



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 17th January 2020

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Present:

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

Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Procureur)

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

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

The Vale

N. R. Inder, M. M. Lowe, 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,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

Mr S. Ross (H.M. Senior Deputy Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller), Deputy J. P. Le Tocq; Deputies M. J. Fallaize and Deputy P. J. Roffey (*relevé à 9h 43*); Deputy C. P. Meerveld (*relevé à 9h 47*); Deputies Laurie Queripel and R. H. Tooley (*absent de l'Île*)

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States of Deliberation

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

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

Billet d'État II

POLICY & RESOURCES COMMITTEE

I. The Withdrawal Agreement between the United Kingdom and European Union – Implications for the Bailiwick of Guernsey – Propositions carried

Article I.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "The Withdrawal Agreement between the United Kingdom and European Union - Implications for the Bailiwick of Guernsey", dated 7 January 2020, they are of the opinion:-

- 1. To acknowledge the Withdrawal Agreement which will, if ratified, effect the orderly withdrawal of the UK from the EU;*
- 2. To acknowledge that, should the UK and the EU both ratify the Withdrawal Agreement -*
 - a. the territorial extent of the Withdrawal Agreement includes the Bailiwick of Guernsey and the Withdrawal Agreement will apply to the Bailiwick insofar as Protocol 3 to the UK's Act of Accession to the European Community (1972) currently applies;*
 - b. the UK will cease to be a member of the EU on the coming into force of the Withdrawal Agreement and the UK and EU will enter into a transition period;*
 - c. during the transition period, which will end on 31 December 2020 (subject to any extension of up to two years), the same rights and obligations will apply to the UK as if it were still a member of the EU;*
 - d. the same rights and obligations will apply to the Bailiwick during the transition period as if Protocol 3 still applied in respect of the UK's membership of the EU;*
- 3. To acknowledge the Political Declaration as a statement of the UK and EU's intentions in regard to their future relationship;*
- 4. To direct the Policy & Resources Committee to maintain efforts to ensure that –*
 - a. the Bailiwick's interests continue to be represented to the UK during any negotiations in relation to the UK-EU future relationship; and*

b. any future agreement or protocol should meet the Bailiwick's needs, while respecting the constitutional relationship with the Crown and the Bailiwick's domestic autonomy.

5. To agree, in particular, that any agreement or protocol in respect of the Bailiwick should be underpinned by the principles of relevance, proportionality and practicality taking into account the island nature of the Bailiwick, its size and population and unique needs arising out of the same;

6. To note, for the purposes of Article 72A of the Reform (Guernsey) Law, 1948 as amended, that pursuant to clause 42 of the European Union (Withdrawal Agreement) Bill –

a. clause 1 of that Bill would extend to Guernsey, in order to give effect to the saving for those provisions of the European Communities Act 1972 referred to in that clause;

b. the power in section 36 of the Immigration Act 1971 or (as the case may be) the UK Borders Act 2007 Act may be exercised, following consultation with the Policy & Resources Committee and the Committee for Home Affairs, so as to extend (with or without modifications) to Guernsey the modifications made to that Act by clause 10 of that Bill; and

c. paragraphs 1 and 2 of Schedule 5 to that Bill would extend to Guernsey, so far as they relate to the modification of any provision in subordinate legislation which extends to Guernsey; and to signify their approval to the same for those purposes as necessary.

7. To agree that such other provisions of the European Union (Withdrawal Agreement) Bill and of any other Act of Parliament, as the Policy & Resources Committee believes to be necessary or expedient for the purpose of protecting or promoting the interests of Guernsey during the transition period, may extend or be extended to Guernsey.

8. To direct the preparation of such legislation as may be necessary to give domestic effect to the Withdrawal Agreement.

The Senior Deputy Greffier: Billet d'État II of 2020. Article I. Policy & Resources Committee – the Withdrawal Agreement between the United Kingdom and European Union – Implications for the Bailiwick of Guernsey.

5

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, it is almost four years since I introduced the first Brexit policy letter to this Assembly in June 2016, responding of course to the outcome of the UK's Referendum to leave the European Union, less than a week before. At that time, the Policy & Resources Committee sought endorsement from the Assembly for its proposed approach to respond to the result of the referendum and to the Committee's role to lead on that engagement.

10

At that time I drew attention in my opening statement to the importance that I and indeed the Committee placed on the Assembly's endorsement of our approach and our role, given the significance of the event and the task at hand. Since that debate, the Assembly has considered a further seven policy letters related to Brexit matters, facilitating the work needed to prepare for the UK's exit from the EU and, as set out in this policy letter, there has been significant progress and success in achieving the objectives set by this Assembly in relation to the UK's withdrawal.

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It is worth taking a moment to recognise those achievements, which have put Guernsey and indeed the other Islands of the Bailiwick, in an advantageous position for the future. I would also like to pay tribute at this point to the many civil servants who have been involved, working so hard behind the scenes to help us achieve that objective. (**Three Members:** Hear, hear.)

20

The policy letter to be debated today represents both the final step in those preparations for Brexit, seeking to provide the opportunity to consider and acknowledge the UK/EU Withdrawal Agreement and the Political Declaration, both of which will affect the Bailiwick, and also the first steps in the next phase after Brexit, setting out Guernsey's participation in the negotiation phase for the future UK/EU relationship.

25

So the timing of this debate is important. The UK Parliament is of course currently debating a Bill, which will implement the Withdrawal Agreement when it becomes an Act. If this Bill gets

30 approved, and of course we expect it to be approved, the UK Government will then ratify the Agreement. The Agreement will have a direct impact on the Bailiwick's relationship with the EU. It is appropriate that this Assembly can signify its views before the UK Government ratify the treaty and it takes effect on 31st January 2020, at 11 p.m.

This helps assert our autonomy and that we have our own parliamentary processes relevant for decision-making on Brexit matters, and we need to continually re-emphasise that in our dealings with the United Kingdom. This will also be important as we enter the next phase of the EU negotiations.

In a sense, the easy part is over and the real work now begins. These continue to be significant matters for our Island and the Policy & Resources Committee continues to value the importance of this Assembly's role and views in the process. I do not intend to go over the detail of the policy letter in this statement. However, I do want to talk briefly about the next phase after Brexit, which is now pretty well certain to happen at the end of the month.

As set out in the policy letter, the Committee has been working closely with the UK Government to prepare for the negotiations on the future relationship. It will be the responsibility of the UK Government to negotiate on behalf of what has now become known as the British Family, and represent Guernsey's interests, of course, importantly even when those differ from those of the United Kingdom's.

It will be for us to consider how Guernsey's interests are best represented and explore to what extent Guernsey should seek to take part in any new relationship, which the UK negotiates for itself with the EU. Any participation should be in the Bailiwick's long-term interests and commensurate with our economic and other interests; and this policy letter also sets out some high-level principles, which underpin the approach to any negotiations, in particular relevance, proportionality, practicality and taking into account the Islands' nature of the Bailiwick, its size and population and our unique needs.

The Assembly's support today for those principles is critical to give power to Policy & Resources' elbow, as we seek to protect and promote the Island's interests in the months ahead. We will be working to ensure that we do not by default end up with greater obligations as a result of the UK's new relationship with the EU, than we do currently, as a result of the UK's *membership* of the EU. In short, the new relationship between the UK and the EU, to the extent that it applies to the Bailiwick, must meet our needs.

Some may see our own General Election in June as the major political event of the year but, and dare I say this, the outcome of this negotiation could well in fact have a far more far-reaching and longer term impact on our economy and community. So it is essential that, despite the change in Government and the distractions that that will inevitably present, we do devote the time, skills and resources required to ensure that our Islands' interests are protected and promoted.

Importantly, during this period of significant change it will be imperative that our constitutional relationship is respected and, where necessary, robustly defended to ensure we retain our domestic autonomy, in particular in respect of regulatory matters and, of course, taxation.

The UK's Prime Minister Johnson has committed to us in writing that his Government intends to:

... further strengthen the relationship after the UK has left the European Union, when the UK will be negotiating its own free trade agreements on behalf of the entire British Family, including the Crown Dependencies ...

While the Policy & Resources Committee received the endorsement of this Assembly, back in 2016, to lead on negotiations with the UK, in accordance with its mandate, it is committed to continuing to seek support in this task from the relevant Principal Committees and industry stakeholders.

This engagement and input will be essential in ensuring that we are prepared and flexible to represent the interests of Guernsey and the Bailiwick, strongly and accurately. In order to do this,

we are establishing robust governance structures that will support ongoing dialogue and timely decision-making with our Island stakeholders.

The groups are set out in more detail in the policy letter for States' Members' information and I will not go through it in detail but will say that these arrangements will help ensure that the States can make decisions quickly, that we are able to input into those negotiations and consider matters relating to the implementation of any agreement, as well as ensure that there is some continuity in approach, during and following the Island's General Election in June, which could be a critical period in the EU/UK negotiations driven by the anticipated timings.

For example, the political declaration suggested that the future economic partnership will be dependent on agreeing a new fisheries agreement between the UK and the EU before 1st July 2020. This will be relevant for us if we want to take part in this economic partnership as well.

In addition, we are seeking to continue to develop the strong working relationships that have been built up with UK departments and ensuring that the structure is in place to facilitate that these are secured, not just beyond Brexit but also after the future relationship has been agreed. Finally, of course, we and I am sure our successor Committee will continue to keep Members updated as we have since 2016, as the negotiations develop and the detail of the future partnership becomes known. I look forward to the Assembly's strong support for the Propositions before them today.

Two Members: Hear, hear.

The Bailiff: Deputies Fallaize and Roffey, do you wish to be relevéd?

Deputy Roffey: Thank you, sir. My bus did not turn up! *(Laughter)*

The Bailiff: I did not hear what he said. Deputy Fallaize, do you wish to be relevéd?

Deputy Fallaize: Yes please, sir. Thank you.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

This policy letter is of particular interest to the Committee *for* Home Affairs, with its responsibilities for managing our borders and our population. As a general principle the Home Affairs is pleased to see such a comprehensive document and broadly welcomes most of the steps proposed. It does, however, wish to draw attention to a couple of matters where additional clarity would be helpful.

First is in the relation to the two groups it is intended to establish. These are future partnership delivery groups, made up of representatives of each Principal Committee, Alderney, Sark and senior civil servants. This has our full support, but we have sought to emphasise to P&R the importance of key Border Agency staff being present, given their management of the movement of goods and people.

The Committee noted that the proposed Trade Policy Advisory Panel includes representatives of P&R and the Committee *for* Economic Development. Given Home Affairs' role, both political and operational, at the borders, the Committee is of the firm view that the Home affairs needs to be a standing member of the Trade Policy Advisory Panel and not, as P&R have suggested to us, just called to attend when needed.

The second matter is in relation to Proposition 6b), which recognises that through the use of Article 72A of the Reform Law, certain powers in the UK Immigration Act, 1971, and/or the UK Borders Act 2007 may be exercised in the Bailiwick, following consultation with P&R and Home Affairs for an extension with or without modifications.

130 The question which I have been asked by a number of States' Members is why P&R needs to
be part of any decision to extend parts of the above Acts. I too had queried why P&R needed to
be involved in matters that seemed to sit fair and square with Home Affairs. I have, however, been
assured by officers that P&R's role in this respect is not to judge the appropriateness or otherwise
135 of immigration and other Border Control matters, but rather it relates to the role that P&R needs
to play under the Reform Law in respect of laying of UK Acts of Parliament before the States.

I should nonetheless be grateful if the President of P&R would confirm to this Assembly that
what is proposed in 6b) does not represent mandate creep by his Committee, and also to give an
assurance that P&R will reconsider not including officers and politicians of Home Affairs as
standing members of the Trade Policy Advisory Panel.

140 Thank you, sir.

The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

145 I echo the words of the President of Home Affairs and I am sure that Deputy St Pier will
respond. However, I rise really to offer some plaudits. I want to congratulate P&R and the officers
of P&R and in particular I think Deputy St Pier, who have followed in a united and single-minded
way in a time of distraction and diversion and they have dealt with, shall we say, governments of
mixed commitment in the UK. I think they have represented the Island in a wholly laudable way.
150 **(Several Members:** Hear, hear.)

I had the privilege of presenting a paper to the parliamentary conference in Kampala in the
autumn and, however my paper was received, I cannot emphasise enough the way in which those
present were complimentary about the way in which the Bailiwick has engaged with and prepared
in these uncertain times for the major changes in our relationship with the EU. So I shall
155 wholeheartedly support the policy letter.

The Bailiff: Deputy Meerveld, do you wish to be relevéd?

Deputy Meerveld: Yes, please, sir.

