



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Thursday, 14th July 2022**

*All published Official Reports can be found on the  
official States of Guernsey website [www.gov.gg](http://www.gov.gg)*

**Volume 11, No. 16**

**ISSN 2049-8284**

**Present:**

**Acting Presiding Officers**

J. A. B. Gollop  
L. S. Trott

**Law Officers**

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

**People's Deputies**

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

**Representatives of the Island of Alderney**

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

**The Clerk to the States of Deliberation**

C. Foster (Deputy Greffier) - Morning  
E. Atkinson (Deputy Greffier) - Afternoon

**Absent at the Evocation**

Deputy A. H. Brouard (*relevé à 9h 36*) ; Deputy H. L. de Sausmarez (*relevée à 9h 45*) ;  
Deputy A. W. Taylor (*relevé à 9h 45*) ; Deputy M. P. Leadbeater (*absent de l'île*) ;  
Deputy C. N. K. Parkinson (*absent de l'île*)

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# States of Deliberation

*The States met at 9.30 a.m.*

## PRAYERS

*The Deputy Greffier*

## EVOCATION

## CONVOCATION

# Billet d'État XII

*[DEPUTY GOLLOP in the Chair]*

**The Deputy Greffier:** Billet d'État XII. The continuation of the debate.

5       **The Acting Presiding Officer (Deputy Gollop):** Yes, hello everybody. Welcome to everybody here.

      We concluded the previous item when we slightly overran last night but we have one or two procedural matters to deal with. Because although we go on next to the legislation, it was circulated last night by the parliamentary team, definitely with our approval as Acting Presiding Officers, various changes in the format. I hope Members have seen the changes whereby the salient points are that I will be presiding over the Reciprocal Health Arrangement debate and Deputy Trott, because of both myself and Deputy Roffey being involved with the Employment & Social Security Committee, will be looking at Amendments to Statutory Minimum wage.

10       Then Deputy Trott will continue with the Superannuation Fund debate and the requête on key worker housing. Again, I am involved to some degree with Committee letters on those subjects, as of course is Deputy Roffey; then I return with the Guernsey Financial Services Commission and the Guernsey Electricity Limited. And of course if Members keep their speeches short and not repetitive or tedious in any way, which of course I would not know anything about, *(Laughter)* we might finish today. But I think the important point at the moment is for me to put the motion to you, bearing in mind the representations we heard from Deputy Helyar, Deputy Soulsby and other Members of the prioritisation of business at a busy meeting, are Members Contre to approve this change of order? And Members against?

*Members voted Pour.*

**The Acting Presiding Officer:** Well we have now changed the order then. That is good.

**LEGISLATION FOR APPROVAL**

**POLICY & RESOURCES COMMITTEE**

**12. The Beneficial Ownership (Miscellaneous Amendments)  
(Guernsey) Law, 2022 (Commencement) Ordinance, 2022 –  
Proposition carried**

*Article 12.*

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Ordinance entitled The Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law, 2022 (Commencement) Ordinance, 2022, and to direct that the same shall have effect as an Ordinance of the States.*

25     **The Acting Presiding Officer:** We now turn back to legislation, I will hand over to Madam Greffier.

**The Deputy Greffier:** Article 12, Policy & Resources Committee – the Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law, 2022 (Commencement) Ordinance, 2022.

30     **The Acting Presiding Officer:** Deputy Helyar is going to lead on behalf of Policy & Resources.

**Deputy Helyar:** Thank you, sir.

          I will be very brief. Hopefully this is not in any way contentious. The matter before the States is to approve the Beneficial Ownership (Commencement) Ordinance, which brings into force various legislative amendments across a number of different pieces of legislation in the financial services sector and will effectively commence the Miscellaneous Amendments Law. The purpose is to allow for the evening-up of powers requiring the disclosure of beneficial ownership information across various different types of structure, including foundations and so on, and makes various other amendments; for example, preventing the Registrar from, for example, allowing the registration of a company which holds bearer shares.

          Bearer shares have long been considered to be objects of money laundering and so this is an important move towards ensuring we have adequate legislation in place prior to the Moneyval visit. I would just ask Members to approve the Proposition. (**Several Members:** Hear, hear.)

45     Thank you, sir.

**The Acting Presiding Officer:** Firstly, before commencing debate, I would also like to welcome Deputy Brouard.

          Deputy Brouard, do you wish to be relevé?

50     **Deputy Brouard:** Yes, please, sir.

          Thank you very much.

**The Acting Presiding Officer:** And Deputy Dudley-Owen, you were –

55     **Deputy Dudley-Owen:** Sir, I was already here for the roll call and had to race out very quickly.

**The Acting Presiding Officer:** [*Inaudible*] ... We will move on. Any debate on this item, the Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law? Any debate from – no.

60     So I turn back to Deputy Helyar, but we have not had a debate. So he might not wish to add anything to his opening arguments.

**Deputy Helyar:** Thank you, sir.

I have nothing further to add, I just move that we approve the Proposition.

65 **The Acting Presiding Officer:** So I ask Members to ... all those who approve of this Proposition; and all those against?

*Members voted Pour.*

**The Acting Presiding Officer:** I declare that Proposition duly carried.

## POLICY & RESOURCES COMMITTEE

### 13. Reform of the Matrimonial Causes Law – Propositions carried

*Article 13.*

*The States are asked to decide:-*

*Whether, after consideration of The Policy Letter entitled, "Reform of the Matrimonial Causes Law" (dated 7th June 2022) they are of the opinion:-*

- 1. To repeal section 22 of the Domestic Proceedings and Magistrate's Court (Guernsey) Law, 1988.*
- 2. To note that the approval of the States of Alderney to the amendments to the Separation, Maintenance and Affiliation Proceedings (Alderney) Law, 1964.*
- 3. To note the inclusion of provisions empowering the Matrimonial Causes division to make orders dividing or charging Sark real property, as agreed by Chief Pleas of Sark in 2021.*
- 4. To approve the Projet de Loi entitled 'The Matrimonial Causes (Bailiwick of Guernsey) Law, 2022' and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.*

70 **The Acting Presiding Officer:** Article 13, Policy & Resources Committee – Reform of the Matrimonial Causes Law.

I invite the President, Deputy Ferbrache, to open this debate.

**Deputy Ferbrache:** There are four Propositions, it is explained in the paper. I do not think I need  
75 to add anything else, so I ask Members to approve it.

**The Acting Presiding Officer:** Any debate? It is a pity I am not debating because ... I must not say that! (*Laughter*) So it appears there is no debate. Deputy St Pier.

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

I did raise one matter with Deputy Ferbrache and the Policy & Resources Committee and had subsequent correspondence with a number of Members, and I will take the opportunity to raise this in debate now. I should begin by saying that I welcome this, in particular this policy letter, and of course more importantly the Projet which followed the decision of the last States to reform the  
85 Matrimonial Causes Law, the Divorce Law. I think it is actually one of the key decisions of the last States on matters of social affairs, of which I think the last States can be most proud. Because it will have a significant impact on thousands of Islanders for years to come – a beneficial impact.

Unfortunately, divorce is a significant social issue for many couples and families. The decision to reform that process and make it less confrontational is, I think, particularly to be welcomed. (**Several**

90 **Members:** Hear, hear.) So I am delighted that this legislation has been turned around so relatively quickly by the drafters in St James' Chambers, enabling it to be presented to us today. There was

however one matter which I considered raising through an amendment and I decided not to do so having taken soundings and consultation.

It would actually have been an amendment to the Marriage Law and partly that is why it would not have been appropriate necessarily to include it in an amendment to this legislation. The last Policy & Resources Committee, as it was considering the Marriage Law 2020, at a very late stage raised the question as to whether the age of marriage should be raised from 16, with parental consent, to 18. And because it was fairly late in the day and the matter had not been considered by the States at a policy stage, it was decided not to include it in the *Projet* and the legislation went forward as it was.

However, since that time, there has been a change in the law in England and Wales with the Marriage and Civil Partnership (Minimum Age) Act 2022, which received Royal Assent at the end of April and that has raised the age of marriage in England and Wales from 16 to 18. The reason that was done and was considered and action was taken on that was really largely as a child-protection matter. So I raised it again with Deputy Ferbrache and his team and I am grateful for the engagement which I have had. Deputy Ferbrache gave his initial personal reaction which was that he would not necessarily favour it and certainly that is one of the responses I took into account in deciding not to proceed with the amendment.

However, I do think that it is a matter that is worthy of further consideration, so I have raised it with Deputy Le Tocq as the Chair of the Children and Young People's Board, considering the Children Law, because I think that is perhaps an appropriate matter for that Board to consider as they review the Law as to whether this is indeed a child-protection matter. In researching this issue further, I came across the bizarre example that, in Guernsey, it is not permissible for somebody under the age of 18 to have a piercing, other than their earlobes, even with parental consent. So you can be 18 or 17, your parents can compassionately agree with your desire to have a second piercing in your ear, but if it is not in the earlobe you cannot have it. But yet you can get married.

So I think there is some clear inconsistency in some of our policy decisions around how we protect children and young people. So I would like the Children and Young People's Board to consider this as part of the Children review. I did have – I hope I am not misquoting Deputy Le Tocq and I hope he will respond during this debate to confirm this on the record of *Hansard* – I did, I think, have his undertaking that he thought that that was an appropriate matter for their consideration and he would indeed proceed in that manner.

I do have the benefit now of an appropriate amendment to the Marriage Law, which the drafters in St James's have prepared for me. So if necessary then I can duly proceed with that at a later stage, perhaps with the Children Law policy letter or the Children Law *Projet* in due course, should that be necessary. But in essence what I am saying is I think the work has already been done to make that change. It is a relatively simple change that could be made but clearly the policy issues do need to be considered. I think the experience of England and Wales, and the decision they have taken, some of our own inconsistencies in our Law do warrant it.

I do, sir, accept that this is tangential to the Law that is in front of us, that it is an appropriate issue to raise given the dialogue that I have had over it and I would particularly welcome – obviously Deputy Ferbrache is responding the debate – but I would particularly welcome Deputy Le Tocq's input should he choose to make it.

Thank you, sir.

**The Acting Presiding Officer:** Before I call on Deputy Le Tocq, some more States' Members have arrived and I am sure they wish to be *relevé*. Deputy de Sausmarez, do you wish to be *relevée*?

**Deputy de Sausmarez:** Yes please, sir.

**The Acting Presiding Officer:** And Deputy Taylor?



**Deputy Taylor:** Yes please, sir.

145 **The Acting Presiding Officer:** On another level, I probably will keep my jacket on to respect the Chair, but many Members have already taken their jackets off. I have absolutely nothing against all Members taking their jackets off. Funnily enough, it was pointed out in Jersey that the rule is potentially sexist, because it applied to men and women in different ways. But that is another issue. But they debated that.

150 But the other point is, States' Members who are wearing gowns have my full permission to remove the gowns, should they choose to do so as well.

I now call on Deputy Le Tocq.

**Deputy Le Tocq:** Thank you, sir.

155 I will just briefly respond to the comments made by Deputy St Pier and confirm that the Children and Young People Board certainly will look at this issue. As to whether it will be best placed in that environment is another question but I do think it is a relevant issue to at least acknowledge. The review of the Law is being phased and States' Members will be soon – in the next few weeks – invited to be apprised of the sorts of reforms that we are looking at bringing through very soon.

160 However, on this particular issue that Deputy St Pier has mentioned, I think it needs to be pointed out that whilst England and Wales have made the change – and I completely support that and would have done actually a number of years ago – the cases of young people getting married or seeking to get married here in Guernsey, I think you can count on the fingers of fingerless hands. Because it is mainly issue, potentially, with other cultural – the forced-marriage issue and that sort of thing. We have hardly any of that here. That does not mean that we should not change the Law, but in terms of urgency of this issue, I think that is a different matter.

**The Acting Presiding Officer:** I call Deputy Helyar.

**Deputy Helyar:** Thank you, sir.

170 I just wanted to follow up on some of the comments of Deputy St Pier because this is actually a very momentous piece of legislation in terms of the social change which it will bring about in the Island. It is an end to the adversarial process of divorce and that ... I have had an email from a constituent only this morning asking for some advice in relation to an issue. All too often our old system has been weaponised to the detriment of our children (**Several Members:** Hear, hear.) and to grandparents and other people and this piece of legislation – we should give ourselves a pat on the back for doing something which *really* will make a very significant social change.

Thank you, sir.

180 **The Acting Presiding Officer:** I probably should mention that, like other legislation, I have reviewed it in the context of the Legislation Select Committee prior to this meeting.

Any other debate? Any further debate? I now call on Deputy Ferbrache to reply.

185 **Deputy Ferbrache:** I can remember when I first came back to this Island, and shortly afterwards, I was engaged on behalf of a client – this is the point that Deputy Helyar has made – and we spent 10 days, 10 full days in court before the then Deputy Bailiff, arguing about whether or not my client should have a divorce based on unreasonable behaviour. Then when we got that after 10 full days of argument, shortly thereafter, we had 10 full days arguing over the assets of the family, which at the end was severely diminished because of the lawyers' costs. (*Laughter*)

190 So anything that you can bring forward of this nature is bound to be a good thing. We are really following English and Wales legislation by and large in respect of what we are doing and I commend everybody. Deputy St Pier says he is pleased. This has been an issue for lawyers, this has been an issue for States' Members for many years and it has really taken a bit too long. But we are there

now, assuming – which we will do – we pass these four Propositions. As to the points that Deputy St Pier has raised, he raised them with me, as he said, some time ago and I am very grateful for that.

195 Let me tell you what my view is. We always hear what happens in England and Wales. I am not English, I am not Welsh and this is the Parliament of Guernsey, not the Parliament of Westminster. (A Member: Hear, hear.) In relation to that, the point has been made by Deputy Le Tocq. In England there is a danger for 16-year-olds – generally the Asian community, that is not racist that is just factual – being pressured into marrying men who are much older for convenience, so the men can  
200 get passports or rights of abode and residency in the UK. We do not have that. But what we have got in this jurisdiction, is people of the age of 16 can vote.

So what we are saying to them, if we were to adopt the points raised by Deputy St Pier: ‘Yes, you can vote at 16, you can make all decisions in electing your representatives in the Assembly, but you cannot get married.’ How on earth is that logical? We also have the situation whereby the age of  
205 consent is 16. I can remember when I was in the States a long time ago, the age of consent for homosexual consensual acts was 21. And there was a great debate: ‘Oh well, people could change. They might not be homosexual if we keep it at this age, or let’s ...’

In the end what the States did then, which I thought was deplorable, was to reduce it to 18 when it should have reduced it to 16 – which it now has done – which is the same age as consensual sex  
210 between heterosexuals.

We have been a bit in the dark ages in the past. This takes us very much into the future, almost Star Trek time, we are going into the future at a speed that we should be going in relation to it. So I think it is patronising to 16-year-olds, very patronising, to say ‘Well, because they do it in Birmingham or Bolton, we are going to do it in Guernsey where our situation is completely different.’

215 I am sure it is right for Birmingham, I am sure it is right for Bolton, but it is not for St Peter Port and St Saviour’s.

Deputy St Pier brings up an anachronism about piercings, etc. Well, that is an anachronism; of course it should be changed but that can be changed when we have got less to do, in the year 2097!

I ask the States to approve all four Propositions.

220 **The Acting Presiding Officer:** I am actually searching for them now but we have, unusually, on this as a piece of legislation, *four* Propositions to be voted on by the States. Are Members content that they be taken together? Those against?

*Members voted Pour.*

**The Acting Presiding Officer:** We now vote on the substantive Reform of the Matrimonial Causes Law, the four Propositions taken together. Those in favour; and those against?

*Members voted Pour.*

**The Acting Presiding Officer:** Unanimity. I declare that Proposition duly carried.

**POLICY & RESOURCES COMMITTEE  
COMMITTEE FOR ECONOMIC DEVELOPMENT**

**14. The Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022 –  
Proposition carried**

*Article 14.*

*The States are asked to decide:-*

*Whether they are of the opinion to approve the draft Projet de Loi entitled "The Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.*

230 **The Acting Presiding Officer:** Now, Policy & Resources, I could call on Deputy Ferbrache but I believe Deputy Helyar, as lead Member for Treasury ... I call on the Greffier.

**The Deputy Greffier:** Article 14, Policy & Resources Committee and the Committee for Economic Development, the Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022.

235 **The Acting Presiding Officer:** I call on Deputy Helyar.

**Deputy Helyar:** Thank you, sir.

240 I have very little to say on this particular item. It is a joint policy letter, sir, with the Committee for Economic Development. I am pleased to say that the legislation has been extensively tested with industry and with credit institutions and been substantively amended, in fact, as a result of that. I would like to correct some misinformed comments which appeared in the press from one of its regular writers who is an ex-Deputy, in terms of how ironic it is to see someone like myself introducing legislation that introduces red tape. But of course that simply is not true.

245 This legislation will help with consumer protection. It will protect the public from, for example, onerous interest in credit and consumer contracts. It also helpfully allows the jurisdiction to stop turning away some business which we currently do because we cannot adequately regulate certain types of crypto currency and other business, which is a growing area and something in which our industry would like to be heavily involved.

250 Previous to this legislation, the only way in which to regulate such activity was to use the non-regulated financial services businesses legislation, which was inadequate for the purpose; and I think, as a result of that, Guernsey has lost business. And that really is not acceptable. So I believe this legislation will not only provide help to the public but it will also fill a regulatory gap to enable us to comply with our obligations when Moneyval come to visit in a few years' time.

255 So I would just ask Members – we have had the debate about whether we should have the legislation or not. Here it is. It has been field-tested. We are confident that the regulations and other things that flow out of it, the detail which will come from the Commission, will be helpful to them in order to assist us to comply with our international obligations. I would just ask Members to approve the Propositions.

Thank you, sir.

260

**The Acting Presiding Officer:** Any debate? Deputy Dudley-Owen.

265 **Deputy Dudley-Owen:** Yes, I just wanted to thank the relevant Committee for bringing this Law forward. It has been a long time awaited. I was sitting on the Committee last term and this was much in discussion and it is very pleasing to see it here. It is proof that, actually, a technical piece of legislation can be socially minded as well and the preserve of social conscience does not sit with just a few in this Assembly or just in certain Committees. But I support this.

Thank you.

**The Acting Presiding Officer:** Deputy Inder.

270 **Deputy Inder:** Just briefly. To Deputy Helyar's report and thank you to Deputy Dudley-Owen for, I suppose, greeting this initially through the States.

275 Deputy Helyar made a point that it has been through Economic Development and I would like to commend my Committee, actually. We might be at each other's throats every now and then but when we have actually got to sit down and put the work together, we do put our shoulders to the wheel. So I am grateful for the work from our Committee Members, who have got good heads, who understand certain areas of the business – which in this case was not necessarily my area – so I am grateful for Deputy Moakes, Deputy Kazantseva-Miller, the eyes of Deputy Falla, myself and – who have I forgotten? – Deputy Vermeulen as well.

280 So there you go, sir. Hopefully this will get through the Assembly fairly quickly.

**The Acting Presiding Officer:** Deputy le Tissier.

**Deputy Le Tissier:** Thank you, sir.

285 This matter, it is an area of my so-called expertise, having worked in finance all my life. I have been reading the document and I have zoomed in on Article 10, it is page 20 of the document, if anyone wants to see it. It is to do with persons regulated in equivalent jurisdictions. I have got some questions there about practicalities. I would like to introduce a name which probably some people may not have heard and that is Klarna, but I could have easily picked Clearpay, LayBuy, Openpay.  
290 These are companies which are in the BNPL area. BNPL means 'buy now pay later'.

If I just take as the example, Klarna, this is where you buy things, generally fashion, and they send it to you and you pay over the course of, I think it is four months. So that is clearly credit business. The legislation proposes in section 10 that, if the company is regulated in another jurisdiction, that is fine even if they are providing credit to Guernsey residents. I do not have an  
295 issue with that but I just wonder how Guernsey is going to monitor which companies are regulated – because in the UK none of these companies are regulated at the moment, although the FCA has said that they intend to regulate them.

In the case of Klarna: Klarna is regulated in Sweden. Is Sweden going to be a designated jurisdiction? Presumably, but I would like to ask who is going to decide this? Is it going to be the GFSC? Are they going to be using their existing list of equivalent jurisdictions, or is there going to be a new list? And how are we going to monitor if a new start-up comes along – it may not be in the UK, it could be anywhere in the world – and they provide credit to Guernsey residents? How are we going to monitor that? Is it going to be a team looking after that? And if they have to give notification to Guernsey that they are providing the service in Guernsey, how are we going to  
305 enforce that?

I have worked for large multi-national companies and, generally, when you tell head office that they have to abide by Guernsey regulations, the first thing they say is, 'Who? Where is Guernsey?' So I think we may have a battle on our hands there.

310 I am broadly supportive of this but I do have these questions to which I would like some answers, please.

Thank you.

**The Acting Presiding Officer:** Deputy Kazantseva-Miller.

315 **Deputy Kazantseva-Miller:** Thank you, sir.

This is a very hefty piece of legislation. I think it is probably by far the thickest one that our Committee has brought, in this case obviously jointly with Policy & Resources. I just wanted to say, like Deputy Helyar said with the previous legislation, this is quite a monumental piece of work. This is actually a really monumental piece of work and I see it a bit as being a chameleon because,

320 depending on how you look at it, it can be different things to different people in different parts of the industry.

Or like one of those Lego transformers – three in one, or three for the price of one. Because actually this piece of legislation has been very long in the making. Parts of it, you could say, are actually a bit late coming to us, and I will mention which ones. But actually there are some in relation  
325 to virtual asset providers, as obviously Deputy Helyar mentioned; we are actually at the forefront of having an open-minded approach to legislating this piece of financial services innovation.

Broadly it is trying to do three things. One is to provide more consumer protection and more of a regulatory framework around lending. So I think that is one quite important piece of work.

The second one is trying to do a couple of things. It is repelling what was previously known as  
330 the 'registration of non-regulation financial services business', which in my opinion was a complete oxymoron because it was not a piece of regulation, but it went through the regulator, you would not get a licence or you would not be regulated, you would be registered, with this kind of law. So it was quite difficult to get your head around.

