



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 21st August 2020

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Present:

Ms J. E. Roland, Deputy Bailiff and Presiding Officer

Law Officers

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

People's Deputies

St Peter Port South

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

St Peter Port North

Deputies C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc

St Sampson

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

The Vale

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

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

Alderney Representative A. Snowdon

The Clerk to the States of Deliberation

C. Foster (H.M. Deputy Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller) Deputies M. P. Leadbeater, J. I. Mooney;
Deputies A. H. Brouard, J. A. B. Gollop, S. T. Hansmann Rouxel (*relevé(e) à 9h 48*);
Deputy C. J. Green, (*relevé à 9h 56*); Alderney representative S. Roberts (*relevé à 10h 01*)

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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

Billet d'État XVI

COMMITTEE FOR EDUCATION, SPORT & CULTURE

XIV. Funding to Support the Guernsey Language –

Debate concluded –

Propositions carried as amended

Article XIV.

The States are asked to decide:

Whether, after consideration of the policy letter entitled FUNDING TO SUPPORT THE GUERNSEY LANGUAGE dated 25th June 2020, they are of the opinion:-

1. To note the Committee for Education, Sport & Culture's intentions with respect to the Guernsey Language Commission, as detailed in sections 4 and 5 of this policy letter; and agree to the Committee for Education, Sport & Culture making a total grant of £300,000 to the Guernsey Language Commission; and direct the Policy & Resources Committee to recommend Cash Limits for the Committee for Education, Sport & Culture for 2021, 2022 and 2023 that include specific additional funding of £100,000 for each of those years for this purpose.

[Amendment 2](#)

To add an additional proposition as follows: "2. To resolve that both Guernésiais and Français (i.e. Standard French) are recognised as official languages of Guernsey, alongside English, and to direct the Policy & Resources Committee to coordinate and take such actions as necessary to ensure that their resolution is given effect under Guernsey law and recognised internationally."

The Deputy Greffier: Article XIV – Committee for Education, Sport & Culture – Funding to Support the Guernsey Language. Amendment 2. Continuation of debate.

5 **The Deputy Bailiff:** Deputy Smithies.

Deputy Smithies: Thank you, Madam Deputy Bailiff.

I do apologise for standing so early. I am so keen to speak before there is another attempt to guillotine this, that I forgot the roll call. I am very much in favour of this. I think it is a great idea. However, Deputy Parkinson yesterday did allude to one or two problems which might arise.

So I would just like to inquire of Deputy Le Tocq, when he responds, how does one actually achieve international recognition for a language? If we have to go through the process of writing everything, as they seem to do in Europe, in every language that is recognised by the institution, then of course that becomes onerous.

As is often said, the devil is in the detail, which I believe is actually a German proverb *der Teufel steckt im Detail*, which could be in French *le diable est dans le detail* or, even in Basque, *deabrua xehetasunetan dago*. How do I know that? Because I looked it up on Google Translate. I speak a bit of French, but not much German and certainly no Basque at all.

That would be, and I suggest this is a serious contention to anyone who wishes to promote Norman French, try and get it onto Google Translate. That would be a tremendous step forward, I would think, in getting that language more widely known. So, yes, I will certainly support this, given that there are some questions, which still need to be answered, but as the amendment says, direct the Policy & Resources Committee to take such action necessary, *etc*.

While I am on my feet, I would just like to correct one statement, which was made yesterday, I think in the heat of the moment, that we had a German queen. Sorry, this is absolute nonsense. The Queen was born in Mayfair, she had an English father and a Scottish mother. Her grandfather, her great grandfather, her great great grandmother, her great great great grandfather and her great great great great grandfather were all English. She has got a direct bloodline back, as someone referenced yesterday in the debate more than once perhaps, she is the Duke of Normandy. How the Duke of Normandy can be German I just do not understand.

Thank you.

The Deputy Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir. Sorry, thank you, Madam Deputy Bailiff!

Yesterday afternoon there was really very strong, warm applause for a speech by Deputy Le Pelley. I might be the only one in this Chamber, I really did not like his speech at all. I found his tone far too nationalistic, far too full of dog whistle expressions like 'swamped' and 'taken over', far too much like a local version of a UKIP anthem, if you like.

It gave the impression that our loss of culture, our loss of language, in particular, because that is what we are talking about today, as something that has been done to us from outside; that these nefarious outsiders are trying to Anglicise us, whereas there is probably is a plucky core Guernsey-to-the-core resistance movement, who are trying to fight it off, rally round, let us stand together because these evil outsiders are trying to do it to us.

I do not only think that is slightly offensive to all the non-indigenous speakers who live in Guernsey, but also this would be re-writing history. I do not think it is true. I think that Guernsey people have done it to themselves, with lots of mitigating factors like the fact that most of our children were evacuated for five years to the UK, which was obviously was a step change in the loss of the language; like the fact that television is in English and now the internet tends to be in English, or maybe Chinese depending where you get it from but mainly in English.

The only way maybe slightly it was done to us from outside was the core of English teachers in their 40's and 50's who came to work in Guernsey who really resented local children speaking in Guernsey French, because they assumed they were talking about their teachers, because they did not understand what they were saying and therefore insisted that they just stop doing it; in some cases sent them home and said, 'Come back when you can speak English.' But by and large it has been our own cultural attitudes.

I grew up in a family – as most of us did, I suppose! – my dad spoke Guernsey French, Vale dialect, probably I think everybody would accept the only true dialect of Norman French to be found

anywhere, but it was never spoken at home, for the very simple reason that he had married an English lady.

So my exposure as a young child to Guernsey French was when I was out with my Gran. I cannot believe it, 40 years in politics, off and on, I have never mentioned my Gran before this Meeting and it is the second time. When I was out with Ida Roffey, the girl that was Torode, definitely chapel not church, and when we bumped into various of her friends, they naturally broke into Guernsey French and I was fascinated, because it was not spoken at home. So I would ask her about it and her response was pretty much, 'Do not take any notice of that, you want to speak English.'

It was a bit like, 'You want to get a good education. You want to get a job. You want to get on in life.' It was not just my Gran it was the whole of her generation. That was their attitude. This was something that was forgotten about and English was the way to go. A bit like, I suppose, a British parent in the early part of the millennium before last would be telling children, 'You want to learn Roman ways because that is the way you are going to have a good career.'

So I think it is very much down to us, the Guernsey indigenous population for deciding that we no longer wanted to speak our language. By contrast, many of the incomers that I have met get really enthusiastic for our culture and language. Indeed, Deputy Le Pelley mentioned Deputy Dave Jones, a Londoner to the core, who absolutely embraced his adoptive Island and just loved everything about it. Yet he objected to the term 'acres' – quite right. We have perch, we have vergées, we have bouvée, we have *[inaudible]*, depending on how big a bit of land you want to buy.

It is not unique. I have to say, if I wanted to buy land in Sri Lanka, which I never have despite the rumours a few years ago, I would be buying them in perch and vergées so let us not overdo how unique that is. But he was perhaps typical of the incomers, who were more enthusiastic about our traditions than we are ourselves.

Deputy Le Pelley also said we do not call Members of this Assembly MPs, we call them Deputies, as if that is something really, sort of, you know ... I do very much want to always call us Deputies. I was horrified a few years ago when a review panel suggested that we might become members of the Guernsey Parliament or MGPs or something like that.

For people who think that is some really unique, Guernsey heritage, I will just say a few words to them and these words will not need translating. Algeria, Argentina, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Czech Republic, Dominican Republic, Ecuador, El Salvador, Finland, France, Guatemala, Guernsey, Haiti, Honduras, Iran, Ireland, Italy, Jersey, Latvia, Lebanon, Luxembourg, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Poland, Portugal, Romania, Russia, Serbia, Somalia, Spain, Ukraine, Venezuela. Just a small example of the countries that call members of their parliament Deputies. It is the most common name for a member of a legislative assembly anywhere in the world.

While I am saying I do not want to blame anybody for anything, I will blame my former employer for the fact that people do not seem to be aware of that. My former employer the BBC, who translate everything for a domestic audience and talk about an Irish MP or a Russian MP, when in fact they are no such. Well, in Russia, they are whatever Vladimir decides they are going to be called, of course, but that is another matter.

So I do not think we ought to re-write history today. I do not think we should use this debate as a sort of nationalist rallying call or blame others. It is not the fault of evil outsiders. It really is not. There is not a band of people determined to anglicise us. We have done it to ourselves, we are responsible for our own destiny. We have nearly let our language go. It has not been done to us.

I confess, I have to confess, that until the relatively recent past, I thought that although that was sad it was probably too late to save it. I am still not totally convinced that it is not but I have been inspired by what has happened in the Isle of Man. I think it is incredibly impressive and I believe that we now do stand a chance if we put the proper resources in and the proper determination.

So I do hope there is more joy in heaven for this sinner that has repented than for ... because I do think that I was probably wrong in that respect. But the one thing I do know is that it is now or never; absolutely now or never. As for whether it should be an official language, which is all I should be talking about really but debate on the amendment seems to have spilled out from that, I am a

bit in the Deputy Parkinson camp. I do not normally like gesture politics. But actually this is a gesture and if this is make it a totem of saying this shows that we are serious about it by making it an official language and that is the only consequence then I can actually see that there is some merit in that.

But when you look at an official language on the internet, what the meaning is, it does seem to carry implications and quite expensive ones. Now when we get onto the main debate we are going to be proposing setting up a Commission whose main task is deciding how to spend fairly limited resources on the best way to save our language. Incidentally, they will get lots of free, I do not wish to labour the point, expert advice from linguists actually outside of the Island that will come in and help them in doing that.

I do not want to pass this if it is going to take off a big chunk of the limited resources in producing paperwork in triplicate or whatever, because money will be limited and it might be that that is the best way to spend it. But it might be the best way to spend it is, as Deputy Smithies said, on online facilities or on educational materials. We are going to have limited money and I think, in a way, this is putting the cart before the horse but I think the Commission, if they recommend that one of the best things to do is to make this an official language, I would listen to that argument, but I would like to have set up a Commission first and let them decide how to spend our limited cash.

There is also another point to this amendment, of course, which was because we are so rightly obsessed with our Guernsey language has not been mentioned very much, which is the proposal to make French an official language of Guernsey. I have to say in the long run I am rather more, well equally enthusiastic for that.

I grew up in Guernsey virtually, on a good day, within sight of France. My French is awful. I hardly speak any of it. My Hindi is better than my French and my Hindi is not very good. I feel actually cheated by that. I think every child growing up in this Island should be bilingual in English and French. I find it absurd that it is not. I still probably would not spend a lot of time in France because I am a vegetarian and the two do not really go together, but I think I should be able to speak French.

Too late for me but I would actually be willing to invest really quite serious money, Canadian-style total immersion courses and things like that, in the long run, in actually making sure that every child in Guernsey grew up speaking English and French. I think that is a different issue. This is almost ... being able to speak Guernsey French will not unlock the world for Guernsey children but it will be a huge project, it will make them appreciate their heritage and feel their roots to Guernsey. But I think actually that French is another matter and we should look at that very seriously indeed but that is probably not for today.

Really my question to Deputy Le Tocq is what does he mean – I think I am not the first person to ask this – what does he mean by official language, because if it is going to take off, we are suggesting a few hundred thousand pounds, which is probably on the light side of what we really need to make a difference. If it is going to take off a chunk of that in producing paperwork and signs which may not be the most effective way of spending that money then, I am sorry, sympathetic though I am I will vote it down.

If it is a totem to say we are doing this, it is not going flow through to any extensive consequences but it is showing that we are serious about this and this is where we want to get to, then I will be far more sympathetic towards it.

The Deputy Bailiff: Deputy Prow.

Deputy Prow: Thank you, Madam Deputy Bailiff.

I shall be very brief. I rise to support this amendment wholeheartedly and I thank Deputy Le Tocq and Deputy Le Pelley for bringing it. I also thought that the speech by Deputy Paint was probably the stand out speech of this term for me and I enjoyed it immensely.

I only really rise because I think it was Deputy Tooley and Deputy Parkinson who have drawn out the spectre of having documents translated and some of the perhaps negatives of it, but I am

relaxed by the wording of the amendment and I am sure Deputy Le Tocq, in his closing, will point out that what the amendment actually says is to:

... direct the Policy & Resources Committee to coordinate and take such actions as necessary to ensure that their resolution is given effect under Guernsey law and recognised internationally.

Now Deputy Le Tocq is a Member of the Policy & Resources Committee. I am sure that, if this amendment is passed, I feel absolutely every confidence that Policy & Resources, in discharging this as a Resolution, would take actions necessary to ensure that this was done in a way that was appropriate to the purpose that it is trying to save, which as Deputy Roffey said is about culture and language and that is the primary objective, and that in recognising the language internationally, it would be done in a proportionate way.

I have absolute confidence that, if this is passed, and I hope all Members of this Assembly do pass it, that Policy & Resources will be pragmatic and come up with, in their co-ordinating of actions and doing what they think it is necessary to discharge this, they would do this at low-cost and in an entirely appropriate way.

Thank you, madam.

The Deputy Bailiff: Thank you. Deputies Gollop, Hansmann-Rouxel and Brouard, do you wish to be relevé(e)?

Deputy Gollop: Thank you, madam.

Deputy Hansmann Rouxel: Yes please.

The Deputy Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, Madam Deputy Bailiff.

I certainly do not need to be persuaded of the importance of the language and its connection to our heritage. That is very much my heritage and I do not need to be convinced of that at all. But that is actually for general debate. The issue that we are supposed to be debating right now is whether we resolve that both Guernésiais and Français, I am trying to get my emphasis right for Deputy Le Tocq, are recognised as official languages in Guernsey, alongside English etc.

It is the semantics that I am struggling with. I would like to give the credit to Deputy Tooley, actually, to open this can of worms and it is the issue that I am struggling with. Deputy Roffey mentions the definitions of official languages. I had a quick chat with Deputy Le Tocq about this at the end of yesterday's Meeting and he persuaded me, well he tried to persuade me, as I am sure he will try to persuade everyone, that there is no official definition of an official language and I accept that. But I think there are generally perceived perceptions.

There are generally accepted perceptions of what an official language is and certainly when you do look at the sort of gamut of definitions, it does tend to indicate a language, not necessarily used by a people, but by its government, and its purpose does seem to revolve around, quite often in these definitions, access by people who speak those languages, to the government.

I am really glad Deputy Roffey actually brought this up about there has been a lot of focus on our native language, our indigenous language, but adding French to that, one of my concerns is not necessarily, I am sure we could come up with an arrangement where we say we are not going to replicating all official Government documents in three languages because that would be barmy, at this stage at least. But I think if we adopted it as an official language, I do not think that many people speaking Guernésiais would necessarily wanting to access Government services and documentation, etc., in that language, but I think people who speak French would have a right to expect that if they are calling up from Normandy.

One of the reasons that Deputy Le Tocq, I think in particular, is keen to promote our adoption of French as an official language is to further our relations with them and all of that. If we have

adopted it as an official language, they would be within their rights to be able to communicate with them in that way. I am just not convinced that we have the expertise or we could get the expertise in a suitable enough timeframe.

I give way to Deputy Oliver.

Deputy Oliver: Thank you, madam.

Thank you, Deputy de Sausmarez. Many of the forms that you need to fill in for legal things are actually done in multiple languages already. If you want a passport, it is done in I do not know how many languages, also population management. So there is already a lot of languages it is transferred to.

Deputy de Sausmarez: Exactly and I think a lot of those languages that Deputy Oliver rightly refers to are languages such as Latvian, Portuguese, Polish, and we have those languages, we have our Government documents available in those languages for the very good reason that we have significant, important sectors of our community who are not comfortable enough, either reading or writing in English, to be able to access that information or those services in English and it is incredibly important that we do provide that information and access to those services in those languages. But it is not being suggested that we are adopting those as our official languages.

I give way to Deputy Paint.

Deputy Paint: I just thought I would point out, all over the internet nowadays you have translations of many languages. So if somebody from France wanted to see a document, all they have got to do is pass it through one of these translating languages and it is very simple and costs nothing.

Deputy de Sausmarez: Deputy Paint is of course right. I should have probably started this off: I am the daughter of a languages teacher. I am really passionate about languages. I am not anywhere in the league of Deputy McSwiggan but I do not need to be persuaded of the importance of keeping languages alive and supporting as many of them as possible.

I think, as someone who has resorted to Google Translate on many occasions, I can say that even my limited knowledge of some languages will show the flaws in that system. But Deputy Paint is right. That provision is available, but it is not the same as enshrining something as an official language.

I do have concerns about, more around adopting French, actually, because I think Guernésiais would be more of a gesture and as long as we can get away from any expensive complications then maybe that is a very good thing to do. But I think adopting French as our official language does have problems when it comes to the perception of what an official language should be.

So I am concerned that it is not quite the right term and I wonder whether, instead of 'official language', it should be 'officially recognised' or a 'national' language, which has got an even looser definition than official language. But I do worry that we might be putting ourselves in something of a bind, if we enshrine both Guernésiais and French, Français as it is here, as our official languages, I am not convinced that we have the level of expertise in Government. I am not convinced that we can generate the level of expertise that might be expected of us if we make both these languages our official languages alongside English. Really, that is my concern and I would like to hear from Deputy Le Tocq in reply.

The Deputy Bailiff: Deputy Green, do you wish to be relevé?

Deputy Green: Yes please, madam, thank you very much.

Deputy Inder: I am going to move Rule 26(1), please.

The Deputy Bailiff: Those who wish to speak please stand in their place.

Eight Members stood.

265 **The Deputy Bailiff:** Deputy Inder, do you wish a vote still to be called?

Deputy Inder: No.

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

Deputy Hansmann Rouxel: Thank you. I have to say that when I first looked at this amendment, I had similar questions regarding costs and unintended consequences. And if you allow me, Deputy Inder, to get to my point instead of speaking while I am speaking, I will explain.

275 **Deputy Merrett:** Point of order please. Could I ask Deputy Hansmann Rouxel to speak through the Chair, please madam?

The Deputy Bailiff: Sorry, I cannot hear what you are saying.

280 **Deputy Merrett:** I believe that Deputy Hansmann Rouxel should speak through the Chair and not to a Deputy directly.

The Deputy Bailiff: Have you noted that point, Deputy Hansmann Rouxel?

285 **Deputy Hansmann Rouxel:** Fair point. I had similar reaction to the amendment that has been expressed. One of the unintended consequences that was explained yesterday, the potential ramifications of it as an official language. I come from South Africa and that has 12, I think, now 13 official languages, but the languages are treated in the manner that is appropriate for the administration of 13 official languages. So there is not an administrative burden, you do not have
290 13 different translations on street names, etc.

However, when I applied for British citizenship as a first language English speaker I then needed to take a basic English level test, including a spoken test to prove that I could speak English, because there are 13 official languages. I am happy to say that I did pass! (*Laughter*) That may become a potential downside in the future when, post-Brexit, we do need to start applying for visas to different
295 countries, which I now is quite a foreign concept to most people but something I am quite familiar with, being from a country whose passport is not valued and whose citizenship is not valued abroad in the same way that British citizenship or a citizenship of Guernsey is.

So that was my initial reaction and I had similar thoughts along the lines of where does this end, but I came to the conclusion that, quite recently, I made an amendment, which I envisaged having
300 a small sum of money, but the arguments against were, 'We do not know where this will end. As soon as we start doing some official stuff we do not know how much it is going to cost.' Those were the arguments that were laid against me on that amendment but actually it is up to us, as Government, to determine what this means and how to implement it.

I think Deputy Prow's point on the wording of the amendment does give me comfort that that
305 is possible and I would ask Members to think about that in terms of we are capable of doing this and I do think there are substantial benefits to doing that and how we implement it is more important than worrying about the potential consequences and I think that is an important proviso to agreeing this amendment.

The Deputy Bailiff: Alderney Representative Roberts, do you wish to be relevé?

Alderney Representative Roberts: Yes, madam, please.

The Deputy Bailiff: Deputy Graham.

Deputy Graham: Thank you, madam.

After Deputy Le Pelley's speech yesterday I suppose I ought to establish my credentials for even having a view on this. Bearing in mind we are Anglo-Norman Islands here, perhaps I can be permitted to do the Anglo bit, albeit I am accountable to my Norman wife when I go home, for anything I say in the Assembly!

I want to really detach this amendment, and I am only going to speak about the amendment, from the principal Propositions that are in front of the Assembly, because I think they are two discreet issues and this amendment does pose a problem. My credential, in terms of enthusiasm for the language, I think I need to explain.

When I first came to this Island in the late 1950's/early 1960's, in pursuit of my future wife, I was pretty confident as a fluent French speaker that I would be able to handle this Guernsey French stuff. After all, as a man of Kent, I could handle Geordie and all the other various dialects in the UK and, as a German speaker, I could handle Schwäbisch and Bayerisch and all that sort of thing – sometimes with difficulty.

But I had a shock when I came here and my future in-laws started presumably talking amongst themselves so I could not understand! But I could not really understand any word, let alone the drift. So I did something about it. I went to Harry Tomlinson's evening classes and at least I emerged from those, not able to speak the language, but understanding its origins and better placed to understand it.

If these days I do not understand it very well, it is probably because, at my age, I do not really understand anything at all very much these days! There we are. My love of the language and my appreciation of its significance to our heritage and to our culture and so on is unbounded. It really is. I hope in the main debate I can be in a position to put that over.

But I am troubled a little bit by this amendment because I am attracted by the Deputy Ferbrache approach that come on, it is the concept, never mind the difficulties along the way. Guernsey will not conceivably do anything stupid like insisting everything is produced in three different languages and all that sort of stuff and that is alluring, but I fear the embarrassment of embracing two languages as our national language when perhaps 90% of the population will be able to speak or understand neither. I am just wondering what that will look like to anybody.

I am in a similar position to what I was the other day on raising living standards. Can I bring myself to vote for something I do not really understand the repercussions of and what is involved in it for objectives that I do not really understand? I am on the cusp here. Deputy Roffey, again, presents to us the alluring option and an easy one of saying if it is just totemic and is not really binding us to doing anything significant what is the harm in doing it? It is a gesture and so on.

Again, I am a bit reluctant to go down those grounds. I think my mind will be made up when Deputy Le Tocq responds to the debate but at the moment I am verging towards saying no to this amendment and I hope no Member will misconstrue it as any lack of interest or enthusiasm for preserving our language.

The Deputy Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, Madam Deputy Bailiff.

I too am concerned about the effect of this amendment to resolve to recognise three languages now, rather than as Deputy Roffey says, this is for the Guernsey Language Commission to consider the effects of one language being added. I have a discreet point to add to the list of reasons, in particular following on from Deputy Graham, because I simply wish to ask why Deputy Le Tocq

proposes to have both Guernésiais and the Standard French recognised as official languages. I ask, because I fear that, while Standard French will probably return to use here more readily, it may dwarf any revival of Guernésiais, which is defeating the object entirely; an object I support.

Thank you.

The Deputy Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, madam and thank you for giving me a little bit of exercise this morning. I am glad that Deputy Roffey said what he did in relation to Deputy Le Pelley's speech because, after Deputy Le Pelley's speech, I was really keen to leave this building, build a barricade and start throwing gâche at strangers! It was one of those that really got you going and motivated, but actually, if it was a UKIP speech, it was a typical type of speech that talks more to little Britain than it does about new England.

I think that is the problem. There is a core of nationalism. I am attracted to the language, for obvious reasons, but I think we have to guard against this creeping nationalism in what we do. Somewhere on the coast of France today, sadly, not migrants, refugees will be clambering into rigid inflatable boats hoping, when they get to the other side, they might have members of their family still with them. We noticed a couple of days ago a 16-year-old boy drowned looking for sanctuary in the UK.

As the Germans were about to occupy our Island, the UK gave thousands of Channel Islanders sanctuary. That is what happened. We cannot deny that heritage. We cannot deny that heritage. I have heard, as Deputy Roffey touched on, we have had people moving from the UK, lots of them. (*Telephone alarm goes off.*) Sorry, there seems to be an intermission. This is like Pearl and Dean at the cinema, do I need to sit down now?! I will allow Deputy Ferbrache to find the off switch on his phone.

Deputy Ferbrache: It is a stirring speech! (*Laughter*)

Deputy Brehaut: Thank you very much. Can I say if you can find Elgar's *Enigma Variations*, can you play it now please, as that would be really helpful!

England, the UK was such a welcoming place and we have this connection to the UK. I have cousins up and down the length of the UK and other places. I am a Guernsey person, married to a Scottish person. When England are playing Scotland in our house, you would believe it was my children that turned away Proud Edward's Army! The passion within that room to support Scotland is absolutely immense.

So we have to find a balance here between respecting our own traditions and respecting our language, because our own traditions are not readily defined. As pointed out by Deputy Parkinson at one point in time a singular language was spoken and we need to revert back to that. I do worry that in attempting to do that, Guernsey starts to look very different.

If I was a junior minister appointed in the UK, having a brief, let us say 10 years from now, what do you know about the Channel Islands? 'Well, they are in the Bay of St Malo, their official language is French and Guernésiais, that is the languages they speak ...' You start to look too much like Monaco in my view, if you are not careful, and sometimes there is not a great deal wrong with looking a just bit like Morecambe when you are dealing with people in the UK.

Whilst I appreciate that Guernsey needs to position itself in a post-Brexit environment to Europe, I think we have got really good, solid ties that have been built up over the years that you really have to think very carefully before you cut yourself adrift and it is just a guard against the pull of nationalism over some of the more shallow, appealing elements at times.

Thank you, sir.

The Deputy Bailiff: Deputy Trott.

Deputy Trott: Thank you. I too shall be brief. I remember a few years ago being asked how advanced my linguistic skills were and I said that I confessed to having a smattering of Thai and a smattering of English, but after 20 years, or 19 years, I think when I was asked the question, of public service, I had become fluent in the most difficult language of all, that of the Civil Service!

Anyway, Madam, '*Copines, Romains, compatriots, prêtez-moi tes oreilles.*' Which, I think, means 'Friends, Romans, countrymen, lend me your ears.' But as it was a Google translation, I cannot be certain.

The main reason for standing is to recount a story or a true event, when I was probably about 10 years old, listening to my grandmother and my great-grandmother argue in our language. By that stage, Madam, I had developed an interest in the language and I think by then I probably knew virtually every piece of foul language that the language could offer. Because that is what we heard so often in the language and I see those that grew up with it, such as Deputy Paint, know exactly what I mean.

I remember saying to my great grandmother, 'Will you teach me?' And she said, 'No, I will not.' Because, she said and this was 40 years ago or longer, 45 years ago, she said, 'I will not because you need to learn "good" French. That is of far more value.'

The reason she said that and my grandmother agreed was not because they did not want my generation to know what they were saying, but because of the war years and what had happened, half our community had been evacuated and it meant that the language skills that my grandmother and great grandmother had had not been passed onto the next generation because they were living with host families, or in host communities in Huddersfield and Stafford and the like, whilst my grandfathers were away fighting for King and country.

That is what really killed it off. Fortunately, it is still there, but it has stopped it being spoken as indigenously as it would otherwise have been and I think we all realise that. The problem I have now got is that I am strongly in favour of revising our national language. I think there are all sorts of good reasons for it but I fear that if we tried to adopt three languages, all that will effectively happen is that French, "good" French, the French of the Republic, will become spoken more widely and probably at the detriment of our language.

So I shall not be supporting this amendment for those reasons but I can assure Members that I will be passionately supporting any attempt to revive our language, within of course, the budgetary constraints that we all need to operate in. Because even in Guernésiais, money does not grow on trees.

The Deputy Bailiff: Deputy Green.

Deputy Green: Madam Deputy Bailiff, thank you very much. I can be brief as well. I am very sympathetic to this. I listened on the radio this morning as I was driving in to what Deputy Roffey said in this debate and I resonated with that because my maternal grandparents were speakers of the Guernsey French language.

They were here during the Occupation, my mother was born in 1944. When they spoke together as adults, they would speak in Guernsey French. When they spoke to my mother as she was growing up, a young girl after the War, they spoke in English because it was very much seen as giving opportunity to the next generation and it was not in Guernsey French, it was in English. So I resonate with what he says.

I think there has been some slightly unfair criticism of Deputy Le Pelley's speech yesterday. I thought he spoke from the heart. I think he spoke well. There is a dividing line between nationalism and patriotism and my impression was what he said was on the patriotic side rather than the nationalistic side, but of course we all have subjective judgements on that.

Like Deputy Trott said, I certainly support the attempts to revive and to resuscitate this language, but I have some concerns about this, Madam Deputy Bailiff, and I want Deputy Le Tocq to hopefully answer them, because I do want to support this if I possibly can. Like others I am unsure as to

whether we need both Guernésiais and French as official languages. I do not really fully understand the logic of having Standard French in there as well, if I am perfectly honest.

I do not know how long this debate has been going on for now, but I still do not really know what the effect of this Resolution, if it is carried, would actually be, in terms of giving effect under Guernsey Law and recognised internationally. I am not really sure what that means in practical terms. So, if somebody can actually explain it simply, I would appreciate that. Like others, I do have concerns about what the real, direct and indirect, practical and financial implications of this would be. But if I can be assured then I will happily vote for this. But more generally I am very supportive of the policy letter that this amendment seeks to amend.

The Deputy Bailiff: Deputy Gollop.

