



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Remote Meeting, Guernsey, Wednesday, 22nd April 2020

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

Volume 9, No. 16

ISSN 2049-8284

Present:

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

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

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

St Sampson

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

The Vale

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

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

Alderney Representatives S. Roberts, A. Snowdon

The Clerk to the States of Deliberation

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

Absent at the Evocation

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

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States of Deliberation

The States met virtually at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billets d'État X. To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation will be held via Microsoft Teams Live on Wednesday, 22nd April 2020 at 9.30 a.m., to consider the items the listed in this Billet d'État, which have been submitted for debate.

Procedural

5 **The Bailiff:** Members of the States of Deliberation, good morning to you all. It is good to hear you all, even though we cannot see you all and I hope you are all well and that your families are keeping well too. Just before we get going, a few housekeeping announcements. I am observing the guidance for people of my great age, so like the rest of you I am appearing from home, which does mean, as you can see, I am not in the same room as the Deputy Greffier and production team.
10 I hope that will not cause any production problems, but if it does, I am sure we will cope with them.

 If, in the very unlikely event that my broadband were to go down, I do have a back-up, but if that should also fail, the senior Acting Presiding Officer will step into the virtual chair and Deputy Lowe I am very grateful to you for agreeing to do that.

15 The second thing I just want to remind you is that the revised Rules, Protocols and Procedures for this Meeting are the same as they were last week. So all of you are familiar with those and I am sure you know how they work and I will do my best to get my head around them.

 The final thing I just want to say is I propose we take a break at around 11 a.m., just a short break, and that we will continue a little past 12.30 p.m., but no later than 12.45 p.m., because I know there is a very important media briefing to take place at 1 p.m., which I am sure you would all wish
20 to listen to.

Statements

Committee for Health & Social Care – General Update

The Bailiff: With no further ado, we move onto statements and I call on the President of the Committee for Health & Social Care to deliver a general update statement. Deputy Soulsby.

Deputy Soulsby: Thank you, sir. Before making this statement I thought I would look back at what I said at the last one back in November. I spoke about the importance of data and being able to make evidence-based decisions, about joint working and making every contact count and how some significant and tangible outcomes were emerging from collaborative working across the health and care sector.

Little did I know then how life would change. Never in my worst nightmares would I ever have imagined that I would be responsible for restricting Islanders' freedom of movement, for closing schools or prescribing which businesses could open. But what I said back in November is as relevant now as it was then.

Whilst the Committee's response to this unprecedented situation is being fronted by Dr Brink, Dr Rabey and myself this has been a team effort from the start. I have been impressed and humbled in how the thousands of Islanders in the health and care sector have come together to continue to deliver high quality services to our community in the most challenging of circumstances.

From the tireless work of our frontline staff and those working behind the scenes in the hospital and community to our partners, including GPs, Ambulance and pharmacies and MSG, the last month has been a testament to the dedication and commitment of the entire health and care sector.

We have only been able to do this thanks to the support of colleagues across the States of Guernsey, local businesses, the third sector and individual Islanders. The practical assistance, the donations, the good wishes, and most of all the overwhelming support and compliance with the restrictions in place has cemented a whole Islands' approach which means that we will get through this. Thank you.

Every decision we have made has been informed by professional expertise and the evidence available internationally, nationally but most importantly locally to ensure that the decisions reflect our community's needs. Extensive modelling and analysis have been undertaken to understand how the virus is presenting locally, the impact of community interventions and to forecast future effects. The comprehensive community testing and extensive contact tracing means that we understand the demographics of cases and the transmission rates and can use this to judge the effectiveness of measures taken and inform future actions.

An understanding of community risk has informed the directions developed by the Committee under the emergency regulations made by the CCA, which I will speak about later when the CCA regulations are discussed.

I have spoken repeatedly over this term about the importance of health intelligence in understanding population health, using this to shape strategic and operational decisions and to encourage positive individual action. We have seen over recent weeks the very real effect that individuals can have on our community's health. In the same way that adopting healthy lifestyles and participating in vaccination programmes benefits both individuals and the wider community, by staying at home and maintaining social distancing, we have flattened the curve and collectively sought to protect both ourselves and the most vulnerable.

But we cannot be complacent – 241 individuals have tested positive for the virus and 10 individuals have sadly lost their lives, with a further four deaths presumed to be linked to Covid-19. To the friends and families of those who have died, I extend my sympathies, and on behalf of my Committee and of this Assembly.

While for many people Covid-19 causes minor symptoms, those with existing conditions are frequently the most affected and this has been felt most acutely in our care homes. HSC has been supporting the sector to ensure safe levels of cover, the provision of equipment and professional advice. Thanks to those who responded to the call to arms when we asked for care workers and the redeployment of amazing community staff, we have ensured continued care across the sector.

We continue to enjoy a good state of preparedness in the hospital as a result of early, decisive action. It has been reconfigured into Covid-19 or 'hot' and normal zones with a brand new 'hot' intensive care unit in the area previously occupied by the day patient unit with over 100 staff trained to support it. A dedicated medical cell has developed and implemented new pathways and procedures to safely and effectively manage patients, from primary care through to ICU and we continue to explore ways to further increase capacity.

We have, of course, needed to take difficult decisions, including the cancellation of electives and restricting visitors. I know the visiting restrictions currently in force will be having a profound impact on patients and their families. It is not a decision anyone wanted to make. However, it is, at least for now, entirely necessary and as soon as we can change that we will. I am grateful for the support of the businesses and third sector in helping patients stay connected to their loved ones through the provision of iPads and our dedicated staff who are working hard to provide the care, reassurances and affection so no patient feels alone.

Our procurement team have been working around the clock to secure everything from Personal Protective Equipment to ventilators, sourcing vital equipment from around the world and arranging for its delivery to and across the Islands

Sir, this statement has understandably focused on Covid-19 but it is important to stress that all the normal pressures of a dynamic health and care system continue. Community care continues to be provided, social workers continue to support families and our most vulnerable children and adults, and Islanders continue to need treating for acute, time-critical health needs either locally or off-Island.

Like all Committees, we will need to reprioritise planned workstreams, deferring those which can be delayed and bringing forward those which will help us mitigate the financial effects of Covid-19 on the economy and individuals. The primary objective of the Partnership of Purpose, achieving a sustainable health and care system centred around the needs of Islanders, will be brought into ever sharper focus as we emerge from the current pressures.

While the Committee paused submission of its planned policy letter on the future of primary care, as part of our recovery plan for health and care services, we will be seeking to accelerate proposals to ensure primary care services are accessible and affordable to all through a comprehensive review of the current grant system and the fee structure.

This will include revising the criteria relating to States' grants or subsidies, or to professional privileges, so that access to them is, to some extent, conditional on participation in the Partnership of Purpose. It is only through this collaborative approach, working beyond individual organisational boundaries, that we will be able to deliver the structural changes needed to deliver the services Islanders deserve at a cost we can afford.

As Deputy St Pier and I have set out there is a phased exit plan from current lockdown restrictions which will be implemented over the coming weeks and months informed by the Public Health advice. Separately, HSC is already considering how as an organisation, we will transition out of the current restrictions.

We will not be able to immediately return to normal when this threat has reduced, it will require careful thought in a number of areas, such as how we manage the inevitable backlogs that will have built up in elective surgery. But I can assure members that the same calm and meticulous approach used in our response to coronavirus will shape how we recover from its effects.

As I said earlier, members have heard me speak repeatedly over the last four years about the importance of prevention and early intervention, backed up by evidence, in ensuring a sustainable health service. It is because of that the Committee invested in public health services throughout this term. It is because of that, we were in a good place when Dr Brink informed me on 14th January

120 this year of the first death in Wuhan. It is because of that we closed our borders early, we locked down early. It is because of that we brought in on-Island testing so we could test, test, test. It is because of that we can now start to evolve our exit strategy and begin to ease restrictions.

125 Every Islander has a part to play in supporting the approach we have taken to intervene early and prevent the spread of this highly destructive virus and I thank everyone for their part in putting us in the position we are today. It is going to be a long and hard road ahead, we will not get everything right, but what I can say with absolute assurance is that we will continue to work in the best interests of the people of the Bailiwick. Thank you, sir.

130 **The Bailiff:** Thank you very much. We move to questions time – and I say question time, I mean questions on any matter within the mandate of the Committee *for* Health & Social Care – and I will call first Deputy Gollop. Deputy Gollop, can you turn your phone on? He has sent me an email saying he wishes to ask a question. Perhaps we will come back to Deputy Gollop. We will take, then, Deputy Laurie Queripel, to be followed by Deputy Lester Queripel and then Deputy David de Lisle. Deputy Laurie Queripel.

135 **Deputy Laurie Queripel:** Thank you, sir and it is good to hear and see you. I have been reading about what other jurisdictions have been doing to combat Covid-19 and aid recovery from it. Now doctors in Shanghai are finding that concentrated doses of Vitamin C, intravenously delivered, are helping in some cases. So are we regularly monitoring developments in other areas of the world, in regard to keeping abreast of approaches taken and their success rates and otherwise? If they are proving to be successful, are we considering adopting those methods in Guernsey? Thank you, sir.

140 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

145 Yes, Deputy Queripel, of course. I think if anybody listens to the press conferences every other day, when Dr Brink is asked questions about the latest thing coming out of somewhere or other around the world, she has usually got an answer to that. She is our expert in this and she looks at all the evidence around the world.

150 That is her job, that is what she does. If things are worthy of consideration and the evidence is there to support it, clearly we will use it. But there might be things that another jurisdiction will use, that might work for that jurisdiction but not necessarily ours. What we will do is use what we believe will work for the Bailiwick.

The Bailiff: Deputy Lester Queripel, you have a question?

155 **Deputy Lester Queripel:** Thank you.

Sir, grass is getting rather long in many of our public parks. Some people are saying that they cannot take their families to play on the grass and they are reluctant to walk on it. Is Deputy Soulsby able to tell me please when the restrictions on cutting the grass in places will be lifted?

160 **The Bailiff:** Deputy Soulsby.

165 **Deputy Soulsby:** Yes, my garden is not looking great at the moment either. Yes, that is clearly an area that we have been looking at and, certainly, later today that is an announcement that we will be making in terms of being able to support those providing low risk gardening and outdoor work. I can say that now. That is not the big reveal but yes that is clearly one of the earliest areas that we can look at. We are also looking at other parts of the recreational facilities and stuff like that, so they will be included.

The Bailiff: Deputy de Lisle next and then we will see whether Deputy Gollop is able to join us.
170 Deputy de Lisle.

Deputy de Lisle: Thank you, sir, and good morning. Just with regard to port entry, I note that while no testing is taken at that point, a sheet of instructions is given to people as they come in, I believe, and they have obviously a 14-day isolation period. My question is, are they tested after the
175 14 days and, if not, why not?

The Bailiff: Deputy Soulsby.

Deputy Soulsby: They will not be tested after 14 days if they have not got any symptoms. If
180 they have got symptoms then yes, then we will follow through the whole procedures about what they need to do if they are symptomatic, but there will be no reason to test somebody after 14 days because we know that the incubation period will be over.

The Bailiff: Next, Deputy Gollop are you able to put your question?

Deputy Gollop: Yes, sorry I missed my slot, but the problem is I had listened to better sound on the BBC, of the broadcasting, but they are 20 seconds slow, so I can miss things. My question is given that it has been acknowledged in the United Kingdom that one of the potential casualties of the Covid crisis has been declining emotional wellbeing and mental health for people who, for
190 whatever reason, require face-to-face contact, social interaction and/or kind of tea and sympathy, coffee mornings, whatever, are there any plans to modify restrictions so there is an opportunity within safety guidelines for people who are members of the mental health services or in similar categories, to meet up in an appropriate way?

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you Deputy Gollop for that question. We are clearly cognisant of the impact that having a lockdown situation has on many people. It is one reason why we need to balance not only the risk from the virus but also the risk for people's mental wellbeing at the same
200 time.

Yes, there has been a lot of work down by mental health services and Mind and the third sector, really, to put in a lot of facilities and support for people who are struggling at the moment. There is a lot of stuff online on that. If they go to [gov.uk/coronavirus](https://www.gov.uk/government/coronavirus) there is a lot of support for them there.

We are taking on board issues from people who have mental health issues and whether we can
205 look at possible one-to-ones, but we need to be very careful on that front. It is all about balance at the end of the day and as we ease things through, which hopefully we can do more and more, that will hopefully be an issue that will go away because we will be able to ease off the really strict restrictions that we have got at the moment.

The Bailiff: Deputy Inder,

Deputy Inder: Thank you, sir and Deputy Soulsby thank you for your update. Good work to you and your team. As the Island gets on top of the disease, the only patient left to revive will be the economy, to ensure that we particularly get the internal economy back on its feet, will the
215 Committee be considering, or has it considered, a continued lockout of new visitors to the Island and that kind of traffic and possibly a lock-in for those that need shielding, to allow the local economy to get back working?

The Bailiff: Deputy Soulsby.

Deputy Soulsby: I thank Deputy Inder for that question. Clearly, if it was all about public health, we would have everybody locked down for as long as until such time as there was a vaccine and everybody could be vaccinated against it. We cannot live in that situation, not least for the economy, but for our own mental wellbeing.

225 Clearly we will not be looking at easing restrictions as and when we can. We have flattened, we have squashed the curve. That is why we are now easing restrictions off. When it comes to the borders, that is probably going to be our biggest risk. Whilst we have got the UK and France still really in a crisis situation and the hospitals are not having the testing that we have, that is going to be our biggest risk, so the likelihood of borders being opened up, it is probably going to be one of
230 the last things that we will be able to do and we cannot put a timing on that, but we will be dependent, as much not from what we are doing here but from what is going on overseas.

The Bailiff: Deputy Merrett and then Deputy Hansmann Rouxel. Deputy Merrett.

235 **Deputy Merrett:** Thank you, sir. My question was very much along the lines of Deputy Gollop's about mental health, but I have got a question I wish to post to Deputy Soulsby from a very concerned young person on-Island and they put in poetry and their question is this:

While we are all locked inside,
Our mental health will surely slide.
When can I go about my day,
And live my life in a more normal way?

The Bailiff: Deputy Soulsby. Are you going to reply in verse as well?

240 **Deputy Soulsby:** Not having prepared, sir, but I say none of us wants to have to do what we are doing at the moment. As I have said in my speech, it just goes against all the principles of a democratically elected representative to be restricting people through them. We are doing this to support our public health, to protect our most vulnerable and actually, in the long term, to our economy. If we just said let us ignore it, the whole Island would grind to a halt. We would not be
245 able to provide any health services, because we would be completely overrun by people who are ill, both amongst the health services and elsewhere.

We would not be able to provide teaching support online for children, because the teachers would not be around. Really this is what we are forgetting at the moment. We have squashed the curve. We have been really successful in doing that. What if we had not been? What if we had just
250 allowed to things to run, just because we were saying it was because of the economy? Really, what I am saying is we will only be keeping these restrictions for as long as we absolutely have to.

The Bailiff: Thank you. Deputy Hansmann Rouxel and then Deputy Lester Queripel with a second question, followed by Deputy Oliver.

255 **Deputy Hansmann Rouxel:** Thank you, sir and thank you Deputy Soulsby for her update. My question really is, as we are moving out of the lockdown phase in this phased approach, we are probably going to have an extended period where there is a new type of normal and yes we have got the system in place with the testing, the quarantining and the contract tracing. My concern is
260 with the amount of pressure on those teams and the resources that they have to continue at such an intense level.

Are the resources, are we getting those teams really up to speed and giving them the resources that they need, because ultimately, if they really well resourced then we will be able to open up the economy because we will have the ability to track and trace and actually maintain the squashed
265 curve.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, Deputy Hansmann Rouxel. It is a very important point. I think yes, the resources have been put in when they have been needed, absolutely, of course. But we went through a really busy time through the contact tracing teams because the curve was going up like that and we were constantly having to trace lots and lots of contacts from one single person.

The advantage of lockdown was that people were isolating. If they were being contact traced, they had not been out. So we did not have many more contacts beyond that. So we were going from people with 40-odd contacts – were we not? – to only two or three the next. So it has made the contact tracing that much easier.

But yes, as we open, widen things up, that might happen again. That is why our exit strategy is contact tracing and testing. It is that phased approach. But also it is adaptive triggering, so if we find we are overwhelmed, and maybe it is impossible to trace everybody and we are not happy, that might be one of the triggers that means that we have to ease back down again.

At the moment, certainly, we are fine, and when the resources were really needed, they were brought in. People have been rallying around. I know we have had support from our fellow Deputies. Deputies Tooley and de Sausmarez are helping with contact tracing and a lot of volunteers have come in to support that.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Joining in the spirit of poetry, is Deputy Soulsby able to tell me please when the restrictions on the bring banks and bring bank sites are going to ease?

The Bailiff: Deputy Soulsby.

Deputy Soulsby: I am not sure where we are on the bring banks at the moment, but certainly green waste will be released. There was no actual restriction on green waste. I think it was more of a general States' decision based on everything else that was going around, but I believe the green waste facility will be opened as a result of allowing outside workers such as gardeners being able to start work again.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir. I was just wondering, I have had a few emails just to say sort of like that people have been not feeling very well and they do not want to attend the doctor and I do say, 'If you need the doctor you should be going.' I just want you to reinforce that. Would you agree with me that actually, if somebody is sick, they do need to go to the doctor and make sure and get it sorted, rather than just leaving it until after Covid-19, when the problem could actually be a lot worse? Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Yes that is a really important point Deputy Oliver has made there. It is crucial, if you have a health condition and they are worried about it, they must get seen when they can. I did allude to discussions when it comes to primary care and the affordability of care. I cannot say much more at the moment, but that is something that we are looking to address so the cost of attending primary care is not a barrier to people actually getting the care their needed. But people need to know that, certainly from an ED point of view, anybody with Covid symptoms will not be charged.

The Bailiff: Next, Alderney Representative Snowdon, to be followed by Deputy Dudley-Owen.

Alderney Representative Snowdon: Thank you, sir.

320 Firstly, thank you to Deputy Soulsby and Dr Brink for the wonderful help and guidance they have given Alderney, as well as the Bailiwick. My question is quite a simple one. Could Deputy Soulsby just explain the difference between Alderney and Sark, with potentially restrictions or allowances? Thank you.

325 **Deputy Soulsby:** Sark have basically closed their borders but Alderney have not. So that is not anything that we have done, that was a Sark decision to do what they have done. We have allowed lone outdoor workers in Sark, that was the request from Sark, which we have not had from Alderney, in writing or any plan in how that would be managed. Sark have produced a system on how it would be managed. In Alderney we have allowed food preparation off site that can be delivered by meals
330 on wheels for a social need.

In terms about what will change today will be that those outdoor workers and tradesmen and those people without any household contact will be able to start both in Guernsey and Alderney, as well as Sark. That will be the change from today, as well as other areas, but I will deal with that later. I hope that helps.

335 **The Bailiff:** Next Deputy Dudley-Owen and Deputy Gollop will be able to ask a question after that, so I am giving him a warning. Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, Mr Bailiff.

340 Thank you to Deputy Soulsby for a really very informative update statement and also I would like to commend Deputy Soulsby and Deputy St Pier on their excellent external comms. The Island has been kept really very well informed. Not just in the weekly regular updates, but also by their social media feeds. It has been really very comforting and instilled an awful lot of confidence in the community.

345 Internal comms, however, have not been quite so great for States' Members and Deputy Soulsby and I have been in correspondence over the last week and, in fact, longer between myself and Deputy St Pier. States' Members have been notified of media releases within minutes of announcements at live media events and have the prospect of deciding on immense borrowing for the Island. Would Deputy Soulsby be able to commit to a regular, informal briefing for States' Members, so that we are all kept in the loop? We can convene, after all –

The Bailiff: You are over your minute. I think you have asked your question. Deputy Soulsby.

355 **Deputy Soulsby:** Sir, I thank Deputy Dudley-Owen. If internal comms has been poor at times, I apologise. I think that is probably reflected at the pace that we have had to move. Certainly, last week we had to make changes and we were making changes up until 8 p.m. and having a meeting of the Committee at 8 p.m. to get things sorted and changes made, so we could announce by 1 p.m. on the Friday.

360 We did try to get that to Members as soon as possible. It kind of reflects the speed things are going. I would hope, I would not commit Deputy St Pier or anybody else, but certainly I know yesterday's briefing, Members really found useful. If we can do something similar to that, I am sure we will.

The Bailiff: Deputy Gollop. If he is not there we will ... can you hear alright there?

365 **Deputy Gollop:** Yes, I was there. Like Deputy Dudley-Owen, I can only salute the abilities of the entire HSC team in presenting the message. But my question is, given the inevitable concentration of cases both here and in Jersey, in what could be loosely called the care home/residential home sector, how far are HSC able to ensure that all workers and visitors to the care home sector have appropriate PPE equipment that ensures everything is safe and as ... *[Inaudible]* great as it can
370 possibly be?

The Bailiff: Deputy Soulsby.

Deputy Soulsby: I thank Deputy Gollop for that. Of course we unfortunately are prohibiting visitors to the care homes so it should be people who actually absolutely need to be there. PPE is controlled through HSC so we can ensure that it goes to all the right people and is not being amassed in one place and not the other and we are the ones that are getting it on the Island. PPE is an international issue but we have got the stocks we need right at this moment. We are hoping for a considerable delivery this week, which I hope it will be arriving soon.

That is managed in accordance with strict guidance about what is needed within each work sector. So care homes will get the PPE that they need for the work that they need to do, GPs will get what they need. Other establishments get what they need. So it is all managed in accordance with what they need for the job that they are doing.

The Bailiff: Deputy Tindall and then Deputy Graham.

Deputy Tindall: Thank you, sir.

When answering the question to Alderney Representative Snowdon, Deputy Soulsby listed what was being changed but advised they were changes from today. I just would like to ensure that is clarified because, as far as I am aware, the changes will happen midnight Friday, so starting from Saturday. Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Yes, I thank my fellow Member of HSC for putting me right there. I think I am just living in that moment so it is all blurring into one day!

The Bailiff: The 20 minutes permitted for questions under the Rules have elapsed but this is an important topic, I will allow more time. But in this extension, I will prioritise those people who have not yet asked a question so I will call next Deputy Graham and then Deputy Green. Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

Deputy Soulsby's answer to the question from Alderney Representative Snowdon prompts me to ask for clarification on the position of Sark. What I would like to know is what would be the position under the Regulations if Sark itself decided to allow passenger visitors to Sark. I gain the impression from her that it is Sark itself who has imposed these restrictions.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Yes they did Deputy Graham, but Regulations have been changed to enable CCA to manage and set Regulations in terms of inter-Island travel. That has been added in after conversations with the Alderney and Sark representatives on the CCA. So that has now changed. It was not there originally but it is there now.

The Bailiff: Deputy Green and then Deputy Mooney.

Deputy Green: Sir, thank you very much and like others I commend the work that Dr Brink and the Committee for Health & Social Care are all that they are doing. I commend that genuinely. The question I have got was prompted by the excellent question that Deputy Victoria Oliver asked a moment ago, because about a week ago or so, maybe it was last week, in the UK, I noted that the Secretary of State for Health Mr Matt Hancock did refer to the fact that in Britain there had been a worrying drop-off in the number of people with suspected cases of cancer presenting in the NHS.

I think he called it a juddering halt. The question following on from what Deputy Oliver was saying, the question for Deputy Soulsby really was whether there was any similar evidence in Guernsey and whether she would agree with me that people who do suspect particular serious conditions should definitely be presenting to their GPs regardless of the lockdown situation.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thanks, yes. I cannot speak for specific conditions and I am not sure, he can only be working it out from this is how many people he would expect to be presenting at any one time. With us, as we are small population, we are quite lumpy, so I think it would be difficult for us to say we would expect to have 10 people with cancer coming through the door now. But we have seen a drop-off of people going to the doctor and that is concerning us.

We have had people present at the hospital very late who effectively had to have life-saving treatment, which could have been something much more minor if they had gone in early. So really this is to tell people that the hospital is still open, GPs are still working, that we are providing care for people who need it and that will be for people who have got cancer.

The Bailiff: Deputy Mooney.

Deputy Mooney: Thank you, sir.

This is for Deputy Soulsby. GPs' income has diminished considerably, do you think they will be seeking financial support or have they made any approaches for that and other tranches that have not been considered?

The Bailiff: Deputy Soulsby.

Deputy Soulsby: I can say that we have and are in discussions with the GPs. I am not really at liberty to say exactly what those discussions are at the moment, in any detail, but something will be forthcoming in the next few days or the next week.

The Bailiff: Well nobody else wishes to ask a first question, so I will just turn to Deputy Laurie Queripel and then we will close this question time but of course we will be debating the latest set of regulations later. So this will not be the end of opportunity to debate the implications of coronavirus and the steps being taken. Deputy Laurie Queripel, your second question.

Deputy Laurie Queripel: Thank you again, sir. Certain retail outlets have been allowed to open because they are selling essential goods and they seem to be implementing the required measures successfully, even the smaller ones. Has any thought been given to extending that allowance to open to other retail outlets as long as they observe all the required measures such as social distancing, the numbers allowed in shops and so on? Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: We have been looking at non-essential retail outlets. Is that the phrase we keep using? We did consider whether that should be in the first tranche of easing off from Saturday but we think that we need to give more time yet. What we were concerned about was bringing too much back in too soon. Then it makes it difficult for Public Health to know, if we do get a spike, where specifically it came from, thinking about contact tracing, etc. Yes, that is on the radar but not quite at this moment.

The Bailiff: Well, that concludes the question time, and may I just on behalf of everybody in the Assembly thank you, Deputy Soulsby, for your statement, your answers and for what your Committee and you are doing and also what Dr Brink and her team are doing. Thank you very much.

**Committee for Home Affairs –
General Update**

The Bailiff: We move onto a general update statement to be delivered by the President of the Committee for Home Affairs, Deputy Lowe.

Deputy Lowe: Thank you, sir.

480 In light of us working remotely the Committee decided to send our Statement in advance to enable Members to forward questions if they so choose, but obviously they can still ask today. It gave us the opportunity to give more comprehensive answers rather than in the time restraint.

485 However, since my last update statement in October 2019, a lot has changed in the world and in Guernsey. I am obviously speaking about the outbreak of Covid-19 coronavirus. The Committee for Home Affairs would like to take the opportunity through this Update Statement to formally put on record its thanks to all the emergency services and the many essential workers who, on a daily basis, protect the Island and enable Island life to continue.

490 We must, however, not only give our attention to managing the current crisis but also to the future beyond the pandemic. In this respect a significant piece of work which the Committee has been developing is the review and reassessment of the way in which justice, in the widest sense, is achieved and delivered across the Bailiwick.

495 Members will note that the Justice Review has been submitted for debate as a Green Paper and they will not need reminding that this is an area which we as a States have determined to be a key priority. Nonetheless, while important, the Committee recognises that at this time we as a States must prioritise those matters that require the most urgent attention, and on this basis we have proposed that debate is held over to July or later, by which time we might have moved closer to our usual debating forum rather than through Microsoft Teams, which although very good, does have its limitations.

500 Another significant area of work which was continuing regardless of this is, of course, Brexit. Since 2016, Brexit has created a huge workload for the Committee and its officers, especially the Guernsey Border Agency, with the need to ensure the Bailiwick's borders are kept safe, and the movement of people and goods is regulated appropriately.

505 While Brexit is no longer a regular news item, officers are still having to work hard to ensure Guernsey is compliant with the EU ruling to enable trading and movement of people. There has been no change in the declared intention of Her Majesty's Government for the UK to leave the EU at the end of this year. In this respect the Committee will soon be submitting a policy letter for consideration and debate on proposed amendments to the Customs Law, which will be critical to have in place at the time of exit.

510 On finance, sir, there is a positive note for Home Affairs, as we finished 2019 with a £360,000 underspend. This was a remarkable achievement in light of the never diminishing pressures on the services we provide and the much-improved position on the overspend in 2018. This change was in part due to one-off and non-recurring items and is therefore unlikely to be repeated in future years. The other significant portion of this underspend arose from vacancies within established staff in Law Enforcement.

515 Nonetheless, where it has been possible to make sustainable financial savings, it has been implemented and the corresponding budget given back to P&R, thereby reducing the Committee's outstanding savings target. In total, in 2019 the Committee found £190,000 of savings against a

target of £150,000; however £77,000 of those savings will only materialise in the 2020 accounting period.

520 Now moving to 2020 performance year to date, the Committee's services were managing well and operating £375,000 under budget as at the end of February. This favourable position did not come as a surprise as a number of vacancies remained, predominantly within areas of Law Enforcement.

525 During March, a good number of these vacancies were filled, so in normal circumstances we would be expecting to see the Committee's net expenditure being closer to the budget in the rest of 2020. However, normal circumstances do not currently prevail, and the States finds itself in the middle of a global pandemic. Covid-19 has already started to have a financial impact upon the Committee's services and will continue to do so.

530 For example, the Coronavirus Hotline staffed primarily by JESCC operators has been set up but this comes at a cost; additional personal protective equipment has been purchased for use by staff within Law Enforcement and the Guernsey Fire & Rescue Service.

535 In addition, income overall has dropped as, for example, the fixed penalty income as many of the restrictions on car parking have been removed, along with a reduction in the ability of Fire & Rescue to sell their support services to businesses. There has also been a significant reduction in income generated by Population Management and Immigration, as applications have near enough dried up. Separately we are in discussion with P&R over the liquor licensing fee income, which may be difficult to charge at the same rates if, for an extended period, pubs and clubs are unable to use their licence.

