



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 4th November 2020

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Present:

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Law Officers

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People's Deputies

S. E. Aldwell	C. J. Le Tissier
C. P. A Blin	J. P. Le Tocq
A. H. Brouard	D. J. Mahoney
Y. Burford	A. D. S. Matthews
T. L. Bury	L. J. McKenna
D. de G. de Lisle	C. P. Meerveld
H. L. de Sausmarez	N. G. Moakes
A. C. Dudley-Owen	R. C. Murray
J. F. Dyke	V. S. Oliver
S. P. Fairclough	C. N. K. Parkinson
S. J. Falla	R. G. Prow
P. T. R. Ferbrache	L. C. Queripel
A. Gabriel	P. J. Roffey
J. A. B. Gollop	H. J. R. Soulsby
S. P. Haskins	G. A. St Pier
M. A. J. Helyar	A. W. Taylor
N. R. Inder	L. S. Trott
A. Kazantseva-Miller	S. P. J. Vermeulen

Representatives of the Island of Alderney

Alderney Representatives S. Roberts and E. A. J. Snowdon

The Clerk to the States of Deliberation

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

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller)
Deputy A. Cameron (*indisposé*); Deputy M. P. Leadbeater

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States of Deliberation

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

[THE BAILIFF *in the Chair*]

The Bailiff: Good morning, Your Excellency, and welcome to this sitting of the States of Deliberation.

PRAYERS

The States' Greffier

EVOCAATION

CONVOCAATION

The States' Greffier: Billet XXIII and XXIV of 2020.

5 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 at The Royal Court House on Wednesday 4th November 2020 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate. Billet XXIV is convened pursuant to provisions of Rule 2(4) of the Rules of Procedure.

10 **The Bailiff:** Members of the States, I have been forewarned that Deputy Cameron is indisposé and perhaps we can just mark that as his reason for non-attendance.

Procedural – Authorised Absences – Proxy Voting

15 **The Bailiff:** Before we turn to the business of this meeting, Members of the States, a little bit of unscheduled business, which is the fact that I have received representations, as was apparent during the course of the election meetings, from the Civil Contingencies Authority relating to the possibility of authorised absences from Meetings of the States of Deliberation, which means that a Member who has an authorised absence can arrange for their vote to be cast in accordance with Rule 26(3)(a) by another Member, a proxy vote. Proxy votes may only be cast in accordance with Rule 26(4) on original Propositions but excluding any Proposition from the Presiding Officer, secondary Propositions and amended Propositions.

20 All Members will, I am sure, be aware of the importance for the whole community of adhering to Public Health guidance in relation to the ongoing pandemic. The strong recommendations of Public Health are that people who are unwell stay at home and do not attend work or gatherings and this is a form of gathering, a pleasurable form of gathering of course, and the worsening

25 situation elsewhere, and possibly also domestically from time to time, with people coming in to the
Island means that everyone has to be responsible for taking the right decision as to whether they
should congregate with others. In particular the recommendation to me has been that elected
Members of the States should not attend States' meetings in person if they display symptoms which
are consistent with a respiratory tract infection, including cold or flu-like symptoms.

30 So with the winter months coming what I thought I would do now that we are in a phase where
proxy voting can potentially be available is to indicate to all of you that there will be an authorised
absence from a meeting of the States of Deliberation in accordance with paragraph 3(a) of Rule 26
if that non-attendance of a Member arises from complying with Public Health guidance.

35 It is only in relation to Covid-related reasons, it is not for any other reasons, so if somebody is
indisposé for a reason aside from that because they are poorly in another situation – and Deputy
Cameron's absence this morning is something that I was aware of – it would not be covered by this
authorised absence.

40 The arrangements for securing a proxy vote will be to notify the Presiding Officer through an
email to the States' Greffier of a request that a named other Member be able to cast a proxy vote
on behalf of that Member, and the person who is to cast the proxy vote must confirm that they
have been so asked and are ready and willing and able to do so, and a response will be given to
the two Members, the one who is requesting the proxy vote and the person who will be voting by
way of proxy on behalf of the other Member, and then that will be able to be cast thereafter during
the course of that meeting.

45 So that is the arrangements for an authorised absence.

I am delighted to see all of you here but if any of you do display those symptoms during the
course of a meeting by all means disappear – please do, actually – and if you display those
symptoms in the run-up to a meeting and you contact the Presiding Officer through the States'
Greffier, as I have just described, then we will put in place the ability for that proxy vote to be cast
in accordance with Rule 26(3)(a).

50 So I hope that is sufficiently clear; if it is not we will set it out for you in due course when we
have a moment.

STATEMENTS

Committee for Economic Development – General Aviation matters – Statement by the President

55 **The Bailiff:** So the first item of business for today's meeting Members of the States will be a
statement on behalf of the Committee for Economic Development by its President of General
Aviation matters and therefore I turn to Deputy Inder.

Deputy Inder: Thank you, sir.

Sir, the request for this statement came from a Member of the Assembly after they read a story
in *The Guernsey Press* and I thank him for raising it with me and other Members so that I can address
this appropriately here today.

60 Members will be aware that many commercial, legal and operational matters that support
Government in Guernsey do often need to be addressed with proportionate confidentiality before
the Assembly is directly involved.

65 Sir, Mr Dominic Lazarus remains the Director of Civil Aviation and the office in Guernsey is
currently being supported by Mr Ash Nicholas as his Deputy and supported by a small team that
supports them. The States of Guernsey does not comment on individual employment matters.

The Airport continues to meet all of the necessary safety and security requirements that are needed and it is fully operational, albeit within the constraints of the travel restrictions due to the Covid-19 pandemic. I am sure that all Members of the States will join me in thanking staff at the Airport and harbours, who have kept the essential services running. They are doing a fantastic job.

70 Sir, while I am mentioning aviation matters, I would like to pick up on an issue about the States support for the Office of the Director of Civil Aviation so it can allow the continued growth of the Aircraft Registry. The Member requesting this statement has also asked for an update on that.

Members may know that the Aircraft Registry operates independently but with statutory oversight from the Office of the Director of Civil Aviation. Yes I know it gets complicated.

75 The Aircraft Registry, or 2-Reg as it is branded, has been successful in registering hundreds of aircraft from all around the world and currently has 267 aircraft on its register. It returned over £375,000 in royalty payments in 2019 and despite 2020 being an unusual year, the States is still likely to receive royalty payments of around £250,000.

80 As well as this, sir, Members, a small group representing legal offices, corporate service providers and aircraft operating companies in Guernsey estimate that their businesses derive in excess of £1.4 million per annum through 2-Reg and related work only. That is upwards of £1.4 million per annum back into the local economy.

85 On top of this, the operation is based in the Island, so Guernsey benefits from the income tax take on several members of 2-Reg staff, as well as rent paid for dedicated offices in the Airport building.

Finally Sir, 2-Reg provides an opportunity for growth – of the general and commercial aviation sectors, as we seek to drive economic recovery.

In short – it is good for our economy and good for our reputation as a place to do business. Indeed – it cannot be seen as anything other than a very successful business in Guernsey.

90 The operation does require a little more financial support from the States for 2021, in the form of additional resources employed by the Office of the Director of Civil Aviation – a total of £103,000. This is needed to assist with the statutory functions of the Director of Civil Aviation in determining applications for the registration of aircraft from 2-Reg. This makes sure that those aircraft being put forward for registration by 2-Reg meet the necessary standards to maintain safety as well as Guernsey's reputation.

95 The Committee is aware that the previous Policy & Resources Committee did challenge this request for a small amount of additional funding for the Office, though on the basis of a further business case prepared by officers with the support of the business community, it eventually conceded. So I am pleased to report that this additional amount has now been approved. And
100 rightly so.

Why would we not want to support such as positive business for Guernsey? The Committee will support it, and we will seek to grow general and commercial aviation to support our economic recovery.

105 Thank you, sir.

The Bailiff: Well, Members of the States, there is now a period of up to 15 minutes which may be extended for questions to be asked within the context of that Statement.

Does any Member have a question for Deputy Inder? Yes Deputy Queripel.

110 **Deputy Queripel:** Sir, during question time of the candidates for the Presidency of the Economic Development Committee, I asked the question, 'Do the candidates agree with me that a permit for the white van man needs to be introduced here in the Island?'

115 I was extremely disappointed when Deputy Inder said he did not see this as a priority because it was not a major issue. I would like to ask him if he has discussed the issue with his Committee and if he has what was the outcome, and if he has not discussed the issue the Committee is he able to give me an assurance that he will?

120 **The Bailiff:** Deputy Queripel, I am not persuaded that that is a question in the context of the statement. It may be a perfectly valid question to ask the President of the Committee when he delivers his General Update Statement and perhaps we can leave it for then.
Any other? Deputy Gollop.

125 **Deputy Gollop:** Thank you, sir.
Whilst accepting that it is not wise to explore as the President has said any matters pertaining to employment, I would like to ask Deputy Inder whether they have plans to appoint a second deputy to assist Mr Nichols in the unlikely but possible eventuality of Mr Nichols not being available to do the important work that he is specified to perform?

130 **The Bailiff:** It is Mr Nicholas, Deputy Gollop, but yes Deputy Inder, please.

Deputy Inder: I thought I could get away with that by saying we do not have a Mr Nichols employed at the CCA. But, sir, I think I explained in my statement that Mr Ash Nicholas is supported quite well in his role so there is no intention at this moment of expanding the staff at all.

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

140 **Deputy St Pier:** Sir, Deputy Inder has outlined some of the benefits from the Guernsey Registry but it is quite clear that the role of 2-Reg has changed actually quite substantially from the original proposals that were brought to the States a number of years ago, and given the additional budget that Deputy Inder referred to, will he perhaps give an undertaking on behalf of his Committee in view of that and in view of the changed role of 2-Reg that say within three months a cost benefit analysis of the Aircraft Registry to the Jurisdiction will be brought for the benefit of Members to have sight of that?

145 **The Bailiff:** Deputy Inder to reply.

150 **Deputy Inder:** I do not think under my Presidency, and given the Committee Members that I have got, that there are any stones going to be left unturned. So I will not commit to three months but I will certainly commit to – I will get back to him on that but, sir, I will say within six months, I will give Deputy St Pier that six months.

The Bailiff: Deputy St Pier.

155 **Deputy St Pier:** Sir, notwithstanding the understandable need for confidentiality which Deputy Inder referred to in relation to the position of the Director of Civil Aviation and perhaps some of the issues caused by the General Election, nonetheless will the President give an undertaking that he will at least seek to ensure that Members are kept confidentially briefed as appropriate so that actually they are not finding things out about the Director of Civil Aviation through the media?

160 **The Bailiff:** Deputy Inder.

Deputy Inder: My advice to Deputy St Pier is do not believe everything he reads in *The Guernsey Press*, it is a simple as that. But I will say him the States of Guernsey does not comment on individual employment matters and we will not be discussing any broader issues with the whole of the Membership. This job is within our Committee mandate and it will stay there.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, thank you.

170 Given the situation with the Director of Civil Aviation can the President give assurance that the marketing and growth of 2-Reg will not be interrupted in any way?

The Bailiff: Deputy Inder to reply.

175 **Deputy Inder:** I think I have explained again and this sort of references Deputy St Pier's answer, Deputy de Lisle just do not believe anything that you read from *The Guernsey Press* I have already explained that Mr Dominic Lazarus remains the Director of Civil Aviation and the office in Guernsey is currently being supported by Mr Ash Nicholas and his Deputy and supported by a small team that supports them. The States of Guernsey does not comment on individual employment matters.
180 So in effect at the moment everything is steady as she goes.

The Bailiff: I do not see anyone else rising to pose a question in the context of that Statement.

Policy & Resources Committee – General Update Statement by the President

The Bailiff: We will move on to the next Statement, which is the General Update Statement on behalf of the Policy & Resources Committee from the President and I invite Deputy Ferbrache to deliver it.

185 Deputy Ferbrache.

Deputy Ferbrache: I am grateful for that, sir.

I have a limited time and there will be much more to say when time and circumstances permit.

190 What I can say is that with a collaborative, cogent and purposeful States much can be achieved in the next four years and eight months.

What I also can say is that Policy & Resources intends to operate in a collaborative and transparent way throughout the whole of this term.

195 There has been much talk about visions and strategies. My remarks are not meant to be dismissive of any of that. The vision though of this Policy & Resources Committee, and we believe of this States, is action. That is getting things done.

My colleague Deputy Helyar pointed out to me as recently as Friday afternoon that the P&R Committee shows as having 406 pending action points. That is ridiculous. That is unachievable. That is spreading resources, money and effort far too thin. We thus intend to concentrate on key issues and achievable objectives. (**A Member:** Hear, hear.)

200 Before I turn to that, let me say what we intend to do to be transparent.

We intend to hold monthly meetings with the Presidents of various States Committees. We intend to ask the Presidents to come up with three key aims that they would wish to see achieved and fully effected in this States Term.

205 We would also seek to break down any barriers. For example, if something is strictly within the mandate of P&R but other Committees or other Presidents have contributions to make, they are welcome. Equally, we do not expect them to be, and in fact are confident they will not be, territorial in respect of their own mandates.

210 We as a Committee also intend to be open to the public. We intend to have periodic, open meetings with the public. We would seek to have such meetings every six months or, if there were something more urgent more regularly. We would hope to have our first meeting it may be a drop in sometime before Christmas.

We also appreciate that not everybody in a Committee can do everything. I am very fortunate in that I have four able colleagues in whom I repose complete confidence. There are issues that we

215 want to address in three months, six months, one year and throughout the term. Some matters will
be able to be addressed more quickly than others.

One of the issues of prime importance is that of Civil Service reform and transformation. That
will be led at a political level by the Vice President/Deputy Chief Minister, Deputy Soulsby. She will
revert back to the States with a statement in three months' time. Now we are not saying in relation
to that issue or any of the others that I mention that all will be able to be achieved within a
220 prescribed period. What we can say with absolute conviction is that we will get on with things and
meet deadlines. We will suffer no procrastination.

So reverting to that particular issue, Deputy Soulsby has taken the lead and in three months'
time and periodically thereafter until the issue has been resolved, she will go back to the States and
inform both the States and the Islanders of the Bailiwick what progress has been made. It is our
225 avowed intent to achieve Civil Service reform and transformation.

She will also lead and be the contact with the Douzaines. We want to empower the Douzaines.
We value their contribution. Again, in three months' time, and periodically thereafter Deputy
Soulsby will report back to the States.

We still have substantial funds available from the Bond. We want to use those in a proactive and
230 sensible way. Those monies have already been "paid over" to the States of Guernsey. We believe
that medical tourism, once our border is opened, is something that could give significant financial
contribution to the Bailiwick of Guernsey. That will undoubtedly involve capital expenditure. That
may involve a change of Rules by the States as to how the Bond can be used. It is a matter that has
been talked about in the past but now needs to move forward. Deputy Le Tocq will lead on that
235 and again will revert to the States in three months' time.

Also, whilst mentioning him, he will continue to be our lead on external relations. One thing
though that he and I will do together is to liaise closely with Jersey and the Isle of Man to see where
we can save costs, create synergies and pool resources. In practical terms that is more likely to be
orientated towards our colleagues in Jersey, but we do not exclude any such opportunities with the
240 Isle of Man. Again, there will be periodic reports.

The States is the largest employer in the Island. The employment terms and conditions and the
representations in respect thereof are cumbersome, bureaucratic, duplicative and inefficient. They
need to be regularised. Deputy Mahoney will lead on that and again will periodically revert to the
States, with the first such statement being made in three months' time.

245 He will also lead in relation to States property. The States has much property. Some of it is not
all well utilised. It needs to be rationalised. There needs to be a political lead to take that forward
and Deputy Mahoney will be that person.

What we intend to do, and again in three months, is draw up a list of practical capital projects
that could be advanced in early course. We would be careful not to overheat the construction
250 industry. At the moment we know it is very difficult to get a tradesperson, but that will pass and
there are few long-term building contracts which will sustain our construction industry going
forward. We will come back with a Capital programme that could well include matters that are
already included in the Capital Programme, but which may need to be accelerated, such as Havelet
Slip, Fermain wall and the Cows Horn steps, just to name a few. We would have a proper, lawful
255 emphasis in favour of Guernsey businesses. We want the work to be carried out by Guernsey
companies and a Guernsey workforce and for that money to recycle in our economy.

Our main industry is that of the Finance Sector which has rightly been said to compose so very
many disparate and independent units.

We have great confidence in Guernsey Finance and, despite it being so well led, it has been
260 under-financed for a considerable period of time. We will liaise with its Head and will report back
in January with proposals as to how we can assist it in attracting business to this Island, and continue
to work with the Guernsey Financial Services Commission, to ensure we bring good business to the
Island.

I have now been back in the Island for about forty years or so. I was surprised when I came back
265 how inadequate and old-fashioned our insolvency and bankruptcy laws were then. There has been

no improvement in that forty years. There will be now. Deputy Helyar will take control of that and will report back again within three months with concrete proposals. This is both an aid to the Finance Sector and those individuals in our society who have been struggling with financial debt which is unmanageable.