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

I am happy to support this amendment and I could speak for hours and hours on it but, actually, I am sorry if I was little bit cheeky to Deputy Inder, because he is within his rights, both as a Member of the States and as a Member and the President of the States' Assembly and Constitution Committee to ensure that we use our time in the Royal Court Chamber as wisely as we can and although we started extremely well, in the last two days we have been going a bit slower and we do kind of need to up the pace.

I know sometimes senior Members like Deputy Ferbrache will say, 'Come on, John, stop speaking on everything.' So I have decided on this one not to speak on general debate or the amendment that may be placed by Policy & Resources. I very much support the policies as put in the Education, Sport & Culture review. I have asked questions over the years now and then, to Deputy Fallaize and, I think, his predecessors, about Guernsey French. I have competed in the Eisteddfod, Jurat Robilliard was one of my adjudicators, Mr Roy Sarre another. Jurat Robilliard was less generous because he could tell that I did not understand the words or get the accent right.

I am not really an indigenous person, I am second generation. Then again, to be fair, I do think probably the Gollops have Anglo-Norman roots if you go back enough, and maybe Huguenot roots with *[inaudible]* as well. It is an interesting question. I know sometimes Deputy Ferbrache talks about American presidents and let us just say, here is an interesting question: which American president is related to the Gollop family? The answer is both Presidents Bush, apparently.

If I asked Members which president had, as their mother, a non-native English speaker until they were a teenager, people might be tempted to say President Obama and they would of course be entirely wrong because President Obama's paternal roots come from Derbyshire. The answer is President Trump, as his mother was from the Scottish Isles, I think of Harris or Lewis, and spoke Scottish Gaelic until her teens. And there you go, yet you have got all these patriotic Americans saying all about English being the main language and so on.

I mention that because of course, if you went back to the time of Victor Hugo, in his last year here, St Barnabas' Church, the archive says, it had been built. I remember one of the archivists saying much as he supported the Guernsey language the issue might be, it could be divisive. We need to take out the divisiveness. Be patriotic, yes, but not be too divisive.

I mention Victor Hugo because in his day I am pretty convinced, from all the lectures I have attended, that Guernsey was a tri-lingual society. Deputy Le Tocq can develop this, he knows far more about it than me. Let us just summarise the point. In the 1850's and 1860's and 1870's, the posh people in Guernsey, if I can use that phrase, the kind of people who were rectors, Jurats, States' Members for the most part, except from St Peter Port, were fluent in what somebody called 'good' French. I do not like the phrase, Deputy Paint is spot on, in saying that Patois and words like that, it might be a nice ale, but it is not a very good word and it is more appropriate to describe people that were from Caribbean or Louisiana background, anyway.

But it was so-called Parisian French, and that was the language of courts and the language of many of the Billets and legislation that Deputy Green and others read. Hard for me to understand at times, but that is the point. So the language of the States of Jersey, even when they opened their

own building in 1899, was French too. They changed it to English the following year and we gradually changed and by the end of the Second World War, I think, French had largely died out as the political language. Although of course we know it was still there in 1969, as a legal language. It still is in many documents.

520 Guernsey French, I believe, some people disagree with me, there are lots of learned arguments that would take too long to go into about its Norse roots and maybe Celtic roots, but it is fundamentally a variation on Parisian French, with a very different historical ancestry. Eventually the Parisian French adopted more of the southern French way of thinking, whereas the Normandy French kind of migrated to England, was the official court language of the Plantagenets and dignitaries in Whitehall for many years. Indeed the so-called Kings of England, that Baroness
525 Thatcher and many others admired, were more in reality French or Norman types of monarchs.

That is why I winced a bit, although Deputy Le Pelley is absolutely correct in saying that the core family behind the Windsor name was Saxe-Coburg-Goth, our Duke, our Queen, Her Majesty, has indeed many English, Welsh and Scottish ancestors, Tudors, Stuarts, Plantagenets, from aristocracy.

530 We are all a mixture, actually, nearly all of us – Deputy Paint is a very pure Guernseyman – but probably most of us, even Deputy Le Pelley has admitted to non-local ancestry as well. In that context we have to look at our tri-lingual heritage. We have been attached to the Crown in England for over 800 years now. We have a clear cultural, linguistic, historical and geographical affinity with the European mainland, particularly France, and Guernsey French is its own language with great literary heritage that the policy letter goes into, with poets and writers and so on.
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We need to recognise that. I learned French for 10 years at school and everybody is cheering about the GCSE results and generally I did quite level with my O-levels and CSEs, but I got a U in French. I really did not get the language. I did badly and yet I had nearly nine years of tuition. But all my French teachers – one of them actually became a script editor for a TV programme in London – none of them were French nationals and I am not sure any of them are Guernsey nationals in the strictest sense of the word.
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I think the point is, we did not even go to France. I had to wait until I was grown up before I went to France. We were not connecting in the 1960's and 1970's and early 1980's with France. We are still not in terms of transportation. We have not got any scheduled flights to France, and that is nothing to do with coronavirus, and we are having issues with the ferry from time to time. We have fewer ferries than we did 10 years ago.
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I say all that because I was slightly disappointed with Deputy Trott's speech, because I think if we were more focused on marketing in France the benefits to tourism, our economy, maybe digital economy, maybe cutting down on consultants and use the other consultants, maybe even healthcare would be greater. I believe if people understood French better they would understand Guernsey French better because the few words I do pick up in Guernsey French, I have been to Yan Marquis' courses ...
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I will give way to Deputy Trott.

555 **Deputy Trott:** Only to say, through you madam, that I think I do understand French better than you, Deputy Gollop, because I got an E, whereas you could only manage a U it appears!

Deputy Gollop: That proves the point that Deputy Trott was more internationally focused at the time and maybe his extensive experience with sea fisheries was a boon to building up ... The only French words I knew were, I am afraid, words like sails for fish and so on.
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We actually need to build back better and I believe that if we had an official language of French it would support us. I would go further and say that we actually need to realise that the Guernsey language is part of our identity, it is something that makes us different from Monaco or Andorra or even the Isle of Man. I do not understand why we, yet again, are kind of re-inventing the wheel with these worries about what an official language contains. I am kind of thinking of what Deputy Parkinson and other Members have said.
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Just look at the amendment in textual detail, it resolves that Guernésiais and Standard French are recognised as official languages of Guernsey, alongside English, and to direct the Policy & Resources Committee to co-ordinate and take such actions as necessary to ensure that their Resolution is given effect.

Now that is not banning civil servants who do not speak Guernésiais from working, although some might say that would be quite good because we would cut down the Civil Service, potentially, and maybe allow local competitors to shine greater and cut down on costs ... I am not suggesting that. I know that each Bailiff and Deputy Bailiff has had a very good relationship with Caen. Up to a point, long may that continue, although there may be other ways of doing it, online studies. But I think the link with Normandy is extremely beneficial.

What we need to do is to be sensible about this. We are not talking about Quebec, we are not even talking about Switzerland. We are talking about a Resolution. My final point is why do we labour it so much when a year or so ago, Deputy Tadier, the assistant minister for education in Jersey, got a Proposition almost unanimously approved along these lines? I have not seen there, I do not know, hundreds of documents being translated into other languages or everybody ploughing up streets and putting up new names.

Indeed that should not come from the ESC budget. When other departments, Environment & Infrastructure or STSB reorganise our streets and roads, it surely would not cost more than a penny to add a translated word underneath that? Let us be sensible. Let us get on with it and I support this and the entire policy letter.

The Deputy Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, madam and thank you to Deputy Gollop for putting some pragmatism back into the speeches today and also to him for taking us back further than the Second World War because it is clear that the demise in our indigenous language began much, much earlier.

My great grandfather was an English soldier and he did not like my great grandmother speaking in Guernésiais when he was around. Rather than learn the language himself, he wanted his family to adopt his language. He was undoubtedly one of many garrisoned English soldiers in the 1800's and early 1900's, who married local women, who insisted on the same. That is the way it was and that attitude has had a profound knock-on effect for future generations and their pride in our local language.

Today we have heard speeches, and yesterday as well, and it all centres on the amount of pride that we, as Guernsey people, feel in our culture and our heritage and that is why people have discouraged others from taking up the indigenous language.

Languages are dear to me, madam. I would not class myself as a proper linguist but I have a degree in Japanese, I have A-level in French and in my time I have spoken enough Spanish in Malay to get myself by ably. So I do have some capability. So it is with a great warmth for language, as a starting point, as well as a deep love of my Island and desire to protect its culture, laud its heritage and promote its uniqueness that I view this amendment and indeed the subsequent policy letter to save Guernésiais.

To leave our distinction behind is to accept a homogenous sameness, where we become indistinguishable from other English-speaking islands in the northern hemisphere. Others have spoken about the need to protect our language but the need also to make it our official language is taking it a step further in not only recognising our uniqueness but also stating our conviction that we have to protect our language in its dying days.

I will talk briefly about how this ties into recovery because that is where I really want to focus. Despite the fact that we should have done this years ago, in our recovery we need to be making changes to the way that we do things, the way we work, the way we meet, the way we welcome people to our Island. Globally, we will be one of many who are seeking to improve their lot as a downturn affects all of our fortunes. The bounce that we have seen, I fear, will not last, and I think

that we have been working now to put in place, what we are going now is putting building blocks in to shore up what looks like a turbulent time ahead.

620 One of these building blocks is to enshrine our heritage, showcasing it, drawing out our unique selling points and demonstrating the material distinctions that we have. We do not need or want to get lost in the crowd at this time. We have been working hard for years to attract visitors to our beautiful Island and all the while purposefully ignoring some of the most valuable assets we have.

625 I think the adoption of Français could contribute to our tourism product offering. The recently produced Economic Development Tourism 10 Point Action Plan identified five strategic aims, one of which was to strengthen the Island's unique product. I am sorry, my teeth are not working for me today, I will put them back in again.

630 The Plan was informed by a PwC Report a few years ago and it outlined, amongst other things, that our Island had no standout offering, noting that our main attributes are scenic beauty and quaintness combined with being safe, good for walking and eating out. The offering and experience has become 'stale', 'shabby' and 'out of date'. Well those are quite stinging words of criticism but many of us had arrived at that conclusion already so it was not new news and we handled that criticism well.

635 In their Report, PwC identified that culture and heritage, of which our language and connection with France are a strong part of, as part of product offering needs to be improved to attract visitors and enhance their visit on our lovely Island. So amongst the recommendations we were told that culture and heritage needed more focus on exploiting international literary icon Victor Hugo, who Deputy Gollop has already mentioned and so has Deputy Fallaize, investing in more events, give more exposure to key sites on the Island to project its Anglo-French heritage.

640 Because this has proven appeal to both the French and US markets. Now this is really important. So, aside from the concerns that we have, which personally I think we might be over-thinking this in our concerns about what this amendment might bring forward. This amendment actually has the potential to lay the foundations and to really help us in our recovery.

I will give way to Deputy de Sausmarez.

645 **Deputy de Sausmarez:** I am grateful to Deputy Dudley-Owen for giving way. I think the points she makes are excellent but given Deputy Roffey's point earlier about resources, I am just wondering if there are any resources from perhaps Economic Development within the Tourist Strategy support this, rather than having to bring this out of the resources that hopefully we will be committing to this during general debate?

655 **Deputy Dudley-Owen:** I thank Deputy de Sausmarez for raising that issue, actually, because it raises an important question about where an awful lot of our funding for recovery is going to come from. We had expected a policy letter maybe a little bit earlier, probably a little bit ambitiously, in regard to the recovery plan, the Revive and Thrive, as it has been called, with some expenditure items and that has not come forward yet. So I fully expect that we would be able to look at resourcing in the form of any long-term bond or borrowing that Deputy Trott and Deputy St Pier have wanted from earlier on in the term, which Deputy McSwiggan and myself successfully managed to pull the reins on slightly to slow it down.

660 So just to complete what I was saying, madam, amongst the recommendations ... Sorry, Deputy de Sausmarez rather put me off my stride because I was just about to finish my speech. As I said I understand the hesitations that have been voiced by some speakers in the debate today, but in this regard, I personally am ready to put my faith in the amendment, in order to kick start an enhancement of our product offering and which we so desperately need going forward. I will not be speaking in general debate, madam, but I am very supportive of the extant Propositions as they apply to the Committee for Education, Sport & Culture.

Thank you.

The Deputy Bailiff: Deputy Langlois.

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

I sometimes forget how much younger Deputy Trott is than I am but when he is telling that story about his grandparents, I thought I could tell exactly the same story, but about my parents. I think many of us have had that experience and many of us understand why Guernésiais has declined in use.

675 I am very supportive of Education, Sport & Culture's last chance saloon for our native language, but my position on this amendment is somewhere between Deputy Roffey and Deputy de Sausmarez. I have never thought of Guernésiais as being Guernsey's official language. Maybe Deputy Le Tocq can correct me but I never imagined that is what it was. It was French and now it is English.

680 So it seems to me rather perverse, at this stage, when probably the number of native speakers amount to in tens, to declare it an official language. I am not sure what we can gain by that at all. It always worries me, there is a subtle difference between preserving your culture and Disneyfying it. I just think the idea of suddenly, after all these centuries, deciding to make it our official language, strays slightly into the realms of Disneyfication. Our culture is there, tourism might be interested in it, but we do not want it there to amuse tourists.

685 That is my fundamental objection to this amendment that we are doing something, which we have not done in the past. If Guernésiais had been an official language and it had been replaced by English, then maybe there would have been a point in reviving it as our official language, but I do not see that there is the justification for doing that and I share some of the concerns about the implications of doing so. Thank you.

The Deputy Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, madam.

695 I suppose you could have called me by a different name, and I am sure I am known by different names inside and outside of this Chamber, not all which are repeatable. But you could have called me Deputy Carupel. Now there is a song about a Mr Carupel who goes to town on his donkey. I have never tried going to town on a donkey, I might try in my future life but I have not done that yet.

700 I was just interested, madam, in this point that so many Members have been making about the implications of declaring that we officially have three languages – English, Guernsey French and French – and the implications for Guernsey place names and road names and lane names. But actually if we refer to our Perry's Guide and, ironically, I do not think the Perry's Guide was put together by a local chap; it might have been, I do not know. Nonetheless he did a very good job anyway. But if we refer to our Perry's Guide and look at all the maps in there, actually nearly all the road names and the place names are already in French or Guernsey French.

705 So if there is any work to be done there, it would actually be translating those names to English, I would have thought, rather than translating the English names to Guernsey French and French names. I think that is something that Deputy Le Tocq and Deputy Fallaize need to bear in mind. There has been an emphasis on talking about many of the implications actually of doing this, but actually it will not be that we need to translate all the place names and road names into French and Guernsey French. They already are if you look through the maps in the Perry's Guide. It will be the other way around if anything.

710 That is not the most important point but I think it is an important point to make to perhaps retrieve some of the concerns that are being raised. I do think, if this is passed, we do need to take a proportionate and sensible approach.

715 I just wanted to refer also to the point that Deputy Langlois made. I get where he is coming from that it could be seen as Disneyfying the Guernsey language but actually the point is it is an endangered language and the point is that other jurisdictions have gone down this route to try and revitalise their languages or their language and it has been a successful route to go down. So I get where Deputy Langlois is coming from but actually there is another side to that story because if we

do this we could well revitalise the language and it could well become a much more commonplace language if we do so. So it is not just a case of Disneyfying it. So I just make those points.

Thank you, madam.

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The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you. I rise with a main reason to claim an interest, madam, as a member of L'Assemblaie Guernésiais, which has been an organisation which taught the language in the primary schools and also conducted the College of Further Education courses for people as well. But while I am standing, I think I can also make the point that I lived and worked in Canada for many years and, while living in Montreal in the late 1960's, early 1970's, I experienced one of the most turbulent times in Canadian history. The FLQ, the uprising, with René Lévesque as the chief minister in Quebec and Pierre Elliott Trudeau, of course, being the prime minister of Canada and their different views, really, with regard to the language, Quebecois.

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Of course these circumstances culminated in the only peacetime use of the War Measures Act in Canadian history. Now I would not like to see something like that, to experience that again, after that particular very difficult period in Canadian history.

Of course everybody has claims to ancestry and, with respect to myself, on both sides I just go back on the de Lisle side and the de Garis side of my mother back in terms of Guernsey life. But I think it is a matter of being sensible here and certainly I will support what we have here as an amendment and also the main Propositions but we have to take action, I think, to see that our cultural heritage, our identity is there for the future and that our children can experience and know exactly where we have come from and what our particular ancestry is all about.

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So I support this but I hope that Deputy Le Tocq, when he sums up, gives comfort, really, to Members that this is a matter of being sensible. Perhaps the odd sign at the Airport and at the harbour and perhaps keeping the language English in terms of the parliament here and not going into, you know, three languages, in terms of all the documentation that we find ourselves with.

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So I would like to hear that as well, that we are to take a very sensible approach in the way forward and not get ourselves bogged down in all sorts of bureaucracy and cost in terms of the future, in terms of preservation of the language.

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Thank you, sir.

The Deputy Bailiff: Deputy Brouard.

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Deputy Brouard: Thank you.

Following on from Deputy de Lisle, I think I probably go quite close to where his position is. I think we have to think back a little bit as to what the point is of having a language. A language is so that we can communicate and communicate ideas and thoughts between each other. I do not want us to weaponise language, that we have got a secret and nobody else can know it and we can speak quietly and we are somehow different.

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We need language to be able to communicate to all our people in the Island if it happens to be that English is the best way of doing that, so be it. I am a little bit concerned that we will try and make ourselves too difficult to communicate and we will then try and introduce French and half the people will be left behind. I am just a little bit concerned that we weaponise it rather than celebrating what we have got. So I will be very interested in what Deputy Le Tocq says when he sums up, because I think we do need to preserve it, we do need to keep it, but please what language is for. It is to help communication and by having part of our ...

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I will give way to Deputy Dudley-Owen.

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Deputy Dudley-Owen: I really appreciate Deputy Brouard giving way to me because I know that he was just summing up but I just wanted to point out, by that logic, if we are now looking at China as the centre of the globe in terms of trade and commerce, we would all now be wanting to

pick up Mandarin and Chinese as our language, rather than trying to retain the cultural aspects and the heritage aspects of our language, our indigenous language.

Thank you, Deputy Brouard.

Deputy Brouard: Thank you for that and of course that is why there have been courses run in Guernsey on Mandarin just for that very reason, to improve communication, so that we can understand other people's cultures. All I am saying is that the idea of a language is to help communication. What I do not want to do is to go behind it so that we make it more difficult for other people to contact and communicate with us.

The Deputy Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, madam, *myttin da*, which is good morning in Cornish. I have only a smattering of Cornish in the land of my parents, that and *nos da* and *Nadelik looan na looan blethen noweth*, which is not very useful, except for around Christmas and it is 'Merry Christmas and a happy new year'.

My parents, as proud Cornish people, did teach themselves and learn Cornish and very proud as part of the Cornish identity, *Kernewek*. Cornish is not an official language, but it has to be said that over the last few years there has been a real resurgence of Cornish, there are over 1,000 people that now speak Cornish and there has been a resurgence in other minority languages in the British Isles, including Welsh Gaelic, Scottish Gaelic.

Of course, Cornish has got a different stem to it, compared with Guernésiais, that being from Normandy, whereas Cornish has the Breton links. But in Cornwall it has been a resurgence and they do have Cornish on road signs and it is far more widely used than it ever was. But it is not an official language. It is recognised as an EU minority language and so that it gets special treatment there, but not official.

What is the need to make Guernésiais official and what would it add? I do not know what it is that making it an official language, the difference that it will make, other than from what I read about making something an official language, it is a language for the use of Government rather than its people. So then that leads me to think that does not mean we are going to now have Billets in all three languages and all *Hansard* having to be translated into all three languages. Billets now, we know we have got reams and reams of them, that bothers me.

If I knew what was meant in this context and we could have our *Hansard* in English, what we mean by an official language now, that would satisfy me. But I am concerned about the whole cost around that. I am happy with the actual policy letter but I am concerned about this amendment.

The Deputy Bailiff: Deputy Oliver.

Deputy Oliver: This might be the most stupid question I have ever asked in the States but I am just going to go with it! (*Laughter*) I was having a conversation in the Members' room and it was along the lines of if English is actually recognised internationally, i.e. in law, what this is basically wanting to do. So I was going to ask the Procureur if it actually was.

In the amendment it said both Guernésiais and Français to be made recognised alongside English and I just wanted to check that we were, rather than actually making three recognised languages for Guernsey.

Thank you.

The Deputy Bailiff: Madam Procureur, are you in a position to answer that now?

The Procureur: I am not aware of any statute that lays that down but it is certainly accepted as the official language of the Islands. It is also true to say that French and Guernésiais have not been, as Deputy Le Tocq alluded to earlier.

The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Madam Deputy Bailiff.

830 I think the change in attitude to the Guernsey language is highlighted by what happened to my father. He was born in 1920. The language at home was Guernsey French and he could not speak English until he went to school. He said he had the mickey taken out of him when he went to school because he could not speak in English. I think the change in attitudes happened then.

835 My wife's grandmother was Marie de Garis, who obviously wrote the dictionary, but neither myself nor my wife can speak Guernsey French and nor have our children. I think that highlights the change in attitudes by our culture in relation to the language. My views are in line with Deputy Roffey's. I think we are in a bad situation in terms of this language and it is a good chance of it dying out.

840 I would like to see all our resources put into the Commission and their work. This amendment talks about making sure that the Resolution is given effect under Guernsey Law. So it is going to take resources, it is going to take work. I would rather all that effort and work was put into the Commission because I think that is where we are likely to get the best return. We are already, I think, under-funding it and I would rather see that, if P&R think there are any more resources, or Members of P&R think there are any more resources, that they increase the amount of money given to the Commission rather than doing this. So I will not be supporting this amendment.

845 Thank you.

The Deputy Bailiff: Deputy Fallaize, do you wish to reply?

Deputy Fallaize: Thank you, Madam Deputy Bailiff.

850 There is not much left to say at this very late stage of the debate but a couple of points. I think first of all, it would have been helpful in a way if we had taken the Trott/St Pier amendment first, which is trying to deny the language any additional funding because, if that amendment is successful, the stuff in the Le Tocq/Le Pelley amendment will not be happening and nothing else would be happening either and we would have been able to know exactly where the States stand in relation to the funding.

855 I think the question that Deputy Oliver asked, I hope it was not a stupid question because it was the question I was going to ask. I do not think there is anything – well actually HM Procureur has now confirmed this – which defines in Guernsey what is meant by an official language. Therefore, in a sense, it is whatever we decide it is and I think that probably does limit the risk of this amendment. Because if putting it into effect becomes too onerous or too expensive, then it is possible for a future States to adjust whatever it means by an official language.

860 That really picks up on the point that Deputy Gollop and Deputy Dudley-Owen were making is that I think this amendment has been over-interpreted to some extent and its meaning, in a sense and I do not mean this critically, it can mean whatever we want it to mean.

865 In addition the business about converting its official nature into Guernsey Law means that something would have to come back to this States. So, if at that time, it was felt that the legislation was too onerous then it would be possible to amend the legislation or reject the legislation, but I do not have as many concerns as some speakers do, although I do actually take on board the point that Deputy Langlois made about Disneyfication of the language I think is actually a very good point.

870 But I do not have the same concerns about the practical effect of this amendment. I think in practice, if the amendment is successful and the original Propositions are successful and hopefully the next amendment is unsuccessful, then I think that this task would be added to the terms of reference of the Guernsey Language Commission and the Guernsey Language Commission would be able to take a view, in advising successor Committees of ours and successor assemblies, about what could be done in a reasonable, proportionate, manageable way to give effect to the first part of the amendment about recognition as an official language.

If we had a Law, which set out that English was the official language and this means you have to do all these sorts of thing in English and we could see that by adding Standard French and Guernésiais to the list of official languages and requiring all of those things of those two languages, then I think that some of the concerns raised would be legitimate but, as it is, I think that our successors can make this amendment, if it is successful, mean whatever they want it to mean. I do not think there is a great deal of risk in this amendment and therefore I am happy to support it.

I think the first thing that will have to happen if Guernésiais is to become an official language is we will have to ask Deputy Le Tocq and Deputy Paint if they can assist Members of the States in pronouncing it because, when I opened debate I mispronounced it very badly and I think I have been in very good company. Deputy Le Tocq tells me it Guernésiais.

So that will be, I think, the first task for the Guernsey Language Commission, perhaps the oath, we seem to be keen on adding things to the oath that is going to be sworn by Members of the States after the election, maybe there could be a requirement for them to do the oath in Guernésiais and that perhaps is something that could be given consideration by SACC.

Anyway, I will support this amendment. I will give way to Deputy Paint.

Deputy Paint: Sorry, Madam Deputy Bailiff. It is just a point of order. This is where the different dialects in Guernsey French split, in my pronunciation it would be Guernésiaise and not Guernésiais, so just to point it out and I apologise to Deputy Le Tocq.

Deputy Fallaize: Okay, I was speaking Standard Patois! (*Laughter*) But I think the risks of this amendment are very limited and I am happy to support it on that basis.

The Deputy Bailiff: Deputy Le Tocq, just before you speak, Madam Procureur.

The Procureur: Thank you. I just wanted to clarify, although I have said I was not aware of anything in statute, that does not mean there was not an official language used in Guernsey. We need to be very clear that certainly Norman French would have been used after the Norman Conquest, then Medieval French would have been used through Guernsey. I believe English was adopted by the States in the 1920's. I am afraid I am not sure it was by statute. Certainly, French was used up until, I think, 1948 as an official language. Simply to clarify, I am not aware of any statute, but under Customary Law principles and indeed administrative practice, there has been recognition of official language.

The Deputy Bailiff: I am not sure you can give way to the Procureur. Deputy Le Tocq.

Deputy Gollop: I wanted to ask a point of clarification.

Deputy Le Tocq: I will stand up and let Deputy Parkinson ... I will give way to Deputy Parkinson if he wants to make a point.

Deputy Parkinson: Yes, I was just going to say, I think Norman French must have been used in Guernsey from about 933 and before that, I imagine the people of Guernsey spoke some form of Celtic, either continental or possibly Latin. I suspect not. So, actually, Guernésiais is a relatively recent import.

Deputy Gollop: Point of clarification.

A Member: There is no such thing.

Deputy Gollop: There is actually. My point of clarification is every States' routine begins with the Lord's Prayer in French. That, surely, is an official use of French as a language in our parliamentary proceedings?

The Deputy Bailiff: Thank you, Deputy Gollop. Deputy Le Tocq.

Deputy Le Tocq: Madaume Le Deputé Bailli, it has taken a lot longer debate than I anticipated (A Member: Hear, hear.) and I think what Deputy Fallaize alluded to when he spoke is exactly what has happened. Certainly, it is not my intention or the intention of my seconder, Deputy Le Pelley to over-complicate this and, as Deputy Fallaize has said and perhaps others have said as well, I think.

The amendment simply indicates that P&R would need to come back after consultation with relative bodies, would need to come back with Propositions and a legal framework to put this into place and I do not see that as being very complicated, for the reasons that I have said in starting in that the idea of official languages by statute is a relatively new idea and you see it applied, as other Members have alluded to in debate, in different ways in different countries.

Romansh, for example, is an official language of Switzerland but they do not publish every law or every road sign in Romansh. It is down to other things. If we choose to do that afterwards, if we wish to, of course we can do that now without it being an official language. As others have said, we publish documents in languages to be as accessible as possible, as appropriate as possible, within the resources that we have.

That is certainly the intention and perhaps with your indulgence, madam, at least the one thing we might be able to do is to pronounce the word properly. Some have got very good at it, some have not yet to do it, so I am just going to teach the Assembly, with your indulgence, madam, how to say it. The first 'Gu' is like gem in English, think Gem of the Sea. Sarnia Cherie, Gem of the Sea.

So you say Ge-ne-siais. The accent is on the first syllable, as in French. Guernsey French follows exactly the same. It is interesting in a sense, because my parents would and many of their generation would not have referred to their native tongue as Guernésiais. Somebody who is from Guernsey is a Guernésiais or Guernésiaise if they are a girl, a female, but my parents, if I had come in and said to them they did not understand, they would say, *dis le en Français*, because to them what they were speaking was Français and French was *le bon Français*. So that just alludes to the fact that for many years Guernsey people spoke French and the Norman French was spoken here. Certainly at the chapel that I was brought up in, we would have sung in French but prayed and preached in Guernésiais, without a blink of an eye.

I give way to Deputy Inder.

Deputy Inder: It is quite fascinating and Deputy Le Tocq, thank you very much for your explanation of your family's history. But I just want to give something and I think he is going to have to accept that in our neck of the woods, which is actually all over the Island, we actually just called it the Patois. We really did. I had never heard this word, Guernésiais, until we could call a language commissioner.

It is a bit like Martello Towers into Loophole Towers. They were Martello Towers. I know technically they are not (Laughter) but to me, if you point to these round things on the Common they are Martello Towers, even though that there are only actually three true Martello Towers.

I would be careful because we are going to get our back wheel stuck in the mud. If we cannot get past the pronunciation, and scare people away from it, we are not going to move forward from this point. I would be very careful. I will carry on calling it the Patois.

Deputy Le Tocq: You are absolutely right to do that and my parents would have referred to it as Patois as well, from my point of view. In a sense it does not make any difference but the word Guernésiais has been around for a long time. L'Assemblaie Guernésiais, the Assembly of Guernsey French Speakers that Deputy de Lisle referred to, was started in the post-war period. My parents

were involved in that and Marie de Garis's *Dictiounnaire Angllais-Guernesiaais* English/Guernsey French dictionary was published in the 1960's.

