month and people would be talking about benefits and non-benefits and whatever. It is purely to consider why should we be bothering with this, and to me it is an issue of governance and I will expand.

We are only considering one option and that is a 1,700 metres, whereas before they went further. Why that is, is up to 1,799 metres you are still –

Deputy Tindall: Point of correction, sir.

The Deputy Bailiff: Point of correction, Deputy Tindall.

Deputy Tindall: The requête says at least 1,700 metres, it does not preclude anything more than 1,700 metres.

Deputy Kuttelwascher: Well, I was just about to explain –

The Deputy Bailiff: Deputy Kuttelwascher to continue.

Deputy Kuttelwascher: – if you would be patient.

Up to 1,799 metres it remains a Code C runway. If you go beyond that it becomes a Code D and there are all sorts of other regulations come into force which would, for Guernsey, make it impractical. So I am only considering a Code C runway, the maximum would be 1,799. That is what it is about.

We have professionals who have actually produced drawings and plans, architects if you like, draftsmen, and it can be done. It can be done.

What has also happened since Friday was on Monday we had an interesting comment from the Institute of Directors supported by the Chamber of Commerce and indeed GIBA who I think supported Deputy Trott with his application for £300,000 for green finance. They support this requête and they said they would like to see the two things done contemporaneously, because what has also appeared is, it is actually Proposition 38 to the Budget, and it was the second bullet point and it said 1. is to consider the balance between investing in infrastructure, major or otherwise. It does not actually mention the runway, and subsidies to airline operations. You cannot do that unless you do a benefit analysis, you cannot do it. How can you do it if you do not have the information about whether there is a benefit?

What is interesting about this requête is when it is, or if it is, completed and the work is done it – and it would not be this States, it would be the next one – may be decided that the case is not strong enough or powerful enough to do anything, in which case you would have to consider what you can do within our current constrained runway distance. That is an option; it may happen, but until you actually do the analysis you will not know.

It would be easy to stray into issues regarding the sursis but the IoD and the professional organisation I mentioned have stated that they support the requête running contemporaneously with the work that is to be done as a result of Proposition 38 in the Budget, and they also say that if you do not do the benefit analysis you will have inadequate information to do a satisfactory job

3640 on Proposition 38 in the Budget. I am pleased they have come out with this. It was a bit of a rush job because nobody knew about the challenge to delaying this, and delay is in nobody's interest. Therefore I ask Members to support the requête.
Thank you.

3645 **The Deputy Bailiff:** Well, Members of the States, in accordance with Rule 28 I turn next to the President of Policy & Resources Committee if he wishes to speak at this stage?

Deputy St Pier: No, sir.

3650 **The Deputy Bailiff:** Then, because they have been consulted, the President of the Committee for Economic Development, Deputy Parkinson – do you wish to speak now or defer to your Vice-President?

Deputy Parkinson: No, I will speak later, thank you, sir.

3655 **The Deputy Bailiff:** The President of the Committee for the Environment & Infrastructure is not here. The Vice-President is welcome to speak if he wishes. Deputy Dorey?

Deputy Dorey: No, not at this stage.

3660 **The Deputy Bailiff:** The final consultee was the President or the Development & Planning Authority and therefore I invite the President, Deputy Tindall, whether you wish to speak on behalf of the Authority.

3665 **Deputy Tindall:** Not at this stage, thank you, sir.

The Deputy Bailiff: Right.
Members of the States, Deputy St Pier, do you wish to move the sursis motivé at this stage?

3670 **Deputy St Pier:** I do, sir.

The Deputy Bailiff: I understand from what has just been said that there is a typographic error in it, in that it refers to Resolution 37 rather than 38, so we are just going to correct that, Members of the States, if you take your pen and write that out.

3675 But is it your wish therefore that the sursis be read either by you or by the Deputy Greffier, Deputy St Pier?

[Sursis Motivé](#)

To sursis the Propositions until after the States of Deliberation have considered the report prepared by the Policy & Resources Committee, in consultation with the Committee for Economic Development and the States' Trading Supervisory Board, on a co-ordinated and coherent government framework on air connectivity. This report will consider all aspects of air route operation and support that is under the control or influence of the States of Guernsey and on which they have already made policy decisions, to include the strategic benefits and dis-benefits of extending the runway, as set out in Resolution 38 of P.2019/104 – The States of Guernsey Annual Budget 2020 and approved on 8th November 2019.

Deputy St Pier: Sir, I will read it.

Deputy St Pier read out the sursis.

Deputy St Pier: Sir, I shall be brief.

3680 The States of Deliberation on 5th November began the debate of the 2020 Annual Budget which resulted in the adoption of what was then Proposition 38 which became the Resolution, and as a result of that the Policy & Resources Committee in consultation with the Committee *for* Economic Development and the States' Trading Supervisory Board has commenced on the work to develop a co-ordinated and coherent Government framework considering all the aspects of air route operation and support that is under the control of the States. And as part of this work as set out in
3685 the response which we have appended to our letter of comment, the Committee *for* Economic is currently preparing an outline business case for the extension of the runway at the Airport.

So therefore, sir, this sursis motivé seeks simply to defer consideration of the requête until after my Committee has reported back to the States no later than April 2020, so that is to say that the
3690 sursis motivé would defer by five to six months the debate on whether the States should support the development of the business case and cost benefit analysis for the extension of the runway to 1,700 metres.

The question of whether the runway should be extended has of course been subject to at least two recent debates in 2018 and 2019. The Policy & Resources Committee believes that the
3695 Propositions within the requête are in direct conflict with the agreed direction of the States on the matter of air connectivity and Government's intention to develop a co-ordinated framework. Further, I think it actually dilutes the resources which are available to support the Committee *for* Economic Development, requiring it to undertake a separate and additional piece of work now outside the States' Resolution from the Budget debate to expedite the development of the
3700 framework.

So, sir, that is the rationale for Policy & Resources Committee unanimously believing that a sursis motivé is the right response to this requête and the matter should be discussed in due course.