270 I should have also said that Deputy Helyar will be the lead in relation to Guernsey Finance and indeed the Finance Sector generally, and also, importantly, he will lead on our relationship with our cousins and friends in Alderney and Sark.

We will be announcing other initiatives in due course, but there is one I can announce now. We will seek to establish a Guernsey investment body – or such other suitable terminology – which will be focussed on implementing a sovereign wealth fund approach to our various investment portfolios. In the first instance we will ask, as a sub-committee or body appointed by P&R, Deputy St Pier to chair the same. He will have such resources as he needs. The idea will be to create an Investment Authority. I am very grateful to him and he has already indicated that he is willing to take on and lead that task. Indeed it is a waste of his talents not to use the same in full. It is like having Gareth Bale on the substitutes' bench and not calling him on. Deputy St Pier has confirmed that he believes that he could bring something positive back to the States in the next three months. This could be a real game changer. It could be something that will stand us and the Bailiwick in good stead for fifty years.

285 Deputy Helyar is going to be very busy because he has also agreed to lead, and I am sure he will do so in a purposeful way, the considerations for the development and enhancement of the Eastern Sea Front.

Affordable housing has been difficult in this Island for so many years. Also Town needs to be revitalised. There are too many empty spaces above shops where people could live. We need to liaise with the Development & Planning Authority. We need to consider developments at places such as Leale's Yard and others. In our view the lead in respect of that should be the Guernsey Housing Association. We will be making early contact with its able Chief Executive and again we will report back to the States as soon as possible. We will liaise with Employment & Social Security. I will take P&R's lead on that.

295 We are also going to address the Open Market in a constructive way. We value it. We will bring proposals to repeal, amend or change some of the restrictions that have been put on that sector recently. Again concrete proposals will be brought back to the States in the next two to three months.

We also need an up to date Air and Sea connectivity strategy. I will lead on that and I will be in active discussions with the Presidents of Economic Development and the STSB. Again I will come back to the States with a report in three months.

300 I will also be leading, and this overlaps with the previous matter, in respect of a new Tourist Accommodation strategy. There are too many hotels, there are too many empty hotels I should say. There are too many unused hotels that are never going to return to the industry. I understand that Economic Development is accelerating an Accommodation Strategy that will support this. We will, therefore, work closely with the President of that Committee and the DPA. We need practical action. I will take the lead on that for P&R and revert back to the States in the next three months.

310 We also need to give other assistance to opening up our economy. We will be looking at any unnecessary regulation. We will be seeking an urgent review of the Population Management regime. I will from P&R lead on that and I will be liaising with the Committee President of Home Affairs. Again I will report back promptly.

I have not left Digital to the end on purpose. What we can do in relation to Broadband and the Digital industry and beyond is very important. We will be setting out a Broadband Working Group and again reverting to the States in the first quarter of next year, and that again will be headed by Deputy Helyar and he will liaise closely with the President of Economic Development

315 We also need to get our laws enacted, i.e. from start to finish, much more quickly than previously. We will be seeking to have Royal Assent given by His Excellency on the majority of our Projets. This will be led by Deputy Le Tocq and again he will report back on a timely basis.

320 We will be seeking a review of Guernsey's structure of Government. That will be led by Deputy Soulsby. Here we are seeking evolution not revolution. We are seeking to make Government more effective. Again she will report back promptly.

There are other matters that we intend to address and we will, as I say, be open and transparent and speaking regularly to this Assembly and the people of the Bailiwick.

If I have omitted topics of undoubted importance that does not mean that they will not be considered. This is our starting point. We want to achieve things.

325 I conclude, sir: all of that said, we will be financially prudent. We will ensure that our borders are safe. We will protect the people of the Bailiwick and seek to enhance and improve the quality of their lives.

The Bailiff: Thank you very much.

330 Now, Members of the States, the opportunity arises now for a period of not exceeding 20 minutes, although if we are having fun that can be extended at my discretion to ask questions of the President on any matter within the mandate of the Committee.

335 So this is different this time, it is not within the context of the statement, it is within the mandate of the Committee. You had a flavour of that when doing the elections for presidential candidates and the only caveat that I will mention is that when a Member asks a question the President can decline to answer it if in his or her opinion, his opinion here, any answer might be inaccurate or misleading in which case there will usually be a written response provided thereafter.

So we have got up to 20 minutes of questions to the President.

340 Deputy Gollop.

Deputy Gollop: The President has outlined numerous strong work streams that are perhaps additional to what was the previous position of the Committee, but he also identified was it 407 work streams, which work streams are going to be abandoned given the extraordinary breadth of the work that the new Committee is going to undertake?

345 **The Bailiff:** I should have said that the questions have to be no longer than a minute and the replies have to be no longer than a minute and a half, and if we are going to be listing 400 particular work streams that might take a while. But Deputy Ferbrache to reply.

350 **Deputy Ferbrache:** I can reply hopefully in a few seconds, sir.

I am not going to go through and say 375 are going to be abandoned because that will be the subject of due consideration. What I have said and what I repeat is that there are too many and we are going to have to concentrate on the key issues.

355 **The Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

360 Throughout the election and also I believe in the opening speeches as well of the Chief Minister we did talk about energy transition and the climate action plans as being an opportunity to invest in the green and potentially blue economies. In his update the Chief Minister has not mentioned priorities in that space, I would like to clarify whether that is not a priority any longer and what your views on that are?

Thank you.

365 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: That is a very fair question.

I only had 10 minutes and I wanted to say certain things, but what the Deputy raises – and I am not going to try and pronounce her name; I will get used to it eventually I am sure; I apologise for

370 the five or six times when I get it wrong – is absolutely right, those are considerations, we will also
be liaising with our other colleagues on other committees in relation to such matters. But the point
she makes is clear she is pushing against an open door.

The Bailiff: Alderney Representative Snowdon.

375

Alderney Representative Snowdon: Thank you, sir.
Could I just ask if there is any update on the PSO regarding the Alderney airlinks?
Thank you.

380 **Deputy Ferbrache:** What did he say?

The Bailiff: Are there any updates on the PSO regarding the Alderney route?
Deputy Ferbrache.

385 **Deputy Ferbrache:** Yes, sir.

Yes there are. I am grateful to Alderney Representative Snowdon. P&R has recently written to
Aurigny in the last week or so and we believe – I cannot say we have had a response yet and I am
not implying any unreasonable delay on their part I hasten to add, that if that is accepted that that
will resolve the issue. All I can say at the moment is that we have sent a letter to them, they have
390 got a brand new Chief Executive who I think started work this week, we do expect a reply back soon.

The Bailiff: Deputy Dyke.

395 **Deputy Dyke:** Could I ask if Deputy Ferbrache's Committee will be considering shortly a partial
hiring freeze on civil service?

The Bailiff: Deputy Ferbrache.

400 **Deputy Ferbrache:** I have already said that Deputy Soulsby, in whom I have absolute confidence,
and I am not just saying that because she sits immediately to my left, will be looking at all issues of
Civil Service reform and transformation. So we are not coming back next week and saying ... and I
want to give comfort to everybody, because I think our civil servants have worked extremely
diligently over the last eight or nine months. I do not mean they did not work diligently before but
they have been put under significant pressure in the last eight or nine months.

405 That will be an issue that will be addressed and Deputy Soulsby will report back.

The Bailiff: Deputy St Pier.

410 **Deputy St Pier:** Sir, in order to better enable the discharge of mandate of the Committee as
certain leader of course Deputy Ferbrache understandably undertook to cease all work paid and
unpaid with Ferbrache & Farrell with effect from Monday 19th October. Can he confirm that he has
now done so? If not, why not and when will he do so?

415 **Deputy Ferbrache:** Can I confirm what?
I did not hear what he said.

Deputy St Pier: That you have ceased all work paid or unpaid with Ferbrache & Farrell.

420 **The Bailiff:** How does that relate, Deputy St Pier, to the mandate of the Committee?

Deputy St Pier: To better enable discharge of the mandate, sir. It was an undertaking given, sir.

The Bailiff: All right. Deputy Ferbrache, are you reminded to answer that question?

425 **Deputy Ferbrache:** Yes I am, sir, because there is no point at the opening of my Statement
saying I am going to be open and transparent and then saying I am not going to answer something.
The only reasons I will not answer something is either legally I cannot or I do not know the answer.
I know the answer to that. I will still be a consultant with that firm. I intend to do very little work. I
have already withdrawn from the majority of the work that I do at that firm. If I had not I would have
430 been in a court or a tribunal for 14 days of this month. I will not be in a court or tribunal for 14
seconds of this month unless there is an absolute emergency, which I doubt.

The Bailiff: Deputy Burford.

435 **Deputy Burford:** Thank you, sir,
With respect to planning change of use such as moving disused hotels out of the sector. Does
P&R see value in considering the concept of planning gain whereby part of the windfalls occasioned
by such change of use could be collected for the benefit of the community to be used in projects
such as social housing?

440 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: I do indeed, sir, I think that is an excellent question; I am grateful that Deputy
Burford has asked me it. That has been my view for a long time, long before I took on this role was
elected to this role. That is the way it should be, there should be planning gains so that you can get
445 rid of properties in various sectors and do something else for the benefit of the community.

The Bailiff: Deputy de Lisle.

450 **Deputy de Lisle:** Sir, every P&R Committee take decision on matters that may not conform to
the desires, welfare, quality of life, of the people of Guernsey. Will the President confirm that the
new P&R will consider and look at measures taken in the last term which have had a negative impact
on the growth and the need of the citizens of this Island?

455 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: I can answer that in very few words indeed we will.

The Bailiff: Deputy St Pier.

460 **Deputy St Pier:** Sir, Deputy Ferbrache in his statement referred to bringing forward some
practical capital projects. Could he perhaps advise when it is intended to next update the States
more generally on the States capital portfolio?

465 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: I would have to liaise with my colleagues but I would anticipate it should be
in three months' time. If it could be before then we will but I would have thought we are going to
have a lot to do in three months' time because I have been promising everybody is going to make
lots of statements. But with the leave of the Presiding Officer we might get a bit of an extension of
470 time in relation to that. I do not mean in relation to the three months I mean the time that we speak
but in three months.

The Bailiff: Deputy Gollop.

475 **Deputy Gollop:** Deputy Kazantseva-Miller referred to environmental sustainability, in the speech we have had outlined we have not heard much about social policy coordination or promotion beyond housing. Is that an important part interlinked with the economy of the new Committee's thinking?

480 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Yes it is and one of the things I mentioned was affordable housing which I think one of the things people need if you want a good life is a decent home. Not everybody can buy their home, albeit we have got a high percentage of people in Guernsey even now, and we have got a runaway housing market at the moment, as we have all seen, with prices going through the roof and conveyances in their hundreds at the moment.

485 But yes, we intend to liaise closely with our colleague Deputy Roffey on all such matters.

The Bailiff: Deputy Trott.

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

Sir, Deputy Ferbrache in his very upbeat statement this morning mentioned a number of things including what he regarded as unnecessary regulation. Who shall determine its necessity?

495 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Well ultimately because we live in a democracy this Assembly. We will have use of it and we think *x, y or z*, and in so far as those matters need to come back to what will be an open and collaborative Assembly it will be this Assembly.

500 **The Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

The previous Assembly approved the Revive and Thrive plan and the three pillars of the sustainable economy, community plans and health plans. Are we losing that structure with the new list of priorities that have been identified today or are we still going to be working to those three key pillars?

505 Thank you.

510 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Yes, without necessarily being restricted to that document or doing everything that is in that document which promises everything and ... but we need to achieve things. But yes those are still the key pillars of any basic democratic decent society such as ours.

515 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, Department Ferbrache mentioned in relation to medical tourism changes to the Rules regarding the Bond which of course require a secure income stream. Can he confirm that any changes that he proposes will ensure that there is a secure income stream in order that the Bond remains covered in the manner to which it is today?

520 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: At the moment, yes. I do not really need an equivocation in relation to that because that Bond has got to be repaid back in *x* number of years and it is well over £300 million

and the interest rate which was a good one at the time is not such a good one now. So of course we will seek to achieve an income, because what we need to bring in is income into the Bailiwick and the idea is medical tourism, i.e. an income producing asset. We are not going to go and build a sea wall with that money.

530

The Bailiff: Deputy Roffey.

Deputy Roffey: Will Deputy Ferbrache confirm that any pursuit of medical tourism is done in such a way that is not allowed in any way conceivably to further the delays being suffered by local people under the MSG contract?

535

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Well, exactly, the MSG contract must be confirmed and it must be met and I am happy to give that confirmation.

540

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

545

Given the pandemic, sir, how does the President intend to strengthen the position of retail and hospitality on the High Street and in Guernsey as a whole?

The Bailiff: Deputy Ferbrache.

550

Deputy Ferbrache: Sir, Policy & Resources has met regularly since our brief tenure in office. We intend to discuss such matters, relief matters etc. we are going to have further advice in our next meeting which is due on Tuesday.

The Bailiff: Deputy St Pier and then Deputy Trott.

555

Deputy St Pier: Sir, the previous Policy & Resources Committee had resolved to proceed with the retail Bond following Deputy Roffey's amendment my understanding is the present Committee are not intending to do so or not intending to do so on the same terms. Could the President advise what the present Committee's intention is with regard to the retail Bond and whether there is any intention to rescind that previous resolution.

560

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: We have not discounted it totally, but we believe that the terms that came forward, which were I am not saying they were unreasonable at the time, but things have moved so quickly in relation to world and the Bailiwick's finances that it needs to be revisited.

565

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

570

The President of P&R mentioned three monthly meetings with relevant committees would this apply to regular meetings with Alderney?

The Bailiff: Deputy Ferbrache.

575

Deputy Ferbrache: Probably not, but Alderney Representative Roberts as usual raises a sensible point, and there should be regular meetings with Alderney as I have said my able colleague Deputy

580 Helyar I know has got a particular interest in Alderney and Sark he will ensure that there are regular contacts with Alderney and Sark and have regular meetings. I am not going to tell him because that would be presumptuous of me how he should do that job, but I am sure he will do it well.

The Bailiff: Deputy Trott.

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

Deputy Ferbrache mentioned Guernsey Finance, he mentioned its underfunding. Can he advise the Assembly whether it will be his intentions to make specific budget recommendations in a positive way towards that important entity or might we need to wait a little longer to hear what his recommendations will be?

590 **The Bailiff:** Deputy Ferbrache.

595 **Deputy Ferbrache:** Well, it will be beyond the Budget because I said it is in January, what I would like – well Deputy Helyar in particular, but what P&R would like – to do is sit down with Deputy Trott in his capacity as Head of Guernsey Finance and other people and come up with a discussion as to what funds are needed how they can be rationalised, how they can be properly spent.

The Bailiff: Deputy Roffey.

600 **Deputy Roffey:** Thank you, sir.

I realise it is early days and P&R will not have decided everything yet, but I wondered if Deputy Ferbrache could give an indication of how he perceives the Post-War Agreement with Alderney being reviewed, it was in frame, is it going to continue and if so how?

605 **The Bailiff:** Deputy Ferbrache.

610 **Deputy Ferbrache:** I am grateful for Deputy Roffey ... not questioning his own question but putting that remark in or that inference in about it being early days. It certainly needs to be looked at but what I can say to our friends and colleagues in Alderney, we are in the Bailiwick of Guernsey which includes Alderney, it is a very important part of it. There will be discussions but hopefully they will be ... there needs to be variation to it, but I cannot sit here and say I know what the variation will be, that will be a matter of sensible discussion between good people with good will on both sides.

615 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, sir.

620 Deputy Ferbrache mentioned he was positive about an evolution Government and looking at the Civil Service structure and the machinery of Government potentially especially led by Deputy Soulsby. Will that imply that maybe the States' Assembly Committee, SACC rather, and the rest of us can revisit the aborted Deputy Soulsby requête which I signed in the last term, because unfortunately the previous Policy & Resources did not wish to see that debated at the time?

The Bailiff: Deputy Ferbrache.

625 **Deputy Ferbrache:** Again, sir, I cannot speak for Deputy Soulsby but I think that may well be in her thought processes when she reverts back.

The Bailiff: Deputy Oliver.

630 **Deputy Oliver:** Thank you, sir.

I do understand you may not be able to answer this question but the last P&R was investing in impact investment. Will that be something that this P&R will continue?

The Bailiff: Deputy Ferbrache.

635

Deputy Ferbrache: Well, again, it is something that we will consider. I am not going to give an absolute commitment on everything today, but it will be considered. Again we are not saying ... my remarks when I made my speech because you are time limited, so I spoke even more quickly than I normally do to try and get through it, is in relation to that is that there are other issues. We are open we are transparent and we will discuss anything with anybody.

640

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

645

This month the Douzaine elections are taking place and with the Island-wide voting their role has obviously slightly changed. Do you feel ... does the Chief Minister feel there is an opportunity for revision of the role of the Douzaine and improving the democratic process and liaison with the parishioners?