So it is not a new word but, nevertheless I say it just to emphasise the fact that French and Guernsey French have been, alongside English in the last 100 years, the languages of use and to a certain degree the reason for asking the States to resolve to make English, French and Guernsey French recognised official languages is just a statement of fact because the majority of our laws were written and still exist in French and some of them in a version of legal French, which is akin to Norman French, Guernsey Norman French, our Laws and Ordinances as far as I know, our noxious weeds still refer to things like *[inaudible]* cow parsley and things like that in Norman French.

So it is a statement of fact but as I have said earlier the reason that I think it is a good idea to do this is, number one, that it is recognising our heritage and that helps us in the international arena to demonstrate that we mean business in this, but also madam. I would not be suggesting doing this except for the fact that ESC have, as I said in my opening speech, at long last come forward with proposals to put some resources and structure behind support for the Guernsey language in terms of the Commission.

For those who want to see the defeat of the Trott/St Pier amendment then the best they can do is vote for this one, because you cannot have, really, what I am saying, an official language unless you demonstrate that you are putting some resource into it. From that point of view, in answer to Deputy Merrett, who spoke yesterday, I am fully in support of resourcing it and there are more ways that we can resource it than through just a Language Commission, but it is a good start.

Even having this debate today, I think, is a good way of doing that. But I am also asking for Français, for French to be included there and that is a reason, partly because I have found in our relationships with France, which largely I have been tasked with dealing with, there are many reasons why we could enhance those if we, at a statutory level, recognised French, which as I have said has been for many years the legal, court language of Guernsey and for our laws, recognise it officially in this Assembly as an official language.

Now, when it comes to do we then need to start re-writing Laws in French? Well sometimes we do when we amend a French Law, we do it in French already. But, as others have pointed out, the majority of our road names. The majority of our local surnames are actually already in French or some of them, obviously, are Norman French.

It is interesting actually that Deputy Le Pelley, my seconder, I actually resemble his surname more than he does, because Le Pelley means 'the bald one', 'the skinhead'.

I will give way.

Deputy Tindall: I thank Deputy Le Tocq for giving way. Does that mean that all of the roads, now, in Guernsey, we can actually pronounce them in French? So Le Bordage would be *Le Bordage*?

Deputy Le Tocq: My father and I, 10 or 12 years ago when he was still alive, went through the Perry's Guide to try to help the BBC to pronounce some of the names better. But I do think it is something the Commission should be doing but at least we are recognising, if we have an official language or official languages and, in certain instances, for example, where I live ruelle is not a French word, *ruelle* is the French word for small lane, but ruelle is a Guernsey version of it, works quite happily with French, but where I live at Le Feugre, *le feugre* means outcrop of bracken or firs and I think having an official language does and can help people to take greater interest in who they are, what we are as an Island and our heritage and it supports it from that perspective.

Obviously, neither French nor Guernsey French in Guernsey, as far as I can see, is going to become the main language of business, but other countries who have official languages – South Africa has been mentioned, I mentioned Switzerland before – often do not use the minority official languages in the same way that they use other languages.

Again, it will be down to this Assembly and, as Deputy Parkinson alluded to, if we chose as a result to start, for example, insisting that more road names, when we name a new road, are named

1030 in French or Guernsey French, I certainly would not be against that and that may well be a good thing to do. But that is not implicit in this amendment.

Deputy Roffey was a bit critical of the nationalistic thing. I hope that he and others do not see this as that. But I do despair, the age we are living in, where culturally we are being sort of over taken – and I am using all forms of culture here – by a sort of Anglo-American, Anglo-Saxonisation, 1035 there is a tendency to go in that direction. I think it really does help us to put a flag in the ground and say we are unique, we are different.

Obviously, we are connected to the Crown and therefore it is not surprising that English has the status that it does today. But we are not just connected to the Crown of England and the Crown of England, at one point, the Court language was exactly the same as Guernsey French. It was the 1040 Norman French language, which no doubt was spoken here at the same time. So this is about heritage for me and it is also ensuring that the status we give to our heritage and our background remains.

So I do ask Members to support it. Does who said what do we gain from it? Well the slightly different aspect in terms of Guernésiais from Français, from French. I do see opportunities post-Brexit, with having French as a national language. I have often been interviewed in France on issues 1045 relating to the Islands, not just fisheries. But there are opportunities in the French-speaking world, just as there are opportunities in the British Commonwealth post-Brexit, economically.

One of those, I think, we could see by joining the *Assemblée Parlementaire de la Francophonie*. Now this would not be a huge cost but to do so, like Jersey has done, we should recognise French 1050 as one of our official languages. Again, Jersey has not suddenly started publishing everything in French to do that. In fact, to some degree, it is more behind the scenes, certainly in terms of the number of people in its parliament that speak French and that can engage in that way, at that level.

But when we engage with France, if we engage with France, if they ask for information from us, we always find an ability to translate documents where necessary, but often we can do that straight 1055 away. So I do not see any problems there and there are opportunities in Normandy, certainly with *[inaudible]* in the future for potential involvement in trade that uses Normandy as a mark.

So these may be minor things, but I think it is slightly more than tokenism, which Deputy Roffey referred to. But as I said right at the start, I would not be laying this were it not for the fact that this Assembly is being asked for support to the Guernsey Language Commission and as a result I feel 1060 these two things have aligned themselves perfectly at the moment and I think it is only right this Assembly should give it support to the status of both Guernsey French and Standard French.

Thank you.

The Deputy Bailiff: Thank you, Deputy Le Tocq.

1065 So, voting on the amendment put forward by Deputy Le Tocq and seconded by Deputy Le Pelley, those who support the amendment –

Deputy Le Pelley: Recorded vote, please, madam.

1070 **The Deputy Bailiff:** Pardon?

Deputy Le Pelley: Recorded vote.

The Deputy Bailiff: Oh, a recorded vote.

1075 Greffier, there has been a request for a recorded vote.

There was a recorded vote.

Carried – Pour 25, Contre 8, Ne vote pas 4, Absent 2

POUR

Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy de lisle
Deputy Soulsby
Deputy Prow
Deputy Ferbrache
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Pelley
Deputy Merrett
Deputy Meerveld

CONTRE

Deputy Langlois
Deputy Roffey
Deputy Tindall
Deputy Brehaut
Deputy Le Clerc
Deputy Trott
Deputy St Pier
Deputy Stephens

NE VOTE PAS

Deputy de Sausmarez
Deputy Oliver
Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Leadbeater
Deputy Mooney

The Deputy Bailiff: I declare the vote as follows: Pour, 25; Contre, 8; abstained, 4; absent, 2; I declare the amendment carried.

We now proceed to the amendment that was listed as number 1, proposed by Deputy Trott.

[Amendment 1](#)

To replace "and direct the Policy & Resources Committee to recommend Cash Limits for the Committee for Education, Sport & Culture for 2021, 2022 and 2023 that include specific additional funding of £100,000 for each of those years for this purpose" in Proposition 1 with the following: "comprising £100,000 in each of 2021, 2022 and 2023, to be funded by reprioritisation of the existing budget of that Committee."

1080 **Deputy Trott:** Thank you, madam.

In rising to propose this amendment, may I ask that the Deputy Greffier read it out loud?
Thank you.

The Deputy Greffier read out the amendment.

The Deputy Bailiff: Thank you.

1085 **Deputy Trott:** Thank you very much indeed.

The Policy & Resources Committee fully supports the principle of preserving and revitalising Guernésiais; in fact, when I spoke on the Le Tocq amendment, I made that clear, which is why I do not want that direction contaminated, as I see it, by a decision to have three official languages. However, it has to be recognised that funding for expanding or developing services is severely
1090 limited, and its allocation should not be following approval of a proposal in isolation, but considered alongside initiatives proposed by other Committees and the requirements for resourcing the recovery action plans.

Madam, it is unsustainable to continue increasing the size of the States' expenditure budget in order to fund new initiatives. Instead, there has to be objective consideration of existing services to determine whether they can be de-prioritised or operated differently in order to release sufficient funding for the new priority. Should the Committee for Education, Sport & Culture consider that supporting the Guernsey language is a priority area, which they clearly do, it could, and I would argue should, reallocate part of its existing budget accordingly.

Now, madam, £100,000 represents less than one eighth of one percent of its 2020 budget of approximately £82 million, or it could seek outside funding, including a request to the Social Investment Fund. Now, I know what Deputy Fallaize will do, madam; he will jump to his feet and he will say, 'Deputy Trott is not telling us the whole story, because, yes, Education, Sport & Culture's budget is a staggering £82 million, but only £3.4 million of that is allocated to cultural matters.' That is true, and it is true to say, madam, that £100,000 is less than 3% of that allocation. But the issue that Members may not realise is that, with nearly two thirds of the year gone, the Education, Sport & Culture Committee has underspent by £189,000, which means they can more than afford to do this from their existing resources.

I said at the end of my speech on the previous amendment that we do not have a money tree, and what I also say, particularly to those seeking re-election, is that there will be many who will scrutinise this decision. This cannot possibly be a priority allocation to a Committee when it has that degree of underspent balances and when we are talking about less than one eighth of one percent of their overall allocation.

I wholeheartedly hope that Members will support this amendment; it sends out a very strong and, I think, crucial message at this stage in our electoral cycle.

Thank you.

The Deputy Bailiff: Deputy St Pier, do you formally second this amendment?

Deputy St Pier: I do, madam.

Deputy McSwiggan: Rule 24(4), please, madam.

The Deputy Bailiff: Those people who, under Rule 24(4), wish to support the debate on the amendment, please stand in their place.

Three Members stood.

The Deputy Bailiff: On the basis that only three Members have stood, no vote will be taken on the amendment.

We will go now to general debate.

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

The Deputy Bailiff: Who wishes to speak on general debate?

Six Members stood.

The Deputy Bailiff: Do you wish a vote to be taken, Deputy Queripel?

Deputy Lester Queripel: Yes, please, madam.

The Deputy Bailiff: Those who wish to support Deputy Lester Queripel's motion that the debate be guillotined, say Pour; those against.

Some Members voted Pour, others voted Contre.

1140

The Deputy Bailiff: That was too close to call, I think we will have a recorded vote.

There was a recorded vote.

Not carried – Pour 12, Contre 25, Absent 2

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

The Deputy Bailiff: There voted in support of the motion, 12; against, 25; there are 2 absentees; the motion is lost.

1145

Deputy Smithies.

Deputy Smithies: Thank you, madam.

1150

Deputy Gollop has referred to his inability to speak French after six years of tuition; others have referred to their own difficulties in the language. So is this a condemnation of the system of teaching which allows such failures? Not necessarily; it is a hint as to how difficult it can be to learn a language. Like virtually everyone of my generation, I was taught French for several years – indeed, by the late Russell Harty before he went on to achieve TV fame. I continued my studies through university, and later on subsequently lived and worked for two years in southwestern France, representing a UK company as their *exécutif resident*, a great job title. I stress, I was the only English native in an aerospace industrial complex of some 5,000 employees, and I improved my French accordingly.

1155

I now speak passable French. My vocabulary is good, but my tenses are sometimes wobbly. My intentions are clear to French native speakers, but whether I am going to do them, I have done them, or I am doing them is not always obvious. By contrast, my daughter is married to an Italian and she and her husband have two children: Massimo, whose is five, six in November; and Margot, who is three, four in December. Both are fully bilingual, speaking to me and my wife Jane and my daughter in English and to their father and Italian grandparents in fluent Italian.

1160

To arrive at my point, at last: learning a language is not always easy and often needs to be started early, from the cradle, and is, to be effective, going to cost a lot more in time and money than £100,000 per annum over three years can provide. This is not to be defeatist, but to be realistic. I will support this policy letter, but let's not pretend it is enough to preserve the language. It is a move in the right direction, but much more will be needed: valuable seed corn which will need careful nurturing.

Thank you, madam.

The Deputy Bailiff: Deputy Inder.

Deputy Inder: Madam, I think Deputy Fallaize got it right in his opening speech we saw so many hours ago today; we are basically three years away from looking at whether we are going to have a language, and we have only got one opportunity, and it is presented to us today.

I think there is only really one question we need to ask ourselves – and given Deputy Queripel's speech yesterday, I do not want to rev him up, but I am going to say it. What we need to ask ourselves, really, is: this Island is one of Europe's most affluent jurisdictions and we own – what is left of it – one of Europe's oldest living languages. So there is only really one question: do we have a cultural responsibility to preserve, or at least try and revive, that language? And I genuinely think, Members of the House, the answer to that is yes.

Now, Deputy Trott can jump up and down and talk about spreadsheets and expanding services, all that kind of stuff, but I will say it again – and I am sure it will come up straight after this within his new policy that he stood behind, saving expenditure – we have seen nothing on public service reform in the last four years, nothing whatsoever, nothing at all. And I can think of one –

Deputy Trott: Point of correction, madam.

Deputy Inder repeats this nonsense over and over again: the States' decision with regard to its digital strategy alone is an example of just how seriously public sector reform is being taken.

Deputy Inder: That sounds a very expensive way of what I would call reforming the public sector, but I will give him an example, actually, and on his watch, I can think of one unit that exists with five positions that have existed since about 2013, something in the lines of 50,000 hours has been extended, something like £1.4 million likely, and for the life of me, I genuinely do not know what they have done. 50,000 hours. So please, cut out this 'We hold the public purse, we are the most responsible,' because it simply is not true, and I will take him on toe-to-toe through this election, and we will talk about it, we will talk about public service reform, and we will talk about the record of Policy & Resources.

Thank you.

The Deputy Bailiff: Deputy Inder, this is a Proposition on the Guernsey language; can we keep to the subject please?

Deputy Inder: Well, that's my speech, and I apologise.

The Deputy Bailiff: Deputy Paint.

Deputy Paint: I have not got a lot to say, but I would like just want to say it in English, and if you will permit me after – now, that I am very pleased that the Le Tocq amendment was passed – I would like to make my swansong speech. Now, I do not think I will be speaking on anything else that is on the agenda. It will be in French. I will just have to vote on the other things. So if that is okay with you, I would be very pleased to do that.

The Deputy Bailiff: Thank you, Deputy Paint.

1215 **Deputy Paint:** I am very supportive of this because of what has happened in other countries. So I will be supporting the Deputy Fallaize Proposition to the hilt. Incidentally, Deputy Fallaize is being missed out a little bit here – we have heard about different names: his name is Fallaize; in Guernsey French, it is *[inaudible]*; in 'good French', it is obviously *Le Fallaize*, so there is a connection there straight away.

1220 Now, what I would like to say is this – and I do not mean this to be derogatory in any way – but we have many Members here from other places on Earth – South Africa, UK, *[inaudible]*. *(Laughter)* If their ancient languages were in the position of ours, how would they feel? How would they feel about it? Ours is in a very dangerous position. There is ways I am so pleased at how far this has passed, because there is immense advantages with doing what we have actually passed with the Le Tocq Amendment. It puts a hand out of friendship to Normandy and the whole of France; that could help us in the future a huge amount on many different ways. So that is what I would to say as far as that goes. But please, all of you that are not indigenous to Guernsey or even one-generation indigenous to Guernsey, just think about it: if it was your language, how would you feel about being in the position we are? It really bothers me that – and this is not meant to be bad, just please, change positions. If you look at the politics in one way, put yourself in the position of the other person and see how you feel. And that is exactly the point of why we have to vote this through.

A lot of the speeches I have heard against the Proposition are very negative, in my view, and I do not think it is beyond the wit of the existing – or any future – P&R Committee to use common sense, which does not seem to be all that common sometimes. Use common sense: the English language is fine, most people in Guernsey speaking the English language, a very small proportion speak French, and a very small proportion speaks Guernsey French. We have got to accept that. So the Billets that come out do not have to change; they just come out as printed in English. Even with my vast knowledge of Guernsey French – I am joking – I can read English; all of us can, otherwise you would not be here. So it is simple.

1240 Now, just a couple of other things: I have visited many countries in the world, many countries. I will just use Vietnam as an example: the French were the colonialists of Vietnam; the language there while we were there was French. I have been there 19 times in the last 19 years; I have met one person, a local person, that speaks French; all the others now speak Vietnamese, they have reverted back to their own language. We will never do that. There is 63,000 of us in this isle, they have 79 million people, so they will keep it going – just an example.

1250 Now, I went and visited several other Deputies in the Isle of Man; they lost their language, they lost it, but they brought it back, and they have done better than anywhere else I have been to at reverting to Manx. Well done to them; I am hoping we can do the same here. Wales: I have been to their parliament, and they speak Welsh, if you wish to speak Welsh, or not. All we would have to do here if we wanted to change is to say, 'Yes, Deputy Paint, if you do want to, you can speak in good French or in Guernsey French, but you have got to translate it as well,' as I will this time. Is that bad? Of course it is not; it might just take a little bit longer.

1255 Cornish has come back; Brittany have got their own language, which they speak all the time, and there is a lot of differences in Breton to what there is in Norman. In Normandy, they have got a huge culture of Norman-speaking people, so if we need help from the Normans, I am sure they will be only to help us.

1260 There are some words that are lost in Guernsey French. Just one of the meetings – there are a lot of things happening in Guernsey in Guernsey French, and the previous Bailiff did go to one session when I was there where we only spoke Guernsey French, And it was ever so nice to see him there, but we just spoke Guernsey French. Unfortunately I make mistakes sometimes because if I have forgotten a word in good French, or 'standard French', I will break immediately into Guernsey French, and it has got me into trouble a couple of times, but I will not go into that! *(Laughter)* I think a couple of ladies I spoke to the other day, I explained what they were, but then ... These things do happen.

1265 I remember only recently, a couple years ago, Deputy Trott asked me, because I speak good French as well, asked me if I would go and take his place in a conference in Normandy over sea

parks, I think it was. And I sat in the conference, I did not say too much but I listened a lot. Most things I was completely familiar with what they were saying, completely. But I know me, and I may have, at some times, jumped from one language to the other. So when I was speaking, I was making the most diplomatic speech I have ever made in my life – which is very unusual for me, but I am in another man's country (*Laughter*) – and I asked the girl – she is a consulate for the Channel Islands in Normandy – I asked her if I said it in English, would she translate it? So I did, and I went right into the speech, she translated every word, and I got a standing ovation at the end of it; that is a very good start.

So I am very pleased we have come so far; I can understand why some people are a bit worried about it, but common sense will prevail; I am sure whoever the new Policy Council will be next time, they will have enough common sense to bring something back to this Assembly, if there is a problem.

Now, Madam Deputy Bailiff, this is my final speech in this Assembly, unless something happens between now and the end of this session! (*Laughter*) It is in French, but if anybody wants it translated, I have already given it to the Greffier, and with the permission of the Deputy Bailiff I will translate it if they wish me to.

Prumier mont, je voudrais dire à grande mercee a les trois Bailif et les député Bailif qui j'ai servi dessous pur les pus an douze enne qui je ce membre de cet assemblage.

[First of all, I would like to very much thank the three Bailiffs and several deputy Bailiffs I have served under in more the twelve years as a member of this assembly.]

Ete a remercier les Officiers de la Couronne et le personnel de la Cour Royale pour tout le travail qu'ils ete accompli pour moi-même et d'autres deputes des les Etat.

[Also I would like to thank the Crown officers and staff of the Royal Court for all the work they have carried out for myself and other deputies.]

Et pour tous les députés passés et presents ce j'ai bien travaillé au cours des douze années, je voudrais les remercier de leur bonne volonté et de leur amitié.

[For all the past and present Deputies that I have worked well with over the 12 years, I would like to thank them for their good will and friendship.]

Et pour les autres il vaut mieux que je ne dise rien du tout.

[And for the others it is better that I say nothing at all.]

Enfin, à tous, je voudrais vous donner, bonne courage et bonne chance pour le temps que arrivair.

[Finally, to all I would like to wish you good fortune and luck for the time to come.]

Merci.

(*Applause*)

The Deputy Bailiff: Thank you, Deputy Paint. Deputy Tindall.

Deputy Tindall: Thank you, and I thank Deputy Paint for a wonderful speech; I do not speak Guernésiais but I do speak French and I got the majority of what he was saying, and I am very grateful for his words, for all the staff, as well as for us, to have courage.

I should add that I did vote against the amendment simply because I felt, as I mentioned in my short speech, that my question with regard to having three official languages does complicate matters and it does increase costs when we are very much aware of these issues. But obviously, the amendment which is now incorporated and yet to be passed does include for P&R to go away and take such 'coordinate and take such actions as necessary to ensure that their resolution is given effect,' and of course, the considerations of how that would be done and the costs will be considered by the next Assembly, and in the light of that, clearly those considerations can be mulled over in the big scheme of things.

I did say in my speech, as I say, I completely agree with the belief and ideas that have been expressed with regard to maintaining and totally enhancing Guernésiais – I will get it right

eventually, Guernésiais (*Laughter*) – anyway, Guernsey French – I had it phonetically on my screen, earlier, but I have lost the skill now, I was too overwhelmed by Deputy Paint’s speech.

But the point is that, yes, there are some of us who are not Guernsey-born in this Assembly and we bring what we can to this Assembly with our backgrounds and knowledge and our absolute love of this place, which has become our home. I always said, the day I arrived, they would have to cut the chains if they were trying to kick me off this Island, because I had 13 years as a visitor and I completely and utterly love it, and respect the languages is certainly what I do. So I have absolutely no problem with supporting the original Propositions, and given that proviso in the new amendment, I will support the whole thing.

I have two comments to make: one is that I am not, actually – I do not know if Deputy Paint was referring to myself as being from Surrey – Deputy Paint mentioned colleagues from ‘South Africa, Wales, and Surrey,’ and I was not sure if it was a reference to me, because according to my mother, we are from northeast Surrey, but I am actually from South London. So again, I do understand that dialect we have, which I have a fondness for.

But also, I do not wish to go against the will of the Assembly and, indeed, flip-flop, so I will be supporting all of the Propositions as amended.

Thank you, madam.

The Deputy Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Thank you, madam. I will just be very brief.

I will be, obviously, supporting this as amended, but I was just having a little conversation with Deputy Fallaize here, and I think there are a number of ways in which the Commission could go about its work. One of which I said in the previous speech – as Guernsey French will never become, and it would be foolish to try and make it, the language of business – one of which would be to garner extra interest. It is interesting: as Deputy Roffey mentioned or alluded to when he was speaking, the number of people, since we have been able to – in my first term, I tried to start up a little bit of interest in teaching it voluntarily – but the interest largely came from people moving to Guernsey from outside, who were so glad to have something that was unique, because of the things I alluded to before; everywhere you go in the Western Hemisphere seems to look the same and feel the same and speak the same language now. So, there is an attraction there and there is lots to be said; because Norman French became effectively the court language of England and then influenced English hugely, there is lots to be done there that could interest people in the language because of the connections in terms of words, so I hope they do that.

But also with French – I have said to many people that when I am in France and speaking French and I have had one too many glasses of wine, I sometimes drop in a Guernsey French word without realising it. I did recently where I used the word *saonge* for ‘dream,’ which is not used so much, *rêve* is used nowadays, and they looked at me slightly oddly; they knew exactly what I meant but it was like using an archaic word in English, a Shakespearean word or something like that.

But that also endears us in the French connection; I often ask French people, when they are surprised to find – it is a shame they are surprised to find – that Victor Hugo lived 15 years here in Guernsey, and the only house he ever owned is here as a museum – but I ask them very often, ‘What is the French for “octopus”?’ And they think *Il y a deux mots* – ‘there are two words: there is *poulpe* and there is *pieuvre*.’ I say, ‘Why do you think there are two words?’ ‘Oh, I don’t know.’ But if you look back in French literature, before the late 1880s there was only one word, *poulpe*; it was because Victor Hugo introduced the Guernsey French word for ‘octopus,’ *la pieuvre*, into the French language, and it is on many menus nowadays. So it is an interesting facet that we can make more of.

And I think if we are going to celebrate our language – somebody used that term before, and I think the Commission should look at innovative ways of doing that – we need to certainly invest in it. I have on my iPhone a Bible app where I can access the Bible in its original Hebrew and Greek and in English and multiple translations in French and in Guernsey French; it is already there and we

did not have to pay a penny to do it. There is lots more we could do if we just put a little bit of interest in there; there are many organisations outside of this Island who would help us to do that, but we need some resources.

But I am totally behind this, and I look forward to the flourishing of our unique culture.

The Deputy Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Thank you, Madam Deputy Bailiff.

I rise very quickly to remind people that we are only halfway through getting what Deputy Le Tocq and I wanted to do in our amendment, because it could all fall flat on its face if this substantial motion fails. So I think it is very important that we actually remember that this is a very important task and we do not lose it at the vote.

'The bald one'? Well, getting there. My first name is Paul, which of course means 'little' in Latin, not much to that either, so I almost stand up in challenging my whole name. Whilst we are talking about names, I think it is really important – and the danger of mentioning names is that you actually forget people, you miss people out – but I think it is very important that certain people who have been very much involved in the forum – and perhaps when you sum up, you perhaps add a few names, Deputy Fallaize, to the names and I am actually going to mention here – but there are people that have worked a lifetime trying to save this language: Marie De Garis – MBE for her services – is one of those who actually spent an awful lot of time. But there were other people around too; I remember Hellier Le Cheminant from Rocquaine, who did lots and lots of work on it – I am not sure if he is the 'Rocquaine,' is he the same person? I am not sure – but certainly Hellier Le Cheminant was very to the fore, and so was his son Keith, who was a founding member, I believe, of the 'Revivalists,' and they used to come and visit the various schools.

And I do really sympathise with some of the expressions that have been said about 'You do need to get into the youngsters, you need to catch them young,' and if you can get some little bits of work done within the primary school, that is going to be far more beneficial than if you do it in the secondary. But when I was a secondary school teacher, we had one or two non-Guernsey teachers who actually wanted to learn the language, and we actually had a *[inaudible]* who actually came and taught Guernsey French to the students in a lunch hour; we had two sessions, half an hour or so, twice a week. And the take up was quite great, it was quite big; 20 or 30 students a time, different groups, would actually have a go at it. I do not think it is dead; I think there are chances there to actually arrest this slip and this slide. But if we can get younger people involved, so much the better.

I mentioned Keith Le Cheminant; I think we also should mention Jan Marquis, Jan Marquis has done a terrific amount of work; Jo Dowding has done a terrific amount of work for the Guernsey Museum Service; and also James Dumbleton. Now, James Dumbleton is not a Guernsey boy, but he has come over here and he has actually encouraged youngsters and school to even do carol services in Guernsey French! It is brilliant! You need that kind of buy-in, that kind of real feeling.

Now yesterday, I was speaking with feeling; I hope that I did not offend anybody, I was not trying to. Everybody is welcome here, everybody. We are a cosmopolitan Island. I have no intention whatsoever of trying to upset anybody at all. All I am saying is that we need integration and we do not need to lose our heritage.

I am the grandson of a man of Kent. I might not be a Kentish man – wrong side of the Medway – but I do have English connections; I suppose if I was a dog breed, I would be a mongrel, and a very proud one, very faithful but very passionate about my Island, the Island that I have been born into. And I know that my family on one side is very Guernsey, on the other side very English, but they mix and they mingle and they integrate, and that is what we need to have over in Guernsey; we need to have everybody on the same page, going in the same direction, wanting the same things, and valuing everything in society that is worth valuing now.

There are a few other people that I need to mention: Margaret Le Cras is another good old Guernsey schoolteacher – I say 'good old,' I hope she does not mind me using that word – and she has been doing it for a long time, and it is very much appreciated; Fred Gallienne used to do much

1415 the same when he used to give his tours around the Castle Cornet; and also Harry and Hazel Tomlinson; and before them, Mr Girard, who used to do the news in Guernsey every week. They were absolutely stellar people, and we really owe them a fantastic debt of gratitude, and if I can do that through what I am saying here, I am hoping it will be endorsed by other people. Those people have worked tremendously hard for our Island.

1420 In closing, I ask you, I implore you, to actually vote this through so that we can actually move forward. If someone is actually – oh yes, Cynthia Le Normand was the other one that escaped my mind, I do apologise, Cynthia Le Normand and Margaret Le Cras used to actually come into the Folk Museum and they would actually talk in Patois to each other, and people would actually come and actually engage with them, even French tourists or whatever, to actually see how the language works. So all those people: thank you very much indeed.

1425 I am just about to finish, I will sit down, because I had actually made a note, it has actually come up in one of the emails that I think we have all received from one or two university professors that are actually trying to encourage the language. There are people in some very prominent universities that are now actually offering minority languages as part of their degree courses, and Julia Sallabank is one of those who has been doing this; there are other people, but I cannot remember them straight away, that are trying to get us onto the international stage, trying to get our Island language more recognised. It may be that there are grants that could be had from various other groups, and I think we need to be aware of that; I am sure the Commission will look in those directions as well. But Mrs Sallabank actually reminded me of something that I actually spotted myself, and that is that

1430 this upcoming decade, the '20s into the '30s, has been nominated by UNESCO as a 'Decade of Indigenous Languages'; what a golden opportunity for us to actually promote our own language in this decade, in that decade which is UNESCO-nominated as a year of indigenous languages. Let's grab it, grab the opportunity while we can, and let's see if we can actually get this identity reinforced.