540 Clearly, the financial impacts do not stop there and these costs will escalate in terms of front-line staffing, if, as we must expect, the teams across our services are directly depleted through illness. It should come as no surprise that the Committee is currently unable to forecast, with any certainty, the total financial impact that Covid-19 will have upon its finances. I can however assure Members that the Committee is doing everything it can to ensure that staff continue to deliver the critical services expected of them at this difficult time, while monitoring the cost to the taxpayer, and making every effort to minimise the impact on the public purse.

545 Turning now to domestic abuse, as a result of a helpful exchange of emails with Deputies yesterday, I would like to use this Statement as another opportunity to reinforce the message that domestic abuse is not to be tolerated, no matter what the circumstances.

550 The Committee, working with the Police and partner agencies, such as Safer, is conscious that, even though we have not as yet seen a significant increase in reports of abuse and violence, we know there will be cases out there. I can however advise, without going into detail, that the number of people seeking and being provided with refuge has increased in the last fortnight. The challenge is to encourage reporting across all sectors of the community. Please let the Police or Safer know.

555 The Committee has just consulted with key stakeholders proposing the creation of new, and the amendment of existing legislation in order to offer greater protection to victims of domestic abuse and violence. The Committee will be recommending the introduction of Domestic Violence Protection Notices and Orders and making the breach of a Domestic Violence Injunction a criminal offence. The Committee is aiming to present this policy letter on this matter to the States this autumn. The Committee is also preparing to report on the wider Domestic Abuse Strategy.

560 I will now mention the planned independent inspections of the Probation and Prison services, which are increasingly being categorised together as the Offender Management Service. The Committee commissioned Her Majesty's Inspectorate of Probation and Prisons to inspect both the Probation and Prison Services during 2020 but unfortunately, due to the coronavirus, the Committee was advised recently that those inspections would need to be postponed to 2021 or later. Contact will be maintained with the independent inspectors to arrange a new date as soon as possible.

565 Guernsey Fire & Rescue Service, the Committee and officers have continued to liaise with Property Services, previously through the States' Trading Supervisory Board and more recently through P&R in an effort to ensure alterations can be made to the first floor of the Town Arsenal

570 Fire Station to create additional valuable office space. It was in the autumn of 2018 that plans were prepared. Given the slow progress, I met with the President of STSB and officers in January last year, when I was given the commitment that all efforts would be made to complete the work by the end of that summer. Here we are, in the second quarter of 2020, and, despite repeated assurances, the scheme is no further forward.

575 We also need the support of Property Services to exit from private rented accommodation at Ozanne Hall and Les Huriaux to deliver much needed, financial savings. To minimise the risk of this important opportunity being missed, there is a pressing need for this work to be given a much higher priority by Property Services.

580 Returning now to the Fire & Rescue Service, rather than its building, Members will also have noted the operational decisions made by the Chief Fire Officer and his team to split the service over two sites to reduce the risks associated with coronavirus spreading through one of the crews, or watches, as they are more commonly known.

585 I now move on to the Guernsey Prison Service. Of late the Committee has been working with the Law Officers and the Prison management to ensure the necessary legislative provisions are in place so the Prison has the flexibility it needs to respond to a health emergency and also, aside of that, for electronic tagging to be used as part of the strategy of reintegrating prisoners back into the community in a way that can be well managed and monitored. The Committee has also authorised special quarantine arrangements, should these be needed.

590 Turning back to the main focus of the Committee's activities, I could share at length about the range of legislation being progressed, the policy development underway, and the constant strategic oversight of all the services to ensure the Bailiwick remains safe and secure. However, at this time the Committee is of one mind that focus needs to remain on those things that are truly important, which first and foremost is ensuring the community is kept, and keeps itself, safe and healthy.

595 Finally, we must all remember – and that means every person in the Bailiwick – that we are in this together. If we all follow the advice and play our part, we can look forward to a bright future in which we can continue to feel safe and secure.

Thank you, sir.

The Bailiff: We come to question time and first of all, I will call Deputy Graham.

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

605 Four years ago the President inherited several reprehensible messes left by her immediate predecessor at Home Affairs. Now, one such mess was the Joint Emergency Services Control Centre (JESCC). The budget was hopelessly out of control, there was a complete failure to recruit, train and retain operators, and the Coastguard facility posed a danger to life at sea.

In the current emergency, with JESCC playing such an important role, could the President please update Members on the state of JESCC under those three headings: Budget Control; Trained Staff; and Coastguard.

610 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Yes, thank you, Deputy Graham.

615 Yes, I can, and I am more than happy to update Deputy Graham on that, because it is a much better picture than what it was four years ago, even last year. The resources were put in. Training was given, certainly within JESCC, that was extended; the Coastguard as well. The Harbourmaster worked very closely with JESCC and the Budget has been much more back to how it should be when the resources were put in place.

620 Shifts were looked at and changed to make it right and proper that there were more people on through a busy period. So a lot of work took place with JESCC, and we were delighted at how things have been turned around. Certainly in the last six months, there has been a huge improvement, but

of course, there is going to be a cost now, because we have had to put extra resources in – rightly so because JESCC has covered the hotline for the coronavirus.

625 **The Bailiff:** I told Deputy Gollop I would call him second and then Deputy Tindall, to be followed by Deputy Inder.
Deputy Gollop.

630 **Deputy Gollop:** Yes, thanking Deputy Lowe for her update, but unlike probably some Members, I do not just rely on official channels for my news. I get much of my news of what is going on from Facebook, even if that is not always very accurate. The social world suggests there have been some people who have perhaps been breaching regulations, who have been going to parties or gatherings or visiting their exes or would-be future partners and so on. Given the domestic statistics that Deputy Lowe alluded to, has there been a significant uptake of Police being called to sort out situations whereby people are breaching the rules because of the current lockdown situation?

635 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you.
Thank you, Deputy Gollop, for your question. Yes, the Police have been very active in ensuring that they have visited various premises, whether they are residential premises where people have ignored the requirement for only residents in that household to be present. So there have been situations where others have been to households that should not be there. They very much wanted to ensure that people were made aware, but in an educated manner, rather than heavy-handed, and work with people to ensure that they are aware of how serious this is, that you really have to abide by the restrictions that have been put in place.

645 Many people have contacted the Police to make the Police aware and ask would the Police go and have a look, and they have been more than happy to do so, because we all have a duty to protect our community. If we see any groups which we feel maybe need to have a little word, they may all be legitimate or they may not be legitimate, but we have a duty to make sure we keep each and every one of us safe from this awful coronavirus.

The Bailiff: Deputy Tindall – Deputy Gollop, I know you have a second question; I will call you later for that, if there is time.
Deputy Tindall.

655 **Deputy Tindall:** Thank you, sir
I am grateful to Deputy Lowe for her update, as well as the exchange of emails that she referred to yesterday, in particular regarding the blight on our society that is domestic abuse.

660 The information provided by Deputy Lowe can be seen in the light of the statistics presented to the UK Select Committee recently that during the Covid-19 crisis, there has been a rise in deaths from domestic violence in the UK from two women a week to five women a week.

Can Deputy Lowe please provide more details on what is in the wider domestic abuse strategy, when we can expect to see the report and confirmation that it will consider all that can be learned from the current circumstances?

665 Thank you, sir.

The Bailiff: Deputy Lowe.

670 **Deputy Lowe:** Thank you, Deputy Tindall, and thank you for your kind remarks about us circulating our Statement in advance. We were able to give you a much more comprehensive reply, which we cannot do in the minute and a half that we have under the Rules here.

Most definitely our domestic abuse strategy is currently being developed and will be presented to the States later this year, but certainly if you wanted to come to consult with us as well, by all means do so. If there are areas that you think you would like an input or any other States' Members, or indeed, any of the public listening, please actually do so because we are developing this and it will be coming to the States later this year.

The Bailiff: I see Deputy Graham wants to ask a second question, but what I am going to do this time is allow everybody to ask one question before I go to those people asking second questions, so I will call Deputy Inder, to be followed by Deputy Mooney and then Deputy Prow.
Deputy Inder.

Deputy Inder: Thank you, sir.

Thank you, Deputy Lowe, for your update, and equally I would like to thank you and your Committee for your role in assisting with the regulations that have put us where we are now in securing the borders and the regulations controlling the population at the moment.

Deputy Lowe reminded me of something, when she said that effectively the Population Management revenue has ceased, given the circumstances where we are: it does remind me and it is more of an economic question – I accept she might not be able to answer this – as we move to phases 2 and 3 of opening up the economy, are there any indications at all as to how many of our very important foreign workers are left in the Island, or, indeed, whether they might be able to return?

I absolutely accept, she may not be able to answer that.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Inder. No, you are right. I cannot give you that detail because I have not got that detail in front of me, but I am more than happy to try and find out some detail for you and circulate it to all States' Members so that they can have that same information.

As you know through the regulations from Home Affairs, through the Civil Contingencies as well, we did actually make sure that those who were on the Island were able to stay. It is almost a pause during their period of time, so if they were here for a particular licence or permit, they could actually stay here legitimately

I am aware that some of those who are in hospitality are now working in supermarkets, some are actually working, I believe, at the Hospital, or helping in Health as volunteers. They are volunteers certainly and there may be some being paid for work as well across the Island, through them being able to stay here.

But I will try to get some detail for you and I will let you have what I can gain from the staff.

The Bailiff: Deputy Mooney.

Deputy Mooney: Thank you, sir.

Deputy Lowe, what do you think the main reason is that Property Services has not focused on your projects; and do you think there has been a financial cost due to the lack of action?

The Bailiff: Deputy Lowe.

Deputy Lowe: I am not sure it is a financial cost. I have no idea. We have been chasing. We have written letters. We have had meetings. The first meeting that we had ... Plans were submitted by the Chief Fire Officer, who knew exactly what he needed in facilities and spaces at the Arsenal, and we were very happy with that. There was no spare space. We were able to see where we could fit at Home Affairs as well on that premises. It worked.

725 The meeting we had with the President at the time, who was Deputy Ferbrache, and he brought in staff, and we had our staff as well that were present. We were given assurances that it would be sorted by September last year. The cost at that time: we were told that the original cost of £400,000, it would be less than that – it had been 'loaded', was the word that was used, so it would actually be reduced. The last that we heard, it was now going to be over £600,000 and they did not think it was viable.

730 So there has been a range from a considerable amount of costs that have escalated, and we are still no further ahead and have no further details as to why this has been delayed and why suddenly costs should be rocketed when it had been looked at quite thoroughly originally.

The Bailiff: Deputy Prow and then Deputy Lester Queripel.

735 **Deputy Prow:** Thank you, Mr Bailiff.

I also thank the President of Home Affairs for her comprehensive Statement and, like Deputy Inder, I recognise the role of Home Affairs and, indeed, all the front-line staff in this current crisis.

740 Sir, the President mentioned Brexit but that has moved on. We are now talking about the future relationship between the UK and the EU27 and it occurs to me that our interests will not always be the same as the UK's, in particular Home Affairs, immigration policy and other important matters. I would like to ask the President if she feels that the Committee has enough involvement in the negotiations with the UK on these very important matters.

Thank you, sir.

745 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Yes, thank you, Deputy Prow.

750 Yes, I have made sure, because it is so important that our Border Agency staff are involved with anything that is happening regarding the UK. I have made that message very clear to External Relations and, indeed, to P&R. They have taken that on board and, indeed, wherever possible they have include the Border Agency. There might have been a hiccup on one occasion, but certainly it is key that the Border Agency staff are involved with that, and unless I hear anything different, I am satisfied at this moment in time that we are involved.

Thank you.

755 **The Bailiff:** Deputy Lester Queripel, and then Deputy Merrett.

760 **Deputy Lester Queripel:** Sir, following on from Deputy Mooney's question, in her Statement Deputy Lowe seemed to be inferring that Property Services and STSB have failed to deliver on promises to assist Home Affairs, especially in relation to saving money on rented property. If that is what she was inferring, there seems to be something of an impasse in place now.

How does she see this failure to deliver on promises made being resolved, to get through this impasse?

765 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, Deputy Lester Queripel.

770 Certainly, we have been pushing and it has been mentioned as well at the Oversight Board meetings and, of course, Property Services are now under P&R, so at the Oversight Board meetings, we have had assurances from the Chief Executive that things will now move along. He has given us the undertaking that will be the case and, of course, with coronavirus everybody has been a bit more busy and a bit more distracted – rightly so; that has to take priority.

However, staff that are dealing at Property Services, I would like to think that they will get on with it. We have got Ozanne Hall. The lease was already extended because there were delays, so

775 that has been extended, but we really need to be out of there by, I think, April next year. That is costing us a considerable amount of money and we are paying that money for Les Huriaux.

So I am hopeful and optimistic that the assurances given to myself and my Vice-President who attend the Oversight Board meetings will be followed through, and we will be seeing some development taking place, including at the Arsenal.

780 **The Bailiff:** Next, Deputy Merrett, and then we will be able to take the second questions from Deputy Graham, followed by Deputy Gollop.
Deputy Merrett.

785 **Deputy Merrett:** Thank you, sir.
Like others, I am very concerned about the spikes in domestic abuse in comparable jurisdictions and in ours. What has been mentioned so far has primarily been domestic violence and women, but domestic abuse is not only in the form of physical abuse, but also mental and fiscal – and also men, sir.

790 I simply wish to ask, does the President agree with me?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you.

795 I agree with you. There have been huge spikes in the UK, but from the data that we have had here in Guernsey, we have not seen huge spikes. That is why the message has been out on more than one occasion. We have had the Head of Law Enforcement when he attended the media briefings, he has reiterated that, encouraging people to contact. Safer have done the same, there are adverts in the *Guernsey Press*. It has been on all the news channels as well on several days, not
800 just one day. There have also been promotions and various ... through Radio Guernsey, if I remember rightly, they invited guests in to talk about it – not literally in, but remotely.

So there has been a huge amount of coverage trying to encourage people not to be in those situations; if they need help to please call the Police or call Safer, but we have not seen the huge spikes that they have had in the UK.

805 **The Bailiff:** Deputy Graham, then Deputy Gollop.

Deputy Graham: Thank you, Mr Bailiff.

Four years ago as Vice-President of Home Affairs, I became aware of a significant reason why
810 reoffending rates for those prisoners who had served short prison sentences were relatively high compared to those serving long sentences: the reason was the absence of statutory engagement with them post-release by the Probation Service. At the time, I called for such engagement to be introduced. I had the support of my then colleagues, and when I left the Committee two years ago, I was still arguing for it.

815 What progress has been made in the intervening four years? And I do hope the answer is not that it will be swept up in the Justice Policy Review Report, which I am afraid remains disappointingly distant.

The Bailiff: Deputy Lowe.

820 **Deputy Lowe:** I share your disappointment that the Justice Review has been pushed back and that we are not able to get on with that as quickly as we would like to do, but certainly he is absolutely right: it has been an area of concern for the Committee, where we wanted to make sure we could do for supporting those who are actually on short-term prison sentences and, indeed, for
825 alternatives. As he knows, there are many alternatives that are offered to the court that they are able to use if they choose to do so.

So I cannot give you an answer that you will be delighted with, Deputy Graham, but all I can say is that it is still on the radar. We are still trying to see what legislation needs to be changed, if any needs to be changed, but it has not been ignored. It is still something that we are trying to work through at this moment in time.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much, Mr Bailiff.

In her comprehensive Statement and also alluding to Deputy Inder's question, Deputy Lowe pointed out the reduction of income and activity to the Population Management Office. Given the circumstances we are in, is there not a case for both looking at relaxation and amendment to population migration Laws to ensure that tourism, hospitality, retail and other sectors can start up as quickly as possible, but also that persons who have stayed on in Guernsey with licences, whether they be in general sectors or especially in health care and caring roles, could be given significant extensions of licences for their work?

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Gollop.

Of course you know the position of the Population Management, it is operated by a statutory official who actually works with the Population Employment Advisory Panel (PEAP), so they will make us aware whether there is a huge amount of people who are unemployed locally, in which case some of those jobs that would be on the list currently may be removed because they will want to fulfil those who are unemployed to be able to get a job here on the Island.

So there will be a complete review, I have no doubt whatsoever, once we are out of this, to see what is needed out of the Population Management. We cannot actually suspend Population Management, but we have very flexible policies in place, and those will continue and be reviewed as and when necessary, either through PEAP notifying Population Management or, indeed, Population Management coming to us directly, where they believe that we ought to consider a change of policy, which we do – once we have got the evidence.

The Bailiff: Next, Deputy Tooley, followed by Deputy de Lisle.

Deputy Tooley: Thank you, sir.

I was pleased to see that the coronavirus situation has led to Home Affairs looking at more progressive methods of dealing with offenders in terms of things such as tagging. I wonder what reassurance Deputy Lowe can give us that this time is being used as a useful monitoring and evaluating system, so that perhaps this is a progressive measure which could be taken, ongoing into the future, even after this virus has been dealt with?

Thank you, sir.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, Deputy Tooley.

Tagging was going to happen anyway. That was already on the list to do but we have brought through regulation, we were able to bring forward this a lot quicker than previously, solely in case there is a health issue at the Prison, we will be able to use tagging, but according to the Prison Governor, it is not something at the moment where he has anybody he would like to see using a tag. That would be an operational matter, anyway, by the Prison Governor.

But tagging is something that we wanted to put a tool in the box to be able to have for the Prison to be able to use, if appropriate.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

Given the lockdown, is increased surveillance being given to Town/Bridge shopping areas?

The Bailiff: Deputy Lowe.

Deputy Lowe: I have no idea, sir! That is operational. It depends where the Law Enforcement wish to send their officers.

I am aware that there are out an awful lot at the moment because they are monitoring what is actually going on. It is not very often you go out and you do not see the Police or a police car, some way of making sure that people are keeping their distance.

But I am sure that they are actually covering Town as well, Deputy de Lisle.

The Bailiff: Thank you very much.

Ah, we now have a few more questions. Alderney Representative Snowden and Deputy Oliver to follow.

Alderney Representative Snowden: Thank you, sir.

Just a brief question: does the tagging apply to Alderney as well?

Thank you.

The Bailiff: Deputy Lowe.

Deputy Lowe: Sorry, I did not quite catch what you said.

The Bailiff: Does the tagging apply to Alderney?

Deputy Lowe: I would have thought so, because it is our Guernsey Police who are operating up in Alderney, but I can find out and get clarification for you, and let you know.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

I was just wondering: the Committee made a decision regarding the alcohol licences being deferred, but this is being held up by P&R. Why is it that P&R is holding up when the Committee made a decision?

The Bailiff: Deputy Lowe.

Deputy Lowe: I do not think they are holding up, Deputy Oliver. They are pretty busy as well, so the licences and the fees for licences – they have obviously got to consider that in all the expenditure that they have got and whether they think it is appropriate or not.

I am not too concerned that we have not heard from them. It is probably less than a week or about a week. Certainly they will be taking that on board and we will hear back from them, but it is important that we have the right information before we actually decide how we are going to be able to address the licences and fees for licences.

The Bailiff: Again, the 20 minutes are up, but as it is still Covid-related mainly, I will allow a short extension, but again I will take first, those who have not yet asked a question, so I will take Deputy Laurie Queripel before Deputy Merrett.

Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you for that, sir.

I just want to ask Deputy Lowe, in light of Deputy Gollop's question: if there is going to be a review of Population Management Regime and rules, can she provide some assurance that there will be a careful and considered review, rather than a knee-jerk reaction or just based on short-termism?

Thank you, sir.

The Bailiff: Deputy Lowe.

Deputy Lowe: I can give him that undertaking, Deputy Queripel. It will not be a knee-jerk reaction. It is important that we actually see how this pans out when the review takes place.

There has already been the review, which was the P&R review, and Home Affairs were involved with that one, and I guess that report will come at some time in the future. That is not the sort of report that they need to be bringing at this moment in time, because it will be completely out of date. With all that has happened over coronavirus, they are probably going to have to go back to the starting blocks and start again, but working with Home Affairs on that, when we know more information of how the economy is going, and unemployment.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I am pleased that police officers have been using an 'educate' stance and are working with the community, informing them, advising them of the regulations that are in place, but could the President please advise us if there have been any fines or arrests made under the Emergency Regulations?

The Bailiff: Deputy Lowe.

Deputy Lowe: Yes, I can, and you will have seen in the paper, I think it was last week or the week before, there have already been court cases. But the court cases come as the last resort.

The Bailiff: I see nobody else wanting to ask questions, so thank you, Deputy Lowe and on behalf of the Assembly, I thank you and your Committee, and particularly the agencies for which you are responsible for all that they are doing in these difficult times. Thank you very much.

Deputy Lowe: I will pass on those thanks. I am sure they will appreciate them.

The Bailiff: Thank you very much.

Committee for Economic Development – Statement on the Channel Islands Competition and Regulatory Authority

The Bailiff: The next Statement is to be from the President of the Committee for Economic Development, a Statement on the Channel Islands Competition and Regulatory Authority.
Deputy Parkinson.

Deputy Parkinson: Thank you very much, sir.

On 17th February I received a telephone call from Senator Lyndon Farnham. During this call, he advised me of Jersey's intention to terminate the pan-Channel Islands Competition and Regulatory Authority joint operating model, otherwise known as CICRA, and revert back to separate insular

competition and regulatory authorities in Jersey and Guernsey. This decision was confirmed in a letter dated 3rd March from Senator Farnham.

980 Whilst the Committee was aware, during 2019, that the States of Jersey has a different view of the future role of CICRA, these were felt to be issues which could be addressed within the existing CICRA model. In that context, it would be fair to say that Jersey's request came as surprise to myself, and my fellow Committee Members. Whilst this was not something which we would have wanted, the nature of CICRA meant that we had to accede to Jersey's request.

985 In response to this request, officers of the Guernsey Competition and Regulatory Authority (GCRA) effected an analysis of how to effect the separation and the potential impact of the same. It has become apparent that there are material benefits to the Island in having the GCRA extracted from the CICRA model and the Island having its own insular authority. These benefits are:

990 (1) The Committee will be bringing a policy letter on the implementation of the States' 5G and telecoms sector strategy in 2020. As part of that process, it is essential that we have a definitive, and clear, regulatory structure and approach in place to ensure certainty for the telecommunications companies and assist in the making of their investment.

(2) The States will be discussing its long-term energy strategy, which will entail a significant, and material, role for the GCRA in reviewing and revising the regulatory framework for energy on behalf of the Committee.

995 (3) The prevention of conflicts caused by differences in regulatory priorities between the two jurisdictions, leading to a clearer path for policy statements from the States of Guernsey to be acted upon by the GCRA.

(4) Focused support for the Trade Partnership Advisory Panel on Guernsey's interface with future UK trade agreements, particularly in respect of open markets and consumer interests.

1000 (5) The ability to undertake extraordinary investigations as and when required that are focused on Guernsey market and consumer interests.

The GCRA has confirmed that the transition away from the CICRA brand can be effected by 30th June 2020 with no additional competition grant or telecoms licence fee funding needed. The GCRA is currently working on the termination process, which is almost complete, and will require 1005 little officer time or resource to effect.

In addition, the separation provides an opportunity for the Committee to work with the GCRA in considering the scope of its work, and on emphasising the role of the authority in making markets work for our consumers. This will be done through a review, with the GCRA, in the second half of 2020. The GCRA is supportive of this approach.

1010 Officers have discussed this development with the current chief executive of CICRA, and he is supportive of the benefits of developing a Bailiwick approach and of undertaking a review of the scope of the GCRA's work during the second half of 2020.

1015 Both Islands have been involved in a recruitment process for a new chairman of CICRA. However, in light of Jersey's decision this process has been paused. A temporary chairman of the GCRA will be appointed shortly and it is proposed that the recruitment of a permanent chairman be effected during 2020.

1020 I would emphasise that, from our perspective, the termination of the CICRA brand does not mean the end of the Islands working together in respect of competition matters, where our objectives are aligned. In anticipation of this the GCRA is currently working on the development of a Memorandum of Understanding to allow for the two insular authorities to work together, where appropriate, going forward.

These proposals are intended to assist in the Island's economic recovery, post the Covid-19 pandemic, and are the right thing to do for all Islanders as we look towards rebuilding our economy in the medium to long-term.

1025 Thank you very much, sir.

The Bailiff: I will now take questions in the following order: Deputy McSwiggan, then Deputy Gollop and Deputy Ferbrache.

Deputy McSwiggan.

1030

Deputy McSwiggan: Thank you, sir.

Clearly, the joint operating model would have been a factor in Guernsey's decision as to whether the current scope and operation of our competition framework is value for money. I note that Deputy Parkinson has said that his Committee will carry out a review of the scope and model of the Guernsey Competition Authority following this decision, but will Deputy Parkinson undertake to bring that review to the States so that we collectively can make a decision on whether this competition framework and the model that operates it continues to be right for our community, particularly in the wake of Covid-19?

1035

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Yes, I am happy to give an undertaking in that regard.

The Bailiff: Thank you.

1045

Deputy Gollop, your question please.

Deputy Gollop: My question is: it is disappointing to hear another example where Guernsey and Jersey cannot make joint regulatory economies of scale, despite the best efforts of Deputy St Pier and many others. Given the decision in Jersey predated the full impact of the Covid-19 crisis and economic issues, surely it must be the case, is it not, that the economy might have to have regulatory decisions made about mergers and facilities that are different to policy at the moment? Can Guernsey ensure we have free competition with a shrinking market, for example?

1050

The Bailiff: Deputy Parkinson.

1055

Deputy Parkinson: Well, it is intended that the ... Of course, the GCRA has continued to exist as a separate entity, notionally in partnership with the Jersey Competition Regulatory Authority, so it is not as though we are starting from zero. This body exists in law, and we expect to have it up and running very soon, and certainly by 30th June.

1060

So I do not think there is any danger of urgent matters arising in the next month or two, which cannot be dealt with at an appropriate time.

The Bailiff: Deputy Ferbrache and then Deputy Graham.

1065

Deputy Ferbrache: Thank you, sir.

Does Deputy Parkinson agree with me that in the light of the way that our authorities have so splendidly dealt with the Covid outbreak to date compared with Jersey, that it is probably a good thing that this has happened?

1070

Does he also agree that, if it is to be effective, I think he said, by the end of June, it could be cost effective and in that regard, can he tell us what he anticipates, if he is able to at the moment, the cost of setting up or developing the local regulatory regime will be and the staffing requirements?

The Bailiff: Deputy Parkinson.

1075

Deputy Parkinson: Many of the staff of CICRA are actually based in Guernsey. So for them it will simply be changing the label on the door.

We are confident that the Guernsey Competition and Regulatory Authority will be able to be established and operational within the existing budget for the financial year 2020, and that there will be no additional costs to the States of Guernsey.

1080 **The Bailiff:** Deputy Graham, to be followed by Deputy Brouard, then Deputy Tooley.
Deputy Graham.

Deputy Graham: Thank you, sir.

1085 First, the Data Protection Commissioner, now CICRA, but also a similar model for the Channel Islands Financial Services Ombudsman: does the President see any risk that that will go the same way, if, indeed, it is a risk?

The Bailiff: Deputy Parkinson.

1090 **Deputy Parkinson:** The one thing that disappoints me in this the story is the fact that yet again Guernsey and Jersey have been unable to sustain a joint regulatory body, and that is a pity.

As I have outlined in my Statement, we do see advantages to Guernsey in having a regulator that is dedicated to the objectives of the States of Guernsey. This situation has a silver lining, but, of course, it was not a situation of our making.

1095

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

1100 Does the President agree that the separation also gives the opportunity for a more fundamental root-and-branch review of the successes and the substantial operation costs to the community and also of their actual need and role going forward, rather than just a continuation review?

1105 **Deputy Parkinson:** Absolutely. The review we anticipate undertaking in the second half of this year will be a root-and-branch review to align the objectives of the Guernsey Competition Regulatory Authority with the policies of the States of Guernsey and the needs of the Guernsey consumer.

The Bailiff: Deputy Tooley and then Deputy Merrett.

1110 **Deputy Tooley:** Thank you, sir.

I think my question has largely been answered already. I think it is worth, though, considering whether this is a regime that needs to be continued while we are dealing with Covid and whether actually this is something that might be paused once we decide to look into this root-and-branch review.

1115 Thank you, sir.

The Bailiff: Deputy Parkinson.

1120 **Deputy Parkinson:** Business as usual has to continue in the States of Guernsey. We cannot put the whole of our political life and governance on hold for the next six or 12 months, or however long this may last. Because the Guernsey Competition Regulatory Authority already exists in law, we do not think this is a terribly difficult thing to do. We have pretty clear ideas about where regulation would be appropriate and what kind of regulation would be appropriate for Guernsey. That needs to fit in, as I have said, into other pieces of work which will be ongoing within the States of Guernsey – for example, the development of the energy policy and the review of our telecoms strategy – and because these other pieces of work need to happen, this piece of work needs to happen, too.

1130 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

Deputy Parkinson alludes to perhaps the reasoning of wishing to terminate the pan-Island agreement was that our objectives were not aligned. If this is the case, what objectives were not aligned, sir?

1135

The Bailiff: Deputy Parkinson.

Deputy Parkinson: I cannot be specific on what Jersey's objectives may have been. Within their Competition Law, certain things were covered which we did not cover, and *vice versa*. The mandates of the two regulators were not identical, and there may be elements of their regime which we can learn from and which we should introduce into our regime. The Islands have just had slightly different priorities, and looking forwards – which is what we should be doing – we can see that the energy policy of the Island, just to return to that example, will be for a very different market in two or three years' time from that which it is now.

1140

Our telecom strategy is currently undergoing the ultimate stress test in the Covid-19 crisis, and we can learn from what is going on now, whether we have enough telecoms support for the healthcare system, for our education system, for our business and social systems, and it may be that we need to adjust things.

1145

The Bailiff: Thank you.

No one else is seeking to ask a question, so that will bring the Statements to a close.

We have no questions in Question Time, which means the next business would be the Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) Regulations, 2020.