160

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

165 Could I start by following others who have spoken in congratulating Policy & Resources on this
excellent policy letter, which I think very adequately ties up and deals with the implications of the
withdrawal of the UK from the European Union? I would also like to add my comments around the
work of those who have been involved politically at the front end of this and all the officers
involved in negotiations.

170 From my former life, I know how difficult and detailed these negotiations can be so, through
the President of P&R, please may I pass on my congratulations to them and I think it is reflected
in the quality of the paper. Deputy Lowe also has made a very valid point and Deputy St Pier, in
his opening, whilst he has dealt with the withdrawal issues is looking to the future negotiations
with the UK on the economic partnership and I think that is where this Assembly now needs to
concentrate.

175 I was struck by the words of Deputy St Pier, which are actually quoted in the *Bailiwick Express*
and I endorse these comments and I think they are worth outlining in this Assembly. Deputy St
Pier stated in the *Bailiwick Express*:

It is vital to speak up for Guernsey's interests and ensure the new relationship between the British family and the UK
works for us. It would be unacceptable for us, if the new relationship were to impose greater obligations than our
current arrangements under Protocol 3.

I have to say, from my previous experience, I think it is not understood what a fantastic agreement that Protocol 3 was for the Crown Dependencies. (**Several Members:** Hear, hear.) It has served us very well. It was negotiated right at the end of the negotiations at that time and put together quite quickly. But it has allowed us a degree of independence, whilst we did enjoy the free-trade agreements through the EU and to some extent around the movement of people. But there was little interference in a lot of matters that are now going to come under scrutiny.

Therefore it goes far beyond the arrangements with regard to the withdrawal, which are ably dealt with in the policy letter, which mainly caters for Customs and trade arrangements and our alignment with the UK's withdrawal. These are well outlined in sections 4.36 to 4.8.

The real challenge will be in what comes out of the negotiations with the EU27, regarding the future relationship with the UK. This negotiation will go way beyond the limited areas covered by Protocol 3 which, as I have said, rates the movement for their country's goods and certain aspects of Guernsey's movement of people.

It will be the engagement with these matters where our interests will not always be the same as the United Kingdom's and might not also be the same as the other Crown Dependencies. The UK will also be negotiating around international protocols and conventions which do not now apply. The UK will be negotiating around matters of security, health and financial services. Deputy St Pier, in the article I referred to, goes on to say:

I will fight hard to ensure that the new relationship is fair, pragmatic and proportionate to our size and the outcome of this process is likely to impact our economy and our community for a generation or more. So we cannot afford to lose focus.

I entirely agree with that and I think, as Deputy Lowe has already pointed out, where it will be very important is that in these negotiations there is good liaison and contact with all the Committees, not just Home Affairs, but every Committee of the States. It has been a privilege to actually sit on the Brexit Sub-Committee and I think we need to ensure that the mechanisms that replace that and are well-outlined in the policy letter are made to work.

It is the consequences of those negotiations and how they impact both on resources and on policy and matters that are dealt with at Committee, it is absolutely vital that that liaison is good and the consolidation is good, and we do not negotiate things that are going to be not proportionate and unworkable on the ground floor.

Having said that, can I just also pose a question to the President of Policy & Resources? This does not directly relate to the withdrawal arrangements and I had intended to ask this question at Question Time but, as Deputy Dudley-Owen was having some difficulty with asking a question, which was Brexit-related, I saved it until now.

The question is this: I would like to refer back to the Policy & Resource Plan debate back in June last year where, under the Brexit contained in the Plan, it informed that P&R had been in dialogue with the UK, indicating that there was a willingness to renegotiate a reciprocal health agreement similar to that enjoyed by the other Crown Dependencies, but not Guernsey. Please could I ask the President what progress has been made with regard to Proposition P2019/40, as amended, directing P&R to commence a negotiation into a reciprocal health agreement with HM Government, similar to those in place with the Isle of Man and Jersey?

Thank you, sir.

The Bailiff: Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

I rise purely to give prior notice to Deputy St Pier that I would very much welcome that, when he responds to whatever debate we have, or indeed during the debate through Deputy Trott in the absence of Deputy Le Tocq, to make a comment really on the scope or the lack of scope there might be for Guernsey and indeed the Anglo-Norman Islands as whole to get into the business of bilateral arrangements with third parties.

230 The reason I ask that is that I do recognise, certainly as far as trade is concerned, we are not essentially a nation that trades in goods, although there are exceptions and of course fishing is one of those. Historically, there has always been a danger that the Anglo-Norman Islands get caught up in any sort of bunfight between England and France and we sort of get hit by the flying cups and saucers in the kitchen.

235 I think there is every danger that that could happen because predictably France, during the negotiations this year with the United Kingdom, are going to use fishing as a leverage and that is predictably going to be an area of contention. There are other obvious ones, with Spain and Gibraltar and so on; but I think there is a distinct danger that any arrangement with the United Kingdom might come to with the European Union, through those negotiations, might be unsatisfactory for the Norman Islands, particularly in relation to trade in fish between here and France. So the relevance of my general thesis about the scope for bilateral arrangements certainly applies in that field.

240 I think it goes actually far wider and probably more significantly in the field of the financial services, because although we do not trade in goods we do trade in financial services. Indeed it is almost our lifeblood.

245 There are two dimensions to that. There is the City of London, which I suspect that is the sort of *sine qua non* of any future negotiations and we must not jeopardise that. But I suppose rhetorically I am asking: what if the passporting arrangements for the United Kingdom's financial services into the European Union are unsatisfactory, not only for them but for us? What scope is there, without getting up the UK's nose, for the Anglo-Norman Islands, in particularly Guernsey obviously, to negotiate a bilateral arrangement with the European Union? I think that is going to be one of the elements of the future negotiations we really need to keep on our radar screen very, very clearly.

250 Thank you.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

255 I fully support this policy letter but there are one or two comments that I feel I need to make. During his speech Deputy St Pier said whatever the future agreement is in relation to the relationship between the UK and the EU, it must meet our needs. Well that begs the question, we do not have a veto over whatever this agreement comes up with and I suspect there will be some tensions and not all of it may meet our needs. So I think the fireworks will begin, most probably on 1st February, because one has to remember also the EU has also rattled its sabre and said an agreement cannot be reached in the timescale that is being insisted on by the UK Government.

260 So I think the real problems, the real negotiations, the real challenges, will come after the 31st, assuming everything goes through Parliament, and we may be back here deciding on how much of the agreement is acceptable or what do we do if it is not? A difficult question.

265 The other thing, I always have a problem with the use of the word 'ensure' in policy letters, because the word 'ensure' should only be used in relation to matters where you have total control of the outcome. We can ensure to put forward a robust case for this, that and the other, you can try to ensure or try and facilitate, but you cannot guarantee it. I ask people who draft policy letters, be very careful how you use the word ensure because it is irrelevant in most cases. 270 Otherwise, I think the battle is yet to come and this is almost a formality but, nonetheless, I am happy to support it.

The Bailiff: Deputy Inder.

275 **Deputy Inder:** Whenever Deputy Smithies mentions Africa, I have visions of Dr Livingstone's search for the River Nile; or possibly it is Gordon of Khartoum, with his pith helmet and pistol. But

I do echo what Deputy Smithies said, I think given the circumstances Policy & Resources have done exactly, well, anything that they could have done, in what has been a moving feast.

280 Just finally, I think we are effectively, and I hate that word, where we are. Things are likely to change. I do not think anyone is over the line at all with this and my great regret, as mentioned by Deputy Graham is that again, our tiny Islands get involved in someone else's fight. Even though we are part of this so-called British Family, I do not remember this member of the family getting a vote on the referendum, so I would take that advisedly. We seem to be part of the British Family absolutely when it suits them and does not necessarily suit us. But apart from that, sir, I intend to support this and again commend Policy & Resources for the work they have done so far.

285

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

290 We went to the trouble of amending the Reform (Guernsey) Law 1948 to include the new section 72A which says, and I paraphrase slightly:

Where it is proposed that –

(a) a provision of a draft Act of the Parliament of the United Kingdom should apply directly to Guernsey ... the Policy and Resources Committee shall ... submit the proposal to the States of Deliberation, in order that the States may signify their views on it.

I am therefore grateful to exercise that right to signify my views at an important stage of this unwanted, by some at least, process. Probably the majority here, I would suggest.

295 In my maiden speech in 2016, I was upbeat and looked forward to reaping the rewards from the opportunities. Whilst few of us would have thought Brexit Day would be in 2020 I still see all this time later possibilities, not least because of the many closer relationships of the UK and France with other Crown Dependencies and Islands in the Bailiwick, and even overseas territories who have shared with me their concerns and hopes of course. And of course, sorry, the continued good relations with the EU.

300 As many have said, we are also very lucky during this time to have excellent politicians on P&R working for us in this field. We have also seen the flexibility of the well-drafted legislation, which has been necessary as we have had to sit on our hands whilst the UK got their act together and got over the line – perhaps.

305 So, whilst Brexit Day is to be 31st January 2020, and although Big Ben may not bong that day, we need to consider the political declaration and the future. The UK Government say they will get a trade deal done in the next few months but they have to agree an extension or not to this year's transition period by, I believe, the end of June. However, that trade agreement and the elements in the political declaration, and I agree with Deputy St Pier on that, is important and it is important to set out our views in this debate to ensure P&R, in the next few months – as Deputy Kuttelwascher pointed out, 1st February is not long away – and also afterwards in respect of the continuation of the work to protect our interests and to inform the next States of our collective experience of this unique time during this term.

310

I would like to just draw attention to paragraph 1.9 of the policy letter which asks us, as the Propositions do:

... to acknowledge that the 'Political Declaration setting out the Framework for the future relationship between the European Union and the United Kingdom' ...

315 It goes on to say:

The ongoing expectation of the States of Guernsey is that such an agreement for the UK/EU future relationship will, in its extension to and application in the Bailiwick, be relevant, proportionate and practical and will, in its entirety, respect the Bailiwick's domestic autonomy and constitutional relationship with the Crown.

Needless to say I think we all echo that. So, for me, I felt it was important just to briefly go through certain aspects of the political declaration to point out a few Guernsey-related matters. As Deputy Prow said, I think it is important because obviously that is where the focus will be in the future.

320 I wish to identify issues where I consider our interests should be emphasised and protected. Some of us are obviously more interested than others in this, so I apologise to those who do not find this examination as interesting as I do.

Data protection, paragraph 9:

Noting that the United Kingdom will be establishing its own international transfer regime ...

325 Different international transfer regimes mean different adequacy regimes for data protection. We may have adequacy in respect of *our* data protection legislation for the EU in order to transfer data, but the requirements may differ in future for the UK and we need to ensure we not only comply with the EU's regime, as we do now, but the UK as well.

That is in addition to ensuring we watch carefully the EU's assessment of the UK's adequacy on data protection. Paragraph 24 on Customs, it says:

The Parties will put in place ambitious customs arrangements, in pursuit of their overall objectives. In doing so, the Parties envisage making use of all available facilitative arrangements and technologies, in full respect of their legal orders and ensuring that customs authorities are able to protect the Parties' respective financial interests and enforce public policies.

330 This leads me to say that this discussion over the borders, especially when we think of Northern Ireland, it begs the question are we going to be asked to install these state-of-the-art technologies and therefore at what cost and who pays?

As Deputy Graham pointed out, financial services is mentioned at paragraph 36:

Noting that both Parties will have equivalence frameworks in place that allow them to declare a third country's regulatory and supervisory regimes equivalent for relevant purposes, the Parties should start assessing equivalence with respect to each other under these frameworks as soon as possible after the United Kingdom's withdrawal from the Union, endeavouring to conclude these assessments before the end of June 2020.

Good luck to them!

The Parties will keep their respective equivalence frameworks under review.

335 Again, as Deputy Graham pointed out, it is so important to our financial services industry and we must keep an eye and ensure that it does not inhibit us in the long run.

Then paragraph 38 on Digital:

In the context of the increasing digitalisation of trade covering both services and goods, the Parties should establish provisions to facilitate electronic commerce, address unjustified barriers to trade by electronic means, and ensure an open, secure and trustworthy online environment for businesses and consumers, such as on electronic trust and authentication services or on not requiring prior authorisation solely on the grounds that the service is provided by electronic means.

But we are lucky. We have already cutting edge legislation in the Electronic Transactions (Electronic Agents) (Guernsey) Ordinance, 2019. So we are ahead of the curve on that.

340 Paragraph 44, Intellectual Property – something that Deputy Dudley-Owen will be very keen to emphasise. We got quite away with that, but paragraph 44 says:

The Parties should maintain the freedom to establish their own regimes for the exhaustion of intellectual property rights.