Thank you very much indeed.

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The Deputy Bailiff: Deputy Tooley.

Deputy Tooley: Thank you.

I am really pleased to be speaking directly after Deputy Le Pelley. During this term, first Deputy

1445 Le Pelley and then I represented Guernsey at the British-Irish Council on Indigenous Languages, and I think my notes dovetail very neatly into Deputy Le Pelley's, because Deputy Le Pelley has spoken very well about the people who have worked in Guernsey and around Guernsey to keep what language there is remaining in Guernsey alive, keep it bubbling over, keep it ready and waiting for the next big thing to be able to do the next stage, and I want to talk about some of the people

1450 outside Guernsey who are going to be able to help us to do this. And I say this almost as a word of caution, because I think there are some who – 'It's our language, it's Guernsey's language, it's here' – but we are going to need to accept outside help on this.

There are experts in saving and renewing languages who have never spoken a word of Guernésiais but who will be absolutely invaluable to us in doing the work that needs to be done if

1455 we are to save this. And they do include: Julia Sallabank has already been mention, she obviously is a speaker of Guernésiais; Dr Mari Jones – who is, I am sure, the particular individual who Deputy Le Pelley was struggling for the name of – at Cambridge, who again, is a Guernésiais speaker, although she originated from North Wales and her original study was in medieval French – she, again has done a huge amount of work in this area. And they are individuals outside of Guernsey who are very ready and willing to come in and help; in fact, Dr Jones has spent the last year on sabbatical from Cambridge putting together a really comprehensive additional dictionary of Guernésiais based on the writings of our own Sir Richard Collas' family, where his uncle or his cousin – I forget off the top of my head – was actually a very prominent scholar who spent a huge amount of time writing what would become almost mythical as a lost dictionary of Guernésiais, and in fact, Dr Jones spent

1460 a lot of time and found that lots of this lost paperwork was in archive at Aberystwyth University, and she has accessed it and she has spent a year of her own life putting this together.

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She has offered to help us, as has Julia Sallabank, in putting together teaching materials and so on that we can use. And it is critical that we use the experience of those outside who have reinvigorated languages to do this, because there are people I have met at conferences I have attended on behalf of the ESC who have worked to save indigenous languages in places like Africa, where there was no written form of the language whatsoever, where they have had to create alphabets in order to be able to store the language, in order to be able to teach the language, and their work is going to be invaluable in helping us. But none of this happens without the funding, and I do want to say – I know the amendment fell away without being voted on, but I do want to say a word about why it is important that additional funding is made available for this, because this is perhaps the hurdle where this might fall and that is not what we want to see.

Education, Sport & Culture does receive a large budget, but it has a very large piece of work to do with that budget, and if I was asked to prioritise the learning of our children in schools – where they need to learn English and they need to learn maths and so on – if I was asked to prioritise that and the language, then ultimately, I would probably have to say that the language would not be able to be a priority. But that is not to say that it should not be a priority for the Island, and this is where Education, Sport & Culture have come to the States to say, this is a priority that goes beyond the Committee for Education, Sport & Culture; this is a priority that the Island must own; this is a priority that the States must own.

I give way to Deputy Le Tocq.

Deputy Le Tocq: I thank Deputy Tooley for giving way.

I am glad that she has said that, because whilst the other amendment fell away – and this is why I have some sympathy with my colleagues in P&R – there is a question that has to be raised as to if such a small amount can achieve so much, which I do believe it can, why Education has not done it as yet. I am not particularly laying the blame at the feet of those who have been there, but I suppose that was the sadness in viewing this, that in my efforts years ago to try and get things forward, we did not get this far. But as I said at the start, every little helps.

So I am glad that she has alluded to that, and I underline that it is important to go ahead, and it needs to be sustainable, and therefore I hope that my colleagues in P&R will bear that in mind; it needs to be owned by all of us.

Deputy Tooley: Thank you, and I do thank Deputy Le Tocq for that comment, because actually, when I first read that amendment, my first thought was, 'Of course we can reprioritise our budget; just give us a bit more of it and then we can make this fit.'

This needs to be owned by the community, it needs to be owned by the Island. If we as a community want to save this language, then we as a community need to put some money into it, but more than that, we need to put actually quite a lot of effort into it.

For a long time the Manx language was talked about as having been extinct and brought back from the brink; the truth is that the Manx language was still being spoken more in homes inter-generationally than Guernésiais is today. So, while we have more native speakers than they had at that point – and a native speaker is someone who learned it as a mother tongue, who learned it from the start, who did not think as an adult, 'I will learn that language' – it is not necessarily someone who was born on the Island and learned it; it is to do with the point at which you learn the language. Although we have more native speakers, our native speakers are elderly. We have very little intergenerational learning of the language now, and if we want to see change, then we need to see commitment to actually do things differently.

And so that is what this policy letter is about. It is a request for the money, but it is a request for a new way of working around the language for a new way of building going forward, and I hope I am reading the room right in that we will vote for this and do so quickly because we do have other business to get on with.

Thank you.

The Deputy Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Madam Deputy Bailiff.

In the Government Business Plan of 2007, it had a category to 'assert Guernsey's independent identity,' which is, I think, the first time that actually it appeared in various previous versions of what was then called the 'Government Business Plan', and it said 'support local groups in the preservation and development of Guernsey French.' So 13 years later, I think we are finally going to support local groups with real resources; I am not saying they have not been supported before, but without resources in terms of financial. This is the first time that we actually supported them with actual resources. I hope that, just as when we discuss the Sports Commission earlier in this session, that private money will also follow States money into helping to finance a Language Commission.

Just in terms of one of the comments made before: the Propositions are not in relation to 2020; they are in relation 2021, 2022, and 2023, so any underspend in this very unusual year because of Covid has no effect on cash limits for 2021, 2022, and 2023. And in relation to Education's budget for culture: when you actually look at it, when you take away museums, libraries, and the Island archives, in fact, we only have for cultural activities £426,000 for this year, but of that, £181,000 is for the Guernsey Arts Commission, and £90,000 is for liberation celebrations. So when you actually look at our budget, this £100,000 we have of the remaining money that we have for cultural activities would represent 65%. So that is why it is not able to be financed from our existing budgets. And that is why I ask Members to support the Proposition to increase the cash limit for 2021, 2022, and 2023.

Deputy Inder: Thank you for giving way, Deputy Dorey.

I think I am right in saying that we have found this Island spent over £4 million on consultants last year, versus – what was it again, did you say? If you could repeat the last piece about what we have got left for spending on culture?

Deputy Dorey: £426,000 we have for cultural activities. (**Deputy Inder:** Blimey!) The budget for Culture includes museums, libraries, and the Island archives, but when you take those away, there is £426,000, and of that, as I said, £181,000 is for the Arts Commission and £90,000 is for Liberation celebrations. So that just shows you, when you actually get down to individual budgets, there is not the money available. And that is why I ask Members support these Propositions.

Thank you.

The Deputy Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, madam.

Just with regard to a few questions that I have been asked, and I would like them to be something that, in summing up, perhaps Deputy Fallaize could offer some indication to: what is the money going to be spent on, this £100,000 a year? When I look here at the information that we have got: £49,000 to £63,000 is to be spent on a 'Development Officer'. Now, that is another employee, if you like, a States employee that is coming to task just at a time when we are trying to reduce numbers and cut costs across the civil service. It seems to me to be a lot of money. I mean, over half of that money is being spent on a civil servant, and I would prefer, personally, that the money is put into active measures of doing things and getting things done, rather than going into staffing costs.

Now, the other question is that the Committee was running the £26,000 a year in terms of revenue budget: is that to be part and parcel of the £100,000 or is the £26,000 in addition to the £100,000 a year? Perhaps the focus with regard to the four objectives might be brought out with regard to Deputy Fallaize's answer, the raising of awareness, the facilitating of effective teaching for researching, recording, and archiving of Guernésiais, and also the raising of funding through sponsorship and that type of thing. Perhaps he can indicate where those particular areas fit in.

1570 And I would like to also note and appreciate the appreciation that the Committee has made for the input from many contributors who have provided useful language development expertise to this Committee and, of course, previous Committees for Education, and as a Member of L'Assemblaie d'Guernésiais, I know the tireless work that has been put in by members of that organisation in primary schools and also at the College of Further Education in providing that course there.

1575 So I heartily support the policy letter and call on Members to support it.

Thank you.

The Deputy Bailiff: Deputy Fallaize.

1580 **Deputy Fallaize:** Thank you, Madam Deputy Bailiff.

First of all, I apologise to Members for the length of the debate that has been generated by this policy letter; at least we will have the pleasure of being able to go into another week where we see each other, I suppose, on Tuesday, because I expect we will be back then.

1585 In relation to funding – and I am very grateful to the States for disposing of the P&R amendment as swiftly as the States did – the issue I was going to say around funding, and it has come up subsequently in debate, is: the heritage budget of the Committee is around £1 million a year, and it is just not possible to reallocate 10% of the heritage budget to this modest funding that is proposed for the Guernsey language. I think, actually, the Committee has quite a good record in terms of budget control, and I talked in the Sports Plan debate about prioritisation or re-allocation of the existing budget, and heritage is not an area of the States, whether under the present Committee or any of its predecessors, which has a habit of coming to the States and complaining about what is actually, in comparison with other jurisdictions, a very modest heritage budget; it has not been increased in real terms for a number of years and it goes a very long way. So I think the case for additional funding here is made out.

1595 I said yesterday, and stick to this, that it is a legitimate argument that the language is not worth funding at all, because if you take a kind of Philistine view of it, language is a means of communication, English is the language in Guernsey, so why bother with anything else? I think that argument is totally wrong and does not recognise the importance of heritage and distinctive cultural identity, but I think it is a legitimate argument. I am pleased that the vote on the Propositions will be a simple vote, on that binary choice: either not investing in it at all or providing this additional modest investment to help a new Commission to do its best to prevent this language from becoming extinct. That is not the kind of vote we could have had if that amendment which was not debated had been approved.

1605 Another point about budget: Deputy Le Pelley in this debate has demonstrated how passionate he is about this issue. Deputy Le Pelley was my predecessor; if there was spare cash lying around to support the language, I think that Deputy Le Pelley's Committee would have applied it, and the fact that they were unable to demonstrates that without the funding that is being requested, there will not be any initiatives to support the language.

1610 To answer Deputy de Lisle's question: the additional funding would be in addition to the £26,000 pounds which is being – I was going to say 'pumped in at the moment,' but £26,000 cannot really be pumped in, it is a pretty meagre budget at the present time. Deputy de Lisle also asked what the Guernsey Language Commission would do, but then helpfully answered his own question (*Laughter*) by referring in the policy letter to sections A to D of the mandate which the Commission will be provided with.

1615 Deputy Le Tocq may not thank me for saying this publicly, but he has just said to me that he would be willing to become involved in the Guernsey Language Commission, which is, I think, a very generous offer and one which – I have not consulted with the Committee, but on their behalf I will gratefully accept, and if anybody else is interested in serving on the Commission or supporting the Commission in any way – Deputy Paint perhaps? He cannot really refuse now, can he? – (*Laughter*) then we would be very grateful, and if anybody else is listening who is enthusiastic, then please

come forward, because the more people who become involved, the more support there is, the more a volunteer force can be established, then the greater the chance will be of us being able to do what the Commission needs to do.

1625 So I do not think there were any other questions raised. I agreed with a couple of the early speakers; Deputy Smithies urged caution in relation to what can actually be done with this amount of money, but as Deputy Dorey said, if the Commission is up and running and has this sort of investment, there will be at least the possibility of it obtaining private sponsorship and commercial sponsorship in the way that other Commissions have. I think there is actually quite a lot of
1630 enthusiasm that could be tapped into, but with the complete lack of funding there has been up to this point, it has not been possible to test that, but as Deputy Inder said, we will find out over the next three years.

The only alternative to this is quite deliberately to allow this very historic and very unique language that is important for our cultural identity to become extinct on our watch. I think that is
1635 unthinkable and, really, in a cultural sense, unforgivable. I think these Propositions are going to be approved by the States; I hope they are approved unanimously, because I think that would demonstrate the degree of commitment there is from the States, notwithstanding that this would be a modest budget, but the degree of commitment there is to our language. Without the additional funding, there is no commitment whatsoever.

1640 So, I urge Members to vote in favour – all Members – to vote in favour, and I hope the vote will be unanimous. And I thank the States in advance for what I do not think it is complacent to say will be their support.

Deputy Le Pelley: Could we have a recorded vote?

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The Deputy Bailiff: We can, Deputy Le Pelley.

Is anybody urging me to deal with the two Propositions separately? No.

Deputy Greffier.

There was a recorded vote.

Carried – Pour 33, Contre 1, Abstain 2, Absent 3

POUR

Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut

CONTRE

Deputy St Pier

NE VOTE PAS

Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Leadbeater
Deputy Trott
Deputy Mooney

Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Le Pelley
Deputy Merrett
Deputy Stephens
Deputy Meerveld

Deputy Trott returns to the Chamber.

1650 **Deputy Dudley-Owen:** Madam, maybe we can re-run the vote for Deputy Trott now he has returned to the Chamber.

The Deputy Bailiff: I do not think that is absolutely necessary, I think we are quite clear about which way the vote went.

1655 There voted on the Proposition as amended by the Le Tocq amendment: 33 Pour; 1 Contre; two abstained; and three absentees. The vote is, therefore, carried.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

XV. Third Party Planning Appeals – Debate commenced

Article XV.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Third Party Planning Appeals" dated 28th February 2020, they are of the opinion:

1. To agree that, at this time, no change is made to the appeal provisions under the Land Planning and Development (Guernsey) Law, 2005 in respect of the means for third party representors to make representations to the Planning Tribunal within the current planning appeal process.

2. To agree that, before any proposals can be considered on whether or not to extend the current planning appeal regime to include provision for third party representors to appeal decisions of the Development & Planning Authority in respect, in particular, of the grant of planning permission, the approval of reserved matters or other consents under a planning permission, further and wider consultation is undertaken on the basis of the proposals and suggested matters for consultation set out in paragraphs 8.21 to 8.43 of the policy letter.

3. To direct the Committee for the Environment & Infrastructure, in consultation with the Committee for Economic Development and the Development & Planning Authority, to consult widely with States Committees, individuals, bodies and organisations:

(a) on the status of third party representors within the current planning appeal process; and

(b) whether to extend the current planning appeal regime to include provision for third party representors to appeal decisions of the Development & Planning Authority in particular, in respect of the grant of planning permission or the approval of reserved matters or other consents under a planning permission.

4. To direct the Committee for the Environment & Infrastructure to bring a further policy letter to the States, having considered the consultation responses, by no later than April 2021 on third party rights of appeal including whether or not to introduce a system for third party representors to appeal decisions of the Development & Planning Authority to grant planning permission or approve reserved matters or other consents under a planning permission.

The Deputy Greffier: Article XV – Committee for the Environment & Infrastructure – Third Party Planning Appeals

1660 **The Deputy Bailiff:** Just before I invite Deputy Brehaut to open, it would be useful to take Members' views on whether they think we might finish today by being a little bit short on lunch time and a bit long on this evening, whether there is any view on at least trying to get it done today or whether or not we should just expect that we are going to go on until Tuesday.

Some Members voted Pour; others voted Contre.

1665 **The Deputy Bailiff:** That was not helpful at all. Thank you very much, everybody. *(Laughter)*
I think what we will do is I will ask Deputy Brehaut to start, and probably when the Bailiff takes over at half past two, he can decide whether to go on long this afternoon given that there was quite a divided house on this.
Thank you, Deputy Brehaut.

1670 **Deputy Brehaut:** Thank you very much, Madam Deputy Bailiff.
Members, this policy letter was submitted in February 2020. The introduction of a Third Party Planning Appeals was not identified as a priority by my Committee and this policy letter was submitted to comply with Resolution 5 of July 2019 to approve a requête submitted by Deputy Merrett entitled 'The Island Development Plan.' Resolution 5 directed my Committee to bring a policy letter on third party representation in planning appeals no later than April 2020; there is an amendment, as you will be aware, being placed by Deputy Dorey and myself that looks to extend that timeline somewhat.

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The policy letter provides an overview of the research of the regimes for determining third party planning appeals in other jurisdictions, including Jersey, the Isle of Man, and Ireland. Responses to the targeted consultation with the Committee for Economic Development, the Development & Planning Authority, and the Planning Panel – my Committee was able to undertake, but in the short timeframe that was available to us – and estimated additional resource requirements and revenue costs, the third party appeals against decisions by the Development & Planning Authority to grant an application for planning permissions are introduced to Guernsey.

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In the time available to comply with the requirement for this policy letter to be submitted no later than April 2020, it was not possible to undertake the wider consultation my Committee believes necessary before presenting firm recommendations on whether or not third-party planning application appeals should be introduced to Guernsey. From the targeted consultation set out in the policy letter, Members will note that the views are diverse and perhaps raise more questions within the body of the policy letter than there are answers. More importantly, my Committee did not have time to consult with members of the public, developers large or small, and households who may wish to make alterations to their own properties. The views of these groups are important in informing any future proposals to those set out in the policy letter.

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The Committee has also looked particularly closely at the Jersey system for third party appeals; it is broadly similar to that for someone whose application for planning permission has been refused. As noted in the policy letter, the system is based on a strict timetable for the submission of an appeal and responses to the appeal which aim for an appeal to be determined by a planning inspector within 10 to 12 weeks of the original decision. However – and I think this is an important thing to note – as the planning inspector's decision takes the form of recommendations to the

Environment Minister from Jersey, it may take a further six to 12 weeks before the parties know whether or not the appeal has been allowed or dismissed.

The potential timescales involved and impacts on commencement of the development, as well as on the existing planning process, are important considerations. Therefore, as set out in the policy letter, my Committee believes that before presenting firm recommendations on whether or not to extend the category of appeals a planning tribunal may determine to include appeals from third-party representatives, it is essential to canvass the views of all relevant groups, as well as understanding in more detail what the costs and benefits of such a system might be. The further consultation would help inform the Committee's final decision by providing evidence on the benefits, drawbacks, and costs if third-party appeals are to be introduced into Guernsey.

However, much has changed since the policy letter was submitted; the impact of the Covid-19 pandemic has changed all our lives and has had a significant impact on States' finances and the wider economy, so the States is now having to reconsider its priorities. Revive and Thrive, Our Recovery Strategy for Guernsey Together, seeks to progress projects including building projects, which will help recover our economic prosperity and that can be delivered at a pace. Central to this will be the timely decision taken by the DPA and the Planning Authority; more specifically, there are concerns that if we have third-party planning appeals, it then elongates the planning process at a time when Guernsey really does need to put its head down and start delivering on some of the aspects, and particularly with regard to the building of some developments.

The Committee is keen to support the delivery of the Recovery Strategy and so is mindful that amending the current legislation to allow planning appeals by planning tribunal – *tribunal* – I can never say that word and every time I see it in the speech it completely spooks me! (*Laughter*) I suppose it is McSwiggan-esque in that regard. (*Laughter*) To include third-party appeals will increase the risk of challenge to a decision to grant a Planning Commission, and as I said earlier, such challenges could result in significant delays to the delivery of construction projects. Similarly, as set out in section 9 of the policy letter, the additional annual cost to the States in resourcing third-party appeals is likely to be between £150,000 and £200,000. Is now the time to commit to these additional and reoccurring annual costs?

For the reasons set out in the policy letter, I ask Members to support Propositions 1, 2, and 3. My Committee has submitted an amendment to Proposition 4 which seeks to move the date by which the Committee must report back to the States by 12 months, i.e. to April 2022. This is to ensure that in the immediate future, the Committee can fully focus on delivery of the recovery action plans and the new States' priorities as we work to recover the Island's economy in the wake of the Covid-19 pandemic. I can assure Members that the further consultation proposed will be undertaken in as timely a manner as possible given the decision of the States to refocus Committees' priorities to deliver on the recovery action plans. A further policy letter is submitted setting out the Committee's recommendations supported by the evidence from the consultation process on whether or not to recommend the introduction of third-party planning appeals and, if recommended, the scope of such appeals is something that we still need to further consider.

I have to say, Members, when you present some subjects – and maybe in the light of climate change and other issues – you can really get a fire in your belly and promote with every sinew and fibre in your body the policy that you are laying for the States. I have to confess: I am ambivalent, personally, with regard to third-party planning appeals; my Committee was tasked with going back and that is what we have done and that is why we have this policy letter in front of us. The Committee does not oppose the amendments placed by Deputy Merrett and Deputy McSwiggan, and I ask Members to support the three Propositions and the amended fourth.

Thank you.

The Deputy Bailiff: Deputy Greffier, can we formally deal with the amendment to the Committee's amendment?

The Deputy Greffier: Yes, if the President wishes to lay it.

[Amendment 2](#)

In Proposition 4 for "April 2021" substitute "April 2022".

Deputy Brehaut: Yes: quite simply, the amendment says 'In Proposition 4, "April '21," to substitute that for "April 2022",' and I think you will need a signed copy of this as well, presumably. Deputy Dorey seconds this.

1755 **The Deputy Bailiff:** Sorry, do you mind formally seconding, Deputy Dorey?

Deputy Dorey: I formally second it.

1760 **The Deputy Bailiff:** Does anybody wish to debate on this? Deputy Merrett.

Deputy Merrett: I will be very brief.

Obviously, this is disappointing, but I think it is pragmatic and I think it is reasonable. So I am not going to support it with a loud shout of 'Pour!'; it will be a quiet 'Pour,' as some Members do. But I think it is reasonable, it is pragmatic, and I thank the president and vice president for bringing this amendment, because I think it does give a reality check to our community of when they can expect to have this delivered, and as Members may know by now – I hope they do, madam – I am not one for giving false hope. So if it cannot be done by that time, and the existing Committee recognise that, then I am disappointed to – yes, I think I know what I am saying and I think you know what I am saying, so it will be a very quiet 'Pour' from me, madam.

1770 **The Deputy Bailiff:** Do you have any reply, Deputy Brehaut?

1775 **Deputy Brehaut:** We really are in exceptional times; I know we said this yesterday, but the constraints on staff mean, ultimately, regrettably, that it will be delayed and that the Committee after me, I am sure, will be sincere in our intent to deliver a report back to the Assembly at the time specified in this amendment. Thank you.

1780 **The Deputy Bailiff:** Right, we will go to the vote, then, on the amendment – that is, Amendment 2, proposed by Deputy Brehaut and seconded by Deputy Dorey. Those in favour; those against.

Members voted Pour.

The Deputy Bailiff: I declared that carried.

Given the time, there has been a suggestion that we could reconvene at 2.15 p.m. Is there anybody who sees that as a real difficulty?

1785 **Deputy Smithies:** Not a difficulty, madam, but is it necessary? (*Laughter*) Because I have said before, these meetings do go on a bit. If we are to extend into the evening, as is possible, then we will be sitting for rather a long time.

1790 **The Deputy Bailiff:** I think, Deputy Smithies, if we started at 2.15, we have got more of a chance of finishing; it may not be possible, but it is only 15 minutes, so unless there is – (*Interjections*)

Deputy Lowe: I think, madam, there is no way we are going to finish this debate with another nine or ten reports, which I think some are controversial.

1795 **The Deputy Bailiff:** Well, we will take a vote on the suggestion that we recommence at 2.15. Those who vote for; those against.

Some Members voted Pour; others voted Contre.

1800 **The Deputy Bailiff:** The Pours win, the motion is carried: 2.15 p.m. and it will be the Bailiff who will be presiding.

*The Assembly adjourned at 12.31 p.m.
and resumed its sitting at 2.15 p.m.*

**Third Party Planning Appeals –
Debate continued –
Propositions carried as amended**

The Bailiff: I think we are in a position, Members of the States, to invite Deputy Merrett to move Amendment number 1. Is that right, Deputy Merrett?

Amendment 1:

To insert the following wording at the end of Proposition 2:

‘ which shall include the environmental costs and benefits of any change to the appeals system, alongside the implications for the economy and the planning regime.’

Deputy Merrett: Yes, please, sir.

1805 For the Members present, first I ask you not to leave the Chamber, because we might not be quorate, and I am hoping, when I speak, Members will flood into the room in excitement to hear me speak today.

So, this amendment – I will read, sir, because it is very short. It basically inserts into Proposition 2 the following words, if successful – hopefully, we will support and agree today to insert the words, as I will now quote:

which shall include the environmental costs and benefits of any change to the appeals system, alongside the implications for the economy and the planning regime.

1810 Now, as in the explanatory note, basically, the intent that we have to move this amendment is to insert what we believe are very important words. Third party concerns, they often relate to impact of development on the environment, the biodiversity and natural landscape, and I will explain why. In my view, sir, sometimes the interpretation and implementation of some of the policies within the IDP that are meant to protect areas biodiversity, important open land, or sites of special
1815 significance – so, in my time in office, many of the members of our community who have contacted me are concerned – in fact, they are very concerned, sir; in fact, some actually have advised me that they do not even sleep well at night, because they are so concerned regarding planning applications, and many of these concerns that are raised with me are the impact of any potential developments or planning application on their environment, the biodiversity within that
1820 developments, and of course, the natural landscape. Of course, this does not negate the fact that they can make a representation, but when the application is determined, it is often felt the weightings given to these policies, as I have already mentioned, sir, that should give or could give necessary protection, the weightings or the mitigation suggested are not, in their opinion, sir, on opinion – let us say that the relevant weighting is given to them.

1825 Now currently sir, obviously a first party can appeal, but not, of course, a third party. So, what we are asking today is not just in line to third party, because that has not been determined, as we know; this is about any change to the appeals system. So, if the next States determine – wrongly, in my view, sir – but if they do determine they do not want a third party right of appeal, then at least this can be taken to account and come into effect for the first party right of appeal. Now, it is really

1830 good to know that the Committee *for* Environment & Infrastructure support this, because I actually believe – those Members are in the Assembly, so that should be five votes, that is good – (*Laughter*) ‘not necessarily’? Okay, I am hopeful, they said they were going to support us, but we obviously do not want a flip-flop Governments, so they may not, but anyway. But this is very much about building back better for all, for everyone, and taking into consideration the additional words that we should
1835 put in: ‘the environment, biodiversity, and natural landscape.’ I am hopeful, sir – I am always hopeful – that we will not have a particularly long debate on this amendment and we can move to the main Propositions, but of course, I do indeed, live in that: hope.

The Bailiff: Deputy McSwiggan, do you formally second the amendment?

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Deputy McSwiggan: Yes, sir.

The Bailiff: Deputy Langlois.

1845 **Deputy Langlois:** Thank you, sir. I will try and talk just briefly to the amendment; I might slip a bit into general debate.

I think the President of Environment & Infrastructure said it was supported by the Committee; obviously, you can have majority decisions by Committees, I do not feel bound to support it.

What worries me is not so much the substance of the amendment; it is the apparent lack of
1850 understanding of our planning system, one of the important factors in our planning system. If one takes as an example, say, a field on the west coast of the Island, and the developer puts in for planning approval for development and that gets refused by the DPA, the developer can go to appeal. Now, it is quite understandable that if there are objectors to that development, they would like some form of representation in that appeal process. The alternative is that the development is
1855 granted, initially, and objectors would like some form of appeal against that granting of planning permission.

Those are the two possible scenarios regarding that field on the west coast of Guernsey. Now, neither of them really give any protection whatsoever to that field; the protection of that field would come through an amendment to the IDP to give that field important open land status. That is what
1860 people should be concentrating on, not the process, which is what the appeals system is and might be if it is amended. In other words, it is, in fact, the legislation, which in partly what the IDP is – one could argue is not, in that situation, at a fine enough grain. I am not going to make those arguments now, that is simply what I believe; the IDP is not at a fine enough grain, we do not use the concept of important open land to protect important small parcels of land, particularly around the local
1865 centres and in the main centres. That is what we should be concentrating on, instead of either blanket ‘no building on greenfield sites,’ which actually is not a category in the IDP, or hoping somehow the process will allow some kind of protection against development, which large numbers of people believe are injurious to either biodiversity or the landscape or whatever.

So in other words, this amendment is a distraction, I think. I think it is relatively harmless. I cannot
1870 quite decide whether to vote for it or not; somehow, voting for it seems to endorse the idea that it might be of some significance or some sort of use. (*Laughter*) I probably will vote against it just on that basis. But this will all come out if the Assembly votes in favour of E&I’s proposals, this will all come out in the in the process of developing the proposals. So I will not say any more about it than that.

1875 Thank you.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Briefly, I want to agree with Deputy Langlois and build on what he just said. I think the amendment is quite innocuous, although perhaps the sponsoring Committee will advise on that later in the debate; it reads to me as being quite innocuous.

But the problem here is that the perception that supports the amendment, or the impression that is provided in the laying of the amendment, is that by introducing these arrangements, somehow, third parties will be able to make successful challenges to planning decisions which are currently denied them. Now, I cannot see how that can possibly be the case, because the same group of people will sit to consider the application, judging it against the same planning policies. So it does not matter how many groups of people are given some right to submit representations or objections, it almost suggests that a group of people who, first time around, would come to conclusion A, if only they had benefitted from the wisdom of the next door neighbour's objection, would have come to B. And I cannot understand – I am talking about the whole regime of third party planning appeals.

