



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 3rd July 2020

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Present:

Ms J Roland, Deputy Bailiff and Deputy Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

Deputies, J. A. B. Gollop, L. C. Queripel,
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, C. P. Meerveld

The Vale

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

The Castel

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

The West

Deputies A. H. Brouard, E. A. McSwiggan,
D. de G. de Lisle, S. L. Langlois

The South-East

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

Representatives of the Island of Alderney

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (The States' Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Procureur),
Deputy C. N. K. Parkinson (*absent de l'Île*); Deputy M. K. Le Clerc (*relevée à 11h 13*);
Deputy N. R. Inder; Deputy A. C. Dudley-Owen (*relevée à 09h 41*);
Alderney Representatives S. Roberts and A. Snowdon

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States of Deliberation

The States met at 9.30 a.m.

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

Billet d'État XIII

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

VI. Proposed Introduction of a General Housing Law – Debate commenced

Article VI.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Proposed Introduction of a General Housing Law', dated 28th February 2020, they are of the opinion:

- 1. To agree the introduction of primary, enabling legislation to allow for regulation of the Island's housing, other than control of occupation, including provision for the matters set out in Appendix 1 to the policy letter.*
- 2. To approve the introduction of a statutory Housing Health and Safety Rating System (HHSRS) in Guernsey to assess the quality of housing and the introduction of basic housing standards for rented dwellings as set out in sections 4.1 – 4.10 of the policy letter.*
- 3. To approve the introduction of a statutory licensing system for houses in multiple occupation as set out in sections 4.11 – 4.24 of the policy letter.*
- 4. To approve the introduction of a statutory registration system for all private rented dwellings, as set out in sections 4.25 – 4.36 of the policy letter.*
- 5. To approve the introduction of a statutory deposit protection scheme for private rented dwellings, as set out in sections 4.37 – 4.52 of the policy letter.*
- 6. To approve the enforcement measures in relation to housing standards outlined in section 5 of the policy letter.*
- 7. To approve the amendment of other legislation relevant to housing standards to do the following, where consistent with the purposes and scheme of that other legislation –*
 - a) harmonise terms used to describe different types of housing with those proposed under the new housing standards legislation;*
 - b) provide for consistency with the new housing standards legislation, and c) avoid duplication of inspections and other enforcement procedures included in the new housing standards legislation.*
- 8. To direct the preparation of such legislation that may be necessary so as to give effect to the above decisions.*

The States' Greffier: Billet d'État XIII – Article VI – The Committee for the Environment & Infrastructure – Proposed Introduction of a General Housing Law.

The Deputy Bailiff: Deputy Brehaut.

5

Deputy Brehaut: Thank you.

I have had to amend my speech this morning because it opens with 'sir' but I am delighted to say 'Madam Deputy Bailiff' and more than happy to be a little part of history this morning.

10 Members, the importance of our homes and having a comfortable place to live has been thrown into sharp relief by Covid. In the absence of a vaccine and with limited medical treatment available the ability to stay home in good quality habitable housing has been a significant prevention tool in itself. Housing has been part of the essential infrastructure of care and that has meant that people have had a sanctuary, a safe place to be during this awful pandemic crisis.

15 So lockdown then has been especially difficult for those living in substandard accommodation. It should also be borne in mind that many key workers, who are invaluable to our Island, live in shared accommodation and so do many of those in the hospitality industry which will be vital to rebuilding our economy.

20 The association between housing quality standards, health and well-being are widely acknowledged at both a global and local level, and negative health outcomes are well-evidenced to be associated with living in poor-quality rented accommodation and/or poor housing conditions. There is, too, local data that evidences that major inequalities exist which are associated with housing status. As an example, a much higher proportion of people on lower incomes in rented housing stock happen to smoke, and report on mental health and well-being.

25 On 19th July 2018 the States resolved to endorse a programme of works which included an analysis of legislative frameworks and processes governing housing quality standards and how legislation can support the provision of good-quality housing. This programme of works covers an important area that impacts on many services across the public and private sector. It was a complex piece of work, more complex I think than we first imagined, but I, and we at E&I, are pleased to have completed this work and to bring this policy letter before this Assembly today.

30 The legislative review concluded that there are currently insufficient and unsuitable provisions within legislation to regulate standards across the Island's housing stock. There is also currently an unnecessary and avoidable burden on landlords and property owners from visits and interventions from multiple States' services. I am sure people will pose the question at some stage of how staff resource-intensive this legislation will be. Part of the intention of the policy letter is to ensure that we do not do duplication within the system already – or we eliminate that duplication, rather. A proposal has therefore been brought forward by the Committee to create primary legislation under which measures to regulate certain parts of Guernsey's housing stock and specific functions will be made by Ordinance and Statutory Instruments by the Committee.

35 It may be questioned why it has been called a General Housing Law and not a Housing Standards Law: this was based on legal advice and, as outlined in the policy letter, the main reason was not to constrain this Law to housing standards but to allow it in the future to encompass other areas of housing legislation that will ultimately be agreed by the States' Assembly.

40 The proposed legislation presents an opportunity to introduce legislation to streamline and simplify the controls for property owners, landlords, tenants and States' services. New primary legislation will allow flexibility to introduce provisions progressively and/or consolidate and harmonise existing provisions in those areas; although the policy for an additional regulation not outlined in this policy letter would be subject to approval by the States in the normal fashion.

45 The initial focus will be on improving the standard of the Island's housing stock, with an emphasis on rented properties, through several initiatives designed to provide a robust approach for assessing housing conditions and enforcing improvements. It is intended that improving housing standards will also contribute towards providing a suitable supply of good-quality properties on Island.

50

55 The priority areas for which the policy approval is sought now to make ordinances under the Enabling Law are to introduce a housing health and safety rating system to assess the quality of housing; introduce a basic standard for human habitation of rented properties; implement a licensing system for houses in multiple occupation, that is abbreviated to HMO in places; make it a requirement for all private rented properties to be registered; and introduce a requirement for a deposit protection scheme. The approval of the policy for these priority areas has been split into different Propositions so that the merits of each can be considered separately.

60 Just, I suppose, a bit of a back story on housing and how we have got here. As we know, under the new system that we have housing is dealt with not by one Committee but actually three Committees now – we have ESS dealing with social housing and rents, and of course what used to be the rent benefit scheme or the, rent rebate scheme, rather; we have Home now dealing with population, when a great part of the former Housing Department Authority's work was in dealing with the Housing Control of Occupation Law; and we have E&I that own the overarching strategy for housing.

65 Now, the missing piece in the jigsaw for some time has been legislation in this area. A former Housing Authority, later Department, wanted to engage with landlords and it did that through speaking to the Private Landlord's Association. The Private Landlord's Association are a thoroughly good group of people but they volunteered into a system, so landlords who volunteer into that type of arrangement are by definition generally good landlords.

70 What we need is the legislation to reach those that are less forthcoming, not quite as open and that sometimes slip below the radar. When I say 'landlord' that is sometimes a very generous interpretation of what some people describe themselves as and the properties that they oversee.

75 Housing made extremely good progress with regard to the GHA. That work was started, interestingly enough, by Deputy John Langlois, then Deputy Bernard Flouquet and then Deputy Jones. The Guernsey Housing Association was fantastic, but what we did not do at that time, regrettably, and I think we should have done, was carried on buildings States' houses. (**Several Members:** Hear, hear.) Because even at this time during the pandemic there are women and families, young families that need to be in emergency accommodation because of the pressures at home. This absence of what could be described as emergency housing is regrettable. As I, along with a former Member of the Housing Authority Department, who was a former employee of course, a former Deputy, Andy Le Lièvre, we did bring an amendment forward to try and introduce emergency accommodation to supplement what some of the other agencies do, but it did not prove successful.

85 So I thank you, Madam Deputy Bailiff, and I welcome the debate.

The Deputy Bailiff: Thank you.

Deputy Dudley-Owen, do you wish to be *relevée*?

90

Deputy Dudley-Owen: Yes, please, madam.

The Deputy Bailiff: Deputy McSwiggan, your amendment.

[Amendment](#)

To insert additional Propositions as follows:

"4A. To note that families with children do not have equitable access to the housing market in Guernsey.

4B. To agree that landlords of rental properties shall not be permitted to specify "no children" when letting their properties, save that:

(a) A landlord may continue to specify "no children" in respect of a property which:

is a care facility, residential home or other special category of housing reserved for particular persons; is part of a development intended to be 'retirement housing' for older people; is a house in multiple occupation with communal facilities; or has a restrictive covenant in a head lease or

planning condition which restricts the ability to house families due to the amenity required to be offered to neighbours; and

(b) A landlord may specify "no children", or specify a maximum number of children, in order to comply with Environmental Health guidelines in respect of overcrowding; and

To direct the Committee for the Environment & Infrastructure to incorporate these requirements as part of the statutory registration system proposed in Proposition 4, having taken into account all relevant human rights considerations; and to include a specific review of the impact of these changes as part of their one-year post-implementation review of the new schemes."

Deputy Dudley-Owen: Thank you. Could the amendment be read, please?

The States' Greffier read the amendment.

95 **The Deputy Bailiff:** Deputy McSwiggan, before you start your opening speech is it your wish that the amendments be dealt with separately or as one amendment?

Deputy McSwiggan: A single amendment, please.

100 **The Deputy Bailiff:** Okay.

Deputy McSwiggan: Members will of course be able to vote separately on them as substantive Propositions if they wish to, but the two hang together and the first explains the purpose of the second. That said, I do not want to pretend that this amendment is something that it is not: it is a relatively small amendment I am going to try to give a relatively small speech and hope for a relatively small debate in that context. But I want to start by addressing what might otherwise become the elephant in the debate, which is the question of its effectiveness.

105 I want to put it to Members this way: if you see litter blowing down the street, do you bin it or not? Maybe the answer is, it depends on who is looking; but generally (*Laughter*) I think the answer is yes, even though you know it will make very little difference to the overall environmental health of the planet and even though it is one small action in the context of a very big change that needs to happen.

110 I invite Members to think about this in a similar spirit. The substantive proposals before us propose introducing a registration system for private landlords. In introducing that registration system we have an opportunity, if not a duty, to make it as good as it can be, and one of the ways by which we can do that is to address something which I think is far too normal and culturally sanctioned in Guernsey at the moment, which is the freedom with which landlords will advertise 'no children', at properties which are eminently suitable for families.

115 This is not the solution to opening up housing for families – that requires bolder, more creative Government policies on a wide range of fronts affecting both people who want to buy properties and people who want to rent properties. This is a small part of the solution, but it is like the litter blowing down the street, it is a blot in our current approach and we can either walk on by or take the opportunity to pick it up.

120 With that I remind Members that we are all corporate parents, and our duty as corporate parents extends primarily to children who are in the care of the State, but we do have a duty under Law to put the welfare of children first in everything that we do, and so taking opportunities to prioritise the welfare of children in families is entirely consistent with our role as corporate parents and our duties under the Children Law.

Sir – madam, I apologise, so much in the habit of saying 'sir'. (*Interjections*)

130 Madam, there are a number of exclusions foreseen in this amendment. So the general principle is that landlords will not be able to stipulate 'no children' where their properties are of a size and of a nature that is suitable for families, but if those properties are care facilities or other special category housing, housing that has been developed for a particular group of people which might

135 include people without ... In a general sense, then, it can be excluded if: it is part of a development
that is intended to be retirement housing; if it is a household in multiple occupation where it might
not be safe for child protection reasons to have families and individuals sharing communal facilities;
or if there are legal restrictions, restrictive covenants or planning conditions, then landlords will be
under no obligation to specify and landlords will not be required to avoid specifying 'no children'.
140 We have allowed for consideration of a variety of different situations where properties might not
be suitable for children and there is no intention to steamroller over those by the introduction of
this clause in the registration scheme.

I would just note that when the Committee for Employment & Social Security was working up
proposals for a full multi-grounds non-discrimination law, which included discrimination on the
basis of age, we recognised that this kind of advertisement in which a landlord says 'no children'
145 and there are no clear grounds for it, would fall within the ambit of age discrimination if nothing
else.

If there were circumstances in which we felt it was reasonable for landlords to be able to do that,
those would need to be carved out in exemptions to the Law. The exemptions that we consulted on
are this specific set of exemptions, with the addition of a restricted covenant of planning condition
150 which was a consequence of the helpful input of my seconder and of HM Procureur – but, just for
the avoidance of doubt, these are a set of exemptions which have been extensively consulted on
already. This is not a list that I have cooked up and am asking the States to accept, it was not
consulted on in the context of this piece of legislation, but this is an amendment which has the
same effect as the thing we consulted on and that preliminary work has already been done.

155 The specific definitions of these categories and the ways in which they can accommodate, for
example, developments that have organically morphed into becoming, say, retirement communities
– rather than developments that set out to become retirement communities at the very start of their
being created – is something that the officers for the Committee for Environment & Infrastructure
will work up in drafting the legislation. It is normal that we set out the principle here and the
160 technical detail is worked out in the drafting of the law, and that is something that comes back to
the States; but I am comfortable, and I hope Members will be comfortable, that these exemptions
are sufficient to cover the variety of housing where it might still be reasonable for landlords to say
'no children', and in all other cases it would not be appropriate for landlords to do so.

165 One of the things that I want to point out and one of the reasons why I think where it is added
value to bringing this amendment to this piece of legislation, to these proposals, rather than waiting
for and relying on the Discrimination Law to bring them in, is because actually this process gives
added certainty to landlords.

Under the Discrimination Law, not the first phase which my Committee is bringing forward next
month, but under subsequent phases where age discrimination is covered, we would have said,
170 'Okay, you cannot have discriminatory adverts except in this range of circumstances'. If you as a
landlord were not sure whether or not your property was covered by those exemptions and you
thought, 'Well, I will chance it', then the point at which you would find out for certain whether you
were covered or not is the point at which somebody chose to challenge you through the conciliation
or the tribunal process. That is fine, you might be prepared to take that risk. But this process gives
175 you up-front certainty at the point where you register your property, and you go through a process
of providing certain information about it which will be required through this registration scheme,
and you will be told you fit into one of these exemptions or you do not. So actually it offers a clarity
and a certainty that I think in the long run will be welcomed and will be helpful.

180 But I would note as well that the proposals from E&I already envisage a one-year review of the
effect of their Landlord Registration Scheme and I think of their HMO scheme. We have explicitly
provided that this provision should be included in that review so that any unforeseen consequences
of it – I trust there will not be any, I believe there will not be any – but if there are unforeseen
consequences and this needs to be addressed, there is an opportunity to do so in very short order
after it being introduced.

185 I started with the question of the effect, and that is where I am going to end up because we are
not talking about something here that fundamentally changes the nature of the property market in
Guernsey, we are not saying to landlords that what you are going to have to do from here on in is
accept the next suitable tenant who comes and knocks on your door ... Now, maybe that is where
190 Guernsey wants to end up in the context of housing policy, but I think that requires a much bigger
debate than the debate on this one little amendment. The decision as to who will be your tenant
remains a decision that the landlord makes at their own discretion. What we are trying to do simply
is to change what I think is mistakenly normalised and culturally sanctioned in Guernsey, which are
these blatantly discriminatory adverts.

The one question that has been raised since we published this amendment which I think I need
195 to answer is: would it not be better for tenants to simply know that they are not welcome here? Will
it not save the landlord's time and the tenant's time up front if the landlord is able to say 'no
children', 'no families'? I can only speak from personal experience, and of course my personal
experience is not of having a family, but it is of being someone who is a tenant and who has had to
move home a number of times and seek new accommodation – and I am as confident as one can
200 ever be that, in the course of some of my house hunting, we were turned down from properties
because the landlords of those particular properties did not want a same-sex couple living in their
property.

Would it have been better for me, would it have saved me some time if they had been up front
about that and said, 'no gays'? Well, it would have saved time but I think very strongly that I would
205 have preferred those individual rejections, however difficult they were over the outright hostility of
landlords being able to advertise, 'We do not want your kind here'.

I think that there may not be the same historic context of discrimination, but I think we can make
the same argument in this context that although this is not the silver bullet, although this is not
going to make it better and easier for families to access rental properties overnight, without this
210 there is no prospect of a culture change. While it remains normal and culturally sanctioned for
landlords to be able to say 'no families', it is a sanction that the default is too readily and it is too
easy for us to be able to think, 'Okay, well, it is normal for a whole sector of the property market to
be out of reach of families'.

Now, more than ever, we need to be a Government that is thinking about family-friendly policy
215 and is thinking about how we create an Island that is inclusive, and that encourages the next
generation; and, as I said, that requires much more vision and much more action and a much
broader spectrum than this. But we have the opportunity to take this little step in the right direction
and I would ask States' Members to do so.

220 **The Deputy Bailiff:** Deputy Tindall, do you wish to formally second this motion?

Deputy Tindall: Yes I do, madam.

The Deputy Bailiff: Thank you.

225 **Deputy Mooney:** Madam, I would like to declare an interest as I am actually a landlord.
Thank you.

The Deputy Bailiff: Thank you, Deputy Mooney.
230 Deputy Queripel.

Deputy Lester Queripel: Madam, thank you.

Sir, in her opening speech Deputy McSwiggan asked the question if you see litter blowing down
the street do you pick it up or not and she said she thought in general the answer would be yes.
235 Well, madam, I do not pick litter up because I did not put it there. (*Interjections*) An irresponsible
person has put it there, therefore they are responsible for it, not me. Irresponsible people get away

with far too much as far as I am concerned therefore the deterrents need to be far more robust, and then we would not have so much irresponsible behaviour out in our community. An irresponsible person knows that a responsible person is going to play the Good Samaritan and they exploit that and they will continue to be irresponsible, when they know we know they need to be responsible.

240

Madam, I am not at all sure how to vote on this amendment, and I may be totally off beam with this one, but it seems to me as though we are being asked to penalise landlords for the States' failing to get to grips with the whole housing situation.

245

Deputy Brehaut touched on this: the worse thing the States ever did was stop building social housing. They put all responsibility on GHA to provide it and there is no reason why the States could not have carried on building social housing in tandem with GHA. If they had done that, then we would not have the housing crisis that we have got now. We do have the land for those developments to take place, and my understanding is that Housing have already got the money in the pot so all of that development could take place, if the political will was there.

250

We have hundreds of Islanders on the waiting list for housing and therefore, once again, we are where we should not be because of States' failure. It seems to me as if we are going in the wrong direction on this one by focusing on landlords, when we should really be focusing on ourselves and what we failed to do in the past and what we need to do now to address the situation. If the political will was there, there is no reason why we could not do a lot more and even think outside the box a lot more. By that I mean the sort of thinking outside the box I am referring to is when GHA built, I think it was, six houses on top of a German bunker out at St Peter's not long ago, opposite the Coach-house Gallery. Now, that is the sort of thinking outside the box I am referring to here.

255

I very much appreciate I might be missing a fundamental point somewhere along the line, and I did listen closely to Deputy McSwiggan's opening speech, but I need to hear a lot more. I hope one of my colleagues can help me on this one. My great fear is that we end up penalising landlords therefore passing the buck. It is so easy to pass it off to someone else and not do anything ourselves.

260

This policy letter and this law is all about housing standards and housing conditions, it is not about telling landlords they can no longer say that children are not allowed, it is the landlord's ... This is where I am coming from on this one, it is the landlords' property and as long as they keep it up to the standard that is required surely they should be allowed to decide if they want children in their property or not.

265

I realise that landlords can specify 'no children', but in a limited amount of places as we are told in the document before us, but if this amendment goes through I am concerned that some landlords may withdraw from the market. Also another part of my dilemma here is, if this amendment goes through, where will this end? Will landlords then be told they have to allow pets on the properties; they can no longer put 'no sharers'; they can no longer put 'no OAPs'; they can no longer put 'no unemployed'? That is why I am in a dilemma: where will this end?

270

I am sure this amendment has been laid with the best of intentions by Deputy McSwiggan and Deputy Tindall and I am sure they have thought it through regarding the outcome and the ramifications, but I need convincing that this is the way to go. The way I see it, the reason why couples with young families struggle to find accommodation, as I have already said, is because the States have failed them by not continuing building social housing, therefore it is the States that need to get their act together and not the landlords.

275

I give way to Deputy Tooley, sir – madam, sorry.

280

Deputy Tooley: Thank you, madam. I thank Deputy Queripel for giving way.

I wonder though perhaps in his speech if he might like to reference the fact that there are families on the Island who rent property but who would not be eligible for States' housing, no matter how much States' housing that there was built on the Island?

285

Deputy Lester Queripel: Yes, I get that, madam, which is why I am in a dilemma here on this one. Oh, madam, I give way to my brother, Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, Madam Deputy Bailiff.

290 I just wanted to help Deputy Lester Queripel because Deputy Tooley made a good point, but actually that eligibility could be changed if the States decided it could be changed. The thresholds could be changed if we as a States decided they should be changed. So that is not really a massive barrier, these changes could be made.

295 **Deputy Lester Queripel:** I thank Deputy Laurie Queripel for that further elaboration and clarification, madam, but talking about the States needing to get their act together as opposed to landlords, in the words of Barbra Streisand I do not want to 'rain on their parade'. But in the supporting report under Rule 24.1 in the third paragraph on page 4, under the heading of 'How does the current situation affect people?', there is a sentence that reads as follows:

The States has previously wanted to make home ownership more affordable, and this remains an important goal –

300 But that sentence is completely misleading, to say the very least, because the reality is that the majority of this Assembly voted in favour of increasing the threshold of affordable housing from five to 20 back in 2016, so to say the States has previously wanted to make home ownership more affordable is not the case at all, because they had the opportunity to do that and they did not take it. So I am wondering why that sentence is even in there, because someone is giving the States credit where credit is not at all justified.

305 Leading towards a close, madam, I am absolutely fascinated by the whole planning process here in the Island, I have been for many years, which is why I always wanted to be a Member of the DPA. It is real education being on that Committee. Much of it is enjoyable, but we do have some rather heated discussions during our meetings, which can be rather upsetting and frustrating as I am sure the same happens on all the other departments' committee meetings. A lot of that upset and frustration it seems to me – and my colleagues in the DPA may disagree with me – to be our having different interpretations of the ramifications and perhaps misunderstanding the ramifications of our decisions. So bearing that misinterpretation and misunderstanding in mind, that is what I do not want to do here. I do not want to misinterpret or misunderstand the ramifications of either supporting or rejecting this amendment, hence my need for enlightenment and clarification.

315 In closing, madam, I ask for a recorded vote please when we go to the vote. Thank you.

The Deputy Bailiff: Deputy Langlois.

320 **Deputy Langlois:** Thank you, madam.

325 Having worked with Deputy McSwiggan on anti-discrimination legislation for about four years now, I was surprised when I saw her amendment to the Housing Standards propositions. Having listened to her opening speech, I still am rather surprised. I am sure many States' Members will have, as I do, some sympathy for the sentiments behind the amendment. However, it has been laid two weeks early. This is an amendment more appropriate to the Discrimination Ordinance Policy Letter that has been lodged and is scheduled to be laid on 15th July. One of the objectives of the discrimination legislation proposals, which we will be debating in two weeks' time, was to ensure they formed a coherent whole that the complex interactions of the various components, and importantly their consequences, were carefully thought through.

330 Much of the last four years has been devoted to such an approach with the intention of having a co-ordinated, consolidated set of primary legislation. Attaching a piece of anti-discrimination legislation to a Law devoted to housing standards goes against that intention and risks undermining the cohesion of the anti-discrimination legislation before we have even begun.

Additional Proposition 4A asks the States to note that:

... children do not have equitable access to the housing market ...

335 The amendment's supporting report makes several references to the inclusion of age as a ground in the second phase of discrimination legislation; however, that is not the ground under which the no-children rule has been or would be considered. In the proposed Ordinance any such discrimination would have been against the parents or parent of dependent children, not against the children themselves.

340 I will explain. The consultation documents the Committee for Employment & Social Security issued in the summer of 2019 proposed that people below the age of 18 will not be able to make complaints of age discrimination, except in the field of employment, where 16 would be appropriate. One obvious reason is that the exemptions list for dependent children would be longer than the exemptions lists for all the other grounds combined. It was under the carer's status grounds
345 that the no-children rule was considered, not under the age ground.

In the consultation documents Employment & Social Security's proposed definition of carer included the parents of all dependent children, therefore landlords would not have been permitted to state 'no children'.

350 The Committee deliberated at length on the responses to the consultation, including on those cited in the amendment supporting the poor. The Committee's conclusions arising from those deliberations are summarised in the 125 pages of the Discrimination Ordinance Policy Letter Appendix 4. Section 2.12 of that Appendix, 'Landlords and children', states:

The Committee has removed parents of dependent children (without a disability) from its proposed definition of carer status. This means that under the Committee's proposals for the first phase of the development of a new Discrimination Ordinance, landlords would not be prevented from specifying "no children" when letting residential property.

355 That decision was not taken lightly. The ramifications of including the parents of dependent children in the definition of carer are complex and just one of the papers prepared by officers on the definition of carer stretched for nine dense pages. However, earlier in the lodged policy letter in section 5.5, the Committee commits to:

... that the situation is monitored through the proposed attitudes survey in order to determine whether there is a need to expand the definition of carer status in future to also include carers of dependent children.

That recommendation was included in connection with flexible working in particular but would also be relevant to the 'no children' issue.

360 Deputy McSwiggan's supporting report is misleading when it says the Non-Discrimination Law is now being developed in three phases, with age discrimination in the second phase, so it will not immediately address this issue – this issue being the one concerning the 'no children' notices. Rather than having to wait for Phase 2 to debate an amendment to forbid 'no children' notices, an amendment which would have that effect could be debated later this month. Such a debate would take place in the much more appropriate context of the Discrimination Ordinance Policy Letter
365 when, amongst other things, we could consider the definition of carer and the wider consequences of changing the definition; and, for instance, its relationship with flexible working could be made apparent and a decision taken in the full light of day rather than the shadow of propositions on housing standards.

370 Deputy McSwiggan has identified a lack of affordable housing in the private sector for the parents of dependent children; however, that is not a housing standards issue, and attempting to insert an anti-discrimination light clause as a solution which is what Proposition 4B intends, conflates two unrelated issues. The result will almost inevitably prove to be unsatisfactory and very possibly counterproductive.

I ask Members to reject the amendment as it stands today. Thank you.

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The Deputy Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Madam Deputy Bailiff, what a pleasure it is.

380 In relation to this particular amendment I cannot really see how there can be any objection to it. When I first read it, like all, whenever people seek to interfere with somebody else's freedom it does normally cause my hackles to rise, but here we have all seen in television programmes of yesterday the grainy black-and-white pictures with the signs in the door that Deputy Brehaut has already referred to 'No black, no Irish, no dogs'. Now, this is the equivalent of 'no children' and ultimately the property owner will decide.

385 What I would not be in favour of was getting into a detailed debate about, 'Well, you have put this degree of weight on this and you should have put that degree of weight on the other'. But, as Deputy McSwiggan has said, that is not the purpose of this amendment – it is just to stop people saying a bland, 'No, no, we are not going to rent our property to you because you have got a 12-year-old and an eight-year-old' ... or whatever it may be.

390 Deputy Lester Queripel says it might discourage landlords from renting property. No, it does not, they are still going to want to rent their property, they have got their property and they are going to want an income from it. I do not think it is going to discourage them at all.

Deputy Langlois always makes good speeches but he was too complicated in this particular speech. This is a housing topic, the paper it deals with is housing, it has got a whole variety of housing issues that Deputy Brehaut has outlined. So it seems to me this is the right place for this particular amendment and frankly, in the 21st century, I cannot see how we can countenance people just saying, 'You cannot have a house, full stop' because you have got two or three children.

395 I was sad to hear – and I fully accept what Deputy McSwiggan said – but not unexpected, in the 21st century some people are still saying, 'We will not rent to a gay couple'. It defies description.

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The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Madam Deputy Bailiff.

405 Firstly, I will declare an interest: I own one-third share in a family property holding company which owns a number of residential properties in St Sampson. I also own a property jointly with my brother.

I did not participate in any of the E&I Committee meetings on this subject; that means I did not attend, I did not see the papers, I did not see the minutes. I did not intend to participate in this debate but this amendment has meant I feel the need to speak. I am a member of a Guernsey Private Residential Landlord Association but I am not speaking on their behalf. I oppose this amendment.

410 I would just like to illustrate the effect this amendment would have on the company in which I am a shareholder. We have a variety of properties and we have tenants in many kinds of different family circumstances which include single mothers, a single father, a same-sex couple, families with four, three and two children, and with one child, couples and single people – so we are not anti-children, we welcome them in the right properties.

415 We have a group of properties that all have two bedrooms, one single and one double. These properties are designed for the over-55s and we designed them after speaking to some of our then elderly tenants and understanding their needs. All of this group of properties are occupied by couples or by single people; five of the single people are long-term tenants who have moved in as part of a couple and unfortunately their husband or partner has subsequently died; and, in the past, we have had tenants in those properties into their 90s. None of these particular properties are occupied by families with children. We do have two or three which are not occupied by over 55s; however, these tenants were carefully chosen and they understand the need to have a quiet lifestyle as part of a small friendly community we are trying to create for this group of properties. But it was a reflection of the market conditions at the time the apartment became vacant.

425 The single bedroom gets used for many different purposes: it is a hobby room in some apartments, a study, ironing room, store, a bedroom when a couple sleep in different rooms, a bedroom for a grandchild when they have a sleepover – which is the only time a child is permitted to stay in these properties; and it is part of our tenancy agreement with a particular tenant. Having

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that single bedroom gives tenants some flexibility. All tenants have been told that, other than the occasion of a sleepover, there will be no children living in this small community, and they do not expect children to be living in this group of properties.

435 I do not know if this development will be covered by the clause in the amendment which says 'part of a development intended to be "retirement housing" for older people'. They are not all occupied by people who are retired and they are not all occupied by people who are older people. I have referred to them as examples of properties which, whenever advertised, the advertisement specifies 'no children'. We want tenants who are clearly a good match for the facilities and the accommodation so would be happy living there as part of this small community and hopefully stay,
440 and that will only happen if we as a landlord can clearly specify the type of tenant we want. We do have other properties that, for various reasons, we do not allow children but, as I said, we have many properties that we do.

If this amendment is successful what would happen? Who would decide if they are intended for retirement housing? What would be the cost? What bureaucracy will there be? Who will the landlord appeal to? The point I want to make is that these properties could be occupied by a one-child family and some ground-floor apartments have a small garden – they were not designed for a family but it is possible for a family to occupy them. However, we have chosen as a landlord for them to have no children; and we have chosen to have a small community which is basically for older people, but they are not 100% occupied by older people.

450 If this amendment is successful and an owner has decided for whatever reason they do not want their property occupied by a family with children, they will not be able to specify 'no children' in the advertisement. It might be, for example, a couple who do not have children, who are going off the Island for three years and want to rent out their house while they are away and they do not want a family living in their house. So, if a family replies to an advert and takes the time to come and view
455 the property, but when the owner interviews them they will be rejected, the family will just have had a false hope and they will have been wasting their time; and the property owners also have a waste of time just because they were not allowed to specify 'no children' in the advert.

Many other examples were included in the letter we received from Jeff Guilbert, who is the Chair of the Guernsey Private Residential Landlords Association, and I will read some of them: 'A property
460 on the third or fourth floor with winding stairs and no lift may not be suitable for very young children or mothers with pushchairs but okay for teenagers'. 'A block of flats in the Town area with no outside garden or communal area which leads to longer time spent in the house and potential for noise created by normal child play'. 'Several units co-located with mainly older tenants who may not wish to have a family with several teenagers who may have motorbikes'. 'Older flat conversions that may
465 not have the modern standards of soundproofing, so it will be ill-advised to have a young family when you have other tenants who do not have children'. 'A property that may have a front door directly on to the main road, say, in George Street, St Peter Port'.