The Deputy Bailiff: Deputy Trott, do you formally second the sursis motivé?

3705 **Deputy Trott:** Yes, sir, I rise to second the sursis motivé. I reserve my right to speak later, but can I, while I am standing, ask either you or H.M. Comptroller a procedural question?

The Deputy Bailiff: You can ask a procedural question, Deputy Trott.

3710 **Deputy Trott:** Well, is there any mechanism within our Rules of Procedure for a Member to give notice of their advanced intention to bring a guillotine motion to this debate 30 minutes hence?

The Deputy Bailiff: Well my response to that, Deputy Trott, without turning to the Comptroller, is no, there is not, because if you do that you are speaking in the debate. (**Deputy Trott:**
3715 Understood.) But I imagine Members will take note of what has been said! (*Laughter*)

Can I, Members, simply remind you of the terms of Rule 24, paragraph (5), which is that when a sursis has been proposed and seconded, debate shall be limited strictly to the sursis, and to remind
3720 Deputy Kuttelwascher that he is entitled to speak now if he wishes, during the course of debate on the sursis, or at the end of it, but only on one occasion.

Deputy Kuttelwascher: I am happy to speak now, sir.

The Deputy Bailiff: Very well. Deputy Kuttelwascher, then I will call you.

3725 **Deputy Kuttelwascher:** Thank you, sir.

Firstly, you notice there was one so-called typo which is unfortunate because there are other parts of this draft that are quite erroneous. It says the States:

... have already made policy decisions, to include the strategic benefits and dis-benefits of extending the runway ...

3730 That did not appear in 38. I have already said what was in there; they were just talking about looking at major or minor infrastructure. So put that to one side.

3735 The problem I have got with this is when something was said by Deputy St Pier about Economic Development always looking at extending the runway you should have looked at the convulsions on the President's face of Economic Development. He thought, 'What?!' It was news to him, so there is something going on here as regards communication, what people think is happening or is not happening.

But my whole argument against this sursis rests with the issue of governance, good governance, which should lead to good government, and what is wrong with this?

3740 I am going to go now to the note passed to everybody, and I passed it to everybody this morning, by the Institute of Directors. What is interesting is that the issue of governance, although not mentioned as such, is actually covered by their assessment of the situation. It says:

While the business group support the Committee for Policy & Resources' work to develop a coherent and co-ordinated framework for all aspects of air route operations, to provide such a framework it is essential ...

Note the word 'essential' –

that P&R evaluate the merit of runway extension to help deliver the policy goals, etc.

In the next paragraph, they go on to say:

However, it is also clear to us that addressing the issue of the Island's air links and associated infrastructure is urgent ...

So we have had two words: 'essential', 'urgent'.

and must be comprehensively resolved sooner rather than later.

Sursis equals later.

Rather than continue with the process of laying proposal and counter proposal before the States, both reviews should be undertaken and completed sooner rather than later.

3745 They have said it twice, *sooner*. Now here is the real governance issue:

We believe that further delay on policy formulation based on incomplete analysis ...

– which is what is being proposed by this sursis. They want to carry on with their review of air links without doing this and possibly doing it afterwards, although both results should come out about the same time: April from P&R, May from Economic Development; P&R quite often are a little late with their reviews so they might come out at the same time.

3750 But this particular review regarding the benefit analysis would be informing what they are doing. They will be talking to Economic Development, you would not want to do it afterwards because if you were not to do this, all that P&R could come up with is: what can you do in the short term with what we have got? Because even if there is a case for an extension, it is not something that is going to happen for a number of years, but the problem then is from a governance point of view, that you might make decisions on expenditure which then become irrelevant if a runway extension is then progressed. It might be abortive expenditure, it is bad government. We need the information and, my goodness, how difficult it is to try and get this done.

3760 Somebody in the public said, 'What do you need to do if you want to become a Deputy?' I said, 'You need to do a specialised dental course.' He said what are you talking about? I said you need to learn how to pull hen's teeth. It is true. We to and fro all the time; this toing and froing has been mentioned by IoD.

But the most important thing is really, on Monday, as one of my functions, I sit on the board of Guernsey Water and we were discussing risk management within the States of Guernsey and I am told, and I discussed it at the board meeting, that the Enterprise Risk Management Directive is

3765 mandatory in the States of Guernsey, it applies to all committees including P&R. Although I have mentioned it, it is available on The Bridge, Deputies can access it. I did not actually know of its existence until Monday. I knew there was something about risk management directives but I never looked at it.

3770 But what is interesting when we were discussing it – and I got the permission of the board that I could refer to this because it does not divulge any top secret information regarding Guernsey Water – something about this Directive, what is interesting is it says, 'Risk appetite is covered in the Directive which sets out areas where the States has a low appetite for risk and, amongst other things *inter alia*, one of them is governance.' We do not want to risk good governance. Good governance leads to better government decisions, bad governance increases the risk of poor decisions. So really it is an issue of governance.

3775 I think this sursis is a demonstration of actually trying to promote governance that is not quite as good, it is poor governance, and for that reason, there is no way I can support it.

Thank you, sir.

3780 **The Deputy Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I am going to support this sursis because I have serious concerns about the requête. I think it is absolutely vital that the sursis succeeds as opposed to the requête succeeding.

3785 In giving my reasons for supporting this sursis, I can only hope I am not treated in the same disrespectful and insulting manner that some of my colleagues chose to display by laughing at the concerns I expressed in the States in the debate earlier this month when I had to call for respect to be shown to Members speaking, airing their concerns.

3790 Now as we all know, sir, the sursis tells us that work is already underway to compile a Government framework considering all aspects of air route operation, and as part of this work the Committee for Economic Development is preparing an outline business case for the extension of the runway for the Airport. So the work is already being done.

3795 Bearing that in mind, I think it is extremely irresponsible for the requérants to have even submitted the requête for debate in the first place, because surely the requérants knew the work was already being done, and if they did not know then why didn't they know?

Deputy Kuttelwascher: Sir, point of correction.

3800 **The Deputy Bailiff:** Point of correction, Deputy Kuttelwascher.