The issue, as Deputy Langlois has said, is that we have created a Strategic Land Use Plan, we have created an Island Development Plan, the States got rid of what were detailed development plans, which were too detailed because they tried to come up with a planning arrangement for every parcel of land in Guernsey, almost, but there is now too much of a gap from where the detailed development plans were to where the Island Development Plan is. And I think the Assembly and the Development & Planning Authority is going to have to deal with this at some point: that the Island Development Plan is not an adequate framework, or it is too blunt an instrument, against which to judge every single planning application.

And that problem is compounded by the fact that, if there was a case to carve out particular arrangements for particular areas of land, the only way that can be done within the terms of the Island Development Plan is after a planning inquiry, which costs a small fortune. So, I know I have said this *ad nauseum*, but the States really have tied themselves up in legislative and policy knots in planning. There is far too much constraint around judgement – to some extent, subjective judgement – in planning. I understand why that has happened: because the perception used to be the other way and there was not enough policy, and the perception, or the claim, was 'It is who you know, not what you know, and there needs to be much more of a regulatory framework put around planning.'

Deputy Tindall is confused and shaking her head; I will give way.

Deputy Tindall: I thank Deputy Fallaize for giving way and I apologise Members that I was not in when the debate first started, so I may have missed a few lines of thought that is going on here. I anticipated Deputy Merrett's amendment, and this is going off a bit from that amendments.

But the reason I asked to give way is that Deputy Fallaize basically said that the IDP is subjective and removed from what was objective by default. Deputy Fallaize used the word 'subjective' and perhaps he could expand on that. If I misunderstood –

Deputy Fallaize: Respectfully, I think Deputy Tindall has misunderstood; I said the opposite, I said that the Island Development Plan did not allow for enough subjective judgement. It tried to test every planning application on every parcel of land against a policy framework which, in the main, I think is excellent, I am not critical of the Island Development Plan, but I think there needs to be more opportunity for nuanced decision-making in relation to individual parcels of land, in the way that Deputy Langlois suggests. And I think that, as a States, I think that is what would happen if we had not created so many barriers in the way of doing that, of designating parts of the Island or parcels of land in that way. But the fact that it requires a planning inquiry – it takes vast sums of money and years and is very, very complicated to deviate from the Island Development Plan in that way. That is not Deputy Tindall's fault, it is not the DPA's fault, it is not the fault of the planners – I think the planners do, 99.9% of the time, a superb job, I think we have a very professional planning department.

I will give way to Deputy Oliver.

Deputy Oliver: Thank you.

The reason why we have the IDP the way it is because of SLUP. If you want large things changed within the IDP, you need to change SLUP, so maybe that is what we need to be looking at.

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Deputy Fallaize: Yes I know that. (*Laughter*) Deputy Oliver is preaching to the converted. That thing that is called 'SLUP' is a problem, I think, as far as the hierarchy of planning legislation and policy is concerned.

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But anyway, whatever the acronyms, whatever the tiers of policy and legislation, my view remains that we, as a Government, we have just tied ourselves up in knots around planning. There is not enough room for subjective assessment of applications which deviate from the norm or where the wisest decision would deviate from the Island Development Plan, but we cannot get out of it, because to get out of it requires planning inquiries, a review of the Island Development Plan several years after it was established, and as Deputy Oliver said, a review of the Strategic Land Use Plan, which is meant to happen something like every 15 or 20 years.

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I hope that the next States are able to unpick some of this labyrinthine process that now underpins planning, and until a States does, I think that the sorts of frustrations which give rise to Deputy Merrett's amendment and give rise to the Propositions are not really going to be addressed.

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The Bailiff: Deputy McSwiggan.

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Deputy McSwiggan: Sir, it was good of Deputy Fallaize to dust off his habitual IDP speech for this debate, (*Laughter*) and as it happens, I agree with the thrust of it. But it has nothing whatsoever to do with this amendment. We have a set of Propositions in front of us which recommend a proper review into third party appeals. If we are going to have that review and consideration as to whether third party appeal should be allowed, it is the amendment's contention that that argument should be evaluated on the basis of economic and planning grounds, but also on the basis of environmental grounds. That seems entirely logical, given that the purpose of the Island Development Plan is about our Island's environment and landscape. I would ask Members to see that as a very sensible addition to the terms of reference for this piece of work in the policy letter and to just get on and support it.

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The Bailiff: Deputy Gollop.

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Deputy Gollop: I wanted to comment on Deputy Fallaize's speech, but probably it is more instructive to focus on the amendment, really.

But Deputy McSwiggan is the seconder to Deputy Merrett's amendment, and I always like to support Deputy Merrett, because she knows a thing or two about the planning system and has worked hard on the last 18 months or two years to make a contribution.

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And the thing is, this amendment – Proposition 2 is already very wordy and hard to read, and this makes it even longer. But it actually strengthens the framework of 2, because 2, in a nice way, as I have – goodness me, I have sat on planning for five years, more if you include the old heritage era – it is kicking the can down the road, really, in a manner of speaking, because the main Proposition 2 says:

2. To agree that, before any proposals can be considered on whether or not to extend the current planning appeal regime to include provision for third party representors [...] in particular, of the grant of planning permission [from the DPA], the approval of reserved matters or other consents [...], further and wider consultation is [needed] ...

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and that no change is made at the present time. Well, this adds to it context and clarification, and maybe focus, because it puts in:

... environmental costs and benefits of any change to the appeals system [as well as] the economy and the planning regime.'

Now I would be the first to say, when I was on the DPA, at the time, partly because the Island Development Plan had just been unanimously, with amendments, adopted by the Chamber, and partly because there had been a little bit of a recession in areas of the building sector and architectural round about 2016/2017, I was not that keen on third party appeals, and I got the impression that the Department as a whole, at a political level and maybe in other respects, felt the resources needed for third party appeals was not the way they wanted to go; I believe the Republic of Ireland have made work on this, but not so much in the United Kingdom.

And of course, there is a huge downside to even voting for any concept of third party appeals, and that is that it acts as another time constraint to the planning process; it adds months, it adds an extra process, it adds cost, and it is not exactly developer-friendly.

I will give way to Deputy Merrett.

Deputy Merrett: I thank Deputy Gollop for giving way.

I was just wondering if Deputy Gollop is actually straying to the main debate and if it is his intent to speak again in the main debate, sir.

Deputy Gollop: I am straying to the main debate, but I think this will be my once-and-for-all speech, because it is hard to divorce entirely the two, because I am putting out the arguments against third party appeals that I myself have moved more in favour of looking at them. Especially in the next States, perhaps after the coronavirus era hopefully has come to an end, I think there is mileage in looking more sensibly at this, and I regret, in a way, that it is at the back end of this long August debate. But perhaps in deferring it to 2022, we will have more time to consider it, because I do think that third party appeals have the potential to strengthen our environmental conservation and preservation.

In a way, I am surprised at some of Deputy Langlois' speech, because I went and missed the first half an hour, but I still enjoyed what I heard. I went to the natural presentation that was strongly spoken at by experts, people seconded in biodiversity, people who look after the Guernsey biodiversity, and so on. There was an overwhelming consensus at the meeting that we are in danger, that we have already lost many green fields, many green areas, many areas of biodiversity and habitat. And planning, even planning that is entirely lawful and-policy based and evidence-based in the context of SLUP and the IDP, can lead to further erosion of such habitat. Third party concerns, therefore, are likely as much to consider biodiversity issues as other issues, neighbourhood interests. I think, in order to strengthen the toolbox, this should be included.

I will make a further point: one of the arguments, perhaps relatively new for Guernsey, made was a green argument, that we do not have a way of measuring the value of green land or a diverse piece of land that might not necessarily be a green one but still adds significantly to biodiversity and habitat and our sense of living in a rural community and our sense of being at one with the environment, which was a lesson we learnt from coronavirus in particular. One of the reasons why we find it hard in a policy-based plan, like the Island Development Plan is, is because you cannot easily quantify it in surveying or commercial terms. I think it is therefore particularly important, when you look at the value of the environment, biodiversity, and natural landscape, to specifically have consultation on this area, as well as other areas, such as the impact on the planning regime and the economy, because I would imagine – I have already made this point – that people in the development sector would be concerned about potential extra cost or delay, and they will lobby and put their case over in a vivid way, and planning professionals, both private-sector and public-sector, will – that will probably include the architectural and surveying professions as well – and I think ecologists and people who care about the environment should have an equal say. So I am going to support the amendment.

And moving it slightly further to the general points Deputy Fallaize was making: I think I agree with almost everything he has said. We have, over 10 or 12 years, created a system that needs further consideration. Deputy Soulsby and others have queried over the years the role of planning tribunals; in reality, they act as a second committee, not on political grounds, but they effectively

can trump a majority of the DPA who made the decision, perhaps at an open planning meeting; we have to bear that in mind.

I did not understand one point Deputy Fallaize made; maybe I have not understood it and Deputy Tindall or others can clear it up for me. But as I understand it – and I have been through this process, on the back end of it, actually – the DPA, or its predecessor, the Environment Board, have come to a majority decision on a piece of land and decided not to allow development, or development in the form requested. The applicant, quite rightly in terms of the rules, have gone through a third party appeal and have won. The third party appeal tribunal are distinguished men and women, but they are not elected politicians, nor are they allowed to be.

Now as I understand it, the applicant has the right to do that and the process is open and transparent and usually held in public. But an aggrieved party who was a neighbour or an opponent or somebody opposed on ecological or other grounds does not have that right. And as we know – this is the crux of my point – the Planning Tribunal on occasions will come to a different decision than the political Committee, and on occasions that political Committee – Deputy Oliver will probably agree with me here – have actually followed the recommendation of professionals working in the department. So, there is a chance, because everybody needs a second opinion now and then, a court or panel will come to a different decision entirely within the law than the original court of first adjudication, which in this case will be the planning officers or planning committee.

So for that reason, I think we need an equalising effect, and I disagree with Deputy Fallaize, because there may well be instances where a third party could take it to a planning tribunal and the decision, as it has been when the applicant is done, will be overturned.

That said, I think we actually need a different approach to planning, and perhaps one that follows more closely with Jersey, whereby you separate the advisory political panels, ministerial judgement, and appeals and make the process, perhaps, more politically responsive, rather than just policy-based, but that is a personal view.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

I am not going to answer the points that have been made – not at this point anyway, because I do agree with Deputy McSwiggan, and I will mention something in general debate on the comments that have been made, because it is so frustrating hearing the same things that are incorrect again, so I will mention them again.

But as far as this amendment is concerned, this is in relation to the consultation as to third party appeals and what should be covered in that consultation by the Committee *for the* Environment & Infrastructure. And obviously, as far as the DPA are concerned, these are decisions made by us or through delegated authority, and therefore it is taken within the mandate of E&I to decide what is in the consultation. When I first read the amendment, my first reaction – which I believe is what Deputy Langlois was saying, although as I say, I did come in at the end – is that it seems a bit bizarre to cover these three aspects in an appeal consultation, but why not? And all I would add is that anything that is learnt we may benefit from, and that cannot be bad. So I certainly will be supporting this amendment.

Thank you, sir.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I read this amendment as being about the changes to the process, and that is what this whole policy letter is about, whether we have third party planning appeals. So it relates to the environmental costs and benefits of any change to the appeals system. As I am sure we will get to later, we know that an appeal system will have some effect on the timeframe for applications and their being finally judged upon, and that has some economic effects. The environmental costs are

going to be fairly minor, because all it is going to do is put in a possible delay in the process, and somebody who perhaps put in their position on an application based on environmental costs and environmental reasons might be able to have their appeal considered, because they did not think it was considered when the application was originally considered by the DPA, and therefore go to planning appeal.

So, the judgement from staff is that it would have a minor effect on the process; it might involve a slight extra time for the process of the Committee coming back with its policy letter, and therefore, I am not going to object to it. I think it is very minor, and I think we should get onto the proper debate, which is on third party appeals.

The Bailiff: You might want the matter to be dealt with *aux voix*, Deputy Brehaut, but you will be the next one to be called as the President of the Committee to reply to the debate! *(Laughter)* If you want to forgo that opportunity, please tell me.

Several Members: Pour.

Deputy Brehaut: *Aux voix*, sir. *(Laughter)*

The Bailiff: It is getting a bit repetitious!
Deputy Merrett as the proposer of the amendment to reply to the debate.

Deputy Merrett: Thank you, sir. I will try to be very brief.

I think some of the opposition, which was not particularly strong but it was some opposition, was about, 'Well this will come out of the process anyway.' Well, let us just give this a bit of kudos; it is actually our intent to include these in the considerations, because if we do not, sir, then we just take the risks that it may not be, because we do not know who is going to be on the next Environment & Infrastructure Committee. So, I think Deputy Gollop said it strengthens them; I agree. It sets out the intent, the context, and the clarity, and of course, I agree.

Let us get to the main debate, sir, because it is the fact that there does seem to be a lot of – we always get accused of 'We do not understand it,' which is a bit of a worry, because if we enacted this IDP and we do not understand it, how is the community going to understand it? But that is, probably, for, again, a different day.

But I think that some of the opposition is that 'It is the same planning policies, so what is actually the point?' But I think what we have tried to do is we have tried to codify subjectivity, and it is about the weightings, the interpretation, and the implementation of our existing policies. Now, Members will know that I have tried to do this on several – not this particular amendment, sir – but I have tried to effect some of those policies and give extra strength, etc. So I am not one to give up, and I do think that this *strengthens* Proposition 2.

I think, in the policy paper – quite rightly so, sir; quite rightly so – but it does talk a lot about the implications on the economy, and of course, it absolutely has to be a fact we take into consideration: whether in fact, if we have first party or third party, there are implications on the economy. But also, what this amendment seeks to do is just to include the environmental cost and benefit of those as well and the implications on those. I just think this is – I think somebody said a quite unnecessary word; it was not the word 'benign,' but I think it was a word similar to that. But basically, this amendment, in my opinion and in the opinion of other speakers so far – those that have spoken – do actually believe it does give more direct intent, and it does actually give context and clarity.

So I just urge Members to vote for it, and I would actually like a recorded vote, sir.
Thank you.

The Bailiff: Members of the States, there is a request for a recorded vote in respect of the Amendment numbered 1, proposed by Deputy Merrett and seconded by Deputy McSwiggan.
Greffier.

There was a recorded vote.

Carried – Pour 29, Contre 2, Ne vote pas 2, Absent 6

POUR

Deputy Fallaize
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy de Lisle
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy Stephens

CONTRE

Deputy Lowe
Deputy Langlois

NE VOTE PAS

Alderney Rep. Roberts
Alderney Rep. Snowdon

ABSENT

Deputy Inder
Deputy Le Pelley
Deputy St Pier
Deputy Meerveld
Deputy Leadbeater
Deputy Mooney

The Bailiff: Well, Members of the States, that amendment proposed by Deputy Merrett and seconded by Deputy McSwiggan has clearly been carried, so we will move swiftly into general debate now that both amendments have been carried.

Deputy Tindall.

Deputy Tindall: Thank you, sir.

The DPA considered the draft policy letter and responded to E&I explaining our position. In our letter of 27th November 2019, we said, in summary, 'The DPA does not support the provision of third party planning appeals and is of the view that the introduction of such right of appeal against the drafting of planning provision would inevitably, through increased workload for planning staff, delay the overall planning decision process, as the same officers will be responsible for determining planning applications and responding to planning appeals; add further layers of complexity and administrative burden to the planning system, which is already regarded in some quarters as overly complex, litigious, and burdensome; add consequential cost to the economy and to the rest – development' – sorry, I cannot read, my printer has obviously not printed a word, I am not sure what that said, but it is in the policy letter, at the back now – 'and reinforce an adversarial and negative approach to planning and development and de-incentivise proactive and positive engagement at an early stage in the planning process, and inevitably lead to much greater disruption, uncertainty, and lack of confidence in the outcome of the planning process as a result.'

The DPA did not have the benefit of seeing the responses from the appeals panel or the Committee for Economic Development, so I would like to make a few points on their letters attached to the policy letter. From the letter from the Planning Panel, we see that the Panel are generally supportive of the introduction of third party appeals into Guernsey's planning system. The Panel

makes many sensible observations, such as concerns about how appeals will be handled where two or more third party representors lodge an appeal against the same planning decision.

Also, when determining a first party appeal, a tribunal may deal with a case as if it were the authority dealing with it in the first instance, on the basis of the materials, evidence, and facts which were before the Authority. The Panel and the members and officers of the Authority are familiar with this limitation; however, in its experience, it is less well understood by appellants and third party representors. Along the same lines, those of us on the DPA are also fully aware of the fact that representors cannot introduce new material at an open planning meeting, and as from the last one, so is Deputy Roffey.

The Panel also note that the number of appeals lodged has reduced since the Panel was first established in 2009, and in particular following the adoption of the Island Development Plan in November 2016, and the introduction of third party appeals will increase their need for resources. Also, the Panel's letter says, 'The Panel understands that in Jersey, there is typically a four- to five-month delay before the Minister for the Environment's decision is issued.'

The response from Economic Development is also an interesting read. I was, of course, on that Committee when the results of the Red Tape audit review on planning came back to Committee. The Red Tape Working Party noted perceived and actual delays in gaining planning approvals is a key area of concern expressed by businesses. An appeals process for third parties can only extend that period. To remove the perceived and actual delays in the planning system is what we seek continually at the DPA. At the moment, we are not doing so well, as we are currently managing expectations by advising decisions on applications may take as long as 16 weeks, although it is usually taking less time than that. But this is much more than the 8-week aim and 13-week statutory requirement to provide a decision. The reason is simple: it is because we are still trying to recruit staff. And so with a real bumper crop of planning applications being submitted since lockdown, the planners are all working flat-out to turn these around.

The Committee for Economic Development also say their view is that there is a more pressing need to review the definition of 'development' that requires permission before adding more layers of approval, and a swift and responsible planning system is a key requirement and an attraction to Guernsey to potential relocators. The Planning Panel repeats this sentiment by saying that the legislation should not be changed without the benefit of a wider review of the planning appeal system. Again, the DPA is supportive of this and have been reducing the use classes, and will continue to look to do so, and also the extension of exemptions to more development. But this all takes time and resources, and this will also benefit householder development, as well as these relocators mentioned.

It comes back to the main issue here, and that is the targeting of our resources. The DPA this term and no doubt the next will continue to improve the service. Hopefully, that will be with the benefit of spending more funds from the increase in applications on that service for the benefit of all.

This leads to the situation with regard to the various points that were made in the amendment debate; I would like to just touch on these very briefly, because obviously we do not want to keep having this debate – well, I think people do want to keep having this debate. But the point was that Deputy Fallaize said we have the same people on the tribunal making the decision on the same policies. And of course, they are making a decision on the same policies. They are, of course, also making a decision on the same information that was before the Authority, as the policy letter sets out. But like Deputy Gollop said, this is the way in which matters that are subjective are dealt with for a difference of opinion. If they are borderline, we often have them come to the open planning meeting for the politicians to consider. If we make a decision that the applicant does not like, it gets appealed, and then the planning tribunal has the opportunity to consider the facts again.

But the most important thing is that – and this is partly why I have for a long time said politicians should not get involved – is because the tribunal consists of experts. They are of extremely great quality and they can look at it from a wider perspective, which I think is highly beneficial. I have sat through one in particular, I felt they did a cracking job, and, okay, I personally do not happen to

agree with the way they determined it, but that was my view and that is what you accept when you are being appealed, you accept the judgement of others. But for me, they are a very much better forum for deciding planning applications that certainly are not delegated decisions.

So for me, the other point that was raised, which was – I think Deputy Gollop mentioned this one – which was that – I beg your pardon, I think it was Deputy Merrett in her summing up of the debate on the amendment – she said the IDP, we enacted it as a States, as this Assembly, sir, and if we do not understand it, how can the community? Well, I would say, how many of the things that we actually pass in this Assembly do the community, or even us, fully understand? Are we fully conversant with the tax laws? Are we fully conversant on how Social Security works? But we do not have to be; we have experts. As far as the IDP is concerned, we do not need to understand every single line of 1,500 pages. It was a question of understanding the principles, and it was the principles that were in the SLUP which were enacted the IDP. Now obviously, we could have spent hours and hours going through the IDP and actually understanding it fully, but that is also the job of the planners; that is why we have a service whereby anyone can go down, make an appointment, and have a discussion. It is intended to be a plan which you can, in all particular circumstances, go to the appropriate section of the Island Development Plan and understand it in relation to your part. It is not intended to be a plan for everybody, that is, to look at every single thing. If you are looking at it holistically, then obviously the Island Development Plan, you need to understand the whole and how every single thing interrelates.

But the important element here is that we have means by which those Island Development Plan policies are explained by example to anybody who needs to understand them. And to me, that is the important aspect of what we do in this Chamber. If we have written a plan that has every single person's view, understanding of what planning policy is so we can articulate in such a way to ensure that everyone on this Island, or even a majority of this Island, understood it on first reading without help, then it would have been much, much longer, and also, as we all know, the more words you have, the more words are open to interpretation. So for me, the Island Development Plan was never intended to be in layman's terms; it was intended to be at a sufficient level to be readable, but with help and with assistance on occasion.

So, the third and final point that was intervened insofar as I left on the first amendment was Deputy Fallaize; he referred to the fact that any – obviously he talked about the different layers, I am not going to go into that – but one thing he did say in particular was that to change the IDP, you have to have a planning inquiry to review the Island Development Plan. That is not the case. The Island Development Plan can be amended in a variety of ways; it can be amended by reading into other strategies that are of this States. So for example, the Strategy for Nature: we just adopted that, all of the decisions will now refer to that, that has influenced the decision-making, and we can now, for example, look at biodiversity of areas of the Island, not just those in sites of special significance or areas of biodiversity importance. So that is an example of one strategy that is highly relevant to the way in which decisions are made throughout the Island. The IDP also mentions the Disability and Inclusion Strategy. It also specifically says, 'and any other relevant States strategies.' So that is part of the reason why I bang on so often about having a Tourism Strategy; if we had a Tourism Strategy, we could take that into account as well.

But as far as the planning inquiry is concerned, it is not all-singing, all-dancing either; you can have a planning inquiry on discrete elements. So that was part and parcel of why we recommended that the IDP five-year review was paused, because it may well be we can tack a few on the end of the harbour planning inquiry that comes through as highly relevant to the Recovery Strategy and to be able to do that, so that we can save money and also combine it with other things. It does not need an all-singing-all-dancing planning inquiry if a planning inquiry is necessary.

And let us be fair: a planning inquiry is necessary because of human rights. It is because we must look at those rights that have been affected. And that is something that is difficult to appreciate, it is, in effect, something that is said in planning terms, because you do not realise quite if you change that, how many little butterfly effects it has. But the point is, if it has few, you have more of a discrete planning inquiry. If it has many butterfly effects, you have a bigger party inquiry. And so it really is

2260 looking at it in a much more different way than just saying it is either a planning inquiry or not at all. That is certainly not the case.

2265 So for me, the important element here in this respect is having this review that E&I have recommended, in the sense that if we have that and we do not immediately support Proposition 1 – and notwithstanding the comments in the letter, either. The final part of the letter I would like to read out, which says, ‘notwithstanding the above comments, the Committee *for the* Environment & Infrastructure are to recommend to the States that if a third party planning appeal is introduced, that it must be recognised that additional resources, including staff resources, will be required by the DPA if there was not to be a very serious adverse impact on planning application timescales, the construction industry, and the economy as a whole,’ and I remind people, of course, that was written on the 27th November 2019.

2270 So for me, there will remain, and probably will always remain, a concern over confidence in town planning, no matter which country in the world one lives in, simply because this always tries to balance two opposing views: one usually wants no development at all and the other to be granted all they seek. Yet naturally, neither is something, on the vast majority of occasions, that can be done.

2275 So as far as the DPA are concerned, these are the reasons why we feel that third party planning appeals are not appropriate, and as far as I am concerned, that is the position of the Committee *not* at the time that the letter was written – I do say that because things have changed, there were members who were not actually attending that meeting, and as we have seen, not every Committee has a three-line whip. (*Laughter*)

2280 Thank you, sir.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Thank you, sir, I will not be very long.

2285 I just found Deputy Tindall’s speech so defensive of the current system. I am disappointed that it says the DPA does not support the introduction of third party planning appeals, and I heard what she said about how the tribunal members were all very intelligent and experienced in doing what they are doing, but the point is that a third party cannot have an input into the appeals and tribunals, and that is a real problem, they have absolutely no voice.

2290

Deputy Tindall: Point of correction, sir?

The Bailiff: Point of correction, Deputy Tindall.

2295 **Deputy Tindall:** Representors can input in the same way they input in the first line, in the sense that their representation is submitted to the authority.

2300 **Deputy Soulsby:** But they cannot speak at a tribunal, and I know because I have been through it, the absolute frustration from members of the public who could not have a voice, and it is very different writing something down than having a voice.

Deputy Fallaize: I thank Deputy Soulsby for giving way. More to the point, they cannot make an appeal. They can only speak at a planning tribunal if the applicant has made an appeal; the *third party* cannot make an appeal.

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2310 **Deputy Soulsby:** That was my next point, Deputy Fallaize, thank you very much, absolutely. And it is confusing to anybody who says, ‘Right, can we appeal against this decision?’ ‘Well no, we cannot appeal, but the applicant who wants to build something can appeal.’ There is no fairness in that, there is no human rights when it comes to that. It is particularly when there are areas that do represent greenfield sites and will completely change the surrounding area for residents. So not to have that voice I think is completely wrong.

Now, I am really pleased at the policy letter and I ask Members to support it, because it is something that is a real hole in our planning processes and needs to be amended.

2315 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you, sir.

 I was not on the DPA at the time, I was looking after two little babies, so I actually missed the meeting at which this was discussed, but actually Deputy Soulsby stole my speech a little bit,
2320 because I just believe that this is the right thing to do, and it is just making the whole appeals process and third party appeals just so much more balanced, and I think at the moment, a lot of people feel, especially in Guernsey, that it is really one-sided, and mainly towards the applicant, so I am really pleased at this, and I urge Members to vote for it.

2325 **The Bailiff:** Before I call the next Member to speak, I should perhaps just announce the formal voting on Amendment 1 to these Propositions, which was proposed by Deputy Merrett and seconded by Deputy McSwiggan, which I forgot to do earlier: there voted Pour 29, Contre 2, two abstentions, and six absences, and that is why the amendment was declared carried.

 Deputy Graham.

2330

Deputy Graham: Thank you, Mr Bailiff.

 I am just going to speak very briefly on one very narrow aspect of this, and it is a very narrow part of a very comprehensive issue, in my view, and I just want to take Deputy Tindall through some of the logic of what she has been presenting to us, and some of it is impeccable. We have SLUP –
2335 the Strategic Land Use Plan – and we have the Island Development Plan. She did acknowledge, I think in passing, that back in 2016, in our first few months, we were faced with documentation that was longer than the Bible and, I think, *War and Peace* put together, and it is unrealistic to expect us to have honed in on anything other than the most obvious errors that we have concern within the time that is available to us. We first looked at it in October and I think the final debates were in
2340 November. So the argument that that was the time, really, to spot these loopholes or traps that might lie ahead, at that stage, for the average backbencher here, is unrealistic. I am grateful that Deputy Tindall, almost by implication, absolved us of not doing that, because she effectively said, 'Look, that is not the role of the Assembly and IDP is so inherently complicated that we are going to have to rely on the experts somewhere along the line.'

2345 So far, her logic, I think, is impeccable: you have got the SLUP, you have got the IDP, and in the Authority, you have got expert planners from the Town Planning Institute, most of them all fully accredited, and I know from personal experience how professional they are and how objective and professional they really are in their mindset.

 But this is where the logic begins to break down, because having got that far, Deputy Tindall
2350 said, 'They are experts, there is the plan, they are looking at the plan, they come to a conclusion on an individual application, and, really, who are we, or who is anybody, really, to challenge them?' And the answer to that is, 'The third party, whose life might be turned around by this, cannot do anything about it, but the applicant, who is equally a non-expert, can!' In the old days, it used to be by judicial review, and various lawyers, I think, made a fortune in the past out of assisting them. But we have
2355 now got a system – and as Deputy Soulsby said, it is obvious, is it not? – which inherently and institutionally favours the applicant every time around.

 With respect, I think Deputy Tindall and sometimes those on the Authority are so absorbed and dedicated to what they are doing that they find it difficult to stand back and see what sort of an impact there has been. I am saying this because I am one of those who staunchly defends the
2360 reputation of her Authority and the officers who work in it against, sometimes, very outrageous and unfair criticism. But I have to say that the respect that they are due is undermined by some of these decisions that suggest that there should be a right for a third party, whose life, as I say can be turned upside down if, in their view, an error has been made – no, I am not going to give way, I am sorry.

Deputy Tindall: Point of correction, sir?

The Bailiff: Deputy Tindall, point of correction.

Deputy Tindall: There is a right of appeal; I agree it is only through judicial review, which is difficult, but there is a right of appeal.

Deputy Graham: I am not aware of a right of third party appeal on an application that has been approved.

I am reinforced by, I think, a good example of what some of us, just ordinary folk, are trying to achieve: my latest Rule 14 Questions to the Authority concerned the track record of applications to extend domestic curtilage into previous open land, either agricultural or horticultural land of different grades, or simply just open land that was not being used for anything, since the IDP came in. The response that came back to me from the Authority is that 91% of all applications are approved. Now, this suggests to me that the IDP and the SLUP, when they are interwoven, are producing a situation where the Authority itself and the planners within it find it difficult to resist these applications, and I cannot believe that they themselves have an ingrained instinct to see domestic curtilage extended into our valuable greenfields.