What this is offering is a regulatory framework. So if you get a licence, you are being regulated.  
335 You can say, 'I am regulated by the Guernsey Financial Services Commission.' And by repelling this Law and providing a pathway for regulation, this is going to encompass some of the, what could be called, financial services businesses in all sorts of different areas. For example, peer-to-peer lending and crowd-funding are some of them. To be honest, we should have been doing that way back. So we are probably at least five-to-seven years late on actually bringing a regulatory framework on this  
340 specific area, but I think it is good that we are doing it. It will also provide a clearer pathway, for example, for payments businesses. That is an area of work our Committee is quite keen to do more on in terms of making sure, if there are digital payments businesses who want to come and get established in Guernsey, there is a clear regulated pathway to do that. Previously it was this NRFSB unclear way.

The third one is in relation to being one of the first jurisdictions around the world which is saying  
345 'We are keeping an open-minded approach to regulating virtual asset providers.' This is in relation to digital currencies, cryptocurrencies as they might be known, but it is a much bigger field than that.

It is something that the industry is really changing and growing very quickly. Financial services  
350 will be changing on the back of these technologies that are coming through and Guernsey has to really keep its eye and be open for business in this area. I think it is really great to see that and I understand that the regulator's approach and attitude to this field has also changed, which is always quite encouraging. I think there is a lot to be excited about, so I hope you share this excitement with me in approving this legislation. Also it is something we need for the Moneyval coming up.  
355

I wanted to address what Deputy Le Tissier asked, because it was the kind of questions we also had in the Committee for Economic Development. This is in relation to Islanders soliciting business through platforms that might be allocated and regulated elsewhere. So it would not just affect the platforms like Klarna, but it would affect all sorts of businesses, websites, etc. that Islanders access  
360 today, whether it is insurance, it is credit, etc. My understanding and the responses we got was the concept of reverse solicitation.

So as long as it is not businesses actively soliciting business on the Island – whether it could be through marketing, through establishing a presence – then Guernsey and the regulator will take the approach that, as long as these businesses are regulated elsewhere, effectively they are not soliciting  
365 business in our Island. This is quite an important concept to get our heads around because it will affect all sorts of platforms that Islanders regularly, on a daily basis, and businesses get access to. I think my understanding is that they would not be a team that is checking out what is happening, but we would keep an eye on them. If businesses are being perceived to actively solicit business in Guernsey then it would fall under the regulatory framework.

That is the contribution from myself and, as I said, I think it is a very exciting piece of legislation.  
370 I think it is really positive news to share through Guernsey Finance, through Visit Guernsey and that

the Island is keeping a really open-minded approach to innovation and consumer protection in financial services. It is something really to commend. And how much work has actually gone into this piece of legislation from the Committees, from officers and from regulators, I think they need to be commended for that effort.

Thank you.

**The Acting Presiding Officer:** Deputy Moakes. We have a lot of speakers from Economic Development today.

**Deputy Moakes:** Thank you, sir.

I was not going to speak because I do not really have anything to say further to what Deputy Helyar and Deputy Dudley-Owen have already said. But I would just like to say that this is a ginormous document (**A Member:** Hear, hear.) and a huge amount of work has gone into it. So I would just like to thank the Committees involved, the GFSC, the officers involved and of course the industry who we consulted with.

I think this is long overdue. It has been out for consultation, it is critically important for us locally but also critically important for Moneyval. So I would urge everybody to vote for it.

Thank you.

**The Acting Presiding Officer:** Any further debate on this Proposition? Deputy Helyar to reply to the debate.

**Deputy Helyar:** Thank you, sir.

I think really it was only Deputy Le Tissier that required the answering of any question. Thank you to those Members who have spoken in support of the Propositions.

In terms of operators like Klarna, the question is quite a complex legal question about extraterritorial application of contractual provisions. The analogy I would give here would be what happens currently in the insurance sector, where if somebody wants to underwrite in Guernsey, they have to notify the Commission and pay a fee and they are on an approved list.

The Commission does not actively, as far as I am aware, go out looking for those persons who might be offering their services on the internet or advertising or whatever. What they do is they pick up where activity is going un-notified by complaints. So a member of the public will make the complaint about the activity of a particular thing and that will lead to the Commission knowing about it and therefore being able to contact the relevant person, and to advise them that they need to pay a fee and to comply with the legislation.

I am reasonably confident that when we get into the codes of practice and the regulations which the Commission will have to create on top of this, which is actually a substantial amount of work and probably almost as thick again as the legislation itself, that they will provide for it in that way. But that is something which really the Commission would need to confirm rather than me or the States.

The benefit of having a cross-border contract which cannot be enforced, because it has been entered into in breach of legislation, is that it is not enforceable. If you were, for example, to obtain some clothing from Klarna and you had it sent to Guernsey, they would not be able to come to court and sue you for not paying for it, because their contract would have been entered into in breach of this legislation. So that would be the practical way in which I would see it and certainly the advice I would give to somebody if they came in to ask me about how to enforce or not to enforce it. Thank you again for the warm words and I would just ask Members to approve the legislation and the Proposition. (**A Member:** Hear, hear.) Thank you, sir.

**The Acting Presiding Officer:** Thanking everybody.

Members of the States, the Proposition is to approve to draft Projet de Loi entitled the Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022 and to therefore authorise the Bailiff to present a most humble petition to Her Majesty the Queen praying for her royal sanction thereto.

425

Those in favour; and those against?

*Members voted Pour.*

**The Acting Presiding Officer:** Unanimous support for the legislation.

## **POLICY & RESOURCES COMMITTEE**

### **15. Reciprocal Health Arrangement between the Bailiwick of Guernsey and the United Kingdom – Propositions carried**

*Article 15.*

*The States are asked to decide:-*

*Whether, after consideration of the Policy Letter entitled "Reciprocal Health Arrangement between the Bailiwick of Guernsey and the United Kingdom" dated 13th June, 2022, they are of the opinion:-*

*1. To approve the principles (set out in Section 9 of the Policy Letter) for the States of Guernsey's participation in a future Reciprocal Health Arrangement with the United Kingdom's Government for the benefit of eligible Guernsey residents when visiting the UK and in regard to the costs for the provision of planned treatment pre-authorised by the States of Guernsey.*

*2. To direct the Policy & Resources Committee to maintain efforts to ensure that Guernsey's interests (and, subject to the necessary authorisations from Alderney and Sark, the Bailiwick's interests) continue to be represented to the UK Government's Department of Health and Social Care during negotiations on the Reciprocal Health Arrangement and any associated arrangements/agreements.*

*3. To authorise the Policy & Resources Committee, in consultation with the Committee for Health & Social Care, if the Committee is of the view that the provisions of the final forms of the Reciprocal Health Arrangement with the UK Government's Department of Health and Social Care and any associated arrangements/agreements give satisfactory effect to the principles (set out in Section 9 of the Policy Letter), to agree and enter into that Arrangement and any associated arrangements/agreements, on behalf of Guernsey, and subject to the necessary authorisations, also on behalf of Alderney and Sark.*

*4. To direct the Policy & Resources Committee, in consultation with the Committee for Health & Social Care, to agree the necessary arrangements with the Chief Pleas of Sark (or any committee operating on their behalf) and the States of Alderney (or any committee operating on their behalf and to the extent necessary in the context of transferred services under the 1948 Agreement) to implement, monitor and manage the final agreed Reciprocal Health Arrangement and any associated arrangements/agreements.*

*5. To direct the Committee for Health & Social Care to make the necessary arrangements to implement, monitor and manage the Reciprocal Health Arrangement and any associated arrangements/agreements on behalf of Guernsey and subject to the necessary authorisations, also on behalf of Alderney and Sark to the extent required.*

*6. To direct the Committee for Health & Social Care, following the implementation of the Reciprocal Health Arrangement and any associated arrangements/agreements with the UK, to review whether to recommend that the States should rescind the Resolutions about introducing a scheme for funding of medical treatment for Guernsey and Alderney residents travelling in the UK (Billet d'État VII Volume 3, Resolutions 1 & 2 dated 19th March, 2020).*

**The Acting Presiding Officer:** Madam Greffier, we move on to a debate now, we have finished with legislation.

Madam Greffier.

**The Deputy Greffier:** Article 15, Policy & Resources Committee, Reciprocal Health Arrangement between the Bailiwick of Guernsey and the United Kingdom.

**The Acting Presiding Officer:** Thank you, Madam Greffier.

I invite the President of Policy & Resources, Deputy Ferbrache, to open the debate.

**Deputy Ferbrache:** What a joyous day. (**A Member:** Hear, hear.) Not just because the sun is shining, not because you are in the Chair, and we have got the pleasures of Deputy Trott shortly. (*Interjection*) Not sure it is joyful for him!

But because we have an opportunity which we must grasp now without hesitation, without argument, without trying to finesse it. We have got to do it now. From 1948 to 2009 we had a Reciprocal Health Agreement with the United Kingdom. In 2009 the government of the United Kingdom decided they did not want it any more, so it was terminated. In the last 13 years, every citizen and every politician worth his or her salt has wanted to re-establish that Reciprocal Health Agreement. We have got the chance but we have got to move now. It really has got to be action this day.

I do not want to hear – it is a matter of the States, of course – lots of people standing up and saying it was their idea and how wonderful, and the credit should be due to them. The credit due here, with this opportunity being grasped now, with considerable respect to any politician in this Assembly or previously, is due to our excellent External Relations Team. (**Several Members:** Hear, hear.)

They are constantly, they are a bit like – Deputy Trott would appreciate this analogy – the old-fashioned Nobby Stiles, kicking people's ankles in a nice way and to try and get things done. They got the opportunity to do this. I am not going to go into all of the detail, it is in the policy letter. Let's approve it and make this joyful day even happier.

**Several Members:** Hear, hear.

**The Acting Presiding Officer:** I think I will call on Deputy Soulsby first ...

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

As Deputy Ferbrache has said, ever since March 2009 when the Reciprocal Health Agreement between the UK and Guernsey ended, there have been calls for it to be reinstated. Unlike Jersey and the Isle of Man, though, when the UK sought to change the terms of the agreements in place then, Guernsey decided not to go forward. This was in the early days of the Financial Transformation Programme, which was more cost-cutting than transformation; and to explain the decision made at the time as it was estimated then that ending it would save the States £500,000 of recurring expenditure.

I hear Deputy Ferbrache in terms of talking about people wanting to take credit, but the one person that has not been mentioned in all this, when it dates back about who was involved in trying to get it reinstated, was the late Deputy Jan Kuttelwascher. That was back in 2012 to 2016, and he laid a requête. I was one of the signatories at the time, I was actually then on HSSD. It was quite a difficult time because, yes, we really wanted the Reciprocal Health Agreement but it was absolutely clear that the UK did not want one. In fact they were trying to get rid of Reciprocal Health Agreements at the time and so it went nowhere. I understand the frustration for people at the time but, as I say, you need to two sides to be able to make it happen.

But then last term, post-Brexit, there was a change in position from the UK government and we have taken it from there. I do think it is important for Members to understand, and for the public to



understand, what this is *not* as much as what it *is*. The Reciprocal Health Agreement does not mean people can go off to the UK and get free treatment. What it does mean is that the States of Guernsey will not be charged a premium tariff for referrals by HSC or MSG to UK hospitals. Over the last few years, some NHS trusts have sought to charge us a 150% tariff following changes in the UK law to enable them to charge non-residents a premium rate. And this has had potential to cost Guernsey millions.

I remember the first time, last term, when we got this invoice – I think it might have been from Bristol – and everyone was like ‘Oh my goodness, what the heck is going to happen now?’ Fortunately we were able to work with other hospitals and maintain the standard tariff as far as possible, but it is difficult and it has meant there has been less choice of hospitals to go to because there is no way we could afford to have that extra tariff there. So these changes will provide certainty for budgeting purposes and it will also mean that it will widen the pool of hospitals to which patients can be referred. So that is another really good thing.

Of course though for Guernsey residents the biggest change is that, should they require emergency treatment, this will be provided free of charge. And the same will apply to UK residents visiting Guernsey, basically knock-for-knock. This does mean that UK residents will not be charged for services that Guernsey residents *will* be, such as costs in the emergency department. So Members need to be aware of that. However, the flip side is that we know UK residents have been put off coming to Guernsey because of the lack of Reciprocal Health Agreement, which may well have impacted our tourist industry. The lack of Reciprocal Health Agreement has meant that many local residents with health issues have been unable to see friends and families in the UK, with insurance being unobtainable.

So this Agreement also means that those with health conditions requiring intervention such as dialysis will be able to obtain this, subject to availability, for free. Of course all good things come at a cost and the cost in this case is lost income to Health & Social Care and reimbursement of primary care. How big that cost is, is unknown, as those that will actually need local services are relatively small and as such can vary. Best estimate is around £350,000-£600,000 per annum. However, the actual impact is likely to be less as there is a high level of debt from non-Guernsey residents.

The latest information I have had from the Finance Team is that debts from UK visitors of over 90 days now run to nearly £500,000. That will actually be a reduction on what would have been the situation in the past, given how the number of people travelling here has been noticeably reduced over the last two years. So I think that gives another perspective to this.

As they say, it takes two to tango and, to mix a metaphor, the stars are now aligned to make this possible. And, as is often the way after years of trying and not getting anywhere, there is now urgency in getting a decision from this Assembly. But so be it, I am very happy to approve and I am sure every other Member in this Assembly is too.

**The Acting Presiding Officer:** Deputy Prow.

**Deputy Prow:** Thank you, Mr Acting Presiding Officer. I do not want to prolong this debate but I will be brief.

Sir, I rise principally to absolutely congratulate P&R. It is indeed a joyous day for bringing this policy letter. And to thank External Relations for negotiating with H.M. Government and I add my compliments to those of Deputy Ferbrache and Deputy Soulsby. We sit here today, at last, to achieve the reality of a Reciprocal Health Agreement and I ask all Members to absolutely support this and I am sure they will.

But, sir, before I sit down I want to briefly do a Deputy Gollop and give a bit of historical context, adding to that already given by the previous speakers. Some 12 years ago, the UK ended the then Agreements with the Crown Dependencies. Jersey and the Isle of Man renegotiated and very quickly established new agreements. This helped *their* tourists, (**Several Members:** Hear, hear.) encouraging UK visitors and their own residents on low income, or having difficulty getting travel insurance to access a proper cover so they could travel.

But for some reason Guernsey did not do this. I never understood this. I was going to mention the requête brought by the late Deputy Kuttelwascher and I am very glad Deputy Soulsby has brought that up. But, sir, during the 2016 term, the last term, this actually did not get much traction at all. I actually campaigned around the RHA and asked that it be likewise renegotiated in the same way that Jersey and the Isle of Man had done. It was at that time the responsibility of the ESS and, in May 2019, I asked Rule 11 questions. But again they got very little traction. Indeed it got very little traction in Health & Social Care, the Committee I sat on.

But, sir, in June 2019, I along with the former Deputy Merrett laid an amendment to the then Policy & Resources Plan, and that was amendment 2 of actually 22 amendments. This amendment was consumed pretty much word for word by another amendment which was passed, led by Deputy Le Tocq and former Deputy Stephens. I am very pleased that they did this, because the resolution that has brought about the negotiation was actually passed. But that term, from the 2019 Policy & Resources Plan, it was supposed to come back to that Assembly within a year but it never did.

Sir, early this term, negotiations have been successful and we have this policy letter before us. So again, well done to *this* P&R. (**A Member:** Hear, hear.) So, sir, when this Assembly embarks on the jolly-action-this-day banter, please acknowledge, provided this Assembly agrees, in this term we will have achieved something very tangible in the Reciprocal Health Agreement. After over a decade, we will have an RHA. Sir, action this term.

Thank you, sir.

**The Acting Presiding Officer:** I could give an alternative history of that but it would not be appropriate. I was on ESS at the time, anyway.

I will call Deputy Gabriel and then Deputy Inder.

**Deputy Gabriel:** Thank you, sir.

It is just a point of clarification, really. Again, firstly, I congratulate P&R and their predecessors for bringing this because I think it is well needed and the people of Guernsey will certainly benefit from it when travelling. And also, as Members already have said, it may help our tourist industry somewhat, knowing that our visitors are protected if they need any medical treatment while on the Island.

Which brings me on to ambulance conveyance. In the UK ambulance conveyance is part of the NHS, but in Guernsey we have got a slightly different arrangement, which again a lot of UK visitors may not be aware of. We all know that there is an insurance scheme which local residents are able to take out, but if you have not taken that out or if you need the unfortunate services of our very well respected and excellent staff at St John Ambulance and Rescue, that it is a significant outlay of nearly £400 if you need an ambulance.

So I would just like some clarification, if those fees or charges or services will be available to UK residents and if the Reciprocal Health Agreement will cover that; or if we will be going down a wooden dollar situation like we discussed yesterday, where a St John invoiced P&R for the conveyance of a UK visitor, then we pay them back, or it take out of any subsidy etc. So that was the only anomaly that I could pick up in this excellent policy letter which addresses the need.

Thank you very much.

**Deputy Inder:** Only briefly, sir. There is no point going into the history of it. As Deputy Ferbrache said, it is just a good news day. It is as simple as that.

The tourism industry has been clamouring for this. All of us will know that insurances right across the world are going through the roof, and we have an opportunity here today to actually keep up with some of the other jurisdictions and at least equalise effects; and the fact that English visitors are welcome here anyway and now it makes it an awful lot easier for them to come to the Island.

On top of that we are actually having a very good season this year. Tourism is booming, occupancy levels are fantastic and this can only help towards 2023. So I commend this Policy & Resources along with the team in E&I for an exceptional piece of work.

Thank you very much.

585 **The Acting Presiding Officer:** Deputy Vermeulen.

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

I will be brief because I do not really enjoy too much waffle. But from the tourist industry which I was involved in when we lost the Reciprocal Healthcare Agreement, we did not realise straight  
590 away the implications of it, but very quickly we did. As we have heard, Jersey renegotiated and so did the Isle of Man. In the Daily Mail an article appeared to their travel correspondents saying, 'What should I do? I have booked my holiday to Guernsey and I have heard that they do not have a Reciprocal Health Agreement with the NHS. What should I do?'

The travel correspondent – and it is on record, I think it was the Daily Mail – they said, 'Well if  
595 you want to go to the Channel Islands, we suggest you cancel your holiday in Guernsey and go to Jersey where they do have a Reciprocal Healthcare Agreement.' That actually has hurt us over these last 13 or so odd years. So grab this opportunity. It is a joyous day. Finally the industry is very happy to have reciprocal healthcare. They see it as a very positive move by the States.

Economic Development, as tourism lead for that, I fully support it and would encourage  
600 everybody to do it. So no more waffle, sir.

Thank you.

**The Acting Presiding Officer:** Deputy Le Tocq and then Deputy Roffey and then Deputy  
605 Brouard.

**Deputy Le Tocq:** Thank you, sir. I will be brief.

I would just like to reflect what can we learn from this exercise. Of course it takes two to tango and Reciprocal Health Agreements require both sides to want it. I think the difficulty for us has been  
610 that, for quite some time, the UK did not want to do this. Not so long ago I bumped into my good friend Alistair Burt, who I have known for 20 years, he is no longer an MP. But I did mention to him this particular incident and I remember lobbying him *very* strongly eight years ago when he was Health Minister to open up negotiations.

He told me at that time that not only was the Cameron Government, that he was part of at the time, not keen to do that, they were actually more keen to try and *reduce* the benefits that Jersey  
615 and the Isle of Man had. So I think one of the lessons we can learn – and I was not in the States of 2008 to 2012 – but when those previous Reciprocal Health Agreements fell, we had a very short window to negotiate a new one and to be part of it, which would have cost us. Jersey and the Isle of Man did so; we chose not to.

When there are situations outside of our control, because they involve deals with other  
620 governments, we have to recognise that sometimes the window is only open for a short period of time. I do not know how long this particular window will be open for, but as the President said in opening, we need to jump through it now while it is.

**Several Members:** Hear, hear.  
625

**The Acting Presiding Officer:** Deputy Roffey.

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

I am 100% in favour of this. But I also like to go for things with my eyes open so I want to explore  
630 slightly the costs. Deputy Soulsby said it was hard to quantify because it is basically income foregone and I understand that bit of it. But she also said it is a knock-for-knock arrangement. Under the old Reciprocal Health Agreement, long lamented, it started off as a knock-for-knock agreement but then the UK said, 'Hang on, we are having to fund more knocks than you are, a lot more Guernsey

people are getting the benefit of the treatment in the UK than UK people are in Guernsey, so we want a balancing payment.' And that balancing payment grew to a very considerable sum.

That will not stop me voting for this. I actually think the benefits here are worth the fairly significant sum. (**A Member:** Hear, hear.) But I want to know whether that balancing payment is a concept. I know the details have not been worked out yet, but presumably it is going to be along the lines of Jersey and the Isle of Man and I do not know their –

I will give way to Deputy Soulsby.

**Deputy Soulsby:** I thank Deputy Roffey for giving way. There will not be money changing hands between the UK and Guernsey here. And this is a very different agreement to the original one where I think there was some abuse of people going off and trying to get planned treatment as well. It is very much like knock-for-knock, so Guernsey pays for UK people and the UK pays for Guernsey people.

**Deputy Roffey:** That is a considerable relief. I would have voted for it anyway but with some trepidation about what it all does. I will now be able to vote for it with slightly more comfort of knowing that the envelope is likely to be significantly less than £1 million I would say, with simply the income foregone by not charging visitors to Guernsey.

**The Acting Presiding Officer:** Deputy Brouard.

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

Luckily, just before I took a few days off on the weekend, my email box was still open on Thursday to have a message from someone who did not take out travel insurance and now finds themselves seriously ill in hospital in the UK; and was wondering what on earth we could do to think about repatriation etc. So these are live events happening now to our Islanders. I am *extremely* pleased that we have got to this position and well done to the team for putting this together.

I think just picking up very slightly on Deputy Gabriel's point, there are quite a few bits of details to be worked out, exactly the nuances of who pays for who and what. But the overall principle is exactly as Deputy Soulsby said.

