



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Thursday, 28th April 2022

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

Volume 11, No. 8

ISSN 2049-8284

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Law Officers

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

Deputy A. C. Dudley-Owen (*relevée à 9h 33*), J. P. Le Tocq (*relevé à 9h 35*),
Deputy A. H. Brouard (*relevé à 9h 36*), Deputy M. P. Leadbeater (*relevé à 10h 21*);
Alderney Representatives S. Roberts and E. A. J. Snowdon (*absent*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The States' Greffier

EVOCATION

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

3. L'Ancrese East Management Approach to 2030 –

Debate continued –

Propositions carried

Article 3.

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'L'Ancrese East Management Approach to 2030' dated 14th March 2022 they are of the opinion: -

1. To agree the management approach for L'Ancrese East to 2030 as set out in section 3 of this policy letter.

2. To rescind resolutions 3 and 4 of the Requête entitled 'Suspension of carrying out of works further to proposals for the partial removal of the anti-tank wall in the eastern part of Pembroke Bay (L'Ancrese East) and the managed re-alignment of the coastline in that area and establishment of a suspension period of 10 years during which time suitable maintenance is undertaken to provide stability to the wall.'

The States' Greffier: Billet D'État VIII, Article 3 – the continuation of the debate.

The Bailiff: Deputy Dudley-Owen, you have arrived just after your name was called. Is it your
5 wish to be relevé?

Deputy Dudley-Owen: Yes please, sir.

The Bailiff: Very well, we will mark you as present as well, then.
10 So we return to general debate on this item of business, Members.
Deputy Gollop.

Deputy Gollop: Thank you, sir.

15 I did need to make a speech but hopefully not for too long. I enjoyed Deputy Roffey's speech
and was moved by the story of his father and family who were not happy at the changes, the nasty
changes, really, the Germans made to the area. But I am probably the opposite to him in how I am
likely to vote, because I am likely to go to agree the management approach for L'Ancrese East for

2030, but not to really agree to number two, because I did support the Requête in the end, although there was a time when I could not support either option because I was kind of neutral – because I was in the situation Deputy Oliver explained that her Committee are now in, in terms of being too involved with individual applications as the President of the Committee.

But I always had sympathies for the Vale people and the many supporters of the area. The problem is, because although there certainly was and is an older generation who entirely deplore the German fortifications and the mess they made of beaches, there is also a generation, perhaps slightly below them, who grew up with them as they are, and therefore recognise them for what they are.

There are also businesses there, the kiosk and the golf course, and there were also people who appreciate it from both the tourism point of view and the heritage point of view. Deputy de Sausmarez indeed yesterday, and maybe Deputy Dudley-Owen has alluded to it as well, we actually do need more of a policy – I was aware of that when I was on the DPA – towards conservation and preservation of fortifications, whether pre-Napoleonic or earlier, or indeed later. Deputy Queripel raised the issue too of Fort Richmond and whether that was the right way forward for it.

To a degree, at one time, we were very keen on Fortress Guernsey and we all applaud the work of Festung Guernsey and other bodies have done, but I think there is a risk now – sadly, the World War Two generation of young men and women are getting very elderly now, or in some cases have passed on – that we neglect this area.

So really I am in favour of both a conservation approach for the area and a maximisation of the pleasure of the beach, and obviously the marine habitat, but also to conserve the existing sea wall. Now we heard yesterday Policy & Resources were not too keen on finding the sum of money, and this report, which is quite complicated to a degree, despite being short, kind of suggests that they do not need to spend that at the moment and they have come up with a cost-friendly solution of an initial budget, if I understand it right, of £100,000 to £150,000 for initial rock armour works, plus up to £75,000 for subsequent reactive panel intervention.

That actually is quite a bargain. If that is under a quarter of a million for the next decade, that is a win situation. But if, for whatever reason, for climate change or other ecological or weather-related reasons, that does prove to be entirely effective, I think we will need to look again at this issue, because I think the general direction of the Requête was right.

In closing, I learnt something, unusually, watching a Jersey feature on television the other day, that a lot of sand used to exist around St Helier before successive development, hence Sand Street, when local TV reporter Roisin Gauson and they identified the place called Les Mielles, originally meant sand dunes in Norman French.

I know that there are lots of houses near L'Ancrese, the Tickle Trout as was, named Les Mielles. So clearly the history of sand dunes was there, and it might actually imply that one time the beach was closer to what is now the bus terminus because coasts move and the sand built up. But that ecology was changed both by, probably, changing tides and also the intervention of the Germans.

I think we not only have a green role to look at the best conservation issues. We also have a role to respect public opinion and public feeling, and I think the majority of public feeling in the L'Ancrese area was to keep the kiosk open, to keep facilities there, to keep the beaches that existed perhaps in its post-war heyday of summers in the 1950s, 1960s and 1970s, and as long as it is technically and financially feasible but also brings the right kind of marine biology and ecology, I will support this way. But I also support having, in my back pocket if you like, the work done on the Requête.

So I will certainly vote for one but vote against two.

The Bailiff: Deputy Le Tocq, is it your wish to be relevé?

Deputy Le Tocq: Yes, Mr Bailiff.

The Bailiff: Thank you very much.

70 Deputy Burford.

Deputy Burford: Thank you, sir.

I agree with Deputy Gollop that one of these Propositions should be supported and one should not, but I am the opposite way around to what he is suggesting, and maybe I can persuade him otherwise. So let us see.

Do I want to switch to tablet mode? No, I do not want to do that! In 2014, detailed specialist research culminated in a paper being presented to the then Environment Department with a range of options for the future of the eastern section of the L'Ancrese anti-tank defences, due to their degradation and unsafe nature.

80 The recommendation in the comprehensive paper was for a process of managed realignment, option 7b. I supported the recommendation, but I was in a minority, with the majority voting to effectively reinstate the tank defences. A very short while later, I unexpectedly found myself as Minister of that Committee and I asked for the paper to be represented. This time the recommendation was, to my recollection, unanimously passed, and Deputy Gollop, indeed, was a

85 Member of that Committee.
But of course that is not the end of the story, merely the beginning, a story that has spanned eight years so far, and, if Proposition 1 passes today, will span another eight before we even begin to address the issue.

I recall a presentation at Beau Séjour in the early days of this Assembly. Deputy Helyar was talking about fixing what he termed the broken windows around our Island. He cited Fermain wall as one example. But if L'Ancrese is a broken window, by comparison, Fermain is merely a cracked window pane in the glazing order of priority.

The L'Ancrese tank defence, and I refuse to call it a wall as it was not built as a sea wall, there is no need for a wall, and even if there were, it would be in the wrong place. So it is in order of magnitude more unsightly than Fermain and it will not get any prettier with boulders shoved in front of it.

I do hope all Members have been to inspect the tank defence themselves ahead of this debate and taken a moment to stand back and take a hard look at it through the eyes of a visitor to Guernsey and try to picture what they must see. It has been said in this Assembly on more than one occasion that the previous Assembly did not get things right. We have had a bonfire of extant Resolutions and yet more might fall in the forthcoming GWP debate. How on God's holy earth have the ill-advised resolutions on L'Ancrese survived?

Deputy de Sausmarez has – exceedingly dutifully, it has to be said – honoured those Resolutions within the scope of the budget P&R were prepared to approve, but I am certain she thinks they are as misguided now as she did when the Requête landed last term. Deputy Gabriel has spoken for members of the Douzaine and the Commons Council, and I respect that they have different views – although I understand at least one habitant has said that maintaining the defences is like pouring their taxes into the sea.

But this ugly, crumbling structure with, to quote ex-Deputy Spruce, holes big enough to lose a cow in, is a matter for all Islanders as it is their taxes which will pay to maintain it for the next eight years and then their taxes which will pay to finally realign it in 2030 in accordance with the remaining parts of the Requête. People from all across the Island use the beach. Guernsey Swim all Seasons, with nearly 3,000 members across the Island, recently voted Pembroke at the western end of the same beach as their top bay.

115 If you owned a car that was ugly and broken, and was surplus to your current and future requirements, and which was serving no purpose and which was stranded in the wrong place in your driveway, and not economically fixable anyway, would you still change the oil and polish the bodywork and pay the insurance every year for the next eight years before finally dealing with it? Because that is what supporting Proposition 1 today is the equivalent of doing.

120 So I urge Members to vote against Proposition 1 and in support of Proposition 2 and let us sort out this crumbling mess of concrete below the high-tide mark of one of our most beautiful bays once and for all and avoid the risk of the States of 2029 to 2034 having to go through this all again. Thank you.

125 **The Bailiff:** Deputy Inder.

Deputy Inder: I was not going to speak to this debate, not for very long, anyway, because like myself, Deputy Brouard and those who were actually around in the last States, we have got some skin in the game. So what I will say is I am very grateful for Deputy de Sausmarez, for engaging with
130 the requérants, and the rest of her Committee, to find a workable solution. But I cannot let Deputy Burford's comments go without some accuracy.

Now, unfortunately, Members, Deputy Burford makes reference to a number of reports supplied by a firm called Royal Haskoning, and every single one of them was wrong – every single one. She has made great play of the ugliness of the tank wall, which I do not entirely disagree with, but what
135 she has missed completely – and more importantly what Royal Haskoning missed – was the Occupation period in Guernsey. The 1942 images of the RAF, high resolution images, clearly show that there was a shingle bank, running at effectively a 15 degree angle from the headline of the beach all the way down to, I would not say about three quarters of the high-tide mark.

So right now, there is no shingle bay, no shingle bank up there to protect what effectively would
140 be an escarpment if that tank wall was taken away. So to not understand that is to fully misunderstand how Guernsey's beaches work. I am afraid – I said it the last time I spoke, probably the last 15 times I have spoken about this – Haskoning got it spectacularly wrong.

What was Germany very good at? Well, it was a lot of things, actually. They did a good job making our cliff paths, and also it was efficient. We have got a wreck just outside the harbour, and it is called
145 the cement wreck. The reason it is called the cement wreck, and the reason it is not called the cement, sand and aggregate wreck, is because the Germans dug out a lot of our west coast beaches.

All of the bunkers in Guernsey – all of them, Deputy Burford – used sand and aggregate from the Island. The cement and the lime was all brought from somewhere in Europe. That is a fact, and if after this debate anyone does not believe me, take a look around our bunkers. You will see two
150 types of stone. One is sharp – those are quarried from the quarries of Guernsey and the railways that ran around our Island – the rest are round. And the reason they are round is because they came off the beaches, because that is what happened.

This utter ridiculousness, to take just the wall as magically it will be taken down and the beach will return, it is just wrong, because it did not happen. There was some mention of returning it to
155 the sand dunes of yesteryear. It was never a sand dune. It was a shingle bay. Sand dunes do not form from the north in Guernsey. Over 70% of our wind comes from west and south western cardinals. Sand dunes do not form from the north.

The sand that you see on L'Ancrese, there was a storm in either the Eighth or Ninth Century, and this was found by Guernsey Heritage, because when they dug out Les Fouaillages which is a
160 Dolman on effectively the south side of L'Ancrese, there was a layer of sand above Les Fouaillages and there is some belief that there was some massive collapse of a dune system around Les Amarreurs and the Le Grand Havre area in some period of storm in the ninth or 10th century. Now that sand marched right across L'Ancrese to create the sand dunes that we have today.

The shingle that was in the bay is basically fossilised, and what I mean by that – sorry, it is fossil
165 deposit. All of our sand, all of our stone, does not traipse in from outside the bays, it is all kept in an effective cell within the bays. So those of you that will see that sand drop, and you will have seen it all recently in the paper in Vazon, that it has basically moved out to ... it looks like it has gone, it has not actually done, it has just moved down the bay a bit. In the summer, it will march its way up.

All the shingle stays where it is because that was laid down over 8,000 years ago and has not
170 moved. These stones did not drop off the side of Guernsey on a regular basis. We do not see shingle.

If we take the shingle out of the bays, those shingle defences will never come back, and that is what the Germans did. Every single west-coast bay in Guernsey had all of its aggregate and sand entirely stripped. Every single west coast bay in Guernsey has been managed by man. If it is not Guernsey building its houses, it is Germans using drag dredges to build their bunkers. So that is what happened.

So do not fall for it. Do not fall for the fact, or the supposition that if you magically take that away, you will get your L'Ancrese Bay. It will not happen. It would happen if you replaced something that looks like a 15 degree angle of a post, something that looks like over 20,000 tonnes of shingle that has been removed from that bay, and if you do not believe me, I challenge anyone, go down and look at L'Ancrese wall.

The last time I looked, and I am not an expert in geomorphology like some in this Assembly, but I tell you what, I have never seen a shell stuck in the side of the wall that was dug out of the quarry. Even I know that came out of sedimentary rock, and you will see peppered all along L'Ancrese tank wall bits of shell, because every piece of sand, or piece of rock and aggregate, came out of either the beach or the quarries of Guernsey.

If the Proposition, in eight years' or nine years' time, is to take down that wall as it is, you will end up with an escarpment, and that escarpment will ultimately mean – that is the soil and the subsoil deposit behind – it will mean that you will effectively wreck the 15th and the great march of the tide will carry on, until Guernsey, when some of us are long gone from this Assembly, if they take that down and leave that escarpment, that is an end of quite a large portion of L'Ancrese common. So I had to respond to that but I am grateful for Deputy de Sausmarez for hopefully putting an end to this debate for at least another eight or nine years, and I will be supporting both Propositions.

Thank you. Those are the facts.

The Bailiff: I just take this opportunity, Members, to remind you of the effect of Rule 17(1), that says you must not address another Member.

Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

As Deputy Burford mentioned, I have gone down and inspected the wall on several occasions, and I will be supporting Deputy Burford's recommendation: that we vote down Proposition 1 but vote in favour of Proposition 2, to rescind the previous Resolutions.

I am coming possibly from a slightly different direction, from a purely practical and pragmatic perspective, what is wrong with the wall? As we have been told, it is not a sea defence, it is an anti-tank defence, it is not defending the bay from encroachment from the sea. Yes, in 75 years it has cracked up and it has moved slightly. It had I think a 15 degree backward slope and it has moved forward by seven degrees, therefore it is still sloping backwards by eight degrees. The front sheet of the concrete in front of the wall has cracked up and is broken, but what impact is it having?

What are the health and safety implications? Okay, you have cracks, the wall is not overhanging, it is not going to collapse and fall on somebody's head any time soon. The cracks in the concrete in front, you could trip over it, you could stick your foot in it, you have got to be pretty careless to do so, but you could. But again, how is that different to the beach? I go ormering at every tide I possibly can, slipping and sliding over rocks covered in seaweed. My kids used to love running across the beach and playing on those rocks. Those are far more dangerous, from a health and safety perspective, than that wall is currently.

So what I suggest we do is vote in favour of Proposition 2, to remove the obligation to continue maintaining the wall, but vote against Proposition 1, to spend another £100,000-£150,000 doing some kind of holding action for the next eight years.

What I would like to see is not managed realignment of that wall, is natural realignment. Just leave it as it is. Just do what they are doing in Europe. What they are doing with these things is just

letting nature slowly take it back. The fact is it took 75 years to get a seven degree slope and a few cracks. I suspect there will still be remnants of that wall in place in 75 years' time.

225 The only time the States should interfere in that process is if there is a real risk to health and safety. If it is overhanging, it might collapse on somebody, if there is an imminent threat of collapse or some kind of thing that could cause a threat to human life or physical injury, very much as we do on the coast.

230 If you go around the coastal areas, where you see sea erosion, and you see the coast has removed sections of land and there is a danger of further landfalls or a steep edge over which people can fall, we put up a sign that simply says, 'Don't go near the edge', or we have put up a fence simply saying, 'Don't approach this precipice' and allow people to use their common sense that they should not be going near that. Again, if the wall gets to a stage, and I do not think it is there yet, where it needs that kind of signage, I would put up a sign saying, 'Watch out for those cracks'.

235 As far as the encroachment of the land, the fact is as the wall breaks down, we may have some sand flushed out from behind the wall. And again, the Government may look at intervening at some stage in the future if it threatens the 15th hole of the golf course or if the way the wall is decomposing is creating greater erosion and potential flood risk. Then at that stage we could then look at intervening. But why are we spending £100,000 to £150,000 today on something that is not
240 a sea defence. That £150,000 can go to repairing real sea defences.

So I would like to see natural realignment, just let nature take its course, and over the next 100 years nature will deal with that wall. In the meantime, whether you think it is attractive or not, it is a feature of the Island. It was a part of our history and I know some people would like to have a piece of history rewritten and eradicated, I know some people would like to see it preserved. Personally,
245 with public money and the constraints we have now, I think the best action is to support neither of those parties, is simply to step away from it. There is no urgent need to deal with that 150 metres of wall when we have some other areas of the Island that are in desperate need of real repairs.

In conclusion, let us save the money and direct it at real sea defences, let us let nature take its course and only take action if there is a real threat to public health or property in the future. I really
250 do not think we need to do anything with this wall at this time.

Thank you, sir.

The Bailiff: Deputy Brouard, is it your wish to be relevéd?

255 **Deputy Brouard:** Yes, please, sir. Thank you.

The Bailiff: I thought you might want to speak in this debate at some point as well.

260 **Deputy Brouard:** I will indeed, sir.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

265 Apologies, I was not going to make a very long speech, but I did want to just really very briefly respond to the analogy that Deputy Burford made about the wall being similar to an old ugly car on the wrong place on your driveway. It struck me that really I take the opposite view, of I think it is a very good analogy of why, because cars I think are quite often, when they are new, they are wanted and people want them and people keep them around, and then as they get older, most of them get thrown away. But if they survive a little while, then they become a classic.

270 I think the thing is the anti-tank wall is in that state where it could have been thrown away very easily, people could have said it is not wanted, 'we do not want it', but it has become a part where it has become part of our heritage, and it has become part of something which people expect to be there, they expect to see there. It probably is more expensive to maintain that than it would be

275 to maintain some new thing that you could go and build, and you might build it in the right place
and you might build something more like what you want, but I think it is what it is, it is very much
liked, and I think that we ought to do what we can to maintain it. So I shall be voting in a similar
way to Deputy Gollop. I shall be supporting Proposition 1 and voting against Proposition 2.

Thank you, sir.

280 **The Bailiff:** Deputy Brouard.

Deputy Brouard: Thank you, sir.

I have not got a lot to say on this. I think it all came out in the 2020 debate. I do not agree with
all of that report that Environment has put together, but I think they have done a sterling job in
285 following the spirit of the Requête, which was basically to leave the wall alone and put some rock
armour in front of it where it needs it and see what happens over the next eight years now. It has
stood up without the protection for the last two.

Although half the States was not here for the debate, but I think the commandant at the time
also commented that it would be used as a sea defence, although it was built initially as an anti-
290 tank wall, but it would be of use to the Islanders in the future.

The Requête brought a reprieve for the wall, rather than spending over £1 million of taxpayers'
money, which of course we still have in the bank now, as opposed to having been spent, so it would
not have been possible with the makeup of the States two years ago to have done anything other,
I think, than the moratorium to get the delay. I would probably like to see the delay go on longer,
295 and when the eight years is up I think perhaps the new States then, and some of you who will be
here then, will then decide, I hope, whether you go for managed realignment, 7B.

If I will just explain a little bit about 7B. It is not pretty. Managed realignment sounds great, but
of course it is, one, very expensive. You will actually be taking away 130 metres of the wall. The
whole system of what you are putting in place is not proven. We have not done this before. We
300 have not taken a large chunk of wall away. Then, of course, what the anti-requerants seem to forget,
is there are two amazingly large groynes made out of rock armour as two giant fingers going down
the beach. That will mean that you will no longer be able to walk along the beach at three-quarter
tide up, because you will not be able to pass these groynes unless you scramble over them. So it is
not exactly going to be a pretty sight for the beach.

305 The other argument, which I think is very strong, is that the very people we have, and I think
since 1930, given by Ordinance the powers to look after and manage L'Ancrese Common, the Vale
Commons Council, do not want us to remove the wall and do managed realignment. So the very
people we have appointed to look after the area want us to carry on as we are going and they are
supportive of the proposals from Environment. So it would be rather perverse for us to say to the
310 people that we have told to look after it, 'By the way, you're wrong. You've been looking after it for
the last 70-odd years' or whatever, 'but we think better.'

Of course we still have to maintain the other 700 metres of the wall, it is a substantially long wall,
so there is still going to be maintenance required on the other pieces of it.

Any large stones that are placed there are not wasted, as we have seen from other places, the
315 rock armour will stay in place for many years and can be used for many areas if in fact the wall does
eventually get taken away or disintegrates. But I think one thing from one of the requérants, Deputy
Inder, who has been extremely supportive all the way through, is the point about the shingle bank.
The shingle bank is gone. The shingle bank is wrapped-up inside the wall.

So magically taking the wall, or letting it decline, as Deputy Meerveld ... I can understand that,
320 but the shingle will not come back because you have let the wall collapse. If you wait 20 years or 50
years, nice little round boulders are not going to be forming at the top of the beach. So what will
we do then? Do you know what we will do? We will go and get some rock armour and put it there,
just as we have done around the coast, all the way around the west coast and the north coast of the
Island.

325 Our coast to the east, we have protected it by building walls. Why? Why not just leave it? Why not just leave it open? We have not. The south is fairly well protected because of course it is on the cliffs, but along the west coast, just about every single inch of the west coast has got some sort of sea defence to stop the sea coming through.

330 Now, it may have been a different position if the shingle was still there on L'Ancrese beach and we could have perhaps managed from there, but it is not. So unless the other alternative is we are going to go and get a whole load of shingle and stones to put at the beach to help form the new beach, I cannot see it working.

335 So I would strongly urge Members, this is a pragmatic solution to a thorny problem, it is a tenth of the cost of removing the wall, which environmentally would not have been a good use of concrete etc., to take it away, crush it, then dispose of it and then of course wait for two or three years while some magical new beach arrives.

I would just finally ask, perhaps when Deputy St Pier is colouring in his diary at the end of the day, he could just put a note for seven years' time to bring it back to the States, so that we can see what we do for the next 10 years. So please support both Propositions.

340 Thank you very much, sir.

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you.

345 I rise merely to say I really appreciated Deputy Inder telling us all that he told us when he spoke, because he helped me make up my mind which way to vote. And when Deputy Meerveld spoke he said he thought we should let nature take care of the wall. But nature can be incredibly destructive. We only have to look at the damage it causes when we have gale force winds day after day in the winter. Tiles and slates get blown off roofs, chimney stacks get blown down, scaffolding collapses on top of cars and greenhouses get blown down, all of which has happened here in Guernsey over the years. Sir, I ask for two separate recorded votes when we go to the vote, please.

Thank you.

The Bailiff: Deputy Taylor.

355 **Deputy Taylor:** Thank you, sir.

I am grateful to jump in in front of Deputy Haskins because he may be able to respond to something I say.

360 Really, I have got one question but a couple of points have come up in debate. Deputy Burford's analogy has been referred to, and I think it is quite a good analogy; I would agree with that. Deputy Matthews added to it with a kind of comparison saying what if it was a classic car, and I want to add to it again, because if this wall is part of our heritage, or if it was a classic car, we are not restoring that classic car, here, we are tarmacking over it. So who would do that? If your car had broken down and you did not repair it, you realise it has got classic status and it is worth a lot of money because 365 it would be an amazing example, but you just tarmac it into your drive. That is what I think is being proposed here, to just cover it with rock armour. So I just wanted to add in to that.

Something I did want to highlight, coming off of Deputy Inder's speech, is the Richmond end of Vazon where the sand dunes have been forming for quite some time. I accept that there is a wall there, but I go down there quite regularly, and it dawned on me recently how much it has changed 370 recently. I am not sure what management has changed but the dunes have been expanding, and the wall, certainly on the very Richmond end of ... I give way to Deputy Inder.

Deputy Inder: Thank you for giving way; hopefully it might help him.

375 All of our sand dune forming is on the west coast. L'Ancrese faces north. Sand dunes do not form in the north in Guernsey – never have done, never will do.

Deputy Taylor: I am grateful to Deputy Inder for that little interlude, as I pan up on my map. I am not particularly familiar with the north of the Island, it is a long way from home for me. *(Laughter)*

380 **A Member:** Got to get out more!

Deputy Taylor: But from memory, there are dunes. From the Royal Golf Club there are some little accommodation units and you come around the corner and there is a section of road that would lead up to Mont Cuét where the sand is always blowing across the road, and I know because
385 it is a lovely one for the bikes, nice sweeping corners, but the sand will catch you out.

But the point I want to make, my feeling is the management at the Richmond and Vazon has changed and the dunes do seem to be doing something. Nature seems to be taking it back, and I was surprised how much it has changed in a relatively short space of time. So to that end, I would be inclined to sit with Deputy Meerveld on this. Why are we rushing to make changes? Is anything
390 really going to dramatically go wrong? So I am probably minded to support Proposition 2, but not support Proposition 1.