We need to ensure that that includes our own regime.

Procurement, paragraph 47; quite topical at the moment for some of us. It says:

The Parties should also commit to standards based on those of the [WTO Government Procurement Agreement] GPA ensuring transparency of market opportunities, public procurement rules, procedures and practices.

345 But do we do that? I spoke to Guernsey head of procurement, he said: 'We do not strictly
adhere to these and to do so would require us to take a more procedural and bureaucratic
approach to our procurement. I think the UK is declaring this position because they are currently
350 tied to following EU procurement directives and I suspect the reality is nothing will change, at
least for the next few years and only some diversions will occur over time. In Guernsey we have
never adopted the EU/UK regulations on procurement but seek to follow good procurement
practice in a public procurement law context. In my view this is absolutely the right approach.
355 There is work to do to strengthen our directives, policies and guidance, which we have been
working on. But, in my view, if we were to adopt WTO or EU directives, it would be a backward
step and perceptions of procurement, its focus and value, would deteriorate significantly. I think
we will have to wait and see what falls out in the UK and what this means for us. However,
adopting WTO in all its glory on procurement will require a lot of work and, in my view, would
simply add process and procedure. It would not ultimately assure better outcomes or value for
money.'

I hope that we continue to appreciate this sort of expert advice we receive. Certainly we have
had it for a long time and we continue to listen to them.

360 In the policy letter at 3.1 it reminds us in respect to Guernsey's objectives in relation to the
UK's withdrawal from the EU and, to me, this is the important point.

Negotiating considerations - relationship with the UK

3.1 In June 2016, the States of Deliberation agreed the following objectives for Guernsey in relation to Brexit ...
(iii) For people, the Common Travel Area should continue to apply (it predates UK Accession, and is not dependent on
EU Law).

However, in the Political Declaration at paragraph 54, it says:

Any provisions will be without prejudice to the Common Travel Area (CTA) arrangements as they apply between the
United Kingdom and Ireland.

365 This is repeated in the short document explainer for the new Ireland/Northern Ireland protocol
and the Political Declaration on the future relationship. Whilst we have heard that this *does*
include the Crown Dependencies, can P&R please reassure the Assembly that the Common Travel
Area is sacrosanct?

I thank P&R for asking for our views, for their hard work and those working behind the scenes
through this time and I wish them luck in the future; and I signify my agreement to all the
Propositions.

370 Thank you, sir.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

375 I shall be brief. I shall be supporting this policy paper.

I have just got a couple of questions and comments. Firstly, we have got our man in Brussels,
the Brussels office, and we do not get to hear very much about them over the last few years. I just
wanted to ask if the work of the Brussels office will still continue once we – well, we have never
been part of the European Union, but after Brexit and the withdrawal of the European Union; and
380 the focus really is on the relationship between us and the UK? Just an update on that would be
really useful.

I am going to be part of the Future Partnership Delivery Group, as President of the Committee
until June, and then obviously someone else will take over. I just wanted to highlight on section 7,
about the resources and implementation plan and how much we have already spent. But really it

385 was just to highlight that, yes, I will be part of this group but also it is the officers' time and I think
what the Report does highlight is the amount of work that goes on behind the scenes with
officers that are doing their day job as well.

I would just like to say thank you for all that hard work that goes on behind the scenes and for
us to be mindful, when we are under pressure in this Assembly to deliver policy papers and bring
390 work back to this Assembly, that there is a lot of other work going on behind the scenes as well
and a lot of pressure on all the Committees.

So, thank you, sir, and I will be supporting all the Propositions.

The Bailiff: Deputy Gollop.

395

Deputy Gollop: Thank you very much. I wish I could be like Deputy Le Clerc and be brief, but I
will not be able.

Deputy Smithies stole some of my thunder in a way by very much praising the team and I think
every person in Guernsey, certainly most political and media actors, even if they are occasionally
400 opponents of Policy & Resources in other areas, have the highest praise for the political team, the
officer team and the legal team who have been working behind the scenes.

Sir, as our President and Presiding Officer, you look after us very well and carefully. Some of
your predecessors were perhaps even more in a headmasterly role and would encourage
405 unanimity from us, especially on international areas, where we would be unanimous in supporting
the senior team working on our behalf.

I will perhaps divert a little bit with a few critical asides. The first is that one of the aspects I
think we have always seen from our senior leadership team in Policy & Resources and to a degree
their predecessors in Advisory & Finance and the Policy Council, there has been a very subtle,
evidence-based diplomatic approach; tough when it needs to be but generally speaking suave,
410 with the occasional exception.

We have seen in some of our sister Islands and places slightly different approaches over the
years that have been more bullish. Recently I heard a media interview in the context of Brexit from
a former minister of the Guernsey States, who had an interest in commerce, employment,
business and so on, who was more pugnacious perhaps in his perspective about contemporary
415 political life, as was Senator Walker, famous Chief Minister of Jersey.

Their philosophy was more along the lines of: 'Don't let there be an empty seat at the
negotiating table'. It kind of alluded a little bit to what Deputy Graham was saying about fishing,
because of course another one of these discussions identified what people like Deputy Trott know
far better than I do, that the fishing context is extremely complicated and convoluted and that
420 Jersey has a completely different set of arrangements and issues than Guernsey has. Alderney is
different again and so on and so forth. It is very much a heritage industry, part of our way of life,
part of our environment or habitat as well, and I know Deputy Paint and every other Member
would wish to see fishing very much at the table.

The example that a certain political personality gave in a jocular manner off-the-cuff comment
425 was that in a previous Conservative government, allegedly – or maybe it was the Liberal Democrat
coalition, I would not like to say – there was some representative MP for Cornwall, Devon or
somewhere like that who was more interested in protecting *their*, Cornish, interests than Channel
Island interests. Obviously, that might not necessarily be true but it is still a point that needs to be
put.

430 One or two Members have suggested that the public relations of Policy & Resources, the
communication, although good has not necessarily touched everybody. I think it has been
effective in the television arena and I think perhaps the contrast with a certain sister Island, that
has been more of a *Dad's Army* 'don't panic' kind of attitude at times, has been noted and so far
we have lived to tell the tale.

435 But I would say that one potential issue that nobody has mentioned so far but is certainly
pertinent to our economy and way of life, is the role of EU/European migrants who are long-term

residents of Guernsey. I understand that here and in Jersey they are expected to register for a relatively nominal sum and get clarification of status on their position. This is nothing to do with housing but is to do with post-Brexit.

440 Now, the Jersey anecdotal evidence – and they have a larger migrant population I suspect than Guernsey, proportionately – implies a significant number of worthy residents of that Island have not actually gone through the process and we need to ensure that message gets across to everybody who might be from ... everywhere from Poland to France, Portugal, Spain, Germany and so on. That message needs to get out there. Apparently it includes Switzerland.

445 We have also been discussing our relationship with European Union countries, but of course the European Union nowadays is a mixed bag. It includes our geographical neighbours, mainland France at one end of the spectrum, to very important nations that contribute to our economy, like Latvia. But it also includes nations that are potential competitors to Guernsey on an offshore level. We will see perhaps of Malta, Cyprus and Luxembourg. And how we measure our relationships
450 with them and in the context of the European Union probably gives weight to what Deputy Le Clerc says about the need for more updates from Brussels as to the way forward.

Deputy St Pier has rightly warned us through the media, in a way, that the last thing we want to see is more political dithering perhaps in the United Kingdom, so that we end up potentially on the back end of a no-deal situation. If I would characterise a subtle difference between I think our
455 approach and perhaps the United Kingdom's political approach in recent times, our approach has been very much I think Policy & Resources working in the best interests of Guernsey, as they perceive it, and the best interests of our obligations, identity and economy; whereas perhaps the United Kingdom approach in this and other matters, is more 'Give the people what they want', or at least the perception of that.

460 Doing that is not necessarily the same approach but I think that is one of the reasons why we have not got as much certainty as we could have as to the way forward; because clearly we still do not know for certain which direction the United Kingdom will go in after 31st January, and that is regrettable in its way.

I agreed with Deputy Prow's comment that this is an opportunity certainly to look at reciprocal
465 health agreements. It might be an opportunity as well to look again at everything from access to universities, to trade and services. Deputy Graham actually made a very nice fine point about the issues relating to our obligations post-Protocol 3. Because when you look at page 9 of the Report, it very much says we are trading in goods:

Negotiating considerations - relationship with the UK

For trade in goods, including agriculture and fisheries products, there is a long-standing historic trading arrangement [but] ... There are no arrangements in place that make reference to trade in services ... For people, the Common Travel Area should continue to apply ...

470 And I agree, we must maintain the Common Travel Area, because I think it would be very detrimental to free movement and our society if we lose that, which also means extra work for Home Affairs to ensure the protection is given in Guernsey that is appropriate, but nevertheless perhaps not overly onerous. I was a little bit disturbed to see in early January that in Jersey, Customs were causing long delays for Condor, for example, for passengers. But that was their decision.

475 But my point about free trade in services is the area is clearly unregulated, really, at the moment and Guernsey needs to ensure that all of our industries, especially financial and commercial, have as much access as possible to every single nation in the United Kingdom and not just the UK.

I also found a lot to agree with in Deputy Tindall's approach. Of course she has actually raised
480 a genie that was not necessarily particularly covered in the Report but was covered extensively in the recent useful Institute of Directors' business briefing on the upcoming Guernsey elections in the wider context of Deputy Soulsby's Requête and other issues.

They very much, Mr Casey and others, very much think that we need to sharpen our game in some areas and they certainly would welcome a more open, less process-driven, more flexible
485 approach to procurement and I think if we can avoid European Union rules that are unnecessary that would very much be ...

So what is my key message here? My key message is: do more in terms of communication; follow Deputy Le Clerc's suggestion that we have, both as Members and as the wider community, more updates on what is happening in Brussels – and not just ourselves, but maybe what we are
490 doing in conjunction with Jersey or other similar areas; be aware that the British Family should not get us involved in the Northern Ireland/Ireland issues, as Deputy Inder pointed out; and very much work on the ground, as the excellent SACC election enrolment team have been doing at schools and colleges and in the media, on ensuring that relevant European citizens and workers in
495 Guernsey, and their families, are understanding any and all implications and that they will have proper status and a future on Guernsey. Because that not only just benefits them but it probably benefits many other industries, especially the hospitality sector. So we need to think more perhaps about people as well as the wider international legal context.

The Bailiff: No one else is ... Deputy Trott.
500

Deputy Trott: Sir, thank you.

It was my intention to leave this exclusively to the President of P&R this morning because I echo the comments of those who laud him, and Deputy Le Tocq and others, for the outstanding work that they have done on this throughout. But there have been two comments where I have an
505 element of knowledge that may be of use. And I will start with Deputy Gollop.

He talked about fishing and he is quite right, moving forward, that this area will remain a challenge. One of the reasons it is a challenge is because of historical access rights that have been built up over a number of years. It is much harder for Jersey though than it is for us, because not only have we seen an extension of our territorial seas, but because of Jersey's relatively close
510 proximity to the European mainland, to France, their median lines and therefore the complexities associated with that are far more acute than ours. Whilst that should be reassuring to a certain extent, the truth is that there our arrangements are generally slightly less complex, which means that from a fishing perspective we should be able to overcome the challenges.

However, there are other issues of course with regard to our relationship with France and how fishing interests are often aligned to other issues. But we are aware of that and we are on top of it.
515

What I did want to mention was Deputy Graham's comments, because he did talk about financial services being the engine of our economy. He was right to do so and this Assembly has consistently supported financial services, as it should, for the reasons he highlighted. However, there is a little bit of detail around this that is interesting, because immediately prior to the UK's
520 referendum vote in June 2016, the European Securities and Marketing Authority had agreed our passport, our ability to market funds directly into Europe. But that was withdrawn at the 11th hour, 59th minute, as a consequence of the UK vote.

Now, we can still market funds into Europe on something called the Private Placements Regime and that has been going on since June 2016 and indeed prior to that. It is a very good thing that it has, because we read in today's newspaper an announcement that the amount of assets under administration in that area, the fund sector, grew to over \$400 billion, and in percentage terms up to June 2019 by over 3% year-on-year. So it is a positive message insofar as that sector does continue to grow, albeit not quite as rapidly as it has in the past, and that market access is still available to us under that particular regime that I mentioned.
525

However, he asked about alignment with the UK. The UK is very shortly to become a third country and they will have to satisfy regulatory equivalence with the European Securities and Markets Authority (ESMA) to be able to continue to market as a third country. Now, is it conceivable to me that we will have a more advantageous arrangement with Europe than the UK? I think it is extremely unlikely which is why, whether it is WTO or any other arrangement, we need
530

535 to continue to piggy back wherever possible, if that is the right word; or be closely aligned
wherever possible with the UK because their industrial size alone makes it still the fifth largest
economy I think in the world, and means that they have a might that we alone do not have.