These are just examples of perhaps properties which might be classified as possible for children to occupy, they might be of a size suitable for children, there is no planning restriction, but they are
470 simply not suitable; and that is not covered by this amendment.

As Deputy Ferbrache said, no property owner wants their property empty but they will decide the type of tenant they want, and the more they limit the type of tenant then the smaller market in which they will have to find a tenant. But I defend their right to choose their tenants, as surely that is the right of an owner of a property.

475 I urge Members to reject this amendment and let the market function. We should encourage people to rent their properties to tenants and not introduce more limitations that will just discourage potential landlords from entering the market. Landlords, equally, if they are not happy with the market can sell their property and not be landlords any more, and often the return on the capital appreciation might more than make up for any income they lost.

480 The best way forward is to maximise the number of owners so that those who have decided to not buy and rent in the private sector have a good choice of properties and this, I do not believe, will help that. So I urge Members to reject this amendment. Thank you.

The Deputy Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you, madam.

First of all, may I declare an interest? I do rent out some properties. But I do also allow children in the properties that are suitable for that particular issue.

490 We say in the States here on one day that we do not want red tape, and then the next day we come along and we make sure that not only do we have red tape but we bind the whole book up in tape with more rules and regulation and nuances, etc. Am I allowed to specify whether I want a smoker in the property? (*Interjection*) Can I specify that I do not want a smoker in the property?

495 These landlords are running a private business. It is just as much a private business as if it would be a firm of accountants; and a firm of accountants, can they not choose what client that they would like? There are some clients they might have difficulty with; there are some clients that bring their papers in in a cardboard box completely all messed up. Do we tell or force the gardener to mow Mrs Le Page's lawn? I just think we just need to be a little bit more ...

500 And I think, as Deputy Dorey said, we need to encourage landlords. We want as many properties as possible, we want them to put as much on to the market as we can, and I think this is going to have a counter effect.

I think Deputy Lester Queripel covered it, I think part of the problem is not so much that we want to introduce this for some sort benevolence, it is because of our failure. We have identified a problem that we perhaps are not providing enough housing and perhaps it is that end of the telescope we need to be looking at rather than at private landlords. Perhaps the States should be encouraging the GHA to look at more family-friendly houses and I think, as the interjection from Deputy Tooley, perhaps we need to review our housing guidance as to who can go into our social housing. Perhaps that is the way forward.

510 But is it fair and is it reasonable that we tell Reuben, who has got a rather nice house with a nice wing on the side, that next to him he has to have a family with children? (*Interjections*) Well, it says you have to allow for a landlord that cannot specify that children are not allowed. So Reuben has to allow the family to come round and look at the place, but then he may not want to have a family there so he is being almost forced into having a family living next door to him. Now, he may like that, that may be just what he wants; but he may not, and it is not necessarily that the owner of the property may be living next door to the place that they are renting out – and that happens either vertically or horizontally.

515 So please be very careful with this amendment. I think the policies that have been put forward in the general debate are a substantial step forward for the protection of tenants, and I think that is the main prize here. I think this tinkering on the edge is going to cause more confusion and I think we should just allow private businesses a little bit of discretion as to how they want to run their businesses. If they want to have a family next door that is great; if they do not, I do not think it is unreasonable for them to say their property is not quite suitable for a family.

520 Thank you; and I declare my interest again.

The Deputy Bailiff: Deputy Paint.

525 **Deputy Paint:** [*Welcome to Deputy Bailiff in French*]

The Deputy Bailiff: *Merci.*

530 **Deputy Paint:** I have to declare an interest. I am a landlord of a small property and it has caused me nothing but grief! (*Laughter*) I say that because it was occupied by local people for quite some time and it was left in one hell of a mess when they left.

So I was thinking about this. Altogether I have had four tenants in there over the years, they have all had children and I have never objected to that at all. (**A Member:** Hear, hear.) Whether they are poor, it does not matter, as long as the rent is paid; because I pay a huge amount of TRP on the property – £2,205 this year – so I have got to get the money from somewhere to pay for it.

535 But what is sadly missing in all this is that, some of the tenants, the one I had in particular, left the place in such a mess it cost me nearly a year's rent to put it back into order. No, I am not joking! So luckily now I have got more tenants, who are not local, who are really looking after the property; they are really nice, they work here under licence, but they are really good tenants. I was actually thinking if I had another tenant like the previous one I would sooner leave the place empty. So that is what you have got to consider: is it worth putting it out? Is it going to cost you more? Because this is what worries me.

540 I think I will go with this amendment, but I think at some time in the future more balance has got to be found where the tenants are responsible for the damage they do. I think you have got to look at that or you will drive landlords away. Like I say, I have got quite a big family, I could quite easily say 'Right, I won't rent it out, you just help to pay the rates on it and then we will manage'. All these things, the price of everything is going up, and if you have a good property then you have got to find the ways of paying the charges. So that is all I have got to say.

Thank you very much. I will be supporting the amendment.

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The Deputy Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, Deputy Bailiff.

555 I do not want to start talking about rubbish, but I will! I hope the whole speech is not rubbish but Members can decide that for themselves.

I would like my epitaph to be that the worst thing in life is to be a bystander. I do not walk past rubbish intentionally, regardless of whether it is my own or not. I say that, sir – madam, sorry, apologies – because undoubtedly at some point in my life something may have escaped from my pocket or the back of my bike unintentionally, and I hope that somebody else quite frankly ... Or, if I did not spot it, would help me out there.

560 What brought me to my feet – and I am sure Deputy McSwiggan will reply to this because it was Deputy Lang... I cannot pronounce his name, madam, I am sorry – Langlois, Langley – (*Interjections*) Langlois. (*Interjection*) But Deputy McSwiggan, Deputy Langlois – and, madam, I cannot pronounce any of it, I do apologise – he said that this is two weeks too early. Now, I would say this is 20 years too late, maybe 30, maybe longer. I would say that at least in my experience 14 years too late, because I have been in a situation where I have needed to search for a rental property and I was actually shocked and surprised to see that some words – and it is not, as Deputy Brouard said, 'suitable for children'; it is not that we should be able to say something is not suitable, because they were suitable.

570 I know this, sir – madam – because the fact I was having a child was not necessarily visible at that juncture, so I went to look at properties that had this sign, and I was going to just simply ask the landlady or the landlord that if in the course of my tenancy I happened to give birth, what the scenario would be. So I have been on that searching end of things and I was quite surprised at the responses that some people thought were appropriate to say in my enquiry. I was surprised.

575 There was a reference and I have been studying it quite carefully to the ESS proposals for the new Discrimination Ordinance, and actually 5.5.4 on page 42 says:

The definition of carer status which the Committee is recommending differs to the draft proposal on which it consulted in the summer of 2019 in two respects:

I am quoting this, and the first one says:

... it does not cover people who provide care or support on a continuing, regular or frequent basis for a dependent child (unless the child has a disability of such a nature as to give rise to the need for care and support on a continuing, regular or frequent basis ...

So I was a bit confused, and I hope Deputy McSwiggan can clarify the scenario there when she sums up.

580 Now, this other scenario of if you have a family and you cannot afford a deposit, or you cannot afford to buy into the property market at that juncture – for some, maybe never – that is okay, do not worry about the private sector, because the States – we are the States, by the way, and when people say ‘the States’, we are the States – they should have a GHA or States’ housing. But if you are earning – and I am not – £250,000 or £300,000 as a family household, are we really saying they
585 have got a family so they should have States’ housing? So therefore they may intentionally go on to the private rental market even if it is in the interim before they can locate a family home that is suitable for their family scenario or future expectations of a family. We clearly have a need for a private rental market and States’ assistance housing. I think that is the difference and I think we should not really conflate these two issues at this juncture because I think the amendment is quite
590 clear.

Now, Deputy Dorey, I do not know if he wants to actually put ‘no motorbikes’ up as a sign rather than ‘no children’, or maybe it is ‘no teenagers’; or maybe you can rent the property until you are 11 or 12 – sorry, because teenage starts at 13.

I think Members have also said quite often that it is the landlord or landlady’s final decision, but
595 also it is the family or the adults signing tenancy agreements; and a tenancy agreement can have within that certain things, for example, non-smoking. But they also have an element of decision-making and they may determine actually having a front door – one example given, going on to a main road – is not suitable for their family scenario; and that actually they are expecting twins or triplets and actually carrying a buggy of that size up a winding staircase, or having nowhere to safely
600 store it at a different point on the property, or near the property, is something they do not wish to pursue.

So there is an element of choice in this. Everybody so far has said that ultimately the landlord or landlady makes that decision, but there is an element of choice from both. I think the key thing is the landlady or landlord, if they do not wish to rent to someone, then they do not have to. I think
605 that is the bit that people seem to be missing in this.

I am actually quite surprised actually that so many States’ Members have property that they are renting out. I do not have that, I can hardly afford my own property, (*Interjection*) but my grandmother was a landlady and thankfully so, sir – madam, sorry, pardon – because at one point in my life I did need accommodation and I was able – she charged me the full rent by the way so I
610 was not a charity case. But at least she did not take any charity towards me at all and she charged me full rent but at least, even though I was being classed as a teenager, because I was a teenager, I did not have a motorbike. Maybe I would have been accepted then, but at least I was able to access some property. That was decades ago. I will not tell you how many, but that was decades ago. I cannot recall ever seeing a sign saying ‘no teenagers, no motorbikes, no children’ – no this,
615 no that, and the other. So again, when I was looking for property I was really surprised that there were these signs that said, ‘no children’.

I think I probably resonate the most with Deputy Ferbrache that this is something that is just ... I want to consign it to the bins of history that we have signs that say ‘no children’. I would like to think that in 10, 20, 30 years we will look back on this debate and say, ‘Really? Why were they

620 debating this at such length? This is something – (*Interjection*) I know, I am trying to be quick – but why is the debate this length?

I will support this amendment. I am pleased to see it, I think it is proactive. I think it is something that we should be proud to endorse, because what it actually does is it sends out a very clear signal to our community that children are part of our community, and that we encourage families and children in whether it is private rental or States' rental, because we know that the caveat is there that the ultimate decision is that of the landlord or landlady and/or the adults that are signing that tenancy agreement. So it rebalances some of the equation and, quite frankly, I am embarrassed that such signs exist in our community today.

630 The argument that in some way children are so much noisier ... I admit, I have been in rentals for a long time in my life before I could afford to buy a property, that actually it is the late-night parties that adults tend to have, because children do tend to go to bed at a time earlier than adults and actually it is living above or below or alongside other adults that party I can only talk for my own experience and actually they cause more noise and nuisance – especially if I am not invited to the party, maybe I am just bitter – than actually children ever have.

635 I can only speak from my life experience, and actually I have never had an issue with young families or any families or children, in fact I think it is great to see them as part of our community, but I have had times when I have had to go downstairs – I remember it vividly, it was three o'clock in the morning, knocking on doors and saying 'Guys, seriously, I am working tomorrow, can we just turn this music down?' It actually is a noise pollution that is more ... And obviously the response from an adult who was quite drunk as well was far more interesting than a response from a parent who is going, 'Oh, I am really sorry!' Only once did I speak with a neighbour with a child and that was not regarding the child's noise, in fact. Well, it was in a positive way saying how marvellous it was to be hearing them laughing and having a fantastic time. I had just got in from work and was feeling a bit down.

645 So actually I will support this and I urge all Members, although I fear they will not support it, but maybe consider putting up a 'no motorbikes' sign, rather than a 'no children' sign.

The Deputy Bailiff: Deputy Green.

650 **Deputy Green:** Thank you, madam.

Firstly I should declare an interest in that I am a co-owner with my brother and sister of a property that is rented out.

I am going to support this amendment. I think Deputy McSwiggan made very clear when she opened the debate on the amendment that this amendment in and of itself is not the golden bullet, or the silver bullet, or even the bronze bullet for increasing the supply of housing for children and families in our community, but it is part of the equation.

660 Ultimately Government has got all sorts of different levers that it could use to increase the supply of housing in the relevant area to accommodate children, and I think clearly in the future policy has got to go in that direction; but this is actually a very useful tool and I do not think, I do not believe this will do anything like the sort of harm that some Members of the Assembly seem to think it will.

I think it is quite a modest adjustment to the package that Deputy Brehaut, on behalf of E&I, introduced this morning because ultimately, madam, landlords will always be able to decide who they take on as a tenant, and this amendment will not change that. This amendment will not force landlords to contract with tenants who have families and children in tow; this will simply mean that there cannot be blatant discrimination to would-be tenants who happen to have children in the advertising, in the leases, and in the signs made available.

665 A landlord should and will, if this amendment is carried, have the ability to assess the suitability or quality of a potential tenant with or without children and this amendment will not alter that situation.

670 The final point that I wanted to make is contained in the very helpful supporting report which Deputy McSwiggan and Deputy Tindall have put together with this amendment. May I take this

675 opportunity to commend the proponent of this amendment for putting together that sort of report because it is quite rare, actually? It has been in the Rules I think since 2016, that Members can append this kind of helpful information to an amendment. I found this particularly useful and I would encourage Members in the future to do that, which I suppose means I will have to do that myself if I bring an amendment so maybe ...

680 But yes the really important point I think made, which I do not think has been referred to in debate is the point about the Children (Guernsey and Alderney) Law, 2008 – ah, I give way to Deputy Stephens.

Deputy Stephens: I am grateful to Deputy Green for giving way.

685 Can I just refer back to a point that Deputy Green made a few moment ago? At what point, in his opinion, would a landlord or a landlord's agent then introduce into the conversation with a potential tenant the issue that their accommodation was maybe not suited to children? If it is not advertised, at what point then in subsequent conversations could a landlord safely introduce the issue that the children were not welcome?

Thank you.

690 **Deputy Green:** I think the key thing is that the assessment is for the landlord to make and they will take into account all of the relevant criteria. That may be one factor, but it should not necessarily be something that would be a part of the conversation. But the emphasis is on the landlord making an assessment taking into account everything, and there is nothing in this amendment that would fundamentally change the right of a landlord to select the tenant that they actually wish to have. The suitability of the tenant will always be their judgement and this will not affect that.

695 The point I was about to make, madam, was the importance of the 2008 Children Law – possibly Deputy McSwiggan touched upon this, I cannot remember now – but in the helpful note report that was annexed to the amendment she reminds us that the Children Law 2008 requires public authorities, including the States in general, to take as an overriding principle that the child's welfare is the paramount consideration in all decisions we make regarding children and young people. So perhaps opponents of this amendment could explain exactly how their stance on this is consistent with the 2008 Law.

The Deputy Bailiff: Deputy Roffey.

705 **Deputy Roffey:** Thank you, Madam Deputy Bailiff.

710 Can I start by joining others who welcome you to your new role? I have to say that other than various acting presiding officers that have been elevated for debates from the floor of this Assembly, I think you are the ninth Deputy Bailiff or Bailiff that I have actually had presiding over me, starting with Sir John Loveridge, to give him his proper name rather than his nickname. (*Laughter*) It is probably politically incorrect of me to notice the fact that you are actually the first one who happens to be a female, and so I probably should not say it, but I cannot help it. I am old fashioned. I am delighted that day has arrived, I really am. (**Several Members:** Hear, hear.) Whether I am delighted it is you, I will reserve judgement, obviously! (*Laughter*)

715 **The Deputy Bailiff:** I'll make a note of that, Deputy Roffey!

Deputy Roffey: Oh, I am tempting fate there, aren't I?

720 I do not want to speak for too long because I really want to get on to the burning requirement for a new Dairy in the Island, but I have been drawn to my feet by a couple of things. First of all, those people who have said actually the solution here is to build more three-bedroom houses, either States' houses or the GHA: no, no, no, we have a joint waiting list for the GHA and at our last board meeting of ESS we actually agreed that we would no longer give the automatic right to downsize from three-bedroom houses into smaller accommodation. We have got a surfeit of three-

725 bedroom houses and not enough small houses, so actually sending out the message to the GHA
please build more three-bedroom houses would be entirely the wrong message. Actually we do
need more four- or five-bedroom houses for the few very big families that there are, but that is a
different issue.

Of course, we could take up those three-bedroom houses by changing the criteria. If you want
a couple of high-paid finance workers here on five-year permits to be in social housing, we could
730 allow them to do that; if not, they need to find somewhere to rent in the private sector and this is
what brings us back to this.

Sir – sorry, madam – to me this is very simple: there have been correct arguments on both sides,
no-one is trying to tell a landlord who he or she should choose as a tenant, so if they are not allowed
to advertise for ‘no children’ the argument on one side is that articulated by Deputy Dorey that you
735 are raising expectations and you are wasting the time of the landlords and the tenants by making
them think that they might be acceptable when they are not.

The argument put forward by Deputy McSwiggan, she has articulated the first, is that better or
worse than actually having society say opening The Guernsey Press or going online and flicking
through the adverts and having ‘no children’, ‘no children’, ‘no children’? Or what else: ‘no blacks’,
740 ‘no smokers’, no whatever? (*Interjections*) I know, the situation is very different but I think the
message received by the person whose circumstances are automatically being excluded probably
feels a little bit the same.

I am bit worryingly close in my reactions these days to Deputy Ferbrache. My first reaction was
more on the Deputy Dorey side: this is not going to achieve very much in practice, so what is the
745 point in doing it? Then the more I thought about it, the more I came across to the view of the
proposer and the seconder of this amendment, that it is symbolically very important not to have
that blanket message going out to families that they are excluded from a large part of housing. I
actually think if they are not, and if they turn up and they are decent families and quiet families, or
whatever, there will be cases where a landlord who would have advertised ‘no children’ will actually
750 say, ‘Well, having met these people I am actually quite happy for them to be in my accommodation’.
And if that can happen three or four times, then I think this is worthwhile.

It may be that it should have been done under the equalities law we have dropped that; we have
backpedalled with lots of areas, as Deputy Langlois knows, in order to try and find a middle ground
that is acceptable for the whole of society. So it is not covered by that and will not be for the time
755 being. Could we bring an amendment to do that? I think we are going to have enough amendments
to that.

On balance I am going to support this. I think all of us know which of those two arguments
carries most weight with them and I think we should just press on and actually find out whether the
majority feel one way or the other and go to the vote. But that is easy to say when you have spoken,
760 I know.

The Deputy Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much, Madam Deputy Bailiff, and of course I welcome you too
765 to the office. I think perhaps it is one of a number of issues and changes that are being made to our
society which shows we actually have to look at things from a new perspective from time to time.
Other Members have even said to me this week you need to call out traditions and behaviours that
may be are not serving society as well as they should be for the 21st century which kind of worked
in the 20th.

770 In that context I think I need to say I am not actually a landlord at the moment although I could
be if I tidied up my act and so on; and I am probably one of those nightmare tenants that Deputy
Paint would not want in his house. (*Laughter*)

In fact on another occasion actually when I was President of the DPA we proposed, as has been
alluded to already ably by Deputy Lester Queripel, the idea for covenants to encourage more
775 affordable housing and social housing in new developments, and that went down like a lead balloon

even in this Chamber, and even not liked by people who are generally on the social policy spectrum. But I remember at the time another well-known Islander, who was well known as a candidate at the Easter elections, put on social media, he said: 'Fancy President John Gollop putting that forward', he said 'he would be the last kind of tenant I would want next to me in a new block because he would be all scruffy ...' So I do have concerns, I really do, about the kind of culture ...

You are not going to see, hopefully, in Guernsey anything racist along the lines of no people from a particular ethnic group, I hope not anyway; but definitely a perusal of The Press, or notices or estate agents' material will produce numerous examples of no smokers and no pet owners, and to a certain extent no disabled people that is more of an undercover issue ... I have gone occasionally to the Private Landlords Association and they are quite frank perhaps on some of the things they were saying and, yes, that is a policy some would follow.

I would however draw a distinction with the pets and the smokers on these grounds. Smoking, Deputy Soulsby and many others would argue, is a lifestyle choice and something you could seek help for from, in some cases, free public services, and therefore it is perhaps an addiction as well; but it a separate kind of issue ... Although children might be a lifestyle choice, when you have children you have a necessity for them to be housed – and pets, again, whether you choose to have cats or dogs is another issue. Again, perhaps the States' Housing has hardened up a bit in that area for animal welfare reasons, and I think we might have to reassess that. But children are an essential part of our society, of our future, (**A Member:** Hear, hear.) of our continuity, and to have a policy whereby the free market has so much say is not a direction I am comfortable with.

We have heard some good arguments today, I would agree – Deputy Lester Queripel, Deputy Dorey, Deputy Brouard – about unusual circumstances of people who might be in the same territory ... What is the word? Adjacency, shall we say, of the estate, and there might be specific reasons of public safety and all those considerations, nearness to a road and so on. But if we approve this amendment today, and I hope we will, it will be subject – as will the whole policy letter – to a lot of time and consideration of guidelines of interpretation, of legal draftsmanship and one or two of these exceptions might be valid in certain contexts. But the message should be more democratic, more egalitarian.

We have had a lot of new messages in the last months or so; I think this is another important symbol to send out. It is a place for dialogue.

I kind of want to question some of the arguments we have heard, I am actually a little ... I do not want to be a litter bug and drop my nuts in places, but I do pick up litter and try to recycle it and actually put it in bins and so on, because I think we all have a community duty. Actually Deputy Lester Queripel is one of our most community-minded people, so perhaps he was making more of an argument than a real point.

But let's get to the fact that so often in Guernsey politics, historically, we have not always made evidence-based approaches. I have got two little books in front of me, Guernsey Facts and Figures 2015 and Guernsey Facts and Figures 2019. Now, Deputy Soulsby surprised us in a speech about a year ago suggesting that perhaps our social indications were not necessarily going in the right direction, and we did have issues that we needed to resolve if we are going to be a happy community. Actually the figures are not that encouraging because if you look at page 66 of the blue book for 2014 you see on figure 3.11 'Domestic property units by tenure' that we had 60.3% owner-occupied, 27% rented, and 8.3% rented in the social sector, and fall in another category. So you have approximately 31% rented and 60% owner-occupied.

We have heard a lot of argument aspiration, and even you could say propaganda that Guernsey aspires to be a home-owning democracy, and we did see significant rises in the era when we had homes for workers and Housing was allocating money to young families, and you had a right to self-build. We are not seeing that now, because look at the 2019 book and the figures have gone down. We have dropped below the 60% mark for owner-occupied and we are now at 59.2%; rented housing has gone up from 27% to 27.9%; affordable housing is at 10%, but that includes partial ownership which was really around 3%.

830 The point I am making is the indications, and even more perhaps the reality of the last two years, has shown that it is becoming harder for younger people, especially of the age to have children, generally speaking, to find affordable accommodation. The cost of rents on the Island is very high and I am sure we know of instances where families have left the Island simply because the availability of housing has not been there.

835 Deputy Tooley is of course right, and Deputy Merrett as well, too, their arguments have merit because it is a confusing picture. I am always puzzled sometimes when I sit on ESS, and previously Housing, and we were always told there is not a demand for three-bedroom houses. Well, yes, there are people on the list who are downsizing or an ageing demographic who would prefer and need require really one- or two-bedroom places; and Deputy Roffey is absolutely right that we could do with more larger bedroom houses as well for larger families.

840 But of course you cannot just take these figures entirely in their context, because the housing picture is broader than that. If you ask an estate agent for their views – and they are of course talking up the market because they have a completely different relationship to the property sector than social administrators – they say well there is huge demand for family houses. But we are actually talking about apples and pears because they are talking about people with money and we, inevitably in social housing, do not necessarily cater for the well-heeled imaginary couple in the finance sector, and all that.

845 Now, Guernsey has not really had the kind of statutory policies parts of the UK have which is obliged to house people who apply for housing, and so here it has always been a bit of a gift. I will perhaps talk more about that in general debate because there are a whole lot of other issues. But Deputy Lester Queripel may be right in saying that it could be a disincentive for landlords to put up their properties. Deputy Ferbrache disagrees. I think anecdotally there would be some people especially of the older generation who enjoy being landlords but who would not welcome this change and other changes too.

850 The problem we have is that a culture that discourages families from accessing property is quite restrictive, because an example was given of George Street or Town, streets where there is little opportunity for young people to play in the street. You do get that with some social housing estates, but I am sure many people will know, they may even have done it themselves, they purchase the house as a starter home that maybe needed renovation that maybe was not the best possible gravel-driven, green liveried farmhouse, and they put up with it and because they bought the house they have had the freedom to do it. We are kind of okay with that, but we are not necessarily giving the opportunities to the private sector.

860 The point I am coming back to is there are many communities in the UK which actually have 80% owner-occupied status. That is true of Sheffield Hallam/Hallamshire and it is certainly true of South Wales and East Lancashire, but we in Guernsey are not as high up as many suburban communities. We actually have a lot of landlords and it does not surprise me that many States' Members are landlords. I have been a landlord myself as well in the past because it is part of the culture of Guernsey; and the difficulty we have is the cost of renting in Guernsey, and Jersey too, is extremely high and that puts pressures on the whole economy.

865 I would argue it would be interesting if we could have a thesis from a management consultant or a graduate or whatever on this, that the ability of landlords regularly to say 'no children allowed' or talks up the market for the relatively small amount of properties where the landlords are happy for the families to live in, therefore it accelerates the rental income for some landlords and forces tenants to pay more. Deputy Tooley was spot on, as I repeat again, that we have quite a restrictive access to social housing and we know even if people start to have two jobs in the family or they have grown-up children, or they take on overtime or they work part-time in a business, they pay – I will give way to Deputy ...

875 **Deputy Brehaut:** I thank Deputy Gollop for giving way. Would he concede that he is perhaps now in general debate?

880 **Deputy Gollop:** Well, there are issues in general debate that I will come on to which are not related to this, later; but my point here is that the whole cycle of access to property means that we do not have, unlike Glasgow in the good old days, a huge public sector of housing. So the argument we failed in the past is ... It may or may not be true, but it is relevant to this amendment. My point is simple: because we have only 11% of affordable housing, much of which is for the older generation and we restrict, we do not allow medium-earning families into social housing, that is all the more reason to support the McSwiggan/Tindall amendment because that will deliver – I will give way to ...

Deputy Lester Queripel: I thank Deputy Gollop for giving way.

890 He just said he is aware it is restricted, but he said we may or may not have failed. Is he aware as a Member of ESS that at the last count, I believe I am right in saying, 133 residents of social housing are inappropriately housed? They have their names on a list of transfers but there is nowhere to put them. I have worked with several of them over the years and I am getting examples of one person living in a three- or four-bedroomed house for years because there is nowhere else to put them. If the States had built another one or two Rodley Parks and provided those one-bedroom apartments, that would have freed up three- or four-bedroom houses for families. Is he not aware of that?

Deputy Gollop: I am aware of that, and I want to shift the blame game. If in doubt I always blame Policy & Resources, because they are responsible for everything in reality – not Housing or ESS. It is all true. I am going into general debate there.

900 The point I am making is –

Deputy Lester Queripel: Point of correction, madam.

905 **The Deputy Bailiff:** What is your point of correction, Deputy Queripel?

Deputy Lester Queripel: Deputy Gollop just said he is shifting the blame to P&R. P&R are responsible for housing, so why do we have a housing section in ESS?

910 **Deputy Gollop:** Well, maybe we do not need one altogether but that is another problem. *(Interjection)*

The Deputy Bailiff: Deputy Gollop, can you address your speech towards me rather than –

915 **Deputy Gollop:** Sorry about that, I am good at getting distracted.

We have many tenants who wish to transfer from property to property for all kinds of reasons. One of the reasons is perhaps they are not satisfied with where they are living; another reason is that perhaps they are over-occupying or under-occupying, rather, a three-bedroom property when their needs could be better matched by a more affordable, a better-designed, more energy-efficient one- or two-bedroom place. That is a supply and demand issue.

920 But many of our three-bedroomed houses are of a vintage age and they are not energy efficient. They could have been sold on – but that is another policy – and replaced by new properties. But we have been restrained from capital growth and in particular we have been encouraged by financial Treasury advice, shall we say, not to overly encourage a large number of people moving about, because voids in housing costs the States and the taxpayer a significant amount of money. This is going well off the topic, really, *(Laughter)* but Deputy Lester Queripel raised the issue –

Deputy Fallaize: I am grateful for Deputy Gollop giving way.

930 Before he is critical of the lack of investment in social housing should he not accept that the Capital Portfolio for 2017-20 included an allocation for social housing? I think it was something around £23 million. I believe that absolutely nothing has been spent and could have been; proposals could have been brought to the States at any time. So I think he ought to be a little more reticent about criticising the allocation of funding, when in fact it has been an absence of proposals.

Several Members: Hear, hear.

935 **Deputy Gollop:** There has also been a shortage of sites but that is another question and takes us to another area. We probably do need a complete rethink of housing on many levels (**A Member:** Hear, hear.) but that is a different topic.

940 The point I am making is Deputy McSwiggan's amendment will make it much easier for families to access family accommodation that is affordable, and there may be more choice; and, if Deputy Lester Queripel is right, and landlords withdraw from the market for one reason or another, that will perhaps put more pressure on the States – whether it is ESS or Policy & Resources or DPA, or whoever is controlling the flow of housing, to ensure that we do have the kind of proactivity Deputy Lester Queripel and others wish to see.

945 **Deputy Leadbeater:** Can I invoke Rule 26(1) please, madam.

The Deputy Bailiff: Right, thank you, Deputy Leadbeater. I have got my Rules here, so that is the guillotine rule. How many people still wish to talk on this amendment?

950 Yes, do you still wish to go ahead, Deputy Leadbeater?

Deputy Leadbeater: Please.

The Deputy Bailiff: So we will have a vote on the motion, then, that this amendment should be guillotined at this point. Those for the motion that matters stop under 26(1); those against.

Members voted Contre.

955 **Deputy Trott:** That was close; I will give him that (*Laughter*)

The Deputy Bailiff: I think we must continue. Deputy Stephens.

Deputy Stephens: Thank you, madam.

960 Firstly, I need to declare that I am a landlady, although not of licensed premises.

Secondly, I want to pursue the point that I tried to raise with Deputy Green, or that I did raise with Deputy Green but I am not sure was actually answered. So I am going to raise it for Deputy McSwiggan maybe to respond to.

If I take Members to 4B in the amendment it reads:

To agree that landlords of rental properties shall not be permitted to specify 'no children' when letting their properties

965 So that does take me back to this issue of when, during the process, can the landlord be permitted to say that children are not welcome in a property, because at some point if a landlord does not want children in a property they are going to have to say that to the prospective tenants? I am hopeful that Deputy McSwiggan can specify that for me.

Thank you, madam.

970

The Deputy Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, Madam Deputy Speaker.

Before I am cast, and it may just be – (*Interjection*) Madam, yes that is right, Deputy Bailiff. Sorry, yes, Madam Deputy Bailiff.

975 Madam, before I am cast – and it may just be my paranoia kicking in – as a sort of dastardly, dark-cloaked, moustachioed villain, I want to say that I am not opposed to this amendment. So when Deputy Lester Queripel kindly allowed me to interject when he was speaking, I was not putting forward the idea of reviewing and perhaps adjusting the criteria in regard to access to social housing as an alternative, I was putting it forward as a possible additional solution.

980 Now, Deputy Roffey likes to engage now and again in light-hearted sort of hyperbole and it is quite amusing, but of course I was not saying that a multi-millionaire should have access to social housing. But there is a term, and I am sure Members are aware of it. The term is ‘reasonable adjustment’ and it could be possible that once a review is done of the criteria and the threshold it could be possible, based on evidence and genuine need, that some reasonable adjustments could

985 be made to the criteria and to the thresholds in regard to access to social housing.
I just wanted to make it clear that is what I am saying. I am not opposed to the amendment, I am putting forward that other idea as an alternative solution, and I think reasonable adjustments could be made to that criteria based on good evidence, so that that could be a possible additional solution. Thank you.