But I suppose the real reason for me rising and wanting to speak, and ideally being before Deputy Haskins, is there have been comments about this supporting the spirit of the Requête, and I would like to know from Members of the Committee *for the* Environment & Infrastructure, Deputy
395 de Sausmarez in her summing up, do you really want Proposition 1 to go ahead? And if it did not go ahead, what might you do with that money instead? I fully acknowledge that in the Election, and I think even just after the Election, I made statements about just get on and repair it, but now we are in the situation where we have to spend the money and we have to divvy it out and we have to spend it and do as much as we can with that money.

400 So I would be interested to know what repairs could be done with that £250,000. It may be that money could repair the Cow's Horn steps, it may be that it could do something else. But I would be interested to know if you genuinely do support Proposition 1 or if it is just in there to keep the spirit of the Requête going. So that is what I want to add.

Thank you, sir.

405

The Bailiff: Deputy Haskins.

Deputy Haskins: Thank you, sir.

I will start with this. Yesterday it seemed that Deputy Roffey declared an interest because a family
410 member's favourite beach was L'Ancrese. I did not know that the bar was so low, *(Laughter)* that I could declare an interest based on it being my favourite beach to kite surf on, and I have only been once, I might add. *(Laughter)*

But I recused myself from this decision in my Committee, and I did so because I have been involved with the absolutely brilliant, vibrant, up-and-coming kiosk next to the wall that sells
415 fantastic crab sandwiches. So whilst I declare that interest, I do not have any direct financial interest.

I was not going to speak on this yesterday, but overnight I changed my mind. The policy letter asks us to agree the approach, and that is the clarification that Deputy Taylor is asking, and I do agree the approach. But there are a couple of things I would mention, and I do not think there is any need to amend the policy letter or not follow that general approach, but nonetheless I feel as
420 though I should mention them.

Section 3.2 mentions a more permanent fencing behind the wall, but currently there is no fence and there has not been for some time, not even a temporary one which is hideously ugly and never standing up. But the policy letter says we need a permanent one. Well, a more permanent one might be more aesthetically pleasing than a temporary one, but I question the need altogether. If it is
425 absolutely a health and safety requirement, then that is one thing, but as I say, though, there is no fence currently. There are visible signs everywhere and the rock armour limits the distance one could fall, but I do know that Deputy de Sausmarez is already checking on that.

430 The other thing that I have asked my President, Deputy de Sausmarez, is for clarification that there will be no gap between the existing rock armour adjacent, on panels five, four and six – it starts at five and builds over to the other side. When we are adding to eight and nine it will spill over into seven but it might not touch. So that gap, I think, I just wanted clarification. It is whether that gap, or potential gap, is then inconsequential. I think it is both of our assumptions, but I think is worth raising. But in summary, sir, I do agree with the general approach of my Committee and I support the policy letter.

435 Thank you.

The Bailiff: As no one else is rising, I will turn to the President of the Committee to reply to the debate.

440 **Deputy de Sausmarez:** Thank you, sir.

I will keep this in the spirit of my opening speech and try and keep it fairly short. Deputy Roffey made his views very clear. I do not think there is anything I can really respond to on that. I thank Deputy Gabriel for communicating the views of the VCC.

445 Deputy Gollop and Deputy Matthews, this is a point I do need to address. So Deputy Gollop and Deputy Matthews are minded to support Proposition 1 but not support Proposition 2. Now, my job is to explain how bonkers that is, I think, because –

The Bailiff: Deputy de Sausmarez.

450 **Deputy de Sausmarez:** I'm sorry, sir.

The Bailiff: I am not sure that 'bonkers' is a parliamentary term.

Deputy de Sausmarez: Okay, I retract that and apologise, sir.

455 I think it would be rather illogical to do that, because Proposition 1 and the Propositions that Proposition 2 is attempting to rescind propose two very different management approaches with two very different resource implications. If that were to be the effect of the States' vote, we would be in an even more unmanageable, untenable situation as we are now. We would be under the direction of two completely different ... Well, we would be directed in two completely different and conflicting ways. So it really is not a manageable approach, plus we do not have the resources.

460 The reason we are in this position is we do not have the resources to carry out the management approach that is suggested in the original Requête Propositions, which Proposition 2 seeks to rescind, if that makes sense. I hope people have followed that, but basically, the long and the short of it is this policy letter proposes a management approach which is quite different, is a much lighter touch approach, and it also has lower resource implications, and the Propositions we are asking the Assembly to rescind direct us in a very different way which we do not think is manageable.

465 There is actually one other feature, it is an accidental consequence I think of the original Requête Propositions which mean that it actually ties our hands and we cannot respond in a timely manner if there is a significant breach. It actually directs us to come back to the States in order for the States' Assembly to make a decision

470 And while I can understand the intention behind that, in real life what that means is there could be some considerable delay, and what that means is if we are not allowed to respond in a timely manner, we could actually exacerbate the risk of the wall unzipping. I have used that term before, but the wall is constructed as a series of panels and if there is a breach in one panel, the risk is that it unzips – I think that is the best word to use – the others. So we want to have the ability to act in a timely manner to prevent damage escalating; if that makes sense. So I really would ask Deputies Gollop and Matthews to not put us in that position, please.

I thank Deputy Burford for her views. Deputy Inder, what the Propositions ask, I do not think it merits any detailed comment on sand or shingle or whatever, but all I would say is that – and this

480 speaks to something that Deputy Brouard mentioned as well, in terms of the long-term view, which obviously was the long-term view of the Requête, which is that managed realignment takes place, you know, from 2030 – and that is that we know that apart from I know there are lots of arguments about sand dunes forming from the north and lots of other places, Herm and all the rest of it, but we know that the beach levels were about a metre and a half higher after the wall had been
485 constructed, and it is over the intervening seven or eight decades that those beach levels have dropped.

So I know categorically that not all the sand is in the wall. Certainly, the reports have shown that the material from the beach is in an inter-tidal zone. So I think that is just the only point really worth making on that front. It is not particularly relevant to the Propositions, but I would just like to pop
490 it on record.

Deputy Taylor has asked for ... I mean, E&I is bringing this policy letter, we put these Propositions before the Assembly, we are asking the Assembly to support them, we think that is the most pragmatic way forward. My vote on the Requête is a matter of public record, I do not think it affects this. This is, you know, the politically pragmatic way that we thought, all things considered, this was
495 the most appropriate course of action and that is why we are asking the States' Assembly to support it.

It is of course up to the Assembly whether they do. Deputy Taylor is making money signs at me! I think Deputy Taylor might want that money for others things, but yes, as I explained in my opening speech, this is coming out of the existing coastline budget. If it were not spent at L'Ancrese it would
500 be spent on other parts of our coastline. That is just a matter of fact.

Deputy Haskins did ask two very good questions. First of all, on the fencing, there certainly has been fencing at times there. It is obviously a health and safety issue, and the danger is not people falling off the wall or the wall falling down underneath their feet. The risk that we are trying to mitigate, or that we have been advised that we need to mitigate is actually the stability of the
505 ground immediately behind the wall because sediment has actually been drawn from behind the wall and under the wall at that point.

That is why, while ordinarily that is something that typically happens in a big storm event, certainly the people who know more about these things than we do and we have to listen to in terms of health and safety advice have expressed enough concern that they think that that area
510 does need to be fenced off. But I have committed to Deputy Haskins to double check that that is necessary and of course we can look into that again and make sure that those risk thresholds are appropriate.

The gap between the rock armour, there will be two discrete areas of rock armour. There is obviously the one that is there at the moment and these Propositions, if they are supported, will
515 mean that we can put in place another small stretch of rock armour by panels eight and nine. The engineering advice that we have had is that it should not be consequential in terms of any localised erosion, but obviously it is something that we would keep an eye on.

Certainly, we have not seen any escalation of negative effects as a result of the rock armour that is in place where it already has been. We do not believe that the rock armour being placed against
520 panels eight and nine would have any more deleterious effects, but it is obviously something that would be carefully monitored and if it is apparent that there is an issue, then that is obviously something that we will deal with in the manner that is set out in the policy letter. So I am very much looking forward to a vote on this.

Thank you very much.

525 **The Bailiff:** Well, Members of the States, we will have two recorded votes, as requested. The first is on Proposition 1.

Greffier.

530 **Deputy Leadbeater:** Sir, may I be relevéd, please?

The Bailiff: Not if you stay where you are, Deputy Leadbeater, because you are in an allocated seat and you are not entitled to be there. But if you move to somewhere where you are entitled to sit, I will relevé you.

535 Now, Deputy Leadbeater, would you like to be relevé so you can vote?

Deputy Leadbeater: Yes, please, sir.

The Bailiff: Thank you very much. We will mark you as present.
Greffier.

540

There was a recorded vote.

Carried – Pour 26, Contre 11, Ne vote pas 0, Absent 2

POUR

Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Fairclough
Deputy Falla
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kazantseva-Miller
Deputy Le Tocq
Deputy Mahoney
Deputy Matthews
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Prow
Deputy Queripel
Deputy Trott
Deputy Vermeulen

CONTRE

Deputy Burford
Deputy Bury
Deputy Ferbrache
Deputy Leadbeater
Deputy McKenna
Deputy Meerveld
Deputy Parkinson
Deputy Roffey
Deputy Soulsby
Deputy St Pier
Deputy Taylor

NE VOTE PAS

None

ABSENT

Alderney Rep. Roberts
Alderney Rep. Snowdon

The Bailiff: Members of the States, the voting on Proposition 1 was that there voted in favour, 26 Members; against, 11 Members; 2 Members were absent, and therefore I declare Proposition 1 duly carried.

We will have a recorded vote on Proposition 2 next, please.

545

There was a recorded vote.

Carried – Pour 35, Contre 2, Ne vote pas 0, Absent 2

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Aldwell	Deputy Gollop	None	Alderney Rep. Roberts
Deputy Blin	Deputy Matthews		Alderney Rep. Snowdon
Deputy Brouard			
Deputy Burford			
Deputy Bury			
Deputy Cameron			
Deputy de Lisle			
Deputy de Sausmarez			
Deputy Dudley-Owen			
Deputy Dyke			
Deputy Fairclough			
Deputy Falla			
Deputy Ferbrache			
Deputy Gabriel			
Deputy Haskins			
Deputy Helyar			
Deputy Inder			
Deputy Kazantseva-Miller			
Deputy Le Tocq			
Deputy Leadbeater			
Deputy Mahoney			
Deputy McKenna			
Deputy Meerveld			
Deputy Moakes			
Deputy Murray			
Deputy Oliver			
Deputy Parkinson			
Deputy Prow			
Deputy Queripel			
Deputy Roffey			
Deputy Soulsby			
Deputy St Pier			
Deputy Taylor			
Deputy Trott			
Deputy Vermeulen			

The Bailiff: Members of the States, in respect of Proposition 2, there voted Pour, 35 Members; Contre, 2 Members; the same 2 absentees; and therefore I declare Proposition 2 also duly carried.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

4. Proposed Amendments to the Public Highways (Temporary Closure) Ordinance, 1999 – Propositions carried

Article 4.

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Proposed Amendments to the Public Highways (Temporary Closure) Ordinance, 1999 to allow the Designation of Al fresco Zones' dated 8th March 2022, they are of the opinion: -

1. To agree to amend the Public Highways (Temporary Closure) Ordinance, 1999 so as to empower the Committee for the Environment & Infrastructure: -

a. to designate by order "al fresco" zones, and

- b. within those zones, to grant “*al fresco*” permits,
 - c. noting that determination of any ‘areas’ falling within an *al fresco* zone would be subject to a process of public consultation before coming into effect, as more particularly set out in the Policy Letter.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

The States’ Greffier: Article 4, Committee for the Environment & Infrastructure – Proposed Amendments to the Public Highways (Temporary Closure) Ordinance, 1999 to allow the designation of *al fresco* zones.

The Bailiff: I invite the President of the Committee, Deputy de Sausmarez, to open the debate on this matter.

Deputy de Sausmarez: Thank you, sir.

One of the issues Environment & Infrastructure progressed earlier this political term was a trial of *al fresco* arrangements along the Quay. Members will know that that trial went ahead successfully, but through our conversations with hospitality businesses and our questions to officers, we realised that the process of applying for an *al fresco* licence was complicated, time-consuming and costly, which was putting potential applicants off. We identified it as an issue we wanted to tackle and that is what led to the policy letter we are bringing before the Assembly today.

So what is the problem we are trying to fix? Currently, any restaurant, café or pub wishing to put tables and chairs on land that is categorised as public highway must apply for a licence, the process for which involves submitting detailed plans to various different parties, a minimum of 28 days public consultation, plus individual consultations with the relevant parish Constables, Traffic and Highway Services, the Planning service, the Health and Safety Executive and the Committee for Home Affairs, a requirement to advertise not once, but twice in *La Gazette Officielle*, a requirement to prominently display the detailed plans on or near the premises for 14 days ahead of the application and then for the application itself to be made to the Royal Court, leading to a requirement to engage an advocate to represent the applicant.

The whole process takes a lot of time, a lot of effort and a lot of money, typically at least a couple of thousand pounds in legal fees alone. But the owner of a food outlet on the Bridge took to social media a few weeks ago to express his frustration that it had taken months and cost more than £5,000 to put a few small tables and chairs outside.

Little wonder, then, that this process has anecdotally been putting people off applying for an *al fresco* licence, which is a shame because *al fresco* dining is really popular. Experience suggests that it stimulates our local economy, both directly for the premises, as outdoor tables typically generate a higher revenue, and indirectly for retailers and businesses nearby, thanks to the improved ambiance and higher footfall.

Although all of the individual parts of the licence application process were put in place for good reason, in combination they are cumbersome and overly bureaucratic. As a Committee, we were very keen to see if we could streamline the process in a way that did not compromise on aspects such as safety, but that was a lot more user-friendly with a lot less red tape. It is this aim that is at the heart of our proposal today.

The policy letter proposes amending the relevant Ordinance to allow the designation of *al fresco* zones on land that is categorised as public highway. Once these zones are established, anyone with premises in an *al fresco* zone can apply to Traffic and Highway Services for a permit which would be a much quicker, simpler and less costly process than applying for a licence from the Royal Court.

Draft zone maps and permit conditions have been appended to the policy letter, but I will stress that these would only be finalised and agreed after a period of stakeholder and public consultation, and we very much welcome suggestions as to how they might be adjusted and improved. What we

are asking Members today is to agree the principle of the creation of *al fresco* zones and the streamlined permit system they enable, not the specific detail of the zones or conditions themselves.

595 There are currently two proposed zones, one at St Peter Port and one at the Bridge. If the Propositions are supported, we will formally consult with the relevant parish officials and States' Committees, and also invite input from members of the public. We think the vast majority of potential *al fresco* applicants will be in these two areas, which cover all current *al fresco* licence holders, but we are open to suggestions of zones in other parts of the Island as well.

600 For the avoidance of doubt, the current licensing system will still be available for anyone wishing to apply if they are in a location not in a designated *al fresco* zone. Because a thorough consultation will be carried out to determine the zones, there will not be a requirement on applicants to consult on each individual potential permit, meaning under the new system applications would be processed faster.

605 All permits would need to contain certain conditions, examples of which are appended to the policy letter. But again, these will be subject to consultation feedback. These criteria span a range of considerations, such as access for emergency vehicles, the avoidance of safety hazards and visual impact, so we intend to meet with all relevant bodies, such as Guernsey Fire and Rescue Service, the Health and Safety Executive and the Planning service to make sure the new permit question covers everything it needs to.

610 It will also be possible for site-specific conditions to be attached to individual permits, for example, relating to operational hours when an *al fresco* location is near a residential area, for example, or around bespoke access requirements. We propose that the application and renewal fee is set at £176, which is the amount currently payable to the Greffe for a licence in the Royal Court, but the difference with applying to Traffic and Highway Services for a permit is that it will incur 615 neither the legal fees associated with a Royal Court licence, nor the cost of advertising twice in the *Gazette Officielle*.

In summary, the new permit system, based on designated zones, will make it much easier for people to apply to operate *al fresco* and therefore more likely that we will benefit from more of it. We know that this strengthens the hospitality offer for visitors and locals alike, boosts business and 620 adds to the amenity and character of a public space. It also provides a more COVID-safe option for socialising, which is a pertinent benefit while the pandemic is still ongoing.

If the States approve the Propositions, which are essentially to allow the designation of *al fresco* zones and the process of granting permits relating to them, the Committee will undertake stakeholder and public consultation before finalising the initial zones and conditions. We will also 625 review the zones periodically so as to update them if necessary and any proposed changes will of course be subject to further stakeholder and public consultation.

We are pleased that the Committees we have consulted to date, namely Economic Development, Home Affairs and the DPA, have been very supportive of these proposals, and I also need to correct an inadvertent error in our policy letter, where it states that a St Sampson's Parish Constable was 630 not supportive. That was in fact an inadvertent misinterpretation. I was – and I am pleased that I was – invited to attend their Douzaine meeting a couple of days ago and I am happy to confirm that they are indeed supportive of *al fresco* and very keen to engage constructively on the finer detail if the Assembly supports the Propositions today.

635 While I would ask Members to use that period of consultation, rather than this debate, to share their thoughts on where exactly lines on the zone maps should be or the specific semantics of individual conditions, for example, I welcome comments or questions on the policy principle we are asking the States to agree.

Thank you.

640 **The Bailiff:** Deputy Bury.

Deputy Bury: Thank you, sir.

I will be brief because it is really just a question and it might not actually be for the President, it might be for another Committee that will be able to help during debate, but I just noted that in 2.6 of the policy letter it says that the current process for the application for the extension of alcohol licences for the servicing of alcohol as part of the *al fresco* service is not proposed to change.

So I just wondered, as the reasoning behind this is that the current process is complicated, expensive and time-consuming, was to double check whether that process is complicated, expensive and time-consuming ... because we could end up with a 'you can sit outside but you cannot drink alcohol' situation. Obviously, some establishments could choose to do that, but I think it would be better if that unfortunate circumstance does not fall at our door. So that would be useful to know.

Other than that, I think the proposals are fantastic for all the reasons that Deputy de Sausmarez has just mentioned in terms of benefit to the community, hospitality industry and not least COVID, and I think it is a great shame that they have been derided by some members of the public in direct emails to Members and also on social media, particularly quite personally to Deputy de Sausmarez, and mentioning the weather, which, while our weather is not always wonderful, I wonder if those people have ever been to a ski resort or seen pictures of a ski resort, which are quite often literally freezing but there are lots of eateries outside – blankets, heaters and awnings are quite handy.

So I think these Propositions are great, I will be supporting them, but if I could just have an answer – I think it will probably be from someone from Home Affairs – about that alcohol licence, that would be very useful.

Thank you, sir.

The Bailiff: Deputy Queripel.

Deputy Queripel: Sir, thank you.

I will start by asking for clarification from Deputy de Sausmarez on the wording of Proposition 1(c). It reads as follows:

c. noting that determination of any 'areas' falling within an *al fresco* zone would be subject to a process of public consultation before coming into effect ...

My question is should the 'with' be a 'within', so it would then read 'falling within an *al fresco* zone'? I ask that because surely falling within and falling within are two totally different scenarios?

Sir, that aside, I cannot support these Propositions anyway. (*Laughter*) This is all tied in with removing vehicles from the Town seafront and piers, and other areas of St Peter Port, and I am totally opposed to that happening.

In relation to that, these Propositions are premature anyway, because paragraph 3.6 focuses on may and could, and all my colleagues will have no doubt read that paragraph, sir, so they will be familiar with it, but I want to read it out for the benefit of fellow Islanders listening on the radio who may not know what it says. Paragraph 3.6 reads as follows:

The proposed *al fresco* zones include sites that may not be available at this present time, but that could be available for *al fresco* in the future. For instance, areas of St Peter Port currently used as car parks that may become pedestrianised as part of any future Seafront Enhancement Area development work.

Sir, if we think about the areas that are currently car parks along the seafront, near the Valette and by the Ladies' Pool, which will still have an establishment there providing food and drink, we have the restaurant at the bottom of La Val des Terres, which I think is called the Octopus – I stand to be corrected on that. So car parking could be lost from those areas. We have the Slaughterhouse at the entrance to the Castle Emplacement at the southern end of the bus terminus. Opposite that, on the other side of the bus terminus, is another restaurant and just 50-or-so yards away from that is the Yacht Hotel. So parking spaces could be lost from all of those areas.

In the Albert Pier, there is a restaurant at the end of that pier. There is also a reference on the Crown Pier. We have numerous restaurants along the quay, some of which already have *al fresco* permits and parking spaces, or at least unloading bays, have already been lost there. Then we get

to the North Beach, which I do not have an issue with the car park – I appreciate many of my colleagues might have an issue with that, sir, they might like to see cars removed from the North Beach altogether. The only problem I have with North Beach is there are not enough car parking spaces.

Sorry, sir, I give way to Deputy de Sausmarez.

Deputy de Sausmarez: I am really grateful to Deputy Queripel for giving way, and I think perhaps I could save him some change and hopefully some angst that there is nothing in these Propositions – in fact, it is spelt out explicitly – that means that parking or road space, anything that is in current use, would be given an *al fresco* permit.

So he really does not have to worry. I do not want Deputy Queripel to be labouring under this misapprehension that this means that *al fresco* would be taking the place of parking spaces. That is not the plan at all. It is just to build in a little bit of flexibility to say if, for whatever other reasons, not *al fresco* but if for any other reasons things change, then that allows a bit of flexibility.

But these are also comments that could be submitted in that period of public consultation. But I can at least put his mind at rest that it is spelt out in the policy letter that anything in current use as car parking or carriageway – you know, roads in other words – would not be given a permit. The reason the zones are drawn as they are, is because actually if you got really super specific about exactly where the pavement ended and all the rest of it, it would be unintelligible to people. But there is a good dollop of common sense that goes on top of this, and it is not that *al fresco* would be taking the place of anything that is currently used for a specific, reasonable and currently viable purpose. It is literally just a sort of degree of pragmatic flexibility built in – that is all.

Deputy Queripel: Sir, I appreciate Deputy de Sausmarez saying what she has just said, but that is not what the policy letter says. That is not how it reads. I have dispensed with three pages of my speech because of that intervention, so there was a positive to that!

I was a St Peter Port North Deputy for eight years. I was a St Peter Port Douzenier for four years. I spent two months working on a petition against paid parking in our Town with the late Wendy De Bourgonniere. In that time, I spoke to most of the traders in our Town and hundreds of Islanders who all realised the value of making it as easy as possible for people to park as close as possible to our Town. Almost 6,500 people signed that petition, and Deputy Burford will recall that because I presented her with the petition at Frossard House when she was Minister for the Environment.

I am just looking at what else I can take out of my speech, sir. I think I will carry on, even though I have dispensed with a couple of pages, I will carry on in the same vein because I will get to a couple of points later that will actually substantiate what I am saying. Well, in my mind they will anyway.

So carrying on with the journey, we will go past the Quay to the North Esplanade, not too much of a problem because there is a restaurant there already with *al fresco* in operation. Moving along past Salter Street, I am sure everyone knows where Salter Street is, we have Le Piette Hotel and the Foresters' Arms, which will not be a problem either, but then it gets interesting, because further along the Esplanade we have St George's Hotel, a Chinese restaurant and a delightful eatery called Otto's.

Otto's already has *al fresco* dining on the side of the building but could have tables in front of the building if these Propositions succeed, which would mean car parking spaces would be lost, as would the car parking spaces outside the Chinese restaurant and St George's Hotel. Now, as I mentioned earlier, paragraph 3.6 focuses on areas currently used as car parks in St Peter Port. It does not focus exclusively on –

Deputy Kazantseva-Miller: Point of order.

Deputy Queripel: – car parks on the Town seafront.

The Bailiff: Point of order, Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Rule 17(6). The policy paper clearly outlines the areas that have been designated to *al fresco* and have nothing to do with north beach, the area around Otto, Slaughterhouse and so on. So I think if we could concentrate on the areas that have been designated.

The Bailiff: Well, I am going to rule that that is not a valid point of order, because what Deputy Queripel is doing is explaining why he thinks that these proposals are premature at the moment because of what might happen and the extent of them, and the maps that are included as appendices to the policy letter are simply indicative at this stage because there will have to be the public consultation on them, so it is not irrelevant to the matter that is before the Meeting. So Deputy Queripel to continue, please.

Deputy Queripel: Sir, I am extremely grateful for your ruling. Thank you.

As I was saying, paragraph 3.6 focuses on areas currently used as car parks in St Peter Port. It does not focus exclusively on the Town seafront. If it does mean the Town seafront exclusively, then why doesn't it say that in the wording?

I want to now focus on the wording in Proposition 1(c), because it says public consultation will take place before an area comes into effect. In relation to that, I am aware that paragraph 3.7 tells us that proposed *al fresco* zones and zone maps would be published as part of a formal consultation process, and that consultation would then take place with the relevant Constables and States' Committees and that the proposed zones would be made available for public inspection and comments will be invited. I am also aware that paragraph 3.8 tells us that once responses have been considered, the zones would then become effective.