I said we would break at about 11 o'clock. I propose we take that break now. The time on my laptop is 10.57. I propose that we resume at 11.05, but I just remind Members to make sure that their microphones are muted, unless they wish everybody to hear whatever they may be saying during the interval.

1155

We will see you back at 11.05.

*The Assembly adjourned at 10.57 a.m.
and resumed its sitting at 11.05 a.m.*

Propositions in Pursuance of Rule 18

CIVIL CONTINGENCIES AUTHORITY

The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) Regulations, 2020 approved

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) Regulations, 2020.

1160

The Deputy Greffier: Propositions laid pursuant to Rule 18 of the Rules of Procedure.

P2020/89 – Civil Contingencies Authority – The Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) Regulations, 2020.

The Bailiff: I will call first the Chairman of the Civil Contingencies Authority, Deputy St Pier.

1165 **Deputy St Pier:** Good morning. Thank you very much, sir.

This first regulation laid today is, in essence, a consolidation of the many that were discussed, debated and approved last week. The Civil Contingencies Authority took the opportunity of the expiration of the very first regulation made to produce, in essence, a single consolidated set, which is what is now laid before the Assembly.

1170 There are three new substantive provisions included in this, which are relatively minor compared to the whole: one in relation to pharmacists, which is regulation 21 and schedule 3; driving licences, which are dealt with in regulation 41; and the provisions to enable the Chief Pleas of Sark to meet remotely, which I believe they may be taking advantage of today, and that is dealt with in regulation 38.

1175 With that, sir, I will obviously respond to any further comments which Members may have.

The Bailiff: Thank you very much.

Sorry, I did not have my Chat up. I now have my Chat, and I will call first Deputy Tindall to be followed by Deputy Merrett and Deputy Lester Queripel.

1180 Deputy Tindall.

Deputy Tindall: Thank you, sir.

I wish to express my thanks yet again to those drafting the regulations and the help they have provided in answering my queries, including providing a tracked-change version of the first section and a technical summary of changes.

1185 I have literally just finished reviewing 123 pages of the new combined regulations and sent a few drafting queries to the Director of Legislation, but this has led me yet again to fully appreciate the speed of completion and the complex nature of the drafting required. I note it is not simply a consolidation of the previous regulations.

1190 Of interest, there is now a specific ability for the Medical Officer of Health, our one and only Dr Nicola Brink, to impose a requirement for self-isolation in respect of travel between different Islands of the Bailiwick. This will I understand enable different Islands to open up at different times, but remain protected if needs be, by imposing self-isolation on inter-Bailiwick travellers.

1195 There are a couple of health and social care changes of note, and that is the inclusion of the section relating to pharmacists, although I have to say the new sections seem familiar and I am sure one of my HSC colleagues will remind me later where we have seen it before.

Also HSC, when making directions, must not only consult the Medical Officer of Health but now also with HM Procureur in relation to the appropriateness and proportionality of the proposed direction, although we have been doing so to a certain extent, but not formally.

1200 The main aspect I wish to mention is in relation to regulation 36, which incorporates the regulations on States' procedures which, ironically, we have not yet approved because they were originally laid on 9th April, which we are coming to next. However, as it is also within these regulations, I will raise my concern over one aspect in this debate.

1205 The Reform (Guernsey) Law, 1948 is to be amended, and regulation 36 inserts a new article 3A. In that article at sub-paragraph (3), it says:

The States' Assembly & Constitution Committee may make Rules of Procedure governing remote meetings of the States of Deliberation, including but not limited to provision supplementing paragraph (2) ...

And

... and provision applying (with or without modification) Rules of Procedure applicable in relation to assemblies of the States of Deliberation under Article 7; and Article 7 shall be construed accordingly.

It was my emphasis to split those two parts to sub-article (3), for good reason. This seems to me to allow SACC to amend all Rules of Procedure relating to the meetings of the States of Deliberation election which is in article 7 and not just for remote meetings.

1210 Having discussed this with Deputy Fallaize, who confirmed he shared my concern, I emailed the Director of Legislative Drafting at St James' Chambers for his view. He advised, and I quote:

SACC's power conferred under sub-paragraph (3) is to make Rules of Procedure governing remote meetings of the States of Deliberation and the rest of the paragraph is constrained by that. I am happy that there is no ambiguity here.

1215 So if there is ever any query as to whether or not SACC has the delegated authority to amend the Rules of Procedure for other than virtual meetings of the States of Deliberation – so, for example, in relation to virtual meetings of States' Committees – then I place this interpretation on record for future reference.

Finally, I would like to say, to the delight of both myself and, I am sure, Deputy Laurie Queripel, the word 'secure' has been changed to 'ensure' in regulations 3 and 5.

Thank you, sir.

1220 **The Bailiff:** Thank you.

Next, Deputy Merrett, to be followed by Deputy Gollop.

Deputy Merrett.

Deputy Merrett: Thank you, sir.

1225 Our community was advised by Deputy St Pier in the media conference on 20th April, last Monday, the CCA met at length to agree new regulations which primarily consolidated all the previous regulations made and approved by the States last time we sat.

I said then, and I say now, these are *very* serious measures – they are – and further, that their necessity must be kept under strict review. We *must* scrutinise them, and I have, sir.

1230 These consolidated regulations go further ... The CCA have always advocated open and transparent communication, and I agree. At times like these, it is of paramount importance. Our community expect us to scrutinise and communicate openly, and that is my intent.

My principal concern, sir – and I have many, but the most significant change in my opinion – is in Part II, section 13(1)(c):

the movement of persons outside the place where they are living ...

1235 This was not in the original statutory instrument, sir. It was ... *[Audio interference]* of meetings between or attended by persons from different households. The inclusion of those words is a substantive change to the provisions.

Section (8) of the new regulations continues with:

restrict the movement of persons outside the place where they are living by reference to the purpose, or duration, of the movement, and by reference to the age of persons.

1240 So basically, sir, that is the power to detain someone in their own home. The power to stop someone leaving their home. This could be interpreted in a way that would be draconian, to put it mildly. They could be implemented in a way that is the largest restriction to civil liberties since the War.

1245 But to add to my dislike is the reference to age. My interpretation of this is that a member of the household could be restricted from leaving their home on the grounds of age. Whereas this may be a reflection that a certain demographic are genuinely considered to be more vulnerable to Covid-19, would it really be appropriate to reflect that in future directions, assuming this would be older members of our community?

So my question is: does the CCA consider that that is proportionate; that it is absolutely necessary?

1250 Should it not be, sir, that as a Government we educate and advise our community of the risks, recommend the stay at home, and shielding? Should we not be working with the community,

seeking compliance; communicating and stating clearly the very persuasive merits of the need to stay at home or the need to shield?

Should our community not be in a position to make informed, intelligence-based decisions?
1255 Why is age listed, but not, for example, those with underlying health conditions?

These infringements of civil liberty are concerning, but the addition of imposing powers that restrict the movement of persons outside their homes is wider than the original regulations, and whilst previously it was a recommendation, it could now be enforced by the Police on those that would previously not have had to enter mandatory or voluntary isolation within their homes for 14
1260 days. So why has the CCA felt the need to bring in these far more reaching provisions? Is there, for example, evidence of non-compliance from our community? Evidence that our older demographic are acting in a manner that needs these regulations to enable the Police to enforce detainment in their own homes? Or is it the CCA's intent to protect through enforcement?

How can we say to a household, 'You can all have free movement, but the grandad or
1265 grandmother has to stay at home'? Will we no longer be celebrating birthdays after a certain age?

The public mood, sir, may be supportive at the moment, but we must retain our community's compliance and trust. We must trust them and them, us. What I believe is important, sir, is that we do scrutinise these regulations, that we are open and honest with their content, and that includes their interpretation and potential implementation.

The insertion of detainment in one's home, the inclusion of restriction by age, these are not a
1270 consolidation. I have only spoken to Part II, not wider, because Part II is the part that I am most concerned about. We must ensure that these regulations are implemented proportionately. We must ensure that they are only in place out of absolute necessity.

These regulations, sir, are a little bit at odds with the public messaging of lifting restrictions; or
1275 is it that to lift them we need to detain certain demographics within their homes? These, sir, are questions that I would very much appreciate the President advising us of, when he sums up.

Thank you, sir.

The Bailiff: Deputy Gollop.

1280 Hello, Deputy Gollop? Perhaps we will come back to Deputy Gollop.

Deputy Lester Queripel, and we will try Deputy Gollop after Deputy Lester Queripel has spoken.
Deputy Lester Queripel.

Deputy Lester Queripel: Sir, thank you.

1285 I have three questions for Deputy St Pier. I apologise in advance to him if I should know the answers to any of these, but I am afraid I am struggling to keep up with developments under the circumstances.

I think our measures could be strengthened even further. My questions are these:

1290 In Part II, under 'Control of premises, gatherings etc., and movement of persons', we are told that the regulations confer powers of enforcement on police officers. I am thinking that it would be very effective to give powers to the Police to issue on-the-spot fines, because that would then save taxpayers' money and time spent in court. So could Deputy St Pier please tell me whether or not the CCA considered giving officers the powers to issue on-the-spot fines to offenders?

1295 Following on from that, I was told recently by a friend who lives in France that every time people leave their homes, they have to take a note with them, explaining what the purpose of their journey actually is and the time they left home. If a police officer stops them and discovers they have been out for longer than two hours, they are then issued with on-the-spot fines of €135. So my question to Deputy St Pier is: have the CCA considered giving those sorts of powers to the Police, that they can issue on-the-spot fines if someone is found to be not complying with the measures we have in
1300 place?

Finally, sir, I still need clarification – I am not clear on what is considered to be essential travel and non-essential travel. We still hear mention in media releases from the CCA, that people are only

allowed to travel, to leave or enter the Island, if their journey is considered to be essential. So can Deputy St Pier tell me, please, what the definition of essential is considered to be by the CCA?

1305 Thank you, sir. That is it from me.

The Bailiff: Deputy Gollop, are you available?

Deputy Gollop: Can you hear me?

1310

The Bailiff: Yes, we can.

Deputy Gollop: Oh, thank you, sir. I think I dialled off because I pressed 'speak'.

1315 I have really got three points to make here, although I appreciate much of this was discussed before. My first is the admiration for St James' Chambers, the CCA and everyone involved in putting together these regulations, because even in a society many times larger, such as the United Kingdom, anomalies have arisen about, for example, rights of access to countryside, exercise time, essential purchasing, and so on. So I think a lot has been achieved on-Island.

1320 I also admire the diligence of Members like Deputy Tindall, who have been through everything with a tooth-comb. I sit too, of course, on the Legislation Review Select Committee, although I had a touch of toothache last weekend, so was a little bit less than active, but I would hope that Scrutiny Management can reorganise itself in this period so that we are able to have Jersey-style or UK-style hearings. I would be willing to join as an additional member to Scrutiny hearings on some of these questions.

1325 I salute Deputy Merrett for her speech, because I think it raised very important questions about civil liberties. I think in underlying issues we are rightly told, by wise advisers like Dr Brink and the Civil Contingencies Authority as a whole, that particularly vulnerable demographics, are those who need shielding with underlying severe health conditions – it might be diabetes, COPD, etc. – and also, as you, sir, reminded us, people in the community who are technically aged 65 or over. Now, we all know some people who are 65 who are really young for their age and others less so, and some who will live to great ages and others perhaps not.

1330 But nevertheless, if one takes 65 as a guideline, I can understand why powers might be made within legislation to restrict the movement of those who are older because one argument that some mavericks are putting about in the community is, if and when we gradually return from the current state of lockdown to a more normal normal, it could well be that, for their own protection, and the Health Service's protection, people in certain demographic situations might have greater restrictions placed upon them than average members of the public and I think that is an issue we all have to debate.

1340 But my main reason for speaking is to question where we are with Alderney and Sark. As everyone knows, I have had interests in Alderney and my late mother who lived there for quarter of a century. And I can understand that, given Alderney's luck and good health so far in not having any confirmed cases on the Island, that they need to protect their independence and safety as much as possible and it is possibly in their interest to ensure that anybody who even goes over to Guernsey for the day, or longer, is isolated, perhaps compulsorily using powers on their immediate return at the airport or at the harbour.

1345 So I think I would like to hear from Deputy St Pier and others perhaps more legally qualified as to how Alderney and Sark differ from Guernsey and whether they can allow perhaps a more lenient lockdown on-Island but be regarded not necessarily just as part of the Bailiwick but as a Bailiwick within a Bailiwick, to ensure that their populations, which are older, more vulnerable and less-resourced with health facilities than ourselves in Guernsey, are particularly protected. Thank you.

1350

The Bailiff: Deputy Dorey to be followed by Deputy Green. Then Deputy Smithies. Deputy Dorey.

1355 **Deputy Dorey:** Following on from the points I made last week about people who work outside and Deputy St Pier's answer that it was pertinent, please can he explain why it is necessary to have the bureaucracy of a registration system, which has presumably led to a further week's delay before this group of people to start work. Why, when we are using Guernsey Together, is it necessary to have a whistle-blower line, which does not seem consistent with that message? Thank you.

1360 **The Bailiff:** Deputy Green.

1365 **Deputy Green:** Sir, thank you very much. Just briefly, I think I have got three points. The first point is it does appear from the new Regulations that there now is a new power to restrict movement *per se*, which was not in the original Regulations, but I do note that the directions issued underneath the new Regulations do not actually make use of that new power. I just wanted to put that on record and ask Deputy St Pier whether consideration is being given to new directions, possibly making use of that new power, that is within the Regulations.

1370 Secondly, Deputy Lester Queripel talked about on the spot fines and I know that, certainly when the UK looked at this, I do not know to what extent Guernsey has, but I know that there are legalistic problems with that from the point of view of Article 6 and getting a fair trial and all of that kind of thing.

1375 Because unless the person absolutely accepts their guilt there and then and has no reason to dispute it, it can be incredibly problematic to have on the spot fines. So I know it has been looked at previously. I am not sure whether it has been looked at locally, but nonetheless I think it is a minefield and, bearing in mind the CCA are trying to come up with practical and dynamic solutions in a very limited timeframe, I think that probably would be going down a rabbit hole of such complexity that there are not really any easy answers there that can be done quickly.

1380 The third point was, and this is in response to Deputy Gollop, I am mindful of the fact that the Legislation Review Panel, we have been meeting a lot of late to discuss various bits of regulations not involved with the Covid-19 response and we have not been meeting to discuss the Emergency Regulations but I do think that it might be worthwhile us convening to discuss the existing Regulations.

1385 He asked whether Scrutiny might consider doing virtual public hearings. I can tell him sir that we are actively giving that consideration. I think he meant it in the context of the legislation, the Regulations, but I think primarily that really should be a matter for the Legislation Review Panel to consider, because going forwards there are issues. One should say that clearly, if the States can meet virtually, then the scrutiny function is actually being discharged in this manner. So we should not overlook the fact that what we are doing now is scrutiny. I think that is all I have got to say sir, thank you.

1390 **The Bailiff:** Deputy Smithies and then Deputy Ferbrache.

1395 **Deputy Smithies:** Thank you, sir. I too would like to just take the opportunity to deplore the introduction of this snoopers' hotline. I think it is a completely unnecessary piece of legislation and I would like to see it taken away straight away. It is not *Sarnia Cherie*, it is more like eastern Germany.

1400 I really wish to speak to endorse Deputy Merrett's comments and to welcome the opportunity to say that I would like the CCA to consider a review of the rather arbitrary and blunt instrument of age as an indicator of vulnerability. As I said only yesterday, I am about as vulnerable as a Churchill Tank. Speaking of Churchill, when Field Marshal Montgomery told the Prime Minister at the time that Monty was 100% fit, Churchill, who was 13 years older, replied that although his lifestyle was somewhat more convivial than Monty's, he was 200% fit. More seriously, as Deputy Gollop just said, a fit 75-year-old is a good deal less vulnerable than an unfit 60-year-old. A date on a birth certificate is a very crude indicator of vulnerability and I would like that to be reviewed.

1405 **The Bailiff:** Deputy Ferbrache and then Deputy Graham, to be followed by Deputy Paint.

Deputy Ferbrache: Sir I commend the speech of Deputy Merrett but I will support these Regulations. I am confident that any body which comprises and includes Deputy St Pier in reviewing civil liberties, will have that high in their regard, because I know that he and others in that group will very much be against extending, the infringement of civil liberties or restriction of civil liberties.

1410 But I say this, civil liberties have been a hard-won think over centuries and they should be restricted as little as possible and for as short a time as possible, because they can be almost, once they have been taken away, 'well we have managed to do that, we can get on with that, we can restrict people's liberty in that way'. So I would hope that they would be restricted for as short as possible.

1415 I very much agree with the comments just made by Deputy Smithies that the whistle-blower thing is completely, in my view, something that should be kept under very careful scrutiny. People love snitching on others, for a variety of reasons, not necessarily because they think the Regulations have been breached but because they have got some angst or some gripe. I do not encourage that at all.

1420 What I would prefer is that we keep the community with us. The community are with us at the moment and I was surprised by the speech of Deputy Lester Queripel. I do not want anything more authoritative, I do not want anything more bureaucratic. I do not want to have to go, if I am going to be outside of my home for a period of time, with a piece of paper saying I am on my way to the shop, or the pharmacist, or wherever else I may be, or I am taking my dog for a walk.

1425 I do not want to give too much power to the police, because I have always respected police officers, they are fallible. Yet, I have never known in my now very long experience – the Bailiff at the beginning of this session referred to his great age, I am a slightly greater age than him – and I have been a lawyer for even longer than the Bailiff, and I have dealt with many police authorities. I have never ever, whether in Guernsey or elsewhere, ever heard a policeman say sorry when he has made a mistake, never heard a police authority apologise for the conduct of their police officer. So it is something that has to be kept under tight review.

1430 That is not meant as a criticism of the police, not meant as a criticism of anybody in relation to that regard. But the fact is that civil liberty is prime, they are a matter that should be fought figuratively and literally to preserve. But as I say I am going to support these Regulations because I have confidence in the President of the Committee that is bringing them forward.

1435

The Bailiff: Deputy Graham, then Deputy Paint.

Deputy Graham: Thank you, sir. Just two points briefly from me. I suppose it is a pity that the so-called whistle-blowers' hotline was tagged with that term. I certainly echo some of the criticisms of that. I think, to be fair to the authorities, there is a problem in that not everybody is confident about confronting people personally. I personally have no problem with that and I do not think members of my family do. But there are members of the community who I think are inherently too nervous to do the what we would say is the decent thing, in other words any potential offenders to be confronted directly, and only then to resort to the telephone line.

1445

Of course there are others who will confront so-called offenders and get a – let us put it – a fairly negative response. I think in those circumstances, it is correct for the authorities to have a clear method by which people in those circumstances can notify the authorities of their concern. I think that is within the spirit of Guernsey Together, but it is different to people who automatically resort to the telephone to snitch on their neighbour.

1450

The second point I wanted to make was really to follow-up on Deputy Merrett's point about the selection of an arbitrary upper age limit when it comes to discriminating against one section of the community in terms of what they can and cannot do, in particular, their freedom to leave their house. I think we agree that the arbitrary selection of an upper age in most fields of life is a pretty blunt instrument and I do not think really it achieves what it might set out to do. I would find it difficult to support any legislation to put that power in place.

1455

Just to pick up on Deputy Ferbrache's point, in saying that I of course do not have any lack of confidence in the likes of Deputy St Pier's judgement as to whether such impingements on people's liberty would be brought into play. But I would be uncomfortable for any legislation that enabled that sort of initiative to come into play. So I would like clarity from Deputy St Pier when he responds to the debate, please.

The Bailiff: Deputy Paint and then Deputy Dudley-Owen.

Deputy Paint: Yes sir, thank you very much. The authorities have advised that no boat owners should go to sea at the present time, excluding those with fishing licences. Could something be done there, because people are getting onto me quite a bit about this thing? Could there be something done like, perhaps if three boats went out, to watch over each other while they are out doing a bit of fishing or something, that they could go out. They would have to be in the vicinity of other boats that are working. It is just a question, just to remove a few of these liberties that people are being asked to conform with. Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir. I cannot quite have a lovely *bounné* on like Deputy Paint. I think that my style is good enough on a video!

I wanted to speak just in support of Deputy Merrett, some of the things that she has said and also really to support the words Deputy Ferbrache was saying.

I do not support any increase in our current authoritative approach, which it must be said is completely understandable and has been implemented for very good reason. But to pick up on a comment that Deputy Dorey made earlier, he made a very short speech and questioned the need for bureaucracy, which I think he was relating to the return of limited work over this weekend, I think that in this instance – I am not a fan of bureaucracy or extra administrative burden for businesses at all – but, in this instance, it gives certainty and security and surety for business and that is really what they need.

Confidence is at a very low ebb and to have a form of system that allows business to apply to re-enter the workplace and to start limited trade and on very clear and obvious terms upon which that trade can be carried out I think can only give confidence. Now, if it was just opened up and people were allowed to really *[inaudible]* who can enter back into the workplace and anyone was allowed to go back, it would absolutely create mayhem and huge confusion.

We have already seen a lot of confusion amongst the small employers and sole traders, self-employed, over the last couple of weeks about what they were eligible for in terms of Government support and we really cannot continue to allow a sector that is vital to our local economy to founder and an increased amount of bureaucracy actually is not a burden at all for this sector at this time. They are absolutely waiting with bated breath to be able to return to a limited form of trade.

So I actually support the approach that has been taken by Environmental Health and HSC on this matter and think that this bureaucracy, the data that it catches, allows an element confidence for the business sector, the terms upon which they are allowed to trade, but also allow the States to have data at their fingertips of who is trading, it allows them to spot check and ensure that the terms of trade are also being adhered to and I will be supporting the Regulations today. Thank you, sir.

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

I just wanted to start by conveying my appreciation to Deputy Tindall for pursuing the issue of 'secure and ensure'. Also I can very much relate to many of the points and the concerns raised by Deputy Merrett. I think she is right. This is not just a consolidation of previously agreed Regulations

and the minor modifications. Although they are described as minor in the explanatory note, they are potentially not minor.

So there is a concern there, sir, and I have to say, I know this is a fast moving situation, so by necessity things have to move fairly swiftly, but I have to say I do not feel I have been able to scrutinise these 100-plus pages of consolidated Regulations sufficiently, so I am uneasy about that as well.

I agree with Deputy Merrett. I actually would prefer compliance via good communication from Government and compliance via consent and co-operation rather than a heavy-handed approach and I think we are beginning to see, if we are not careful, a heavy-handed approach coming into being here.

I am also concerned, sir, about the criminal offences element and the level of fines. I am concerned that these Regulations are, hopefully, only going to be in place for a limited amount of time. Yet, if I understand it correctly, if somebody contravenes the Regulations, that criminal offence will be on their record, as I understand it, for all time. Is that proportionate? I am not quite sure about that. Somebody might contravene these Regulations almost without realising they are contravening them and then to have a criminal record, that will last for a very long time, I am not sure if that is proportionate either.

I would also like to ask Deputy St Pier, once again I realise these are difficult times for the people taking the lead on these things and I realise it is a fast-moving situation, but I just wanted to ask him, does he envisage the revoking of these Regulations within the time limit, within the 30 days of being made, or is there a likelihood of an extension being sought? As I say, I do appreciate this is a fluid situation.

I would also like to say that I can relate to the points being made about the whistle-blower line. I do not think Islanders need an incentive to do that. I think if they see somebody flaunting, or flouting the Regulations, I think most Islanders would do their duty and let the police know. But I am worried about the longer-term effects of this. I do not want this idea to be ingrained in Island life and in our culture, that whistle-blowing and informing on people is the way to go, because I agree with Deputy Ferbrache, people can do these things for all sorts of reasons.

They can do them for legitimate reasons, which is good, but if somebody has a grudge against somebody or is just basing their informing on rumour or speculation, I do not think that is a good thing, so I am really concerned about that as well. I do not think there is a need for it. I think people will do what they think is right if they can genuinely see somebody is flouting a Regulation. They do not need to approach them, they can just let the police know. There is no need to say, because they cannot approach them, they need another outlet, because they have got that outlet if necessary. I do not think it needs to be promoted in the way that it is being promoted.

So, bearing in mind we are not just looking at consolidated Regulations, this reminds me a little bit of what happens in the United States, when an item is up for debate and decision and something gets attached to it and it goes through almost unnoticed. I am not comfortable that these are just consolidated Regulations. With the other concerns that have been raised, and with the ones that have stood out to me. I am not actually sure I can vote for these in their present state. It might be that I will be abstaining from this vote. Thank you, sir.

The Bailiff: Deputy Hansmann Rouxel and then Deputy Tooley.

Deputy Hansmann Rouxel: Thank you, sir. I just wanted to pick up on a few things, again what Deputy Merrett and Deputy Ferbrache mentioned about the continued restriction, or the temptation to continue restricting liberties beyond what is necessary. I do not for one second think that any of the Members of our parliament intend to do so but there are examples of that in other jurisdictions, which were authoritarian to begin with, continuing that restriction and actually rolling back on civil liberties that have been hard-fought.

But there is a concern that I am increasingly having and this is the narrative that seems to be playing out that, in order to get back to business as usual, we can, in some way, continue to restrict

the civil liberties of a certain sector of the population. There are a lot of our population who are shielding and have been shielding long before the lockdown and this idea that we could potentially, in order to get business back as usual, continue and for an extended period, restrict the liberties of those individuals just for the sake of some sectors of our community.

1565 I think, yes, the temptation is there, because we do need to get back to business as usual, but I think we need to be really careful about going down that route and rather than looking at a technological solution, which might require that we all, for a period of time, give up some part of our liberties, in terms of the technology and the data that we are allowing to be shared and that would help us have a technological solution to the track and tracing, rather than the idea that we
1570 continue to restrict liberties of just one sector, because it is going to be a new normal and this is not going to be an easy and quick solution.

I just wanted to put that on record that we need to be really careful when we are considering releasing the restrictions in some sectors of community, in order to get business as usual. I absolutely agree we need to do that. But not at the expense of one sector of the community. We
1575 are in this together and I think there are solutions where we can all benefit together from the release of restrictions. That is all I wanted to put on record.

The Bailiff: Deputy Tooley.

1580 **Deputy Tooley:** Thank you, sir.

I just wanted to say a brief word about what people understand by the concept of a whistle-blower. Obviously, a great deal has been said about this already and about the concern this gives that we need people to be informing upon one another. I think generally speaking it is understood that if someone accesses a whistle-blower helpline or hotline, their identity and the information
1585 they have given will be somehow treated as protected and I think that is an incredibly important concept in this situation.

I myself and I am sure many others have been contacted by people who have very genuine, very real concerns. In some cases these being people who are concerned about what they have been asked to do by their employers and that they might be being asked by employers to do things
1590 which are outside the Rules.

Now in some cases they have been, to my knowledge, right that they have been asked to do things that are outside the Rules. In other cases they are mistaken and actually what they are being asked to do is within the Rules. It has been possible for that to be explained to them or for an investigation to take place. But in many cases these individuals, who would not want to be shopping,
1595 as they would see it, their employer to Law Enforcement. They would not want to go to the police with these because I think the concept of reporting someone to the police is seen as being much more severe and much more difficult to roll back from, or much more difficult to seek advice on that basis.

So while we can appreciate that the police are there as an option in this case, I think the general concept of a whistle-blower helpline is one which many people who are concerned in our
1600 community about what is being asked of them as individuals or is being asked of members of their family as individuals, by employers and others, this gives them that opportunity to raise those questions to highlight a concern that they think needs investigating and I do think it is a useful tool to have in the arsenal when we are trying to ensure that the community response to this issue is
1605 one which is proportionate and helpful. Thank you, sir.

The Bailiff: Deputy de Sausmarez.

1610 **Deputy de Sausmarez:** Thank you, sir. I just want to make –

The Bailiff: You are very quiet.

Deputy de Sausmarez: Right. Is that any better sir?

1615 **The Bailiff:** Very faint but I can hear you.

Deputy de Sausmarez: I will do my best. The audio is a bit creaky on this laptop. I just want to make a comment on something that has been mentioned by a few speakers so far and that is around age and the potential discrimination towards older people in terms of restricting their civil liberties and all the rest of it. Obviously, it is a really serious concern but I just wanted to make the observation that it is not just about whether someone is fit and active. We know, or the scientists who have spent a long time looking at this, know that it is just a matter of fact that older people are more vulnerable and in fact vulnerability increases as age increases.

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1625 There are a few different theories as to why that is but the likely factors are the prevalence of chronic health conditions increases as people age but, even in people who are otherwise fit and healthy, there is one theory that I have heard from the World Health Organisation that suggests that, actually, sometimes it is just a function of the fact that older people have been exposed to a lot more viruses in their lifetime and that affects the body's immune response.

1630 We know that one of the dangers is the immune response, an inflammatory response in the body, so we know that this disease can affect even very healthy people, even in a younger demographic, but we do know, from hard data, that it disproportionately affects older people and so I would just like to caution against this idea that, because someone is fit and well, an older person is fit and well they are not therefore more vulnerable. We know that other people are more vulnerable but it is just a fact that older demographics, very sadly, are more vulnerable to Covid-19
1635 and I think it is right that we are cognisant of that and we do make sure that we are able to protect those sectors of the community. Thank you.

The Bailiff: Thank you. Deputy Soulsby.

1640 **Deputy Soulsby:** Thank you, sir.

I thought I would pick up a few points that have been mentioned so far because people have been talking about specific aspects that really relate to the directions rather than the over-arching Regulations. The first one was from Deputy Lester Queripel, who was talking about what France was doing. It reminded me of the sketch from *The Goon Show*, with Spike Milligan being asked what time it was and he said, 'It is 8 p.m.' The guy said, 'How do you know it is 8 p.m.?' He said, 'Because I have got it written down on a piece of paper.'