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The Deputy Bailiff: Do you wish to be relevéed, Deputy Le Clerc?

Deputy Le Clerc: Yes, thank you, madam.

995 **The Deputy Bailiff:** Deputy Tooley.

Deputy Tooley: Thank you.

I had not intended to speak in this debate; in fact, I had intended not to speak and then to abstain. The reason for that is that I am a renter with a family. I think people are sometimes unaware of just how vulnerable a position that is to be in, when we are debating issues around potentially

1000 landlords being able to decide who they do and do not want in their property, the views and opinions of those potential tenants.
I was drawn to my feet during Deputy Queripel’s speech so I was fairly confident that I would need to stand to declare the interest anyway, so I felt I ought to pad around that a little bit with why I had said what I had said, and why I am not going to say very much more – though, believe me, it has been very difficult to stay in my seat through some of the speeches that I have listened to this morning.

1005 I did just want to add one thing more than that though, and that is that I read an advert for a property last week, or the week before, I cannot find it right now, which in its blurb where it talked about, I do not know, sea views or country views or whatever, also had this phrase: ‘Owing to the large open pond in the garden, this property may not be suitable to children’. I do not think that kind of phrase would be at all out of place if we adopt this amendment. I think it would be quite possible within advertising blurb for a landlord to say, ‘Owing to the very narrow staircase, this property may not be suitable for families reliant on pushchairs’. I do not think there would be anything whatsoever to prevent a landlord making quite clear in his advertising why a family might feel that their time had been wasted by viewing his property.

1010 So I do not think we need to worry too much about things like that, because I do think those things can be covered within what would still – and I would like Deputy McSwiggan to confirm or deny that when she stands to speak.

1020 I think there is room for that kind of safeguard within advertising still within this, and I do think, sir, that – sorry, now I have done it. I am so pleased on this historic day and this day where you are welcome, for both historic and personal reasons, it is very nice to see you in that seat. I am very sorry to fall into that trap –

1025 I do think that this whole category of special interest again is one that, at some point, we are
going to need to look at because everybody in this room, potentially at some point in the future, is
a renter; anybody who is living in their own home at the moment is potentially, at some point in the
future, a renter; anyone who owns their own home is potentially, at some point in the future, a
landlord; and I think anyone who feels they have any interest of any sort needs to be declaring this
before we move to a vote.

1030

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, madam.

1035 As is my wont, I am always amending my speech right up to the last minute, even more so
because of Deputy Tooley's comments.

1040 But I am going to start, madam, by declaring an interest. I used to rent out a home in the UK
and I have a second home now, although currently even a woodlouse would not want to rent it as
it has no toilet outside or in – although I would, if it was fit to rent. I would also do so to families
with children. Similarly, if it was not for the Population Management Law, I would rent out part of
my home to a single parent and child. But I cannot.

I have rented and may need to rent again and may be lucky to do so as part of a family with
children. Madam, I expect many of us, as Deputy Tooley has said, if not all, fit into one or other of
these categories and should declare an interest.

1045 Having complied with the Rules of Procedure by starting with that declaration, I wish to now
agree with many who have said something and I am sure many who would wish to say something
if they were speaking in this debate, because it is indeed a glorious day when we sit in the States of
Deliberation where the Presiding Officer and Deputy Bailiff is a woman. Congratulations, madam,
as now we hope that the next time those roles are taken by a woman we will not celebrate it and
one day we will not even note it, perhaps in the 22nd century. I have a feeling we should be noting
1050 many more written speeches from now on also to ensure we use the right pronoun.

1055 I also feel I should explain, if not apologise to you, for the atmosphere in the Chamber as it does
feel a little as though this is the end of the school term rather than the end of a political term, or
perhaps just because there is still some euphoria because it is a post-lockdown meeting. Madam,
Deputy McSwiggan has explained the reason why we believe this amendment is necessary in
relation to the rental sector to help in, even a small way, families with children can find a more
equitable access to the housing market in Guernsey. I will not repeat those well-expressed and
sound arguments, but I will comment on a few speeches we have heard so far.

1060 Madam, some of the speeches make me feel like I am back in the 1960's, or rather the 1970's,
because I was only born in the 1960's, because the attitude that landlords and landladies can choose
who to rent by virtue of characteristics which are discriminatory should not continue. We legislate
to stop the use of private homes for many things and we should do it for this too. Suitable adaptations,
as Deputy Laurie Queripel points out, could be such as an increase in rent as could be done for pets.

1065 It has not been laid too early as these refer directly to the register in Proposition 4, and this is
for E&I's officers to work through to ensure those good landlords and landladies are allowed to
distinguish between families and children.

1070 If approved as an amendment under the Discrimination Legislation to be brought forward into
phase 1, then we must recall what is in the policy letter is that they will be discriminatory actions
and the landlord who discriminates could find they face the payment of up to £10,000 for financial
loss and £10,000 for injury to feelings. This, of course, is exactly as Deputy McSwiggan said,
someone like Deputy Dorey is exactly the type of landlord that this amendment is not intended to
affect and we want to give notice of the type of landlord it will affect, and it will not detract from
the caring approach he and many other landlords landladies adopt. So I disagree with Deputy Dorey
that he can advertise for the type of tenant he wants – he advertises for the type of tenant that the
homes are suitable for. I think that is important, and his tenancies certainly would be part of the
1075 special categories that we envisage.

He went on to say that we should not waste tenants' time. The way these speeches have been going, certainly earlier was that we should also be able to perhaps say that we should not waste the time of same-sex couples because this is exactly the type of thing that we have heard over many decades and I am disappointed we hear it today.

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Deputy Dudley-Owen: Point of correction, madam.

I do not think I heard, or I did not hear anybody say anything of the sort. Deputy Tindall really has got that wrong or misinterpreted some of the speeches earlier.

1085

The Bailiff: Deputy Tindall, carry on.

Deputy Tindall: Madam, I do not agree.

I said ... [*Inaudible*] Sorry, madam, forgot the microphone again.

1090

I disagree with Deputy Dudley-Owen because I said the type of characteristics, the type of discrimination, not necessarily discrimination with regard to same-sex couples, has been mentioned.

1095

The idea that States' housing is going to be the solution for families with children, again not specifically said, but did imply that most families and children seem to be in States' housing. But of course, as Deputy Tooley pointed out in her interjection, there are many who will rent from the private sector and therefore this is about the wider picture. Madam, that is where I go back to the prepared, albeit much shorter, speech which because of what I wished to concentrate on, because in the rest of my speech I wish to focus on the first part of the amendment and the inclusion of new Proposition 4A, the Guernsey Private Residential Landlords' Association have written to us explaining why they recommend rejection of this amendment. One argument for which is that it will make no difference because it will not alter or increase the number of landlords willing or able to rent to tenants with children.

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I do not agree. But I do agree with their assertion that there is a link between the problem of affordable house purchase and the high cost of renting in Guernsey. High property prices do result in high rental prices. However, whilst the Guernsey Housing Association through funding from the States provides some affordable homes, including States' owned and rented-out and privately owned and rented-out, the definition of affordable homes includes those; not the GHA, of course, providing private rented homes.

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The Island Development Plan was supposed to be a means to help provide more such affordable homes through its policy GP11. Unfortunately, due to an amendment at the draft stage, GP11 was indeed amended and none have so far been provided since the IDP's introduction in 2016.

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For the years 2018 and 2019 together we had a target of completing the building of between 58 and 84 affordable homes, and 96 were completed by the GHA; however, the vast majority were completed in 2018 and only 10 in 2019. This trend is worrying if we are to ensure that we hit the target which was set pre-Covid, let alone reach the target we may now require.

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The position regarding the private market is actually worse, as our target was to build between 136 and 230 for these two years, and again whilst we achieved that it was the lower end of the target range, being 144. There is a real concern that high-profile minorities which are campaigning for housing near them to be stopped, are creating an atmosphere where building homes is toxic. We must stop that approach because we need more one-, two- and three-bedrooms, and good quality new-build homes which are suited for purchase or rent by families with children. We need new homes and we need them in the right places, not just in places where there are fewer campaigners to influence politicians.

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This policy letter does not address the lack of affordable housing but it does refer to focus area 18 of the P&R Plan, the Housing Strategy which focuses unsurprisingly on improving affordable housing –

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Deputy Le Pelley: Point of order, madam.

The Deputy Bailiff: Deputy Le Pelley.

1130 **Deputy Le Pelley:** Could I just question your judgement, please. Is this general debate or is this the amendment, because this seems to be talking about the policy letter and not the amendment?

1135 **The Deputy Bailiff:** Deputy Le Pelley, I think because 4A is drafted so widely to note that families with children do not have equitable access to the housing market in Guernsey, it does leave a very wide breadth of debate; so given that that is the amendment that is in the amendment list by Deputy McSwiggan I think I do have to allow Deputy Tindall to carry on.

Deputy Tindall: Thank you, madam.

1140 I thank Deputy Le Pelley for that interjection because that was actually the point I am trying to make, it is so broad; but I will get to that in a moment.

1145 In the IDP debate I explained about the effect of altering policy GP11 to increase the threshold to 20 new units from five new units. I also explained that by having the higher threshold for the requirement of landowner to provide a contribution to the Affordable Housing Programme and cost of that requirement, unfortunately – and this is what Deputy Fallaize mentioned – this cost to the States was considered acceptable, and in June 2017 there was a capital bid of £56.1 million to develop affordable housing units, as he also said unfortunately not spent.

1150 I am advised the average cost to the States if GP11 was engaged at all is £30,000 per unit and so, as approximately 24 affordable homes could have been built under GP11, if the threshold had been lower the cost to the States so far is £720,000 because of that 26 amendment. Most importantly, it is affordable homes not available to the people of Guernsey to rent or buy.

1155 Madam, I believe that the States need to find a way to cut the cost of affordable housing to provide more of it and enable equitable access to the housing market for families with children in Guernsey. Whilst I feel that the new Proposition 4B is vital to be brought in now and not later, to enable help to go to these families, I ask Members to approve this amendment so that Members will be able to at least vote for 4A at the end, whether or not Members vote for 4B in the final tally.

1160 Madam, I therefore ask for your confirmation as I think you said earlier, if this amendment carries, that when the final vote is taken that the new amendment 4A is taken separately from 4B. By voting for 4A a statement can at least be made which says that this States agree that there is a need for affordable housing, most especially now. I urge Members to support this amendment and indeed vote for 4A and 4B in the finally tally.

Thank you, madam.

1165 **The Deputy Bailiff:** Sorry, Deputy Tindall, you asked to confirm this. When I addressed this with Deputy McSwiggan right at the beginning of the debate she asked the two be put together, so at the moment both parts of the amendment are going to be put as one amendment.

Deputy Tindall: Madam, I meant at the final tally, i.e. if the whole amendment is approved at this stage –

1170 **The Deputy Bailiff:** When we are dealing with the Propositions –

Deputy Tindall: Yes. Thank you.

The Deputy Bailiff: Thank you.
Deputy Dudley-Owen.

1175

Deputy Dudley-Owen: Thank you, madam; and welcome to this debating Chamber. I am very proud to be speaking today with you as our Presiding Officer.

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I must admit to being extremely confused by this amendment. I am not quite sure where it is going. Initially I thought that the intention was to place a ban on all landlords from having families in their properties, or to say that they would no longer be allowed to say 'no families'. Then I realised that it is actually all in the messaging and what we do not want is landlords to say explicitly in an advert 'no children', but actually they are allowed then later on in the process, as Deputy Stephens has also tried to elicit, that actually no, they do not want families. I am sort of confused as to the point of the amendment.

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Then we are told in the supporting information:

This amendment aims to ensure that families with children have equitable access to housing.

Well, is that equitable access to enquire about housing or is actually equitable access into the rental property, because if it the latter and it is equitable access along with other members of our society who are looking to rent property, and that they can actually move into those properties and live in those rental properties, then this amendment is not going to change anything. A landlord will still be able say, 'I am afraid that you are unsuitable tenants for the property that I own and therefore I am afraid I am not going to be renting the property to you'.

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So I am not sure quite what the point is: it is purely about messaging, or it is really at the heart of it, and the beginning of the process we are trying to get to? Or whether the movers of the motion are trying to say actually it is no longer acceptable for a private landlord to say that he or she is not going to rent to certain categories of individual? I would really like to be clear on that as to whether Deputy McSwiggan and Deputy Tindall's intention is for this to be the start of a process where we restrict the free market that we have at the moment.

1195

I currently live in rental accommodation and actually I had almost forgotten that I had, because it is a property that I rent from a family member. I have three children and we are acutely aware of the impacts that our children have on the property and how heavy the usage is of those children on that property when they are racing around like nutcases and banging doors, and things are flying of shelves or shelving units may fall down, or they are having a row. This is just family life: they are incredibly noisy, my kids; they are no different to any other children, they scream and shout as do we as parents at them if they are not doing as they are told. And we are not always the best neighbours, but we try to be friendly, and we love the neighbourhood that we live in.

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I also have been a landlady and I know I resonate with Deputy Paint's comments – quite frankly, it was awful. It was a horrible 15 years of stress and I did not intend to be a landlady; I never enjoyed it and after some of the experiences that I had with certain of my tenants I wish I could have discriminated. I say that in the nicest possible way. But the stress of being called up at midnight when I had young children and told about a leak in the shower, which could have waited until the next day, when in actual fact we has asked them about it the week before; and being told about certain bits of black mould that had just suddenly appeared around a window, when we had asked for the windows in the property to be kept ventilated. It was a very old property built in the 1720's that actually was part of the States' portfolio.

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These are the stresses and strains that made me employ an agent, so in the course of my research about this particular amendment I went back to that agent and I went to other agents as well, and I asked them what is the extent of the problem of landlords and landladies in Guernsey not accepting children. They said, in their opinion, it was not really a problem because they had families on their books who they knew were renters and that often the landlords would, depending on their

1220

previous experience, be very happy to accept children, and so by and large in their experience landlords do not turn away families.

1225 But because of the reasons I have enunciated with my own family, children – young children especially – being hardwearing on properties, there is an issue about yield. We have got to remember that landlords are running a business and they are trying to make a yield of profit on the investment that they have made in the property.

1230 Now, smokers, pets and children have always had shared characteristics for a landlord, that they pose a risk to the amount of yield that those individuals will get at the end of the period, for the reasons of pet hair, gnawing at bits of the furniture, if it is semi furnished property, or architraves or door surrounds, etc. Smoking is the obvious one because it takes an awful lot of covering up to get the smell out to redecorate, etc. A year's worth of smoking, if you go into a property where there has been a smoker, the tar and the nicotine stains around you are pretty revolting, actually, I have got to be honest. I am sorry Deputy Gollop, they really are.

1235 For that reason, as well, some landlords who have had experiences of families where the children have had particularly heavy use of the property and it has caused them expense, the choice of having families or not in a property is not because landlords and landladies do not like children – they do not like those pesky little things who scream and shout too much – it is not about that, it is about the cost of renovating the property for re-rent at the end of the period.

1240 So we have got to be realistic about this. This is not discrimination on the basis of peoples' prejudices, it is purely and simply about the finances, and if we are operating a free market then I think we have got to be really quite open about wanting that to continue; and if this is about messaging then Deputy Tooley brought a really good point before about how landlords will get around this.

1245 So the words 'no children' will no longer be allowed in an advert, and I am not going to really argue with that, to me it is not really a problem; but what you will start to see is this property is not suitable for children and therefore families need not apply. What it does is, it starts people get around the problem what they will see as a barrier to them being open and fair in their advertising, and transparent in their advertising. Also, we then get to the problem that Deputy Stephens has twice tried to elicit from the supporters of the amendment, about how we then get to the news for
1250 a family all the way down that line of actually no, we do not want you because you have got children and our previous experiences, our bottom line, our yield, we feel will be affected by having children in the property.

Thank you, madam.

1255 **The Deputy Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, madam.

1260 If you will indulge me just for about 30 seconds, I have heard various variations on how people address you this morning, so I thought it might just be helpful if you could confirm that you are madam, not ma'am to rhyme with palm, or ma'am to rhyme with ham, or madame; and it is Madam Deputy Bailiff. Is that correct?

1265 **The Deputy Bailiff:** The official line is Madam Deputy Bailiff, but I am not going to be too precious about it. I do not even mind being called, sir, on occasions as long as it is not deliberate. *(Laughter)*

Deputy de Sausmarez: Well, we will have to defer to Deputy Le Tocq about that

1270 **The Deputy Bailiff:** I feel Deputy McSwiggan's pain in terms of being addressed wrong.

Deputy de Sausmarez: I am not going to speak for very long. I have to say though when I was last in the rental market I did not have children, and so I do not have any first-hand experience of

1275 this except that I have supported a friend with children in looking for rental accommodation and I
have to say I was horrified at how hard that experience was, and how many barriers were upfront.
That sign in the window was there right from the word go. I think messaging is really important and
I think the reasons that people have talked about how people might get round this, or whatever,
are not good reasons to not support this.

1280 We need to send out an important message and I think also there has been lots of talk about
how we have to consider that landlords are running a business and all the rest of it, but it is not like
a firm of accountants. They are qualified rights we are talking about, because actually what we are
talking about is a basic human need – we are talking about shelter; and, frankly, I think we need to
take down as many unnecessary barriers to that and be as accommodating, for want of a better
word, as possible to help that market do its job well. So I hope people do support this amendment.

1285 Thank you.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Thank you.

1290 I would just like to know the practicalities of this. So you have advertised, you have not said ‘no
children’, it is a two-bedroom flat, you have the last advert that – I also need to declare an interest.
The last advert receives 25 people that are interested in the property. You sort of try and get through
actually what they want you go through ... Say you have got two people at the end and now one
has got a child and one does not. What happens in reality if you pick the one without a child? I want
to just see the practicality of it, because I think that we always think about rules and regulations,
1295 not overburdening with rules, and I just want to know that.

I think there are a lot of things to almost protect the tenant but there is not as much any more.
I know that in one of the houses I had a single lady come in, and within three weeks she had caused
£10,000 damage, and there was absolutely no comeback. She did not pay. I got a deposit but I had
no rent for that month. I did not even get a letter or courtesy to say that she wanted to give a
1300 month’s rent. She just left. There is very little that you can do and I do not think that this really
actually gets to the heart of the problem –

Deputy Lowe did you want –?

1305 **Deputy Lowe:** No, thank you, I just entered the Chamber and wanted to sit down. *(Laughter)*

Deputy Oliver: You must have entered to listen to my excellent speech! *(Laughter)*

So I just wanted to know that. I also want to know what happens if somebody puts, as Deputy
Tooley says, ‘this may not be suitable for children’ or even that it says ‘no children’. What is the
comeback for this?

1310 Thank you, madam.

The Deputy Bailiff: Deputy Brehaut.

1315 **Deputy Brehaut:** Thank you, sir.

I am genuinely, sincerely hoping that this may have eliminated some of the general debate, but
that is not to say I would not welcome further comments on the report.

Deputy Lester Queripel asked why there was no States’ house-building and what was left in the
corporate housing programme. Could I give way to Deputy Le Clerc to answer that, please?

1320 **Deputy Le Clerc:** Sorry, sir; sorry, madam.

I think that we are still building corporate housing, there is about £20 million left in the Corporate
Housing Fund. I am looking across at Deputy St Pier. I believe there is about £20 million in the
Corporate Housing Fund. But actually what we have seen is the lack of land coming forward that
has been the real problem. There is private land down at the Salt Pans which we could purchase,

1325 but we own the Fontaine Vinery and the Belgrave Vinery and we are working with Planning on that. I think we have got until 20th September to actually agree with Property Services that we have still got an interest in that. Again, that is under Policy & Resources.

1330 What else is there going on? There is Leale's Yard, but Leale's Yard – and I did not know whether I should have spoken yesterday about Leale's Yard. Leale's Yard is going to take a lot of money and a huge amount of time to bring that project on line. I cannot see us having any social housing in that site for perhaps another three or four years. So the problem is we have got some pipeline properties at the moment; however, we know from probably 2022 that that pipeline will start to run out.

1335 We have had a meeting. Deputy Tindall said yesterday that actually as part of the recovery programme we have taken the initiative and met with the DPA, and we want to meet with P&R – in fact, there is a letter coming from myself as President to P&R, to actually say we really need to be working with States' Property Services to look at land availability; we should not necessarily need to be going out and purchasing additional land when we have actually got our own land that we should be building on. That is really urgent. So that is where we are at the moment.

1340 I think the other thing to add at the moment is that we have seen, and it was acknowledged in the recovery strategy yesterday, that there has been a pressure on housing, particularly during the Covid crisis on emergency housing, and we have really struggled over that period with providing suitable accommodation for those in absolute dire need. So there is still that urgent need for one-bedroom and two-bedroom properties.

1345 So that is really an update of where we are. Thank you, Deputy Brehaut.

Deputy Brehaut: Thank you very much, that was really helpful.

Can I just thank Deputy Lester Queripel, madam, for giving way? I notice there is a tendency lately for people to decline to give way, but giving way can be very helpful and add to the debate.

1350 I thank Deputy Brouard for his comments regarding the real prize is in the main document itself, and it is clear that there are absolute benefits to tenants. I appreciate that the landlord's voice might be in this Assembly today, but the document does speak to the needs of the tenant and it is quite right that it does that.

1355 Incidentally, E&I are divided on this matter. I think two Members may support this amendment, two Members may oppose this amendment, and I may abstain.

1360 The issue I would like to identify is years ago, if you lived where I grew up, incidentally, the Rue Jehannet housing estate in St Martin's, the expectation was that you would have a three-bedroom property when you got to retirement age. A bungalow might become available for the then retired couple or widow or widower. Initially that was a great idea, I think through the 1960's and 1970's it worked. But actually with the changing pattern of families, elderly people were very keen not to be too close to such busy people leading such busy and hectic lives, and Rodley Park became the most sought-after property that people want and it still is, I think, that people want to live in glorious isolation and sometimes not to be bothered by families.

1365 Also I think maybe people of my age start to get information from holiday companies that want people our age assuming that we will come with the baggage of children and that holidays, cruises, certain hotel accommodation favour adults over single adults and couples over children and families. I have to say as a father with two teenage children I need to draw up a lease agreement that excludes teenage children and I might do that sometime, there is only so much drum and bass any household can sustain.

1370 The issue, very quickly, because this is not my amendment after all, which I think Deputy Dudley-Owen touched on, which is wear and tear: in my day job as a politician and someone in the past who has been closely associated with tenancy issues, the real bugbear – and hopefully the remedy is within this document – is this idea that you rent a property for some period of time, you go to get your deposit back from the landlord and the landlord says 'Yes, you gave me £2,200, but I have looked around that property, I have got commercial cleaners in, I have got decorators in, I have had the plumber in and, sorry, your deposit has gone'. That happens far too frequently and what we

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need is the deposit scheme and the mediation, because there are some very good tenants, there are some very bad tenants, there are some exceptional landlords and there are some dreadful landlords, and that is a quite a complex mix in the round.

1380 Thank you.

The Deputy Bailiff: Deputy McSwiggan.

Deputy McSwiggan: Thank you, madam.

1385 I want to start where Deputy de Sausmarez left off, which is with these two points. Shelter is a basic human need and we should do all we can to remove undue barriers to it; and, on the way to that end goal, our messaging is important. And, what we allow people to say about who is and who is not entitled to access shelter, matters.

1390 Madam, Deputy Lester Queripel opened this debate by asking whether, if this amendment was successful, some landlords might withdraw from the market. It is interesting to note that there has not been a great deal of public response to this amendment, but such response as there has been has not resulted in threats to leave the market, and that is usually the first line of argument that people go to if they do not like a particular bit of legislation that the Government is introducing. So, from that perspective, he needs to have no fear that this is an amendment that is going to end
1395 anywhere near there, particularly not today. Not in these economic circumstances, where people are losing their jobs or are in precarious employment, where consequently that has an implication for access to mortgages or access to home ownership; where a larger number of people are going to be dependent on rented housing for longer, and therefore it is more of a landlords' and a
1400 landladies' market than it has been in some time. Deputy Lester Queripel need have absolutely no concern, in my opinion, that this will lead to anyone leaving the market.

He also asked where will this end, in terms of landlords being able to stipulate who may or may not have access to their property? If you cannot say 'no children', how can you say 'no smokers'? I think Deputy Gollop answered that point admirably, and whether or not Deputy Gollop accepts that smoking is a lifestyle choice, he acknowledges that it is at least in a different category to ensuring
1405 the basic welfare and access to shelter of children, who are the prime care and future of our society. There is a particular need to address access to housing for families, and I think that Members can and should distinguish that from any other restrictions on access to property.

Now, madam, we are a debating Chamber and with that in mind it is not unhelpful when Members change their minds. I am certainly not going to say that no-one should ever change their
1410 mind, but I think that sometimes it is courteous to acknowledge that one has changed one's mind. Particularly if one is then going to take a very dogmatic position against one's original approach.

I say that because on 10th June I contacted the Committee for Environment & Infrastructure. I did not include Deputy Dorey because I knew he has recused himself from the original Propositions, but I contacted the rest of the Committee and I said, 'Here is an amendment that I am thinking of
1415 bringing against your proposals. What are your views on it?' The amendment that I sent then has had a bit of a work-up, but it has not changed in substance since then. An hour later I had an email back from Deputy Langlois, 'Yes I would be supportive' – so then to come out with the really quite – I give way.

1420 **The Deputy Bailiff:** Deputy Langlois.

Deputy Langlois: Thank you, madam.

I really do think I should defend myself. *(Laughter)* As I said at the beginning of my speech I, like a lot of other Members of this Assembly, will have a lot of sympathy for the sentiments behind this
1425 well-meaning amendment, and that was indeed my initial reaction.

I do not have the encyclopaedic knowledge of the four years of work that ESS did on discrimination that Deputy McSwiggan probably has, but as soon as I did start doing some research I realised that that Committee had looked into this very issue and the Committee through you,

1430 Deputy McSwiggan, I do not know whether it was by a majority or what had actually decided, looked into this very issue and decided what I had explained in my speech was their final decision; and she was the one who was changing her opinion or at least going against the Committee decision.

So I do not think it is fair for her to accuse me of having done so. Thank you.

1435 **Deputy McSwiggan:** Well, madam, if Deputy Langlois acknowledges that he does not have the encyclopaedic knowledge of the Committee's work on anti-discrimination proposals which he credits me with having, probably too generously, then even less reason to make the dogmatic speech that he made. Although it was the case that the Committee's original definition of carer status would have included all parents, and Deputy Merrett asked for some clarification on this point, care status as we have defined it and as we are bringing it to this Assembly in a couple of weeks' time, will continue to include parents of children with disabilities. But the guiding factor in 1440 whether you are a carer or not is essentially whether the person you are caring for is a disabled person of any age, rather than whether that person is a child.

The original definition of carer status would have included all parents, and under that ground the kind of discrimination that we have been discussing all morning would have been prohibited, 1445 and it would have been prohibited in phase 1 of the Committee's work. The fact that we have changed that ground means that it would no longer be prohibited under phase 1, but subsequent discussions, including around age discrimination, suggest that it would indeed be included in subsequent phases.

Now, Deputy Langlois and I may never see eye-to-eye on this, but I am of the view that his 1450 representation was certainly no more authoritative than mine in this case and, having started out saying he would be supportive and having never in subsequent conversations indicated otherwise, I was disappointed at the nature of that speech.

On the other hand, I was really grateful to Deputy Ferbrache for his simple speech which said in the 21st century, frankly, how can anyone object to this? And that, madam, and Members, I hope is 1455 the message that will come out of today's debate.

I do want to respond to Deputy Dorey's speech a little and I have said this to Deputy Dorey already. He is the problem, because he was never the problem, because I know that he is a thoughtful and caring landlord. He is not anti-family, that he provides for families as well as for people who might prefer a quiet community without families, but in my opening speech I said one 1460 of the reasons why I want to get rid of adverts stating 'no children' is because it is too easy for people – good people, caring people – to default to 'no children', where they feel that might be an appropriate way of explaining what kind of property they are providing, where it is not necessary to do so at all.

I have asked Deputy Paint if it would be all right for me to remind the Assembly of a story he 1465 has told us a couple of times, which is that when his family needed him, when his grandchildren needed him, he stepped in and became their parent; and it is entirely possible, probably increasingly likely, that other grandparents in this Island will have to step in from time to time and become the parent to their grandchildren, because their own children cannot care for them or because their own children are no longer here.

I would wager any amount of money that if a grandparent who lived in one of Deputy Dorey's 1470 rented properties said, 'This is my situation now, and I am going to need to look after these children for the next however many years', not only would Deputy Dorey make it possible for them to continue in those properties but the whole community would rally round to support them, and probably the whole community would find that they benefited and flourished from having some children in the mix. 1475

I think that defaulting too easily to this idea of 'no children' risks not thinking about that kind of situation, and risks losing out on the positive social change that it can bring.

Deputy Dorey also asked who would decide if the properties would fit the exemptions that we have specified and who would the landlord appeal to if they were not happy with how their property 1480 had been classified. Of course, the answer to that question is the officers of his Committee, through

the appeal mechanism that his Committee will work up and include in the legislation that provides for this statutory registration scheme. The need for suitable appeal mechanisms, suitable determination mechanisms, is something that the Committee will have to think through in the overall context of a registration scheme which affects a person's ability to become or remain a landlord; but it is not greater in the context of this specific aspect of it than it is in the overall proposal that the Committee has set out in their policy letter.

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I agree with those who have responded to Deputy Brouard's speech by saying access to housing is not the same as a firm of accountants or a gardening firm. It is about something fundamental, it is about a society's collective responsibility to children, and so the approach that we take there does need to be slightly different to the approach we take to those businesses which, yes, provide important services, but services which are secondary to our survival and our welfare.

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As a number of Members have drawn out in the course of this debate, it is not simply that the States has failed to provide enough family-friendly housing but that we have not recognised that families come from all walks of life and there are many families who ... Unless you want to move from social housing to public housing, unless we want to become a jurisdiction in which perhaps renting housing is the norm, rather than home ownership – and there is nothing in principle wrong with that, but it has not been our approach to date – and therefore make the case that actually Government is going to provide a very large proportion of public housing to people from all walks of life on wealth bases, then we need to accept that there are always going to be criteria around access to social housing which relate, amongst other things, to income and savings.

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Deputy Laurie Queripel was not wrong to say you could have different thresholds for families with children compared to those without, and of course you could. But I think I would wish him luck in bringing that through this Assembly, not because it is wrong in principle but because the number of ... He knows the tabloid message 'Well, they will just have children so they can have access to housing'. Of course people do not; that is not the reason why people choose to do something so life-changing as having children. I have definitely heard that message in this Assembly before, and I am sure that if Deputy Laurie Queripel tried to change the thresholds for social housing in the way he has suggested, we will hear it again. So I would ask him not to underestimate the challenge in that respect.

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Deputy Paint and Deputy Oliver both talked about the need to balance landlords' rights and protections and tenants' rights and protections, and of course they are absolutely right. I happen to think there has probably been inadequate protection for both up until now. The impact on tenants, particularly tenants in lower-income households, is more profound because to use Deputy de Sausmarez' phrase again it is about access to something very basic – without access to shelter, everything else falls.

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So from that welfare and survival perspective it is more important to make sure we have adequate protection for tenants, but actually we do need both and we need a fair balance of both. This policy letter as a whole is not specific to the amendment, but the policy letter as a whole begins to put in place some frameworks that do that, even things like the deposit protection scheme affords greater protection to both landlords and tenants.