Thank you.

650

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Again, the Douzaines have served this Bailiwick for centuries they are good people and they are still serving and they still do very important things for free and they do it very well. The liaison with that will be as I have already said Deputy Soulsby. We have got ideas, she has got ideas already, I know, the Douzaines have got ideas there will be discussion between the two of them. So the message we have got to go out beyond this room to the Douzaines is that we really do value your contribution and we expect to work well with you in the future.

655

660 **The Bailiff:** Deputy Trott.

Deputy Trott: Last one from me, sir.

Deputy Ferbrache said boldly he wants to get on with things and meet deadlines. So I would like to ask him in three months' time at the end of the 100 day period what will success look like? What sort of things will he have done and how can we measure him against that?

665

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Well, I think it will be measured by the contributions made equally by my colleagues. We have divided up – if I can use that phrase inelegantly – various tasks between us. I think we will come back and say we have made progress. Rome was not built in a day; it was built in a long time. God, according to some people ... some of those who might have voted for President Trump last night in certain states might have thought the world was made in seven days. It actually took a bit longer than that, but I think the success will be that this Assembly and the people of the Bailiwick will appreciate that we have got on with what we said we would get on with.

670

675

The Bailiff: Deputy Falla.

Deputy Falla: Sir, would the President please expand a little on the nature of the public meeting before Christmas. Will that be an opportunity for the public to listen in to deliberations by the P&R Members or will it be more of a surgery type arrangement?

680

Thank you.

The Bailiff: Deputy Ferbrache.

685

Deputy Ferbrache: We have not actually decided. I think probably because of time it will be a drop-in. The initial meeting will be a drop-in – somewhere in Town, for example, well-advertised, they can come and see the Members of P&R and discuss issues with us. But in due course there will be whether it is in St James' or the Cotils or wherever it may. The five of us will be on a stage we will give a presentation we will invite peoples' questions and comments.

690

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

695

If I believe correctly we will need to design or define the future for Guernsey Plan or whatever name the Chief Minister might want to put to it and with the previous terms there was I believe a wide process of consultation and engagement with business bodies and across the community. Does it feel we have such a long list of priorities that are already designed does it mean we do not need that process and we have moved beyond consultation and we will just get on with doing things? Or will there be an element of consultation process for the future for Guernsey plan in this term?

700

Thank you.

The Bailiff: Deputy Ferbrache.

705

Deputy Ferbrache: Well, there has to be consultation because the idea is you want to take people with you. You want people to at least feel they have had a proper listening to even if you have eventually come to a decision because that is what P&R have got to do that is what this Assembly has got to do, come to a decision, and you cannot please everybody all of the time. But we must consult but there comes a time when there is enough consultation and you have got to make a decision.

710

The Bailiff: No one else is rising to ask any further questions of the President in the context of the Policy & Resources Committee's mandate.

Committee for Economic Development – General Update Statement by the President

715

The Bailiff: So we will move to the next General Update Statement, the second one. This is on behalf of the Committee for Economic Development and I invite the President of the Committee Deputy Inder to deliver that.
Deputy Inder please.

720

Deputy Inder: Thank you, sir.

Sir, I am grateful to the States' Assembly for putting its confidence in the current Members of the Committee for Economic Development to play its part in the Island's recovery.

However, as I said in the Assembly on 19th November, this will be a States-wide effort and later in my speech I will come to how we will need to work with all of the new committees.

725

Under Deputies Ferbrache and Parkinson – during the last term – the Committee started the process of addressing the challenges for future prosperity, digital connectivity and infrastructure,

our competitive offer as a place to do business, and how to promote that offer. We will be picking up from where they left off, but will act with a greater sense of urgency.

730 The current Committee brings a diverse set of skills and experience to the table and the Committee's responsibilities will be roughly carved up along the following lines:

Deputy Falla will be a capable Vice-President with a remit to ensure that Government and business are aligned.

Deputy Moakes will provide leadership on the Committee's work with the finance sector, ensuring that we understand the opportunities for growth that need Government action.

735 Deputy Kazantseva-Miller will lead on digital business, entrepreneurship and skills, working closely with the Digital Greenhouse and other partners to promote entrepreneurship and to transform our skills base on the Island.

Deputy Vermeulen will lead on tourism and industry, and will work with me, on the recovery of our visitor economy.

740 On that challenge, we are about to begin the process of overhauling how we market ourselves as a visitor destination; to set out a plan for investment in our tourism product and an accommodation strategy that ensures that we have appropriate bed stock and enable closed hotels to change their use to the benefit of the wider economy.

745 We need to think differently in how we market ourselves as a destination and whether this is the time to transform VisitGuernsey into a public private partnership, or form part of some form of LBG.

To give an example of how we will need to work with other committees we would like a closer relationship with both Policy and Resources, Environment & Infrastructure and the Development & Planning Authority. We have some strong ideas on how a future tourism offering might better utilise heritage sites, coastal kiosks; and without access to either Property Services and/or the DPA, we cannot move forward.

In addition that Committee has listened to the visitor economy sector. We will, as part of the recovery strategy, be recommending to the States significant investment in Guernsey's tourism product, and in enhancing the Island's visitor accommodation.

755 We have got to maximise the reasons why people come here – Victor Hugo attractions, our World War Two heritage, and a wider range of accommodation – including camping and self-catering – will help to drive that.

Of course in a short term plan to bring visitors back to the Island in any new season will mean that VisitGuernsey and Aurigny could and should work closer together.

760 Our Committee will make every effort to build a stronger working relationship with STSB under Deputy Roffey's leadership, and recent conversations with Deputy Ferbrache and Deputy Roffey, will mean the three Committees will work closer together.

The development of partnerships will be one of the most visible aspects of the new Committee's work. There will be no more walls.

765 The Committee will work closely with Environment & Infrastructure to develop a plan for the blue economy. In fact, I'm meeting Deputy de Sausmarez, informally, this week, in fact I had a coffee with her yesterday, and I am meeting her I believe this afternoon.

Our two Committees have many shared goals in developing a low carbon growth economy. I am aware that Deputy Kazantseva-Miller has a particular interest in sustainable business and Deputy de Sausmarez has a particular interest in environmental tourism. We will connect.

770 The Committee will also work closely with Deputy Prow and the Committee for Home Affairs to ensure that the approach to population management supports the economy.

775 The Committee will work closely with the DPA in this term too. I am sure that Deputy Oliver will help to lift the planning regime out of the suffocating red taped mire into which it started to sink towards the end of the last term. I am relieved to see that we have an open-minded President – what a change – and a new Committee that recognises that they are key to many aspects of 'Revive and Thrive'.

Let's work together to encourage changes of use and exceptions if they drive our economy, and let's use our highly skilled planners to support growth and regeneration.

780 In short, we will make every effort to remove barriers to business and invest in the infrastructure that supports it. This means a new telecoms strategy which officers are now accelerating.

The Committee will prioritise a reassessment of the Island's air connectivity objectives, last agreed by the States in December 2018. The world has changed since then. Reviewing these now will feed into the air policy framework that is being finalised by P&R, and enable the Committee to understand if policies such as quasi-open skies help or hinder the delivery of our objectives.

785 Sir, the engine of our economy is the finance sector and it is world class – funds, fiduciary, insurance and banking sectors that have a track record of quality, stability and innovation.

In meeting with the representatives of the finance sector during the course of the election, they asked for a number of things. That we stay competitive, we invest in transport and digital connectivity, we reduce red tape, and we invest in promotion.

790 We need to support Guernsey Finance and its new leadership in marketing what Guernsey has to offer, and a proposal for increased funding will be with the Committee soon.

Of course, it is not just Guernsey Finance that needs fresh impetus to aid recovery.

The previous Committee requested an agency review, and officers will now accelerate that work. This will mean a closer working relationship between the Digital Greenhouse and Locate Guernsey.

795 That approach will run through this Committee's work – localisation, ensuring that when the taxpayer is funding a project big or small, as much of that funding goes to local employers and local workers. That is essential for recovery and we must do this.

800 Deputy de Sausmarez asked in the Presidential Q&As what we could do for the 'creative industry'. And my response is as it has been for years. There is little or no excuse for any Government agency to put creative work outside of this Island. Guernsey can perform on any world-wide stage.

The aim is to bring back many of the creative contracts that could be undertaken by locally based agencies back to Guernsey where that is possible within the States of Guernsey's procurement policy. Government money, on Island, benefitting Guernsey business.

805 My first instruction to officers was to seek a review of where we are with all Marketing and Tourism contracts. We remain positive about Guernsey's tourism future, it is essential to the Island and its transport links, but I have had long held concerns whether Government should be providing the marketing services for the industry.

810 I remind members that the Chief Executive Officer of the States of Guernsey has often repeated and he has quoted 'there are things that government just shouldn't do.' My view is that providing marketing service for tourism is one of them.

So we are up and running and trying to move at a pace. Meetings are set up with other committees to ensure partnership. However, we wouldn't mind some input from our largest industry and with that in mind we are working with GIBA to invite nominations for experienced non-States members to support this work. We will be looking to do this quickly.

815 Sir, to close – let me reiterate that I promised when I took on the Presidency four things: focus; collaboration; positivity; and decision.

Hopefully, sir that will give you a taste of how this Committee will move forward with some grace.

Thank you.

820

The Bailiff: Thank you very much.

Members of the States, there is now a period again of up to 20 minutes for questions on any matter within the mandate of the Committee for Economic Development.

Deputy Queripel.

825

Deputy Queripel: Sir, my apologies for getting mixed up earlier, I really must learn to curb my enthusiasm.

830 Sir, when I asked the following question of candidates in the election for President of Economic Development did the candidates agree with me that a permit system for the white van man needs to be introduced here in the Island Deputy Inder said he did not see this as a priority. Therefore I

would like to ask him has he discussed the issue with his Committee and if he has what was the outcome, if he has not discussed the issue with his Committee is he able to give me an assurance please that he will?

835 **The Bailiff:** Deputy Inder.

Deputy Inder: Sir, my view has not changed from a couple of weeks ago, and if I remember correctly the other candidate Deputy Parkinson agreed.

840 To answer his question directly right now there is no intention to bring that matter to the Committee but if Deputy Queripel wants to write to the Committee and make that argument I am quite sure the Committee will reconsider it, but if he is asking me directly as the President I will not be raising it with the Committee, but it is absolutely within his right to raise that himself with the Committee and write to the Committee and we will give it consideration.

845 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

850 I thank the President of the Committee *for* Economic Development for his update, but I am disappointed at a notable omission. What synergies does the President see with the Committee *for* Education, Sport & Culture, given that this Committee takes care of our future work force and our heritage assets and culture vital components of the economy?

The Bailiff: Deputy Inder.

855 **Deputy Inder:** Sir, Deputy Dudley-Owen as a previous Member was always keen promoting two areas, three areas in fact, entrepreneurial skills and digital, and I think she will agree with me that there was some resistance in that Committee to work with Education given the make-up of the previous Committee.

860 Now, the skills development is effectively combining the digital skills programme with the Digital Greenhouse a new offering from Agilisys part of the Smart Guernsey Economic Development programme but what I will do is I will try and find a way along with our Committee with my Committee's agreement to tie Education, Sport & Culture into that in some way.

The Bailiff: Deputy de Lisle.

865 **Deputy de Lisle:** Sir, the President indicated that Economic Development was to pick up where the former Committee left off. Some argue the need to focus given the pandemic and as the world and tourism is at a different place. What areas can in reality come under focus given lockdown all around us?

870

The Bailiff: Deputy Inder.

875 **Deputy Inder:** This will all end one day and we do have to think about a better tomorrow. It is all a fairly miserable place for the whole of Europe to be in at the moment. But if we sit on our shackles, sitting on our ... I do not know how to express this – but sit back hoping something is going to happen, I can tell you now hope will always get you killed. We need a plan and we need a positive plan. So what we will work on is effectively a period where the pandemic will finish and, so we have to build towards looking at a brighter future for the visitor economy because it is just not about the hotels, hostelries and the events. I will remind Members it is also about transport and air links because without the tourism economy some of the air and sea links will be in a worse place
880 than they are now.

The Bailiff: Deputy Parkinson.

885 **Deputy Parkinson:** Sir, can the President tell us where the Committee has got to with the work undertaken by the last Committee in respect of an International University presence on Guernsey I think Oxentia had nearly completed their report?

The Bailiff: Deputy Inder.

890

Deputy Inder: I can do, sir, and we have had three meetings, one of them was procedural, two of them were induction and our next meeting I think is in two weeks' time, I do not believe the Oxentia report is on that agenda at the moment, I only saw it last night.

895 We have got a number of options and I know Deputy Parkinson has worked on it for years, we have got a number of options when it comes to us we will give it great consideration. If it looks like it is something that is good to go obviously the Committee will bring a policy letter to the States. Another option is just to stop the project if we are not happy with it. Actually one of the other options is to bring a green paper to the States and get some direction from the States where they want to go with it. But part of me would like to include Education, Sport & Culture in some of those considerations later on and see what their view is.

900

So we have a number of options, so to answer his question directly right now I have only had three meetings the Oxentia report has not been on the table or on the agenda.

The Bailiff: Deputy Gollop.

905

Deputy Gollop: Yesterday we heard the disappointing news linked to STSB actually that the Post Office in Smith Street will close next year, but that is part of maybe a trend of declining retail and customer service in St Peter Port. What retail strategy are Economic Development working on to re-ignite town centres?

910

The Bailiff: Deputy Inder.

915 **Deputy Inder:** I think in my pitch for the presidency I did talk about having some kind of residence strategy. Deputy Ferbrache has touched on getting more people living in Town, the idea about the private sector, I think he mentioned the Guernsey Housing Association. It is absolutely key and I think that is the big thing that has been missing all the conversations about retail strategy is the residence strategy. The more people living in Town as touched on by Deputy Le Tocq I remember a couple of States' meetings ago, is the more people you get into Town the more vibrancy you will have in the Town centre. I think that is where everything starts, get people living in Town first.

920

The Bailiff: Deputy St Pier.

925 **Deputy St Pier:** Sir, given Deputy Ferbrache's previous comments in his Statement about the need for fiscal restraint, in order to find the additional funds for Guernsey Finance and given Deputy Inder's view in relation to Visit Guernsey does the Deputy Inder see it as being a substantial issue of re-prioritising the existing budget of the Committee for Economic Development from the Visit Guernsey to Guernsey Finance, is that in essence how additional funding is going to be found?

930 **The Bailiff:** Deputy Inder.

Deputy Inder: As Deputy St Pier has pointed out we have only got a £6 million budget; £2.6 million of it is for the Visit Guernsey account. In short, I have spoken to Mr Pleasant recently, he is writing to us and we are expecting a report by him or at least a draft report by the middle of

935 November, I am expecting a sort of fatted out report by the end of November, and to answer his
question directly we do not have the budget, we just have a very small budget, so it will be a pitch
for extra money from Policy & Resources and hope we will get some support from that.

The Bailiff: Deputy Trott.

940

Deputy Trott: Sir, additional funding for the promotion and marketing of our major industry
through Guernsey Finance is most welcome and I continue to give such an issue my full support.
However, it appears to answers given earlier from the President of Policy & Resources that the
funding will fall outside of the normal Budget debate later this month that was an answer given to
945 an explicit question. How then will such additional funding be resourced? How will such additional
resources be funded if they are outside of the Budget debate, if it does not come from the
President's existing Committee funds?

The Bailiff: Deputy Inder.

950

Deputy Inder: We have got a number of pots rattling around hopefully some of them will
actually be reduced. But I think we have got a Future Guernsey Fund and ultimately I think there are
exceptions I honestly think the lack of investment we put into Guernsey Finance is one of them, is
that when we recognise it I do not think there is a reason that I should not make the argument to
955 Policy & Resources with their help, and if not we will make it through this Assembly.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

960

Both the President of P&R and now Economic Development have said they need a change in
the visitor accommodation. DPA has been waiting for a visitor accommodation report, will that
actually materialise?

The Bailiff: Deputy Inder.

965

Deputy Inder: Yes, oh sorry, I beg your pardon. Yes, it will do.

One of the things that we have done in between our three meetings of procedural and two
induction, is give instruction to officers to start looking at an accommodation strategy, and I will
not mislead but I think we said we wanted it within six months.

970

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, is the redevelopment of Leale's Yard a priority for the Committee for working
on the development and if so what role with the Committee play in achieving that?

975

The Bailiff: Deputy Inder.

Deputy Inder: I understood it came via an amended requête through Policy & Resources;
whether it is actually our priority as Economic Development, we have not given it much thought.

980

I have heard through the election I think it came from Deputy Parkinson and I think he used the
word an overbaked policy letter hanging around somewhere, well it has not come from our
Committee so if there is one then it must ... this all seems to be property management, large bits
of funding will come from Policy & Resources rather than Economic Development.

985

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, this is a time for focus and change. I do not hear that coming through. What change and what focus is to be made in the new Economic Development Committee.