When one considers what we are told in Proposition 1(c) along with that, it sounds as though it does not matter if the vast majority of the people who respond to the consultation are opposed to an area becoming *al fresco*, if the Committee want it, it will go ahead. That is what it sounds like. That is how the Proposition reads. It is not made clear in this document that if the majority of people responding were dead against an area becoming *al fresco*, that it would not go ahead anyway.

Sir, we have to be very careful what we sign up to and what we wish for. And we have to be clear on what we are being asked to sign up to here. I very much appreciate that 1(c) is merely to note, but as I said to Deputy Falla in a previous debate, if you really do not want these things to go ahead, you have to do your best to try and nip them in the bud at the outset.

Now, here is a crucial paragraph. Paragraph 4.2 reads as follows:

It is proposed that the Committee would have the authority to vary the prescribed conditions in any particular case or to add further conditions to any *al fresco* permit it issued ...

I need to read that again if you would indulge me in a brief repetition. The paragraph reads as follows:

It is proposed that the Committee would have the authority to vary the prescribed conditions in any particular case or to add further conditions to any *al fresco* permit it issued ...

So it states quite clearly in that paragraph the Committee will be able to do whatever they like, regardless of public opinion. That is what it says in the paragraph. That is how it reads. This is not about trusting colleagues to do the job they have been elected to do responsibly. I am sure we all trust one another to do that.

What this is about is balance because, as with everything, balance is absolutely crucial. I appreciate it is about compromise and give and take on behalf of the Committee, but this is focusing far too much on the take bit, taking away car parking spaces. And not just in Town, but in the whole of St Peter Port, if the Committee see fit. That is how this reads. If it does not read like that, the

Committee should have made it really clear. This is how it is reading to me. I stand to be corrected or convinced otherwise, but it says the Committee have the authority to do whatever they like in that paragraph, and not just in Town, in the whole of St Peter Port, as we are told at paragraph 3.6.

790 As I have already said, I am totally opposed to removal of car parking spaces anywhere near our Town. Our Town is already known as the jewel in the crown of St Peter Port, so why would we want to allocate precious resources in an attempt to improve on such a wonderful accolade? It does not make sense. It is already known as the jewel in the crown of St Peter Port.

795 So I am sure my colleagues, sir, on E&I, have laid these Propositions in front of us with the best of intentions, but I do not share the vision of anyone who seeks to remove vehicles or parking spaces for anywhere near our Town, because doing that will only cause problems. It will not actually provide any solutions. Sir, I think I will leave it there and I will just close by asking for a recorded vote when we go to the vote, please.

Thank you.

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

Deputy Kazantseva-Miller: Thank you very much.

805 Sir, I think this is a really good example of the Committee *for the Environment & Infrastructure* really delivering something that is on point, really asked for by industry and the community, and supportive of some of the immediate initiatives that are actually happening right now, such as Art for Guernsey on Mill Street, Mansell Street and really wanting to turn that area into much more of a public amenity area.

810 This issue came to the Committee *for Economic Development* very early in the term, where there were real complaints about the process of *al fresco* zones, and I think we also fed into the Committee *for the Environment & Infrastructure* that industry was facing that, and hopefully that has helped them put this workstream in their priority areas. So I am very grateful that this has come forward because it also very much meets the Committee *for Economic Development's* objectives on the issues we face.

815 I do have a couple of issues I wanted to raise and perhaps seek clarification and for the Committee to consider. The first one is with regard to the use of public amenity. So obviously for allowing the designation of *al fresco* zones, we are allowing commercial entities to be using the public realm, and in some cases this could amount to the floor space of cafés and restaurants and so on to be doubling or tripling.

820 And actually, we know there are many positive benefits of doing so. But my question is really in relation to the public realm is paid for by taxpayers, right? We pay for the maintenance of the cleaning of the streets, for fixing potholes etc. if they arise, so there is a cost to all of us, to the taxpayers, but there will be first the benefit obviously to the commercial entities using those designated areas.

825 So my first question is in relation to the fee, which is currently fixed. So it does not matter whether you are planning to put one table out, or you might put 10 tables out, the fee is fixed, and so whether there has to be consideration given whether there should be proportionality of the fee to the amount of public realm that the business will want to use.

830 I think the other consideration potentially that has to take place, whether the designation of *al fresco* zones starts giving benefits obviously to those zones and businesses allocated in those zones, versus the businesses who might be on the border and beyond that, which means it potentially becomes more attractive to be allocated there, which is beneficial to the commercial landlords. So what I would personally hate to see is that the commercial rents in those areas start to go up, because the public is paying for this public amenity, so the public is actually subsidising the floor space that is going to be used by commercial entities.

835 So I would like the Committee to consider that question, and when the final proposals, the operations of the *al fresco* zones are designated, further consideration given to that. And this does relate a little bit back to the maintenance issue, because when I have been working on the

regeneration zone concept from the Committee *for* Economic Development's perspective, and I walked on Mill Street and Mansell Street with some of the tenants and landlords there, and they raised the issue that the street does tend to look quite grubby, from the perspective that it is obviously cleaned on some kind of regular basis, but perhaps it needs to be cleaned more frequently, because the sides of the buildings get dirty quite quickly, from the rain splashing, from people walking and so on.

In European destinations, you know, examples were given that the street cleaning process actually takes place much more frequently. So my point here is that if we are designating those areas, perhaps there is an opportunity that maintenance and street cleaning could be increased and perhaps some of those fees that are being paid actually go into maintaining those streets and making that public realm for all better. So I would hope that the Committee could consider that issue, because this can really improve the public realm, but make sure the public is not just also subsidising the commercial benefit from this.

The second point is with regard to disability. So obviously putting tables and chairs outside will reduce accessibility of some of these streets. I come from this from also a Planning perspective because we do have some planning regulations around the ability to place what are called A-boards, marketing A-boards on the streets, and they are generally not allowed in the centre of Town because they cause a hazard to people with visual and other disabilities when they are walking and if there are too many of them, it creates, basically, a hazard.

So the question here is, again, what consideration is given to how *al fresco* zones will affect the ability of Islanders to navigate those streets and whether also there will be any implications for the Planning Department in terms of permissions, or not permissions, but whether that consideration can also be given by the Committee.

Thank you.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

It was just very quickly, just to give a little bit of history on it with Planning. At the moment it obviously goes to the courts, Planning is very occasionally asked whether this will be allowed, and it is normally just said, yes, that is absolutely fine. On this occasion, I cannot imagine Planning will be asked at all. So it was just answering Deputy Kazantseva-Miller's question.

The Bailiff: Deputy Inder.

Deputy Inder: Just briefly, sir, I would like to thank Deputy de Sausmarez and her Committee. You have heard me say before that Economic Developments does not always have the levers on the economy that it wants, and this has come out of the blue and allowed us to enhance our visitor economy, and also move us towards a more café-like society that we have been moving towards for the past 15-20 years and cementing it.

I think what was interesting in Deputy de Sausmarez's opener, which might have been missed by some, is the amount of hoops business has to go through to even start the process. If it is not Douzaines, it is Constables and all the other bits and pieces. And I think it was Deputy Bury, actually, who touched on liquor licensing. I could see the Committee *for* Home Affairs writing exactly the same document for liquor licensing and taking this all internally.

We really do have a medieval system, where people have to go cap in hand, pay thousands for a lawyer, to turn up in front of here, doff a cap to Jurats. All this should be centralised. We have basically got a medieval set of laws being run by a Victorian system trying to deliver a 21st Century system. It has got to stop. So I would really encourage the Home Department itself to do something very similar: change the date, change the name and do exactly the same thing. So I commend the Committee for the work that it has done under the leadership of Deputy de Sausmarez, and long may it continue.

890 **The Bailiff:** Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir.

Yes, it is refreshing to see a positive piece of work coming forward like this, but I do, following on from the debate, have one or two concerns, myself. I can speak from experience, sir, of course.
895 In the old days, before *al fresco* was around, I built a terrace and we had a licence to serve drinks and food on that. We did it the old-fashioned way, we applied through the Court, it was not a problem. I had to be the licensee of those premises. It was a lovely big terrace, and I can remember one summer, having built the thing and thought how beautiful it was, one summer we used it 10 times in that summer and it was nice to have outdoor dining and venues out there.

900 So yes, they are great things to have, especially with the smoking ban. When the smoking ban came in, that you could not smoke indoors, which I wholeheartedly agree with, it was good to have an outdoor facility. If you did not have a beer garden or an outdoor facility, that was not so good. So yes, we were on the west coast, no problem.

Later on, as a young licensee, I was involved with the Chamber of Commerce and made some suggestions of how a review of the liquor licences could go and I made some suggestions, looked at what England was doing, looked at what we were doing and perhaps what we could do better, suggested that we had nightclub licences, suggested we do this, change that, and I thought, well, the UK at the time was suggesting 24-hour licensing, let us put that in there and just see how that goes down.

910 Well, the next day the front page of *The Press* was 'Open all hours' and I was the bad boy in the Chamber of Commerce. It was quite an uncomfortable time. But, I have to say, even though this particular licensee did not like the idea of me introducing a nightclub licence and putting the fees up, a lot of what was suggested, apart from the 24-hour licensing, actually came through.

Now, over those years, over that span of years, 43-odd years that I was involved in that, I looked at St Peter Port and the *al fresco*, the redevelopment of the market, and whether it was the Douzaines that got involved or other things that got involved, I was not quite sure, but I was made aware of problems of not getting perhaps the size of the area for *al fresco* licences through, so I thought, how lucky I was, but at the same time, sir, I realised that it was just a short period of time that you can enjoy those facilities. I did not see many people sat outside in ski suits when it was blowing a Force 8 and raining in December.
915

We recently had a tunnel debate, or a bridge debate, whichever way you want to look at it, and one of my concerns, which I was not allowed to raise, was I had suggested to the operator of a large Town grocery store that they extend their tea room out onto the roadside, *al fresco*. I thought that would be wonderful, opposite the marina, and he said to me, 'Well, Simon, we have got to get the deliveries in.' I did not appreciate how the deliveries, how much deliveries were needed into that store on the seafront.
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So one of my concerns on the tunnel debate was even though I was assured that with careful design you could get the deliveries in, one of my designs was how would those two *[inaudible]* every day going to deliver from the tunnel. Were the goods going to float up, or how would that actually happen? So yes, completely supportive of more *al fresco*, it is lovely. If we could turn up the temperature and the weather and have a better ... I would be for that, but we cannot. It is weather-dependent. But it is great to be encouraging *al fresco* dining where we can.
930

My main concern now, and it will affect the way I will vote on this, I do really wholeheartedly want to support it, but my main concern is this. What about emergency vehicles? If we build *al fresco* plinths up and we have *al fresco* here, there and everywhere, tables and chairs, how will the ambulances get in? And the same with the tunnel, how would we get an extended ladder from the fire engine? So those emergency vehicles have to be considered – a police van. If the High Street is shut, if it is full of *al fresco*, you cannot get vehicular access. I note in St Malo that they have got raised plinths but they still have a single lane available for traffic to go through.
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940 So I would take heart from getting some assurance from the President that this is being taken into account and certainly will be considered, the unloading bays and access to emergency vehicles at all times.

Thank you, sir.

945 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, I just follow the last two speakers really and wonder what the problems are because surely we should be proactive? I think this is an excellent policy letter. (**Several Members:** Hear, hear.) It cuts across bankruptcy – will come to that in a moment. It cuts across
950 bureaucracy and cost. Bankruptcy, I have got a lot more years behind me as a lawyer now than in front of me and this would take a bit of bread from the mouths of lawyers, but I am sure they will still survive.

But in relation to that, we have lots of issues already. Go outside the OGH, go up Stanley Road, where you have almost chicane driving, emergency vehicles have already got problems. That is
955 beyond the wells and the width of this particular policy letter. Whoever administers *al fresco* licences, there will still be a raft of conditions. There always are a raft of conditions which deal with things like disabled, making sure there is access and all things like that. They are already covered.

Now, like Deputy Queripel, when he spoke it reminded me of the Tony Robinson 'Baldrick' character in the *Blackadders*, where 'I have cunning plan', says Baldrick, and of course it always
960 failed. But I do not believe that Environment & Infrastructure have got a cunning plan at all to get vehicles off the roads in various instances. Deputy de Sausmarez made it clear. This is something that they are promoting, this is something that is good, something that we should claim. We cannot do much about the weather. As Deputy Bury says, people in ski resorts, and she has obviously been to a lot more than me, I could only ever afford to go to one, (*Laughter*) but –

965 **Deputy Vermeulen:** I am still saving up!

Deputy Ferbrache: I did not like it, I was hopeless. But in relation to that, people sit there with their coats on, they have got heaters and they enjoy sub-zero temperatures. In Guernsey I cannot
970 see many people sitting out in the winds of November, December, January, perhaps in lots of places. Deputy Inder does, but then he is an unusual character – I say that very respectfully. (**A Member:** Hear, hear.) But in relation to all of that, it is a facility, it is something else, it is another offering which really tourism and hospitality should welcome with open arms.

Deputy Bury made the point, or asked a question, really about paragraph 2.6 of the policy letter.
975 Deputy Inder, in his historical analogy, we had medieval, we had Victorian and we had 21st century all wrapped up in I think one paragraph in relation to his analogy. Liquor licences are the province of the courts, the courts have always said, 'We decide what premises are licenced, we decide if so-and-so is a suitable licensee' etc. Perhaps that should change, (**A Member:** Hear, hear.)

I know we have seen various manifestations of the liquor licensing ordinance over the 40-plus
980 years I have been a Guernsey advocate that it has been simplified and it is a lot less complicated, there are a lot less categories. There were so many categories at one time, and Deputy Vermeulen will remember you could only serve between certain hours and you had to have a Mars Bar on the table at the end to make sure you were not breaking the liquor licensing provisions, all of those kinds of things. And that nonsense was done away with and it was simplified.

985 Deputy Roffey made a point previously in debate about all the worry about Sunday opening and all that, and that Guernsey's Sunday was going to be disabused and cast asunder and it never was going to be what it was. He said that was a load of nonsense, and I agree with him. It turned out to be a load of nonsense and I remember when I first came into the States in 1994, I looked at Sunday trading laws, and I thought my goodness me. That was not only Victorian, it was pre-Victorian;
990 people trying to control people's lives and restrict them. This is expansive, this is something we

should claim, I do not see any reason to have any reservations on any of these principles and I ask everybody to vote for this.

Several Members: Hear, hear.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

I can be very brief. I thank Deputy Ferbrache for what he has just said and referring to the specific question asked by Deputy Bury, I confirm his explanation. All I would add to that is that in a licence application a plan of the licensing area has to be submitted and there is 28 days where consultation with the Constables via the Police and Planning, Environmental Health, can have some input.

Deputy Inder mentioned licensing laws, Deputy Ferbrache has outlined that we have moved a long way, certainly last term, with regard to Good Friday, Christmas Day. So progress has been made, but I will confirm that this is a matter that the Committee *for* Home Affairs is looking closely at and where we are, improvements and streamlining the process, but this is a workstream, along with other workstreams.

In summary, this matter was referred to the Committee *for* Home Affairs and a response was received from Fire & Rescue that is supportive. In relation to the Vice-President's remarks, I think that those considerations will also be taken into consideration if this is developed, which I personally sincerely hope it is. The Committee supports the paper and congratulates the Committee for bringing it. It is a move forward, in my view, and certainly the Committee for Home Affairs will continue to support this as it develops.

Thank you, sir.

A Member: Hear, hear.

Deputy Haskins: Thank you, sir.

I think Deputy Ferbrache has said most of it, so the paper that I have got in my hand is somewhat superfluous. But without wanting to step on my President's toes, I did want to bring two responses which I am sure she will cover anyway. In response to Deputy Vermeulen, section 2.2 of the paper covers that emergency vehicles of course will be a consideration for that.

I think what Deputy Queripel said, or enquired about was the zoning and the flexibility of ... Are you going to take a car parking space? No. That is not the point and that is mentioned in 3.6, and Deputy de Sausmarez did clarify that. The point of it is that in the zoning you can add that zone and then you can implement the restrictions and limitations, as Deputy Ferbrache pointed out.

So I think what Deputy Queripel was almost suggesting was if there is a change in that, it should come back to the States, and that I would absolutely disagree with. If the licensing hour is from nine o'clock and you want to make it eight o'clock, and it has to come back to the States, that would be akin to choosing the colours of lampposts. So I am sure that Deputy de Sausmarez will have a much more comprehensive response to a debate that I thought was taking longer than it should. I wholeheartedly support this.

Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes.

It is interesting, Deputy Vermeulen's stories of his successful business, and he pointed out that maybe his patios improved in popularity once Deputy Roffey and the pioneering anti-smoking legislation was brought in, something I was not expecting in today's debate. And I also agreed with much of what Deputy Ferbrache has said. But I am one of those characters who you sometimes see,

not in ski outfits, but feeling miserable sitting out there having my coffee, not necessarily ... because of the smoking that is going on.

1045 Like Deputy Queripel, I picked up the possible use of other sites, but it did not specifically refer just to car parks, there may well be other parts of the States, and indeed I do hope this is successful and *expands al fresco* activities, but if it is on public or parish land, then maybe some form of lease or rental arrangement might have to be put in place. But that is a detail.

1050 One area where perhaps I get exasperated when I am at SACC meetings is I am accused by some Members of going off the point (**A Member:** No way!) (*Laughter*) and going off on a ramble about things. I do not want to repeat that activity today but I think there is another conversation here that is sort of semi-detached to this policy letter, and that is the workstream that the Policy & Resources and formerly the Policy Council do with the parochial system, because what is interesting is I always say, 'Well, why can't SACC reform elements of the parochial systems of elections and management?' And I get told it is not part of our mandate.

1055 Yet we also have to have meetings with Deputy Meerveld signing for by-elections in parishes. Indeed, we had one yesterday that the Deputy States' Greffier read out to us about such a ... This is where we actually need – and this is a good report, I welcome what Deputy Prow may bring and Economic Development later – because we do need conversations moving forward in the third decade of the 21st century on a workable system, there, and it is something Policy & Resources, 1060 Deputy Soulsby, Deputy Ferbrache and the team have to work with as well, because some of this may apply to restructuring parochial powers and roles.

In fact, I thought this policy letter, I had heard about it for some time, was going to come from Economic Development, because it will stimulate the hospitality sector and maybe the town centres of St Peter Port and the Bridge as well.

1065 I think the point has been well made about the bureaucracy, because it is – Deputy Inder might have been less than complementary and not as nuanced as he should be in supporting the work of the Royal Court and the parochial authorities – because they do act in the public interest from a basis of long and excellent standing. Of course the parochial officials, Constables and Douzeniers are elected by, they used to be elected by, the rate payers. Nowadays, since the Second World War 1070 anyway, they are elected by the electors, the people on the electoral roll. That is a good thing but it has a downside because it puts the emphasis on Douzeniers, who have to be resident in their parishes, unlike, formerly, Deputies, to represent residential interests.

Now, residents do not always want loud noise at night. Residents do not always want people sitting out, having wine or coffee or whatever, and I would hope that the Town, the parishes – there 1075 are three Douzaines involved in this potentially, at this stage – will also, to a degree, represent economic activity and community life in those areas as well.

Because, although I do respect the work many Constables and Douzeniers do in inspecting places, are they doing that to represent the public interest? Are they doing that as lay or qualified health and safety inspectors? Are they doing that as lay or qualified police officers? It is not 1080 altogether clear and I hear them, from time to time, they want to get involved in whether, if you have *al fresco* does it then increase the curtilage and other issues. I respect Deputy Kazantseva-Miller's point about disability. That is an issue.

But we know that the Town retail and, up until now the Bridge retail, pre-Leale's Yard, has been struggling for many years. We know that the hospitality sector cannot afford large wages, generally 1085 speaking. It struggles to maintain profitability and that COVID and changes in tourism patterns have affected it particularly.

Yet, ironically, that very sector has more bureaucracy and technical things to go through than much of our finance sector or other kinds of businesses. It will probably create a digital business in certain areas without any of that. We need to be aware that marginal businesses will become even 1090 more marginal if they have to find £5,000 for tables and chairs for me to have a coffee in as I cannot afford those prices. We have seen instances of lovely places, well supported by the public, who were closed for several months because they did not fill in their form in time.

I note in this policy letter there is talk of moving it from December to September to make it easier. I support that but I think September is often a very busy time for the external hospitality sector too and would possibly go for March or February, myself. But, nevertheless, it looks like a reform.

So I think this is good work. I suspect there will have to be further consultation at the parishes but if it can mean that we have more of a Continental atmosphere and that I can have coffee more often, well done!

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, anything we can do to enhance and stimulate Town trade and Bridge trade, we should be doing. This looks, certainly from the outside, to be an initiative towards that end. We have got to get people to come into Town and into the Bridge again and make the Town and the Bridge more attractive to the flow of business in Guernsey. The restaurant trade, of course, is an integral part of that and needs to be encouraged.

Now, you know, we had this trial along the Quay but the fact is when you look at it, when you look at the whole arrangement, there is much to be desired, and one or two people have made that point perhaps already. Because there is clutter, there is fencing, there is barricades. It is poor quality. There is even plastic planting. Cheap, offensive barricades. The visual impact is really undesirable along the front. Now that needs to be enhanced if it is to be continued. It is poor quality at the moment.

Also, we hear a lot of criticism in terms of accessibility to pedestrians along there now, impeded, complaints from wheelchair users, complaints from the public over the kerbs slipping down. We have heard of all of these points and so we have to be aware of this particular trial and how it can be improved.

Now, in terms of the mapped zones, I can understand the criticism that has come out because, when you look at this map here of the zones, you see this, for example the Crown Pier, the north arm, that is all used currently for small car parking. It is very popular but I notice that a whole chunk of it is taken out on this map at the very end, which I have asked, actually, even the States' Works to look at perhaps allowing further car parking in that area that is reserved now for water-borne uses.

But then you take a look at the bus station area. That whole area is blanked out for *al fresco*. So I think, surely, that is not the case, is it? And right down the South Esplanade. So I think some of the mapping here and perhaps the artists got over-excited in terms of the amount of parking they were going to displace. So the point of Deputy Queripel must be taken and his point about 3.6, as well, is a point in question, with regard to the importance of parking in Town.

That is so important for the Town future and Town development. So in no way should we be interfering or taking away parking, because the point that people very often make is that, 'We do not come to Town any more because it is difficult finding a parking space.' Now let us deal with that and not undermine it.

And *al fresco*, the market area, for example, it is there. Why is that? That should be all opened up to *al fresco* and there should be a lot more dynamic activity in that particular area. You know, in other towns, you have got street activities ongoing. Public activities is a big word in economic development. We do not seem to know anything about it here. But let us get some music in Town and on the Bridge on a regular basis to encourage people to use the restaurants and also use the trading facilities that are there.

One thing that some people have complained to me is the fact we dart in, if we can find a parking space, but then we have got no time really to sit around and enjoy the restaurants and the other facilities that the Town offers. We have got a two-hour parking problem. So anybody who says that there are not parking restrictions, or sort of meters in the mind, they are there anyway, it is a two-hour, then you have got to run to your car. 'Sorry we will be back another day and we will do some shopping next week, perhaps, but I have got to get to my car!'

1145 Let us do something about all of that if we are interested in economic development. Because do not forget St Peter Port competes with other centres – St Helier and others in the UK, Southampton – so we have got to be proactive in terms of looking very closely at our main centres that are the main generators of economic activity in Guernsey.

1150 The other thing is we have got this regulation about A-boards and advertising outside shops and restaurants and so on and so forth, so I think we have got to be very careful –

Deputy de Sausmarez: Point of order, sir.

Deputy de Lisle: – with respect to that.

1155 **The Bailiff:** Point of order, Deputy de Sausmarez.

Deputy de Sausmarez: Rule 17(6), sir, I do not see how this is relevant to what we are asking the States to agree today.

1160 **The Bailiff:** I think I agree with that, Deputy de Lisle. Can you come back to the Propositions that are before the States?

Deputy de Lisle: Yes.

1165 I was kind to the Deputy when I opened, in saying that everything we can do to enhance and stimulate our town centres, we should be doing. So I do not know why she would object to that. But perhaps she has got some other underlying reason for what she is doing. I do not know. But the fact is, let us be encouraged by this. Let us move forward and let us look to the promise in the future of more dynamic activity in our two towns, our Town and the Bridge.

1170 Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

1175 I want to inject some more positivity into this debate because there has been quite a bit of negative commentary, which I think has gone off at a tangent, some way. I think some of the concerns raised are valid but not necessarily for this specific debate and I congratulate the Committee *for the Environment & Infrastructure* on bringing this forward. It is really proactive and extremely welcome.