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1650 It just reminded me, how would anybody know that piece of paper actually represented when people left home or not. But taking on board what Deputy Lester Queripel was actually saying, although I have actually lost what it was he was actually saying, about being able to monitor people and being able to find them, it is all about a balance here and making sure that what we do is appropriate and proportionate to the situation we have got. That is kind of an underlying theme to all this.

1655 Deputy Gollop talked about what essential travel is. Again, that is set out and has been from day one, which was about being able to get food, medicine, necessary treatment, care for a vulnerable person and essential work. Now that has been widened as we have been looking at easing restrictions, looking at things from a low-risk point of view, rather than the essentiality of the work and that is our focus now.

1660 We have locked down, we have kept everything tight. Now we are saying what can happen and what can be done in the community that is of low risk, that can start bringing us back to normal? I thought it was probably worth just mentioning now what we are planning to do from the end of the week and that is to allow additional businesses to be able to operate under specific conditions. So those are gardening, building and other trades with no household contact; building wholesale and supply; vehicle servicing, maintenance and repairs and that includes cars, bikes and marine; and property sales, rentals and business transactions.

1665 There are specific requirements being placed on those businesses as to how many people they
will be able to have on the site and how they will be expected to arrange their premises, taking in
account social distancing and hygiene requirements. Additionally there is new guidance outlining
changes in relation to the number of employees allowed to carry out non-essential work on office
premises. Effectively it will be up to five people allowed within various work zones and again subject
1670 to meeting social distancing and hygiene requirements.

Yes, we have a registration line but it is really as straight forward and automated as possible. I
know Deputy Dorey had concerns about that but really we have made it as streamlined as absolutely
possible. But it also will help public health having that record and help in terms of contact tracing,
knowing those businesses that are open. This is not just about process and process for the sake of
1675 it. There are reasons why it makes sense to be able to register those businesses.

Yes, it was unfortunate using the word whistle-blower. From my background in my businesses,
whistleblowing is something that you need, it is a good thing to have for employees to be able to
give their concerns without fear and I think that is really important. There will be people that might
feel that they are being forced to work and do not think that they should be, and they need some
1680 outlet to which they can report.

Deputy Tooley talked about going to the police. It is a big thing for some people, going to the
police, thinking, 'what would that mean?' and that would get them into trouble and will they lose
their job for that reason. Yes, the terminology, people might have taken umbrage at that but I
maintain that it is absolutely the right thing to do to protect those people who are seriously
1685 concerned in the community.

It is not just about people that like to snitch on next door and have a go at somebody because
they are jealous of their business being able to operate or not, it is really to protect, again, the more
vulnerable in our society.

I think somebody mentioned about Alderney and Sark. Well I think I picked that up in my
statement earlier. I have dealt with registration. Just to pick up, I know Deputy de Sausmarez spoke
well on the age aspects of it and we had Deputy Smithies saying he was as strong as a Churchill
Tank, but you have to remember that the Churchill Tank was decommissioned because it did
1690 become more vulnerable due to more advanced weaponry.

We have to think about that. It is not about each individual. We cannot say, 'Right, you can do
this and you cannot do that.' The evidence shows that people over 65 are shown to have much
greater vulnerability. It is a really sad thing to say, but that is what we are seeing from the virus.
Things might change. It might be that we are seeing that because of those communities that have
1695 reported, there are better reporting mechanisms than others.

We know in the UK they are not even picking up all cases, let alone the deaths there. So we do
not have all the evidence that will eventually say what the actual situation was. But we do at this
moment in time see that vulnerability, which is we are doing what we want to do. I think it is amazing
how some people, what they have done to shield themselves, and got things in order and managed
it. They have been contacting me saying it has been difficult, certainly the first few weeks were
difficult, but they really got into it and they really feel like it is because the whole community is
1700 supporting everybody that they can do it.

I think I have probably answered everything and I have told people what is going to be
happening later today. The other thing we will be looking at again is in terms of recreational
activities because we get lots of questions about how you can fit and where you can fit. Deputy
Paint mentioned ... although we have said please use common sense, people still want to know the
detail. They kind of want to be allowed to be told that they can do it and they are worried possibly
1710 what people might say if they are doing something they think that they should not. That is
something we are going to be mentioning and publishing by the end of the week. So I hope that
was helpful.

1715 **The Bailiff:** Thank you.
Alderney Representative Snowdon.

Alderney Representative Snowden: Thank you, sir.

1720 I just wanted to thank Deputy Soulsby and Deputy Gavin St Pier for the amount of support that they have given the Island with the CCA and the steps moving forward with that. But I would also like to thank them for potentially allowing mechanisms for bespoke solutions for Sark and Alderney, as we move forward with this dreadful virus.

1725 I think the travel restrictions potentially they may need to be looked at, between Alderney and Guernsey, whether there needs to be tweaks or not, obviously taking professional advice from Dr Brink is absolutely essential and I would just like to thank all those parties for making sure that Alderney does have a seat at the table and hopefully solutions can be found, which may need to be a bit more bespoke for Alderney, or maybe not. The same with Sark. So I just want to thank all those people and I will be supporting this.

Thank you.

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The Bailiff: Anyone else? No, I see nobody else asking to speak, so I will call on the Chairman of the Authority, Deputy St Pier, to reply.

Deputy St Pier: Thank you very much, sir.

1735 I think much of the debate has been really about the directions and guidance, rather than the Regulations, so I am grateful for Deputy Soulsby coming in to speak to some of the issues, which arise out of the directions given by her Committee and that is certainly one of the challenges, in relation to the governance and management of the decisions around this. There are some things, some of the questions that have been raised that I am not actually in a position to answer, having
1740 not been part of that decision-making process by the Committee for Health & Social Care.

I think I will probably start at the beginning. I did say this was primarily a consolidation and Deputies Tindall and Merrett have picked up a number of issues that go beyond that consolidation and I will seek to address those. Certainly, identifying, as Deputy Tindall did, the potential to be able to regulate inter-Bailiwick travel, that is something which has emerged out of the dialogue with Sark and Alderney. It was felt that given, as Deputy Gollop said, those communities have not had cases,
1745 it may be appropriate, as Alderney Representative Snowden says, to have bespoke solutions in the coming weeks to respond to their particular communities' needs, recognising that they are an older demographic and are more vulnerable in terms of their health care facilities.

1750 Nonetheless it may be appropriate to develop slightly different solutions. So that was the rationale for incorporating in this particular Regulation the ability to possibly regulate inter-Bailiwick travel, which has happened, to all intents and purposes, with Sark, by their own actions in stopping passenger traffic on the ferry.

The question of age has clearly dominated or been a theme through this debate and Deputy Merrett asking whether it would be appropriate, and whether it was proportionate. I can assure
1755 Deputy Merrett that the question of proportionality is absolutely central to the Civil Contingencies Authority's debate. It is forced upon us not least by the legislation itself and of course by the role of HM Procureur in considering and advising on the legislation and the Regulations.

1760 So the Authority does have to consider whether the Regulations are urgent, whether they are necessary and, of course, whether they are proportionate. The question of whether it may be appropriate to consider having age-related restrictions is again something which the Authority has not determined at this point, but feels that it would be appropriate to maintain that flexibility in view of the potential progression of this over the coming weeks.

1765 Really, as Deputy Merrett said towards the end of her speech, in order to lift some of the restrictions, it may be necessary to restrict part of the community, including an age-related part of the community. That is clearly not something that would be taken lightly but I think, really, as Deputy Soulsby said, we are talking about balancing the rights of individuals against the rights of the community. Actually, whilst some individuals of a certain age may be very fit and may indeed feel themselves to be very fit, nonetheless as Deputy de Sausmarez said, the facts are that age is a factor

in this and there is a greater vulnerability with age and that is borne out by our own statistics in terms of the demographic of the cases we have had.

Actually, bearing in mind that there is a potential burden on our health care facilities by those who do fall sick with this and, in particular, if intensive care were to become over-burdened, then actually the need to impose greater restrictions on part of the community might form part of any potential suite of measures required.

As Deputy Ferbrache said, nobody is going to want to do this unless it is absolutely essential and is based on the best advice and evidence available at the time. I think Deputy Merrett's position did stand juxtaposed with Deputy Lester Queripel's in terms of, as Deputy Ferbrache noted, Deputy Lester Queripel rather keener to move towards enforcement with on-the-spot fines and so on. I thank Deputy Green for his comment and intervention on that. I do not think there is any great appetite to move to a French permits-style system for people to be moving around the Island.

Really, we have to remember, exactly as Deputy Merrett and others have said, the main means by which these Regulations are enforced is with the consent of the community. So with a limited police force and limited resources, compliance is through engagement, education, encouragement and only at the end of the day, enforcement, and that is really what we have seen so far with, I think, certainly one case brought to the courts and a couple of others subject to investigation. Clearly the police are seeking to engage, educate and encourage before they wield enforcement.

The other issue in relation to essential and non-essential, particularly when talking about travel, to some extent the issue has gone away or been mitigated to some extent by the measures in relation to the borders, so the advice is that people should not be travelling outside the Island other than for essential reasons but that is left to the individual to determine whether their travel is essential or not.

So it could be to visit a sick or dying relative, it could be for a medical appointment, but if they choose simply to go away, for reasons which Deputy Lester Queripel or others might deem to be non-essential, they are at liberty to do so, albeit, on their return, they will of course be required by Law, by virtue of these Regulations, and subsequent directions, to be subject to mandatory self-isolation.

So in a sense the debate has moved on to whether an individual is an essential worker or not, because that will determine what happens to them when they come through the border. If they are essential when they come through the border, then they will not have that requirement to self-isolate; whilst if they are not, even though their travel may have been essential for them – as I say perhaps attending a funeral in the UK – they will be required to self-isolate. I think Deputy Soulsby has dealt with the issues of Alderney and Sark.

Deputy Dorey's questions in relation, really, to outside working in particular, really arise from the directions given by the Committee for Health & Social Care, as of course is the requirement to register. I think Deputy Dudley-Owen's comments on that, together with Deputy Soulsby's about the registration system, I think it is intended to be a straight forward and easy system, by which there can be some knowledge as to who is working, primarily so that actually the ability to contact trace is enhanced so that the quality of the information will be much greater by the system and knowing who is working in what environments and it does provide, as Deputy Dudley-Owen, the opportunity to spot-check to ensure that there is compliance with social distancing Regulations.

Deputy Green asked, in relation to some matters, the directions. Again, I cannot really comment on what HSC may or may not have considered in that. Deputy Ferbrache is quite right, of course, these Regulations must be for as short a period as possible and of course these Regulations will themselves only be extant for 30 days and will then need to be renewed and come back before the Assembly.

In terms of the likelihood of extension, which was Deputy Laurie Queripel's question, I think it is very difficult at this stage to say. I think it is quite likely, given the exit strategy from lockdown, going through a series of phases, that we will be required to have some constraint on movement for some considerable period of time.

1820 But I suspect the nature of those constraints will change and hopefully lessen with each passing week, providing we can remain firmly in the contain phase until such time as the virus has passed or we have a vaccine or whatever. So I am afraid I cannot give a definitive response to Deputy Laurie Queripel's question, but I would expect there to be some need to renew the Regulations in some form in 30 days' time.

1825 The question of whistle-blower lines I think has been addressed by others. The language clearly did grate with some, both in the Assembly and outside and indeed that was acknowledged by Deputy Soulsby when she spoke a couple of days ago. The non-clinical helpline is the one that will be used. There is a suggestion that can simply be rebranded, the Guernsey Together Helpline, to which these kinds of concerns could be addressed.

1830 But I think, as Deputy Soulsby and indeed Deputy Graham said, if we are to retain the confidence of the community, we have to provide an outlet by which some can express their concerns, otherwise they will think there is no outlet for those concerns. Someone else is breaching – they may or may not be but they may fear they are breaching – Regulations and therefore the whole thing is completely pointless. So we have to provide a mechanism by which those who do have concerns, for those to be heard, and I think the helpline is the right way to do it and I think the language has already been acknowledged.

1835 Deputy Paint looked as if he was just about ready to go off on his boat, so I wonder whether that was the reason for his question, because he was clearly ready to leap and go. The question of leisure activities, including boating and indeed golf and one or two other issues has been raised by a number of people and again I think that is a matter which is under consideration but that would be really primarily for the Committee for Health & Social Care, rather than one for the Authority under these Regulations.

1840 I am hoping that I have addressed most of the issues that have Deputy Laurie Queripel, in relation to the risk of individuals acquiring a criminal record in relation to this, I think picking up the point I made earlier, the police approach to this very much is enforcement really as a last resort. I think the prospect of unintended contravention is very unlikely. There would have been a discussion with the individual or business long before the police actually take enforcement action. That is the first point.

1845 The second point is, and I am sure HM Procureur or Comptroller will correct me if I am wrong, this would of course be subject to the normal Rehabilitation of Offenders provision in any event, so the idea of unintentionally acquiring a criminal record for life as a result of these Regulations, I think, is a misplaced concern by Deputy Laurie Queripel and that would not in fact arise. I hope I have addressed most of the concerns or questions that have arisen, sir, and do ask Members to support the Proposition.

1855 **The Bailiff:** HM Procureur wishes to speak, so I will go to her and then come back to you if you wish to add anything to what she says Deputy St Pier.

HM Procureur.

1860 **The Procureur:** Thank you, sir.

I just wanted to add three points of clarification that might assist Members, please. Firstly I just wanted to confirm, just for the record, I know there have been concerns raised that perhaps these Regulations are not a full consolidation of everything that has already been alluded to but, just to confirm, actually that is correct. A lot of these are simply matters that were already approved by the States last week.

1865 However, Members are absolutely correct to raise the additional power that is provided for in Regulation 13, which relates to that power to give directions. Yes there is an extra potential power to be used in relation to freedom of movement, but I would just like to draw to Members' attention that, in the explanatory note that has been issued and accompanied this composite set of Regulations, in particular that power was noted.

I would, just in case it assists Members, would note that such a power under the directions is constrained in subparagraph two of that Regulation in that the Committee, before issuing any directions, if they were to issue directions related to that freedom of movement, firstly they must consult the medical officer of health, it is not a freestanding power that relates to Health & Social Care to do with as they wish, they must consult the medical officer of health and secondly they must seek the advice of HM Procureur in relation to the appropriateness and proportionality of the direction.

Now sir, that requirement also exists under the terms of the legislation, but when drafting this additional provision, and being conscious that, as in any emergency situation, the emergency measures may encroach on individuals' rights – and this is a very significant power to have, as Members have rightly read – it was thought appropriate to put that additional check and balance on any use of that power, because clearly it is important to ensure that measures taken during the current crisis remain proportional to the threat, which is posed by the spread of the virus.

So, in the event that the Committee for Health & Social Care were to issue those directions, there is a check and balance built into that particular power in the legislation, which was noted in the explanatory memo. I just wanted to flag that up for Members and finally just confirm that the issue of fines has been considered and, as Deputy Green rightly alluded to, there were lots of legal issues in relation to that, but I just wanted to confirm for the record it had. I hope that assists Members, Thank you, sir.

The Bailiff: Thank you. Deputy St Pier do you wish to add anything?

Deputy St Pier: No, thank you, sir.

The Bailiff: In that case there has been a request for a recorded vote, so we will now have a recorded vote on the single Proposition, whereby the States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (General Provisions) (Bailiwick of Guernsey) Regulations, 2020. Over to you Greffier.

There was a recorded vote.

Carried – Pour 38, Contre 0, Ne vote pas 1, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Alderney Rep. Roberts	None	Deputy Laurie Queripel	None
Alderney Rep. Snowdon			
Deputy Ferbrache			
Deputy Tindall			
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop			
Deputy Parkinson			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Mooney			
Deputy Trott			
Deputy Le Pelley			
Deputy Merrett			
Deputy St Pier			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Smithies			
Deputy Hansmann Rouxel			

Deputy Graham
Deputy Green
Deputy Paint
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 Oliver

1900 **The Bailiff:** I think we can move on with the next item. That was clearly carried, by my reckoning it is 38 in favour, with no one against and one abstention. The Deputy Greffier is nodding, so it is that; 38 in favour with no one against and one abstention.
So if you could call the next Item please.

CIVIL CONTINGENCIES AUTHORITY

The Emergency Powers (Coronavirus) (States' Procedures) (Guernsey) Regulations, 2020

The States are asked to decide:

Whether they are of the opinion to approve the Emergency Powers (Coronavirus) (States Procedures) (Guernsey) Regulations, 2020.

1905 **The Deputy Greffier:** Proposition 2020/90, Civil Contingencies Authority, The Emergency Powers (Coronavirus) (States' Procedures) (Guernsey) Regulations, 2020.

The Bailiff: I call on the Chairman of the Authority, Deputy St Pier.

1910 **Deputy St Pier:** Sir, very briefly, these Regulations, of course, have now been superseded by the ones which Members have just approved, but obviously it is still a requirement of the legislation that they are laid before the Assembly with a Proposition, which of course is what we are now doing.

1915 **The Bailiff:** I should perhaps add that arguably it should not be there under Rule 18, because Rule 18 is only for those Propositions where an immediate decision is necessary or desirable. Clearly no decision is needed here because the Regulations, as you have just said, have already been superseded. Nevertheless I thought it was appropriate to leave it at this point in the Agenda, just so that both sets of Regulations were taken together.

But the Civil Contingencies Authority Law, as you said, only requires that they be laid before the States. There is no requirement under the primary legislation, for a vote to be taken. Nobody has asked ... sorry, Deputy Tindall is asking to speak. Deputy Tindall.

1920 **Deputy Tindall:** Sir, you have clarified exactly the point I wish to raise so I do not need to speak, thank you.

The Bailiff: Thank you. I see no need to take a vote on them.

Billet d'État X

ELECTIONS AND APPOINTMENTS

COMMITTEE FOR HOME AFFAIRS

I. Appointments to the Population Employment Advisory Panel – Ms Lucy Kirby and Mr Kenny McDonald appointed

Article I.

The States are asked to decide:-

Whether, after consideration of the Policy Letter 'Appointments to the Population Employment Advisory Panel' dated 17th February 2020, they are of the opinion:-

1. To elect as ordinary members of the Panel-

a. Ms Lucy Kirby, as the Population Employment Advisory Panel E-industry and potential new sectors representative, for the remaining period of Mr Brassell's original term (i.e. until October 2022), and

b. Mr Kenny McDonald, as the Population Employment Advisory Panel Service Industries, for the remaining period of Mr Edgar's original term (i.e. until September 2020).

1925 **The Bailiff:** We will proceed now with elections and appointments. Greffier.

The Deputy Greffier: Article I. Committee for Home Affairs, appointments to the Population Employment Advisory Panel.

1930 **The Bailiff:** And the President, Deputy Lowe.

Deputy Lowe: Thank you, sir. I have not much to add to this self-explanatory policy letter. The Population Employment Advisory Panel is an important part of the population management regime as it advises the Committee on employment policies or evidence-based matters, but I would like to take this opportunity sir to say that the Committee will be looking for a replacement Panel chairperson, as the current one will be retiring in September this year.

1935 So, if I can utilise the airwaves to promote that, so if anybody is interested, perhaps they would get in touch with us. But in the meantime, I would thank, on behalf of the Committee, the members of the Panel for their time and dedication in their voluntary roles. The Committee for Home Affairs
1940 unanimously asks the States to approve the appointments of Mr McDonald and Ms Kirby to the Panel please. Thank you, sir.

The Bailiff: Nobody is asking to speak so we will go straight to the vote. First of all to elect Ms Lucy Kirby as the Population Employment Advisory Panel e-industry and potential new sectors representative and Mr Kenny McDonald as the Population Employment Advisory Panel services industries, for the remaining period of Mr Edgar's original term; both elected as ordinary members of the panel.

1945
1950 *Members voted Pour.*

The Bailiff: I see the votes are coming in and there is a healthy vote in favour so I declare them all to be elected.

STATES' TRADING SUPERVISORY BOARD

**II. Appointment of non-executive directors –
Guernsey Electricity Limited –
Miss Tania Songini and Professor Ian Chapman appointed**

Article II.

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Appointment of Non-Executive Directors – Guernsey Electricity Limited' dated 2nd April 2020, they are of the opinion:-

- 1. To approve the appointment of Miss Tania Songini as a non-executive director of Guernsey Electricity Limited with effect from the 2020 Guernsey Electricity Annual General Meeting.*
- 2. To approve the appointment of Professor Ian Chapman as a non-executive director of Guernsey Electricity Limited with effect from the 2020 Guernsey Electricity Annual General Meeting.*

1955 **The Bailiff:** So we move onto the next election, Greffier, can you call the appointment of non-executive directors?

The Deputy Greffier: Apologies. Article II, States' Trading Supervisory Board, appointment of non-executive directors, Guernsey Electricity Limited.

1960 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Thank you very much, sir. This will be very brief. Are we not fortunate in Guernsey, when we look for people to fill these kinds of roles, that we get people of such quality? So I ask the States to endorse Tania Songini and Professor Ian Chapman accordingly.

1965 **The Bailiff:** Thank you. Yes, we have Deputy Meerveld wishes to speak, to be followed by Deputy Tindall. Deputy Meerveld. Sorry, you are voting. Deputy Tindall wishes to speak and Deputy Meerveld is voting. Deputy Tindall.

1970 **Deputy Tindall:** Thank you, sir.

I too will be brief but I wanted to follow up with what Deputy Ferbrache just said in another question. We have been provided with a set of impressive CVs of the candidates and incredibly pleasing that Guernsey Electric and Guernsey can boast such executive directors in waiting. Also it is good to see that 27 applicants, in addition to the STSB's business advisor pool applied, as there was some concern that the pool would put off further applications specific to the roles advertised. But it would be good to know from the President of STSB, if he is able to do so, to advise today as to how many of the eight on the shortlist were on that pool. Thank you, sir.

1980 **The Bailiff:** Nobody else is wanting to speak. Deputy Ferbrache will reply.

Deputy Ferbrache: Yes sir. I cannot say that instantly. I will get that information to Deputy Tindall and others in due course.

1985 **The Bailiff:** Fine, thank you very much.

Will people now start voting on whether they approve the appointment of Miss Tania Songini as a non-executive of Guernsey Electricity Limited, and Professor Ian Chapman also as a non-executive director of Guernsey Electricity Limited. I can see that the votes are pouring in.

Members voted Pour.

The Bailiff: Deputy McSwiggan, je ne vote pas. But I think we can say that there is healthy majority in favour. I will just allow votes to continue. Yes, I think we have enough votes there to say that that has been carried.

1990

Procedural

The Bailiff: Now, it is 12.25 p.m. would be to come back to the Island Development Plan Five-year Review, but as we are close to lunch time, I did say we might go just a little bit later. I wonder whether we could move on and just deal with legislation and get that out of the way before lunch and then start on the deferred business after lunch? Nobody is chatting to say otherwise, we will therefore do that.

1995

LEGISLATION LAID BEFORE THE STATES

**The Air Navigation (Fees) (Amendment) Regulations, 2019;
The Air Navigation (Bailiwick of Guernsey) (Foreign Aircraft Operations)
(Amendment) Regulations, 2019;
The Companies (Recognition of Auditors) (Amendment) Regulations, 2020**

The Bailiff: Greffier, can you just go through the legislation. We will deal with the legislation and then we will rise for lunch.

2000

The Deputy Greffier: Legislation laid before the States. 131/2019 The Air Navigation (Fees) Amendment) Regulations, 2019; 132/2019 The Air Navigation (Bailiwick of Guernsey) (Foreign Aircraft Operations) (Amendment) Regulations, 2019; 14/2020 The Companies (Recognition of Auditors) (Amendment) Regulations, 2020

2005

The Bailiff: I have not received notice of any motion to debate any of the foregoing.

LEGISLATION FOR APPROVAL

COMMITTEE FOR HEALTH & SOCIAL CARE

VII. The Capacity (Bailiwick of Guernsey) Law, 2020 approved

Article VII.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Capacity (Bailiwick of Guernsey) Law, 2020", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

The Bailiff: Shall we continue with the legislation for approval, Greffier?

The Deputy Greffier: Yes, apologies. Article VII. Committee for Health & Social Care. The Capacity (Bailiwick of Guernsey) Law, 2020.

2010

The Bailiff: Any debate?

The Deputy Greffier: I believe Deputy Gollop would like to speak.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

Whilst recognising the long overdue nature of this legislation and the need for Guernsey to have an up to date methodology of a patient-centred system with appropriate safeguards and considerations, I wonder how easy this ground-breaking piece of work will be if, as has just been indicated earlier by Deputy St Pier, we go on with a degree of restrictions as to travel, as to movement, as to availability of Tribunal members etc., for perhaps six months or longer, so I wonder how far this legislation mixes with the current emergency powers?

The Bailiff: Anyone else wanting to speak? Deputy Soulsby, I will give you the opportunity to reply. I do not think anybody else wishes to speak, so I will come straight to you, Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

I think it is important to realise that, whilst the Law will be approved today, the commencement date will be done through ordinance and we will only be doing that once we have got all the structures in place, the training is in place, we have got people that do the job and everybody knows what job they need to do in advance. So all issues around how a tribunal will be held remotely and what people's jobs are and how they will do it, that will be over the coming months.

It is all being planned with what needs to be done, so this should not be any shock to anybody, because we said in advance, before it was brought in, that we would need to do all that. So if that gives any comfort, whether we can bring it in the next six months, I hope we can, but it will not be immediately.

The Bailiff: We will now open the voting, then, on the Capacity (Bailiwick of Guernsey) Law, 2020.

Members voted Pour.

The Bailiff: I think we have seen enough votes in favour to say that has been carried. Certainly, nobody has voted against and a lot of votes have come in. Yes I think we can say that the Capacity (Bailiwick of Guernsey) Law, 2020 has been carried.

Shall we move on Greffier?

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

VIII. The Reform (Guernsey) (Amendment) (No. 2) Law, 2019 (Commencement) Ordinance, 2020 approved

Article VIII.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Reform (Guernsey) (Amendment) (No. 2) Law, 2019 (Commencement) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article VIII. States' Assembly & Constitution Committee. The Reform (Guernsey) (Amendment) (No.2) Law, 2019, (Commencement) Ordinance, 2020.

2050 **The Bailiff:** Any debate? No. So will you now please vote on the Reform (Guernsey) (Amendment) (No. 2) Law, 2019, (Commencement) Ordinance, 2020.

Members voted Pour,

The Bailiff: Again a substantial number of votes in favour. I declare it carried.
When you are ready, we will move onto the next item Greffier.

SCRUTINY MANAGEMENT COMMITTEE

IX. The Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020 approved

Article IX.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

2055 **The Deputy Greffier:** Article IX. Scrutiny Management Committee. The Scrutiny of States and Public Bodies (Guernsey) Ordinance, 2020.

The Bailiff: Any debate? No. I see nobody asking. So we vote on the Scrutiny of States and Public Bodies (Guernsey) Ordinance 2020.

Members voted Pour.

The Bailiff: And again, a substantial number of votes in favour. I declare it carried.

COMMITTEE FOR ECONOMIC DEVELOPMENT

X. The Guernsey Competition and Regulatory Authority (Amendment) Ordinance, 2020 approved

Article X.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Guernsey Competition and Regulatory Authority (Amendment) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

2060 **The Deputy Greffier:** Article X. Committee for Economic Development. The Guernsey Competition and Regulatory Authority (Amendment) Ordinance, 2020.

The Bailiff: Any requests for any debate? No. We will vote, then, on the Guernsey Competition and Regulatory Authority (Amendment) Ordinance, 2020.

Members voted Pour.

2065 **The Bailiff:** Deputy Merrett, je ne vote pas. Deputy de Sausmarez, je ne vote pas. But the remainder in favour, as far as I can see, so I declare that carried.

COMMITTEE FOR ECONOMIC DEVELOPMENT

XI. The Guernsey Competition and Regulatory Authority (Amendment) (No.2) Ordinance, 2020 approved

Article XI.

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Guernsey Competition and Regulatory Authority (Amendment) (No. 2) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

The Deputy Greffier: Article XI. Committee for Economic Development. The Guernsey Competition and Regulatory Authority (Amendment) (No. 2) Ordinance, 2020.

2070 **The Bailiff:** Is there any request for any debate? No. I see nobody asking to speak. We will vote on the Guernsey Competition and Regulatory Authority (Amendment) (No.2) Ordinance, 2020.

Members voted Pour.

The Bailiff: Again, I can see one or two je ne vote pas, but otherwise everybody is in favour. A few je ne vote pas, everyone else in favour, I declare it carried.

POLICY & RESOURCES COMMITTEE

XII. The Marriage (Bailiwick of Guernsey) Law, 2020 – Debate adjourned

Article XII.

The States are asked to decide:-

Whether, after consideration of The Marriage (Bailiwick of Guernsey) Law, 2020, and the Policy Letter dated 30th March 2020 they are of the opinion:-

- 1. To agree that marriage between certain persons who were formerly related by marriage or civil partnership, as set out in paragraph 2.3 to 2.7, is not prohibited.*
- 2. To agree that a marriage is formed once the celebrant has signed the return, as set out in paragraph 2.8 to 2.11.*
- 3. To approve the Projet de Loi entitled 'Marriage (Bailiwick of Guernsey) Law, 2020' and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto, that includes the minor amendments to policy matters included in Propositions 1 and 2 and as explained in the enclosed Policy Letter.*

2075 **The Deputy Greffier:** Article XII. Policy & Resources Committee. The Marriage (Bailiwick of Guernsey) Law, 2020.

The Bailiff: And Deputy Stephens wishes to speak. Ah, are we going to have substantial debate on the Marriage Law do you think? Is this something that we should defer? I was just trying to get things done quickly before lunch. Are we likely to have substantial debate on this Law?

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Deputy Stephens: Thank you, sir. I have a speech to deliver, which just outlines two amendments that have been made to the policy letter of 2019.