990 **The Bailiff:** Deputy Inder.

Deputy Inder: Sir, we changed the Committee.

That is something we did do, and I will reiterate what I said to this Committee when I pitched for this. I told them a number of things, within six months – within six months, Deputy de Lisle – we will
995 have the final mile policy letter. Within six months we will recognise that the £2.4 million that we spend supporting tourism is disproportionate to the amount that we spend on Guernsey Finance. Sir, within six months we will appoint a non-States' member. Within two weeks I gave instructions to our Visit Guernsey team to start looking at the contracts. Within two days our Committee have instructed our officers to look at accommodation strategy.

1000 Now, I do not know what Deputy de Lisle thinks movement looks like but that looks like movement and action to me.

The Bailiff: Deputy Queripel.

1005 **Deputy Queripel:** Sir, in response to my earlier question Deputy Inder said I should make an official request in writing to the Committee to discuss the issue of introducing a permit system for white van man here in the Island. In relation to that why can the Committee not look into the matter of their own accord, seeing as Deputy Inder said on several occasions in his speech we must keep as much money on Island as possible and they are mandated to support local businesses while they
1010 need the kiss of life to kick-start them? From a colleague, are they not renegeing on their own mandate?

The Bailiff: Deputy Inder.

1015 **Deputy Inder:** No, I am not renegeing on my own mandate.

Sometimes, sir, through you, sir, if Deputies do not like what they hear, it must mean that the answer is wrong. But the answer has been absolutely clear: I did say that if I was doing anything today I would be looking at the nine-month/three-month short-term licences and ensuring that they do not leave before the Easter of next year.

1020 If I was doing anything today I would be looking at the five year licences and giving those people some latitude to allow businesses which are already in the Island, they are losing staff in part due to coming to the end of their licences. That is the problem in Guernsey.

The problem at the moment is not white van man coming to Guernsey; it is the fact that we are currently losing our ... I am going to use the word 'foreign' workforce because they are coming to
1025 the end of their licences.

So the short answer is I will not be raising it with the Committee. If one of the Members of the Committee wants to raise it that is entirely up to them. I cannot be clearer than that.

The Bailiff: Deputy Gollop.

1030 **Deputy Gollop:** Whilst agreeing with the President's vision and Committee's position that a review is needed of the structure of Visit Guernsey and its management policy etc. is the Committee planning at this stage to reduce the budget that the States gives to support the visitor economy and tourism generally, rather than just enhance what is given to Guernsey Finance?

1035 **The Bailiff:** Deputy Inder.

1040 **Deputy Inder:** What we need to do is to start from scratch. I had a meeting with the officers a week ago and asked them one thing. I said if we had a blank piece of paper, would we be doing what we are doing now? The answer was clearly no.

Right now the majority of our officers, if not all of them, that are employed by Visit Guernsey have been redeployed elsewhere. Effectively tourism at the moment has got some prepared set of creative work as I understand. They have booked no media forward because unless they know when the pandemic is going to end, and I cannot see that happening ... So right now if there was ever an opportunity to reimagine the Guernsey brand, what it has been delivering, what it is doing, the media it is using, its processes, everything, now is the time.

So to answer your question we have not got that far but there is a clear message, the time to change is now.

1050 **The Bailiff:** Deputy Blin.

Deputy Blin: Thank you, sir.

Can the President explain what sort of planning or consideration is being made in view of any negative knock-on effects of Brexit?

1055 **The Bailiff:** Deputy Inder.

Deputy Inder: The question is a bit generic and I am going to sit down again and invite Deputy Blin because I just cannot answer that question, and ask him if he can be a little bit more specific.

1060 **The Bailiff:** Perhaps he can take it up in writing between the two of you.
Deputy St Pier.

1065 **Deputy St Pier:** Sir, following on from my previous question, Leale's Yard is not in States' ownership so it is not a matter for Deputy Mahoney and the States' Property Services, and it is not really a matter for P&R *per se*. My question really is whether the Committee *for* Economic Development see it as an economic opportunity for the Island and if so will they be bringing their voice to support all those that want to enable that regeneration opportunity to happen?

1070 **The Bailiff:** Deputy Inder.

Deputy Inder: I think I can answer that with a straight yes.

1075 **The Bailiff:** Deputy Gollop.

1080 **Deputy Gollop:** Sir, I have been given to understand that work was done some time ago to consider further legislation in relation to our ferry Ro-Ro ramps and therefore my question is given the promotion of connectivity and tourism into our Island, UK and French travel when circumstances permit, are Economic Development planning to develop the work Deputy Trott and others were doing in relation to encouraging sea passenger transport?

The Bailiff: Deputy Inder.

1085 **Deputy Inder:** There are two parts of it. The significant piece of work of the two, I suppose it is the operating agreement, actually the ramp licences and the ramp licence is important I believe that is going to come shortly. I will not give a date on it because almost inevitably I will mislead, but we are working on it in the very short term I just cannot remember the dates.

There was some talk in the media, I do not know if this helps at all and there was a question by one Member of the Assembly whether this was the time to negotiate the operating agreement.

1090 Well, (1) we are under direction, and (2) given that we have got new owners, quite clearly a changed transport, a regional transport industry, I genuinely think now is the time to effectively ensure we get the best possible service and investment to protect those services.

I genuinely do not think this is a time for dillydallying around 'we have to work with Jersey'; we have to be sensible, we have to work with Guernsey, we have to work with the new reality and once we have got a direction we will be reporting to Policy & Resources and eventually I believe there will be a policy letter that we will submit to the States.

The Bailiff: Deputy Trott.

1100 **Deputy Trott:** Thank you, sir.

Sir, in three months' time what will success look like at the end of the first 100 days for the new Economic Development Committee and how will we measure such success? I am hopeful, sir, that it will be a slightly better question than the one that my friend the President of the Policy & Resources Committee gave.

1105

The Bailiff: I think it is the same question; it may be the answer that you are thinking there, Deputy Trott. So Deputy Inder.

Deputy Inder: It is actually the same question as Deputy de Lisle; maybe Deputy Trott was out of the room at that moment, but I did say that within six months we would have a final mile policy letter, I have spoken about the investment in Guernsey Finance, and we will have appointed non-States' members, we have already set an accommodation strategy in place, and I have just spent probably too long talking about tourism, so that looks like action to me.

1115 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Would the President agree with me that a good way to measure the success of your Committee and other committees would be to compare the first 100 days of this States with the first 100 days of the previous Assembly?

1120 Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Yes, I would agree with that, but that will not take long, will it?

1125

The Bailiff: Deputy Blin.

Deputy Blin: Can the President outline if in their plans for this term they have considered the development of the Victor Hugo Centre which has been talked about over many terms, if that is on their list?

1130

The Bailiff: Deputy Inder.

Deputy Inder: Yes, I – sorry – I am too fast on my feet, sir, my apologies.

I think the tourism strategy was written 2017 and it was not really dusted off when I was there for the final 18 months of the Committee and I have never been entirely sure why. But we are going to commit to that, we need to have a look at that quite seriously and if there are investment opportunities we will make recommendations.

1140 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, following that rather odd question from Deputy Meerveld, who was the President of the Economic Development Committee for the first 100 days of the last term?

1145 **The Bailiff:** Deputy Trott, I mean it is a matter of public record as to who was the President of that Committee (*Interjection*) and it is not really a question in the context of the mandate of this current Committee so it is not about the work that it is going to do. So I think we will take that as read shall we?

The 20 minutes are now up, but if there are Members who are keen to ask Deputy Inder further questions in the context of its mandate please do rise, because we have got all day.

1150 I will take Deputy Bury first I think on that basis.

Deputy Bury: Thank you, sir.

1155 There has been much talk of the finance industry and investment in obviously our largest industry, could the President tell us and expand a bit further on your vision for a strategy for supporting smaller businesses and start-ups?

The Bailiff: Deputy Inder.

1160 **Deputy Inder:** Some of the things that have turned up over the last six months things like access to banking accounts, I think that is important. I mean just being able to start a bank account would be a start. We have spoken about deregulation and Deputy Bury is absolutely right the big ticket names that always come out of Economic Development are either finance or tourism and something gets left in between.

1165 I think certainly what we have recognised as a Committee and it is very embryonic manufacturing is important and what we would call the real economy. We have already spoken about a retail and a residence strategy, but nothing has been basically that I could put in six or seven points. But what I can assure Deputy Bury is that there will be real consideration to what are the working families, those in Guernsey that start up their businesses and take some of the greatest risks and they are the ones that are visible when they fail.

1170 So in short, sir, through you, I come from that neck of the woods and I do not forget where I am from.

The Bailiff: Deputy Soulsby.

1175 **Deputy Soulsby:** Thank you, sir.

The President of Economic Development Committee has referenced both the tourism strategy and retail strategy. Of course neither of those ever came to the States. Will he commit to bringing those strategies for this States to approve?

1180 **The Bailiff:** Deputy Inder.

1185 **Deputy Inder:** I actually mentioned a residence strategy and a retail strategy. If I can get the tourism strategy out of the way, there was some push by the last Assembly to bring a tourism strategy and if they meant the promotional activity on top of that how we are going to do it, the idea of 38 people picking through a tourism strategy thinking something should be blue or something should be green or that field should be – I would not bring that to the States but the actual tourism strategy itself which I believe was delivered to our Committee and I do not think it was debated by the previous States, I cannot remember if it was, I am not cool to the idea but again until I have spoken to and get the view of my Committee I cannot commit to that at the moment.

1190 **The Bailiff:** Is there any Member who has not asked a question yet who wishes to ask a question in this session?

So I will take Deputy Dyke before Deputy Queripel.

1195

Deputy Dyke: Thank you, sir.

Could I ask the President a question regarding the extension of the runway. I am sure he either has or will be reading the Frontier Report on the costings and economics of the project.

1200

What I thought was lacking from that report and I would ask if he would address it is the question of using the e-mass artificial safety zone which was not part of the Frontier Report and which I understand would halve the cost of the 1,700-metre extension. Is that something he can push to address and investigate?

The Bailiff: Deputy Inder are you able to answer that question.

1205

Deputy Inder: I am grateful for your question. I am in danger of responding incorrectly. I think what I will do at this point is, if you do not mind, I will take your question and will write back to you and all States' Members to give that consideration because right now in my head I cannot remember picking through every single fine detail of the Frontier Economics report, but if I do remember correctly we were supposed to be looking at a runway up to 1,700 metres. It is the bits in between that right now I am just a little bit flaky on. So if that is alright with you I would rather write back to you and respond.

1210

Deputy Dyke: That is very kind of you.

1215

Deputy Inder: You are happy with that?

Deputy Dyke: Yes, very happy.

1220

The Bailiff: Yes, it is the answer to the question, Deputy Inder, you volunteered to respond in writing in due course.

Deputy Le Tocq.

Deputy Le Tocq: Thank you, Mr Bailiff.

1225

I am heartened by much of what I have heard from the President of Economic Development. Would he and his Committee be willing to invest more and to see more done with regard to the brands that Guernsey has. We live in an age particularly of branding, I am not just talking about Victor Hugo which is mentioned, I would like to see more done there, but Guernsey, the Guernsey breed for example, and indeed the safe and secure place that Guernsey is known increasingly as throughout the world.

1230

The Bailiff: Deputy Inder.

Deputy Inder: Yes, I think that the short answer to that is personally again, not from the Committee view, certainly yes. I remember there was an idea of the manufacturing output coming under a Golden Guernsey brand and there are no two ways about it, the Guernsey cow has a place not just in our society but the world.

1235

But what I noticed we have got Digital Guernsey one way, we have got Locate the other way, we have got Visit Guernsey down in that corner, brands all over the place. Well, I say brands; actually 9 times out of 10 they are just logos. I am not sure Guernsey has a brand itself. So to answer your question, that is something we have to give some consideration. I suspect part of the answer will come up in the agency review, if indeed we combine some of those agencies.

1240

The Bailiff: Deputy Burford.

1245

Deputy Burford: Thank you, sir.

1250 Given that this Assembly has been commissioning very costly reports on the possibility of a runway extension for a decade or more and has never resolved to progress the project. Is it time to conclude that the idea is dead and that £100 million could be spent much more effectively particularly on revitalising sea links?

The Bailiff: Deputy Inder.

1255 **Deputy Inder:** Not it is not. It is not to conclude that at all. That is quite clearly Deputy Burford's personal view on it. That is not what the Frontier Economics report said.

1260 So what I can say although it is not a direct answer to her question is that the previous Committee because we were in the middle of a pandemic did not want to really look at spending time reviewing something. The advice to the current Committee is effectively – in short Frontier reckon because they are quite happy to take our money for another short review but they know what the answer is, we are in the middle of a pandemic. So as and if when we peter out of this we will be having a refresh of that hopefully in the first quarter of next year. Again by the grace or otherwise of this Covid-19 we intend to go.

1265 But to answer her question I think that is very much her personal opinion and not necessarily the evidence that came out of the runway extension report.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

1270 In most people's manifestos they put that they would attract entrepreneurs to the Island. How is the Economic Development going to succeed in doing that?

The Bailiff: Deputy Inder.

1275 **Deputy Inder:** We had a short presentation with Locate Guernsey yesterday, and things seem to be heading in certainly the right direction and there is clear evidence that they have been benefitting the Island to the tune I think over the last four years their figure is around £4.8 million. I cannot remember the amount of people they have brought to the Island.

1280 The pinch points are oddly enough the lack – well, two areas of the Open Market, some are lower in quality and some are the higher end costs. But it looks like Locate Guernsey has filled up the gaps that it can at the moment. But any more detail that that I cannot really give you.

Thank you for the question.

The Bailiff: Deputy Queripel.

1285 **Deputy Queripel:** Sir, as we all know part of the mandate of the Committee is to promote all sectors of business including construction, creative industry, financial services, horticulture, intellectual property and several other areas.

1290 So can the President tell me what the Committee will be doing to promote horticulture in the future please?

The Bailiff: Deputy Inder.

1295 **Deputy Inder:** That is a good question. The reason I say it is a good question is because I have not got a straight answer for that at the moment. I have not really thought that through more than that. Again with that one you have got me there, Deputy Queripel, it has not come up recently and I cannot remember it coming up in the last six months of the previous Committee, but I will certainly give that some consideration and write to you directly and all other Members.

The Bailiff: Deputy Gollop.

We might make this the last question for repeat questioners.

1300

Deputy Gollop: I note later on in the agenda Deputy Lester Queripel has questions pertaining to arts strategy to ESC, but my question is has Economic Development considered the impact the creative sector makes in Guernsey and therefore the amount of support, funding, encouragement and facilitation they can give to arts, sports and the creative sector, both economically and socially?

1305

The Bailiff: Deputy Inder.

Deputy Inder: I am going to get a bit repetitive here. I was born of the creative industry and I know how important and how underrated it has been over the years. I did talk about procurement policy I think that has to change. I have mentioned it in my previous speech, I mentioned it in this speech as well. I am a great supporter of the arts, personally, I may look more like one of Caravaggio's horror paintings but the reality is it is something I am extremely fond of.

1310

The Victor Hugo Centre kind of plays into that in a way. I think Guernsey has got a very good story to tell in modern digital, how it performs on the world stage and also its history.

1315

So in short there are certainly warm ears and a warm heart from me in that regard Deputy Gollop.

The Bailiff: Deputy Helyar.

Deputy Helyar: Sir, thank you.

1320

During the last term of the States many decisions were taken in silos which were apparent to the public as being strategically difficult when you look at the mandates of other committees. A number of the issues we have been talking about which fall within the Committee's mandate involve decisions strategically which need to be made across a whole group of different committees.

Can I ask, is the President committed to working in a collegiate way to achieve results in that way?

1325

The Bailiff: Deputy Inder.

Deputy Inder: Absolutely as I referred to in my first speech. As I said to anyone who will listen, actually we are called Economic and we are called Development; actually the levers are often elsewhere. I mentioned about the heritage sites tourism could use, we need to work with Policy & Resources.

1330

I mentioned I spoke about some of the issues we may have with Population Management Law, I had a meeting with Deputy Prow only yesterday. Yesterday I had a coffee with Environment & Infrastructure lead Deputy Lindsay de Sausmarez and we are having another meeting today.

1335

So in short, sir, those walls did exist and I think it was down to the personalities more than the actual processes. They have been ... I do not see them as I saw in the previous Committee, we have got different people working very differently and my feeling, what I am seeing, is that I think this whole political body is going to work together much more than it has done in the last four years, if not eight years.

1340

The Bailiff: Well, Members of the States, you had more than 10 minutes extra of questioning Deputy Inder, so we will draw a line in the sand on that one, shall we now?

Questions for Oral Answer

COMMITTEE FOR EDUCATION, SPORT & CULTURE

Secondary Education review

1345 **The Bailiff:** We will move into Question Time proper, which starts with questions being posed by Deputy Gollop, first of all to the President of the Committee for Education, Sport & Culture. So Deputy Gollop, your first question to Deputy Dudley-Owen.