1180 I think injecting that life and dynamism back into that area is fantastic. I hope that we can curtail this debate to a degree because I really would like the President to sum up quickly so that we can go to the vote. I am just going to give a small plug, it is Yom HaShoah Day today, Jewish Holocaust Memorial Day, and I am afraid myself and a number of my colleagues, on official business, have to be at White Rock at midday.

1185 I would love to vote in favour of this. If I do not get to manage to, my support is wholly there for this particular policy letter and hopefully we will be able to go to the vote very shortly.

The Bailiff: Deputy Dyke.

1190 **Deputy Dyke:** Thank you, sir.

I will be very brief because I think everyone wants to get on. I think this is an excellent paper and Deputy de Sausmarez and her Committee are to be commended for it. There are two aspects that I particularly approve of. One is cutting red tape, which we should do a lot more of. We usually do the opposite so this is very good. On the subject of fees, I was going to suggest that maybe they be waived but that will be for the Committee to decide.

Just a couple of points. Deputy de Lisle made a point about some of the delineation of the *al fresco* areas looking a bit shoddy with plastic flowers and that sort of thing. I see from the form that that aspect is covered in the form. So the Committee will have a say on that and can probably tidy up the look of these things as we go forward.

1200 The only other suggestion I might have on the liquor licensing, I do not know whether this will be for Deputy Prow and his Committee, whether they can issue some sort of order that anyone with a licence who gets an *al fresco* space licensed under this procedure, will be deemed to have their liquor licence extended to that area. I do not know if that is possible. Then we could just have the one stop shop.

1205 Yes, this is very good. We should be doing everything possible to encourage business in our Town and this helps quite a bit, I think.

A Member: Hear, hear.

1210 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Very briefly, sir.

Building on the theme of the liquor licensing aspect. I think it is encouraging to hear from the President of Home Affairs it is a matter that they are considering. I certainly would encourage that is done at pace. But more importantly that should be that we emerge – and that I do not think this is a point that has yet been made, I think Deputy Inder was touching on it – that we emerge with an integrated application process. What we absolutely do not want is to have two separate processes, which mirror each other, and that, I think, was in essence where Deputy Inder was going.

1215 To emphasise that point, that we need to have a single integrated process that needs to be developed quickly and I absolutely encourage Home Affairs to deliver, obviously working with the Royal Court as necessary, to deliver that.

1220 The only other thing I would like to say is to add my own congratulations to the efforts of Deputy de Sausmarez and her Committee on bringing this policy letter to the States. It is much to be welcomed and they are to be congratulated for it.

1225 **The Bailiff:** I turn back to the President to reply to the debate.
Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1230 I will not go through individual speakers. I will just speak on a couple of the themes of the debate and I thank everyone for their contributions.

The weather, the place to start. All I will say on the issue, I think other people have covered it better than I will, but the proof of the pudding really is in the eating and if you talk to the people who currently operate *al fresco*, they will tell you that it is really popular, even in the winter months, even when the weather is not great.

1235 Probably the most substantive area of concern, certainly for Deputy Queripel and a couple of others, has been this issue of traffic and parking and all the rest of it. Really, I made an effort to put his concerns, spacious concerns, during his speech but for any doubters I really can re-emphasise that the line in paragraph 3.6, which says any applications for sites within the *al fresco* zones that are currently in use would not be granted.

1240 So the reason that the draft – and again I emphasis draft – zoning maps have been drawn in the way that they have is partly because, when you are trying to draw just tiny bits of pavement or whatever, it is going to become unreadable for people trying to do that. And partly also because actually, as our experience with the Quay showed, sometimes there is degree of useful flexibility that can be applied and it is just a matter of common sense.

1245 So, for example, that did take some of the space that was designated as unloading bays. But we looked and we assessed to what degree the unloading bays were being used. We assessed what

was still needed, and we worked on that basis. It was a really pragmatic way of doing it. But had we had a red line, which had stopped at the edge of the pavement, obviously all of that would have been a write off. It would not have been possible.

This was really just about flexibility, common sense, but I can give Deputy Queripel and anyone else who is worried about it, an assurance that this is not *carte blanche* to go and remove parking and stop vehicles using roads and all the rest of it. Absolutely not. It could not be further from the truth.

Another legitimate area of concern, I understand why it is a concern, is to do with emergency vehicle access and disability access, and as others have pointed out, this is addressed in the policy letter and in the draft conditions. Those are central considerations, I said that in my opening speech, and it is something that will continue to be a consideration under the new permit system as well, if this is supported.

The liquor licence, I will just add, actually, building on what Deputy St Pier said most recently, we are as a Committee, I am sure, keen to support an integrated approach. We are really happy to help Home Affairs in anything that will achieve that end. I appreciate it is not simple but, yes, anything we can do to help in that process, we would be happy to lend a hand.

I think I have dealt with the zoning. In terms of how the conditions ... Deputy Queripel did have one other concern, which was the Committee somehow had *carte blanche* to just do whatever it liked, and that is not the case. Really, when it comes to the conditions attached to permits, under the current licensing system, the applicants have to go and consult with a wide range of different committees, the Parish Constables, etc. and they all feed in to determine what conditions should be applied to the licence.

Really, what we are doing here is we are saying, look, there are some standard criteria that need to be met but we do recognise that sometimes there are very specific conditions and it might be to do with ensuring, as Deputy Vermeulen pointed out, that we have got access for unloading and access for emergency vehicles, even though I have to reiterate that those are part of the standard conditions anyway. But if for any reason we need to add more access or a change to those access arrangements then that is exactly why we have got the flexibility to make, add or alter the permit conditions. So I hope that answers Deputy Vermeulen's question as well.

Really the other theme was about charging for the use of public realm and I have to say this has been a subject of much Committee discussion. In fact, in many respects, it was one of the primary drivers, but I do need to distinguish really between the process relating to applying for a permit and charging for the use of public realm, which is quite complex. I can say that the Committee does recognise all the issues that people like Deputy Kazantseva-Miller have drawn to the Assembly's attention, quite rightly.

That is also, it is a matter that is, and we have encouraged it, to move. It is a matter that sits with Property Services and under P&R and I very much hope that it is an issue that they will progress as soon as they possibly can.

I give way to Deputy Roffey.

Deputy Roffey: I was just wondering if the philosophy is that we should charge for use of the public realm, does that relate to car parking as well as *al fresco* dining?

Deputy de Sausmarez: I think, in the interest of getting to a vote and making sure that Deputy Dudley-Owen can actually get where she is going I am going to ignore that comment!

But yes I am really grateful for all the support. I am really grateful also for the co-operation and input from the other committees: Home Affairs, Economic Development, the DPA. I would also say that the next steps will be transfer of knowledge, to make sure that the conditions capture all the things that those different bodies need to make sure of there. And we will obviously still have recourse to those. Someone mentioned about visual impact, for example. We still will be able to go back to the Planning Service or Guernsey Fire & Rescue, or whoever we need to, to make sure that the right conditions are attached.

1300 So, I am really grateful for everyone's support. Grateful for the input and I really hope this is strongly supported.

Thank you .

1305 **The Bailiff:** Members of the States, I think we can take both Propositions together because they stand and fall together. There has been a request for a recorded vote, so over to you, please Greffier.

Deputy Taylor: Apologies, sir.

I just need to declare an interest prior to the vote that I have a business in Market Square, which is listed in one of the areas for *al fresco* zoning.

1310

The Bailiff: But it probably already has an *al fresco* licence, doesn't it?

Deputy Taylor: It does not, sir.

1315 **The Bailiff:** Does it not? Then, very well.
We will go to the vote, then.

There was a recorded vote.

Carried – Pour 34, Contre 1, Ne vote pas 1, Absent 3

POUR

Deputy Aldwell
Deputy Blin
Deputy Brouard
Deputy Burford
Deputy Bury
Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dudley-Owen
Deputy Dyke
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kazantseva-Miller
Deputy Le Tocq
Deputy Leadbeater
Deputy Mahoney
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Parkinson
Deputy Prow
Deputy Roffey
Deputy Soulsby
Deputy St Pier
Deputy Trott
Deputy Vermeulen

CONTRE

Deputy Queripel

NE VOTE PAS

Deputy Taylor

ABSENT

Deputy Fairclough
Alderney Rep. Roberts
Alderney Rep. Snowdon

The Bailiff: Well Members of the States, in respect of those two Propositions, the voting was as follows: there voted Pour, 34 Members; Contre, 1 Member; 1 abstention. Three Members were absent and therefore I declare both Propositions duly carried.

POLICY & RESOURCES COMMITTEE

5. The Church of England – The Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury – Propositions carried

Article 5.

The States are asked to decide:-

Whether, after consideration of The Church of England - the Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury policy letter dated 9th March 2022 they are of the opinion:-

- 1. To note the recommendations as set out in the report of the Archbishop of Canterbury's Commission on the relationship of the Channel Islands with the wider Church of England;*
- 2. Pursuant to Article 72A of the Reform (Guernsey) Law, 1948, as amended, to signify agreement to the substance of the provision of an Order in Council made under prerogative powers and under the Channel Islands Measure 2020, in respect of its application to Guernsey, including, but not limited to:*
 - (a) the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;*
 - (b) the transfer of the episcopal oversight of the Bishop of Winchester to the Bishop of Salisbury;*
 - (c) that a man or a woman may be consecrated as a bishop; and*
 - (d) the simplified mechanism for the application to the Bailiwick of Measures of the Church of England set out in section 5 of this policy letter;*
- 3. To note the ongoing work to draft Canons for the Deanery of Guernsey and that, once drafted, these Canons will be given effect in the Bailiwick by way of an Order in Council.*

The States' Greffier: Article 5, the Policy & Resources Committee, The Church of England – the Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury.

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

Deputy Ferbrache: I am very grateful, sir.

My colleague, Deputy Le Tocq, was going to deal with this matter but, as Deputy Dudley-Owen has said, she and he are representing the States at the very important ceremony at 12 o'clock, which I am sure we are all thinking about a great deal, particularly in these times.

I always find it slightly ironic that somebody like me, who does not have a particular faith, ends up talking about religious matters quite a lot in relation to States' affairs. But there we are, that is fine and that is the circumstance we have got.

Now I think the policy letter, the Resolutions are quite simple and we had a bit of an historical travel-through by Deputy Inder in relation to the last debate and here we go back all the way to the 10th Century. Now of course the Church of England is a relatively new concept. It is not 500 years old for another 12 years. Most of our churches were Catholic churches originally.

Like everybody, Deputy Gollop and I are kindred spirits in relation to our little musings sometimes. I muse about my French grandmother and her 14 children because she was a Catholic lady. So the Catholic religion is something I know something about. But in relation to where we are, our relationship as a society with the Church, is still strong and it is still a statutory function that we

have to consider these matters. Therefore, whether we are secular or non-secular, these are issues for us all.

Now of course the Church of England was set up by a gentleman who was, it was the most unusual way of getting a divorce, but he set it up for that reason, he fell out with the Catholic Pope. Of course he managed to get rid of wife number one, who was his longest-serving wife, and then in the next 30 or 40 years of his life, he had five more wives, two of which met their sorry end, another one died, another one he cast asunder because she was not as pretty as she thought she was when he saw her, and the other one managed to survive him. She was probably the lucky one.

But really we are where we are. We have got this relationship. This is a matter, I think, which is self-explanatory in the policy letter, and I ask everybody to adopt the Resolutions.

The Bailiff: Deputy Gollop.

Deputy Gollop: I think I got a little name check there and I support the policy letter and I go to a number of Church events. Not just for the food, I go for the spiritual sustenance and everything else, and the sense of history and tradition too. I like to think I am a person of faith.

The problem is I also listen to regularly the Dean and other ministers talking, not just in churches but on BBC Radio, for example. I have been interested in listening to discussions there. They have come around to our PERC, parochial, ecclesiastical rates review ideas, of looking at the complicated and established relationship between the churches and the parishes and ratepayers.

I will come onto the relevance of that in a minute because the first thing to say about this is, just like the previous policy letter, and I support what Deputy Inder and possibly what Deputy Prow and other Members were suggesting, and Deputy Bury, that an integrated approach is needed to simplify procedures, maybe, that entail the Royal Court in an age when a more political involvement or administrative involvement is more appropriate. And here I notice we are simplifying the procedures in relation to the Royal Court, with certain matters of internal change within the Church of England. That is a positive development, I think.

But Jersey may have led on this issue, in moving away from Winchester, via Canterbury, to the Diocese of Salisbury, and I have long family connections with Salisbury. My late mother, grandfather, uncle, had connections with south Wiltshire, and of course Salisbury includes the county of Dorset, which includes Poole and Weymouth, which have long associations with Guernsey through maritime. Indeed Christchurch is now in Dorset and I think way back in the Dark Ages or pre-Roman era there was trade in Hengistbury.

So there is a long establishment, and also a brief period in the Roman Catholic era – just, when Salisbury Diocese was responsible for Guernsey in between Coutances and Winchester. But we have to look at the substance of this and I agree to that, beyond attaching ourselves to the Diocese of Salisbury.

In some ways, I suspect, the Diocese of Salisbury is, in our terms, a more enlightened diocese even than Winchester in certain respects, in terms of equalities. But the one downside is in terms of seniority in the Church, despite Salisbury's magnificent cathedral, Winchester Cathedral is both longer and a more senior bishopric. So we might not necessarily always have representation in the House of Lords. But then bishops were supposed to leave that body in 1911 and they are still there. And the transferring of political oversight of the Bishop of Winchester to the Bishop of Salisbury in the Anglican Church.

Significantly, though, for women's rights – and this is why I think even people of a progressive or secular mindset can support this today – we are enabling and facilitating that a man or a woman may be consecrated as a bishop. Indeed there are many excellent women bishops already in the Church of England.

But one curiosity, there is a doubt as to whether, if you had a lady bishop at Salisbury, whether that person could actually administer here. In fact, we saw that when the Bishop of Dover retired, his successor was a woman. We need to ensure that we are totally equal in that respect. That is important.

I have already praised the simplified mechanism for the application to the Bailiwick for measures of the Church of England. My one doubt is that, back in the mists of time, when the distinction between Church and State was less clear cut than today, there were these canons of the Church of England, which became Law after Henry VIII, maybe it was the time of Edward VI or Elizabeth I, James VI and so on, and have been revised since, which apply as a kind of law of the land but it also applies to the Church.

Jersey had them and it appears that Guernsey did not. Yet here we are, about to implement them and I am looking at the Jersey canons and there are some curiosities in the language, even now, which presumably we will have to look at in legislation or one way and another, because they ... I mean the Jersey argument as to why they had to be upgraded in 2010 and subsequently is because of the complicated relationship between ourselves as a parliament and the Crown and I appreciate that.

But much of the language is still old-fashioned. For example, one of the canons, I believe live in Jersey, is the 39 articles – not the 39 Members who can vote at the moment – but the 39 articles 'agreeable to the word of God' and maybe assented into with a good conscience by all members of the Church.

Then we have the 'form of God's worship contained in the said Book of Common Prayer, as it is not repugnant to the word of God, may be used by all members of the Church with a good conscience'. Here again, 'not repugnant to the word of God' and the 'government of the Church of England', of 'schisms', of 'conformity of worship', 'it shall be lawful within Jersey to use all forms of worship adopted by the General Synod to adopt forms of services for use in the Church of England' – Canon B1.

We are effectively saying yes today to these canons, which are written in relatively 18th Century language for the most part. Oh yes, here is another one, B6:

Of Sundays and other days of special observance:

The Lord's Day, commonly called Sunday, is ever to be celebrated as a weekly memorial of our Lord's Resurrection and kept according to God's holy will and pleasure, particularly by attendance at divine service, by deeds of charity and by abstention from all unnecessary labour and business..

The Table of Feasts ...

So we are effectively saying yes today, in broad terms, to mandating for Anglican worshippers and people who perhaps occasionally go, these canons, that not everybody who goes to different branches of the Church of England, from Anglican to liberal, to evangelical, will necessarily agree with anyway.

So from a purely abstract theological point of view, we are acting more as a 17th Century Assembly than a 21st Century Assembly. It will make interesting reading when these canons are published and to what effect they will have in terms of States or legislative involvement with them. But I support this, but as I say there is not enough material in this policy letter, really, describing what the canons are and what purposes they fulfil and how they will matter.

The Bailiff: Deputy Roffey.

Deputy Roffey: Yes, sir.

Deputy Gollop is obviously fascinated by the content of this policy letter. I am at the opposite end of the spectrum. I think I am right in saying that the only times I have ever abstained in this Assembly is when I feel I have too strong a personal interest to vote. I am tempted to abstain on this occasion, simply because I do not feel I have enough of a personal interest to vote.

I feel uncomfortable trying to organise the Church of England's affairs because I am not a member of that club. I do not tell the Catholic Church how to arrange their affairs; although I was accused of it a couple of months ago, I know. I do not tell the Methodist Church how to arrange their affairs or the Seventh Day Adventists. And yet I am being asked to do that in relation to the Church of England.

I know it is an Established Church, but I do wonder why, as a parliamentarian, I have a role in actually organising things. I would also, from the outside, question paragraph 1.5, that says this whole chain of events has been brought about because of a breakdown in the relationship between the Deaneries of Jersey and Guernsey and the Diocese of Winchester. It felt to me from the outside it was a breakdown between the Deanery of Jersey and Winchester and that Guernsey was more or less on the coattails. But as it says otherwise in this policy letter I have to accept that that is the case.

I probably will vote in favour because it is an Established Church, therefore we do have a role. I just want to put on record that I feel very uncomfortable about that and I think it is time that that arrangement came to an end. I do not know whether we have the option to do that in Guernsey before it happens in the UK or not but, if we do, then I would certainly advocate going down that route.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you.

It has been a fascinating policy paper because it fascinated Deputy Gollop on a number of things and opposite, perhaps, things for Deputy Roffey. I must say I have spent actually unexpectedly more time on this than I thought I ever would. I wanted to share some of the research I have done because it has been very interesting.

I think, in terms of this policy letter, there are three Propositions but Proposition 2 actually has four subsections, (a), (b), (c) and (d), and they are all of actually really different matters but they have all been bundled up into one. I think, absolutely, the Church is such an ancient organisation and continues playing a really absolutely crucial part in our community and our society and this interplay between the State and the Church has been ongoing for, obviously, centuries and we are where we are at the moment.

I just wanted to draw the Assembly's attention more specifically to Proposition 2(d), which is in relation to the simplified mechanism for the application to the Bailiwick of measures of the Church of England, as set out in section five of this policy letter. I think it is important to draw the Assembly's attention to the way that the UK system currently works.

So, if the Church of England wants to pass a certain measure they propose it to the Ecclesiastical Sub-committee, which is elected with each election and composed of Lords and Members of Parliament. If the Ecclesiastical Committee is happy for that measure to be then proposed to Parliament, it does so and I think pretty much on all occasions the measures go forward to Parliament.

What is important is that those measures are then seen by both the House of Commons and the House of Lords and usually, again, both Chambers nod through the measures, even though historically there has also been controversial measures that did not get, I think I believe, approvals.

So I think, just looking at the way the system works in the UK, it is absolutely considered by the UK Parliament and considered by both Chambers and I think, I guess, in relation to Guernsey, obviously we are a different jurisdiction, we do have different Laws and regulations and the reason, when Church measures are extended to the Crown Dependencies, they require that the measures are aligned to our Laws, practices and customs in the Channel Islands. And it is in relation to this, because we have different Laws, customs and practices, I believe, actually I think it is important for the Assembly to retain that opportunity to look at those measures, which is consistent to the way it is done in the UK. It is consistent to the way it is still done in Jersey.

The policy letter refers to the fact in section 4.6 that the States of Jersey approved equivalent measures to provide for the attachment of the Bailiwick of Jersey to the Diocese of Salisbury. So, yes, just to confirm that what Jersey has approved and discussed is not what we are fully approving in this policy letter. They have approved a number of things, which is Proposition 2(a), the attachment of Jersey to the Diocese of Guernsey, but they had not considered any other mechanisms that simplify the processes.

1490 So I then had a look at how many measures are passed by the Church of England and is this a real issue in terms of the process of our involvement and the time it may take? I do not recall any measure being presented to us in this parliament yet. I may be wrong but I do not recall seeing that.

1495 So I looked overall at the list of measures that have been passed by the Church of England. It seems like there is, perhaps, one every year, or less. Not all are applicable to us. For example they had measures on the cathedrals. We obviously do not have any cathedrals so something like that would not be applicable to Guernsey.

1500 So overall it is not something that is very frequent and so at the moment I am just simply questioning whether there is really a need and, I guess, a business case for changing what works and right now, you know, I really have not seen evidence that the process, in terms of how the measures are approved, when they have to go to the Channel Islands, there is a case for them to really change.

1505 I would be curious to hear if there is anyone else who wants to contribute to this debate and Deputy Ferbrache in summing up. But I am currently mindful and I have asked whether we could vote separately on Proposition (d) specifically. I am currently minded to vote against that but I am curious to hear other Members.

1510 I think, because the relationship between Church and State has been so long and so important, I do think it is important to continue to retain that interface where us as a parliament come back to and whether we feel comfortable or not comfortable, it provides an opportunity for debate and if we adopt Proposition (d) we would only see those measures passed with instruments that we can just annul. We would not really be able to suggest them. So I think it reduces the opportunity for us, as elected Members of our community, to just have that very infrequent oversight.

So I would welcome further contributions from colleagues on this and, as I said, I would like to propose that we vote separately on Proposition 2(d).

1515 Thank you.

The Bailiff: Deputy St Pier.

1520 **Deputy St Pier:** Sir, I am probably with Deputies Roffey and Ferbrache in terms of my position on this policy letter. But accepting that we do presently have an Established Church and therefore it is our responsibility to look at this matter.

1525 I am also conscious that Deputy Ferbrache has said he has picked this matter, this hospital pass, up at fairly short notice in the absence of one of his colleagues on the Policy & Resources Committee. But I am sure, it is a short policy letter, he will have no difficulty with the questions I may ask.

1530 If perhaps Deputy Ferbrache would like to turn to figure one, there is not a page number, but under 5.2 and compare that to figure two on the next page, under 5.4, which is the simplified process. I think there is one thing this policy letter teaches us. The genesis of this story – pun intended – over an extended period, together with the complexity, which is quite apparent on figure one, does at least teach us that perhaps there are some institutions which are even more complex and even slower to achieve reform and change than perhaps the States of Guernsey. I am sure that is something which speaks very much to Deputy Ferbrache's heart.

1535 Figure two, which is the simplified process, still does not look terribly simplified. I will not seek to ask ... I was tempted to ask Deputy Ferbrache to talk me through figure one, but I am conscious that time moves on and no doubt people would like lunch. So I will not ask him to do that. I think I have made my point.

1540 I am also curious to notice under paragraph 9.2 that the Policy & Resources Committee have made quite a bold statement at the end of that paragraph that they believe that this arrangement is going for be fit for purpose 'for at least the next 450 years'. I would be quite interested to know what the evidence is for the Policy & Resources Committee reaching that very bold and ambitious conclusion.

I know that neither Deputy Ferbrache, nor I, will be around should this matter be reviewed in 350 years, rather than 450 years!

1545 **Deputy Ferbrache:** Could I ask Deputy St Pier to simply speak for himself! (*Laughter*)

Deputy St Pier: Yes, well I am conscious that Deputy Ferbrache does regard himself as immortal! (*Laughter*) But nonetheless I am curious to know how that statement made it into the policy letter from the Committee.

1550 Thank you, sir.

The Bailiff: Deputy Bury.

Deputy Bury: Thank you, sir.

1555 I am not a religious person but I would describe myself as a spiritual person and I know what comfort and peace that brings to me and therefore I do have great respect for religion and what it brings to people in our community. But I do find it difficult, because fundamentally I disagree with the entanglement of Church and the States. Similarly to Deputy Roffey, actually, it just makes me a bit uncomfortable, particularly with one denomination of one religion.

1560 But as Deputy Ferbrache alluded to, we are where we are and so that is what we are doing today but I think, as others have referred to, perhaps, we should start looking at where we are. That is not only from a values-based, personally it is probably from a values-based thing because I believe in our modern society we are a bit more multi-cultural, but also from Government point of view, in terms of resources. This is actually taking Government time and will do throughout the process. It mentions Law Officers, etc. and we struggle with that. Getting the work of Government done.

1565 So perhaps there are two different points of view to look at it there. But one of the points that I just wanted to make, which is on a similar line, was in 5.3, where it mentions that it is essential that appropriate checks and balances are retained and that there is scrutiny, etc., and that proportionate, necessary to comply with legislation and international obligations.

1570 That is what confuses me, really, as to why that is our role to oversee within the Church. Because Laws are Laws and everyone has to adhere to them. I drew a slight comparison to a recent situation we had with the cannabis industry, when the MoU came in and the licensing, and when some applicants did not reach the bar that they needed to, they did not get their licences. The answers that we were really given were that they should know their industry and they should know the bars that they should be reaching and then they get their licences.