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Deputy Oliver is shaking her head, I think we will have to agree to disagree in main debate, and it is a matter for main debate. It is about how effective these proposals are in balancing the rights of landlords and tenants, but this amendment simply serves to ensure that families with children do not encounter blatant unfair discrimination at the point of their seeking housing. With that, sir, I agree with Deputy Merrett: it is not two weeks too early, it is 20 years too late.

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Madam, I do apologise, that was completely automatic! (Laughter and interjection) Yes, from Deputy Yerby – and I have never sought to take fellow States' Members to task about that because it is completely automatic. But I will try and do better, I am so sorry.

Deputy Green asked us to consider the Children's Law and that principle which requires us to have the child's welfare as the paramount consideration. He asked Members who opposed this amendment to explain how their position is consistent with that principle. I have not heard a single argument which would answer that point.

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1535 Deputy Stephens asked at what point a landlord could safely say you cannot have access to a property. At what point could the landlord have a conversation with a prospective tenant if they felt that their property was unsuited to children? The issue is twofold, fundamentally. If your property is unsuited to children it will fit within one of the exemptions specified in this amendment, so you will never be subject to the ban on advertising 'no children'; and things like Deputy Tooley drew out, the reasons why your property might be unsuited to children will be taken into account at the registration stage. So theoretically you need never worry about that.

1540 But if one is a landlord whose property is in principle suitable for children, but you do not want to have children, well you judge each case on its merits. The conversations that I have had with landlords where we have been unsuccessful in applying for a property, has never been 'We do not like you because of so-and-so', it has always been 'We have had a number of applicants for this property and we have already gone with someone else; but thank you for taking the time to apply'.
1545 They are very banal and benign conversations and you very rarely show your true colours in that way. Nothing in this amendment would seek to change that.

I hope that also covers the question that Deputy Oliver raised in terms of what the practicalities would be of the amendment. The reality is that as a landlord makes a decision about who they want to let their property to on a case-by-case basis, that has always been the case and it will continue
1550 to be the case. Potentially, a future Assembly might want to go further in terms of housing policy and say actually 'We think it should just be a first-come, first-served; if you have got a suitable tenant you should let them in'. But that is not what this amendment is seeking to do and I think even some of the more liberal Members of this Assembly are shaking their heads at that, so I suspect that may be a way off in the future if it ever comes at all.

1555 Yes, I will give way –

Deputy Oliver: Thank you.

Madam, what I just also want to know is, at the moment you cannot really say, 'Actually, I have been discriminated against'. But what happens in three-weeks' time when the Discrimination Law
1560 comes in? Can they then say, 'Actually, I have been discriminated against because they have chosen the one without children and they have not chosen myself'? Could they then find themselves with a £10,000 fine?

Deputy McSwiggan: Well, thing one: that is an argument for the Discrimination Law debate in
1565 three weeks' time and that should have no material impact on whether or not this amendment is supported. Thing two: the proposals that are coming in front of us in three weeks' time do not include age discrimination and have a definition of carer status which does not specifically include parents, so the answer is no.

Further to that we do plan to work up proposals in respect of age discrimination in a subsequent
1570 States. Those proposals and any exceptions to them need to be worked up into a policy letter in the same way as this first policy letter, the one we are about to debate, has been worked up. That will then come to the States, the States will either agree or amend them and that will then be worked up into legislation. Parallel with that, we will use what we hope by then will be the Employment & Equal Opportunities Service to educate people about their rights and responsibilities under the law
1575 to prepare them for the law coming into force, so nobody is going to have a duty sprung on them that they are not well prepared for, and that in this case has not had a couple more years of States' research and debate and consideration of before it comes into force.

I will give way to Deputy Hansmann Rouxel.

1580 **Deputy Hansmann Rouxel:** Thank you, Deputy McSwiggan, for giving way.

It is just to clarify that you have been using the word 'discrimination' and I think the confusion presented by Deputy Oliver is possibly because discrimination in anti-discrimination laws is not the whole, it is not the only mechanism that we have. The broader mechanism that we are trying to achieve by bringing the Discrimination Law is also about the awareness-raising and I think that is

1585 where this particular amendment does fall. It is about starting to change attitudes and making
landlords think about those attitudes when they are creating those advertisements, rather than a
punitive law that would require them to pay a fine.

Deputy McSwiggan: Madam, in closing, I want to remind Members of a point that Deputy
1590 Tooley made when she said being a renter with a family feels very vulnerable when we are debating
and taking positions on issues such as this.

I am a renter, although not with a family, and actually even that feels pretty vulnerable bringing
an amendment like this. Fairly or unfairly, and it is absolutely ... I think I want to say it for the record,
it is of course no slur on my current or previous landlords because they have been entirely generous
1595 – by definition have been generous and welcoming of me. But when you are a tenant, when you
depend on being able to rent in order to have somewhere to live, then you are living at the good
graces of other people, and that is always inherently insecure unless there is a solid legal framework
in place that underpins you with decent protections.

At various points in my life I have lived in places other than Guernsey and when I have been
1600 looking at properties in jurisdictions that have consciously done more to create equality of arms
between landlords or tenants, or buyers and sellers than we have ever done here, my word it is
transformative. I mean, you can imagine if you look at what has had to change in practice to create
greater equality of arms, you can imagine how those changes might have got through a parliament;
how dry and technical they might have been, how hard fought they might have been, how petty
1605 they may have seemed to an outsider. But the end results in terms of the customer service, the
consumer protection and protection of the little guy, is just an order of magnitude better than
anything we have here.

Madam, with that in mind, I was a little inspired by looking at the way that effectively fairly dry
changes to legal frameworks in other places can result in really productive changes to the
1610 experience of ordinary people in those places. It is bad enough to set aside my nerves and my
insecurity at bringing an amendment like this, and recognising that we have the responsibility as a
Government to make sure that all of our population has decent and fair access to the basics of
shelter and accommodation; and that bothering about things like this and the way that we choose
to do things like this can have really positive net effects on society as a whole. So I think it is
1615 worthwhile and I would ask States' Members to support this.

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Could I ask for a recorded vote, please?
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The Deputy Bailiff: There is already a recorded vote in train but thank you, Deputy Tindall.
Deputy Le Pelley.

Deputy Le Pelley: May I declare an interest, madam.
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The Deputy Bailiff: I am sorry, I cannot hear you.

Deputy Le Pelley: May I declare an interest please, madam? I am a landlord.

The Deputy Bailiff: You may.

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Deputy de Lisle: Myself as well, madam.

The Deputy Bailiff: Are there any other declarations of interest before we go to the vote?

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Deputy Ferbrache: For the avoidance of doubt ... *(Interjections and laughter)*

Deputy Roffey: A very minor one, but I think better err on the side of safety.

Deputy Oliver: I think I made it clear in my speech.

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The Deputy Bailiff: You did, thank you, Deputy Oliver.

Deputy Fallaize: Madam, with the greatest of respect, I do not think they are declarations of interest. I think if you are going to declare the interest you have to stand up and say what the interest is.

1645

A Member: Hear, hear.

Deputy Ferbrache: Let me do that, madam.

1650

I am an owner or a part-owner – I will declare it for the main debate too, if there is going to be one – for properties of multiple occupation and residential.

The Deputy Bailiff: Thank you, Deputy Ferbrache.

Deputy Le Pelley, do you want to clarify what your interest is?

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Deputy le Pelley: Well I think I did actually state that I was a landlord of a property. But if you want, it is in St Pierre du Bois, it is a three-bedroom bungalow and my son is living in it.

The Deputy Bailiff: Deputy de Lisle, I think you declared.

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Deputy de Lisle: Yes, madam. I am a landlord of several properties. Thank you.

The Deputy Bailiff: Thank you.

Deputy Trott.

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Deputy Trott: Madam, my wife and I are recipients of rental income.

The Deputy Bailiff: Deputy Roffey.

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Deputy Roffey: I am very briefly a landlord and I hope it is a status that is going to finish very quickly.

The Deputy Bailiff: Deputy Brouard.

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Deputy Brouard: Landlord of two properties.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Director of a property company.

1680 **The Deputy Bailiff:** Thank you everybody.
Greffier, could we take the recorded vote, please, on the amendment proposed.
Thank you.

There was a recorded vote.

Carried – Pour 18, Contre 15, Ne vote pas 2, Absent 4

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Gollop	Deputy Lester Queripel	Deputy Le Pelley	Deputy Parkinson
Deputy Le Clerc	Deputy Mooney	Deputy Stephens	Deputy Inder
Deputy Leadbeater	Deputy Trott		Alderney Rep. Roberts
Deputy Merrett	Deputy St Pier		Alderney Rep. Snowdon
Deputy Fallaize	Deputy Meerveld		
Deputy Laurie Queripel	Deputy Lowe		
Deputy Hansmann Rouxel	Deputy Smithies		
Deputy Green	Deputy Graham		
Deputy Paint	Deputy Dorey		
Deputy Le Tocq	Deputy Brouard		
Deputy McSwiggan	Deputy Dudley-Owen		
Deputy Soulsby	Deputy De Lisle		
Deputy de Sausmarez	Deputy Langlois		
Deputy Roffey	Deputy Prow		
Deputy Ferbrache	Deputy Oliver		
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			

1685 **The Deputy Bailiff:** So, on the amendment proposed by Deputy McSwiggan seconded by Deputy Tindall: the vote *Pour* 18; *Contre* 15; there were 2 *je ne vote pas*; and 4 absentees. So I declare the vote carried.

Right, I think we have got enough time to start general debate before we go for lunch. So who is going to stand? Deputy Lowe.

Deputy Lowe: Thank you, madam.

1690 The Committee for Home Affairs is supportive of the proposals presented in this policy letter and believes that such regulation will provide an added protection for the community and assist in improving the Island's housing stock. The Committee was grateful for the opportunity to comment on the draft proposals in March 2019. However, it is unfortunate that the concerns highlighted by the Committee at that time do not appear to be addressed. The Committee recommended
1695 additional discussions took place with the Trading Standards Office around the proposed deposit protection scheme. It is concerning that the subsequent lack of engagement appears to be a missed opportunity in terms of widening the scope of this scheme in relation to house purchases.

Consultation plays an important part in the development of new policy, both in identifying additional opportunities but also in understanding the impact on other services. In that regard these
1700 proposals were welcomed by the Fire & Rescue Service; however, the Fire & Rescue did highlight that the additional responsibilities conferred on the service, particularly around the need for increased inspections, would place pressure on existing resources. The Committee for Home Affairs echoed these concerns in response to the consultation and requested that the Committee for Environment & Infrastructure considers the cost implications of the proposals in terms of staff
1705 training and an increase in workload for the Fire & Rescue Service.

Following the 2017 Grenfell Tower fire in London, it was found there had been a very poor level of audit and inspection of the building for compliance with fire safety guidance. Indeed subsequent inquiries into the tragedy have resulted in legal requirements and recommendations for only

1710 competent and registered fire safety auditors to carry out checks on these kinds of buildings in the future. If we introduce this Housing Law locally it is important that we have planned to implement it properly. The Committee is concerned that the Committee for Environment & Infrastructure has not considered the full costs associated with implementation of these proposals. Unless appropriately resourced, it may impact on the ability of the Fire & Rescue Services to appropriately discharge these additional statutory obligations and, by consequence, for the Law to provide the greater protection for tenants, landlords and property owners that it is intended.

1715 With the current constraints on both finance and recruitment it is more important than ever that any legislation or processes are fully costed to ensure that the additional responsibilities can either be delivered within existing resources or the necessary additional resources are made available. This is of particular importance where it may impact on the delivery of other key frontline services.

1720 Whilst the Committee welcomes this Law as an added protection that will help to keep our community safe and secure, I would be grateful if the President could advise the Assembly with details of how the cost implications for this project have been calculated, and provide confirmation that they include the costs that will be incurred by the Fire & Rescue Service. It would be remiss of this Assembly to approve these proposals without confirmation of how the additional budget allocation for these recurring costs will be funded.

1725 Thank you, madam.

The Deputy Bailiff: Deputy Lester Queripel.

1730 **Deputy Lester Queripel:** Thank you, madam.

Apologies, madam, just making a last minute note. Seeing as we are now in general debate, I want to pick up on a point Deputy Gollop made earlier. He said – and he is a Member of Housing, as we all know – that Housing are not responsible for the lack of social housing; P&R are responsible for everything the States do.

1735 That is totally off-beam and it is irresponsible of him to say that. Housing are responsible for housing – that is the reality. Housing are responsible for housing and Housing should and could have brought proposals to the Assembly long before now for more social housing to be built. So the States have failed in that respect. I want to give an example of that failure. Over the years I have worked with several Islanders who are inappropriately housed, trying to help them find appropriate housing. Many of those are in social housing.

1740 I once worked with a pensioner couple who had severe mobility problems and they lived in a three-bedroomed house for many years. They brought up their family there and when the last family member moved on, this pensioner couple with mobility problems had to stay in that house for two years, even though one of them was not even able to walk up and down the stairs to use the toilet or the bathroom. Of course, that also meant they were not able to go upstairs to the bedroom to sleep, so they slept on the sofa. That sort of thing is happening here on the Island right now. Let's not pretend that it is not. I have seen it and worked with Islanders in that position. I am sure some of my colleagues have also worked with Islanders having to endure those inhumane circumstances, sir – madam, sorry.

1750 If the States had provided more social housing, then that pensioner couple would have been able to move into a one-bedroom property, such as another one or two Rodley Parks being built – we need them right now; and that would have consequently freed up a three-bedroomed house for a family.

1755 Deputy Roffey early on, when he spoke, said he did not see the need for Members to keep on saying we need more three-bedroom houses. I never actually said that in my speech. I never once mentioned numbers of bedrooms. In that particular case and in many cases like that we need more one-bedroom properties. Madam, that is a classic example of how we fail to provide enough social housing and we are still failing because we desperately need, as I have just said, at least one or possibly two more Rodley Parks, right now.

1760 Deputy Gollop also said we do not have the land. That is not true; that is totally inaccurate. He said we do not have the money. We do have the money. Housing were given tens of millions not so long ago, which I believe is still in the pot.

1765 So let's get on to the land bit. Colleagues are no doubt saying to themselves where is this land? And if they are not saying that then they will saying to themselves that the DPA are to blame in some way or another, because they are responsible for planning – when actually it is this Assembly who, by a vast majority, passed the IDP.

So Deputy Le Clerc, when she spoke she mentioned Belgrave and Fontaine Vinery. That has been designated as housing, allocated to housing for years, and nothing has been done. Why?

Sir – madam – I give way to Deputy Le Clerc.

1770

Deputy Le Clerc: Thank you, Deputy Queripel.

I can explain why the Fontaine Vinery is not being developed, it is because there are still tenants on the Fontaine Vinery and that has been part of the problem.

1775 **Deputy Lester Queripel:** Madam, where there is a will, there is a way.

I believe I am right in saying ... For some reason I have got 333 in my head, maybe that was at the last count; and I have also got 133. Three hundred and thirty-three Islanders are waiting to be housed on the housing list; and 133, I think I am right in saying, are inappropriately housed in social housing and are waiting. It is all waiting. Where there is a will, there is a way. Get on with it.

1780 Madam, staying with the issue of land: there is a lot of land alongside social housing estates that could be built on, and it has not all been purposely left as green space, some of it is wasteland, and it has been wasteland for years and it is crying out for development. There is a piece of land in the Bouet, behind Beeton's fish and chip shop, right next to a housing estate, and it is wasteland, and it has been wasteland for years. Why hasn't it been built on? It has not been built on because it is allocated as light industrial. Deputy Gollop has just said it was going to be a bus garage. And this is what I am getting at here: it is the procrastination; it is the changing of minds; it is the waiting, waiting, waiting. Get on with it. Do something about it. It was allocated as a bus depot and it is now allocated as light industrial.

1790 But now we are on the road to recovery from Covid-19, is there going to be a great demand for warehouses in years to come? Why would there be? We have had several warehouses up for rent here in the Island pre-Covid-19 and some of them have been empty for years. So surely that piece of land in Pitronnerie Road could be used for housing. There is room there for at least 30 houses, with plenty of space.

1795 We have got States' properties such as the former Education Building in the Grange. Now, I believe I am right in saying that has already been designated for housing, but that is being pursued and progressed at a snail's pace. Why?

1800 I notice a few examples to back up what I am saying in this speech, and I have one more for the future. If we do not need La Mare de Carteret High School in the future, then why don't we knock it down and build social housing in its place? That is one for the future, I know, but it is one that really needs to be considered. It would certainly be convenient for the children and their parents, they could walk to school in two minutes – children of primary school age, of course, they will not need their parents to take them to school, they will not need a bus to take them to school, they can walk there in two minutes. So it is a win-win, all round.

1805 Now, some colleagues might be saying 'Well, do we really want to put a social housing estate next to a school? We put a school next to a prison, so what is the problem with putting a housing estate social housing estate next to a school?

1810 Surely, madam, what I am saying makes perfect sense. We have got the money, we have got the land, the construction industry needs work and they need it now, so let's get on and build more social housing. What is the problem? Where there is a will, there is a way. We have a duty and a responsibility to Islanders to do that.

Deputy St Pier: Madam, point of order.

The Deputy Bailiff: Point of order, Deputy St Pier.

1815

Deputy St Pier: Madam, Deputy Lester Queripel's speech is interesting, but I am not sure it bears any relevance to the contents of the policy letter.

The Deputy Bailiff: Deputy Queripel, you are talking about general housing. How are you linking this in to the question in relation to the landlord and tenant, which is the main part of the Proposition before the States now?

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Deputy Lester Queripel: To me, madam, it is holistic; it is housing, surely.

The Deputy Bailiff: Can I ask you, Deputy Queripel, to try and focus on the actual issues in the Proposition, please.

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Deputy Lester Queripel: Sir – madam – I am sure you will be delighted to hear, as my colleagues will be delighted to hear, I am almost finished.

1830

The Deputy Bailiff: Thank you.

Deputy Lester Queripel: In fact, in moving to a close I am going to support these Propositions and I am going to read what we are told in paragraph 5.1. This is for the benefit of Islanders listening on the radio who may not have read the Billet, because this paragraph nails the whole issue in my view and it says this:

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The proposals are intended to provide a transparent system that will ensure stability and certainty for tenants, landlords, [and] businesses etc regarding their... responsibilities. The intention is to protect the health and [the] well-being of Islanders through the meeting of duties in relation to basic housing standards and not to place unnecessary burden on providers or users of the housing sector.

That nails the whole thing for me, madam.

In closing, I ask for a recorded vote, please, separate recorded vote on Proposition 4B when we go to the vote.

1840

Thank you, madam.

The Deputy Bailiff: Thank you Deputy Queripel.
Now seems an appropriate time to adjourn for lunch unless –

Deputy Brehaut: May I ask, bearing in mind we have a debate on the Dairy to come yet, whether we could extend this for 20 minutes or half an hour to finish this Item?

1845

The Deputy Bailiff: Is there any support for that motion?

Deputy Lester Queripel: Madam, I propose we come back at two o'clock.

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The Deputy Bailiff: Unfortunately, I cannot be back at two o'clock, I have a matter at 2.05 p.m., and I do not believe the Bailiff is going to be back by then, even though he may take the afternoon session. So unfortunately I cannot accommodate a two o'clock start. It is either carry on now for half an hour or resume at 2.30 p.m. (*Interjections*) (**A Member:** Let's carry on.)

1855

Is there general support for that? (*Interjections*)

Deputy Lester Queripel: Madam, would it be an idea to see who has yet to speak, who would like to speak, and ask them to stand in their places?

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The Deputy Bailiff: Thank you, Deputy Lester Queripel, I think that is a good idea. Who is still intending to speak in general debate? (*Interjections*)

I do not think we can carry on, I do not think there is enough support for that. I know there are various meetings, so we will just have to carry on at 2.30 p.m. I urge you this afternoon to try and keep focused debate to try and get this done.

1865

Several Members: Hear, hear.

*The Assembly adjourned at 12.34 p.m.
and resumed its sitting at 2.30 p.m.*

**Proposed Introduction of a General Housing Law –
Debate continued –
Propositions carried, as amended**

The Deputy Bailiff: Right, who is going to speak first?
Deputy de Lisle.

1870

Deputy de Lisle: I have just got a little clarification that I would like to have when the President is summing up, if I may?

First of all, it is not clear on the resources required with respect to this new General Housing Law. The only reference I seem to have here is in 6.3 where it says:

It is probable that the fees would be utilised to employ additional human resource to carry out duties associated with the administration and enforcement of the legislative provisions.

1875

So that concerns me, because it will require more public servants obviously given the large number of private rented dwellings to run around to check these buildings and implement the legislation. Now, we are supposed to be reducing the commitment to public servants at the current time and I see this as a further growth in the number of such.

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It is also the cost which is being placed, really, on the owners of properties; but that will obviously then be placed on the rents, so it means the rents are going to go up as a result of this administration. I am not sure. People are saying already that rents are high enough at the current time without burdening tenants with additional amounts to support this new legislation.

1885

So the other problem I have with it all is really that two of the Propositions I cannot support – one being the introduction of a statutory registration system for all private rented dwellings. A registration to the Government by the private sector, that seems to me to be going the wrong way altogether with regard to just more bureaucracy within the private sector system. Then to approve the introduction of statutory deposit protection scheme for private rented dwellings, I just see more legal problems when it comes to the end of the term of the period when renters move, with respect to arguments and legal issues coming up with regard to the amount of deposit to be returned.

1890

So I am not keen on some of the articles in here. But also it just seems to me that we are adding a lot of bureaucracy to something at a very difficult time in our economy, and I am not sure that we should be going ahead with this.

The Deputy Bailiff: Deputy Ferbrache.

1895 **Deputy Ferbrache:** Thank you, madam.

Carrying on from the point raised by Deputy de Lisle, because if you look at the proposed proposals – not very good grammar, but you know what I mean. The first one is to agree the introduction of a primary enabling legislation; the second one, statutory Housing Health & Safety Ratings; the third one, approve the introduction of a statutory licensing system; fourth, to approve
1900 the introduction of a statutory registration system; and five, to approve the introduction of a statutory deposit protection scheme.

That must mean either the Law Officers have got nothing to do and they are out sunbathing – or one of them is today – or this is ... Sorry I have not got my microphone on – thank you very much for that – a massive legislative task.

1905 If one looks at the introduction where you are tidying up the old regulations, the 1934 Public Health Act, 1936 Public Health Ordinance etc., you come to page 8 – no, you come to page 11 and page 12 where you are talking about having to merge or take bits of seven English legislative matters. That is going to be a vast task for anybody. And we say the essence of this is we are going to follow what happens in England. I do not want to follow what happens in England. I do not want
1910 to sound like stone the crows, but I am not English, I am Guernsey, and I would rather we did things our own way and did something that was appropriate for our own jurisdiction.

When we look at it, the deposit thing, I can speak about all of them but I really want us to get on and talk about the Dairy which I think should take about 35 minutes. It should be approved by the States in due course, and I know that Deputy St Pier and Deputy Trott will see the light later in
1915 the day.

But if you look at the deposit protection scheme on page 21, and it is a point that Deputy de Lisle made very well:

At the end of September 2017, 13,608 people lived in private rented accommodation ... In 2017 there were 7,734 private residential rental properties ...

So we are going to have a deposit protection scheme for seven and a half thousand properties when, when we look at the statistics, on page 22, paragraph 4.41, there were 92 complaints relating
1920 to deposits, 52 directly relating back to the lack of a tenancy deposit scheme. Now, just because you have a complaint does not mean it is a valid complaint. Even if they were valid complaints it is not very many, and somebody was talking about 'Oh well you can take the deposit', somebody was tweeting this morning about taking the deposit. Well, I have held quite a number of deposits on behalf of tenants over the years, and you cannot just take the deposit. If they do not pay your rent,
1925 you cannot just take the money. They either have to agree that you can retain the money, or you have to go to court and get an order that they owe you £2,000 rent, or £5,000 rent or whatever it is. You are not legally able to just take their money.

Deputy Paint was making the point about his property being trashed. We have all suffered from that, he is exactly right; but the truth of the matter is you have got to go to court if you want to get
1930 that money and sue them. More often than not, it is not worth doing, so you do not bother, and you suffer that loss.

So we have some independent person, at a cost to the landlord, of holding a deposit. They hold that deposit and there is a dispute between landlord and tenant. It is not going to be any different to the situation we have currently got, because if a landlord holds on without due justification to a
1935 deposit, the tenant can go to court and get his or her money – they can go and get their money. That is not going to be any different here. This independent person, or group of people, are not going to be able to willy-nilly make a decision as to who has the deposit, they are just deposit holders. Because unless we are going to change the jurisprudence, the only way you can resolve this system if there is a dispute between landlord and tenant is through the courts system or some
1940 kind of agreed mediation. So I do not see the ill that this is going to cure. It is going to create more bureaucracy. It also applies to all the others.

1945 There are very few actual complaints, but we are going to bring in this massive extra bureaucracy which, as Deputy de Lisle says, this is not the appropriate time to do to cure ills that do not really exist. I fully accept that we do need to tidy up the old Laws, we do not want a 1936 Order or a 1934 ... Because people should live in decent accommodation and there should be statutory standards that people can say 'Well how can I live in this? My house is damp ...' or whatever it may be. But that is really all we need, we do not need all this.

The Deputy Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you, madam.

1955 Just a couple of items I want to touch on and a couple of stories. I related quite well to Deputy Paint. I had a phone call to say that there were now 14 guest workers living in my two-bedroomed property in Town and did I have licences for all of them? Having let the property to a single gentleman, this came as quite a surprise. I arrived at the property to find that the cooker, which he had sold, was now on a sack truck and was moving down the hill. So I thought that was quite funny.

1960 I have also had some tenants that have been absolutely marvellous. I have had them for eight, 10 years, and I have had some people which I thought, my God, I am really going to take a flyer on this – only to find that they have looked after the house better than I look after my own. So you have all sorts.

I think the worst, or the most interesting one, was how do I dispose of somebody's pornography collection which they very kindly left behind? (Interjections and laughter)

1965 But just a couple of points, I think that Deputy Ferbrache touched on in particular. Well, I have three points I would like to make and one of them was about, we mention here about the condition of the property in 4.7, and it says the 'freedom of damp'. My God, I have spent 40 years trying to get damp out of my own house and I struggle – the plaster still comes off the wall. I have put osmosis in, I have used a special browning plaster, you name it I have done it, and I still have damp coming through, and I have to have little baby heaters here and there under cupboards to make sure that they ...

1970 So please do not hold a landlord to account quite so hard on some of these, because if you say 'freedom from damp' you have now ruled out about half of Guernsey's market. I think we have all wiped away the black mould, and I still struggle with it every now and then when it comes back and you get the Domestos out. So just ... it is for a lot of houses.

1975 The other one I just want to touch on is the deposit. It is surprising how quick you can eat a deposit up. I have never done so, all my deposits have been handed back in full where people have decided to pay the rent. But you could eat it up very quickly on cleaning. You have an oven cleaned, it is £100; you have your house fully carpeted, all the carpets cleaned, and drapes and curtains, you are now £400 down. So if you are looking at a two-bed flat or a one-bed flat the rental is about £1,000, you have £1,000 deposit. If you decide to push that button that you want to hold the tenants to account, sometimes you do, sometimes you do not. I may have had a tenant for many years and they have served me well, I am not going to bother them with a professional clean; but if you have somebody, or a landlord decides that they want to have that professional clean and the person has not done it, £500 soon takes a chunk out of your deposit just with a basic clean.

1985 My final plea is just one is that this information has been around with the Guernsey Landlords' Association quite well and they are fully aware of it, but there are a lot of people who are not in that Landlord Association and there are a lot of people who let their barn or a converted barn, or a room, which are under the radar from that point of view.

1990 Now, the only people who do have that information will probably be the States of Guernsey Income Tax, so I can ask a plea that when this comes into force can we write ... We do not need to know who they are writing to, but could the Income Tax place pass out information as to what the new requirements are for all the landlords? I think that would be very helpful, because I think a lot of them are not aware. I would not have been aware of this unless I was a States' Member because I am not a member of the Landlords' Association.

1995 I am probably going to vote for all of the improvements, as I said this morning. I think this is a start, I think we do need to bring our Laws up to date; but it would be very helpful if everybody in the Island, who is a landlord, gets notification of their new obligations.

Thank you very much, madam.

The Deputy Bailiff: Deputy Le Clerc.

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Deputy Le Clerc: Thank you, madam.

I rise to my feet just to make some clarification for Members on points that Deputy Lester Queripel raised this morning and I believe Deputy Gollop has also raised.

2005 Housing, affordable housing and social housing, is the responsibility of the Employment & Social Security Committee, it is not the responsibility of Policy & Resources. However, Policy & Resources are responsible for the funding of the Corporate Housing Programme and as I said earlier there is approximately £20 million in that.

2010 I can say in the time that I have been President for the Committee, when we have approached Policy & Resources to access that funding for housing development through the GHA programme of development that it has never been declined. So I just want to make that very clear, that they may have declined lots of other things that ESS may have asked for, but funding for the housing programme has not been declined.

2015 There used to be a policy called RH2 and that enabled properties that were adjacent to current social housing developments to be developed, and when we debated the IDP that was removed and we have now got GP11. Now, unfortunately, GP11 is not working as we hoped and actually so far we have not had one unit of affordable housing from the GP11 process. But that is something that I am sure the DPA will be bringing back to the States.

2020 I just want to also go through the process of States' owned land. Part of the problem has been the availability of States' owned land, but usually Committees would get a letter from STSB, and they consult with the various Committees in accordance with the surplus property directive, and then as a Committee you would advise STSB if you had an interest in that property, and then they would come back to you.

2025 I can think of various properties over the last four years where we have expressed an interest in the development of that property – I think Beauville was one of them and, I cannot remember, the Oaks was another one. And actually, then we have gone on and they have said, 'There is nobody else interested in that property, you can have it for social housing'. Then we work with the GHA and the DPA, and then we develop those areas. And we have got properties coming on line over the next few years.

2030 The latest figures at the end of May on what we are waiting for, we have got a single waiting list between the GHA and our own Committee. So we have got 136 people awaiting new properties and 110 needing to be transferred. Of that 136 we have got 93 one-bedroom properties, 31 two-bedroom and 12 three-bedroom. But actually at the moment we are looking at our voids policy because we have got an oversupply of three-bedroom properties and an under supply of one- and two-bedroom; and what we have had is a policy of moving people out, creating voids, which creates more work and loss of income on the rental, so we are looking at that at the moment.

2040 I think it is wrong to say that we are not building at the moment. We are building at the moment, but as I said previously, from 2022 we do really need to get some sites, and we know that there are some private sites. I think we would prefer not to have to pay the market price for those private sites, we would prefer to use some of our States' owned sites such as the Fontaine Vinery and such as the Grange, now that the Education have moved out. But sometimes those properties have not been released by STSB.

The other properties that we would be interested in such as Leale's Yard, they are actually I think quite a long way off development; but, again, we are working with the DPA on bringing that, and I know that that might be part of the recovery and the regeneration work down there.

2045 So I just hope that clarifies where we are –

I will give way to Deputy Queripel, in case I can answer any further questions.

Deputy Lester Queripel: Madam, I thank Deputy Le Clerc for giving way.

2050 Just a moment ago she said STSB have not released certain properties, could Deputy Le Clerc please give us an example of why there is such a hold-up in the system that STSB have not released these properties, please?

Deputy Le Clerc: I cannot give the reason because I am not responsible for STSB. I believe it is in the mandate of P&R but I will give way to Deputy Ferbrache.