Deputy Gollop: Thank you very much, Mr Bailiff, sir.
1350 Can the new President of Education, Sport & Culture assure the new Assembly that given normal circumstances and constraints her Committee and department will work to deliver a workable and acceptable solution to the secondary school campus development programme and model for secondary education within the next 12 months?

The Bailiff: The President of the Committee, Deputy Dudley-Owen, to reply.

1355 **Deputy Dudley-Owen:** Sir, the short and emphatic answer is yes.
The Resolutions of the previous Assembly currently oblige the Committee to carry out a review of the structure of secondary education to be debated no later than the 28th April 2021. The Committee believes that timeline is achievable.

1360 We owe it to the students who attend our secondary schools – both now and in the future and all of the professionals and support staff who have had to put up with uncertainty for far too long – to bring clear and workable proposals back to this Assembly so that we can put an end to that uncertainty.

1365 My colleagues here today will shortly receive a placeholder invitation to a session early next month when the Committee will share with them the work brought about by the pause and review process. That session will be this Assembly's first step on the journey towards agreeing and then delivering the right secondary education model for Guernsey.

Sir, looking around me today I am reminded of how influential previous debates on this subject have been in shaping the makeup of this current Assembly.

1370 So through you, sir, I urge colleagues to roll their sleeves up and get involved with this vital work at every opportunity so that when the time comes for debate we are all thoroughly informed to make the right choices for the community that has entrusted us to see this work through.

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

1375 **Deputy Gollop:** My supplementary would be: given the enthusiasm of the Committee for getting on with the job, would they welcome the input and maybe even participation of other Members of this Assembly and other States' Members who do not have the privilege of sitting on Education, Sport & Culture?

1380 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Absolutely. That is something that I put in my presidential speech about looking at working parties, it is something that has briefly been mentioned in the just one Committee meeting that we have had to date. But it is definitely something that I will be seeking to promote to all Members of the Assembly to try and get involved wherever the opportunities arise

and certainly in terms of working parties and Members have already expressed an interest in joining those which I would welcome any other approaches as well from any other Members.

Thank you.

1390

The Bailiff: Deputy de Lisle, supplementary question.

Deputy de Lisle: Sir, the uncertainty in secondary education has been extended by the pause and review. Why have we not been given details of the results of the four options review?

1395

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: I thank Deputy de Lisle for his question.

1400

Well, the review has not actually concluded as yet and therefore it would be inappropriate to bring a review back to this Assembly, informally or otherwise, that has not actually been concluded with the engagement of the relevant stakeholders, which was exactly why the requête was brought in the first place.

1405

The Bailiff: As no one else is rising I will turn to Deputy Gollop to pose his second question to the President. Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

1410

Will the Committee be considering, as part of that pause and review process of evaluating the best way forward for secondary education, educational outcomes of excellence and the different financial budgetary inputs each model may require to give the best opportunity for all pupils and educators?

The Bailiff: Deputy Dudley-Owen to reply, please.

1415

Deputy Dudley-Owen: Sir, again the short answer is yes.

I am sincerely grateful to Deputy Gollop for his questions. He has presented me with an opportunity to explain the evaluation work as approved by a majority of the previous States subsequent to the pause and review requête and which has been carried out under the direction of the outgoing Committee.

1420

That work considers a range of factors which include the quality of education, which also looks at the impact on educational outcomes, value for money which encompasses capital revenue and transition costs, and the impact on the infrastructure within the surrounding schools.

1425

The current engagement with teachers about this evaluation process will conclude over the next couple of weeks. After that this new Committee will review the findings of all the stakeholder consultation that has taken place over the last few months, as well as the technical work carried out by officers, all of which will help to identify the model for the structure of secondary education that is the best fit for Guernsey.

Our findings will be shared and form the basis of the States' Members' sessions and wider engagement.

1430

The Bailiff: Deputy Gollop supplementary question.

Deputy Gollop: Thank you very much, sir.

1435

Members could argue this would be more appropriately directed to Deputy Ferbrache but here goes.

My question is: given the ESC commitment to maximising the best possible solution if that requires increased funds for either capital or revenue expenditure will co-operation be sought immediately from Policy & Resources before returning to the Assembly?

The Bailiff: Deputy Dudley-Owen to reply.

1440

Deputy Dudley-Owen: I will be seeking co-operation from Policy & Resources Committee immediately, no matter what the outcome of the review is, because I think closer working together on a constructive and positive footing is inevitable. It will inevitably lead to the best outcome for Guernsey in the same way that collaboration across the States with other Members will also lead to the same.

1445

The Bailiff: Deputy de Lisle, supplementary question.

Deputy de Lisle: Sir, my understanding is that the numbers and the options that were considered by the last Committee have already been delivered to the department and should be available for release immediately because I just feel that this uncertainty is dragging on and certainly has an effect on economic development and future investors options in choosing this Island for their new programmes.

1450

The Bailiff: What is the question, Deputy de Lisle?

1455

Deputy de Lisle: The question is can we have the results of that study quickly because it is causing a delay and continued uncertainty in education?

The Bailiff: Deputy Dudley-Owen to reply.

1460

Deputy Dudley-Owen: Thank you, Deputy de Lisle's question has given me an opportunity to reiterate that States' Members will shortly be receiving a placeholder and subsequent invitation to a session which will be used to inform and share the results of the review.

1465

Thank you.

The Bailiff: As no one else is rising we will turn next to Deputy Gollop to the questions that you wish to pose to the President of the Committee for Home Affairs. So your first question to Deputy Prow please.

COMMITTEE FOR HOME AFFAIRS

Illegal drugs and relevant legislation

Deputy Gollop: Thank you very much, sir.

Will the new Home Affairs Committee board be committing itself to bringing a report regarding options for looking at modernising the Island's Law Enforcement towards illegal and prescribed drugs especially with a cannabis or hemp basis within the next nine months of this Assembly term?

1470

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

1475

Deputy Prow: Thank you, sir.

I thank Deputy Gollop for his questions.

Sir, the Committee is under a Resolution to work with colleagues at Health & Social Care and report back to the Assembly with options for alternative and non-punitive approaches to possession and use of small quantities of illegal drugs, including but not limited to cannabis.

1480

These options will be informed by work being led by HSC to develop a combined substance use strategy. The Resolution is clear that this should be considered by the Assembly within six months

1485 of the States considering the combined substance use strategy, considering this strategy will therefore impact on the Committee's timetable for presenting options to the States.

Thank you, sir.

The Bailiff: No one wishes to ask any supplementary questions. So I invite Deputy Gollop to put his second question to the President.

1490

Deputy Gollop: Thank you, sir,

It has been partly answered already, but will any of the Home Affairs Committee be actively working and jointly collaborating with other States' departments in terms of holistic drug use and justice review and outcomes policy with other States' departments especially Health & Social Care?

1495

The Bailiff: The President, Deputy Prow to reply, please.

Deputy Prow: Thank you, sir.

1500

Yes, the Committee would endorse the view of its predecessor that it would be essential to the success of future justice policy that it is sustainable and meets the needs of the community for it to be progressed as a cross committee priority. In addition there will be a need for the Assembly to collectively commit to resourcing this review to ensure that work can progress at a meaningful pace.

The Bailiff: Supplementary, is it, Deputy Gollop?

1505

Deputy Gollop: My supplementary is: is the President able at this stage therefore to indicate that approximately in six months' time the report will at least be open for public consultation if not debate in the Assembly?

1510

The Bailiff: Deputy Prow to reply.

Deputy Prow: Thank you, sir.

1515

I think it is important to stress at this stage that a lot of work has already been done. The green paper that was actually debated and the Resolutions has put in place a framework for the new Committee to work with.

I have already outlined as best I possibly can what the timetables will be, but what I can tell Deputy Gollop is I am sure from the first meeting that we have had that the Committee is absolutely committed both to consultation with this Assembly and with the wider stakeholders and to get the whole justice review piece back before this States as soon as it practically can.

1520

Thank you, sir.

The Bailiff: I now invite Deputy Gollop to place his third and final question to the President. Deputy Gollop please.

1525

Deputy Gollop: Thank you very much, sir.

How far will the President of Home Affairs, Deputy Prow, and new Members be able to share and facilitate for other Members and the wider community and professional rehabilitation sectors the work and conclusions of respected Liverpool John Moores University Professor Harry Sumnall in identifying a helpful path forward in looking at both legislation and the wider context of substance use and abuse?

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The Bailiff: Deputy Prow to reply please.

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Deputy Prow: I again thank Deputy Gollop for this question because it gives me the opportunity to stress that the independent report by Professor Sumnall was commissioned by HSC and was

published in July 2020 and I was part of that Committee at that time. The report which explores the interaction between the Health and Justice systems with respect to drug use and how this can best promote for health, wellbeing and safety of people who use drugs and the wider community is just one element that will help us to inform the Committee's proposals in relation to the future justice policy.

1540

Thank you, sir.

The Bailiff: Supplementary question, Deputy Gollop.

1545

Deputy Gollop: Thank you.

Thank you, Deputy Prow and Home Affairs, for the answers but subsequent to the publication of that report election issues were raised about the therapeutic use for people with relaxation or other or health concerns how far will the report address that question as well as the interaction between the Law Enforcement and illegal drug use?

1550

The Bailiff: Deputy Prow to reply, please.

Deputy Prow: Thank you, sir.

I think this question in part would be better addressed to the Committee *for* Health & Social Care in so far as the therapeutic use of substances such as cannabis or the medicinal use, because much work has already happened in the last term to progress these elements.

1555

What I can say is that there is a commitment by both Presidents of Home Affairs and Health & Social Care to work very closely together and also there is a commitment for as much cross-committee working as possible, because as the question suggests the two elements are connected and therefore the solutions that are best for the community are best arrived at by cross-committee working.

1560

Thank you, sir.

The Bailiff: Second supplementary, Deputy Gollop?

1565

Deputy Gollop: Has the President in interacting with the new board so far, the new board membership, been able to identify what diverse Members views are on this and the related issues relating to cannabis decriminalisation use and so on?

1570

The Bailiff: Deputy Prow to reply.

Deputy Prow: Thank you, sir.

What I can tell Deputy Gollop is that the Committee is absolutely committed to looking at this subject in the round together with a substance misuse strategy which is in the ownership of Health & Social Care reliance of tobacco, alcohol and substance use, and the role of the Home Affairs Committee is that interaction with the criminal justice system, and again as I have outlined this is in a piece of structured work in the form of the justice review and that is the process where consultation with all the stakeholders, with this Assembly and the public will need to take place.

1575

Sir, I hope that gives Deputy Gollop some assurance of how we intend to proceed with this.

1580

Thank you, sir.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

1585

It is quite well known that Deputy Prow was a member of Drug Concern and also his views on cannabis were made quite clear during the election. Will Deputy Prow be able to put those views aside and produce a non-biased report?

The Bailiff: Deputy Prow do you wish to answer that question?

1590

Deputy Prow: Absolutely. As I have explained there is a structure in place which will be followed; it will be open and transparent; it will listen to all the stakeholders, all the representations. That is actually a commitment that I did personally give during the election.

1595 The Deputy has also made a reference to a charity of which I was a director called Drug Concern I resigned from that organisation when I became a Deputy in 2016.

One of the major philosophies of that charity was to be non-judgemental and I have during the election campaign if I was asked a straight question I gave a straight answer, cannabis is a Class B drug, it has been a Class B drug for a long time. I did not put it on the register; that is a fact.

Thank you, sir.

COMMITTEE FOR EDUCATION, SPORT & CULTURE

Arts Strategy

1600 **The Bailiff:** Thank you very much.

We now move on to the next set of questions which have been trailed by Deputy Gollop already but these are to be posed by Deputy Queripel to the President of the Committee *for* Education, Sport & Culture. So Deputy Queripel's first question please.

1605 **Deputy Queripel:** Thank you, sir.

1610 Sir, we were told in the previous Assembly by the Committee *for* Education, Sport & Culture, that an arts strategy was being worked on by the department, but the Assembly never received the update it was promised. Can the President tell me please if the strategy has come to a standstill or not? If it has what measures will the Committee be introducing in an attempt to accelerate it being laid in front of the States if it has not and everything is going to plan can the President tell me when it will be laid in front of the States please?

The Bailiff: Deputy Dudley-Owen to reply please.

1615 **Deputy Dudley-Owen:** Sir, I am grateful to Deputy Queripel for his question.

As I made clear in my speech when seeking election as the Committee's President I recognised the importance of the arts in the broadest sense both to our community and to those visiting our beautiful Islands. The art strategy has not come to a standstill but it would be fair to say that progress during the last political term was slower than had been hoped by all those involved.

1620 It would be premature of me at this very early stage of the Committee's tenure and given that it has only met once since its Members were elected to commit to a specific timeline for bringing an arts strategy forward for debate, but I will commit to progressing this workstream alongside and not after workstreams connected to the transforming education programme.

1625 Of course in doing so we will be mindful of the need to align our work with the broader States' objectives that will emerge through the detailed policy plans that will support the Covid-19 recovery strategy.

The Bailiff: As there are no supplementary questions I will invite Deputy Queripel to pose his second question please.

1630 **Deputy Queripel:** Sir, thank you.

Sir, what does the President and her Committee hope the arts strategy is going to actually achieve and what assurance can she give me that it will not be just a list of well-intended but unattainable aspirations?

1635 **The Bailiff:** Deputy Dudley-Owen to reply.

Deputy Dudley-Owen: Sir, I said a moment ago that this work is not at a standstill. I will flesh that comment out a little.

1640 There is already a work plan in place which has six strategic aims sitting alongside five key objectives that the Guernsey Arts Commission is now working towards. I would like to reassure Deputy Queripel that these are more than well-intended but unattainable aspirations.

1645 For example the first of these objectives which was to refocus the Guernsey Arts Commission has seen the introduction of a new set of Commissioners, a full review of their governance arrangements which was signed off last month, and the start of a new business plan for the Commission. A new Chair has been elected to the Commission and is ready to take the helm at the end of the year.

The reinvigorated Arts Commission operating with a renewed sense of purpose will use art as an enabler to achieve specific measurable goals that have a demonstrably positive impact on the Island and Islanders.

1650 Of course this aligns with the Committee's core purpose which is to encourage human development by maximising opportunities for participation and excellence through education, learning, sport and culture at every stage of life.

The Bailiff: Supplementary question Deputy Queripel?

1655

Deputy Queripel: Sir, yes please.

1660 Sir, in her response the President said a new Chair has been elected to the Commission she did not actually say who that was so can she tell me please who the new Chair is? What will they be doing at the current Chair is not actually doing? I ask that because the Commission was already using art as an enabler to achieve specific measurable goals. So for the President to say the reinvigorated Arts Commission will use art as an enabler may sound impressive but it is nothing new, hence my question.

1665 **The Bailiff:** We will take that as your two supplementary questions, which is the identity of the person and the second question.

Deputy Dudley-Owen to reply to both please.

1670 **Deputy Dudley-Owen:** I am disappointed to let Deputy Queripel know that I do not have those details to hand, it is far too early in the term and I hope he will forgive me but I will circulate those details later. Previous to these questions I thought it was the previous Mr Trevor Wakefield who has done an excellent job as the Chair still *in situ* which I understand he is, but I am afraid I have not got the details that he asked for, but I will commit to circulating those.

The Bailiff: Deputy Gollop, supplementary question?

1675

Deputy Gollop: Given the commitment of Education, Sport & Culture to the arts and related activities will the President and her board be actively working with other committees, Policy & Resources, Environment & Infrastructure, and especially Economic Development to ensure that we have holistic co-operation identifying arts as part of our economy too?

1680

The Bailiff: Deputy Dudley-Owen to reply.

1685 **Deputy Dudley-Owen:** Indeed and thank you, Deputy Gollop, for giving me yet another opportunity to reiterate what I have said just in my Presidential speech and previously I think outlined from my question which may have had slight tone to it to Deputy Inder earlier about collaborative working across committee. I think it is incumbent on all of us to hold each other to account to be able to find synergies in our policy work and our mandates with other committees because otherwise we are just doing a disservice to Guernsey to work continued in silos.
Thank you.

1690 **The Bailiff:** As no one else is rising I will invite Deputy Queripel to place his third and final question to the President. Deputy Queripel please.

Deputy Queripel: Thank you, sir.
1695 Sir, the primary focus of the previous Committee was education, which meant the Committee were not able to apply sufficient political oversight to the arts. Can the President tell me please what measures will the Committee be putting in place to ensure sufficient political oversight is applied to the arts during their term of office?

1700 **The Bailiff:** Deputy Dudley-Owen to reply.

Deputy Dudley-Owen: Sir, as Deputy Queripel was a Member of the previous Assembly and in fact a Member of the Committee for a short time, it is a little disappointing that his question overlooks the work of the previous term and the strides made beyond education.

1705 My Committee has inherited from its predecessors the States' approved Sports Strategy, an upgraded world class athletics track at Footes Lane, a cleared and renewed focus on our language, and there has been also significant development of some of our major heritage sites including much needed maintenance and redevelopment work at Castle Cornet. But of course there is always more that could and some might say should have been done.