Of course we are looking at trying to incorporate it as the Bailiwick of Guernsey, so we are also trying to see if we can get Sark involved and also with our colleagues in Alderney as well so that they can be part of that same package. If someone fell ill in Sark, at the moment we are thinking that some of that cost will be covered by Sark but once they are on the boat they will be covered by Guernsey and so on. So we are trying to work together with them.

I do have some seven pages of notes, I am not going to go through them. Deputy Soulsby did that extremely well; and thank you to the P&R team.

**The Acting Presiding Officer:** Mr Roberts, Alderney Representative, I give you the floor, sir.

**Alderney Representative Roberts:** Thank you, sir.

Just on behalf of Alderney, I would like to thank External Relations and P&R for bringing this forward. It is a momentous day, really. The excellent work You have done on this, which was something we lost 13 years ago – something we allowed to lapse, actually. And I am sure the people of all the Bailiwick would also like to say thank you to yourself and the UK government and well done. I am sure this will be carried forward through Alderney States very quickly indeed.

Thank you.

**The Acting Presiding Officer:** Thank you.  
Deputy de Lisle.

685 **Deputy de Lisle:** Sir, I am just hoping that these ramifications with Alderney, Sark and these other areas that have to be looked at are not going to take too long, because we need this in for the next tourist season. Because, despite the fact that some are touting that the high street is full of tourists, it is not. Obviously we have lost, in the past, tourism to Jersey and that has been very unfortunate in that we did not sign up earlier to what Jersey and the Isle of Man had signed up with the UK. (**A Member:** Hear, hear.)

690 All I can say is I welcome the return of the Reciprocal Health Agreement. It is something which, like Deputy Prow, I have been frustrated with for years and wanted that reinstated and certainly did not approve of the half measures a few of our Members sought in the last term, which certainly would not have given us the return of a two-way Reciprocal Health Agreement that we are about to have now. So I think it is a matter of hastening this on (**A Member:** Hear, hear.) and getting it approved.

695 The other thing I would like to say is that hopefully P&R will be looking at other areas where we have been slack in the past in not being fleet of feet. Also cut taxes to the public in the future because we are over-taxed here and we need to be looking, particularly at this current time, and it is P&R that will do it, looking at cutting taxes to the public.

700 Thank you, sir.

**The Acting Presiding Officer:** I thank Deputy de Lisle but we probably cannot range this into a taxation debate with so many speeches still standing.

705 **Deputy Dudley-Owen:** Sir, may I call 26(1)?

**The Acting Presiding Officer:** Yes, 26(1) is the procedure whereby, in loose terms, although hopefully not the real thing, is the Guillotine motion. So I initially ask, I think, from the Assembly, how many support Deputy Dudley-Owen's Guillotine motion of completing the debate?

How many people wish to speak? How many people are likely to speak at this point in the debate who are still to go? (*Interjection*) Please stand in your places. I see only two people. Are you still minded to go for the Guillotine motion, Deputy Dudley-Owen?

715 **Deputy Dudley-Owen:** Not if everyone promises to be really short. (*Laughter*) Sorry to be cheeky, we have got a lot of business. I feel very bad for bringing it but please, no, I do not want to continue.

**The Acting Presiding Officer:** Well, I thank you, I do not have to go through listening and then maybe calling a recorded vote if the vote is uncertain, so I think –

**Deputy Inder:** Sir, I am going to move 26(1). (*Interjections*)

725 **The Acting Presiding Officer:** I believe it is within the Rules that another Member can call for 26(1), so I now ask the States for the second time: all Members who wish to make their contribution, who are preparing to speak, please stand. Two Members.

**Deputy Inder:** I still want to move 26(1).

730 **The Acting Presiding Officer:** You still want to do it? So I put to the Assembly the Proposition raised by Deputy Inder on this occasion to cut short the debate, but of course the President will have his appropriate right to reply. All those in favour; all those against?

*Members voted Contre.*

**The Acting Presiding Officer:** I think the *Contres* win.

**Deputy Taylor:** Recorded vote, please, sir.

**The Acting Presiding Officer:** Deputy Taylor is within his right to call for a recorded vote. So, Madam Greffier, can we do so? *(Interjections)*

*There was a recorded vote.*

Not carried – Pour 15, Contre 21, Ne vote pas 0, Absent 4.

**POUR**

Deputy Le Tissier  
Deputy Le Tocq  
Deputy Mahoney  
Deputy McKenna  
Deputy Murray  
Deputy Prow  
Deputy Taylor  
Deputy Vermeulen  
Deputy Aldwell  
Deputy Blin  
Deputy Dyke  
Deputy Falla  
Deputy Haskins  
Deputy Helyar  
Deputy Inder

**CONTRE**

Deputy Matthews  
Deputy Meerveld  
Deputy Moakes  
Deputy Oliver  
Alderney Rep. Roberts  
Deputy Roffey  
Alderney Rep. Snowdon  
Deputy Soulsby  
Deputy St Pier  
Deputy Trott  
Deputy Brouard  
Deputy Burford  
Deputy Bury  
Deputy Cameron  
Deputy de Lisle  
Deputy de Sausmarez  
Deputy Dudley-Owen  
Deputy Fairclough  
Deputy Ferbrache  
Deputy Gabriel  
Deputy Kazantseva-Miller

**NE VOTE PAS**

None

**ABSENT**

Deputy Gollop\*  
Deputy Leadbeater  
Deputy Parkinson  
Deputy Queripel

\*Marked absent from vote due to being Acting Presiding Officer.

**Deputy Kazantseva-Miller:** Is there a vote for time-wasting?

**The Acting Presiding Officer:** While we are waiting, that possibly took longer than some of the speeches we have heard. But I should say we should have had the opportunity to do electronic, magic voting today. That has not been possible but perhaps this is the last of its kind, this vote.

Thank you very much. Out of our full complement of 40, we have 4 absent, 15 voted *Pour* in favour of the motion, 21 against. So the debate continues and I choose Deputy de Sausmarez.

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

This will be very brief, I am just picking up a detail that I think Deputy Brouard wanted to mention that, all of the congratulations about this agreement – notwithstanding I very much echo them – would the President agree with me that travel insurance is still recommended for all Islanders for any trips, including trips to the UK in order to cover costs not covered by the RHA, such as repatriation, travel disruption, etc.? I just think it might be in all of the noise and quite rightly media celebration about this, to make sure that that message does cut through as well.

Thank you.

**The Acting Presiding Officer:** Alderney Representative, Mr Snowdon.

**Alderney Representative Snowdon:** Thank you, sir.

Just to follow on from Mr Roberts, really. The Policy & Finance Committee in Alderney is 100% behind this. Hopefully the States of Alderney will fully endorse this next week in debate. I was at the People's meeting in Alderney yesterday and this did come up and the people of Alderney at that

meeting were very supportive of this measure and did wonder why it did not happen. So I do thank Policy & Resources for bringing this and everyone else who has taken the time to bring this here today. It is a step in the right direction and hopefully this is one thing concluded. (**A Member:** Hear, hear.)

Thank you very much.

**The Acting Presiding Officer:** Deputy Trott, you had not been put on the list but I will –

**Deputy Trott:** Yes, sir, I did rise before we went into the Guillotine motion and I tend to be very brief in what I confidently predict will be my one and only speech of the day.

I think it is important because you referred to the history and how you may have mentioned it had you had the opportunity to speak. It is important to remember that not all Health & Social Care Committees, or HSSD Committees of yesteryear, have prioritised the reintroduction of a Reciprocal Health Agreement. And there is a very good reason for that.

That is that those attitudes and behaviours changed, partly as a product of our ever-increasing ageing community. But one of the reasons was, back in I think 2007 or 2008, and I cannot be absolutely precise, sir, with these details, so they are an approximation. But back in 2007, 2008, the net cost to us, was about £500,000 that is at 2007 prices. Why was that? Well it was because more people who were permanent residents in the United Kingdom were drawing on services here than we were, by contrast, in the UK. There is every expectation that that will continue but it was reassuring to hear from Deputy Soulsby that the mechanism is different from then.

But that was one of the reasons why, when health expenditure was rising at an even more phenomenal rate than it is today, that the Health & Social Care Committee, its predecessor of the time, decided that for many years this was not a priority.

I am personally delighted that we are introducing this but I thought it was important for that history lesson to understand the chronology of events leading up to this. Also, as Deputy Le Tocq has very ably explained, the door has not always been open. So any criticism of previous Assemblies with regard to the ambition after the Kuttelwascher requête must be taken into account.

It does, as I think Deputy Le Tocq said, take both parties to negotiate and when one party is not prepared to, it is very difficult if not impossible to get an agreement.

Thank you, sir.

**The Acting Presiding Officer:** Any more speakers? Deputy Blin.

**Deputy Blin:** Thank you, Acting Presiding Officer.

Mine is really just a couple of points. I think it is a true congratulations to P&R. And the talk about ex- or previous Deputy Jan Kuttelwascher, but also as well as the action today. I think this is an opportunity to talk about the action today that has been spoken about by our Chief Minister.

Also just clarifying, just reminding, because this is so important, this is going to make a difference. Right from the beginning when we were standing for elections, there were people saying 'What's going to happen about this? How are we going to do this?' It was an important part of what people were voting for at the time.

So it is really a good, solid moment for P&R, for the Assembly. I am *sure* this is going to be unanimous and therefore the other part I would like to ask for is to make sure that it is recorded – I would like to request for a recorded vote.

**The Acting Presiding Officer:** Thank you very much.

A few procedural points, as – not a predecessor of mine – but as one distinguished former Bailiff often said, if we get to the point in the debate where everybody is in favour of the Proposition, then we really need to focus on speeches against.

The second point is that when we go for the traditional recorded vote, we cannot really have Members – even if I have done it myself, occasionally – comment on the merits of the vote. As we heard one Member perhaps say it was a little bit of a time-wasting issue.

815 The third point is, being a rookie in the Chair, I have made a mistake. It was an invalid, I am afraid, recorded vote on the Guillotine motion, because Deputy Inder had already spoken in the debate. That is a point for the future debates on things we may have, that if you have already spoken on the debate, you are not entitled to call for a Guillotine motion. I do not think you had, Deputy –

820 **Deputy Dudley-Owen:** Sir, may I ask also about people making comments before they state their vote?

**The Acting Presiding Officer:** Yes, that is what I was clarifying earlier when we did have a comment. We had that a bit more when we were on Teams, but it is not really within the Rules. And 825 in any case it potentially confuses the person recording the vote. So hopefully we will not have any further comments.

But now, of course, Deputy St Pier wishes to make a speech or make a point of order.

**Deputy St Pier:** Yes, briefly, sir, to draw out a point which has not yet been emphasised in 830 debate. Deputy Soulsby touched on it and the policy letter touches on it. It is the National Health (Service Charges to Overseas Visitors) Regulations 2015 and the fact that an ancillary benefit of this policy letter and the agreement reached with the UK, is the *outrageous* application of those regulations which would increase charges to those receiving treatment in the UK to 150% of the NHS charging tariff, will not apply to the Bailiwick in the future.

835 As the policy letter makes clear in section 6, the implications of that for planned treatment, of us sending patients to the UK for secondary care, would have significant implications on the budget for the Committee for Health & Social Care. So in fact the opportunity cost of *not* doing this is far greater than has perhaps been drawn out in the debate so far.

But I think it is worth just very briefly touching again on how we got into that position, because 840 it was a decision of the whatever the Department for Health in the UK was then called in 2015, without any consultation with the Bailiwick or anybody else at the time. It was clearly made without a proper understanding in that Department, of the relationship between Guernsey and the Crown and without any input from the Ministry of Justice. Once the decision had been made, it could not be readily unmade, which was deeply unfortunate.

845 But the idea that we were treated less favourably than members of the European Union, because we were not in the European Economic Area, was just absurd. And of course the subsequent referendum in the following year, in 2016 to exit the UK from the European Union made the decision even more absurd. So I think one of the key –

I will give way.

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**Deputy Le Tocq:** I thank Deputy St Pier for giving way.

I have said it before but I will say it here, as it is relevant to say: one could say that what we are about to vote on is one of the benefits of Brexit! (*Laughter*)

855 **Deputy St Pier:** Indeed, it did unlock this opportunity. So I thank Deputy Le Tocq for the intervention.

But I think the genesis of the problem emphasises the constant nature of the UK Departments being unaware of who we are and what our relationship is and why we need to be taken into account. And it is a constant challenge for the External Relations Team and the political leadership 860 of the day to ensure that those who need to know are informed.

I think the constant changes at a political level in the UK from 2015 on – and of course we are about to embark on another round of changes as a result of the turmoil in Number 10 in the last week or so – do not assist in that challenge in any way. So this problem could well emerge



somewhere else in the system on some other issue. It is fortunate that this opportunity now resolves that particular challenge, but it is also worth noting that it has taken seven years to be able to unwind a decision on those – potentially the application of 150% tariff – that should never have been made by the UK originally.

**The Acting Presiding Officer:** Thank you.

Well that proved what Presiding Officers have often said, that more people speak than you expect prior to a Guillotine Motion. But anyway ... [*Inaudible*]  
Deputy Ferbrache to reply to this debate.

**Deputy Ferbrache:** I am grateful, sir, thank you very much indeed.

The last speech was a political speech which had little to do with the topic we are actually talking about. Brexit and how many changes happen in the UK government are completely outside of our control. All we can do – which our *excellent* External Relations Team do – is try to maintain and create relations with whoever they are having to deal with. And we cannot change whether it is Mr Sunak, Mrs Mordaunt or anybody else. It will be for the UK Parliament to decide and whether there is an election in 12 months' time, and we have got Sir Keir Starmer, that is not for us. Let's talk about things we can look at. An excellent point.

Again, we have got a very able, gentle Acting Presiding Officer, how many people are going to speak to the debate now – two? And five speak. Well, okay, it would be helpful if we could sometimes exercise a little bit of discipline.

But in relation to where we are Deputy de Sausmarez, who was one of those who did indicate she wanted to speak and made a very useful contribution, because it touched upon the point that Deputy Brouard made about repatriation. Repatriation will not be covered under the Reciprocal Health Scheme. So Deputy de Sausmarez is absolutely right, we should be saying to people, 'If you can get insurance, get insurance.' (**A Member:** Hear, hear.) It will not be possible in certain cases or it will be too prohibitively expensive but if you can, please do so.

An excellent point raised by Deputy Gabriel about what about ambulance costs, because all of a sudden, if you are a visitor and you break your leg on the beach and you get a £400 bill for the ambulance, you are not going to be very pleased, if you think we have got a Reciprocal Health Agreement. But of course the paragraph, 7.4 I think it is, of the policy letter, says it is high-level at the moment.

It is certainly something that should be covered if it can be and I really do think that was a point well made. Because again people do not appreciate that their health service and St John Ambulance are independent, or sort of quasi-independent, if I can say that in relation to it. And I also think Deputy Soulsby answered Deputy St Pier's point. She gave a lot of detail and information in her speech and I am grateful to her for doing that. But as regards where we are, really, the points we have made, the financial considerations are dealt with as best as they can be under paragraph 10 of the policy letter, and we have an assurance that there will not be a cash adjustment.

But let's just say in the course of the discussions they raise it and we have got to do something. Well we will have to do it. Deputy Vermeulen made the point about the tourist industry etc. The benefits we get of, say we have got a Reciprocal Health Agreement with the UK, you cannot quantify that. You cannot say that is worth £1 million or £2 million because it will encourage people to come here. The last thing we want to do as a 75- or 80-year-old, or even a 50-year-old, is to have a heart attack in Guernsey and suddenly have a very big bill.

So our position in relation to that is well made. But again, can I just say that this is something that we should all unanimously – and a recorded vote has been requested – put our names to.

**A Member:** Hear, hear.

**The Acting Presiding Officer:** Members of the States, there are actually six Propositions to be voted on.

**Deputy Ferbrache:** Sorry, there was one other point, sir. It was a point I should have made – I apologise – in relation to Sark, because Deputy Brouard said that he thought that Sark would pay for treatment in Sark, and then Guernsey from the time that the UK person gets on the boat to leave Sark. Sark has already agreed at its Chief Pleas last week, its *own* tailored propositions on the Reciprocal Health Agreement. And as set out in the policy letter, Sark pays for treatment on Sark and a Flying Christine, if required. Then Guernsey takes over for paying costs once that visitor arrives in Guernsey from Sark.

I also should have said in relation to the two helpful contributions from our colleagues from Alderney, that we are the Bailiwick of Guernsey and we all need to work together and I am very grateful for their co-operation.

**The Acting Presiding Officer:** On that note, I have to multi-task a bit here because I have to look at different things as well. I had to find that we have actually got six Propositions for this Item. Are Members minded to take all six at the same time, taking them together?

*Members voted Pour.*

**The Acting Presiding Officer:** So I put them *au voix* to the States ... Deputy Blin has asked for a recorded vote, so we are going to record them ...

Madam Greffier.

*There was a recorded vote.*

Not carried – Pour 37, Contre 0, Ne vote pas 0, Absent 3.

**POUR**

Deputy Le Tissier  
Deputy Le Tocq  
Deputy Mahoney  
Deputy Matthews  
Deputy McKenna  
Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Oliver  
Deputy Prow  
Deputy Queripel  
Alderney Rep. Roberts  
Deputy Roffey  
Alderney Rep. Snowdon  
Deputy Soulsby  
Deputy St Pier  
Deputy Taylor  
Deputy Trott  
Deputy Vermeulen  
Deputy Aldwell  
Deputy Blin  
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

**CONTRE**

None

**NE VOTE PAS**

None

**ABSENT**

Deputy Gollop\*  
Deputy Leadbeater  
Deputy Parkinson

Deputy Haskins  
Deputy Helyar  
Deputy Inder  
Deputy Kazantseva-Miller

\*Marked absent from vote due to being Acting Presiding Officer.

**The Acting Presiding Officer:** I am not sure which way that vote will go. (*Laughter*) I can now announce that the Proposition for Article 15 regarding the Reciprocal Health Agreement, of 40 potential Members, 37 voted *Pour*; none *Contre*. So I declare that passed.

I perhaps need a break and we are changing Presiding Officers. We are going to have the services of Deputy Trott for the next Item and several subsequent Items, Amendments to the Statutory Minimum Wage. And because it is a hot day and it is nearly 11 o'clock I call a five-minute recess and we recommence at 11 o'clock.

*The Assembly adjourned at 10.56 a.m.  
and resumed at 11.07 a.m.*

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

### **17. Amendments to the Statutory Minimum Wage Arrangements to come into force on 1st October 2022 – Propositions carried**

Article 17.

*The States are asked to decide:-*

*Whether, after consideration of the Policy Letter entitled 'Amendments to Statutory Minimum Wage Arrangements to Come into Force on 1st October 2022', dated 13th June 2022, they are of the opinion:-*

1. (a) *To direct the Committee for Employment & Social Security, whilst having regard to the requirements of the Minimum Wage (Guernsey) Law, 2009, to take fully into account when reviewing minimum wage rates that it is a policy objective of the States of Deliberation that the Young Persons' Minimum Wage Rate should be set at a rate equivalent to 90% (rounded to the nearest 5 pence) of the Adult Minimum Wage Rate by October 2024;*

*or, if Proposition 1(a) is not approved:*

*(b) To reaffirm the Resolution of the States made on 28th May 2010:*

*"To direct the Commerce and Employment Department [responsibility now rests with the Committee for Employment & Social Security], whilst having regard to the requirements of the Minimum Wage (Guernsey) Law, 2009, to take fully into account when reviewing minimum wage rates that it is a policy objective of the States of Deliberation that the Young Persons' Minimum Wage Rate and the Adult Minimum Wage Rate should be equalised as soon as possible."*

2. *If Proposition 1(a) is approved:*

*(a) to approve the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2022 (as set out in the Appendix to this Policy Letter), which pursuant to sections 1(3) and 3(1) of the Minimum Wage (Guernsey) Law, 2009, prescribe the hourly Minimum Wage Rates set out below with effect from 1st October 2022:*

- i. Adult Minimum Wage Rate: £9.55 per hour (for workers aged 18 and over), and*
- ii. Young Persons' Minimum Wage Rate: £8.95 per hour (for workers aged 16 and 17);*

*(b) to rescind Resolution 5 on Article XI of Billet d'État No. XI of 2010.*

3. *Only if Proposition 1(b) is approved:*

*(a) to agree that, with effect from 1st October 2022:*

- i. the rate of the Adult Minimum Wage shall be £9.55 per hour, and*
- ii. the rate of the Young Persons' Minimum Wage shall be £9.25 per hour; and*
- (b) to note that the Committee for Employment & Social Security will amend or revoke and replace the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2022 (as set out in the Appendix to this Policy Letter) to reflect these rates, noting that the Regulations shall not have effect until approved by a resolution of the States.*

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[DEPUTY TROTT *in the Chair*]

**The Deputy Greffier:** Article 17, Committee for Employment & Social Security – Amendments to the Statutory Minimum Wage Arrangements to come into force on 1st October 2022.

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**The Acting Presiding Officer (Deputy Trott):** Thank you, Deputy States' Greffier.  
I invite the President, Deputy Roffey, to open debate.

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

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This policy letter puts the States' approach to the minimum wage back on track in two significant ways. Firstly it moves the date for the annual increase back to the traditional month of October, after it slipped to January for some reason a few years ago. Secondly, it puts us back on track, albeit two years late, to implement our medium-term plan target, for increasing the minimum wage over a five-year period to a point where it represents 60% of median earnings based on a 40-hour working week.

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Members, we took the first two of the five steps needed to meet that agreed medium-term target before the pandemic arrived. Then we paused for two years and we did that simply because we were cautious. We did not know how resilient the local economy would prove to be in the face of all of the required public health restrictions. In retrospect, perhaps we were over-cautious, because in the event our economy provided remarkably resilient which is extremely good news. But of course while that resilience is easy to see with hindsight, it was far from clear a year or two back; and we did not want to do anything that would risk breaking the economic camel's back.

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So the proposals today represent the third of five steps towards the States' 60% target. And just to put that target in context, if we had reached it *this* year – which is what we would have done had it not been for the pandemic – then the minimum wage in October would be £10.60 an hour. Putting it another way, when we do reach it in October 2024, it will be £10.60 an hour plus any percentage increase in median earnings over the next two years.