Deputy Kuttelwascher: I am advised by Economic Development the work on the benefit analysis has not been done.

3805 **The Deputy Bailiff:** Deputy Lester Queripel to continue.

Deputy Lester Queripel: Thank you, sir.

That is a serious concern I have about the requête: not only is it seeking to duplicate work that has already been done but it asks us to agree to spend up to £360,000 duplicating that work.

3810 Now as the sursis also tells us, the Propositions within the requête are in direct conflict with the agreed direction of the States on the matter of air connectivity and the intention to develop the Government framework I referred to a moment ago.

So not only are the requérants asking us to agree to paying out up to £360,000 for duplication of effort but they are also seeking to fly in the face of the previous agreed directions of the States, which seems to be extremely churlish in my view.

3815 Now the sursis goes on to tell us that if the requête were to succeed it would then dilute the resources available to the Committee *for* Economic Development to expedite the development of the Government framework covering all aspects of air route operation.

So, sir, the sursis is seeking to put a stop to all that nonsense, which is why I urge my colleagues to support it. If the sursis succeeds it will not only save duplication of effort, it will also save anything
3820 up to £360,000 of taxpayers' money being spent or rather, in my opinion, being wasted and for what reason exactly?

The sursis tells us that the whole issue of extending the runway has already been discussed in this Chamber by this Assembly not once but twice. So surely the question has to be asked what part of the word 'no' do the requérants not understand?

3825 What makes the requête itself even more of a concern, which is why I am supporting this sursis, is the fact that it is signed by three Members of STSB who asked us two months ago to agree to no further work being undertaken on the issue of extending the runway! *(Laughter)*

Sir, I know it is pantomime season but that is taking things a bit too far! What has changed in those two months –?

3830 **Deputy Kuttelwascher:** Point of correction.

The Deputy Bailiff: Point of correction, Deputy Kuttelwascher.

3835 **Deputy Kuttelwascher:** Sir, what he left out, what Deputy Lester Queripel left out, when he was talking about no further work on the extension, it was within the existing boundary. He left that out. We are not looking at that. The RESA will go beyond the existing boundary, that is the difference.

The Deputy Bailiff: Deputy Lester Queripel to continue, please.

3840 **Deputy Lester Queripel:** Sir, thank you.

Sir, the message was still no. So what part of the word 'no' do the requérants not understand?

Now what has changed in those two months? Apart from the majority of the Members of STSB changing their minds and apart from Deputy Kuttelwascher telling us that the figure has been
3845 reduced from £700,000 to £360,000. Well, that may offer some of my colleagues' comfort, sir, but it does not offer me any comfort at all because £360,000 is a lot of taxpayers' money to waste. **(A Member:** Hear, hear.)

Sir, this sursis makes perfect sense as opposed to the requête, which to me is complete nonsense. The requête itself seems to be an act of petulance by the requérants, but is a prime example of
3850 seven Deputies throwing their toys out of the pram in an act of defiance, and I very much look forward to hearing what the requérants have to say in this debate.

I ask for a recorded vote, sir, when we go to the vote on the sursis.

Thank you, sir.

3855 **The Deputy Bailiff:** Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

I rise early because I think there is a danger of some confusion entering into this debate which it might be helpful to clarify at the outset.

3860 I am of course speaking on the sursis at this point and I am not going to enter into discussion or a significant amount of discussion on the merits or otherwise of the requête.

I should also make it clear that I am speaking for myself. The Committee *for* Economic Development has a wondrous range of views on the merits or otherwise of runway extensions, as made clear in the letter of comment signed by Deputy Dudley-Owen on behalf of herself and, I
3865 think it was, Deputy David de Lisle, who were the majority of those eligible to vote at the meeting which considered this matter. And Deputy Dudley-Owen and Deputy de Lisle have different

positions as between themselves so – (*Laughter*) I would not presume to try and represent the views of the Committee.

3870 But what I have to say on the sursis is that I think the argument advanced by P&R which is that the work of developing the business case is already being done in part of our response to Proposition 38 of the Budget debate. I do not think that actually holds water and that is why I have concerns about it. The letter of comment actually that I have just referred to, signed by Deputy Dudley-Owen, says she and Deputy de Lisle have taken this view that no further money should be spent on doing the work while acknowledging that officers are continuing to explore the option as
3875 part of the work relating to the Committee's policy letter on Air and Sea Links Investment & Policy objectives agreed by the States of Deliberation in December 2018.

3880 So really what I want to do is to clarify what the Committee is actually doing. Now in the ordinary course of its business the Economic Development Committee needs to do market research, it needs to understand where there may be markets in the UK or even Europe which could be available to Guernsey and what air links we would need to establish to exploit those opportunities. We engage regularly with consultants called ASM who do a lot of work for us on where passengers are coming from; what their critical decision making influences are; where they would like to travel; which airports they would like to use; what are the criteria that influence their decisions as to whether to come to Guernsey or go somewhere else.

3885 So this research happens all the time and clearly research of this nature would be valuable in doing a cost benefit analysis on an extension, or a proposed extension, to the Airport runway. We also have some good information on the costs of a runway extension to around 1,700 metres which we obtained in the context of the last debate on this subject. I think Members may recall me standing in the Assembly and saying we had an informed estimate of the costs of the 1,700 metre
3890 runway and, from memory, I think the figure was £27 million, but let's say for the purposes of this debate somewhere in the range of £25 million-£30 million.

3895 So we have got some information about the cost and we do collect information which would be useful to helping us determine what the benefits would be of a runway extension. But the information we have is not a cost benefit analysis, it is simply some of the material that you would need to have in order to perform the cost benefit analysis.

3900 Now in discussion with my officers as to what it would cost to get an independent consultancy to verify our figures and projections and in effect complete a cost benefit analysis, the figure that has been quoted to me is about £150,000. There might be other costs on top of that. That would simply be the business case of essentially: how much would it cost to do it; how many extra passengers could you hope to attract; what would those passengers be expected to spend in the Guernsey economy; and is there therefore a financial pay back?

