



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Wednesday, 25th November 2020**

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Alderney Representatives S. Roberts

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

**Absent at the Evocation**

R. M. Titterington, Q.C. (H.M. Comptroller)  
Alderney Representative E. A. J. Snowdon (*indisposé*)

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE DEPUTY BAILIFF *in the Chair*]

## PRAYERS

*The Deputy Greffier*

## EVOCATION

## CONVOCATION

**The Deputy Greffier:** Billet d'État XXV and XXVII of 2020. 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, 25th November 2020 at 9.30 a.m. to consider the items listed in these Billets d'État which have been submitted for debate.

# Statements

## States' Trading Supervisory Board – Future Harbour Development

**The Deputy Bailiff:** Deputy Roffey.

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

In May last year the previous Assembly considered a requête proposing the construction of significant new port facilities to the east of the current St Peter Harbour. The outcome of that debate was that the States' Trading Supervisory Board was directed to carry out a detailed analysis of the Island's future harbour requirements, including consideration of any requirement for new berth facilities to the east of the QEII Marina or nearer to St Sampson's Harbour.

It was also directed to carry out an assessment of the impacts, practicalities, and potential benefits of relocating some of the commercial port operations away from St Peter Port, and to report back to the States by December 2020.

I am pleased to report that the first element, the Future Harbour Requirements Study, has now been completed.

That work included collating data on port usage across all of the various sectors, and generating forecasts of long-term demand between now and 2050. There was also engagement with key stakeholders, including commercial port users and the leisure marine sector, to gather feedback both on the current requirements, the existing facilities, and the anticipated trends.

All this information was used to produce a detailed future demand study, together with an assessment of the spatial and layout requirements to enable safe and efficient operation of the ports, both from the perspective of the harbour authorities and the many users of these facilities. A

number of potential options were then developed that could accommodate these requirements, for all of the various sectors, either within the confines and immediate vicinity of the current harbours, or in a new location.

The main data gathering and stakeholder engagement began in 2019, prior to the Covid-19 pandemic. However, the subsequent restrictions on travel to and from the Island, and the lockdowns both in the UK and here, impacted on this initial phase of the project. Just to give one example the furloughing of staff by some of the ports' key business partners delayed some critical data that was required to inform future demand studies.

As well as delays in the demand study, some fieldwork elements were also impacted. For instance, a study to better understand the impacts of tides and currents, particularly around St Sampson's, was delayed due to the requirement for off-Island personnel to install specialist tide and current measurement devices. The commencement of this study was therefore postponed, until alternative arrangements could be put in place.

Despite the best endeavours of the Project Team, these delays have meant that this work took longer than anticipated. However, the Future Harbour Requirement Study was finally completed last month, which addresses the first part of the requête.

Work on the remaining elements, namely an assessment of the impacts, practicalities, and potential benefits of relocating some commercial port operations away from St Peter Port, was dependent on the outputs of the Future Harbour Requirements Study. The Project Team has been progressing this further work at pace, and a period of engagement with relevant States' committees and key stakeholders is planned to commence very soon.

As Members would expect, the Project Team is also working very closely, at officer level, with the Seafront Enhancement Area project to ensure as far as possible that both work streams are aligned.

Furthermore, since the tide and current data has been received, the Team is now commissioning a navigational simulation of a number of the high level options identified for future port developments. The local marine pilots are assisting with this study, which will assess the feasibility of each option, in terms of manoeuvring vessels at various states of tide.

Once all this work is complete, STSB will present to the States a robust policy letter, setting out in detail the findings of all of our investigations, together with clear recommendations for the Assembly to consider.

Regrettably though given the delays that were encountered this year, we are not in a position to report back in December 2020, as was originally requested.

Therefore I wish to inform Members this morning that it is the STSB's intention to deliver that policy letter in time for debate in June 2021.

**The Deputy Bailiff:** In accordance with Rule 10(3) we now have 15 minutes of questions if it is needed. Does anybody have a question for Deputy Roffey?

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

My question really is one issue that came up during the election period is the strategic identification which is the essential ground rock. How far will this report look at the options for St Peter Port or consider moving elements of the commercial harbour and Ro-Ro ferries to St Sampson's? Because until we make the decision whether we are continuing like our Victorian forefathers did with the St Peter Port Harbour or moving northwards very little progress can be made on the infrastructure. So I am asking, are we considering answering that basic problem as a first prerequisite?

**The Deputy Bailiff:** Deputy Roffey.

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

I think there is a danger in our statement, that is announcing a delay, of actually going in to all of the details of what will be in the delayed report. But if helps Deputy Gollop I can confirm that the high level options that I referred to include the re-development and re-design of the St Peter Port Harbour roughly within it existing confines; the extension to deep water berthing facilities to the east of the existing harbour and the option of moving closer to St Sampson's for commercial operations in order to free up St Peter Port as a leisure harbour.

Obviously the navigational simulations that I referred to that are yet to be carried out will impact on those options, but they will all be considered, they will all be consulted upon, and they will all be contained in the report to come to this States.

**The Deputy Bailiff:** Deputy Inder.

**Deputy Inder:** Through you, madam, I do not think there is any criticism of the Committee having delay given the circumstances. But if I could ask one question.

If a ports plan is going to affect either St Peter Port or St Sampson's, can I ask whether his Committee would give Economic Development some sight over the general steer because at the moment we are unsighted on it and as he explained it does have impact on the Seafront Enhancement and many other areas of Government strategy?

Thank you.

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Sir, I thought one of Economic Development's key officers was actually on the working party but I can confirm I said that we were about to go out to consultation with all key stakeholders and Economic Development will be absolutely at the top of that list.

I think it is a bit like the flu jab: we really hope to get it started before Christmas if we possibly can but the bulk of the consultation will probably happen early next year.

**The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you, madam.

You said Economic Development will be at the top of the list, but DPA should because we have the Local Planning Brief for the inert waste, and we do not want to do the inert waste and then find out we are going to have a harbour up there.

**The Deputy Bailiff:** Is there a question, Deputy Oliver?

**Deputy Oliver:** Does he agree with that? *(Laughter)*

**Deputy Roffey:** I agree that Economic Development, DPA and E&I should all be *(Laughter)* right up there at the top of the list.

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

**Deputy de Lisle:** Thank you.

Most questions and public concerns that have been addressed to me relate to the terminal and the need for upgrading and redevelopment. Is the structure sound enough to provide for upgrading that is required with regard to the terminal?

**Deputy Roffey:** I think as I indicated earlier we are in danger of getting down into the weeds here. What I was indicating is there has been a delay in this report a short delay. It will be an exhaustive report and the option of redeveloping inside the existing Harbour for commercial usage

will be one strand and under that strand will be what needs to be done to make that fit for purpose in the modern age. So I really think if we start debating this report before it is even released then we are really are in danger of chasing our own tails.

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

**Deputy Kazantseva-Miller:** Thank you, madam.

Earlier this year the energy policy was passed, I believe that was March this year which underpins our ambitions in terms of energy transition and commercial energy needs. Obviously the report you are talking about was started prior to that policy so I wanted to understand how energy policy is being considered as part of the development of the report?

Thank you.

**Deputy Roffey:** Thank you.

As I said in my statement projections forward to 2050 have been a key part. Those projections will be wrong because all projections are but the best projections that we can make to 2050 have been included and hydrocarbons in particular have been a key part of that, because how much hydrocarbon we need to import into Guernsey and how we are going to do it has absolutely been considered and there has been a link up with the staff that have been involved with – that is why I mentioned that E&I are an absolutely key player here, because you are right there is a link up.

There is a danger though that we will be absolutely frozen or nothing will happen while we wait for other strategies to come to fruition, and sometimes I think in politics you just have to get on and do something with your best guess at what is going to happen in other areas of policy

**The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** Thank you again, madam.

Given the importance of our freight and passenger transport links, will the report contain for public consumption and our information knowledge of what the existing ferry operators wish to see long term and also other potential ferry operators?

**Deputy Roffey:** Well, it will certainly contain what the existing ferry operator considers, whether we should trawl the world to find every potential ferry operator and see what they may think about what we are going to do with our harbours I think is slightly more difficult. Even with the current ferry operator they may have a different answer as far as their freight vessels are concerned compared with their fast ferry vessel about what they would like to see as an outcome.

But yes, I mean consultation with commercial port users has been an absolutely key strand of this work and that will be reflected in the report.

I just ask Members to understand that what I have announced this morning is a slight delay, that it is going to be out to consultation very soon and actually most of their questions would be better informed if they just hold on for a few minutes or a few weeks and wait for that report to be published.

**The Deputy Bailiff:** Deputy Queripel.

**Deputy Queripel:** Madam, I apologise to Deputy Roffey if perhaps I should know the answer to this question, he mentioned the hydrocarbons project. My understanding is that project is going to be undertaken in phases. So could he tell me please has the last phase been completed and will he know the actual cost of it because I believe I am right in saying it was £1 million. Would it need any more funds to complete it?

Thank you.



**Deputy Roffey:** Well, the hydrocarbon strategy does not fall within my Committee so I do not know exactly what it has cost or whether they need any more money to complete it. What I can say is that the future ports investigation has been carried out within the budget that was allocated by the States for doing it.

185

**The Deputy Bailiff:** Thank you.  
Oh Deputy Gabriel.

190

**Deputy Gabriel:** Can the President confirm that it will be a public consultation, and if there will be a public consultation that the public will have an adequate time to respond?

**The Deputy Bailiff:** Deputy Roffey.

195

**Deputy Roffey:** Yes, I think this can be done in phases because what we do not want to do is produce a report that we then defend as the final product, so we are going to go with a draft report to the various committees, to the Douzaines of St Peter Port, St Sampson's, to other key stakeholders and genuinely listen to what they have to say and possibly adapt the report in the light of the feedback we get.

200

But when we get to the appropriate stage of course it will be in the public arena and we will do our best endeavours, I mean what the public sometimes think is the amount of time they need maybe months and months and we cannot promise that because the business of Government needs to move on but we will do our best to give a decent consultation period.

205

**The Deputy Bailiff:** That appears to end questions.

Just before I invite Deputy Le Tocq to make his first statement, I have had a request that people be allowed to remove their jackets. Those people who are allowed to remove their jackets they may remove their jackets if they wish.

## POLICY & RESOURCES COMMITTEE

### External Affairs – UK-EU future relationship – Negotiations and the Participation of the Bailiwick

**The Deputy Bailiff:** Deputy le Tocq.

210

**Deputy Le Tocq:** Madame Le Deputé Bailli.

Thank you for allowing me to provide an update on live issues. Unusually, the Policy & Resources Committee is making two statements today to keep the content and questions separate and as distinct as far as possible.

215

The Committee last made a statement to the States on Brexit work in September 2019 if any of us can remember back as far as then. Then in January the States considered a policy letter about the UK-EU Withdrawal Agreement and directed the Committee, and I quote:

to maintain efforts to ensure that the Bailiwick's interests continue to be represented to the UK during ... negotiations on the UK-EU future relationship ...

220

Since the start of this year, a lot has changed. The UK officially left the EU on 31st January and entered a Transition Period. The COVID-19 pandemic has caused widespread disruption and led to re-prioritisation of government work, not just in Guernsey but around the world. However, work on the UK-EU future relationship, and Guernsey's place within it, has had to continue at pace.

The UK and EU started negotiations in March. This new relationship – if agreed – would take effect when the Transition Period ends on 31st December. Negotiations have proceeded at an incredibly fast pace – and are continuing now. In fact things might change by the time I sit down.

225 Discussions to include the Bailiwick in the future UK-EU relationship have focused on a goods-based relationship that mitigates, as far as possible, impacts caused by the end of the Protocol 3 relationship with the EU, in line with the objectives agreed by the States in June 2016.

Our future trading relationships will need to recognise the size and scale of our economy, and should be underpinned by the principles of relevance, proportionality and practicality, set by States' Resolutions in January 2020. Any new UK-EU trading relationship must not damage the trading  
230 relationship between the Bailiwick and the UK, the centuries-old constitutional relationship between the Bailiwick and the Crown, nor the Bailiwick's domestic autonomy.

Fishing continues to feature prominently in the negotiations. The EU has made it clear that an agreement will not be possible without resolving the fisheries relationship. For the Bailiwick, it is significant given our geographic location and the importance of this issue for our regional  
235 relationships with Normandy and Brittany.

Consequently, our interests in fisheries matters do not always align completely with the UK's. We are seeking a stable and predictable relationship for access to waters, ports and markets to maintain trade in fisheries products, and to support local communities and regional relationships. Any fisheries arrangement for the Bailiwick must be relevant, proportionate and practical. It must  
240 be reasonable, provide economic stability, respect the sovereignty the Islands have over our territorial waters and protect them from displaced effort. We have been clear and robust in presenting this position and must continue to be resolute in defending the Islands' interests.

Two groups set up in January have met fortnightly this year to assist the Committee to consider the Bailiwick's participation in a future UK-EU agreement – the Future Partnership Delivery Group –  
245 for political input – and the Trade Policy Advisory Panel – for industry and external stakeholders. We continue to work closely with Alderney and Sark and the final executive decision about whether the Islands will be included in the scope of any UK-EU agreement will be for each of the Bailiwick's three Assemblies.

Whilst we continue to focus on the Bailiwick's possible part in a UK-EU agreement, the fast pace  
250 and unpredictable nature of the negotiations mean that we are still planning for the risk of No Further Negotiated Outcome. Where there is no UK-EU agreement by the end of the year, or some other situation where the Bailiwick is not included. We have always been clear that a 'no deal' outcome is not in Guernsey's interests, but are preparing in case it happens.

Should a No Deal situation or another disruptive outcome occur, we are ready to act as needed.  
255 The governance arrangements to manage the issues caused by COVID-19 have been adapted to help manage the Bailiwick's response to the end of the transition period.

Many parts of our relationship with the EU will not, on the face of it, directly change. Guernsey is not, and never has been, a member of the EU. Protocol 3 allowed for us to be in the EU Customs Territory and to benefit from free movement of goods. However, the Bailiwick has always been  
260 treated as a third country by the EU for all other purposes, such as financial services. This will continue after the Transition Period ends, underpinned by WTO rules where they apply. The concept of the single market and free movement of goods has widened since Protocol 3 took effect decades ago and this will inevitably be reflected in our new relationships.

Some manageable disruption can be expected whether or not a UK-EU agreement is reached,  
265 due to the end of the UK's participation in the EU Customs Union and Single Market. Islanders are used to occasional weather-related disruptions to supplies, but all the modelling has shown that if there is no trade deal there may be a temporary lack of choice or delays for some EU foodstuffs, but no shortage of food overall. I know the community is resilient and tolerant if there were to be any short-term disruption to the movement of any goods. There is no need to stockpile or panic  
270 buy. Just as in the spring lockdown, any stockpiling just disrupts supply chains and denies other people access to essential goods. Another change is the ending of free movement of people

between the UK and the EU. There will be new requirements for workers coming into the Island and for Islanders wishing to travel to, or work, in the EU.

275 Due to the sensitive nature of the negotiations, it has not been possible to provide frequent or detailed public updates. However, the Committee and officials from across the States have been relentless, and fearless, in defending the Islands' interests during this phase. The Committee and FPDG have each ensured that the objectives agreed by the States in 2016, and the principles it agreed in January this year, have been central to our work and all representations to the UK Government.

280 We are updating all our Brexit-related content on the States' website to outline changes for the end of the Transition Period or to indicate where something might change even if the details are not yet known. We want to help individuals and businesses understand the changes that are coming during the next few weeks.

285 There has been a recent push to promote the EU settlement scheme to all eligible EU, EEA and Swiss nationals and their families. The States recognised early the need to protect the rights of those nationals who form an important part of the Island community. So far there have been about 3,000 applications. The scheme is free of charge and will remain open until the end of June next year to provide time for all those nationals who are currently resident in the Bailiwick, or will be by the end of 2020, to register so that their rights to healthcare, work arrangements, access to benefits and public services remain unchanged. Any EU, EEA or Swiss nationals resident in the Bailiwick who are not yet part of the settled status scheme should not delay in registering.

290 We have started to issue updated guidance for businesses and to talk directly to those who might be affected by the changes. We will continue to provide more information as and when it becomes available. The flow of information and co-operative approach between the UK and Guernsey Governments is generally good and means we are as well placed as we can be to face the potential challenges of the end of the Transition Period.

295 Throughout this year, we have continued to build on strong relationships with the UK at official and Ministerial level. Guernsey's regular engagement with the UK Government during 2020 – in particular with Task Force Europe at No.10 and the Cabinet Office, The MoJ, DEFRA, and the Department for Business, Energy & Industrial Strategy and the Department for International Trade – has included a number of exchanges and Ministerial meetings including with the Paymaster General at the Cabinet Office and the Lord Chancellor. We have repeatedly emphasised the UK's responsibility to represent our interests fully and robustly, even where they differ from the UK's, and have welcomed their repeated assurances that the UK does and will continue to do so.

300 Whilst the Bailiwick does not have its own direct representation at the UK-EU negotiations, we are represented at the highest levels by UK negotiators who have daily contact with Guernsey officials. The UK Government has publicly stated that it is negotiating with the EU

... on behalf of the entire British family ...

310 and that it will continue to engage with us throughout the process. The Committee continues to present the Bailiwick's interests clearly to the UK Government so that they are fully understood and the UK, can:

... in turn, can carry out the best possible negotiations on the Bailiwick's behalf.

The UK's departure from the EU has also meant that it has been able to start negotiations on free trade agreements with other countries; including 'rolling over' pre-existing agreements between the EU and third countries, so that they can apply to the UK as a separate sovereign state.

315 The UK and Japan have agreed a Comprehensive Economic Partnership Agreement CEPA which is based on the existing EU-Japan agreement but with reduced tariffs. The Bailiwick has been included in the goods elements of that agreement and will benefit from the newly negotiated tariffs. Participation in other parts – including cross border supply in services, financial services and intellectual property – will be pursued during 2021.

Other 'roll over' agreements, including the recent UK-Canada one, apply to the Bailiwick insofar as Protocol 3 applies. Further trade agreements are being negotiated by the UK with other nations and Guernsey is continuing its dialogue with the UK Government for the Bailiwick's inclusion as appropriate. The extension of the UK's membership of the WTO to the Bailiwick will also take effect in January 2021.

When the negotiations have ended and we know if there will be a formal UK-EU agreement for the immediate future – and whether the Bailiwick is included – the Policy & Resources Committee will publish a policy letter to enable the States to consider and decide upon Guernsey's proposed involvement, or to recognise and record formally that there is no agreement in which to participate.

The negotiations remain unpredictable and various 'final deadlines' have come and gone. One thing is certain at this late stage, we will need to work quickly and flexibly if any deal is agreed to ensure our own domestic constitutional arrangements are respected. That means we do not know when the policy letter can be published or when it may need to be debated; but we do know that the Transition Period only lasts until the end of December. Due to this timeline, the policy letter might need to be considered in a scheduled States' Meeting – but be published outside the usual deadlines – or it might require additional States' Meetings at short notice before the end of the year. The Committee will keep States' Members updated.

Alderney and Sark will also follow their own constitutional processes and are aware of the same timing issues. We have stressed repeatedly to the UK that the Bailiwick needs time to follow its parliamentary processes so that each jurisdiction can consider whether to participate in any final UK-EU agreement.

The UK-EU negotiations are still ongoing and we do not know yet the extent that the Bailiwick may be, or wish to be, involved in any resulting agreement. We continue to strive for a relationship with the EU that meets the needs of Guernsey, and the wider Bailiwick; its communities and its economies.

The Policy & Resources Committee is doing all that it can, together with other States' Committees and the other Islands, to ensure that the Bailiwick is ready for the end of the Transition Period and for the new relationships with the EU and the wider world – whatever those relationships might be.

Thank you, madam.

**The Deputy Bailiff:** Thank you.

Now 15 minutes for questions. Deputy St Pier.

**Deputy St Pier:** Madam, is it correct that the EU has recently introduced into the negotiations and expectation that the Bailiwick should collect EU indirect taxes on their behalf and if that is the case, could Deputy Le Tocq confirm that that would be a red line for the Bailiwick and that we would expect the UK to continue to represent our interests and resist that request?

**Deputy le Tocq:** There is a discussion around indirect taxation and indeed direct taxation going on. My understanding is that the UK are firmly against that proposal themselves in most respects and we certainly are. So I confirm that we have made it very clear that that is a red line as far as we are concerned.

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

**Deputy de Sausmarez:** Thank you, madam.

I would like to thank Deputy Le Tocq for his update and also for his work and the work of the External Relations Team who have been working really hard and I do not think have had a weekend in years.

This question might be better directed at Deputy Prow but it was mentioned in the statement.  
370 The Settled Status Scheme do we have any idea of what proportion of residents that might still  
effect who have not yet signed up to it?

Thank you.

**Deputy Le Tocq:** The frank answer is no, not exactly, because we have not had to do this in the  
375 past, so that is why I emphasised in my speech the importance for any that are either listening or  
that listeners are aware of to get in touch because as I mentioned June 2021 is the last cut-off point  
for that and I know employers also should bear that in mind.

**The Deputy Bailiff:** Deputy Brouard.

**Deputy Brouard:** Thank you.

Does Deputy Le Tocq agree it seems an unfair position that our French cousins expect to fish up  
to six miles of our shore but never allow us to fish in their waters? Can he confirm we will work to  
ensure as a worst case scenario our French cousins will have no greater effort or fish take in our  
385 waters going forward?

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

**Deputy Le Tocq:** The position that Deputy Brouard has mentioned at the end is our position and  
390 has been our position, as he knows, in negotiations, in terms of our unwillingness to allow for any  
increased effort in the future. Basically our relationships with the French, the Normans, in particular,  
are as good as I think they can be, we have worked hard in that area, and as I have repeatedly said  
publicly if it could be possible and it is not legally possible for us to sit down with our French cousins,  
as he calls them, and negotiate a regional agreement we would be willing to do so and believe we  
395 could do so in a way that was amenable to both sides.

**The Deputy Bailiff:** Deputy Trott.

**Deputy Trott:** Madam, thank you.

400 The use of language is important in these sorts of statements and my friend Deputy Le Tocq  
used the word 'robustly'. How can the UK robustly represent our interests – which means in a  
determined and forceful way – how can they represent our position when they are prepared to  
legislate on our behalf and without our consent? Surely the two things are incongruous.

**Deputy Le Tocq:** I thank Deputy Trott for his question and he is right. But in the context and I  
405 was using it that is what the assurances that we have been given from the UK that they are doing  
so, and I think it is important that we quote back both publicly here and to the UK the comments  
that have been made by successive Prime Ministers and other Ministers of State in the UK when  
they have sought to represent us in accordance with our international framework guidance set over  
410 10 years ago.

**The Deputy Bailiff:** Deputy Inder.

**Deputy Inder:** Thank you.

415 On the subject of fishing access. Would Deputy Le Tocq agree with me that the meeting that he  
attended along with Deputy Helyar that gave a rough explanation to the commercial fishing fleet  
that in the main they were relatively happy with the way the negotiations were going around the  
concept of static access?

420 **Deputy Le Tocq:** Well, as Deputy Trott has just mentioned, words are important and happy is not one that I would use in this context, or even relatively.

I think we are where we are and Members should understand that we have been dealt a set of cards we have got to work with in this environment. We did not have a vote in the decision by the UK to leave the EU.

425 But in our meeting with the fishermen, I was very grateful for their understanding and we maintain and want to maintain that relationship with them, so that we can prepare for any potential disruption, and I think there may well be some before we get to calmer waters, if I can use that pun.

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

430 **Deputy St Pier:** Madam, Deputy le Tocq referred to the continuity agreement between the UK and Canada. What assurance can he give that when the full agreement is negotiated between Canada and the UK, and indeed of course other agreements are negotiated, that we will actually be given the opportunity to participate fully? Unlike the Japan-UK agreement which he also referred to, where of course we were effectively cut out of the services element of the deal, notwithstanding his comments about possibly participating in 2021, realistically that will be a challenge.

435 So I am looking for the assurance that we will be able to participate fully should we so choose in subsequent full UK trade agreements with Canada and others.

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

**Deputy Le Tocq:** I thank Deputy St Pier for forewarning me of this question, and yes I want to give that assurance. Ironically perhaps in light of comments that I will make in my next statement the Japanese CEPA agreement actually includes a permissive extent clause which applies to us, so that when we want to and feel it is appropriate to engage in a different section of perhaps the services part of that agreement we will be able to do so, but given the time to do that in officials ... and engaging with the UK we decided to leave that until next year, but I am hopeful that we will be able to do so in which case we will be asking the UK to extend it to us.

450 **The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** Thank you, madam, Deputy President.

My question is that given the question from Deputy Trott answers given, if there is perceived to be a need by the UK to create agreement on fisheries with the EU in such a way that it in any way disadvantages Guernsey or its fishing industry can we ensure that we negotiate full derogation and compensation for the Island? How far is that part of the conversation?

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

460 **Deputy Le Tocq:** As far as I can answer that question. We would need to get to a stage where we would see what the implications are of any deal and first of all whether we would want to be part of it or not. Based on the fact that we do have the right to say no, that is we do not have to agree with anything that has been negotiated as an Assembly as do Sark and Alderney within that, we may want to do so on the basis on the arguments that he made.

465 Now if that is the case I doubt whether, if we choose to say no, we would have a right therefore to claim some sort of compensation. Having said that there are legal issues at stake here which I will come on to in my next statement.