2085

The Bailiff: I see there are a number of people wanting to make a brief speech. I think it is important that we do not go on too long, because I want people to have the opportunity to listen into the important media briefing that is going to be delivered at 1 p.m., but I think perhaps it is better that we come back to this at its proper place in the agenda and that probably we rise now for lunch and, after lunch we will be dealing with the deferred business.

2090

That is the business deferred from the Meeting, which Members may recall we held, it seems a very long time ago now in a previous era in St James', and we will have the Five-year Review of the Island Development Plan and an amendment that has been circulated to be laid by Deputy Tindall will be taken first because Deputies McSwiggan and de Sausmarez, who have amendment 2 currently in the middle of debate, have agreed that amendment 3 be taken first.

2095

Then we will break now. We could come back at 2.15 p.m. Can I give you the proposition that we come back at 2.15 p.m.? I see a few votes in favour for that.

Deputy Lowe: Sir, would that give time for Deputy St Pier and Deputy Soulsby to get back from Beau Sejour, considering that is where they normally hold the briefing?

2100

The Bailiff: Well, that is very true. Perhaps it will not. So maybe you are right, Deputy Lowe. It is better that we resume ... Yes I can see others raising that and now there are some votes against.

We will resume as normal at 2.30 p.m. Thank you everyone for your attendance. Enjoy your lunch, listen carefully to the briefing and remember do not leave your microphones on or everybody will hear whatever you are saying and eating over your lunchtime. We will see you later. Bye-bye.

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

DEVELOPMENT & PLANNING AUTHORITY

III. The Island-Development Plan – Five-Year Review of the Island Development Plan – Debate resumed – Propositions carried as amended

Article III.

The States are asked to decide:

Whether, after consideration of the Policy Letter of the Development & Planning Authority entitled 'Five-Year Review of the Island Development Plan' (dated 10th February 2020), they are of the opinion:-

1. To note:

a. the Annual Monitoring Report 2018 of the Island Development Plan policies attached at Appendix 1 to the Policy Letter; and

b. that the Development & Planning Authority has an obligation under the statutory Island Development Plan 2016 ("IDP") to review Housing land supply and Employment land supply within five years of the adoption of the IDP by the States in November 2016 ("the Five-Year Review") and

additionally has committed to review Areas of Biodiversity Importance and, as such, these matters will be included in the Five-Year Review.

2. To direct the Development & Planning Authority, in consultation with all relevant Committees and stakeholders, to extend the current scope of the Five-Year Review of the IDP to include specific reviews of:

- a. Development Frameworks thresholds and process;*
 - b. development of greenfield land and prioritisation of brownfield land for residential purposes in Centres;*
 - c. Important Open Land;*
 - d. Agriculture Priority Areas; and,*
 - e. visitor accommodation,*
- as further detailed in Appendix 3 to the Policy Letter.*

3. To direct the Development & Planning Authority and the Committee for the Environment & Infrastructure following the Five-Year Review and in compliance with all relevant requirements of planning legislation, to –

- a. Take all necessary steps towards the holding of a Planning Inquiry to consult on and consider any proposed amendments to the IDP that the Development & Planning Authority considers are required as a result of the evidence gathered for the Five-Year Review; and,*
- b. following the Planning Inquiry, for the Development & Planning Authority to lay proposals for amendments to the IDP before the States for adoption by November 2021.*

2105

The Deputy Greffier: Article III. Development & Planning Authority. The Island Development Plan, Five-Year Review of the Island Development Plan.

[Amendment 3](#)

To delete the original Propositions and to replace them with the following:

"1. To note: (a) the Annual Monitoring Report 2018, which is Appendix 1 of the Policy Letter attached to these propositions; and (b) that the Development & Planning Authority ("D&PA") has an obligation under the statutory Island Development Plan ("IDP") to review Housing land supply and Employment land supply within five years of the adoption of the IDP by the States in November 2016 ("the Five-Year Review") and additionally has committed to review Areas of Biodiversity Importance (ABIs).

2. To note that, notwithstanding Proposition 1, the D&PA intends to pause the Five-Year Review of the IDP, which cannot in any event now be delivered in the timescale previously proposed, in order to ensure that review of the IDP ("the Review") focusses on matters which are critical to strategic recovery and will support future States' priorities to ensure that land use policies do not stand in the way of the States' recovery strategy ("the Revised States' Strategies"). This may require the D&PA to adjust the scope and priority of the Review once the Revised States' Strategies are known, following which the D&PA will return to the States with its proposals for the Review should they differ from those set out in Proposition 3.

3. To direct the D&PA, in consultation with all relevant Committees and stakeholders, to include, as a minimum, within the scope of the Review if the specific reviews align with the Revised States' Strategies, such specific reviews being:

- (a) Housing land supply and Employment land supply;*
- (b) Areas of Biodiversity Importance (ABIs);*
- (c) Development Frameworks thresholds and process;*
- (d) development of greenfield land and prioritisation of brownfield land for residential purposes in Centres;*
- (e) Important Open Land;*
- (f) Agriculture Priority Areas giving particular consideration as to:*

(i) the extent to which existing policies relating to Agriculture Priority Areas are effective in encouraging small-scale, sustainable farming projects, and/or whether any revisions may be needed, in order to foster a community in which local growing initiatives (including non-commercial initiatives) are positively supported; and

(ii) Whether a separate policy should be drawn up under the IDP, consistent with the principles of any States of Guernsey Climate Change Action Plan, which has the purpose of providing a clear policy gateway to support the development of small-scale, sustainable farming projects both within, and beyond, Agriculture Priority Areas;

(g) visitor accommodation;

(h) the protection given to the biodiversity interest of such areas as part of the review of the policies affecting ABIs, including policy GP3, giving particular consideration to strengthening the policies so that development on ABIs, in particular building operations, is only allowed where:

(i) the biodiversity interest of the area is maintained or enhanced; or

(ii) any negative impacts of the development are appropriately and proportionately mitigated. as further detailed in Appendix 3 to the Policy Letter."

The Bailiff: Members, as I announced before lunch, rather than resume with amendment 2, which is the amendment that was under debate when we adjourned in St James', we will defer debate on that amendment and take instead amendment 3, to be proposed by Deputy Tindall and seconded by Deputy Oliver. That is the amendment that was circulated yesterday. Deputy Tindall.

Deputy Tindall: Thank you, sir.

Rather than have the Deputy Greffier reading it out, I just want to do a very quick summary of the amendment. Proposition 1 is broadly the same as the original Proposition in the policy letter. The new Proposition 3 is, in effect, the original Proposition in the policy letter, which contains the specific reviews of the IDP set out in the DPA action plan, together with those set out in the two amendments, one that has already been approved by the States and one which is the debate that is currently suspended.

Proposition 4 has been removed, so the main the change is Proposition 2 in the new amendment, which I wish to read out:

To note that, notwithstanding Proposition 1, the D&PA intends to pause the Five-Year Review of the IDP, which cannot in any event now be delivered in the timescale previously proposed, in order to ensure that review of the IDP ("the Review") focusses on matters which are critical to strategic recovery and will support future States' priorities to ensure that land use policies do not stand in the way of the States' recovery strategy ("the Revised States' Strategies"). This may require the D&PA to adjust the scope and priority of the Review once the Revised States' Strategies are known, following which the D&PA will return to the States with its proposals for the Review should they differ from those set out in Proposition 3.

Sir, in recent weeks, we have all been coming to terms with the terrible devastation that the Covid-19 pandemic has had, both here and abroad, the terrible pain suffered by those who have lost loved ones, the damage to people's health, both mental and physical, for those suffering from Covid-19 and those with other conditions, and those who have worked tirelessly on the front-line and in support of those workers.

However, on Monday, we heard from Deputy St Pier the huge cost to our economy that this pandemic has had and will continue to cause. He and Deputy Soulsby and our Chief Executive all spelt out the need to reconsider States' policies, to re-prioritise to support the recovery of health and wellbeing, which includes both the public services we provide and the economy that supports it.

It is this that is at the front and centre of this amendment. The Development & Planning Authority is not really considered a very important committee. It is not generally at the top table when discussing the bigger picture of States' policies. However, what we are here for is to reflect all such States' policies, through our own and in particular through the Island Development Plan.

To do so we require the direction of the Assembly and we rely heavily on other committees to bring forward their policies in order to change and adapt planning policies in the IDP. The effect of

this pandemic does not change this reliance we have on others. We need direction on what it is to be prioritised and what is needed to support the new strategies.

2140 For example, do we need to support the construction industry to reinvigorate the economy? Do we need to continue to enhance the environmental controls, which we have in place, but with an eye on the new normal? I hope both, but the DPA needs that direction. We do not currently have it and nor should we expect it so soon. In fact, we do not even know at this point who is to give that direction, whether we will be responding to States' Resolutions or a different form of Government.

2145 Whatever the means of Government, in order to understand what is required and what is no longer a priority, we need that direction and we need to understand the effect on our lives. That will take time and it will impact on the day job of the officers and staff at Planning and Building Control.

From a planning perspective at least, in order to follow that direction and to inform it, we will also need to understand to a greater extent what effect this pandemic has had. For example, 2150 because of an increase in home working, will there no longer be a need for larger offices and more single units be required? Will there be a need for more storage, as Guernsey businesses continue to take advantage of orders being placed online? Will there be a need for different medical facilities such as an emphasis on community hubs? Something already supported by us at HSC, of course.

The pandemic has already impacted on the timeline of the five-year review. It is clear we cannot 2155 fulfil the obligation to return to the Assembly with any recommendations for change of the IDP by November 2021. And when do return, we do not know if the specific topics identified in the policy letter that we are looking at today, are even the right topics. We do not know the effect of this pandemic on the needs of the Island and whether the planning policies in the IDP and the balance they take between the environment, the economy and the social needs of the population remains 2160 the right approach to take.

The DPA considers that the most appropriate and proportionate course of action is to therefore put the work for the Five-Year Review of the IDP on pause., to redirect its resources where needed, including identifying how the planning policies can be improved to help the States' strategies for recovery. This will include monitoring the changes to our economy to provide information on what 2165 has changed and to recommend any changes to the planning policies.

Whilst we are saying that review of the IDP needs to be paused, it does not mean a review will not happen. As the IDP is a 10-year plan, the current planning policies will continue for now and can even do so after the 10-year point; if the States so decide. However, a review is likely to be required before then, due to the far-reaching changes this pandemic has caused.

2170 When the Revised States' Strategies have been identified, the DPA will ensure this is done. That review will cover the areas set out in Proposition 3, including the reviews from both amendment 1, which has already been passed, and that requested in amendment 2, together with all the other specific topics set out in the DPA's action plan. I am very grateful to Deputies McSwiggan and de Sausmarez for allowing this debate to occur first. I am also extremely grateful to the rest of my 2175 committee, also, for supporting this approach.

If that format needs to change because of prevailing circumstances, either because more urgent is needed and a review-lite is the right way to go, or because more topics have been identified for review, then the DPA will return to the Assembly with the details for approval by the States.

I wish to emphasise that all of the feedback we have had at the DPA will not be lost. Far from it. 2180 All of the topics in Proposition 3 are incorporated, if they support those revised States' strategies, on our budget allowance. And if they do not, and we are recommending the review as a review-lite or even a full review of the whole IDP at the 10-year stage, then the States will be involved in that decision.

It is therefore sir, with regret, that my committee is laying this amendment. We do not do so 2185 lightly, as it is avoiding our obligation under the States' Land Use Plan, the Island Development Plan, the promise made at the 2015 public inquiry and the pledges in the DPA's action plan to undertake a Five-Year Review.

However the DPA feels it is the right thing to do now. We need to pause the work on the Five-Year review. The DPA has been given this chance to place on record at an early stage its contribution

2190 to the recovery from Covid-19, to be the first to show, through an amendment to its own Propositions, how we are adapting to the new normal, and I therefore sir ask Members please to recognise that and to support this amendment. Thank you, sir.

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

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Deputy Oliver: Yes sir, I do.

The Bailiff: Does anybody wish to debate the amendment? Yes, Deputy Laurie Queripel.

2200 **Deputy Laurie Queripel:** Thank you for calling me, sir.

I truly get why this amendment is being proposed. Deputy Tindall has articulated the reasons well. They are further explained in 2 and again expanded on in the explanatory note, so the reasons are clear and, speaking generally for a second, I am all for, at this time, because in the life of Covid-19 this kind of approach being taken across the organisation – workstreams, projects being reviewed in the light of Covid-19 – but in regard to this amendment two concerns in particular arise for me and I am hoping that Deputy Tindall can address these concerns.

2205 The issue mentioned first in 2(d) development of green land and prioritisation of brown field land for use in development. Sir, with a delay of two years, some of the few remaining green field sites and spaces in certain areas of the Vale and north more generally may end up being developed because work to address the prioritisation of brown field over green will have been suspending. That could be a most unfortunate consequence of this delay. Now I just wonder if this could be simply dealt with by the DPA committee just putting a two-year hold, at minimum, on development of these green spaces and fields in this context. I just wonder if it could be taken as a discreet matter, without being part of an overall review?

2215 The second thing sir is development frameworks. These are resource hungry. They take a great deal of time and come at no little cost. Because they are in a sense speculative, they do not always provide a return. They can amount to what, in effect, is a lost investment. It seems unwise for that practice to continue in the same format, given current and foreseeable future circumstances, because these development frameworks may continue unabated for two extra years, with a good deal of time and money expended on them, to no real effect, when those resources could be better and more effectively and appropriately allocated, at a time when resources will be and are at a premium.

2225 They may be worked up for projects that will have to be suspended for a great length of time, and they never arise, or may be scaled down. So development frameworks, in a sense, could be irrelevant, an academic exercise. We cannot afford that waste of resources, particularly now sir. When I am thinking about development frameworks, I am probably thinking about programmes for example like the seafront enhancement. I cannot see how a number of projects in regard to the seafront enhancement will be cast as authority at the moment.

2230 So these are two issues in particular sir that I just wonder if they could be taken and dealt with separately from a review. Ultimately, the Development & Planning Authority committee have the power to decide if discreet parts of the review should be progressed or attended to.

2235 So the idea of this amendment, sir, it seems to me, is in the main to preserve resources and then to push those resources or allocate those resources where they are best needed. For me, taking these two actions during that two-year period would result in resource savings, so I just ask Deputy Tindall could give those and her Members on the committee give those points some consideration and perhaps answer those points during this debate.

Thank you, sir.

The Bailiff: Thank you. Next Deputy Ferbrache.

2240 **Deputy Ferbrache:** Sir, thank you.

If the debate had proceeded without this amendment, I may not have been the only one, but I certainly would have been in the minority, who would have voted, probably, to abstain in relation to the Plan and to the proposals. Because we are in a position now, which is much different, as Deputy Tindall has alluded to. So I commend this amendment and I will vote in favour of it.

2245 But what she said is this, that they are not going to be able to return to the States by November 2021. I understand that and accept it. And they are going to put the work of the review on pause. But against that, we are in a position, thus, that the existing Plan will continue until beyond November 2021 and the existing Rules and the existing procedures and the existing *modus operandi* will all continue well beyond then.

2250 So although well-intentioned, and although I will vote in favour of it, it is not going to mean any real change in focus. Deputy Laurie Queripel just said in relation sites can we put a two-year moratorium on that. Well, without a change of the Plan, I do not think you can, because somebody who might want to develop on those sites, who otherwise meet the requirements of the IDP, would be able to challenge that decision.

2255 What we need is something more radical and I read recently this, written by a former MEP. He said:

Now we need a single-minded focus on growth. Budgets previously regarded as sacrosanct will have to be cut to return to sustainable deficits. Regulations that inhibit growth, including planning rules, will be scrapped.

2260 Now I am not suggesting all of a sudden we scrap all the planning rules and therefore developments say, down in the north of the Island, where there might be many housing units want to be constructed where the infrastructure is not sufficient, should be allowed. Or we allow therefore building of hotels in Torteval, or office blocks in Torteval. I am not suggesting that at all.

2265 But what I am suggesting is that the States needs to do something much more dramatic than Deputy Tindall recommends. Now that is not her fault. She is doing what she can and I commend her for it. I commend her colleagues for it and I commend her officers, who I think do, by and large, a very good job. She has set that out in the main body of the Report.

2270 But just carrying on as we are and hoping that things will return to normal in due course, is not going to be the way that it works. What we actually need is not a 340-odd page IDP, with a glossary of another 20 or 30 pages, or even what we were faced with here, which is a pretty modest, and I do not mean modest in content, I just mean modest in length, policy letter, but with about 400 pages of attachments, we cannot go through that. As Deputy Queripel has just said, these kinds of developments are resource heavy and we have not got those resources to develop these kinds of policies in the future. They have to be resource inventive and we have to be inventive.

2275 So what should happen, in much earlier course than November 2021, is that we rip up the IDP, we come with something much more simple, we have an infrastructure plan, but the States in early course – and I really do mean in the next few months – sits down, prioritises things. It says, for example, we need more care homes, we need fewer hotels, we need more storage – the kinds of things that Deputy Tindall alluded to. But we cannot carry on as we are.

2280 Our planning policies, which are much better than they were when I first came back to the Island in 1980 and we had six detailed development plans, then we had an urban area and a rural area plan and now we have got an IDP, but the creatures are not fit for their current purpose and therefore we need to do something much more dramatic. That said, I will vote for the amendment but we, as a States, in the next 12 months of the life of this States, need to do something pretty dramatic. Thank you, sir.

2285 **The Bailiff:** Next, Deputy Meerveld to be followed by Deputy Merrett.

Deputy Meerveld: Thank you, sir.

2290 I speak in support of both the comments by Deputies Laurie Queripel and Peter Ferbrache. I come from a similar direction but using probably a different example. Our IDP is not fit for purpose. It is in desperate need of a review, both to iron out anomalies and to streamline the processes.

Whilst I agree with this amendment, I will vote for it because I believe we need to focus our efforts in other areas, but I also agree with Deputy Ferbrache's suggestion that potentially we have to suspend the IDP and bring in a much more streamlined plan, targeting the areas we need and also at the same time doing things like Deputy Queripel suggested and defend or protect green areas.

As I say, I come from a slightly different direction. I am a founding member of the Guernsey Smallholders' Association and since I returned to Guernsey some 11 years ago, I have been keeping and maintaining critically endangered breeds of chickens and growing my own vegetables and fruit. This year I will be growing apples, pears, strawberries, raspberries, melons, pumpkins, courgettes, chives, spring onions, shallots, onions, garlic, carrots, tomatoes, cucumbers, beans, broccoli, calabrese, radishes, peas, Chinese bok choy and choy sum, Japanese tsoi sim and giant *[inaudible]* as well as a dozen herbs.

The reason I mention this is because of the way things operate at present, we have an under-utilisation of land and an issue with being able to, sorry bear with me a second, encourage people to do what I am doing. To home-grow vegetables for non-commercial purposes and enjoy their gardens.

The reason we have a blockage is things like this. I have eight-year-old greenhouses on my property that in the storms over the last few years have fallen into disrepair. Now I have approached the DPA to see if I could repair or replace those greenhouses. Under current Rules, you are not allowed to repair greenhouses beyond repair. You are not allowed to replace them.

So I asked for permission to up a poly tunnel to replace this, to grow vegetables and fruit on my own property for my own consumption, and was told no, I could not put up a poly tunnel on agricultural land to actually maintain my own garden, my own supply of vegetables.

So we have Rules like this, that were designed for a good reason, wanting to get rid of derelict greenhouses. But in fact you end up with derelict greenhouses not being replaced by other forms of agricultural use because of the restrictive Rules. So this is just yet another example, similar to one illustrated by Laurie Queripel and the one also, the broader issues raised by Deputy Ferbrache, regarding the fact that the IDP is not fit for purpose, it is too restrictive. Whilst I will vote for this option, I will also be looking for the DPA to lead the way on bringing forward some streamlined Rules that can get around these anomalies until such time as we can properly review the IDP and reinstate it. Thank you, sir.

The Bailiff: Can I just remind Deputy Meerveld and other Members that we are trying to keep these proceedings as close as possible to how they would be conducted if we were in the Royal Court Chamber. I know that is difficult, but as you all well know, visual aids are not permitted. If you wish them to be permitted, you can make an application to SACC to ask them to amend the Rules. But, for the time being, we are sticking to the Rules, as approved by the States last week.

Deputy Merrett next and then Deputy Prow.

Deputy Merrett: Thank you, sir.

I will try to brief because I do concur with a lot of what Deputy Ferbrache and Deputy Laurie Queripel said. But I am a bit concerned, sir, that Deputy Tindall seemed to imply – and I am hoping she can advise me otherwise when she sums up – that we are looking for others to lead, that some other type of Government, will come forward with these strategies, which the DPA can then support.

I would urge the DPA, and I was in contact with them actually only last week, or maybe it was this week, sir – it is a bit of a blur about this – that they need to be now, today, yesterday and tomorrow, looking at how they can assist the construction industry going forward. An example I tried to use with the DPA was about site notices, which have 21 days' lifespan, but if it had been on display for 20 days before lockdown, how quickly could they move after lockdown to ensure that those applications can be processed?

I think Deputy Tindall said they need to redirect resources. Yes, but the politicians, the political Members of DPA, need to do that. They need to give a direction. They need to sort out which

strategies, they need to advise the States, I believe, on what they believe they could do to help, not wait to be instructed by some other unknown body.

2345 So that is my concern. I think that we all have onus to try to come forward with ideas. I have reservations as to Deputy Laurie Queripel and Deputy Ferbrache, with going on with the same policies that we know we did not get them right. I do not believe we got them right. We know they are not right and yet we may well continue with those for far longer than I would be content with.

2350 So I can give some examples to Deputy Tindall and the Members, for example should we be outsourcing development frameworks – for example on the Leale's Yard – to an outside company because we have not got internal resource to deliver that? Should we not be saying, actually regeneration areas, after Covid-19, could benefit our community in terms of residential properties, maybe open-priced or an asking price at the bottom of the property ladder, areas that will really benefit the community as a whole? Should not the DPA, those are the areas they really need to support. Those are the areas that they believe, post Covid-19, could benefit our community in the broadest sense.

2355 Another example, sir. Capital projects. Should the DPA, I will ask the DPA to say, 'Capital projects, we need to generate these and we need to have a pipeline supply of them, with the Government investing to a certain degree. Certainly, we will support these because we believe that is the way to help our local economy.'

2360 Those are the things that I am looking for and I would just like to say, through you sir, to Deputy Laurie Queripel, that when you were speaking I was writing, 'Go Laurie, go.' Obviously, I meant go, Deputy Laurie Queripel, go, but he absolutely hit it spot on. We do not want to continue with these same policies for any longer than we need to and we certainly do not want to continue with them for another two years.

2365 So when Deputy Tindall sums up, if she could please explain to me, when she says we are going to redirect resources, we are going to focus in other areas, what ideas thus far have they had or when do they believe they could come back to the States with some of these ideas and strategies to really support – and I do agree with Deputy Ferbrache on this – to really support the construction industry?

2370 But far broader than that, sir, to actually support our community and help our community to build sustainable communities. So if Deputy Tindall can assist me with that when she sums up, it would be most appreciated.

2375 Thank you, sir.

The Bailiff: Next, Deputy Prow, and then Deputy Inder.

Deputy Prow: Thank you, Mr Bailiff.

2380 I completely support the concerns surrounding this amendment that were previously raised by Deputies Laurie Queripel and Deputy Ferbrache. But I, like Deputy Ferbrache, actually am going to support this amendment. I will not repeat the points very eloquently put forward by both those Deputies but I would just perhaps like to put my own spin on what they have said.

2385 To evidence what Deputy Ferbrache said, the Billet that we are actually debating now is a very hefty tome. The Bailiwick has taken on a highly technical development planning regime, more akin to the UK, I believe, than meeting the needs of this already very developed Island. Deputy Ferbrache and Deputy Queripel have outline the need for the construction industry, which I support, but can I also put another spin on that?

2390 I have already said in debates, having made quite a few representations this term, on behalf of residents raising objections, it appears to me that developers who have access to professional advice and the means to fund it, fare much better than the common person who seeks to make a case against a planning decision.

So it is right that, therefore, the DPA sought to review the Island Development Plan and also seek to extend the review and it is very unfortunate that that review is going to be extended even further. But sir I have to say I am underwhelmed by the limited extent of the review and the three

2395 original Propositions before us, but as I said sir, I completely support the amendment in that it rightly responds to the Covid-19 crisis and I thank Deputy Tindall for the way she has outlined this.

My main IDP concerns involve climate change, biodiversity, agricultural policy areas. In my view they are all linked. We in this Chamber rightly discuss carbon emissions but the global elephant in the room is the effect of over-development caused by the huge growth in world population over
2400 the last 50 years or so. We have noticed quite dramatically in a very small but densely populated Island. So of course we need housing and affordable housing at that and a construction industry and to develop our infrastructure. But we must now draw clear red lines around the use of open land, make all agricultural land a priority and protect biodiversity even further.

Thank you, sir.

2405

The Bailiff: Deputy Inder and then Deputy Lester Queripel.

Deputy Inder: Thank you, sir.

I am not as hard on the IDP as other Members have been in the past and possibly to a degree
2410 are now. I have said on numerous occasions that the difficulty planners have, and it is a term I have used before, codifying subjectivity. I find the IDP an easy read, myself, and the interaction with the officers has always been very professional and very helpful. But that is me, as a domestic user of the services, just me as a home owner. Not in a commercial way.

Now I applaud Deputy Tindall for recognising that everything has changed. We all know that it
2415 has. But we do not know what it has changed to. So I could support the amendment, but I will not support it if it means that, as we come out of this economic disaster that we happen to be in at the moment, and we need speed, what I am worried about, that this vote might put the IDP into some kind of torpor and we might be told that, when we need it most: 'Sorry, you voted to stop the Review.' Or even worse, and we have all heard this before: 'By the way, we need a planning inquiry to change any element of the IDP.' And we have all heard that before.
2420

So the question is to Deputy Tindall, I understand what she is trying to do and her committee is trying to do. I accept that and I respect that. She knows and recognises that everything has changed. But the one question I wanted answered: if the economy needs the IDP, if we need her committee to move quickly, if we need something done in the next two or three months, or possibly the six
2425 months, how quickly can her committee move? If I get, 'I am sorry we need a planning inquiry,' thrown back in my face, like we have had time and time again, I will not support this amendment.

Thank you, sir.

The Bailiff: Deputy Lester Queripel, then Deputy Le Clerc.

2430

Deputy Lester Queripel: Sir, thank you.

I will start by stating the obvious and that is if this amendment succeeds, and there are some Members who are unhappy about that who want something done about it, something radical as Deputy Ferbrache suggested, all they have to do is submit a requête that seeks to change the
2435 policies.

Now Deputy Ferbrache said he thinks we need to rip up the IDP, which reminds me of the time I saw former Deputy Kevin Stewart rip up a copy a Billet, I think it was the Transport Strategy actually, on North Beach some years ago. But if that is what he wants then all he needs to do is submit a requête, and I might well support it, if I feel so inclined.

Now having said that, as Deputy Tindall said in her opening speech, the committee and the
2440 department are laying this amendment reluctantly. What we really wanted to do was progress the review and progress our action plan. That is what we really wanted to do. Laying this amendment actually sticks in the throat of every Member of the DPA. We really did not want to do this.

However, what we are told in Paragraph 3 of the explanatory note absolutely nails the whole
2445 issue as far as I am concerned. Because we are told in that /paragraph that pausing the review will ensure that total focus can then be given to what is actually needed to support the States' Recovery

Strategy. By doing that, we avoid 'abortive work and wasted costs through pursuing previous priorities, which are no longer valid, when objectively assessed in the light of the new revised States' strategies'.

2450 Of course we are not just talking about financial costs, we are talking about costs to staff time. We are talking about financial and time of staff. And that staff time will need to be spent in far more important areas when we are on the road to recovery. We do not know, staff may even need to be seconded to other departments, such as Health and Social Security, for example, to help them with their workload. So, sir, I ask Members to please support the amendment and in closing I will ask for
2455 a recorded vote please when we go to the vote.

Thank you.

The Bailiff: Thank you. Deputy Le Clerc.

2460 **Deputy Le Clerc:** Thank you, sir

I hope everyone can see me. I am in favour of the postponement of the Review, but I have got some concerns, as President of Employment & Social Security and responsible for affordable housing policy and social housing policy. My concern is that any delay will delay looking at the affordable housing policy. We have had nothing built under the current policy of GP11, no
2465 affordable housing whatsoever and this is urgently needed to be reviewed. So I would like some confirmation from the President of the DPA that work will still progress on areas such as affordable housing policy.

We know that we have got a shortfall in land supply for future affordable housing and social housing and from 2022, we will not have any land available for building of affordable housing and when you think about what we are going through at the moment, one of the problems that people are facing is the high cost of rent in the private rented sector and I think there will be even more of a requirement for affordable and social, rentable properties going forward.
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So I am in support of the amendment, however I have got some concerns that really important policies will be delayed and the timeline that will be incurred in coming back to the States in respect of these really important policies, so that is all I wanted to say.
2475

Thank you.

The Bailiff: Thank you. Does anyone else wish to speak on this amendment? No. Deputy Tindall, then, will reply. Deputy Tindall.

2480 Sorry, Deputy Oliver wishes to speak. Deputy Oliver.

Deputy Oliver: Thank you, sir.

I have just got a few points in regard to some of the questions. When Deputy Meerveld started talking about the dilapidated greenhouses, he is right that you cannot replace them, but the reason
2485 why it is so is because is due to the decline of the horticultural industry, which is why it was put within the IDP that if it was dilapidated it could no longer be replaced. If we were to change that, obviously, it would need to go to a public inquiry again.