3905 But there are obviously other considerations, social and environmental considerations, which would have to be taken into account in doing a full cost benefit analysis. So the figure of £150,000 might rise in terms of getting some advice on environmental issues, for example, but let's say, for the purposes of this debate, we could be talking about a total investment of £200,000-£250,000. It is a little bit of a finger in the air estimate.

3910 Members will say, well, that is less than the £360,000 being referred to in the requête; well, yes, it is but we were not consulted on that figure any more than we were consulted on the figure of roughly double that amount which P&R produced as an estimate of the costs of doing a cost benefit analysis on the runway extension.

3915 All I said in the last debate is I thought the figure given by P&R was considerably in excess of the amount that would actually be required, but I did not have any concrete information to put before the States at that time, we have not been out to tender for this work; so I think I am in little better position today than I was then, and all I can do today is repeat I do not think it would cost anything like £360,000, much less £720,000 or whatever the figure was in the P&R case.

So the position is that we do not have all of the information necessary to do a cost benefit analysis and we would have to go to outside consultants to pull together the information that we do have to produce a report that might be convincing to the Assembly.

3920 At present, my Committee has no plans to undertake or to commission that work, partly for budgetary reasons, and if we get on to discussing the requête clearly an argument that will be advanced in favour of supporting it will be that, well, at least it gives Economic Development some money to go ahead and complete this work, which will not otherwise be completed in my view in this term of Government.

3925 So that brings us to the question of what P&R, together with Economic Development and STSB, are going to be able to produce to the States under Proposition 38 of the Budget, because the reality it seems to me is that the work that will come out of that, absent any investment on the cost benefit analysis, will be work on the connectivity options which does not include the option of extending the runway and to me that would be a very incomplete piece of work. We have the business organisations all telling us that, first of all, two thirds of their members strongly support
3930 doing the business case, but also they are telling us that you would need to do the business case for the runway extension in order to complete the work that P&R is committed to do.

To be producing a policy letter on the States' connectivity options, and it is very broadly framed in Proposition 38, which did not include an assessment of the cost and benefit of doing a runway extension would simply be a flawed piece of work, and I have believed all the way through these
3935 debates that the States should be taking informed decisions on the basis of good quality evidence.

So I do not want to stray into the merits of the requête itself; that is for another day if we get past this sursis. What I am saying to you is that I think the sursis is misguided, I think the sursis is presented to the States on the basis that the work is going to be done anyway and my view is the work will not be done unless it is resourced.

3940 So I am very happy to enter into a debate on the requête when we get there, if we get there, but I simply urge Members not to reject the requête on the basis of this sursis, which I just think is deeply flawed. The argument behind it simply is not supported by the facts. The Committee *for* Economic Development is not going to complete a cost benefit analysis by May 2020 absent some resources.

3945 Thank you, sir.

The Deputy Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

3950 I support everything, through you, sir, that Deputy Parkinson has said, and I would just like to bring up two observations I think we should consider as an Assembly.

One is this was a major issue on the doorsteps at the last Election and we are coming to the end of our term now and we have not addressed it, we are still talking about doing a final report which will be presented just before the end of this term but nothing is going to get done in this term.

3955 Now let's look at the actual report that is going to come out of Proposition 38 in the Budget. That report, as Deputy Parkinson has pointed out and Deputy Kuttelwascher has said, will not be looking at the option of extending the runway and the potential commercial, economic, social benefits that stem out of that. If the report is presented without that information included it will undermine the credibility of the entire process. People will be able to, quite rightly, question
3960 whether or not that report is valid and comprehensive, whether it has looked at all the evidence unless it is addressed.

There is a third point I think I would like to make as well. The business community – I do not know about the general public as much but certainly our business community – are all saying they want to have this looked at. Unless it is looked at it will not go away.

3965 So I urge everybody to dismiss the sursis, approve this amount of money and go ahead with this, and also bear in mind we have subsidised Aurigny, when we talk about amounts of money we gave them £16-odd million in our first 18 months in the States, we then guaranteed them another £50 million loan for purchasing new aircraft and we have just approved them another £25.7 million. That is £90 million. In the grand scheme of things we are paying that to keep our air links in place. What

3970 is £150,000 or £360,000 to make sure that the review that is provided to the States is comprehensive, does cover all the options, does address the concerns of the business community?

Again, I urge everybody to dismiss the sursis and vote for the requête.

The Deputy Bailiff: Deputy Tindall.

3975 **Deputy Tindall:** Thank you, sir.

As I said in the debate regarding my amendment to the Budget 2020, as seconded by Deputy Laurie Queripel, when responding to me Deputy Kuttelwascher regarding whether I would support this requête, I did not then and I do not now, but I do support the sursis motivé.

3980 The requête is premature so the sursis motivé is appropriate rather than merely a sursis. The reason for delay is not something this Assembly can be proud of, as Deputy Meerveld just mentioned.

Our transport concerns were a 2016 Election issue, yet we are nearing the end of this term and these concerns feel as though they are still hanging around. This is despite various reports and
3985 debates and also important action by Economic Development, and if I may say so myself, especially considering I was on that Committee at the time.

The sum of up to £390,000 is not the only concern and it is a substantial sum, but also the parallel workstreams, the duplication and resulting concern of other priorities currently being worked on being dropped.

3990 However, we have what I consider to be a very ambiguous letter from the Vice-President of Economic Development, and Deputy Parkinson has alluded to this. P&R seem to think that it means that Economic Development are progressing the business case or is it perhaps a strategic case in respect of an extension of the runway. I think that Deputy Parkinson has spoken to that and I would just add that their conclusion that this is part of the work relating to the Committee's policy letter
3995 on Air & Sea Links Investment & Policy Objectives is also spurious.

As quoted in the requête, the Resolution for that policy letter was so that these objectives and factors that were approved that day will be used in any future work. We were asked to note this, not that this work would be happening and that extending the runway was being investigated by Economic Development.

4000 In fact, as I believe the requérants assumed and as stated by the President of Economic Development shortly after the debate on the Review of Strategic Air & Sea Links Infrastructure, the runway investigation was dead.