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Just a couple of other points in opening, some people have reacted to these proposals by suggesting that the proposed increase is below inflation. Firstly, that is simply not true. It is significantly above inflation. And secondly the States'-agreed formula for the minimum wage is not tied in any way to the movement in prices, but rather to the movement in median earnings. So once we have reached, assuming we do, the 60% level in two years' time, then for instance if inflation went up by 5%, but median earnings went up by 10%, the proposed increase in the minimum wage would be well above inflation. But, conversely, if inflation went up by 10% but median earnings only went up by 5%, then there could indeed be a proposal to increase the minimum wage by less than inflation.

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But that certainly is not true today. This proposed increase follows nine months after the last one and the increase is significantly above the inflation rate for the relevant nine-month period. I think there are two other issues to mention briefly, Mr Acting Presiding Officer. The first is the separate minimum wage for 16- and 17-year-olds who are not apprentices. That is a fairly narrow band of workers. Just to be clear, the minimum wage does not apply to those under 16 and nor does it apply to 16- or 17-year-olds who are apprentices. So really we are talking about those who are 16 or 17 and who are not in apprenticeships.

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The current States' instruction to ESS is to move gradually towards equalising the young persons' minimum wage with the adult one. We have debated this within Committee, largely sparked I think from some remarks from Economic Development, and frankly we could argue it either way. When push comes to shove, we are split over the issue. A majority favour a modest reduction on the adult minimum wage for young people but I cannot say that we feel that passionately about it. So we are asking the States to make that philosophical decision by offering them the options. Should our policy continue to be to completely equalise the adult and young persons' minimum wage? Or should the policy be for the young persons' rate to be set at a slight discount, and we are suggesting 90% of the adult rate?

If Members turn to the table in the policy letter on page – it is in section 3.2, I do not think it has got a page number. They will see how other territories deal with this issue. Compared with the United Kingdom, whichever route we go down, we are being very generous towards 16- and 17-year-olds because there are really quite harsh reductions for people in that age section, of only £4.81 an hour for the minimum wage. And they go further up the wage scale, it is only £6.83 for those people aged 18 to 20. There is even a discounted minimum wage of just £9.18 for those 21 to 22. It is only once you are 23 years and above that you get the full minimum wage in the UK.

The Isle of Man is slightly less draconian but it still has a minimum wage well below their £9.50 for adults at just £6.80 for those over 16 but under 18. By contrast, Jersey are very much in line with the previous target that was set by the States to equalise the two minimum wages for adults and for young people, except for trainees. However, I am not sure exactly what the definition of trainees is down there, but it is 'except for trainees'. My own personal view is that it really can be argued both ways. Frankly if you have a 17-year-old and an 18-year-old next to each other on an assembly line for the manufacture of widgets, I do not think there is any credible case for paying the 17-year-old less than the 18-year-old.

However, in 90% of jobs, new recruits aged 16 or 17 will probably require somewhat more training and oversight than an adult would, even if they are not in a formal training position. So on balance I came down on the side of the slightly reduced minimum wage for young people, although I certainly would not lose any sleep over it if the States decide to go down the other path.

One final thought. Where do we go after 2024 when the minimum wage *will* rise? I hope, if the States stick to their previous philosophy, it will by that year reach 60% of median earnings. The original intention when the current target was set was to remain at that 60% figure and therefore simply to increase the minimum wage each year in line with the increase in median earnings. However, since that time, many other territories – and I think I am right in saying they include Jersey, the UK and the Isle of Man – have adopted more ambitious long-term targets of eventually moving to a minimum wage which reflects 66%, or two-thirds, of their median earnings respectively in their territories.

There will be a question whether Guernsey should follow suite and personally I think there is a strong case for doing so. But that is a debate for another day. Probably, actually, this time next year. In the meantime I invite Members to approve the proposals in the policy letter.

**The Acting Presiding Officer:** Thank you, Deputy Roffey.  
Deputy Leadbeater, would you like to be relevé?

**Deputy Leadbeater:** Yes please, sir.

**The Acting Presiding Officer:** You are relevé. Thank you.  
Who would like to speak in this debate? Deputy Taylor.

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

I will be supporting – I lose track of the different Propositions here – I suppose number 2, to get the £8.95 minimum wage. It is not something that I am feeling strong enough that I would bring an amendment to change this, but I do feel that I need to put on record again that I do not believe

1035 this is a good move to be putting the minimum wage rate for 16- and 17-year-olds at such a high price. I do accept that there are 16- and 17-year-olds that will do hard work but at that age, from my own experience, it is a *very* wide range of abilities that you are employing at that age.

And the value – I do not think it gives enough flexibility for businesses to employ someone at 16 as a starting, very low-ability on a low-level job and instead of paying them £9 you pay them £6. But the person who has been in for six months and they do the job really well, you could give them a £2 pay rise. You could give another member a £1 – and you could split that difference between you. It gives the business more flexibility and from my own experience – and I am happy to put this on the record – as the minimum wage rate for 16- and 17-year-olds went up, it meant that it was no longer viable for me to employ them in the levels that they were needed. Often it was the case that I needed two 16-year-olds to do the work of one adult and the economics did not stack up, so I simply moved away.

I do understand. Again, it is not something that I feel strongly enough that I would bring an amendment to stop this or vote against it, but I just want that to be put on record.

Thank you.

**The Acting Presiding Officer:** Thank you. Deputy Blin.

**Deputy Blin:** I would like to actually concur with the opinions of Deputy Taylor. There is also the fact that as many of us have our children who might be at school and looking for jobs part-time, that we go to friends and we ask them to help them out. There is an element that they are not experienced and skilled workers but we are also doing it to give them the chance. And just to note, as Deputy Roffey pointed out, you already separate out the apprentices who are 16 and 17. Why? Because they have been given an apprenticeship to develop and to learn, so that should fall in line with others.

The only time I can see it as slightly different is when, actually, the individual has finished schooling totally, so needs the highest opportunity to do it. That really is where I feel there is a little bit of a debate. So I totally appreciate the situation of Deputy Roffey and his Committee trying to deliberate to work out what was the best way.

Thank you, sir.

**The Acting Presiding Officer:** Anybody else? Deputy Queripel.

**Deputy Queripel:** Sir, all I am rising for is to seek clarification. Should Members who are employers not declare that they are employers before we go to the vote?

**The Acting Presiding Officer:** Thank you for that. In my view, it is not necessary. So I think I can safely rule that there is no need for a separate declaration from Members prior to the vote.

Is there any further debate? Deputy Oliver.

**Deputy Oliver:** Thank you.

I am just going to give an opposite opinion, that when you have two people doing exactly the same job, and one tends to be an adult and one tends to be a child, it is kind of unfair that there is that difference in pay because it is the same job.

**The Acting Presiding Officer:** Deputy Ferbrache.

**Deputy Ferbrache:** Sir, I am going to vote the way the Committee has indicated it should be voted. But Deputy Oliver's point is: if you have two people doing the same job at different abilities ... I remember when I was a young lad I worked at Mrs Tostevin's vineries doing all kinds of things. I had to pick roses, and I was 16 or 17, reasonably fit. There was a gentleman of over 60, which seemed a great age at that time. We had to pick roses. He could pick two and a half rows of

roses to my one. So if we had to get paid the same rate because it was the same job that would be, frankly, ridiculous. Because he was doing twice the work I was and probably better anyway because I was not very good at it.

1090 In relation to Deputy – sir, I appreciate and fully accept your ruling which I think I am very grateful for. But I employ people, I do not think we employ anybody at minimum wage, they are all above the minimum wage. It is a point Deputy Taylor made: when you are 16, it is better to give a 16-year-old a job at a reasonable rate of pay – there has got to be a reasonable rate of pay – but if you are too doctrinaire, that 16-year-old will not get his job or her job because the employer will think 'I might as well employ a 22-year-old or a 24-year-old or a 30-year-old because I will get ...'  
1095 generally, they are more experienced, they have worked, they have had jobs, they are used to the work environment.

So that is all. But I am still for that and fully in favour of all of these proposals and will vote for them.

1100 **The Acting Presiding Officer:** Thank you.  
Deputy Vermeulen followed by Deputy Kazantseva-Miller.

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

1105 I was young once (*Laughter*) and my first job was, as a schoolboy, price work, it was picking tomatoes and it was 5p a bucket. I remember that. So that was quite easy, wasn't it? You just picked the tomatoes and you filled your bucket up and every bucket you brought in, it was 5p. It did not take them long to realise that Simon was picking the green tomatoes (*Laughter*) and they actually needed to have at least a spot of red on them to help them mature.

1110 So, did I need to be paid the same as the guy in the vinery that had worked there 40 years and could just look at a tomato plant and they would fall in his pocket? No, I do not think I did. I was learning my trade. When I left school I did an apprenticeship as some others in our Assembly do. And it was quite a learning curve over many years. Over five years it was an apprenticeship in building and construction and carpentry, and there was a pay scale there for the apprentices, so when you start you had a percentage of a skilled man's pay.

1115 There was no minimum wage on the Island and this Island prospered fantastically well without a minimum wage. I am not a supporter of a minimum wage but I know we have got one. So after five years you were then an improver, sir. You were time-served and you were an improver. What did an improver mean? Well it meant you had done your apprenticeship, you had done your skills but you still were not quite as good as the bloke that had been on the tools for 35 years, who were master tradesmen.  
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It has been made, the point by Deputy by Oliver, that perhaps youngsters should be paid exactly the same as adults. If the minimum wage for youngsters is set lower, that does not stop the employer from doing just that, does it?

1125 When I was recruiting staff and staff were scarce on the floor, rates really went up. Which is why the minimum wage in an overheated market does not really do much. Of course you are already paying *far* above the minimum wage to attract those staff in. And that is where Guernsey is. But picking tomatoes, all that, it is important. It is a really important start to your working career. I went on to be a boatswain on the Herm ferry the following school season, in the school holidays. But you do learn things and it is really important.

1130 So I would hate to be in that situation, hate to find the Island in the situation that Deputy Taylor describes where people are actually put off employing them because it has got too expensive. You really want the right person for the job.

I am probably going to vote for 1(a), I think. And that is really all I have to say.

Thank you, sir.

1135 **The Acting Presiding Officer:** Thank you.  
Deputy Kazantseva-Miller.

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

1140 The Committee for Economic Development had similar comments about the young persons' age  
last year and this year, and I wanted to thank the Committee for taking on board those comments  
and actually reflecting or proposing an important policy change. So I think it is a good example of  
the Committee listening to the feedback that they received. I believe we should not be getting too  
caught up between the exact difference between the proposed minimum wage for young people  
and older people. Because hopefully not many people, especially over 18, are on the minimum  
1145 wage. I think that is the whole point.

Hopefully we have a very small proportion of the population who are just earning the minimum  
wage. Because what the problem will be that they are going to be struggling to live on this Island.  
We have talked extensively about the cost-of-living crisis and how Islanders cannot afford to leave.  
That also includes families with children who are 16- and 17-year-olds. Sometimes those children  
1150 will go out to help the families earn extra income to actually make ends meet. Or perhaps save for  
university or perhaps start saving for the first deposit for their jobs. So I think if we get too caught  
up about minimum wage for adults and younger people, I think we are missing the point. I think  
we need to pay people fairly so that they can also afford to live on this Island. (**A Member:** Hear,  
hear.)

1155 There is something else I was going to say. As Deputy Moakes keeps on reminding us, we are in  
a jobs crisis. One of the best ways to solve the jobs crisis is to encourage more people to go and  
work. And I think if you pay people a fair wage, (*Interjection*) and no one is saying this is an extra  
high wage, it gives perhaps an incentive for young people to go out and seek jobs. If businesses are  
not willing to pay this minimum wage, then perhaps we are not paying people enough as well.

1160 It is difficult obviously for businesses to be in this kind of environment but we have all recognised  
the cost-of-living crisis. So it is really a two-way situation. You have to pay people to make sure they  
are able to live on our Island and we increasingly hear how difficult it is.

I think the Committee has listened and reflected. Importantly I think this policy paper  
fundamentally reflects the feedback you have received from industry. The Committee has consulted  
1165 different industry groups etc. so I think the full scope is reflected of the feedback you have received  
and I will be supporting the proposals as the Committee suggests.

**The Acting Presiding Officer:** Thank you.

Deputy Le Tissier.

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**Deputy Le Tissier:** Thank you, sir.

I come to this debate having been converted. Quite a while ago, I thought it is not the  
Government's job to interfere in contractual arrangements between employers and employees on  
the basis of wage. But over the years I have come around to the other point of view and I am  
1175 strongly in favour of this.

I am quite happy with youngsters getting slightly less but I think my issue – well, it is not really  
an issue, it is a comment – is that why, with a lower minimum wage, effectively the taxpayer – that  
is you and me – we are subsidising bad employers by having to pay income support.

1180 So my question to Deputy Roffey is: the present figure proposed, is it high enough? Because  
Guernsey is a very expensive place to live and there is a shortage of labour. If a business cannot pay  
a decent living wage, then they either need to go out of business and the people need to quite  
easily find new employment at a higher wage, hopefully. I am going to support this but my  
recommendation is that the minimum wage is increased.

Thank you.

1185

**The Acting Presiding Officer:** Deputy Inder was just ahead of Deputy Gollop, who I shall call  
after Deputy Inder.



**Deputy Inder:** The difficulty some of us have got is simply that – I can only talk from my current experience, I am sort of hanging around with teenagers at the moment. (*Laughter*) I had better be careful how I say that! But Deputy Kazantseva-Miller said that children are going out to save money. I am sending mine out just so that they can actually understand the value of money. Of the experience of the contemporaries who work across the M&Ss of the world and the various kiosks and all of the little jobs that are happening, I do not detect anyone who is actually on a minimum wage.

That is the truth of it. I do not actually detect anyone who is on the minimum wage. It would be interesting – I do not think Deputy Roffey is going to be able to answer the question given the types of data that ESS collect – how many people are actually on the minimum wage? So we are fighting in a bit of a vacuum here. Really is this all about sense and feeling? Deputy Vermeulen mentioned back in the day somebody had greenhouses and everyone did piece work and it is true, the youngsters were not as fast as the older hands.

But equally, on the flip of it, if you see someone working in one of the shops or convenience stores, putting a can of beans through one of those scanners, there is no difference from a 16-year-old, given a couple of weeks doing it, than an 18-year-old. So every single type of work means different things and you would like to think that sensible employers, which we are seeing, will reflect on that. They will know that a 16-year-old being able to pick up a breeze block is going to be less efficient than someone of a certain strength doing the same amount of breeze blocks. That should likely be reflected in their wages; whereas someone who is working on a shop floor stacking shelves, doing all that work, is not going to be too far off the capacity of an adult. So they are all entirely different.

But just to the point made by our two Members, it is really a judgement call for anyone in this Assembly. What does it feel like? What does it smell like? And is it the right thing to do? As complimented elsewhere, ESS *did* actually talk to us about this. We did speak to industry and I think the policy letter reflects the views of the industry, of the Committee, and a lot of this is about feeling. It really is about feeling with very little data sitting around. Ultimately, Members, it is a judgement call. Does it feel right? This is what it is about. Does this feel right? And at the moment, as the policy letter stands, having had that consultation with ESS, I think this policy letter feels right.

**The Acting Presiding Officer:** Deputy Gollop.

**Deputy Gollop:** Thank you very much, Mr Acting Presiding Officer, sir.

It gives me a break to focus on the political issues here and I am of course on Deputy Roffey's ESS and its predecessor Committee who inherited the minimum wage from, in a way, Economic Development, or rather Commerce & Employment in the past. And when the transition occurred in 2016 with the new system of Government, it particularly affected this because not only did the workstream switch Departments, but I would argue it switched political focus, because it had previously been under a Committee which was interested in our economy and business and the employers and perhaps less emphasis on the employees at the time.

It then went to a Committee whose principal focus actually is social policy and alleviating relative poverty. Do I have a consistent view on it all? Not really. In that I know within our Committee, past and present, there have been graduations of thought about whether we should have an identical wage eventually for people regardless of age. And we have certainly had a mini debate this morning that has revealed all of the conundrums, because you can have one principle that everyone should be paid according to their ability, and some people are more capable than others.

I do not know if Deputy Ferbrache was really good at picking the tomatoes, possibly Deputy Vermeulen was better if you discount the greens. I would not have even been able to lift a basket, I would have been eating them probably. But I think it is even less likely that I could have served as a boatswain on the Herm Ferry. But of course times change and we have now only got one – well, two actually – ferries to Herm, whereas we once had a multiplicity. And that is the point: jobs change, skillsets change and I think it is important that young people get employed.

Although I tend to go to the side of everybody, regardless of age, meriting pay if they are doing an identical job. And also, as Deputy Oliver reminded us, having a basic minimum income and not being exploited. There are other arguments here as well. One argument of course is the viability of businesses – could be hospitality, could be retail – where if you pay too much there is a risk the business will reduce its staff or even close. And there is also an argument about capability and getting to ensure that you have employees who are motivated to work. So you have that concern as well.

Another conundrum in this situation relates to the social security element that Deputy Kazantseva-Miller reminded us of and Deputy Le Tissier, particularly, that you could be subsidising inefficient employees and wages that are actually below where they should be. To give an example, I actually quite support the living wage as a concept, that the UK has worked on and Jersey are keen on. But of course the living wage is a nice political feel-good virtue signalling policy but the problem comes –

**A Member:** I cannot accept that.

**Deputy Gollop:** – will it mean that business will not exist if a living wage is paid? Then you have got the issue of the differentials.

But the fundamental philosophical core of the living wage that we have discussed at ESS is that a living wage for me might not be a living wage for anyone else. If I was lucky enough that somebody said ‘You look very smart today, this morning, Deputy Gollop, are you looking for a job interview?’ I do not know what that meant. But if I was looking for a job, if I was living with a very wealthy partner and already owned a house, that would be a different situation than if I was involved with a young family and had to feed a family and was renting.

A living wage for one person is not a living wage for another. So the 17- or 18-year-old that Deputy Taylor might employ, however good they are, they *might* be benefiting from a home situation that a 25-year-old is not. Then of course we also have workers who come from overseas and might get offset with accommodation. All of these matters are extremely complicated to adjust, which is one of the reasons why we have, for example, the boarding allowance, the offset for accommodation. So it is much more of an art than a science.

Although I understand the argument that we should not be subsidising low-income jobs through social security top-ups, we also believe at Social Security that there is a wellness element. It is usually better for people to be in work than not at work and to feel they are contributing to society and have a routine. It is also in our interests that those businesses continue to survive and we have as big of an economy as we can. So again we have to balance hardworking workers who need a top-up against the principles of this.

And just to close, I remember in the past Deputy Queripel, who spoke well, used to say that if Deputies were on a minimum wage, it would be unfair because we are already doing 80 hours a week. Well I do not know about that, but I am wondering, as one of the longer-serving Members, why it is that there is no differential between the longer-serving Members and the shorter-serving Members. But then again the counter argument would be that new Members are actually more able! So there you go.

There is no straight answer but I would prefer, actually, does it feel right? I think we should be moving towards the £10-mark for wages. But this is the best we can do in the circumstances after appropriate consultation.

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

**The Acting Presiding Officer:** Okay. Rule 26(1) is the famous Guillotine motion. It can only be moved by a Member who has not spoken in debate and Deputy Queripel has not. So I now need to ask any Member who intends to speak in the debate to stand in their places. Deputy Queripel, are you wanting to continue with the motion?

**Deputy Queripel:** I am, sir.

1295 **The Acting Presiding Officer:** Okay, then it will be by recorded vote.  
Deputy States' Greffier, Rule 26(1).

*There was a recorded vote.*

*Not carried – Pour 19, Contre 17, Ne vote pas 1, Absent 3*

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Leadbeater	Deputy Matthews	Deputy Taylor	Alderney Rep. Snowdon
Deputy Le Tissier	Deputy Prow		Deputy Trott*
Deputy Le Tocq	Deputy Roffey		Deputy Parkinson
Deputy Mahoney	Deputy St Pier		
Deputy McKenna	Deputy Brouard		
Deputy Meerveld	Deputy Burford		
Deputy Moakes	Deputy Bury		
Deputy Murray	Deputy Cameron		
Deputy Oliver	Deputy de Sausmarez		
Deputy Queripel	Deputy Dyke		
Alderney Rep. Roberts	Deputy Fairclough		
Deputy Soulsby	Deputy Falla		
Deputy Vermeulen	Deputy Ferbrache		
Deputy Aldwell	Deputy Gabriel		
Deputy Blin	Deputy Gollop		
Deputy de Lisle	Deputy Haskins		
Deputy Dudley-Owen	Deputy Kazantseva-Miller		
Deputy Helyar			
Deputy Inder			

\*Marked absent from vote due to being Acting Presiding Officer.

**The Acting Presiding Officer:** There voted in favour of the Proposition to Guillotine the debate  
*Pour 19, Contre 17*, there was 1 abstention and 3 absentees. Debate is curtailed.

1300 I invite the President, Deputy Roffey, to reply to the debate.

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

1305 What we saw at the beginning was really a replay of the sort of debate that we had around our own Committee table. I invite Deputy Taylor and Deputy Vermeulen to vote for Proposition 1(a) and for Deputy Oliver to vote for Proposition 1(b) and that is exactly why they are in here in this form, so that people can give us a steer of what the States think is correct.

It has been an interesting debate. Particularly because I am just trying to visualise a teenage Deputy Ferbrache amongst all of those roses. A classic case of a thorn between two roses maybe. *(Laughter)*

1310 And likewise I felt that Deputy Vermeulen felt that ... I, like him, used to do picking tomatoes. I do not think it took me 40 years to work out that it has to start going a little bit ripe in order to continue once you ... It maybe took me a while to leave the calyxes in so that they look really nice on the shelves in the UK, when we used to actually send things there. I was also interested in his concept that newbies to jobs got paid very little, once you had been there five years you got an improver's wage, but people who had been there for donkeys' years got a lot more. Yes, let's do  
1315 that with Deputies' wages, I think that would be a really good idea! *(Laughter)*

1320 Deputy Kazantseva-Miller was right that I do not think many people will be on the minimum wage. But I have to tell both her and Deputy Inder that sadly we are still waiting for the statistics to be able to actually provide firm numbers on that. We know what people earn, we are still waiting for the stats to be able to show exactly how many hours they have worked. Strangely enough I am told – I do not quite understand the linkage – but I am told by the Stats Department and by the

revenue services that once secondary pensions are implemented – and this will be November no doubt – then they will be able to give us those figures. So that will be a side benefit.