I do not want to talk against the amendment, but I also do not want to put people into false security. Whichever way you go and whatever changes you generally need to the IDP, it will need a planning inquiry, whether it be just simply changing for the change of use of the greenhouses or whether it is stopping building on green land and preferring brown land. So you will need a planning inquiry, but this amendment is the right way to go at the moment, in the light of Covid.
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We could not get a planning inquiry done now because you would need an external person to come in and, first of all, you are not even allowed people off the Island because our borders are closed, and he would need to be on the Island. So this amendment is the right the way to go about it.
2495

Taking Deputy Merrett's point, I did raise with the committee that we should have a plan of action going forward of planning applications that have come in, especially site notices. I put

2500 towards the Committee that, if there was a planning application at its 20-day site notice, before the lockdown started, that we should look at if there were no letters of content, either positive or negative, that we should maybe proceed with those, but the committee did actually vote down that.

So after 21 days we will be sending out re-site notices and it will be then be the 21 days. If lockdown goes on for a lot longer I do not know, this might change. But at the moment it has got to be at 21 days and with lockdown we are re-sending out all the site notices at the end.

2505 Thank you, sir.

The Bailiff: Thank you. Deputy Dorey.

Deputy Dorey: Thank you, sir.

2510 I am just concerned about some of the speeches that we have heard. The Strategic Land-Use Plan, which I sat on, was designed to have flexibility and that was the principle that was taken into the Island Development Plan, but also to protect the environment and our Island from some of the over-development and some of the developments that, in the past, have been inappropriate places in our Island.

2515 So I am really concerned about some of the comments I have heard today about an over-reacting situation. Obviously, we have to take consideration of where in range of Covid-19, but it is important that we protect our Island and do not suddenly take our controls away for the sake of the beauty and the environment in our Island. Thank you.

2520 **The Bailiff:** I see no one else wanting to speak. Deputy Tindall, you may reply.

Deputy Tindall: Thank you, sir. It did feel a bit *Groundhog Day*, to a certain extent, because it feels like the debate we had on the 2017 AMR and the various discussions and of course to a certain extent Deputy Inder really went straight to the nub, I think, which was the concern then was the idea of the planning inquiry as the only means by which the IDP can be changed.

2525 Just to reiterate, there are obviously operational changes that can be made, which are being reviewed and being made as and when and of course that is within the operational matters of the officers, as approved by the DPA political Members as and when. But the main change and the main thrust of this debate is about changes to the Island Development Plan, not operational.

2530 Now the Island Development Plan is an Island-wide based plan and therefore it is necessary to consult with the Island and all those affected, I think Deputy Ferbrache mentioned this. However, there are two other ways of doing changes without a planning inquiry. The first one is by way of the policies of the States and again this goes to the thrust of this particular amendment. We were referred to, I think it was Deputy Prow, who mentioned the Climate Change Action Plan. That is just one particular policy, which will influence the way in which the IDP is interpreted and put into practice, which will not require a planning inquiry.

2535 Also, the other policy, which was the Seafront Enhancement Area, we as DPA would have to do a local planning brief, which includes a planning inquiry, in relation to part of that area. Now again, these are policies of the States and this comes back to the main thrust of the amendment, is that we feel very strongly that in the present circumstances, we should wait for the strategic direction of the States, whether it comes in the next month, two months or longer than that, and also with information on how our economy and how our needs have changed, so that we can make a much more robust use of our reviews and make sure they are targeted.

2540 But, with the proviso that we reassure the public and States' Members that we have retained all of that discussion that has been had already. So the second point, which was raised by Deputy Inder in relation to get it changed ASAP, as far as I am aware, there are no legal ways at this point in time, under our current legislation, in order to avoid the need for a public inquiry.

2545 Obviously the CCA have far-reaching abilities to make Regulations, but they all have to take into account human rights law. So at this time we would need direction. We would need directions to say what do we do? Can we make changes? Is there something urgent that we need to do?

All we are saying at the moment is that we are not going to use our resources doing something that at the moment we do not know whether it is the right course of action, we are unable to comply with the current requirements or indeed the timeline. So from that perspective, that is going to the heart of what they are trying to achieve here.

Now various people have raised the questions more generally about the policies that were going to be included in the Five-Year Review and are retained, as I say, and may come back either earlier or a bit later, depending on the States' priorities and the question was, in fact, for green field work, by Deputy Laurie Queripel, and the development frameworks, we had the suggestion from Deputy Merrett how we are going to assist construction on what we can do with the IDP in that regard.

Generally going through these points, the thing is here that firstly, a bit like the greenhouse example that Deputy Roffey made, Deputy Inder referred to. We have had Deputy Meerveld again, these are matters that are misunderstandings of what we currently can do and therefore ... I am sorry sir, may I just interrupt a second, I had an exclamation mark on my screen, did I get cut off or was that ...?

The Bailiff: No.

Deputy Tindall: That is fine, I will carry on regardless.

The Bailiff: I do not know why you have had an exclamation mark. Certainly, I have been able to hear every word.

Deputy Tindall: Okay, lovely. I will carry on. Thank you, sir.

Back to the greenhouse matter. Of course Deputy Oliver kindly dealt with that, is that the greenhouse point was introduced insofar as we have so many on-Island, do we really want to keep building more when we do not use what we have got and there are ways around actually building a greenhouse in relation to domestic.

So, for example, looking at Deputy Roffey's, I know it is a long time ago, but basically if he included his property, the area where he wants to build the greenhouse into his domestic curtilage, he can go with a domestic greenhouse. It was not what he wanted, it was how he was going about it.

That goes to one point, which I think again Deputy Prow mentioned, was the fact that developers have the upper hand when it comes to actually getting what they want from the IDP. Again we have done everything we can during this time, in order to be able to promote the services of the planning department for the individuals, for those who wish to make representations to get a planning application, we have done lots of presentations and information and surgeries in the morning and we encourage everyone to on the website, look at the presentation and you can see that the Planning Department is there to help anyone, not just those making the application, but those who are actually wanting to object too.

So, specifically, to some of these points, for example development frameworks and the changes to the green field, Deputy Le Clerc mentioned GP11, these were obviously things that were registered in 2016. Obviously, in particular and close to my heart, was the fact that GP11 was changed. I am still extremely disappointed that that was changed from affordable housing when five or more buildings were developed to 20 and, as a result, we have no more GP11.

However, I have to say that, with regard to the affordable housing land that Deputy Le Clerc mentioned, we are of course waiting for the Housing Strategy, from ESS, in order to be able to undertake the housing land review anyway and I understand that has been delayed and now will be even more delayed. So that was another reason why November 2021 was looking a bit difficult in respect of the housing land.

Many people in this debate have mentioned construction. Obviously, we wish to support construction but we just do not know what the States wants to do. I am throwing ideas out here, in my original speech and I am trying to do so again. Regeneration areas, we need development

frameworks for regeneration areas. A cracking example of their benefit is that, if we do not, we have piecemeal application, we have something that may end up without having a focus and something which will not help the economy.

But what do we want for the regeneration areas? What do we want, now, to a certain extent, for Leale's Yard? We advertised for a consultant, we got an excellent consultant and we got a draft development framework, which actually promotes a very flexible approach. In fact, one of the first questions the committee asked officers was how does Covid-19 affect Leale's Yard Development Framework? Do we have to review it? No, it is flexible enough to actually deal with all of the initial thoughts about what we need to look at.

So I am afraid there is quite a bit I have mentioned, both in previous debates, in conversations, in representations, that does show a little less understanding of what the IDP can currently do. Yes, we accept that there are elements which people are not happy with and one of them I do absolutely agree with, which is I would like to see more important local land designated. We added one ourselves at DPA in 2016 and that would have been a fantastic way of encouraging more and more green spaces.

Every time we do a development framework, we ask for more green spaces within that. So we are doing all that we can on a daily level at the DPA and I think, from our perspective, we will carry on in that way on a daily basis, but from a strategic level, we need to understand what exactly the States are seeking.

Do we want to go and support construction by actually, for example, investing in our own development? Do we want to be able to encourage more economic activity from storage yards, for example, as I mentioned in my opening speech? All of these things, we do not know what is wanted and we do not know, it may be that they are all already able to be done under the IDP, but we need to understand it, we need to understand the effect on our daily lives, because it has been a huge change, this pandemic.

So we also want to be able to actually go back and look at the monitoring. One of the things I said throughout the IDP, monitoring is how we will know how these changes happen. The Annual Monitoring Report of 2018, which was attached, is a huge document. Agreed. But that just shows the amount of information we have as the starting point and the starting point and we could then have what has changed, so we can see the difference on what needs to be done.

Sir, I hope I have covered everyone's point. I have not gone individually, but I have tried to go through the points in a more general way and I hope that people realise we are able to react to whatever the States directs if their powers and the policies are given to us. It is not for the DPA to turn around and say, 'We will do this or that.' Because we can do a lot now and we need direction, but we are giving the Assembly the opportunity to give us those tools and to formulate those policies and we will react accordingly. In the meantime we will do the day work as best we can.

Thank you, sir.

The Bailiff: Just before we go to the vote, I know Deputy Merrett wishes to declare an interest. I am not sure it is strictly necessary but I thought I would give her the opportunity just to put that out. Deputy Merrett.

Deputy Merrett: Than you, sir.

I did check with the States' Greffier. I just want to declare that Andrew Merrett is director of Lovell Ozanne Architecture. He has potential conflict. Usually it is the opposite to mine but even so I want to declare it.

The Bailiff: Thank you very much.

We now go to the vote on amendment 3, proposed by Deputy Tindall, seconded by Deputy Oliver and there has been a request for a recorded vote, so over to you, Greffier.

There was a recorded vote.

The Bailiff: Deputy Le Tocq is asking to exercise a proxy vote for Deputy St Pier. Clearly, I assume he is away on urgent Covid-19 business so I think, even though it is not his turn in the roll call, I think we can allow it. It is not going to make any difference to the overall vote – if you call Deputy St Pier again.

The recorded vote was completed.

The Bailiff: Clearly that is carried; we will get confirmation of the vote from the Greffier in a moment.

We go to general debate, if anybody wishes to speak in general debate.

Deputy Merrett.

Deputy Merrett: Thank you, sir.

I intend being brief. I just want to speak to one Proposition, which is to note, Proposition 1. We are asked to note the Annual Monitoring Report, the AMR. Of course we can note anything as we have often been told in the States. But I have to question the content or even the need for this AMR in such detail in the first place. I have to question, earlier in the debate talking about resource, why is the Planning Office producing almost 300 pages on an annual basis? We are not actually meant to be writing a history book.

Can the President advise us as to how many hours of Planning staff time it takes to correlate and write this Report? Is it the honest belief it is the best use of our resource? Do we need it in so much detail and do we really need to know where each bicycle hoop may have been placed? The AMR is not, in my opinion, user-friendly. Do we really expect members of our community to wade through it all?

I agree and understand that some data needs collecting. That some is needed to enable us to make evidence-based decisions. But this much detail, on an annual basis is, in my mind, questionable. Why cannot we, for example sir, I always look to offer solutions, have a concise annual report or maybe a report every two years? Still, for the avoidance of doubt, concise.

If there is a need to correlate so much data, and I appreciate there may well be, if the data collected can be used, is it being used in a meaningful way? Then fine. But every year, in this much detail, really? Consideration could be given to if the annual report could be submitted into the Housing Report at the end of the political term for example, then maybe a two-year point in a political term?

We have to work and think smarter when it comes to how many staff, what resource we need, and why. So yes, I will vote to note it, but I also do challenge it. Going forward, I would have a plan from Covid-19 I hope will show due regard to our construction industry, to veneration of some of our beautiful Island, the very environment to which we live, to our community. *This*, in my opinion, sir, is where the resource in planning should be used. Thank you, sir.

The Bailiff: Thank you very much.

Deputy McSwiggan and then Deputy Lester Queripel.

Deputy McSwiggan.

Amendment 3:

Carried – Pour 36, Contre 3, Ne vote pas 0, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Alderney Rep. Roberts	Deputy Merrett	None	None
Alderney Rep. Snowdon	Deputy Laurie		
Deputy Ferbrache	Queripel		
Deputy Tindall	Deputy Green		
Deputy Brehaut			
Deputy Tooley			
Deputy Gollop *			
Deputy Parkinson			
Deputy Lester Queripel			
Deputy Le Clerc			
Deputy Leadbeater			
Deputy Mooney			
Deputy Trott			
Deputy Le Pelley			
Deputy St Pier *			
Deputy Stephens			
Deputy Meerveld			
Deputy Fallaize			
Deputy Inder			
Deputy Lowe			
Deputy Smithies			
Deputy Hansmann Rouxel			
Deputy Graham			
Deputy Paint			
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			

* denotes Members who voted by proxy.

2695 **The Bailiff:** Before you speak, Deputy McSwiggan, I can just announce the result of the voting on amendment 3: 36 votes in favour and 3 against. I declare it carried.
Deputy McSwiggan.

2700 **Deputy McSwiggan:** Thank you, sir.
I just wanted to thank Deputy Tindall and the Members of the Development & Planning Authority for including the amendment that Deputy de Sausmarez had brought within the scope of the amendment that we have just passed. I am conscious that we were maybe half-way through the debate on that when the States ended last time and I was pleasantly surprised by the strength of feeling from Members in support of it then.

2705 There were a number of Members who absolutely wanted to emphasise the need for governmental policies to enhance Guernsey's ability to be self-sustaining, particularly when it comes to food and to do food locally in ways that contribute positively to environmental resilience and climate change. So I just wanted to make a little bit of space in this debate to acknowledge that feedback that we have had from Members that now it is not going to be stepped up in a separate debate and also to thank the DPA for continuing to take that on board in the work that they will
2710 eventually do when resources permit.

I am well aware that the DPA are of the view that, actually, the guiding policies need to come from the States as a whole. I am sure that they will come through our recovery planning and I am sure that they will come through the Climate Change Action Plan that the Committee *for the Environment & Infrastructure* is developing and dealt with from other places too, but we must have the necessary welcoming and encouraging planning gateways in place to make the outcomes that we all desire possible. I think, if anything, the current pandemic has thrown that into much starker perspective. So again I just wanted to acknowledge the widespread support across the States' Assembly for Guernsey becoming much more resilient in terms of its own food security and to thank the DPA for taking that on board.

The Bailiff: Thank you. Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

I want to start that saying the DPA could save a considerable amount of money by having the AMR attached to this policy letter printed in black and white, as opposed to having it printed in colour. A black and white copy would have cost about £15 to publish, whereas a colour copy would have cost 10 times as much as that, it would have cost about £150.

That is a considerable amount of money saved. The total cost, if every Member of the Assembly had been given a colour copy, would have been around £6,000, as opposed to £600 in black and white.

Now in anticipation of some of my colleagues saying we should not be working paper any more, anyway, we should be working on screen, I point out sir that one of my hidden disabilities is that I cannot spend hours looking at a screen, without getting a massive migraine. I really do need paper copies. I am sure I am not the only Member in this Assembly who needs paper copies of every document or prefers to work from a paper copy.

In this day and age when we constantly speak of an inclusive society, I think we need to be mindful of that sir. So in saying that, I ask all departments to print documents in black and white wherever possible, from now on, in an attempt to save as much money as possible for more important things, such as fighting Covid-19 and repairing the damage it is going to cause.

Now this might sound like a minor issue to some of my colleagues, but I put forward that suggestion in the previous Assembly as part of the Financial Transformation Programme and Deputy St Pier eventually announced, during a States' debate, that £80,000 of taxpayers' money had been saved in the 18 months since I put that suggestion forward.

That is a lot of money to save, £80,000. That was my salary covered for two and a half years. So printing documents in black and white instead of colour has probably saved the taxpayer several hundreds of thousands of pounds since then, which is why I urge every department to print the documents in black and white.

Now sir, as we all know, the Proposition asks us to note the AMR, which I gladly do, although I do have some concerns about GP11, as referred to by Deputy Le Clerc earlier on, the affordable housing policy. It certainly is not working for the benefit of the community it was originally intended to do.

That is a real concern, for many of us in the Assembly. Not a single unit of affordable housing has been provided to Islanders since that threshold of 20 was introduced in 2016. I am sure my colleagues who voted in favour of that increase did it with the best of intentions, but it just goes to prove how wrong you can be.

When Deputy Ferbrache spoke in the last debate at St James, he asked the DPA to employ some common sense when making decisions on planning applications. But the reality is common sense is not a planning policy. Of course, what he could do is lay a requête that seeks to make common sense a planning policy and see how far he gets with that one, but I doubt if he will get much support, due to the fact that common sense is subjective. What is considered to be common sense to somebody is not necessarily considered to be common sense for somebody else.

I do empathise with his view because that issue frustrates the Members of the DPA from time to time as well, the same as compassion. That is not a planning policy and again that frustrates Members of the DPA from time to time as well. So even though the policies of the IDP are fairly flexible, there is no opportunity for the officers or the Members of the committee to introduce either compassion or what they consider to be common sense when deciding upon a planning application.

I have spoken to colleagues about this sir in the past and some of them have told me. 'You have got general material planning considerations you can invoke.' Yes we have. They are tools in the box, but they still have to be backed up by a policy when one of them is invoked.

I am reminded, sir, of the time during a previous debate, when we were discussing the IDP and Deputy Brouard said we needed to strengthen our planning considerations and broaden them out in order for them to be more effective. However, when I asked him how he thought we could actually do that, he did not answer the question and so we are still waiting for an answer from Deputy Brouard on that one and we would be extremely grateful to Deputy Brouard if he could actually provide us with an answer to that question because, until he does, I am afraid we have not got a clue what he is talking about.

The fact of the matter is the States have tied themselves up in knots regarding planning policies over the years and even though this Assembly do their absolute utmost to untangle those knots when we debated 33 amendments to the IDP back in 2016, I believe the initial problems were caused when the Assembly of the time put the Strategic Land Use Plan in place, Deputy Dorey referred to that earlier, I think it was back in 2008. That caused the problems. Because that was the Plan that set out the framework for the vast majority of the future development to take place in St Peter Port and the north of the Island. Because of that, layer upon layer of bureaucracy has been added and planning is now extremely complex.

Moving towards a close, sir, I am also reminded of the time I was talking to a former Deputy, who shall remain nameless, several years ago now. He told me he enjoyed 95% of his time in politics, but the other 5% of the time he felt as though he was trying to walk through a field of treacle in a pair of Wellington boots. So I looked at him and I said, 'Actually Jeff, it is the opposite way around for me.' And that is the way I have always felt about planning. There is always another obstacle to negotiate and there is always another knot to untangle.

I just want to give my colleagues a prime example of that sort of unnecessary red tape and bureaucracy and obstacles and knots and misunderstandings and misinterpretation of the policies in place I am talking about here. When Members of the Assembly voted in favour of protecting and retaining the Cobo Alice Field, they thought they were actually doing that and that should have been the end of the matter. It should have stayed as the open field colleagues thought they had voted for.

As we all know, it was not as simple as that and the Cobo Alice Field now has a three-feet high wall around it. Not only that, but it has been included in the domestic curtilage and a planning application could be submitted any time for a building of some kind to be placed in the field. That is how difficult the current policies and laws are to interpret. In closing, I apologise, through the chair, to my colleagues for the length of my speech but seeing as I have had a bit of a rollercoaster ride as a Member of the DPA over the years, I wanted to get a few things on Hansard.

Thank you, sir.

The Bailiff: I will next call Deputy de Lisle and then after him it will be Deputy Gollop if he is able to participate at that point.

Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

I think it is useful to have a monitoring of the policies in the IDP and, of course, that is at a time when many people have asked for a complete review of the IDP, so I do not think it hurts. Although, truly, the document is weighty but the fact is that the subject is also quite weighty.

While I have an interest, really, in certain areas of agriculture and the Town, I think it is worth making a couple of points and I will be brief. Because I think this is what we are supposed to be looking at, the Report that has been produced. The Monitoring Report that has been produced, and perhaps making a couple of comments on it.

To make a full report or comment on it would take too long. I am looking for a page here. With respect to the inspectors' report earlier, during the planning inquiry for the IDP, he did not find any evidence that the amount of public parking in the main centres was below that required to function fully economically, as an economic and social centre.

I think during normal times, people continually complain about the lack of parking in the main town centre and I speak for both the Bridge and also our main Town. They complain also about the constrained parking times in areas close into the shopping centre, facing Town visitors, to rush through rather than to leisurely stroll, if you like, and enjoy the time in Town.

A special problem arises, with respect of parking, when public activities take place in the downtown parking piers, which gives rise to a dearth of parking and, at times, on the Albert Pier, for example, spaces are closed off due to incoming cruise liners' bus parking. There is a particular problem at that time.

Sir, it is common economic theory that the economy of Guernsey will, in fact, depend on a vibrant open Town, particularly our urban centre, Guernsey's CBD, central business district. The fact remains that development of our Town is being constrained by parking availability. Just see how important plentiful parking is to outside of Town shopping malls and how parking has expanded in those areas over time.

I cannot emphasise enough that the growth of Town is critical to Guernsey's economic development. By constraining its growth, we are losing out to rival centres and growing economies around us, and this must change. Of course I am speaking here of normal times and I appreciate that we have got ourselves into a very difficult time but I am saying that if we want to get out of that in the future, we are really going to have to look at robust policies and opening up the Town to visitors and locals alike.

I now turn to concern regarding the development of green field land and prioritisation of brown field land for residential purposes in centres and in the countryside. The SLUP recognises that some green land will need to be identified for housing development. I think this has to change.

Too much green field land, not only within the centres, but outside, has been given planning permission, or has an approved development framework or is otherwise potentially suitable for development for housing purposes. This is certainly eroding the character of the centres and the countryside and placing demands on local infrastructure. So some form of sequential test to encourage the development of brown field for allocated housings sites first could be adopted and I encourage that.

There is need to prioritise the development of brown field sites before green field sites in centres for housing purposes. We have now got to the point of almost banning green field developments altogether on Guernsey, in that it has become some overwrought with development.

After this epidemic, we will have to look very seriously at producing more food locally and becoming far more self-sufficient as an Island community, as indeed we used to be. I just look at the farm buildings around the Island, all with their pig sties, that are empty at the current time, and it shows you the degree to which we used to have to produce locally in order to sustain the Island population. There is a perception that too much green field land has been given planning permission for residential purposes. Not just in centres, but in open countryside also.

Greater protection from development should be given to green field sites and this may, within and outside the centres, but also green fields outside the agricultural priority areas need protection. In fact agricultural priority areas prioritise agricultural use to within those areas and there are many fields outside of the priority areas, green fields, that need, also, protection.

And I think there has also been another issue that needs to be taken up. This has been loud concern in the community with regard to the change of use of agricultural land to domestic curtilage and I would hope that there is some focus in this particular area and rethink and strategy change

2865 in that particular area as well, particularly within the philosophy that we will be requiring perhaps more open land for food purposes and food supply in the future, as we react to the situations that we tend to find ourselves in given a crisis like the one we are going through at the current time.

Thank you, sir,

2870 **The Bailiff:** Deputy Gollop, are you able to join us?

Deputy Gollop: Thank you very much, sir.

I have just been listening to Deputy de Lisle's interesting observations about the need to look more creatively and protect green space, but I was entertained at the prospect that, should
2875 somebody like myself need a home, I might get permission to live in one of the reconditioned pig sties, as perhaps they are surplus to requirements at the moment.

Although, more seriously, I have heard of smallholders in Guernsey, who are running sustainable, market-based, innovative businesses, who perhaps have struggled with some of the planning issues over elements of farming. I think what the debate has proved to me is how difficult, says I, is the
2880 role of being on the planning committee or president of the planning committee, as I was for a few years. Because there certainly is a diverse view. We have Members who want more freedom for the economy and those who are prioritising environmental measures.

We had Deputy Lester Queripel very much wanting the option of a fully texted printed document for those who struggle online, and I would admit I am sometimes one of those people, but at the
2885 same time cost-conscious about colour. Well I think colour graphs and illustrations actually are extremely important in this and as the cost, he explained, was so great, I am tempted to suggest maybe the States should look into their printing procurement policies to see if there are cheaper ways of facilitating print outs.

Deputy Merrett, of course, was saying this document is full of too much detail. It is too big. It is
2890 too large. I felt that, but of course Deputy Merrett, along with many other Members, were calling for more detail. Bearing in mind we are increasingly thinking about World War II and the nature of so-called war governments and cabinets, I seem to recall Sir Winston Churchill once said that if an important document could not be summarised in two pages of A4, it was not really worth consideration.

I think we should bear that in mind, because I think it is pretty obvious the issues that the Annual
2895 Monitoring Report has to focus on. One is the excellent efforts by Deputy McSwiggan, Deputy de Sausmarez and others, and Deputy Merrett too, of focussing more on areas of ecological and biodiversity importance. Another is protecting green fields in the broadest sense, which is not just land that has been allocated as agricultural priority area, but maybe a green lung or a community
2900 amenity space in what might pass for a built-up area that has been developed or could be developed. A lack of social housing is another point and clearly, collectively, the States made the wrong judgement call in not facilitating a situation which certainly was not the planning officers' or committee's fault, of encouraging the right kind of affordable housing.

But my main contribution, which I do not think has been flagged up yet, apart from, perhaps,
2905 Deputy Inder's speech in the earlier debate, is the importance of streamlining certain planning provisions to facilitate community and economic development; whether it be, as Deputy de Lisle wants, enhancements of the Town, or seafront enhancement, to maybe innovative designs of industrial architecture in suitable places. We do not want to slow down, we want to speed up.

The thing that worried me most in the Report, when I read it, was that there is so much
2910 information or ideas about housing and the Housing Strategy, which we know Deputy Soulsby and Deputy Le Clerc tried to kick off in the previous term and then they had a report from Environment & Infrastructure, from an accountancy firm, that perhaps was not as helpful as it could have been.

I feel we need a new vision on housing because, even before the current Covid situation we are in, we have had five years of a rather shaky development market, of lots of planning permissions not being realised, of significant sites not being developed in an appropriate time frame and I think
2915 we do need a States' idea, a new partnership, of how best we can provide a variety of housing, both

social and aspirational, to the public in areas that do not over-suburbanise our society. We actually need, I think, constructively, for the planners and the environmentalists to work with the developers and find a common way forward and I do not feel this format necessarily works.

2920 Given some of us might have time on our hands to look into these areas, in the next few months, I still think work at some level can continue to ensure that we find a solution as to how best we can up our game on providing the right housing for the right people at the right price to make sure the housing market remains sustainable.

2925 Because all the numbers about projections must have gone out of the window, given the emigration and the migration and the possible changes of the marketplace and the uncertain nature of mortgage valuations and so on, perhaps, at the moment, although I am pleased to hear that there will be some opening up on that field next week. I think we need a lot more work before committing ourselves to those issues.

Thanking you.

2930

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

2935 I will just pick up some of the points that have been made in the debate. The biggest loss to agricultural land in this Island has been for recreational purposes, which is either in gardens or, more in particular, for horticulture, horses. That has been a considerable pull upon the amount of land that we have had for agriculture.

2940 In terms of food production, the two main areas of land, which are used for food, is either for dairy and a small amount for beef, and for potatoes. If we are going to grow any other crops, people are going to have to be prepared to pay higher prices for our food than can be imported. Potatoes work in this Island is a relatively large size of the market, which means that the farms can be mechanised and also the weight of the product, which means it is quite expensive to import.

2945 In terms of green fields and brown fields, this was first really highlighted by land use consultants who were commissioned to write a report on our land use policies back in the late eighties and they identified the need to have separation between the urban and rural areas. I always favoured, from that report and earlier, that we have proper town planning and we build out from our centres and that is how, in the Strategic Land Use Plan, you identified some local centres as well.

2950 But in terms of that proper town planning, we include some green areas for recreation but they are built around trying to protect the environment and to minimise travel distances that are needed. I would much rather see us build in the centre and urban area, if that has to be on a green field site, rather than build on the outskirts of an urban area, because it had a glass house site on it. I think it is far more beneficial to have proper town planning policies, which build out from the centre, ensuring there are recreation areas.

Thank you, sir.

2955

The Bailiff: Thank you. I see no one else wanting to speak, so I will invite Deputy Tindall to reply and then, after we have voted, I will propose that we take a short break.

Deputy Tindall.

2960 **Deputy Tindall:** Thank you, sir.

I just want to start with a comment, actually, that was made by my colleague Deputy Lester Queripel and actually was mentioned in the debate on the amendment, which is basically saying that our planning regime is overly complex. Deputy Prow said highly technical. But I think Deputy de Lisle summed it up. He said it is weighty as it is a weighty problem.

2965 Deputy Dorey mentioned, also, about the SLUP. It is important we keep these things and we do not lose what we have, because we need these planning Rules to be able to help growth, albeit they may need to be adapted, and Deputy Dorey talks about town planning, which of course is what our professional planners do and what the IDP is based on with the SLUP spatial policy at its heart.

2970 But it does lead to the question of how we adapt and that is in respect the monitoring. Deputy Gollop basically said, and I to a certain extent agree with him, that the whole statistics that we have at the moment, what we have been working on and looking at, is going to change. It is going to look different. It is going to look really different.

2975 Deputy Michelle Le Clerc mentioned in the previous debate about affordable housing. The monitoring is there and it shows how few affordable houses we have. That is the purpose of the monitoring. Yes, as Deputy Merrett mentioned, it is detailed. We have a requirement, under the SLUP and set out in more detail in the IDP, what monitoring we need to do. It requires annual monitoring, but done by way of quarterly reports, which are combined and summarised and reviewed, in order to show what is happening.

2980 It is detailed, but that is the information that in individual circumstances, if you just take the bit you want, it is actually detailed enough to work with, but still shows how much more we could collect. For example, at the end of the AMR 2017 and again in 2018, when we reported, as our obligation is, to go to the Committee *for the* Environment & Infrastructure, and also on one occasion in response from various committees, including Policy & Resources, we should add to that monitoring to get more information and we have no reason not to.