So in a sense, Deputy Fallaize and others are correct: we have got to sort this out in the relationship between the law, the IDP, and the SLUP. And that is beyond me; all backbenchers like me can do is say, 'Here is the problem.' One possible solution to it is the right of a third party appeal. I have not got any confidence, really, that any review that involves as the main drivers Economic Development – who admittedly by a majority, were very negative about this – the Environment Department, and the Planning Authority, all of whom seem to be institutionally programmed against the very concept of third party appeals, and I think any review is going to need to be watched very carefully by the future States.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

I will give Deputy Graham assurance that I, as a member of the Environment & Infrastructure Department, am entirely supportive of third party appeals. This Assembly was, because we debated this; one of the resolutions was part of the requête that was debated in July last year, and the States voted 27 for, 2 against, with 11 absent, and Deputy Tindall was one of the ones who voted for it. This should only be considered as an interim report. The Committee could have come to the Assembly and said, 'The original timetable, which was no later than April 2020, we cannot meet because of Covid and everything else that is happening and we will bring a report back later, but we thought we would do the correct thing, which is bring back an interim report. It is not the final report; as you see, the Propositions are really just a continuation of the Propositions that the States supported in July last year. If we had achieved it in the timetable, we would not have needed to come back, but obviously we have not been able to.'

But third party appeals, in my view, is about one word: 'fairness'. If there is a development adjacent to somebody's property, there is no doubt that it can have a significant effect on the neighbours, their quality of life, and their property, and if that neighbour has made a representation and they feel that their point in their representation to the DPA has not been considered, from a point of view of natural justice and fairness, they should have the right to appeal. That is what we have done with all our procedures, is put in the right of appeal. So why not have the right of appeal in this process?

People have mentioned about judicial review; I think one of the first ones in relation to development was done by the late Deputy Dave Barrett. I know it was an extremely expensive procedure and he challenged a judgement of the, as I think was then, the IDC, and he actually won. But he took a considerable financial risk in challenging that judicial review, and I do not believe that

this Assembly can say that judicial review is an acceptable process for appealing against planning applications; it is not.

2420 But the main arguments seem to be, 'It will delay development and cost,' but I think, if you have the right procedures in place, the delay can be minimised. As can be seen in the paper, Jersey, the Isle of Man, and Ireland all have third party appeals, and they have a significant number of measures which control the amount of delay and the cost of it.

I think, of all the consultations, the most significant one is from the Planning Panel, because they would be the ones involved in considering third party appeals. They say, to start with:

The Panel is generally supportive of the introduction of third party appeals into Guernsey's planning system.

So the ones who would actually be doing the work are supportive.

2425 They go on to say, under 'Grounds of Appeal' – and this is part of limiting for what reasons you can appeal – and it says:

The Panel notes that in Jersey a third party appellant may only refer to matters raised in his/her letter of representation.

So you cannot bring up new facts. You can put your representation; if you do not feel your points have been made, you can appeal on those grounds, so that limits it the eligibility of appeal.

And again, they say that:

The Panel suggests that consideration should be given to allowing a Tribunal to dismiss at a third party appeal where there is evidence to suggest that the appeal is frivolous, vexatious or not made in good faith.

2430 So again, you have another control in there to make sure that there is not a delay. And the appeal period it also covers: it says that:

it should be no more than 28 days from the date of issue of the decision notice.

2435 So any developer – if there is not an appeal in those 28 days, they know they can go ahead; it is only if there is one. Again, they suggest there should be a strict timetable of when letters have got to be put in and everything for the process to take place. Deputy Tindall mentioned about Jersey's delay; I think Deputy Brehaut covered that, and part of that is because it has to go back to the Jersey Planning Minister to make a decision.

So I think we can devise a process that will minimise any delay, but the overall fact is that it is fair. And again, the Planning Panel go on to say:

a Tribunal has a power to dismiss an appeal where, having given notice to the appellant, it appears the appellant is responsible for undue delay in the progress of the appeal. The Panel believes a similar provision should be included in any third party appeal regime to ensure that appeals are prosecuted in a timely manner.

2440 So again, you can put in a whole lot of different, strict timetables and if they do not meet those timetables, it is dismissed. So I think that the concerns are overstated, because it is the process – and that is what the Committee – and it is the Committee's directive to do it, working with other Committees, as is in the Propositions – will come back to the Assembly.

2445 So I will conclude by saying if the owner can appeal against an application which is refused, why a neighbour should be able to appeal an application that has been approved and affects them. It is right that both parties have the right to appeal: the owner if it is not approved, the neighbour if it is approved and they feel that their point has not been considered.

2450 I finish up by saying: I ask Members to support this. As I said, this is an interim report. We will come back with the details in 2022. It is useful for us to understand Members' points at this time so we can consider them when we come back, when E&I come back, whoever is a member of E&I at that time. But I ask Members to support it, because the overall word I said is 'fairness'; this is what it is all about, having a fair system.

Thank you.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

Well, Deputy Tindall has saved me a lot of work by effectively reading out the Committee *for* Economic Development's letter of comment, which is fine. By majority, the Committee *for* Economic Development thinks that the planning regime that we have is too cumbersome and too intrusive; it requires people who are doing work on their houses to get consent for 'developments', in inverted commas, which, in other regimes, would be covered by exemptions and which would need to trouble the planning authorities. The result is, today, there is a 16-week waiting time to get a planning permission application adjudicated upon. And this is, actually, in the post-Covid world particularly, a real inhibition on people who just want to do ordinary things with their ordinary houses. So while we see the merits of a third party planning appeals system in the abstract concept, we would like that to be considered in the context of a significant liberalisation of Guernsey's planning laws, probably by widening or expanding the list of exemptions.

Now, having said that, the Jersey planning appeal system, the third party planning appeal system, we have been told takes 10 to 12 weeks to reach a decision. So if you add that 10 to 12 weeks on top of the 16 weeks it takes to get the original decision, you are putting a very substantial barrier in the way of people doing things like putting in skylights and often quite trivial pieces of development.

I give way to Deputy Oliver.

Deputy Oliver: Point of correction: it would still be that the applicant makes the appeal, and all that this is changing is that the third party can actually represent themselves. So say you were building an extension and I decided I did not like it; I cannot call an appeal, it is only you that can call an appeal. So it is not opening the floodgates.

Deputy Parkinson: Well, I thank Deputy Oliver for that clarification.

But nevertheless, we have created a bureaucratic nightmare in the form of the IDP, and I think it is an urgent task for the next Assembly to look at what can be done to simplify the processes. Because for a very small island, we have created an enormous sledgehammer to deal with planning issues, and we would like to see the focus – by a majority, the Economic Development Committee would like to see the focus on actually streamlining the system, making it easier to get small-scale, etc., developments just done, than introducing more bureaucracy and process into the system.

So I note that there is no third party appeals system in the UK; I believe that is true. Other jurisdictions manage quite well without this additional review. It may well be that Guernsey decides that, because of the circumstances of the Island, we will follow Jersey, the Isle of Man, and Ireland in introducing this right of appeal. But please, let us do so against the background of a planning system which is fit for purpose for the Island of Guernsey.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

I cannot disagree at all with what Deputy Parkinson was saying, other than I think you are conflating two different issues here, and I am sure that Deputy Parkinson can see that.

I will give way to Deputy Parkinson.

Deputy Parkinson: The point is, if you do not need permission to do a piece of work, you can do it without getting planning permission, then the question of appeals against the decision does not arise. That is my point.

Deputy Merrett: I absolutely agree with Deputy Parkinson, sir, and I agree with his other observations of our planning system; I think a few Members appeared to be nodding along when

Deputy Parkinson was speaking. But the conflation of the two, I think, sir, is that, if we need to amend, revise – whatever word someone may wish to use – to take out the need for planning applications for planning permissions for, as Deputy Parkinson explained, smaller projects or projects that will not affect neighbours or others, that does not then negate the need, or potential need, for a planning appeal, because, if it is a large development, etc. – let us hope and pray that we do finally realise the way forward and we do take away the smaller applications of the need to put up a garden shed, or whatever it might be – then actually, this does not negate the need to be able to appeal something if they do so. And I absolutely agree with Deputy Dorey; it is about justice and equity. So I think that has maybe got a bit conflated.

But I do rise, sir, because I do wish to thank Environment & Infrastructure for their work to date and I think they have tried to honour the outstanding States resolution and what is called – and it is quite odd to see it – but the ‘Merrett requête’ – I have not gotten used to that. And of course, it is incredibly disappointing to note that the DPA oppose a third party right of appeal, because if we are going to make evidence-based decisions, which I think DPA are really keen, then we need to know the evidence as to why we should oppose this at this juncture, because I do not think there is enough work being done so far to actually come to that determination at this point.

I will give way to Deputy Tindall, sir.

Deputy Tindall: In fact, Deputy Merrett just finished her sentence, and that is exactly the point: we do not think there is anything *at the moment*. We do not object to the Propositions in this policy letter because, clearly, that is looking at the review and how to do it. It is the fact that we do not believe there is a justification *now*.

Deputy Merrett: I suppose, sir, the point is, if you do not believe there is justification now, then when? But still, I will not go there because I think we have had enough.

So my presumption is – and I absolutely agree with front-loading the planning process whenever we can, but presumably we believe that a four-minute representation at a planning meeting or a letter of representation – our community might not even get the opportunity to have open planning meetings, because that is determined by if it is simply controversial or not, so there is no guarantee of that. So that is obviously a bit of a concern.

Now, I am disappointed this has not been brought to fruition in this political term – of course I am – or in the desired timeline. But I do understand from this – and I think this is a well-written policy paper, sir, I do. I do understand why it is the case – and this policy paper has been displayed to us, and I am thankful for that. I am also heartened, sir – it is joyous today – I am heartened to know that, actually, the terms of reference for further consultation, especially with the excellent amendment that has now been – by myself and Deputy McSwiggan – included, is actually, in fact, slightly broader than was envisioned in the original Merrett requête, as listed in 8.24.

I am also encouraged to support the policy paper by the new date – it has actually got a date in it, I was hesitant to support that, but at least we have got a date in the policy paper – which is always nice – of when we can potentially have something come back for the States. So that actually helps the future Government hold E&I to account.

But I just do not understand Proposition 1, it seems to be a bit of a nonsense. Because it asks us to agree that, at this time, no change is made to the appeals process. But of course, we cannot agree that no change is made, anyway, because there is no change before us, really. So I do not understand why would agree not to do something that actually is not before me to agree anywhere. I do not actually understand that Proposition, and hopefully Deputy Brehaut will convince me otherwise, because otherwise I cannot see the point in supporting it, it just seems pointless.

In summary, sir, I do believe that E&I have tried and I do believe they do wish to consult and broaden the scope of potential rights of the third party, and this I do agree with, because I think if we are going to build back better and build back for all, then a fairer and more justifiable appeals process for the third party should be part of this.

So we have a community – and I do not know, maybe it is because I did the requête, and I would like to believe I understand the IDP, but hey, we did spend the whole of the summer of 2016 looking at it and trying to amend it. The community do contact me, and they are, perhaps – and I am
2560 underestimating this – a little frustrated by relying purely on representation, and then when deemed controversial, an OPM. The community, if they were able to have a third party right of appeal, it may help – just help – rebuild some trust and confidence in the planning regime, being more equitable.

Because I have been in the Assembly, sir, and from what I understand from the DPA, if it is indeed seen that – and I understand the arguments against third party right of appeal, of course I do – but
2565 surely those arguments are exactly the same for a first party right of appeal?! Are they not very similar? The cost? The delay? The uncertainty? They are very similar arguments. And if this house and the future house – and if I stand, if I am re-elected – do actually determine they do not want a third party right of appeal, I might probably argue that we do not need a first party right of appeal. Because *quid pro quo*, let us try and have the same. Now, somebody said – and I think it was Deputy
2570 Tindall, sir, but I wrote down – ‘the planning system is for the benefit of all.’ Well I cannot see how it can be for the benefit of all if we only have first party, not third party; I would say it is for the benefit of some, only some.

Then the other thing which I have found – and I have to say this now – it has been repeated several times now, but we hear that politicians should not get involved – and that is Deputy Tindall’s
2575 preference – in the planning process, but then we have the very person who said that, who *is* a politician and *is* involved. I have never really understood that, I have just never understood it. If you do not believe politicians should be involved, then I cannot understand it, because then, obviously, they *are* involved. They chose to be involved, because they stood for the presidency. I just do not understand that.

So I really hope Deputy Brehaut can persuade me of the merits – excuse the pun! (*Laughter*) – of Proposition 1, because if Deputy Brehaut can – and I think Deputy Inder’s summary may also, potentially, be able to persuade me – then I will support it. But at this juncture, I cannot support it, because I do not understand it. It says ‘To agree that, at this time, no change is made.’ Well, I cannot agree to any changes, because there is no changes being proposed, as far as I can see. But I am
2585 happy to be persuaded, because after all, sir, this is a debating chamber and we should be listening to each other, sir.

Thank you.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: The person that has, I think, shed the most light on this is Deputy Dorey, because he quoted from the letter from the planning appeal people. Now, in my experience over the last several years, they are very experienced, able people, and they have taken us from a brand new system ... because it used to be, as Deputy Brehaut, it used to be a judicial system through the
2595 Royal Court, etc. And I was very sceptical about the way it would work, and I think it has worked, generally, very well.

Now if it were left to me – and I know it is far too simple for that – I would just let them devise a third party appeal system, because they would no doubt do it in a concentrated and sensible way. That is not the way it works, because everybody and their granny would be consulted. (*Laughter*)
2600 Now in relation to that – and politicians would want to know everything about it and want to have their views. But the practicality is, there have still got to be some truisms. If there is a third party appeal system, it will cost more, it will add to delay, and it will need greater resources. So there is no point anybody just saying, ‘That is fine.’

Deputy Parkinson was both right and naïve. He was right in saying that there are too many things that have to be considered under the planning regime, and lots of things could be dealt with in a different way; but he is naïve if he thinks that is going to change easily. The definition of ‘development’ under the current law is the same definition of ‘development’ that was under the 1966 law, and I think it is the same definition of ‘development’ – it was probably pinched or nicked

or borrowed from, I think, the Town and Country Planning Act of about 1949. So it has been around a long, long time.

Now of course, that can be ameliorated by exemption ordinances. And I can remember when I was in the States 1994-2000, there were various exemption ordinances, and they were fought tooth and nail. The IDC would come along and say, 'Can we have this exempt?' I can remember having great arguments with my political colleague Deputy Lowe, because she thought they were too wide and they thought, 'This should not be included, therefore how on Earth could you exempt that?' If a large measure of matters that are currently covered by the planning law, the IDP, were sought to be taken out, there would be a pitched battle on the floor of the States. There would be all kinds of people making representation, saying, 'You cannot do this, you cannot do that, you cannot do the other.' We may have to do that, but that is what will happen.

But you have got to look at the mechanics of it. Deputy Dorey is absolutely right; he said judicial review is not really the right way, because the test for a judicial review is a high one. The judges first have to decide whether there is a – I am not using it in a legalistic sense – a *prima facie* case. Then, if he or she decides that, it goes ahead, and it costs a fortune, it costs an absolute fortune, and the test for successfully judicially reviewing the case is very difficult; it is high, as it should be, because judicial review is a general remedy, and it is not just in relation to planning matters. So I would not take it away, but it is not satisfactory.

But also think this through: the planning body refuse an application; the applicant successfully appeals it before the planning appeal body; there is, then, a right of appeal to the Royal Court on a point of law, but I am not sure that has ever been exercised, and since the law has come into play, I cannot think of any cases, I may be wrong – the Bailiff, of course, cannot make a comment in relation to that in this context – so you would have to make a real legal howler to be able to appeal it. But let us say that happens: the planners say no; the applicant goes to the planning appeal body and he or she is successful: is there a third party appeal against that? How would that work? Would they be able to say, 'They were originally refused permission, they have now been given permission to build their large house – perhaps in Cobo or somewhere around there – they have been given permission to do that. (*Laughter*) I am the neighbour next door and it overlooks my property, I do not get any sunlight when I used to get sunlight, or whatever it may be?' Would they have the right of appeal against that decision? Those are all kinds of things have got to be worked through.

So there are no easy answers. Also, I am sure – because legal criteria would be set in place, the type that they might have in Jersey or the Isle of Man or whatever – and actually, it is pretty difficult to successfully appeal, if you are a third party, a decision of the planning body; it does happen, there have been successful cases, but it is difficult. And also, you as a neighbour – and I accept Deputy Graham's point absolutely, and I am going to vote for this policy letter – but we have got to tell the people the truth. It is not just, 'Oh well, I do not like it next door, I am going to appeal and it is not going to cost me anything,' because if you exercise that right of appeal, undoubtedly, if it is a full and fair process, the unsuccessful neighbour will have to pay the costs, and those could run into hundreds or even thousands of pounds. So people have got to realise that there is not just a free hit, 'I can stand up: I do not want Mrs Bloggs to have that extension next door, therefore I am going to oppose it.' And they might have good grounds, but they have got to have good *legal* grounds.

So there are no easy answers, there are no easy solutions, but I think somebody used the word 'fairness' – maybe Deputy Soulsby, and I agree with her, or whoever used that word. 'Fairness' is that, in appropriate circumstances, a third party does have a right of appeal; but in relation to that, please, please, please, leave it to those planning people, the appeal body, let them devise something which is simple and effective.

The Bailiff: Before I call Deputy Lowe, I wish our two Alderney Representatives safe travels, and see you again next week.

Deputy Lowe.

2660 **Deputy Lowe:** You do not think we are going to be finished then, sir, by next week? No? Okay then, fair enough.

This is one that has interested me for some time, because so often we do hear about people, where they put in objections, Planning allegedly have not listened to them, and they still feel pretty aggrieved, because they can go to a planning inquiry if they choose to do so, or a tribunal, and there has always been this ... it is not completely joined up, there are still gaps where people feel frustrated.

But I agree with Deputy Ferbrache: you cannot have every Tom, Dick, and Harry actually putting in what they are looking for here, because you are not going to please everybody all the time, that is the idea of planning, that they actually fit within the law.

2670 So third party planning appeals: yes, I think there is a place for it, but I think it is going to have to be set out very clearly what and when you can actually be part of that third planning.

What I am actually going to raise here goes slightly further, and I will probably get told off by the Bailiff in a minute, but I will say it quick – I will speak quick like Deputy Ferbrache does, and I might get it out. *(Laughter)* We had in the Revive and Thrive from P&R last week – they were suggesting that from the time an application is received to permission being granted or refused would be four weeks. Now, I objected to that, because currently there is a 21-day site notice by law. So even if it hit today, on a Friday, by the time we get the paperwork back to the applicant, and then the site notice goes out, you cannot do it in 21 days and then have a decision on it. So they would like to reduce the 21-day site notice to 14-day; I will object to that if that does happen, and I am putting a marker in the sand, really. It is not about making it easier for large companies to be able to get on with a particular development; it is about making sure that those that live in the area have ample time to actually be able to put in a representation. And the idea of 21 days was always to allow for the good old days when we were allowed to go on holiday *(Laughter)* – we can still go on holiday, but it means we have got to self-isolate when we come back.

2685 **Deputy Soulsby:** Point of correction, sir?

The Bailiff: Point of correction, Deputy Soulsby.

2690 **Deputy Soulsby:** I think Deputy Lowe is giving the wrong impression here: what was being considered was for minor applications; it is not for building a new estate or something, it was for minor things, and it might be for having to take a hedge down or something like that, but it certainly was not major works.

2695 **Deputy Lowe:** You are absolutely right, Deputy Soulsby, it was minor, but what is minor to you is actually quite major to a neighbour, who actually is not very happy about it. That is why site notices were put and agreed in the first place, because there is too much of looking at major development and forgetting about somebody who is actually living next door to a particular minor alteration, which they think is quite minor but is quite major to the person living next door, and to me it is imperative that the 21-day site notices still exist.

2700 There are the exemptions; there used to be hardly any exemptions in our time, when we first were in the States, Deputy Ferbrache, and they did bring in an exemption list and extended it, which is absolutely great. So if they are that minor, they should be on the exemption list: if they are not, as I say, I will be proposing that. So I am just putting a marker in the sand and making people aware: 2705 keep an eye on what is going on, because it could be 14 days instead of 21, and the law will have to be changed.

Deputy McSwiggan: Rule 26(1), please, sir.

2710 **The Bailiff:** Deputy McSwiggan is invoking Rule 26(1), Members of the States, so I will invite those Members who are still eligible to speak in this debate and who wish to speak in this debate to stand in their places.

Two Members stood.

The Bailiff: Members of the States, I am going to put to you the motion that debate be terminated on this matter, subject to the normal winding-up process, which will involve Deputy Brehaut, of course, as the President of the Committee.

Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that carried, and therefore we will turn to the President of the Committee, Deputy Brehaut, to reply to the debate.

2720 **Deputy Brehaut:** Thank you very much, sir.

I feel like I have taken Deputy Tindall to a party and left her in the kitchen with a particularly disagreeable crowd while I take a walk around the block, but that is the nature of these debates, I think, that because we own the Strategic Land Use Plan, the *doing* bit is left with the DPA, hence the discussion all around the planning itself.

2725 But I just want to place on record an observation on Deputy Tindall, because I think she is the most studious, the most diligent, the most committed person to have had that role in the time that we have had that role, *(Laughter)* I just think her commitment to the role is absolute, and how many of you who will be fortunate enough to get re-elected after the next election will be queueing up to front up the DPA and all that entails? It would be an interesting thing.

2730 Just on planning generally – and can I just say to Her Majesty's Procureur? I will ask for clarification on Proposition 1 – before I sit down, that is. My interpretation is that it instructed us to come back; we are saying we are going to come back with a second report following consultation. So to give guidance on whether not voting for Proposition 1 fundamentally makes any difference would be useful.

2735 Planning is an extremely contentious thing; those people currently opposing Longue Hougue South, it is absolutely right that they do that. By the same token, those people who want to facilitate the harbour development will find that the whole process of planning gets in their way, and they are being tolerant and would rather things just pressed ahead.

2740 And I would make one observation with regard to some of the statements that are out there, particularly now as we, I suppose – again, sorry to reference the election, but I will do. We are hearing people say, 'Cut the red tape on planning, get rid of all that red tape. We can do without it. Get the economy moving, cut through the red tape.' But actually, if you think about the mood of this Assembly, people have concerns about development, people have concerns about the volume of development, and the public clearly want protection from overdevelopment.

2745 I think this debate – we were tasked with coming back, we are coming back with proposals with this interim report to do further consultation, to report back. The report will be improved and enhanced by the amendments that we did not oppose, and States Members have approved the amendment for E&I with regard to the timeframe. 29 of you, I think, voted for the amendment, two opposed. So that is where we are, and I do not think I need to say any more, and I would ask

2750 Members to support the policy letter.

If I could have guidance, madam, because Deputy Merrett was suggesting she may oppose Proposition 1.

The Bailiff: Madam Procureur, are you able to assist us on that point?

2755

The Procureur: Hopefully, sir, yes, if I have understood correctly.

If Proposition 1 is not agreed, in my view, it is still absolutely implicit that no change would be made to appeal provisions, not least because Proposition 2 makes it clear that before any proposals can be considered, there will need to be further and wider consultation. Proposition 4 also makes it clear that there will be a further policy letter back, and also there is no Proposition here to amend the legislation, so nothing fundamentally would change, even if 1 is not adopted.

Thank you, sir.

The Bailiff: Well, Members of the States, there are four Propositions. I remind you that Proposition 2 has been amended with the addition of words at the end as a result of the Amendment numbered 1, and that Proposition 4 has been amended so that '2021' becomes '2022'.

Is there any request to take any of those four Propositions separately?

Is there any request to do other than an oral *aux voix* vote?

Deputy Merrett: Recorded vote, please, sir.

The Bailiff: Recorded vote requested by Deputy Merrett, so that will be in respect of all four Propositions – two of them, as I have just described, as amended. Deputy Leadbeater.

Deputy Leadbeater: Can I be relevé, please, sir?

The Bailiff: Yes, of course you can; we will mark you as present so that you can vote.

There was a recorded vote.

Carried – Pour 31, Contre 0, Ne vote pas 0, Absent 8

POUR

Deputy Fallaize
Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy McSwiggan
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver
Deputy Ferbrache
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Trott
Deputy Merrett
Deputy Stephens

CONTRE

None

NE VOTE PAS

None

ABSENT

Deputy Green
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Le Pelley
Deputy St Pier
Deputy Meerveld
Deputy Inder
Deputy Mooney

2780 **The Bailiff:** Members of the States, in respect of the four Propositions, there voted Pour 31, nobody voted against, nobody abstained, but there were eight absences, and therefore I declare all four Propositions duly carried.

**Commonwealth Parliamentary Association –
Independent Trustee of trust funds –
Personal Statement by Deputy Trott under Rule 10(1)**

The Bailiff: Members of the States, before we turn to the next item of business, I have given permission, pursuant to Rule 10, Paragraph 1, for Deputy Trott to make a statement on a matter of a personal nature. Deputy Trott.

2785 **Deputy Trott:** Thank you, sir.

Sir, thank you for allowing me to make this short statement. In October of last year, the Commonwealth Parliamentary Association sought expressions of interest from its 17,000-strong membership for the position of Independent Trustee of the CPA trust funds. I applied and was shortlisted. So from an impressive international shortlist, we learned earlier today that the application was successful and that the International Executive Committee have endorsed the appointment. So I shall work alongside the Secretary-General and the Treasurer of CPA International for a three-year term.

2790 This is clearly an honour and a privilege for me personally, but in particular for our jurisdiction, and it is the first time that one of our Members has held this office. It sends out a very strong message that our jurisdiction is recognised as a globally respected international financial services centre of excellence.

2795 Thank you, sir.

The Bailiff: Congratulations.
2800 Greffier.

POLICY & RESOURCES COMMITTEE

**XVI. Seafront Enhancement Area Programme Update –
Debate commenced and adjourned**

Article XVI.

The States are asked to decide:

Whether, after consideration of the policy letter entitled "Seafront Enhancement Area Programme", dated 2nd March, 2020, they are of the opinion:

1. *To establish, with immediate effect, the Seafront Enhancement Committee as a States' Investigation & Advisory Committee, with a mandate, constitution and responsibilities as set out in Section 5 of the Seafront Enhancement Area Programme Update Policy Letter.*
2. *To direct the Seafront Enhancement Committee to bring a Policy Letter setting out the long-term development strategy of the east coast, as set out in Section 4 of the Seafront Enhancement Area Programme Update Policy Letter, for the consideration of the States of Deliberation by December 2021.*

3. *To note the resource implications set out in Section 5.21 of this Policy Letter; that the Policy & Resources Committee will use its delegated authority to provide funding for the Seafront Enhancement Committee from the Budget Reserve in 2020; and that the Seafront Enhancement Committee should submit a request for funding for 2021 through the appropriate budget setting process.*
4. *To agree that the Policy & Resources Committee has discharged the element of Resolution 5 of the 23 May 2019 St Peter Port Harbour Development Requête (Billet d'État VIII) regarding reporting back to the States with recommendations in relation to the management of the SEA programme, and to rescind the remainder of Resolution 5, to be replaced with the following:*

'To direct the Seafront Enhancement Area Committee to investigate options for the resourcing and delivery vehicle of the physical development of the SEA programme long-term development strategy, and to report back to the States with recommendations in relation to such options by December 2021.'
5. *To rescind Resolution 3 of the 23rd May 2019 St Peter Port Harbour Development Requête (Billet d'État VIII), to be replaced with the following:*

'To direct the Development & Planning Authority to continue to consult relevant Committees and other stakeholders and prepare proposals for a Local Development Brief for the St Peter Port Harbour Action Area, which has been funded by a capital vote of a maximum of £300,000 charged to the Capital Reserve, and to direct the Development & Planning Authority and Committee for the Environment & Infrastructure to take all necessary steps under the Land Planning Legislation to lay such proposals before the States for adoption within 12 months of States' approval of the SEA long-term development strategy.'
6. *To insert ', the Seafront Enhancement Committee' after 'the Development & Planning Authority' in paragraph 1 of Section II of the Rules for Payments to States Members, Non-States Members and Former States Members (approved on 8 November 2017: Billet d'État XX, 2017).*

The Greffier: Article XVI, Policy & Resources Committee – Seafront Enhancement Area Programme Update.

2805 **The Bailiff:** I invite the Vice-President of the Committee to open debate on this matter and potentially to move the amendment as well. Deputy Trott.

Deputy Trott: Thank you, sir; that was my intention.

2810 Sir, the events that Guernsey has faced over the past few months and the way that we as a community have managed the Covid-19 crisis not only emphasises the importance of our people, but also of the environment we live, work, and relax in. There can be little argument about the strategic importance of Guernsey's east coast. Over the past few months, we have seen it being used as a place to meet, socialise, protest, and simply enjoy. However, despite being Guernsey's main socioeconomic hub, areas of the east coast have seen little investment over the past two decades.

2815 Given its importance, there is a risk that continued underinvestment will result in significant detriment to the area and to the wider community. Whilst there is a need for investment, the east coast is the jewel in Guernsey's crown, and any regeneration needs to be sympathetic and not detract from its beauty. A delicate balance must be struck between investing in modern, fit-for-purpose infrastructure while also respecting Guernsey's culture and heritage.