**The Deputy Bailiff:** Deputy Queripel.

470 **Deputy Queripel:** Thank you, madam.

In his statement Deputy Le Tocq said we should not worry about future food supplies and supplies in general. My understanding is that Jersey have been stockpiling medicines and food for some time now. So shouldn't we follow suit? How can he be so confident when politicians in the UK have said there will be problems at the ports because of the changes that will be made after Brexit?

**Deputy Le Tocq:** My statement said there might be problems with choice or the speed of supplies, not in terms of shortages.

I am glad to say, and I alluded to this in my speech, that Guernsey prepared for a No Deal Brexit way back in 2016, in fact we had already scoped out the possibilities before the UK took its decision to leave the EU in that referendum. As a result we were working on contingencies for the issues that he has raised way back then, and these were put to the test not just in the run up to the potential 31st January this year where there might not have been a transition arrangement, but also through Covid. So fortuitously in the Covid situation all the issues that he has alluded to have been put to the test in a pretty severe way, and I think we came out pretty well in those circumstances.

As to the reasons for Jersey doing what they are doing and I cannot confirm what he said, that is up to them, they have got a bigger population, they have coped with Covid differently than we have. I am just glad that I live here.

**Several Members:** Hear, hear.

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

**Deputy St Pier:** Madam, through this process, what are the prospects of the Bailiwick being able to lay claim to its exclusive economic zone of up to 200 miles and what are we actually doing to progress that claim through this opportunity that is presented at the moment?

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

**Deputy Le Tocq:** At this current juncture I can say that we are progressing it, as he knows, before we are engaging at all different levels in order to ensure that those issues which we consider to be our rights in terms of determining our exclusivity, we have made some pretty serious steps forward in recent years. So I am confident that we can do our best on this, but obviously that is a step beyond the current focus at the moment.

**The Deputy Bailiff:** That is the end of questions on that Statement.

## **POLICY & RESOURCES COMMITTEE**

### **External Affairs – Legislation made in the UK and the Bailiwick and Constitutional Matters**

**The Deputy Bailiff:** I will ask Deputy Le Tocq to make his second Statement as lead of External Affairs.

**Deputy Le Tocq:** I am grateful for the opportunity to update the States on a few constitutional matters, particularly about the making of legislation in the UK and in the Bailiwick.

The first is about the recent decision by the UK Government to add a Permissive Extent Clause – a PEC – to the UK's Fisheries Bill. It understandably generated interest locally, and it should be emphasised that the main issue for the Bailiwick is the constitutional relationship rather than fishing.

515 This is not the first time that UK legislation has included a PEC referring to the Channel Islands. PECs provide a mechanism to extend certain provisions in UK legislation to some or all of the Crown Dependencies by Order in Council, where it is deemed beneficial and efficient. The difference this time, of course, is that the PEC was added even though the Bailiwick – along with Jersey – had declined the offer for there to be one.

520 In January 2020, the [Fisheries Bill](#) was introduced in the House of Lords. Then, in July, DEFRA asked if the Bailiwick would like a PEC to be included in respect of a clause in the Bill that would create a power for the UK Secretary of State to implement international obligations by Statutory Instrument. This power is intended to ensure any international obligations, that have been properly consented to, are implemented effectively. The clause is not about forcing any international obligation on the Bailiwick without its consent, it is about meeting any obligation that we have agreed to.

530 The offer was declined. We made it clear that the Bailiwick is able to and would want to legislate ourselves to implement in domestic law any international agreement that we commit to. This response is normal practice and is not controversial. It is a position routinely provided to the UK and routinely accepted by the UK Government. This particular PEC related to the implementation of international obligations. That means, on this occasion, the response was also in line with the ongoing development of the Bailiwick's international identity as recognised in the [framework](#) signed between the UK and Guernsey in 2008.

535 However, the UK Government decided it wanted to alter the Bill to include a PEC as an 'insurance policy' and I quote that, that is their initial comments, and it submitted an amendment to that in mid-October, just before the Bill went before the House of Commons for the last time. This was a surprise, and a disappointment and a serious concern.

540 Guernsey and Jersey politicians and officials urgently sought meetings and corresponded with UK Ministers and officials. We also contacted other Members of the House of Commons and the House of Lords, including those with a particular interest in the Channel Islands or in constitutional matters, to ensure that they knew our view before the relevant debates. The Channel Islands All Party Parliamentary Group wrote to the Secretary of State at DEFRA setting out concerns about the PEC; and individual parliamentarians and the House of Lords Constitution Committee sought answers from the UK Government about it.

545 Speeches made in the debates in the House of Commons on 13th October and in the House of Lords on 12th November, by MPs and Lords from across the political spectrum, left no doubt about the political, constitutional and legal issues that would arise from the UK Government attempting to use the powers under the PEC without the consent of the relevant Island jurisdiction. For example, Lord Pannick referred to the UK Government potentially, and I quote:

... trampling all over the constitutional integrity of the Channel Islands' relationships with the Crown.

550 Unfortunately, but perhaps unsurprisingly, the amendment passed and was included into the Bill when the Bill received Royal Assent and became an Act of Parliament on Monday. Lord Gardiner, for DEFRA, confirmed to the House of Lords that and I quote:

... this would only ever be as a last resort, after full consultation and the exhaustion of all other options.

555 It is important to be clear that, by including this PEC in the Fisheries Bill without the Bailiwick having agreed to it, the UK has not legislated on our behalf at this time. The constitutional issue that would lead to a dispute would be if the UK sought to use the PEC in the future without our consent. Any such move to use the PEC without our consent would be contrary to our historic constitutional relationship with the Crown and would offend democratic principles. However, given the Bailiwick's commitment and excellent track record of meeting its international obligations, it is unlikely that any such an attempt would be made. The inclusion of the PEC itself against the Bailiwick's wishes is still a concern; so, Guernsey's Government will continue to make strong representations to the UK that the PEC is unnecessary and inappropriate.



The UK Government has given repeated assurances to Guernsey about respecting our constitutional position and acknowledging that the UK does not legislate for us on domestic matters. This has been confirmed by the current Prime Minister, by his predecessor, and by other Ministers. These commitments provide reassurance that the PEC is not intended to be used and will remain superfluous.

If any future UK Government did try to use the powers under the PEC, the legislation would need to be referred to the States of Deliberation, this Assembly, before it could be registered in the Royal Court. This enables this States to signify its view and scrutinise the legislation that would potentially apply in Guernsey.

In 2019, the Reform Law was amended by the States to insert section 72A, fulfilling earlier States' Resolutions about relevant legislative processes and reinforcing our autonomy from the UK.

Guernsey – and the Bailiwick – can move swiftly to change its legislation to meet international obligations – for fishing and for any other matters – if that is what is required. The Committee is exploring the options for making domestic legislation which would have the same or similar effect as clauses to which the PEC relates, so that such legislation can be introduced before the end of this year.

The President gave a general statement on the Committee's work on 4th November and he mentioned the process for Royal Sanction for Guernsey legislation. I would like to provide a brief update about that.

The Policy & Resources Committee intends to bring to the States proposals to adopt a new process so that the Bailiwick's domestic legislation can be approved in the Islands in future – rather than primary legislation being sent for Royal Sanction by The Queen in Council after approval in the Islands' parliaments. (**A Member:** Hear, hear.) A model where legislation is approved by the Lieutenant Governor on behalf of the Sovereign already exists in the Isle of Man. It is proposed that, if agreed, the Bailiwick's legislation in future would be approved by the Bailiwick's own Lieutenant Governor on the Sovereign's behalf, except for reserved matters including those affecting the Royal prerogative, or the rights of the Sovereign in their private capacity.

The change to the process will positively underline the Bailiwick's legislative autonomy and will mean that Royal Sanction is not tied to scheduled meetings of the Privy Council – which generally take place monthly, but not in the late summer or during UK General Elections.

Alderney and Sark's Policy & Finance Committees have now agreed this should be now considered in all three jurisdictions, so that any changes can apply throughout the Bailiwick. Advice has already been received from the Law Officers of the Crown and a policy letter has been drafted for use in all three Parliaments, with Propositions tailored for each.

The Committee is continuing its engagement with the office of the Lieutenant Governor and the Ministry of Justice; with the intention that the policy letter may be brought forward early next year.

In a [media release](#) issued on 12th November, I said:

The Committee will continue to consider what further steps might be required for Guernsey, and the wider Bailiwick, to safeguard our legislative autonomy and to continue to develop our own international identity.

I have alluded already to some of that work and the progress on various matters identified in the Constitutional Investigation Committee's 2016 report. The Members of the Policy & Resources Committee are continuing the work that had started last term. The change to the Reform Law in 2019 and the work to alter the process for Royal Sanction are two examples. I will now touch upon some others.

The States decided in 2016 to seek entrustment for international agreements and the Committee has done so whenever possible. Consequently, Guernsey's government has sought agreement from the UK Government, acting on behalf of the Crown, to enable Guernsey to negotiate certain international agreements directly with other countries, rather than being represented in the negotiations by the UK.

The Bailiwick has used entrustment on various occasions, including in relation to tax transparency agreements, and asset sharing agreements with the US and, more recently, for

Guernsey to enter into a social security agreement with Latvia, which was signed in September 2020. Again this is entirely in accordance with the Island's developing international identity and the framework agreed with the UK Government in 2008.

Guernsey and the other jurisdictions of the Bailiwick decide which international agreements should be extended to them and use domestic policy and legislation to fulfil these obligations.

The CIC report identified in 2016, that it would be helpful to review the processes for the extension of international agreements to Guernsey and the Bailiwick. It is something that was already on the Committee's 'to do' list. The same thing was identified in a [requête](#) considered and approved by the States in August this year. The requête has provided a target date of the end of 2021 for relevant proposals to be brought to the States.

Guernsey is continuing to develop its own international identity in line with the framework agreed with the UK in 2008. It can be distinct from that of the UK, noting that we already have our own legislative assembly, administrative, fiscal and legal systems and our own constitutional relationship with the Crown which has existed for centuries. The Island can be proud of its strong reputation as a good neighbour and responsible player on the international stage.

We must continue to defend our international identity and domestic autonomy – they must not be undermined or appear to be undermined by any future UK Government in Whitehall or Parliament in Westminster. (A Member: Hear, hear.) We will continue to work hard to ensure that our ancient constitutional rights are not infringed. This will remain one of the Committee's highest priorities.

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

**Deputy St Pier:** Madam, I am sure Deputy Le Tocq would agree with me that the insertion of the Permissive Extent Clause was very much driven by DEFRA Ministers and it is disappointing that the Ministry of Justice and No. 10 did not intervene to prevent that. But notwithstanding the emollient words of the UK DEFRA Minister in Parliament and in the passage of this Bill, the reality is that if the UK does enter into international obligations on our behalf with which we do not agree – in other words, it throws our fisheries under a bus – the only way to avoid the use of the Permissive Extent Clause will be of course for us to legislate ourselves. At the point the insurance policy to be used as a last resort will become a gun to our heads. Does he agree?

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

**Deputy Le Tocq:** Not exactly. No, I think I cannot remember which Noble Lord it was who said that if the Permissive Extent Clause was used eventually it would end up with a constitutional impasse. So on that basis yes there would be unprecedented at least as far as I am aware, and the learner Procureur might correct me, but impasse if this Assembly chose not to recognise such legislation.

But as I alluded to in my speech I believe we can work to ensure that that does not happen, but it requires two to tango

And it would require personalities on the other side to help us and recognise our historic rights and put meaning behind the words.

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Would Deputy Le Tocq agree that there is a potential grey area which could give rise to a dispute between what constitutes domestic matters where there clearly is no right for the UK Government to legislate for us without our express consent and international matters where they do? If he does agree with that does he believe that an exercise to codify that would be useful or whether it would spell more dangers than the present unwritten arrangement contains.

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

665 **Deputy Le Tocq:** I will answer that and I would caveat my comments that these are my personal views and not something that we have formally discussed in P&R. But yes, generally I would agree. I mean codification seems attractive to some degree but I prefer to work particularly as we are common law jurisdiction in an environment where understanding and negotiation take place and proceed on that basis.

670 So I am well aware of the pressures there might be to seek those sorts of solutions but I think they should be if at all possible avoided.

**The Deputy Bailiff:** Deputy Gollop.

675 **Deputy Gollop:** We are disappointed of course to read about the Permissive Extent Clause but according to one narration of what Lord Gardiner said, he said:

Our strong preference was to include the clause with the consent of all the Crown Dependencies. That is why we have worked over the last 10 months with good intentions because clearly we did desire that consent. Unfortunately, despite having given as long as possible for discussion, to date, the consent of Guernsey and Jersey has not been secured.

My question therefore is: what consent were they trying to secure? Not the consent to overrule Guernsey, hopefully, but the consent that we would acquiesce in revision of fishing policy.

680 **Deputy Le Tocq:** I do not know if I can quite answer that question because I am not sure what the question alludes to, but it touches on some points that Deputy Roffey alluded to before where does international and domestic, where is the line drawn. Of course as somebody has said very humorously fish do not adhere to international agreements generally speaking.

685 But nevertheless fisheries has always been considered a domestic issue for us, how we manage our waters, and particularly now that they have been extended and the sorts of fisheries that take place in our waters is a matter for this Assembly and is a matter for Alderney and for Sark in the way it wishes to do so. So I would strongly argue the case that in this instance we should stand our guard on this issue.

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

**Deputy St Pier:** Madam, Deputy Le Tocq will know that I wrote to the Prime Minister on 5th October expressing Guernsey's deep concerns in relation to the insertion of the Permissive Extent Clause in the fisheries Bill without our consent. If a response has been received, will this be published?  
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**Deputy Le Tocq:** A response has not been received to the letter but, and if it is received I see no reason why it should not be published, having said that we have had numerous meetings including a meeting with the Fisheries Minister Victoria Prentice at which the President of E&I was also present with me and we make it very clear that our position to all Government Ministers in the UK on this issue, is it is a constitutional matter and we look forward to the UK trying to argue its case out of that, because clearly Members of Parliament in both Houses agreed with us.  
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**The Deputy Bailiff:** Deputy Gollop.

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**Deputy Gollop:** Whilst approving of the direction of travel towards the Lieutenant Governor having the powers to approve Guernsey Ordinances how far have the UK Government in particular the Privy Council and the Ministry of Justice been involved in these discussions and approve rather than setting obstacles in our way?

710 **Deputy Le Tocq:** Sorry, could he just repeat that question?

**Deputy Gollop:** If we move in the direction of Isle of Man style of the Lieutenant Governor being able to approve some parts of our legislation without recourse to the Privy Council, does the Ministry of Justice support that move or are we doing it of our own volition?

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

**Deputy le Tocq:** We are not doing it of our own volition. Successive Members of the Ministry of Justice, Ministers that are responsible for Crown Dependencies have understood and been willing to progress with us in this. There has been significant changes in personnel there, both in terms of Ministerial personnel and currently we do not have a Minister with specific responsibility for the Crown Dependencies. But I am in discussions with the Lord Chancellor and the Secretary of State for Justice even this week on matters, so we will certainly continue to do that. All we hope is that they will continue their support for us in this process.

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

**Deputy St Pier:** Madam, Deputy Le Tocq will know too that I wrote to the Lord Chancellor on 18th September in relation to the concerns we had in relation to the Internal Market Bill and I did refer to the further steps would be taken to strengthen our constitutional resilience including adopting a new model of Royal Assent and he has referred to that in his statement. I also went on to say and also to explore further the appointment of our own Privy Councillors to advise Her Majesty. He did not refer to that in his statement in relation to the other steps that we would be taking to embed our ancient and constitutional relationships with the Crown, but does he agree that it would now be appropriate to explore that step and will he take further action in relation to that?

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

740 **Deputy Le Tocq:** This is a matter that we are in discussions on with Jersey on particularly because obviously it would not just affect the three Assemblies of this Bailiwick, but it is something that I feel strongly about, as I believe Deputy St Pier knows, I was for a time Chair of the Constitutional Investigation Committee and the late Deputy Roger Perrot was very strongly in favour of this move. I think, however, before we go there we have got some other steps to take first. So this is not something that we are immediately dealing with but we have it on our 'to do' list.

**The Deputy Bailiff:** If there are no further questions, I will invite the President of the Committee for Education, Sport & Culture to give her general update.

### **Committee for Education, Sport & Culture – General Update by the President**

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

750 **Deputy Dudley-Owen:** Madam, I am delighted to be providing my first Statement today as the President of the Committee for Education, Sport & Culture. I am very pleased to be supported in this role by a very capable Vice-President in Deputy Murray and the equally able Deputies Aldwell, Cameron and Haskins. Together we are determined to make real and tangible progress with policy initiatives across the breadth of our mandate over this political term. We will shortly add non-voting

members to our number and I would like to thank all those who expressed an interest in these important roles.

I provided an update on progress with the Arts Strategy earlier this month following questions from Deputy Queripel. I will not repeat those details here, except to reiterate that the Committee will work collaboratively with the Arts Commission to support the delivery of its renewed Strategic Aims and Key Objectives.

Over recent months we have all no doubt explored – or more likely re-explored – historic sites that have perhaps reminded us our own childhood, our roots and the rich history that has shaped our culture, our heritage. This renewed interest, when combined with the impact that the lack of visitors has had on the ‘business models’ of our heritage sites, means reviewing our Heritage Strategy, and doing so in close partnership with the Committee for Economic Development and our partners outside of Government, has never been more important because it will support the reinvigoration of our tourist offering in the post-Covid-19 era.

And of course our heritage includes language. The setting up of the new Language Commission will follow the Budget debate so that we are ready to begin work in earnest in 2021.

Madam, I am sure that everyone here today, and everyone listening in, will be keen to hear about the Committee’s plans for education. And let me be clear that our plans focus on much more than buildings. They also focus on ensuring an excellent education is available to all learners at all stages of their lifelong learning journey. As I said when seeking election as the Committee’s President, this means that we all need to understand the purpose of education.

We believe that education should foster and build self-esteem, creativity and confidence so that all learners can flourish and thrive. It should equip learners with the knowledge and skills to help them to achieve their dreams. It should instil a commitment to participate within the community as a responsible citizen; and it should provide opportunities to learn joyfully so that we build a lifelong passion for learning.

This belief is at the heart of our vision for education, which we will realise by ensuring that education equips Islanders at all stages of life with the skills and knowledge they need to fulfil their potential and become valuable contributors to our community.

Our vision forms the basis for the Committee’s strategy for education which we have already started to develop in partnership with our education leaders. We will use our strategy to ensure that the education offer, that we are accountable for, and the areas that we prioritise, are in line with our wider vision of an education landscape which is equitable, safe, well-led and designed to best meet the current and future needs of our community. By doing this, we are confident that we can provide excellent outcomes for all, which in turn supports the recovery of our Islands and the betterment of our society.

It is important to stress that our strategy for education is not just words, nor is it just about introducing new initiatives. Continuous improvement is fundamental to our vision and we know that our early years professionals, our teachers, our lecturers and the staff who support and lead them, are always striving to build on what works well and raise the bar even higher.

The Committee has a keen eye on governance and we will ensure there is a robust reporting framework for all our educational settings. This, coupled with external validation via our new inspectorate, will help to further embed a culture of continuous improvement so that we meet the needs of all learners.

On-Island teacher training has recently been re-introduced; our professional staff are able to undertake the National Award for SENCOs; and a leadership training package will be developed. Let’s not forget that teachers and lecturers are exemplars of lifelong learning too!

The ongoing external review of our Special Educational Needs & Disabilities provision and our Inclusion provision will help us to identify strengths and areas for further development in the SEND provision across the Island. Informed by a separate review, a literacy improvement plan is in place to ensure all learners – at all stages of life – have access to high quality literacy teaching which will close the literacy gap for those with the greatest distance to travel.

Sitting alongside these and many other workstreams are our capital programmes. The Guernsey Institute is fast-becoming a recognisable brand and aspires to be the go-to centre of excellence for learning beyond school settings. The difficulties and inefficiencies of operating this single organisation across multiple sites of varying quality are well understood.

And the Committee will not shy away from our duty to deliver a model for secondary education. This is no easy task as there are many variables and possible model configurations. At the start of the new political term, a series of workshops with staff working in our secondary schools were already underway, and we have waited for them to be completed before being fully briefed on the findings, which we have now been. Armed with that information, we are now directing the next phase of the review to ensure, by using the right parameters and comparators, it will deliver a model that is best suited to the needs of the Island which our key stakeholders can support. Because we know how very important the views of those key stakeholders are, and to ensure we do not leave anyone behind, we are reviewing and refreshing plans for further consultation and engagement in respect of the review.

We recognise the vital role of the employee representative bodies and we have arranged both informal and formal meetings with them in the coming days so that we can build an open, transparent and positive collaborative working relationship.

And we know, because of the vocational calling of those working in our schools, that, like us, they will keep their focus on the most important stakeholders of all – our children and our young people.

Through you, madam I urge you all, mindful of what is at stake here, not to sit on the side-lines watching my Committee get on with it. I am grateful to those who have already offered to help our work in this vital area, and we look forward to working more closely with them as we progress.

But each of us here today has a part to play in making sure this work is a success. Colleagues have been invited by the Committee to a session in early December.

And, madam, I urge Members to attend, listen and participate with an open mind and then actively support the work the Committee is doing. We will never find a model that ticks every box for every single one of us, but through compromise and collaborative working we can find – and implement – a solution that is the very best fit for Guernsey, and we owe nothing less to the children and young people whose precious education we hold in our hands.

This Assembly is acutely aware, and my Committee equally so, that the workstreams of all of our committees must now be viewed through a new lens as we fully understand the financial and human costs of the global pandemic.

While much has changed there are some inalienable truths, one of which is that we cannot underestimate the importance – on both our physical and mental health – of an active lifestyle. Some of you were present in August when, with the restrictions that had been necessarily imposed on our daily lives still very fresh in our minds, the Active-8: A Plan for Sport, policy letter was unanimously supported by the Assembly. I am delighted that the funding needed to enable the start of the Plan has been included within the 2021 Budget report.

Along with our delivery partners, particularly the Guernsey Sports Commission and the Health Improvement Commission, we are confident – assuming this Assembly supports the funding for 2021 – that we can maintain momentum and implement our Government's aims to create opportunity; build community and support excellence in sport and physical activity.

Because of its importance for all the participants and in raising the profile of sport and activity and our beautiful Island, I am sure we were all disappointed to learn from the recent announcement that the Island Games could not safely be staged in Guernsey in 2021. But that is not the end of that particular story and I would like to close by talking about what lies ahead:

I am thrilled that work is now underway to secure a new date for the Games. There are a significant number of decision-making bodies involved in forward planning and we are expecting news from the International Island Games Association regarding possible new dates very soon.

The local Organising Committee will continue to plan and prepare for the Island to stage its third Island Games in the near future. We will also ensure that the original Games week in the summer of

2021 is used to celebrate and inspire Islanders. I am sure that all of us look forward better times in the year ahead and will get behind these plans for this much needed celebration.

Thank you.

**The Deputy Bailiff:** Thank you.

Now there is an opportunity for questions. Deputy Inder.

**Deputy Inder:** Yes, please, through you, madam.

The previous Committee spoke about literacy levels and I would like to remind Deputy Dudley-Owen that back in 2019 the literacy review was put into place, I think that had been prefaced about a year earlier. I think she touched on it but I have got some concerns, that I would like to know where the literacy review has had, because according to the last update from the previous President it was supposed to be completed this term, and I think there is some rhetoric inasmuch as there was some doubt cast on literacy levels, so I would like to know where the data came from and how far they had got with the review?

**Deputy Dudley-Owen:** I thank Deputy Inder for his question.

The review is of concern to me and I understand it is still to conclude, but I am keen to have sight of the details as soon as possible and have flagged this with officers. Clearly there is always room for improvement to be made in all of our settings which I alluded to in my speech just now, but we really must ensure that political rhetoric does not undermine valuable work that our teachers and also our pupils are undertaking.

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Thank you.

The previous ESC provided all Members of this Assembly with a first interim report arising from the pause and review process. It was a fascinating document but it did not yet contain any of the revenue costs for the models being considered under that process. I wonder if the President can say whether they have now received the respective revenue costs and given that she wants none of us to sit on the side-lines, when those revenue costs will be shared with all Members of this Assembly?

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

**Deputy Dudley-Owen:** Thank you, madam.

The review work that Deputy Roffey is referring to was carried out in response to terms which were resolved by majority of Members in the previous States. The Committee knows that it needs to ensure that the drivers for change which have been identified as financial and curriculum in efficiencies are proven. So further work therefore is being undertaken using the current operating model as the base line against which to compare the various possible configurations to ensure that any inefficiencies are clearly dealt with by alternative model options, and this work is being undertaken in preparation for States' Members session.

So the technical analysis to which Deputy Roffey refers has been received by the Committee and indeed we invited Deputy Soulsby and Deputy Mahoney along at that first session so that we can all work together at the same pace with Members from P&R, and it was felt that the base line needed to be changed in order for meaningful data to be presented to States' Members at that session.

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

**Deputy de Sausmarez:** Thank you, madam.

Can the President please update us on the progress of the primary review? Thank you.

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

915 **Deputy Dudley-Owen:** Thank you to Deputy de Sausmarez for her question.

I do apologise, myself, getting across the very vast mandate of the Committee which seems to be never ending. There are a number of reviews that have been taking place the primary review at the moment is nascent, and no work has been continued on that at the moment due to the secondary review being obviously our most pressing priority.