2055

Deputy Ferbrache: Just a point of correction, it is not STSB any more, madam, it is P&R.

Deputy Le Clerc: Oh, P&R, sorry, yes, I meant STSB ... I do apologise, madam, through you, it is part of P&R and it is Property Services, rather than STSB. However, I can say that sometimes some of those properties are earmarked for other States' Committees that want to utilise those properties.

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I think if Deputy Parkinson was here ... the Castel Hospital might be a potential for the university site. I know there is the King Edward, I am not sure why that has been earmarked or what it is to be used for. But those properties have not been released and offered to other Committees, so one would assume that there are Committees that are still interested in that. But it would need someone from P&R to be able to clarify that. Thank you.

2065

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, madam.

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Even though E&I asked the DPA for their views on an earlier version of the policy letter, when there was a different membership of the DPA in March 2019, then we said we were sympathetic to the desire to generally improve housing standards within the private sector, but that there were several issues mainly over the detail of the draft that we saw. Since then, however, I still am unable to confirm that the DPA support these Propositions, as I do know that only Deputy Lester Queripel and I have confirmed we will do so.

2075

I can say that the DPA would in particular appreciate the harmonisation of terms and consistency of new housing standards legislation and the avoidance of inspections and other enforcement procedures included in the new Housing Standards legislation. The next DPA will no doubt be working with the next E&I on this and, whilst they do not know that they will actually be Members of such committee at this stage, I am sure they will look forward to it.

2080

For me, I consider all of these Propositions are necessary and will help the people of Guernsey. The report I mentioned yesterday, the Royal Institute Town Planners, says:

A strong focus on social and climate justice, with the needs of vulnerable people and disadvantaged communities at the heart, will be needed to deliver an inclusive recovery that works for those most affected by the health and economic crisis.

These Propositions, I believe, will help both social and climate justice and so I support these Propositions.

2085

Thank you, madam.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: Thank you.

2090 I have just got three points on the policy letter, but I would like to say first of all it is really sad that we actually have to bring these Laws to Guernsey, because at the end of the day the vast majority of landlords keep a really good property and they are decent people and will always give the deposit back, even though half the time they should be actually keeping the deposit. But anyway, we are where we are.

2095 Now, I just want to turn to page 13, paragraph 3.13, it is talking about the current Public Health legislation and that applying to properties that are dangerous. Now, the DPA are actually, and I think Deputy Tindall said it yesterday, regarding 46, Land & Planning Law 2005, we are actually trying to update it to have that in it, where dangerous property will actually have to be removed and also if you have an abundance of rubbish on your property, or cars that we can actually have now legal standing to remove that. But much to my disappointment they are kind of dragging their feet into actually coming and bringing that to the States, but hopefully that will happen next term now.

2100 I then want to go on to the tenant deposit scheme. Now, I was actually a surveyor in England when this first came out and to be honest, on paper, it sounds really actually quite attractive that two people can get together and put the money in one place, and then a completely independent person will then sort it out at the end. It does not work like that. It just costs the landlord extra money to have this tenant deposit scheme and it is normally done also on the amount of properties you have. So if a property company does it, it costs a fortune to have this scheme and implementing it well. It does not quite say in here whether it is going to be the States implementing it or whether it is going to be the private sector implementing it, so I would quite like to hear from the President what it is going to be.

2105 The other thing is, call me pessimistic, but the States really struggle with knowing what property we have got, let alone what everybody else has. I am just a bit pessimistic about that, and I also think that it is just going to be absolutely bureaucracy for bureaucracy; and I just think actually I will be voting against that. So, madam, if I could please have a separate vote on No. 4 and No. 5 because I will be voting against that.

2115 Thank you.

The Deputy Bailiff: Deputy Smithies.

2120 **Deputy Smithies:** Thank you, madam.

I will be very brief. This can only add to rents, as has already been stated. Rental agents' fees will rise and all the extra costs will be passed on to the tenants. Cui bono? This is not an asset problem and with the possible exception of the HHSRS provisions, this steam hammer of a policy letter is unnecessary, inappropriate and untimely.

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The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, madam.

2130 I was not intending to speak but I am really disappointed to hear the tone of some of the speeches recently. I actually had my eyes opened a bit on the declarations of interest on the amendment earlier, because I had no idea that this Assembly had quite such a big proportion of landlords. I imagine that the proportion of people renting is much fewer, so I think we have to be aware of that balance of experience and balance of perspectives when we debate this.

2135 Deputy Ferbrache talked about how few people this might affect. Well, actually I thought that was a significant enough number to be protected, certainly. I think actually many of our Laws are there to protect a minority of people, and they are worthwhile. So I think that criticism does not have much ... Well, it certainly does not get much truck with me.

Also Deputy Ferbrache did say that these things are covered in other areas of the Law, but I think it is naïve to expect that renters will necessarily have the time – but, more pertinently, the money,

2140 and frankly the courage – to take landlords to court. Because, especially in a small Island, I think they would be very conscious of their chances of securing another tenure if they have a reputation for taking that kind of approach.

So I do think there needs to be proportionate protection for people and I really would urge people to look at this in a balanced way, and recognise that both landlords and tenants deserve a bit more protection.

Thank you.

The Deputy Bailiff: Deputy Gollop.

2150 **Deputy Gollop:** Thank you very much, Madam Deputy Bailiff.

Yes, Deputy Le Clerc has rightly corrected me and I apologise to the Assembly, and in particular in response to what Deputy Lester Queripel said earlier. If I misled the Assembly in implying that ESS do not own our mandate for housing, of course we do, and perhaps my coy point about Policy & Resources was slightly in ironical jest.

2155 Yet of course we have gone round in a circle really because we have discovered from Deputy Ferbrache and many other speakers that one of the issues that has acted as a constraint upon housing has been the availability of land, which is partly due to the availability of unoccupied States' land, to take Deputy Oliver's point, which was well made, about the States not always being the greatest manager of its own property resources. Guess what? You had a situation whereby Policy & Resources are funding corporate housing, we could not build on the Fontaine Vinery because the Fontaine Vinery was occupied by tenants, but not because of the good officers of the States' Trading Supervisory Board because now property has been centralised to Policy & Resources.

2160 I think one of the themes of yesterday's debate 'thrive and revive', which is relevant today and will be relevant too to the Dairy debate when we get to it, it is not just about high level policy it is about medium-level policy and how it all trickles down, really. When you look at the perspective of housing, one of the themes I think yesterday that Deputy Soulsby pointed out, and many other Members, has been perhaps one of the bigger impediments for us performing better in some areas is our machinery of government. I think Housing has particularly suffered this term from a relative lack of activity which has been amplified by the division of Housing into diverse consolidated bits.

2170 Housing policy under Environment & Infrastructure, social housing and affordable housing to a degree under ESS, housing licences and therefore implicitly some issues connected to houses in multiple occupation under Home Affairs and then delegated to Population Management, Planning no longer part of Environment with a stand-alone Committee, the DPA, and some of the funding and property management being taken on by P&R. We do not have a Housing Ministry any more, we have split functions, and that I think may have led to a delay of action on some elements of housing from the political will, as Deputy Lester Queripel might have to get sites under way, combined with the inability perhaps of the Chamber to really move forward on funding mechanism for first-time buyers.

2180 The downside of this General Housing Law is that actually its title is potentially misleading in that it is not specifically about all kinds of housing, it is about the relationship between landlord and tenant and minimum standards; and it is not the whole of housing policy, certainly not about the Housing Law as we would understand it. So it is relatively narrow in its focus but will have implications, as I think Deputy Lester Queripel and others identified, for the general provision of housing.

2185 Now my late mother's father, my grandfather, in Wiltshire, was a landlord and I think his father even more so had properties in England, and I sort of heard round the family dining table stories that came down to me that the ruination of the world of the landlord was when the UK started introducing more interventionist housing landlord legislation; which of course was a product, I think, of successive Liberal and later Labour Governments, the well-known Mr Clement Attlee's era, and so on. Guernsey generally avoided such legislation and we abandoned our Cadastre policies, which

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I think were useful for the Island but were not there, so we perhaps have had rather a free market and unregulated sector.

2195 I sat on the Housing Committee that the late, and very able, Deputy David Jones chaired and I sat there with Deputy Dorey and Deputy Brehaut and some other Members of the Chamber, and we had robust discussions; and Deputy Brehaut, who had been on housing for many years, even then was a particularly strong advocate for reform of the landlord and tenants sector and he has never wavered in that commitment. He took on a number of constituency cases, particularly of people who worked perhaps in the hospitality sector, and I took on a lesser number, and we probably agreed on the tactics of dealing with cases; but we were not necessarily as one on the landlord and tenant issue. So at the time, I became a landlord for a couple of years myself but, leaving aside that, I always had reservations about the robust approach Deputy Brehaut wished to pursue. There were two reasons for that.

2200 The first reason was that Deputy Jones and the Committee then were going down a more softly, softly approach of talking to landlords of supporting the private sector Residents Landlords' Association, which perhaps was a halfway house of bringing about a greater sense of connectedness and of – what is the word? – consolidating relationships between landlords and tenants, and improving the professional corporate governance of the sector. The other reason though was that I took the view that the private landlords' sector in Guernsey was not just a part of our fabric. I mean, it is nearly a third of housing in that sector and, as we have heard today, many States' Members past and present along with hundreds of other people in Guernsey are landlords.

2205 But the problem is more specific than that because we have been wary, as a community, of spending vast amounts of public money and administrative resources on an all-singing, all-dancing public housing programme. We have historically encouraged home ownership, at least until a decade ago, through various States' schemes which I identified earlier, and we have not had a continental culture where the majority of people have been satisfied with being tenants. So we have been like a property-owning democracy, but at the same time the private landlords have provided not just a business opportunity but a social service – they house three times more people than the Affordable Housing States' Housing sector or the Guernsey Housing Association, or various bodies.

2210 The private landlord is the person who is housing the average Guernsey person, or Guernsey family, or hospitality worker, not the States, and not agencies linked to the States. So we are actually, however far we pontificate here, reliant on the good will of the private landlords for our survival in terms of providing the accommodation. If that sector diminished in any way because people voluntarily, or were forced out of the sector, we would immediately have a problem to resolve. Either we would have to encourage home ownership using various interventionist measures, or we would have to start building or commissioning, for housing associations, many more State's facilitated properties; or you would have a brain drain where we would just see people leaving the Island. The private landlord is not a small percentage of the market, it is the dominant kind of landlord; the housing associations, the extra care associations and the State are minority landlords – most landlords are in the private sector.

2220 We have to bear that in mind that one of the consequences of all this going through and being passed into legislation is it may discourage some landlords. And, although I will support the package today I will scrutinise, if I get the opportunity, the legislation in much greater detail. There is a lot to flesh out, and I hope it will not take four or five years, it needs to go quicker than that. But I think we also need Policy & Resources' strategic point of view to consider whether there are financial and other incentives to also encourage the landlord sector, from buy-to-let schemes to bringing back some of the tax perks for wear-and-tear and management operational costs, that were around a few years ago. Because, I think if we are having the stick, and the stick is raising standards, and the compulsory registration – the kind of thing that Deputy de Lisle does not like to see too much States' intervention in – the carrot has to be a more favourable economic climate. And of course really high TRP is another disincentive.

2230 Some of these have been tried elsewhere, but I do support the statutory licence system for houses in multiple occupation. You could almost go further with regulating landlords, but that

might be for later; and the deposit protection scheme, I think the Guernsey solution suggests it is proportionate and Guernsey probably does not need more than one scheme.

2245 I think too we have to realise that some tenants will not just be paying one months' deposit but two or three months, and the States may need to give a helping hand in terms of interest-free loans to support tenants having that opportunity to place deposits. I think, again, it is an opportunity for holistic thinking.

2250 We really need an agenda for change that does not just seek to regulate the market, but encourages for the foreseeable future responsible private landlords who do feel threatened enough to leave the market. You have to look at this in a different perspective: we are seeing more tenants being in the sector and a reduction in owner-occupancy, but if you turn to page 11 of the report, paragraph 3.9, you see something else is intriguing and perhaps has been underreported on in some of the media you see that:

The OEHPR [Environmental Health] has noted a relatively consistent number of housing complaints from 2012 to date.

2255 – with 47 in 2012; 64 in 2017; 55 in 2018; and 63 in 2019. This ended with four closing orders in 2017. That might not sound a high number, but I remember in a previous era when we had different Medical Officers of Health who would do annual reports to the Chamber –and Deputy Trott and more senior Members will remember that era –there used to be zero complaints and zero enforcements, and everybody knew there were some less-than-good landlords around and there were some difficult health issues, but the States of that era was very reluctant to have too big a stick. So not only do you need a framework for legislation, but you need an enforcement procedure that is relatively rigorous; but you need an enforcement procedure as part of a wider States' policy that acknowledges that just having a public health perspective is not the only issue.

2265 I suppose my critique of this report is that page after page of the report is in a bubble of health and safety standards, of acceptable standards for human habitation and living in. It does not particularly address the supply-and-demand economic side of housing or the broader issues Deputy Lester Queripel and other Members have spoken about, about the political will to deliver increasing streams; or the issues Deputy Le Clerc has touched upon relating to the failure of covenant housing to deliver additional social housing.

2270 Because, if we just take the approach that management of housing is a public health concern, and that justifies being tough with landlords and closing them down relentlessly without a process of mitigation of – what's the word? – reasonable adjustment of mediation. If too big a stick is carried, we will actually not be serving the public because we will see a shortfall of affordable accommodation on the Island not just for local people, but maybe for hospitality and other lower-paying sectors.

2275 So my plea is that, as part of revive and thrive, we actually prioritise to a much greater extent a holistic approach to enhancing, developing and sustaining all kinds of housing, from affordable to commercial to housing suitable for high-quality hospitality workers. Just going down the big stick, let's have UK laws here, is not of itself appropriate.

2280 Thank you.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Madam, thank you.

2285 I rise briefly really to give some experiences from a landlords' perspective, because I feel there has been an element of balance missing.

2290 Seventeen years ago, my family exited the property business. At one stage it was a fairly substantial portfolio, I think we had 22 units in total, a mixed bag of over 50 tenants. I remember buying a house off Deputy Ferbrache – it is a shame he is not here, because I sold that particular property six years later for 14 times more than I paid him for it. (*Interjection*) Indeed, that was part of the modernisation process. I mention that because that was at a time when there were particularly heated property prices and there was a shortage of suitable accommodation.

2295 But that is not my main reason for standing, because I remember we had an eclectic mix of tenants and we had, I think I was the first person to provide Advocate Dr Raymond Ashton with a roof over his head when he first arrived in Guernsey, a character if ever there was one – and he would be very pleased that Manchester City beat Liverpool 5-0 last night, being a season ticket holder there.

2300 But my primary reason for rising is to say what an extraordinary journey my participation and my family's participation in that sector was. On one occasion one of our tenants passed away and there was an inquest, and one learnt at the inquest that he had in fact, prior to coming to Guernsey, where he married a local, served a life sentence in Scotland for murder. You never would have thought it, but a murderer he was.

2305 On another occasion there was a case that came to court that alerted us to the fact that one of the tenants, an elderly gentleman – and I have to say, madam, on the face of it, a pleasant elderly gentleman – who was in fact a convicted paedophile. Nothing would have made that property more unsuitable to children than that particular fact, but we did not know about it at the time. Fortunately, there were at that stage no children there.

2310 On another occasion, and the one that I remember most vividly, a tenant developed mental health issues and not only drew on the wall in his lounge an image of Satan but he then thought he was an H-Block resident and smeared excrement all over the wall.

Sometimes, Members of the States, being a tenant is a far less difficult job than being a landlord. Please bear that in mind.

2315 **The Deputy Bailiff:** Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: I absolutely do not want to prolong this and I was quite surprised at the number of speeches with common themes after the lunch I think there must have been some fun discussions about things.

2320 Just to clarify the rent deposit scheme, I think people see it is as something onerous and see the introduction of it ... Just as an example, what they have in Jersey it costs £21 and that is taken off the tenant's deposit. So actually the scaremongering that it is going to increase costs, it does not.

2325 The dispute resolution happens outside of the courts. It really is to make it easier for the tenant and the landlord to agree on what gets returned, and it seems to be working quite well in Jersey. I am sure that there are always teething problems but again, with the relationship that our officers have with Jersey, they have agreed that they would collaborate and be able to use the resources that Jersey already have put into looking at setting up a scheme like this, and we would be able to learn from any teething problems that they have experienced.

2330 That is the important thing to note, yes we might be behind in our legislation but we are at a point where we can learn from the mistakes of other jurisdictions, so we do not need to copy England and have an overly cumbersome ... And again – I know my learned colleague, Deputy Ferbrache, has a particular chagrin for bringing in more red tape, and I do not think I will be able to convince him to vote for this – but in streamlining what are all of these different parts of the Law, and in speaking to the officers who have been trying to maintain the standards across the housing sector, it does make sense to consolidate it, but in a proportionate manner. And what we will be scrutinising when the legislation actually comes back, is that it is proportionate and it is not just copied and pasted, and some big gargantuan over-bureaucratic thing.

2335 Actually at the moment it is overly bureaucratic and difficult to administer, and therefore nobody benefits – the landlord or the tenant do not benefit from having some parts of protection.

2340 So I would urge Members: I understand the reservations, I urge them to vote with the Propositions and allow us to look at making proportionate legislation for this and bringing it back to the States; and at that point, if it appears not to be proportionate, then vote against it.

The Deputy Bailiff: Deputy Merrett.

2345 **Deputy Merrett:** Thank you.

I will be brief because I want to add an element of the opposite side of the argument. Deputy Trott gave his unfortunate examples of tenants and I am sure the exact same examples could be used for landlords or landladies as they are tenants. I do not think you are predisposed to be a paedophile or a murderer, or to leave excrement on the wall because you are a tenant or a landlord. I think that is rather unfortunate and I think it could be on either side of this debate.

2350 I think what we have really missed so far in this debate, as Deputy Hansmann Rouxel has alluded to, is about the proportionate provision and regulation of conditions. But it is more than that, because this is about introducing a basic standard for human habitation, that is what this is about.

2355 Now, I have in my last four years of being a Deputy, and previous to that being called by members of our community and asked to give consideration to the living standards that they are not enjoying – and I have to be honest, I have been totally and utterly shocked at some of what I have seen. I have no wish to name the establishment, so I will try to be as careful as I possibly can because I am very aware that they are not here to defend themselves, but one example is of the rent was being charged quite ... I could not believe the amount that was being charged, but it was for a small room with a sofa, and for the bed they pulled out the sofa and slept, and it was not even a sofa bed. There was no heating and they had a mobile plug-in fan heater which they had on an hourly basis between the different rooms, and they literally placed this heater around the property. I do not for one moment believe that is the majority, I do not, clearly I do not. It is going to be a minority, but if we do not believe that exists on the Island then we are being naïve beyond all contemplation, we really are. I have seen it with my own eyes, so I have seen it.

2360 So I think the key bit to me in this is in 1.7, which is about the introduction of basic standards of human habitation. I think that to me is the key part of this policy paper.

The words 'pragmatic' and 'proportionate' are littered throughout the paper and, as Deputy Hansmann Rouxel says, when it comes back we can determine if we believe that is the case.

2370 But in 4.7, on page 15, it does help us out because it does say things like 'water supply' – kind of important, kind of expected; 'drainage and sanitary conveniences'; 'natural lighting' and 'ventilation' – thinking, have I got all of this in my home actually? But the point is it gives us a definition of what the kind of expectation is. So it is unfortunate – I think Deputy Oliver said this and I think she said it very well – there is accommodation, because I have seen it on this Island, which I would argue does not have a basic standard for human habitation. I am trying to use the words in the policy paper just to reiterate what we are actually discussing, debating;, and I have those concerns.

2380 Now, those people who are renting that accommodation do so – oh, it is really difficult because I want to tell you – because they fear they have very little choice; and it is not that they have little choice in the rental market, it is they have little choice because often the accommodation might be tied to another part of their position. Okay, that was tactful enough for me; surprisingly so, actually. I am trying to be diplomatic, and so basically they are in this position and they have not unfortunately got the financial resource, they have got resilience. I mean, the resilience people have is phenomenal. I mean, phenomenal; but they do not have the financial resource to challenge that, and there is no basic measure – well we have not got this basic standard that they can fall back on and say well, actually, this is what we expect. So that is why I am supportive of this.

2385 I do agree though that the timing is never great. I stand by what I said earlier that this should have been done decades ago, and not left until now. So I think I am content with the policy paper but if I do decide to stand for re-election, and if I do get re-elected, I will as always go over it like a rash, and I will absolutely ensure that it is proportionate, because it has got to be proportionate to both sides. That is the really important thing: it has got to be reasonable, pragmatic and proportionate to the tenant but also, madam, to the landlord or landlady. So that to me is really important: it is about this balance.

2390 At the moment unfortunately from the limited – and it is limited, because I said it is a minority, what I have seen has shocked me and has disturbed me. I did actually go and buy another fan heater and give it to them because I just felt ... I did what little I could, but I was surprised that without ... I

did actually also speak to the person who is renting the accommodation in a pragmatic way, I thought, but it did unfortunately fall on deaf ears, because that is the way we do it in Guernsey. That is okay, because they know what they are letting themselves in for, so what do they expect?

2400 So that is the kind of response I had, which is their right to do so, but ultimately the tenant was not in a position and in my opinion – it is only my opinion, because I am not going to be ... I am not actually sure about this 'authorised people' that can go and do this checking. I am sure that will come back in the Law, so I can have that clarified. I think it is weighted too heavily on one side and not proportionate to the other, so I think we need to bring some balance into the equation, and as
2405 a Government I think we should do that.

But I do have a question for Deputy Brehaut and this is an area that concerns me, the vacant dwelling and properties; and in 1.6 it says:

... measures to tackle vacant dwellings ...

I would just be interested to know – if I have missed it in the paper, I apologise – but what sort of measures are being considered, because arguably already the fact that they have to pay waste refuse collection, and they have to pay TRP, etc., there already to me would be reasons to have a tenant because I would not want to be paying out with nothing coming in, and that is just basic economics. So what measures are considered? Because I cannot locate it and I read it a long time ago. So if Deputy Brehaut is able to give me an indication of what the intent is there – but again that will come back, will it not, in the Law and we would be able to determine the proportionality then?
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So other than that, I think we do have to have a balance, and it is unfortunate because it is not that tenants are any less or more likely to have a behavioural issue or behavioural issues, shall we say, than people that are able to save money and buy a property; and I think it is just a bit unfortunate that that has been alluded to in this debate.

2420 Thank you.

The Deputy Bailiff: Deputy Brehaut to reply.

Deputy Brehaut: Thank you.

2425 As Deputy Merrett was the last person to speak ... I think she is right to speak, because the voice of the landlord actually has been heard in this Assembly very loud and clearly. We are talking about sometimes very vulnerable people that get paid in cash, they will be benefit recipients, they will collect what is due to them and rightly due to them at Edward T Wheadon House. The landlord will then take that off them, there is no rental agreement, there is no lease agreement, and that is where
2430 some of this market is.

When we use the term very loosely 'landlord', it means a number of different things. Two stories, very quickly.

When I first became a States' Member, the States were playing around with the idea of a Government Business Plan. We met in a certain place and we were talking about housing and a very young lad, who happened to be a Latvian gentleman, was serving us coffee. We were talking about housing, and he said to me, 'You should come and see how I live'. I went to see how he lived – and Deputy Gollop is nodding his head – I took photographs to show the accommodation he was living in, I put it on CD-ROM and I sent it then to a senior civil servant at Frossard House. He actually said 'On the strength of this, we will not use that building again if that is how they house their staff'.
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2440 I sent the CD-ROM to the owner of the property, who was not that receptive to the idea of being challenged that way. I sent the same CD to the media and he then became much more receptive about spending some money on the property that he owned.

The second one broke my heart, if I am honest, and it was one that was very well covered. An 18-year-old, again a Latvian, girl working on Guernsey in a bunk of six, where they could see their colleagues preparing their food in a galley kitchen, and from that galley kitchen they could see their friends showering. Six women in a room, young women who had come over to serve this
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community, to contribute, and there was no protection for them. Their voice is not heard, it is not present in this Assembly today.

2450 I pursued a case recently with Deputy Le Clerc ... Fortunately, this person will now be housed adequately. The landlord, who considered himself a very keen handyman, attempted to replace the bathroom, cut the water supply off and left a note for them saying 'Please use the bathroom and shower facilities in the room above' – a tenant they did not know particularly well.

So that is where the market is, it is not all about bona fide leases or rental agreements. This is a very diverse group of people.

2455 Deputy Lowe asked a question on trading standards and did we consider extending the protection to people buying houses. I think the process of people buying houses is overseen by surveyors, it is overseen by the legal profession, it is overseen by conveyancing and, of course, there is the input from estate agents. So there are a number of processes that oversee the exchange of fairly significant sums of money, there are not the same checks and balances in the rental sector.

2460 The other element was, and she is right to point it out, that there was an exchange of correspondence between the Office of Pollution and Environmental Control – I have probably got that wrong – and the Fire Service. The Fire Service were of the view that they would need one more member of staff and there would be resource implications for that. The view of the Office of Environmental Control Pollution and Control – or whatever, housing standards – said actually it is arguable, because they are carrying out that role now and to have a legal framework around this does not make it necessarily more burdensome. But there is no doubt that if you are doing something that has never been done before, that it may have implications for the services that are involved.

2470 But what is integral to this, which was in my speech, is that in having this role it stops the duplication in other areas that takes place.

Ideally, what I wanted to get to some years ago was the idea that if a health visitor went into a property it triggered something – they completed a form and they gave it ...; if a police officer went in it triggered a process; if a fire officer went in it triggered a process ... We really never got there, but this legislation helps to take us in that direction.

2475 Deputy de Lisle was concerned about the cost, I think, as was Deputy Smithies, and how the burden would sit. If I can just find the correct reference, how the burden would sit with the landlord, and the landlord would then pass that expense on:

An indicative fee for a HMO has been calculated using the States' fee calculator and the anticipated amount of officer time to administer and regulate the system ...

2480 That is £280 per property for every three-year period, which equates to £280 per property, that is £93 a year, that is £8 per month. So the £8 a month is not overly burdensome, in my view. Of course, again, just to make this point if you are doing something that has not been done before and you are playing catch-up, then there is no doubt that we will have to do things, put mechanisms in place that have not been there before and there will be costs associated with it.

2485 Deputy de Lisle also said he read that there probably would be costs. In fact it does say that there will be costs but in that regard it is self-funding, so if the scheme works then it will be self-funding.

2490 Deputy Brouard referred to, and this is an issue, I think, that is not ... Landlords must understand and I am sure they do, that there is wear-and-tear and when you rent a property out you do so knowing that there will be wear-and-tear for that property. But a pattern has emerged, which I spoke about earlier, where there is a tendency – and, in fact, if you notice some cleaning companies are now saying that they will do that, that they cover house moves where, as the tenant leaves, the landlord calls in a commercial cleaning company and others, and just as a matter of course they deduct that. It is not wear-and-tear, they are just saying this is what it cost me to get the house clean after you left, ignore the wear-and-tear. And what that means is people who want to move on and better themselves, or just have a better property, then find a situation where they have paid a deposit, which was a deposit, and that has been lost, and then they have this ... And they have not

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usually got the resources to challenge a landlord, who will say do what you like there is a lawyers letter ... And people do not have the same means, there is not the equality of arms in that conversation or in that relationship.

2500 Now, I take a number of points raised by Deputy Ferbrache. Yes, it looks on the face of it burdensome and it looks to be more red tape, but really again when you have not done anything like this before and there is no formal structure in place, then we just have to do ... We do have to, through ordinances and other mechanisms, and yes it will consume officers' time, and yes it is something they are not doing now, but we can do this knowing that we are absolutely doing the right thing.

2505 I just referred to it, and I just made a note, the statistics do not mean a great deal. People do not complain because they understand that within the family, within the broad church of landlords, they do not want to be getting a reputation of being a bad tenant, a troublemaker, someone who may pursue them. So they would rather walk away from £500 and be happier than try and have that fight with a landlord.

2510 Some landlords that I have met can be extremely intimidating at times and there are patterns of behaviours that I have witnessed that are entirely inappropriate, even in this day and age, where the landlord feels they can appear in the property any time of the day or night, of their choosing. They have more than one key to the property and the tenant sometimes really does feel that they have this particularly awkward relationship with their landlord.

2515 Deputy Oliver touched on the deposit scheme, there are models given in there, it talks about the custodial model – Jersey is the custodial model. We are suggesting that it should be the custodial model.

2520 Again, saying that is this proportionate, is it the right thing to do, is there a need? I happen to be a Deputy of St Peter Port South. I had this conversation with Deputy Rhian Tooley: if you canvass College Street, Allez Street, Sausmarez Street, Union Street, Fountain Street, The Bordage, Lower Vauvert and Upper Vauvert you will find properties that will surprise you.

2525 What has happened over time is living over the shop, that used to happen but had not happened in a long period of time. Properties with living over the shop come on the market and they are very cheap, so people buy them up, in areas that have been stores probably since the 1950's and 1960's within a very short period of time become another unit of accommodation. Where that is difficult to monitor and because years ago the Cadastre – and I am looking at other Members of the former Housing Department – remember, we do not have rent control any more, so the deposit scheme gives us the mediation that rent control used to give us. But having these properties that have not been accommodation for long, are not easy to recover rates on and tax on because they are below the radar. And some of the assessments done on property measurements are done from a Digimap, as opposed to walking the street and knocking on doors.

2530 But there is a very important role for the Fire Brigade, if you just happen to, as we do, if you read Press articles you will note a fire occurred – the Fire Brigade and the Police suspect an electrical fire and there is a very real risk of some people living in houses of multiple-occupation with numerous water heaters, room heaters, space heaters.

2535 I actually did not expect the debate to last quite so long on a General Housing Law. I appreciate that States' Members have some reservations. Deputy Stephens has written me a note: could she ask me the question? I am afraid she wrote me the note as I was preparing a few notes.

2540 **Deputy Stephens:** You are giving way are you, Deputy Brehaut?

Deputy Brehaut: Yes I am, I beg your pardon.

Deputy Stephens: Thank you for giving way, Deputy Brehaut.

2545 When Deputy Merrett, I think it was, drew Members attention to paragraph 1.7 on page 4, I looked at the first bullet and I just asked Deputy Brehaut by note if he could give a definition of the expression 'all tenures', because it says:

Introduce a system by which authorised officers can assess the standard of accommodation in the Island across all tenures ...

And I just was interested to know whether that actually included owner-occupied private accommodation or whether we are just speaking about rental accommodation.

2550 Thank you, madam.

Deputy Brehaut: Yes, the provision as I understand it is for – I would need to get absolute clarification on that before I ... [Inaudible]

2555 **The Deputy Bailiff:** Prior to the vote, I think it is appropriate under the Rules that we have a declaration of interest before we vote on the Propositions. So those who wish to declare an interest, please, if you wouldn't mind doing so.

I will start to my left.

2560 **Deputy St Pier:** Thank you, madam.

Out of an abundance of caution, I do not have a direct interest. I think I should declare I am a director of a company that does let properties.

2565 **The Deputy Bailiff:** Thank you.
Deputy Ferbrache.

Deputy Ferbrache: Same interest as I declared before, madam.

2570 **The Deputy Bailiff:** Thank you.
Deputy Paint.

Deputy Paint: Same as before.

2575 **The Deputy Bailiff:** Deputy Oliver.

Deputy Oliver: Director.

2580 **The Deputy Bailiff:** Thank you.
Deputy Le Pelley.

Deputy Le Pelley: Same ...