Deputy Kuttelwascher mentioned in opening that work is being done by Economic Development in relation to the long-awaited tourism strategy, which of course is what I understand is the basis
4005 for looking at all the different uses and infrastructure to assist in improving our tourism. So that, I think, Deputy Parkinson also alluded to in his speech in relation to work that it is being undergone by Economic Development and those investigations.

Again, I would like to thank Deputy Kuttelwascher who kindly asked me if I would sign this second requête. However, I should point out that this was prior to seeing the Budget 2020 or indeed
4010 the Nyra Report on Aurigny, and still at that time I was not content with the phrase of 'at least 1,700 metres', as whilst the RESA option of extending the runway was dismissed, the other option for extension of the runway within the Airport boundary, less than 1,700 metres as put forward by PwC and I repeat not the RESA option, was excluded from the requête.

I have since been advised Economic Development have done work on looking at that option –

4015 **Deputy Kuttelwascher:** Sir, point of correction.

The Deputy Bailiff: Point of correction, Deputy Kuttelwascher.

4020 **Deputy Kuttelwascher:** The reason the 1,570 metres was excluded was because the DCA said that it was not possible to accommodate that length of runway within the actual boundaries

because it would require the use of EMAS which was not justifiable. So the DCA stopped that. What is the point of putting it back in? That is just –

4025 **The Deputy Bailiff:** Deputy Tindall to continue.

Deputy Tindall: Sir, I have done a very long piece on this point and I have no intention of reciting it now. If we get to the requête and the sursis motivé is not successful I will go through all of that and will cite Deputy Kuttelwascher when he even noted it to me, and over and over PwC have said
4030 to me that there are other options other than 1,700 metre I do not intend to, as I say, at this point go in any further.

However, I have since been advised that Economic Development have done work on looking at that option and dismissed it. I personally would like to see that work and hope the collation of information, as approved by the amended Proposition 38, will produce that work for all of us to
4035 digest.

I have also seen much whilst on the Committee *for* Economic Development which will need to be considered and that spending £390,000 should not be –

Deputy Merrett: Point of correction, sir.
4040

The Deputy Bailiff: Point of correction, Deputy Merrett.

Deputy Merrett: That is twice, sir, that Deputy Tindall has said £390,000, it is £360,000.

4045 **The Deputy Bailiff:** Deputy Tindall to continue.

Deputy Tindall: I beg your pardon, sir, I have written down £390K consistently and I should also say it is up to £360,000 not a certain figure of £360,000. I do apologise for repeating that error several times and I am grateful for Deputy Merrett pointing it out.

4050 However, I still feel that this spending should not be solely on infrastructure and not consider the other aspects such as subsidies as per Proposition 38 as amended.

Deputy Parkinson mentioned that we needed a business case and cost benefit analysis and for me this cost estimate is too great. I would like to feel that not only is there sufficient information out there, certainly what I have seen which I hope will be put into the public domain as a result of
4055 the amended Proposition 38 ...

Whilst this is at odds with Deputy Parkinson, I do feel that obviously this debate generally on just the extension of the runway and not infrastructure *per se* and subsidies has so many different opinions, as the Committee *for* Economic Development has already shown, as Deputy Parkinson referred to, that I think that this review ... not a review, I beg your pardon, because it is not a review
4060 it is a collation of information, is the best way forward.

Deputy Kuttelwascher said that the sursis motivé is an example of poor governance; well despite all the errors, despite these assumptions P&R have made, despite references to the wrong Proposition, all these things, I do not believe that it is actually an example of poor governance because I just think it would be poor governance to commission something at the potential cost of
4065 up to £360,000 ... is something that – it is premature and we need to get to all of the matters of the terms of reference out there so that we can actually go forward with that particular aspect.

So for me, I have no concerns, despite these anomalies, that ultimately the purpose of sursis motivé is the right one and I will support it.

Thank you, sir.

4070 **Deputy Trott:** Sir, I would like to –

The Deputy Bailiff: Deputy Trott.

4075 **Deputy Trott:** Thank you, sir,
I would like to exercise Rule 26(1) please.

The Deputy Bailiff: Well, Members of the States, Deputy Trott is invoking Rule 26(1). So I am going first invite those Members who are still entitled to speak on the sursis motivé and who will wish to to stand in their places please. Is it your wish, Deputy Trott, still to put the motion to the Members of the States that debate be closed?

Deputy Trott: Yes, it is, sir.

4085 **The Deputy Bailiff:** In that case, Members of the States, I am putting to you the motion that debate on the sursis motivé be closed subject to normal winding up. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Deputy Bailiff: I think we might have to go to a recorded vote on that one please.

There was a recorded vote.

The Deputy Bailiff: Well, Members of the States, can I just say that nine people can make a lot of noise! (*Laughter*) I will announce the outcome of that vote in a moment but it is clear that the motion pursuant to Rule 26(1) has been lost and therefore debate will continue.
4090 Who wishes to speak? Deputy Prow.

Deputy Prow: Thank you, sir,
Just on a point of order, sir, Deputy Oliver had asked me to do a proxy vote but I was not given an opportunity to do that.
4095

The Deputy Bailiff: It does not apply in those circumstances, does it? It does not apply to a Rule 26(1) vote, Deputy Prow.

4100 **Deputy Prow:** Thank you, sir.

The Deputy Bailiff: That is why Deputy Oliver's name was not called.
Now if you wish to speak, please speak.

Deputy Prow: Thank you for that clarification, sir.

4105 I can be exceedingly brief. I am going to vote against the sursis motivé and I will limit what I have got to say completely to that. I do not need to repoint the very good points made by Deputies Kuttelwascher, Parkinson and Meerveld, except to say I agree with them.

4110 Just one the question of governance and whether the sursis is flawed, I would like to concentrate on the Proposition 38 which the sursis motivé relies on quite heavily and please can I refer to the context of infrastructure in this Proposition. The context is this and I will quote from it, it talks about the goals:

... including the balance between investing in infrastructure ... and subsidies to airline operators ...