2820 The Seafront Enhancement Programme has been identified as one of the States of Guernsey's
policy priorities. The intention is to produce a long-term development strategy which is a
comprehensive plan for investment in Guernsey's east coast that delivers social, environmental, and
economic benefit. The need for investment has certainly been heightened by the impact of
Covid-19. This is reflected in the States' Revive and Thrive Recovery Strategy, which identifies the
2825 need for investment in the regeneration of our seafront and our built environment.

The SEA Steering Group has worked to set the foundations of this programme, and I would like
to draw Members' attention to the people who have worked so hard on this: Deputies Victoria
Oliver, Al Brouard, Deputy St Pier, Deputy Charles Parkinson, Deputy Barry Brehaut, very ably
assisted by the STSB non-States member, Stuart Falla. Core to the Steering Group's approach was
2830 engaging the public wherever possible. In late 2018, the Steering Group ran a six-week public
engagement seeking the views of the public regarding the potential enhancement of six sites along
the St Peter Port seafront. In February 2019, the Steering Group held a two-day targeted workshop
seeking the views of over twenty interested parties on the wider regeneration of Guernsey's east
coast.

2835 Building on this foundation, the SEA Programme now needs to be provided with resource and
funding. The program has the potential to be one of the largest capital projects ever undertaken by
the States of Guernsey, and if you want it done properly, then it needs to be adequately resourced.

Alongside the need for resourcing, the SEA Programme also requires an appropriate structure
of political governance. While the Steering Group has worked commendably to get us to the stage
2840 where we are now, the structure in place has limitations. This is why the original Propositions sought
the formation of the Seafront Enhancement Committee as a States Investigation and Advisory
Committee, and to direct the Policy & Resources Committee to provide the new Committee with
up to £975,000 to produce the long-term development strategy.

The policy letter and original Propositions were lodged in March and the subsequent Covid-19
2845 pandemic has meant that we need to re-evaluate the direction of the SEA program. Because, sir,
significantly, since the policy letter and Propositions were initially lodged, the Assembly has adopted
the Revive and Thrive Recovery Strategy, which builds upon the Future Guernsey Plan to co-ordinate
and prioritise the work of the States in the context of Covid-19 recovery. Through the production
of the Recovery Action Plans, the States of Guernsey will review their work and specific workstreams
2850 will be prioritised and provided with resources.

The PRC is of the view that the funding should not be provided to the SEA Programme via the
means sought in the original Proposition and any further funding should be allocated as part of the
development of the Recovery Action Plans.

Sir, importantly, it would, we believe, be premature to agree a political governance structure for
2855 the SEA Programme ahead of the development of the Recovery Action Plans, which will consider
the governance in the context of all recovery work that needs to be undertaken. The belief is that
the Assembly should not take decisions in isolation to the wider work involved in Guernsey's Covid
recovery, and it is for this reason that the Committee has laid the first of the second reading
Propositions. This new Proposition, 1, sets out that the Assembly will agree the governance,
2860 monitoring, and reporting for the workstreams within the Recovery Action Plans, and this will be
done as soon as the PRC can bring its work to the States, as set out in the extant resolution from
the 2nd of July, sir, with regard to the Recovery Strategy.

Sir, the new Proposition 2 will work within this governance framework and ensures consultation
as necessary, within and external to the Assembly, to develop the long-term development strategy
2865 for the east coast. Considerable work is in hand to inform this strategy through previous decisions
of the Assembly, such as the STSB's detailed Environmental Impact Assessment on potential land
reclamation and future development of the QEII Marina and its work on the future harbour
requirements.

Sir, new Proposition 3 seeks an in-principle agreement to form the Guernsey Development and
2870 Regeneration Corporation, which will be responsible for the physical delivery of the Long-Term
Development Strategy. If supported, it will see the Assembly direct a single solution to the

development vehicle, which is a significant step forward. Sir, importantly, this agreement will be conditioned upon the PRC returning to the Assembly with further detail on the structure, funding, and mandate of the proposed Corporation.

2875 Finally, sir, new Proposition 4 will reaffirm the funding and urgency on the work of the DPA on the local planning brief for the Harbour Action Area.

In the interim, there is no change; the political accountability for the SEA Programme remains with the P&RC, working through the Steering Group. This will remain until the Recovery Action Plans can be considered in the round, and SEA may remain under the political direction of the P&RC thereafter or not. That will be a decision for the successor Assembly.

2880 Support today will enable the Policy & Resources Committee to work up this detail in a coordinated manner at the pace needed in the context of Covid recovery, and I commend the revised Propositions to the Assembly.

2885 Sir, originally I was due to second this amendment, rather than propose it; Deputy Al Brouard now has the privilege of seconding it, I believe.

The Bailiff: Deputy Brouard, do you formally second the amendment?

2890 **Deputy Brouard:** I do indeed formally second it, sir.

Deputy McSwiggan: Rule 24(4) sir.

Deputy Tindall: I was going to say Rule 24(6).

2895 **The Bailiff:** I missed that completely because both of you were talking over one another, so who stood first?

2900 **Deputy Tindall:** Sir, we both stood together, but I think Deputy McSwiggan is kindly letting me say it first. I am asking for a Rule 24(6), sir; that it goes –

The Bailiff: Yes, I understand, thank you, Deputy. *(Laughter)*

2905 I am satisfied that Amendment number 1 does go further than the original Proposition on the basis that the amendment seeks to replace them in their entirety. The motion being proposed by Deputy Tindall is that the amendment be not debated and no vote be taken thereon. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I think we will have a recorded vote on that, Members of the States, just to be satisfied.

There was a recorded vote.

Carried – Pour 17, Contre 14, Ne vote pas 1, Absent 7

POUR

Deputy Lowe
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Dorey
Deputy Dudley-Owen
Deputy McSwiggan

CONTRE

Deputy Fallaize
Deputy Le Tocq
Deputy Brouard
Deputy de Sausmarez
Deputy Roffey
Deputy Ferbrache
Deputy Brehaut
Deputy Tooley
Deputy Gollop

NE VOTE PAS

Deputy Paint

ABSENT

Deputy Inder
Alderney Rep. Roberts
Alderney Rep. Snowdon
Deputy Le Pelley
Deputy St Pier
Deputy Meerveld
Deputy Mooney

Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy Prow
Deputy Oliver
Deputy Tindall
Deputy Lester Queripel
Deputy Leadbeater

Deputy Parkinson
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy Stephens

The Bailiff: Well, Members of the States, the voting on the motion proposed by Deputy Tindall pursuant to Rule 24(6), that the amendment be not debated, was that there voted Pour 17, Contre 14, 1 abstention, 7 absences, and therefore the motion is carried, and Amendment 1 cannot be debated. I think that means that Amendment 2 will not be placed at all, and we now move into general debate on the original Propositions.

Deputy de Lisle.

Deputy de Lisle: Sir, I thank you.

One of the concerns that I have is that life is in the process of change with Covid, and just about everybody is affected, and we cannot really change the seafront, for example, for visitors that do not exist any longer. Businesses are changing. It is wrong to start changing the seafront, if you like, when no one knows the direction we are heading, and it is difficult to study something in a state of flux, particularly when we are talking about a million pounds. All we can do now is clean up our act, enhance things on specific sites, which I am not against, and respect the fact that the town as it is a very special place, the main centre in our area is a working hub, the business centre of our Island – our central business district, if you like – respect the fact that we have seen the golden year of the cruise industry, but even then it only brought in £4 million. The tourists we need are staying visitors here for two or three nights or more, and we need people to enjoy the natural beauty of the Island, and we must guard against change and changing things for a shrinking industry. We must guard against developing high-level development proposals at this time, I believe, when there is so much uncertainty as Covid races on. This is not the time for high-level proposals for development of the seafront or, in fact, in the bridge area.

We can, of course, continue with the six projects that were designated earlier, which we should be working on and continuing. We can look at improving a number of areas: seating at the top of Pier 17, for example, up there we could put the seating back so that visitors can enjoy the scape out towards Herm and the harbour; that type of improvement makes sense. It would be good to start filling the market again with activity, instead, now, but not to try and create a Disneyland along the quay.

I have a few objections with regard to some of the points that were listed under the 4.7.4, which was the submissions and presentations highlighted to the Steering Group and their reactions, particularly in terms of (h) and (i) – to 'Address the impact of parking in St Peter Port [and] relocating the parking' – and (i), which is 'Evaluate movement along the seafront with the aim of creating an appropriate balance [with] pedestrian[s]' and the flow of traffic. I think along the seafront, relatively speaking, everything flows smoothly at the moment. The quay is essential to traffic flow and works well, so please do not mess with it. Because remember the chaos caused a few years back, when the quay was closed for two months to provide a single lane east; the marks in the road are still there as a reminder, and the loss of trade in retail and hospitality in town was phenomenal during the works, and after for a long while. And then, when finished, the traffic snares and all had to be returned to what it was. The traffic build-up at both ends and congestion getting out of the North Beach car park and around the Album Monuments – total chaos.

But has the lesson been learned? We had only come out of lockdown and resumed trading in town on the Saturday to find the quay was closed Saturday and Sunday, and of course, another loss to trading in town that weekend.

As for parking on the piers, this provides ease of access into the main centre in our area. It is vital to the hospitality and retail office businesses in the main centre in the area; without that, the

town will surely die. The need is for more parking to expand the business in town. Why choke the central business district of Guernsey's town? Any such action affects the competitive advantage of town business and reflects on the competitive ability of Guernsey as a whole vis-à-vis neighbouring centres – for example, St Helier in Jersey and Southampton.

Trading anywhere at the moment is fragile; this is very evident in town, with shops closing. This is not the time for change and spending huge amounts of money on the seafront policy. We must wait for the fog to lift, sir, before spending a million pounds on plans that may be totally irrelevant to the future. That is for another day; in the interim, certain improvements can be made here and there to provide work for Islanders.

The time is not right for planning major infrastructure developments with so much uncertainty out there as to the future. I implore Members to use common sense and strike this out for the moment until the fog lifts and we can see the direction this global economy is heading and how we can best meet changing circumstances and the new post-pandemic order.

Thank you, sir.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

A couple of words that I picked up from Deputy Trott's speech which resonated with me completely is not to spoil the town or the coast. We have got an absolute gem along that coast; we do not want to have a 15-storey hotel stuck in the middle of it. Whatever we do there, it has to be appropriate for the Island. And for those of you who have had the misfortune of me on the Seafront Enhancement Group, (*Laughter*) it is one of the stories I have told nearly every single week.

We can also learn a lot about how to do a seafront enhancement; first of all, we look at Jersey and then do not do anything that they did. (*Laughter and interjection*) I will come to that one.

Deputy de Lisle also makes a very good point about parking; at the moment, the town area is very much our engine room for our finance industry and we still have a lot of people who need to come into work every day, and we must ensure that there are parking facilities for them. Whether those are going to be always on the piers, that is a different matter, but there are opportunities for parking to go elsewhere.

We have also got opportunities – and we have to think about what will happen with our ships going forward. Smaller ships are no longer as efficient as some of the larger ones. We may have to look at increasing the berths that we have, possibly up to 200 metres per ship. We need to start thinking about new quays; we need to think about the refurbishment of the existing quays we have, because there is quite a lot of maintenance that needs to be done there; thinking about new yards; the opportunity for marinas, what that can do for the leisure industry and for local industry; the possibility of creation of electricity through hydro; and of course, we have got the historic castle and other interesting parts along the east coast there; and also the opportunity for leisure, the idea of lagoons or places for safe sailing, etc.

Just one other thing I have to mention: no one was more concerned than me about creating another quango or another department that is going to be at arm's length, and then I spent half my career trying to drag them back into the fold, so it will certainly be one if I ever do get re-elected, I would be very careful to see how we manage any development on the seafront, that we keep the control and at least the high-level control within this house here, because I do not want to have some government body running off on their own thing.

One thing I would ask is – I am a little bit puzzled by the reaction of the States to the proposals that P&R put forward where we replaced the Propositions, and perhaps Deputy Tindall can detail exactly why she decided that the amendments went further, from the point of view of not necessarily – I appreciate that it went further, it has been ruled as such – but why she wanted to spoil that particular issue, as it were. I would just be interested in the motivation behind that.

Thank you very much.

3005 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Sir, I know it is a bit tiresome and maybe some people want to finish today and some people come back Tuesday, who knows. But this is an important issue, and in a way, it is regrettable that it is Friday afternoon time for the Seafront Enhancement Area – and an August day, as well, a hot day to boot – because this is actually quite an important area. I know Deputy Tindall has been concerned – I think the States have reflected her view in many ways – that the structure and the corporate governance of this enterprise is of great importance.

3010 I remember initially, when I was still President of the Development & Planning Authority, although we certainly had professional advisers and officers who were a bit involved, we really struggled to get political representation on the Seafront Enhancement, which is curious considering it is so part of our planning, of living, of development, of development frameworks and everything that goes into it.

3020 I do still regularly meet members of the Douzaine of St Peter Port, and it is fair to say that some of those members have had concerns that the Seafront Enhancement is going ahead without too much input or contribution from what is an ancient and distinguished elected body of two constables and twenty Douzeniers who are – I know Deputy Le Pelley would not agree with me, or Deputy Paint, probably – but I do follow the line sometimes of interpreting, like the BBC might, Guernsey concepts in an anglicised way; the reason I do that, unfortunately, is because I know not only migrants to the Island, but also many younger people growing up on the Island, do not necessarily appreciate what the Douzaine and the Constables are, which is regrettable. But I would say: the Douzaine are elected councillors and mayors of our Town, and they are not being consulted fully, and they feel that, and they should be more involved than they are. So we have got that issue.

3030 There is a tension, I think, between the part of the Island that wants us to get going more with development that means something, and people who are in the ‘no change’ camp, perhaps. You can look at this 41 pages of work and not really see any obvious vision or sense of direction. It actually goes back in time, mentioning the six projects, some of which have not happened, and allusion is made to Deputy Paint’s successful harbour extension. But it is not even clear within this policy letter whether the Seafront Enhancement covers a broader realm of the east Coast or is just specific in the area, really, between North Beach and the Havelet. So we have got a problem there.

3035 There is still no commercial person developing it, but nor is there, really, an environmental vision. We criticise Jersey, and certainly the aesthetics of the Jersey Waterfront are not ideal, but they have plans for arts; they have a cinema in town, which we lack; they have lots of apartments; they have a harbour terminal with catering facilities. We really do need to work out what we want: do we want a hotel in the area? There has been talk of a boutique hotel. There has been a lack of clarity.

3040 I do not think, from my experiences of the Seafront Enhancement, that it is going anywhere in particular at the moment, and that concerns me. I think, perhaps, we need to do what Environment & Infrastructure are doing in a different context – in climate change – and actually look at some form of citizens’ assembly, a group of people who at least will input the process, and we will actually see where we are heading. Because this working group is not ideal, and when you look at the membership, it will be basically five people from States’ Committees and two non-States members – a kind of St Peter Port SWBIC, in a manner of speaking. That will be interesting, because you will have input from the different Committees, how far those Members will represent the Committees and how far they will represent themselves, and whether they will be presidents or not, we do not know.

3050 It does not strike me as an ideal mechanism, because this kind of project really requires executive political leadership linked to a sense of democracy in consultation with various groups, especially the elected Douzaine of St Peter Port, and it also requires a facilitator who probably is not a civil servant or a politician or an interested party, but a stakeholder who is a person of commercial experience with a track record in what amounts to a sensitive urban regeneration.

3055 I almost wish this had been postponed to a future States, and I think the poor reception Policy & Resources' amendment got today is indicative that this is not really the right time to address this issue, and it needs further work on the drawing board, I would suggest.

The Bailiff: Deputy Fallaize.

3060 **Deputy Fallaize:** Thank you, sir.

Just briefly: I have mixed views about the business of development along the east coast; I think there are ways in which it could be enhanced, and I certainly am not opposed to all potential development, but if there is anything which looks like filling in Belle Grève Bay which arises as a result of all this work, then certainly I count myself as a sceptic in that sort of development.

3065 What I wanted to say, really, was: I think this is always a very dangerous moment in any States term, because it is possible late in a term, when you have a very heavy agenda and when lots of Members' minds are on elections or partly on elections and other things, to make what may appear to be quite procedural changes to governance arrangements which actually have quite a profound effect in subsequent States terms.

3070 I can remember being sat in the public gallery before I stood for the first time, in 2008, and there was a report that came to the States by the old Policy Council about what was then called the 'Government Business Plan,' and a change was proposed to change mandates of States Committees so that they could focus on the delivery of their services, and there was something to do with omitting some words about policy development from their mandates. And it was challenged at the time, but it was sold on the basis of just being a very innocuous procedural tidying-up, which it was quite obvious at the time it was not. What then transpired was eight years of dysfunction, as the Policy Council went around trying to set up subgroups to cater for almost every arm of government and emasculating all the other States Committees in the process. And then there was a battle, basically, fought between the States Committees and the Policy Council over that, and the other States Committees in the end prevailed, and the Policy Council lost not only its subgroups, but also the Policy Council itself was disbanded.

3075 I think there is a risk – and it is interesting, I do not know whether that was why the States decided not to debate Deputy Trott's amendment – but there was a proposal in there that the Policy & Resources Committee would be required to report early in the life of the next States on the political governance arrangements for all parts of the Recovery Action Plans. I think that is very suspicious.

3085 I think that there is a vision among some people that – I do not think it has got anything to do with parties, quite honestly – I think there is a vision held by some people that all of the work in the Recovery Action Plans will be led by the Policy & Resources Committee. Those four plans – I cannot remember what they are called, the 'Health and Care Plan' or 'Community and' something else, whatever they are called – I think that some people have a vision that the new Policy & Resources Committee will appoint a member from inside the Policy & Resources Committee to lead each of those Plans, and that person will be the person who drives forward that Action Plan. For example, 3090 there will be a lead member in P&R for the Health and Care Plan – it does not matter who the President of the Committee for Health & Social Care is, because from within the Policy & Resources Committee it will be driven forward.

3095 I may be wrong, we will never find out now, because if Deputy Trott's amendment had been debated and approved, I was going to lay an amendment to try and tie all of this need for them to come back and report on political governance arrangements with our current Committee system, and I think that would have teased out what was behind some of this thinking. But I do think that there is a very serious risk between the end of one term of the States and the start of another – very early in the life of the next term of the States – where there is a period created where, for various reasons, it becomes extremely easy for the senior Committee of the States, whoever they are, to pretend that some quite minor procedural arrangements are being changed or made more flexible, 3100 3105

but then when they are put into effect, you find out there has been a very considerable shift toward centralisation.

I am therefore very pleased that the Propositions which are before the States in relation to Seafront Enhancement now propose the creation of an Investigation & Advisory Committee which will draw a member from each of the States' Committees which have an interest in this area. That will ensure that each of those stakeholder Committees has an equal seat around the table and it will mean that they have to drive the whole development project, rather than the Policy & Resources Committee. I hope – I have no idea whether I will be able to play any role in it – but for those Members who are Members of the next States, I hope that they will resist any attempt from the Policy & Resources Committee to make itself wholly responsible for all of the Recovery Action Plans. I think that is a very serious risk, I think that we have seen that kind of thing happen, between the end of one States term and the start of another States term in the past, and it needs to be guarded against.

I do not say that it needs to be guarded against because I am in principle against a more ministerial or executive system of government; I think there are arguments both ways. The reason I have always argued this way is because you cannot try and graft a ministerial type system onto a Committee structure, because it just does not work; it becomes dysfunctional and –

I will give way to Deputy Merrett.

Deputy Merrett: I thank Deputy Fallaize for giving way. I am really interested in your observation and your theories. I just wanted to understand his thought process on Proposition 1, because it says 'establish, with immediate effect,' which clearly is going to be virtually impossible in the couple of weeks left of the political term.

Also, this States, even if we were to affirm this resolution today, I do not think it is reasonable that they are going to establish – 'they' being Policy & Resources – will establish it with immediate effect, and the next States – say, for example, the States got elected on their party and they had a majority in the Assembly: they could just rescind this, because we cannot bind future States, and it is unrealistic it is going to happen in this States.

So Deputy Fallaize's thoughts on that would be appreciated. *(Laughter)*

Deputy Fallaize: The phrase 'he States cannot bind their successors' always amuses me, because the States cannot bind itself half the time. *(Laughter)*

Of course, it is always open to the States to rescind previous resolutions or vary previous resolutions, but if the Propositions are approved, the next Policy & Resources Committee will take hold of them and then come to a view about whether they should put them into effect – slightly modified because of the time differences – or ask the States to vary the resolutions or rescind the resolutions; it will be a matter for the next States. That is why I am making this speech; this might be the last opportunity I have to have any kind of input into the matter of how the Recovery Action Plans are taken forward.

What I am saying is, I am making a plea to those Members who are re-elected to be very, very vigilant early in the life of the next States not to allow the Policy & Resources Committee – and it may not make any effort to do this. This Policy & Resources Committee – I know this is not necessarily a prevailing or popular view in the Assembly – actually, I do not think this Policy & Resources Committee has been particularly centralist; I think it has generally respected the mandates and responsibilities of other States Committees much more than the predecessor Policy Council did. But it could be that a future Policy & Resources Committee does try to do what some of its predecessors tried to do and use Strategic Planning processes to centralise powers – policymaking and decision-making powers – and if that is going to happen, early in the life of the States is a very risky time when it might be attempted, and the Recovery Action Plans could be the vehicle used for that. So whoever is here in the next States, I urge those Members to be vigilant about that and to challenge that and to stop it from happening. If the States want to move to a

more ministerial or executive system, then that is a different matter; the States can have that debate and there are pros and cons. But please, stop it happening through the back door.

Thank you, sir.

3160

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

Deputy Fallaize is absolutely right; we see it time and time again: each term, right towards the end, reports are suddenly put in a pile so there is a massive amount that comes through at the end of the term which we have not got time to research properly and things get slipped through. But this one was not going to go past me – none of the others did, to be honest. This was dated the 2nd of March; this could have been in the States in May, it could have been in the States in June, it could have been in the States meetings – there were two in July – but no, right at the 11th hour, this one is produced. So that is slipping it through, in my opinion, especially because Policy & Resources are the ones that actually decide what is going to go in the Billets and put it before us, so why did they not put this through months ago? Why now?

Also, it is very much a rushed job. I know that Deputy Trott's amendment did not actually go through, but he wanted to make it even sooner, which – pinch yourself, since when has the States actually done anything very quickly? When you look at the time scale that this was supposed to be here for, it was supposed to be back here by December 2021, not December 2020. So why now? Why now? And they wanted to bring it forward quicker again.

We are on borrowed time. There is no way this States should actually be approving anything other than something that is urgent, because there was the election supposed to be back in June; we have not really got an endorsement by the public to be able to serve in here. We have given ourselves that extra time. And something as sensitive as the seafront should have more consultation and have the public involved, and they have not had that opportunity. Therefore, to have a quango to take hold of this – and a paid one, at that – I do have concerns about.

I am not going to vote for anything on the Seafront Enhancement Area Programme at all. It was said to me, 'We need the work for construction,' Interestingly, at the CRAG meeting – Covid Recovery Action Group meeting – last week, I was grateful for Deputy Trott, who has actually met with the GBTA and other industry reps, and they are busy, and we know that. If you are trying to get anything done, they are busy. Because of Covid, people are not necessarily going on holiday, they are spending money on their homes, alterations, decorations, you name it, so the construction industry are busy. So if it is for the big boys in the construction industry, that will mean you are going to have to bring in people here because there will not be the people to actually be able to do this job any more, and then you have got all the things that go with self-isolation.

But if we are going to do something big for the construction industry – so remember, this was said about the construction industry, but actually, in reality, they are busy – but if they were not busy, what happened to the promise of La Mare de Carteret Primary School being a priority to be built? You might like to know, on the Covid Recovery action Group paperwork for last week, for all the things for Revive and Thrive, it has been removed; the recommendation of a primary school for La Mare has been removed. I have not seen that in the paper, I have not seen anything telling the schools about that, and it is here for anybody that wants to see it. My Committee will see it, because they get all the paperwork. And I was not impressed to see this on here, where we have been given that undertaking that La Mare de Carteret Primary School will be built as a priority while they are looking at the high schools? It actually says it is going to be 'removed while they have a review of all the primary schools.'

I give way to Deputy Oliver.

3205

Deputy Oliver: Sorry, you are not going to like me for giving way. I just do not understand what this has got to do with the policy letter.

3210 **Deputy Lowe:** It has got plenty to do with the policy letter, because supposedly, the construction company needs the work, and yet we are hearing that the construction companies are busy. So if the construction companies are busy, why do we not stick to a promise that we have already committed to, instead of slipping in something at the 11th hour, being the seafront, when the seafront has not been a priority, but the primary school was?

3215 I feel like I am in the middle here; I have got Deputy Trott ready to jump back in and I have got Deputy Fallaize. I will give way to both of you gentlemen. I will start with Deputy Trott because he stood up first.

3220 **Deputy Trott:** I am grateful to Deputy Lowe for making these points, because she is quite accurate with what she is saying; the building industry has been very clear that it is busy for the next six months. I am delighted to hear this news; there are one or two pockets where that is not the case, but generally speaking, they are fairly busy *for the next six months*. After that, the orders are looking much thinner. And of course, this is a long term strategy that is talking about providing opportunities for the construction industry over many years to come, and I would ask Deputy Lowe to view it in that scenario.

3225 **Deputy Lowe:** Thank you, Deputy Trott. I will view it, and the school would be part of that for me. That is not short term either, it takes a while to build a school.

I give way now to Deputy Fallaize, who obviously wants to tell me something.

3230 **Deputy Fallaize:** I thank Deputy Lowe. What she is saying actually is news to me, because I was not able to attend the last CRAG meeting, and Deputy Le Clerc is shaking her head as well, so even those who were present, perhaps, it comes as news to them.

3235 But I do not think the promise was quite in the way that Deputy Lowe referred to it. The resolution of the States was to approve the redevelopment of La Mare de Carteret Primary School as a two- or three-form entry school contingent upon the Committee presenting to the States a review of primary provision across the Island. That is why the redevelopment of that school is not prioritised in the sense that it is going to be able to proceed as the next project in the Education Development Plan. The order is, hopefully now, going to have to be the Guernsey Institute, and then the States will be able to take a view on whether to do the La Mare de Carteret Primary School
3240 or any extensions or changes to the secondary schools, contingent upon the secondary review. So I really do not think any promises have been broken here at all; the redevelopment of that school will happen, that States resolution remains extant, and it will continue to happen in the order and according to the timeline that was originally set out, irrespective of what it said in these papers, which I am rather pleased I missed.

3245 **Deputy Lowe:** Thank you. I am not saying it is not going to happen; it is just that it has been taken off the priority order, and that is where I have concerns. I am not saying it is not going to be built. When you are looking at the paper, it was about the impact of 6 to 18 months, and so it has been removed for 6 to 18 months off of that list, which falls into Deputy Trott saying, 'You need to look longer than that'; well actually, it ticked that box. So that is what I am trying to say here.

3250 That takes us back to the harbour redevelopment and the seafront as well, and the east coast. And also for the east coast – and , it was what Deputy Fallaize actually said before – is that he said he would not like to see Belle Grève filled in and the development going all the way. But this seafront paperwork – some of the paperwork that I have seen previously – is Phase 1; Phase 2, to bolt onto
3255 that, is in Belle Grève, and then it takes it all the way along the seafront. Whereas previously we have had the whole thing about along the front and – I have forgotten what they called it, 'Venice,' whatever it was – it was all in one; now they are actually breaking it down into sections. So again, it is not something –

I am happy to give way to Deputy Merrett.

3260

Deputy Merrett: Thank you very much, Deputy Lowe, for giving way. I am a little bit concerned that there seems to be the impression that CRAG can override an extant States' resolution of this Chamber. (**Deputy Lowe:** No.) That is the impression that has been given. If Deputy Lowe, sir, is saying that CRAG has reprioritised the list ...

3265 I am sure I have misunderstood, but that is just the impression that I have been given from Deputy Lowe's speech. I am very pleased that Deputy Lowe has given way to me as she is a member of CRAG, and I am sure she will give me the assurances I am seeking.

3270 **Deputy Lowe:** I can explain the position of CRAG: the composition of CRAG is the Presidents of the Principal Committees and we are there as an advisory group to P&R. So P&R put all this paperwork before us and they like feedback to see what we actually think about it. As an example, this week, where there was a whole list of all of these things, whether they come off or they stay on as part of the Revive and Thrive: members that were present will know I only made comment on the three that involved Home Affairs. I am there as Home Affairs and I am not going to actually use that position to give an opinion on something that is not under my mandate. This is the place that I would do it, not at CRAG, and I made that very clear at the time. You can shake your head, Deputy Brehaut, it is in the minutes.

3280 **Deputy Brehaut:** Point of clarification?

The Bailiff: Deputy Brehaut, you cannot have a point of clarification.

Deputy Brehaut: But Deputy Lowe is misleading the States.

3285 **Deputy Lowe:** I am not misleading the States whatsoever. I said to the –

The Bailiff: Deputy Lowe, that is enough for the moment.

3290 Deputy Brehaut, you cannot have a point of clarification but you can have a point of correction to correct a misleading or inaccurate statement. So have a point of correction as a point of correction, please.