But I think the message is it is business as usual under that placements regime, but it does
draw into sharp focus how important it is that the relationship that we have with the United
540 Kingdom remains a solid one. I and other members of our industry work very closely with the City
UK, whose job it is to represent the UK's financial services industry's interests around the
European table.

Finally, Deputy Le Clerc talked about the Brussels office. Now, the Brussels office continues to
do excellent work and arguably takes on an even greater relevance than ever before – and thank
545 goodness a few years ago we established that office – because we now have a track record, a
relationship of having dealt with our neighbours in Brussels over a decade or so now, and they will
continue to be our mouthpiece in that place and I am sure continue to do a good job.

So I hope that was as reassuring as he would have hoped it to be. It is an area that we are well
placed on but, increasingly, our relationship with the UK will be a material one because I believe
550 we are unlikely to get a better deal in terms of market access than they will.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

555 I just wanted to follow on very briefly from something that Deputy Gollop mentioned, which
was the process of EU nationals applying for settled status. I had to investigate this because it was
brought to my attention by some European nationals who have been living in Guernsey for a very
long time and it appears there had been quite some consternation through the community,
because these forms had just arrived without any supporting information.

560 Now I investigated it and I understood there was supposed to be a leaflet that was being sent
out with these forms that would have provided the context, but that leaflet was not being
distributed with the forms and that was causing a great deal of suspicion. The problem was a little
bit compounded because the phone number on the form that you can call to find out what it was
all about was incorrect. So it does suddenly look a bit like a conspiracy.

565 I think there is probably a little bit of catch-up to do in this area, because I think that there is
already suspicion around this thing and I think the States is going to have to go the extra mile to
reassure EU nationals of why this information is required and how they might benefit from it etc.,
and reassure them that really it is not a sort of 'Big Brother' exercise or anything like that.

I just thought I would mention it, as Deputy Gollop had raised it.

570 Thank you.

The Bailiff: Deputy St Pier, do you wish to reply? You can have a brief adjournment if you like.

Deputy St Pier: No, I am fine, sir. Thank you.

575 Deputy Lowe began by seeking confirmation that Proposition 6b) was not in some way
mandate creep by the Policy & Resources Committee. I am very happy to provide that
confirmation to her on the record. The role of Policy & Resources is quite clearly tied to its
external relations responsibilities in relation to dealing with UK legislation and to the extent that
we wish to have that extended or adopted for the Island. The policy questions are quite clearly
580 matters, as she articulated, for the Committee *for* Home Affairs.

In relation to the second matter that she was seeking confirmation for, in the officer present at
the governance bodies that we referred to ... I think I will perhaps begin with Deputy Prow's
comments, because he was also making reference to the fact that there needed to be good liaison
and contact between Committees and their officers and I think everybody, Deputy Lowe, Deputy
585 Prow, all of those who have been involved up to this point, would certainly agree that that very
much has been the case through the three-and-a-half years up to this point. I have absolutely no

reason to believe that will change or that will not be the case in the future. I think Deputy Le Clerc mentioned this as well.

590 But it is specifically in relation to the point that Deputy Lowe raised. I think the best thing I can do is quote for the record, so that it is on the record, the correspondence, my response to a letter from Deputy Lowe on this point and put it on the record. What I said was: 'In response to the concerns raised in relation to attendance at the Future Partnership Delivery Group and the Trade Policy Advisory Group, please let me reassure you and your Committee that the core attendee list for officers is not intended to be restrictive'.

595 So I think, going to Deputy Le Clerc's point, we will always ensure that the right officers are there and that has been the practice in the last three-and-a-half years.

I thank Deputy Smithies and others for their kind words. I want to also thank Deputy Prow for highlighting the very real risks in relation to the next phase. I think that is absolutely right and we do need to be cognisant of that throughout this next period, whether it is just this year or indeed
600 whether of course political events take it beyond this year.

Deputy Prow also asked about what progress was being made in relation to the reciprocal health agreement. We remain in discussions. The previous government under Prime Minister May was pretty reluctant to deal with it until Brexit had been dealt with. I think the new administration has shown more engagement so there has been some progression of the discussion.

605 Of course, working very closely alongside officers from the Committee for Health & Social Care who are clearly key to all of this, as Deputy Prow I am sure will know, and of course are providing initial data to aid that discussion. It is quite likely we will not necessarily want the same outcome and the same agreement as Jersey and the Isle of Man have. I think I can report to the Assembly, in response to Deputy Prow's questions, that that engagement is continuing and that there does
610 appear to be a little bit of traction now.

Deputy Graham's questions in relation to the scope of the flexibility that we will have in relation to dealing with some of these matters internationally: I think, since the International Identity Framework was signed when Deputy Trott was Chief Minister the position has already started to evolve and we have seen that. Clearly, under a process of entrustment, we have dealt
615 with quite a number of Tax Information Exchange and double tax agreements and so on. But we have already seen that now extended beyond that into the first entrustment in relation to the Social Security Agreement and negotiating that with Latvia; and we are also in the early stages now of dealing with the Department for International Trade in relation to bilateral investment treaties as well and again dealing with those under entrustment. I think everybody at the UK end is becoming more familiar and more comfortable with the Island dealing directly on these matters.
620

Of course in relation to fishing, which was one of those matters which I think undoubtedly our Norman neighbours would much prefer to deal directly with us on this, the reality is that they themselves are constrained by their own national administration and of course ultimately the fact that it remains an EU competence. So ultimately Brussels is constraining Paris that is constraining
625 Normandy in dealing with us, whilst I think everybody else would much rather that we actually just got on and agreed it amongst ourselves.

So the restrictions are not just our end, is perhaps what I am saying in relation to that. But I think it is a good opportunity to emphasise this point that our competence on international affairs has been extending gradually over recent years. We have been dealing of course with the EU
630 directly, in relation to the Alternative Investment Fund Managers Directive (AIFMD) that Deputy Trott spoke about, but also in relation to data protection that Deputy Tindall spoke about, in relation to other tax matters, the economic substance issues, and of course we are dealing with the OECD on that as well.

As Deputy Le Clerc said, in relation to the role of the Channel Islands Brussels Office, they have
635 been keen over the last three-and-a-half years. I would expect them to be as important if not increasingly important. (**A Member:** Hear, hear.) They are very much our eyes and ears on the ground and they will be critical to the process going forward.

I think it is interesting to note that, I believe I am correcting in saying this, the size of the Norwegian Embassy to the EU is about twice the size of the UK's at the moment, which signifies the resources that are required if you are third country dealing with the EU. So I think the UK perhaps in calculating the amount it was going to get back on the side of the bus, probably had not factored in the fact it was going to need to increase its representation in Brussels in dealing with the EU in the future. But I make the point to say that actually of course that could well apply to ourselves in terms of our own representation. That is something that will no doubt be an issue for the future.

In relation to financial services, I think as Deputy Trott has said, it is business as usual for us. We are already a third country for financial services but this is one of the areas we need to watch, that that status to the extent that it is beneficial to us and our economic interests is not inadvertently in some way rolled back as a result of the new settlement between the UK and the EU. That is a very good example of where we need to protect our interests over this negotiating period.

Deputy Kuttelwascher I think highlighted the questions of the timescale that is required, that is very, very tight this year. That does provide opportunity to make a point, which I did not in my opening statement, that the risk of an effective no deal at the end of 31st December 2020 remains quite real at this point – again, the realpolitik of what will kick in between now and that deadline ticking over, who knows?

But I think there will be plenty of time, in the language of Deputy Gollop, to think about the *Dad's Army* message and Lance Corporal Jones; 'Don't panic, Captain Mainwaring!' We can all speculate as to who Lance Corporal Jones would be in that situation, perhaps within the Assembly.

It did actually get me thinking about some of the other quotes from *Dad's Army*. I think it was Fraser who was 'doomed'. Who was the sergeant involved? (*Interjections*) Wilson, who of course frequently said, 'Do you think that is wise?' (*Laughter*) I suspect that could be a phrase we need to deploy as we think about the application of the UK situation to ourselves this year.

Also, of course, Captain Mainwaring himself frequently deployed in relation to Pike, 'Stupid boy!' Again we can wonder who we might apply that to.

But I think the risk of no deal is real and we will very likely need to gear up, again as I have said in the media, towards the end of this year to make sure that we are prepared for that, if indeed that risk rises up the agenda again.

In relation to what we can do about it and the language of the Proposition is to direct P&R to *maintain efforts* to ensure, we are not directed to ensure. So I think that is an appropriate qualification to really do everything we can to protect and promote our position. In relation to what it really means, of course the UK's position is not to extend international agreements to us without consultation.

Now, I think my own view is that it would be unlikely that the UK would want to extend an agreement to us in the teeth of our opposition. So that is not a constitutional fight and battle that we would necessarily wish to get ourselves into. So the obligation is to consult with us and that is the route by which we must seek to ensure our interests are promoted and protected in the new agreement, and I hope that we will never need to get to the position of speculating what would happen in other circumstances.

Deputy Inder was keen that we do not get into somebody else's fight. I think that is always good advice. The reality of course is, whilst this is somebody else's fight, we are to that extent sitting on the sidelines watching and what we do not want to do is to get hit with a punch that is thrown by being so close to the action. I think that really should be an understanding of our position. We cannot be entirely spectators in this. We do need to ensure that we act to protect our own interests.

Deputy Tindall made a very good point and it is one that has been made before, in relation to the UK's own position in relation to data adequacy and how our own position is significantly better because we already have that adequacy ruling; and, again, we need to make sure that that is not in any way damaged or impeded. She also sought assurance that the Common Travel Area

690 will remain sacrosanct. Again, that is a very strong commitment; one that is probably not possible or wise for me to –

I will give way, sir.

Deputy Lowe: I thank Deputy St Pier for giving way.

695 I just wanted to reiterate Home Affairs' concern and ask you again, when you are talking about the Common Travel Area and how that will be protected, that States' Members need to understand that both of those groups – Border Agency staff who deal with goods and immigration of people are part of that group – and that is a decision taken by P&R. So there are concerns at Home Affairs, where they have been permanent members previously, have been
700 excluded on these two groups and will be called as and when necessary, even though it is so vital when we are talking about goods and people.

Deputy St Pier: More particularly, in relation to Deputy Tindall's point of the protection of the area itself, and our participation in it, I think all I can say it clearly predates the EU as we know
705 from the 1920s. It clearly is one of those areas, which the EU has itself recognised as a priority in terms of the relationship between the UK and Ireland and therefore I think there is no reason for us to have concerns in relation to the Common Travel Area. It remains clearly a priority for us.

Of course ultimately our interest in this matter in terms of the free movement of people between these Islands and what is now the United Kingdom, of course predates the Common
710 Travel Area itself through the Royal Charters. So I think ultimately that is where our interest will stem from so I think we have a very long history and relationship dealing with that matter, which is significantly prior to the free movement of people that followed the United Kingdom's entry into what was then the European Economic Community back in 1973.

Deputy Gollop spoke about unanimity in previous occasions on international matters,
715 encouraged by occupiers of your seat, sir. That did prompt me to encourage unanimous support of this policy letter, and I will ask for a recorded vote because I think we should not underestimate the strength of that message and how we can use that externally over the months ahead.

I think Deputy Gollop also noted the nature of our response and how we handle ourselves in matters of external relations, compared to others. I think my view is that our response needs to
720 reflect the circumstances. We have not been afraid to adopt a high profile, high energy, high octane response where that is required. So citing, for example, the unwise attempt by some backbenchers to legislate for us and indeed, predating that, previous statements by a former leader of the Labour Party in relation to these Islands. I think we should continue to retain that flexibility and where we do need to punch hard, and in public, then we should not be afraid to do
725 so. (**Two Members:** Hear, hear.)

In relation to settled status, EU citizens clearly should be seeking to take advantage and to register under that scheme, and I think probably the uncertainty that has prevailed throughout
730 2019 may well have led to some apathy in relation to that scheme but it is an important way in which those citizens can protect their rights. But I think it does provide us once again an opportunity for me – and I hope I am speaking on behalf of Members – to say to EU citizens who are lawfully resident in our community that you are most welcome, you are valued (**Several Members:** Hear, hear.) and we thank you for your contribution to our community and to its economic and cultural life.

So with that, sir, I do encourage unanimous support of these Propositions on a recorded vote.