1575 It is a bit of a tenuous comparison but I think that the Church and anyone really should know the Laws that they should be operating within. So really, I suppose, the question there for me was why is that our job? But I think it probably goes back to the point that I am making in the first place, that fundamentally I just disagree with our involvement altogether and I wonder how the Church feel about us arranging their affairs, also.

1580 So that is where I sit on this and, a bit like Deputy Roffey, I may abstain, which I really do not like to do because I think as parliamentarians it is our job, you know, and we often get told it is our job to have an opinion and use our vote, but I think because I have a wider point of view and this is perhaps a smaller segment of that, I may abstain on this but I will wait to see how Deputy Ferbrache sums up.

1585 But on a final note, I do think that 2(c), a man or woman may be consecrated as a bishop, is a good one.

Thank you, sir.

1590 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Thank you, sir.

I am going to be speaking very quickly but I thought I would stand up as it enables me to say the longest word in the English language, which is disestablishmentarianism, and I too, like Deputies Ferbrache and St Pier, am not religious, but I think what we have got here is necessary in current circumstances. Until the Church is not the official Church and it is disestablished, this is a positive way forward.

The Bailiff: Deputy Inder.

Deputy Inder: Only briefly, sir.

I know this comes under the Reform Law but just a point of clarification. Does a super-majority kick-in under ...? It does not at all.

The Bailiff: Deputy Aldwell.

Deputy Aldwell: Thank you, sir.

I am going to say very little. But I am delighted to see this. I know it has been a long time coming and there has been a lot of work gone into this. We have the Queen's Jubilee – she is the head of the Church of England – which we will be looking forward to in June, and I just wanted to say that I wholeheartedly support this and I wanted to put that across. The Church is in our Island. It means a great deal to many people and through COVID it saw a lot of people through. So I wholeheartedly support this.

Thank you.

The Bailiff: Deputy Trott.

Deputy Trott: Yes, sir.

Equally very briefly and noting Deputy Ferbrache's quest for immortality, if this States' Report goes through, I shall write to the Bishop of Salisbury requesting that Deputy Ferbrache be canonised and I shall insist upon action this day, sir!

The Bailiff: Before I invite the President to reply, can I just check, Mr Comptroller, that the question raised by Deputy Inder, this is not an amendment to the Reform Law, so the so-called super-majority does not apply? It is being put before the States pursuant to Article 72(a) and that is a simple majority.

The Comptroller: Sir, that is absolutely correct.

The Bailiff: Thank you very much.

Deputy Ferbrache to reply to the debate.

Deputy Ferbrache: Thank you, sir.

Deputy Roffey, Deputy St Pier, Deputy Bury and Deputy Soulsby and myself all share, I think, very similar views in relation to religious matters. But that is not the point. We do have an Established Church relationship. The Church of England is the Established Church and therefore there is a statutory and constitutional circumstance arising from that and we have to deal with it.

In relation to the figures, and it is a point raised by two Deputies really, figure one, at 5.2 and figure two at 5.4, one is slightly less complicated than the other. One has got about 363 different bits, the other has got about 92. I am exaggerating slightly. I would have taken, in my previous job when I was an advocate and I could charge my money almost by the minute, I would have taken him happily through both 5.1 and 5.2, spent a good hour and a half and he would have been none the wiser at the end of it and neither would I. But it is an effort to simplify the procedure and I think we ought to respect that.

1645 As to the 450 years, I think it was also a point made by Deputy Gollop in a different context, if I understood his speech correctly, if we look at paragraph 2.2 of the policy letter, we start with 2(a) 933, even Deputy Brouard and I were not around at that time.

Guernsey integrated into the legal and administrative systems of the Duchy of Normandy and became part of the Diocese of Coutances;

1650 And this is where we first see the reference to Salisbury. In 1496, King Henry VII obtained a:

... Bull from Pope Alexander VI transferring the islands from the Diocese of Coutances to the Diocese of Salisbury;

And our 450 years at (c), June 1568:

Queen Elizabeth I advised that she "annexed and united" the Islands to the Bishops of Winchester who were required by Her Majesty "to govern and direct Our ecclesiastical estate in the said Isles".

And again there is a reference over the page, 1569, letter by letter Queen Elizabeth I confirmed by Order in Council that the Islands were:

1655 ... "perpetually united" to the Diocese of Winchester and constituted the Bishop as Ordinary of them;

So whether it is 450 years ... I give way, sir.

Deputy St Pier: Sir, it was just to question Deputy Ferbrache. Was 1568 the year that his outside toilet was first plumbed in? *(Laughter)*

1660 **Deputy Ferbrache:** Could I just say, sir, I think that free from the responsibilities of office, Deputy St Pier has developed a sense of humour, for which I am very grateful.

1665 But in relation to all of that, and I am very grateful also to Deputy Trott because he and I can stand together for eternity in relation to that. I am sure people and the pigeons will be very pleased about that going forward.

1670 But turning back, seriously, to this thing. I would ask, and I do note the point made by Deputy Roffey, we do have this relationship, it is a relationship, we still see it in the States of Election. I think maybe that that is a matter that will change, etc. But at the moment we still see the Deans have a right of voting to elect our Jurats. It may be that the role of the Church, in some people's minds, is diminishing. It may be that that relationship, in due course, should be changed, but that goes far beyond this very brief, and I hope reasonably clear, policy letter, and I ask everybody to endorse the Resolutions.

1675 **The Bailiff:** Members of the States, in terms of voting, is there anyone who desperately does want to abstain? In which case we would have to have recorded votes for those where there is going to be abstentions? Okay.

1680 Can I propose that we take Proposition 1 first, *aux voix*, but in Proposition 2, because this is in accordance with Article 72(a) of the Reform Law and the measures that would be passed will not be a single measure to deal with these matters but would be, I think, at least three, that we take (a) and (b) together, (c) separately and (d) separately, because this is an opportunity for the States to signify their position in relation to the proposal to extend a measure that is referred to on the face of Article 72(a).

1685 If that is the area where there will be abstentions, they will be done by recorded vote, unless you are minded to agree that we deal with it without there being an oral recorded vote, but by way of people standing in their places for the different votes that they want to do and we can record it that way, which might be a bit quicker. And then, 3, we go back *aux voix*.

Members of the States, are you content with that proposal? (**Several Members:** Pour.) Thank you very much.

So Proposition 1, to note the recommendations, those in favour; those against?

Members voted Pour.

1690 **The Bailiff:** I declare Proposition 1 duly carried.

Now in relation to Proposition 2(a) and (b), because I do think they will be dealt with together, can I invite any Member who wants to vote against to stand in their places? And can I invite any Member who wishes to abstain to stand in his or her place?

1695 So we will record that Deputy Bury is abstaining but otherwise everyone who is present, and Greffier, you will note that there are some Members who are absent at the moment, so that is Deputy Dudley-Owen, Deputy Le Tocq and Deputy Taylor and Deputy Blin. Thank you very much. And Deputy Fairclough.

Carried – Pour 31, Contre 0, Ne vote pas 1, Absent 7

POUR

Deputy Aldwell
Deputy Brouard
Deputy Burford
Deputy Cameron
Deputy de Lisle
Deputy de Sausmarez
Deputy Dyke
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Mahoney
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Parkinson
Deputy Prow
Deputy Queripel
Deputy Roffey
Deputy Soulsby
Deputy St Pier
Deputy Trott
Deputy Vermeulen

CONTRE

None

NE VOTE PAS

Deputy Bury

ABSENT

Deputy Blin
Deputy Dudley-Owen
Deputy Fairclough
Deputy Le Tocq
Deputy Taylor
Alderney Rep. Roberts
Alderney Rep. Snowdon

1700 **The Bailiff:** Similarly in respect of Proposition 2(c), is there any Member who wishes to vote Contre? And is there any Member who wishes to abstain? Deputy Bury, thank you very much. So similarly we will record that as those in favour, those against zero, those absent and one abstention.

Carried – Pour 31, Contre 0, Ne vote pas 1, Absent 7

POUR

Deputy Aldwell
Deputy Brouard
Deputy Burford
Deputy Cameron
Deputy de Lisle

CONTRE

None

NE VOTE PAS

Deputy Bury

ABSENT

Deputy Blin
Deputy Dudley-Owen
Deputy Fairclough
Deputy Le Tocq
Deputy Taylor

Deputy de Sausmarez
Deputy Dyke
Deputy Falla
Deputy Ferbrache
Deputy Gabriel
Deputy Gollop
Deputy Haskins
Deputy Helyar
Deputy Inder
Deputy Kazantseva-Miller
Deputy Leadbeater
Deputy Mahoney
Deputy Matthews
Deputy McKenna
Deputy Meerveld
Deputy Moakes
Deputy Murray
Deputy Oliver
Deputy Parkinson
Deputy Prow
Deputy Queripel
Deputy Roffey
Deputy Soulsby
Deputy St Pier
Deputy Trott
Deputy Vermeulen

Alderney Rep. Roberts
Alderney Rep. Snowdon

The Bailiff: And for the simplified mechanism, which is really straight forward, let's face it, those who want to vote against, those Members who wish to abstain, Deputy Bury again, and Deputy Kazantseva-Miller. So this time we will have the two abstentions recorded.

1705

Proposition 2(d)

Carried – Pour 31, Contre 0, Ne vote pas 2, Absent 6

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Aldwell	None	Deputy Bury	Deputy Dudley-Owen
Deputy Blin		Deputy Kazantseva-Miller	Deputy Fairclough
Deputy Brouard			Deputy Le Tocq
Deputy Burford			Deputy Taylor
Deputy Cameron			Alderney Rep. Roberts
Deputy de Lisle			Alderney Rep. Snowdon
Deputy de Sausmarez			
Deputy Dyke			
Deputy Falla			
Deputy Ferbrache			
Deputy Gabriel			
Deputy Gollop			
Deputy Haskins			
Deputy Helyar			
Deputy Inder			
Deputy Leadbeater			
Deputy Mahoney			
Deputy Matthews			
Deputy McKenna			
Deputy Meerveld			
Deputy Moakes			
Deputy Murray			
Deputy Oliver			
Deputy Parkinson			
Deputy Prow			
Deputy Queripel			
Deputy Roffey			

Deputy Soulsby
Deputy St Pier
Deputy Trott
Deputy Vermeulen

The Bailiff: And then we will go *aux voix* to give you something to do, for the third Proposition? Those in favour; those against?

Members voted Pour.

1710 **The Bailiff:** I declare Proposition 3 duly carried.
Thank you very much. That was probably quicker than if we had had three fully recorded votes.

POLICY & RESOURCES COMMITTEE

6. Review of COVID-19 Response – Debate commenced

Article 6.

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'Review of COVID-19 response' (dated 15th March 2022) they are of the opinion either: -

1. To direct the Policy & Resources Committee acting with the Committee for Home Affairs to complete a programme of debriefing reviews through the Guernsey Local Resilience Forum, co-ordinated with audit reviews; and that the reviews -

(i) will have regard to the States of Guernsey's strategic response and the effectiveness of that response in the management of the impact of the COVID-19 pandemic on the Bailiwick and its residents;

(ii) will include a high-level desk top review to create a factual record of the key strategic elements of the handling of the COVID-19 pandemic; and summarise the impact on the Bailiwick and its residents, and the cost, of the Bailiwick's handling of the pandemic; and

(iii) will be submitted for consideration by the Principal Committees, and the lead committees of the States of Alderney and the Chief Pleas of Sark, and the Scrutiny Management Committee.

Or

2. To direct the Scrutiny Management Committee to tender in accordance with States of Guernsey procedures for an independent entity or person to undertake a strategic review against the terms of reference set out at Appendix 1 of the above policy letter.

3. To direct the Policy & Resources Committee to use its delegated authority over the budget reserve to make funding available in line with the States' preferred option to progress a review in accordance with the costings set out in the policy letter.

The States' Greffier: Article 6, Policy & Resources Committee – Review of COVID-19 Response.

1715 **The Bailiff:** And I invite the Vice-President of the Committee, Deputy Soulsby, to open the debate.

1720 **Deputy Soulsby:** Sir, this is a straight-forward policy letter that fulfils a Resolution of the States made just at the end of January, to look at how a Review could be progressed into the Bailiwick's COVID response. The Committee has been mindful of different views on the matter and so has provided two options for Members to consider.

The first option and the one that P&R is recommending is pragmatic and comprises a programme of best practice de-briefs, already in train, supplemented by a high-level desktop review. It is doing so on the basis that, firstly, it is best practice, with an established method that can be adopted and adapted, such as with internal audit. Secondly, it will provide a swift, manageable and cost-effective approach to identify actions to improve preparedness across a diverse range of multi-agency activity engaged in the response to the pandemic.

Thirdly, it will provide factual accounts, which can be considered by operational committees and facilitate future hearings as considered appropriate, and to continue the method already used by the Scrutiny Management Committee for effective political accountability. And lastly, it will allow the expedient consolidation at a cross-committee level, of an objective, factual summary and associated evaluation of impact and cost.

The other option, the full fat one, as it were, which the Committee does not recommend, is that steps be taken to commission an independent entity or person to undertake a review against the terms of reference set out in the appendix of this policy letter. The reason for not recommending this option now is because, firstly, a comprehensive and independent review will be complex, engage a wider range of services and officers, impact current programmes of work and it will be potentially long-running, with questionable additional value, compared with alternative approaches.

Secondly, we are now monitoring and mitigating against new threats. Life really does move on and it certainly has over the last few months. And thirdly, the Bailiwick has only just ceased living under Emergency Regulations and the world is still at pandemic status. This remains an expediting determination of any improvements in the Bailiwick's response to COVID-19 should be encouraged rather than wait until the findings of such a review are published.

Now, when we debated the amendment back in January, there was concern that the cost of such a review could be around £100,000. We have included an indicative figure of £250,000, based on the terms of reference, which could vary, depending on who is chosen to undertake such a review. In addition, since the policy letter was published, the Government of Jersey has announced that it has commissioned a £500,000 review led by Sir Derek Myers and Professor Maggie Rae. Members might be interested to know that the review has already started, with a call to Islanders to contribute their experiences.

This is something that was done during COVID here, both externally by independent researchers and also through various States' services, immediately after the first lockdown and towards the end of the pandemic.

Now, it is quite possible that there may be aspects from the Jersey as well as the Isle of Man review that will be of interest to Guernsey, although it was interesting to read the following from a summary of people's responses in Jersey. I quote:

For some a comparison, say, with Guernsey is useful. For others, Jersey's willingness and ability to decide its own laws has been more important.

We are not Jersey, of course, and it is fair to say we did adopt a very different approach to managing COVID to our nearest neighbours. At the same time, from the feedback we have received from meeting with Principal Committee Presidents and the Scrutiny Management Committee and Members generally, and the Guernsey public, for that matter, we do not believe that there is the same desire here to undertake such a broad-based and expensive review.

We are mindful of the fact that there have already been hearings, after the first lockdown, as well as scrutiny in this place from Members throughout the pandemic. Internal Audit reviews have been undertaken, focussed on the business support and COVID-19 costs and there will be reviews of how the strategic response was put into operation by the Guernsey Local Resilience Forum.

Taking these reviews, as well as the desktop review of the strategic response, impact and cost, will provide a considerable amount of evidence in a timely fashion. It should not be forgotten, either, that it was clear from the hearings after the first lockdown that, despite the pressures of the pandemic throughout the response, there was a conscious commitment to acknowledging,

documenting and addressing challenges when they arose, supporting real-time learning and development. It is for all the above reasons that the Committee supports option one and asks Members to do likewise.

Thank you.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you.

I will speak early so I can just give a view of the Scrutiny Management Committee, which may aid people in their deliberations. So I am speaking on behalf of the SMC, as the committee which will be involved should the Assembly approve either of the options before them today. Firstly, I wish to outline the impact of option one and option two on the timescales for delivery of the existing planned work of the Scrutiny Management Committee in 2022 and possibly beyond.

I will start with option two, which if chosen would direct the Scrutiny Management Committee to tender for an independent entity or person to undertake the strategic review. If this option is approved, the work to produce the report by the external agency or consultant would then need to be supported by the Scrutiny Management Committee's officers.

The exact details of this report are somewhat opaque in the policy letter but this is likely to include organisational support. However, more importantly, it would also most likely fall to the SMC to undertake the work necessary to allow a final report to be published.

It is not clear from the policy letter what level of support would be expected from SMC staff. However, based on previous experience and if costs are to be controlled effectively, then the SMC staff would likely be required to provide a significant level of support and advice to those charged with conducting the proposed review. Given that the review planned in option two could take up to six months to complete, it is reasonable to assume that this work could inhibit progress on the planning work programme of the SMC throughout the remainder of 2022.

A further particular matter of concern for the SMC relates to the process that might be necessary to access all relevant information. In order to finalise and publish the report and, as I highlighted previously in this Assembly, the States would inevitably face complex confidentiality issues. Initially, this would be in relation to gaining access to all the relevant information required to access the work and decision-making of the Civil Contingencies Authority during the review period.

The CCA, the Committee *for* Health & Social Care and the Policy & Resources Committee will all need to determine whether to approve the release of their minutes or the required parts of the minutes and papers. At this stage it is unknown whether there are any third parties whose interests would be engaged by such a release or the potential release of this material.

It might be necessary to negotiate release on a restricted basis to the chosen reviewer to allow an initial evaluation of the evidence to be completed. In the policy letter, P&R says that confidentiality is a particular challenge, stating:

... in a small jurisdiction, where matters of fact can more easily lead to the identification of individuals or entities. This will have to inform the approach adopted.

Further, they acknowledge that the Civil Contingencies Authority, the Committee *for* Health & Social Care and the Policy & Resources Committee will need to determine whether to approve the release of those minutes or papers. This will place a particular demand on the reviewer and those supporting the review within the SMC, who will need to assist the reviewer to navigate a route through the process. No doubt, with substantial independent legal advice being accessed in order to make it possible to be able to present the report's findings.

It is important to understand that it is necessary to try and resolve any issues around what could or could not be published in any publicly released report at an early stage in the process, as unauthorised disclosure of information regarding the CCA is of course a criminal offence.

Experience on similar projects involving complex confidentiality matters suggests that this task could be a time-consuming process, because if any of the personnel who served on the CCA during

the period of the COVID review refused permission to have their information considered, it could potentially limit the worth of any final report and, in a worst case scenario, render the whole exercise largely pointless.

1825 It is also important to acknowledge that a wide-ranging and detailed review would inevitably place a considerable burden on those public servants who would be charged to produce all the information necessary to support the review process, such as staff in Public Health and those officers who have supported the CCA.

1830 Turning now to option one, which is being supported by the Policy & Resources Committee and would direct that that Committee, acting with the Committee *for* Home Affairs, complete a programme of de-briefing activities examining the States of Guernsey's strategic response and the effectiveness of that response in the management of the COVID-19 pandemic.

1835 If this option is selected it could also potentially have an impact on the timing and delivery of the existing work programme of the SMC. Specifically, to comply with this direction, the Scrutiny Management Committee would need to receive and consider all the reviews and de-brief documentation when produced, as outlined in the report under option one, then analyse all of this material to determine the most appropriate next steps. When this process was complete, SMC would then produce recommendations for any further investigations that they believe are necessary or appropriate.

1840 It is acknowledged in the policy letter that to expedite this work, a new post may need to be created, a co-ordinator to undertake this work. The Policy & Resources Committee estimates that this would not likely exceed a value of around £40,000. However, the Policy & Resources Committee do accept that some further funding to run hearings may be required.

1845 It is inevitable that the required analysis outlined above will need to be led by senior staff within the SMC, thus limiting their ability to undertake alternative planned work, certainly throughout the remainder of this year. It is also inevitable that the review outlined in option one, would place an additional burden on other public servants.

1850 It is a matter of concern to the SMC that no clear end point is identified within the report by which all the activities detailed in option one will be concluded. This perhaps unsurprisingly is of concern to the committee, given that it may therefore be an ongoing commitment to use SMC staff time on these activities moving forward.

1855 The Policy & Resources Committee is recommending option one on the basis that they believe the programme of best practice de-briefs, supplemented by a high-level desktop review, is best practice and to provide a swift, manageable and cost-effective approach, that the development of high-level metrics through this process may allow comparison with other jurisdictions as they complete their own reviews. The objective evaluation of the SMC is this process is unlikely to be swift, has undefined costs and is unlikely to enable meaningful comparisons with other jurisdictions.

1860 In summary I would state that, notwithstanding what I have outlined, my committee will of course engage positively with whatever the Assembly directs today but it is only right that I inform it of the likely impact of those decisions. My committee yesterday wrote to the President of Policy & Resources with the terms of reference for the Agilisys review for his Committee's consideration. A major review that I previously advised this Assembly would be commencing in the summer. Approving one of these options today will have a lesser or greater effect on the timescale and possibly the cost of that review.

1865 Having set out the potential impact on my committee, I will now make some personal observations on the matter of COVID review and other members of my committee may well do likewise.

1870 However well we think we might have done with COVID, and I think we did do well, that should not make us shy away from scrutinising the issue. There are always lessons to be learned and matters to be understood better. I am not averse to spending what might seem a significant sum on a major review when we have already spent somewhere in the order of £100 million on COVID. Proportionately, this is entirely justified.

1875 However, I have two concerns. First, COVID is not necessarily over yet and, secondly, the possibility of significant amounts of vital information being redacted or not released at all throws into question the usefulness of the review. In terms of the mini-review, it does rather seem like Committees marking their own homework and it is hard to see an end date to it. I am not averse to these internal processes being undertaken at all, but I am not sure what substantial additional value will be achieved by collating them.

I do not know yet which way I will vote and I will be listening carefully to the debate and, in particular, the comments from the Committees involved in the COVID response.

1880 Thank you.

The Bailiff: Members of the States, it is time now to adjourn until 2.30. But just in case there is any desire to continue into the lunchtime to conclude the business of this Meeting, can I just have a sense of how many people are likely to speak in debate?

1885 We will adjourn until 2.30! *(Laughter)*

*The Assembly adjourned at 12.33 p.m.
and resumed at 2.30 p.m.*

POLICY & RESOURCES COMMITTEE

Review of COVID-19 Response – Debate continued – Propositions 1 and 3 carried

The Bailiff: Good afternoon, Members of the States, who wishes to speak on this matter?
Deputy Queripel.

Deputy Queripel: Sir, thank you.

1890 Sir, I am with P&R all the way down the line on this one. Paragraph 1.6 absolutely nails the whole issue because it says everything that needs to be said in just two sentences. I will read those sentences out for the benefit of people listening on the radio, who might not be aware what they say. It says:

The Committee recommends the first option to the Assembly, considering this provides a sufficiently robust yet proportionate approach to the review. The approach allows the core objectives of any review of the pandemic response to be fulfilled – an understanding of decision-making and operational frameworks to support future preparedness and resilience – without incurring significant expenditure or detracting unnecessarily from the ongoing recovery work.

1895 As we are told in paragraph 1.4, on page four, it is anticipated that pursuing option two would cost around a quarter of a million pounds and if a panel approach was engaged to address wide-ranging topics then the cost would increase.

1900 Paragraphs 6.1 to 6.5 tell us about the evidence that has already been compiled by the Scrutiny Committee via the hearings they have already undertaken. Paragraphs 6.3 through to 6.9 tell us all about P&R's review of business support and COVID-19 costs and paragraphs 6.10 through to 6.18 tell us all about the involvement of the Guernsey Local Resilience Forum and paragraphs 6.19 and 6.20 tell us about the issue of contingency planning. So a lot of work is already being done and a lot of work has already been done.

1905 Paragraph 7.2 tells us that option one seeks to continue with the internal audit reviews and complete a programme of debriefing reviews through the GLRF, combined with a high level desktop review of fact, to summarise impact and cost of the Bailiwick's response and that all makes perfect sense to me, sir, which is why I will be supporting Proposition 1.

Sir, I will finish by saying I was rather confused by what Deputy Burford said when she spoke. It came over as whatever option the States decide upon, it will put a lot of pressure on the Scrutiny Committee and they will not be able to do the work that is needed, without having to drop other areas of work they have lined up. That really confused me because I thought Scrutiny had already considered what they were going to do for the year and factored in time for real-time scrutiny. So I am confused about that, because real-time scrutiny could be on issues that happen at any time.

So unless someone can persuade me otherwise, I will be supporting Proposition 1 and, in closing sir, I ask for separate recorded votes, please.

Thank you.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

I have only got a few points to make but I believe that they are all valid in terms of the context of this debate. Having spent a sizeable chunk of my career up there, Mr Bailiff, I know what it is like to be adopting the stance towards independent inquiries that the current Policy & Resources Committee are. Because I cannot ever remember favouring one when I was custodian of the purse strings.