3295 **Deputy Brehaut:** Sorry, I do not mean to raise the heat in the Assembly, but the minutes will show that Deputy Lowe gives a view on a number of things: Deputy Lowe made it clear she was opposed to a cycle path, she was opposed to subsidies on electric bikes, and she was generally opposed to active travel, and she spoke very strongly against those things. So it is misleading the States to say she only comments on Home Affairs issues.

The Bailiff: Deputy Lowe to continue, please.

3300 **Deputy Lowe:** Thank you. When we had the list, which is the shortened list, I was only going to make a comment on those things for Home Affairs; he is talking about the original list that had about 48 and we were asked to give an opinion on all of them. For Home Affairs, this week, I covered the areas for Home Affairs, because that is what I am mandated to do and that is where I have got the Committee's backing, to be able to do that.

3305 So no, there is no way – certainly from my point of view – I am not in there to actually override the States. I would say things in here and not in there, we have not got that authority to do that. That said, my Committee have given me delegated authority to be able to make a decision, a short-term decision, if I need to for anything to do with Home Affairs, and I think I am the only one on there that has had that delegated authority. I have not needed it and I will not use it; I will always go back to my Committee.

3310 Back to where we are for the Seafront Enhancement Area Programme: all of these, when you look at the recommendations that are in this report, it is 'to establish, with immediate effect,' that

type of thing, which again, I will not go for. Somebody actually mentioned about the makeup of the Committee, and I will raise a question that somebody – oh, it would be Deputy Trott that would be answering this. ‘Membership of the Seafront Enhancement Committee shall be,’ and it lists: ‘One member of the Policy & Resources Committee,’ fine; ‘One member of the Committee *for the* Environment & Infrastructure,’ fine; ‘One member of the Committee *for* Economic Development,’ fine; ‘One member of the Development & Planning Authority’ – would that be seen as a conflict, Deputy Trott? Perhaps you can clarify that at the time, because if they are deciding about what they are going to do and you have got a member who is actually sitting on there deciding on whether they should go ahead with that, will that member still be able to be involved when it actually comes to the decision time?

That is all I have got to say on this, sir. As I say, I will be voting against; I do not think we have got the mandate to be doing something like this, it is being rushed through at more than the 11th hour, and if you are looking for flip-flop government and this goes through, I would not be surprised that this would come back in the new term.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

Frankly, I have been very disappointed by the lack of progress to date on the Seafront Enhancement Area Group. I think it has existed now for more than two and half years and, really, there is very little product to show for a string of meetings over that period. With the amendment defeated, what we are left with here are the original Propositions, effectively to set up another Investigation and Advisory Committee and to direct them to bring a policy letter to work out a Long-Term Development Strategy and to investigate options for the resourcing and delivery vehicle – in other words, to do the job that the Seafront Enhancement Area should have been doing for the last two and half years. *(Laughter.)*

We have got to the point where we are simply being asked to set up a committee to advise us further. What we have needed to do, all of this time, is to engage the public in a conversation about the threats and opportunities which exist around our eastern seaboard. These include, amongst the threats: number 1, rising sea levels; number two, the condition of our harbours; three, requirements for our sea connectivity, including in relation to hydrocarbons, the inert wave strategy, and energy policy, which will link into aspects of what needs to happen along the eastern seaboard. But the opportunities include our blue economy, by which we mean the market in Guernsey for cruise ships, private boat owners, and visiting private yachtsmen, our fishing fleet, future developments, for example, in aquaculture, and every other opportunity that involves the sea around us.

Enhancement of the seafront also can play a crucial role in enhancing our towns, which are vital to the quality of life on the Island, the value of our tourism industry, etc., and we have opportunities to make better use of the assets around the harbours. One of the, really, only areas where the Seafront Enhancement Area Group can point to any progress has been the initiatives to breathe new life into six areas around St Peter Port Harbour. These are quite modest proposals on the scale of things and in relation to the scale of the opportunities and threats, but there is no doubt that enhancing and restoring the Vallette, doing more with the old States’ offices or the Vivier Bunker, would be a marginal, incremental improvement to the Island’s infrastructure, which would all be welcomed.

But I want Members to note that these issues extend far beyond the borders of St Peter Port. They also extend far beyond the area designated on the IDP as the ‘Harbour Action Area.’ They embrace the whole of the eastern seaboard of Guernsey. The States needs to develop policies for the development of the eastern seaboard to meet the threats and to take full advantage of the opportunities. It obviously falls within the remit of the States to determine the policies that will be pursued in these areas, there will be many, many controversial issues to be debated, and the public have to be taken along on a journey, a conversation, to discuss how some of these things conflict with each other or have wide, vast implications for every part of our community. There are very

3365 strong views already expressed by Deputy Fallaize about the use of Belle Grève Bay, but on the
other hand, there are significant issues which we do need to address, and some of them may involve
further development in Belle Grève Bay. That conversation needs to be to be had with the public,
and I think that the idea of a 'people's assembly' to discuss these issues would be a good thing,
because mostly, there has just been no public engagement. We have had limited engagement with
3370 harbour users and people who actually have very direct involvement in the ports in the eastern
seaboard. That was extremely helpful, I may say; it was very useful to get their input, there is a lot
of wisdom out there about what can and cannot be done. But the wider public need to understand
that, actually, sea levels could rise by a metre by the end of this century. This is not a fictitious issue,
this is a problem that we have to be prepared to address.

3375 Once the States says it has developed and agreed policies in relation to the eastern seaboard, I
think we have to recognise that the States is really not the appropriate delivery vehicle to bring
forward any solutions to the problems or to implement those policies. There are lots of problems
with the States doing this: the four-year time horizon is always going to be a problem, because we
are talking about, in the main, infrastructure projects with 30- or 50-year lives, or perhaps longer.
3380 Also, the reality is none of us, I think, are project managers. The development of some of these
schemes, whether it be raising sea defences or introducing turbines to harvest tidal power or
whatever, these are massive investments which, frankly, need to be professionally managed by
people who manage big infrastructure projects. I do think we will end up forming a development
corporation manned by professional – and I use 'manned' in a non-sexist way, Deputy Tindall – by
3385 people who have real-life skills: people who have just finished developing Crossrail or something,
people who we can bring to Guernsey who have managed huge infrastructure projects and can take
these forward, obviously under the political supervision of the States.

The fact is that neither the policy objectives nor the delivery vehicle are dealt with in these
proposals; we are simply asked to agree to set up another committee to go away and look at exactly
3390 the same problems. This policy letter really does not take us very much further. But it does at least
keep the topic on the table, and I am very concerned that if Members vote against the unamended
Propositions, that may kill off any momentum that the work on the eastern seaboard may have had.
I wish we were in a better place and we had something more concrete in front of us, something that
actually looked as though it might get us somewhere, but having this is probably better than
3395 nothing. The suggested committee is not entirely Policy & Resources, which gets a tick from me. It
is perhaps not what I would have chosen, but nevertheless, it allows us a route to go forwards in
some way. And disappointing as the progress has undoubtedly been today, we do need to move
forward, I do have to support these Propositions.

3400 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

Having stood early in the previous debate, I thought I would wait a little bit just to see the tone
of the Assembly on this, and also, to a certain extent, answer a few questions which have already
3405 arisen, and I think my speech, actually, on the whole, will bust a few myths, I hope.

Developing the Seafront Enhancement Area is an essential project which has being talked about
for so many years. We have had suggestions and ideas for the east coast to encompass a range of
extravagant and innovative uses, including a super vision document for both St Peter Port and the
Bridge, for larger projects, and to smaller projects, such as bringing the Vivier Bunker into wider use.
3410 Whilst we may see something at the Vivier Bunker soon, Deputy de Lisle will be reassured that any
real change in the Seafront Enhancement Area will take a few years at least, long enough to ascertain
the effects of the Covid-19 pandemic and, as Deputy Trott said, long enough for the primary school
at La Mare to be built.

But what has actually been achieved by Seafront Enhancement Area group, the advisory group
3415 set up by P&R in November 2017 to push this forward? In my view, this group has done very little.
This is not because the vision, principles, and objectives completed after consultation with

stakeholders have no value; far from it. Although I understood this consultation was precisely what Deputy Parkinson said he wanted to see having heard him speak, and as I was not a member of the group at that time, I must be mistaken. After four years, I feel even more should have been done.

3420 As for those spades in the ground we were told we had, maybe there has been an error to the lack of progress. I think that the need to be seen to be doing something has taken too much time and effort away from actually getting teeth into the big stuff. I hope anyone who takes this forward leaves that to others to get on with, as they really have dragged the project down, in my view. The few meetings I have attended on the Seafront Enhancement Area Group – and I should add, despite
3425 Deputy Trott's comments in his opening speech, I *am* a member of the Seafront Enhancement Group and have been since September 2019, when – well, I will explain that shortly – but he missed me out in the original, which may be an example of the frustrations that we have.

As I say, far too much time and effort has been – I give way to Deputy Trott.

3430 **Deputy Trott:** It was a genuine oversight, I am sorry. I was reading from some scribbled names on a piece of paper (*Laughter*) and I do apologise, because it was a genuine oversight.

Deputy Tindall: I accept Deputy Trott's apology, but it does exemplify the feeling of the DPA being ignored in all of this – I am sorry, but it is true.

3435 Far too much time and effort has been on these smaller projects, in my view. And as we now have the Recovery Strategy, P&R may say this project needs to go into the pot for funding. That is true, but for me, Proposition 3 states that the States' Investigation Advisory Committee, or the 'SAIC' – which, for Deputy Lowe's benefit, is a States' Committee, not a quango – would submit a request for funding for 2021 through the appropriate budget-setting process. And so I believe that
3440 is flexible enough for the Recovery Strategy process, whatever that turns out to be.

So why has little been achieved? Governance. The issue has been poor governance all along, and for me, the lack of proper governance is the reason why there has been no real progress. Ever since we knew of the Seafront Enhancement Area Group and its mandate and membership, the DPA repeatedly told anyone who would listen of the error of not having proper governance, including
3445 by not having a representative of the DPA on the Group.

I should explain why the new States' Committee should be set up in accordance with the original Propositions, which we are obviously now debating, which include the DPA. The Policy & Resource Plan recognises the need for co-ordination of policies for the St Peter Port Harbour Action Area, conversion of these into a master plan as part of a local planning brief, and consultation on and
3450 States' approval of that master plan prior to commencing delivery work. The terms of reference for the SEA Steering Group broadly align with the Policy & Resource Plan, but extend the area under consideration from the Harbour Action Area to the eastern seaboard, incorporate consideration of the Air and Sea Infrastructure Review, and do not include a clear mandate for it to be responsible or accountable for key outputs, such as progressing a masterplan to States approval.

3455 The role of the SEA Steering Group is currently unclear, especially in relation to the mandates of States Committees. This puts the achievement of its objectives at risk and prevents the development of definitive, detailed recommendations regarding operational governance. The amended independent requête and supporting resolutions passed by the States in 2019 only partially match to the objectives that the SEA Steering Group has prioritised and developed around the Harbour
3460 Action Area. Those remaining on that include access to town centres, coastal defences, public land improvements, economic stimulation. The current situation continues and the SEA Steering Group is at risk of failing to ensure consistency between the work specified in the States' resolutions that the plan for the eastern seaboard extends beyond the remit of the Harbour Action Area; the Harbour Action Area and equivalents is informed by a mature understanding of all of the Seafront
3465 Enhancement Area Steering Group's objectives. A secondary effect of the current situations is not possible to make definitive and detailed recommendations about the appropriate operational governance of Seafront Enhancement Area activities.

Why does this matter? The strategy definition work requires alignment of recommendations, bringing together a coherent suite of proposals that marry viable, if not necessarily preferred, options identified through each options analysis. Failing to do this could lead to different solutions being proposed by each of the Committees, with varying and potentially conflicting implementation schedules and costs; the States consequently postponing a decision or deciding against the conflicting proposals, thus losing time or money; or proposals being approved and works delivered that in are conflict or contradictory. Subsequent delivery work is highly likely to take many years, and as such should be coordinated as a single policy framework, as it is probable that there will be innate overlaps and interdependencies between the physical build activities required to deliver each element of the States' adopted policy. The options analysis requires close engagement between Committees, as each element impacts required input beyond the remit of the lead Committee. Failure to do this risks duplication of effort or inconsistency in recommendations.

But I ask Members, sir, not to think that this is just coming from the DPA, what I have just read out, because what that was was directly from a report of the external consultants, CBO, external, on-Island management consultants who were instructed by P&R. They presented to the Committee in July 2019 this report. It states initially: 'It was our initial expectation that this would be primarily focused on officer operational governance issues. Early investigation has identified, however, that a number of points regarding political governance need to be clarified before the correct operational arrangements can be specified.' They provided initial recommendations to provide sufficient clarity to allow for development of more detailed proposals for the delivery of Seafront Enhancement Area activities.

After hearing external consultants, P&R finally accepted what the DPA had been saying for more than two years. The irony was that the first meeting I attended when this report was presented, I was there not as a representative of the DPA, but as a stand-in for Deputy Oliver, who was on maternity leave. It was not until after that the report was presented, in September 2019, when finally, the DPA was recognised as member of the Seafront Enhancement Area Group. Because despite the opening comments of – sorry, I have repeated that.

Deputy Oliver: Point of correction?

The Bailiff: Point of correction, Deputy Oliver.

Deputy Oliver: When I was on the Seafront Enhancement Area, I was recognised as part of the DPA because I was allowed to bring an officer along.

The Bailiff: Deputy Tindall to continue.

Deputy Tindall: Thank you. I have to say, that is the first I have heard of that, because Deputy Oliver was asked to join the Seafront Enhancement Area Group, as far as we were concerned, because she was a charter surveyor, and we were not allowed to send someone from the DPA. But what we did do was, unilaterally, the DPA appointed Deputy Oliver in any event, so as at the meeting in July, when Deputy Oliver was on maternity leave, I attended on her behalf, it was at that meeting after the report that it was agreed that the DPA should be in, as per the report of the CBO, and I apologise to Deputy Oliver for any misunderstanding.

Sir, I stand by that recommendation of CBO that the mandate of the DPA means that we would need to be involved in the Seafront Enhancement Area. We are responsible for the local planning brief for the Harbour Action Area, which of course, forms part of it. And it is our responsibility to bring that back as a policy letter to the States. There is no conflict.

So, sir, I ask for the original Propositions to be approved; at least we get a governance structure recommended by an external consultant in place. We must not revert to the position of P&R, a position I believe resulted because they refused to listen to the numerous calls for the DPA to be

involved and only changed it once this external consultant told them we had to be there for good governance. And it was not just the politicians telling them, it was the planning officers too.

But if wasting two years was not laughable enough, then, as an unknown person said, repeating the same error again and again and expecting a different result is the definition of 'insanity.' (*Laughter*) But it is being repeated, in respect to the Recovery Strategy by leaving out the DPA.

But I thank the States for supporting the motion until Rule 24(6), as now, the DPA is no longer between a rock and a hard place – or should I say, 'a rock and the Seafront Enhancement Area'. This is because, after all the battles of the DPA, we did not want to go backwards into the black hole of P&R, where the mandate role of the DPA seems to be completely misunderstood. We did not want to waste another four years. So we are extremely pleased that the Propositions we are debating include the setting up of a States Committee of which the DPA is a member. I suggested to the Seafront Enhancement Area Group at a previous meeting that we elect with readiness a member from each of the Committees, but that was a suggestion not adopted by P&R. We can, of course, do that straight away if these Propositions are successful and ready to take forward at the next meeting of the Seafront Enhancement Area Group this coming Monday.

I ask Members, sir, to support these Propositions not just to get the Governments right and get moving generally, but to ensure that the next DPA should not have to fight the same battle my Committee has fought for four years and be involved in the Seafront Enhancement Area from the start of next term. I also want this and the next DPA to be part of the Consultation and Recovery Strategy and the Action Plans, but that is a debate for another day now that Amendment 2 was also not laid, an amendment which we at the DPA were very grateful for being submitted, at least, as we appreciate the sentiments it contained wholeheartedly, because we wish to be on CRAG, which I believe Deputy Lowe erroneously called the 'Covid-19 Recovery Action Group' – I thought it was merely an *advisory* group. As I said, the DPA were between a rock and a hard place, and with the four Members I had the chance to discuss it with, we decided to raise a Rule 26(4) motion.

However, if these Propositions fail, I can assure Members, sir, that the DPA will continue with the work it already is under resolution to complete as a result of the Harbour Requête. The new DPA will continue with the consultation with other Committees and stakeholders, consultation which is exactly that which Deputy Parkinson was talking about, albeit for a smaller area, and prepare proposals for a local development strategy for the St Peter Port Harbour Action Area with a capital vote of a maximum of £300,000 charged to the Capital Reserve, and they will work with E&I to take all necessary steps under the land planning legislation to lay such proposals before the States for adoption, even if it will not be by the end of 2020, and obviously in respect of only part of the east coast. This work will fit neatly alongside the development frameworks for the three Regeneration Areas in St Peter Port which have been started.

I make no apology for directing my wrath at P&R over these errors in governance, as it is P&R who have made the decisions all along. However, whichever resolution the next DPA works to, I hope the next P&R does not repeat the mistakes of this one and we therefore get further forward with the Seafront Enhancement Area, which can be so beneficial to this Island of Guernsey.

Thank you, sir.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, Mr Bailiff.

I cannot believe what ... heavy weather... we are at here. (**Several Members:** Hear, hear.) We have heard two long speeches, one from Deputy Fallaize, one from Deputy Tindall, that mainly seemed to be predicated on debating the amendment that we decided not to debate. Deputy Lowe says it is too late to make big decisions; there is nothing here making us make big decisions. I can tell Deputy Parkinson in his waters feels something big ought to come at the end of this process, I can tell that Deputy de Lisle and Deputy Lowe believe, probably, nothing big should come. I have not decided yet, I have to say. I am torn. I think if we had to have citizens' assemblies in Victorian

3570 times, we probably would not have had any of the great features of St Peter Port that we have now; at the same time, I think Belle Grève is called *Belle Grève* for a reason.

But all we would be asked to do is set up an investigation committee! Deputy Parkinson is right; we really should not be in this position if you had people investigating this for a few years. But we are where we are, they are going to report back at the end of next year, I totally withhold judgement on whether I support what they are putting forward, but can we not just vote for them? Set them up and see what they come up with?

The Bailiff: Deputy Dorey.

3580 **Deputy Dorey:** Thank you, Mr Bailiff, I will be reasonably short.

One of the frustrations for me in this term has been on Environment & Infrastructure, because the 'Infrastructure' bit seems to be very small, and that is just a reflection on our resources, our budget, and basically everybody else seems to grab infrastructure from us. I do not think that was really what it was, when I sat on the Review Committee, how it was designed to be, but we are where we are.

I support the proposals; I think a committee which is accountable to this Chamber, which answers to this Chamber, is far better than a steering group made up of people who have just been put into that group without this Chamber approving that. I think it is an example of the lack of progress that happens when something is not answerable to the Chamber. I think if this Chamber had set up, as the proposals are today, I think we would be in a very different position to where we are now, because they would have to explain to this Chamber their lack of progress. Obviously, in order to make progress, it needs resources and budget, and that is something which, perhaps, the public do not always accept and Members do not always accept, but without that, you are not going to get anywhere.

3595 Just a couple of things in relation to this actual policy letter: the States' offices, which is one of the areas which they said they would make progress on – as it is now, it is partly a tourist information building – I think creating a boutique hotel there is a complete wrong use of that building, and I think it should be a civic centre or something like that, it would be a far better use. This is just the wrong place for a civic centre.

3600 Under the enhancement principles, it says 'To manage the potential threats arising from changes to Guernsey's population level and demographics.' I think, perhaps, they are going further than they can actually influence if they are going to be able to manage the potential threats from that, but perhaps population is too close to my heart.

I agree a lot with what Deputy Parkinson said, although I think he almost extended the responsibilities beyond where I thought it should be. And that is often where we are; we try and do too much and then we never make any progress. I think there has to be more of a limitation to what Deputy Parkinson was outlining.

3610 But I do look forward, I will support, I look forward to this committee being set up, and I hope they make progress, and I think they will be answerable to this Chamber, this Chamber will hold them to account if they do not make progress. So I urge people to support the proposal.

The Bailiff: Deputy Merrett.

3615 **Deputy Merrett:** Thank you, sir. I am hoping I could be quite brief.

Firstly, I want to declare an interest, because I have heard rumours of a hotel on the seafront, and rumours with Andrew Merrett's name attached to it. I do not know if the rumours are true, obviously.

Sir, I agreed substantively with Deputy Parkinson when he spoke, and I thank him for it. I am a bit concerned there is some strong alluding to poor governance, because I have observed the SEA – in actual fact, sir, if any States Member wanted to go and observe the SEA, they have to ask, and if you ask, as I did, sir, I was invited to go along, and I am pleased that I did. It appeared to me, sir, that it was not a lack of governance; it was actually a lack of any powers to actually do anything.

They were talking quite a lot and listening quite a lot, but they were not actually able to progress anything, really, because they did not have any powers to bring anything before the Assembly as an SEA group, *per se*. I think that was potentially more some of the concerns, and why – progress, we will leave that, because I think we have already debated that.

I just would like to ask Deputy Trott when he sums up, just how – I think the word is ‘implementable’ – and I cannot say it – how likely is it that it can actually be implemented with this ‘immediate effect’ scenario? Because I just do not see how it can. I know we are elected until October the 6th, at midnight or something. But quite how are they going to form this committee with immediate effect? Because arguably, that would be for the next political term. So unless Deputy Trott can advise me otherwise, I do not really understand how that can be actually actioned. Again, I just want a reality check on that, please.

I was a bit surprised, because Deputy Roffey said, ‘It is not a big decision’; my understanding – and, again, I am sure Deputy Trott can advise as to this – is, as in 7.3 of the policy letter, as in 5.2, there is £975,000 requested. That is my understanding. I know P&R have got delegated authority to put money towards this, but that is quite a lot of money in my world. When I look at what that could buy our community, 5.21, I struggle to understand how it can cost so much. It says ‘This would enable’ – and the caveat here is ‘amongst other things’; I think I would like to know what the ‘amongst other things’ are, to be fair, sir, if that is okay with Deputy Trott – but it enables – 5.21, and I quote:

expertise to be provided to help develop the programme strategy ...

Is that expertise from the Civil Service, as we already employ, or is that additional? I do not know.

... including options analysis with the Working Group, public engagement ...

Yes, I understand public engagement, but I struggle to come across that much –

... and the development of options for the future delivery agency or body. Should further funding be necessary ...

So that is another little ... that is across our bows. Well, clearly there would be –

Should further funding be necessary, the Seafront Enhancement Committee will be required to submit a budget request for 2021 ...

To me, £975,000 on that much detail – and I apologise if I have missed it somewhere else, sir, but I cannot see it – well, I think that is actually quite a big decision. I think it is a lot of money and I do not have a lot of detail to support it.

All of that said, it is not as if I am not supportive of the Government and this Committee, whoever they may be, looking at this area and coming forward with recommendations, of course, it should be part of our Revive and Thrive Strategy. That is why I was a bit surprised – and I am not going to speak to Members who have already given debate, sir – but I just do not understand now how these policies before us can actually be effected in the timeframe that is left of this Assembly, so I am assuming it will just add to the – I have not seen the list yet, sir, but I should think the list of extant States resolutions now is pretty long, not just from this political term but from as far back as 10, 20 or 30 years ago, I should think. The reason to add this on to another extant resolution and just – again, I have already used the word ‘hope’ so many times – hope that – well, actually, Environment & Infrastructure in the States has actually proved to us that they can, they will try to deliver extant resolutions, so that is really good – but is that all we are going to do? Approve this – or not – and then, with immediate effect, P&RC are then going to go off, and by Monday/Tuesday – because it is ‘immediate effect’; ‘immediate effect’ to me is Monday/Tuesday – are going to set up this committee.

I am very happy to give way to Deputy Brouard, sir, because he is a member of PRC; I am sure he can enlighten me.

3665 **Deputy Brouard:** That is why we brought the amendment ... because this policy letter was written back on 2nd March, when there was time, hence we are in the situation we are.

Deputy Trott: Well done for voting for the amendment!

3670 **Deputy Merrett:** Deputy Brouard: of course, that was what I was insinuating, but clearly I thought that Deputy Trott would like the pleasure of having the opportunity to answer the question as it is posed in main debate.

3675 I am persuaded to try to support this, but I just do not think it is very realistic. And I am concerned about the money that is attached to it with such little detail, because, I think, if you think about good governance, we should have good governance of the public purse, and I just think it is a lot of money at this juncture with the detail that is involved, so I would appreciate some of that.

3680 Lastly, sir – and I will say this, sir, because it is 5.27 p.m. in the afternoon in 35 seconds, and there are only 23 or 24 Members in the Assembly, and I just think it is a big decision for so few Members to make, because this could go through – it is still democracy, I am not saying that, we are still quorate – but it is an observation that I just wish to make on public record: there is not actually many Members in the Chamber, and that just concerns me, sir, that just concerns me, sir. It is Friday afternoon, but even so, sir, I thought I would mention that.

Thank you, sir.

3685 **Deputy McSwiggan:** Rule 26(1) if it is needed, please, sir.

The Bailiff: Deputy McSwiggan wants to invoke Rule 26(1) to bring debate on this matter to an end. Will those Members who are still entitled to speak in this debate who wish to speak in this debate, please stand in their places?

One Member stood.

3690 **The Bailiff:** Do you still wish to move Rule 26(1), Deputy McSwiggan?

Deputy McSwiggan: Would you be minded to allow us to finish this Item tonight if I did not?

3695 **The Bailiff:** What I will do in any event, whether there is a vote or not, Deputy McSwiggan, is adjourn the meeting to Tuesday, but it is always open to the Members to say, 'Please can we sit to finish this item of business?'

Am I putting the Rule 26(1) motion to Members of the States? (**Deputy McSwiggan:** No.)
(*Laughter*)

Deputy Oliver.

3700 **Deputy Oliver:** Thank you, sir.

3705 I had great frustration on this Committee, but is not frustration because of the lack of progress, in some ways, because in many ways, when I actually think about what we have done, we have achieved and we have actually gone through a lot of processes that any Committee starting afresh would have had to do. The big problem is that this has got so much history attached to it. Deputy Brouard actually pointed out that he wanted to look at all the old plans, and they were bringing out plans – I want to be right in saying – 1992, I think there was a plan, and then was probably plans way back as well.

3710 I kind of understand about the governance, but then I also do not. The big problem is, I do not think it is actually the governance; I think what the main issue is is actually what Deputy Parkinson was saying regarding how it is such a big project that it is lasting more than four years, this project. It is actually getting the momentum to try to get enough in place for it to actually continue for the next term.

At one stage, I think we were going down a path where we could have got something much more substantial up, but it could have just got lost at the next Assembly, so we thought back in February that we needed something more substantial to try to get this to follow on for next term; that is why the policy paper is in front of you. It is nothing mischievous, it is nothing like that; it is just trying to get this to move on.

We actually did a vision, we had design council, but design council almost said to us, 'You need to be a bit further on before we can actually start really getting our teeth into this,' so that is where we actually fell a bit, because you just need to push it on. And I completely agree with Deputy Parkinson, that you actually need somebody who has done this before and has got real experience of this to oversee, so Deputies can say, 'I want this change, I do not like that,' and they can tinker with it a bit. They can actually drive this thing forward. Because, let us be honest: before we even get plans, we are talking about four years, really; then you have got the design brief which you need to go through, which is another two years; and then you have actually got getting this forward. You are looking at such a long term, this is why we need a committee.

I do take Jennifer's point that –

The Bailiff: Deputy Oliver, I have no idea who you are talking about. *(Laughter)*

Deputy Oliver: Sorry, I beg your pardon, sir – *Deputy Merrett's point* –

The Bailiff: Thank you very much.

Deputy Oliver: – that this does say to set up a committee immediately, but there is no reason why it cannot be set up immediately next term.

The other thing is that there are issues with the seafront that I think could really change for the better. I take on board Deputy de Lisle's point, and as Deputy Brouard said, the amount of times he came into our meeting and said, 'I do not want it changed for anything to do with the berths, it has got to be this.' The vision, actually, if we could have shared that in this policy letter, would probably have been better, because it did take on board, probably, everybody's views in here, and it could have actually been a stepping stone to move this forward, but we are where we are.

I really do just implore people to vote for this, because it is not committing anybody; it is just saying, 'Let us get a committee set up and then we can go from there.' Thank you.

The Bailiff: Members of the States, it has just gone 5.30, so in accordance with the Rules, I will adjourn this meeting of the States until next Tuesday at 9.30.

Deputy Oliver: Sir, can we not finish this?

The Bailiff: It is in my discretion to put a motion that this item of business be finished. I am going to invite Deputy Trott to simply explain why that is not really practicable today. Deputy Trott.

Deputy Trott: I have been asked a number of questions that I do not know the answer to. Therefore, rather than risk misguiding the States, I will need the weekend in order to ensure that I gather the information in the appropriate way. That, Members of the States, is good governance. *(Laughter)*

The Bailiff: So in those consequences, I am not minded to put a motion to Members of the States at the end of four days to conclude debate on this matter; it will be concluded on Tuesday, because those are the days that you have set aside for next week. So we will stand adjourned until Tuesday at 9.30.

The Assembly adjourned at 5.30 p.m.