2985 However, before the unfortunate Covid crisis, officers had already prepared a paper in order for us to discuss exactly what we do present, the quantity. Because clearly again we need direction from other committees as to what information they are finding useful and we need to collate. And it will be even more pertinent under Covid and the recovery, in order to make sure that is absolutely targeted in order to be able to get the best and to encourage as much construction and development as is required under the Revised States' Strategies.

2990 So, yes, it is useful information and whatever information we collate, we must keep, because it is always annoying, when you look back, and you think, I wish I kept that piece of information, because it is now relevant.

2995 The point made by Deputy McSwiggan, and again I thank her and Deputy de Sausmarez, this really for me highlights the point here is that we are at the beck and call of the rest of the States and, as mentioned, the Climate Change Action Plan, because the amendment really was going to the heart of self-sustaining and environmental resilience for these smallholdings. But actually the planning policies are not really the right tool. We will help and we have added it. We have no objection, obviously, to including it. But the point is that it is really Environment & Infrastructure and Economic Development who need to do their bit.

3000 Deputy McSwiggan talked about welcoming planning gateways available. We feel that they are there. We feel that there is not a problem at the moment. We are welcoming, as explained by th3e various examples given in debate and previously, long ago in March, that they were misunderstandings of what we already have. So hopefully, when the time comes and we can do these enhancements, we will find that there does not need a great deal of change but more importantly we will look at it and, most importantly, it will be directed by other committees and other States' policies.

3010 I would just like to finish with Deputy de Lisle's point about parking. Not because of parking's sake, but he invoked this image of yesteryear when we had events on the front, when we had cruise ships, when there was a problem finding a parking space in Town, when we did not shop online.

3015 All of these things really set the scene, not only for me is that relating to the debate on the Integrated Transport Strategy and therefore another States' policy that very much informs the IDP, but it does invoke a different time. We do not know what life will be like and we have to adapt and we have to be aware, but I do leave on one note, sir, and that is the fact that we have truly benefited from seeing an abundance of nature and I hope that that will continue, because that has been beautiful. Thank you, sir.

The Bailiff: Thank you.

3020 Well we have had a request to take Proposition 3 separately. I think we can take Propositions 1 and 2 together and nobody has requested a recorded vote, so we will go *aux voix*, as it is. Please send your votes in via the Chat column starting now.

Members voted Pour.

The Bailiff: I think that Propositions 1 and 2 have been overwhelmingly carried.

Next we will vote on Proposition 3. Proposition 3, I remind you, taken from the revised set of Propositions substituted under amendment 3. Proposition 3.

Members voted Pour.

3025 **The Bailiff:** Thank you very much. I think voting has concluded and overwhelmingly in favour. So I declare Proposition 3 also to have been carried.

**Procedural –
Additional Proposition under Rule 18**

3030 **The Bailiff:** Just before we break, the States' Greffier suggested that I advise you that he has just received from the Policy & Resources Committee a Proposition and accompanying policy letter, under Rule 18, entitled Covid-19 Pandemic Funding and Financial Response. It is not yet on the website but it will be published there, he hopes, within the next half an hour or so.

So that is just an advance warning. We clearly will not get to that today, we will have to give some consideration as to whether it is possible to vote on it tomorrow, but we will come to that later in the day. So for now, we will rise. It is 1608 on my clock. I suggest we resume at 1615.

Thank you.

*The Assembly adjourned at 4.09 p.m.
and resumed at 4.15 p.m.*

**IV. Requête –
Suspension of Carrying Out of Works further to Proposals
for the Partial Removal of the Anti-Tank Wall in the Eastern Part
of Pembroke Bay (L'Ancrese East) and the Managed Re-Alignment
of the Coastline in that Area –
Debate commenced**

Article IV.

The States are asked to decide: –

Whether, after consideration of the Requête dated 27th November 2019, they are of the opinion:

1. To agree that the carrying out of any works to implement the managed realignment of the coastline at L'Ancrese East as set out in Section 7 of the policy letter of the Committee for the Environment & Infrastructure dated 18th August 2017 and described in Section 6, Volume 1 of the report "Guernsey Coastal Defences" prepared by Royal Haskoning Dhv further to the Resolution of the States made at their meeting on 29th September 2017 be suspended.

2. To agree that the period of suspension shall be 10 years from the date of this Resolution or such shorter period as the States may at any future time by resolution determine.

3. To direct the Committee for the Environment & Infrastructure to arrange for implementation of a maintenance schedule as proposed in Recital 6.

4. In the event of a failure of the wall, resulting in the ingress of the sea onto the common, to direct the Committee for the Environment & Infrastructure to revert to the States with proposals for minimising any damage to the common, which may include a proposal for managed re-alignment in accordance with the Resolution of the States of 29th September 2017 referred to in Recital 1.

3035 **The Deputy Greffier:** Article IV – Requête – Suspension of carrying out of works further to proposals for the partial removal of the anti-tank wall in the eastern part of Pembroke Bay, L'Ancrese East and a managed re-alignment of the coastline in that area and establishment of a moratorium period of 10 years, during which time, suitable maintenance undertaken to provide stability to the wall.

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The Bailiff: Debate will be opened by the lead requérant, Deputy Brouard.

Deputy Brouard: Thank you, sir.

3045 I do feel a little uncomfortable debating what to many is a non-urgent matter of business, in the midst of a pandemic, with so many people working to save lives, etc. So that is why it was important that we deal with this matter in priority, which we have done today, making sure we cover all Rule 18 items first.

3050 I do not feel quite so guilty when I now look to the future Agenda list, all within the envelope of the Covid pandemic: amendments to the Preferred Debts (Guernsey) Law, 1983; appointment of directors or third-party planning appeals policy letter. As Deputy Roffey said, in one of his emails, if not now, when?

3055 All these new Laws and policy, some 30-plus individual items, and many to come, face us in the weeks ahead. Do we defer, or act in an appropriate order and also bearing in mind staff resources to facilitate us and which policies need to be progressed at this time, ensuring that we put Covid matters first?

3060 The removal of the wall is a significant amount of expenditure, which is now needed elsewhere. Doing a small amount of maintenance work is less of a draw on staff resources than a large removal project, plus the saving of hundreds of thousands on the EIA. We need to do the maintenance this summer, if possible, before the next winter.

3065 First of all, I wish to place on record my thanks to the other six requérants, without whom I would not be able to bring this Proposition. This Requête could be crafted in many ways, but I do appreciate that there was a debate and the States narrowly endorsed the managed realignment. It almost sounds benign, the 'managed realignment'. But it is nothing of the sort. It was carried 17 votes to 15, but with six of my colleagues absent and two je ne vote pas.

3070 I will no doubt get some stick on the timing, but most of that is and was outside of the requérants control. I first approached E&I pre-summer recess, 2019, advising on my thoughts and looking for assistance in drafting. E&I, due to pressure of other work, were not able to see us until the back end of August, to discuss how our thoughts and understanding from an engineering perspective, our hopes could be reasonably met.

3075 Following subsequent meetings, in person and on the phone, and taking on board the advice, we have the Requête laid before you today, lodged in November. I also wish to thank HM Comptroller, who took the concept forward and turned our wishes and E&I's advice into a published article.

3080 I have had criticism that I was counting for signatories even before I had completed the Requête. In my view, I felt there was no point in staff and officials spending hours of work, if it had no chance of flying. As I found out, support was strong, and I could not accommodate all those who wished to support or to be associated with this suspension of alignment.

One other driver to bring this Requête sooner rather than later, was to try and halt the environmental impact assessment, as this in itself is expected to cost between £126,000 and

3080 £150,000. I have kept the DPA, through its officers, advised of the possibility that this Requête was under consideration and again this was advised prior to last summer recess.

3085 So what does the Requête call for? Well it pauses the removal of 130 metres of the anti-tank wall for 10 years. It requests reinforcement with rock armour and it requests maintenance over the 10 years. I had originally, rather than have the removal of the wall, I would have thought a slow decline and keep it safe and just see what happens. However, on advice from the professionals at E&I, they have made a reasonable case that, rather than gentle decline, with a possible catastrophic failure or viper spike as they called it – I think that is where you get a concentrated encroachment – that a better way forward was to introduce some further protection to the wall.

3090 That, coupled with the changing conditions in the bay, which have removed material nothing to do with the wall, has made me change my mind from slow decline to some form of positive action, which would halt decline and give more options in the future and the wall may well last beyond the 10 years.

3095 One of my personal main concerns and objections to the removal of the wall is the insertion into a pristine beach of two humongous stone groynes. Now they were originally going to be half way down the beach, with their man-made core being the broken bit of the concrete wall, which is being removed. But the consultants now advise that the concrete would not be suitable so it will be taken off site for recycling or whatever.

3100 The groynes have become shorter, but whether that is from a design or aesthetics point of view, I have no further information. But what a travesty – beach, which has recently been recognised as the third-best beach accessible by ferry via St Peter Port, and here we are putting large groynes down the centre of it!

3105 Here we speak of environmental best practice and carbon footprints and one less plastic cup or straw but do we have an assessment of the carbon count to remove the wall? Top of that waste hierarchy is prevention. We can prevent hundreds of tonnes of concrete being crushed and transported, since it cannot be used in the groynes, a toilet block destroyed and maybe rebuilt and the same for the café, destroyed and then maybe rebuilt. Is that a good use of resources and will the café or toilet ever be rebuilt?

3110 The rock armour revetment we are calling for is a bit different and it can be used to make the groynes, if you eventually want to go down that route. But removing it is far more positive for it for my planet than the removal of the wall and the stones for the groynes.

3115 I am not going to be prescriptive as to which argument holds greater weight, or where you should hang your hat. I will lay out some further reasons why this alignment is a very bad idea. Some will resonate with you more than others. Some I will emphasise more than others. It is also science, some arguments may come down to possibilities or probabilities. The 100 years storm, will that be tomorrow, or in many years' time, when our grandchildren are on the beach?

Some arguments come down to new science and rising sea levels. Some arguments rely on gut instinct, some arguments to keep the wall may be even political. Some arguments are down to pure finance. When we debated it in the States in 2017 some of the possibilities came out, but there are some that did not, or not to a sufficient extent.

3120 Back in 2017, E&I, with a requête on the agenda from Deputy Inder, rather than have that item as the main focus, they brought a report letter to the States and that became the substantive Proposition. I do not think E&I would have brought the policy letter to the States, had it not been for the Inder requête and the work that Deputy Inder and colleagues have done, as the work at approximately £1 million would have fallen under E&I's business as usual. But would it?

3125 I may be playing semantics but the fund E&I were to use was the coastal repair scheme. I hardly think removing 130 metres of wall constitutes a repair. It is like asking your plumber to repair a leaking tap on the bath, only to find the solution when you come home is to find the bath has been removed.

3130 E&I, as States' Members over the years I think do acknowledge, there has been of lack of investment and maintenance of our coastal infrastructure. Not just in the Environment & Infrastructure or the previous Environment Department, we as a States dictate and give the budget

to coastal repair and collectively, we and our predecessors, have not provided adequate resource and direction and it is only recently over the issue of the Perelle sea walls, an unfortunate thing for them but a catalyst.

3135 What we do not want to do is reward that previous under provision in maintenance by removing the wall. E&I, to be fair, have done masses of work on coastal walls in the last three years, with a bigger budget than the few thousands the States gave past committees.

Royal Haskoning were employed as a consultant and, back in August 2015, the then board of the Environment Department, selected the option 7(b) of managed realignment. I do apologise, I
3140 will be a few minutes, unlike normal policy letters requêtes tend to rely on the opening oratory to set out their stall.

Consultants are both heroes and villains, depending on which side of the argument you are on. Consultants give advice. You choose whether to take it or not. Remember, following consultants' well-considered advice, mathematical projections worked out within the parameters of X, Y and Z
3145 and, bless them, we would have had a 70,000 tonne mass burn incinerator sitting in St Sampson's, looking for things to burn, with our residual waste now running to black bags of below 9,000 tonnes, which is central for refuse-supplied fuel, for heat recovery, and add to that 5,000 tonnes of food waste, which we export for recovery. But that would have been burned and add that to the commercial and private waste and we would be struggling to get anywhere near 3,000 tonnes.

3150 But what a far better solution we have, for St Sampson's, for Guernsey and the planet, by recycling. Did the expert consultants who came up with the next iteration of the 40,000-tonne incinerator hold the right decision for the Island? Clearly not and both, I think, were changed on the back of requêtes.

Did the consultants who said we needed a 30-metre high ski jump at the end of our runway, in order to facilitate the runway rehabilitation, which incidentally was removed by an amendment from the late Deputy Kuttelwascher and Brouard. Did that consultancy firm get it right first time? I venture
3155 not.

Consultants do get it right. The MSG consultants who fixed my *[inaudible]* when I strained myself lifting in Santa's Grotto did a miraculous job and I am sure most of you have stories where
3160 consultants have been of great value to a committee or to yourselves. But consultants are not a panacea. They are a tool in our box.

This, by all accounts, is an experiment on our coastline. As one of the letters of support said, models work well until they do not, or plans rarely survive first contact with the enemy.

3165 So let us look at where I think they have missed a vital part of the argument in the removal of the wall. I do not think it is appreciated that there have been sea defences along Pembroke Bay going back centuries. The Duke of Richmond map of 1787, as illustrated in the *Press* article in November 2015, appears to show that there was a sea wall, or defences of some sort, along the whole length of L'Ancrese Bay. In Haskoning's March 2012 report:

There appears to have been some form of defence, even at this time, to the east of the bay, in front of the buildings in this area.

3170 Excuse me one second. If you look at the photo circulated by Deputy Brehaut recently on email, showing a pre-wall picture of the bay, probably 19th Century, there are clearly sections of wall. One of my new arguments as to why you should support the Requête is this: we are advised by E&I that the cause of the problem with the wall at L'Ancrese East is that it has been built forward of the natural beach and hence is under constant pressure and the increased risk of failure and a beach
3175 head will form behind where the wall is now.

But when you read Haskoning's report page 117:

Continued loss of beach material ..together with deterioration of the sheet piles ...

They also show, in the Haskoning report, an interesting picture, taken prior to the construction of the main wall and a picture as it is today, and they say this:

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It may be seen that while the line of defence is set back by a potential 20 metres, the back shore did support a narrow dune system, with an upper beach and shingle berm.

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These three words are significant. So what they say is that the Germans built the anti-tank wall at the western end of Pembroke, 20 metres further back from the top of the beach and the narrow strip of dunes. So where are they now? Where is the sand dune and the top of the beach? You cannot use the argument that the wall has caused the problem, it was built 20 metres further back. Yet the sea has claimed that beach head, which is the lee area and an area where one would expect deposition.

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I cannot emphasise enough the significance of this. Twenty metres of dune, the very dune E&I believe will be created, has been eaten by the sea at the western end and Haskoning said, 'continued loss of beach material'. So it is the wall which is now preventing loss of the common. There was 20 metres of dune, which has gone. So if you remove the wall, there is every chance erosion will continue and no magical, pretty shingle dune beach head will ever come.

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The information from residents of the area, they say that where they have walked as children, those paths have been taken by the sea, like at Fontanelle. So why is there not deposition of shingle or dunes there? Why is there continued erosion, just as erosion took the dunes that remained in front of the anti-tank wall? Or how much material was removed from the beach by the occupying forces, so why has that material not been replaced naturally?

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I just want to touch on sand. Sand at L'Ancrese is several metres deep, as was found out when the shore cable was put in, in 2016, and the wave cable on 2008. On the landward side, there was sand about four or five metres deep behind the anti-tank wall. What I had not understood is that dunes do not get made in a constant, regular fashion. In fact, the archaeological data advises that there have been several recognised phases of sound due formation in the relative recent past, and they take Herm Common as an example. Evidence there of sand blows from approximately 5,000 years ago, with further intensive phases in the Iron Age and again in between the 12th and 7th Century.

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Evidence on L'Ancrese shows a major sand blow between 1000 and 1200 AD when the Neolithic monument was covered by two metres of sand. The point that I take away from this is it is showing that sound dune making comes in periods, so my concern is will we have a sand dune making period, or will we just have to use sand that is already embedded in the Common? I will leave you to ponder.

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There is certainly not much evidence of this being made now, or the return of the dune that was in front of the western end of the wall, which I referred to earlier.

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So what if the consultants are wrong? Will they pay for the wall to be put back? How many years will we have that part of the beach covered in mud and detritus. The consultants estimate two years. Are they right? Will the groynes hold the sand? Whether they do or they do not, they will be an ugly block on the beautiful beach.

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Before someone jumps and says rock armour is not attractive, I have sympathy. But a strip of rock armour to protect the wall is far more palatable to me and the Commons Council, the stones would be of a size larger and of a weight that can be reviewed in 10 years' time, if you decide to go ahead later with this experiment of groynes on the beach.

So to recap at this stage, consultants are not always right and the argument that a beach head will form is lost, because where there was a natural beach head in front of the wall at the Pembroke end, the sea has taken back.

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My next argument is one of deliberate damage being caused to other people's land. E&I have taken upon themselves to remove an anti-tank wall, but as Deputy Smithies hopefully will explain there are many structures which have changed use over time. And answer me this, if it was an anti-tank wall and of no use, why have we spent £70,757 in the 12 years up to 2017 maintaining a tank wall? Were we expecting tanks? It has become a sea defence and it is a sea defence and it will be a sea defence, certainly, for the remaining metreage of wall that is going to be left.

3230 We do not own, as the States of Guernsey, the land behind the wall. The land we are about to sacrifice to the sea is vested in the habitant of the Clos du Valle who, through their organisation, the Vale Commons Council, manages their right as custodian. They are against the removal of the wall. They are against the groynes, and they are unanimous in wanting the retention of the kiosk and the toilet.

3235 Now back in 1932, the ... *[Inaudible]* was made and it was to solve many issues. Many parties had rights. There were ownership issues, there are contentions over various bits of the common and my understanding was to put all those different positions to one organisation to manage and act as guardian or custodian, like the head of a co-operative. Some had ownership, some had rights and the Vale Commons Council's role was to protect and manage all the interests.

The Vale Commons Council is obliged by Law, Ordinance 11, 1932:

3240 Regulate and supervise the use of the Common.

It goes on to say in Article IV, and I will read the whole of Article IV, it is quite short.

In general function, the Council shall be to regulate and supervise the use of the Common, not only as place of exercise of common pasture but as a place of public resort and recreation and in such a way as to ensure, as far as possible, to every person the opportunity to enjoy the amenity of the place for those purposes and to prevent any use which would be harmful to the general interest.

3245 I will repeat that last sentence, it is very important: '... and to prevent any use which would be harmful to the general interest.' Also in the 1932 Ordinance, Article XVIII talks about regulations, one of them, one of the sub-ones, is number 3:

3. No one shall cut or otherwise damage the turf of the commons or other things growing on them.

4. Shall take away turf or sand from the common.

It further goes on in the Law:

And the courts may order that all costs of removal, cleansing or restoration incurred by the council, in consequence of any infraction of this Article shall be paid for by the delinquent, in addition to any fine, which may be inflicted.

3250 So we have an organisation legally set up by the Royal Court to manage this land as best they can for the inhabitants and manage as they see fit and we are going to allow the States to destroy the very common that they are mandated to look after. So let us be very clear. The Vale Commons Council do not want the removal of the wall. So what is the legal position of a Government removing a wall, which is acting as a defence, and deliberately allowing, in the eyes of the Vale Commons Council, destruction of what they are entrusted to manage?

3255 So by what right, morally and legally, have E&I to deliberately take steps to destroy part of the common, some four and a half vergées, when those charged with its very safekeeping do not want the all removed or the land disturbed? I am not even going to mention the Loophole Tower where, with the high-level predictions of erosion that could take place, the high-water mark would be within 14 metres.

3260 If, perchance, we lose this Requête and the 15th Fairway is removed, will E&I pay all the costs, possibly several hundreds of thousands? But that is not the point. The custodians of the common do not want the wall removed. I say again, by what right to E&I, the common is not owned by the States of Guernsey, to deliberately damage someone else's property, knowingly and against their collective will? If they were in favour, that is a different story, but they are not. It is not our land to flood.

3265 Just touching on flood, two different but connected climate change forces are in play. We have rising sea levels and we are seeing freak storms. Although the land behind the proposed removal is higher ground –

3270 **The Bailiff:** Sorry, I have just spotted, Deputy Brouard, a point of correction from Deputy Hansmann Rouxel. Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

3275 I really did not want to have to point of correct, but I fear that Deputy Brouard is in danger of misleading the States and the wider public in the use of his inflammatory rhetoric around legal challenge and I think that he needs to be more careful with how he states his use of what could be legally challenged.

Making the assumption –

3280 **The Bailiff:** Is this a point of correction or a speech?

Deputy Hansmann Rouxel: I apologise but there were a number of comments, but it is around saying things like destroying the common and the 15th Fairway will be removed. This is not true and Deputy Brouard needs to remain in the realms of reality and not fiction.

3285 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

3290 First of all, I never said the 15th Fairway will be removed. It might be moved because the sea would have encroached upon it. With regard to legal challenge, I did check with Her Majesty's lawyers about the comments and the position of the Vales Common Council and the jury is still out. There could be a legal challenge. I am not encouraging one, necessarily, but there could be.

3295 What I trying to make the point is that we have set up the Vales Common Council to look after and manage this land, including the four and a half vergées that E&I wish to flood. They are opposed to that particular position and that is the position that they find themselves in. What do they do? They do not want it to happen and they are mandated by us, through the Royal Court, to look after this land as they see fit, and they do not wish to see this particular area flooded or the wall removed.

3300 Just where I was with flood risks, we have rising sea levels and we are seeing freak storms. Although the land behind the proposed removal is higher ground, the run around the bay is not. The risk of flooding is more at the Pembroke end, but this could be further exacerbated by flood waters, which would now have access behind the wall, putting the building on the western side, like the clubhouse, at risk.

3305 The 15th Fairway, I understand, is below the high-water mark, and is already subject to some flooding in extreme weather condition. That is with the wall. Both clubs have real concerns for the fairway if the wall is removed and are also against the removal of the wall. So at an unprecedented time in our history, with climate change and sea levels predicted to rise by 30 centimetres by 2050 and 70 centimetres by the year 2100, while other places are increasing their sea defences, we are happily taking down ours and paying £1 million for the privilege of an experiment, with no guarantees. Now are the consultants going to guarantee their solution and back it with a bond?

3310 The coastal path is heavily used. Now I am a very occasional park runner. It is every Saturday at 9 a.m. and at hundreds of sites around the world, as well as in the UK. The Guernsey course is at L'Ancrese and I have run it a few times. The main issue is the coastal path will have to be re-sited further south and that brings it into proximity with the golfing fairways and they have to be sited even further south as the Vale Commons Council may be unable to grant permission for the relocation of the path on safety grounds.

3315 The groynes will also prevent walking the beach, other than at three-quarters tide down, because the groynes will stick across the beach and you will be unable to, unless you want to climb over them. But for many people, unless you are able to climb them, you will not be able to walk the length of the beach at anywhere approaching high tide.

3320 For most of us, for most of the time, we can manage many hours without a toilet break. But some cannot. There are a few in this Assembly who show much fortitude; Mr Bailiff rarely leaves his

seat. But we do not build many new public toilets. I did quite a bit of work with the urology nurse, many years ago, to see what we could do, to ensure we maintained our public toilets and tried to get a facility back in Market Square. Although none of my making, just recently the market development has put in some excellent public toilets in Market Square and must be applauded.

So with this experiment, E&I in theory solved one of their problems, that of ongoing maintenance of the wall, after spending £1 million, but leaves others to pick up the pieces. The café and toilet block will go, but there is no provision or design by E&I to budget to replace the café or toilet block, expecting someone else to pick up the tab.

Will the café be viable as a new build? Will a new toilet block ever be built? This is the place of a public recreational facility, where a toilet is needed, both for beach goers, walkers. With our changing demographic and with more healthy lifestyles and education, we will have more people using the common and, by age, people more likely to have the comfort of knowing that there are facilities available. These may be basic amenities but trying to make Guernsey the happiest place in the world, our main objective for the future of Guernsey, how does removing facilities that give both pleasure and relief, or the loss of a golfing hole, bring us closer to that goal?

Now part of the driver of this is to secure a dune system, which is a rare habitat in Guernsey. But what must not be lost is that we already have a very rare resource behind the wall and that is of coastal grassland, which is a type of land that the Société Herd is trying to re-establish elsewhere.

So be under no illusion, you run the risk of trading a known valuable type of habitat with the possibility of a slightly rarer type of habitat. The difference is a subtle one and it is not like we are trading tarmac for a rainforest, you are just moving up the habitat scale. Of course, if it works.

By removing 130 metres of wall, you do not solve all your ongoing maintenance issues at L'Ancrese. You have dune management and rock armour management, and it is a design life of 50-plus years. But you still have the remaining 795 metres of anti-tank wall to maintain. Or will you?

I am really nearing the end, I just want to touch now on the historical connection with the wall. There is an increasing economic benefit to the Island from visitors whose interests include Hitler's Atlantic War, of which the Channel Islands are of great historical interest. I need to check, but I think in Jersey they have listings of structures. Now I am not a member of Festung Guernsey, they are non-profit organisation to promote and preserve the Island's German fortifications.

The wall was built following Hitler's fortification directive of October 1941 that beaches should be protected from tanks brought ashore from landing craft. Now on the maps and engineers' reports, the plan was for 12 separate anti-tank walls, totalling 7,500 metres, from Fontanelle Bay in the north, along the coast as far as Rocquaine. By Liberation, only 1,061 metres had been completed. We also do not know with certainty what we will find when the wall is removed. There are some difficult sensitivities both about the wall and those who actually built it.

I just want to bust another myth: it is an anti-tank wall, not a sea defence. This is what the person who built it said. This is from Graf von Schmettow, the Commander, and he stated the following:

Apart from their tactical purpose the walls were valuable fortification of the shore itself against the surf which was often very heavy and against the sea breaking in to the islands, so they were construction that would retain their high value even after the war.

So you can quite legitimately say it was built as an anti-tank wall and serves as a sea defence. The wall, PZM2, is a rare example of wall nearing completion. It is missing a few elements of fortifications and topping out, as seen at the anti-tank wall at Longis in Alderney and at one in Jersey.

I just want to touch on, as well, just before I finish, on the letters of comment from my own team at P&R, drawing on consultants – I have mentioned consultants – advising that if we do not do this we will be undertaking a high-risk approach. I tend to disagree. I think the high-risk approach is to remove the wall with no empirical evidence that the scheme will work so, by the very nature of not removing the other 795 metres, we must therefore be taking a high-risk position with the remaining metrage.

Now I did not come up with the scheme in front of you. It came up from E&I staff. Their advice was not to allow an uncontrolled decline, but to do some remedial work and allow a budget for maintenance that would give the best chance of the wall to remain for a further 10 years. Of course, the wall could be washed away tomorrow in a catastrophic storm. Or washed away in nine years' time. It may still be there in 20 or 30 years' time.

Timing is everything and often used as a cliché in this Assembly. The E&I removal scheme is north of £1 million. This practical, prudent and, I hope, persuasive argument, that we undertake some medium maintenance, we have every chance that £300,000 will see the wall through the next 10 years and hopefully beyond, leaving £700,000 in the reserves.

This is a marine world, where there are no guarantees for any wall, whether that is the L'Ancrese sea wall, the anti-tank wall, the harbour breakwater before the Rocquaine sea wall. What the Requête does do is it provides a reasonable amount of reinforcement and maintenance, not necessarily securing the wall for the next 100 years, although it may well hold, and if, perchance, there is a catastrophic breach within 10 years, E&I will return to the States for guidance.

If there is no significant change in 10 years, then E&I returns to the States in 10 years' time with proposals. Something really, you probably will not have time to see this, but I saw a video of the wave action of a storm when it was crashing into the wall at the eastern end and it is absolutely amazing. Where the rock armour is in place, it was completely dissipating the waves. Where it was not, it was the full force of the waves hitting the wall and it does show how much benefit rock armour in front of that wall will do.

My thanks to Deputies Stephens, Inder, Laurie Queripel, Ferbrache, Dudley-Owen and Prow and also the others who gladly signed but were prevented by the maximum seven signature rule. I would also like to place on record the help I received from the two golf clubs, the Vale Commons Council, Festung Guernsey, Graham Guille, Gary Blanchford, Friends of the Vale Common and George Domaille and everyone else who has been in touch.

Usually we have a mixture of fors and againsts in our email traffic as Deputies. I am struggling to name on one hand, actually half a hand, those who have contacted me in favour of the removal of the wall. The very people who live around the common, the inhabitants, those that play on the common, over 1,000 golfers and those with responsibility to manage the common, none are in favour. So who are you removing it for?

I am not precious which argument helps you to support the Requête, whether it is the dune system that was in front of the wall and now gone or the custodianship of the land and what right the States have to deliberately allow encroachment of the sea against the wishes of the custodian of the common. Or the £1 million-plus not being spent.

I am not an expert, but if it was my wall, I know exactly what I would do. Do some maintenance, see what happens and if a breach occurs, I would fill it in. There has also been an offer of help from WRD Engineers, via the Vale Commons Council, who have studied the wall and have got some ideas and advice for its maintenance and suggestions on how it can be kept safe.

Finally, I just want to turn to the Proposition in the programme, of which panels, when, how, what, how much to spend, what would be a reasonable amount to allocate towards the maintenance. It is not my plan, it is what the staff at E&I and Property Services suggested would be reasonable to achieve the objective 10-year moratorium.

The Proposition suspends the extant Resolution to remove the wall. It puts a time limit of 10 years, it puts reinforcing rock armour in place at about 100k and maintenance set aside of about 200k. In the event of a failure of the wall, the one in 100 years storm. E&I return to the States.