There was one in particular that former Deputy Lowe will recall, clearly, to do with my intervention when I was Chief Minister, into the Airport firefighters' dispute. There was an independent inquiry. The belief at the time was that it could cost up to a quarter of a million pounds, or at least that was the belief of those who did not want it to happen, when it was a fraction of that cost. In fact, all the independent inquiries that I can recall in my 22 years, have come in at significantly less than had been expected. It is, if you like, an old ruse to put people off.

Now, this morning, when Deputy Soulsby was introducing the item, she made it clear just how complex this issue is and of course she is absolutely right. It is complex, it is multi-faceted, and it is complex issues like this that require an independent set of eyes.

I forget who it was – it may have been Deputy Burford – who said, 'Look in the big scheme of things the percentage that we are likely to spend,' – my guess is it will come in materially under six figures – 'is a fraction of the overall cost of spending.' But of course it runs much further. It is not really about the money, it is more about the context, the issue.

Because it is not just about the money. People lost their lives. Now I am not suggesting for a moment that anything happened at policy making level that contributed to that. In fact, I think we were an absolute exemplar. But for the community to believe the outcomes of this review, I believe very strongly and very passionately that it should be carried out by independent persons.

So, sir, I shall be supporting Proposition 2. I think it is the right way to proceed, but I do completely understand the reasons why the Policy & Resources Committee are adopting the position they are, because if I was in their stead I probably would too. But that is not to say that I think it is the right decision in this case because I absolutely do not think it is.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you.

I think that was an interesting and challenging speech from a former Chief Minister, Deputy Trott, because of course he was, in the previous States, a senior Member of Policy & Resources and Deputy Chief Minister and occasionally alternate Chairman of the CCA. For the first part of our dreadful pandemic, when Sir Richard Collas was still Bailiff, and you, sir, became Bailiff, indeed Deputy St Pier and Deputy Trott were in the driving seat of many of the important decisions that had to be made and were made. Therefore, to a degree, Deputy Trott is actually calling for a thorough review into the whole period, which includes the transition of Government.

I can see the arguments that it is a bit of an expense and that it also pushes the resources of Scrutiny but my instinct says we would be better off having an independent review. If you look at the two options, the first option is:

To direct the Policy & Resources Committee acting with the Committee *for* Home Affairs to complete a programme of debriefing reviews through the Guernsey Local Resilience Forum ...

Well that is a new body on me and it appears to be a multi-agency group with perhaps an historical context of being formed from within policing areas. Resilience is important but I think that might secure it a little bit towards just looking at operational logistics and I think their own view needs to be broader than that. Because the clauses then say have regard to the strategic response and the effectiveness of that response and:

A high-level desk top review to create a factual record of the key strategic elements of the handling of the ... pandemic; and summarise the impact ...

Well I think, really, we know the impact. We might not know it in detail. We might not know every aspect of it in terms of everything from health policy and human rights to the economy. But I think a review is actually not so much asking how things happened but why they happened and what the decisions were and what we can learn from them for any future or continuation of the situation, and to also raise some of the dilemmas or trilemmas that existed in the minds of people.

You see, I am a great fan of the Scrutiny Management Committee. Indeed, I sit on one of their panels, the legislation one, and I did indeed sit on Scrutiny itself, as a politician, as a Deputy for eight years. But it is still relatively novel in a Guernsey context and I think we know that when you look at Scrutiny functions in other places, whether they be large local councils or the States of Jersey or the Isle of Man, their parliamentary teams and/or scrutiny teams – and in a way Scrutiny is a form of select committee structure – are greater than ours in terms of size, number of staff, and cost.

Perhaps we overly reduced our scrutiny function, although I am pleased to see this Scrutiny Management Committee actually utilising retired States' Members and other people from the community to assess.

But I cannot remember off the top of my head, the cost of Scrutiny per year, but I think it is around about half a million pounds. If you look at last year, which admittedly was an exceptional year, you see published on the website four *Hansards* of four interesting days, or half days, of scrutiny into key committees from Health & Social Care to Policy & Resources.

But it does seem not the cheapest of services, although Scrutiny does cover other things, like contract review, supporting the Legislation select committee, although we also get support from St James' and the paralegal team, it does seem to me that maybe that half a million resource of Scrutiny could be utilised for something of this importance, because this, perhaps combined with the impact of the Tax Review and the Government Work Plan, are the biggest things of this time and therefore perhaps a redirection of the efforts of Scrutiny in getting on with this job and, of course, they will be tendering anyway for suitable panellists to get on board. But we really do need to beef up Scrutiny and Scrutiny has an opportunity here to really make a dynamic impact on our society, on our parliamentary system and indeed on the future.

So I would lean towards a Scrutiny investigation because to me analysing whether we made the right decisions with health or not is only part of it and we should not get into a blame game. The broader questions are the use of the emergency powers, the constraints it put on freedom, including some of us parliamentarians and, no, I did not have parties like perhaps some people did in another place, and also the impact on our economy because we had so many challenges, from our strategic transport connectivity to our border policy, of the freedom of high net worth individuals and others to transport themselves from one place to another, the resilience of our Hospital.

Because it became clear that, although we were managing everything supremely well and we overcame the initial issues with the care home, we changed our views on masks, a fundamental flaw

we had before the great success of the vaccination programme and the public protection programme was the potential resilience of our Hospital.

Wisely, we did not go down the Jersey route of constructing, at enormous expense, a hospital that was never used. But it does mean that a good inquiry would not just look at what happened but what the implications are for public sector provision, for procurement, for hospital services, of the size of the care, for future development of the care home community – useful at a time of ageing population – and all possible economic impacts. Because we were quite restrained, I think, in the amount of support we gave some businesses, compared with other places.

We have seen a great bounce-back from the economy, which Deputy Trott and Deputy Ferbrache and Deputy St Pier all predicted, but we nevertheless have seen some entrepreneurs, as Deputy Trott reminded us recently, let a low cashflow, perhaps especially in hospitality and tour and one-man businesses and tourism-related fields and service-related fields and personal beauty and hairdressing, they went under. We actually had a dip in our entrepreneurial culture.

That is what I want a review to focus on and I do feel that the Policy & Resources option, it will be high level, it will be diligent but it will be focussed on how the Police service worked, how central administration worked, how policy worked. What we need is more than that. A bigger insight into our economy, society and healthcare. So, of the two, although I think one could work, I would prefer the secondary option involving a dynamic and proactive approach from Scrutiny in procuring and tendering a bigger review.

The Bailiff: Deputy Aldwell.

Deputy Aldwell: Thank you, sir.

I was relieved to see that there were two options before us today after it had been reported that Jersey was going to make available half a million for a review. I hoped we would not be going down the same route. There are far more worthwhile causes to spend such a large sum on. An expensive review would change absolutely nothing. (**A Member:** Hear, hear.)

Everyone will have their own personal recollections of the COVID-19 pandemic and how it affected their particular situation. The Occupation was referred to many times during the first lockdown, when we were cut off from the mainland. Memories recalled from each family, how it would have been very different.

Just within my family, one of my grandparents stayed here in their early thirties. My mother was the only child and was sent to Rochdale. My grandmother's sister was a lighthouse keeper's wife in Dungeness and my father went to Oldham. My father-in-law, three years in a Japanese prisoner-of-war camp. They all went through the War but they all had very different experiences, so recollections.

My point is that COVID-19, we all have very different recollections. As I have stated previously, I have nothing but praise and the utmost admiration for all those involved in dealing with the pandemic here in Guernsey. When visiting Northern Ireland in September 2021, on a parliamentary conference, with many jurisdictions attending, it became very clear how well Guernsey had dealt with COVID in all areas, including education. It was the case that some jurisdictions in rural areas still did not have connectivity and the students still did not access online learning and yet our students were fully engaged.

The pandemic obviously was very different to what Islanders went through in the Occupation in many ways and one of those major differences has to be the media and the exposure we had in our homes 24/7 from around the world. Who can forget the Italians singing on the balconies, the refrigerator trucks outside New York hospitals, acting as mortuaries, or the pyres in India and the mass graves around the world, where they were overwhelmed with the loss of their loved ones?

Guernsey prepared here and I remember vividly, as a Constable in Torteval, being asked early on how many burial plots we had available and did we have the space for mass graves. It was a sobering moment.

2055 The first lockdown, I think for the majority of the Island, was a time for the Island to come together and the Island slowed down and we had time to get on with jobs around the house and garden, time to pick up the phone and check on neighbours, offer to do chores, we queued outside shops and wore facemasks. Mums juggled teaching duties and their jobs and teachers planned lessons and taught online and were at the end of a telephone for engagement.

2060 But we did have a constant reminder from the media of what was happening elsewhere in the world, reminding us how safe and secure we were here in Guernsey. We gave thanks for our nurses, Police, Border Agency and all the public services who made this Island tick and of course all those staff on the frontline in our supermarkets. What a wonderful job they did.

2065 We missed our friends and relatives, the hugs, and looked forward to enjoying the two hours' exercise we were allocated. We complied with what was asked of us and thankfully the weather was kind and the sun shone.

2070 Lockdown was not a blessing for everyone. Businesses were hit hard and there were financial hardships for many, even with Government trying to soften the impact, and domestic abuse cases and children missed out on socialisation, communication, which are the building blocks of early years.

Care homes were under restrictions for what seemed like a very long time and that was particularly stressful. Islanders missed out on family celebrations and gatherings to pay respects to loved ones.

2075 The second lockdown on 23rd January 2021 was very different. It was the winter and it lasted 57 days. Islanders were weary but they complied. We never lost faith in Guernsey's authorities. They did extremely well. They stepped up to the mark and they kept us safe and secure.

2080 Everyone will have a different story to tell. We all lived through COVID but it was very different for each and every one of us. I personally want to thank everyone who was involved in getting Guernsey through two COVID lockdowns, who did the most marvellous job. It certainly was a difficult time for some. Lessons were learned along the way.

2085 But we did not see the mass burials here that were seen across the world, which is why my faith has never wavered in the CCA. They had an extremely difficult, thankless task and they got us through. I will not be voting for Scrutiny to go out to tender for a person to undertake a strategic review. For me, it is necessities over niceties. I would like to direct Policy & Resources to follow Proposition 1.

Thank you, sir.

The Bailiff: Deputy Meerveld.

2090 **Deputy Meerveld:** Thank you, sir.

We have had some very contrasting speeches on this subject. Deputy Gollop wants to have Proposition 2 and wants to expand it to look at our procurement and healthcare provision and everything else. Deputy Aldwell has given a very positive speech about how well we did during COVID and I truly believe that our response was one of the best, probably, in the world.

2095 Then I look at what we are trying to achieve here. What is the policy letter asking us to do? When this proposal of a review came up, it was an amendment to a previous policy letter on the report on COVID and everybody leapt to the idea, 'Yes, yes, of course we should do a review. Everybody is doing a review.'

2100 As we hear, Jersey has just announced half a million pounds has been dedicated to their review. But arguably, they probably need one. What are we hoping to get out of our review? We are going to analyse what we did and I think everybody is in agreement, we did pretty well. We are going to identify, I am sure the reports will identify some weaknesses, some things that could have been done better in 2020 hindsight, but nobody ever makes decisions in the heat of an emergency without making some mistakes. But did we make any massive mistakes with far-reaching implications? I do not believe so.

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So, we are going to get a report. It is going to take a lot of resources, regardless of whether it is Proposition 1 or Proposition 2, even more resources. But then we had a very insightful speech, very early on, from Deputy Burford, who pointed out the realities of the actual mechanics of doing either one of these options and the fact that the Scrutiny resources are extremely limited and also they may not get access to the information, with other confidentiality issues, etc. That may take some of the meat out of the report or make it dilute its potential value.

So I came into this Meeting expecting to support Proposition 1 but I have decided I am going to go for option three instead and vote against Propositions 1 and 2, encourage the Committees, P&R included, to do an internal review of the work that they did during COVID and see if there are any failings or any things, lessons to be learned. But I do not think we need an over-arching review independent of those Committees at this time.

I would encourage Scrutiny that, if there are any issues identified in time to come in, we have got to remember that COVID is not over yet. There is still, potentially, extra rounds to go in this fight.

Scrutiny would seize on those issues when they are identified and would investigate them specifically to look where things might have gone wrong. But at the present moment I cannot name anything to point Scrutiny at. So I am coming round to now, actually voting against option one and two. Save the money, preserve the resources to be dedicated elsewhere and do not have a review.

I do not think it is needed. I do not think we have done anything dramatically wrong. I think we have generally done very well and I do not think we need to spend either the money or to dedicate the resources to do this. So I recommend to Members actually vote against 1 and 2.

Thank you, sir.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

I would like to align myself with Deputy Meerveld and Deputy Aldwell. Also, I came here with the intention of supporting option one but I think from what Deputy Burford was saying that the amount of resources that are still going to be needed for option one is making me move towards Deputy Meerveld's position.

I am in that same camp. I am not sure what it will tell us that we do not already know. I think another report in another year's time will sit on a shelf and I just do not understand what we are going to learn.

We know all our services had challenges. But knowing that the Police had challenges and solved them and then write them down, the learning has already happened. It is already too late. We have already learned the lessons. So I am not too sure what I am going to get by having a nice story of the COVID things.

The other point, as well, I just want to pick up on, as Deputy Burford mentioned, we are not out of it yet. So we do not know what is going to happen this summer, we do not know what the winter wave is going to be like if there is one. What will we do? Will we suspend half-way through just in case we need to do another review to start again?

I would probably now, I think I am going to go for option three and vote against both of these options because I do not think we are going to learn a great deal that we do not already know from having the review. It will take a lot of resources and we are not out of the woods yet.

Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I am in favour of an independent review and listening to some of the responses, I am a little bit confused about why people are saying that they think that we do not need a review because we have done very well. That we would only need a review if we thought we had done something

wrong. I think there is actually a really good case for saying, I think actually in Deputy Aldwell's speech she sort of went through some of the things that we had done well and Deputy Meerveld actually mentioned about how he thought we had one of the best responses in the world. To me, that seems like that is a good reason to have a review. Why would we say or make the assumption that a review was only there to be a witch hunt and to point out things that had been done badly and blame people? If we have done very well, surely that should be a shop window and we should be saying that we have done very well. If we have had one of the best responses in the world, is that not a good reason to have an independent review and tell the rest of the world about how well we have done, all the mistakes that we have not made.

There is an awful lot of talk, I think, about the cost. Actually, £250,000 potential cost, which I think as Deputy Trott says may not actually be the whole cost, it may be significantly less than that. A lot of people have said what is the point in looking back and why would we do that. Well it might be useful for other people.

I know, Deputy Murray, I think, has said in another debate that it would just be pointless navel-gazing to do that. I think, if we have done something well and if there is something to be learned from that then that is useful learning that we can learn from and that other jurisdictions could potentially learn from, especially when there are people saying that the response and the decision-making that was happening around COVID could be a model for the Machinery of Government in future. Well, if that is the case, then surely we would want to review how well it was done and what we could learn from that?

Decrying that £250,000 would be an awful lot of money seems like penny pinching to me, when you consider how much of the COVID response we actually have not paid for. We have been in the UK allocation for vaccination, all of our tests have been provided by the UK. A lot of countries have spent an absolute fortune on their COVID response.

Deputy Soulsby: Point of correction, sir.

The Bailiff: Point of correction, Deputy Soulsby.

Deputy Soulsby: The whole testing regime was developed and all provided in-house. In fact, it was one of the reasons very early on in the pandemic we could not rely on the UK for testing and that is why we ended up, one of the learning points that we learned very early on was that we needed our own testing capability.

The Bailiff: Deputy Matthews to continue.

Deputy Matthews: Thank you, Deputy Soulsby.

I meant the lateral flow tests rather than the PCR testing. I think you were referring to PCR testing in your testing and lateral flows were provided by the UK, in fact.

The point is that we have not spent a huge amount of money. We certainly could have spent an awful lot and it could have cost us a lot more in our COVID response. I think really, if you look at the paper, it seems like the concern is less around the cost but the resources that this would take and how much time it would take.

I think that really speaks to how tight the Government or the States is in a lot of places on resources, so being able to dedicate that to a review is something that would be very difficult and perhaps that actually is an issue in itself that we ought to be addressing. But in my view the only way to really get a good answer to this would be to have an independent review. So that is what I will be voting for.

Thank you.

The Bailiff: Deputy de Lisle.

2210 **Deputy de Lisle:** Just very briefly, sir, I support the first option for a robust yet proportional approach to the review.

I mean, we can learn much from the goings on with regard to the pandemic and I think it is important that we have something in the guidelines for the future in terms of any new pandemics that arise. But I would like the issues related to me by the care homes at the beginning of the first wave to be included in the review. That was the lack of, in the care homes, PPE, and the lack of
2215 access to hospital for care home residents right at the beginning for the testing. The testing was done within the Hospital but the care homes were not able to send their residents for testing to the Hospital from the care homes.

Now, I reported all this to the States' Members, actually, on about 20th March 2020, so the details are on the system, and I think Deputy Soulsby might remember the emails that I sent at that
2220 time, which was in response to, sharing what I was getting from the care homes at that time.

Now, I note in terms of PPE, the same has been stated in the UK as recently as on the BBC last evening, actually, with respect to the lack of PPE and the unpreparedness at the beginning. So there is lots that we can learn and I think it is worth all documenting and the recommendations could well serve us into the future.

2225 Thank you, sir.

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

2230 I initially came to this debate with an open mind but with a view to support Proposition 2. Then I have been listening to debate and nearly convinced myself that option one was correct. Listening to Deputy Burford's notes of caution about the realities of an internal review and the officer time and the good work that the Scrutiny Management Committee have done already, so not wanting to detract from their time or the good momentum they have gained with their public hearings and
2235 the work that committee is doing.

So with that word of caution, I think I have swung back and feel a bit like the Channel 4 presenter with the swing-o-meter, that I think I might be going back to option two because in my mind, yes up to £250,000 – and bowing to Deputy Trott's experience and hoping that figure may come down – can you really put a price on doing the right thing. For me, this is doing the right thing.

2240 Now we have spent in excess of £80 million, perhaps even more, and if this was a capital project, or any other project, would we really be not commissioning a review and spending up to £250,000 on a project of that size, spending that amount of money. Yes we have done some very good things, like Deputy Matthews says and Deputy Aldwell in her speech, with the details that she provided there. We should be telling the world, we should be sharing best practice, if that is what we have
2245 done.

Because effectively, we do not know. We are only relying on our own thoughts and what our population are telling us and our experiences on our Island. So if we have done a good job, if there is best practice to be shared, let us commission this review. Let us learn from that and move forward. Let us not make any mistakes by not having a review. Let us look at our lessons learned log, if we
2250 have one. Let us move forward. Let us be proactive and learn from any best practice or good work that we have done.

Thank you.

The Bailiff: Deputy Bury.

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Deputy Bury: Thank you, sir.

I, like Deputy Gabriel, came to this debate with an open mind. Both options obviously discharge the Resolution and give us some sort of review. But I think that Deputy Trott has persuaded me with his speech and that just very much aligns with the values that I think that, as a Government, we

2260 should be upholding, and that is that independence and transparency and, if we want the public to buy into this review, then it needs to be done independently.

Any review is not about blame, as others have said, and I do not think it needs to be approached in that way at all. It is lessons learned, it is feeding into improvements for the future and, just to touch on Deputy Brouard's point about the lessons having already been learned, corporate memory, 2265 what happens if next time this happens the same people are not around? It needs to be fed into a plan for the future in a robust way, in my opinion.

And talking about corporate, having come from the private sector and a corporate that spent millions of pounds on campaigns who would not have dreamed of spending that sort of money and then not doing any sort of review or measurement as to the value that was gained from that 2270 money spent, or the lessons that needed to be learned. This really is the same thing.

I think we have to be very careful – and it is a phrase that comes up again and again that within the committees I work on and I think throughout the Government, we have to be very careful to not be seen to be marking our own homework. (**A Member:** Hear, hear.)

Thank you, sir.

2275 **The Bailiff:** Deputy Taylor.

Deputy Taylor: Thank you, sir.

This has been quite an interesting debate, so far. I am going to start off by just addressing, 2280 through you sir, Deputy Aldwell's comments. So I fully take all those on board. I think she raised some very pertinent points and I do not think any review would seek to detract from the severity and the worry that people had and the serious questions that were asked very early on. But I do not think that can be a reason to stop us looking back.

Deputy Meerveld raised an interesting point. He is not going to support the review but he is quite confident that Jersey need a review. I think, well, what are you basing that on? As far as I can 2285 see, Jersey is still there. They are still trading, they still have visitors coming in. I might stand here and say well Jersey do not need a review, they have done brilliantly. But I do not really know, do I? It is a bit of an off-the-cuff comment. I would urge him to reconsider, through you sir, and vote for Proposition 2, which is what I am going to be voting for.

2290 Why am I going to be voting for Proposition 2? The main reason a few people have mentioned is marking our own homework and the question I ask, if we can mark our own homework, why on earth do we need a Scrutiny Committee? I sat in the Scrutiny meeting on Tuesday morning and you could argue it was a complete and utter waste of time. We could have asked ourselves the very same questions, we could have made our own media release and we could have published it and 2295 that would be the end of it and it would have saved not a huge amount of money, but there is a couple of hundred thousand pounds of pay costs for Scrutiny Management.

So, if we are worried about potentially £250,000 to review something that has cost us nearly £100 million, say, I do not think that is a bad return. So why don't committees just review themselves? They do not. There is a Scrutiny Management Committee and it seems sensible when 2300 something as big as this happens that we do review it.

Something, I want to pose a question and I appreciate Deputy Soulsby does not need to answer this, but before the COVID pandemic hit us, I understand that there was kind of a trial run on our response to a pandemic influenza and the Government brought together, like they do, the Police do it, they have these emergency scenarios where they act out an event and see how they would 2305 respond to it.

For me it just seems really interesting we would go and act it out beforehand, that we think about it once we have acted it out, we put resources into planning for these things, it would be interesting to know if the real-life scenario played out in the same way as the hypothetical or the play version that we had gone through before.

2310 So I do not think £250,000, that was said in the debate on this when it was an amendment, I cannot afford £250,000 myself but I do not think in the scheme of things it is going to be that much

money and I am comforted by Deputy Trott's experience and comments that he is doubtful it would cost that much. But I do accept we do not know for sure but it is a risk I am willing to take to review what everyone has acknowledged is the biggest impact on our lives since the Second World War and I would urge Members to support Proposition 2.

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Thank you.

Deputy Dyke: Sir, can I be relevé?

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The Bailiff: You do not have to be, Deputy Dyke, because you answered to the roll call this morning. You cannot be here twice, put it that way, Deputy Dyke, and vote twice!

Deputy Ferbrache.

Deputy Ferbrache Thank you, sir.

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Of course I fully accept Deputy Trott's experience and his pontification of previous reviews and the fact they come in significantly less than the cost quoted. The one he particularised, the one he mentioned first, was the Airport fire review. The issues on that were far less significant and far less comprehensive and significant. To equate that with this – I do not think he was if he was wrong – is just not appropriate.

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Deputy Trott says he believes it will come at less than £250,000, significantly less than £250,000. I do not think he is right. Having looked at it, having considered it at P&R, having been President of P&R since mid-October 2020, having been Chair of the Civil Contingencies Authority since mid-October 2020, if there was not a limit of £250,000 this would cost, looking at the terms of the review, which are set out in appendix one, far more than £250,000.

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So to think, as Deputy Taylor and Deputy Bury said, 'we are influenced by Deputy Trott's comments', perhaps, if I could respectfully suggest to Members, that those of us that have been at the thick end of this for the last 18 months may have a closer view of this particular situation than, with respect, Deputy Trott and his considerable experience. Because he would have been involved for the first six, eight, 10 months as Vice-President of P&R, stepping in occasionally when Deputy St Pier was not available to deal with civil contingency matters, I think it was only once on a previous debate, but it may have been more, I may be wrong in relation to that, is not the current experience in relation to all of that.

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Deputy Bury mentioned about the millions of pounds spent on corporate things. I am not sure of the relevance of that. We are talking about £250,000 of public money. Deputy Matthews said that is penny pinching. You can pinch a lot of pennies for £250,000. You can mark a lot of homework for £250,000. You can buy a lot of pencils to mark your homework for £250,000. That is a vast sum of public money.

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To achieve what? I do not say with any defensiveness because I already said, when we had the debate which led to this debate, this policy letter, I am happy to be as open as I am allowed by Law and I would like to be released from any confidentiality obligations that I have got under Law, if that assists any review or any discussions at all. You know, I do not want anybody to think, as people do – we will have the keyboard warriors, you can see them going tap-tap now – 'Ferbrache is saying this, has he got something to hide?' Well they can crawl back under their stone in relation to that because clearly that is not the truth.

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Nobody has mentioned, have a look at the terms of reference, they are vast, the terms of reference are set out at appendix. Firstly, look at the period of the review:

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To properly establish the context for strategic decision making, the review should consider the period 1st October 2019 – 16th February 2022 inclusive. This captures the period when international attention started to focus on activity in Wuhan through to the cessation of emergency regulations in the Bailiwick.