735

The Bailiff: There are eight Propositions, I put them all to you together and we will have a recorded vote.

There was a recorded vote.

Not carried – Pour 36, Contre 0, Ne vote pas 0, Absent 4

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

The Bailiff: I can declare that the eight Propositions were carried unanimously, with 36 in favour, no-one against and no-one abstaining.

Questions for Oral Answer

POLICY & RESOURCES COMMITTEE

Education – Approval of expenditure of public funds up to a maximum of £157 million

740 **The Bailiff:** That brings us back to Question Time. Questions to be asked by Deputy Prow to the President of the Policy & Resources Committee.
Deputy Prow.

Deputy Prow: Thank you, sir.

745 My first question is: the States resolved on 6th September 2019 to delegate authority to the Policy & Resources Committee (P&R) to approve expenditure of public funds up to a maximum of £157.2 million for the purpose of putting into effect decisions made regarding education policy. P&R was also directed by the States to apply 'rigorous review and challenge of the business cases presented' ... 'an assessment as to whether the final proposals balance costs and benefits and therefore use of public resources in a way that creates and maximises public value ...'

750 At the time authority was delegated by the States, no cost-benefit analysis was presented, a matter raised by the Scrutiny Management Committee and Members in debate. Now with an increase in public challenge, concerns raised by the Unions on behalf of the teaching profession and opposition from some of the Douzaines, what is P&R's response to these issues in order to discharge its duties on a matter of such high public interest?

755

The Bailiff: Deputy St Pier will reply.

Deputy St Pier: Sir, it is the responsibility of ESC to ensure that the Transforming Education Programme has been scoped, analysed, planned and procured appropriately and that the final proposal achieves the best value possible, whilst delivering on the States-approved Resolutions. My Committee supports the requirement for all capital projects to be documented through a suitably detailed business case and will, as directed by the States, exercise the authority delegated to us through rigorous review and challenge of the business cases presented.

760 In particular this will include an assessment as to whether the final proposals balance costs and benefits and therefore use public resources in a way that creates and maximises public value. As the States' Resolution says, this review will include among other things cost-benefit justifications for any additional investment required to operate the proposed staffing structure for the preferred model; for any increased space requirements above the baseline; for any additional space above the baseline to accommodate any further proposed increase in student numbers.

765 In addition, as part of the guidance issued to projects it is recommended that key stakeholders are engaged in order to assist in shaping the direction of projects.

770 As part of the full business case review, my Committee will assess the outcome of the consultation and how the final proposals have addressed these concerns.

775 **The Bailiff:** Are there any supplementary questions? Yes, Deputy Prow.

Deputy Prow: Yes, please, sir. I have one.

780 Based on the considerable and growing concerns by members of the community, teaching unions and parents regarding the one school on two sites model, is P&R requiring ESC to present more evidence based on stakeholder consultation addressing the concerns raised?

The Bailiff: Deputy St Pier.

785 **Deputy St Pier:** Sir, the Policy & Resources Committee has not yet had an opportunity to receive and consider the business case from the Committee *for* Education, Sport & Culture. It is, as I said in my opening part of the answer to the question, the responsibility of that Committee to address all of those concerns. If they bring it to us in a state which we are not satisfied with then it will not get approval.

790 It is up to the Committee *for* Education, Sport & Culture to respond to such concerns as they feel need to be addressed.

The Bailiff: Deputy Gollop.

795 **Deputy Gollop:** Sir, Deputy Prow actually has raised an interesting question, not just for this but for other things. In the context of cost-benefit analysis, as he calls it, or business case, how far on major projects, of which this clearly is one, would Policy & Resources seek independent advice from let us say architects, educational experts, economists, in order to assess whether the proposals that have been duly and carefully put before them are exactly on the button? Would it be more of a management accountancy approach?

800 **Deputy St Pier:** Sir, again, I think to some extent we are getting into the area of hypothetical, because until Education have presented their homework it is difficult for us to mark it and give the States any indication of what additional questions we might be asking.

805 What I can say is we have had the input of an independent expert in providing the space standards, and to the extent that those are departed from it will be necessary for ESC to explain and justify that. If we are not satisfied, it is quite possible that we will be seeking additional input from others, but I would not wish to speculate further than that and I think until we have seen what comes to us I cannot commit either way.

810 **The Bailiff:** Your second question, Deputy Prow.

Deputy Prow: Thank you, sir.

815 What outline business case or cases, as required by the States' Treasury Guidance and Resolutions made by the States on 6th September 2019 have now been submitted? And do those submissions take into account the issues made apparent by vigorous challenges made in recent weeks by the public, the Unions and the Douzaines?

The Bailiff: Deputy St Pier.

820 **Deputy St Pier:** Sir, an outline business case for the 11-18 school project was submitted in November 2019 and whilst that outline business case covers amongst other things the traffic circulation, space standards and outside space, it does not respond to the challenges made in recent weeks as its submission of course predated them.

825 However, it is the expectation of the Policy & Resources Committee that such concerns will be considered by the Committee *for* Education, Sport & Culture, which will if appropriate adjust its plans and design accordingly, which will then be captured in the full business case. The full business case is due for submission in April and will be subject to further scrutiny and challenge, to ensure that the project is deliverable and affordable.

830 **The Bailiff:** Any supplementaries? Deputy Prow.

Deputy Prow: Yes, sir. I have one supplementary.

Is the outline business case for the one school on two sites going to be released in full to Deputies and the public?

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

Deputy St Pier: Sorry, the outline business case or the full business case?

840 **Deputy Prow:** Well, either, sir.

Deputy St Pier: I think I would need to defer a response to that question to allow deliberation by the Committee and also what would be the normal practice and what, if any, commercial or other risks there would be to the States. So I think it would be unwise to provide a response to that question on the hoof. But I will certainly give it some consideration with the Committee.

845 **The Bailiff:** Your third question, Deputy Prow.

Deputy Prow: Thank you, sir.

850 Can P&R outline if any cost-benefit justifications and accompanying details have been submitted to date by the Committee for Education Sport and Culture for any additional investments, revised staffing structure and increased space requirements above the agreed baseline?

The Bailiff: Deputy St Pier.

855 **Deputy St Pier:** Sir, an independent project assurance review of the business case was conducted in November 2019 and, having completed the initial stages of the review, it was agreed that the transformation and build projects were on different but linked critical paths with the buildings requiring consideration in the first instance.

860 Therefore the first review focussed on the build element in order to progress the tender process and obtain firm costs. The review confirmed that the core business design brief for the schools was in line with the agreed space standards and appropriate for the proposed school population and curriculum.

865 However, the design brief issued to the contractor for pricing, does include additional internal space for special educational needs and communication and autism support, and also proposed spend for enhanced sports facilities. My Committee is regularly meeting with ESC during the tender process to separately review any proposed additional investment in these elements, to ensure they are appropriate and proportionate.

870 The final cost and design process will demonstrate how it maximises public value. ESC is progressing with firming up proposals for the new operational model for the school and associated costs. Therefore the final appraisal of costs and benefits will be considered as part of the further independent review in April, followed by consideration of the full business case by my Committee.

The Bailiff: Deputy Prow.

875

Deputy Prow: Thank you, sir.

Bearing in mind that the design brief issued to the contractor for pricing does include additional and internal space will the design brief be made available for Deputies and the public?

Thank you, sir.

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I think it would be wise for me to adhere to the response to the previous supplementary question on that point.

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The Bailiff: Deputy Gollop.

890 **Deputy Gollop:** Deputy St Pier just now echoed in a way some of the answers Deputy Fallaize gave two days ago. There has been and will be reconsideration to a degree of the needs, and rightly so, of young people with communication issues, autism, special needs, SEN and so on.

My question is that the earlier indicative view was that there would be more internal rearrangement of plans, but how far will that be just of an internal nature or of an external nature; and will that make a difference to how Policy & Resources look at what might be additions to the original submission?

895

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I do not think I am in a position to respond to that question. My Committee, as I indicated, is meeting regularly with ESC to discuss some of these additional investment requests. A meeting in relation to SEN is due, I believe, to take place in the next week or two. I may be in a better position to respond after that.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I think it flows from the answers and the questions that have been asked so far but if not then you will rule accordingly.

If the full business case is not received by P&R by April, which is when Deputy St Pier says they are expecting it, will there be a cut-off time when this Assembly, his Committee, will be able to say we are not going to have sufficient time before 30th June to consider that?

The Bailiff: Deputy St Pier.

Deputy St Pier: The position is that the Policy & Resources Committee has been given delegated authority. Obviously that will remain extant through this Committee and indeed into the next Committee.

I think the reality is more whether the Policy & Resources Committee is in a position to satisfy itself under using its delegated authority of the full business case in time to enable the contractual commitments to be given that would deliver the transformation in accordance with Education's programme. That probably is a more important timetable than the electoral timetable in relation to this project.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

The answer given by Deputy St Pier, I just wanted to clarify for those listening because it is a complex area and to try and clarify in my mind as well. The space standards as outlined by Deputy Fallaize earlier are minimal and the additional space standards required, that are forming part of the final business case, are more than that. The concerns of the public are that the space standards in the plans are too small.

Can Deputy St Pier say that P&R, when assessing the value for money, will be looking at the public opinion that the current space standards which Deputy St Pier is comparing to lower space standards or the minimum space standards –

The Bailiff: Your minute is up for asking a question. Deputy St Pier.

Deputy Hansmann Rouxel: I apologise, sir.

Deputy St Pier: I think it is worth making the point that the baseline standard as agreed between the two Committees, following advice from an independent adviser, are not minimal in the sense of the fact that they themselves exceed the UK standards. What we are therefore talking about is a baseline which is above the UK standards, which has now been further enhanced subject to the case being made and P&R satisfying itself in due course on the full business case, that it does deliver value and also delivers of course the objectives of the reform programme as approved by the States.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

950 Deputy St Pier said that they would carry out an independent review in April. Can he tell us who will be carrying out the independent review and if there is anything about a completion date of that review?

The Bailiff: Deputy St Pier.

955 **Deputy St Pier:** Sir, I do not think I am in a position to provide that detail to Deputy Lowe today. Independent project assurance reviews are now a regular part of our capital programme. They do take place at various stages. They are a very important part and they do provide a lot of useful challenge, which helps inform further discussion, not only by ourselves but with sponsoring Committees as well.

960 So the time that that review will take, whether they are themselves or that reviewer, her or she, able to report in accordance with the timeframe agreed, I do not know. Again it will depend on the quality of what that individual receives. I do not have enough information to know.

965 Clearly the Education, Sport & Culture Committee who are conscious, as I said in response to Deputy Ferbrache, of their own timelines will be seeking to ensure that the work can be done in such time that full consideration can be given. But that is a matter for them, not for us.

The Bailiff: Your next question, Deputy Prow?

Deputy Prow: Thank you, sir.

970 P&R gave permission for the Committee to go out to tender on 3rd December, knowing that there has been substantial and now growing opposition to the plans. What has P&R done to apply rigorous review and challenge to the design of the buildings as detailed in the planning application to the Development and Planning Authority (DPA) to address these concerns?

The Bailiff: Deputy St Pier.

975 **Deputy St Pier:** Sir, the review in November focused on the build element of the project and considered the following five key areas: the rationale and justification for the build brief; consideration of the risks if the design brief proves inappropriate – in other words, too big, too small or not appropriately configured; the robustness of cost estimates; the proposed procurement process and tender documentation; and the proposed timetable.

980 The independent assurance review concluded that the tender documents were ready to be issued to contractors and that all other risks are and were sufficiently manageable and/or mitigated such that the tender process could commence as planned on 4th December. Therefore, based on the information provided and in order to keep to the timescales approved by this Assembly my Committee approved the request to seek planning approvals and commence the tender process for the proposed school extensions.

The Bailiff: Deputy Prow.

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

I have two supplementaries. The first being: amongst the top five concerns identified by respondents to the NASUWT survey were potential overcrowding, concerns around traffic and buses, the lack of outside space and the lack of social space for pupils. Are amendments being worked up within the tendering process to address any or all of these concerns?

995 Thank you, sir.

The Bailiff: Deputy St Pier.

1000 **Deputy St Pier:** Sir, that really is a matter for the project team and for the sponsoring Committee, the Committee *for* Education, Sport & Culture to take on board those issues and address them as they see fit. No doubt they will advise us in due course what, if any, changes they feel are necessary feeding back into then being able to justify it and seeking support through the full business case, subject to the independent project assurance review.

1005 So I am not in a position to provide a direct response, other than to describe the process I would expect to be undertaken by the Committee *for* Education, Sport & Culture.

The Bailiff: Your second supplementary.