I am sorry for taking a bit of time. I hope I have given you enough to be able to maintain the wall, keep the toilet facilities and the little café. It keeps the coastal path and enables people to walk the beach and the 15th Fairway lives on. No ugly groynes, far less risk on a stunning, family beach. I cannot stress enough the very people that we as an Island have entrusted the common with, through the Royal Court, for the last 90 years, really do not want the wall removed. Morally we have a duty of care and surely, legally, you flood your neighbours' land intentionally, you are not a good neighbour? Please support the Requête.

Thank you very much, sir.

The Bailiff: I will call next the Presidents of the Committees who have commented on the Requête, if they wish to speak, first of all the President of Policy & Resources Committee, Deputy St Pier?

Deputy St Pier: Yes please sir.

I will be relatively brief, merely drawing Members' attention to the letter of comment provided by the Policy & Resources Committee, obviously absent Deputies Brouard and Stephens, dated 14th February, which Members will have received and obviously we consulted prior to submitting that letter, with the Committees *for the* Environment & Infrastructure, Development & Planning Authority and the Committee *for* Education, Sport & Culture. No doubt they may choose to comment in due course.

Sir, the Policy & Resources Committee is conscious that this Assembly has already considered this matter in September 2017, when it considered the policy letter from the Committee *for the* Environment & Infrastructure, and it resolved at that time to endorse proposals to implement the managed realignment.

The policy letter did provide a detailed and costed analysis of a number of different options for the management of the infrastructure in Pembroke Bay and, of course, was supported by the independent and objective expert advice from the internationally recognised consultants in this area, Royal Haskoning, who have obviously got, well, over a century of experience in sustainable development.

There clearly are some strongly held views and Deputy Brouard has articulated those in opening debate about the best options for managing the coastline and coastal defences, including of course concerns about the impact on the common, as he has expressed them through the managed realignment.

However, as highlighted in the letter of comment from the Committee *for the* Environment & Infrastructure, if supported, the Requête will substantially increase the maintenance costs over a period of time without any indication of the benefits of this approach over that which was approved by this Assembly back in September 2017.

So the Policy & Resources Committee does recommend that the States of Deliberation should adhere to their original decision and I think that has been validated by the Committee *for the* Environment & Infrastructure's letter of comment, which is appended to our own, and they are of course the Committee that is mandated to advise us all on these matters.

We have previously made an evidence-based decision, drawing on highly regarded expert advice that had been commissioned and there has been no material change since then to require that decision to be reconsidered. We do not believe the Requête should be supported because, if approved, it will see the States taking a high-risk approach to the management of this area of the coastline and one which could prove extremely costly for us, both in terms of the repair costs and the management of the adjoining areas to the common.

So it is clear, sir, that the three Members of the Policy & Resources Committee who considered this Requête remain of the view that the States should reject this Requête and support the original decision made by the States nearly three years ago.

Thank you, sir.

The Bailiff: Next, the President of the Committee *for the* Environment & Infrastructure, Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir.

I will speak now. I got the sense that I think this debate has almost lasted as long as the Occupation and I think Members are keen now to move on so I feel I should speak now and do a little bit of tidying up while Deputy Brouard's speech was still on people's minds.

He is right, we did have some representations. We had about 22 emails from habitants and golfers, bearing in mind there are probably over 1,000 golfers, as he said, and a few more habitants. So to have that volume of emails for something that he alleges affects people so directly, is an interesting observation.

I believe Deputy Brouard is misleading the States. He says his plan is on the advice of E&I. Now Deputy Brouard has met the staff, he has met with the engineers who are responsible for overseeing the project, he has met with them and discussed his proposal with them. Of course, the advice they have given him is that you can do this without jeopardising the wall further, which is a fundamentally different thing to what E&I are trying to do.

So, yes, he has had advice, but he has had advice from staff and engineers on the integrity of the wall and the minimum level of intervention that would see this odd position of a moratorium of build for 10 years. You spend £300,000 in an effort to save £1 million or £700,000 and, if it does not work out, you then spend £1 million-plus anyway, which is an odd way to approach things.

Now Deputy Brouard started off by saying it is a pristine beach. That is what he says. Of course it is not a pristine beach. The beach that is visible now is not a beach that was visible to anyone in 1947, or immediately after the Occupation, when the Germans built the wall. The images I circulated some time ago and showed to States' Members showed that about six foot of the wall was visible. So you could be on the beach and even pass an ice cream up to somebody sat on the wall.

That would be an impossible thing to do now because what you are looking at is the wall in its entirety, the entire wall with the footing, with the foundation, because the beach material has gone. We know it has gone. We know that it sits, I know people contest this statement, but Royal Haskoning have done the work on this, that the sands sit at the base of the bay and we need the sand to settle and the way you get the sand to settle and to reintroduce – this is not about removing a wall, this is about reinstating a bay and the removal of a small piece of wall gives you the opportunity to do that.

Just to illustrate how rapidly the beach eroded and lost its sand immediately after the occupation, the slipway was not there of course. You would have naturally walked down the common, gradual incline onto the beach. But by the 1950's that was not possible any more. You needed a slipway because the beach level had dropped. So States' Members, sorry, so whatever post, the Board of Admin, I suppose, a slipway was put in so people could access the beach, because the beach level had dropped by some level.

I suppose with Deputy Brouard's sort of pseudo-science, it is very difficult to have these conversations when there is not a Royal Haskoning engineer in the room to challenge the Member. Now Deputy Brouard is a Member of P&R. That comes with great responsibility. We spend a great deal of money on our consultants, usually funded by P&R, and we should really take the time to listen to them, rather than dismiss them. It is quite easy to dismiss them, is it not, when they are not sat next to you and you are unable to challenge them?

The wall is not an experiment. The engineering principles are solid. You need a release valve at that end of the wall and in giving that release valve, the sand will re-accrete and you can reintroduce sand and have a new beach head and a new beach in that area of the bay.

Deputy Brouard also spoke of defences. Now there has been some debate over this. We should not forget that when Doyle finished building the roads to the beach, Doyle did not think immediately, 'Yikes, I have just put a road in, it is at risk from the high spring tide.' He saw no need at all to put a wall up to defend a road he had just put in. When the Loophole Towers were built, there was no sign we immediately needed a significant structure to protect them from the spring high tide.

What people have seen in the past, I think, are pretty much what we get around the Island, this confusion over sea defence and military defence and, assuming, well we know there are a number of Loophole Towers, then you would expect the defence from the real threat at the time, which was the French, rather than rising sea levels.

I need to make this clear, the wall in its entirety, quite obviously, is not going. The common is at no great threat. I do not know how Deputy Brouard has arrived at the 4.3 vergées or whatever the

3525 figure was. There has been some speculation online and on social media, with some rather disturbing images of the flooded common, the loss of the golf course, the loss of the loop towers. That is not going to happen. Why on earth would E&I even embark on this if that was a risk that we were prepared to face? That would be entirely irresponsible.

3530 The changing weather patterns are really the most interesting things, I think, in relation to sea defences. Because when we had, I think it was former Deputy Leale sent us some very good footage, taken by a drone of the Storm Ciara, I think it was, and how the impact of the waves on the sea wall was quite dramatic. And those are dramatic images and if we look also at the Alderney Breakwater, they are fantastically dramatic images showing the impact of a moving body of water on a structure.

3535 It is usually, of course, the positioning of the structure that creates that effect. Talking broadly, it seems to be structures in the wrong place that give that effect. Structures that were built to support roads, rather than structures that were sea defences in themselves. So I was disappointed to hear Deputy Brouard say that five Members, or this Committee, E&I were willingly, knowingly putting the common at risk, looking to destroy the common, looking to flood a golf course, not listening to the habitants.

3540 That is the starting point as all Members of Committees, we are all considering these things that affect members of our community, we do it in a diligent, thorough and informed manner knowing that we feel we are doing the right thing at this point. I would ask States' Members, particularly with the recent, the dual crisis that we have now, which is Covid on one hand and the economic crisis on the other, why would you under-invest at this time? Why would you look to save money at this time?

3545 Why would you not spend the money to ensure that people are employed and that the economy is moving and that the wall is secured now? It is a large sum of money, I know, £1 million, but let us face it, 10 years down the line, that is going to be a great deal more than £1 million.

3550 I did write a speech, which clearly I am not using, so just some notes because I realise I get the opportunity to speak later. Firstly, I did ask the requérants to engage with E&I around the table before they signed the Requête. None of them chose to meet with us to discuss the Requête. I asked Deputy Brouard, I think, just before I came on to speak, I think I am right in saying I sent him four emails, asking him to share any new information that he had. His response to me, that he was delighted I was open-minded at the prospect of there being new evidence. That was the end of it.

3555 I just want to stress that E&I play by the rules and I say this in the context of Deputy Brouard being a Member of P&R. E&I play by the rules. We have been asked by P&R recently, bearing in mind the significant financial challenge we are facing, to give something back. I can tell you now E&I can do that generously. We will do whatever we can to return something back to the centre, to assist the community at this time.

3560 E&I have always played by the rules. If we look at the Budget debate, the capital bid process. In fact the minor capital on this wall. We always do the right and appropriate thing that is our stance. If we take the debate on the biodiversity funding, we said actually we take the hit of £100,000 and if it meant rummaging down the sofa again, we would do that. Other Committees said no, they would their £100,000 and they wanted P&R to cough up.

3565 I am respecting the P&R processes here. If you look at the letter that Deputy St Pier has just referred to and have added that E&I always conducts itself with regard to minor capital bids, we play by the rules. We do the right thing.

3570 Before other people mention them, I suppose, there are a couple of red herrings that crop up or become a bit of a drag hunt. This idea that a shingle bank, the idea that we are going to remove a small section of wall and miraculously a shingle bank appears, we know that is not the case, because the vast majority of the tank wall remains intact, we are removing a very small part of it and that bit of the beach head will regenerate. So arguments around shingle banks are only really relevant if you are looking to remove the tank wall in its entirety.

3575 The largest oppose of this, or this area of argument is swayed usually, well the discussion is swayed by this beach material argument and the argument that, if you are looking for the beach

material, you are not going to find the beach material because the beach material is in the wall. All of the images immediately post-Occupation show that the material was on the beach.

3580 By the time the Germans put up a tank wall and put up the, I do not what they are called, they look like that, but they stopped tanks going up, by the time they put barbed wire on that and by the time they had mined the beach, they were not about to go back onto the beach to mine it for beach material.

3585 We know there were quarries close to the area, where perhaps sand could be mined, and we know that stone was mined too. To the beach material was there at the end of the Occupation. It was there throughout the Occupation and the beach material has been lost, because of the dynamic between the sea sweeping from the west to the eastern end and not having that natural vent up to the dune that was had before.

3590 Again, just to reiterate, the best defence against climate change is a natural sea defence. It is interesting now that we view that area of land as being particularly vulnerable when, ideally, if we think about this, it is the very elements that gave rise to that beach, so we should not be frightened of or intimidated by storms, knowing that it was those very forces that gave rise to the beach in the first place.

3595 I think we should do this now, clearly. I think we need to invest and just other things we were considering at the moment. E&I are responsible for the Fermain Napoleonic Wall. I believe we need to spend on that. We clearly need to spend on the Vallette Steps, up to the Cow Horn that have slipped away, and we clearly need to spend on this structure. If we are saying now is not the right time, and I think this is a real lesson for history, if anyone takes any of these files out from the archivists, particularly from the seventies, there was a great reluctance on anything on infrastructure and sea defences and I really do not want us to make that same mistake again sir.

3600 So I would ask Members to go back to the decision they have already made. We could do this, E&I, we did not need to come to the States. A Requête was placed, we brought this item to the States. P&R, Deputy Brouard's Committee, had delegated authority for the use of the £2 million. The States had approved this. This is something that should go ahead now, rather than be deferred and the States face considerable expenditure 10 years from now. Thank you very much.

3605 **The Bailiff:** Thank you. Next the President of the Committee *for* Education, Sport & Culture, Deputy Fallaize. Do you wish to speak at this point?

Deputy Fallaize: No I do not have anything to add at this stage, sir, to the letter of comment.

3610 **The Bailiff:** Thank you very much. Deputy St Pier, when he opened, did say that the Policy & Resources Committee had consulted the Development & Planning Authority, but their letter said, and I read from it:

In light of propriety issues surrounding consideration of the current planning application for removal of a section of the anti-tank wall, installation of rock armour structures, the Development & Planning Authority does not wish to make any comment on the Requête.

3615 So in light of that, I was not proposing to call Deputy Tindall. Sorry, Deputy Tindall is asking to speak, so Deputy Tindall. Are you speaking as President of the Authority?

Deputy Tindall: I am, yes sir.

3620 **The Bailiff:** Okay. In that case you should speak now, then.

Deputy Tindall: Thank you, sir. The DPA has taken legal advice on whether they can vote on the Propositions in the Requête. The legal advice received has confirmed that, having regard to the particular Propositions put to the States, the DPA Members can vote, provided that they remain

open-minded on the planning application and decided have regard to the full material planning considerations at the time of the decision.

I confirm that I, Alderney Representative Snowden and Deputy Oliver remain open-minded on the planning application and that I have been given permission to confirm on behalf of the three of us that we are able to decide it on its planning merits, having regard to the full material planning considerations at the time of the decision. I understand Deputy Lester Queripel and Deputy Paint wish to speak, and therefore I am not commenting on their behalf. Thank you, sir.

The Bailiff: Thank you. You next Deputy Inder, to be followed by Deputy Prow. Deputy Inder.

Deputy Inder: Sir, Members, the last time I spoke on this I was on my feet for about 50 minutes. Hold your breath, I will only be around for about five minutes this time. I did not actually write much of a speech. I just want to remind people on some of the most salient points that were said last time and I think Deputy St Pier, it was more of a shrug of the shoulders than anything, and probably a huff and a sigh.

It is a fact that he said that there are contrary views and he is not wrong there. But I will go over some of the salient points and it is important to cast some doubt on the veracity of the Haskoning advice. I just do not accept that every time that we have got a consultant in that their word is god. It is just not the case.

Last time I was on my feet, Deputy Brouard sort of touched on this, Members will remember that they took a tour around, I suppose it was called the crest line. I cannot remember the chap's name, but he was one of the engineers. There was one lead project manager, I believe, and an engineer in tow. These are a couple of things that he said. I am just going to remind Members because it came from the last speech. I asked him where the wall was built. His words were:

I think it was built on high water.

I also asked him about guaranteeing the works. Effectively we were talking about encroachment, whether it goes up to the Martello Tower, the effect on the beach line, whether it does affect the 15th and I asked him if he could guarantee the work and he said:

It is not guesswork, but very difficult to guarantee the back crest.

So those are his words. And he also said something else, actually, which people may or may not remember. This idea that it is just going to be a clean job and suddenly, once it is finished, the groynes are in place and everyone is going to be drinking cocktails on a sand dune is not how it is going to happen. What he actually said is the white sands of the new L'Ancrese are ...

... now going to be a bit messy for a few seasons as what is behind the wall slumps out.

He said that, for an 18-month period, what is behind the wall, the mud, the remains of the top soil, which must have built up over the years, and all the rock and all the other stuff there, it is not going to be a clean job by any stretch of the imagination.

Deputy Brehaut, again, has spoken about sand dunes and he uses that word, sand pods. I will just read something that written by Frank E. Wilson's *Railways in Guernsey*, where he talks about German fortifications and construction and I think Deputy Brehaut, and I am happy to be corrected, he did not put much store in the use of the aggregate that the Germans did use. What they effectively did across all of our coasts, in effect all of our west coast beaches and north coast beaches have in the main been touched by human hand. The Germans were nothing else if they were not efficient. They got their stones and their sand off the beach and they got their cement from Europe.

He writes:

At Rocquaine Bay, a steam-driven grab lifted shingle into a screened chute for loading into lorries on the road.

3670 Relating to L'Ancrese, he said:

Sand was taken from the beach at Les Amarreurs and Le Grand Havre, as well as L'Ancrese and other beaches in the area. The Chouet Tower devoured 7,000 bags of cement.

3675 And if you do the maths on the actual sand and the aggregate needed, basically the whole of those beaches were stripped by the Germans to build the fortifications, which were not just a wall. I have asked Members before. Just go down to any of the bunkers around your area, you will see two types of stone. You will see sharp stone. If it is sharp and it has got an edge, it was quarried, and if its round, it came off the beach. They are absolutely everywhere.

3680 To suggest that in some way the sand is just going to magically reappear once we realign this beach, I simply do not accept. I accept that Environment & Infrastructure do believe that, but I just do not accept it. There is no such thing as sand dune forming from the north. Less than 20% of our wind comes from the north, but the majority of it comes from the west.

Deputy Brouard referred to significant events that have happened over the last few thousand years. What you see at the L'Ancrese Common was not formed from the front of L'Ancrese looking north. What you see on L'Ancrese Common effectively came from Amarreurs over the beach to the L'Ancrese and Pembroke areas.

3685 What you are seeing is not the front of a dune system it is the back of a dune system. Now sir that is all I am going to say on the point. I just do not believe that the works were guaranteed. I genuinely believe that it is going to be horribly messy for a couple of years. I honestly believe that it is hugely unpopular and I do not believe it is necessary and I do believe it is an experiment.

3690 I am not even sure this would pass planning. In the last two years, you would have expected that Environment & Infrastructure just could have had a conversation with the Planning Department and maybe they have gone through a pre-planning process, but what again you are being asked to do is effectively we are being asked to reject this Requête and for Environment & Infrastructure to carry on spending an awful lot of money and they cannot even guarantee whether they will get it through the planning process.

3695 This just is not the way to do business. The first thing they should have done, or one of the things they should have done by now, is find out if it would have been acceptable in any way, shape or form, to take the wall down and put two large, ugly groynes – and I am afraid they are absolutely ugly – on one of our most important beaches.

3700 I will leave it at that, sir. I am hoping this is going to be a fairly short debate because, as Deputy St Pier alluded to, I think everyone knows where they are on it. But I just do not accept the Haskoning advice and I never will.

Thank you.

The Bailiff: Deputy Prow and then Deputy de Lisle.

3705

Deputy Prow: Thank you, sir.

3710 I wish to speak to this Requête, to which I am a signatory. Sir, I shall be brief, as all the material points have been very ably recovered by Deputy Brouard in his opening speech and indeed by Deputy Inder, who has just spoken. Perhaps and first and foremost, I will confirm that obviously Covid matters must be a priority in any future reprioritisation of capital projects.

3715 I really should say from the outset that I thank Deputy Brouard for all his hard work and research undertaken, which was demonstrated with meetings with officers from E&I, I attended with them. I concur with the main points made by Deputy Brouard, regarding the western end of the wall and the erosion to those sand dunes, with regard to the potential loss of the common protected by the wall.

I further endorse his conclusions, regarding the position of the Vale Commons Council, who I understand are appointed by the Royal Court and who do not want the land they looked after flooded. Furthermore I now understand that the impact assessment, the EIA, which is a central part of the planning process, is now unlikely to happen until the end of the summer.

3720 Sir, I therefore cannot support the expenditure of £1 million on the removal of 130 metres of the wall, construction of rock armour groynes and the managed realignment of the beach head. The eventual outcome is unknown, as there is a substantial risk that the envisaged realignment may not occur.

3725 However, what we can be certain of is that the work will be at a high cost to the taxpayer, detract significantly from the attractiveness of this beautiful beach, much enjoyed by all of us, and of course the construction of large unsightly groynes on an area of pristine sandy beach. Sir, I ask all Deputies to support this Requête. Thank you, sir.

The Bailiff: Deputy de Lisle and then Deputy Paint.

3730

Deputy de Lisle: Thank you, sir. I have always looked at the anti-tank wall as a sea defence to be maintained. The proposed scheme of removal and development at a cost of £1 million, we desperately need that money to strengthen and maintain Island sea walls elsewhere. In fact, it is all a matter of prioritisation of a very limited budget for coastal defences. There is need for a number of schemes at the current time and we have got, just recently Rocque Poisson in St Peter's, that requires a rebuilding of the wall there and there is need to also attend to Saints' Bay in St Martin's as a priority and then there are other issues in other areas, where beach defences need to be looked at. We are losing some sections of the coast, gradually.

3740 I am worried also about the golf course, of course, which could be seriously eroded under the proposed scheme. I fear for the common that it will be exposed without the wall and property behind the wall would be at risk of serious erosion in the event of a major storm. In general, I disagree with the policy of retreat, which the engineering consultants from Royal Haskoning put forward very frequently.

3745 They may have some relevance in the UK, particularly on the east coast, in parts, where the area is relatively lightly populated. But not in a densely populated island community where land is so precious, as in Guernsey.

3750 I worry about providing a precedent here, because of concerns in other low areas around the coast and the possible application of that policy of retreat in other sections of coast. I just refer to the pebble bank, for example at L'Erée, and the flooding and isolating of Fort Saumarez is a case in point. But there are other areas particularly in the north, where we should have taken fairly aggressive action in the past to defend the coastal property. So I would appeal to Members to support the Requête and retain the budget for some of these critical issues of coastal defence that are current and that require attention. Thank you, sir.

3755 **The Bailiff:** Thank you very much.

Deputy Paint and then Deputy Lester Queripel.

3760 **Deputy Paint:** Sir, first of all I think had better explain what has actually happened from my point of view. Ever since this business about knocking down the L'Ancrese sea/tank wall, I have supported the people, the golf clubs and everybody else that did not want to knock it down. Finding myself on DPA I was questioned about this and I said there was no way I was going to change my mind. Then people were still going to be supported.

3765 A lot of huge influence has happened now. Because of unforeseen circumstances, now we have to look at every money we spend and spend it in the right place and not go to unnecessary cost, which I believe taking down the tank/sea wall would be for the time being. What the Requête is saying is put some armour against it for the next 10 years and reassess. I think that is the right way to do things. Ten years, but it might last 40 or 50 years, or even longer, So I think that is the right way to go about it and that is it.

3770 To take down the tank wall may cause huge problems to the golf course, to the paths, certainly to the café, and the toilet. There has been no promise of building the toilets or café anywhere else.

So that worries me. I think the best thing to do, for everybody to do, is to support this Requête, which I will be doing and somebody else look at it again in a few years' time.

Thank you, sir. That is all I have to say.

3775 **The Bailiff:** Deputy Lester Queripel.

3780 **Deputy Lester Queripel:** Thank you. Just to explain, I will be recusing myself from this debate. But seeing as I have been unjustifiably accused of allowing myself to be buttonholed and bullied by the President of the DPA and colleagues of the DPA, I just want to say that the decision to recuse myself is mine and mine alone. I have not been bullied, I have not been buttonholed. I have never been bullied or buttonholed by anybody from the DPA in the past.

The reason I have decided to recuse myself is because of what is stated in bullet point three of section six of the legal briefing on open plan meetings. Under the heading of avoiding conflicts of interest, the bullet point reads as follows:

3785 It is very important to step out of decision-making processes if there is any potential for bias or perception of bias.

Sir, I want to sit on the panel of an open plan meeting in the future without fear of challenge. It is because I want to sit on the panel without fear of challenge that I am not going to say anything else, except what I am saying now and I will be abstaining when it comes to the vote. Thank you, sir.

3790 **The Bailiff:** Next, Deputy Tooley and then Deputy Meerveld.

Deputy Tooley: Thank you, sir.

3795 I will be brief. Several speakers have said that they believe the salient points have already been made in this debate and they have been made well and they are absolutely correct. But these points were not made earlier today, they have been made on previous occasions when we have debated this in the Royal Court. I have never been a fan of the guillotine rule, I do not think I have ever voted for it. If I have, I have done it once and no more. But if we had not decided to suspend it, I would be calling to enact it now.

3800 This is a debate we have had. Continuing this is placing us all at risk of being guilty of tedious repetition. This has been discussed and debated and I suspect any one of us could go to Hansard and find pretty much word for word what we are hearing coming out of our computers. I just do not think this is a useful use of the States' time.

Thank you, sir.

3805 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

3810 I have never supported removing the wall. I have always wanted to see or favoured a managed decline over time. I do not believe it is going to be collapsing or falling on anybody any time soon and I think there are more practical ways to manage it.

3815 Having said which, Deputy Tooley just said we have debated all of this before. Yes we have, but in a totally different environment. Everything has changed in the last few weeks and we are not in the same world that we were then. One of the things we are going to have to do is revisit not just this decision but many others that we have made in the last 18 months/two years, that have called for substantial funding for projects of all sizes, and decide whether they are really critical and urgent to do right now, when we are in the middle of a crisis, a medical crisis that is going to turn into a financial crisis, with unknown breadth and consequences.

3820 I will be one of the Deputies who will be encouraging everybody to divert or delay any expenditure that can before the foreseeable future, until we know where we lie; financially where

our economy is going to be and what our new priorities should be. Therefore, if for no other reason than the financial aspects, I encourage all Deputies to support this Requête, defer this decision to another date because it is money we do not need to spend today.

Thank you, sir.

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The Bailiff: Deputy Stephens.

Deputy Stephens: Thank you, sir.

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I want to begin by thanking Deputy Hansmann Rouxel for assisting me in a site visit to the beach and the wall late in 2019. We viewed the wall, the kiosk, and discussed the overall scope of the project. I also want to refer to an exchange of emails that I had with staff of E&I, also at the end of 2019. The question I asked, I intended to test if there had been any changes in the project and any changes in the projected expenditure since the previous States' debate. I was seeking any new information. I asked this question:

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In respect of the Resolution currently directing the E&I activity on management of the wall, could the staff advise me if there have been any changes in the project due to emerging practical considerations and/or changes to projected expenditure in the period since the States decision was being made?

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I can reply, Members, that officers responded in the following terms. They said that they had identified factors that would impact on the overall price, that they did not believe were included in the valuations presented in the Billet. The first issue that they identified was inflation. They said the book project was presented to the States in 2017, it was unlikely to be delivered ahead of 2021 and therefore there was potential for the cost to increase.

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They then referenced urgent repair work at panels four and five. They continued, with reference to the environmental impact assessment, but the costs of that were not known at that time. Officers were currently going to the market for a price. Then there was a category of additional fees and they described this as potential for additional work requiring contract and project management and supervision and, again, at that time, the price was not known. This was in December 2019.

So I do think that this Requête offers Members of E&I an opportunity for further comment on these issues and I would invite them please to do that and maybe talk to Members about any changes that have occurred in the practicalities of the project since the debate in the States and any changes to projected costs.

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Thank you, sir.

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The Bailiff: It has now just gone 5.30 p.m. Can I have an indication through the Chat column of how many more people wish to speak? I know Deputy Gollop wishes to speak, are there many more who wish to do so? Deputy Leadbeater, Deputy de Sausmarez, Deputy Laurie Queripel, Deputy Dorey. We then have potentially four closing speeches. Deputy Langlois.

I propose that we rise now and resume tomorrow morning at 9.30 a.m. Thank you very much everybody for your attendance and we will see you back again tomorrow at 9.30 a.m. but I think, if I understand the technology, you will have to accept an invitation that will shortly be sent to you via the States' Greffier. We need to close, of course. We need to have the closing grace.

Procedural

3860

The Bailiff: Deputy Dorey, yes?

Deputy Dorey: Sir it is just about the Rule 18 report. Is there any direction from you on that because we obviously need to consider where that is coming in the schedule?

3865 **The Bailiff:** No, I do not know where that will come. It looks as if we are likely to be going through much of tomorrow with other business. I do not know ... it is difficult to know how to deal with it. Obviously, Policy & Resources want it to be debated as soon as possible, but then I suspect some Members, well, all Members, will wish to have time to read it and consider it properly.

3870 I must admit, one thing that had been going through my mind is whether we reconvene next week in order to give people sufficient time to consider it properly. But I have not had a chance to speak to Deputy St Pier or anyone else about that. So perhaps can we leave it? I can see a few messages coming in saying, 'Next week: Pour.' Deputy de Sausmarez is saying perhaps we could vote on whether to reconvene on Monday. Let me put that to Members then. I will put to you that we reconvene on Monday in order to debate the Rule 18.

3875 Actually, I will leave it to the morning because I suspect Members have not even read the policy letter yet. I think it is much better that people have a chance to read it and first thing tomorrow morning we will decide when we might reconvene. But I would certainly be putting to you a Proposition that we reconvene early next week and that will give Members a chance to think what they are planning to do next week. We will deal with this first thing tomorrow morning. Is that acceptable to you Deputy Dorey?

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Deputy Dorey: Yes, thank you, sir.

The Bailiff: Thank you and I will try and contact Deputy St Pier beforehand just to see if he has ...
3885 Deputy St Pier, do you wish to comment on how urgent it is?

Deputy Trott: It is actually Lyndon, sir.

The Bailiff: Oh, Deputy Trott. Sorry.

3890 **Deputy Trott:** I have been asked to lead on this matter on behalf of P&R. I think I can probably answer your question in Deputy St Pier's stead. If the States wishes to reconvene specifically for this matter then so be it, sir, but the Policy & Resources Committee was thinking that the natural course of States' business might allow it to be debated on Friday. It makes little difference to me as to whether it is on Friday or Monday. I suspect I speak for all Members of P&R.

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Can I, through you sir, it is not a particularly lengthy report. It does make a number of points and, if any Members, having scrutinised it overnight or during the course of tomorrow, wish to ask any questions, we would be delighted to try to answer them.

3900 **The Bailiff:** Thank you very much Deputy Trott. I think that is sensible. Let us give people a chance to scrutinise it overnight and then to think about whether they would be available to debate it on Friday or whether they would wish to have the weekend and come back next week. Thank you very much, Deputy Trott. I can see a lot of chat coming in but on that I think it is time we closed the Meeting. Over to you, Greffier.

The Assembly adjourned at 5.39 p.m.