920

**The Deputy Bailiff:** Deputy Trott.

**Deputy Trott:** Madam, thank you.

925 Madam, the President sensibly implored States' Members to keep an open mind on education, but I ask is this achievable when so many Members were specific in their election manifesto pledges without many potentially violating the first rule of democracy which is do as you say rather than what you personally wish.

**Deputy Dudley-Owen:** I thank Deputy Trott for his question.

930 I hope it is possible and I know that from my own time on the Education, Sport & Culture Committee in the first two years of last term that there is an awful lot of learning in education to impart to new Members on the complexities and the nuances of our education system and that it is not an easy fix, and that compromise will be required in order to get the best fit for Guernsey.

935 **The Deputy Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, madam.

Can the President confirm to me that her Committee will be examining the universal offering of pre-school provision and the threshold of £150,000 per household for access to that?

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**Deputy Dudley-Owen:** Thank you, Deputy Leadbeater.

I cannot confirm that at this stage because clearly there are an awful lot of priorities to work through, but where efficiencies can be made and cost savings potentially, whilst still delivering the excellent provision, that is something that needs to be looked at, whether that particular provision falls into that bucket at this stage I am not sure, it is too early in the term to say, so I am afraid I am not going to be able to give a commitment. But it is something that we have spoken about at a very high level but certainly not in detail.

945

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

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**Deputy St Pier:** Madam, my understanding is the previous Committee were on the cusp of submitting as policy letter in relation to a new Education Law, could the President perhaps update us on her Committee's view in relation to that work and when we can expect a policy letter with regard to a new Education Law.

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

**Deputy Dudley-Owen:** Thank you to Deputy St Pier for his question.

960 It has certainly been a matter that was put across our desks by the previous Committee as work unfinished and yet to be completed. I have had a very high level look at this particular work and I know that other Members in the Assembly are interested in looking at this work as well, and the professionals amongst us have quoted to me about looking for the mischief in a Law because



obviously what we do not want to do is to create a burden later on by having cemented into Law something that may have seemed right at the time but actually in years ahead may actually serve to trip us up.

The Education Law as it stands is extremely permissive and the only reasons to change it that have been given to me are to update it which are always audible, but the other issue is around governance and I do not want this Law to be used as a framework merely to provide governance to one particular institution where actually there may be another fix in that regard.

So it is not something that at the moment we have agreed as a priority, however, that may change and it is early days for this particular Committee and there is an awful lot of work to review and to push forward our priorities for this term.

**The Deputy Bailiff:** Deputy Burford.

**Deputy Burford:** Thank you, madam.

Many candidates expressed support for the Guernsey Institute during the election campaign. Is the Committee planning on progressing this project as it was handed over to them, or are they considering changes to the scope of the project or the time scale for delivery? If so, what changes?

**Deputy Dudley-Owen:** Thank you to Deputy Burford for her question.

I am sure that again she will appreciate it is very early days for the Committee and there is an awful lot of information to get across within these individual projects that have been prioritised by the previous Committee. The Guernsey Institute is one that we are excited about and there seems to be an awful lot of scope to assist with our recovery and the development of skills in that area. It is extremely important, so yes we all recognise the importance of that particular project in addition to the fact that the buildings that are being worked in and education delivered are on the whole sub-standard. So that is definitely something that we are getting across as a priority.

**The Deputy Bailiff:** Deputy Kazantseva-Miller and this will be the last question in relation to education.

**Deputy Kazantseva-Miller:** Thank you, madam, I really appreciate that.

The Committee *for* Economic Development have a joint mandate with Committee *for* Education in regard to Skills Guernsey and earlier chats between the Presidents confirms the desire to review the approach. I would like to ask whether the President could give us early indications as to how she feels Skills Guernsey could fulfil ... what purpose it could fulfil in the wider mandate of the Committee within this term. Thank you.

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

**Deputy Dudley-Owen:** Thank you to Deputy Kazantseva-Miller for that question.

As she knows there is work going in the background that enables us as two Committees to provide the direction in this really very important area, and I think that it is often an area that is glossed over, but if we do not get our skills provision right in the very near future the economy of this Island will fail in the longer term, and I cannot underestimate that too much.

In terms of the practicalities of how Skills Guernsey is actually reformed that is not just a matter for me it is matter for our Skills Guernsey representative for the Committee *for* Economic Development and officers will be advising us as to their thoughts and also industry thoughts about how this can be developed further, but it is really important that we take industry with us on this one because of course it is industry that dictates what skills are required from our school leavers and also our lifelong learners.

**The Deputy Bailiff:** Thank you.

**Committee *for the Environment & Infrastructure* –  
General Update by the President**

1015       **The Deputy Bailiff:** I now invite the President of the Committee *for the Environment & Infrastructure* to provide her general update.

1020       **Deputy de Sausmarez:** Madam, while this may be one of the more challenging times in recent history, the Committee *for the Environment & Infrastructure* is realistically optimistic about what might be achieved by working together with colleagues across the States, and indeed the community. Cross-committee and cross-Assembly working is not just something we have committed to, but something we are already doing: we have started as we mean to go on.

1025       However, I say ‘realistically optimistic’ because of the context in which we will be working for the next few years: Covid-19 and Brexit will continue to shape the work this Government can and must do, and we know the balance between our public services and our public finances have to be put on a more sustainable footing longer term.

      We should not misinterpret these fiscal pressures, though, as reason not to invest in infrastructure – quite the opposite, of course: this is the time we should be doing exactly that.

1030       We are experiencing more frequent, intense weather patterns and feeling its effects – stronger storms, heavier rainfall, more frequent storm damage and flooding, hotter summers, and milder winters.

      Climate change is, among other things, putting additional pressure on our infrastructure – our energy, housing, and drainage networks, for example, and most obviously of all on our coastal defences.

1035       Although we invest seven figure sums in our many miles of coastal defences through our annual maintenance programme and repairs, historic issues of under investment that go back decades must now be properly addressed. We need to plan for the future and we will not always be able to rely on the current way of doing things or on patching up our existing infrastructure. Hard coastal defences are expensive – but beware the false economy of a half-baked compromise.

1040       The wall at Fermain is one of many coastal areas that needs more than a little TLC. The work required is much greater and more complex than a standard wall repair thanks to its proximity to and relationship with the steep, soft cliff behind it. It looks as though the future-proofed solution involves re-profiling the cliff and building the wall in line with the repairs of the 1990s, when the wall immediately to the south of the slipway was reduced in height and brought forward.

1045       At L’Ancresse, works on the most heavily undermined section of anti-tank wall have recently been carried out to reduce the risk of failure over the winter. We will follow this up shortly by placing rock armour in front. This fulfils the requirement of the Requête in the short term, but providing ‘the optimum chance of the wall remaining intact for the 10 year period’ is going to involve a far greater scale of work – and therefore cost – than the Requête envisaged, so it is likely that the States will need to decide whether it wants to prioritise retaining that section of wall as a piece of Occupation history.

1050       E&I has policy responsibility for our stone reserves, and with only a few years left in Les Vardes, the States will need to agree the best long-term option for the supply of aggregate. This work, which we are doing in partnership with the Committee *for Economic Development*, the Policy & Resources Committee and the industry, has already started.

1055       The Committee welcomes the keen political spotlight this term on housing, and is looking forward to working with the Committee *for Employment & Social Security* in particular, especially as housing has such a fundamental effect on the community’s quality of life.

1060       Our Energy and Climate Change Policies have a key role to play in the Island’s recovery. We need to create an environment which fosters a dynamic, innovative and competitive energy market, and support the transition to decarbonisation without risking security of supply or affordability for Islanders.

With limited time available this morning, I will focus on just a couple of aspects: the blue and green economies.

1065 The Chamber of Commerce highlighted that with Guernsey facing economic pressures it should be doing more to diversify and make the most of its marine resources.

That statement was made in 1839 ...

Here in the third decade of the 21st century, E&I will work with the Committee for Economic Development and others to find ways to maximise those opportunities around the marine economy and renewable energy, helping to deliver greater environmental sustainability and enhanced ecosystem services, hand in hand with strong economic outcomes. Fundamental to any work on the blue economy is a marine spatial plan – a vital project facilitated through our Strategy for Nature.

1075 On a brief sea-themed tangent, E&I is also leading on Guernsey's maritime strategy. As a jurisdiction with port, flag and coastal state responsibilities it is important – practically and reputationally – to ensure that we comply with relevant international rules, regulations and conventions.

We are expecting to be audited early next year by the United Nations' International Maritime Organization, the IMO, and I am pleased to report that we are fully prepared. In the mock audit last year, the audit team were particularly impressed with our efforts and cited Guernsey's approach as an example of best practice to the 12 other flag states in the Red Ensign Group – that is the equivalent of a gold star from the head teacher, so I would like to extend my thanks to the port authorities and to those in St. James' Chambers who have helped us prepare so well.

1085 Back on land, the green economy is another promising area of opportunity for Guernsey. The global transition from the brown economy – which is based on linear consumption patterns and fossil fuels – to a cleaner, more circular, sustainable, green economy needs tens of trillions of dollars of capital investment, and mobilising that capital presents a very significant opportunity for Guernsey with our growing reputation as a green and sustainable finance centre.

1090 Our domestic policies need to walk the walk to support our green finance industry: the greatest risk to that business sector is reputational damage from perceptions of greenwashing. (**Several Members:** Hear, hear.)

1095 As a report from the UK Treasury highlighted earlier this year, 50% of global GDP is moderately or highly dependent on nature, and biodiversity loss is a significant threat to the worldwide economy. In fact, it is flagged by the World Economic Forum and others as one of the biggest risks to the global economy in the next decade.

1100 There is enormous benefit in better understanding the value the environment gives to our own economy, not to mention our health and wellbeing. Our Strategy for Nature will give us both the tools and the data to develop a coherent and co-ordinated approach to the long-term sustainable management of our terrestrial natural environment. It will help us integrate this knowledge into local decision making, to maximise economic potential and to help mitigate threats to our economy from climate change and biodiversity loss, building a more resilient economy in the process.

1105 We need to help Islanders and businesses benefit from the opportunities afforded by our natural assets and better recognise nature's value. Biodiversity considerations must be factored into our marine planning, land use and daily choices so that the ongoing loss and disconnectedness of natural habitats is halted and reversed.

Sustainability is a particularly important consideration when it comes to infrastructure: green infrastructure is an economic enabler and we can only benefit by taking a co-ordinated and future-orientated approach to ensure that investment is aligned with States' priorities and delivers the greatest possible value to the Island.

1110 On-Island mobility is another key economic and social enabler, so our transport infrastructure has a vital role to play in strengthening our economy and our community. We need to invest in infrastructure like charging points to support the phasing out of sales of new petrol and diesel cars and vans by 2030, and we will also need to look at how our road infrastructure can facilitate greater choice and better mobility, supporting a stronger economy and community in the process.

1115 Working with industry, preparations for the introduction of periodic vehicle inspections are  
underway. These safety checks are a necessary requirement arising from Brexit so that Islanders can  
continue to drive Guernsey-registered vehicles in mainland Europe, and so that visitors from other  
countries have the assurance that the vehicles on our roads meet basic safety standards. They are  
1120 significantly less onerous than the UK equivalent tests, though: whereas the MOT system requires  
vehicles to be checked annually once they are three years old, our system will require checks only  
once the vehicle is five years old, and only every three years thereafter.

Whether it is the Island's roads, utility networks, ports, or the provision of community healthcare,  
infrastructure is vital to this Island. It has considerable influence on community wellbeing and  
economic performance – as does our natural environment.

1125 My Committee has hit the ground running and is looking forward to working with colleagues  
and the community to face the challenges and embrace the many opportunities ahead.

Thank you.

**The Deputy Bailiff:** Thank you Deputy de Sausmarez.

1130 Deputy St Pier.

**Deputy St Pier:** Madam, does the Committee believe that Guernsey ought to be represented at  
COP26 next year?

1135 **Deputy de Sausmarez:** Yes.

**The Deputy Bailiff:** Are there any other questions?

Deputy St Pier.

1140 **Deputy St Pier:** Madam, Deputy de Sausmarez referred to the short term repair work at the  
L'Ancrese anti-tank wall. Was the Committee in contracting that work able to give any  
consideration to I suspect the much overlooked extant States' Resolution that requires all  
committees when delivering or overseeing operational functions that they reasonably assess and  
where practical address the consequential impact on climate change of their actions? Was that  
1145 relevant in their contracting considerations?

**Deputy de Sausmarez:** The Committee's decisions were of course directed by or shaped by the  
direction of the requête but I would say that the consequential impacts related to climate change  
were a consideration and had been in a previous political term around all the considerations relating  
1150 to the L'Ancrese Wall. It is something that I am particularly mindful of, there is that Resolution as  
Deputy St Pier rightly points out but there is also another one around future generations.

Actually it is something that I am hoping that SACC will take up about how we can make  
Resolutions like that better known and better adhered to perhaps. These are really important  
considerations especially at this time when we really do need to be looking to future proof issues  
1155 such as infrastructure investment.

I am sorry I was a little bit short on my answer to Deputy St Pier's earlier question, I think it would  
be a wonderful opportunity if Guernsey could have a seat at that international table. I think we have  
got a lot of things to shout about and lots of opportunity obviously a huge amount to learn from  
an international event like that.

1160 Thank you.

**The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** Recently some of us were impressed by a film about soil focused particularly  
1165 on America, but how far are Environment & Infrastructure planning to work with Economic

Development and Development & Planning Authority in ensuring that new development both private and public have better wild life diversity and habitat protection enhancement?

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

**Deputy de Sausmarez:** Yes, I would like to thank Deputy Gollop for this question.

It is actually something I am particularly excited about. Obviously in terms of working with the Development & Planning Authority they have adopted the Strategy for Nature as part of their planning guidelines, I am not sure of the exact terminology but that is really encouraging, and there are some mechanisms that are not quite ready to sort of pick off the shelf at this point, but we are working in them, that hold real potential. So for example natural capital accounting and bio-diversity net gain. These are some tools that I think are particularly exciting with respect to the kind of thing that Deputy Gollop is referring to.

I would say there are an awful lot of conversations going on at the moment that touch on issues relating to Economic Development's mandate and obviously many members of the community around community growing let's say and various other issues pertaining to that. It is really exciting and yes, I am really optimistic about it.

Thank you.

**The Deputy Bailiff:** Deputy Falla.

**Deputy Falla:** Thank you, madam.

Following the upsurge in cycling during lockdown what is the Committee doing to capitalise on this renewed interest, either by way of increasing the number of cycle routes available or incentives to encourage more people to use bicycles on a daily basis?

**Deputy de Sausmarez:** Thank you yes.

What Deputy Falla refers to is an integral part of the Integrated Transport Strategy and there are some, again, really quite exciting things that are in the pipeline and are being investigated.

I would say we do not necessarily have to sit back and wait for the States to do it, sometimes the States can play a really important facilitating role and I am going to cite one example of a bunch of 9 and 10 year olds, or 10 and 11 year olds, who have managed to do something pretty meaningful since lockdown. As part of their UN rights respecting initiative they decided to campaign for a safer and healthier environment and a more active and healthier lifestyle, I cannot remember the articles, 19 and 24 I think it is.

As part of that they decided that they wanted to be able to travel more actively to school in a safer environment and they started this amazing campaign with a sort of hub and spokes system, and they did all the work, it was fantastic, the States provided a facilitating – played a facilitating role in that and put them in touch with all the relevant officers to make sure all the official boxes were ticked and health and safety was adhered to and everything but really it was between the children and the community and it has revolutionised the school pick up. So whereas the playground used to be opened up and turned into a car park and no-one could move, as a result of Covid that then meant that social distancing –

**The Deputy Bailiff:** Deputy de Sausmarez –

**Deputy de Sausmarez:** I will have to tell you another time!

**The Deputy Bailiff:** Deputy Vermeulen.

**Deputy Vermeulen:** Thank you, madam.

You touched on the wall at Fermain which has had a hole in it for some five or six years now, and you mentioned the repairs to the anti-tank wall at L'Ancrese, which is good news. But I wonder could you update on the steps at Le Valette?

1220

**Deputy de Sausmarez:** Yes, that is a complex another complex problem, it is high on our priorities list. There has been an initial survey that has been done, and again it is just really important, I know that it feels as though oh the steps are falling down we will just go in and put them back. It is not that simple and it would not be safe to take that approach, especially with the infrastructure that was put in often in the Victorian era, we really do need to ensure that whatever we put back in its place is safe and that has to be the overriding priority. So there is a lot of work going on at the moment I can assure Deputy Vermeulen of that. I know things were delayed because of Covid and all the rest of it, but it is certainly something that the Committee is hoping to address.

1225

I will I think he is making a face at me now that is asking for a specific timeline I do not have that to hand but I will get that to him and the rest of the Assembly as soon as I can.

1230

**The Deputy Bailiff:** Deputy Dyke.

**Deputy Dyke:** Madam, could I ask Deputy de Sausmarez with regard to vehicle testing, every new regulation has a cost to our people who are quite hard pressed. Could it not be limited to those vehicles that are to travel to France and actually need the test as opposed to all testing which we do not find necessary now?

1235

**Deputy de Sausmarez:** Madam, Deputy Dyke missed the scintillating debate on the Vienna Convention which took place last term which did bottom out, this was one of the recurring themes. Of course that was the first thing that we explored. That seemed to be the obvious approach it does make sense on many levels I agree. However, we could not do that because we are signing up to the Vienna Convention. We had to do that to enable vehicles to be able to travel on mainland Europe but there is a *quid pro quo* to that, and part of that relates to the fact that the other signatories of the convention need the assurance that the vehicles on our roads meet those basic safety requirements. So it is not just a one way thing. I would assure Deputy Dyke though that it is hopefully not going to be that much of a cost. Vehicles can be expected to be tested maybe two or three times in a decade. It is not an annually recurring cost like it is in the UK.

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1245

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

1250

**Deputy Dudley-Owen:** Thank you, madam.

The President and I share a keen interest in each other's mandates and we are also privileged to share two Committee Members and that is a really good starting place for one of the goals within the Strategy for Nature which is to foster and share knowledge about nature.

1255

I would like to learn more about the extent to which we can make strides to ensure that this part of the Strategy for Nature is embedded within our education system and also for opportunities about rewilding green space around our schools?

**Deputy de Sausmarez:** Yes, I thank Deputy Dudley-Owen, she is absolutely right and I agree with everything she said.

1260

Again not directly a States' initiative but the *Société Guernesiaise* has recently employed I suppose two bio-diversity education officers who themselves hit the ground running, and I know have already been, even though they have only been in those roles for a number of weeks have already been very active in our schools, and that is a fantastic outreach, I suppose, programme, and it is a way that the States ... that we can do exactly what Deputy Dudley-Owen implies.

1265

The other aspects there are many things in the Strategy for Nature, one of those is citizen science, and there is another project ... I am just wary of the time limit, I really could do with two hours to

answer some of these questions, but other people are relieved I do not have that. But there is a fantastic co-ordinated initiative that was actually initiated by one of the science teachers that is bringing together schools to look at schools' carbon footprint and that data collection, it is citizen science at its best, that data is feeding in to our climate change action plan, it is absolutely fantastic.

I agree with Deputy Dudley-Owen about the shared areas of our mandate and I hope this is something we can do a lot of work on in the coming term.

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

**Deputy de Lisle:** Thank you, madam.

Can I ask what is being done by the Committee to increase parking in Town in order to re-invigorate trade in Town?

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

**Deputy de Sausmarez:** Deputy de Lisle will be aware that the policy is to retain a static number of parking spaces. I know there has been an impact recently because of the Covid restrictions and our office has been working very hard with members of the retail consortium group, I cannot remember exactly what they are called, to mitigate some of those impacts.

But looking a little bit further forward it is going to be an integral part of the Seafront Enhancement Area Programme work and it is something that will be looked at in the course of that programme.

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

**Deputy Kazantseva-Miller:** Thank you, madam.

We have a budding medical cannabis industry which is obviously positive from an economic and diversification perspective, but I am also aware that what is also happening on the flip side of things, that actually greenhouses that might have been used for community allotments are being now used for cannabis production and I am aware that this is having obviously a negative effect on those people running allotments, some of which have been doing it for 14 years or so. So I am always up for win-win situations and I think the key barrier here is access to land and greenhouses or land. So would the President have appetite and the wider perhaps States for allocating more land for community growing, community projects, like that, because they have so many positive benefits for the Island?

Thank you.

**Deputy de Sausmarez:** Yes, Deputy Kazantseva-Miller is well aware that I am aware of this problem, and aware of the potential opportunities that it brings. I cannot speak formally on behalf of my Committee in this but I am personally very hopeful that that is exactly the kind of initiative that we can implement through the recovery strategy because I think that would tick so many boxes. Obviously it could provide a local economy stimulus, there are many community benefits, there are health benefits in terms of locally grown high nutrient food, the sort of various health benefits related to the act of growing as well. Not to mention any of the environmental benefits.

So I think there is some very exciting scope around exactly that. But I do agree with her analysis of the problem it is a nice problem to have, and I think it is one where there are actually some quite practical and potentially very low cost solutions.

**The Deputy Bailiff:** Deputy Queripel.

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

1320 In a previous debate I said if we are to have any hope of getting more people on to our buses we need to provide a lot more bus shelters and Deputy de Sausmarez agreed with me.

Is she able then to give me an update please on progressing the initiative to provide more bus shelters in an attempt to encourage more Islanders to use our buses?

1325 **The Deputy Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** The short answer is no. My Committee has got a massive mandate and we are still very much in the induction phase, they are doing a marvellous job at coping with the deluge of information being thrown at them, but I can assure Deputy Queripel that I still agree with him and still for me personally it remains a priority that is still embedded within our Transport Strategy and I can give him the assurance that I will give him an update as soon as I can.

**The Deputy Bailiff:** Deputy Inder.

1335 **Deputy de Sausmarez:** Just picking up on Deputy Kazantseva-Miller's point, my Covid garden was absolutely brilliant, I knew the name of all protected plants that I grew this year.

Just leveraging off that there is no two ways about it there has been certainly more attention to nature and growing food on people's own land themselves. It is a bit of a subtle question but does Environment & Infrastructure have any promotional ability or budget to promote that idea on a more constant basis over a longer period of time. I excuse, through you, madam, the weakness of the question but I am trying to establish is how could E&I and possibly Government leverage off the good work that was conducted through the Covid period?

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

1345 **Deputy de Sausmarez:** I think the answer is we would love some. But quite seriously the Strategy for Nature a big part of that is all about connecting the community with nature and communicating around it. It is about fostering knowledge and sharing knowledge. It is a really important part of the Strategy for nature. As I have said before it does not necessarily all have to come from the centre there are ways in which we can facilitate the community to do some of this amazing stuff and I know that we have supported for example organisations like the Pollinator Project who have done magnificent initiatives in that kind of area.

But yes I agree with Deputy Inder that we do need to, while we have got a bit of wind in our sails in that direction, go with the flow and I would welcome ideas from everyone.

1355 **The Deputy Bailiff:** Deputy Taylor, I know you have popped up a few times.

**Deputy Taylor:** Thank you, madam.

1360 The reference was given to coastal defences being underfunded for quite a long time and lots of repairs done on coastal defences seem to be done in a temporary fashion using concrete a material with an incredibly long lifespan and a high embedded carbon content which is quite at odds to the Committee's mandate.

I am just wondering, is the Committee going to look at any options of increasing its budget to actually do some meaningful work on coastal defences which we have already highlighted in many coastal defence flood risk assessment studies? Is any work going to be done to look to increase the budget to actually do the work? Or is it just going to be done on a temporary basis ongoing?

**Deputy de Sausmarez:** I thank Deputy Taylor for that question because it raises a very important fundamental point.



1370 In my update I did talk about the fact that we cannot just carry on carrying on. We cannot just rely on the way we have always done things in the past and we cannot necessarily rely on just patching up the infrastructure that we have already got.

I think he is absolutely right that we need to look again at how we go about, how we evaluate these key bits of infrastructure. We know that they are only going to become under more pressure. 1375 They are in a very sort of pressurised environment by their very nature anyway, that is only going to become more intense. So I think he raises a very valid point and it is one that I think our Committee should look at very seriously.

**The Deputy Bailiff:** Deputy Parkinson and this will be the last question.

1380

**Deputy Parkinson:** Does the President have any plans to produce an Island infrastructure plan to demonstrate that her Committee is as interested in infrastructure as it is in the environment?

**Deputy de Sausmarez:** I think this is going to be, I think my speech was just about all about 1385 infrastructure actually, environment hardly got a look in. But this points to the recovery strategy because infrastructure is not just the responsibility of the Committee *for the* Environment & Infrastructure, as Deputy Parkinson well knows, it touches on many other Committee mandates and the work of Government in general.

So I would expect that that is going to be something that will be drawn out in the recovery 1390 strategy. But we do agree that we need to have a framework. I think something that has been missing thus far is a kind of framework. Planning is a monumentally difficult thing to do, but I think what you can put in place is a framework within which you can plan for infrastructure.

**The Deputy Bailiff:** Thank you.

### **Development & Planning Authority – General Update by the President**

1395 **The Deputy Bailiff:** I will now invite the President of the Development & Planning Authority to make a general update.

Deputy Oliver.

**Deputy Oliver:** Thank you, madam.

1400 I am very pleased to be delivering this statement by the Development & Planning Authority today.

The DPA's last update was delivered by my predecessor, Deputy Tindall, in September 2019, and I would like to pay tribute to the very hard work of Deputy Tindall and her able Committee (**A** 1405 **Member:** Hear, hear.) which positively influenced and laid the groundwork for a number of the matters which I am about to mention.