Because Members will recall, sir, that the Regulations ceased at midnight on 16th February. So you have got the two – they are not administrations because that is very American and this is Guernsey, and I would rather be Guernsey than American – you have got the pre-mid-October 2020

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people who were dealing with it and you have got those of us who were dealing with it for the last 16-17 months, whatever the period is covered by that.

So that is a massive period. That is two years and four months, or thereabouts, and then look at the terms of the review.

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To create a factual record, limited to the period under review, of:
a. the status of the States of Guernsey's policies and practices relating to:
i. national risk management; and
ii. emergency planning

That is topic one, divided into two sub-topics.

b. how the key strategic decisions relating to the Bailiwick's response to the COVID-19 pandemic were made ...

That is two.

c. the actions of the Civil Contingencies Authority, in the context of the phase of the pandemic at the time and the expert advice and available data;

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That is three.
And:

d. the actions of the Policy & Resources Committee in handling the pandemic, with respect to initiating the development and delivery of business support and its cost management in COVID-19 mitigation.

So that is four key separate areas. That is a vast review. That will soak up many resources. It is not just the £250,000, it is all the time of all the people that would have to give input in relation to that. And it will be ably led, as it was ably led last year.

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We have got in a couple of months' time, perhaps a bit less than that now, we are going to have a Government Work Plan review. Now I do not think it is any magic to say that in relation to say the message will come from P&R, bear in mind that the Government Work Plan is a policy for the whole states, it is brought by P&R but it is the States' Plan.

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We are going to be saying to Members, sir, and again talking in this sense, we will say to Members, 'Look at all the things you are asking the States to do. It simply cannot do half of those. Yet you are heaping resource upon resource and you are heaping request upon request then the resources are thinly spread.'

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A very senior civil servant, whose judgement I respect completely having worked with that person very closely over the last 18 months, said, 'We are having to go from this matter to that matter to this matter to that matter. We are too thinly spread.' Conscientious and able as they are, they cannot do their job properly at the moment because they are too thinly spread.

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This review will soak up a massive amount of civil servants' time. Massive amount of senior civil servants' time. It will soak up the time of our Director of Public Health and her staff. As somebody said, I hope the worst of COVID is behind us, I think we have managed it well, we know what is happening in Shanghai, where they are trying to eradicate. That has got no chance, unless you lock the whole world up for about two years, with complete control of borders, which the world is never going to do ever, then COVID is with us forever and ever, to almost quote a song, that Deputy Queripel will be familiar with the words of that particular song.

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So we are going to have to deal with it. We dealt with it in a particular way. I do not know why people want us, tell us to have a review and to tell us we have done well, we have got a good story. I do not know what lessons we expect to learn from some person who will be looking at it with the benefit of hindsight, which is nothing that Deputy St Pier's administrations have had, or I had, or anybody else had or anybody else dealing with this situation. You were dealing with the situation on the hoof. You went from variant to variant. You went from crisis to crisis.

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I can remember when I got a call, I was sitting at home, I cannot remember what I was watching on the telly, I was probably asleep, on the evening of Friday, 22nd January 2021, I got a phone call

from a senior civil servant at about quarter past nine. I will not use his exact language but what he effectively was saying was that we were in a situation whereby we were going to have to close down the Island, effectively, immediately and we did that within a matter of a few hours.

Now I know that of all the things I have done in the last 18 months as a senior politician, COVID has taken up a significant portion of my time. Or it did at least until about mid-February. I do not care about that because that was the job that we had to undertake. But to go through a painful analytical review at a cost to the public purse of 'just £250,000', says Deputy Matthews, a mere penny pinch, and Deputy Taylor said we can mark crayons with it, we do not want to mark our own homework, we will get somebody else to mark our homework. He or she can have a lot of crayons for £250,000. That is a vast sum of money.

Deputy Trott makes the point very correctly indeed, in lots of previous speeches about finances – of which he knows much, he was Treasury Minister, he was Chief Minister, he has experience in the corporate sector – and in relation to that, the average person in Guernsey pays approximately, through direct tax and indirect tax, adding up the figure that Deputy Trott talked about £8,000, £9,000 perhaps £10,000. So let us say it is £10,000.

Twenty-five taxpayers' complete contributions, when we are already stretched to the limits, will be spent on having a review. A review that we do not really need, a review that is not going to tell us anything – because there is nothing to hide, we are quite prepared to disclose all the information that we can, most of it is in the public domain anyway – any of the Regulations by CCA ...

I give way to Deputy Taylor.

Deputy Taylor: I am very grateful to Deputy Ferbrache for giving way.

I am just wondering if he might comment, because he has referenced the Government Work Plan and on both committees, Home Affairs and the Development & Planning Authority, we have been consulted as part of a review of the Government Work Plan, which I was quite open in my view point in those meetings that I thought that review was a complete waste of time, because it was telling us exactly what we knew, that we have got too much on the pile to do and we have not got enough resources and they are spread incredibly thinly.

And it struck me at the time, then why are we doing a review to tell us exactly what we know. I am wondering, if in the context of this topic, Deputy Ferbrache or P&R might be considering putting out that review?

Deputy Ferbrache: I will deal with that point.

I think it is a fair point, but there is a States' Resolution that says we have to come back by June, I think it is June 14th, whatever the date is in June anyway, and the idea of the Government Work Plan is that it is a work plan, it sets out what is going to happen next year and for the rest of this term over various business and it is going to be reviewed. I mean, some items have been completed, some items may well be jettisoned, it will be a decision for the States. Other committees want extra items to be included. It is a work plan, therefore it is under constant review.

This is a review going backwards. The Government Work Plan is a review going forwards and it is a significant difference. But it is a point well made by Deputy Taylor and Deputy St Pier has heard me say many times, and I see his eyes raise to the ceiling when I say it, we have too much planning, we have too much philosophy and we have too little action.

Here we want some, no doubt very learned, erudite person, who might come from an important university, might want to write our discrimination law, might be a good academic person or something like that. We will have somebody like that to sit down, waste a lot of time, no doubt tell us we could do certain things better, no doubt tell us where we have done certain things well. What is the point of that? What a complete waste of money and time.

The general view I have heard and I am sure other people have got their own experiences, the overwhelming public comments that I have had is, 'Do not waste your time with that. We are satisfied with what everybody did. Everybody did their best.' I am sure that mistakes were made. They were made in good faith. We will learn nothing from this review, we will just waste a lot of

2455 public officers' time, we will waste a lot of politicians' time and we will waste a lot of money, paid for by the taxpayer.

Several Members: Hear, hear.

2460 **The Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

First of all, I actually wanted to compliment the Committee for Policy & Resources, for the speed with which they brought this policy paper, because we only had the debate on COVID response two months ago, three months ago. So, I think actually, it has been really probably one of the fastest responses to a Resolution that this Assembly has made. So, thank you to the whole Committee for that.

When Deputy Ferbrache was speaking, I had to go back to the front of this policy paper and just remind myself of the title of this policy paper. Because the policy paper is called *Review of COVID-19 Response*. And the way Deputy Ferbrache was speaking was that he did not want any review, which means that he was basically opposing both option one, you know, option one, two and three.

If I still understand this policy paper correctly, option one will still provide a form of review of the COVID-19 response. So I did not quite get Deputy Ferbrache's argument in terms of really arguing against the need for a review, because actually the whole premise of this policy paper is providing, really, a form of review.

Just going back to the first principles, I think in my mind it is unquestionable that we do need some form of review. To be honest those arguments were well-rehearsed during the amendment stage in January, which obviously we had a much more extensive debate of the need for a potential review. So I do not want to really go through them again.

2480 In my opinion, the need for a review is well-established. It has been the biggest disruption we have faced, the world had faced in recent history, even though to be honest we are now going through another disruption – who knows – might be big as well. So, in my view the need for a review, the need for some action is really established. So this is principle number one.

2485 The second principle, I think that the only way to do it properly is to have a degree of independence. Okay? I am not saying it has to be completely independent. There is a spectrum. But, as a Government, with a scrutiny function, with openness and transparency, I think we have to demonstrate we are not marking our own homework, as we are saying, we have some degree of independence that has been able to work with this process and give their view of what has happened. I said at least a degree of independence, I am not saying it has to be a completely independent report.

2490 So I just wanted to talk about the UK government, which really is back to the trip we had to Westminster, which was very enlightening. Obviously they have a different system of governance, they have a party that is in government, they have Opposition. But the UK parliamentary system is very clear on the function of scrutiny. It is absolutely clear and it is set up and the Machinery of Government is set up to really enable a very strong, open, transparent and well-resourced scrutiny function.

2495 I could not possibly imagine that there would be any case where the UK government would go with a non-independent process. It is just not possible. Can you imagine Partygate being investigated by the Conservative Party, just themselves. I am sure they will be saying, 'We were all busy dealing with the pandemic. Day and night we did not sleep, it was full on. We did everything we could for the benefit of our community.' It would never happen.

2500 So do we want to stand up and say we are an open, transparent democracy, we respect the scrutiny function and we want to have a degree of independence? I think the second principle, in my opinion, is absolutely essential.

2505 I think the third reality is, and Deputy Ferbrache and other colleagues are absolutely right, we are completely stretched for resources. This is an absolute fact. So whatever form of review we

undertake it will take resources. But this is where I think I would like to kind of offer a hybrid approach, almost option four.

2510 You know, the policy paper and perhaps the terms of reference have been drawn by our colleagues at Policy & Resources. It did not have to be such an extensive terms of reference. Really, it was at the discretion of the Committee to do a more narrow, potentially, terms of reference. I would say at this stage, probably not amendable, but I am sure there could be a degree of interpretation.

2515 But, I mean, quite a few of these points will work together with option one because, yes, they can use, I believe, the material that can be drawn from the Internal Audit reviews, they can work with the programme of debriefings through the Local Resilience Forum but perhaps also touch a few other things that are currently in the terms of reference.

2520 Because the effect of the pandemic on the community has been vast. From health perspective, mental health perspective, domestic abuse, we know, education and so on. So I do not see why these two options are so completely far apart. In fact, I think the second option will be helpful from the resourcing perspective because we can resource, we can bring the capacity to the States to help us conduct a proper process.

I give way to Deputy Burford.

2525 **Deputy Burford:** Thank you.

I just would like to point out, I really think, as the committee who will be involved in whatever decision the States makes today, unless of course the decision is not to have any review, I think we are going to be bound to follow the Resolutions that this States makes, without an enormous degree of interpretation. Because interpretation will bring cost. So I think that if Deputy Kazantseva-Miller is interested in a different option then an amendment to the paper would be necessary.

Thank you.

Deputy Kazantseva-Miller: Thank you, Deputy Burford.

2535 I am not at a stage to be bringing an amendment. I think there is enough to work with to have a spectrum of further details to reach the independent inspector can work with the Committee of Policy & Resources.

2540 But I really think, actually, adding this capacity that we really do not have in the States in terms of just the resources, I really see that and I really share those concerns of the colleagues expressed. We are under-resourced in general. We are under-resourced to deliver on the Government Work Plan. I do think, actually, adding through hiring an independent consultant, even though we will still have to mirror certain resources inside, but we can work with processes that will be still undergoing, such as the Internal Audit, with having this resource that can help us.

2545 So I think having the independent approach, actually, still ticks the boxes of independence, of openness and transparency and I actually believe it will help with the resourcing issue. So I would like, and perhaps when Deputy Soulsby is summing up, I would like to understand how much of option one can actually realistically help cover, potentially, what is being put forward in the terms of reference. Because I do think there is an opportunity for a hybrid approach and we should not really differentiate so extensively between the two options. I think what option two really brings is that degree of independence, which I think is absolutely crucial in a parliamentary democracy like ours, in showing the level of transparency.

2550 Thank you.

The Bailiff: Deputy Murray.

2555 **Deputy Murray:** Thank you, sir.

It never ceases to amaze me how free some Members of this Assembly are with other people's money. Quarter of a million pounds. Pocket money, isn't it, for somebody? Must be. We only spent

£80 million-100 million, so what is another quarter of a million pounds? That is ludicrous, particularly in our straitened circumstances.

2560 And what are we going to get for a quarter of a million pounds, or whatever it is? It could equally be more than a quarter of a million pounds as it could be less. Nobody knows. But we certainly know that the context that we are asking to be investigated is enormous.

2565 Another point is there are only about half a dozen people in this Assembly today who had anything to do with this. All of the work was done by officers. Lots and lots of officers, working right round the clock. Now what we want them to do is to explain themselves to somebody else. To look back at what they did. To question what they did, under considerable pressure. And what will that gain? Very little at all, frankly.

2570 Deputy Matthews, I think, wants to make a marketing campaign out of this, from the sounds of things, tell the world how brilliant we were. Well we had a huge influx of people came and lived in Guernsey, came back to Guernsey, because they knew already how well we were doing with our COVID response and that has caused us problems, actually. We have a housing crisis, which sits on the back of that response to COVID, because people could not leave, so they spent money locally, which is great for our economy because it needed it. It has actually been self-financing to some extent in that regard.

2575 What is it we expect we are going to get from this? Do we really believe that we were so far off the mark that actually we have to be corrected, our homework has got to be corrected at this point? That is ridiculous. I am just astounded by how free we are with people's time and people's money. The very same people who put all that effort into making this successful are the same people who are now going to be interrogated by apparently a third party to take them off the work that they were unable to do at that time because they were working flat out on COVID, just to salve some people's conscience, or to create a marketing campaign.

2580 This is ridiculous. Can we not get a grip in this Assembly on what the realities are facing us as a country? We have no money at this stage. We have other screaming priorities and we want to look backwards and actually interrogate people about whether they did the right thing or not. I think it is ridiculous.

The Bailiff: Deputy Inder.

2590 **Deputy Inder:** Well, the last speech saved me some time. But referencing the previous speech I am not entirely sure I would characterise the Russian attack on Ukraine and the impact it is going to have on our cost of living as a distraction. But there you go.

2595 Now, in a couple of speeches, in fact I am going to maybe even apologise to Deputy Murray because a couple of months ago I think, along with Deputy Helyar, I was fairly keen on having a full review for the reasons stated. But I have obviously slept since then and I think the arguments made by Deputy Soulsby, backed up by Deputy Burford and reiterated by Deputy Ferbrache, have convinced me, and obviously now from Deputy Murray, have convinced me to vote for Policy & Resources' preferred option and the Scrutiny Committee's preferred option, which would be option one.

2600 Now, Deputy Ferbrache –

Deputy Burford: Point of correction, sir.

The Bailiff: Point of correction, Deputy Burford.

2605 **Deputy Burford:** I have not expressed a preferred option. Thank you.

The Bailiff: I think that is right, Deputy Inder.

Deputy Inder: Is that correct? Well, I beg your pardon. It sounded like ... okay, maybe I misheard. Well, anyway, I will take Deputy Burford out of all of those compliments previously and just leave them to Deputies Murray and Ferbrache and Soulsby.

Now, Deputy Ferbrache made mention of the officer who is effectively telling us that we are stretched. We are certainly stretched at policy development level, that much is absolutely sure. Because every time I pick up the phone to talk to someone about a separate policy, guess who I am directed to? Exactly the same person. Now these people cannot be all in the same place at once.

On our Committee, we have a Skills Strategy being worked on. Guess who is working on it. The same person, the same team, who are working on the enterprise policy letter. They are also the same people that are working on the Tourism Strategy. On top of that, they are the same people who will be working on the scoping document for the registry piece that will ensure Guernsey ... we have identified the registry itself as potentially, for want of a better word, a floor area for the AML, and it is the same people again.

At management level we have got very few people working. Now some years ago I spoke to the previous Chief Officer, when I first joined the States, and of course I came in thinking this Island was full of people at senior management level not doing an awful lot. But I was wrong. There are no two ways about that. I was certainly wrong.

In one of his unguarded moments, less unguarded because no one has to be that unguarded with me, he said, 'Do you know what the problem is, Neil?' I said, 'What is that?' He said, 'You.' 'Sorry?' He said, 'Every time you lot walk into the States and you come up with a policy letter and you make a decision, guess what happens. I have got to find another five people the day after.' He said, 'You cannot continually blame the Civil Service for the lack of resources or the lack of ability to deliver when it is this Assembly who continually brings in policy letters ...' – Because that is what we do, we are politicians. – '... to guide us to do things. They do not happen in a vacuum.'

So that was another lesson learned and I am entirely mindful. In fact, sometimes our staff just get nicked. I found that out only two weeks ago. One of our staff members doing a piece of work, I thought, in a certain area of policy development, next thing I know they are doing some work for Home. So I made a phone call and said, 'What is going on here.' They said, 'Well, we need her.' 'Yes, but ...' 'Yes, but nothing. We just need that person. Ukraine has turned up. If we want to work on some kind of support, certainly for the [inaudible] we need people.' We are not in the Dolly the Sheep territory where we can just take a cell and start replicating people. The reality is that we need people.

So it is entirely up to this Assembly what they do. They can sit here and talk about transparency and openness and walk to the *Press* and say what they have done for the scrutiny and the governance. It is a different type of governance, not nit-picking, the transparency part of governance. They can go out and they can go to the *Press* and say how well they have done but it will affect policy development.

As soon as you take people, you make a decision today that will set in train, as described by Deputy Ferbrache, it will affect the Government Work Plan. I do not know whose it will affect. It might be something that is happening at E&I level, it might be one of our staff gets nicked again to do this, or it might be down at [inaudible] But that is what happened. We do not have any staff.

So this is a decision some of us have got to make as we scream towards the half-term, the Government Work Plan, we have to decide our needs and our wants. What we need and what we want are the only two choices we have. Do we actually need to do this today? I think the answer is clearly no. You may want to do it today but do you need to do it today? For example, the data is not going to be lost. When we are suddenly more flush with cash, we could do it later. We could do it much later.

But I do have one question, a couple of questions probably for Deputy Soulsby, which may or may not help. Reading, looking at Proposition 1, effectively item two, will include a 'high-level desktop review'. Now that high-level desktop review, can I assume, though you, sir, that Deputy Soulsby's high-level desktop review is likely to include responses from the three Committees that were most impacted, Health, Economic Development and Education?

Because a review will not be done in isolation. I must assume that review, they must speak to the senior officers. Now if that then is fed back into that high-level desktop review and then shared with all the Principal Committees, won't that alone give us a rough idea of what the actual impact was on our community, as described, on mental health, things like – I think it was Deputy Kazantseva-Miller mentioned – domestic abuse and the impact on the economy? Because certainly, if there is a high-level desktop review I am quite sure this Committee would like to inform in some way the response to that high-level desktop review. So that maybe one of the hybrid solutions that Deputy Kazantseva-Miller was referring to.

But, sir, Members of the Assembly, entirely up to you. What do you want? What do you need? If you need this, then vote for it. If you want it, then vote for it. But I do have to ask you, do you really need it and what do you want it for?

Thank you.

The Bailiff: Deputy Moakes.

Deputy Moakes: Thank you, sir.

I think some amazing arguments have been put forward this afternoon for all three options and I probably came in with a view of what I was going to vote for and I have swung three ways, strangely, from full milk, lite milk, to wait and see. One thing has struck me and one question keeps on coming back to me: is COVID sorted? Is it over? It certainly is not in other parts of the world. And we thought it was once here, and it came back and bit us again.

So, when you do wash-ups, when you look at how you perform, when you decide whether you have made the right decisions or the wrong decisions you need to be absolutely certain that whatever the problem was that you were looking at has finished. Because you just do not know what is going to happen unless you are absolutely 100% sure that it has been resolved.

Now option one is a lite version and looks into what we have and have not done – internally, admittedly – but with the oversight of Scrutiny. We employ Scrutiny to look at what we do. To question our actions. To take a task with us if we are doing something wrong, perhaps occasionally to congratulate us if we are doing something right.

Option two is quite an expensive investigation into something we are not sure that it is over yet and we also do not know how much it is going to cost. It could be £50,000, it could be half a million, as I think somebody said earlier is what Jersey is going to spend on this and why would it be so different to Jersey in terms of costings?

Now I think we probably should, at some point, review our performance and what we did; congratulate all of the civil servants, the doctors, the nurses, the retailers who opened their stores, and not just beat ourselves up and tell ourselves what we did wrong but also really congratulate those people that put in huge amounts of effort.

But, again, going back to today, we are not sure this is over. What our nurses and doctors and other health professionals probably want to do today is reduce the waiting lists, is to put all the people that have been waiting for operations into hospital so they can have those operations to reduce the waiting lists, to get back to normal.

If you put the investigation in place now, when we do not know that everything has been sorted, you remove a lot of the focus that these amazing health professionals are trying to put in to bringing things back to normal, because they are focused, or will be focused, on trying to answer questions for us, when we do not even know if the problem is fully resolved yet.

So I will be voting for three, not because I do not want a review, but because now is not the right time for a review.

Thank you.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir, I will be exceedingly brief.

I was not going to speak but basically, for me, this was a no-brainer. I just want to place on *Hansard* my views are the same as Deputy Murray's, Deputy Ferbrache's and Deputy Inder's. In particular, Deputy Murray's speech was a reality check. We have been speaking yesterday and today about urgent things moving forward that cost money, cost time and resource and I think there is an opportunity to review what is embedded in the system, it is in Proposition 1 and that is what I shall be voting for.

Thank you, sir.

The Bailiff: Deputy McKenna.

Deputy McKenna: I have very little to add, Monsieur Le Bailli.

I listened intently to what Deputy Murray said and I agree entirely. I listened to what Deputy Moakes said, I agree with him entirely. Deputy Burford, Deputy Meerveld, I listened to the President of Health and agree entirely with what Deputy Brouard said and I listened to the Chief Minister, who was on the front line, and agree with absolutely every word that he said.

The global pandemic, I heard some people say marking our own homework. I do not want to sound like a broken record. Every care home in Guernsey has an internal review and audit of how they performed over not just the pandemic of how they performed from the day they operate. That is every care home. Every nursing home and every residential home also has their own internal audit and review, as I am sure you all know.

Now, when you go up to the Hospital, that is your gold standard of review and audit in every department because you realise that one nurse cannot work 24 hours a day, every nurse should effectively be working an eight-hour shift, so it is three nurses to do one job and it is 365 days a year and they have the most extensive review and audit process.

So if we want to learn what happened over the pandemic and during it – and it is still proceeding – all you have to do is go to any care home, nursing home, residential home, go to the Hospital, any health care setting, any dental surgery or any place where the track and trace system was used to see who came and who went out, the lateral flow testing, who was presenting as positive after how many days, did they get it again, how many times did they have it, how many people were off.

You know, it was a horrendous time because some people in the health care settings, the clothes that they walked in with and then they had to strip off, they were fully gowned up, that was disposed of and the clothes that they then went home in, before they could go into their family and their loved ones, you had to boil wash everything and you were praying that you were not going to be contaminating your family.

So we are not there yet but when you hear the money bandied about, as Deputy Brouard would say, there is over 2,000 of our community that need orthopaedic surgery. It is certainly not Deputy Brouard's fault and it is not anybody previously. It has just happened due lack of resources and circumstance and there is no magic wand. But there is 2,000 and some people have been waiting two, two-and-a-half years for a knee or a shoulder operation and if you are now 2,001 on the list, you might be waiting four, four-and-a-half years. Not everybody has the luxury of private medical insurance.

So when Deputy Ferbrache talks about the money involved, we said this before, are we going to start looking after our community or are we going to start doing this thing where we have had 39 structural engineers for harbour developments and everything? Listen, we cannot be all things for all people. If you want to learn what happened during the pandemic, go and speak to the Director of Public Health and ask about the review and audits done through the health care systems and ask all allied health care professionals exactly what they do. That is where you will learn. We do not have to do this internally.

So I will finish there. I just would like to say once more, everything I agree with from the Chief Minister and I hope some of us, who were persuaded otherwise, could actually listen and really think

to what the evidence is before us. Because the evidence is there, in the care home, nursing home, in the hospital setting. It is there if you want it. We do not have to conduct any reviews.

2765 Thank you, sir.

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you.

2770 Just very quickly, in two months' time, we were meant to be having a debate regarding tax and our tax increases and it has actually astonished me today how many people have just said, '£250,000, that is all it is. Let us just spend it.' Well, when GST comes along, '£250,000, GST needs to pay for that.'

2775 I just think we need to take a step back and we actually need to look at our finances and we keep being told there is no finances in the pot. Now I think we just need a simple review that P&R can have a look at, can do a desktop, and that will give you the same results for a lot better cost. Because, at the end of the day, there are so many audits that already go on, as Deputy McKenna has said and I think that we do need to give the health staff a breathing space to actually get on and do the job that they are meant to be doing.

2780 Because the more time we look at reviews and that, tomorrow there could be another mutation of the COVID and then we are back to square one. So I just think we need to be sensible about this and think about our finances.

Thank you.