1325 I suspect that there are fewer now than there would have been a few years ago because the buoyancy of our market means that people have to pay a premium in order to recruit. But really the minimum wage is not telling local employers ‘This is what you should pay.’ It is the Government saying, ‘Anything below this is exploitative and you shall not do it.’ That is really the purpose of the minimum wage.

1330 Deputy Le Tissier says, is this high enough? I have to say we do not think it is, which is why we have got this five-year target; and actually that the target will deliver, in today’s terms, a wage of £10.60 in two years’ time. The question is there, but I think the States decided that we would phase that in. If he feels that is taking too long, he could bring an amendment of course to get there more quickly, but we are following the instructions of the States. So it will become significantly higher over the next couple of years.

1335 Deputy Gollop has referred to the concept of a living wage and I agree with him. People who campaign for something called ‘a living wage’ are incredibly well motivated, but I think really what they are campaigning for is a higher minimum wage. There is no such thing as a living wage, a level of hourly pay on which somebody would not need to claim benefits, for instance.

1340 I own my own home, the mortgage is paid off, in theory I have got no dependents and so what I need to live on is going to be an awful lot different to some chap in his 40s who has got a big outstanding mortgage or a high rent and has maybe got three children to support. So I do not think you can have a figure and say, ‘That is the living wage.’ And I think, unless we have an eye-wateringly high minimum wage, there will always be family circumstances where the welfare system or income support have to come and actually give some assistance.

1345 So I invite Members to support all of the Propositions except of course they cannot vote for both 1(a) and 1(b), they have to vote for one or the other. I am not telling you how to suck eggs, but you have to vote 1(a) first and then see how we go. I will be voting for 1(a). It is nuanced but I have been convinced that 90% is far more generous than the UK and the Isle of Man. It is, I think, pitching it about right. But as I say, if people decide they want an absolutely equal minimum wage regardless of age, I will fully accept that and we will implement it.

1355 **The Acting Presiding Officer:** Members of the States, there are three Propositions. I will ask Members to carefully consider those Propositions. We will first vote on Proposition 1(a) discretely. If approved, the Assembly will not vote on Proposition 1(b). If rejected, we move to the vote on Proposition 1(b). If Proposition 1(a) was approved, we then vote on Proposition 2(a) and (b). And if Proposition 1(b) was approved, we move to Proposition 3. I will take each Proposition in turn.

Is there any request for a recorded vote? There is not. Therefore we will take Proposition 1(a) *au voix*. Those in favour; those against?

*Members voted Pour.*

1360 **The Acting Presiding Officer:** I declare that carried.

So we now move to Proposition 2(a). Again, there has been no request for a recorded vote, so we go *au voix*. Those in favour; and those against?

*Members voted Pour.*

**The Acting Presiding Officer:** I declare that carried. Therefore there is no need to go to 3. We do have to go, though, to 2(b).

So our next Proposition is 2(b). (*Interjection*) Yes, time will tell! Those in favour; and those against?

*Members voted Pour.*

1365 **The Acting Presiding Officer:** I declare *that* carried.  
We do need now to vote on Proposition 3. Those in favour ... Let's try that again, Members.  
(*Interjections*)

**Deputy Gabriel:** Point of order, sir.

1370 **The Acting Presiding Officer:** Yes, you are right, Deputy Gabriel. That was my mistake. We have finished voting on that Item, Members will be delighted to hear. (*Interjections*) Carry on the way you are and you will get him!

## POLICY & RESOURCES COMMITTEE

### 20. Superannuation Fund – Actuarial Valuation – Propositions carried

Article 20.

*The States are asked to decide:-*

*Whether, after consideration of the Policy Letter entitled 'Superannuation Fund - Actuarial Valuation', dated 9 June 2022, they are of the opinion:-*

*1. To note the Actuarial Valuation of the States of Guernsey Superannuation Fund as at 31 December 2020.*

*2. To agree that, except for Guernsey Electricity Limited, the employer contribution rate in respect of the States of Guernsey Superannuation Fund be decreased to 10.3% with effect from 1 August 2022 and that the employer additional contribution rates shall remain as set out in Appendix III.*

*3. To agree that the following funding parameters are set for the Combined Pool:*

*a) A lower boundary level of 90% with any corrective action to be taken over a period not exceeding the average future working lifetime of the active membership; and*

*b) An upper boundary level of 120%.*

*4. To agree that the employer contribution rate for Guernsey Electricity Limited be decreased to 7.5% with effect from 1 August 2022.*

*5. To agree that no annual sum is paid into the Superannuation Fund in respect of the States Members Pension Schemes from the revenue budget of the Policy & Resources Committee in 2022 and subsequent years.*

**The Acting Presiding Officer:** The States' Greffier.

1375 **The Deputy Greffier:** Article 20, Policy & Resources Committee, Superannuation Fund – Actuarial Valuation.

**The Acting Presiding Officer:** I am advised that Deputy Helyar will be opening debate.  
1380 Deputy Helyar.

**Deputy Helyar:** Thank you, sir.

1385 We have heard the phrase 'joyous day' used several times this morning and I am happy to say this is another one. Joyous day perhaps part 4. It is unlikely during this political term or perhaps any other that I will be able to stand up and guarantee delivering a £9 million per year saving on a potentially repeatable basis. So I am pleased to present to you the recommendations of the Policy & Resources Committee, arising from the latest actuarial valuation of the superannuation fund.

1390 Firstly, may I remind Members that this valuation relates to the pension benefits arising from the employment of public sector employees. That is nurses, teachers, civil servants, public service employees, police, firefighters, prison officers, etc. For absolute clarity and the avoidance of any doubt, it does not relate to the States' pension, previously known as the old-age pension, which is funded by ESS via the Guernsey Insurance Fund.

1395 The valuation on which P&R's recommendations are based was carried out by the local independent actuaries, BWCI, and their comprehensive and very clear report is appended to the policy letter. There are two main elements to the valuation exercise. The first is to calculate the employer future service contribution rate. That is how much needs to be paid into the scheme to cover the expected cost of benefits to be paid to retirees in the future. The second part is to assess the health of the assets in the superannuation fund at the valuation date. In other words, to ask the question, 'Is there sufficient funding within the fund to pay for the benefits which have already been earned?' The P&R Propositions which arise from the valuation of the Scheme are undoubtedly a very good news story in such turbulent times.

1400 The Policy & Resources Committee is recommending that the employer future service contribution rate be reduced to 10.3% from 12.1% at the previous valuation, representing a £9 million reduction in contributions per year. This is a result of various factors including, for example, the continued change in the membership of the Scheme, with half of the members now no longer being entitled to final-salary-defined benefits, but rather to benefits based on career average earnings, which make the Scheme still very generous but more affordable to the public purse. As the number of members who are entitled to final-salary defined benefits continues to decline, it is estimated that the future service contribution rate will progressively fall even further.

1405 The assets of the superannuation fund, as at the time of the valuation, exceeded the calculated value of the benefits accrued up to that date. In other words, there was a funding surplus of 7%, or just over £100 million. This compares to a funding deficit of a similar amount at the time of the previous valuation conducted in 2016. The value of the Superannuation Fund will inevitably fluctuate and respond to changes in the value of underlying investments. As these are long-term investments, with a 30- or more-year horizon, it is not unusual to see quite significant changes in the shorter term.

1410 Since the date of the actuarial valuation we are looking at today, there was an investment gain of nearly 10% in 2021. But up to the end of May 2022, there was a loss of 6.5%. This means that in real terms, the funding surplus is calculated to already have reduced to around £57 million at the end of May 2022, due primarily to the investment fluctuations which were discussed in detail yesterday in relation to the Budget.

1420 Sir, it is considered that the employer contribution rates in respect of past service surplus or deficit should not be tinkered with following each valuation, but instead that we move forward and consider prudent funding tramlines to guide any amendments in the future. This means the Propositions put forward, if they are *agreed*, adjustments would only be made to contributions to this Scheme if the past service funding position falls below a lower boundary level of 90%, or if it rises above an upper boundary level of a 120%.

1425 Within these specific boundaries, the employer contribution rate will be automatically set at the future service contribution rate. This approach smooths the employer contributions being paid and enables a consistent and transparent long-term funding approach to be adopted, which is prudent; and at the same time is not a hostage to short-term political interference.

1430 Sir, once again I would reiterate that this is a good news story for the Bailiwick and I would ask the Assembly to approve the Policy & Resources Committee's recommendations in full.

1435 The reason primarily that I ask if this could be brought up the agenda is because the timing of the amendments to the Scheme are due to commence on 1st August and this represents a saving of approximately £750,000 per month. So it is quite important that we pass these Propositions today and I would urge Members to support the Propositions in full.

Thank you, sir.

**The Acting Presiding Officer:** Thank you, Deputy Helyar.  
I call Deputy Roffey.

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

1445 First of all, let me declare an interest in relation to the matter covered by Proposition 5 because I will be, in due course, a recipient of a States' Member's pension. Although the rules of that Scheme are odd. You do not get it when you reach the age of 65, if you are still within the States. So it is to the taxpayers' benefit that I continue in the States for as long as possible. *(Laughter)* Because every extra year is saving them paying me ... I hope they will bear that in mind at the next election. But  
1450 more seriously, I do have a couple of points to make.

Having been in the States for a long time, I have seen these valuations swing from both sides. I remember times when we reduced our contributions because there seemed to be a surplus in the valuation, only for some years later for us to have to put things back in again. So I welcome the parameters, the 90%, 120%, I think gives some rigour to that. My only warning is, I know what is  
1455 going to happen, is that immediately we reduce our contributions, the money that we save will automatically go in to the routine spending on the revenue budgets or the various Committees and if it ever swings the other way it will be difficult to find that extra money, because it will not just be kicking around in the system.

My other question is – and I am *aware* and I hesitate to bring this up because I do not want to say anything that is inappropriate. But I am aware that there is going to be some legal challenge  
1460 somewhere down the road to the changes that were made to the Superannuation Scheme and those changes obviously impacted the future level of benefits that had been estimated. Obviously the States will be defending that legal challenge and I am certainly not asking for a view on how likely, which party is going to be successful and what will happen.

But I am just asking whether it might be more prudent to actually put off for a few months changing the system until we are absolutely sure about the funding level that is going to be required. Or is P&R confident enough that whatever the outcome is, the Propositions in this policy letter remain prudent?  
1465

1470 **The Acting Presiding Officer:** Deputy Kazantseva-Miller.

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

I think this is a really good example of financial implications, of doing financial projections for a long period of time, and how small changes in certain parameters can make a huge difference to  
1475 the final numbers. And one of those parameters is what is called the discount rate. It is a single percentage that is used to discount all future values, so whether you are doing a valuation, for example, of 40 years. So that parameter is quite important and it is linked to inflation.

The first Proposition says:

To note the Actuarial Valuation of the ... Superannuation Fund as at 31 December 2020

Obviously, that was prior to the inflationary pressures we currently face ... and that valuation  
1480 basically had a lower discount rate of 5.6% instead of 6.05% that was previously used, and this was one of the reasons why the valuation is better. But really my question is whether that discount rate is really perhaps ... If we had to do it again today, knowing what we know, and we delayed the secondary pension debate because of the current situation we are facing, I just question whether that discount rate would be appropriate.

Also, as I said, the discount rate is basically that you come up with this 1% figure that you use as your discount rate then you compound it for all the future years to come. All of this is going to be fluctuations and I am aware that there are now different ways of doing valuations, not in this traditional what is called the DCF – Discount Cash Flow model – and I am aware of businesses locally doing financial modelling, for example, which are coming with more novelty of models of how to  
1490 calculate discount rates.

So I am just saying I think it is good to stay here today and present figures from effectively 2020, which are painting a positive picture, but actually I wonder whether the picture is accurate right now and that further down the line we will have to make adjustments.

The question is also, how frequently are we going to be doing revaluations? And whether the Committee has looked at different approaches of calculating DCF calculations, and perhaps could engage with some of the local or other providers that might be exploring different ways of doing so?

Thank you.

**The Acting Presiding Officer:** Deputy St Pier.

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

Just briefly, perhaps Deputy Helyar could confirm when he sums up. He referenced the fact that these proposals will yield savings of £750,000 a month from 1st August. Presumably therefore, that means that there will be a £3.75 million benefit to the 2022 financial out-turn, which was not budgeted for. I assume that is the case but I think it would be useful to receive that confirmation on the record.

**The Acting Presiding Officer:** Deputy Gollop.

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

You are Acting Presiding Officer today but yesterday Deputy Trott provided us with an impressive speech relating to investments. To summarise it, it is the old saying, that your investments can go down as well as up. The warning that was given after the bubble, big bang years of the 1980s. Perhaps Members, because of the extraordinary workload, have not been able to devote as much time and attention to this as they might but there was a presentation that was very helpful. And I of course have had the privilege of sitting on ESS. But it is indeed a good news story.

I would point out for people that I once had an interest, like Deputy Roffey, with a States' Member's pension but I actually transferred it, which you were able to do, to a retirement annuity scheme that is being managed by BWCI. So I point that out as well. It is interesting that until 2012, States' Members who sat in this Chamber were entitled to contribute to the Civil Service Pension Scheme. But that was stopped as a result of a modification of pay. Whether that was altogether wise or not remains to be seen. And it acted, I think, as a discouragement to younger Members who serve a long period of time here. But then again we have perhaps seen too much political change for that.

There are anomalies in the rules, as Deputy Roffey has identified. But it is a sideshow really. It is a curiosity that Proposition 5 today is:

*To agree that no annual sum is paid into the Superannuation Fund in respect of the States Members Pension Schemes ...*

But it is not totally dealt with in all of the report. The report focuses more on the transfer payment that raised it by £100,000. I am afraid I suspect that Fund is doing well now, not because of Deputy Roffey's example, there are other Members of this States who are not receiving a pension they are entitled to because they are still working with us, but I suspect unfortunately the numbers are dropping because, as we know, some past Members of this Assembly no longer require their pensions. So all of these things can change.

My worry about it, going back to what you, sir, as Deputy said yesterday, is that what was an excellent equity performance in 2021 and the so-called Trump-bump and all that, may not prove true for this year. In fact it has already been a more troubled half year so far. So consequently, what was good yesterday is not necessarily good today or brilliant tomorrow. The message from this, which might not please pundits in the Guernsey Press and other vehicles, is that actually despite



much professional and political opinion out there in the community – and possibly at the last election as well by some candidates – we appear to have overcome the worst of the liabilities to the people in the Superannuation Fund who are predominantly of course public servants and civil servants. We are doing relatively well.

But I think we run the risk there of being complacent. Where are we going with this? We are agreeing that, except for Guernsey Electricity, the employer contribution rate will be *decreased* from August 2022. We are agreeing that there will be a lower boundary rate and an upper boundary rate. We are agreeing that Guernsey Electricity, whose accounts we have yet to debate, will be decreased to 7.5%. Effectively, we were worrying too much according to this narrative a few years ago, and that the problems are less severe. Well, I think we have to be prepared for revaluations that are less positive in the future and we cannot completely dismiss that possibility.

The report makes clear, for the avoidance of doubt, that this report deals solely with the pension benefit for public sector employees and States' Members and there is no impact on the so-called States' Pension. But as it makes clear, the report recommends reductions which will save us these hundreds of thousands a month and so on. That is good for us in the short term but I do hope that the report today, and the policy that we will undoubtedly approve, does not leave us having a panic report in a few years' time saying we suddenly have to increase those contributions because of a less favourable discount rate, or a less favourable valuation in the international stock markets, or whatever. And if only to strengthen my case, when I first started to sit on the Social Security Committee, Deputy Chief Minister Mr Allister Langlois was our President at the time, we were outperforming the Treasury and Resources Account and we were happy that our advisors and our strategy and our regulation was doing really well.

But strangely enough, in more recent times, we saw the situation where the funds managed by Policy & Resources and Treasury & Resources were significantly outperforming us, as Deputy Helyar and Deputy St Pier reminded us yesterday. Well, that is in a decade. So although I do support this, we have to keep a very close monitor on this; and it also means, in a way, that if our liabilities are less, we can perhaps afford to look more liberally on spending platforms and investments and maybe our fiscal and taxation policies, because we can surely now prove that our liabilities are not as great as we thought.

**The Acting Presiding Officer:** Deputy Dyke.

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

A couple of points. We have now had two items of good news today: that the Health Agreement, which potentially might save us £4 million or £5 million a year less the £300,00 or £500,000 – so that is good news; we have had Deputy Helyar's good news, which will for the time being at least save us some more – and added together these come to quite large sums. So let us be happy about that but let us *not* now go and blow these sums on other expenditure. Let's keep our expenditure under control (**Several Members:** Hear, hear.) so that our taxpayers will benefit from this happy news. That was my first point.

Second point, Deputy Helyar has made the point and Deputy Kazantseva-Miller has also made it, that these savings are not guaranteed forever. The discount rate is something that will be changed from year to year and of itself it is a bit of a guesstimate at any time, however clever your actuaries are. So fortunately the proposals from Deputy Helyar do contemplate that there could be changes in the future and that is indeed the case.

My last point, I was slightly, having been reminded of the States' Deputies Pension Plan, it is curious to me that Deputies ever thought they should have pensionable employment by being a Deputy in the States. And I am wondering if the beneficiaries of that fund would consider winding it up and donating it to the poor? (**Several Members:** Hear, hear.)

Thank you.

**The Acting Presiding Officer:** Deputy de Lisle.

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

I note that the actuarial valuation recommends reductions effective from 1st August 2022 yet the actuarial variation of the States' Superannuation Fund is December 2020.

1595 I am just wondering whether in fact we could further capitalise on these benefits by adjusting the date to 31st December 2020.

**The Acting Presiding Officer:** Is there any further debate? I see no one rising, therefore I call on Deputy Helyar to reply to the debate.

1600 **Deputy Helyar:** Thank you, sir. And thank you, Members, for your comments and questions.

Deputy Roffey first. In terms of valuations, yes, there is some litigation. No, it is not by a significant number of people. Obviously that litigation is being defended and P&R's view is that it will be successfully defended, otherwise we would clearly be negotiating rather than fighting it. But I am confident that there is a prudent buffer there, and as I have said there was, certainly at the time  
1605 of the valuation, a £100 million buffer in any event.

Deputy Kazantseva-Miller, the Scheme's valuation is every three years. But it was late this time primarily due to COVID. The discount rate, we cannot choose. It is set by the actuary. It is an independent review, the actuary chooses the discount rate and I accept that they do go up and down. But the purpose of a discount rate is probability based in terms of the returns on our  
1610 investments and we have quite a long and relatively stable history now of being able to demonstrate that we are able to generate returns which are in excess of, typically, the rates which are chosen by the actuary, which is a happy problem to manage.

Because the Scheme is effectively quasi-statutory – it is not established *by* statute but it has lots of rules around it in terms of how we must negotiate with various different parts of our employee  
1615 sector, including the unions – we are quite tied down in terms of our ability to manoeuvre in adopting different types of valuation. Or, for example, looking at schemes which might be relevant to Guernsey's own longevity risk market, such as hedging longevity risk or obtaining credit insurance to guarantee returns, for example, which is another common practice in the private sector. Those are certainly things I know P&R would like to look into, because they can guarantee returns  
1620 over a much longer period and potentially reduce costs for the taxpayer.

Deputy St Pier asked about the recognition of these savings. I do not believe they have been recognised yet and I am not sure when that would be triggered, whether there is a phasing issue in terms of 1st August. But not all of this will be recognised in general revenue anyway because a  
1625 significant proportion of the employees are employed by States' trading entities and so the reduction, I think, is £8 million towards general revenue and the remainder would be effectively cost savings within the trading entities. And as most of those make losses, they will disappear. So they will not be recognised as a general revenue benefit. But I am happy to go away and check that and see how it would be recognised and what amount, because it is a fixed amount so we should be able to predict that.

1630 Deputy Gollop spoke to risk. I would just like to reassure Members that ... I would expect Members to have stood up and criticised P&R if we were in any way trying to err away from the independent advice that we have been given by the actuary. We are following the professional advice absolutely to the letter. There was, I have to say, quite a lot of challenge in the meeting. We asked whether we could cut it, take a holiday, for example, for three years and basically eat away at  
1635 the additional money which is to the Scheme at the moment.

We asked whether we could reduce the contribution further, what would be the prudent area? And the actuary was very firm in terms of sticking to his guns in the prudence of these recommendations.

1640 So certainly the independent professional advice we have had is that this provides sufficient buffer to ensure that we do not get ourselves into hot water and I am familiar with the previous histories. Luckily Deputy Le Tocq was able to advise us about States in previous years taking

effectively a benefit holiday and then having to play catch-up, which was not a position we want to repeat.

1645 Deputy Dyke said we need to make sure we do not blow this on further expenditure. I completely agree. Deputy de Lisle, I am sorry to disappoint you, we *did* challenge the actuary to try and get the rate reduced further but felt that this was the most prudent path to take.

So I would ask Members if they would please approve the Propositions and we can move on.  
Thank you, sir.

1650 **The Acting Presiding Officer:** Thank you.

Members of the States, there are five Propositions. I am delighted to say they are considerably simpler than the last. Can they be taken together?

*Members voted Pour.*

**The Acting Presiding Officer:** In that case, those in favour; and those against?

*Members voted Pour.*

1655 **The Acting Presiding Officer:** I declare all five Propositions carried.

Now, the next item is of course the requête. Before I ask the Deputy Greffier to call that Item, I have been made aware that Deputy Falla's opening remarks will exceed the time that we have left this morning. Under those circumstances, I am going to propose to the States that we rise now and reconvene at 14.15. So we will be in session for the same amount of time but it will mean that we  
1660 will get into the debate immediately after lunch, uninterrupted.

Those in favour; and those against?