I am sure that most Members will be familiar with the mandate of DPA, but it is worth just mentioning that we are responsible for advising the States on land use policy, developing and implementing land use policies through development plans and other relevant instruments, and for planning making decisions.

1410 I am also very grateful for the support of my Committee Members, Deputies Andy Taylor, John Dyke, Sasha Kazantseva-Miller and Chris Le Tissier, whom are all new to this Assembly but who have already hit the ground running and together bring a wealth of experience, talent, and enthusiasm to the Committee table. Deputy Taylor of course now occupies the position of Vice-President which I previously held.

1415 Turning to the core business of the Committee, we are undertaking a number of actions which I would like to now summarise.

Following the approval and publication of the Development Framework for Leale's Yard Regeneration Area in May, work has now started on a single Development Framework for the three Regeneration Areas in St Peter Port, these being Mansell Street/Le Bordage, the South Esplanade, 1420 and Lower Pollet.

We have commenced by talking to property owners, undertaking a public consultation and creating a digital platform for engagement prior to the drafting of the Development Framework itself. There will be further consultation on this draft document in March and April with the target for final approval in June 2021. This work will help unlock development opportunities within the 1425 Regeneration Areas and it is likely to provide a catalyst for inward investment to revitalise The Town.

Regarding Leale's Yard, I am pleased to report that since the adoption of the Development Framework there have been positive discussions with developers which should soon result in an outline planning application.

We are working on Development Frameworks for allocated housing sites at La Vrangue and 1430 Fontaine Vinery, where there are opportunities to bring forward affordable housing developments.

The opportunities to provide affordable housing through the development of the larger allocated sites are very important, particularly given that we have achieved no affordable housing whatsoever to date through GP11.

We welcome your comments on the Development Frameworks when they are published in draft, 1435 which is the best time for the people of Guernsey to get involved and influence what is being proposed.

The DPA will have a key role in the regeneration of the St Peter Port Seafront and my Committee have chosen me as a member of the Seafront Enhancement Committee. The DPA will also have responsibility for preparing the Local Planning Brief for St Peter Port Harbour Action Area.

The Planning Inquiry for Longue Hougue South inert waste disposal site should be held in the 1440 first half of next year, we are currently working on the Local Planning Brief.

Helping tackle the effects of climate change, the DPA introduced changes to Part L of the thermal performance of the Building Regulations in June this year, and we will work closely with the Committee *for the* Environment & Infrastructure and other subject experts on this wider review of 1445 improving energy efficiency of buildings in accordance with the States' agreed Energy Policy.

On biodiversity, we have recognised the importance of taking a joined-up approach to the protection of nature by adopting E&I's Nature Framework Document as supplementary guidance which adds weight to the IDP's policies towards biodiversity and this is now being referred to when making planning decisions.

In other areas of planning policy, monitoring is still taking place, although principally due to the 1450 impacts of COVID work on the 2019 Annual Monitoring Report has been suspended with a view of producing a more accessible AMR 2020 next year.

Quarterly monitoring of housing land supply and employment land supply continues. Some technical reports have been produced, such as audits of the Main and Local Centres, some data 1455 gathering, such as in relation to the quality of the current office stock in conjunction with Economic Development, has commenced.

I and my Committee have taken comfort from the comments made by both the Presidents of P&R and Economic Development in their initial speeches which recognises the importance of early discussion with the DPA to make sure that land use policies can continue to deliver the States' 1460 priorities. We look forward to working closely with and in partnership with committees to help achieve their priorities.

We will act swiftly and decisively to amend the current land use policies within the Island Development Plan where change is required to facilitate the new priorities that emerge through the recovery and the current policies are unable to accommodate them.

1465 In the interim of the IDP in advance of the end of the current Plan period in 2026 we will therefore need to reflect the new priorities which will be generated in particular from the current work being undertaken at pace by P&R Committee and other Principal Committees.

Important land use aspects such as open land and greenfield development may also be considered within the emerging priorities along with, the consideration of tackling the worst eyesores through the use of Section 46 of the Planning Law.

1470 The DPA looks forward to the conclusion of this process so that we can determine the best ways in which we can help recovery including through the focused review on the IDP.

We also wish to continue what we built upon which has been achieved in the last term in regards to communication with Douzaines, stakeholders and with the public generally. My Committee is committed to conducting its business in an open and transparent way. Having timely, accurate and easily understood communications with the public and stakeholders is extremely important to us. We will shortly be asking the public for their top 10 questions to help focus our communications on what people want to know about most.

1480 On the operational front, the impact of COVID-19 was keenly felt with delays to application processing and a backlog developing. To address this the Committee swiftly endorsed a fast-track system which is operating successfully to reduce timescales for the major applications and free up staff for the more significant projects. We are also looking to significantly broaden the planning exemptions to reduce the amount of development which requires planning permission with a view to bringing a policy letter to the States early in the New Year. Then initiating the necessary legislation changes. Extending these exemptions will help to encourage development and boost the economy by getting things moving, although it will reduce my Committee's income.

1490 A positive outcome from COVID was the move for advertised planning applications online avoiding the requirement for customers to physically view plans at Sir Charles Frossard House. This is an interim measure pending full digitalisation of the planning and building control application process, which is being worked on with our partner Agilisys, and which we hope will come to fruition in the first half of next year. Appointments can still be made to meet staff face to face at Sir Charles Frossard House where necessary and helpful, including to get help to view plans online.

1495 Finally, I am pleased that so many States' Members have accepted the invitation to the event that we will be holding jointly with E&I on the 8th December at Beau Sejour to give an outline of the Strategic Land Use Plan and the IDP.

We look forward to working with everyone to help facilitate the recovery and get Guernsey moving again.

I welcome any questions.

Thank you.

1500 **The Deputy Bailiff:** Thank you.

Deputy Inder.

1505 **Deputy Inder:** Thank you very much, through you, madam, for the very positive updates. I am sure the Committee has got a heck of a job ahead of it.

Those of you who have had representations from the renewable energy industry will recognise the question about exemptions. I am wondering if directly the Committee could give some urgent consideration to looking at some of the exemptions for air source heat pumps and solar panels around the home, so the Island can move quickly to renewables and assist a burgeoning industry.

1510 Thank you.

**The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you.

1515 I thank Deputy Inder. So at the moment currently if you put a solar panel which is not facing the road it is under exemption so you can do that straight away, if it is facing the road they just want to

check what you are actually putting there, because some of them actually stick out protrude quite a lot, so they just need to check how much it is going to impact on the surrounding areas.

1520 In regards to air source they can be quite large and I doubt many neighbours would want it to go without planning permission that you can put one down, because they can also be noisy. I know they have got quieter but noise checks do need to be made on these things.

**The Deputy Bailiff:** Deputy Gollop.

1525 **Deputy Gollop:** Yes, one problem that has emerged has been consistency in planning applications for the retail sector. Is Deputy Oliver with the Committee considering how far exemptions and flexibility will apply for example with retail establishments wishing to change their premises in terms of awnings or configuration in the central Town area in order to regenerate after Covid?

1530

**The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you, madam.

1535 This is quite a difficult one because many leases actually require that you go to planning permission and you have got to get the landlord's permission as well.

I did say that we were looking at the exemptions within my speech and we will be hopefully bringing back a policy letter early next year. So all I can say is the Committee has not discussed this so we need to look in depth and also ask the stakeholders to know actually what exemptions should be looking. But we are open to all ideas at the moment.

1540

**The Deputy Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, Madam Deputy Bailiff.

1545 It was heartening to hear the President's update that Development Frameworks are coming forward for the Fontaine because we are desperate need of housing and also that she acknowledges that GP11 has completely failed.

Could the President give me some assurance that when they address GP11 the Committee will not be just looking at the number of units they would be looking at the policy in the round?

1550

**The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you for the question.  
Yes I do.

1555

**The Deputy Bailiff:** Deputy Trott.

**Deputy Trott:** Madam, thank you.

There was a lot of very good stuff in the President's update, including reference to section 44 with regard to eyesores.

1560

Am I to glean from her comments that her Committee's view is that we should now see forced clearance of derelict viney sites, which certainly fall into the eyesore category?

**Deputy Oliver:** Thank you Deputy Trott for your question.

1565 It is section 46 just for the record. But I think at the moment, yes, in short words it would, and I think that so many greenhouses would be better off actually being flattened because there is very little biodiversity with brambles. So it would be something we would be looking at.

But for the primary use of it, it would be used for generally buildings which are dangerous, the likes of Idlerocks, that would have to be cleared to make safe and then you could also get rid of all fencing around it.

1570

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

**Deputy St Pier:** Madam, I thank the President for a very comprehensive update.

1575 It is clear there is a huge amount of work being undertaken by the Development & Planning Authority and my question is in relation to the adequacy of resources. I am just conscious that with the expectations placed upon it in relation to revive and thrive from Policy & Resources and Economic Development the amount of policy work that is required it is a tiny Committee with very limited policy resources and I know from prior engagement in my previous role that there were concerns about the adequacy of the resources.

1580 Could the President give some reassurance that she believes that her Committee is or will be adequately resourced to discharge the very comprehensive list of work that she has presented to us this morning?

**The Deputy Bailiff:** Deputy Oliver.

1585

**Deputy Oliver:** I thank Deputy St Pier for his question.

In short, the Development Frameworks and the consultancy work on the Town regeneration areas are currently in the budget at the moment. The other work within the local planning brief, that will cover a number of priorities and I believe that is already budgeted for.

1590 However, anything extra that the States decide to put in the revive and strive or whatever we want to call it then that work might need a top up and in which case we will go to the President of P&R or I think the budget line is actually Deputy Mark Helyar so we will work together and we will find ways that we can actually make things get going.

1595 **The Deputy Bailiff:** Deputy Dudley-Owen.

**Deputy Dudley-Owen:** Thank you, madam.

1600 I was interested to hear that the DPA has adopted the document for biodiversity provided by the Environment & Infrastructure Committee. There is a very interesting organisation called Building with Nature in the UK that seeks to cascade training and knowledge down to developers. What training and development can the DPA cascade down to developers locally because it is often at that level we see the most destruction done to our biodiversity in builds?

Thank you.

1605 **The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** I thank Deputy Dudley-Owen for the question.

1610 Training is not something that we have discussed within the Committee for builders, but as with anything the supplementary guidance notices try to give as much detail as they can and there is always links to other things to actually sort of give more information if we feel like that. They can always phone up the Planning Office it is open to ask any questions on if they are not sure about anything to actually get their opinion on it.

**The Deputy Bailiff:** Deputy Queripel.

1615

**Deputy Queripel:** Madam, lessons need to be learnt from the behaviour of some Members of the previous Assembly. In the previous Assembly we had several Deputies who continually

complained we should not be developing so much of the north of the Island but they never did anything about it, they just ranted, they wanted a headline in the media.

1620 Would the President agree with me that merely ranting about the IDP and SLUP does not change anything? If any Member of this Assembly wants to see changes made then they need to roll up their sleeves and do the work needed to lay requêtes that seek to make those changes?

**The Deputy Bailiff:** Deputy Oliver.

1625

**Deputy Oliver:** Please do not lay any requêtes.

So the overdevelopment of the north, the perception of the overdevelopment appears to be driven mainly by the approved Development Frameworks and the issues of traffic connection, particularly at junctions. Development Frameworks, I just want to say, are not planning permission.

1630 It is just potentially what could go on that site to make the most of the site.

Now I think it is a misconstruction ... I have actually got some figures here. So 46 dwellings have been completed on The Bridge main centres and main centre outer area since the adoption of the IDP up to the end of quarter 2, 2020, and only two of these were on greenfield sites, and that application was actually approved pre IDP.

1635 Now I think that a lot of the problems stem from traffic and I think where we can really work jointly with E&I to actually try and mitigate problems with traffic and then I think that should actually be better for the north of the Island.

**The Deputy Bailiff:** Deputy Leadbeater.

1640

**Deputy Leadbeater:** Thank you, Madam Deputy Bailiff.

Regarding the backlog with planning permissions it was reported to me a couple of weeks ago that planners are still working from home and not from Frossard House and are uncontactable by phone only via email.

1645 Can the President confirm to me if it is her opinion that this has contributed toward the lengthy delays?

**The Deputy Bailiff:** Deputy Oliver.

1650 **Deputy Oliver:** Thank you Deputy Leadbeater.

So home working the IDP generally supports applications for home businesses, where the amounts of material change require permission, but – sorry I am not answering the right question here.

1655 So basically a number of officers are still working from home but they are fully accessible all their phones have been diverted to mobiles or their emails have actually been changed to their mobiles so you can still get hold of them.

1660 In regards to the length of applications during Covid and with the backlog we did see the applications for the weeks actually increase. However, this has now gone down significantly because of the fast track route and I believe it is between 8 and 13 weeks for planning applications. However, the more complex ones are obviously longer because there are more questions that need to be asked.

**The Deputy Bailiff:** Deputy Trott.

1665 **Deputy Trott:** Thank you.

Madam, the question is linked, should an applicant or their agent require a face to face meeting with a planner I assume that that can be undertaken within a reasonable timeframe and I would be interested to know what the President's view of reasonable was in that context?

1670 **Deputy Oliver:** I thank Deputy Trott for his question.

Yes they can still meet face to face. I believe for a pre-application at the moment it is two weeks waiting list. Given it is a free service I do not actually think that is a bad length of time, but if they want to talk to them on the phone they can do that straight away and they will normally get back to them by the end of the day I believe.

1675

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

**Deputy de Sausmarez:** Thank you, madam.

1680 I welcome the work that the Committee or the Authority did in the previous term to upgrade building regulations. But I wonder whether the President would agree with me especially with reference to a report that I circulated recently from RIBA, the Architects Association, that there is plenty more scope to improve on that, and will she, if she agrees, commit to working with E&I and ESS and P&R and frankly anyone else who is interested in it? Does she agree that that is something that would fit well into the recovery strategy?

1685

**The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you.

1690 In short answer yes I do. I would say that the main loss of heat and energy from buildings is actually windows. At the moment I believe people are finding it more difficult to change the windows of protected buildings.

Now we do look that a proportional approach is taken to protecting the Island's heritage in accordance with policies GP5 of the IDP. Where windows are of historic value the first option should be repair and retain them. Where they are beyond reasonable repair timber replacements can be considered which include double glazing.

1695

I have to say that I would like to see much more work done on windows because I know in my house you just have to put your hand close to the window and it is cold, cold air coming in, now I think that – the planners are probably going to hate me for this, but – if we can get windows that actually look identical to the windows that they are replacing I think from an energy point of view and environmental point of view that this is going to be a benefit. So I would like us to look in more detail about –

1700

**The Deputy Bailiff:** Deputy Oliver, that is your minute and a half.  
Deputy Queripel.

1705

**Deputy Queripel:** Madam, the President gave an answer to the question I asked earlier but she did not actually answer the question I asked, so I would like to ask it again please.

Would the President agree with me merely ranting about the IDP and SLUP does not change anything, and if any Member of this Assembly want to see changes made then they have to roll up their sleeves do the work to lay requêtes that seek to make those changes?

1710

**Deputy Oliver:** Madam, I thought I answered the question by saying yes, but please do not lay a requête; actually come and speak to us.

1715

**A Member:** Hear, hear.

**The Deputy Bailiff:** Thank you, Deputy Oliver.  
Deputy Gollop.

1720

**Deputy Gollop:** The previous question set to Deputy de Sausmarez raised an intriguing issue about land and the use of it for sustainable produce as distinct from other purposes. Are the

Development & Planning Authority mindful of the need to strengthen Guernsey's ability to create its own horticulture and agriculture and provide more land for sustainable growing within our community both in new developments and existing fields?

1725

**The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** I thank Deputy Gollop.

1730

This is where my knowledge might be a bit rusty but I was of the opinion that that currently could happen with agricultural land. We cannot actually say... so some agricultural land is very biodiverse and is beautiful and you have other agricultural land which is literally cut to within an inch of its life with lawnmowers. (*Interjection*)

1735

Now – not tarmacked Deputy Inder – but I believe that if you want to grow anything on agricultural land you can and you can also do anything you want pretty much within your garden as well.

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

1740

**Deputy de Sausmarez:** I wonder whether the Development & Planning Authority – this arises from the answer that Deputy Oliver gave to my previous question for which I thank her – but I wonder if the Authority is minded to look at the policy around listed buildings more generally, given that it does have quite an impact I think on areas to do with economic development apart from anything else?

1745

Yes that is my question, thank you.

**The Deputy Bailiff:** Deputy Oliver.

1750

**Deputy Oliver:** I have not gained my Committee's opinion on this but my opinion is well, actually, I think that listing should be very specific. I think that if the whole of the frontage is actually worth listing that is fine, but do not list the whole of the house.

1755

Currently I think we are trying to get there but I do not think we have actually done enough to just list specific things, particularly if it is just the cornice of the house there is no point in listing the entire room, it is just to do that cornice. So I think we need to become a lot more clever, but as with everything that takes a lot more resource hungry and we probably would need more resources if we were going to look at the entire Island's listed properties at the moment.

I believe from memory there was a new listing I am actually going to look at John Gollop I think it was at the beginning of last term in September 2016 that it was last looked at, so it was four years ago, but resources are always an issue.

1760

**The Deputy Bailiff:** Deputy Trott.

**Deputy Trott:** Thank you, madam.

1765

The President mentioned Leale's Yard and the positive discussions around the outline framework. Is she able to advise the Assembly – she may not know – but if she is, advise how much public sector infrastructure investment will be required in order to enable the project to proceed?

**The Deputy Bailiff:** Deputy Oliver.

1770

**Deputy Oliver:** The short of that question Deputy Trott is I have no idea. But it is something I can ask my Principal Officer and get back to the States on.

**The Deputy Bailiff:** Final question then, Deputy Gollop.



**Deputy Gollop:** Madam, Deputy President.

1775 I think that many years ago when I was on Heritage Committee actually the States voted for a new Planning Law which allowed in legislation for Ordinances to be created for grants and loans to protect scheduled buildings that were expensive to find elements for. Will the Development & Planning Authority, perhaps in co-operation with other committees, be looking at progressive loan or grant system which would encourage – ?

1780

**The Deputy Bailiff:** That is your minute, Deputy Gollop.

**Deputy Oliver:** I thank Deputy Gollop for his question.

1785 I think at the moment it is completely the wrong time to be actually doing that because our resources are so tight as we have been hearing from a number of committees and I think if we actually went to P&R Committee to ask for money to give to people that live in listed properties or properties in conservation areas that they would tell me to go and find the money myself.

**The Deputy Bailiff:** Thank you Deputy Oliver.

## Questions for Oral Answer

### COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

#### Vehicular Noise Pollution – Three questions

1790 **The Deputy Bailiff:** We now move on to Question Time.  
Deputy Gollop.

**Deputy Gollop:** Thank you very much, Madam Deputy President.

1795 My question is to Deputy de Sausmarez, and it is will the President and Committee *for the* Environment & Infrastructure assure the Assembly that they will give serious consideration to the merits and arguments for controlling through education, legislation or practical enforcement the noise in public places and spaces of anti-social motor bikes, scooters, cars and other motor vehicles and machines?

1800 **The Deputy Bailiff:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I can give the Assembly the same assurance that I gave the public last week at a meeting convened on this issue, that the Committee *for the* Environment & Infrastructure will work with the Committee *for* Home Affairs to explore ways to mitigate the problem and that  
1805 work will include serious consideration of the aspects that Deputy Gollop lists.

Indeed this cross-committee work has already begun. After come preliminary conversations on the subject I will shortly be writing to the President of Home Affairs on behalf of my Committee to request a meeting with his Committee in order to discuss this work stream in more detail.

1810 I do need to anchor this work in its wider context, however: the future prioritisation of States' business will be set by the work programme that is due to be debated by the States early in the new year because this work on excessive noise pollution will need to be considered alongside everything else the time and resources that can be allocated to it will depend to some extent on the decisions made by this Assembly so it is not entirely in my gift to stipulate at this point in time.

**The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** A couple of supplementaries if I can please, thank you.

My first supplementary is how far is the issue a problem because the Legislation Guernsey has is not as fit for purpose as in other places?

**Deputy de Sausmarez:** I cannot give a definitive answer to that because the work that we need to do starts with exploring the problem, because it is actually not a very simple problem. As Deputy Gollop will know because he attended the public meeting, there are various different factors that do influence it. I would say that at the moment the Police struggle to enforce the Legislation that they have, it is clear that that is the case. What we need to explore is to what degree that rests upon the wording of the Legislation and to what degree that might perhaps rest on the way in which we seek to enforce it.

So for example the fact that we use the Criminal Justice System requires a very high bar when it comes to evidence for example and that might be one of the factors that makes the Legislation difficult to enforce.

So certainly what the Committee *for* Home Affairs and E&I will be looking it is how this is done in other places we do not feel as though we necessarily have to re-invent the wheel.

**The Deputy Bailiff:** Thank you.

Another supplementary question from Deputy Inder.

**Deputy Inder:** I believe it is.

I have got some knowledge of bikes especially small ones, the high revving 50cc which are in a lot of cases are what people are hearing the most, high frequency, high volume, revving between 7,000-12,000 revs. One of the issues seems to be that people of that age can buy for £80 off Amazon effectively a coke-can and convert their exhaust to that sound that annoys most people.

Can I ask whether between Environment & Infrastructure and the Home department if they would just consider the banning of customized exhausts because within an instant that would probably get rid of the majority or certainly a certain section of the problem that exists, because they are not loud off the peg, they are very loud if you put an £80 tin can on them.

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

**Deputy de Sausmarez:** Madam, Deputy Inder started by saying he has some knowledge of engines, I can assure him it is a great deal more than mine. I am not the authority on the sort of technicalities of engine noise, however, it is my belief, and I do stand to be corrected, that it is already illegal to modify an exhaust, certainly in a way that goes beyond the type approval as I think it is known.

So yes I think that answers his question, I do not know if I am straying a little bit, but certainly one of the issues that was brought up at the meeting or one of the running themes in fact while it is not necessarily just about the mechanics a lot does relate to use, and I am interested to note that in the UK the Law does actually stipulate that you can be reprimanded or whatever for driving or riding in a way that creates too much noise.

So yes the modification is certainly one aspect but I would not say it is any one particular issue.

**The Deputy Bailiff:** Deputy Gollop, your second supplementary?

**Deputy Gollop:** The answer indicates that as to the public meeting there will be close cooperation with the President and Committee *for* Home Affairs to find solutions.

In that context how far is anti-social behaviour the root of the problem rather than the noise in itself?

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

**Deputy de Sausmarez:** Certainly if the public meeting feedback was anything to go by then certainly a great deal of it relates to the anti-social behaviour element. That was certainly an issue that was very much discussed as Deputy Gollop knows.

The issue of social responsibility therefore is... it is not a simple problem and it is not a simple solution and even if we were to say look we believe that this is the greatest part or the most pressing part of the problem the question remains about exactly what you do about that, because you can educate people to an extent etc. but I think actually how you change cultural attitudes and how you change behaviour does to some extent depend on what sanctions you might be able to resort to if necessary for the hard core that might not be influenced by education.

But the short answer to Deputy Gollop's question is we do not really know, it is definitely an area that we will explore.

**The Deputy Bailiff:** Deputy Gollop, your second question.

**Deputy Gollop:** Thank you very much, Madam Deputy President.

Will the President and Committee assess whether age limitations and trading regulations are now fully appropriate and fit for purpose in 2020 and 2021 going forward?

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

**Deputy de Sausmarez:** It is important to note that in terms of the views expressed recently by the public this issue does not relate solely to young motor cycle riders and indeed it is not simply limited to motor cycles either. Age limitations may be discussed when the Committees meet, but it is an issue that extends far beyond the mandates of E&I and Home Affairs.

So my feeling is that it would need much wider consultation if it is identified as an issue to be explored.

With regard to trading regulations it is already a legal requirement that all motor cycles and cars have the necessary type approval at the point of registration and that the vehicle is then maintained in a road worthy condition. One of the areas I expect our Committees will discuss is what measures we can put in place to deal with motor vehicles that are not maintained in a road worthy condition and this will obviously be easier when the periodic testing of motor vehicles is introduced.

**The Deputy Bailiff:** Deputy Inder.

**Deputy Inder:** On the same subject I am glad Deputy de Sausmarez has identified it is not all children, because the Government does have a tendency sometimes to do something called collective punishment. If you cannot deal with it ban everything.

So I do have concerns and I wonder if when she does carry on with these discussions along with the Home department we do get around this problem of blaming everyone who happens to be 14 to 16 years old. Because like all problems in society it is not everyone, it is often the few and would she agree with me?

**Deputy de Sausmarez:** Yes.

**The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** Whilst not wishing to demonise or target any possible issues of noise I think my question also asks will Environment & Infrastructure be considering age limits in terms of mopeds and scooters for health and safety reasons in terms of admissions to the Hospital grounds as well as on pollution issues.

**Deputy de Sausmarez:** That is exactly why my answer was phrased in the way it was because what Deputy Gollop alludes to is far broader than the subject which the Committee *for* Home Affairs and the Committee *for the* Environment & Infrastructure will be meeting to discuss. It may well be that it comes up as part of that. I cannot pre-empt those discussions.

Deputy Gollop is quite right to allude to the fact that this is a much broader issue.

**The Deputy Bailiff:** Deputy Gollop, your third question.

**Deputy Gollop:** Thank you very much, Madam Deputy President.

Will the President and department board look at psychological and economic motivators, incentives, and subsidies to encourage more use of quieter electric or hybrid technology for motor bikes, cars and commercial vehicles, with an aim of minimising noise pollution.