That is the context in which Proposition 38 of the Budget which was passed talks. Sir, how can we do that exercise without a cost benefit analysis? This Proposition craves for such an analysis and actually makes it essential.

4115 Thank you, sir.

Rule 26(1):

Not carried – Pour 9, Contre 28, Ne vote pas 0, Absent 3

POUR

Deputy Tindall
Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Green
Deputy Le Tocq
Deputy McSwiggan
Deputy Langlois
Deputy Soulsby

CONTRE

Deputy Ferbrache
Deputy Kuttelwascher
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Leadbeater
Deputy Mooney
Deputy Le Pelley
Deputy Merrett
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Graham
Deputy Paint
Deputy Dorey
Deputy Brouard
Deputy Dudley-Owen
Deputy de Lisle
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Alderney Rep. Roberts
Alderney Rep. Snowdon

NE VOTE PAS

None

ABSENT

Deputy Le Clerc
Deputy Hansmann Rouxel
Deputy Oliver

4120 **The Deputy Bailiff:** The voting on the motion to cease debate on the sursis motivé, proposed by Deputy Trott, was Pour 9, Contre 28, 3 absentees, and that is why the motion was lost. Deputy Ferbrache.

4125 **Deputy Ferbrache:** Sir, the States – not only this States, other States, previous States – has a reputation for doing things half-baked, half-cocked and with half the information, and that is being generous.

Now if we went to a debate in April or May on an integrated air connectivity policy without having all the information we would be guilty of doing all this.

Deputy Lester Queripel said, 'Do the requérants not understand the word "No"?' I understand the word 'no' very well. I also understand the word 'all' – only one more letter than the word 'no' – and in the sursis it says:

To sursis the Propositions until after the States of Deliberation have considered the report prepared by the [P&R], in consultation with ... Economic Development and the [STSB], on a co-ordinated and coherent government framework on air connectivity. This report will consider all –

– all! –

aspects of air route operation ...

Now how can it consider all aspects of air route operation unless it considers whether a proper cost benefit analysis has been done on an extended runway and all aspects of air route operation? That includes the runway:

... and support that is under the control or influence of the States of Guernsey ...

The runway is under the control and influence of the States of Guernsey.

... and on which they have already made policy decisions, to include the strategic benefits and dis-benefits of extending the runway ...

Well, we debated the runway on various occasions during the course of this Assembly and really we passed the buck because we have not really made a decision to say there should never be a runway extension.

So the sursis is commending, really, the acceptance of the requête. If we stick to the wording of the sursis and we have regard to what the sursis says then I would invite Deputy Trott, if he wishes to speak or Deputy St Pier when he sums up in relation to the sursis, to tell us when a cost benefit analysis has been done in relation to the proposed runway extension, and how can you have a co-ordinated air connectivity policy having regard to all the matters which I just read from the sursis, the wording of the sursis, without such a cost benefit analysis?

Now what the explanatory note says at the foot of the first page of the document the sursis is:

As part of this work, as set out in its response to the invitation to comment on the Requête, the Committee for Economic Development is preparing an outline business case for the extension of the runway ...

Well, we have heard from Deputy Parkinson that it isn't, so the explanatory note is flawed! It is not doing that, and it could only do that if it carried out a cost benefit analysis, and it is not doing it, it has not got the money. Deputy Parkinson said he would love to do it but he needs the money to be able to do it.

I give way to Deputy Parkinson.

Deputy Parkinson: Sir, I would also need a majority on my Committee! *(Laughter)*

Deputy Ferbrache: Well, it seems they turn more ways towards the sun than the sun turns towards the moon. But in relation to all of that we have to deal with practical things rather than the dysfunctional, on occasions, Committee for Economic Development. *(Laughter)*

What we have to consider is if we are going to have a comprehensive report, because we come to if Deputy Parkinson – sorry, they look very similar, Deputy St Pier, or Deputy Parkinson or Deputy Trott – if they are able to say, Deputy Trott or Deputy Parkinson, that there is going to be a cost benefit analysis in relation to the runway carried out by P&R over the next four or five months we can end the debate now; we do not even have to have the requête, we can have the undertaken given by those two hon. gentlemen on behalf of P&R that that will be carried out over the next five months. We do not have to bother with a requête because that will be done.

Because one of the things in relation to – I predicted to my good friend and very able colleague, Deputy Kuttelwascher, that there could be a sursis and I said it might well be a sursis which would say the kind of things that this sursis said.

4170 What I want in April or May before the end of this Assembly, I want a debate on air connectivity: what can we do; is it worth us extending the Heathrow link, increasing the subsidy beyond the end of March of next year, if we can do so; what is Aurigny's role? Deputy Lester Queripel has been vocal in the media recently in relation to what he thinks Aurigny's role should be and I am hoping, perhaps I am being overly optimistic, that we might actually have a PSO in relation to Alderney by then, because that has been promised more than – well I am not going to say what more than a promise
4175 because we have all made promises we have not kept.

But in relation to this particular matter, Deputy Tindall said there are – and I wrote her words down – parallel workstreams – whatever that means, I do not understand the jargon and I do not understand that phrase and I do not understand what it means in this context because there are not any workstreams going on in relation to a cost benefit analysis.

4180 So what is going to happen if this sursis is successful and the requête does not get debated? We are going to come to April, we are going to have a debate, we are going to talk about extending Heathrow or not extending Heathrow, we are going to talk about the role of Aurigny, we are going to talk about other people wanting to come into the Bailiwick or not coming to the Bailiwick to provide air services; but we are not going to know if we are going to have a runway extension, we
4185 are not going to know what that is going to offer. The business community have said loud and clear, as Deputy Kuttelwascher has ably said this afternoon, we should have this cost benefit analysis.

Deputy Trott, with what he says is considerable business experience, so he tells us! – (*Laughter*) his considerable business experience in relation to such matters says you have got to listen to the business community. How often have we heard Deputy Trott say that in this Assembly? How often
4190 did we hear him say it in relation to the green finance debate which most of us supported – I think we all supported it except for one – recently? Listen to the business community.