The Deputy Bailiff: Deputy Roffey, Deputy Stephens.

Deputy Stephens: Same as before, madam.

2585

Deputy Brouard: Same as before.

The Deputy Bailiff: Deputy de Lisle. Deputy Dorey.

2590

Deputy Dorey: Same as before.

The Deputy Bailiff: And Deputy Leadbeater.

Deputy Leadbeater: I declare an interest: I am a tenant. *(Laughter)*

2595

The Deputy Bailiff: Good point.
Deputy Green.

Deputy Green: Same as before, madam, thank you.

2600

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Same as before, madam, thank you.

2605

The Deputy Bailiff: Thank you.

In terms of the Propositions I think I have been asked to have separate votes on 4, 4A and therefore 4B will need to be separate, because at the moment it is together, and 5. So unless anybody wishes to suggest anything else I am going to suggest we do 1 and 3 together ...

Ah, Deputy Smithies.

2610

Deputy Smithies: Can I have a separate vote on 2?

The Deputy Bailiff: In that case, I think we will do separate votes on 1, 2, 3, 4, 4A, 4B, 5, and then 6 and 8 together unless somebody is going to tell me otherwise – *(Interjection)* 6 and 8 together unless – Sorry?

2615

Deputy de Lisle: Number 6 alone, please.

The Deputy Bailiff: 1, 2, 3, 4, 4A, 4B, 5, 6, 7 and 8 together?

2620

I have been asked for recorded votes on 4A and 4B, is there any other request for a recorded vote?

Deputy Oliver.

Deputy Oliver: Madam, can we have it on No. 5, please, the deposit scheme, and also No. 4, the registration?

2625

Thank you.

The Deputy Bailiff: Greffier, did you get all that? *(Laughter)*

2630

The States' Greffier: Yes, madam, I did, yes.

The Deputy Bailiff: So if you would like to read the first Proposition and we will vote on that, *au voix*.

The States Greffier: Are we going *au voix*, madam?

2635

The Deputy Bailiff: Yes for 1, 2 and 3. Separately.

So the first Proposition: To agree the introduction of primary, enabling legislation to allow for regulation of the Island's housing, other than control of occupation, including provision for the matters set out in Appendix 1 to the policy letter. *Pour? Contre?*

Members voted Pour.

2640

The Deputy Bailiff: For the second Proposition, I am not going to read it out this time. Those who wish to vote *Pour*; those against.

Members voted Pour.

The Deputy Bailiff: On the third Proposition which is in relation to multiple occupation. Those for; those against.

Members voted Pour.

The Deputy Bailiff: Then it is a recorded vote.

2645

Deputy Le Pelley: Madam, if I may, for the benefit of *Hansard* would you like to declare those first three carried?

The Deputy Bailiff: Yes, I will, thank you Deputy Le Pelley. I declare the first three Propositions carried. Thank you.

2650

The States' Greffier: Proposition 4

There was a recorded vote.

Carried – Pour 28, Contre 4, Ne vote pas 2, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Gollop	Deputy Trott	Deputy Brouard	Deputy Parkinson
Deputy Lester Queripel	Deputy Meerveld	Deputy Ferbrache	Deputy Mooney
Deputy Le Clerc	Deputy Prow		Deputy Inder
Deputy Leadbeater	Deputy Oliver		Alderney Rep. Roberts
Deputy Le Pelley			Alderney Rep. Snowdon
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Fallaize			
Deputy Lowe			
Deputy Laurie Queripel			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Green			
Deputy Paint			
Deputy Dorey			
Deputy Le Tocq			
Deputy Dudley-Owen			
Deputy McSwiggan			
Deputy De Lisle			
Deputy Langlois			
Deputy Soulsby			

Deputy de Sausmarez
Deputy Roffey
Deputy Tindall
Deputy Brehaut
Deputy Tooley

The Deputy Bailiff: On Proposition 4, those who voted *Pour* 28; *Contre* 4; *Je ne vote pas* 2; absent 5. So I declare the Proposition passed.

2655 Proposition 4A, please, Deputy Greffier.

There was a recorded vote.

Carried – Pour 19, Contre 11, Ne vote pas 4, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Gollop	Deputy Trott	Deputy Stephens	Deputy Parkinson
Deputy Lester Queripel	Deputy St Pier	Deputy Brouard	Deputy Mooney
Deputy Le Clerc	Deputy Meerveld	Deputy Dudley-Owen	Deputy Inder
Deputy Leadbeater	Deputy Lowe	Deputy Oliver	Alderney Rep. Roberts
Deputy Le Pelley	Deputy Smithies		Alderney Rep. Snowdon
Deputy Merrett	Deputy Graham		
Deputy Fallaize	Deputy Paint		
Deputy Laurie Queripel	Deputy Dorey		
Deputy Hansmann Rouxel	Deputy De Lisle		
Deputy Green	Deputy Langlois		
Deputy Le Tocq	Deputy Prow		
Deputy McSwiggan			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			
Deputy Ferbrache			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			

The Deputy Bailiff: On Proposition 4A, I declare *Pour* 19; *Contre* 11; *Ne vote pas* 4; absent 5. I declare the Proposition passed.

Proposition 4B, please, Deputy Greffier.

There was a recorded vote.

Carried – Pour 21, Contre 11, Ne vote pas 2, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Gollop	Deputy Lester Queripel	Deputy Stephens	Deputy Parkinson
Deputy Le Clerc	Deputy Lowe	Deputy Dudley-Owen	Deputy Mooney
Deputy Leadbeater	Deputy Smithies		Deputy Inder
Deputy Trott	Deputy Graham		Alderney Rep. Roberts
Deputy Le Pelley	Deputy Paint		Alderney Rep. Snowdon
Deputy Merrett	Deputy Dorey		
Deputy St Pier	Deputy Brouard		
Deputy Meerveld	Deputy De Lisle		
Deputy Fallaize	Deputy Langlois		
Deputy Laurie Queripel	Deputy Prow		
Deputy Hansmann Rouxel	Deputy Oliver		
Deputy Green			
Deputy Le Tocq			
Deputy McSwiggan			
Deputy Soulsby			
Deputy de Sausmarez			
Deputy Roffey			

Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley

2660 **The Deputy Bailiff:** Proposition 4B, I declare *Pour* 21; *Contre* 11; *Ne vote pas* 2; absent 5. I declare the Proposition carried.
Proposition 5, please, Deputy Greffier.

There was a recorded vote.

Carried – Pour 27, Contre 6, Ne vote pas 1, Absent 5

POUR

Deputy Gollop
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy Meerveld
Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy McSwiggan
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Tindall
Deputy Brehaut
Deputy Tooley

CONTRE

Deputy St Pier
Deputy Dudley-Owen
Deputy De Lisle
Deputy Prow
Deputy Oliver
Deputy Ferbrache

NE VOTE PAS

Deputy Stephens

ABSENT

Deputy Parkinson
Deputy Mooney
Deputy Inder
Alderney Rep. Roberts
Alderney Rep. Snowdon

The Deputy Bailiff: On Proposition 5, there voted *Pour* 27; *Contre* 6; *Ne vote pas* 1; absent 5. I declare the Proposition passed.

Proposition 6 is aux voix. Those *Pour*; those *Contre*.

Members voted Pour.

2665 **The Deputy Bailiff:** I declare the motion carried.
Propositions 7 and 8 will be voted for together. Those *Pour*; those *Contre*.

Members voted Pour.

The Deputy Bailiff: I declare Propositions 7 and 8 also passed.

**Procedural –
Change of presiding officer**

The Deputy Bailiff: With apologies for demoting the States' Greffier before, *(Laughter)* there will be a short moment while Presiding Officers change.

The Bailiff took the Chair

2670 **The Bailiff:** Well, thank you all very much, Members of the States, for standing up as I arrived, but it was not strictly necessary.
What is the next Item of business then, Greffier?

2675 **Deputy Trott:** Sir, I think we were standing for Madam Deputy Greffier. *(Laughter)* Deputy Bailiff!
(Laughter)

The Bailiff: That is a very good start, Deputy Trott!

2680 **The States' Greffier:** It is Article VII, sir, the States' Trading Supervisory Board, the Future Guernsey Dairy Project.

The Bailiff: I invite the President of the States' Trading Supervisory Board to open the debate.

Deputy Ferbrache: I think Deputy Lowe wanted to address you first.

**Re-ordering of business –
Motion carried**

2685 **The Bailiff:** Okay, Deputy Lowe then.

Deputy Lowe: Thank you, sir.

2690 Sir, I would like to put a motion to withdraw the Committee for Home Affairs Membership Report. I am delighted to say that we have resolved the issues that are contained in that Report so it is therefore no longer necessary.
So I ask Members to support the motion, please.

2695 **The Bailiff:** The first thing, Members of the States, is that are you minded to re-order your business to take that Item next? I am simply going to put the motion to you. Those in favour of re-ordering the business; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I will declare that carried.

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

2700 **The Bailiff:** Recorded vote on the motion then, Deputy Tindall.
Greffier.

There was a recorded vote.

Deputy Lester Queripel: Sir, while the votes are being counted, might I ask for a point of clarification, please?

2705 **The Bailiff:** No, not really, Deputy Lester Queripel, because there is nothing to clarify.

Deputy Lester Queripel: Sir, Rule 24(12) (*Laughter*) says debate on such a motion should be limited strictly thereto.

2710 **The Bailiff:** We have not re-ordered the business yet, Deputy Lester Queripel, to allow this Item to be dealt with at this point in the meeting.

Deputy Lester Queripel: Right, sir, thank you, sir.

2715 **The Bailiff:** When we get to it, you are right, Rule 24(12) is engaged.

Carried – Pour 15, Contre 10, Ne vote pas 4, Absent 10

POUR

Deputy Gollop
Deputy Leadbeater
Deputy Le Pelley
Deputy Meerveld
Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Graham
Deputy Paint
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy De Lisle
Deputy Prow

CONTRE

Deputy Lester Queripel
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Dorey
Deputy de Sausmarez
Deputy Roffey
Deputy Oliver
Deputy Tindall
Deputy Brehaut

NE VOTE PAS

Deputy Stephens
Deputy McSwiggan
Deputy Soulsby
Deputy Ferbrache

ABSENT

Deputy Parkinson
Deputy Le Clerc
Deputy Mooney
Deputy Inder
Deputy Hansmann Rouxel
Deputy Green
Deputy Langlois
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Tooley

The Deputy Bailiff: Members of the States, on the motion to re-order the business there voted *Pour* 15; *Contre* 10; 4 abstentions; and 10 Members were absent at the time. Therefore the motion to reorder the business is duly carried.

Greffier, if you will call it, please.

Billet d'État XIV

COMMITTEE FOR HOME AFFAIRS

II. Committee for Home Affairs Membership – Termination of office of Deputy Oliver – Proposition lost

Article II.

The following propositions are laid in accordance with Rule 37(8) of the Rules of Procedure.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Committee for Home Affairs Membership' dated 10th June 2020 the States, in accordance with Rule 37(8) of the Rules of Procedure, are of the opinion that:

1. The period of office of Deputy Victoria Oliver as a member of the Committee for Home Affairs should be terminated with immediate effect.

2720 **The States' Greffier:** Yes. Committee for Home Affairs Membership – motion to withdraw proposed by Deputy Lowe and seconded by Deputy Leadbeater.

The Bailiff: I think strictly speaking it is the Committee for Home Membership Item to start with but, Deputy Lowe, you have a motion.

[Motion to withdraw](#)

To resolve that the Policy Letter 'Committee for Home Affairs Membership' be withdrawn.

2725 **Deputy Lowe:** I do, sir.

The Deputy Bailiff: Thank you.
Do you want to speak to that at all?

2730 **Deputy Lowe:** Just to repeat what I actually said earlier, sir, as the issue has been resolved we would be delighted if the States' Members agreed to withdraw the report, because it is no longer necessary.
Thank you, sir.

2735 **The Deputy Bailiff:** Thank you very much.
Deputy Leadbeater, do you second that motion to withdraw?

Deputy Leadbeater: I do, sir.

2740 **The Deputy Bailiff:** Now, Deputy Lester Queripel, you are right, Rule 24(12) says that debate on this motion must be strictly limited to the motion as to whether or not the withdrawal motion is supported or opposed.
Does anyone want to speak on it? Deputy Lester Queripel.

2745 **Deputy Lester Queripel:** Thank you, sir.
To quote a song that was a hit for Charlie Rich in the 1970's 'No-one Knows What Goes on Behind Closed Doors' and that is extremely relevant here, because Members of this Assembly and Members

of our community do not know what has gone on behind closed doors. Deputy Lowe has not told us that.

2750 So in the interests of the openness, honesty and transparency we all attest to aspire to it needs to be resolved in a public domain, because it is out in the public domain. And it is on that basis that I cannot support this motion to withdraw. If we do not debate this issue, Members of the next Assembly could justifiably say all of the following: Deputy Oliver violated a protocol and got away with it; Deputy Oliver undermined Law Enforcement and brought the integrity of a colleague into
2755 question and got away with it, so why can't we?

The Bailiff: Deputy Lester Queripel, you are already starting to stray away from the motion as to whether or not it should be debated because you have started to talk to the substance of the matter. Can you confine yourself to whether you support debate or not.

2760 **Deputy Lester Queripel:** Sir, I was trying to explain why I support debate.

The question colleagues have to ask themselves is then, sir: do they want to pursue accountability or do they not? Do they want to be open, honest and transparent and debate the issue?

2765 Sir, this is a matter of principle. It is a matter of accountability and it is a matter of a great concern I have of setting a precedent for the next Assembly.

Just a few short weeks ago, sir, Home Affairs were absolutely adamant that Deputy Oliver needed to be removed from the Committee because there was a complete breakdown in trust and confidence and, in their words, the situation had become untenable. So what has changed? We do
2770 not know what has changed, sir, it has all gone on behind closed doors – which is why I am saying, in the interests of openness, honesty and transparency in my view this needs to be debated.

Some of my colleagues have said that there are far more important things to discuss and we need to kick this into the long grass. I think that is extremely irresponsible. If we want to attain the openness, honesty and transparency we attest to aspire to then we do need to debate this. Some
2775 colleagues have also said it will be a witch hunt, but it does not need to be a witch hunt as long as it is conducted on a professional basis and not a personal basis.

In closing, sir, I ask for a recorded vote when we got to the vote, please.

Thank you.

2780 **The Bailiff:** Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

For me the issue is very clear: are both parties to what we think is a dispute, content that the motion be withdrawn and there be no debate? I take it as read that the President of Home Affairs
2785 on behalf of the majority of the Committee is of that view. I think it would inform the debate if we knew the view of the other Member of the dispute, namely Deputy Oliver. For me that is the key to the question in front of us.

The Bailiff: Deputy Oliver.

2790 **Deputy Oliver:** I was just going to reply to Deputy Graham's question.

I never took part in the vote for the motion to come to the States, so I thought it only right that I never took part in the motion to withdraw.

I will be abstaining anyway.

2795 **The Bailiff:** Deputy Le Tocq.

Deputy le Tocq: Sir, this is a bit confusing and we could spend more time on this than actually debating it which would be negative. I was pleased to hear that the matter had been resolved. I do not think it does this Assembly any credit whatsoever to debate those sorts of things and I wish they were resolved by other means.

The key thing is, and I am still not sure ... We have heard from the President of Home Affairs that the matter has been resolved amicably and I would just like that to be confirmed by Deputy Oliver, in which case I am prepared for this to be withdrawn, otherwise I do think it needs to be debated.

I do not know whether Deputy Oliver wants to comment. I will be happy to give way. She does not. Okay, fair enough.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

In any organisation there will be internal disputes at times between members of Committees or boards of directors, etc. It is always preferential that those agreements are resolved between the people who are involved in it, and resolved amicably and people get on with the business at hand. As far as I see we have a resolution here where there was originally what was portrayed as unsurmountable difference of opinion, but that has been overcome. There is now a motion before us to withdraw the Proposition and to move on.

Yesterday, and later on today, we will be debating how many days extra we want to slot into our schedule to cover the important business of this States, and yet apparently Members may want to go back and decide to dig over dirty laundry over who said what, he said this, she said that within a dispute in a Committee that has been resolved and the Proposition withdrawn.

Let's approve the withdrawal and get on with the serious business we need to deal with, not messing around with dirty laundry.

Thank you, sir.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

We do not live in a perfect world, we do not have perfect Committees and we do not have perfect Members. I am one of those who are not quite perfect. But the matter, by five consenting adults, has been resolved. Please accept that.

I align myself with Deputy Meerveld and Deputy Le Tocq.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

I am really torn about whether to vote to allow this to be withdrawn or not, because I absolutely did not think it was the correct judgement call to bring it in the first place, and therefore I should be all in favour of it being withdrawn, because it is not the sort of thing that I want debated in the Chamber of the Assembly.

However, it was brought, and a policy letter was published, and allegations and things were said that are not going to be unsaid because they are published and in this policy letter. I agree with Deputy Meerveld these sorts of things should be settled around the table, but it was not settled. Maybe it has been now, but things have been said, and frankly I feel personally if I vote for this to be gone away and not talked about after what has been highlighted and fed through the media, I will be tacitly supporting political bullying and I cannot do that. So I will vote against the motion to withdraw.

Several Members: Hear, hear.

The Bailiff: Deputy Leadbeater.

2850 **Deputy Leadbeater:** Thank you, sir.

I have to disagree with Deputy Roffey. I do not think there has been any bullying in this process whatsoever. I have been the victim if there has been a victim anywhere here; I have been trolled on social media because of this and in all honesty I would like the opportunity to dispel some of the myths. (*Interjections*) But, having discussed it with the Committee, Deputy Oliver posted a retraction of her words that was sufficient to allow the Committee to allow her to continue on the Committee. That was unanimous amongst the Committee.

2855
That is not saying that I will not press ahead with the Code of Conduct because I strongly feel that Deputy Oliver broke the Deputies Code of Conduct, but I do not think that this should be played out across –

2860 **The Bailiff:** Deputy Leadbeater, you are straying outside of the motion to withdraw.

Deputy Leadbeater: Apologies, sir.

2865 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I cannot support the motion to withdraw because for many reasons that have been alluded to, but I think Deputy Meerveld's internal dispute clearly is not an internal dispute because it has been made very public and it has been made very external. Unfortunately, sir, unless we have the opportunity to understand then I fear that when Deputy Lester Queripel spoke he implied that Deputy Oliver may have done something, but we do not know whether that ... Or maybe the Committee has ... I do not know, sir.

2870
So I am embarrassed, as a Member of the Assembly, that it has been brought to the Assembly; but at the same time it has been brought to the Assembly and therefore I would struggle to ... I cannot support the motion to withdraw. More consideration should have been given over into submitting it in the first place, sir, and I think that is where the issue is.

2875
Satisfactorily resolved? But I am not convinced when Deputy Le Tocq asked for an indication that it has been satisfactorily resolved or the way in which it was resolved was satisfactory, I am not quite sure ...

2880 As I do not know, sir, I cannot support the motion to withdraw.

The Bailiff: Deputy Gollop.

2885 **Deputy Gollop:** Sir, thank you very much, sir, Mr President.

I wish to narrowly focus on the merits of the argument to withdraw at this point. Already one or two Members have gone into other issues such as alleged bullying and so on, and I do not support bullying in any way. Hopefully, I have not done it myself; occasionally I might have been a victim of it. But that is not the issue before us, nor any issues of reputation.

2890
I support Deputy Meerveld's point and Deputy Le Tocq's point about time and the fact that it really is not in the public interest for this kind of issue to be debated in this way at this point. But the key point to support the motion to withdraw, as has been put by Deputy Lowe and Deputy Leadbeater on behalf of the whole Committee, is that constitutionally, from my perspective, a Committee puts a policy letter, a States' Report to this Assembly, and my name is invariably on the ESS ones even if I have not ... I have sort of wobbled and wibbled a bit, and weirdly enough on this policy letter Deputy Oliver's name is on it too, even though it takes a perspective.

2895
Now, clearly a majority of the Committee for whatever reason have decided it is in the best interests of the States and the Committee not to continue with the withdrawal, regardless of whether it was a well-put-together policy letter or not, and I think if you have a Committee that has

2900 decided not necessarily unanimously but clearly that they do not wish to discuss the matter, we should not discuss it and we should move on to the Dairy.

Thank you, sir.

The Bailiff: Deputy McSwiggan.

2905

Deputy McSwiggan: Sir, I tend to agree with Deputy Brouard that if five adults have decided between themselves that there is no conversation to be had then there is no conversation to be had, and that is where I thought we were.

2910 Then I think Deputy Leadbeater changed the game by saying that actually he thinks he will still pursue a Code of Conduct. I do not know whether any Member of Home Affairs feels similarly. If they do I will give way so that they can make that view known. I think most of them have spoken by now. If all Members of Home Affairs still feel that actually the issue is resolved between them, then there is no need for us to go into a States' debate –

I will give way.

2915

Deputy Lowe: Thank you Deputy McSwiggan.

All Members of Home Affairs are united they wish to keep Deputy Oliver as a Member of Home Affairs. At no time have they actually asked her to resign.

2920 The issue which Deputy Leadbeater was referring to is not a Home Affairs matter; it is a matter between Deputy Oliver and Deputy Leadbeater. As far as Home Affairs and the mandate of Home Affairs, we are united that we have never asked Deputy Oliver to resign. We have asked her to retract what she actually put on Facebook and she did that yesterday, and nobody made her push the button to do so. She did so accordingly, and therefore she could have left the room any time she wants. She is an adult; nobody made her do it.

2925 This nonsense about bullying: I was in the room, we had our senior staff in the room, we had our Chief Officer in the room and I can assure you that everything was conducted accordingly and agreeable at that time. So as far as I am concerned I had a good chat to Deputy Oliver yesterday and again afterwards and we all agreed we will move on.

2930 **Deputy McSwiggan:** Well, I did not mention any nonsense about bullying, those words were Deputy Lowe's. But if all Members of the Committee for Home Affairs feel that this matter is resolved, then that is their affair and I will not push them into an argument they do not wish to have in public.

2935 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2940 I think the problem here is that the policy letter contains quite serious allegations (**Several Members:** Hear, hear.) levelled against Deputy Oliver by the ... Well, presumably not by herself, although her name is attached to the bottom of the thing, but by the other Members of the Committee.

Now, this is a parliamentary document. It has appeared in a Billet. It sits as a matter of public record and Deputy Oliver has had no opportunity at all to explain her version of events. I think that is just simply unfair.

2945 I think it is like – Deputy Ferbrache is shaking his head every time anyone speaks against the motion to withdraw, but I do not know how he would feel if one of his clients was brought into the court and the charge sheet was read out, and then Deputy Ferbrache or his client was told 'We are not going to allow you or your client to speak in defence or to put the other side of the case; we are just going to come to a judgment without hearing from them'.

2950 That is the problem, I think. My view is – and this now has gone on 20 minutes, or however long it has gone on. The much more satisfactory thing would have been for Deputy Lowe to have spoken

on the actual Proposition, for the States to have heard from Deputy Oliver and then for the thing to be guillotined and for the States to reach a conclusion. I think that would have taken less time and it would have been more consistent with natural justice.

2955 But to effectively guillotine any debate on this without hearing from Deputy Oliver
(**A Member:** Hear, hear.) when there are very serious allegations laid against her in the policy letter, I do not think is reasonable. All this business about whether it was a personal dispute between Deputy Leadbeater and Deputy Oliver is irrelevant. The policy letter says that Deputy Oliver has undermined the protocol between the Committee for Home Affairs and the Police that is much
2960 more –

The Bailiff: Deputy Fallaize, you are straying into debating the actual motion rather than the motion to withdraw, which is what Rule 24(12) does not permit.

2965 **Deputy Fallaize:** Sorry, sir.

I think the most serious charge laid against Deputy Oliver is that she has broken the protocol and that is now a matter of public record and has appeared in a Billet, and Deputy Oliver has been provided with no opportunity to put her side of events. I just do not think that is satisfactory.

2970 I do not particularly want to debate this thing, I think it is a load of rubbish quite frankly, but debating it is the only way of providing Deputy Oliver with an opportunity to put her version of events.

Thank you, sir.

Deputy Dudley-Owen: Sir, may I invoke the motion to guillotine.

2975

The Bailiff: Yes, Rule 26(1). So will those Members who wish to speak on this motion to withdraw please stand in their places.

Deputy Dudley-Owen, do you still want to move the Rule 26(1) guillotine motion?

2980 **Deputy Dudley-Owen:** I do, sir.

The Bailiff: In that case I will put to you, the Members, that debate on this motion be terminated subject to the final word from Deputy Lowe who would have the right to wind up the debate. Those in favour; those against.

Members voted Contre.

2985 **The Bailiff:** I declare that lost.
Deputy Trott.

Deputy Trott: Thank you, sir.

2990 Sir, this is the sort of debate that makes us look like one of Walt Disney's early creations, Mickey Mouse. But there are two adages that are in play here and the latter trumps the former. The first adage is one should always be very careful about washing one's dirty linen in public; (**Several Members:** Hear, hear.) and the second is nothing disinfects like sunlight. We should have a debate on this and I will be voting accordingly.

2995 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

3000 I will be very measured and careful in what I say. It has been presented that this has been perfectly amicable, that every Member of Home Affairs is in the same position and it was a careful consideration delicately dealt with, and that Deputy Oliver has made the decision that she has made.

In a conversation I had yesterday – to be candid and honest, with a very distressed Deputy Oliver – that was not the case and I think we need to talk about this. I am going to say the word ‘bullying’. (A Member: Shame.) Shame, maybe, when we see it and we hear it and we have lived with it as politicians for long enough. We need to call it out. (Several Members: Hear, hear.)

3005 Immense pressure has been placed on someone to do something they would rather not do. It is just plain wrong and we need to call it out when we see it.

The Bailiff: I invite Deputy Lowe, as the proposer of the motion to withdraw, to reply to the debate.

3010

Deputy Lowe: Thank you, sir.

I categorically deny that there has been any bullying. The Chief Secretary would have stopped or certainly pointed it out if he felt that it was unacceptable, and he was in the room at all times. Most of you know the Chief Officer and have worked with the Chief Officer from Home Affairs who has been around quite some time. He is probably one of the quietest and most moderate and an excellent mediator if ever there was a mediator needed, and he handled and was involved with it superbly.

3015

Of course there are going to be disagreements in Committees. But just go back to probably 18 months ago, we at Home Affairs were slated by some of you in here about HMIC and about good governance. We should apply good governance; we had to have a protocol for good governance. We did that ... and I am straying –

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The Bailiff: Deputy Lowe, you are starting to stray away from the motion.

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Deputy Lowe: I am starting to stray, sir.

All I am trying to say is that it was agreed there would be a protocol, and the Committee decided that actually Deputy Oliver breached that protocol by posting on social media. After many discussions I have to say that yesterday Deputy Oliver agreed to post on social media a retraction that would enable satisfaction for the Committee – that they were satisfied she had now sent that retraction down the line. As I say, nobody made her do it, she did that and pressed the button, and that happened.

3030

Therefore because there is now the retraction on social media, for what she actually posted on there, this has been resolved. There is no more or no less. It is actually in the report why the report was brought here, because of what was on social media. That has now been addressed: end of.

3035

It has been resolved and we look forward to moving on with all the work that we have got to do with Home Affairs. I ask Members: it has been resolved would you please ... There is nothing else to add to it, it really is a case of getting that post and if Deputy Oliver was prepared to retract that post on social media the job would be done. It is a simple as that.

She decided to do that yesterday; she is an adult; she has been in the States four years. Nobody locked the door and made her stay in the room. She did not have to press the button; that was her choice. Therefore I ask Members to please support the motion to withdraw this report because actually there is nothing further to add. I do not know what you are looking for but there is nothing further to add. That is the complete story. End of summary.

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Deputy Brehaut: May I ask for clarification, sir?

The Bailiff: On what, Deputy Brehaut?

3050 **Deputy Brehaut:** Deputy Lowe said she was in the room; nobody made her press the button; she pressed the button; nobody made her do that. Are we saying that a message was sent in the company of Home Affairs Members? It seems to me that would not be entirely appropriate.

The Bailiff: That is not something on which you can really press any further.

3055 Members of the States, there is a request for a recorded vote on this motion to withdraw the Committee for Home Affairs Membership policy letter, proposed by Deputy Lowe, seconded by Deputy Leadbeater.
Greffier.

There was a recorded vote.

Not carried – Pour 16, Contre 17, Ne vote pas 1, Absent 5

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Gollop	Deputy Lester Queripel	Deputy Oliver	Deputy Parkinson
Deputy Leadbeater	Deputy Le Clerc		Deputy Mooney
Deputy Le Pelley	Deputy Trott		Deputy Inder
Deputy Meerveld	Deputy Merrett		Alderney Rep. Roberts
Deputy Lowe	Deputy St Pier		Alderney Rep. Snowdon
Deputy Laurie Queripel	Deputy Stephens		
Deputy Smithies	Deputy Fallaize		
Deputy Graham	Deputy Hansmann Rouxel		
Deputy Green	Deputy Dorey		
Deputy Paint	Deputy McSwiggan		
Deputy Le Tocq	Deputy Langlois		
Deputy Brouard	Deputy Soulsby		
Deputy Dudley-Owen	Deputy de Sausmarez		
Deputy De Lisle	Deputy Roffey		
Deputy Prow	Deputy Tindall		
Deputy Ferbrache	Deputy Brehaut		
	Deputy Tooley		

Deputy Tindall: Sir, could I ask a question? If this is successful, do we then go straight to the policy letter? Thank you, sir.

3060 **The Bailiff:** Members of the States, on the motion to withdraw proposed by Deputy Lowe and seconded by Deputy Leadbeater, there voted *Pour* 16, *Contre* 17, 1 abstention, 5 absentees. Therefore the motion is lost.

Deputy Lowe, do you wish to open debate?

3065 **Deputy Lowe:** Thank you, sir.

Deputy Trott said it was not right that you aired dirty washing in public. Well, I am sorry Deputy Trott, you voted for this so now you are going to get it.

3070 It is with deep disappointment that the Committee for Home Affairs is laying this policy letter. This is not a route that has been taken lightly and in doing so it was not a quick decision by the Committee either. We have spent days from the Friday evening to the Wednesday afternoon with many hours trying to help Deputy Oliver on finding a way out of the situation she put herself in – Law Enforcement and the Committee. When one takes a role on Home Affairs there are some clear lines that must not be crossed. The Proposition before the Assembly today is because Deputy Oliver crossed one or more of those lines.

3075 Now, let me say at the outset for those listening on the radio and the media, this is not about the rights and wrongs of de-criminalising cannabis. It is not about Deputy Oliver's right to freedom of speech. It is absolutely right that Deputy Oliver should and does speak about the question of legalising cannabis. It is about it being wrong for a Member of Home Affairs to comment on an active Police investigation. This is the central issue. This is about good governance and an agreed

3080 and signed Protocol between the Committee for Home Affairs and appointed Head of Law
Enforcement during 2019. That Protocol has been breached. The Committee faced heavy criticism
from some States' Members in this Assembly and outside for a lack of good governance and a lack
of a formal protocol. We took that on board and rectified this.

3085 There are two sections in the Protocol: one with the heading 'Operational Direction and Control'.
It states: '... take great care to avoid involving themselves in operational direction and control'. And
under 'Independence', it states: '... not restrict or inhibit the operational independence of the Head
of Law Enforcement and the services he or she leads'. That Protocol remains at the heart of our
responsibility working with Law Enforcement, ensuring the trust and accountability so no lines are
crossed. This Report is about doing what is right.