**Deputy de Sausmarez:** The transition to electric and alternative fuel vehicles is already happening, a trend accelerated by technological advancement and the policy decisions my major economies including the UK to phase out new internal combustion engine vehicles within the next decade or so.

The cost benefit analysis of any additional local policy mechanisms to further accelerate this transition will be carried out under one of the Resolutions of the Climate Change policy.

**The Deputy Bailiff:** Deputy Inder.

**Deputy Inder:** I am wondering if Deputy de Sausmarez will agree with me, I hope she does because I am right, (*Laughter*) that by the end of the year Piaggio are stopping making all of their 50cc ranges, the Vespas are probably going to go to electric, if not four stroke, it is unlikely Derby and Aprilia will be running 50 cc engines by the end of 2021. Would she agree with me? I hope she does.

**Deputy de Sausmarez:** Yes, absolutely. I mean that is indicative of this wider trend and when you look at where the research and development money in the industry is going it is there. So to some degree as I said in my answer this transition is already happening and we expect it to do nothing if not accelerate.

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

**Deputy Gollop:** No sooner had I put these questions in that the surprising news emerged from the United Kingdom Conservative Government led by Rt Hon Boris Johnson that there were plans afoot to move quicker in terms of restricting the sale of diesel type vehicles, not from 2040 to 2030. Therefore it is timely surely for Environment & Infrastructure to reconsider incentives for change on the Island. Would the President agree with this?

**Deputy de Sausmarez:** I am not sure I entirely understand Deputy Gollop's question.

I totally understand the UK's announcements, that was something we fully anticipated when we were drafting the climate change policy letter which was precisely why we pegged our target date to theirs. We knew it was very likely that that date was going to come forward, not from 2040 it has already come forward to 2035 at the publication time of the climate change policy letter, we fully anticipated it to move forward again which it has done. So that is not in any way a surprise. I am afraid I do not quite understand Deputy Gollop's question about revisiting incentives. Because as we have been discussing in relation to this question this transition is very much happening anyway, and the decision about whether we need to add a further local policy layer to that. It is one that we will consider but if anything that has become less pressing.

1970 **The Deputy Bailiff:** Deputy Leadbeater.

**Deputy Leadbeater:** Thank you, madam.

Deputy Inder informed us and the President agreed that that a lot of these 50cc motorcycles are coming out of production in the next year.

1975 Would the President agree with me that although they are coming out of production they are still going to be in circulation for quite some time?

**Deputy de Sausmarez:** Yes absolutely, that is the case.

1980 Actually I will use that illustration to say that will be the case in terms of the electric or the internal combustion vehicles in 2030, that restricts the sale in the UK, the sale of new petrol and diesel vehicles or cars and vans certainly, but it certainly does not do anything about the vehicles already in circulation. So he is quite right it does have a legacy.

**The Deputy Bailiff:** Second supplementary question, Deputy Gollop.

1985 **Deputy Gollop:** Yes, perhaps the nub of my point is that the e-bike subsidy programme has been successful on its level, but rather than specifically just targeting alleged culprits who are scooter boys, my question is will the Committee give more serious consideration to ensuring that the purchase of, for the sake of argument, electric lorries and electric commercial vehicles of a small nature are made more affordable than they currently are, due to the market mechanisms?

1990 **Deputy de Sausmarez:** I do not have a very detailed knowledge of electric or alternative fuelled commercial vehicles. I do know that they are as Deputy Gollop points out they are not as readily available as cars and vans and even scooters and motorbikes. It is certainly something that I think we can and must look at really if we are anticipating a wholesale shift in that direction, which we are.

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

2000 **Deputy St Pier:** Will the Committee give consideration following the UK's announcement to bring things forward to 2030 to whether there is any merit in bringing it forward further in Guernsey in light of our own conditions in the Climate Change Action Plan?

2005 **Deputy de Sausmarez:** Certainly I mean there are ... I certainly would not rule that out. However, I would say that we do need to be realistic in how we look at this because there are certain constraints and one of the constraints is infrastructure. So one of the challenges that we have already which we were fully anticipating and we are raring to go on it is the infrastructure requirements to support the shift in that direction, and that is quite far reaching, it is a big piece of work, so I would say I certainly would not rule it out, it certainly will be something that we can look at, but we do need to consider it in the round and make sure that we are looking at the issue with all its ramifications and give them due consideration.

**The Deputy Bailiff:** Thank you.

**STATES' TRADING SUPERVISORY BOARD**

**Recall of Guernsey Butter –  
Five questions**

**The Deputy Bailiff:** I will invite Deputy Queripel now to put his questions.

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

Mixed messages came out of the Guernsey Dairy recently as well as potentially contaminated Guernsey butter.

I say that because although the Dairy recalled a batch of unsalted butter for fear of it being contaminated due to it containing higher than expected levels of bacteria, the Managing Director of the Dairy claimed in the media there was no cause for concern and the primary reason for it being withdrawn was merely as a precaution.

Can Deputy Roffey please tell me why weren't the higher than expected levels of bacteria detected in this particular batch of unsalted butter before it was even put on sale?

**The Deputy Bailiff:** Deputy Roffey, sorry.

**Deputy Roffey:** Thank you, madam.

All Guernsey Dairy products undergo rigorous testing by qualified staff in the Dairy's own laboratory before being released for sale. This includes testing for *Enterobacteriaceae* which was not detected in any of the 12 samples tested on the day of packing. The legal requirement is to test five. A random sample was sent to a UK laboratory for a secondary test a few days later which is routine. There the presence of low levels of *Enterobacteriaceae* was detected. Further testing was then carried out at the Dairy to establish whether this was isolated to the single pack sent to the UK or only a few of the batch.

Guernsey Dairy is investigating how the contamination occurred assisted by two independent UK food laboratories; additional testing and release protocols have been introduced and will remain in place until that investigation is complete.

I simply do not agree that there were mixed messages. It was clearly communicated that the reason for the recall was simply as a precaution. The product did not fail any mandatory food safety test. Environmental Health advised that a product recall was not required and that the decision was one for the Guernsey Dairy management. They took the action they considered appropriate quickly and decisively.

**The Deputy Bailiff:** Deputy Queripel.

**Deputy Queripel:** Two supplementaries, madam.

I am somewhat confused by the answer to my question because Deputy Roffey said that *Enterobacteriaceae* was not detected here in Guernsey prior to the butter being put on sale but it was detected when a sample of the butter was sent to the UK. So can he tell me please how the test in the UK differ from the tests carried out here in Guernsey?

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Sir, I heard most of that but I did not hear the bit at the end that I think the question was in.

**The Deputy Bailiff:** Deputy Queripel, would you mind just repeating your supplementary question please.

**Deputy Queripel:** Certainly, madam.

Can Deputy Roffey please tell me how the tests in the UK differ from the tests carried out here in Guernsey?

2065 **The Deputy Bailiff:** Thank you.

**Deputy Roffey:** Well, they were carried out several days later which is presumably the main reason. I have said we are exploring how that differential occurred. We do not yet have the answer. When we do we will let Deputy Queripel and everybody else know.

2070

**The Deputy Bailiff:** Second supplementary question Deputy Queripel.

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

2075 Deputy Roffey also said in response to my question that the Dairy is investigating how the contamination actually occurred assisted by two independent UK food laboratories and that additional testing and release protocols had been introduced and will remain in place until the investigation is complete.

2080 My view is that those additional test and protocols should remain in place even when the investigation has been completely, because surely that makes perfect sense. So my question is does Deputy Roffey agree with me?

**The Deputy Bailiff:** Deputy Roffey.

2085 **Deputy Roffey:** Not necessarily. I think we need to know why it was not detected in the initial tests and make sure that going forward whatever testing regime we put in will pick up any type of contamination of this sort.

2090 But until we know the answer to why we did not pick it up the first time the exact extent and type of testing that we will need to put in place clearly we cannot define. So we have gone absolutely belt braces and buck score to make absolutely sure at the moment. We will review what is necessary when we understand what has happened.

**The Deputy Bailiff:** Deputy Gollop, first supplementary question.

2095 **Deputy Gollop:** Whilst commending the Dairy for its prompt action and accepting that there was no public health risk, we did see for the second time in February 2020 the rating of the Dairy scored just two out of five stars in the external hygiene rating. Does not this make the case strongly that Policy & Resources and the new States should prioritise redevelopment of the Dairy as soon as possible?

2100 **Deputy Roffey:** Slightly tangential to the butter issue because I do not think there is any suggestion it was caused by the fabric of the building.

2105 However, I am pleased to report that the latest environmental health inspection has upgraded that rating from two stars to three stars. Sadly I do not think, however much investment we put into the facility as it is, it will be very hard to get beyond that so I agree that it is a priority to replace the Dairy and the Assembly has agreed as well and we are working on the business plan and we will be progressing that project as soon as we possibly can.

**The Deputy Bailiff:** Deputy McKenna.

2110 **Deputy McKenna:** Deputy Roffey, I just have to say I can agree with you: the coliform tests that are contained on butter, it is the toxicology that when it gets passed on to the UK, it can manifest itself for the test that they have when it gets to the other side, but what certainly was there in

Guernsey at the time would bear no grievance to what would come from the testing, it would be acceptable and I think the employees at the Dairy are certainly doing their very best as well as yourself. So I would be in full agreement with you, sir.

**The Deputy Bailiff:** It is really supposed to be a question, Deputy McKenna.

**Deputy McKenna:** Sorry, the question would be I think it was a little unfair to put that to Deputy Roffey without knowing the facts of what coliform tests are with butter; and to make the relevance on your question on something that actually was past the event. My apologies if I was not clear.

**The Deputy Bailiff:** Thank you, Deputy McKenna. No, no, it is a learning curve. Deputy Roffey, if you can respond.

**Deputy Roffey:** If Deputy McKenna is asking whether I agree with him, yes I do. *(Laughter)*

**The Deputy Bailiff:** Deputy Queripel, your second question please.

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

Bearing in mind the Managing Director of the Dairy said that the levels of bacteria were higher than expected, can Deputy Roffey please tell me how the levels are actually measured and how are the tests carried out, and also what criteria are employed to determine just how much bacteria human beings can safely consume?

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Madam, Deputy Bailiff.

All tests are carried out in accordance with Food Industry Standards. The specific test that Deputy Queripel asks about is a detailed controlled and scientific process using specialised equipment. Samples of butter are spread on to a chemical jelly-like material on which any bacteria present will readily grow. They are then incubated at 37° Celsius, and after 24 hours they are inspected for any signs of bacterial activity. If any bacteria are detected the product remains quarantined and more samples will be tested from the same batch to confirm the result. A further different test is also carried out specifically to identify if E. coli is present.

How much bacteria can safely be consumed is not straight forward, sometimes the bacteria are totally harmless, even beneficial with often friendly bacteria being added to food stuffs and marketed as probiotic, others are harmful and the levels that can be safely consumed or contained in food are set by the European Commission and by other regulatory bodies.

The safe levels used by Guernsey Dairy to release products for sale are significantly lower than the legal requirements. Guernsey Dairy takes an absolute zero tolerance approach to bacterial contamination and I believe that that was amply demonstrated by this instance.

I should add that the Dairy management have invited Deputy Queripel to visit the laboratory and to observe how these tests are carried out.

**The Deputy Bailiff:** Deputy Queripel.

**Deputy Queripel:** Supplementary, madam, please.

Deputy Roffey said I had been invited by the management but I am afraid I have not received that invite, so could he follow that up please, because I would like to take that up. Is it possible that he can follow that up, please, to get that invite to me?

**The Deputy Bailiff:** Deputy Roffey.



2165 **Deputy Roffey:** Well yes of course.

The Dairy management informed me they had invited Deputy Queripel: if that has got lost in translation or in the ether somewhere I will make sure it gets through to him.

But I now invite him formally to visit the laboratory and to see how the tests are carried out.

2170 **The Deputy Bailiff:** Deputy Queripel, your third question.

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

My understanding is that when the Managing Director made the announcement in the media, 2,000 packs of unsalted butter were still in circulation. So with that in mind can Deputy Roffey tell me, please, if every single one of those 2,000 packs was eventually recalled?

**The Deputy Bailiff:** Deputy Roffey.

2180 **Deputy Roffey:** 3,360 of the affected packs of the affected batch of unsalted butter were released for sale and as of last Monday, the 23rd, Guernsey Dairy had received back 1,853. The majority were returned directly from distributors and retailers prior to sale following their decision to withdraw this batch. However, some were subsequently returned by the public after the recall notice was issued, and the Dairy is continuing to receive some packs.

2185 So as of Monday about 1,500 packs remained unaccounted for depending on how retailers are managing their return stock there may still be some to come back to the Dairy that have not yet been accounted for.

However, it is not expected that every pack will be returned, some may simply be thrown away and in some cases some will have been consumed.

As we stressed at the time and I stress again today this is not any cause for concern.

2190 **The Deputy Bailiff:** Your next question, Deputy Queripel.

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

2195 Salmonella is a serious issue and results in hospitalisation. Can Deputy Roffey tell me if any of our fellow Islanders were hospitalised with salmonella as a result of consuming any of the unsalted butter in question and if they were who paid for that hospitalisation?

**The Deputy Bailiff:** Deputy Roffey.

2200 **Deputy Roffey:** Madam, Deputy Queripel is absolutely correct, salmonella is a serious issue. So for absolute clarity and the avoidance of doubt, I would stress that there was definitely no salmonella contamination in this butter.

2205 Indeed the effected batch was tested for salmonella, E. coli, and a range of other specific bacteria whose names, I am afraid, are far too hard for me to pronounce, all of which may have given rise to significant health concerns had they been present. But the batch of butter was found to be completely free of all of these bacteria.

**The Deputy Bailiff:** Your final question, Deputy Queripel.

2210 **Deputy Queripel:** Thank you, madam.

Is Deputy Roffey able to give me an assurance that an incident such as this will not happen again in the future?

**The Deputy Bailiff:** Deputy Roffey.

2215

**Deputy Roffey:** No, I cannot give a 100% guarantee that this could not possibly happen again, not least as the cause of the incident is still being investigated.

However, I do give Deputy Queripel and the Island an absolute assurance that all Guernsey Dairy products will continue to undergo a robust and meticulous testing regime in excess of that which is required under Food Qualities Standards.

I can also give an absolute assurance that if a similar problem was detected then Dairy management would take the appropriate responsible action quickly, just as they did in this recent incident where they considered that the appropriate action was to withdraw this particular batch from sale as a precaution despite the fact that it had not failed any mandatory food test or quality test. In the meantime Guernsey Dairy will continue to investigate the precise cause of this contamination incident so as to put in place any additional control measures should they be required to prevent any reoccurrence.

As I said earlier, they are being assisted by leading UK experts in food safety and quality assurance and until that investigation is complete extra testing and product release protocols are in place which are far in excess of that which are legally required.

**The Deputy Bailiff:** Deputy Queripel, supplementary question.

**Deputy Queripel:** Yes just one, madam.

Does Deputy Roffey agree with me that standards need to be raised and legal requirements need to be improved here in the Island via new legislation?

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** I think the point is that the Guernsey Dairy does impose upon itself standards that are way in excess of the legal requirement for Food Industry Standards, so really it is a scientific question whether those international standards are correct or not, which I am probably not the best qualified person in the world to answer, but I am convinced that our own Dairy goes the extra mile to make absolutely sure that as far as conceivably possible these products are safe and of a good quality.

**The Deputy Bailiff:** Thank you.

## COMMITTEE FOR HEALTH & SOCIAL CARE

### End of Life Care – One question

**The Deputy Bailiff:** I will now invite Deputy Gavin St Pier to put his question to the Committee for Health & Social Care.

**Deputy St Pier:** Madam, on 18th May 2018 the States of Deliberation resolved among other things to instruct the Committee for Health & Social Care to consider the measures necessary to improve the quality of life and health outcomes for all Islanders towards the end of their lives and having consulted with Policy & Resources Committee and any other relevant States' committees to report back to the States as soon as is practicable but by June 2020 at the latest.

Having been unable to meet that deadline, would the Committee please advise by what date it will have reported back to the States on this matter?

**The Deputy Bailiff:** Thank you.

2260 Deputy Brouard.

**Deputy Brouard:** Thank you, madam.

2265 The previous Committee for Health & Social Care advised the Assembly in 2019 that it would not be in a position to prioritise the review of end of life care without additional resource being provided.

Regrettably this remains the case, particularly given the continued pressures of Covid-19 and as such it is not possible to provide a revised time frame to the Assembly at this stage.

2270 It is, however, an area of work which the Committee will be seeking to understand better so as to ensure it can appropriately prioritise this term, taking into account other work streams under the Partnership of Purpose and Supported Living & Ageing Well Strategy and the Disability & Inclusion Strategy.

2275 Notwithstanding that this work has not progressed as quickly as initially envisaged it is important to stress that the Island continues to be served by a dedicated specialist palliative care team who provide a wide range of services based on dignity, compassion, and choice and who have responded like colleagues across HSC admirably to the unique challenges of this year.

**The Deputy Bailiff:** Deputy Inder.

2280 **Deputy Inder:** In Deputy Brouard's response he said that, and I remember, he responded to the States ... sorry, Deputy Soulsby actually responded to the States at the end of 2019, the inability to progress this without additional resources. Now those additional resources I assume can only come from Policy & Resources, could he confirm or deny whether the previous Committee actually wrote to Policy & Resources at the end of 2019 and what the response was for requesting those additional resources?

2285 **Deputy Brouard:** I am sorry I have got no knowledge of that conversation I am afraid, so I am unable to answer you at this time.

Thank you.

2290 **The Deputy Bailiff:** Deputy Le Tocq.

2295 **Deputy Le Tocq:** Would Deputy Brouard agree with me that one of the ways in which the issue could be improved would be by the provision of at least more hours of a palliative care consultant, and does he confirm that no consultant has been present physically in the Island, due to Covid primarily, for many months of this year and that a job share potentially with another consultancy when that becomes available could be a resolution to the financial constraints upon this?

**The Deputy Bailiff:** Deputy Brouard.

2300 **Deputy Brouard:** Thank you.

In the local context Guernsey works on a consultant basis and we already have specialist consultants who will also in their specialism provide specialist end of life care.

2305 The HSC employs a nurse-led specialist palliative care team incorporating a senior nurse and a social worker who work closely with the doctors responsible for the patient's care. There is a consultant available by telephone from Southampton normally there are two days a month of a visiting palliative care consultant; however, this visiting service has been replaced by a telephone consultation service during the recent travel restrictions, and in addition the consultants have provided on-line teaching to some local staff.

2310 **The Deputy Bailiff:** Deputy St Pier.

**Deputy St Pier:** Madam, it is clearly disappointing that the President has said it is not possible to provide a revised timeframe to the Assembly at this stage.

2315 Does the President agree with me that unless and until this Assembly rescinds Resolutions which direct that work be undertaken, lack of resources is not an adequate excuse for a Committee's failing to discharge Resolutions? In other words Policy & Resources must make resources available or this Assembly must direct that work stops.

2320 **The Deputy Bailiff:** Deputy Brouard.

**Deputy Brouard:** Let's go back a couple of stages. This particular issue came out of the assisted dying debate and the assisted dying debate had a lifeboat given to it by an amendment that came through from Deputy Soulsby and Deputy Tooley and that was then incorporated into a new amendment from Deputy Gavin St Pier and from Deputy Soulsby.

2325 That particular lifeboat that saved the requête, as it were, was quite wide in its remit and a lot of it is incorporated already in the Partnership of Purpose. So some of that work is already continuing, but the public health part who would probably commission a review like this is very much tied up with the Covid situation which was something that we were just not aware of at the time.

2330 Also now there are other also specialisms which could also deal with some resources and the advice we are getting, very tentatively at this stage, is that if we had the resources we might not necessarily put it into this particularly which had of course had a full review following the 2004 States' debate and that was then brought to the States in 2007.

2335 **The Deputy Bailiff:** Deputy Oliver.

**Deputy Oliver:** Thank you, madam.

Can I just confirm with the consultant not being able to come over to the Island that this is actually not putting patients at more ... well, I suppose more pain than necessary, and that the telephone consultations are actually successful?

2340 **The Deputy Bailiff:** Deputy Brouard.

2345 **Deputy Brouard:** Very much so, and also not everybody at end of life, of course, needs palliative care. So there are circumstances where they do and the team is there. It is a specialist team and they will look for whatever resource that they need to ensure that the person has the dignity and the respect that they deserve.

**The Deputy Bailiff:** Deputy Gollop.

2350 **Deputy Gollop:** At pre-election hustings and other meetings the view was strongly communicated to candidates that there was a shortfall of specialists in certain areas, palliative care being very much one highlighted. Therefore, in order to prevent further community disquiet on this issue, will Health & Social Care be prioritising the palliative care resolution in order to appease those concerns?

2355 **The Deputy Bailiff:** Deputy Brouard.

**Deputy Brouard:** I thank Deputy Gollop for that.

2360 But I think if Deputy Gollop listened to my previous answer, I do not think ... we are not in that position and we are such an early time in the formation of our Committee as it were, we are still looking at all the different aspects of our mandate. We are not in a position to prioritise palliative care as such. It is part of the whole mix that we have, and even if we were able to, it may not necessarily be the service that is most in need of extra resource at this time, bearing in mind the

2365 2007 States' report which of course most of the items which were brought forward have all been taken care of.

**The Deputy Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Thank you, madam.

2370 Does the President agree with me that the mandate of Health & Social Care is very extensive indeed, it is probably the most extensive of the States, and that priorities have to be made and indeed there is very strong prioritisation system within HSC so contrary to what Deputy St Pier said and said these should be rescind or go for money now the issue is more to do with timescales and resetting a likely date when the Committee will be able to look at this Resolution as much as it is  
2375 about whether you want deal with the Resolution at all.

**The Deputy Bailiff:** Deputy Brouard.

**Deputy Brouard:** I think Deputy Soulsby sums that up pretty well.  
2380 Thank you.

**The Deputy Bailiff:** Deputy St Pier, your second supplementary question.

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

2385 Since the Assembly debated increasing individual's end of life choices in May 2018, Hawaii, Jersey, Maine, Victoria, Western Australia and of course most recently New Zealand have all approved legislative change, whilst Ireland, Spain, Massachusetts have all taken steps towards this end. Quite apart from the work referred to in the Committee's response does the President agree with me that as a matter of personal conscience this is probably a matter best determined like New  
2390 Zealand by the community in a referendum rather than by this Assembly?

**The Deputy Bailiff:** Deputy Brouard.

**Deputy Brouard:** My personal views on referenda probably come into my answer, I am afraid,  
2395 but I think we are here as representatives of the people of the Island and I think it is for us to be making that decision, rather than an Island referendum. But other people will have different opinions.

**The Deputy Bailiff:** Thank you, Deputy Brouard.

2400 Well, it is 12.30 p.m., an appropriate time to adjourn for lunch and when we return we will be dealing with the Resolution of the Committee *for* Economic Development, or sorry, the Rule 18 Proposition. So we will return at 2.30 p.m.

*The Assembly adjourned at 12.30 p.m.  
and resumed its sitting at 2.30 p.m.*

## Urgent Proposition pursuant to Rule 18

### COMMITTEE FOR ECONOMIC DEVELOPMENT

#### Removal of the Director of Civil Aviation – Proposition carried

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter entitled 'Removal of the Director of Civil Aviation' dated 23rd November 2020 they are of the opinion:*

*1. To agree that the Director of Civil Aviation should be removed from office in accordance with section 1(7) of the Law.*

2405 **The Deputy Greffier:** Proposition laid pursuant to Rule 18 of the Rules of Procedure – Committee for Economic Development – Removal of the Director of Civil Aviation.

**The Deputy Bailiff:** Deputy Inder.

2410 **Deputy Inder:** Deputy Bailiff.  
Thank you, Members.

It is with great regret that the Committee for Economic Development has had to bring to the States a policy letter under Rule 18, recommending the removal from office of the Director of Civil Aviation in accordance with Section 1(7) of the Aviation (Bailiwick of Guernsey) Law, 2008.

2415 I am conscious that whilst this a procedural matter for the States, albeit an unusual one, it fundamentally concerns an individual whose conduct and competence is now being scrutinised in a very public forum and as such I wish to preserve his privacy and confidentiality as much as I am able to do so.

2420 Before I briefly explain the reasons for this particular policy letter, it may assist if I remind Members of the responsibility of the States of Deliberation in relation to statutory office holders and the reason why such responsibilities exist.

There are certain offices, the independent performance of which is so vital to the Bailiwick that they are enshrined in statute, and the powers to appoint and remove are vested, and quite rightly so, solely in the States of Deliberation, you the elected Members of this Island. This is to protect the independence of such office holders and to ensure that they cannot be removed, save in the most exceptional circumstances. The office of the Director of Civil Aviation is such an office, and those  
2425 exceptional circumstances have now arisen.

To the best of my knowledge, the States have not in recent years been asked to exercise a power of removal and the Committee for Economic Development is not making this recommendation lightly. However, it has become evident that there is simply no alternative and as a result, the  
2430 Committee would not be appropriately fulfilling its mandate if it did not make this recommendation to the States.

Madam Deputy Bailiff, without wanting to depict the full details here today, you will see that the findings set out in the investigation report, exhibited to the letter, are unequivocal. They are unequivocal. The Director of Civil Aviation has been given full access to the un-redacted version of  
2435 this report, and has responded to it, to the Committee. The Committee has considered that response carefully, but considers that the findings of the report are well established.