*Members voted Pour.*

**The Acting Presiding Officer:** We will reconvene at 14.15.  
States' Greffier.

*The Assembly adjourned at 12.17 p.m.  
and resumed at 2.15 p.m.*

## Billet d'État XII

### REQUÊTE

#### 16. Additional Key Worker Housing – Debate commenced

*The States are asked to decide:-*

*Whether, after consideration of the Requête entitled 'Additional Key Worker Housing' dated 17 May 2022 they are of the opinion:*

- 1. To agree that there needs to be a significant increase in key worker housing in Guernsey.*
- 2. To agree that, in respect of healthcare workers, key worker housing must include a variety of options at sites in the community to suit the full range of key employees.*
- 3. To agree that in respect of any staff accommodation located next to the Princess Elizabeth Hospital the focus should be on brown field sites, including the possible redevelopment of the former Duchess of Kent House.*
- 4. To agree that Agricultural Priority Areas should not be used by the States for staff accommodation unless there is demonstratively no alternative, and only then following a policy letter to the States seeking permission so to do.*

1665 **The Acting Presiding Officer (Deputy Trott):** Deputy States' Greffier, please call the next Item.

**The Deputy Greffier:** Article 16: Requête – Additional Key Worker Housing.

**The Acting Presiding Officer:** Members of the States, good afternoon to you all.

1670 I would like to remind you of the Rules of Procedure in respect of requêtes. The requête will be laid by the lead requérant, Deputy Falla. I will then, in accordance with Rule 28, invite the following Committee Presidents to speak in this order: the President of the Policy & Resources Committee; the President of the Committee for Employment & Social Security; the President of the Committee for Health & Social Care; the President of the Development & Planning Authority; and then the  
1675 President of the Committee for the Environment & Infrastructure.

Two amendments have been submitted. Amendment 1 will be proposed by Deputy Burford and seconded now by Deputy Matthews, due to Deputy Le Tocq's absence. In order for Amendment 2 to be laid, a motion to suspend would need to be agreed first. I suggest that, immediately after the Committee Presidents have spoken, we first vote on the motion to suspend the Rules, to ascertain  
1680 whether one or two amendments will be laid against the Propositions. After this, the amendment or amendments, will be laid, voted upon, and followed by general debate.

And at the end of the debate, I will invite the Presidents to speak in the following order – the reverse order – the President of the Committee for the Environment & Infrastructure will be called first; the President of the Development & Planning Authority next; the President of the Committee  
1685 for Health & Social Care; followed by the President of the Committee for Employment & Social Security; and finally, the President of the Policy & Resources Committee. A representative of the requérants will then reply to the debate.

I have been asked to draw Members' attention to Rule 24(7), which I am happy to do; this covers amendments to a requête. The lead requérant or a representative may speak after the amendment  
1690 is laid or before its proposer replies to the debate.

So if everyone is happy – and you look as if you may be – I call upon Deputy Falla, the lead requérant, to propose the requête.

**Deputy Falla:** Thank you, Mr Acting Presiding Officer.

1695 Why did I feel the need to bring this requête? Not because the requérants think we know better,  
as alleged by one Deputy during the Government Work Plan debate; but because we feel  
accountable for what would be a big – and, we think, unnecessary and destructive – departure from  
planning policy. I fully understand that we need more housing – let me make that very clear from  
the outset – and certainly, more key worker housing, particularly as I am a member of ESS and  
1700 responsibility for key worker housing sits under the ESS mandate – not that this is about  
territorialism. Barely a meeting of the ESS Committee goes by without some reference or other to  
key worker housing. We receive frequent contact from people struggling to find somewhere to live,  
where they can afford to live. So we are on the coal face and absolutely get the need for more  
housing. In fact, four of the requérants are on ESS, the Committee that urged P&R not to sell off  
1705 two properties that could have been converted, relatively quickly, for use as key worker  
accommodation.

The aim of this requête is actually to support the development of more key worker housing, but  
in the right places. Proposition 1 of the requête states unequivocally:

... that there needs to be a significant increase in key worker housing in Guernsey.

Whether or not a green Agricultural Priority Area should be built on needs to be debated so  
1710 that, if nothing else, Guernsey people can hear the rationale for building on a greenfield, the  
arguments for and against, rather than it be announced as a *fait accompli* off the back of a housing  
crisis. The requête is championing the need for more key worker accommodation; but the greenfield  
solution, in my view, has not been properly thought through.

The news that some members of P&R and the President of HSC were considering building key  
1715 worker accommodation on the PEH field, rather seeped out a few months ago now. This had not  
been discussed with their full Committees, or widely amongst other relevant Committees, or with  
States Members. Deputy Mahoney approached the DPA in April this year to enquire as to whether  
the appropriate policy gateway for building on a field would be S5, a 'Development of Strategic  
Importance' in the public interest, and it seems that he intends to build a case on that basis. Without  
1720 this requête, the first thing that most of us might have known about the plan to build on this green  
valley could have been when a planning application went into the DPA.

Agricultural Priority Areas are defined as:

... large areas of contiguous agricultural land and other suitable areas well related to established agricultural operations  
which represent Guernsey's most valuable agricultural land.

The requête asks the States:

To agree that Agricultural Priority Areas should not be used for the building of ... accommodation [without] a policy  
letter to the States seeking permission so to do.

– *before* any application is made to the DPA. And of course, an amendment that may be laid shortly,  
1725 will clarify this intent and put it beyond doubt.

The ability to bust established policy should not be allowed to be left in the hands of a few  
Deputies alone. This Assembly is the policymaker and the guardian of policy. To quote an email  
sent to all Deputies last week: 'You, as Deputies, are appointed to represent us; but increasingly,  
you have your own agenda and let the public who voted you in, down.'

1730 Sir, I am not a dyed-in-the-wool deep-rooted tree-hugger; although, I did state in one of five  
bullet-points in my election manifesto:

Emphasis on the Environment. We must preserve what is good about our wonderful island, further enhance the  
environment and counteract climate change.

Guernsey has limited open space, limited green space. A building cannot easily be undone. And  
if built on, the PEH field would never revert to a green valley in the future.

The E&I letter of comment states –

Various studies show positive effects of green spaces on physical and mental health, including improved healing in hospitals with green spaces outside windows, decreased anxiety and increased workplace satisfaction in offices with plants and/or views of nature, and improved mental and physical wellbeing with greater exposure to green spaces.

1735 We also have to place a value on this field's other qualities, including the farming activity that has taken place there for generations, the biodiversity it supports, and not least, the 130-year-old veteran tree that defines its characters. That sycamore tree has survived two World Wars and a German occupation. It has stood testament to the comings and goings at Vauquiedor for four generations, only to be potentially lopped down on the whim of a few States' Members.

1740 I asked the principal Environment Services Officers and Agriculture, Countryside, and Land Management Services, an expert, about the value of the field, and here is what he said:

I have estimated the age of the sycamore in the middle of the field by Vauquiedor House to be in the region of 130 years old.

**Deputy Taylor:** Point of correction, sir.

**The Acting Presiding Officer:** Point of correction: Deputy Taylor.

1745 **Deputy Taylor:** Sorry, it is a little bit delayed; it is warm.

Deputy Falla stated that the loss of the tree would be made 'on the whim of a few States' Deputies'. That is not the case. If there was an application put forward and it was decided, it would be decided in accordance with the approved land planning policies and the Land Planning Law 2005, as every application would have to be done.

1750

**The Acting Presiding Officer:** Deputy Falla, please continue.

**Deputy Falla:** Thank you:

I have estimated the age of the sycamore in the middle of the field by Vauquiedor House to be in the region of 130 years old. It is difficult to be precise, partly because three has two stems from the base and age is assessed by measuring the circumference of the stem at around 1.5 metres above ground. In general, most open-grown trees put on an average of 1 inch of girth a year. Guernsey is rather short of very large, mature trees of age and stature and which have such prominence in the landscape. And although it is not a very old tree by UK mainland standards, for Guernsey, I would regard it as something of a veteran tree. Whilst developers often opine that the loss of a tree can be simply mitigated by planting lots of new trees somewhere, the loss of value of a veteran tree would take, obviously, over a century to recover.

He goes on:

Sycamores should not be underestimated in terms of the biodiversity they support. If one includes bryophytes – that is mosses and liverworts – as well as insect and other invertebrate species, sycamore ranks high as an important species. Factor in the situation that we have lost elms to Dutch elm disease, we will lose ash to ash dieback, we have just recorded the first case of sweet chestnut blight in Guernsey – which has the potential to finish off our sweet chestnuts – and acute oak decline, whilst not yet found here, is on the increase in the UK, then one has to regard what we have left as worthy of some level of conservation.

1755 He continues:

As I have touched upon before, it is the visual landscape amenity value of the site that stands out for me, perhaps more so than any biodiversity which may accrue to the area. It represents one of the very few open valley sites in the Island which underpins the rural character of the area. The results yielded by the Bailiwick Bat Survey, a citizens' science project which is now entering its second year, has not only revealed the fact that Guernsey has several more species of bat than we realised, but has demonstrated the importance of the different types of landscape to various bat species. We also know, for example, that bats navigate along clearly defined hedge- and treelines; any disruption of these navigation routes could have severe implications for bats.

So the environmental concern is an important one; but there is more to this than just the environment. The requérants believe that if indeed there is a requirement for key worker to be so closely located to the PEH, then it would be best suited on the site of Vauquiedor House and the Duchess of Kent Building, or other previously developed parts of the hospital site.

1760

In its letter of comment, ESS states, in relation to the Duchess of Kent:

The site is a perfect location for health key worker housing with initial sketch designs showing that in the region of 120 units of John Henry Court style accommodation could be developed in a phased approach on this site (this figure is only indicative and would vary depending on the scale of development and the developed property types and sizes). The positive impact this could have on meeting the future key worker housing requirements is unquestionable and the Committee feels strongly that this development should be further considered.

Later, ESS states:

The Committee considers it irresponsible that greenfield sites are being considered for development before all other alternatives have been fully analysed ...

The letter of comment from P&R states that:

... it is estimated that [approximately] 150 new units of accommodation could be filled by healthcare workers immediately.

– but in Appendix G, we have been told it would be –

... circa three years overall until handover/occupation [of the building on the field] is achieved as a minimum.

That is hardly immediate.

1765

As I said, this field has consistently been in viable commercial use, farmed for generations, has cattle on it most years, and is cut and topped, giving the tenant farmer family the flexibility to farm other land less intensively. It measures approximately 7 *vergées* and forms part of the eastern edge of an APA which extends west to the proximity of Rocquaine, Perelle and Vazon.

To quote the DPA:

... all open agricultural land in Guernsey is valuable, and [that] its retention is important for the Island, particularly in the context of land scarcity, urbanisation, climate change and food security.

1770

The nature of Guernsey's stance is that they are geographically widespread so contiguous fields like this one with accessible links to other green spaces are important to farmers.

Still on the subject of farming: the DPA's letter of comment states:

... there may [also] be a requirement in the future to grow more fodder crops to allow the industry to become more self-sufficient and sustainable ...

That is already happening as a result of inflation off the back of the Ukraine conflict.

The DPA says:

Preliminary work indicates an increase for livestock farming of an additional 885 *vergées* and an increase in the commercial dairy farming requirement to over 13,000 *vergées*.

1775

So why are we wanting to build on an APA?

Moving on to the options appraisal and process: the brief given to the States Property Unit – and consequently, the way they have scored the options – is so narrowly defined, it beggars belief. From the requérants' conversation with the States Property Unit, it appears that the brief was to provide 150 units of one- or two-bedroomed accommodation within 500 metres of the PEH and to be built soon. The brief was not discussed or approved by the full HSC Committee. We have not seen the brief written down, just that list of three requirements, as presented on page 46 of the letter of comment, so we do not know who drew it up and whether it followed best practice. Was it more of a chat in the corridor? It certainly was not a carefully considered Committee decision.

1780

In reply to Deputy Inder's Rule 14's, HSC said that –

... [people] who request staff accommodation ask to be as close to their place of work as possible, particularly those without transport ...

1785 – and yet, the HSC plans for the field include 140 car parking spaces. That just does not make sense.

The letter of comment states:

The Duchess of Kent site itself was not ranked because it did not meet the key criteria for delivery within five years ... but it did otherwise score joint second ...

1790 One of the reasons for not being able to repurpose the Duchess of Kent Vauquiedor House is that it is needed for health and health-related staff. Yet the property target operating model has successfully decanted staff from other buildings to focus on Sir Charles Frossard House, Edward T. Wheadon House, and working from home, among other solutions. Why can this level of focus not be given to emptying the Duchess of Kent? If we wanted to do it badly enough, we absolutely could.

1795 In my view – and I worked at Vauquiedor House for six months in 2019 – the office is not fit-for-purpose. It is not necessary for many of the people working there to be on the doorstep of the hospital. HSC clearly recognised this at some point when the sketch plans were drawn up to place staff accommodation there. It is also expensive to maintain and well past its sell-by-date. The letter of comment itself states that Duchess of Kent would be cheaper to develop than building on the greenfield. It states that Duchess of Kent could be vacated in two-plus years; so where is the will to do that?

1800 HSC claims it

... remains integral to the HSC operation.

But another building could fulfil that integral role. Health staff have traditionally been on the hospital doorstep; but only a fraction of the admin staff working there actually need to be there.

1805 The States Property Unit produced two maps: one showing the potential key worker housing sites within 500 metres of the hospital, and one showing those within one kilometre. Even if we do not challenge the logic of such a narrow brief – which of course, we should – there are other brownfield sites within that radius beyond those analysed. Many members of the public who have been in touch over this issue have named them – and, Members, we have all seen those emails.

1810 Some are not in States' ownership – and I know that this debate cannot stray into areas of sensitive commercial negotiations – but where there is a will, there is a way to find suitable brownfield sites. What is more, the sizeable Sir Charles Frossard House car park is within 1 kilometre of the PEH. Why was that option not analysed? Building on the PEH field is the lazy option based on a narrow and biased brief designed to lead to one outcome only.

A little bit about S5, now: the definition of S5 is:

1815

Proposals for development that is of Strategic Importance and which may conflict with the Spatial Policy or other specific policies of the Island Development Plan but which is clearly demonstrated to be in the interest of the health, or well-being, or safety, or security of the community, or otherwise in the public interest may, exceptionally, be allowed where:

- a. there is no alternative site available that, based on evidence available to the Authority, is more suitable for the proposed development; and,
- b. the proposals accord with the Principal Aim and relevant Plan Objectives.

Policy S5 has never been invoked for building anything of this scale on an Agricultural Priority Area. The only example in DPA's officers' corporate memory was a relatively small electricity substation.

1820 There is a strategic need. The strategic need is for housing, including key worker accommodation. There is no doubt about that. But there is no strategic need to build on a field.

The S5 policy spells this out. One of the criteria is that:



... there is no alternative site [available] that ... is more suitable ...

**Deputy Oliver:** Point of correction, sir.

**The Acting Presiding Officer:** Point of correction, Deputy Oliver.

1825

**Deputy Oliver:** The IDP directs that anything to do with the PEH use S5, so there is no other alternative for the hospital, it *has* to use S5. (*Interjections*)

**The Acting Presiding Officer:** Deputy Falla to continue.

1830

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

The S5 policy spells out that one of the criteria is that there is no alternative site that is more suitable, and yet all the *prima facie* evidence suggests there could be ample alternatives.

The letter of comment states that:

... under [Policy] S5, the Authority must be satisfied that the particular choice of location for a proposed development can be clearly justified and that the proposals represent the best practicable option. [For this reason], a detailed and comprehensive site selection study would be expected as part of the submission of a planning application, as would measures to mitigate any harmful effects ...

1835

It also states:

... only the most contentious or high profile applications are referred to the elected members of the Authority, and that where they are so referred that they are heard at open planning meetings. If proposals ... were submitted, it is understood that such a referral would likely be made.

Well, this is certainly contentious, judging by the amount of public comment, letters to the paper, and contact from members of the public to the 'All Deputies' email. Not to mention it requiring a 55-page letter of comment and appendices from P&R. *That* is contentious.

1840

As has been highlighted by many Islanders, it is bad enough that a greenfield within the Oberlands is within policy for development, because it falls within a local centre. But the field we are talking about today is neither within a main centre, nor a local centre; and what is more, it is in an Agricultural Priority Area which is zoned specifically and explicitly to prioritise and protect it for agriculture.

1845

If we build on this field, what does that mean for Agricultural Priority Areas in 2022? And if we go ahead with this development, what will it mean in 2023, 2024, and beyond? The notion of building key worker housing on this field is not a unanimously agreed approach across P&R and HSC. The Vice Presidents of both Committees are signatories to this requête.

The letter of comment states:

... a detailed and comprehensive site selection study would be expected as part of the submission of a planning application ...

– and it goes on to talk about those –

... measures to mitigate any harmful effects on the environment and opportunities for environmental enhancement.

1850

But we will not need to do that mitigation if we do not blindly insist on building on a field in the first place. We are just making work for ourselves.

Is S5 justifiable? Is there an imperative need? 'Imperative need' – the very phrase used by Deputy Ferbrache in the Government Work Plan debate 2 weeks ago on Deputy de Lisle's greenfield amendment. Deputy Ferbrache also said then:

We must do all that we can to protect our farmers, protect our growing industry, protect fields wherever you can; I agree with the essence of that.

1855 End quote. 'All that we can.'

Mr Acting Presiding Officer, the option of building on a greenfield smacks of the worst kind of double standards. Who else owning a greenfield zoned as an Agricultural Priority Area would expect to gain permission to develop it?

1860 I urge Members to support this requête and give a clear message to Committees and to the Island community that we will not seek permission from the DPA to build residential accommodation on an Agricultural Priority Area without first obtaining the agreement of the States to do so by way of resolution.

Thank you.

1865 **The Acting Presiding Officer:** Deputy Parkinson, would you like to be relevé?

**Deputy Parkinson:** Yes, please, sir.

**The Acting Presiding Officer:** Thank you.

1870 I now invite the President of the Policy & Resources Committee to contribute to debate.  
Deputy Ferbrache.

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

1875 I fully accept your ruling, etc. I was not expecting to speak at this stage, but I will now, in relation to the matters before us.

The words I start with are 'realism', 'pragmatism' and 'achievability'. In relation to those, we have to look at the facts of the circumstance we find ourselves in. We are not in an ideal world; we are in a *very, very* – and I can add lots more 'verys' – difficult situation when it comes to housing key workers. (**A Member:** Hear, hear.) The situation is desperate in the extreme. We are in an exceptional circumstance.

1880 Deputy Falla has referred to the letter of comment, 55 pages; technically, that is correct. It is thirteen pages of substance, a letter actually signed by me on 28th June, and then 40-pages or thereabouts of appendices, some of which Deputy Falla correctly has referred to.

1885 This is a *majority* decision of the P&R Committee, because as we know and as Deputy Falla has said, the Vice President is one of the requérants and Deputy Le Tocq would have, if he had been available this afternoon, seconded the Deputy Burford amendment. But I am clear in my own view that the decision taken by the majority of the Policy & Resources Committee is the correct one.

1890 It was unfortunate that Deputy Falla sought to introduce a discordant note early in his speech, referring to Policy & Resources selling off two properties. Deputy Mahoney, no doubt, when he speaks will deal with that in some detail. I was a member, I was the P&R representative on behalf of the Housing *Action* Group – I emphasise that phrase: Housing *Action* Group – throughout the nine or 10 months of its life. At every juncture, I took a positive view in relation to housing. I encouraged housing wherever it could be. Deputy Mahoney will go into it in more detail in due course, no doubt, but what I believe he will say is that the resources from those two relatively small units that were  
1895 sold were better used elsewhere. So to say that P&R were in some way dismissive of the need for housing in whatever concept or situation that you can think of, is completely wrong and unfortunate. (*Interjection*)

1900 Also, the position in relation to the requête is simple: there is not one person who is not going to vote for the requête, who has any desire to build on a greenfield except in an emergency – as a *real* emergency. And we have a real emergency. Those who take the view that they cannot support the requête are every bit as concerned with our environment and those who support it. Two of the signatories of the requête, Deputies Roffey and de Sausmarez who, as I say, with me, were the voting members of the Housing Action Group. I have already mentioned that twice. I mention it again. The *Housing Action Group*, I repeat that title: the *Housing Action Group*. Those who oppose the requête  
1905 are not environmental Philistines, as has been said by more than one writer in the daily paper that Deputies St Pier and Roffey are regularly given the opportunity to contribute to.

Deputy Falla talked about a tree that might be 130, 140, 150 years old; whatever it is, it is a beautiful tree, it is an absolutely beautiful tree. I look at my own garden and I remember some years ago, when we were clearing out the papers for the gentleman who had previously owned my house, there was a lovely palm tree, and we found a clipping from a 1956 *Guernsey Press* newspaper where that gentleman's mother had actually planted that tree as a little seedling in 1928. So that tree is nearly 100 years old, and I have got other trees in my garden that are probably even older than that. So I value the value of any tree just as much as Deputy Falla and anybody else. What I also value is us having a functioning hospital; a hospital that can house its staff; a hospital that can provide the magnificent services that our hospital provides now in extremely difficult circumstances.

Now, when I wrote this – I just scribbled a few notes, because I do not generally write speeches in detail; but I did write a few thoughts down – we have all received messages from people supporting the requête. When I wrote this, I counted 47; my colleagues may have had more, it may be more than that. Let me say this: I fully respect their views. They are sincerely held and from sensible and decent people, as are the people that have expressed them. I respect them and do not discount them likely.

I doubt, though, that those decent, sensible people know all the facts, and I am sure that others in the course of this debate will try and give some facts, because we have to decide this on facts. We have to decide whether we want a fully functioning hospital with people being housed in circumstances – and I accept that time limit of three years or thereabouts that Deputy Falla has said. But three years gives a hope and an aspiration for decent housing in a relatively early period of time.

I do not mean to sound patronising when I say that, what I have just said, and it may be that those people's views, or the majority of them, would be the same even if they knew all the facts. That is fine; that is democracy. It is also fine and democratic to hold an alternative view. Those of us who will reluctantly oppose the requête and who will reluctantly suggest the field in due course – after it has gone through all its planning, considerations, etc. – should be built on, we are not concrete-crushers, we are not bulldozer-lovers, we are realistic people and we are principled people doing what we believe is in the interests of the people. (**A Member:** Hear, hear.)