2785 **The Bailiff** Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

We have heard a lot of common sense today about not spending money when we should not be spending money. I am similar to Deputy Moakes, I have kind of changed my position, because I have decided to support the Meerveld/Burford amendment, as it is or not. Or it could be Meerveld/Brouard! Anyway, that is where I am heading.

What is the point? We have heard from Deputy Ferbrache. It is going to consume a hell of a lot of Civil Service time and important, expensive civil servants, so I would urge Members to not vote for either of the Propositions and to support the train of thought from Deputy Meerveld.

2795 Thank you, sir.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

2800 I came to this debate thinking that I would be in favour of proposal number one but I have heard various passionate and analytical speeches from around this Assembly and I think I am now of the view that we should go for number three and not vote for a formal investigation. I think number two is totally out of the question. We do not want to spend £250,000 and it will not be £250,000, it will be £250,000-plus. That is about 25 or 30 knee replacements, looking at Deputy McKenna's point there about our waiting lists.

2805 The other point I would make is that we do have ongoing audits going on already. For example, our Internal Audit Department have just done an audit of the employee income payment support scheme that we put on throughout COVID, so that has been done. We have got an Internal Audit report on that.

2810 We have got internal auditors who are doing their job, we have got a Scrutiny Management Committee, which will do its job and we simply should not be spending more taxpayers' money than we absolutely have to. We spent £150,000 this morning; so far as I am concerned, that is it for today.

Thank you.

2815 **The Bailiff:** Deputy St Pier. Deputy Murray you have already spoken.

Deputy Murray: It is a point of order, sir. It might be a point of correction.

2820 **The Bailiff:** You cannot have a point of order or a point of correction when nobody is speaking.

Deputy Murray: Well if it *[inaudible]* the Assembly, sir?

The Bailiff: It does not matter, Deputy Murray, you have spoken.
Deputy St Pier.

2825 **Deputy St Pier:** Thank you, sir.

I suppose I entered this debate relatively ambivalent as to which of the two options P&R have presented to us ... and actually it was two comments, which Deputy Ferbrache had made, which has pushed me one way but not the way that he was hoping to persuade me. I think it is just probably worth explaining why.

2830 There were two phrases he used, which caused me to pause and think. One was the point he made, I think right at the beginning of the speech, when he was speaking about Deputy Trott's comments about the Airport tribunal, which incidentally was estimated to cost £250,000 and the final cost was £170,000.

2835 But the point that Deputy Ferbrache made when speaking about that was the issues around this, or that was a far less significant issue. I am paraphrasing. I have not got the exact quote but in essence the tribunal of inquiry around the Airport was very narrowly focused around a very specific issue, far less important than the issues we are dealing with here. That to me absolutely strikes a point as to why this is such an important issue decision.

2840 Then the second phrase he used was one I had already written down and I was going to use, and he said, and I absolutely recognise the scenarios in which he was operating because obviously I had the same experience, the phrase he used was, 'We were making decisions on the hoof.' Now that is a quote, quote unquote, because it was one I was going to use. Because that is absolutely right. We were making decisions on the hoof and the point for me about this work is actually do we have the capacity to learn, do we have the willingness to learn about what we could do differently?

2845 And there is a third phrase, which came up, I think. It was used by a number of people but I picked up particularly from Deputy Moakes when he said in essence we are not out of the woods yet, we do not know yet whether COVID is over. That also pushes me towards the second alternative. Because actually there may be lessons that we could learn that we would need to apply to whatever it is, third, fourth phase of this pandemic if it arises. We may want to do things differently.

2850 Now some of the questions, which immediately come to my mind from my experience, are some of the decisions we made, quoting Deputy Ferbrache, 'on the hoof' and did we get them right or could we do them differently? Now I absolutely accept that, with the benefit of hindsight then that provides a different perspective. But that surely is the point, as it is not about producing a marketing document, as Deputy Murray described, Deputy Matthews, of how well we did or indeed a blame game, but actually are there things that we could learn and do differently.

2855 Did we close the borders early enough? Did we get enough PPE into the Island early enough? Did we get enough testing equipment into the Island early enough? Did we unlock the Island, in June 2020 early enough? Now, with the benefit of hindsight I actually think we were too cautious, I think we gave away far too much.

2860 But actually, if we have another, as Deputy Moakes has alluded, another experience, what would we do differently? I think the whole question of COVID into the residential homes, how it got there, whether we handled it correctly, I think is very pertinent.

Clearly the terms of reference are important. Those are set out and probably the most important decision is who you appoint to undertake this objective, independent analysis.

Now the cost issue, I mean costs, I have been now within the States 10 years, and people are always arguing in relation to public expending depending on whether they are actually for or against a particular decision. So Deputy Murray has very articulately explained why he thinks £250,000 is not a good use of public money and examining the spending of £100 million. That is a view. Last month we approved £2 million of Development Agency work with no real analysis of how that budget was to be made up or indeed how it was to actually really be spent. Very thin detail and we approved that £2 million because the States, as a collective, as a majority, wanted to approve that expenditure.

We have approved this morning £25,000 a year, or thereabouts, to throw rock at a wall that we know is falling over. We have done that because we believe it is the right decision. So I think this argument, and of course Deputy Moakes and his Education team, have argued their case in relation to their education, secondary education in particular, proposals, and all the cost implications of that because they believe that is the right thing to do.

I understand the point and why it has been made but I have been in the States long enough to understand that it is an argument wheeled out depending on which side of the argument you are, rather than it being a clincher for a particular decision of this nature.

But I think, to recap and to summarise, sir, it is absolutely right that we should objectively examine what we could do differently. Not whether we got it right or whether we got it wrong. What could we do differently? And the recognising that so many of those decisions were on the hoof and that alone is a good enough reason to have somebody else objectively assess what we can learn.

My fear is that this States really does not have the willingness or the capacity to learn and that will drive the decision. But we shall see.

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir.

When we had the debate some months ago and actually everything that Deputy St Pier said was the main reason why I originally wanted to have the review, to learn, see how we could develop. But now the position and especially after all this debating, why now? We are definitely not out of the situation. We have had other variants. It may not be the same thing but it could be a variant or it could be a totally new thing.

But the interesting thing, I find, is that how have we done so far? I heard Deputy Matthews' version saying we should pat ourselves on the back and others who thought we could learn from it and all of that is correct. But the way I look at it is I remember and I am sure we all remember, a bit like these famous moments in life, when lockdown 1.0 first happened and the fear we had to even go out, of what could happen, and everything. As Deputy St Pier correctly pointed out everything had to be done on the hoof. They had to really work fast to actually make any changes that they could do.

Planning came to a halt. The surgeries we could not get into. The schools closed. It was just a catastrophe and yet everyone worked efficiently and quickly to try to get us out of that situation. So by the time lockdown 2.0 came, it is kind of like we have done our review, we have worked on things almost there and then because by the time the second situation then occurred, we were able to get then, still look at planning, still look at ways to get medical support and help and education and aspects of life.

So we have been doing that exact thing that we are meant to be doing, this adapting as we go along. When I look through the categories of HSC, just within those categories, Social Services or medical or in education there are huge aspects and huge pieces of work to do. It would take months and months and to come to what conclusion? It would come to the conclusion that actually, if it happens like this again, we will do X, if it happens like that again, we will do Y. But the chances are it will not. It will be a totally new change all the time.

2920 So what we should be doing and I am sure, as other departments and businesses do, there is already a process in place of people looking after and checking what they are doing and having plans and disaster recovery. There are – excuse me, sir – businesses and agencies which go around setting plans to do that. That is no different to us. We should be also operating in that same way.

2925 So it comes to me now as really what is the objective of this review? Prove what? What are we going to learn specifically because every service is adapting and it is for that reason I would agree with the Deputies who say that actually now is not the time and, actually, I will now only be looking at three or none at all? In other words, let the whole thing move on until we come to another point. But options, for now, myself, come to three, as opposed to one and two.

Thank you, sir.

The Bailiff: Deputy Vermeulen.

2930 **Deputy Vermeulen:** Sir, my legal team has been having some debate and it has been trying to help me –

The Bailiff: Your legal team?

2935 **Deputy Vermeulen:** Yes, my legal team in my party sir. It has been trying to help me decide what my options are.

Deputy Moakes: Point of correction.

2940 **The Bailiff:** Point of correction, Deputy Moakes.

Deputy Moakes: Unqualified legal team!

The Bailiff: Okay.

2945 **Deputy Vermeulen:** So, really, I do not want a review. I do not think we need a review. But is option three actually an option or is it dependent on one or two being successful?

2950 **The Bailiff:** Let me try and explain what I think the position is for your benefit, Deputy Vermeulen, and possibly others.

Proposition 3 is not an option. Proposition 3 is if either Proposition 1 or Proposition 2 carries and Proposition 3 deals with funding. Option three is to vote Contre on Proposition 1 and Proposition 2, which means that there would be no review if that were to be the majority view.

2955 So there will be a vote on Proposition 1. If it carries, we skip Proposition 2 and go to Proposition 3. If Proposition 1 loses, we have a vote on Proposition 2. If that carries, we deal with Proposition 3. But if it is lost, Proposition 3 is not engaged at all.

Does that help?

Deputy Vermeulen: Thank you for clarifying that, sir.

2960 Now, I have not spoken but I think I will. On Good Friday at 8.30 a.m. I ventured down to the harbour with Deputy Inder and I walked down the pontoon and onto a tender to welcome some German visitors – our first cruise liner of the year. Sir, it was an emotional time. I do not get very emotional but everybody was so pleased to welcome those people back. They were waving the flag. The Germans on board were also excited.

2965 I got pushed on board the tender to make an impromptu speech and it was fantastic to be able to be in that position where you could actually welcome people back. For so long, we could not have cruise liners in Guernsey and so many people wanted it but it just was not safe for the Island.

But to be in that position of living with COVID and welcoming them back, that was fantastic, sir. That was absolutely fantastic.

2970 I caught myself, I did not understand it at the time, but I had a euphoric moment which probably lasted an hour-and-a-half and I had a big smile and it was not until I was driving home that I realised, why am I grinning like a Cheshire cat? Because it felt so good to be in that position.

2975 So what would a report give us? At one stage of the lockdown, sir, I would have given virtually anything to be out of it and to have closure on the whole matter. I would have paid anything to do that. I really struggled with it, as did most of the Island. It was not a nice time, to have your freedom taken away. But does a report, in a way, give you closure? I do not think it does because, as we have heard, it is still going on.

2980 I think I will take your advice. I probably will not vote for one or two, and we will see how we get on at that. I do think two, there was some great supporting speeches for two, and splashing the cash, but I think it would just be a total waste of money. It has been pointed out by others that we know pretty much how well we did. There are reports on file. I think we did exceptionally well and my thanks go to everybody that helped and assisted through those dark and difficult days. But isn't it lovely to be in the position we now are, where we can look forward to some new challenges when COVID will just be a distant memory? I look forward to those days, sir.

2985 **The Bailiff:** As no one else is rising, I will turn back to the Vice-President, Deputy Soulsby, to reply to the debate, please.

Deputy Soulsby: Thank you, sir.

2990 I think we opened with Deputy Burford and I was a bit disappointed actually with Deputy Burford's comment. I was expecting from the Scrutiny President something a bit more affirmative. I am a bit disappointed with the approach taken. I think, like Deputy Queripel, I was a bit confused by it. Although she spoke early I do not think it really helped in terms of the debate.

2995 Deputy Trott. Now he opened in his normal, modest way, saying he thought the points he was making were valid. But actually I think he has got the wrong end of the stick. Those people who think, 'Yes, what Deputy Trott said, absolutely is the right thing to do.' It also goes back to a comment that Deputy Kazantseva-Miller has made about having a hybrid option. Of course, that could be the result of adopting option one.

3000 I think there has been a lot of confusion about what option one is about. Option one is about doing something now and it is saying to coalesce lots of independent reviews, a lot of reviews, Internal Audit, Guernsey Local Resilience Forum, Public Health, putting those together, together with a desktop review of the strategic response; i.e. how did the politicians act in this, effectively, is what we are trying to say. How did we strategically think about what we are doing here?

3005 That is made very clear in the policy letter, it says that report will be provided to all the Principal Committees and the Scrutiny Management Committee and it is then for the Scrutiny Management Committee to decide whether it believes either it can do its review and do a further review into various aspects that they think warrant more review, or as a result of it, think, 'No, there is not enough here, we should have an independent review.' But they could also say, instead of having an independent review of absolutely everything, which will cost a lot of money, they could say, 'What about an independent review in this particular area?'

3010 Now we might think that could be the handling of the care homes. It could be how we approach lockdown. It could be how we dealt with business support. But that surely is a more effective use of public money than saying, 'Right, we will have somebody big and independent dealing with this and that will make it alright, won't it?' I will speak more about that side of it in a minute.

3015 Deputy Gollop had not heard of the Guernsey Local Resilience Forum but they were very much a very important part of the whole pandemic response and indeed when we had the pandemic flu exercise, I remember we were at the Peninsula Hotel, the big room at the Peninsula, it has got sliding, moveable sections, everything was opened out, everybody was in there. So it was not very COVID-friendly if we think about it now, but anyway in reality people would not have been all in the

3020 same place but it was for this exercise. There was a whole, huge table of all those people on the Guernsey Local Resilience Forum, that included Police, Harbourmaster indeed, Airport and all operational areas and primary care, etc.

I think it is very much people forgetting the importance of that strategic response, which will be part of – under option one – a desktop review. What I am saying is, this is what we are saying do now. It does not stop anything else happening in the future.

3025 I think Deputy Aldwell, she produced the executive summary, I think. It was an excellent speech. Very much you could put that on the start of any review of COVID. I do not know any independent reviewer who would do it any differently. Okay, Deputy Meerveld, I thought he was trying to do my summing up for me. Unfortunately, it was much earlier on in the debate so he has not managed to do all of it, so I will continue.

3030 I will go to Deputy Bury, I will try and read my writing now. I think, really, the view that by not having an independent review, i.e. somebody from outside coming in, we will not be having a proper review. There will be lots of room. The people undertaking this review clearly want to ensure that we do things differently and we can learn from what we have done, as we have done since day one and before day one. The whole pandemic flu exercise, we learned stuff from that which informed what we did over the last two years.

Deputy de Lisle talked about the care homes. Valid points. I do not remember the specific issue he is talking about. This is one thing, again, that has been forgotten. There has already been scrutiny before the end of last term. I have been scrutinised by the Scrutiny Management Committee more than anybody else in this room. So I know very well the scrutiny we have over what happened in the care homes and how PPE was used and whether we had enough of it and how did it work with the care homes. That evidence is there. It is in the public domain and it is in *Hansard*, so that could be used, again, if necessary. But does it need an independent reviewer to come in and independently talk to lots and lots of people right now about it? I do not know.

3045 I think the other thing that people forget, they think we will bring an independent review in so that will make it great. We will have a really top notch review, it will be perfect. Well, Deputy St Pier talked about his years of experience in the States. I think we have got equal experience in terms of time in the States and my experience is that not every independent review is actually very good. It very much depends on the reviewer. I have seen excellent reviews, which we had on the NICE drugs implementation, I think that was really good, but one that was not so good, on the Housing Review, last term. Really that was because of the way that the terms of reference were written, I think, but it was not very helpful.

3050 So do not believe that a full-blown independent review will result in a very good report at the end of it. It will be expensive because it means we will think who do we have that is independent that has enough experience to do this? And as we have seen, the guys in Jersey do not come cheap and you can expect that.

Deputy Bury also said what about people not around. We have got to have this review because it will help for when the current people are not around. Well, so will option one. That is why lots of reviews are being undertaken at the moment, capturing that information.

3060 Deputy Taylor makes a good point. Again, that is a point that I was just making, a lot of work has already been done by Public Health, by the Local Resilience Forum, by Internal Audit. I will reference that now, actually, because Internal Audit are and have been looking at business support and the money provided to hospitality and the COVID-19 cost. So that information will be available.

3065 That is a factual record and I think what would an independent review do more on top of that? Why would that have to be part of an independent review? Surely that is something that we can do as part of option one and Scrutiny can, as part of their public accounts committee hat, take part in considering whether that information is enough or not.

I think I have responded to Deputy Kazantseva-Miller about the potential for option one turning into a hybrid. It does not mean, by just choosing option one now, it is not a binary decision. I think that is important. That, to be honest, is important for me. I think people forget, I did second the amendment that led to consideration of a review. As one person who has been involved in it, in the

whole pandemic from start to finish, I think it is really important that that review is had and if things come out of the review we really should have that extra requirement, if necessary, for something to be looked at independently.

3075 But we can do so in a structured way, not just throw our money at something and say, 'Well, just look at everything independently,' What we can say is, 'If something really needs it, yes, let us make that be looked at by someone completely independent.'

I think Deputy Kazantseva-Miller, it is not about that, oh, we are under-resourced. Yes, we will never have the resources we need and that is very true. But it is about spending money wisely and 3080 really we have to say is spending money on independently reviewing everything that happened in the pandemic best value for money or is it going for option one and then potentially looking at whether we look at particular aspects independently, should they be needed?

Deputy Inder made some good points. Actually, when it comes to policy officers ... and actually we are losing a few policy officers who are finding some good jobs in industry and elsewhere. So 3085 Policy & Resources does not sit with lots of policy officers, actually. That is one challenge for us with the Government Work Plan. We have not got lots of policy officers helping us with that, they are all being used within the Principal Committees and that is very much the result of how the Government Work Plan is working.

But yes a fully-fledged, independent review will take up more and more time and I think we have 3090 got to be cognisant of that particularly over the coming months.

Deputy Dyke says SMC will do its job. Well, yes, it will do its job, under option one that is the whole point. It can do its job using information that is provided to it. How will it do its job by not adopting option one? He is saying that two years down the line, next you think, 'Right, now we are going to do a review.' But then how are you going to get that desktop review evidence on the 3095 strategic response? I am just trying to say to Deputy Dyke option one will help the Scrutiny Management Committee in a way that not voting for anything will kind of not help anyone, I do not think and I do not think it will be a good look, quite frankly.

Deputy St Pier talks about the firefighters' dispute, the cost of that. Interesting point. Of course, the firefighters' dispute was a tribunal of inquiry and I guess this independent review effectively 3100 would be a tribunal of inquiry. But I thought it was interesting last term that his Committee, of which he was President and Deputy Trott as Vice-President, sent a letter to the then Scrutiny Management Committee advising that they did not believe that there should be a tribunal of inquiry when we have the issue over education. So it is funny how we all have a different view when we are sitting in different seats.

I do agree, though, with what he is saying, in terms of financial support and, as I say, that review has been undertaken and other aspects are being undertaken by Internal Audit. All that information will form part of the suite of information in option one, which the Scrutiny Management can do what it likes with it.

3110 So, really, as I said at the start, I very much hope Members can support option one or, if they want, option two, but I would very much guard against not voting for either option.

Thank you, sir,

The Bailiff: Well, Members of the States, we will have recorded votes because they have been requested and the first Proposition to vote on is Proposition 1.

3115 Greffier, please.

Carried – Pour 24, Contre 11, Ne vote pas 0, Absent 4

POUR

Deputy Aldwell
Deputy Blin
Deputy Bury
Deputy de Lisle
Deputy de Sausmarez
Deputy Dyke

CONTRE

Deputy Brouard
Deputy Burford
Deputy Cameron
Deputy Falla
Deputy Gabriel
Deputy Leadbeater

NE VOTE PAS

None

ABSENT

Deputy Dudley-Owen
Deputy Parkinson
Alderney Rep. Roberts
Alderney Rep. Snowdon

Deputy Fairclough	Deputy McKenna
Deputy Ferbrache	Deputy Meerveld
Deputy Gollop	Deputy Moakes
Deputy Haskins	Deputy St Pier
Deputy Helyar	Deputy Taylor
Deputy Inder	
Deputy Kazantseva-Miller	
Deputy Le Tocq	
Deputy Mahoney	
Deputy Matthews	
Deputy Murray	
Deputy Oliver	
Deputy Prow	
Deputy Queripel	
Deputy Roffey	
Deputy Soulsby	
Deputy Trott	
Deputy Vermeulen	

The Bailiff: Members of the States, the voting on Proposition 1 was as follows: there voted Pour, 24 Members; Contre 11 Members; 4 Members were absent and therefore I declare Proposition 1 duly carried.

We do not need to vote on Proposition 2, as a result, and you will be voting now on Proposition 3, where there is also a request for a recorded vote. So Proposition 3, please Greffier.

Carried – Pour 32, Contre 3, Ne vote pas 0, Absent 4

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Aldwell	Deputy Blin	None	Deputy Dudley-Owen
Deputy Brouard	Deputy St Pier		Deputy Parkinson
Deputy Burford	Deputy Taylor		Alderney Rep. Roberts
Deputy Bury			Alderney Rep. Snowdon
Deputy Cameron			
Deputy de Lisle			
Deputy de Sausmarez			
Deputy Dyke			
Deputy Fairclough			
Deputy Falla			
Deputy Ferbrache			
Deputy Gabriel			
Deputy Gollop			
Deputy Haskins			
Deputy Helyar			
Deputy Inder			
Deputy Kazantseva-Miller			
Deputy Le Tocq			
Deputy Leadbeater			
Deputy Mahoney			
Deputy Matthews			
Deputy McKenna			
Deputy Meerveld			
Deputy Moakes			
Deputy Murray			
Deputy Oliver			
Deputy Prow			
Deputy Queripel			
Deputy Roffey			
Deputy Soulsby			
Deputy Trott			
Deputy Vermeulen			

3125

The Bailiff: Well Members of the States, the voting on Proposition 3 was as follows: there voted Pour, 32 Members; Contre, 3 Members. Four members absent and therefore Proposition 3 is also duly carried.

The final item of business, Greffier.

POLICY & RESOURCES COMMITTEE

7. Schedule for Future States' Business – Proposition carried

Article 7.

The States are asked to decide:-

Whether, after consideration of the attached Schedule for Future States' Business, which sets out items for consideration at the Ordinary States Meeting on 25th May 2022, they are of the opinion to approve the Schedule.

STATES OF DELIBERATION SCHEDULE for FUTURE STATES' BUSINESS

(For consideration at the Ordinary Meeting of the States commencing on the 27th April 2022)

Items for Ordinary Meeting of the States commencing on the 25th May 2022

(a) communications by the Presiding Officer including in memoriam tributes;

(b) statements;

(c) questions;

(d) elections and appointments;

P.2022/32 – Committee for Home Affairs – Parole Review Committee – Reappointment of Chairperson

P.2022/33 – Committee for Home Affairs – Independent Monitoring Panel – Notification of Appointment of Chairperson, Resignation and Re-Appointment of Members

P.2022/34 – Committee for Home Affairs – Re-Appointments and Appointments to the Data Protection Authority

(e) motions to debate an appendix report (1st stage);

(f) articles adjourned or deferred from previous Meetings of the States; (g) all other types of business not otherwise named;

No. 178 of 2021 – The Financial Services Commission (Bailiwick of Guernsey) Law, 1987 (Amendment) Ordinance, 2021 (Commencement) Regulations, 2021

No. 17 of 2022 – The Plant Health (Preserved Phytosanitary Conditions Regulation) (Amendment) (Guernsey) Regulations, 2022

No. 20 of 2022 – The Liquor Licensing (Fees) Regulations, 2022

No. 21 of 2022 – The Road Traffic (Disabled Persons) (Amendment) Regulations, 2022

*P.2022/28 – The Long-term Care Insurance (Guernsey) (Rates) (Amendment) Ordinance, 2022**

*P.2022/29 – The Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law, 2020 (Commencement) Ordinance, 2022**

*P.2022/25 – Policy & Resources Committee – Revision of the Double Taxation Arrangement Made with Ireland**

*P.2022/30 – Policy & Resources Committee – Minimum Standards for Estate Agencies**

*P.2022/31 – Committee for Employment & Social Security – Secondary Pensions: Implementation of Your Island Pension**

*P.2022/35 – Committee for Home Affairs – Justice Framework 2022-2029**

*Amendments to the proposed meeting dates and order are permitted only for those items marked with an *.*

Items for Special Meeting of the States commencing on the 14th June 2022

P.2022/xx – Government Work Plan

P.2022/xx - Accounts Items for Special Meeting of the States commencing on the 1st November 2022

P.2022/xx – States' Budget

P.2022/xx – Non-Contributory Benefits Rates

3130 **The States' Greffier:** Article 7, Policy & Resources Committee – Schedule for Future States' Business.

The Bailiff: And Deputy Ferbrache, as the President, anything to say?

3135 **Deputy Ferbrache:** No, sir.

The Bailiff: I have not received any amendments.
I will simply put it to Members: those in favour; those against?

Members voted Pour.

3140 **The Bailiff:** I declare that duly carried.
As that concludes the business for this Meeting, I will invite the Greffier to say the closing Grace, please.

The Assembly adjourned at 4.34 p.m.