As such, the Committee is recommending to the States that they remove the Director from office. If Members are minded to vote in favour of the propositions set out in the policy letter, then, in due course, the Committee will return to the Assembly asking it to appoint a new Director of Civil  
2440 Aviation. In the meantime it will ensure that the functions of the office are properly discharged.

I ask Members to remember when considering questions, if there are any, that this matter concerns an individual who also does not wish to be in this position and I ask them to please bear this in mind. Accordingly, I will keep all responses as brief as I properly can.

2445 I should also note that on 4th November I made a statement to this Assembly about the holder of this office, at the behest of a Member of the Assembly, hoping at that stage that this policy letter would not be necessary.

2450 That same Member has asked me to clarify my comment that there was a deputy Director of Civil Aviation in post, correctly noting that I should have described Mr Nicholas as Acting Director of Civil Aviation. There was no intention to mislead this Assembly: Mr Nicholas is exercising the functions of a deputy to the DCA as Aviation Security Regulator, he is also the Acting Director of Civil Aviation, which position Mr Nicholas will continue to hold if the States approve the policy letter. Thus the function will continue to be exercised and safeguarded.

2455 On the last occasion, I was as circumspect as possible so as to preserve the position of the Director, about whom there was already media interest. To the extent to which use of the word 'deputy' instead of 'Acting' was incorrect, and I apologise, that was unintentional.

2460 Finally, Members you will have received overnight correspondence from the DCA's representatives. This correspondence is misdirected as it raises concerns that ought properly to be dealt with by the States of Guernsey as employer, not the Assembly. These concerns are not a matter for the States of Deliberation, which only needs to consider the statutory post that is all we are here to consider today.

To be very clear, Members are not being asked to remove the Director of Civil Aviation from the employment of the States; that is not what you are being asked to do today. The employment contract is an entirely separate matter that will be considered by the States of Guernsey in due course.

2465 It is with great regret that the Committee *for* Economic Development has had to bring a policy letter to the States on this matter, but I respectfully ask Members to vote for the Proposition.

Thank you, Members.

2470 **Deputy Queripel:** Madam, I rise to invoke Rule 26(1) please.

**The Deputy Bailiff:** Okay, Deputy Queripel. Those who would like to speak on the debate, please stand in their places.

*Five Members stood.*

**The Deputy Bailiff:** Do you still wish to pursue the motion?

2475 **Deputy Queripel:** I do, madam, please.

2480 **The Deputy Bailiff:** So the motion is to guillotine the debate. Those who support the motion – (A Member: Pour!) We will indicate that ... [*Inaudible*] because for some people this will be their first ... [*Inaudible*] If you oppose the motion, which is to guillotine the debate, you will vote Contre. So those who vote for; those who vote against it?

*Some Members voted Pour, others voted Contre.*

**The Deputy Bailiff:** I am afraid that is too close to call.

*There was a recorded vote.*

*Carried – Pour 27, Contre 9, Ne vote pas 1, Absent 3*

**POUR**

Deputy Cameron  
Deputy Dyke  
Deputy Fairclough  
Deputy Falla  
Deputy Ferbrache  
Deputy Gabriel  
Deputy Haskins  
Deputy Helyar  
Deputy Inder  
Deputy Kazantseva-Miller  
Deputy Le Tissier  
Deputy Le Tocq  
Deputy Mahoney  
Deputy Matthews  
Deputy McKenna  
Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Prow  
Deputy Queripel  
Alderney Rep. Roberts  
Deputy Soulsby  
Deputy Taylor  
Deputy Trott  
Deputy Vermeulen  
Deputy Aldwell  
Deputy Bury

**CONTRE**

Deputy De Lisle  
Deputy de Sausmarez  
Deputy Gollop  
Deputy Oliver  
Deputy Parkinson  
Deputy Roffey  
Deputy St Pier  
Deputy Blin  
Deputy Burford

**NE VOTE PAS**

Deputy Brouard

**ABSENT**

Deputy Dudley-Owen  
Deputy Leadbeater  
Alderney Rep. Snowdon

**The Deputy Bailiff:** So on the motion of whether or not to guillotine the debate, there voted *Pour 27, Contre 9*, there was 1 abstention and 3 absences. So the motion is carried, therefore we will proceed straight to the vote in relation to the removal of the Director of Civil Aviation.

**Deputy St Pier:** Could we have a recorded vote please, madam.

**The Deputy Bailiff:** Certainly.  
Greffier, when you are ready.

*There was a recorded vote.*

*Carried – Pour 27, Contre 1, Ne vote pas 9, Absent 3*

**POUR**

Deputy Cameron  
Deputy De Lisle  
Deputy Dyke  
Deputy Fairclough  
Deputy Falla  
Deputy Ferbrache  
Deputy Haskins  
Deputy Helyar  
Deputy Inder  
Deputy Kazantseva-Miller  
Deputy Le Tissier  
Deputy Le Tocq  
Deputy Mahoney  
Deputy Matthews  
Deputy McKenna  
Deputy Meerveld

**CONTRE**

Deputy Parkinson

**NE VOTE PAS**

Deputy de Sausmarez  
Deputy Gabriel  
Deputy Gollop  
Deputy Oliver  
Alderney Rep. Roberts  
Deputy St Pier  
Deputy Trott  
Deputy Blin  
Deputy Bury

**ABSENT**

Deputy Dudley-Owen  
Deputy Leadbeater  
Alderney Rep. Snowdon



Deputy Moakes  
Deputy Murray  
Deputy Prow  
Deputy Queripel  
Deputy Roffey  
Deputy Soulsby  
Deputy Taylor  
Deputy Vermeulen  
Deputy Aldwell  
Deputy Brouard  
Deputy Burford

**The Deputy Bailiff:** So in relation to the Proposition to remove the Director of Civil Aviation there voted *Pour* 27, *Contre* 1, there were 9 abstentions and 3 absentees. Therefore the motion is carried – the Proposition is carried.

Greffier, let's move on to the next item of business.

## Billet d'État XXV

### COMMITTEE FOR HOME AFFAIRS

#### I. Election and Re-election to the Population Employment Advisory Panel – Propositions carried

##### *Article I*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter 'Election and Re-election to the Population Employment Advisory Panel' dated 17th August 2020, they are of the opinion:*

- 1. To elect Natasha Newell, as Chairperson of the Population Employment Advisory Panel, with immediate effect until 30 September 2024;*
- 2. To elect Jonathan Squire as an ordinary member of the Panel, and as the Tourism and Hospitality representative with immediate effect until September 2024.*
- 3. To re-elect as ordinary members of the Panel-*
  - a. Mr Timothy Langlois, as the Public Sector representative (including Private Health and Education) with immediate effect until September 2024.*
  - b. Mr Kenny McDonald, as the Service Industries representative with immediate effect until September 2024.*

2495 **The Deputy Greffier:** Article I – Committee for Home Affairs – Election and Re-election to the Population Employment Advisory Panel

**The Deputy Bailiff:** Deputy Prow.

2500 **Deputy Prow:** Thank you, Madam Deputy Bailiff.

Madam, I do not have much to add to this policy letter which is hopefully self-explanatory.

The Population Employment Advisory Panel also known as PEAP is an important tool within the Population Management Regime as it advises the Committee on employment policies on evidence based matters.

2505 The Committee would like to remind this Assembly, business and the public that the Panel is always available to hear from industries on population management matters particularly in relation to skills shortages. I would like to thank on behalf of the Committee the former Chair and members of the Panel for their time and dedication in their voluntary role.

2510 Madam, the Committee *for* Home Affairs unanimously asks the States to elect Advocate Newell as Chairperson and Mr Squire as an ordinary member and to re-elect Mr Langlois and Mr McDonald as ordinary members of the Panel.

Thank you, madam.

2515 **The Deputy Bailiff:** There does not appear to be anybody who wishes to enter into general debate in relation to this matter. So we will go straight to the vote. Those who vote for the Proposition please say *Pour*; those against.

*Members voted Pour.*

**The Deputy Bailiff:** The Proposition is carried.

## COMMITTEE FOR HOME AFFAIRS

### II. Police Complaints Commission – Appointment of member – Mrs Judith Soraya Watson appointed

#### *Article II*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter entitled "Police Complaints Commission – Appointment of Member", dated 28th September 2020, they are of the opinion:*

*To appoint of Mrs Judith Soraya Watson as an ordinary member of the Police Complaints Commission for a period of 4 years with immediate effect.*

2520 **The Deputy Greffier:** Article II – The Committee *for* Home Affairs – Police Complaints Commission – Appointment of Member.

**The Deputy Bailiff:** Deputy Prow.

2525 **Deputy Prow:** Thank you, Madam Deputy Bailiff.

I shall be brief. The purpose of this policy letter is to formally appoint Mrs Watson to serve as an ordinary member of the Police Complaints commission for four years with immediate effect. The appointment process is fully outlined in section 3 of the letter.

I have nothing further to add to this brief policy letter other than to thank on behalf of the Committee the members of the Commission for their important work and dedication.

2530 Madam, the Committee *for* Home Affairs unanimously asks the States to approve this appointment to the Commission.

Thank you, madam.

2535 **The Deputy Bailiff:** Again in the absence of anybody wishing to debate the matter we will go straight to the vote. Those who wish to support the Proposition say *Pour*; those against.

*Members voted Pour.*

**The Deputy Bailiff:** The Proposition is carried.

**LEGISLATION LAID BEFORE THE STATES**

**The Public Transport (Amendment) Ordinance, 2020;  
The Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2020;  
The Social Insurance (Contributions) (Amendment and Transitional  
Provisions) Regulations, 2020;  
The Income Tax (Substance Requirements) (Implementation)  
(Amendment) Regulations, 2020;  
The Airport Fees (Guernsey and Alderney) Regulations, 2020;  
The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2020;  
The Mooring Charges (Guernsey) Regulations, 2020;  
The Pilotage Dues (Guernsey) Regulations, 2020;  
The States' Housing (Tribunal and Appeals) (Guernsey)  
(Amendment) Regulations, 2020;  
The Employment and Discrimination Tribunal (Guernsey) Order, 2020;  
The Data Protection (General Provisions) (Bailiwick of Guernsey)  
(Amendment) (No. 2) Regulations, 2020;  
The Customs and Excise (Safety and Security) (Bailiwick of Guernsey) Regulations, 2020;  
The European Union (Copyright) (Marrakesh Treaty) (Brexit)  
(Bailiwick of Guernsey) Regulations, 2020;  
The Performers' Rights (Reciprocal Protection) (Bailiwick of Guernsey) Regulations, 2020;  
The Copyright (Application to Rome Convention Countries)  
(Bailiwick of Guernsey) Regulations, 2020**

**The Deputy Greffier:** Legislation laid before the States: Legislation Laid before the States: The Public Transport (Amendment) Ordinance, 2020; The Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2020; The Social Insurance (Contributions) (Amendment and  
2540 Transitional Provisions) Regulations, 2020; The Income Tax (Substance Requirements) (Implementation) (Amendment) Regulations, 2020; The Airport Fees (Guernsey and Alderney) Regulations, 2020; The Harbour Dues and Facilities Charges (Guernsey) Regulations, 2020; The Mooring Charges (Guernsey) Regulations, 2020; The Pilotage Dues (Guernsey) Regulations, 2020; The States' Housing (Tribunal and Appeals) (Guernsey) (Amendment) Regulations, 2020; The  
2545 Employment and Discrimination Tribunal (Guernsey) Order, 2020; The Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2020; The Customs and Excise (Safety and Security) (Bailiwick of Guernsey) Regulations, 2020; The European Union (Copyright) (Marrakesh Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020; The Performers' Rights (Reciprocal Protection) (Bailiwick of Guernsey) Regulations, 2020; The Copyright (Application to  
2550 Rome Convention Countries) (Bailiwick of Guernsey) Regulations, 2020.

**The Deputy Bailiff:** Thank you, Greffier.

In the absence of any motions in relation to those, we will move on to the next Item on the Agenda please.

**POLICY & RESOURCES COMMITTEE**

**III. The Damages (Assumed Rate of Return and Related Matters)  
(Enabling Provisions) (Guernsey and Alderney) Law, 2020 – Approved**

*Article III*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Projet de Loi entitled "The Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law, 2020", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*

2555 **The Deputy Greffier:** Article III – Policy & Resources Committee – The Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law, 2020.

**The Deputy Bailiff:** Deputy Ferbrache.

2560 **Deputy Ferbrache:** Thank you, madam.

Madam, normally I would not say much because this has been through its judicial process, its States' process, but in relation to that Deputy St Pier has given me notice that he will be asking some questions in due course so I am grateful for that.

2565 I am not going to deal with those now because I will let him ask them and then I am going to turn to the Procureur to assist me in relation to the answer to those.

But this policy letter came about really as a result of a case of Mr Helmot. Now let me just say in relation Mr Helmot's family came to see me when I was an advocate in relation to that case and I started it off, but all the hard work was done by my former legal partner the very able Deputy Gordon Dawes and the case went amongst others to our Court of Appeal and a Settlement  
2570 Judgement in relation to discount rates etc. was given by Jonathan Sumption QC as he then was, later Lord Sumption a member of the Supreme Court, who now speaks a little bit about Covid and matters related thereto.

2575 The discount rates which the statute deals with, and it also deals with periodic payments because it is a pretty simple statute ... Somebody gets an award of damages, they can be a considerable amount and in England there is a statutory principle, it is based on statute, there is a rate which can change in which the amount of damages is discounted to take account of the fact the person gets the damages now and therefore the defendant gets a credit.

2580 Guernsey set a different rate which made effectively certain of those damages far more considerable than they would have been in other jurisdictions. So in relation to that this statute was then promulgated to make sure that it was practical in our jurisdiction for reasons of insuring professional people etc.

2585 So that is the main purpose of the statute and it also enables amongst other things the court to award periodic payments so that somebody instead of getting x up front get it over a period of time as is applicable. Because one of the assumptions that has to be made in serious personal injury claims is how long somebody is going to live, what the multiplier is etc. and that is always very difficult to judge that somebody is going to live 20, 30 or 40 years because actuarial tables and experts can be as wrong as they can be right.

2590 There are also some enabling provisions, but that is the basic purpose of a very simple statute, so it is not a controversial statute. I ask in due course that the Proposition is granted.

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

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

Thank you to Deputy Ferbrache for providing that introduction to this legislation.

2595 As he says it is not a controversial piece of legislation but it is a very important piece of legislation because of the impact it does have or potentially may have on awards by courts in the event of damages, and of course that ultimately may have benefit to the public exchequer to the extent that there are claims against the States of Guernsey in respect of States of Guernsey employees and those liabilities ultimately would fall to the insurance deductible fund. So this is an important piece of legislation to protect exposure, financial exposure of the States and taxpayers.

2600 As he said the main purpose of the legislation is the statutory discount rate and to enable periodic payments, but there are two other matters that the previous Policy & Resources Committee wanted to make legislative provision for whilst we had the opportunity to do so through a Projet rather than for that to be brought back as some further date.

2605 Firstly to enable the recovery of costs which of course are most typically medical costs incurred by the Committee for Health & Social Care in respect of personal injury claims to enable those to be recovered, and perhaps more controversially to introduce limitations on personal injury damage awards, which is undoubtedly quite a complex area.

2610 But the Committee as I said did want to take the opportunity whilst drafting the legislation to at least provide the enabling provisions within this legislation which it now does. I would just, as Deputy Ferbrache has said I have given prior notice of this, but I would be grateful to understand whether the Committee does have a view yet or any appetite to take advantage and develop either or both those two latter powers.

Thank you, madam.

2615 **Deputy Ferbrache:** In the light of Deputy St Pier's question – unless the Procureur wants to – sorry, I see Deputy Trott wanted to rise as well. I apologise.

**The Deputy Bailiff:** Deputy Trott.

2620 **Deputy Trott:** This is a question to which I do not know the answer, so it is a genuine question rather than one that I just want to hear Advocate Ferbrache give.

2625 It is to do with the way in which advocates of the Royal Court are remunerated. Is there or could there be an occasion when an advocate of the Royal Court might be remunerated via a percentage of the award given? I am delighted to see him shaking his head negatively because if there were then clearly the higher the discount rate potentially the higher the percentage reward for the advocate and in that scenario of course the Chief Minister would regrettably still have a conflict of interest.

2630 **The Deputy Bailiff:** Deputy Gollop.

2635 **Deputy Gollop:** This is not entirely new to me because I was vaguely aware of the case and we have seen it at the Legislation Panel of course, but what intrigues me about it is you have a situation where perhaps the opposite to what we might see in parts of the United States whereby a responsible Government is concerned perhaps that the courts could be too generous in some of their provisions and so in order to perhaps ensure we have insurable risks and minimise costs we are effectively delegating a degree of discretion to the Policy & Resources Committee in assessing these matters.

2640 But my point is, is how frequently will the changes in the discount rate be evaluated by Policy & Resources or its successors because investment yields change over time. My secondary point is will Policy & Resources ensure that changes perhaps to the way in which these kind of cases are dealt with in courts also be monitored, because I do wonder ... it cannot be surely applied retrospectively but one would hope that they would not in any way disadvantage people who already have a degree of financial projection ahead as applied by the courts, and that they would not unduly impact the view of the court in cases where higher awards might be justified.

2645

**The Deputy Bailiff:** Deputy Ferbrache, would you like to reply?

**Deputy Ferbrache:** Thank you very much, madam.

2650 I will deal with Deputy Trott's point first. The Guernsey Bar and particularly the Royal Court have all set its face against any kind of contingent liability, in other words the bigger the award the greater the remuneration. That does not apply in Guernsey. You are remunerated in accordance with whatever agreement you enter into with your client and/or if it is legal aid you get a certain particular rate. So that is not a concern and I hope speaking personally as an advocate of nearly 40  
2655 years' experience and as a barrister of 48 years' experience, the day after my 21st birthday – that will give away my age – in relation to such matters that I would never want to see that kind of principle in our particular jurisdiction, but I can only speak for myself.

In relation to Deputy St Pier's excellent points raised, the Procureur is available to give legal advice but I think they are more practical questions for the Committee and the answer is yes we do  
2660 have an appetite, we do have an appetite. They are complicated questions.

I will touch on the first one about recovering from the Health & Social Care because that is an easy question. What is a very difficult question is capping damages beyond the discount rate, that is an intricate question, and we will be seeking further advice, and we are seeking further advice from the learned Procureur and her team and I see here nodding affirmatively that that is the case.  
2665 So hopefully that answers his questions.

Now in relation to Deputy Gollop's question the discount – I apologise, I give way.

**Deputy St Pier:** I am grateful to Deputy Ferbrache for giving way.

I think particularly the affirmation in relation to the first point which he said is pretty straight  
2670 forward. It is simply a matter of the States getting itself into gear to be able to organise itself to develop a recovery regime given that that will have direct benefit again for public finances I do hope there will be a way in which that can be given the appropriate priority and resource to enable that to happen because again that will clearly benefit us all.

**Deputy Ferbrache:** I fully accept that and agree that, that is what we intend to do.

But in relation to Deputy Gollop's point about investment returns etc. Section 1(2) of the proposed Law actually allows the court to take into account a different rate of return if any party to the proceedings shows that it is more appropriate in the case in question. So therefore the court always has a supervisory and overriding rule in relation to that.

2680 Now, as regards investment returns the one thing you would not be doing is every month saying now it should be 1.1% or 1.2% or 1.3%. All I think I can say in relation to those would be periodic. Periodic means it is not left for years and years, there is something called the Judgments (Bailiwick of Guernsey) Law, 1985, which originally set the post-judgment interest rate at 10%; it reduced it some years later to 8% and it has been 8% now for ever and many days. I would hope in relation to  
2685 something like this that it would be far more regular than that. I am not going to say it is every two years. I think it would be as is appropriate and as is under review.

Now in relation to the courts, we have got something called ... it has operated since the days of Dante and all those people, just after the post-French Revolution of separation of powers, and the court always will exercise its own judgment insofar as it is able in relation to the Statute of Liabilities that the statutory principles that it has to adopt.  
2690

So I do not think I can say anything more than that in relation to those principles because I would not want to say anything more than that – other than that I ask the court. Somebody called me Advocate Ferbrache, so have many others over many years, but I would ask the States to adopt this Statute and to pass the Resolution.

2695

**The Deputy Bailiff:** So the Proposition is in relation to The Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions). Those who wish to support the Proposition say *Pour*; those against.

*Members voted Pour.*

**The Deputy Bailiff:** The Proposition is passed.

## **DEVELOPMENT & PLANNING AUTHORITY**

### **IV. The Land Planning and Development (General Provisions) (Amendment) Ordinance, 2020 – Approved**

*Article IV*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Land Planning and Development (General Provisions) (Amendment) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.*

2700 **The Deputy Greffier:** Article IV – Development & Planning Authority – The Land Planning and Development (General Provisions) (Amendment) Ordinance, 2020.

**The Deputy Bailiff:** Deputy Oliver.

2705 **Deputy Oliver:** Thank you, madam.  
I think this policy letter is very self-explanatory so I do not think I need to say anything else.

**The Deputy Bailiff:** There do not appear to be any questions or any general debate, so we will go straight to the vote. Those who wish to support the Proposition say *Pour*; those against.

*Members voted Pour.*

2710 **The Deputy Bailiff:** The Proposition is passed.

## **COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

### **V. The Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2020 – Approved**

*Article V*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.*

**The Deputy Greffier:** Article V – Committee for Employment & Social Security – The Social Insurance (Rates of Contributions and Benefits etc.) Ordinance, 2020.

**The Deputy Bailiff:** Deputy Roffey.

2715 **Deputy Roffey:** I also have nothing to say on this uncontroversial item unless anybody wishes to debate it in which case I will certainly open debate.

**The Deputy Bailiff:** It does not appear that anybody wishes to debate it Deputy Roffey, so we will go straight to the vote. Those who wish to support the Proposition say *Pour*; those against.

*Members voted Pour.*

2720 **The Deputy Bailiff:** The Proposition is passed.

## COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

### VI. The Plant Health (Guernsey) (Repeal) Ordinance, 2020 – Approved

*Article VI*

*The States are asked to decide:*

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

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

**Deputy de Sausmarez:** Thank you, madam.

2725 I am hoping this will be equally uncontentious but I think it probably does bear a short explanation of what it is.

This is obviously legislation to repeal a Law or Legislation that never came into effect. The reason being it is Brexit related, which will probably surprise no-one. So back in 2018 Plant Health Legislation is important in facilitating trade of plants and plant-based products so that is the general context.

2730 So with an eye on the post-Brexit world there was some work done in 2018 on the advice of DEFRA about what was going to be required and in the meantime the EU has come forward with a different idea, the UK has decided to align with the EU and Guernsey cannot afford to not align with the two of them.

2735 So unfortunately there is a bit of work that has been wasted, but this legislation obviously is being superseded by the Plant Health (Implementation) Ordinance, 2020 or something. So hopefully it is very uncontentious. I hope there are not any technical questions on it because I do not think I will be able to answer them, but hopefully that explains a little bit more about what it is.

**The Deputy Bailiff:** Deputy Soulsby.,

2740 **Deputy Soulsby:** I would just like to register my frustration of all the wasted time and effort by Law Officers and everybody that was spent on this and every committee involved, and sadly I suspect this is not the last time it will happen.

2745 **The Deputy Bailiff:** Do you wish to reply, Deputy de Sausmarez?

**Deputy de Sausmarez:** No thank you, I think Deputy Soulsby has said it perfectly adequately.

2750 **The Deputy Bailiff:** To that end we will go straight to the vote on the Proposition relating to the repeal of Plant Health (Guernsey) (Repeal) Ordinance, 2020. Those who wish to support the Proposition say *Pour*; those against.

*Member voted Pour.*



**The Deputy Bailiff:** The Proposition is passed.  
Deputy Inder.

2755 **Deputy Inder:** Yes, madam? Oh yes. *(Laughter)*

**The Deputy Bailiff:** Oh, I am sorry, the Greffier has not read it out yet – fair enough!

## COMMITTEE FOR ECONOMIC DEVELOPMENT

### VII. The Preferred Debts (Guernsey) (Amendment) Ordinance, 2020 – Approved

#### *Article VII*

*The States are asked to decide:*

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

**The Deputy Greffier:** Article VII – Committee for Economic Development – The Preferred Debts (Guernsey) (Amendment) Ordinance, 2020.

2760

**The Deputy Bailiff:** Deputy Inder.

**Deputy Inder:** Thank you, I am sorry I thought I was in trouble again. *(Laughter)*

2765 Members, just by way of explanation this is about prioritising debts which should be paid from the property of a party whose affairs have been declared in a state of *désastre* on the winding up of an insolvent company.

2770 The previous Assembly approved the policy letter in May 2020 and the Preferred Debts (Amendment) Ordinance affects the Propositions in the policy letter and actually amends the Law a bit to ensure the amounts paid by the Guernsey Banking Deposit Scheme as compensation will rank as preferred debts ahead of things like other debts which are currently preferred debts under Preferred Debts Law and unsecured creditors on the default of a licenced bank.

So we have been through the debate and these are the bits in the Law that enacts the original policy letter, so I thank you and please support it.

2775 **The Deputy Bailiff:** It does not appear that anybody wishes to debate this, so we will go straight to the vote. Those who support the Proposition say *Pour*; those against.