We are not going to spend £25 million-£30 million or whatever the cost may be, it may be more – I am willing to say it may be more, I think it may be more – we are not going to spend that kind of money on the hoof. That is definitely a lot of taxpayers' money.

4195 But otherwise we are going to have this half-baked, half hearted, lukewarm debate in April and we are going to say, 'Oh, well, perhaps we should look into the runway,' because we cannot make a decision without looking into the runway. So that is going to take it well beyond the end of this term and we are going to look right Charlies because, as Deputy Meerveld said, other than the Education debate – and look what a decision we made in relation to that, I say! – we are going to
4200 have that issue coming up again but we are going to have this issue coming up when we either figuratively or literally knock on people's doors in May/June time when we are campaigning. It is going to be an issue that the public want addressed. The business community want it addressed.

But never mind it may be that as soon as I sit down Deputy Trott with alacrity will jump up or Deputy St Pier will jump up and say, 'I have heard the words of Solomon.' (*Laughter*) 'I accept it
4205 completely. We do have to have this cost benefit analysis because otherwise we cannot have,' – another word that I do know the meaning of, if I look at my good colleague, Deputy Lester Queripel, comprehensive – 'we cannot have a comprehensive, coherent and cogent policy framework, Government framework, in respect of and considering, again the explanatory note:

all aspects of air route operation and support ...

We cannot do that without going through this exercise.

4210

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: One of the more entertaining, perhaps, manifesto commitments that the current Prime Minister, the Rt Hon. Boris Johnson, appears to have made is to reverse the effect of Dr
4215 Beaching, who of course largely avoided Guernsey because we did not have branch lines, who cut

many branch lines in the UK and created a knock-on effect for reasons of accountancy and efficiency etc. of cutting off some towns of reasonable size, seaside towns, market towns, industrial towns, from connectivity; and some would argue those places have suffered ever since – or died.

4220 Some people of course would argue that those links should be restored and in some cases, such as in Central Scotland, they have been at great expense – often with greater numbers using them than originally predicted.

4225 I make those observations because of course if you were in the situation of evaluating transport infrastructural links that were rail based a crucial question would be the size of the railway station and whether there was a single track or double track and therefore the capacity of the route for high speed trains or whatever and also the loading gauge because there have been some railways, such as the old Hastings' route, where you could not fit normal size trains down let alone wide sized trains.

4230 Therefore, if you are doing a transport infrastructural plan I would argue that as part of Proposition 38 that we voted for just a few weeks ago now, to have a co-ordinated and coherent Government framework on air connectivity, the infrastructure of the station is vital. Now we do not have railways or stations or tracks or gauges here, what we have instead is the Airport runway and the Airport runway's capacity, length and ability to take on planes of different commercial viabilities and sizes is therefore vital to the overall framework of creating a co-ordinated and coherent Government framework on air connectivity.

4235 I think this goes beyond governance or process to a matter more of economic and political logic that the runway issue, whether you agree with it or not, for environmental or planning or technical or subsidy reasons is another issue. You have to consider the size of the Airport in relation to Jersey, in relation to nearby airports like Southampton or Dinar, and make an evaluation on the nature of operating that now and in the future as part of the framework.

4240 So I think it would be unwise to support the sursis motivé and in any case, should we do so, we will only be repeating this debate in a very crowded agenda April/May time.

4245 To close my perhaps rather awkward analogy with trains, I have got another analogy from our sister Island of Jersey and their transport infrastructure might be stronger than our in terms of an airport runway but it has two other peculiarities, a harbour where they are possibly looking at dredging which restricts substantially the type of ferries and car ferries needed, and more amusingly for land lovers, the bus station, when in their wisdom they created a brand new million pound bus station but did not think they would need double-deckers so the double-deckers have to stand outside and get into trouble.

4250 So think holistically. The runway, the Airport, the subsidy packages, the routes and the type of operators we have are all intrinsically linked and so clearly the sensible course is to continue with the mainline debate on the requête.

The Deputy Bailiff: Deputy Trott.

4255 **Deputy Trott:** Thank you, sir.

Sir, two weeks ago this Assembly decided, I think if not unanimously, I do not recall precisely but certainly with very little dissent, to approve a Proposition that read:

... to develop a co-ordinated and coherent government framework for the consideration of all aspects of air [travel] ...

4260 Now this Assembly did that in the knowledge, because it has debated the issue of the runway on so many previous occasions only someone with a distinctly fumbling memory would fail to remember, that we have been told that there is no shortage of aircraft that can land in Guernsey. In fact we have been told that there are over 700 aircraft in service, with another 50 on order, in Western Europe that can land on a runway of Guernsey's current length –

4265 **Deputy Kuttelwascher:** Sir, point of order.

The Deputy Bailiff: Point of order, Deputy Kuttelwascher.

Deputy Kuttelwascher: That has got nothing to do with the sursis, sir. The sursis is to debate whether we delay a debate on the requête.

4270 Thank you, sir.

Deputy Trott: I think it has got everything to do with the sursis, sir, if you will allow me a little bit of latitude –

4275 **The Deputy Bailiff:** But please get to the point, yes. *(Laughter)*

Deputy Trott: I will get to the point as soon as I am able, sir, because we know this information already, we know this information already, we also know, sir, that our air connectivity is good, so our consultants have previously told us, and it is particularly good when comparing it to Jersey.

4280 Now why is this important? Because all of this information is already known to us. In fact Deputy Parkinson told us earlier, sir, and I am referring to comments he made directly that £25-£30 million should more or less cover the cost of the runway extension – a very substantial sum of money which will take an awful long time to procure because, as we know, the moment you go outside of the Airport fence all sorts of planning inquiries and other matters are needed.

4285 However, sir, we within the Budget debate Proposition know that we have to balance, we have to strike a balance between investing in infrastructure and ongoing subsidies. Now within that, sir, one of the key issues is the frequency of travel because our consultants have also told us *(Interjections)* this is information already in the public domain – *(Interjections)* You asked me to respond Deputy Ferbrache, through you, sir.