1710 I mentioned a moment ago that the new Committee has only met once but we have already agreed given the breadth of our mandate to strengthen our numbers with two non-voting members. This will ensure that all areas of our mandate receive the attention they deserve and will also ensure that the Committee is not so overstretched that it inadvertently overlooks any part of its mandated responsibilities.

1715 We have already invited expressions of interest for these two roles, once we have appointed the whole Committee including its non-voting members the Committee will consider in accordance with Rule 45(2) whether and to whom it will designate responsibility as the lead Member for specific areas falling under our mandate, and of course this will include identifying the right person amongst us to lead the Committee's work on the arts.

1720 **The Bailiff:** Supplementary question Deputy Queripel.

Deputy Queripel: Sir, thank you.
1725 Sir, the President did not actually answer the question that I asked; instead she cited two initiatives that relate to sport and two that relate to culture and heritage, she also said that she was disappointed in my asking the question because I was a Member of the ESC for a short time in the previous Assembly. I was indeed a Member of ESC for a short time: a mere two weeks, in fact, during which the Committee had one meeting and the item on the agenda was to discuss whether we all resign or not. *(Laughter)* Very little else was discussed as I recall, and a short time later we did resign.

1730 I was surprised to hear the Committee will soon be identifying the right person to lead on the arts. I would have expected the President to have already done that herself when she chose the Members for her Committee. So can she tell me please why she did not identify that person and also what criteria did she employ when deciding on those Members?

The Bailiff: Two questions once again;, Deputy Dudley-Owen to reply, please.

1735

Deputy Dudley-Owen: Sir, thank you.

I will do my best because I did not manage to extrapolate two questions from that statement that Deputy Queripel made. But I did get the last bit, so maybe I will have to ask for him to repeat the first one.

1740

The criteria that I applied to Members who put themselves forward and expressed an interest was about the overall view of strategy and vision for the entire mandate of the Committee. Given that we have some very important areas to work on and policy development to work on and to deliver a model of secondary education I needed to be sure that Members who were working with me on Committee would be looking at the horizon and not looking just at the mountains ahead of us that we had to climb. So it was very much a broad brush generalist approach that I was looking for, but general interest in all areas of the mandate.

1745

I am afraid I am going to have to ask for the Bailiff's help to answer the first question.

The Bailiff: Deputy Queripel what was the first part of that question? Can you just repeat the end of your question please?

1750

Deputy Queripel: Yes, sir.

Can the President tell me why she did not identify that person to lead the arts?

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The Bailiff: Yes, that is it. Why was there no identification when you were choosing people to nominate, Deputy Dudley-Owen?

Deputy Dudley-Owen: Because the mandate, Deputy Queripel, is so broad that we have had expressions of interest from all of the Members around specific areas of the mandate and to choose a person based on one slim area of interest in a Committee whose mandate is so large and diverse I think would do the whole Committee a disservice.

1760

So we all have an interest, I have a very great interest in the arts, but I also have an interest in language and sports, and all areas, but to identify a Committee champion at this point would be a little bit premature, given that we have not got either of our additional two non-voting members.

POLICY & RESOURCES COMMITTEE

Independent pay review for Guernsey's Judges and Crown Officers

1765

The Bailiff: We now move on to the final question in Question Time, and that is to be put by Deputy St Pier to the President of the Policy & Resources Committee.

Deputy St Pier, please.

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Deputy St Pier: Sir, as a result of the mediated settlement around the changes to the States of Guernsey Pension Scheme it was agreed to set up an independent pay review mechanism to periodically review and make recommendations regarding adjustments in the pay for Guernsey's Judges and Crown Officers. The new system of pay review is not operative in time to consider pay adjustments for 2019 and thereafter, any increase for their Jersey counterparts would be applied in Guernsey.

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Jersey carried out a review of judicial pay in 2019 and there has been a significant increase in the levels of pay for the Jersey Bailiff and Deputy Bailiff. To continue parity with Jersey would be costly. Whilst the review was delayed because of the pandemic it is imperative that the independent

pay review mechanism is operative without delay to ensure Guernsey's pay rates for these groups are set having regard to the Guernsey context in the interest of all parties.

1780 What action has the Policy & Resources Committee taken or will it now take and on what time frame to ensure that the independent pay review mechanism is established and operative without delay?

The Bailiff: The President of the Committee, Deputy Ferbrache, to reply please.

1785

Deputy Ferbrache: Thank you, sir.

The importance of fulfilling the outcome of this [*inaudible*] which reference made provision for an independent advisory panel to periodically review and make recommendations regarding adjustments in pay for Guernsey's Judges and Crown Officers is fully acknowledged.

1790 Prior to the onset of the Covid emergency response research had begun, however, as Deputy St Pier has referenced in his question, that review was placed on hold to enable the re-prioritisation of resources and also because of the prevailing situation made it a challenge to develop that work until now.

1795 That said I am pleased to report that the research work is due to be presented to the Policy & Resources Committee during this month in order to provide direction to officers. It is anticipated therefore that progress on this matter will be made before the end of 2020.

The Bailiff: Supplementary question, Deputy St Pier.

1800 **Deputy St Pier:** Sir, yes, the remuneration of the Lieutenant Governor is currently linked by formula to that of the Bailiff. Does it remain the intention of the present Committee with effect from the next Lieutenant Governor to remove the exemption from Income Tax that which currently applies to the appointees remuneration and does the (*Interjection*) the exemption from income tax and would therefore also be necessary for the Committee to ensure that the level of remuneration should be competitive for the role whether determined by an independent pay review mechanism or otherwise?

1805

The Bailiff: Deputy Ferbrache, can you answer both of those supplementary questions please.

1810 **Deputy Ferbrache:** I believe I can, sir.

There is no current intent to change the income tax provision in relation to the office of the Lieutenant Governor and the matter of the linkage between the Lieutenant Governor's salary and that of the Bailiff will be ... [*Inaudible*]

1815 **The Bailiff:** Deputy Trott supplementary.

Deputy Trott: Thank you, sir.

Does it remain the intention of the President of Policy & Resources Committee to extend in time any independent pay review mechanism to all senior appointments?

1820

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

1825 **Deputy Ferbrache:** I do not think I am in full detail, sir, because what Deputy St Pier's initial question was was reference to mediation and a settlement, and certainly in relation ... Let me say, I cannot ignore the fact I have been a lawyer for a very long time: if you have a settlement from mediation you have to honour it, it becomes a legal obligation. I have only been President of Policy & Resources now for a few weeks this matter has been an issue now for a very long time. All I would say is that I am surprised that the previous Policy & Resources Committee did not resolve that post

1830 haste, and also did not ensure that those people who are legally entitled to their full salary did receive it.

Deputy Trott: And the answer to the question, sir.

1835 **The Bailiff:** Deputy Gollop supplementary question.

Deputy Gollop: Yes, would the President agree that there is a contradiction between ensuring the best possible candidates are paid the appropriate market rate for their professional services and the need to contain States' expenditure on senior figures and therefore will that mean that a wider report is needed on public service sector remuneration?

1840 **The Bailiff:** Deputy Ferbrache to reply.

Deputy Ferbrache: Well it may be, but in relation to this specific matter – I am sorry that Deputy Trott felt I did not answer his previous question; I believe I did, but he and I may disagree on lots of matters going forward. (*Interjection*)

1845 But in relation to that matter and Deputy Gollop's question there may well be a review but the fact is in relation to this specific issue it has been explained why that review did not take place. The legal position is that the Judges and the Crown Officers are entitled to parity with their Jersey colleagues and that has been I think now that should have been addressed 10 or 11 months ago. There will be a review in relation to this issue going forward as I have already indicated in my written answer to Deputy St Pier's question.

1850 As to the wider public service remuneration review, that is not an issue that I can give an off the cuff answer to.

1855 **The Bailiff:** I think that means, Deputy Trott, that they will be looked into and a written response provided in due course.

Deputy Trott: Yes, sir, that was the right response, rather than ...

1860 **The Bailiff:** Deputy Falla.

Deputy Falla: Sir, Deputy Ferbrache has said that progress will be made before the end of 2020 more importantly can Deputy Ferbrache indicate when the matter will be concluded if he cannot prior to P&R considering the matter during November as he says it will, will he please give an undertaking to advise Members in writing following that meeting when the Committee does anticipate that the matter will be concluded?

The Bailiff: Deputy Ferbrache.

1870 **Deputy Ferbrache:** I think what I would be prepared to do and of course I am one Member of five but my own view is that I would be prepared, subject to my colleagues agreeing it, to give an undertaking to report back after the end of the year if the matter is not fully resolved by the end of the year.

1875 **The Bailiff:** No one else is rising to ask any further supplementary questions, therefore that will conclude Question Time.

**Procedural –
Rules relating to supplementary questions**

The Bailiff: Members of the States, I will take this opportunity just to remind you of the Rules relating to supplementary questions.

1880 No Member may ask more than two supplementary questions in respect of each principle question's answer, and that is why where Members choose to double up their questions in a single contribution I am saying that that is going to be treated as two questions.

1885 It makes it difficult for the President who is answering the question if that happens and therefore I would encourage Members when getting to their feet to ask supplementary questions to try and formulate them as clearly as possible so there is a question, answer, then another question and an answer.

1890 The other thing that I am being encouraged to remind you, is that when you leap to your feet and you are called, please can you put your microphones on, I think there has been some variable switching on and switching off of microphones during the course of the morning, and therefore your pearls of wisdom are not necessarily being received loudly and clearly elsewhere.

Greffier.

Billet d'État XXIV

SCRUTINY MANAGEMENT COMMITTEE

I. Scrutiny Management Committee – Election of Members – Miss Grace Ruddy and Mr John Whittle elected

Article I

The States are asked:

To elect two voting members of the Scrutiny Management Committee who shall not be members of the States, to serve until the 30th June 2025, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation, as set out in Section 1 of The Rules of Procedure of the States of Deliberation and their Committees.

The States' Greffier: Billet d'État XXIV – Article I – Scrutiny Management Committee – Election of Members of the Scrutiny Management Committee.

1895 **The Bailiff:** I invite first the President of the Scrutiny Management Committee to move any nominations she wishes to. Deputy Burford.

Deputy Burford: Thank you, sir.

Yes, I would like to nominate Miss Grace Ruddy and Mr John Whittle.

1900

The Bailiff: Are they seconded?

Deputy Dyke: Could I please second both of those nominations.

1905 **The Bailiff:** Thank you, Deputy Dyke.
Are there any other nominations?

1910 Members of the States, I am going to put to you simply the nomination therefore by the President of the Committee, Deputy Burford, seconded by Deputy Dyke of two voting members of the Scrutiny Management Committee who are not Members of the States. They are Grace Ruddy and John Whittle and you should have received copies of information in relation to them. I will put both of them to you together. Those in favour; and those against.

Members voted Pour.

The Bailiff: I declare both of those candidates duly elected as members of the Scrutiny Management Committee.

LEGISLATION LAID BEFORE THE STATES

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) (No. 2) Regulations, 2020

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) (Amendment) Regulations, 2020

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2020

1915 **The States' Greffier:** The following Legislation is laid before the States: No. 77 of 2020 The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 5) (Amendment) (No. 2) Regulations, 2020; No. 84 of 2020 The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) Regulations, 2020; No. 94 of 2020 The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 6) (Amendment) Regulations, 2020; No. 101 of 2020 The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 7) Regulations, 2020.

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1925 **The Bailiff:** Well, Members of the States, we note that all of those four measures have been duly laid before the States of Deliberation today. I have not received any motions, perhaps unsurprisingly, to annul those regulations, but there is an opportunity if you wish to do so at the next meeting.

Next item of business, Greffier.

Proposition Laid Pursuant to Rule 18

CIVIL CONTINGENCIES AUTHORITY

The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2020 – Approved

The States are asked to decide whether they are of the opinion to approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2020.

1930 **The States' Greffier:** Proposition laid pursuant to Rule 18 of the Rules of Procedure – Civil Contingencies Authority – The Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2020.

The Bailiff: I invite the Chairman of the Authority Deputy Ferbrache to open debate on this matter. Deputy Ferbrache please.

1935 **Deputy Ferbrache:** Sir, I am very grateful, and I am very grateful to Members.

Because we are a new Civil Contingencies Authority in the sense that the Presidents of the four committees that comprise it are all new Presidents, although we are very grateful that Deputy Soulsby is remaining, as she is Deputy Chief Minister and she has contributed valuably; and also to our colleagues in Alderney and Sark who are also valuable members of the Authority to outline perhaps just where we are in relation to the Civil Contingencies Authority.

1940 Now, the Civil Contingencies Authority was set up pursuant to the Civil Contingencies (Bailiwick of Guernsey) (Law) 2012, and it is only active if there is an emergency and there is a definition of emergency in Section 2(1) of the Law. Now the relevant emergency that Covid is acting thereunder is section 2(1)(a) which defines emergency as meaning an event or situation which threatens serious – Thank you – the Bailiff having reminded everybody to put their microphone on of course I failed at the first ... I apologise for that.

1945 Anyway section 2(1) defines emergency as meaning:

an event or situation which threatens serious damage to human welfare or the environment in the Bailiwick, or any part thereof ...

1950 And then in relation to that particular part subsection 2(1)(a) there is a definition under Section 2(2) which says:

For the purposes of subsection (1)(a) an event or situation threatens damage to human welfare only if it involves, causes or may cause: loss of human life, human illness or injury, homelessness, damage to property, disruption of the supply ... of [water, food etc. etc.], disruption of a system of communication, disruption of facilities for transport, or disruption of services relating to health.

1955 Clearly, there can be no argument that what we are dealing with in relation to the pandemic falls squarely within the provisions of that section, but you do not need to be a lawyer or to read that definition because if you were to ask Mr Smith in Fort George, the famous Mrs Le Page from Torteval or even Peter Ferbrache formerly of Millmount, Charroterie, St Peter Port whether this was an emergency or not, they would all tell you that it is, and therefore it would be necessary for regulations to be made thereunder. This particular regulation is the eighth in that list.

1960 Now of course, it is a Draconian power in relation to making regulations, as my predecessor as Chairman of the Authority has said publicly previously when he became Chair of the Authority and indeed President of Policy & Resources he never expected during his tenure of office to have to be

involved in making regulations of this nature which do restrict civil liberty. I am in exactly the same position. Nobody welcomes or likes this particular role in the 21st century restricting in an open liberal democratic decent society such as ours the making of these regulations. But of necessity they have had to be made.

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Section 16 of this same Law refers to the fact that these are emergency regulations and the obligation statutory by the Authority is that they should be laid before the States as soon as is reasonably practicable after being made.

They lapse under section 16(2) of the Law at the end of the period of seven days within the date of laying unless (a) during that period of time a Proposition is put before the States to approve the regulation and which if it is not carried the regulations lapse immediately or the States pass a Resolution approving them.

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So that is why we are here today to ask the States to pass a Resolution approving them.

Now my reading of the Law is that these regulations can be amended because under Section 16(5) the States can:

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... pass a Resolution that emergency regulations shall have effect with a specified amendment, the regulations shall have effect as amended, with effect from –

and that is effectively the date of the amendment. So they could be amended, but in this particular instance they are proportionate.

We are also obliged under the provisions of the Law and we have received very clear and able and concise advice from the Procureur and the Comptroller that the making of the regulations must be proportionate and we are mandated and there are certain issues that we have to have regard to pursuant to the Statute in deciding that.

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We have been given that advice, we were given that advice on the day that we made these regulations which was 29th October effective from 30th October, so we were very clearly given that advice, it could not have been given with greater clarity.

So in relation to that there is also perhaps the other statutory provision I should mention is Section 20 of the Law which does provide that if the regulations are made then the penalties upon anybody who breaches those regulations are very severe including a heavy fine and/or imprisonment. So they have to be taken seriously.

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I do not think I need to say much more than that except in relation to these regulations they have been carefully considered they were taken after able legal, medical advice and we believe unanimously as the Authority that they are something that we can proportionately put before this Assembly and ask this Assembly to make.

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They only last for a period of 30 days from the time of laying and therefore they need to come back regularly before the Assembly either for approval, amendment or repeal.

1995

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I am sure it will come as no surprise to anybody in the Assembly that I of course wholeheartedly endorse these regulations as being both essential and as Deputy Ferbrache has said proportionate for the ongoing management of the Island's response to the pandemic.

2000

I do, however, wish to take this opportunity to raise two points which I would like Deputy Ferbrache to respond to at the end of the debate and I have given him advance (*Interjection*) notice of the questions I will raise.

So part one of these regulations of course sits as part of our strategy for managing and mitigating the pandemic and Deputy Ferbrache referred to that it is a part which effectively imposes the border controls which are so critical to the strategy by giving requisite powers to require testing and self-isolation.