*Members voted Pour.*

**The Deputy Bailiff:** The Proposition is passed.

**COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**

**VIII. The Social Security (Reciprocal Agreement with the Republic of Latvia)  
Ordinance, 2020 – Approved**

*Article VIII*

*The States are asked to decide:*

*Whether they are of the opinion to approve the draft Ordinance entitled "The Social Security (Reciprocal Agreement with the Republic of Latvia) Ordinance, 2020", and to direct that the same shall have effect as an Ordinance of the States.*

**The Deputy Greffier:** Article VIII – Committee for Employment & Social Security – The Social Security (Reciprocal Agreement with the Republic of Latvia) Ordinance, 2020.

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** I have little to add on this, unless again people want an explanation in which case I am happy to go into great depth about it.

The one thing it might be worth saying after the exploration of our constitutional positions this morning and us trying to as an Island improve our own international identity is that we have several of these types of reciprocal agreement, and this is the first one that has been negotiated under what is called entrustment from the UK, which means that we negotiated it ourselves with Latvia rather than the UK doing it on our behalf. I think that is just something worthy of note and celebration because it is a small step in the right direction.

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

**Deputy le Tocq:** I just wanted to echo that and also register my thanks to former Deputy Le Clerc who led on this and obviously staff members as well but also this is a good example of Guernsey taking its international obligations very seriously indeed and being able to do so, and if there were any obstacles in the way it was the getting the entrustment issue that was the problem. Our relationship with Latvia and indeed our dependence on the Latvian community in Guernsey I think is enshrined in the fact that we are being asked to support this today.

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

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

I think as Deputy Roffey's predecessor, former Deputy Michelle Le Clerc, said at the time the agreement was signed in September this year and she put out a media release and that actually I think it is worth just recording some of that on *Hansard* for the record. She is quoted as saying:

This is good news for people from Latvia who have lived and worked in Guernsey but have not paid enough contributions for a minimum Guernsey pension. The Agreement will enable them to get a small, part pension from Guernsey when they reach pension age.

Latvian workers have made a significant contribution to our economy. The Agreement will put them in the same position as guest workers from the UK or Portugal, with which we have had similar arrangements for a long time.

[...]

The Agreement will also allow people from Latvia who have settled in Guernsey, to receive a pension from Latvia when they reach pension age based on the payments that they made to the Latvian pension system.

I would also like to just record my thanks and I am sure that of many others even outside this Assembly, to the very many Latvians, and I know Deputy Roffey has spoken about this before, who are in and working, living and contributing in our community over recent years. They are very valued members of our community (**Several Members:** Hear, hear.) often here to undertake lower paid

and low profile and often thankless jobs, but jobs which are clearly none the less crucial to the functioning of our economy and society, and we have seen that ... that has been evidenced very clearly throughout the Covid pandemic, of course.

2815 I just wanted to add some comments to Deputy Le Tocq's in relation to the negotiating process for this agreement because frankly it has taken far too long, far too long, for reasons which are well beyond our control, because it was agreed some time ago that we would have this Letter of Entrustment, requisite Letter of Entrustment which took too long to get out of the UK Government to enable the negotiation to take place.

2820 As Deputy Roffey has said it is indeed a small milestone that we should celebrate that this is the first social security agreement which we have been entrusted to negotiate on our own behalf. But the delays and the fact the delays were beyond our control, nonetheless I think was embarrassing, and I think Deputy Le Tocq will agree, it was embarrassing for us, for all of us who were dealing with the matter in our dealing with the Honorary Consul and of course Her Excellency the now former Latvian Ambassador to London.

2825 So I think it is another small example as Deputy Le Tocq was saying as to why it is important that we do continue to develop our own international identity. Frankly, madam, we cannot rely on the UK to prioritise our interests over the very many other pressing matters that they may be trying to deal with at any other given time, and I think that is perhaps one of the key lessons from the story of how we got to today, madam.

2830

**The Deputy Bailiff:** Deputy Trott.

**Deputy Trott:** Yes, sir.

2835 Briefly, madam, and on the subject of entrustment whilst colleagues are quite right this is the first time a reciprocal agreement with regard social security has been negotiated via entrustment, it is nothing new for this Government. In the noughties more than a decade ago we were entrusted to negotiate with regards the EU Savings Directive, and of course we have through a similar entrustment process from the UK negotiated again with an impeccable record more than 50 tax information exchange agreements.

2840 Now why is this relevant? Well it is relevant because at no stage in the discharge of our international obligations as so entrusted has there been so much as a hiccup, and I think that is something that is worthy of placing on the *Hansard* record as well.

**The Deputy Bailiff:** Deputy Roffey do you wish to reply?

2845

**Deputy Roffey:** Briefly yes.

In a way Deputy St Pier gave the opening that I would have given if I thought there was going to be any debate.

2850 He is quite right that it has taken too long. I think the States approved in principle that they wanted to enter into this agreement five years and two months ago, because I think it was October 2015. So in a way it is not just my excellent predecessor Deputy le Clerc we ought to thank you; it is her predecessor, I think it was Deputy Dorey at the time who first brought it forward, but I did not want to be negative, I wanted to be positive, we have got there in the end and I hope in future, we will be able to move much more quickly.

2855 It is not quite the end of the ride if we approve it today, I think the agreement says, when both parliaments have finally gone through all the procedures, it will be three months after that, so on the assumption that Riga probably moves quicker than the States of Deliberation it will probably come into force from three months from today.

2860 Deputy St Pier is also right that I think we ought to put on record how much the Island actually owes to guest workers, and I only hope and pray, slightly departing from this policy letter, but hope and pray that in the post Brexit world that the immigration regime will allow us to be as open and

welcoming to the people from Europe than we have been up to now (**Several Members:** Hear, hear.) we wait and see.

2865       **The Deputy Bailiff:** We will put the motion, the Proposition rather to the vote. Those who wish to support the Proposition say *Pour*; those against.

*Members voted Pour.*

2870       **The Deputy Bailiff:** The Proposition is passed.

## COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

### IX. Amendments to the Statutory Minimum Wage Arrangements to come into force on 1st January 2021 – Approved

#### *Article IX*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter entitled 'Amendments to Statutory Minimum Wage arrangements to come into force on 1st January 2021', dated 8th October 2020, they are of the opinion:*

*1. To approve the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2020 (as set out in Appendix 1 to this Policy Letter), which pursuant to sections 1(3) and 3(1) of the Law, prescribe the hourly minimum wage rates set out below with effect from 1st January 2021:*

- a. adult minimum wage rate: £8.70 per hour (for workers aged 18 and over), and*
- b. young person's minimum wage rate: £8.25 per hour (for workers aged 16 and 17).*

**The Deputy Greffier:** Article IX – Committee for Employment & Social Security – Amendments to the Statutory Minimum Wage Arrangements to come into force on 1st January 2021.

**The Deputy Bailiff:** Deputy Roffey.

2875

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

I think this one does demand a bit more of an explanation particularly with about half of the Assembly being new States' Members because there is some background to this.

2880       Until a few years ago my Committee, or its predecessors, more or less came up with proposals for the next year's minimum wage, I would not say off the back of a fag packet, it certainly was not, but it was done by an annual process whereby they would go out to consultation to employers and employee organisations as well, get the feedback and more or less go by feel about what felt right and put it forward on an annual basis to the States who would debate it and come up with a figure that would be in force from 1st January next year.

2885       A few years ago an amendment from a troublesome Deputy forced them to – that was Deputy Roffey I think – forced them to actually look at a medium term process instead, and ESS at the time came back with a five year process to move the minimum wage up over that five years so that somebody working a 40 hour week on the minimum wage would be earning 60% of median earnings. We are two years into that five year process.

2890       So in a way what we are proposing today goes against the established policy of the States of Deliberation. However, we believe that it is the right thing in these circumstances. We are disappointed in many ways not to be suggesting the third of the five annual steps, if we had been it would have meant the minimum wage going up by 5.9% next year.

2895 However, we consulted widely and the feedback was overwhelming, that not only would an increase in the minimum wage of that sort of magnitude cause difficulty for many industries in Guernsey, but in this particular Covid impacted world of this year it could actually pose an existential threat to a number of businesses.

2900 I confess the time we went out to consultation was probably the time of maximum impact of Covid on the local economy and maybe since the end of the local lockdown, and aren't we lucky that we are not in a local lockdown, that those problems may have eased. But sometimes you have to crystallise and take forward proposals and at that time we felt we could not ignore those warnings from industry that it actually could create unemployment.

2905 So what we are proposing – we did not feel we could go backwards by freezing it, so what we are proposing is simply an RPIX increase or the most recent one that was available at the time an increase of 2.4% rather than 5.9%.

2910 But I do put on record that it is not us abandoning the target of moving to 60% of median earnings, it is simply a one year pause with the intention, and of course we will look at the circumstances at the time, but the firm intention is to resume that process next year and therefore reach that 60% target in 2024 instead of 2023. But we are in exceptional times and we believe that this is an appropriate and proportionate proposal for next year.

**The Deputy Bailiff:** Deputy Oliver.

2915 **Deputy Oliver:** Sorry, there is always one. I have just got two questions with this.

One is I have never understood why we do not actually do the minimum wage with the Budget because it would make sense if we are increasing everything why isn't that included?

2920 My second thing is that do we actually know how many people are on minimum wage through social security to actually know how many people this will actually effect, and also are there actually any employees that the States have that are on the minimum wage as well?

**The Deputy Bailiff:** Deputy Leadbeater.

2925 **Deputy Leadbeater:** Thank you, madam.

I would just like to say that I think the Committee *for* Employment & Social Security is making a very pragmatic move and I encourage Members to support the Proposition.

Thank you.

2930 **The Deputy Bailiff:** Deputy St Pier.

**Deputy St Pier:** Madam, I too will be supporting the Proposition. I am grateful to Deputy Roffey for his introduction to this and in particular for his confirmation that it remains his Committee's intent to deliver the previous policy by 2024 or so merely a delay of a year is the Committee's intent.

2935 I think just picking up on Deputy Oliver's point about timing it with the Budget. It is worth noting, perhaps as an aside, that the rate of inflation used here is actually .9% above the 1.5% used by the Policy & Resources Committee in its 2021 Budget report.

I know one is looking forward and one is looking back as it were, but it is a notable discrepancy for proposals which will take effect on the same date, namely 1st January 2021.

2940 I think it would actually be helpful to hear from Members of the new Committee *for* Economic Development on their views in relation to the minimum wage generally but actually perhaps more importantly in relation to the Committee *for* Employment & Social Security's intent to deliver the previously determined plan for the minimum wage.

2945 Clearly business groups and those representing their interests often argue, understandably, that the minimum wage is an imposition on business, raising costs obviously, reducing profits and pressuring squeezing margins. One the other hand of course if hard working individuals are unable

to earn enough to meet their needs many of them will of course rightly receive taxpayer funded support from another part of the Committee *for* Employment & Social Security in the form of income support.

2950 So who should be supporting the lowest paid in our community, the businesses who engage their labour or taxpayers? If we are serious about helping business and the economy then surely we should not be making it harder for them by raising minimum wages, but if we are serious about containing public expenditure then surely we must minimise taxpayer support.

2955 There is clearly an inherent tension which exists as a result of Government intervention in the free market, firstly by creating social security nets to capture those unable to entirely support themselves and secondly by the setting of minimum wage rates.

How this balance plays out in this term will I think be a litmus test in this Assembly. Not this year perhaps because of ESS's recommended pause but the tension is real and every Member will need to decide what is more important, supporting business or containing public expenditure. In that sense it is the Judgement of Solomon.

2960 I will request a recorded vote please, madam.

**The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** Thank you.

2965 This came before the new Committee *for* Employment & Social Security and I ummed and ahed and said I am not sure I want to support that, and Deputy Roffey reminded me that I had already supported it in the previous Committee that we were on, so there you go. There are challenges with this, but you are between the devil and the deep blue sea a bit.

2970 Deputy St Pier has already had a bit of traction from his views yesterday that maybe there is a tension between benefit rates and the minimum wage because one of the sadder things perhaps that one reads occasionally on social media, or hears on the doorstep, is the widespread view that income support and the welfare state is paid to people who do not work in Guernsey, because much of the support we give is to people who work and work very hard in low income and undesirable jobs.

2975 One of the things Social Security has done extremely well over many years is that we have motivated people back to work actually because we do, despite Covid even, thanks perhaps to the leadership of certain politicians, we have actually seen a very low rate of unemployment in the Corona virus period. But more to the point we generally, if you look at a list of world indices of states and countries, yes you have to take them with a bit of salt because all the statistics are variable in how they are collated but sadly we do not lead the world in the lowest prison population for example, but we do lead the world more or less in the lowest unemployment. So that is quite comforting.

2980 We probably do not lead the world in the highest wages *per capita*, but we do have very high costs on the Island especially in some cases food and accommodation and that is why I was not that pleased with the outcome of the review.

I think as Deputy Leadbeater has indicated it is pragmatic, I think it is sellable to the new Assembly, whether it accords with everybody's manifesto pledges left or right I am not too sure.

2990 But what is concerning perhaps is that as the policy letter points out when we come down to the fact when we compare ourselves to where we could have been, we could have been on £8.98 instead of £8.70 maybe, but more to the point we – let's think – although we are increasing the offsets we are potentially falling behind the United Kingdom.

2995 Our rate of £8.70 as you see on page 6 of the PDO in the UK the current rate, admittedly it is a living wage you could argue because that is the way they term it, that is not really a living wage statistically speaking it is just a political brand that they have created in the United Kingdom perhaps unwisely. But nevertheless their base rate for mature workers aged 25 and over is £8.72 from the 1st April and we will be going from the end of this year to £8.70.

So mark this, we are actually below fractionally the United Kingdom, and we all know that outside of London and the South East costs of living in the UK can be lower than Guernsey. We also know that some of our salaries and costs, whether it be going to the GP or occasionally the lawyer in Guernsey, can be higher than in provincial regional England. So we are not really doing a great deal for the workers in that respect.

I am always minded personally and I have always said this on the Committee we have to give special attention to the hospitality section because rightly or wrongly the majority of workers I suspect in that area are non-local and migrate to the Island and it is a completely different offer.

Whether we should be encouraging more locals is another question, but I note that we do have offsets for accommodation in that respect.

But I still think bearing in mind some of us ... I had to stand because I could not actually get a seat at the tea party, but I listened carefully to Mr Wayne Bulpitt's inspirational speech and the community awards and he and the other parties of the Guernsey Community Foundation do not want to give up on their sought-upon in-work poverty in Guernsey and general disadvantaged and the fact that perhaps one fifth of our society have unacceptably low incomes.

I do agree with Deputy St Pier that raising the minimum wage is an essential part of that. What we do have to balance as Deputy Roffey has pointed out is whether by rather foolish overly bureaucratic or statist moves could actually weaken employment prospects and undermine the economy and the small business community of the Island. That is a delicate balance, but we neither want to make business uncompetitive or what we offer.

I think if we do not keep up with minimum wages at least matching the United Kingdom and Jersey we will have difficulty in attracting and retaining many workers on the Island especially in the lower paid jobs and that does require strategic work.

I give way to Deputy Oliver.

**Deputy Oliver:** Thank you, madam.

It was just something that Deputy Gollop said that we have to keep up with Jersey: well, currently we are ahead of Jersey, and we are also ahead of the Isle of Man, I believe, from that table for the minimum wages.

**Deputy Gollop:** Yes thank you Deputy Oliver.

We were actually at one point falling behind Jersey, but perhaps certain politicians in Jersey I could argue were a little bit less shrewd than Deputy Roffey and they went for a pitch of an unrealistically high rise earlier this year and got pushed back, whereas I suspect we at Employment & Social Security will win this particular vote.

But the point I am making is that we cannot be self-satisfied that we are in a position, especially post-Brexit, in attracting and retaining workers as well as answering the arguments Deputy St Pier has raised.

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

**Deputy de Lisle:** Thank you, madam.

I am supportive and I commend the Committee that is sympathetic to representations from the business community. The representations received to the effect that any increase in the minimum wage will further threaten the survival of businesses that are already facing great financial difficulty.

I think in this way they are sympathetic to that whilst still awarding 2.4%. To go further at this time might in fact affect the survival or threaten the survival of those businesses and then there would be no employment for a number of people, so it makes sense.

The other point is that the thinking here is consistent with that in the 2021 Budget. There the thinking is to keep any increases to 1.5%. Here it is 2.4% so it is a little more for the minimum wage. But I think the whole thing is sympathetic it makes sense and hopefully it will retain some of our marginal businesses in production into the future. Thank you, sir.

**The Deputy Bailiff:** Deputy Ferbrache.

**Deputy Ferbrache:** Madam, I only rise because I do not believe it arises in theory. I certainly know it does not in practice but I do have interests in the hospitality industry, so I declare an interest.

**The Deputy Bailiff:** Thank you.

Deputy Roffey, do you wish to respond?

**Deputy Roffey:** Thank you, sir – sorry, thank you Madam Deputy Bailiff; I had to do it some time! Deputy Oliver started by asking why we do not debate this alongside the Budget. I am not quite sure why it needs to be debated alongside the Budget. I understand completely why we moved the Non-Contributory Benefit debate alongside the Budget because it is deciding how to spend public money. This is really a separate issue which is ... the only way in which it will be spending public money or the Exchequer is if we as an employer paid people on the minimum wage.

In answer to another question that somebody asked, I am not aware that actually the States of Guernsey does pay minimum wage to anybody but I will not give an absolute guarantee because I do not know the wage of every public employee, but I do not believe that that is the case.

She also asked – I think the other question is unless you want to move the date, the date traditionally has been 1st January when we start. Of course that could be moved but if it is going to be 1st January employers do need a degree of notice in order to gear up for what the minimum wage is going to be for the following year, hence it is usually debated a few months earlier.

How many people are on the minimum wage in Guernsey? We simply do not know. ESS of course gets information from Income Tax about how much people are paid, do not worry not individuals, so I do not know how much you are paid Deputy Oliver, but we do know how many people are paid in various income bands.

What is light in Guernsey because we are such a small jurisdiction, we have a dearth of statistics, so we do not know how many hours people work. Therefore we cannot actually work out how many people are on the minimum hourly rate. We would like to get that data and I hope that one day before too long we will get that data, but at the moment we do not have it.

Deputy St Pier was one of several people that pointed out that this figure was slightly different to the 1.5% that is going to appear in the Budget. Yes this is based on absolute firm RPIX figure. P&R are of course exercising guesswork about what inflation is going to be next year. But the main point here is that it is consistent that we have always taken as the base the second quarter RPI figure for use in this respect although of course in the last couple of years we have been moving to a median earnings figure and moving toward that, but it is important when you are using a benchmark against inflation to use the same benchmark every year because quarterly figures go up and down and if you do not use the same one you end up with a pick and mix and either you drop in the real value of that benefit or you increase it and the base line here is wanting to keep the benefit the same.

Deputy St Pier also talked about this tension with income support. It is actually less of a tension than it first appears. It was very interesting with another hat on when I did the or led the In-Work Poverty Review for Scrutiny we found that actually very few people on – it is counter intuitive – but very few people on minimum wage were the people in in-work poverty who were having to resort to income support to increase their income.

Typically the people on minimum wage were single people, quite young, no dependants, often living in employer-provided accommodation and they were not coming anywhere near income support. The people who were coming to income support were on low incomes but unless you increase the minimum wage maybe to £10, £11 or £12 which is the sort of wage levels that they were at, it was not going to impact them, but because they had rents and dependent children and all the other costs that went with it their calculation was that they were in real poverty and needed some assistance.



3100        Nevertheless, he is right of course there is some correlation, the higher the base level at which people get paid it does decrease slightly the amount that you pay out in income support. So that tension is there.

         He says it is interesting to see how that plays out in this Assembly. There are many social policy issues that it is going to be interesting to see how it plays out in this Assembly. At the moment I  
3105        have no idea where the appetite of this Assembly is on social issues and that will be fascinating to see how it develops over the next few months.

         Deputy Gollop mentioned that our cost of living is far higher than the UK and he is absolutely right and our minimum wage is very similar to that in the UK. So the question is I suppose is the most important thing competitiveness i.e. having a similar minimum wage to the UK in order to  
3110        stimulate job creation and economic growth, or is it fairness, where you could argue that actually we should probably have a 30% higher minimum wage than the UK because our cost of living is typically probably about 30% higher. It is a philosophical question that will be interesting – I do not subscribe to either of those extremes. I think the 60% median earnings in Guernsey is about right and it would not fall in either of those extremes.

3115        Deputy Gollop also mentioned the living wage. I wish people would not use that ludicrous term, there is no such thing as a living wage. It implies that there is some kind of magic wage level at which an employee, if you pay them that, will not need to come for any kind of benefits, that that is the right amount they need to live on. Well, what I need to be paid to live on as a single person, as a widower, with no dependants any more, with my mortgage paid off, therefore no – yes, I give  
3120        way to Deputy –

**The Deputy Bailiff:** Dudley-Owen. *(Laughter)*

**Deputy Dudley-Owen:** I am grateful to Deputy Roffey for giving way.

3125        I just felt he was being rather harsh to Deputy John Gollop because Deputy Gollop did explain that that was an English turn of phrase as opposed to what we used over here.

**Deputy Roffey:** I was not meaning to launch a torpedo against Deputy Gollop who is one of my Committee Members, he just gave me the opportunity by raising that term to get off my chest my  
3130        frustrations about the use of the term 'living wage', because it is an absolutely meaningless term. The amount people need to live on depends on their family circumstances and their outgoings.

         Now a higher minimum wage will certainly help relieve people's need to rely on benefits, but there is no magic point at which paying somebody will no longer need assistance, it entirely depends on their circumstances and I know it has become a very popular term in the UK but it  
3135        absolutely carries no logical meaning with it whatsoever.

         I do not think I have anything else to say. I do not think anybody actually opposed the Propositions so I probably should shut up and sit down and hope that we can finish today.

3140        **The Deputy Bailiff:** There has been a request for a recorded vote.  
         So Greffier.

*There was a recorded vote.*

*Carried – Pour 37, Contre 1, Ne vote pas 0, Absent 2*

**POUR**

Deputy Cameron  
Deputy De Lisle  
Deputy de Sausmarez  
Deputy Dudley-Owen  
Deputy Dyke  
Deputy Fairclough  
Deputy Falla  
Deputy Ferbrache  
Deputy Gabriel  
Deputy Gollop  
Deputy Haskins  
Deputy Helyar  
Deputy Inder  
Deputy Kazantseva-Miller  
Deputy Le Tissier  
Deputy Leadbeater  
Deputy Mahoney  
Deputy Matthews  
Deputy McKenna  
Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Oliver  
Deputy Parkinson  
Deputy Prow  
Deputy Queripel  
Alderney Rep. Roberts  
Deputy Roffey  
Deputy Soulsby  
Deputy St Pier  
Deputy Taylor  
Deputy Trott  
Deputy Aldwell  
Deputy Blin  
Deputy Brouard  
Deputy Burford  
Deputy Bury

**CONTRE**

Deputy Vermeulen

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Tocq  
Alderney Rep. Snowdon

**The Deputy Bailiff:** There voted *Pour* 37, *Contre* 1, there were 2 absentees. I declare the Proposition passed.

**COMMITTEE FOR HOME AFFAIRS**

**X. Independent Monitoring Panel –  
Notification of Resignations –  
Proposition carried**

*Article X*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 17th August 2020, of the Committee for Home Affairs, they are of the opinion:*

- 1. to note the resignation of Ms Joanna Susan Hunter with effect from 20th July 2020, and*
- 2. to note the resignation of Mr Jared Harvey with effect from 28th August 2020*

**The Deputy Greffier:** Article X – Committee for Home Affairs – Independent Monitoring Panel – Notification of Resignations.

3145

**The Deputy Bailiff:** Deputy Roffey.

**Deputy Roffey:** Sorry, madam, I thought – I am a bit shocked, because I thought Item X was next and that was the Home Affairs one. But I will have a go at introducing it, if you like! *(Laughter)*

3150

**The Deputy Bailiff:** What is interesting about it is on my opening Presidents it has got Deputy Roffey and I did not question it. So Deputy Prow. I am sure you would have been good at it, though, Deputy Roffey.

3155

**Deputy Prow:** Thank you, Madam Deputy Bailiff.

Again I can be brief. The purpose of this policy letter is to formally notify the Assembly of the resignation of two Independent Monitoring Panel members Mrs Joanna Susan Hunter and Mr Jared Harvey. The Committee would like to take this opportunity to thank them both and to record the Committee's appreciation.

3160

I have nothing further to add to this short policy letter except that the Committee wishes also to put on record its gratitude for the time all members of the Panel spend conducting visits and producing reports. Members are volunteers drawn from the local community by carrying out this role and they give back to the local community. **(A Member:** Hear, hear.)

Thank you, Madam Deputy Bailiff.

3165

**The Deputy Bailiff:** It does not appear that anybody wishes to have any general debate on this Proposition, therefore I put the Proposition to the Members. Those who support the Proposition say *Pour*; those against.

*Members voted Pour.*

**The Deputy Bailiff:** I declare the Proposition carried.

## COMMITTEE FOR HOME AFFAIRS

### XI. Transfer of Committee Function – Motor Sport Events – Propositions carried

#### *Article XI*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 12th October, 2020, of the Committee for Home Affairs, they are of the opinion to:*

*1. amend the Road Traffic (Speed Limits and Trials) Ordinance, 1987 to:*

*a. transfer responsibility for the grant of approval to stage any race or trial of speed on a public highway from the Committee for Home Affairs to the Committee for the Environment & Infrastructure;*

*b. remove the requirement set out in section 4(1)(a) of an interval of time between competitors' performances; and*

*c. clarify the type and purposes of conditions which may be imposed under section 4(1)(b)(ii) when approval is given.*

*2. direct the preparation of such legislation as is necessary to give effect to their above decision.*

3170 **The Deputy Greffier:** Article XI – Committee *for* Home Affairs – Transfer of Committee Function – Motor Sport Events.