4290

Deputy Ferbrache: This is going out – we restricted –

The Deputy Bailiff: Is this a point of order?

4295 **Deputy Ferbrache:** – our remarks to the sursis, sir. He is not, he is debating the requête **(The Deputy Bailiff:** Yes, I –) and it is the second time he has exceeded it in three or four minutes –

Several Members: Hear, hear.

4300 **The Deputy Bailiff:** Deputy Trott, I think it is important to concentrate on the sursis alone at this stage, but please continue.

Deputy Trott: Thank you, sir.

4305 I just need to pause for a moment because I do not want to go back over old ground but of course all this information ... Okay, so two weeks ago, sir, we came up with a sensible idea of having a co-ordinated approach. What the sursis motivé is saying is let's continue with that sensible approach and allow a co-ordinated set of proposals to be presented to this Assembly later on this year.

4310 Within the constraints of debate, sir, I do not think I can expand on that any further *(Interjection)* so with respect to your guidance that will do.

The Deputy Bailiff: Deputy Graham.

Deputy Graham: Thank you, Mr Deputy Bailiff.

4315 Members of the States, I want to debate the requête, therefore I am going to vote against the sursis motivé.

I do so as a total neutral on whether we should extend our runway or not. I have said in the States before, and nothing I have heard in the three and a half years in this States' term has suggested to me either we should extend the runway or that we should not. I do not think any paper that has been put in front of me so far has served the same purpose, and I am left in the position of not knowing where our best interests lie.

With that in mind, there is a perfect metaphor for this; it is the Airport arrivals, standing at the carousel, watching that last battered bit of suitcase coming round and round and round and nobody will pick it up! (*Laughter*) And then it is joined by the next plane load and gets mixed up with that, and low and behold every other suitcase is taken off and this battered suitcase keeps going round and round and round.

This is what we have been doing with the whole issue of the Airport runway ever since we first met back in 2016. We have heard, as plain as a pikestaff, from the one Deputy who ought to know, the President of Economic Development, that by the time of April next year we will be no better informed on that than we are now. In fact, Deputy Trott almost backed that up in his speech. Everything is hunky-dory now. I am almost tempted to conclude: why have a report coming back in April if our air connectivity is so good now (*Laughter*) that it will not inform us any further? I do not want at the end of that 2020 April debate – and we have heard from Deputy Parkinson that there is no way that a sufficiency of the investigation will have been done by then – I do not want to see that battered old suitcase still coming round and round and handed over to the next crew who come aboard in June of next year.

Let us debate the requête and let's vote against this sursis motivé.

Several Members: Hear, hear.

The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Deputy Bailiff.
In the Budget we said:

... to develop a co-ordinated and coherent government framework for the consideration of all aspects of air route operation and support ...

(*Interjection*) This requête, which we are trying to sursis, is about we need a business case and of course it is not as people say just a cost benefit analysis but it is a business case and cost benefit analysis, to extend the runway and the argument put forward is that we need that for the framework. But this is just one small aspect of:

... to develop a co-ordinated and coherent government framework ...

A Member: I quite agree.

Deputy Dorey: So if the logic is that we need a business case and a cost benefit analysis, we need a business case and a cost benefit analysis for all aspects, for the total aspects of developing a co-ordinated Government framework. So this is just one small element of it. So we either say that we are going to do this framework and from that we then can make decisions and one of the decisions is whether we develop a business case or we say that we have to stop this framework and we have to develop a business case and cost benefit analysis for every single aspect which makes up the consideration of air route operation and support.

So I cannot support this because that would mean that we never get to a situation that we can develop a framework.

There are a couple of other points that people have made. Deputy Meerveld said we have not addressed it. Well we did address it, we addressed it in April when we decided to negate the

Proposition to do a business case. Now Members do not accept 'no' but we have addressed it so we have had a debate and we addressed it and we heard all the information with us then.

A lot has been made about the business community. I could quote loads from the debate we had based on the ASM report which took the information from the business community and how they wanted early morning flights and with local carriers and an extended runway you would not get it. But I will leave that for when we get into discussion about the actual requête.

But I cannot support it for the reasons I have said.

Thank you.

The Deputy Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir,

I think the sursis is kind of misleading, suggesting this work may be done or is being done or has been done – Deputy Dorey has just continued with that rhetoric – because within the framework a cost benefit analysis would not be done, it is as simple as that. So I do not know why people are continuing down that path.

If we support this sursis today it is going to do nothing but kick this issue into the long grass. I think Deputy Parkinson hit it on the head right at the start, and some other people that have spoken very sensibly, some of us not so sensibly, (*Laughter*) so if we could just dispense with this sursis and crack on with the requête.

Thank you, sir.

The Deputy Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Just briefly, when Deputy St Pier sums up – perhaps he intends to anyway but – I think the issue he needs to address, for those of us who are really remain undecided how to vote on any of the Propositions before us, is how does he see the sequence of events working here; because I think what is being presented to the States is that the requérants are saying you cannot have a coherent comprehensive review of the whole picture unless in parallel you are carrying out the work that is set out in the Prayer of the Requête. I think the counter argument is either, well, that work is being done anyway – but that seems to have been shot down by Deputy Parkinson – so the counter must be that the work that is set out in the requête could follow the comprehensive and coherent review of all of the issues.

But I think if Deputy St Pier could just set out when he replies to this sursis the sequence in which he anticipates these things happening, because let's just suppose that the review concludes that there is merit in further investigating lengthening the runway, what would the sequence of events then look like? I think that really is what it turns on.

The Deputy Bailiff: Well, Members of the States, it has just ticked past half past five. I am going to test your appetite to bringing this sursis to a conclusion by putting a motion to you to say will we sit until the President of the Committee has responded to the sursis –?

Deputy St Pier: Sir, I would like some time.

The Deputy Bailiff: You would like some time. Well, in that case, we will adjourn now until 9.30 in the morning.

The Assembly adjourned at 5.32 p.m.