Deputy Prow: Thank you, sir.

1010 Is keeping within the timescales, as outlined in the President's answer, the most important criteria in this project rather than key stakeholder engagement as outlined in the Business Case Treasury guidance?

The Bailiff: Deputy St Pier.

1015 **Deputy St Pier:** I am not sure I understood the question, would Deputy Prow – ? (*Interjections*)

The Bailiff: Perhaps you could just repeat the question?

Deputy Prow: Thank you, sir.

1020 Is keeping within the timescales, as outlined in the President's answer, the most important criteria in this project, rather than key stakeholder engagement, as outlined in the Business Case Treasury guidance?

Thank you, sir.

1025 **Deputy St Pier:** Sir, that again will be a matter for the Committee *for* Education, Sport & Culture. For Policy & Resources, our responsibility is the consideration of the exercise of our delegated authority as and when we receive a full business case. So I think the question of key stakeholder engagement is clearly one that is an issue that has been raised. It does need to be addressed.

1030 There is clearly a competing pressure on the Committee *for* Education, Sport & Culture in terms of their own timeframes for the transformation programme, given the need to give advance notice to pupils as to where they are going to be educated. But these are matters which the Education, Sport & Culture Committee need to be considering. Our responsibility is focused on that full business case, as and when we receive it, and whether it addresses some of the issues
1035 which have been raised and which are clearly apparent from Deputy Prow's questions.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1040 Would Deputy St Pier agree with me that another very relevant factor, perhaps the most relevant factor is the authorised budget approved by the States and delegated to the Policy & Resources Committee for approval, and it is not possible for any of the participants in this process to go beyond that budget?

1045 Furthermore, would he agree with me that the work that is being done by the two Committees in connection with the business case process, as laid down by the States, can be characterised by my Committee constantly making the case to the Policy & Resources Committee to go beyond the national space standards, which are described as the baseline, and to get as close as possible to the limit of the authorised budget delegated to the Policy & Resources Committee by this Assembly?

1050 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, the question of budget clearly is critical. Clearly if the tender comes back and the ultimate budget is going to go beyond that which is delegated to us, the process will obviously stop and will need to be a matter that then comes back to this Assembly. So in that
1055 sense clearly budget is absolutely critical.

I would describe the relationship between the two Committees, I would hope, in the same way as it would be characterised with any of the Committees we work with on capital projects, as being a robust one of engagement, with Committees seeking to present and support their cases; and receiving, I would hope, a real challenge from the Committee that helps to improve the
1060 quality of the case which is ultimately approved if indeed that is the case, whether it is this project or any other.

The Bailiff: Your fifth question, Deputy Prow.

1065 **Deputy Prow:** Thank you, sir.

Bearing in mind the substantial risk of cost overrun of any work required to mitigate planning considerations, are there any precedents for the States going out to tender for projects of large multi-million pound building developments before the plans have been given final DPA approval?

1070 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, yes there is a precedent for such an approach. For example, the Waste Transfer Station project was tendered ahead of planning permission being sought; and the last large multi-million pound capital project in education, the Beaucamps High School, ran tender
1075 and planning application in parallel which obviously saves programme time.

As any large capital construction project develops its design there is an ongoing engagement with the statutory authorities and stakeholders. Planning has, I understand, been involved throughout the design development to date and that engagement has informed the tender pack. Inevitably there will be planning conditions, or I would expect there would be planning conditions,
1080 placed on large projects, which is of course a common procedure and no different to the Beaucamps or indeed any other previous projects.

That is a matter for the Development & Planning Authority, not for my Committee. Any planning conditions placed on the project will be addressed through the next stage of design development and addressed prior to the contract award.

1085 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

I have two supplementaries, the first of which is: in the light of the considerable breadth of public challenge when considering the far-reaching significance of changes to our education
1090 system for our long-term prospects, does P&R still believe it was right to have allowed ESC to pursue this exceptional in-tandem, horse-before-cart approach to expedite this development?

Thank you, sir.

1095 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I do. Certainly the concerns which have become apparent in recent weeks, of course post-date the decision of the Policy & Resources Committee. Clearly many of those concerns will be ones that no doubt the Development & Planning Authority will need to give
1100 appropriate consideration to; and either they will apply conditions or indeed they could of course

not approve the application at all – in which case the matter would not reach our table at that point, no doubt.

The Bailiff: Deputy Prow.

1105

Deputy Prow: Thank you, sir.

Have P&R said that this approach has inherently a higher level of risk attached to it and that it is more difficult to manage the associated risks?

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The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, I think yes, clearly running the process in the manner that it is now being run does carry some additional risk but that has to be balanced against the risk of not being able to deliver the transformation programme in accordance with the timetable for the Committee for Education, Sport & Culture, and indeed the benefits from that, some of which are financial of course of being able to deliver transformation. So it is a calculated risk, which the States needs to take; and has taken, as we have said, on other previous occasions.

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The Bailiff: Anyone else? Deputy Inder.

Deputy Inder: I believe this is a supplementary to the previous question. With two Members of the DPA recusing themselves from any future open planning meeting, will Members of Policy & Resources be offering themselves as co-opted Members as per the Rules?

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Deputy St Pier: I do not think that is a supplementary from the question. However, what I would say providing the DPA is quorate is of course there will be no requirement for any co-option, whether it be from P&R or indeed from any other Committee.

COMMITTEE FOR EDUCATION, SPORT & CULTURE

Maintaining the heritage of and promoting Guernsey French as a living language

The Bailiff: We move on to the next set of questions, to be asked by Deputy Gollop of the President of the Committee for Education, Sport & Culture. Deputy Gollop.

1130

Deputy Gollop: My first question to Deputy Fallaize on behalf of the Committee is: the States of Jersey in January 2020 have proposed spending over a phased period of years around £1.5 million on promoting, developing and sustaining Jèrriais, Jersey French.

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What is the amount planned and proposed for Guernsey for the foreseeable future in the light of our sister Island's optimistic plans?

The Bailiff: Deputy Fallaize.

1140

Deputy Fallaize: Thank you, sir.

The States of Jersey has made a commitment that 1% of their total annual budget will be dedicated to arts and culture. Their forecast expenditure for 2019 is £800 million; hundreds of millions of pounds more than Guernsey's. So it is not difficult to see why Jersey can afford to invest so much in support of their language.

1145 In contrast, in 2017, this Assembly decided to remove additional support for heritage, arts and culture and Guernésiais from the Policy & Resource Plan. This has inevitably limited the work which my Committee has been able to afford to carry out in this area of its mandate since its election in 2018.

1150 Currently just under £30,000 per year of States' funding is invested in Guernésiais. In recent years this has increased from £15,000 per year. In its Policy & Resource Plan update last year, my Committee set out its intention to submit to the States proposals to promote and support the language. These proposals are currently being finalised. The latest draft of the policy letter was considered by the Committee on Tuesday. It will be submitted before the end of this States' term and will include proposals for additional investment.

1155 It will be for this Assembly to decide at that point whether it is genuinely committed to the preservation and support of our language and whether it is prepared to put realistic resources, and not just good sentiments, behind this unique part of our Island's culture, heritage and identity.

1160 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you.

1165 I have two supplementaries. Whilst being very pleased to hear the positive answer from the Committee about the status of the Report and the need to commit resources, is he suggesting that because Jersey, through policy reasons of having a larger percentage of their larger income spent on arts and culture, are able to do significantly more for their language than we are? Because I am sure the Committee would argue that our language is of equal merit to the conservation and development.

1170 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: The position is that Jersey taxes its resident population at a considerably higher proportion of earnings and GDP than Guernsey does, including a 5% General Consumption Tax. The effect of this is that the States of Jersey have considerably more revenue than the States of Guernsey and public expenditure in Jersey is much higher than it is in Guernsey.

1175 This States will not, clearly, but in the event that the next States made policy decisions to take fiscal policy in that direction, I am sure that additional investment would be available for our language as it has been available for Jersey's traditional language. In the absence of that sort of fiscal policy approach, it is incumbent on my Committee to do the best it can do with limited resources and to encourage the States to provide limited additional resources to this area of its work, and that is what it will do in the policy letter that it will submit before the end of this term.

The Bailiff: Deputy Gollop.

1185 **Deputy Gollop:** So, Deputy, the Education, Sport & Culture's position: can it be summarised as being extra support for the language being more of a nice-to-have than an essential of financial prioritisation?

The Bailiff: Deputy Fallaize.

1190 **Deputy Fallaize:** No, the policy position of the Committee *for* Education, Sport & Culture can be characterised as living within the budget determined by the States. If the States wish to provide the Committee with considerably more money – I am talking about millions more to reflect the kind of investment that is being made in these areas in Jersey – there will be no resistance whatsoever from the Committee.

1195 We will willingly accept the additional budget and we will spend it, if mandated, in this area of heritage and arts and culture. But even then the proposals that we will come forward with in the next few weeks will propose, in percentage terms, a very substantial increase in the extremely low level of funding that has been provided to the language traditionally – although recently we have doubled it.

1200

The Bailiff: Deputy Inder.

Deputy Inder: Thank you.

1205 Deputy Fallaize, it is pretty obvious where I am on the language and I think it will be a sad day when we hear the last Guernsey speaker will have passed away. It my view it is a cultural crime.

Has he, in his deliberations with his Committee developing the policy letter itself, got any indication of public sentiment and will and drive to actually save what is a language spoken by Prince William?

1210 **The Bailiff:** I am not sure that arises out of the answer but no doubt you would like to answer the question.

Deputy Fallaize: I do not know if I would like to, sir. I am prepared to! *(Laughter)*

1215 **The Bailiff:** Well you are not required to if you do not want to.

Deputy Fallaize: No, but I am happy to.

1220 So there has been consultation with several people with a particular interest. Deputy Inder will know, because of the work he did when he was on the Committee, the people I am referring to. In terms of the appetite publicly, what Deputy Inder and other colleagues will see when we submit the policy letter is that that really is the purpose of the proposals in the policy letter and the additional investment.

1225 So we are proposing a solution which will, if the States agree, provide additional investment for a period of time by the end of which it will be clear whether there is adequate public appetite to continue with the investment or indeed increase the investment in the longer term.

1230 I do not think there is any argument here for trying to push water uphill, but I think the States ought to provide some quite substantial additional investment for a period of time in order that, if there is any appetite publicly, we should be able to capture it and harness it. And it is only with that greater level of public appetite that we will see growth in the language which, of course I agree with Deputy Inder, would be a thoroughly good thing.

The Bailiff: Your second question, Deputy Gollop.

Deputy Gollop: Thank you very much and I have a supplementary.

1235 Earlier in the spring of 2019 the States of Jersey Assembly successfully passed a proposition to embed and incorporate the Norman French language of Jèrriais as an official language of the Island, which amongst other things will mean and has meant Jèrriais additions to official letterheads and Island direction signposts.

Does Education, Sport & Culture plan such a policy and initiative here on Island?

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The Bailiff: Deputy Fallaize.

1245 **Deputy Fallaize:** The Committee's proposals referred to in reply to Question 1 will most probably include four core objectives: (a) raise awareness of Guernésiais and encourage participation, giving it a relevance to the present day population and economy of the Island; (b) facilitate the effective teaching of Guernésiais; (c) research, record and archive the language

ensuring that this vital piece of our heritage is not lost; and (d) raise funding to enable a refreshed Guernsey Language Commission to deliver its mandate.

1250 We will provide some examples of initiatives that our community might be able to expect from the newly established Commission. One of those will be to: 'Work towards recognition of Guernésiais as an official language of Guernsey'.

Another will be: 'To encourage the States of Guernsey and private sector to use Guernésiais on signage, printed material, packaging, vehicles, websites, etc.

The Bailiff: Deputy Gollop.

1255

Deputy Gollop: I note even state-subsidised buses had Jèrriais; and also of course one of our esteemed colleagues from Jersey, Deputy Tadier, has not only successfully raised the proposition, there but is a singer in a band which has just received official recognition by the British Library – Badlabecques – as a conservator of Jèrriais.

1260

Would the President agree that music, culture and arts is one format effectively for younger and newer generations promoting Guernésiais?

The Bailiff: Deputy Fallaize.

1265

Deputy Fallaize: I am afraid to disappoint Deputy Gollop but I do not have any plans at the present time to join a band which sings songs in Guernésiais, but I am certainly happy to give that consideration in the fullness of time!

1270

Deputy Gollop, I think, is correct about the vehicles of arts and music and culture to promote our language and I think he will find that when the policy letter is submitted to the States that thinking will be reflected in the policy letter.

The Bailiff: Deputy McSwiggan.