Some people have said, 'Why can the rules be broken for the States ...' – they are not going to be broken, in any event – 'when different people, ordinary members of the public would not have that licence?' The point is, in relation to that: there are not many of us who provide a hospital in our back garden or in our fields; there are not many of us who provide all the facilities that are provided on the Princess Elizabeth site. And more about that in due course.

I am not too much concerned with whether or not it is a low-grade agricultural field, because I respect the views of those who do believe, and it is a point that they are entitled to make. I personally fully accept that it is a very attractive field and the tree that has been referred to, and the other bits and pieces around the tree, add to our environment. I accept that unequivocally, unreservedly, and I would not want to see – and Deputy Falla has quoted remarks about the farmers, who I fully support and have fully supported for a number of years, not wanting to lose any fields.

Nobody in an Island of 24 m<sup>2</sup> wants to lose any green land unless it is absolutely necessary.

We should have had a proper planning law many years ago. The first one we had which even looked like a planning law, was the Island Development (Guernsey) Law, 1966, which came into force in February 1967. Before then, we had all this ribbon development – a bungalow here ...'

Can I just build a bungalow on my horticultural site, please? It's going to be for my daughter.' Two years later it was sold and the daughter had to move somewhere else. Straddled across St Saviour's and St Peter's and Torteval are developments that, in an ideal world and if we had had a proper planning policy all those years ago would never have been built. But we are where we are. We have to live in the real world.

I would also urge – because I know that not all politicians are brave souls – any States' Members who are inclined to vote for the requête, simply because of what they feel to be the weight of the representations, to listen to the facts. Listen to all the circumstances; do what is right even if it takes a degree of courage. I say to them, you really do need to show a degree of courage.

I would also say – and I can only speak from own experience – I have generally had conversations with people who are equally sincere and decent people to those holding the opposite views. Many expressed the view that to not build the accommodation on the field in question is bonkers and that to build on it is a no-brainer; other people say that these people seem to want to put cows and grass before the needs of our nursing staff and the treatment of patients and others. My language is less extreme by a marked degree; but my views are just as strong as those people.

I would also say that people have to realise that the people who are dealing with this on a day-to-day basis are very able civil servants – I am not talking necessarily about the nurses and the doctors, who are very able – who have got to keep the hospital running every single day and have got to look forward as to how the hospital can run today, tomorrow, and next week, and are of a certain view.

I attended last Thursday, I believe it was, before I went off for the delights – and it was a delight – of the British-Irish Council, a meeting with senior civil servants and, sadly, not too many Deputies at the Duchess of Kent. I am sure people had reasons to do something else and there may have been other times when they have had other opportunities. Personally, I was disappointed, bearing in mind that this debate was coming ahead, that there was not more people there to listen to the facts. If you listen to the facts, your view can be changed.

I say to people, just because you are a President of a Committee, just because you believe that you have operational skills, to leave those alone; no politician should be involved in operational matters; they should be left to the capable, able, good civil servants that we have. Nobody, because they were a President of a Committee five years ago, three years ago, yesterday, should think that they know better than the Committee who are *in situ* now, because they are dealing with a very transient, urgent, difficult set of circumstances.

Our hospital, despite the magnificent efforts of all the professionals who work in it, has been under severe strain for a period of time: COVID, we have got a backlog of over 2,000 operations, we have got a shortage of staff. Two of my friends have been into hospital recently and they say just how wonderful the service they have had is from our health facility. It is truly wonderful and they working under strain. Now, if our hospital was in England, there would be circumstances sometimes where there may have to be special measures put in in recent times because of the pressures our hospital is under. So I would like to commend those, I would like to respect the views of those who know what they are doing, who do not think that you could have two workers here where you might have one worker there or whatever.

I would say to the politicians who think they know better, 'No, you do not! Listen to the professionals!' If the professionals were telling me something different, I would respect their view, I would follow their view. Also, I know from my close workings on this matter and generally with Deputy Mahoney and our property services team – and indeed, the Health Committee civil servants who were in that particular matter – I see that Deputy de Sausmarez thinks it is funny and is smiling, that is a bit of a shame. I do not think it is a smiling topic. But, in relation to that, I would ask that they listen to those people, that they listen to the people who have to deal with it.

The presentation. Deputy Mahoney went out, with a clean sheet of paper, no prejudice at all, and I think he probably ended up with a decision that he did not expect. But as a principled, fact-based politician, he felt he had to bring this to the Housing Action Group, and that is what he did. But it was not his decision; it was fact-based research made by civil servants etc.

Now, I have heard nonsense saying some *politicians* – civil servants have got more sense – say that in relation to the current workings of the Health & Social Care Committee, they are too concerned and want to propagate agency nurses. I bet that is the last thing they want to do. They have got no option but to do that because of the shortage in nursing.

I was listening, when I was driving my car several weeks ago, to a programme at about eight o'clock or 8.30 p.m. one night on Radio 4 and one in five nurses are leaving the nursing profession. There is a shortage of nurses worldwide. We in Guernsey have to offer our nurses the most attractive package that we can. One of the things you want to do when you finish work is go home to a nice home, somewhere that you can go and rest ... It is an arduous job, being a nurse or

being a medical professional, whatever it is, or a medical social worker, a psychiatric social worker; it is a really strained job, it is a really pressured job. What we do is *far* easier than what those people have to do.

As I said, we are already maintaining a wonderful service. Also, are we not lucky that our hospital is where it is, that our forefathers in the late 1920s, early 1930s, and 1940s had the sense to build it where it is? Compare that with our cousins in Jersey. Our cousins in Jersey have spent, over the last few years, between £50 million and £100 million. I repeat that figure: between £50 million and £100 million, trying to find out where they are going to put their hospital. Firstly, they were going to try and extend their town centre hospital; that, seemingly, was inappropriate. Then they were going to buy somewhere and they bought somewhere out of town. But I do not think that story is told and I think quite a few more chapters have to be read before they make a decision.

Our forefathers realised that they should build somewhere whereby – and they did not envisage, nobody envisaged, that there would be the extension, the need for medical services that there currently is. I make no apology for making reference to the history; I have lived in Guernsey a long time. When I grew up, you only went – especially if you came from the background I came from – to see a doctor if your parents thought you were dying, because they could not afford to take you to the doctor. So we have expanded our medical services because we realised that people should consult their doctors, should go to hospital where appropriate, we should have wider medical services than were ever anticipated back in the 1930s, 1940s, and 1950s.

Now, what we were told by the officers who presented facts to us objectively, fairly and rationally last week was that the actual – I am using the wider context of the Princess Elizabeth complex – it was in two chunks. Reverend Mignot, who was a great man and also was fortunate enough to marry a rich lady and he inherited money from her, gave a lot of land, where the top bit – if I can call it that, you know where I am talking about, the Oberlands, etc., the Lighthouse Wards, and CAMHS are situated. He gave that in 1929.

Now, what the States did, they put an advert in the paper for ‘development’, and a Mr Gavet sold, in 1934, the land where the field is, the land where the Duchess of Kent is, for £6,500. I did a calculation in 2022 – I had to do a UK calculation, I could not do a Guernsey one because we did not have a facility – £6,500 at today’s rates is £495,300. I know lots and lots people buy fields nowadays for ridiculous prices, that take it away from the farmers, they cannot put their cows there, they cannot grow products there because advocates or accountants or fiduciaries – who have done very well in the land of plenty – have been able to go and buy those fields because they can pay £50,000 for a field that is probably worth £5,000 in real terms. That did not exist in 1934 because the rich were the rich and the poor were the poor, and there was a big gap between them. There were far more poor people in real poverty in those days than there are now.

So when Mr Gavet got his £6,500 – I do not know if they did the pools then, but he must have thought he had won it. He had nearly £500,000 in those days for agricultural land, land that was for development. I fully accept that that was the best part of 90 years ago and it is classified in the planning context that Deputy Falla accurately reported.

But what are we going to do? We could knock down the Duchess of Kent. The Duchess of Kent was opened, I think, in March 1974, that is less time than I have been a lawyer. Now, I know the architects of the 1960s and 1970s, the good ones must have been taken up and imprisoned in Mars, because most of the developments that took place in the 1960s and 1970s are not attractive architectural developments. But the Duchess of Kent is a utilitarian building. It currently houses, we are told, on any one working day, 110 people. We were also told that because of Phase 1 of the hospital project – which I think has just started and finishes about May/June 2024 or thereabouts, and then we go on to hospital Phase 2, which is another four years, takes us probably to about the summer of 2028 – they are going to need to decant people, they are going to need to move people. I think, at any one time, they may have to decant 50 people. So there would then be, say, 150 or 160 people needing to work somewhere. They would *need* to work somewhere.

Where could they work if they cannot work at the Duchess of Kent? I appreciate it is not the most attractive of buildings and it will need money spending on it; but it is there, it exists, it is a

building that is currently being used. The facts that were presented to us, we were told that to move those people and find someone else, even if you could find somewhere else, would cost £250,000 a year. That is what we were told.

What I and other members of the Housing Action Group received from a senior HR member of HSC staff, was a memo dated 10th March 1922 – 1922, that is long, even for me. So, 10th March 2022. In other words, just a few months ago.

Part of it reads as follows:

Health & Social Care is the largest public sector employer in the Bailiwick and has always relied on employing skilled practitioners both nationally and internationally. As we emerge from the COVID Emergency Response and move to a stage of living with the virus responsibly, the organisation faces a new set of challenges in an increasingly competitive labour market. To complicate matters further, there is also the challenge of limited accommodation options for new recruits or agency workers. The position shows no sign of improving in the short term and is forecast to be business-critical in the medium- to long-term. This presents us with a real risk of poorer health and care outcomes if we do not have staff to deliver high-quality services to meet the Committee's mandate.

They then attached a paper dealing with certain other facts. I am going to miss out the next couple of sentences and I come to this sentence:

It also covers the urgent need for accommodation for agency staff that have been agreed through the HSC Challenge Process but have not yet been able to be recruited due to the fact that staff accommodation is full.

Now, one thing I was also told was that during hospital modernisation Phase 1 and Phase 2, there will be a need for extra staff over and above the present complement because we will be providing more services, so we will need more medical professionals.

It goes on:

Members will note that a number of options to house staff are not possible to be progressed due to a number of reasons which are acknowledged as impacting on our ability to recruit to key roles. The Housing Action Group is asked to note the impact that the lack of staff accommodation is having on the ability to ensure safe levels of staffing.

That was passed to us on 10th March 2022, or thereabouts; we are four months on. What we have done about it? Absolutely zilch, nothing. Nothing has been progressed in that four months or so since that particular time.

I know we have bought, with public money, the site down at the old Data Park; I know we have brought previously, with public money, Kenilworth Vinery. But nothing has happened there yet, and they are going to be fully needed for social housing anyway. Indeed, Deputy Roffey in a previous debate, has told us just how voracious the need for social housing is.

Anyway, I continue on this memorandum paper that we received in March of this year.

Members of the Housing Action Group will be aware that HSC is currently struggling to source sufficient accommodation for staff and a paper was discussed in a meeting on 1st February regarding the urgent need for accommodation. The paper highlighted that a key Government Work Plan objective is to address the backlog of individuals awaiting elective surgery and that HSC has developed plans to reduce the backlog by redesignating nine beds on Le Marchant Ward as an orthopaedic unit. This means progress can be made as soon as theatre lists can be reorganised, additional theatre equipment sourced, and sufficient staff can be recruited.

The impact on staffing for this initiative ...

That is *one* initiative –

... is a requirement for an additional seventeen staff and retaining seventeen of the staff currently sourced as a result of the winter pressures. It is anticipated that the new unit could be up and running by 1st May, meaning that we need at least 17 rooms by 1st May and a further 17 rooms by the end of May, when our agreement with Waves Apartments ends. In addition to this, as of 8th March, we have a total of 65 agency staff approved via the Challenge Process whom we need to source, but cannot do so, due to the fact that the key worker accommodation is currently at full capacity. These roles are across the acute service, children and family services, community services, and within the adult disability services. We also have permanent starters in the pipeline that will need accommodation.

That was their quote. Me, now.

2090 Once the hospital extension I have talked about, if we do decide – if in due course, after all the procedures have taken place, there is a decision to build in the field, that will make a significant contribution. We are then given various options, including – this is how desperate they were – contacting Premier Inn to see if they could put people there and arrange for £122.50 per person. That is how desperate they were to try and get accommodation.

2095 Now, what they say is this – we were talking about John Henry Court, and people say they do not want to live on site. That is a load of nonsense. We know better than the professionals because we have spoken to somebody.'

Under the heading 'Evidence of longer-term need', the officer goes on:

There has been discussion over the proposed build of John Henry Court 2 on the PEH site and whether or not the development of 150 rooms is required. The current John Henry Court is our most popular accommodation: we currently have 24 staff on the waiting list for a bedsit and 22 on the waiting list for a flat. There are a further 30 staff on waiting lists for rooms in specific properties. We also have a total of 42 staff on the waiting list for family accommodation at Beauville and 32 on the waiting list for family accommodation at [??? 15:04:50]. Some of these lists have now had to be closed, as there is no chance of those at the bottom of the list ever reaching the top. The accommodation team are contacted on an almost-daily basis by staff in the private rental market looking to come back into staff accommodation as rents have become unaffordable in the private sector.

We are also only still only providing accommodation to nursing staff, rather than all the key workers, due to the historic arrangement and the fact that we simply do not have enough to house all other key workers. We do have as much difficulty in recruiting social workers, occupational therapists, biomedical scientists, and radiographers, and these staff rightly feel that they are being unfairly treated when they are told they cannot have access to staff accommodation.

We are confident that, with the current requirements and future staffing requirements as a result of hospital modernisation, the proposed 150 rooms will be filled. We need to be mindful that other areas of the States of Guernsey also have requirements for key worker accommodation and we have recently been asked if we may be able, in the future, to provide a small number of rooms for staff of the Guernsey Emergency Ambulance Service.

That is a report by an officer, a well-researched officer, four months ago, and the situation has got no better.

2100 We had presented to P&R to 10th June 2022, a further report in relation to this. Let me just read bits of it. Under the heading 'Demand for accommodation for healthcare workers' –

The following working figures concern the demand for key workers' accommodation for healthcare workers and the impact on requirements. It is anticipated that further information and commentary will be provided by the Committee for Health & Social Care. The occupancy of key worker accommodation by healthcare staff averaged 99.1% between January and April 2022.

– you cannot get a higher percentage than that, in real terms.

The number of staff or prospective staff awaiting accommodation fluctuates; but there is a core demand for a high number of additional units. Approximately 150 new units of accommodation could be filled by healthcare workers immediately. The number of vacant posts is returning to pre-pandemic levels, with 422 vacancies in the 12 months to May 2022 and a significant increase in annual turnover of 20.4%, or 414 leavers; this compares with 295 leavers during May 2019 to 2020. Available provision of staff accommodation is a key enabler to recruitment and retention and plays a particular role in attracting permanent staff, thus impacting the level of reliance on agency staff. The vast majority of healthcare workers requesting information stipulate they wish to be as close to their workplace, which for a high proportion of staff, will be the PEH.

2105 So those that know better that they do not really want to be there, they can be somewhere else, this is what we were told at P&R on 10th June 2022, one month and four days ago. It then goes on about sites appraisals administered for PEH; I will let Deputy Mahoney speak about that if he so wishes in due course.

2110 What we are told also is that, in the field, you could build, mixed-use – and Deputy Mahoney may give more detail on that – 150 units of accommodation, sorry, 140, I am getting carried away – and you have the car parking spaces. Now, whether we need all the car parking spaces, there must be a reason for that in relation to that. Somebody else will explain it. Across the way, at the Duchess

of Kent – a building only opened in March 1974, less than 50 years ago – if you built there, you could do 60 or 70 units and 60, 70, 80 car parking spaces. So, far less.

2115 Now, I have been in favour of moving the Dairy for a *long* time, going back to the days when I was President of the States' Trading Supervisory Board. We have got a Dairy I think that was built the year I was born; that is how old it is. It is falling apart, it needs to be moved. And in due course – and I would rather we got to due course as soon as we practicably could – we should move the Dairy to the Brickfield, we should give all of that land to Health & Social Care who could develop it over a period of time in a way that seems appropriate.

2120 So when I hear, 'Oh well, there are other sites,' etc., what do we think Deputy Mahoney was doing? He was looking, together with his team and with the full support of Health & Social Care as we believed at the time, for the best site that could be built as soon as possible. At the moment, there are 383 units of staff accommodation the Board of Health have over 49 sites, some owned and some rented. Some are of good quality, some are quite poor, and much of it has shared facilities, which might be acceptable when you are a student, but is not acceptable when you are an adult; you want your own private facilities. Also, managing 49 separate sites is not the best use of resources and gives itself a range of costs and complexities.

2125 Is this not frightening? Let me just tell you this and if the Assembly does not know it, it jolly well should. A nurse on band 5, once their two-year rent allowance has expired, will spend 80% of their salary on rent. Even if they got the two-year allowance, they still spend 41% of their income on rent. How are we going to attract those kinds of people here to live in Guernsey unless they have got decent accommodation?

2130 Private rent for a three-bedroom property is £3,000 to £3,500 a month; two bedrooms, £2,000 to £2,500; a two-bedroom house, again, the same kind of price; a one-bedroom apartment or flat, £1,500. Those factors are key as regards staff retention and attraction.

2135 I do not know what other facts we can have. I want to protect every blade of grass, I want to protect every tree, I want to protect every cow, I want to do all that I can. But what I want to do more than ever is say to somebody who is sick in the hospital or whose father is going to go into hospital, whose mother is going to go into hospital, whose brother is going to go into hospital, whose sister is going to go into hospital, 'You have got adequate staff to look after your brother, your sister, your mother, your child, your grandparent.' And we are going to come to the situation where we are not going to be able to say that.

2140 We are going to have to close wards. We are going to have to say to people, 'I'm very sorry, we can't do this for you because we have got the tree down the road which is 130, 140, 150 years old and we have got all these wonderful blades of grass, we have got a seven-vergée field which we could have done something about – it would only have taken three years – but instead, we want to knock down the building opposite. That will take four or five years. We have got no housing, we won't be able to build as many units; but never mind: you've got your field.'

2145 We have got to realise that we have got to do what is practical, realistic and necessary. And, unarguably, what is practical, realistic and necessary is to reject the requête.

2150 Thank you, sir.

**The Acting Presiding Officer:** Thank you.

2155 Now, Members, I was reluctant to interrupt Deputy Ferbrache in full flow; however, I would remind all Members that the Bailiff has previously ruled that the use of the word 'bonkers' is, in his view, unparliamentary.

**Deputy Ferbrache:** I apologise, then, sir.

2160 **The Acting Presiding Officer:** Your apology is accepted, Deputy Ferbrache, thank you. I now invite the President of the Committee *for* Employment & Social Security to speak.

**Deputy Roffey:** In light of that ruling, I will be careful how I go, I think! (*Laughter*)



2165 I am going to do my main speech later on, when I get an opportunity to speak towards the end of the debate; but I am going to use this opportunity to expand, I think, a little bit on the letter of comment from ESS and where ESS are coming from. Having listened to Deputy Ferbrache – he said reject the requête; I presume he means *some of the Propositions of* the requête, because listening to his passion, I would have thought that Proposition 1 and Proposition 2 were ones that he very much wanted to support ...

2170 Of course, when ESS looked at the requête, being the mandated provider of key worker housing, we were certainly 100% behind Proposition 1, which is that we need a lot more key worker housing, which I think is what Deputy Ferbrache was just agreeing with. I would support Proposition 2, that it should be of different types to meet different types of key workers and in different locations, because we are being told, 'Trust the professionals'. That is exactly what we are being told by both 2175 the HR Department and the accommodation service at HSC. We have a mixture of single-person units for younger people and family accommodation for the really important mix of more mature key workers with families – or even if they have not got families, they often want a bit more. So we are totally behind those two.

The contentious bit of the requête is trying to rule out the use of the APA to the north-west of the PEH site. To listen to Deputy Ferbrache, you would have thought it was a choice: blade of grass and no nurses' accommodation; or nurses' accommodation, saving people's lives, and losing grass. If that was the choice, I would be with him exactly where he was coming from. It does not matter: unlike Deputy Falla, I probably *am* a nailed on, tree-hugging environmentalist in some ways; but I do not put it before crucial social services and I would actually put that first. But clearly, that is a 2185 false choice. To suggest that it is either there or nowhere – I do not want to be unparliamentary, so I will not use the b-word – it is clearly an absolutely ludicrous proposition and that is the whole proposition that Deputy Ferbrache's speech was built on. We can build 150, 200, 250 units of key worker accommodation elsewhere and in more appropriate sites.

Sir, I have to say, because ESS has got the mandate for key worker housing we have found that, 2190 over the last 20 months or so, really quite a frustrating task, very frustrating. Deputy Falla referred to two properties earlier that were sold off that we wanted – not just ESS wanted, but actually all of the voting members of the Housing Action Group voted that they wanted to be used for key worker housing – and where the DHA had plans, costed plans, cost-effective plans to create ... Yes, it was only 14 units of key worker accommodation, but it would have been ready much quicker than any 2195 of the other options that are being talked about today.

Not only did P&R choose not to do that, but to sell them off. But I actually wrote a letter beseeching them – if you are mindful to do this, at least let me come to P&R and explain why we think it is so important that those are actually prioritised for key worker housing! I was not even offered that facility to come and explain why that is so important. But that was only a small number 2200 of units.

Elsewhere, we raised the question of the Castel Hospital because – and I listened to the experts, as Deputy Ferbrache said. The HR Department and the Accommodation Department at HSC have told ESS, in very simple words, that that in their view is the absolute perfect site for key worker housing because of its centrality and because the PEH is not the only site where their key health 2205 workers work. And we laid plans for just shy of 100 units of affordable housing to go on just the developed footprint, the building and the car park, on that site. It will be really heavily skewed towards key worker housing.