3090 It is now well known that Bailiwick Law Enforcement executed a drugs-related investigation at a
property and as a result detained certain parties for questioning. Given that this matter may well be
before the courts it would be inappropriate at this time for it to be discussed in this Assembly or in
any other public forum. A person who was detained chose to use social media to remonstrate that
10 or more Law Enforcement Officers had been involved and she considered such actions against
3095 her to be wholly unreasonable.

Deputy Oliver responded by sharing her view that the Police should not be acting in this way.
Deputy Oliver had no knowledge or idea how minor or major the event was. She speculated the
social media post was right, so waded in and apologised for what the person who posted had been
through.

3100 Deputy Oliver crossed the boundary. She breached the signed Protocol of the Law Enforcement
and interfered in a live criminal investigation, directly drawing into question a specific operation of
the Police and Border Agency staff in carrying out their mandatory role. That, Members, oversteps
the mark of the good governance and the signed Protocol Home Affairs have agreed with Law
Enforcement. Deputy Oliver and the wider public, including the media, do not know the
3105 circumstances of the case. The only people who should know at this time are the Police, the
defendant and their legal representative, if they have one.

In view of that I will not make any comments to the allegations or the facts of the investigation
as this is not a matter for us to know at this time. If the investigation leads to open and transparent
proceedings before the court, that will be an appropriate time for us to understand the facts.

3110 Deputy Oliver said much more but, for now, let's focus first on why a politician, particularly on
Home Affairs, should not publicly be questioning Police operations. The most obvious is that Home
Affairs is the political voice and face of Law Enforcement and every Member of the Committee
knows that and they have to conduct themselves accordingly. This Assembly is well aware of the
advice given to Home Affairs by HMIC, which was that politicians must not involve themselves in
3115 Law Enforcement operations.

Deputy Oliver, along with the rest of the Committee, fully accepted this advice. Despite the facts
that a person who was, according to their own social media post, detained for questioning following
a drugs investigation, Deputy Oliver has presented a number of scenarios over why she did what
she did and how she has been misunderstood. One was that she sought to justify her apparent
3120 ineptitude on the grounds that she was a relative newbie in the States. This is stretching the truth
somewhat as she has been a Member of this Assembly and of Home Affairs for a full four years. In
that time I expect she will have attended more than 200 Committee and States' meetings that hardly
ranks as being new to the job. Another was that all her fellow Committee Members had
misconstrued her comments. When read in the context of the post she was responding to, Members
3125 felt it was impossible to interpret it in any other way and that is why this is so important.

Deputy Oliver accepts that what she has said has been misunderstood, but had refused to issue
a statement correcting that misunderstanding until yesterday. So it has been resolved, but you want
to hear what happened, so I shall continue.

3130 Another scenario from Deputy Oliver was that the Members were effectively ganging up on her.
This is not the case. The Committee meetings where this was discussed were all open and

transparent, with civil servants in attendance and minutes taken. At no time was she asked to resign. And I will repeat that: at no time was Deputy Oliver asked to resign.

Deputy Oliver posed the question: were we asking her to resign? And it was made very clear numerous times –

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Deputy Oliver: Point of correction, sir.

The Bailiff: Point of correction, Deputy Oliver.

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Deputy Oliver: Every Member of the Committee said that if it were them, several times, they would resign, and that is all I had to do to make this go away. (*Interjection*)

The Bailiff: Deputy Lowe to continue.

3145

Deputy Lowe: Deputy Oliver, when that was said, Members actually said to her if they had been in that position, if they were not prepared to retract what was on social media they personally would resign; but she had to choose what she wanted to do. That is a fact.

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Deputy Oliver posed the question: were we asking her to resign? And, as I say it was made very clear numerous times she must do what she thinks is appropriate. It was for Deputy Oliver to make the decision on how she would address this situation, not for any Committee Members, myself included. We did tell her we expected her to issue a statement clarifying the situation that she was not criticising the Police action. Not once was she asked to resign by any of us.

3155

I will pause here to fill in the gaps that you will be unaware of. On the evening of Friday, 5th June it was brought to my attention by a senior employee of the Committee for Home Affairs of a post on social media by one of the Members that may cause problems for Home Affairs. I had that post then sent to me that had been put on Facebook. Once I was made aware of the seriousness by a member of staff, and with the Committee posting on social media about a live criminal investigation, I sent Deputy Oliver an email plus a text asking her to look at her emails.

I said the following:

I have been made aware that you have posted on Facebook we should not be arresting people with a small amount of cannabis.

It is really irrelevant whether it is a small or large amount of cannabis it is illegal, simple as that. The law is the law and it is seriously disappointing if any States' Member undermines Law Enforcement doing their job, let alone a Member of Home Affairs who are Law Enforcement's political leaders.

For you to post on social media apologising to an individual without knowing any facts seriously undermines Law Enforcement while they are doing their job keeping our Island safe and secure. There is an independent Police Complaints procedure available to all. This is as much as any States' Member should offer without interfering with Police operations.

I am sorry I have needed to send this email as I have asked you before if you could refrain from posting on social media getting involved in Police operations., I can only ask and not tell you what to do, perhaps you could reflect.

3160

End of email.

Her ill-judged comments about what the Police should and should not be doing were made worse when she set out publicly how very angry she was at Deputy Leadbeater, the Vice-President of Home Affairs.

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I would wish to offer a response to Deputy Oliver's criticism of Deputy Leadbeater as Vice-President. There were two candidates for the position of Vice-President of Home Affairs – Deputy Oliver and Deputy Leadbeater. Deputy Leadbeater was fairly and democratically elected into the role of Vice-President and has discharged it in a wholly professional way. I will leave it to Deputy Leadbeater to address his views on what was posted by Deputy Oliver. But what I will say, the business Deputy Leadbeater is involved with is duly licensed by the Committee for Health & Social Care and he has always been open and declared his interest. When any matter relating to cannabis or hemp has come before Home Affairs he has taken no part in the discussions nor received the relevant papers.

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3175 By me contacting Deputy Oliver, flagging up how inappropriate her post on social media was, I had hoped at an early stage she would acknowledge the error of her ways, accept responsibility and remedy it. I did not hear anything from Deputy Oliver from my email or the text sent on Friday evening until Home Affairs meeting on Monday morning 8th June. At the Home Affairs meeting, Deputy Oliver seemed to be unable or unwilling to accept her wrongdoing. Rather, she felt the Committee members had somehow misconstrued her words. She was not prepared to publicly retract, as she said it would attract the media's attention. There was a view that while she was 3180 saddened with the outcome of her post and was sorry people had been upset, she did not demonstrate any true regret. She continued to see it as being a misunderstanding by everyone else except for her.

3185 She did eventually take the offending post down but, as we know, once on the web it is out there and once read it cannot be unread. Over the days subsequent to the post there were numerous exchanges by email, we had Microsoft Teams meetings, and telephone, plus two Committee meetings – well, actually you can make that four now. The second meeting convened especially to seek to resolve the issue.

3190 During this time the working relationship between the other Committee Members and Deputy Oliver sparked by her posting had become strained. This is not driven by any personal animosity but rather a loss of trust and confidence in Deputy Oliver and her seeming inability to accept responsibility for her actions. Furthermore Deputy Oliver said in a Committee meeting that she did not have the internet over the weekend yet she was posting on social media with my Vice-President. She also said that her phone was not working so she had not seen my text.

3195 **Deputy Oliver:** Point of correction, sir.

The Bailiff: Point of correction, Deputy Oliver.

3200 **Deputy Oliver:** I never said I could not see my phone and that I do not have email on my phone, but my internet was playing up so I could not see the emails. I have said this already.

The Bailiff: Deputy Lowe to continue.

Deputy Lowe: Thank you.

3205 She also said her phone was not working over the weekend and yet the receipt button showed she read my text on Saturday morning; and yet when I asked her about this she said it would have been her daughter, but her phone was not working.

3210 Members of any Committee need to represent politically the services under the Committee's mandate. If they consider operational activities have been executed wrongly they can be aired within the Committee under the formal complaints process, but not through social media. I am sure Members will appreciate that when dealing with criminal matters it is important that politics are kept out. The members of Home Affairs are also the appropriate authority. This is a separate body under Home Affairs and defined, under the Police Complaints Law, for dealing with investigation of serious complaints for officers of superintendent or above. That also becomes an untenable position 3215 for any Member to hold who has publicly expressed views on the validity of specific Police activities.

3220 Saying the Police should not have acted in a certain way and should be applying the Law differently is not only unhelpful but crosses the line that should not be crossed. Law Enforcement are subject to the Laws set by the States and there are clear procedures in place for anyone who wishes to report a breach of the Law, or complains of the activities of Bailiwick Law Enforcement. Social media is not the platform for this to take place.

There is a positive and professional working relationship between the Committee and Law Enforcement which is built on trust and mutual respect. By the very nature of the safety and security issues under our mandate, it is from time-to-time necessary for Law Enforcement to take the Committee into confidence. It is the view of the majority of the Committee that this essential trust

3225 has been seriously undermined by Deputy Oliver's actions breaching the Protocol by publicly
posting on social media and, as such, her continued involvement with the Committee seriously
hindered the effective discharge of its mandate.

The Committee must act to ensure the trust and confidence with Law Enforcement is maintained.
Law Enforcement were aware of the comment and also that the senior members of staff were
3230 involved inasmuch as attending meetings to address, without any difficulty, how to take this
forward.

So, in summary, I did everything I could to resolve this by sending an email and text on Friday
evening to Deputy Oliver. At Home Affairs' meeting on Monday morning we spent a considerable
amount of time discussing this, as explained earlier in my speech. The conclusion was the 37(8) Rule
3235 would be taken to the States. My suggestion was for a cooling off period for 24 hours for everyone
to reflect and this was agreed and accepted, so we held another meeting the following day. At 10
o'clock that same evening Deputy Oliver sent an email to Members saying she was sorry for
upsetting Members.

Tuesday afternoon we met for a specially convened Committee meeting after reflecting what
3240 had been said, and still Deputy Oliver would not accept that she was wrong in leaving in the public
domain an apology to a person arrested in Police actions. After some considerable time all the
Members, apart from Deputy Oliver, said they would very reluctantly take the report before you
today. I stepped in again and I asked for support proposing Deputy Oliver be given yet another
extension until Wednesday morning to reflect, and before the staff spent time preparing the report
3245 before you today.

We did not hear anything from Deputy Oliver, so the staff proceeded. After lunch I had a call
from Deputy Oliver asking how this could be resolved and I reminded her it was not for me to tell
her what to do – she had to make up her own mind. The option to publicly remedy the situation
remained. I made it very clear that the option to resign was her choice, as we have never said she
3250 should. She asked if she did resign would I be telling the media about this. My response was that
we would provide no elaboration on her reasons.

Before submitting this policy letter I checked with Deputies Leadbeater, Smithies and Le Pelley
supporting this Proposition and of whether they considered that, given the amount of discussion
that had already taken place, their views of the prospect of this being resolved by mediation. After
3255 considering all the facts it was the view that mediation would not work in these particular
circumstances as mediation usually involves a degree of compromise between parties, and we were
not prepared to compromise our position that it was wholly out of order for a sitting member of
the Committee to be interfering in an active matter of law and order.

So Members you can see this has been a very unpleasant and I believe unnecessary drawn out
3260 set of events, purely because Deputy Oliver would not take responsibility for her actions. It is
therefore with regret that the majority of the Committee firmly believed that Deputy Oliver should
cease to be a Member of Home Affairs with immediate effect, until yesterday – when we had the
meeting yesterday and Deputy Oliver decided that she would retract on social media to save this
3265 very debate that you have got here before you, that there would not be dirty linen washed out in
public, and that the States would accept that this had actually been addressed and the retraction
had been put on social media. And unfortunately now we are in a position where we are having this
debate which is totally unnecessary, a waste of States' time; and yet some people want blood.

Thank you, sir.

3270 **The Bailiff:** I am going to call Deputy Leadbeater next.

Deputy Leadbeater: Thank you, sir.

Sir, firstly I want to clarify the difference between Guernsey's licence regime and the recreational
and medicinal use of cannabis. This is relevant. HSC have licensed suitable businesses which have
3275 met strict criteria to grow and process hemp to produce CBD oil. As far as I am aware no licences
have been issued to grow and process cannabis for recreational use and no licences have even been

issued to grow and process medicinal cannabis, which is completely different from CBD producing hemp, which is what is grown in the Bailiwick – regardless of what you read or hear in the media.

3280 This is a massive misconception; and Deputy Oliver is fully aware of this. And it is really unhelpful and potentially damaging to this emerging industry for a Deputy to be peddling and perpetuating the myth that we are growing recreational or even medicinal cannabis in Guernsey. Conflating the two in the manner she did is disingenuous at best. Surely part of our job as public representatives is to enlighten the community on issues like this and correct those that have been misled, not to further mislead.

3285 CBD oils are used by many Islanders for various different reasons and are available in outlets large and small Islandwide. Deputy Oliver, like many of our colleagues in the States when we often spoke above it privately, has been very supporting of the work the industry is doing diversifying the economy, revitalising the declining growing industry, creating jobs, etc. As I said yesterday, this industry can play a key role in our economic recovery from the Covid-19 pandemic and the financial
3290 impact it brought, and for a Deputy to be peddling myths and potentially harming its further progression is unacceptable.

What baffles me, sir, is that Deputy Oliver knows full well of the work I have done inside and outside the States to educate others on the benefits of cannabis, to call for medicinal cannabis to be widely available and to help Guernsey on its way to become known globally as a progressive
3295 centre of excellence in cannabis research and development.

Sir, Deputy Oliver also knows that apart from the support she has given me privately she has not once officially spoken of her apparent strong views on cannabis policy reform in the four years that she has been in the States. So why does she claim on social media that she is trying to bring about reform in this policy area?

3300 Deputy Oliver, sir, has never once mentioned to me that she had a problem with me becoming Vice-President of Home Affairs, and the fact that we have worked closely together for the last four years leaves me disappointed that she felt it acceptable to air her apparent anger over my appointment on Facebook in this way instead of raising the issue with me or in Committee.

Deputy Oliver in her post also says:

I am sorry for what you have been through and only know I am trying.

3305 So, sir, she is apologising for the police raid and the occupant's alleged poor treatment by police officers, whilst at the same time stating that she is trying to bring about drugs reform.

She also goes on to say:

It won't happen this term there is not enough people that want it.

I assume she means Deputies, sir, but how does she know? She has not asked everybody. We are to debate the Justice Review soon and that will be a good platform to debate this topic and for
3310 her to gauge the opinion of other Members –

Deputy Oliver: Point of correction, sir.

The Bailiff: Point of correction, Deputy Oliver.

3315

Deputy Oliver: I never said sorry for what has happened. I said it is more of a sorry that we are no way further ahead than we were at the very beginning of this term. That is what it meant, but it has been misconstrued.

The Bailiff: Deputy Leadbeater to continue please.

3320

Deputy Leadbeater: I will repeat those words again, this is verbatim:

I am sorry for what you have been through and only know I am trying.

So, sir, is she apologising for the police raid and the occupant's alleged poor treatment by officers, whilst at the same time stating she is trying to bring about drugs reform?

She also goes on to say:

It won't happen this term there is not enough people that want it.

3325

I assume she means Deputies, but how does she know? She has not asked everybody.

We are to debate the Justice Review soon and that will be a good platform to debate this topic and for her to gauge the opinion of other Members. That debate, sir, is where she should be airing her apparent strong views on drug policy reform not in a vitriolic, completely misleading, Facebook post that looks to me as if it was intended only to create the impression that she was leading some sort of one-woman cannabis crusade and that I have done something terribly wrong – because that is what she has misleadingly led the public to believe, sir.

3330

Now let's look at her media release, where it says:

As soon as I understood the upset that the post had caused within the committee I took it down. I apologised to Deputy Leadbeater and the Head of Law Enforcement for any offence I may have caused – which was of course never my intention.

Sir, again this statement is totally misleading. Deputy Oliver refused point-blank to apologise when we discussed this at length in Committee on that Monday morning. I told her I had been advised that I should take out a Code of Conduct against her as her comments had breached the Deputies Code, but I was prepared to wait until our Committee meeting on the Monday to give her a chance for her to apologise.

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Sir, Deputy Oliver was defiant that it was not what she had posted that was the problem but it was us, her fellow Committee members, because we had misinterpreted what she said, and at that point she further refused to apologise to me or to Law Enforcement.

3340

I left that meeting completely gobsmacked by her attitude. 'It is not me, it is you. I have done nothing wrong' was certainly not what I was expecting. I was expecting a sincere apology for her outburst not a continued attempt to justify her words that, frankly, can only have been intended to falsely raise her public profile – and consequently, in the process, damage mine. We did eventually get some sort of apology at 10 p.m. that night in a short email from Deputy Oliver which read:

3345

From our meeting today it has been made perfectly clear that my comments have been misconstrued and for that I am sorry. I have taken the post down and I have apologised directly to Ruari who has acknowledged receipt.

This apology contains about as much sincerity as there was substance to the claims within her vitriolic outburst that led us here today. Not once during the few meetings we have had when this was discussed at length has she shown any remorse or accepted any responsibility for her actions. It was this defiance, this refusal to acknowledge that her words were inappropriate, the continued refusal to make a public apology and her clear bitterness towards me, that led me to the conclusion that I could no longer trust her.

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How am I supposed to be able to put my trust in someone that has attacked me in a social media post and refused flatly to apologise until it became crystal clear that she had to – but then still flatly refused to publicly apologise? When questioned on the lack of sincerity in her email she replied: 'I am not going to give a gushing load of sorries I do not mean.'

3355

So there you have it, sir. She has breached the signed Protocol the Committee have with Bailiwick Law Enforcement by responding to a public complaint on social media and falsely accusing me of abusing my position, and refuses to admit that she has done anything wrong.

3360 Deputy Oliver is in this position – we are in this position – because she has refused to take any responsibility for her actions. She has misled the public both in the initial post and in her media statement. When answering questions in Committee, where she had not replied to emails or messages, she said that she had not internet access and that she did not have her phone, as the President pointed out. But she had enough internet access and she had her phone to post on social media – so none of that stacks up.

3365 Let's get back to Deputy Oliver's comments again and the bit seemingly apologising for a complaint of alleged bad treatment by the Police that I touched on earlier. The Committee and the Head of Law Enforcement produced and signed a Protocol this time last year setting out strict parameters and defining the roles and responsibilities of each party. It sets out:

3. ... [To meet the requirements of] Recommendation 6 of the HMICFRS Report of the inspection of the capability and capacity of the Guernsey Police and Guernsey Border Agency ...

The Committee for Home Affairs, in consultation with the Head of Law Enforcement, should design, publish and subsequently operate in accordance with, a document that clarifies each party's responsibilities [in relation to]

- (1) Objective and priority setting;
- (2) Strategic governance and oversight;
- (3) Operational direction and control;
- (4) Independence, and;
- (5) Provision of performance information for governance purposes.

4. To enable effective and constructive working relationships between the [Committee] and the services of Bailiwick Law Enforcement within the context of their respective mandates.

5. Effective working relationships are built on mutual trust and confidence and supported by good communication and a shared understanding of the [Committee's] overarching strategic priorities for the services.

3370 In the section entitled 'Responsibilities of the CfHA in relation to the Head of Law Enforcement', under the heading 'Strategic governance and oversight', the third bullet point says:

Develop a consistent approach to responding to complaints against officers and staff in accordance with the Police Complaints Law and Civil Service Complaints Procedures, as appropriate,

And under 'Operational Direction and Control':

Take great care to avoid involving themselves in operational direction and control.

3375 Sir, we are due to have the first annual review of this document next month. I believe that Deputy Oliver's comments on social media have broken the terms of the Protocol and fly in the face of the principles and spirit of the relationship that has been developed between the Head of Law Enforcement and the Committee. She has not taken a consistent approach in dealing with complaints against officers and staff in accordance with the Police Complaints Law and the Civil Service Complaints Procedure. There was a complaint posted on Facebook about the alleged poor treatment of a family by Bailiwick Law Enforcement and Deputy Oliver, if she was so minded to involve herself, should have directed the complainant towards the correct procedure instead of
3380 apologising publicly for how they were treated, especially having no knowledge of what had actually been said or what had actually happened.

It is not for me to say now, sir, if they were indeed treated poorly or otherwise, and it was not for Deputy Oliver to either.

3385 Now, let's look at Deputy Oliver's attitude towards the Protocol. At the most recent scrutiny hearing of Home Affairs the Protocol, Political Interference and Operational Independence were, amongst others, all topics that were discussed. Confirmation that the document had been signed and was now in place was given by the President and its merits were discussed by the Panel, the President, the Head of Law Enforcement and the Chief Secretary. Advocate Harwood then proposed

3390 that the Panel hear from the other Members and the Chairman Deputy Green turned to me as Vice-President and asked me my view. I replied, and this is from Hansard:

Yes, I completely endorse the words of Deputy Lowe. It has been an interesting learning curve going through this process and it is something that I think Adrian mooted before, it has been a little bit of a wake-up call because I think, pretty much across the board at the States, governance has been a bit of a grey area, so it was nice to examine it, to have the opportunity with a fresh pair of hands coming in, new Head of Law Enforcement.

We previously had a good relationship with the Committee and Mr Hardy and that has extended further. I think this agreement we have got in place has contributed to that relationship.

The Chairman then turned to Deputy Oliver, who replied:

I feel a little bit differently, I think, than the rest of the Committee. I think the protocol, I do not know if it was actually needed, if I am truly honest, but I think that the Head of Law Enforcement, Ruari Hardy, has done wonders to Law Enforcement and the relationship we have now is much happier than I would say the one before was.

3395 Sir, I remember being surprised by her comments. Was she saying we do not need a protocol, as we all knew exactly where the boundaries are? If this is correct, sir, I think her outburst on social media has demonstrated that is clearly not the case. Or is she saying that we do not need a protocol as political interference in operational Law Enforcement matters is acceptable?

I have a few questions, sir, that I would like Deputy Oliver to answer when she speaks. These are: number (1) If she did not mean to apologise to the complainant for their treatment by Bailiwick Law Enforcement officers what was she apologising for?

3400 If she was not accusing me of abusing my position, what is it that '... stinks, no matter which way you look at it'?

Does she still think that publicly commenting on a complaint against Bailiwick Law Enforcement is acceptable for a Member of the Committee for Home Affairs bearing in mind it contravenes the terms of the protocol?

3405 What does she mean when she says that the protocol which was developed to address recommendation 6 of the eight recommendations in the HMIC report signed by the President on behalf of the Committee and the Head of Law Enforcement is not needed?

Why, in her public statement after the Committee had met to discuss the matter, did she say:

As soon as I understood the upset that the post had caused ... I took it down. I apologised to Deputy Leadbeater ...

– when that statement is clearly misleading?

3410 Why has she continually refused to make a public retraction or assume any responsibility for her vitriolic attack on my credibility as Vice-President of the Committee for Home Affairs?

What work has she undertaken to try and bring about drug policy reform, as she claims on social media?

Thank you, sir.

3415 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Thank you, sir.

3420 Well, I am delighted I have to say that all five members of Home Affairs have amicably resolved their differences. (*Laughter*) That has come across loud and clear in the opening speeches from the President and Vice-President of the Committee.

Sir, let me say two things to start. First of all, I do not do social media and I would really advise all Members of this Assembly – I know I am wasting my breath – to stay off Facebook. (**A Member:** Hear, hear.) It is not natural and no good will come of it. (*Laughter and interjections*)

3425 The second thing I would say is I find this policy letter absolutely extraordinary. Let me say at the outset I have personally no problem whatsoever with Deputy Leadbeater being a director of a company which is involved in licensed cannabis production, and being the Vice-President of the Committee for Home Affairs in an Island which does indeed take a very tough line on the possession

and supply of cannabis for recreational purposes. Too tough a line in my view, but that is a debate for another day.

3430 I draw a complete distinction between the two types of cannabis and the uses for which they are intended. So that is my view – the stuff that Deputy Leadbeater’s company is growing is one thing and the stuff which the local Police is seeking to control the use of is quite another.

3435 Sir, that is my view but it is equally clear to me that Deputy Oliver does not completely agree with that to the extent that she sees a genuine problem over what she perceives to be mixed messages being sent out to the community. If she believes that then she must be free to say so. We have freedom of thought in Guernsey; we have freedom of speech in Guernsey. To quote something which my hero Voltaire almost certainly did not say, but which is very often attributed to him: I disagree with what Deputy Oliver says but I actually defend to the death her right to say it.

3440 So my first problem with this proposal is it smacks of complete control-freakery. My second problem is it seems disproportionate in the extreme. I have also regarded Rule 37(8) – or it used to be 37(7) until we added another bit into it – I have always regarded that Rule to be a real nuclear option and something that would only be used when a Committee member was constantly and deliberately undermining the ability of a Committee to get on with its work.

3445 Now, Deputy Oliver clearly does not come into that category or, if she does, then I have to say, sir, she has done a jolly good job of dissembling over the last four years.

3450 In the past, actually, we have had many situations where individual members of Committees have virtually acted as the unofficial opposition within those Committees. I think, sir, of the tribute you paid not long ago to the late Deputy Hadley and the role that he took on HSSD. In fact, ironically, I actually cannot help thinking back to the role that Deputy Lowe has played on more than one Committee over the years where she was almost sort of the grit in the oyster, to put it politely. No-one dreamt of trying to oust them; or, if they dreamt about it, they did not do anything about it. Rather, it was regarded as part of the cut and thrust of politics.

3455 Sir, I also really worry about where this is heading. Over recent years we have already seen the Code of Conduct, good idea though it may have been in principle – we have seen it weaponised by Deputies to pursue disputes with their colleagues in this Assembly. I worry that we are on the cusp of going the same way with Rule 37(8).

3460 When I read this policy letter for a second time I have to say I became even more worried. Apparently the Members of Home Affairs accepted, according to the text of this policy letter, that Deputy Oliver regretted her post on Facebook but considered that she had not shown, and I quote: ‘true contrition’. (**A Member:** Yes.) True contrition.

3465 Where are we? Guernsey or Salem? (*Interjections*) That debate about whether or not she was truly contrite about her remarks concerning Deputy Leadbeater, was taken after asking one party to that spat to leave the meeting, but while the other party still remained. Now, I hesitate to use the term ‘kangaroo court’ but it sounds like a significant error of judgement and procedure to me.

3470 I know that this storm in a teacup has been spun by Home Affairs to suggest that the thrust of Deputy Oliver’s remarks was to attack a police operation. I cannot deny that some the collateral damage, I think, having read the post here can be seen that she was attacking a police operation. That clearly was not the thrust. The thrust was rather suggesting that she found it hard to defend police actions in the situation where the Committee’s Vice-President was involved in cannabis production. It was that dual role of Deputy Leadbeater’s which was the real target of her spiky comments, far more than police action itself.

3475 That said, I actually do defend the right – Protocol or no Protocol – of a Member of Home Affairs to criticise a police action if he or she genuinely disagrees with it. Not to interfere in any way whatsoever in the operational decisions that leads to that, that is not their role; they should stay out of that, they are policymakers they are not determining operations. But if there is something that happens in any society that the Police do, that a Member of a police authority whether it is an elected person in England, America or somewhere else, they have to have the right to do that.

I do not think that was really what she was doing on this occasion, but they have to have the right to do that. Just, as I say, the late Deputy Hadley was every week criticising what was going on in the PEH.

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Sir, as I said earlier, I do not agree with what she wrote at all, but I think it was really an attack on what she saw as an unacceptable conflict in the position of Deputy Leadbeater. A spat between two Committee members which should have been thrashed out around the Committee table, and if it could not be thrashed out they were just going to have to live with it or one of them was going to have to go; or they were going to have to reach an accommodation, a *modus vivendi*. It is a simple as that. We have all been there in those difficult situations in Committees.

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Bringing this to the States at any time would have been, frankly, feeble; but bringing it in the current situation I thought was a stupendous error of judgement.

So why did I vote to debate it? Because I thought some of the contents of this policy letter were noxious and needed to be called out, and because I thought it was the start of a trend that if it was not nipped in the bud could be very unfortunate indeed.

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Sir, one thing I do want clarity on during the course of this debate, if we can, is that I have heard Guernsey's political grapevine is often entirely wrong but I keep hearing rumours that if we do not vote to remove Deputy Oliver then some or all of the Members of Home Affairs might choose to go instead, because they will see it as a vote of no confidence. That is just as disproportionate as what is in here. Just grow up.

3495

A Member: Hear, hear.

3500

The Bailiff: Deputy Tooley.

Deputy Tooley: Thank you, sir.

When I was about 12 I was selected to play *Alice in Wonderland* in the local community because I grew up close to where that book was written, and never has the phrase 'curiouser and curiouser' been more apt than I felt it was when, having listened to a lot of comments about how unnecessary this was, because it was all amicable and friendly. I then listened to a huge amount of vitriol in two speeches – which I think made it very clear, if nothing else is made clear at the end of today's debate, this has not been brought to an amicable and friendly end.

3505

I think unlike the majority of Members of the States, and certainly I believe unlike the majority of members of Home Affairs, I do use Facebook. I am sorry, I will repent at some point. But I do use Facebook and I find it both an incredibly valuable way of taking the temperature of the opinions of a certain section of our community, and I also find it a useful way of meeting and communing, I suppose, with members of our community who use that as a way of coming together and discussing issues. I know that Deputy Oliver also does that; I know that Deputy Leadbeater does that; I know that Deputy Trott does that. *(Laughter)* This particular thread – did I say Trott? It has been a very long few months ... Deputy Le Tocq also uses Facebook to commune with members of the public in order to discuss issues such as these.

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This particular thread, which was posted by an individual who coincidentally, along with Deputy Oliver, is a member of a group that I manage on Facebook – although I have less involvement with it than I did when I had more time – which is a group of people who are all the parents of twins. So there are links and there is a community here within a community, if you like, and therefore there are sometimes shared understandings, I guess, about the things that parents of twins and so on go through, etc.

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I saw on the night in question and the next day the thread in question – so I saw the whole thread and not the very small snippet that is published in the policy letter. There were four Deputies that I saw comment on that thread – Deputy Gollop commented, Deputy Green commented, Deputy Oliver had obviously commented, and at length Deputy Leadbeater had commented. If it is inappropriate for a Member of Home Affairs to comment on such a thread, I am not quite sure why we are only discussing the conduct of Deputy Oliver –

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Deputy Leadbeater: Point of correction, sir.

The Bailiff: Point of correction, Deputy Leadbeater.

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Deputy Leadbeater: I indeed commented on the thread. I did not comment on the Police investigation or anything to do with the complaint. I commented on the vitriolic attack that had come at me from Deputy Oliver; nothing else did I comment on.

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The Bailiff: Deputy Leadbeater, that was not really a valid point of correction because Deputy Tooley was not saying that.
Deputy Tooley to continue.

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Deputy Tooley: Thank you, sir. No, I did not, as has been pointed out. I did not say that Deputy Leadbeater had made comment on that, but actually I am not sure Deputy Oliver did that either.

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Deputy Oliver said that we cannot be doing *x* when we also do *y*. We cannot be telling children they should not eat too much sugar if we are also profiting from the sale of sweets; we cannot be saying that gambling is wrong whilst simultaneously selling lottery tickets. Again, we do it, but many times have we said in this Assembly that many of us are uncomfortable with that. I sit on a Committee which uses the profits of that sale to run our leisure centre and many of our cultural and leisure facilities, but I feel supremely uncomfortable with that and I do not think there is anything wrong in me saying that I think that is an uncomfortable situation that we have placed ourselves in.