1275

Deputy McSwiggan: I was pleased to be able to use the Guernésiais Translation Service recently to come up with a Guernsey French term for Fair Trade which is going to be 'Bouan Coumaerce' forgive my pronunciation. Just bearing that in mind, would the President agree with me that we can help to embed the status of Guernésiais as a local language, if not yet an official language, by choosing to do that when we are talking about initiatives that are important to our Committees, by finding the way to express our commitment to them in Guernsey French as well as in English?

1280

The Bailiff: Deputy Fallaize.

1285

Deputy Fallaize: Yes, indeed; and Deputy McSwiggan's question shows up my pronunciation of the official name of the language as well.

1290

There have been various suggestions for other ways in that could be done. I remember in the reform of the States leading up to 2016, there was some effort made or consideration given on official signage to using Guernésiais words to express the names of States' Committees as well as the English words. That was not pursued. But I do think that if the States are going to provide some additional investment in this area, which we hope they will, then I think it is going to be incumbent on the States to take some practical and visible steps to promote and sustain the use of the language in the kinds of forms that Deputy McSwiggan sets out.

1295

The Bailiff: Your next question, Deputy Gollop.

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Deputy Gollop: Thank you very much, sir.

I am aware that it has been gratifying news that representatives of Education, Sport & Culture have attended prestigious academic conferences and British-Irish Council meeting sessions

1300 reflecting on the value of indigenous languages currently flourishing in, for example, the Isle of Man or Gaelic Scotland. Have any concrete proposals emerged from this forum including high-technology apps?

The Bailiff: Deputy Fallaize.

1305 **Deputy Fallaize:** Thank you, sir.

I am pleased that Deputy Gollop has been gratified by the fact that representatives of the Committee have attended meetings of the British-Irish Council Indigenous, Minority and Lesser-used Languages group, as well as meeting with language specialists. These meetings have helped to inform Guernsey's approach to Guernésiais in recent years, with many initiatives having been identified through and shared with attendees of these useful forums.

1310 Should the States decide to make additional resources available, as will be proposed by my Committee, it will be possible to consider the development of online delivery platforms such as websites and social media utilising emerging technologies, apps, and e-learning suites. Current initiatives include ongoing recording of native speakers; lessons for adults to learn the language; sessions for former frequent speakers of the language to refresh their skills and encourage others to speak, using the language; an audio and photography project, recording nearly 100 people who grew up with the language; monthly speed patois and pure patois sessions – speed patois is for adults at any level to join in and pure patois is for fluent speakers to speak purely in the language for a prolonged time; and a translation service.

1320

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

1325 Will the President be able to provide assurance regarding the ownership of the rights to such recordings for patois speakers? My father-in-law was recorded some years before his death and we found it very difficult to get hold of such a recording since then and it is difficult to know where the rights of the ownership of that recording lie, whether it is with the family of the deceased or with the individual, or with the States of Guernsey?

1330 I think that can cause some controversy in regard to people giving their permission for this information to be used in the future, and it would be great to get the clarification.

Thank you.

The Bailiff: Deputy Fallaize.

1335 **Deputy Fallaize:** Thank you.

I think Deputy Dudley-Owen makes a good point. I am afraid, and I am sure she will understand that I cannot answer that question in full now, without looking into the matter. But I can understand why that concern or uncertainty would cause families some upset and difficulty. I am very happy to looking into that issue with the relevant people who might hold those recordings and indeed speak to the Law Officers if necessary, and get back to Deputy Dudley-Owen as soon as I can.

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

1345 **Deputy Gollop:** It is a supplementary to Question 3.

Given the positive nature of the answer, is the Education, Sport & Culture Committee minded very much to perceive the language as both an essential part of our international identity and brand as a community; and also as potentially an opportunity for the digital sector to develop technological approaches to promoting the language?

1350 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Yes. I think it is true that because of the uniqueness of the language and the role it has played in our history and culture, there are opportunities to harness technology in support of it. There are certainly opportunities to promote it through arts and culture. There may even be economic opportunities.

1355 But I think given the level of investment and the structure of support for the language that exists at the present time, it is very unlikely that anything can move forward substantially in that regard. So it really will be a matter for the States to decide whether they wish to provide this additional investment albeit for a reasonable period of time, but a limited period of time, and if they do the Committee and those working on behalf of the Committee and with an interest in the language will have much more support to pursue the kinds of developments that Deputy Gollop has in mind.

1360 All I can say is I very much look forward to his support for the proposals when we bring the policy letter forward soon.

1365 **The Bailiff:** Deputy Paint.

Deputy Paint: Sir, I would like to stand up and speak on behalf of Deputy Fallaize, because there is a lot of work going on on the language at the moment – perhaps not enough, but there is.

The Bailiff: Is your microphone on? (*Interjections*)

Deputy Paint: It was on. I must be speaking in the wrong direction –

1375 **The Bailiff:** I just cannot see the red light; that is all.

Deputy Paint: I will do it in Guernsey French if you wish! (*Interjections*) No, I will not!

1380 I myself did do a recording of a Guernsey French poem only a matter of a month ago, (**A Member:** Do it!) and that is recorded forever. (**A Member:** Go on, do it!) I could say it if you like, but perhaps this is not an appropriate place to say it! But I will be doing it before the end of this States. (*Laughter*)

1385 There are two civil servants actually doing it, one promoting it who has done the recordings with me and others – many others, I think there are quite a few. And there is an excellent lady civil servant that is having meetings with us all the time and she is doing a really good job, I have to say that. There are also monthly meetings –

The Bailiff: Is this a question, because you have gone over your minute?

1390 **Deputy Paint:** Monthly meetings of the language are held and organised by a group that only speak Guernsey French and we only speak Guernsey French there. So there is a very great interest in it.

The Bailiff: Is this a question?

1395 **Deputy Paint:** No, I said this is a clarification.

The Bailiff: Well, sorry, there is no provision for clarification. You need to ask Deputy Fallaize if he agrees with you. (*Interjections*)

1400 **Deputy Paint:** My question is: is Deputy Fallaize happy with what is going on? (*Laughter*)

The Bailiff: Deputy Fallaize.

1405 **Deputy Fallaize:** Yes, Deputy Fallaize is very happy with what is going on (*Laughter*) and will be even more in about 20 minutes. I think Deputy Paint makes a very good point and I think I should pay tribute to the members of staff who, though not full time, are committing reasonable amounts of time to do what they can within the limited resources and I think that the work that they do with those limited resources, is extremely good and, in some respects is outstanding.

1410 I think that what is achieved with the very limited investment that is made at the moment provides an indication of what could be achieved if the investment is increased. What I do not know is what the enthusiasm is among the rest of the Assembly to provide the albeit limited additional investment.

1415 I know that Deputy Paint is not alone in being a speaker of the native language and I know there are other Members, like Deputy Inder and Deputy Gollop, who have expressed their support but I hope that when we bring our proposals to the States we will find other States' Committees prepared to indicate their support and a majority of the States prepared to vote in favour of the proposals.

The Bailiff: Your next question, Deputy Gollop.

1420 **Deputy Gollop:** Yes, the fourth and final question, although I think I have a supplementary
Would Education, Sport & Culture describe their approach or policy direction regarding Guernsey French as being a strategy based on history, conservation, heritage librarianship or one more focused on promotion and developing awareness and education for the whole wider
1425 community especially for children and young adults through schooling and leisure opportunities?

The Bailiff: Deputy Fallaize.

1430 **Deputy Fallaize:** The Committee's ambition is the latter. The approach up until this point has been the former. This has largely been the result of the funding which the States have made available for language development. The Committee recognises that reversing the decline of a language requires a structured approach using proven methods, with well-defined objectives and measurable outcomes. It must employ best practice with regard to language teaching and with regard to sustaining and revitalising the language.

1435 Experience in other jurisdictions indicates that whilst support guidance and direction can be effectively provided at Government level, a wider community commitment is required to do anything more ambitious. Our forthcoming proposals recognise this and also recognise that a step change is required if we are to encourage Guernésiais to thrive.

1440 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Talking of poetry, I have sometimes done recitations at the Eisteddfod. I might be too late this year, but I got the lowest mark from the Jurat!

1445 My question is, I know schools are encouraged, rightly, to participate in the Eisteddfod and even more would be welcomed, but have the ESC Committee considered seriously the Isle of Man, the Manx approach, which has been radically to transform an under-used rural primary school into a hub of teaching the language, effectively like Welsh, as the main language of tuition for primary-age children?

1450 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1455 Well, Deputy Gollop raises the Isle of Man. Of course the Isle of Man, I am not going to go into the full details like I did with Jersey; but, like Jersey, the Isle of Man public expenditure is higher, taxation is higher, government revenues are higher and that does allow for more investment in this sort of area of work and that is the Isle of Man's experience.

1460 I can tell Deputy Gollop that the Committee has no plans at the present time to open Guernésiais-only primary schools, nor Guernésiais-only secondary schools. That is another model, I suppose. I do not know whether that will be in Deputy Dudley-Owen's Requête, but we will have to wait and see with bated breath.

1465 When you consider where we are at the moment, in terms of language support, I think our ambitions have to be pragmatic and realistic. First of all, we have to see if we can persuade the States to invest a limited additional sum for a period of time and then we will have the infrastructure in place, or we can get it in place, which will enable the community if it wants to, to indicate its appetite to support the language to a greater extent and sustain it.

Then perhaps if we can get to that stage we can make the case for further, additional investment in the years ahead and some of the things, the more ambitious things which Deputy Gollop has in mind, may become possible. But I think we have to set our ambitions realistically to begin with.

COMMITTEE FOR ECONOMIC DEVELOPMENT

Ferry links

1470 **The Bailiff:** No one else is rising with any supplementary questions, so we will move on to Deputy Gollop's questions addressed to the President of the Committee *for* Economic Development.

Deputy Gollop: Thank you very much.

1475 This will be a bit of a sea change, perhaps. (**The Bailiff:** Ha, ha.) A new wave of questions for Deputy Parkinson! (*Interjection*)

Unfortunately, my first question is there were serious delays and cancellations and technical faults affecting the Christmas-time festive links from Guernsey to Jersey and England via the Condor ferry links. What response or action, if any, has Economic Development taken?

1480 **The Bailiff:** Deputy Parkinson.

1485 **Deputy Parkinson:** Sir, the disruptions during the festive period were unfortunate. As always, Condor senior management were proactive in advising us of the issues and their plans to minimise any potential disruption where possible. All issues were of an operational nature and as such we needed to leave any necessary remedial actions to Condor, as the private commercial operator.

1490 It is important to highlight that despite the disruptions experienced over the Christmas break, Condor does continue to provide a lifeline freight service and passenger service that exceeds the requirements set out in the 2014 operating agreement with the States of Jersey and the memorandum of understanding with the States of Guernsey; and a service that is free of charge to the Island's taxpayer.

The Bailiff: Deputy Oliver, you have a supplementary?

1495 **Deputy Oliver:** Yes, thank you.

Deputy Gollop: Oh, I will give way.

The Bailiff: Deputy Gollop, sorry, supplementary question if he wishes to first.

1500

Deputy Gollop: I will do my supplementary first and then very happy for Deputy Oliver to deliver hers.

One issue that has emerged is communication to members of the public about potential alternative plans in the event, for example, of rough weather cancellations. Are Economic Development satisfied, for example, that airplanes could be chartered at short notice?

1505

The Bailiff: Deputy Parkinson.

Deputy Parkinson: I did not quite hear that last bit. Other ships?

1510

Deputy Gollop: On occasions, air transportation, passengers or freight, might be needed in an extended period of strikes or rough weather or technical problems. *[inaudible]* an air planned contingency?

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The Bailiff: I do not think that arises from the answer given.

Deputy Parkinson: No, I do not think it does, sir; and I do not think I could answer it.

The Bailiff: Deputy Oliver.

1520

Deputy Oliver: Thank you, sir.

It might have been operational but one thing that Guernsey definitely did suffer over Christmas was a lack of food on the shelves. Is Economic Development looking at ways to make sure that Condor can always get food to the Island?

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes. I think the States generally is acutely aware that we are very dependent on the lifeline freight service and in practice that means on two ships, the *Commodore Goodwill* and the *Clipper*. It is possible that through bad weather or other reasons, both ships could be disrupted. I am afraid that will always be a fact of life of living on an island.

1530

We are engaged with Condor in discussing their re-fleeting programme and when the new owners of Condor have taken ownership we hope to agree with them and with Jersey what operations they are going to be able to provide.

1535

The Bailiff: Your second question, Deputy Gollop.

Deputy Gollop: My second question is: is the Economic Development Committee actively working with their Jersey counterparts to ensure that the transition of ownership includes pressure to improve schedules and links to Jersey, France and the United Kingdom?