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In relation to travel we of course moved into phase 5C last week and this relies on deploying the testing and self-isolation powers at different levels depending on the prevalence of the virus at a rate of x per 100,000 in the point of origin of the traveller, and of course the determination of where

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x sits is a political decision. Setting x higher lowers our risks, setting x lower raises them. That political decision has, and I am sure will continue to be, made by the Authority having regard to the modelling undertaken by the Public Health team of the level of risk to the community as x is either dialled up or down.

2015 As the pandemic continues to escalate outside the Island the outgoing Authority, which I chaired, adopted a lower risk appetite and the new Authority acting correctly in my view has not sought to tamper with that decision. However, as the prevalence rate peaks and declines in travellers points of origin the determination of our risk appetite at that point will be key.

2020 In light of this and this is a question for Deputy Ferbrache when he responds to debate, could he confirm that the Authority will consider publishing and I must emphasise in an appropriate format the modelling underpinning the determination of x as it is that information which will enable this Assembly to effectively scrutinise future decisions of the Authority and of course potentially amend regulations as Deputy Ferbrache has set out.

2025 Sir, secondly as Members know the Civil Contingencies Authority provides as Deputy Ferbrache has just said that the Authority can make regulations for up to 30 days. As we roll into the eighth set of general regulations today and with no end to the pandemic in sight for months ahead the Authority is going to need to keep remaking these regulations on more occasions.

2030 Whilst it is obvious that the emergency conditions of the Law continue to be met and powers are still needed, this extended use of the Law is I would suggest almost certainly beyond the scope of our predecessors' expectations when they prepared the Law and approved it.

It is also unsatisfactory from this Assembly's perspective in that the regulations can only be approved or can be amended as Deputy Ferbrache has said, or of course they lapse in their entirety and it is the latter option in the event that the Assembly did not vote to approve them, would clearly be wholly inappropriate.

2035 Sir, I think the time has now come to consider putting the contents of the regulations on a more stable legislative footing, which of course does exist in other jurisdictions, recognising the ongoing need for the powers for the foreseeable future and this of course would also enable this Assembly to properly scrutinise line by line the legislative framework that cannot be done quite so effectively as with these regulation.

2040 So when replying to the debate again I would be grateful if Deputy Ferbrache could confirm that it is the Authority's intention to bring forward a policy of legislative proposals to create this more stable platform, or if he is not able to confirm that perhaps because the Authority has not had an opportunity to consider it, will he confirm that he will ensure that the matter is discussed at its next meeting and undertake to advise Members in due course of its decision.

2045 There is one further matter I wish to comment on. In the most recent cluster of 10 cases the index case was not clear to the public and as a result the vacuum was filled by rumour that the index case was someone who was in self-isolation who had allowed someone else to visit them.

2050 Now, whether this is or is not the case is really irrelevant to the point which I wish to make other than which is really that the Authority must fill the vacuum with good communication. I think to ask the question what that would have looked like in this case. I think it would either have been confirmation that the facts were correct and that would have served as a platform to underpin the purpose and need for the community to adhere to the rules of self-isolation or to kill the rumour. One or the other. I would simply ask that the Authority perhaps learn the lesson from that particular case and ensure that the vacuum is filled should such a situation arise again in the future.

2055

The Bailiff: Deputy Trott.

2060 **Deputy Trott:** Sir, communication is certainly key as is the use of language. Deputy Ferbrache used the word Draconian to describe these regulations, Draconian means excessively harsh and severe. In what way are these regulations excessively harsh or severe?

Thank you, sir.

The Bailiff: Deputy Queripel.

2065 **Deputy Queripel:** Sir, I am in need of clarification please.

We are told in the third paragraph on page 1 the regulations will lapse on 27th November, does that mean that at our next States' debate we will be presented with an updated set of regulations to debate?

2070 I ask that because I am extremely concerned that hundreds of students and Islanders who spend a lot of time off-Island throughout the year will be expecting to return to Guernsey for the Christmas holidays, and I want to be sure that the measures that will need to be put in place to deal with that influx are robust enough to prevent a further outbreak which would result in our going back into lockdown. So I would appreciate clarification on that point, sir.

Thank you.

2075

The Bailiff: Deputy de Lisle.

2080 **Deputy de Lisle:** Sir, I note that one of the key changes for the new Phase 5C is the introduction of testing on arrival at the Airport and Harbour for the vast majority of arrivals into the Bailiwick. With most of our neighbours in Europe and now the UK being at the highest alert and in lockdown, that is from tomorrow in the case of the UK. I would like confirmation that all visitors and essential critical workers to the Island including those travelling and making use of the business tunnel system are tested. There should be no exceptions there. We have to be particularly even more vigilant now as the number of cases locally go up and up each day. (**A Member:** Hear, hear.)

2085 Can I ask the CCA Chairman, that is Deputy Ferbrache, to declare publicly that those making use of business tunnels and the essential workers are tested like others?

Thank you, sir.

The Bailiff: Deputy Gollop.

2090

2095 **Deputy Gollop:** Sir, I perhaps might not have used the word Draconian but I think we are seeing a wider debate in America, in the United Kingdom, of parliamentarians who are concerned and jurists as well, who are concerned that restrictions on peoples liberties is having a material effect on both the economy and their psyche. This makes clear that it does place restrictions and requirements on other persons and imposes screening requirements, detention of people, requiring people to self-isolate, etc.

What I wish to identify further is we see that again reiterated:

Paragraph 4 of the Schedule modifies the Mental Health (Bailiwick of Guernsey) Law, [which permits] an approved medical practitioner (rather than only a second opinion approved doctor) to provide a certificate for the purposes of section 56 of that Law where the practitioner is of the opinion that it is not reasonably practicable or would involve unreasonable delay to comply with the unmodified requirement of that section.

2100 There have been mental health review issues with this and I would like to ask whether the CCA will actually discuss these requirements with the Health & Social Care Committee and see if they are having any material adverse effect on mental health practice and the well-being of individuals with those conditions.

The Bailiff: Deputy Soulsby.

2105 **Deputy Soulsby:** I will just make a couple of observations.

I hear what Deputy Trott was saying about Deputy Ferbrache's statement about Draconian, I think for some individuals they might see it as Draconian. I think it is clear that not everybody believes that what we are doing is right, but from a general population point of view, which is what

2110 we are considering, it is clear that for the population and protecting the population as a whole, they are not considered Draconian.

Clearly we are impacting people's human rights and so that is something that as certainly Deputy St Pier will know is something that we consider at every CCA meeting that what we are doing is appropriate and proportionate to the risks that we are facing, and that is where we are at the moment.

2115 In terms of mental health then Deputy Gollop – yes I will give way to Deputy Trott.

Deputy Trott: I am grateful to my friend for giving way because I made the point about how important language is. Something cannot be excessively harsh and severe and proportionate simultaneously. It is not possible.

2120

Deputy Soulsby: It can if you are looking at it from two different perspectives either from the individual or from the population as a whole. Which is something that anybody who ... and new Members of HSC will appreciate and the decisions that have to be made you have to balance the rights and requests of the individual with what you have available and what you can do for the population as a whole. So that is a constant as anybody on HSC will understand.

2125

In terms of mental health, Deputy Gollop's question is very good and it is actually a question that I raised at the CCA last week because it had been there for a while and I was concerned about it, but got good advice from Law Officers on this with regard to 'Well, you could do things remotely, why don't you use a panel remotely?' but we are dealing with people who in certain circumstances, due to the condition they have got, cannot work with people on a screen and they have got particular mental health conditions that make it difficult. We have not had to use it yet at all which is really good, but it is something that we are challenging all the time.

2130

In terms of testing business tunnels I think this is something Deputy de Lisle mentioned at the meeting we had the other week whether we had testing: the business tunnels are designed for people to come in and out in a day. There are not any immediate tests that are reliable enough for us to be able to use those if we could.

2135

Critical workers are all dealt with and tested, and every critical worker is looked at in terms of their risk and certainly for the Medical Director analyses the risk especially when it comes to health and care workers. That is always being assessed depending on the risk of that critical worker.

2140

In terms of communication absolutely, and as Deputy St Pier well knows that is something that we have focused on significantly over the last nine to 10 months, however long – it seems to have been years – but it was actually, we did put out a release on Monday explaining that the issues regarding the UK and how people should not worry about that, we are well prepared for the UK lockdown.

2145

We are also going to put out something on yes the rumours, we know the rumours but also we wanted to be able to give more information at the time. I have not heard the latest on where we are in terms of the source of the cluster but there have been a variety of leads which Public Health have been following and ... but by putting out something when we did not know something would not solve that problem.

2150

I am well aware of unhelpful rumours on social media every time we have had a press conference I have said and Deputy St Pier has said please do not listen to social media just listen to what Government has to say, we will tell you when we know we have the facts. So it has been unfortunate some of the comments on line, I have had to deal with some of them, but really people should be satisfied that that work is progressing. Of course we are not going to go out and say it was Joe Bloggs down along Grandes Rue who did it, clearly we have got to think about that person's own rights and data protection. So we have got to work within that sphere as well. It is not as straight forward as saying yes it was this person, we know what it is, but as much as we can we will say where we believe that source is.

2155

2160

Deputy de Lisle: I take it I can make my point, sir.

The Bailiff: Well, Deputy de Lisle, you know the Rules as well as anyone else, which is if you want a Member to give way you stand in your place, which you did, it is helpful if the Member on her feet might say yes or no when seeing somebody who is standing, but you have already spoken so you cannot be called again.

2165 Deputy Dyke. Now Members of the States this gives me an opportunity, because Deputy Dyke is going to be making his maiden speech, just to remind Members that when a Member makes their maiden speech by convention there are no interruptions of that Member making the maiden speech and therefore no points of order, no points of correction, and no one standing in their place seeking for the Member to give way, please.

2170 So Deputy Dyke.

Deputy Dyke: Sir, I may have mistaken the procedures; I was proposing to ask Deputy Soulsby a question.

2175 **The Bailiff:** Well, you have misunderstood the procedures on that basis then. If you wished to put a question to Deputy Soulsby while she was speaking in the debate, then you would do as Deputy de Lisle did, which is to stand in your place and remain silent and hope that you can catch the speaker's eye and she might give way to you so that that point can be raised in the context of that speech. It is always open to you to make a speech, but it will not be Deputy Soulsby who is able to answer that question; it will be the Chairman of the Authority who is leading on this debate who might be able to answer that question in any event.

2180 But if you do that, it will be your maiden speech and that is the point that I was just trying to make.

2185 **Deputy Dyke:** That is understood, thank you.

The Bailiff: Well, I do not see any other Member rising. I hope I have not put those new Members off making their maiden speeches as a result of this. We do encourage you to do when it is appropriate for you to do so, but I will turn to the Chairman of the Authority to reply to the debate.

2190 Deputy Ferbrache please.

Deputy Ferbrache: Well, sir, I am very grateful to Deputy Soulsby for answering I think in particular Deputy Gollop's question and dealing with Deputy de Lisle's point.

2195 Sir, dealing with – and I mean no disrespect intended but probably the least valuable of the questions from Deputy Trott about the word Draconian, of course he will know that its derivation is from the Greek Dracos and in relation to it, it also includes, and I am sure he knows from his Shakespeare, the restriction of civil liberty and I was referring to it in that context. Because like most words, they have various definitions and the point is it is too important to argue semantics, we are talking about a restriction of civil liberty in the manifest overall benefit of the Bailiwick of Guernsey.

2200 Deputy Queripel asked when they will come back. He is absolutely right, I think the inference from his question is that they will have to come back either in this form or an amended form or some other form at the next States' meeting to keep within the 30 day period. So that will give that consideration and hopefully will give the assurance to the community that he mentioned.

2205 Deputy St Pier did, as he correctly said, give me due notice, good notice of the two main points that he raised, I think the third point has been dealt with by Deputy Soulsby so I will not repeat that.

2210 But I just make a general point, just as with the previous Authority which had an excellent record of communication so will this Authority. The intent is to tell people everything that can properly be said. We cannot scotch all rumour, I know lots of people spend time I think on Twitter, I think they spend time on Twitter and Facebook and other things when they have obviously time to do that, and that permeates and often facilitates misunderstandings, and that is completely unhelpful. People should listen to the facts. By all means question the facts but they should listen to the facts and make their judgements based thereunder.

2215 His first question was about the appropriate modelling and would we give a commitment, the Civil Contingencies Authority, that we will publish that. Well, I have not discussed it with my colleagues but I would be very surprised if they were not willing to give a commitment that it should be published as he says in an appropriate form. But of course *x* and other factors will change regularly, they will go up, they will go down etc. So the modelling will change, and we do not want to have already overburdened officers and medical people having to every day look at the appropriate figures, but if course people must be kept informed on a regular basis.

2220 As to a change in the legislation, a couple of comments that he made, with considerable respect to him, I do not necessarily agree. I think one of the things he said was that it was beyond the scope of those or sort of beyond the consideration of those that brought about this Law that it would still be used in the way that it is for the foreseeable future.

2225 Well, I do not actually agree with that because you look at the Law. It does not matter, it is like anything, he would know as a qualified lawyer as well, when you look at the way a Law is interpreted you look at the actual terms of the Statute and clearly all the regulations both now and any that may be made in the future and any that were made in the past, fall squarely within the terms of the Statute, there is nothing *ultra vires* in relation to that at all. So there is no reason why this Statute cannot be used for the foreseeable future.

2230 He also said there was a stable foundation or whatever the phrase was; well I do not agree with him there. There was a stable foundation, there is a stable foundation to continue to use this piece of legislation.

2235 We have already got overburdened public officials and in relation to the matter that comes back before this Assembly periodically, regular, in short term (a) before any regulations can continue beyond the short term because they have to be brought for their approval or otherwise as soon as is reasonably practical. These were made on 29th October we are here now on 4th November; and (b) they can only last for a short period of time, the 30 day period from the laying of or making of the original regulations. So there is pretty good control anyway.

2240 Deputy Inder was talking in a different context about something about do we want to really argue whether something should be blue on green a van or whatever, there was a van that went round if you remember for the election which had the pictures of three good looking and one other Members of the now States' Assembly. So in relation to that, but we do not want to be arguing about things like that. We want to be dealing with matters on a practical and pro-active basis to make sure that the Bailiwick is protected and that is what we are seeking to do.

2245 So my best guess, and it is a best guess, is that if there was to be a new statutory basis it would probably take six months to draft and enact even going espresso-presso, sprinting rather than ambling. So therefore this piece of legislation is going to be used for the foreseeable future.

2250 I also do not think it would be a matter for – with great respect to my colleagues on the Civil Contingency Authority – I think it would be a matter for Policy & Resources because it is a policy decision to change a Statute not the Civil Contingency. So I believe it would be the Committee of which Deputy Soulsby and I are also Members and our other three colleagues to initially address it, with of course any representations made by the Members of the Assembly.

2255 So my own view, and I am expressing my own view, is that this vehicle works and will work for the foreseeable future, because again what legislation would replace it? What form would that legislation take? I can see ... we had a day and a half on – Deputy Roffey always corrects me on the timeframe – but we had a day and a half debate not in the last States about bonfires and matters such as those, and there were many interesting speeches on that. So I can imagine on a matter of civil liberties such as this, there would be a lengthy debate.

2260 That is not to say we should not in relation to civil liberties have lengthy debates and matters should not be scrutinised, but what we need to get on with is to make sure that the Bailiwick of Guernsey is protected in relation to this horrible pandemic and we have got a vehicle to do that.

On that basis I ask for the regulations to be approved.

The Bailiff: Thank you very much.

2265 Deputy de Lisle, why have you leaped to your feet?

Deputy de Lisle: I was wanting to interject with regard to Deputy Ferbrache's –

The Bailiff: I think you have missed your opportunity I am afraid, Deputy de Lisle, he has finished.
2270 Members of the States, there is a single Proposition and that is whether you are minded to approve the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 8) Regulations, 2020. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that Proposition duly carried.

Billet d'État XXIII

COMMITTEE FOR HOME AFFAIRS

I. Amendments to The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 – Approved

Article I

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Amendments to The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002", dated 10th July 2020 they are of the opinion:

- 1. To approve the proposals to introduce legislation amending the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 as set out in out in section 3.1 of this Policy Letter,*
- 2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.*

The States' Greffier: Billet d'État XXIII – Committee for Home Affairs – Amendments to The
2275 Terrorism and Crime (Bailiwick of Guernsey) Law, 2002.

The Bailiff: I turn to the President of the Committee, Deputy Prow to open debate. Deputy Prow please.

2280 **Deputy Prow:** Thank you, Mr Bailiff.

Sir, I am pleased to present my first speech to the Assembly as President of the Committee for Home Affairs.

You will note, sir that the policy letter was prepared by the previous Committee for Home Affairs last term, but it was fully endorsed by the present Committee at its inaugural meeting this week.

2285 It would be remiss of me not to thank the previous Committee for their commitment and hard work ensuring at a political level this Bailiwick is kept safe and secure.

Sir, I must also pay a special tribute to former Deputy Lowe for her sterling work as President last term and indeed to her long and outstanding continuous service to this Assembly and our community over the previous 26 years. **(Several Members: Hear, hear.)** I am sure this Assembly will agree with me this is a remarkable achievement.
2290

Sir, this policy letter recommends amendments to The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002, which is the main Statute in the Bailiwick relating to terrorism.