**The Deputy Bailiff:** Thank you, Madam Deputy Bailiff.

3175 Madam, this transfer of function from the Committee *for* Home Affairs to the Committee *for the* Environment & Infrastructure was agreed during the last term, but I am sure this new Assembly will see the merit of this policy letter and endorse this decision.

3180 This transfer would benefit both Committees and here are the main reasons. From the perspective of Guernsey Police this change would reduce or remove any potential conflict of interest in the investigation of any incidents or complaints occurring at such events, i.e. Guernsey Police would not find itself in the position of having to review the Committee *for* Home Affairs decision to grant permission for such an event.

3185 It would also remove the administrative burden which comes with the authorisation of such events, freeing up more Police time to progress prioritised initiatives. Guernsey Police would still be involved if there are any restrictions to be enforced for example parking, obstructions in the area, or investigations of a serious incident.

3190 Currently the due diligence for motor racing events is performed largely by staff at Traffic and Highways Services while responsibility for special events on the public highway also rests with them following a States' Review Committee re-organisation of Government in 2016, and additionally this change would provide E&I with a direct route to raise any objections over motor racing events; for example, in the event of concerns over damage to the physical environment.

Madam, I would ask the Assembly to support the two Propositions in this policy letter.  
Thank you.

**The Deputy Bailiff:** Deputy Gabriel.

3195 **Deputy Gabriel:** Thank you, madam.

I did not have too much prepared but motor sport is really close to my heart and I would support this transfer to the E&I department.

3200 I would like to remind Members of the importance of motor sport in Guernsey as an economic enabler: when we are able to we have visitors that compete and bring with them lots of bed nights, and also about how we put Guernsey on the world stage.

3205 Previously we have grown superstars and world champions such as Andy Priaulx and the late Zef Eisenberg has also put Guernsey on the map with his endeavours not only because of his exploits away but also he has made use of the expertise locally that we have available from our local engineering companies.

3210 Also going onwards I would like to remind Members of the importance of education and getting our young members into motorsport that are involved in motor sport and involved in their mechanics looking after their vehicles and again, that is an important area which is quite often forgotten in our education of our young people and our physical hands-on skills which need to be grown and used. (**A Member:** Hear, hear.)

Going back on to the economic enabler of motor sport, if you were in the pleasure of visiting Alderney in September you would be hard pushed to get a bed because of the motor sport events that Guernsey representatives carry on up there, and again the contribution that they make to Alderney Shipping and the contribution to Alderney that it makes.

3215 Our rally in Guernsey has a lot of visiting members come over from Jersey and bring their motor vehicles and there is also the very popular Sand Ace which unfortunately has disbanded for now, but again that brought lots of motor cyclists over from the UK. We quite often have a two-day motocross event. Again there is much diverse motor sport available, and I would like just to remind Members that it is not all about something with a ball; you quite often need wheels and an engine.

3220 Being on the Environment department, one should not necessarily support internal combustion engine, but it a great opportunity that the Isle of Man have grabbed hold of and they run the TT

Zero. There is nothing stopping Guernsey running a TT Zero race in Guernsey. TT Zero, for those who do not know, is electric motorcycles. Again the late Mr Eisenberg was a very good exponent of using this motorcycle and he ran a team in the Isle of Man. TT Zero is something that could quite well happen in Guernsey, and I am sure you would not get any complaints from our colleagues in the Isle of Man about bed nights that they get from their TT experience.

Some Members might think that motor sport is anti-social but my view is that everyone has got a right of enjoyment to a hobby (**A Member:** Hear, hear.) and some of us do not sit indoors stamp collecting, some of us like to enjoy using speed in a safe and regulated way, which brings me on to the regulations involved in motor sport.

How often have Members looked underneath the bonnet of their vehicle if it is a combustion engine? Motor sport takes its safety very seriously, every event vehicle is inspected by independent scrutineers and even if there is a nut or a bolt out of place you are not permitted to race or even circulate your vehicle; on some occasions you are not even allowed to drive it home. We are regulated by the Motor Sports Association and also the ACU, the Auto Cycle Union. Safety is a very important factor and again I pay tribute to all of the volunteers that help motor sport in Guernsey and again across the Islands and would just like to remind Members that motor sport is an important part of Guernsey's make up.

Thank you very much. (*Applause*)

**The Deputy Bailiff:** There we are, the first new Deputy to make a maiden speech.  
Deputy de Sausmarez.

**Deputy de Sausmarez:** Thank you, madam.

I cannot really follow that, certainly not in any respect to do with the knowledge of motor-sport. So I am really delighted Deputy Gabriel has spoken in the way he has, it sort of illustrates the breadth of knowledge and interest on the Environment & Infrastructure Committee.

But I was really just hopping to my feet to explain that although this was a decision, or an arrangement I suppose, made between the previous Home Affairs Committee and the previous Environment & Infrastructure Committee it is one that we have obviously – well, I can speak on Environment & Infrastructure's part – we have certainly run it past the new Committee and there have not been any objections, and it really is just more of a sort of operational tidying-up exercise from that respect.

Thank you.

**The Deputy Bailiff:** Deputy Prow, do you wish to reply?

**Deputy Prow:** Thank you, Madam Deputy Bailiff.

Very briefly. I thank Deputy Gabriel for his support and I full endorse all the points that he made. I also thank Deputy de Sausmarez for actually endorsing the point that I should have made that the current Committee also supports these proposals.

So I ask the Assembly to support the two Propositions.

Thank you.

**The Deputy Bailiff:** Those who wish to support the Propositions say *Pour*; those against.

*Members voted Pour.*

**The Deputy Bailiff:** The Proposition is carried.

## Billet d'État XXVII

### COMMITTEE FOR HOME AFFAIRS AND POLICY & RESOURCES COMMITTEE

#### I. Brexit and Biometric Data: Extending Relevant Provisions of UK Immigration Acts – Propositions carried

##### *Article I*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter entitled 'Brexit and Biometric Data: Extending Relevant Provisions of UK Immigration Acts', dated 16th November, 2020, they are of the opinion:*

*1. to agree that an Order in Council be made to extend to the Bailiwick, with such modifications as appear to Her Majesty in Council to be appropriate following consultation with the Committee for Home Affairs, the following provisions of the following Acts of Parliament –*

*(a) sections 144, 144A, 145 and 146 of the Immigration and Asylum Act 1999,*

*(b) sections 126, 127 and 164 of the Nationality, Immigration and Asylum Act 2002,*

*(c) sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 61 of the UK Borders Act 2007,*

*(d) sections 9, 12, 13 and 77 of, and Schedule 2 to, the Immigration Act 2014,*

*(e) sections 1, 2, 4, 5, 7 and 10 of the Immigration and Social Security Coordination (EU Withdrawal) Act 2020, and*

*(f) such related provisions as it may be necessary or expedient to extend in order to give effect to the above provisions, and*

*2. to signify their agreement to the substance of the proposed Order in Council (a copy of the latest draft of which is attached as an Appendix to the Policy Letter) for the purposes of Article 72A of the Reform (Guernsey) Law, 1948 as amended.*

**The Deputy Greffier:** Billet d'État XXVII – Article I – Committee for Home Affairs and Policy & Resources Committee – Brexit and Biometric Data: Extending Relevant Provisions of UK Immigration Acts.

3270

**The Deputy Bailiff:** Deputy Prow, I believe you are introducing this.

**Deputy Prow:** Thank you once again, Madam Deputy Bailiff.

3275 Yes, this policy letter is jointly produced by the Policy & Resources and the Committee for Home Affairs. The Committee for Home Affairs is happy to present this extension of an Order in Council related to Brexit and Biometric Data within the UK Immigration Acts.

3280 While the Committee is mandated to deliver the provisions of immigration within the Bailiwick the Reform Law 1948 was amended in 2019 to include Article 72A of The Reform (Guernsey) Law, 1948 which requires that where an extension to an Order in Council is sought that this must be presented to the States of Deliberation by the Policy & Resources Committee following consultation with the relevant committee, and Deputy Le Tocq has mentioned this in some detail in his statement to the Assembly this morning.

The Order if extended will:

... repeal provisions relating to free movement of [the European Economic Area] EEA citizens and their family members and bring them under Bailiwick immigration control ...

It will also:

... protect the status of Irish citizens in Bailiwick immigration law once their EU free movement rights are ended in the United Kingdom, and empower the Committee for Home Affairs to make regulations to ... amend legislation in consequence of, or in connection with, the ending of free movement.'

3285 And in addition modify and extend:

... the power to make regulations to require and authorise the collection and processing of biometric information for immigration and nationality purposes where this may be necessary to protect the integrity and security of the Common Travel Area.

As the Bailiwick is part of the Common Travel Area with the United Kingdom, the Isle of Man, the Bailiwick of Jersey and the Republic of Ireland, the Committee *for* Home Affairs wishes to extend the relevant provisions in the 2020 Act to the Bailiwick providing similar effect in the Bailiwick.

3290 The Committee considers that it is necessary to extend the Bailiwick provisions and enable the collection of registration of biometric information more widely in order for the Committee to implement an appropriate and proportionate system of biometric registration to ensure the security and integrity of the immigration and nationality system in the Bailiwick.

3295 Biometric information is information about a person's external physical characteristics including in particular fingerprints and the features of the iris.

For the purpose of the provision to be extended to the Bailiwick biometric information would also include any other information about a person's physical characteristics prescribed by regulations made by the Committee.

3300 Returning to the need for the Committee to make regulations following the removal of the community rights of EEA nationals as a consequence of Brexit it is imperative for Home Affairs to have the powers to make our own regulations to enact consequential transitional and saving provisions in the same ways as the Secretary of State will be authorised to make such provision under the 2020 Act.

3305 I must stress, Madam Deputy Bailiff, that Home Affairs are working together with the Committee *for* Economic Development, Policy & Resources, the Law Officers, Alderney and Sark to ensure the post-Brexit regime not only respects the Common Travel Area but importantly meets the needs of the Island and its economy, a point that Deputy Roffey has already alluded to.

3310 We are all alive to the fact that negotiations have been taking place at pace in recent weeks and the Committee, with colleagues from across Government, continues to work closely with the UK Home Office to ensure that we have policies in place that meet the needs of our Bailiwick and I would also at this point endorse the points made this morning by Deputy le Tocq thanking the hard work of all our officers that have been involved in these negotiations.

I am pleased to assure this Assembly that this work has been started and was flagged as a priority as soon as this Committee came into office.

3315 Unfortunately I will not be able to share the details of these specific policies with the Assembly today, some decisions have yet to be made. However, once finalised there will be no delay in communicating this as the Committee is acutely aware that businesses and individuals need to be able to make plans for the future.

3320 The Committee *for* Home Affairs is fully supportive of the need to protect the status of Irish citizens in Bailiwick Law once their EU freedom of movement rights are ended in the UK.

The Committee therefore urges Members to support this policy letter.

Thank you, madam.

**The Deputy Bailiff:** Deputy Ferbrache.

3325

**Deputy Ferbrache:** Madam, as Deputy Prow has said this is a joint policy letter.

I am grateful to him and his Committee for leading on it, but I speak on behalf of Policy & Resources Committee and we also unanimously support the Propositions and I align myself and the Committee aligns itself with the remarks made by Deputy Prow.

3330 The Reform Law was recently amended and section 72A to which Deputy Prow has referred to is referred to in paragraph 8.1 of the Billet, 8.1 of the policy letter in relation to this particular proposal.

Now Deputy Roffey said, 'Look, it is important', when he was dealing with his topic about Latvia, 'that we do all that we can to facilitate, to make sure that immigration is no more difficult post-Brexit than it has been now.'

Because for example I referred when I declared a theoretical conflict of interest in relation to the hospitality industry. Now the hospitality industry employees about 1,800 to 1,900 people in Guernsey nearly every single one of those is from Latvia or Poland or Romania or Bulgaria and therefore we need those people to keep coming to these shores.

3340 The idea of this legislation is to ensure that that is as practical and as expeditious as is possible. Therefore we are aligning ourselves with the immigration policy that is referred to by Deputy Prow in his introduction.

What is attached to the policy letter is the draft piece of legislation and the idea is that this draft piece of legislation, subject to any necessary modifications, it is intended to be considered by the Privy Council at its next available sitting. So again going forward but in relation to it, it wants the Royal Sanction once we have moved on and the Lieutenant Governor can do all the things that we would want he, or perhaps in future she, to do that we would be able to control ourselves even more, we would be able to manifest our own legislation through its passage even quicker.

3350 But in connection with this, again Deputy Prow referred to the speech of Deputy Le Tocq this morning on constitutional matters which was truly excellent, he delivered it in a knowledgeable, efficient, and informative way, that we want to be able to show our independence of our community, our independence in international matters and the fact that we can make our own decisions.

This is exactly that and I commend therefore this policy letter to the States.

3355 **The Deputy Bailiff:** Deputy Gollop.

**Deputy Gollop:** Thank you.

3360 I am obviously going to support the policy letter, but sometimes we get immigration issues before us and legislation, I think only a few weeks ago we had one, and it puzzled me a bit, because we were asked to give powers to Deputy Prow's officers, Border Agency officers and I thought in reality they have already got those powers, or perhaps they never had, but when they stopped me and other people they kind of pretended they had and I did not know any better.

3365 I think that is actually how it is because we keep on with very sophisticated models of legislation that we get and even if we do not get we get told by other international organisations and anti-money laundering groups and so on. We are encouraged to have more and more subtlety and detail in legislative nuances that in reality we all know what we are talking about, we are talking about border control, border security and becoming aware of people who perhaps have a difficult agenda.

3370 So I support all of that but I notice this morning in discussion the comment was made, by Deputy Le Tocq actually, that people who are resident in Guernsey who are from the European Union who have not registered need to by 31st December. The same message that has been put out in Jersey in slightly more authoritarian tones that they would be living there illegally if they do not. So that is a message and I think Switzerland was brought into this too.

3375 I notice that perhaps not every Member was totally keen on the minimum wage increase that we have just supported.

3380 But we have to be aware that the Brexit migration topic will not go away and we have to be mindful as best we can that Deputy Prow and Deputy Ferbrache are able to manage immigration in a way that not only ensures we remain robustly within the Common Travel Area but that we have the maximum appropriate security for our Island and Bailiwick, but at the same time we do not close the door to migrants that are necessary for the hospitality, or caring, or other industries, and I think



from time to time we may have to push back with the UK model of immigration because it might not be appropriate for Guernsey.

3385 But in terms of extending relevant provisions of the UK Immigration Act for security reasons we have to go down that route, and of course we are aware that ever since 2001 the United States have been particularly mindful of biometric data.

So I say a guarded yes but at times we may have to stand up to the United Kingdom to ensure we have our own migration policies that are proportionate to us.

3390 **The Deputy Bailiff:** Deputy Dyke, your maiden speech. (*Interjections*)  
Does anybody else wish to speak? Deputy Queripel.

**Deputy Queripel:** Madam, thank you.

3395 In his speech Deputy Prow referred to the Common Travel Area and the regulations that are in place allow convicted paedophiles to travel between jurisdictions as long as they inform the authorities of their intentions to travel and their whereabouts.

3400 I have always felt those regulations needed to be a lot more robust and I did make an effort to strengthen them in the 2012-16 Assembly. I did not receive enough support so I reluctantly had to let the whole issue go. But I still have concerns so I am looking for an assurance from Deputy Prow that if there are any attempts to relax regulations by any other jurisdiction can he give me assurance that he will rally against those propositions and those intentions please.

If I do not get that assurance then I shall have to seek to do something myself, but I am hoping that he is going to tell me he has every intention of rallying against any efforts to reduce and relax those that are currently in place.

3405 Thank you, madam.

**The Deputy Bailiff:** Deputy St Pier, you rose before, do you still wish to speak?

**Deputy St Pier:** Thank you for reminding me, madam. Up and down like a yo-yo today.

3410 I too will be supporting the Propositions. I just want to make a couple of very brief points. These are significant and important changes and sadly I think that the time between the policy letter's publication and debate of nine days is woefully short.

3415 Now I appreciate that the requisite UK Act did not receive Royal Assent until 11th November, five days before publication and we almost certainly have been waiting, I imagine, and I am sure Deputy Prow will confirm this, for the UK to actually draft the requisite Order in Council which is appended to the policy letter and they are notoriously slow at producing these things.

3420 But whilst all of that was going on the Bill of course was wending its way through Parliament in Westminster. I think it would have been preferable for the joint committees, I know there has been a period of change in Government, but I think it would have been preferable to have at least given Members a heads up that this was heading down the tracks towards us. I think these are the kind of things we need to be changing if we are serious about improving communication with Members. So I just make that point and I am sure Deputy Prow will respond to that.

3425 Secondly, I just want to draw attention to the fact that I think this is probably – I know we have lost Deputy Le Tocq for the moment from the Assembly – but I think this is the first time that we are actually engaging Article 72A of the Reform Law as is set out in paragraph 8 of the policy letter and I think it is explained well there, that we are required to signify our agreement to the proposed Order before it is transmitted to the Royal Court for registration.

3430 Of course we discussed that this morning in relation to Deputy Le Tocq's statement on the Permissive Extent Clause in the Fisheries Bill, and of course if at any point the UK Government does produce an Order in Council to extend the provisions of the then or of the now UK Fisheries Act to us and our waters then Article 72A will of course be engaged on that issue too.

Now, the consequence of us failing to provide our agreement of course is untested but we should be in no doubt that I think that the policy letter before us today is actually an important

precursor for what actually may be a more contentious successor in the weeks or months ahead and I think in light of the discussions this morning let's all hope not.

3435 But I would be grateful perhaps if Deputy Prow would just deal with the first point when he sums up.

**The Deputy Bailiff:** Deputy Prow would you like to respond.

3440 **Deputy Prow:** Thank you, Madam Deputy Bailiff.

I thank all the Deputies who have contributed to this debate. This is an important subject and of course this is the beginning of a process not the end. So the engagement on it in this Assembly is very useful.

3445 I first thank Deputy Ferbrache. I completely agree with him that the Committee *for* Home Affairs are aligned completely with P&R on this and I thank him for his further explanation, by explaining the Reform Law provisions and why they are necessary and also pointing out that the legal text actually appears in the policy letter and so the draft can be considered by the Privy Council.

3450 Moving on to Deputy Gollop's point about where he started to talk I think about the powers of the immigration officers and them operating on the border controls, I can assure mainly because I had a long career in customs and immigration and border control, officials do not pretend about their powers, they are absolutely committed to acting within the Law and in fact they would be open to litigation and certainly if matters appeared before the Island's courts they would be taken to task.

3455 I think the point that Deputy Gollop is making that a lot of legislation the powers overlap so customs officers enjoy very wide powers which are also granted to immigration officers.

3460 What we do moving forward, we enhance those powers, and in this particular instance we are talking about the ability to extend already existing powers with regards to taking of biometric data which is actually contained in all modern passports and the officers on the controls have the technology to download this sort of information. So these powers as we move forward are being extended.

I am also grateful to Deputy Gollop for again reinforcing a point made earlier in another matter by Deputy de Sausmarez around encouraging EU residents who qualify for settlement to register before the end of the year.

3465 Whilst we believe that the vast majority of those who are entitled to settlement have so registered and we have talked about the Latvian community but of course it goes right across the board of EU nationals, who contribute greatly to the Guernsey work force, (**A Member:** Hear, hear.) and what I think we have identified is that there are still some people who have not so registered and I would thank Deputy Gollop and Deputy de Sausmarez for raising this and encourage anybody who is an EEA national – and just to clarify what we are talking about with EEA nationals, that is any member of the 27 EU States plus Norway, Iceland, Liechtenstein and Swiss nationals .... So it is important that they register if they have not done so.

3470 Also I think Deputy Gollop's point was around what the arrangements will be for EEA nationals in the future, and what is very important to raise in the policy letter is section 1.4(c) which is, if this policy letter is approved:

... empower the Committee *for* Home Affairs to make regulations to make provisions and amend legislation in consequence of, or in connection with, the ending of free movement.

3475 So what this means is that the Committee *for* Home Affairs will have the powers to make those regulations and I can give this Assembly assurance that in doing so we will have the interests of this community, and the skills shortages that are apparent, and that means that we do not have to necessarily go round down the UK points based system and we can make our own regulations and there is a determination to do so through the Home Affairs Committee and also in conjunction with the Committee *for* Economic Development and we have already met and we have already discussed this.

So using Deputy Gollop's words he talked about pushback from the UK, it is not so much a pushback it is about balancing what we need to do to remain within the Common Travel Area which is just as important to our economy and the way this jurisdiction works, as it is in protecting our economy and our businesses.

Moving on to Deputy Queripel if I have understood what he was asking me was around arrangements which are not enshrined in Immigration Legislation this is other legislation where convicted paedophiles is the example he used appear on registers in other jurisdictions within the Common Travel I think that is the essence of his question. That is picked up by entirely separate legislation and again I can assure Deputy Queripel that the Law Enforcement Authorities are vigilant in screening whether these people are travelling and they are dealt with under that legislation both by the GBA and the Police and anything that is contained within the proposed legislation will not form any sort of relaxation on the powers that are in place. Also the provisions that such people who appear on such registers have to notify the local authorities when they arrive.

Finally Deputy St Pier I completely agree with him about the short timescales and it is not just about the question of this particular Act, and the extension of this Act, it is also about the fact that they, the UK Authorities, have quite recently changed their policy with regard to EEA nationals and bringing in visa requirements for those who are coming to work, and that has also been done at short notice.

I agree with the point that he has made but the only assurance that I can give him is that this Home Affairs Committee picked up this issue right from day one and we have been working with the officers, we have been working with Economic Development, we have been working with Policy & Resources, and to be fair we have had to get our heads around what are very technical and complex issues.

Perhaps all I would say is there is a lot more work to do and the point around how quickly this has got to be done is absolutely not lost on the Committee, or on P&R, or on Economic Development and I am not taking anything away from the point he has made but I hope that that gives him some assurance.

Deputy St Pier also asked whether it was the first time engaging extension 72A all I would say to that I am sure all the points that he has made have been listened to by Policy & Resources and that they will have noted all his comments on that.

Madam Deputy Bailiff I think that is all I need to say at this stage and I ask the Assembly to support the Propositions.

**The Deputy Bailiff:** Thank you, Deputy Prow.

Those who wish to support the Proposition say *Pour*; those who wish to stand against the Proposition.

*Members voted Pour.*

**The Deputy Bailiff:** The Proposition is carried.

## Billet d'État XXV

### POLICY & RESOURCES COMMITTEE

#### XII. Schedule for Future States' Business – Approved

##### Article XIII

*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 16th December, 2020 and subsequent States' Meetings, they are of the opinion to approve the Schedule.*

*Items for Ordinary Meeting of the States commencing on 16th December, 2020*

- (a) communications by the Presiding Officer including in memoriam tributes;*
- (b) statements;*
- (c) questions;*
- (d) elections and appointments;*
- (e) motions to debate an appendix report (1st stage);*
- (f) articles adjourned or deferred from previous Meetings of the States;*
- (g) all other types of business not otherwise named;*
  - No. 21 of 2020 – The Income Tax (Approved International Agreements) (Implementation) (Mandatory Disclosure Rules) Regulations, 2020*
  - No. 76 of 2020 – The Criminal Conviction Declarations of Candidates (Public Inspection) Rules, 2020*
  - No. 106 of 2020 – The Water Charges (Amendment) Regulations, 2020*
  - No. 107 of 2020 – The Wastewater Charges (Guernsey) Regulations, 2020*
  - No. 108 of 2020 – The Waste Management Services (Charging) Regulations, 2020*
  - No. 109 of 2020 – The Waste Disposal and Recovery Charges Regulations, 2020*
  - P.2020/189 – The Parole Review Committee (Validation) (Guernsey) Law, 2020\**
  - P.2020/190 – The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) Ordinance, 2020\**
  - P.2020/192 – Committee for Home Affairs – Data Protection: United Kingdom Adequacy and Data Sharing\**

*Amendments to the proposed meeting dates and order are permitted only for those items marked with an \*.*

*Items for Special Meeting of the States commencing on 15th December, 2020*

- P.2020/193 – Policy & Resources Committee – The States of Guernsey Annual Budget for 2021*
- P.2020/191 – Committee for Employment & Social Security – Non-Contributory Benefit Rates for 2021*

*Ordinary Meeting of the States commencing on the 27th January, 2021*

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

*Ordinary Meeting of the States commencing on the 26th May, 2021*

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

3520 **The Deputy Greffier:** Billet d'État XXV – Article XII – Policy & Resources Committee – Schedule for Future States' Business.

**The Deputy Bailiff:** Deputy Ferbrache.

3525 **Deputy Ferbrache:** Nothing to add to the Schedule, madam, I ask the States to approve it.

**The Deputy Bailiff:** Those who wish to support the Proposition in relation to the Schedule for Future States' Business please say *Pour*; those against.

*Members voted Pour.*

**The Deputy Bailiff:** The Proposition is passed.

Thank you Greffier.

3530 We will now bring the day to an end. Thank you everybody for your contribution today I now ask the Greffier to read the Prayer.

*The Assembly adjourned at 4.19 p.m.*