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, sir. The Committee continues to work closely with our Jersey colleagues and with Condor senior management to ensure the service requirements of the operating agreement and the memorandum of understanding are met; and to identify areas where both Islands feel the resilience, reliability and affordability of the service provided by Condor could be improved.

1545

The Bailiff: Deputy Gollop.

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Deputy Gollop: The President has mentioned twice now the operating agreement and the memorandum of understanding, but recent news reports suggest that the number of day trips from Guernsey to Jersey with a five-hour or more activity time included as part of the trip, are minimal for 2020. Have Economic Development – given the change and transition of ownership – the ability to improve that before the season really commences?

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The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, I believe there are five or six occasions in 2020 when it would be possible for a Guernsey resident to make a day trip to Jersey and enjoy more than five hours in Jersey. How many times we can expect to have day trips to Jersey organised for the benefit of residents of Guernsey I do not know, but the fact of the matter is there is very limited economic demand for such a service and it is not part of the memorandum of understanding or the ramp licence agreement with Jersey.

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We have consistently put pressure on Condor to do their best. That service of course is supplemented by the service provided by Manche Iles Express and we leave it to the market basically to make provision for that requirement.

Deputy Gollop: I accept that –

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The Bailiff: Is this another supplementary question?

Deputy Gollop: Yes. I accept that you as Presiding Officer might rule this question out of the water, but in historic time Condor in a different context, supplied regular weekly or even daily services from the Bailiwick to Alderney. Cannot improved links to Alderney be potentially on the negotiating table with the new owners as well?

1575

The Bailiff: That is outside. I do not think it is covered by the operating agreement or the memorandum of understanding which was the subject of the last answer.

1580

Deputy Parkinson: Indeed. There is no intention to try and impose on Condor an obligation to operate a service to Alderney.

The Bailiff: Deputy Lowe.

1585

Deputy Lowe: Thank you, sir.

Would the President of Economic Development agree with me that Condor's timetable for Jersey day trips has been hugely detrimental to the sporting fraternity and, unfortunately, so many inter-Island games have had to be cancelled for the foreseeable future? We have got the Muratti coming up and again that is a very difficult one to be able to try and get across to Jersey. There are not even any flights left on the day from Aurigny. Thankfully there are from Blue Islands.

1590

The Bailiff: Deputy Parkinson.

1595

Deputy Parkinson: Well, sir, the lack of inter-Island services on all the days when people might have wanted them is to be regretted, but my Committee is not prepared to put taxpayer money behind expanding the service. If the commercial operators, both Condor and Manche Iles Express are unwilling to put additional services on because they are uneconomic then the services will not run.

1600 **The Bailiff:** Deputy Dorey.

Deputy Dorey: The President mentioned the memorandum of understanding but in July 2015 the States resolved there should be a licensing regime for the roll-on roll-off ramps, but I understand no action has been taken. Do they intend to take any action to put Guernsey in a stronger position to deal with the ferry companies?

Deputy Parkinson: Yes, sir, the legislation to introduce ramp licensing has been drafted and is ready in fact to be presented to the States. But pending the completion of the sale of Condor and the negotiation of a satisfactory operating agreement with Condor, including re-fleeting plans to support their operations, my Committee does not feel in a position to bring that legislation to the States. We want the States to have the full picture in front of them.

The Bailiff: The next question, Deputy Gollop.

1615 **Deputy Gollop:** Has Economic Development explored any replacement vessel or supplementary capacity for the current Condor ferry fleet?

The Bailiff: Deputy Parkinson.

1620 **Deputy Parkinson:** Sir, as part of our ongoing tripartite discussions with Condor, the subject of their fleet replacement investment plans is regularly discussed. It is the job of both Islands to identify the overall service improvements desired and for Condor to consider this as part of their fleet replacement and investment planning.

1625 It must be remembered that the sale of Condor to their new shareholders is yet to be completed, as regulatory approval from the EU and from CICRA is still required. The new shareholders will of course be involved in any future investment decisions made. However, as I advised during my last update, I have met with the new shareholders and made it clear to them our expectations with regard to the provision of service improvements in the future and they are keen to deliver such improvements where commercially viable.

1630 **The Bailiff:** Deputy Gollop.

1635 **Deputy Gollop:** I think my supplementary is that the expression 'desired improvements' is used in the answer and commercial viability is set out as one of the criteria, and we have heard the Committee respond by saying that we want to let the market provide and not use taxpayers' money for uneconomic services. Where is the intervention in the market there? Or is it just a case of the Committee sitting back and looking to see what improvements Condor make, if any?

The Bailiff: Deputy Parkinson.

1640 **Deputy Parkinson:** Sir, Guernsey's vital interests in this are security of the freight services on the northern route, because that brings in more than 90% of everything we consume that is imported on the Island. Certainly, if there was any threat to the freight service on the northern route, that would be a matter of strategic importance which would engage the interests of the States.

A secondary interest of the States of course is to protect travel on the northern route for passengers and tourists included, and then perhaps tertiary would be travel on the southern route to St Malo which is also important for tourism.

1650 Those are the priorities for the States of Guernsey. We are very well aware of what Condor's thinking is on re-fleeting and we contribute to discussions on that. We have a good idea of what they propose to do and in the end if the States want to improve or increase the provision on the

northern route, it may become necessary for the States to intervene. But at this stage we are not proposing that.

1655 **The Bailiff:** Deputy Gollop.

1660 **Deputy Gollop:** Given the importance of the tourism and leisure industry to the Committee and our Island, my question is: have the Committee in liaison with Policy & Resources – Deputy Trott, Deputy St Pier and so on – got a speedy Plan B to implement sensibly in the unlikely event, hopefully, that there would be a threat to our links, especially the northern link to the United Kingdom for passengers and of course for freight? Basically, can we deliver on the reassurance that Deputy Parkinson has given in a timely fashion?

1665 **The Bailiff:** Deputy Parkinson.

1670 **Deputy Parkinson:** We believe that the new owners of Condor will be able to provide some additional resilience on the northern route, because a minority shareholder in the new ownership partnership consortium is Brittany Ferries, which owns a vessel called the *Normandy Express*, which can operate into the ports of St Helier and St Peter Port.

1675 So we think that the change of ownership will add to the resilience on the route and the re-fleeting plan could result in further improvements. Condor have announced, I think publicly, that they have something in the region of £50 million available to replace their fleet or renew their fleet where necessary, and whether that renewal takes the form of a RoPax on the northern route to replace the *Commodore Goodwill* or whether it takes the form of another fast ferry remains to be seen. But they have shown every willingness to invest in the Channel Islands services and we have every confidence they will.

The Bailiff: No one else? Oh, Deputy Trott has a question.

1680 **Deputy Trott:** How do I phrase this? Is Deputy Parkinson able to confirm that the work on the contingency of a Guernsey-only solution is nearing completion and will be available shortly? Further is he able to confirm that he has completed his Committee's due diligence as to the suitability of the potential acquirers?

1685 **The Bailiff:** Deputy Parkinson.

1690 **Deputy Parkinson:** Well, sir, if I recall correctly the work on the contingency plans for the ferry services was in the hands of P&R (**A Member:** Hear, hear.) so I think Deputy Trott would be in a better position to tell me whether the work is nearing completion or not. I am certainly not in a position to tell him. (*Laughter*)

The Bailiff: There is another part to your question –

1695 **Deputy Trott:** There was and I have forgotten it completely! (*Laughter*)

The Bailiff: Due diligence on the new owners.

1700 **Deputy Trott:** Yes, would Deputy Parkinson be pleased to hear that the work has been completed on the contingency planning and will be made available shortly, at a fraction of the cost allocated to the Policy & Resources Committee? Would he further confirm more importantly, sir, that his Committee has completed its due diligence on the suitability of the acquirers to operate this service?

1705 **Deputy Parkinson:** I am grateful to Deputy Trott for his assurance and relieved to hear that Policy & Resources have nearly completed their work on the contingency plans. In terms of due diligence on the acquirers, we know a fair bit about them. The majority interest is an American infrastructure fund which has a very long-term, indeed perpetual, nature so we will not run into the same problem we eventually came to with the Macquarie Fund that currently owns Condor, which is that it had a time-expiry date and was time-limited.

1710 The new fund that will be the majority owner is a perpetual fund and the minority interest in the new consortium is of course Brittany Ferries, a very experienced operator of cross-Channel ferries and we welcome that development, because I think it can only strengthen our security on our sea links.

1715 **The Bailiff:** Deputy Mooney.

Deputy Mooney: Yes, sir.

Would the President agree with me that there is no one else in the queue that is waiting to service us?

1720 **The Bailiff:** Deputy Parkinson.

1725 **Deputy Parkinson:** Yes, I think that is certainly true, as far as we are aware. No one else seems to want to operate the Channel Island ferry routes. There were of course a number of other bidders for Condor in the Macquarie sale process, but I think the purchasers that they have alighted upon and made their preferred bidder are the most suitable for Guernsey.

The Bailiff: That concludes Question Time and just brings us to the Schedule as the final Item of business.

Billet d'État I

POLICY & RESOURCES COMMITTEE

VIII. Schedule for future States' Business – approved

Article VIII.

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 26th February 2020 and subsequent States' Meetings, they are of the opinion to approve the Schedule.

STATES OF DELIBERATION

SCHEDULE for FUTURE STATES' BUSINESS (For consideration at the Ordinary Meeting of the States commencing on the 5th February, 2020)

Items for Ordinary Meeting of the States commencing on the 26th February, 2020

(N.B. A meeting of the States of Election will be convened for this date prior to the meeting of the States of Deliberation.)

(a) communications by the Presiding Officer including in memoriam tributes;

(b) statements;

(c) questions;

(d) elections and appointments; P.2020/12 – Committee for Home Affairs - Police Complaints Commission: Appointment of Chair and Notification of Resignation

(e) motions to debate an appendix report (1st stage);
(f) articles adjourned or deferred from previous Meetings of the States;
(g) all other types of business not otherwise named; No. 109 of 2019 – The Republic of Maldives (Repeal of Restrictive Measures) (Guernsey and Sark) Regulations, 2019
No. 110 of 2019 – The Nicaragua (Restrictive Measures) (Bailiwick of Guernsey) Regulations, 2019
No. 111 of 2019 – The Cyber-Crime (Restrictive Measures) (Bailiwick of Guernsey) Regulations, 2019
No. 125 of 2019 – The Health Service (Benefit) (General) (Amendment) Regulations, 2019
No. 1 of 2020 – The Income Support (Guernsey) (Amendment) Regulations, 2020
No. 2 of 2020 – The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment) Regulations, 2020
P.2020/4 – The Income Tax (Guernsey) (Approval of Agreement with Isle of Man) Ordinance, 2020
P.2020/5 – The Income Tax (Guernsey) (Approval of Agreement with New Zealand) Ordinance, 2020
P.2020/6 – The Income Tax (Guernsey) (Approval of Agreement with Estonia) Ordinance, 2020
P.2020/10 – Committee for Health & Social Care - 'Capacity Law' - Supplementary Policy Matters and Potential Financial Implications Arising from the Appeals Process*
P.2020/7 – Committee for Home Affairs - Sexual Offences Legislation: Supplementary Policy Matters*
P.2020/9 – Policy & Resources Committee and States' Trading Supervisory Board - States' Trading Supervisory Board - Succession Planning*
P.2020/11 – Committee for Employment & Social Security - Uprating Policy for States' Pension*
P.2020/8 – Requête - Ensuring that a Policy Letter on the policy governing 5G Technology is debated by the States Assembly*
P.2019/143 – Requête - Suspension of Carrying Out of Works Further to Proposals for the Partial Removal of the Anti-Tank Wall in the Eastern Part of Pembroke Bay (L'Ancrese East) and the Managed Re-Alignment of the Coastline in that Area and Establishment of a Moratorium Period of 10 Years During which Time Suitable Maintenance is Undertaken to Provide Stability to the Wall*
(h) motions to debate an appendix report (2nd stage);
(i) Schedule for future States' business.
Amendments to the proposed meeting dates and order are permitted only for those items marked with an *.
Item for Special Meeting of the States commencing on the 21st April, 2020
P. 2020/xx Policy & Resource Plan (End of Term)

The Bailiff: Deputy St Pier.

1730

Deputy St Pier: I have nothing to add, sir.

The Bailiff: There has been no motion to amend, so I put the Schedule to you for approval. Those in favour; those against.

Members voted Pour.

1735

The Bailiff: I declare it carried and we conclude this meeting. Thank you.

The Assembly adjourned at 12:00 p.m.