2295 The proposed amendments relate to border controls which the Committee proposes are progress for operational reasons as a priority ahead of a wider review of the Bailiwick's terrorism legislation which is currently being undertaken by the Law Officers Chambers.

The recommended amendments are set out in Section 3.1 of the policy letter as follows:

- '1. new powers at the border to inspect, seize and retain travel documents;
2. extending existing terrorism-related powers at the border - including powers to stop, question and detain people, to search persons, ships and aircraft and goods, to take copies of documents and to detain property - to their exercise in relation to the commission, preparation or instigation "hostile acts" that do not fall within the definition of terrorism - being acts threatening national security, threatening the economic well-being of the British Islands, and acts of serious crime; and
3. supplementary updating provisions around calculating detention periods, restrictions on the use of answers to questions in evidence, searches, the supply of information and the issue of Codes of Practice.'

2300 Sir, with regard to the issuance of Codes of Practice I have been given an absolute assurance from Law Enforcement they fully acknowledge that proportionality is at the core of this legislation and the powers it gives officers and to the stringent safe guards in place will be adhered to.

2305 Sir, I have mentioned the wider review so before closing I should draw the Assembly's attention to section 2.3 of the policy letter. Which acknowledges that whilst the most urgent matters are dealt with in this policy letter there is a more comprehensive review under way and that consultation has taken place around the Bailiwick's terrorism legislation.

Whilst the legislative framework is complex and there are currently huge pressures on the work load of the Law Officers of the Crown a proportionate and appropriate policy letter will come to this this Assembly as soon as practicably possible.

Sir, the Committee hopes that the Assembly will show full support to this policy letter.

2310 Thank you, sir.

The Bailiff: Deputy Gollop.

2315 **Deputy Gollop:** Like Deputy Prow I too commend his department and also his predecessor long serving parliamentarian Mrs Mary Lowe for the work that she and her team did on this and it is a commendably short but nevertheless very interesting and important policy letter.

What is interesting though is it is like a little master class in some of the teasing issues of being a States' Member and would bear great scrutiny formal and informal and I am pleased to be a Member again of the Scrutiny Legislation Panel.

2320 But just look at the issues, paragraph 2, 2.1:

In 2006 the States resolved to prepare legislation to update the 2002 Law ... Much drafting work to that end was undertaken, but [then] the UK regime was significantly modified further ...

So actually what this is, it reveals an outstanding Resolution from 14½ years ago. So that is issue number one because it was never fully completed. Issue number two

...there is a [further] outstanding States resolution from 2013 mandating the preparation of legislation equivalent to the provisions of Schedule 7 of the 2008 Act relating to terrorist financing, money laundering and weapons proliferation.

2325 I am aware that previous Policy & Resources Committee especially Deputy Trott and Deputy St Pier were very focused on ensuring we had a robust regime to combat money laundering and terrorist financing, but nevertheless I was not aware that there was apparently this legislative not black hole exactly but the gap that needed to be filled.

Then paragraph 2.3 says

... the Bailiwick's terrorism legislation needs to be looked at in the round, and that the relevant outstanding resolutions are now out of date.'

2330 So we are having a broad review. Now this broad review will obviously be time consuming and sometimes I think that we already have a lot of armoury, a lot of legislation, that we can use to target totally unacceptable behaviour and practices and we almost, it replicates a philosophy maybe a former Prime Minister UK Mr Tony Blair who always would say the answer to every problem is yet another new law, whereas sometimes we actually have the tools in our tool box and we are using them better than most jurisdictions.

Then we get into:

2335 The Committee notes ... a major undertaking that has to be managed with ... work pressures ... it is clearly important that provisions ... here are proportionate and appropriate to the Bailiwick.

2340 Now that almost is a contradiction because part of this suggests we need to have identical for both international and security reasons proposals to the UK 2008 and subsequent revisions. But this indicates that because we are a small place that is virtually crime free hopefully, we can have a more proportionate and possibly relaxed attitude.

So I am not entirely sure quite how rigorous this will be. Then of course we have requirements for an amendment Ordinance we have these – well, Deputy Trott might object to the word Draconian because we wish to stop anybody of questionable intent, but:

...new powers at the border to inspect, seize and retain travel documents;

2345 Stop and question and detain people to search persons, ships and so on. I did not know those powers did not exist because they do in other contexts. But we need to ensure that there are potential appeals from that process and that they are not misused. I have no reason to believe they are misused but an example given was the extraordinary spy story of two gentlemen from Russia who went to Salisbury and how counter terrorism border the two suspected offenders in the Skripal case had been stopped on their arrival it was the landing card that prevented the link. So it describes:

... [seeing] nationals from hostile states whose behaviour is of concern ... the introduction of these changes will enable them to better determine the visit to the Bailiwick or onwards ...'

2350 Well even when I was young and coming back from university on the old what was is Havelet boat or Corbiere, I used to get stopped by officials who thought I was a suspicious character and wanted me to sign a declaration of terrorism to see if I was connected with at that time Ireland or somewhere. So 40 years ago we had rigorous border security people, we always had. So I kind of wonder is all of this legislation exactly necessary and if it is why haven't we got on with it sooner?

2355 **The Bailiff:** Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

2360 I am pleased to note that proportionality is at the core of this legislation and of course the full legislation that is going to follow and the powers it gives officers, because it is really in the delivery that a jurisdiction can falter with regard to these powers and perhaps over use of them.

But on the other hand security and safety is absolutely paramount to our Island Guernsey and I worry about that very often in fact. We are very open as an Island to outsiders and I think we have to be particularly careful.

2365 I note that the Guernsey Laws have been delayed by the need of the Corona Virus legislation but that really should not have prevented an area like this in terms of security and safety of this Island to be delayed to any degree and to any extent.

2370 So from my point of view I fully support what is proposed here. It is a pity we did not have the full package at this time because I would feel more comfortable with the full package but amendments to the Law must be made on an urgent basis for operational reasons and for the safety and security of Islanders.

Thank you, sir.

The Bailiff: Well as no one else is rising I will turn to the President of the Committee, Deputy Prow, to reply to the debate. Deputy Prow please.

2375

Deputy Prow: Thank you, sir.

I thank both Deputies Gollop and de Lisle for their contribution to the debate.

2380

If I can perhaps start in reverse order. In particular I thank Deputy de Lisle for his support he is absolutely right keeping the Island safe and secure from these types of risks are absolutely paramount and I perhaps can draw attention in the policy letter without I am sure everybody has read it to Section 3.2 which does outline a specific risk that this legislation seeks to address. This has been much publicised, it has been subject to documentaries on television, so I think we are all well aware.

2385

As far as the question of delay I think that ties in to one of the points that Deputy Gollop has made and perhaps to give some assurance, if you look at section 2.3 of the policy letter it makes it absolutely clear that this review has been under way for some time, and the point is that some of the pressures brought about by Covid and by the Brexit piece does put a huge burden on not only the Law Officers but our professionals. So that is a fact that we cannot avoid, but there is a commitment and we have set it out and Deputy Gollop has referred to the relevant sections.

2390

It is set out in the policy letter what needs to be done and I can assure this Assembly working with the Law Officers of the Crown we will bring back the necessary legislation to this Assembly as soon as we possibly can.

2395

I think it may well be timely to perhaps remind the Assembly that the instance of terrorism are ongoing although not an act of terrorism that is specifically related to the legislation we have before us, there have been terrorist outrages in France and in Austria lately and perhaps it would be timely for me to update the Assembly to say that having spoken to the Head of Law Enforcement this morning that the threat level has been raised around the volume and severity of the recent attacks in mainland Europe, and no specific heightened risk for Guernsey other than close watch of aviation, ferries and private traffic. The attacks appear to be lone wolf attacks rather than co-ordinated. So that is the information that I was given this morning from our Head of Law Enforcement which does endorse the fact that those threats and the threats that are specifically outlined in this policy letter do exist and we need to legislate as soon as we can.

2400

So I commend the policy letter to this Assembly.

Thank you, sir.

2405

The Bailiff: Members of the States there are two Propositions, I propose to put both of them to you together *aux voix*. Those in favour; and those against.

Members voted Pour.

The Bailiff: I declare both Propositions duly carried.

POLICY & RESOURCES COMMITTEE

II. The Matrimonial Causes (Guernsey) (Amendment) Law, 2019 (Commencement) Ordinance, 2020 – Approved

Article II

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Matrimonial Causes (Guernsey) (Amendment) Law, 2019 (Commencement) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.

2410 **The States Greffier:** Article II – Policy & Resources Committee – The Matrimonial Causes (Guernsey) (Amendment) Law, 2019 (Commencement) Ordinance, 2020.

The Bailiff: Is there anything you wish to say Deputy Ferbrache as the President of the Committee on this?

2415 **Deputy Ferbrache:** No, sir.

The Bailiff: Does any Member wish to speak in debate?
In that case Members I will put to you simply the Proposition as to whether you are minded to approved this draft Ordinance. Those in favour; and those against.

Members voted Pour.

2420 **The Bailiff:** I declare that duly carried.

COMMITTEE FOR HOME AFFAIRS

III. Independent Monitoring Panel – Notification of Resignation – Resignation of Mrs Wendy Meade noted

Article III

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 8th June 2020, of the Committee for Home Affairs, they are of the opinion:

1. to note the resignation of Mrs Wendy Meade from the Independent Monitoring Panel with effect from 22nd May 2020.

The States' Greffier: Article III – the Committee for Home Affairs – Independent Monitoring Panel – Notification of Resignation.

2425 **The Bailiff:** I invite the President of the Committee, Deputy Prow, to open debate if he wishes.

Deputy Prow: Thank you, sir.

The Committee for Home Affairs would like to put on record the Committee's thanks to Mrs Meade for the last 13 years she has dedicated to the Panel both as an ordinary member and as Chair.

2430 The Committee is most grateful to the Independent Monitoring Panel members who are all volunteers drawn from the local community. In carrying out this role they make a significant contribution that not only ensures that prisoners concerns are taken into consideration during their sentence but can also have an impact on Prison operations.

2435 The Committee is always keen to hear from members of the community who may be interested in joining the Panel and undertaking this important role on behalf of the community. I urge any interested persons to contact the Office of the Committee for Home Affairs.

That is all I needed to say I think.

Thank you, sir.

2440 **The Bailiff:** I do not see anyone rising to speak in debate on this matter. Therefore I will simply put the Proposition to you to note the resignation of Mrs Meade. All those in favour; anyone against?

Members voted Pour.

The Bailiff: I declare that Proposition duly carried.

POLICY & RESOURCES COMMITTEE

IV. Revision of the Double Taxation Arrangements made with Finland – Approved

Article IV

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Revision of the Double Taxation Arrangements made with Finland", dated 11 August 2020, they are of the opinion:

1. To declare that:

(a) The "Protocol Amending the Agreement between the States of Guernsey and the Republic of Finland for the Avoidance of Double Taxation on Individuals"; the "Protocol Amending the Agreement between the States of Guernsey and the Republic of Finland for the Avoidance of Double Taxation with Respect to Enterprises Operating Ships or Aircraft in International Traffic"; and the "Protocol Amending the Agreement between the States of Guernsey and the Republic of Finland on the Access to Mutual Agreement Procedures in Connection with the Adjustment of Profits of Associated Enterprises", all signed by Guernsey on 24 April 2020, have been made with the government of another territory with a view to affording relief from double taxation in relation to income tax and any tax of a similar character imposed by the laws of those territories; and

(b) it is expedient that the double taxation agreements that Guernsey has with Finland, signed on 28 October 2008, as so amended, should have effect, with the consequence that those Agreements shall have effect in relation to income tax in accordance with section 172(1) of the Income Tax Law, notwithstanding anything contained in the Income Tax Law, or any other enactment.

2445 **The States' Greffier:** Article IV – Policy & Resources Committee – Revision of the Double Taxation Arrangements made with Finland.

The Bailiff: I invite the President of the Committee, Deputy Ferbrache, to open debate.

2450 **Deputy Ferbrache:** Well, sir, I do not propose to say anything other than I believe it is self-explanatory in the policy letter, we are following on from our predecessors and their work is good and succinct and I ask Members to give the declarations that are sought.

The Bailiff: Deputy Gollop.

2455

Deputy Gollop: Sir, I wish we could have debates on this in a way, because in the last States we were quite interested in base erosion and profit sharing issues, and I think I was intrigued as to how this came before us through the Policy & Resources Committee and whether it was a desire from high net worth individuals or private sector entities or companies or whether it was the European Union or Finland itself. Because much as I support double taxation agreements and their furthering there is a slight warning in paragraph 1.3 it says:

2460

In recent years, the Organisation for Economic Development & Co-operation ("OECD") has been developing the Base Erosion & Profit Shifting ("BEPS") initiative which is aimed at combatting tax avoidance. One outcome of the BEPS initiative was the creation of a multilateral instrument which committed jurisdictions could sign. Once the provisions of the multilateral instrument are adopted into domestic legislation ... all DTAs affected by the multilateral instrument are revised accordingly ...

The point then made later on that – where is it – effectively BEPS has revised the context in as much that people are that the former ... the nature of electronic transactions and the nature of changing rules have indicated that we need ... that one needs modernisation of this

... in an increasingly interconnected world, national tax laws, many of which have their origins over 100 years ago, [paragraph 1.6] have not always kept pace with global corporations, fluid movement of capital, and, most recently ... which can undermine the fairness and integrity of tax systems.

2465 Now whilst accepting that and the need for double taxations, what we do not wish to do is to do double taxation agreements which in any way disadvantages our customer offering or our competitiveness as a jurisdiction because clearly we need to robustly argue for the strengthening of our place in the international world.

So I think perhaps we need more information on the undercurrents of BEPS with these DTAs.

2470

The Bailiff: I do not see any other Member standing so I will invite Deputy Ferbrache to respond to that short debate please.

2475 **Deputy Ferbrache:** Well, sir, I do not see any disadvantage at all. The whole idea of double taxation agreements is that you make the taxation world fairer and fuller and more proactive and we have got more now than we have ever had. Again when I first back there were very few and Deputy Trott, I know ... *[Inaudible]*

2480 All this is doing is making an agreement with Finland. That is all it is doing and also, I know it talks about tax avoidance but we have got the Income Tax (Guernsey) Law, 1975 which has been amended about 214 times, I think, over the last ... *[Inaudible]* but it has always had a general anti-avoidance provision which the administrator or whatever he or she ... *[Inaudible]*

I do not see this as disadvantageous at all. In fact it shows we are part of ... again, I have forgotten that the Island maybe has one ... *[Inaudible]* I forgot about that. I am not very good with technology.

2485 But in relation to that we are in a position whereby we are part of the international tax community our whole reputation is based upon us being open, decent, balanced and co-operative, and this is all this does.

The Bailiff: Well, Members of the States, there is a single Proposition inviting you to declare as it is shown there those in favour; those against.

Members vote Pour.

2490 **The Bailiff:** I declare that Proposition duly carried.

**Continuation of sitting to deal with final Item of business –
Motion carried**

The Bailiff: Now, it is just 12.30 p.m. and normally we would leap to our feet and adjourn until 2.30 p.m. But there is only one item of business to deal with, Members of the States. So I am going to propose to you that we deal with that item of business so that we do not have to come back this afternoon.

2495 I am going to remind you that the media are being invited in at the close of this morning session, the close of the sitting to take some library footage and library photographs, if you want to be in that then you will have to stay in your place.

I am also going to remind you that there is the Extraordinary Meeting of the General Meeting of the Branch of the Commonwealth Parliamentary Association which needs to refresh its Executive Committee that will follow as soon as possible thereafter, where we need to be quorate.

2500 So the motion is that we continue to finish the business of this meeting now. Those in favour; those against.

Members voted Pour.

The Bailiff: I will declare that duly carried.
Greffier, last item, please.

Billet d'État XXIV

POLICY & RESOURCES COMMITTEE

V. Schedule for Future States' Business – Approved

Article V

The States are asked to decide:

Whether, after consideration of the attached Schedule for Future States' business, which sets out items for consideration at the Meeting of the 25th November 2020 and subsequent States' Meetings, they are of the opinion to approve the Schedule.

2505 **The States' Greffier:** Billet d'État XXIV – Article V – Policy & Resources Committee – Schedule for Future States' Business

The Bailiff: Is there anything you need to say in respect of that Deputy Ferbrache as the President?

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Deputy Ferbrache: No, sir.

The Bailiff: I have not received any amendments on it and I will simply put the Proposition to approve the Schedule for the next meeting in three weeks' time to you. Those in favour; those against.

2515

Members voted Pour.

The Bailiff: I declare that Proposition duly carried.

Can I thank you for the speed with which we have despatched the business of this meeting, long may it last during this term. *(Laughter)*

I will now invite the Greffier to close this meeting with the Grace, please.

The Assembly adjourned at 12.33 p.m.