3555

That is what Deputy Oliver says in this posting. What is more, further on in this thread Deputy Oliver says, until there is a change in the law, it is the law that is currently illegal. Right there within the hour on that same thread, on that same medium, Deputy Oliver made very clear that the law is the law. It stands. These actions, if they are the actions of this particular individual, are illegal. That does not appear in this policy letter. (*Interjection*) At the time that contemporaneous comment from Deputy Oliver – and I have the screen shots here – does not appear in this policy letter, because it does not fit the narrative we are being asked to agree.

3560

Nor does it fit the narrative that we are asked to agree here where we are told that clearly this bitter relationship that has been demonstrated between Deputy Oliver and Deputy Leadbeater cannot ... How can Deputy Leadbeater possibly be expected to continue to work in this Committee when another Deputy has made the kind of comments about him? We are asked to agree that, but we are not told the comments that Deputy Leadbeater made on that thread about Deputy Oliver, (*Interjection*) where he personally denigrated her, where he said: 'It seems now, when it is politically beneficial to your current election campaign ...'. He said: 'I am surprised but disappointed by your comments ...'. He said: 'Ask her to put her money where her mouth is the next time and support me in the States instead of spouting off on here poorly trying to win votes – pathetic'.

3565

Where is Deputy Leadbeater's apology for the Code of Conduct that I personally believe Deputy Oliver could be lodging against Deputy Leadbeater for the comments he made in that public arena?

3570

That is not in this policy letter.

3575

Now, nobody wants to air dirty linen in public. I desperately wish this had not come to the States. (**Several Members:** Hear, hear.) But I have been on the receiving end of a number of phone calls over the last few weeks from a Deputy who was beyond distraught at the pressure that had been placed upon her to do something she did not feel comfortable with doing – to make an additional apology on top of the statement that she had made, where she had made clear what her intentions were in posting.

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We all witnessed the distress that that individual had displayed yesterday, before we were told that the Committee had agreed to come to the conclusion (**A Member:** Hear, hear.) that they would walk away from this, that this would all go away. Anyone who did not see that distress and for one minute think, 'Can we really say that that person is happy with the decision that we are being told they should accept?' – is, in my opinion, probably lying to themselves.

I do not want to take sides, but I will not allow not taking sides to let wrong go unpointed out.
Thank you, sir. (*Applause*)

3585 **The Bailiff:** Deputy Green.

Deputy Green: Sir, thank you very much.

I will not speak for too long, and I am hoping that Deputy Oliver will actually speak quite soon, but I just wanted to say a few things partly because I know that my Committee has taken an interest
3590 in the protocol that has been referred to, and indeed because of the reference Deputy Tooley made to myself. I did indeed comment on the thread in question.

The protocol, sir, between the Police and between Law Enforcement and the Committee for Home Affairs is an important document, of course it is, it is a really important thing to have, but I think in the case it has not actually been broken. (**A Member:** Hear, hear.) I think the key issue for
3595 me is whether Deputy Oliver did expressly, or even impliedly, criticise this specific police action or the specific operational activity in her post on Facebook or not. I think if you look at her words, if you listen to what she actually says – I have spoken to her about this – I think it is not clear that she was talking about the specific police action.

So what words did she use and what is the real meaning of those words? Is it that what she
3600 wrote applies to her views on the policy of cannabis prohibition, or in relation to the specific police operation in question, or both? Or is it not clear either way?

Let's see what the policy letter ... The policy letter at 2.5 quotes here as saying on Facebook:

I agree I was very angry when Marc became Vice President of Home Affairs. We cannot be arresting people who have very small amounts when Vice President is Director of a whole blooming farm. It stinks no matter which way you look. I am sorry for what you have been through and only know I am trying. It won't happen this term there is not enough people that want it. I did think HSC were looking into the from a medical point. I will chase up. I know we keep added tax when if we tax it we would make a considerable amount. Sorry.

If I am honest, sir, I think that what Deputy Oliver was really saying, broadly speaking, I think she
3605 was talking about the case for the liberalisation of the Law relating to possession of small amounts of cannabis. I know that because I then subsequently commented on the same thread and I advanced the same opinion. That is immediately what I thought she was talking about.

I am very happy to say, as I say, I commented on that same thread. I happily expressed a very similar opinion to what Deputy Oliver did. I do not think she was talking about the specific enforcement action. It might be in the context of that whole thread that what she did was unwise,
3610 given the status of the Protocol, but as I understand it she has apologised. I had voted earlier today, sir, for this policy letter to be withdrawn because I did not think on balance it was a good use of our time if the parties had in effect kissed and made up, but I do think that I cannot support this policy letter, because I do not believe that the Protocol has actually been breached.

As I say, it may have been unwise for Deputy Oliver to have commented in the way she did,
3615 specifically as a Member of Home Affairs, but I would not say – and I think Deputy Roffey made the point – that Rule 37(8) is engaged in these circumstances. I think what we are really talking about here is one or two posts potentially on Facebook. We are not talking about a kind of series of deliberate bad faith against the majority of her Committee. I think that is the true intention of Rule 37(8), it is where you have a kind of series of unhelpful bad actions by a member of a Committee
3620 to deliberately undermine a Committee in the pursuance of its mandate. I do not think this is what this is about. I think at the very highest what we have here is probably a misunderstanding and in those circumstances, sir, whilst underlining the importance of that Protocol between Home Affairs and Law Enforcement that must continue in place. I do not believe it has been breached and I think we need to tie up this debate as soon as possible.

3625 **The Bailiff:** Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir. I am a bit perplexed by this debate.

3630 I do not rise actually to give any view or any opinion. What I rise to do is make an earnest request for Deputy Oliver to speak as soon as possible because until she does ... We have heard some very eloquent speeches by Members, sir, but she is the key player in this situation, and until she does how can any Member really give an informed opinion or an informed view. It is Deputy Oliver we need to hear from, she is the person, in a sense, in the docks.

3635 So I really would ask Deputy Oliver, please – I know it is a difficult situation for her, I understand that, but please speak as soon as she can because Members are just taking the opportunity to give their opinions, but how can they be informed opinions until we hear from the key player? So I would ask Deputy Oliver, please speak as soon as possible.

Thank you, sir.

3640 **The Bailiff:** Deputy Oliver. *(Laughter)*

Deputy Oliver: I kind of feel I need to speak now.

3645 So I just want to start that I was very disappointed and I was also upset that my colleagues on Home Affairs thought it necessary to bring this matter to the States. I know we tried to withdraw it, but that was not successful.

I am even more upset since we have so much work to get through and some of the Island's big decisions, like are we going to move the Dairy. *(Laughter)* But also we have got an atmosphere that is going to roll on to the next thing, and we have got the Discrimination Policy Letter that we should be discussing instead of this.

3650 I really feel that we should have been able to sit around the Committee table and not escalate this to the States' debate. However, we are where we are.

3655 From my personal perspective the easiest thing to do would have been to bow down to the Committee Members and the President of Home Affairs, and agree that what they said, to request to resign, if I was in their shoes ... as it pains me, to persuade me to do this. It also would have saved this debate. It would have saved me from being put under the spotlight in all of this time. But that would have been interpreted as me agreeing that I had done wrong and that I had indeed publicly criticised and undermined the Police. I could not resign because in my heart of hearts I honestly do not believe I have. It is exactly as Deputy Green was saying, that is how it was meant to be read.

3660 For the record, let me state I have always made clear so long as cannabis remains a controlled substance, the current Law must be enforced. This is still my view. I have never sought to undermine the Police in any way. The Police are there to uphold the law, like we are here to shape policy. We are both trying to serve Guernsey public in the best possible way in our different roles. Any suggestion that I have attempted to interfere in operational policing matters or break the Protocol is simply untrue.

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Deputy Leadbeater: Point of correction please, sir.

The Bailiff: Point of correction, Deputy Leadbeater.

3670 **Deputy Leadbeater:** Deputy Oliver broke the terms of the Protocol by incorrectly dealing with a public complaint of treatment of Law Enforcement. That is written into the Protocol.

The Bailiff: Deputy Leadbeater, the Members of the States will form their own judgements as to whether there has been a breach of the protocol or not. Others might form a judgement if there is other action to be taken, but that is not another valid point of correction, with the greatest respect to you, because Deputy Oliver is entitled to her view and advancing it the way she is. Please will you not raise any more invalid points of correction, Deputy Leadbeater?

Deputy Oliver to continue.

Deputy Oliver: Thank you, sir.

There is a Protocol governing the relationship between the Committee for Home Affairs and the Head of Law Enforcement. This came about because of the HMICFRS Report in 2018. The Protocol says that Home Affairs politicians will take great care avoiding involving themselves in operational direction or control, and will not inhibit the operational independence of the Head of Law Enforcement. I fully accept the Protocol, although I do think it needed to go further. I will always take great care avoiding involving myself in operational direction. I believe in independence of the Head of Law Enforcement. I have said nothing that inhibits that independence in any way – obviously, in my opinion.

But I am a Member of the States and it is our responsibility to make good policy, including criminal justice policy, and to acknowledge and address the weaknesses where they exist. As a Deputy I have the right and responsibility to express my personal views on the current criminal justice policy. I stand by my statement that there is a serious risk of the public getting mixed messages when Guernsey takes a zero-tolerance approach to personal possession of cannabis and yet commercial growing is acceptable.

I think that this tension is even greater when the Vice-President of Home Affairs, who is in a position of influence over cannabis policy, also has a significant financial interest in the commercial growing of cannabis. I think this apparent contradiction blurs the message and makes it harder for the Police to uphold the Law which sits uncomfortably with an agreed States' policy in the eyes of many people. This is what I was trying to explain on Facebook.

I admit that my post probably was not the smartest. I have certainly learnt my lesson. I am only human. And when answering what I thought was a private post from a twin mummy ... But Deputy Leadbeater's original response was just as human as mine. He did not accuse me of undermining the Police or the Protocol, he just said I was very angry I had not got the Vice-President position for myself. It was not a very dignified argument for us to have in public. I do know that. I would just like to say that there are some contexts here which explain why I was so upset and reacted as I did.

I had three-week-old twins when Deputy Lowe asked me to come in from maternity leave for Vice-President elections. I said I could not come as I was struggling with two new-borns and lack of sleep. I think anyone who has had a new-born baby will understand you do not get much sleep. I wanted to be considered for the role myself, of course I did, and I was told that that would only be possible if I came in there and then. So I allowed myself to be talked into it. I have always regretted that and felt that it could have been handled much more kindly. I was also quite hurt as it caused me to show my human side. I hope some States' Members will understand that.

Sir, I have never commented on the actual case or attempted to undermine the Police in a public forum. My comment on Facebook was about the tension between the criminal law on the cannabis possession and the States' policy on growing cannabis. My comment did not touch on any operational issues relating to the Police at all. In fact I actually followed up my post in the same thread with the words, just as Deputy Tooley said, and I quote: 'Nothing can be done, it is the law. Until there is a change of law it is currently illegal'. Far from undermining the Police that comment helps to explain the context in which they are operating.

What I can say is that once I knew my Facebook post had caused much upset within the Committee I took the post down straight away. After all it was only intended as a private message and did not wish to cause so much upset to anyone.

I have apologised to Deputy Leadbeater by email and verbally on the phone a number of times now, for any upset I may have caused. I have also apologised to the Head of Law Enforcement in

3725 case he felt in any way I undermined the service, which was clearly never my intent. It is hard to know what more I could have done. In the end, again, I apologised – well, I said that I should not have posted on an operational policing matter.

Throughout this process I have come under a lot of pressure from other Home Affairs Members. The President called me in one morning to tell me I had 24 hours to reflect on my position. When I called back at 2 p.m. she said it was too late, although she could not tell me what to do, I needed to reflect, and now I only had 30 minutes to do so. Shortly after, I had an email saying I only had seven minutes left. As I did not decide to resign within the countdown imposed on me, the Committee chose to bring this motion to the States.

3735 I have come under more pressure in the last few days, this time though I have been told of course they did not want me to resign, they only just wanted me to say I am guilty and wear a hair shirt publicly and then I can stay on the Committee. I have been strongly encouraged to take this action, of course again with deadlines for agreeing to do so, which in the end yesterday I did to a certain extent.

3740 Sir, I have apologised to Deputy Leadbeater several times for upsetting him and again I will say: Deputy Leadbeater I am sorry if I have upset you in any way. I have also apologised to the Head of Law Enforcement in case he felt I had undermined the service. I cannot apologise to him or anyone else for criticising or undermining the Police, because I have done neither of those things.

3745 I am the first to admit I do not know all of the Rules and Procedures off by heart, but I had a good look at Rule 37(8) since the Committee said they would bring the motion. It is obviously meant to deal with persistent troublemakers who are seeking to undermine the Committee. It talks about unduly hindering the Committee to fulfil its mandate; even Deputy Lowe herself said it was only one thing.

3750 I have my faults but we all do, sir. I do not feel that challenging my fellow Committee Members makes me a trouble maker. I have no idea how I could have unduly hindered the Committee to fulfil its mandate. In fact I firmly believe our employers, the public, demand that we should constructively challenge the status quo; otherwise, why are we really here? They expect us to adapt and improve our life in Guernsey which means sometimes having difficult conversations and being much more transparent.

3755 I simply wish to move on and to continue serving the public. Over the last four years I have thrown myself into trying to do the best possible job I can on Home Affairs Committee as well as on the Development & Planning Authority and as a States' Member. It really is a privilege to be a States' Member.

3760 As I said earlier I feel bringing this to the States is completely over the top and hurtful, but having worked in a senior role in the private sector I am no stranger to difficult situations. I can, and as I have already demonstrated, put my differences with colleagues on to one side and remained totally professional. I have no problem with any of my fellow Committee Members, and if this Assembly decides I should continue to serve on Home Affairs I will continue to agree or to disagree as the situation dictates and not simply because I am being told to vote a certain way.

3765 I think this has been blown out of proportion and risks distracting us all from the far bigger issues on our agenda. So I have no intent of taking up any more States' time and I hope States' Members will agree I have always tried to do the right thing. But when it comes to the vote I will accept my judgement of fellow States' Members with good grace and because I never wanted this matter to come to the States, I will abstain from the final vote.

3770 **The Bailiff:** Well, Members of the States, it is just gone half past five. I am going to put to you a motion that we sit to conclude the debate on this matter and deal with what needs to be done before the end of this meeting.

Deputy Ferbrache: Sir, I was going to try and bring a guillotine motion.

3775 **The Bailiff:** Okay, I think we potentially need you to agree that you will sit to conclude this matter first, Members of the States, because we have gone past half past five. So those in favour of sitting; those against.

Members voted Pour.

The Bailiff: I declare that carried.

3780 Rule 26(1), Deputy Ferbrache, will those Members who wish to speak in this debate please stand in your places. Is it your wish, Deputy Ferbrache, still to put the motion?

Deputy Ferbrache: No, sir.

Deputy McSwiggan: Well, in that case, I would like to lay a motion 26(1) and I would like to –

3785 **The Bailiff:** Then we will put, as Deputy McSwiggan is now. Would those Members who wish to speak in debate please stand again.

Deputy McSwiggan is it your wish to put the motion? Thank you very much.

The motion therefore Members of the States is that debate on this article of business be closed subject to the President's right to reply to the debate. Those in favour; those against.

Some Members voted Pour, others voted Contre.

3790 **The Bailiff:** I declare that lost.

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

The Bailiff: Recorded vote on Rule 26(1) vote then, please, Greffier.

There was a recorded vote.

Carried – Pour 19, Contre 11, Ne vote pas 3, Absent 6

POUR

Deputy Le Clerc
Deputy Leadbeater
Deputy Merrett
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy McSwiggan
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy Prow
Deputy Oliver
Deputy Ferbrache
Deputy Tindall

CONTRE

Deputy Gollop
Deputy Lester Queripel
Deputy Trott
Deputy Le Pelley
Deputy St Pier
Deputy Meerveld
Deputy Fallaize
Deputy Smithies
Deputy Roffey
Deputy Brehaut
Deputy Tooley

NE VOTE PAS

Deputy Brouard
Deputy Dudley-Owen
Deputy de Sausmarez

ABSENT

Deputy Parkinson
Deputy Mooney
Deputy Stephens
Deputy Inder
Alderney Rep. Roberts
Alderney Rep. Snowdon

3795

The Bailiff: Members of the States, the voting on the motion pursuant to Rule 26(1) proposed by Deputy McSwiggan is there voted Pour 19, Contre 11, 3 abstentions, 6 absentees. Therefore the motion is carried and I invite the President of the Committee Deputy Lowe to reply to the debate.

3800 **Deputy Lowe:** Thank you, sir.

I thank Members for the debate. As you know we did not want this debate and it is unfortunate we have had it, and we are where we are. It is unusual to bring a report to the States that, if it is not rejected, a President stands up and says, 'Please reject it'. And that is what I am asking you to do. Please reject this Report.

3805 As I said earlier, we have resolved that one issue, but an important issue; and the rest of the time Deputy Oliver has been an excellent member of Home Affairs and she knows that, and the rest of the Committee know that. I have got a really good Committee. We all work well together and I am pleased that she actually said that just now in her speech, because it is this one issue – but it is a key issue for us and not one that I took lightly.

3810 I do not often get staff – in fact, I have not had any member of staff phone me late on a Friday night to draw attention to what they feel is a serious matter. So when that happens, when a staff member contacts me late at night I obviously had to take action on it, look at it, see what had happened, and deal with it. And that is what I have actually done.

3815 Members, if we had actually said, 'Never mind, Deputy Oliver, it doesn't matter, we will leave it for now', there would be people in this Assembly who would be saying 'You have buried it; you are looking after your own. Have you not learnt anything from HMIC? You had to sign a protocol. You're not going to take it that seriously, because you have not bothered about it'. That is what we are dealing with.

3820 There are extracts here which I can read, which were very clear: whether that was Deputy Merrett saying, taken from the transcript, 'It is so important that we actually have some form of protocol and it is stuck to' and all of that in there. Deputy Tindall said that in her speech as well 'There must be clear identification of roles and they must not set out and say anything about the Police'. It is all in –

3825 **Deputy Tindall:** Point of correction, sir.

The Bailiff: Point of correction Deputy Tindall.

Deputy Tindall: I did not speak in debate.

3830 **Deputy Lowe:** I said transcripts. This is from when we were getting a bashing about HMIC and good governance because that was okay then to attack Home Affairs, because we did not have a protocol, so that was okay, then. But now we have got a protocol – I am not giving way – and actually we have abided by that Protocol and I must say it is not something we wanted to take lightly. What do we do? We are between a rock and a hard place with this States, I have to say; because if we had ignored it, it would be a case of 'You buried it'. We have Law Enforcement who actually... And Deputy Oliver is right, she did apologise to the Head of Law Enforcement and he said 'Noted' – that was his response: 'Thanks. Noted.'

3840 So I do not want to say any more than that, I really do not want to say any more than that, I mean –

Deputy Trott: Sir, on a point of correction.

The Bailiff: Point of correction, Deputy Trott.

3845 **Deputy Trott:** Deputy Lowe has mentioned the reports. One of the most critical aspects of the reports was a failure to make evidence-based decisions. I would like to know whether the Home Affairs Committee sought legal advice as to whether the protocol had been breached. The reason I ask is we heard from an advocate of the Royal Court this afternoon who said that in his view protocol had not been breached. Now in evidence based decisions, sir, one takes legal advice to help inform the decision-making of the Committee, so my question is: was an evidence-based decision taken; and did the Law Officers of the Crown confirm that protocols had been breached?

3850 **The Bailiff:** Deputy Trott, under the Rule of point of correction is the ability for a Member to correct an inaccurate or misleading statement by the other Member. What is the inaccurate or misleading statement of Deputy Lowe?

3855 **Deputy Trott:** Well, sir, if I heard her correctly she was insinuating that they had done nothing wrong in terms of governance, and yet one of the most critical aspects of the previous reports was the absence of evidence-based decisions. Surely it is entirely relevant, sir?

3860 **The Bailiff:** I am still not persuaded that it is an inaccurate or misleading statement that Deputy Lowe is saying. Deputy Trott that is enough.

Deputy Lowe you have invited Members to vote against this Proposition, is there much more you need to say on this?

3865 **Deputy Lowe:** No, sir, I was just standing up to repeat that, sir, that I thank Members for the debate and I really want Deputy Oliver to stay on the Committee, so please do not support this report.

3870 We have got a lot of work to do. We have got really good feedback coming out, which is some more good news coming from Home Affairs, and she has worked hard and will continue to work hard I have no doubt about that. So I therefore ask Members to reject the report.

Thank you, sir.

3875 **The Bailiff:** Members of the States, there is a single Proposition. Is there a request for a recorded vote?

Deputy Merrett: There is, sir.

The Bailiff: In that case, Greffier, we will have a recorded vote on the single Proposition.

There was a recorded vote.

Not carried – Pour 3, Contre 28, Ne vote pas 3, Absent 5

POUR

Deputy Leadbeater
Deputy Smithies
Deputy Paint

CONTRE

Deputy Gollop
Deputy Lester Queripel
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green

NE VOTE PAS

Deputy Le Pelley
Deputy Oliver
Deputy Ferbrache

ABSENT

Deputy Parkinson
Deputy Mooney
Deputy Inder
Alderney Rep. Roberts
Alderney Rep. Snowdon

Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy De Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Tindall
Deputy Brehaut
Deputy Tooley

3880 **The Bailiff:** Members of the States, the voting on the single Proposition in this Article is *Pour* 3, *Contre* 28, 3 abstentions, 5 absentees. Therefore I declare the Proposition lost.

**Procedural –
Motion to continue sitting lost**

The Bailiff: Well, Members of the States, you have got two items of business left. Does anyone want to suggest that you start the Future Guernsey Dairy Project debate now? (*Interjections*)

3885 **Deputy Merrett:** Sir, I will yes.

The Bailiff: Quiet please, Members. I will put to you the motion that the States continue to sit until half past six to start debate on the Future Guernsey Dairy Project. Those in favour; those against.

Members voted Contre.

3890 **The Bailiff:** I will declare that motion lost. (*Laughter and interjections*)

Please, Members, the quieter you are the quicker we can do this.

3895 So the next question, Members of the States, is this is the final day of this States' Meeting unless there is a Proposition that the States adjourn to another day; but in any event it might make sense to deal with the Schedule for Future States' Business sooner rather than later because we have to convene the meeting due to commence on 15th July, and if we do not do that sooner rather than later you will not actually know what you are debating at that meeting.

So, as you do not want to start the Future Guernsey Dairy Project debate now, can we deal with the Schedule for Future States' Business? Can that be called and then can I invite Deputy St Pier to speak on it?

Billet d'État XIII

POLICY & RESOURCES COMMITTEE

VIII. Schedule for Future States' Business approved

Article VIII

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 15th July 2020 and subsequent States' Meetings, they are of the opinion to approve the Schedule.

3900 **The States' Greffier:** Policy & Resources Committee – Article VIII – Schedule for Future States' Business.

The Bailiff: Deputy St Pier, as the President of the Policy & Resources Committee to open any debate on this.

3905

Deputy St Pier: Yes, sir.

The Policy & Resources Committee wishes to lay the Schedule as circulated. Obviously there has been some consideration of the impact of future business and how that is to be managed, understanding the availability of the Court and the Presiding Officers.

3910

It would be the Policy & Resources proposal that in fact we seek to move the meeting for August forward starting on 18th August for four days, subsequently with a roll-over the following week for four days beginning on 25th – I think it is for four days. So that would allow us the opportunity that would give us eight days to deal with August's business, and we deal with July as set out in the Schedule, sir.

3915

The Bailiff: Deputy McSwiggan, the Greffier has had submitted to him a motion with an amendment. Is it your wish to move the motion and then the amendment?

Deputy McSwiggan: Yes, please, sir.

3920

The Bailiff: All right. Can that now be distributed to Members so that there is a paper copy coming round?

Members of the States, does everyone now have a paper copy of the motion and the amendment? Thank you.

[Motion](#)

To suspend Rule 1 of the Rules of Procedure of the States of Deliberation and their Committees, as modified by the Rules of Procedure of Remote Meetings of the States of Deliberation, to the extent necessary to permit the amendment set out below to be debated.

3925 **The Bailiff:** Deputy McSwiggan, do you want lay the motion under Article 7(1) of The Reform (Guernsey) Law, 1948 to enable this amendment to be laid?

Deputy McSwiggan: Yes please, sir.

3930

The Bailiff: Deputy Fallaize, do you second?

Deputy Fallaize: Yes, sir, I am pleased to.
Thank you, sir.

The Bailiff: I put that motion to you Members of the States. Those in favour; those against.

Members voted Pour.

3935 **The Bailiff:** I declare that motion carried.
Deputy McSwiggan, you have an amendment to the Schedule?

Amendment

*To insert the following wording at the end of the Proposition –
“save that the States Meeting to be convened on 19th August 2020 shall instead be convened on Tuesday 11th August 2020 and that the 18th , 19th, 20th and 21st August 2020 shall be held as reserve dates for that Meeting in the event that the business of the Meeting is not completed by Friday 14th August 2020.”*

Deputy McSwiggan: Yes, sir.

3940 The amendment is to try and put some form around the conversations that we had last night., If it is successful it will bring forward the August meeting by a week and a day, so instead of being on Wednesday 19th August it will start on Tuesday 11th August and it will formally reserve the Tuesday to the Friday of the following week as reserve dates if we are unable to complete the business in that time.

The Bailiff: Deputy Fallaize, do you formally second?

3945

Deputy Fallaize: I do, sir.

The Bailiff: Is there any debate on the amendment? Deputy Roffey.

3950 **Deputy Roffey:** Sir, I realise that events cannot revolve around a single person, but I feel almost persecuted here. I have to say a year ago I booked to go away on holiday on 19th August, I cancelled that and my grandchildren were quite upset. I cancelled that because this Assembly then decided they were going to have a States’ meeting on 19th; so I cancelled that holiday. I now have another one, but a week earlier to avoid that – a staycation obviously within the Islands. Now that is going to be gone because we have changed our minds again.

3955

It is fine if I miss it, and I am not here for some really key policy letters that I have been working on for the last year or two – so be it. But I am not going to turn round to my grandchildren and say ‘I’ve got it wrong again and I am not going to go’. So that is it.

3960 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Sir, I am afraid parliamentary business has got to trump Deputy Roffey’s holiday arrangements. I mean, the thing is what has changed from the time when Deputy ‘Holiday’ booked his holiday – *(Laughter)* What has changed from the time that Deputy Roffey booked his holiday is this small matter of Covid-19 and that caused the States first of all to defer the General Election to June and then now because of the different circumstances to bring it forward to October.

3965

The States need to have a pre-election schedule of meetings. At the present time, even with what the Policy & Resources Committee is proposing, there will be eight days set aside in the last six or seven weeks before nominations open. That is just not enough. It was not enough before 2016 or 2012, and probably not before 2008, but I was not here then. It is just not enough time given the business that is before the States.

3970

3975 If we do not go with this amendment I predict that we will get into the last week of August, there will still be a lot of business remaining and we will be faced either with the choice of arbitrarily cutting off several items that have been submitted, or sitting once nominations have opened the following week. That, sir, is not sensible, if we shift the thing forward to the week that Deputy McSwiggan is proposing, 11th August, there are then three working weeks before nominations open and it is possible that that time ... I would suggest it is likely that that time will be needed.

3980 If it is not needed then obviously the week before nominations open will not be a sitting week. But it is much better to err on the side of caution than run the risk of some items being arbitrarily cut or having to sit after nominations have opened.

Thank you, sir.

The Bailiff: Deputy Trott.

3985 **Deputy Trott:** Sir, thank you.

I know, sir, that our Chief Minister will not stand up and protest that that is his week's annual leave because that is not the sort of man he is. However, I would say that if there are two Members of this Assembly that deserve a break at some stage it is in fact Deputy St Pier and Deputy Soulsby. Now, I am unaware as to what *her* calendar is like, but Deputy St Pier certainly deserves a few days' leave with his family. That is the week that has been in the diary for many months.

3990 An Assembly, sir, that does not have Deputy Roffey and Deputy St Pier in it is in my view a very diminished Assembly. We will cope, but it will be nowhere near as effective in their absence; and for that reason, and for that reason alone, I shall vote against this amendment.

3995 **The Bailiff:** I now invite Deputy St Pier, as the President of the Policy & Resources Committee, to speak in the debate, before turning to Deputy McSwiggan for her reply.

Deputy St Pier: Thank you, sir, I shall be very brief.

Just in response, really, to Deputy Fallaize's point; I think eight days should be sufficient.

4000 If we allow ourselves 12 or 15 or 16 or 17 we will almost certainly use it. I would suggest we put ourselves under the discipline of eight and then stick to it and get through the business (**Several Members:** Hear, hear.) and not allow ourselves the luxury of an additional week which we should not need. There is plenty of time ...

4005 In fact if we just carry on this evening we might as well just roll right the way through to September. (*Laughter*)

The Bailiff: Deputy McSwiggan ...

4010 **Deputy McSwiggan:** Sir, we know that the August business is going to take more than a couple of days certainly. The clear message yesterday was that it would be helpful to have some kind of plan as far in advance as possible. If we do not do it today our next opportunity is the July meeting. The meeting after that is the August meeting, so we will run into extra time before we realise what we are doing to ourselves.

4015 I do apologise to those who had pre-planned holidays, or who have birthdays in this period or whatever else might be the case, but it must be better all round to leave here today with a plan for how we are going to manage the rest of this term than not, and I am simply trying to impose some order on it.

If Members want to bring an alternative amendment then by all means, but I think it might be a little bit late for that by now. So I would ask Members to support this one.

4020 **The Bailiff:** Members of the States, we come to the vote on the amendment proposed by Deputy McSwiggan and seconded by Deputy Fallaize effectively to re-timetable the meeting to be convened in August. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I think that is close enough to ask for a recorded vote ... (*Interjections*)

There was a recorded vote.

Not carried – Pour 14, Contre 15, Ne vote pas 4, Absent 6

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Lester Queripel	Deputy Gollop	Deputy Le Pelley	Deputy Parkinson
Deputy Le Clerc	Deputy Trott	Deputy Merrett	Deputy Leadbeater
Deputy Meerveld	Deputy St Pier	Deputy Roffey	Deputy Mooney
Deputy Fallaize	Deputy Stephens	Deputy Oliver	Deputy Inder
Deputy Lowe	Deputy Smithies		Alderney Rep. Roberts
Deputy Laurie Queripel	Deputy Graham		Alderney Rep. Snowdon
Deputy Hansmann Rouxel	Deputy Green		
Deputy Paint	Deputy Dorey		
Deputy Dudley-Owen	Deputy Le Tocq		
Deputy McSwiggan	Deputy Brouard		
Deputy Langlois	Deputy De Lisle		
Deputy de Sausmarez	Deputy Soulsby		
Deputy Tindall	Deputy Prow		
Deputy Tooley	Deputy Ferbrache		
	Deputy Brehaut		

4025 **The Bailiff:** Well, Members of the States, in respect of the amendment laid by Deputy McSwiggan and seconded by Deputy Fallaize there voted *Pour* 14, *Contre* 15, 4 abstentions and 6 absentees. Therefore I declare the amendment lost.

Members of the States, there is no amendment to re-order the business. Therefore, I am simply going to put to you the Proposition that you approve the Schedule for Future States' Business as it stands. Those in favour; those against.

Members voted Pour.

4030 **The Bailiff:** Therefore, I declare the Proposition duly carried and the Schedule approved.

Members of the States, the default position would be that the Guernsey Future Dairy Project debate will go into the July meeting now and it will be the first Item after any questions, etc. So that is the default position now, unless anyone is going to propose anything different.

4035 Nobody is, therefore we will close this meeting. You all have a week-and-a-bit in the meantime and we will come back on 15th and see where we get to.

The Assembly adjourned at 6.10 p.m.