Quick as a flash, when we asked about this, back came an email from the Property Lead on P&R, 'That is far too valuable a site for affordable housing! Don't even think about affordable housing on the Castel site – far too valuable!' And we found out why it was so valuable later on, in a Scrutiny hearing: the idea was to build a load of four- and five-bedroom houses not only on the footprint –

**Deputy Mahoney:** Point of correction, please?

2215 **The Acting Presiding Officer:** Point of correction: Deputy Mahoney.

**Deputy Mahoney:** I do not think anyone found out anything at the Scrutiny hearing; perhaps reading the *Press* would have given the game away in the first place.

**The Acting Presiding Officer:** You are free to continue, Deputy Roffey.

**Deputy Roffey:** I found it out via the Scrutiny hearing. Sorry, I do not always read the *Press*; I find the columnists a little bit substandard at times. (*Laughter*) I happened on this occasion to find out via the Scrutiny hearing. And I have to say that was a site that could have been progressed. Yes, it would not have been immediate and I accept there are services over there. I still believe that that 100 units, they would have been designed – not detailed designs, but outlined designs – which would have been heavily skewed towards key worker housing, is what should happen to that site, *not* that it should be developed for luxury housing and all of the green APAs around. There is a theme here, isn't there? All of the green APAs around because –

**Deputy Mahoney:** Point of correction?

**The Acting Presiding Officer:** Point of correction: Deputy Mahoney.

**Deputy Mahoney:** If anyone can point to any article or any email I have sent where this is luxury housing, then I will eat another one of Deputy Meerveld's hats. I at no point have ever referenced luxury housing at any point at all.

Thank you.

**The Acting Presiding Officer:** Thank you.

Deputy Roffey.

**Deputy Roffey:** That is my interpretation of what Deputy Mahoney said was four- or five-bedroom houses with sizeable gardens. I regard that, compared with what we could create there – I give way to Deputy Ferbrache.

**Deputy Ferbrache:** If the criteria is that four- or five-bedroom houses are 'luxury houses', why did E&I bring forward proposals to the Housing Action Group and information for a number of four- or five-bedroom houses for social housing, if that is the criteria?

**Deputy Roffey:** There are a number of people with relatively large families who do require four-bedroom houses. They will not be as extensive as the ones that were being suggested there. The real point is, it is a site in our ownership that could be used not only for affordable housing, but affordable housing that would be very heavily skewed towards key workers.

But I go on. Members will remember the debate when the DPA brought forward proposals to release a significant number of unused tourism sites – hotels, self-catering, etc. – from their straitjacket of being used for that. As soon as that happened, there were two that absolutely struck me because of their location to be almost perfect for key worker housing. And I immediately asked, for one of them, for the States Property Services to do an evaluation and put in an offer exclusively – not for other affordable housing, just to be used for key worker housing.

Deputy Ferbrache came back to me – and I want to put on record, by the way, Deputy Ferbrache has absolutely been a tower of strength on the affordable housing strategy over the last years, he has been unwavering in his support, as he has said himself – well, he would do, wouldn't he? – during his long speech. (*Laughter*) But that is absolutely true. He came back to me and said, 'Well, you're asking us to put in a bid for this for key worker housing; but Deputy Mahoney is not convinced that this is what Deputy Brouard really wants.' He used the first names.

So here am I, as President of ESS, being told by the staff at HSC what they need, trying to buy sites, and being told, 'Oh, we're not sure about this.' Where is that confusion coming from? Why

can we not work in a more corporate way? I should be able to cut through that really clearly, because I have got the Vice President of HSC sitting on ESS. So I turned to poor old Deputy Bury and said, 'What does the HSC actually want? We really want to facilitate it. We don't feel we're really delivering what they need.'

I get told, 'Well, this hasn't really ... I don't remember this really being discussed at HSC; I think this is just Deputy Brouard speaking to Deputy Mahoney.' There seems to be a breakdown in the real collegiate, corporate Committee approach to these problems and we need to pull together. Sometimes, it feels more like a two-man process than full Committee engagement.

It does not seem to me that the choice of this field has been put forward and it has been selected through a real rigorous process of elimination and analysis; I think it was really quite pre-determined. Right at the start of this States' term, about 20 months ago, I visited HSC as President of ESS to ask, really, where we could go with key worker housing. We met in the boardroom of HSC. And I asked, 'What about knocking down this building?' – because I knew that at the previous HSC, that was very much one of their aims.

I got told by Deputy Brouard, who is perfectly entitled to say so, 'Don't do things *to* us; do things *with* us. I don't want this knocked down. If you want to build something, build it somewhere else.' And he gesticulated out the window to that beautiful valley field, 'Build it down there.' I looked out the window and thought, 'Never in a thousand years is that going to be possible.' But I thought it was just a 'Don't build it here, build it somewhere else'. Now it has twigged, he actually *did* mean 'Build it down there.' So I think this has been predetermined for really quite a long time.

What we are constantly being told by officers at HSC is they want to mix. Absolutely, there is a waiting list for John Henry Court. And let me put this on record: there needs to be more single-person accommodation on the campus of the PEH because there is a demand for it. But they are also saying that is a mixture. There are lots of other people who would prefer to be elsewhere, not in single-person accommodation and not on the PEH campus. And a large part of the demand for the waiting list for John Henry Court is that it is actually modern, decent accommodation, as opposed to – as Deputy Ferbrache rightly said – in the mix of the accommodation that is being used at the moment. Some of it is actually not that brilliant, so it is not surprising that people want to move.

But then, there was an opportunity, as I understand it, to build on the south-side of the campus next to the Corbinerie, but the plans that were put forward were described by the DPA as 'Rather too monolithic, rather too blocky' and they asked for a redesign which would have meant scaling down the size. It may have been only an extra thirty, forty units. That therefore fell out of the criteria, did not fit the criteria, was not considered. Actually, a number of those sorts of developments is absolutely, I think, the right way to go.

As I say, I will do my main speech later. What I do pledge to the States today is, whatever the outcome of this debate, ESS will continue to do two things. Firstly, it will include an element of key worker housing in *all* new affordable housing developments. So although Deputy Ferbrache rightly said there is a great demand for general social rental, we are absolutely convinced there needs to be mixed developments and it will include key worker housing. That is the intention and I know the GHA shares that view.

Secondly, though, we are going to seek appropriately situated sites in convenient locations – convenient to the hospital, that is – to be used exclusively by key workers, because even if this block of 150 single-person units goes ahead, we know that there is a need to complement that with other types of accommodation.

In this respect, I have every expectation of making one important announcement regarding the purchase of an ideal site next month, and we are also pursuing several other such opportunities. Now, I regret I cannot be more specific, and I heard Deputy Mahoney say on Radio Guernsey that without naming the sites it is all smoke and mirrors. It is not. Believe me, we are due to buy an ideal site – probably only for about 30 or 40 key workers – but an ideal site next month; and we are actively pursuing several, some even better opportunities than that one.

2320 So in keeping with parts 1 and 2 of the requête, ESS will continue to pursue these sorts of options whether or not the beautiful valley field is built on, because we need a real range of accommodation. And personally, as I have said, I think that needs to be a blend of convenient, on-site accommodation mixed with probably even more accommodation off-site throughout the whole Island. I do think, personally – and I definitely agree with Deputy Brouard, although I absolutely respect the fact that he has got the right to believe this – that where the HSC corporate headquarters  
2325 are now would be an absolutely ideal spot for some of that one-bedroom accommodation on the PEH campus. And if the political will was really there, then that part of the building could certainly be emptied fairly soon.

We have been told this is all about ‘Action today’; how much action do you want? It is largely because I want action that will *happen*, that is realistic, that will come through that I support this  
2330 requête. A 150-unit accommodation block with a similar number of parking spaces in one of the most beautiful valley fields in Guernsey seems to ESS, frankly, to be a complete non-starter.

ESS wants key worker housing and they want it built ASAP, and frankly, we firmly believe that even if the requête is defeated – and it may well be defeated today – this project is highly unlikely to ever go ahead. It is simply too unacceptable to the community on so many levels. The community  
2335 knows there are alternatives. They will not listen to the rhetoric of Deputy Ferbrache, ‘It is either this or closing down wards.’ They know there are alternatives. Blimey, I wanted it built on one or two of those hotel sites not far from the hospital. I am not a supporter of compulsory purchase, but if it is really that serious, then I would back that in those circumstances, I tell you.

But it is *not* the only alternative, to build on an absolutely crucial APA. It flies in the face of our  
2340 IDP. Now, I know some Members want to change the IDP – and so do I, actually – but it is the Plan that we make the rest of the Island live by. So not only will this scheme, if the requête is defeated – and on balance, I think it probably will be today – and this plan goes ahead, not only will it garner resistance due to the spoiling of a beautiful section of an Agricultural Priority Area when other opportunities clearly exist, but it would also garner public opposition on the basis of rank hypocrisy.  
2345 And when Guernsey people smell hypocrisy, they rear up on their back legs.

For goodness’ sake, it cannot even get support from the Royal College of Nursing! So is it not surprising that the general public, by and large, think it is a dreadful idea? And they do so in massive numbers. Deputy Ferbrache is lucky: he talks to lots of people who feel absolutely the opposite; but my impression, my antennae, when I am out in the supermarkets, when I get stopped ... Actually, it  
2350 is almost on a par with, ‘Don’t close the bring banks’ – but that is a debate for another day! This is the other one that I keep being told, ‘Absolutely don’t touch that field.’

Now, Deputy Ferbrache says, ‘If they knew all the facts, they would feel differently.’ And if the facts were as he has spelled out, that if you do not build there, then it is nothing and the hospital is at risk – then of course, they would feel differently, and so would I. But those are *not* the facts.

2355 So how does all this relate to the ESS mandate? We are a supporter of this requête because we want the *quickest route* to developing much-needed key worker housing; and this scheme is not the quickest route, it is a fantasy road to nowhere.

Members, if you want action as soon as possible, do not go down a cul-de-sac, which is what you are being invited to do. Close off that cul-de-sac today and then let’s have more corporate  
2360 working, let’s work together, what the Assembly should have been doing and at times – well, I think the three voting Members actually did work very closely together, but at times they fell short of that – and let’s actually look at the realistic sites that will *not* get the opposition, that *will* be consistent with our planning procedures, because they are there and we can do it.

2365 **The Acting Presiding Officer:** I next invite the President of the Committee *for* Health & Social Care to speak.

**Deputy Brouard:** Thank you, Acting Presiding Officer.

I just want to make it clear before I start my speech proper, because I cannot find a way of  
2370 weaving it in, as some people probably can do. I did not choose the site. We were in a process,

working together corporately, and the professional staff came up with this particular site for us to test and see how it matched with our policies that the States have agreed and have supported over the years. And it was at that point that we have now gone into some sort of lockdown because we now have to wait for the results of this debate today – and of course, we have added another three or four months to the whole process. So I make no apologies, I am not in a particularly happy mood, unfortunately.

I have been in politics for a long time. Not many things make me cross; and in fact, I very rarely get cross. But I must admit, this requête has got me vexed and puzzled. However, it has been quite cathartic to put my thoughts down on paper, which has helped to lessen some of the blows. I did not have to read very far into the requête before my heckles were raised. Proposition 1:

To agree that there needs to be a significant increase in key worker housing in Guernsey.

Well, my, my, what a Proposition. I do not know if this was just a mistake, because further down the propositions, the requérants are seeking the exact opposite. And as Deputy Roffey mentioned to the Assembly at our last meeting, quoting the old English proverb, 'Fine words butter no parsnips' becomes apt. The act of putting butter on alludes to making something more palatable, but basically summarising Propositions 1 and 2, they add nothing but look pretty.

So after reading the first Proposition, I am wondering where we are going. We have the second Proposition:

To agree that, in respect of healthcare workers, key worker housing must include a variety of options at sites in the community to suit the full range of key employees.

Well, I never. (*Laughter*) I think even Sherlock Holmes and Watson on a really bad day could have concluded Proposition 2.

So now I am wondering where are going. Obviously, we are going to have a really helpful, practical way forward. Some of our most senior politicians – we have had some well-respected Deputies as part of the seven requérants. I am now going to read to see the support they are going to give me to their colleagues on Health & Social Care.

So now we move to Proposition 3, suggesting that staff accommodation next to the PEH should be on a brownfield site, including the former Duchess of Kent House. They think that it is a really good idea to demolish over 4,800 m<sup>2</sup> of in-use office and an in-use ward to knock it down and rebuild it as staff accommodation. Do they have any idea as to the environmental footprint and cost that would have? (**A Member:** Hear, hear.)

And then the final *coup de grâce*: Proposition 4, the 'And you will never touch an Agricultural Priority land again without the States' permission.' So no trust in the IDP, no trust in the Planning Department; and of course, this is put forward after substantial consultation with HSC.

So I have read the requête, I have gone through the Propositions, and I still do not understand what it is about and why. Now, I am quite a practical person, I can make things, I can understand politics; but this requête has got me confused. I do not believe the story that it is about the next election and Deputies trying to show their environmental credentials – although to be fair, when I was first newly-elected, the first two years, I did wonder how anyone would ever hear of any of the work I was doing. Anything with parishioners was fairly low-key and never attracted media attention. The Public Services Department, which was my main Committee, was very ably led by the late Deputy Bill Bell, who fronted all media enquiries. So I must admit, I did think at one time that this would be my first and only term in the States.

So I could see that, for some Members, it may be a way to raise their profile on what they hope has positive connotations. Is it virtue-signalling for the next election? But I cannot buy that.

I do admit that it seems to me that Deputy Falla has a well-organised PR campaign. The call-to-arms on Facebook to 'Contact your Deputy,' pictures of cows grazing and the cows wondering why on earth they are on that field this week; (*Laughter*) and the artist's painting, 'The something everyday', the important sycamore – a recommended species, by the way, in the *Trees and Hedges*

in *Guernsey* booklet issued by the Committee for Horticulture. But no one is advocating its demise! It would be fantastic to have that incorporated into any design. And I would mention, I have the world's supply of sycamore seedlings if we need more.

2420 It is *contentious* because you have *made* it contentious with a PR campaign!

It is probably my fault that I did not go out enough and counteract it, but it feels to me that the lack of substance and poor arguments are not overcome by a local media PR campaign. It reminds me of the Brexit 'Leave campaign' that was successful. Remember the bus, and 'The UK will not have straight cucumbers any more'? But falling well short in delivery, well short of the promises, and what  
2425 now people realise was just spin. To me, that lack of substance and poor arguments are not overcome by a local media PR campaign. So of course we will have emails because the requérants only put out one side of the case. So hopefully, today, we can show a more balanced view, a more measured view, and a more responsible view.

Now, as I said, perhaps I should have done a PR campaign, show a few pictures of a lady in hospital *desperate* to leave, to have that care package to support her in her own home, tears in her eyes because we are short of carers; or that picture of the delayed operation, the man with the bones of his hip grinding in pain as he walks and his children helpless to help. It is rather ironic yesterday, because I actually had an email which was just that particular situation, where some children were trying to do their best for their parents, who are waiting for an operation.

2435 So I do not even need to go round touting to Douzaines to get their support. I do not need to, because my arguments stack up. When you kindly made me President of Health & Social Care, all of you know it was not my first choice; neither, as it happened, was it the choice of many others.

But I really do have a good team on Health, both politically and in the civil service and in the professions. I have found it a real honour to work with them so that we can deliver the best  
2440 healthcare and social care we can with the resources you give us and the directions you share with us in the Government Work Plan. I will do *whatever* is needed to fill this role as best as I can. It is the biggest job I have done in the States by a country mile and *everything* is important.

But I did mention some of my hopes and helps in taking on the responsibility. I will not have time to take prisoners, so my apologies if some of my words come across a little sharp later in my speech, and I hope I do not lose too many friends and colleagues. As I said, I would need help; and I do not find this requête helpful.

P&R have been very supportive and when we turned to them very early in the term – not last week, very early in the term – to say that key worker accommodation will be a critical factor in delivering healthcare, they understood the problem we had inherited and the dilemmas we face. So  
2450 it is a little ironic that the requête I am faced with is signed by four members of ESS, who have key worker accommodation in their mandate. My staff and colleagues were telling me and the Board that a John Henry Court 2 was just what was needed. I did not invent the shortage; I inherited it. I have no more pleasure than the next to use the valley, but that is what the professionals recommend.

2455 I also mentioned my success, and that of our team will be your success, so imagine my disappointment when, instead of receiving assistance in gaining key worker accommodation, we have just added another two-to-four months of delay and umpteen hours of staff and professional time, for so little benefit.

Now, before I touch on the consultation from the requérants, as I mentioned earlier, I could not understand and I still do not know what is behind this requête. I did ask one of the requérants the question, 'Who wrote the requête? Who held the pen?' – as that might give me some clue as to what this is all about. The reaction was about akin to me having eaten their first-born and I left the conversation none the wiser. (*Laughter*) Because in our politics it is quite often that someone will think of an amendment, another colleague will write it down, and someone else will sign it and take  
2460 the lead. As it happened with the L'Ancrese sea wall: I held the pen, but I was happily guided by Deputy Prow and Deputy Inder. It was not a secret. I do not suppose it matters who wrote it, what really matters are the choices we make in dealing with it today.

Anyway, I want to touch now on the consultation undertaken by the requérants, and the lead requérant in particular. Be under no illusion: key worker housing is a very important issue for HSC. It is so important for our community we get it right and it is important we get it right soon.

This is the level of consultation for such a major exercise. Email 1: 'Dear Peter and Al, ...'

I think that is referring to Deputy Ferbrache. 'Please find attached an early sight of the draft requête which I expect to lodge with the Greffier in the next day or so. You may wish to share it with members of the Policy & Resources and Health & Social Care Committees.'

Oh well, maybe. Okay.

'I will also circulate it to all States' Members once I have lodged it with the Greffier.'

I am completely foxed at this point; so I write back: 'Hi, Steve, if any of the requérants want to have a chat with our team so we can explain our position before you tie our hands and do our job, just let me know and I will arrange.'

'Hi Al, I appreciate the offer of a chat. There have been some conversations along the way. This is going live tomorrow; but there will be time for further conversations before the debate.' *(Interjection)*

My last attempt: 'Dear Steve, I'm sorry; but this is important stuff. We need key worker accommodation and we need it now, preferably on-site. I can't undo what previous Presidents/Committees should have/could have. **(A Member: Hear, hear.)** I have patients and Islanders who need care now. I take those calls. We recruit nurses, but they don't take up positions offered because of the lack of affordable accommodation. I don't recall you coming to see me about your concerns, nor several of your requérants' either. Not happy. Best regards, Al.'

We have professional HR staff, we have professional land management and property staff who advise us; we could have shared that expertise with the requérants before it was written. Why would you not come and speak to the professionals – and of course, chat with us politicians? But nothing, no engagement! Two members of Scrutiny Management, who hold us to account as to how we make decisions, never came to talk to us before submitting their requête either! And again, I will share the level of consultation – well, actually, no I will not, because it is not good. *(Interjection)*

Oh, alright then. *(Laughter)*

'Dear Al, I intend to submit an amendment to the Falla requête as attached. I am sending it to your Committee for comment.'

A week or two later: 'Thank you for sharing a copy of your draft amendment to the key worker housing requête with the Committee for Health & Social Care. I have noted that the amendment was lodged before the Committee had the opportunity to provide its comments to you and would suggest that, as the States debate itself is some time away, it may have been helpful to have awaited a reply before registering the amendment. The Committee, by a majority, is not minded to support the amended Propositions, as they will tie the hands of the States for delivering key worker accommodation, and without this, HSC will continue to struggle to recruit staff to provide essential services.'

I just do not get it. If you listened to the media, you would be mistaken to think that Members are making 'evidence-based decisions' in the requête; that is a new, meaningless buzzword by the reality. Would it not be a good idea, before putting in a requête of this sort with quite far-reaching implications, to talk to the head of our HR or our estates function or the Director of Operations or the Medical Director who can give real-life situations we face every day? And from the planning team, how we can solve them? And from our estates team?

Maybe, colleagues, you can see why this requête has made me a little vexed. I take those phone calls from Islanders who are concerned about their loved ones. When I am short of staff or I cannot give the consistency or the continuity of our care, I have those calls. Not a day goes by that I do not have an issue given or put on my shoulders. Now, those of you who signed the requête, will you share that burden? I know Deputy Bury will. But will you, Deputy Falla? Will you, Deputy Soulsby? Deputy Roffey? Deputy de Sausmarez? Gabriel Fairclough? Will you take those calls now? Will you explain why you feel a seven-vergée field on the PEH campus is far better used to graze cows than

to provide a home for staff who will care for your loved ones when sick? Or the children we have in care who need consistency in their upbringing?

So I do not know why I have this requête. I do not understand why you would not want to engage with our team? Why you would not want to talk with P&R and their property services. Perhaps you would not like the answers. But really, colleagues, I think it is a jolly poor show and not the collaborative, collegiate working together.

So let's look at what the requérants believe. Now, I did not come to Health to start thinking of problems to solve; they were already there. We have a press release from Deputy Soulsby and Deputy Roffey, so let's start by pulling that apart. The first myth or invention of the pair is that because we want to build on the PEH site, that is a clear indication we plan to rely and wish to rely heavily on agency staff. Many of our staff on permanent contracts want to live on the PEH site. John Henry Court has 66 units – 58 units have staff residing who have permanent contracts and are living there. We have a live waiting list, it is now up to 60 – that is a waiting list to go to John Henry Court. Whether I have a unit of accommodation occupied by a permanent contract-holder or an agency member of staff, I still need that flat or house to accommodate that member.

Agency staff are more expensive and we will appoint permanent staff if they are there; but regrettably, since the days of past Presidents, we have Brexit, COVID, the Ukraine war all affecting staff. And not only for us, but it is across the world: healthcare workers are in high demand. The market for health and care staff is usually competitive; we need to be attractive if we are to provide the services our community needs and wants. During the pandemic, we increased total bed capacity at the PEH to manage intensive care admissions and we need to be resilient for the future.

We have been told, as a States, that we have an ageing demographic and more services will be needed. We are feeling this in the PEH and in our community care teams now. We are also investing in steps to bring down the surgical waiting list, with your support through the Government Work Plan, and those actions require additional staff. Where will they live? We are told that some staff want accommodation on the PEH campus and the feedback we have is that this will help us to recruit those staff to work with us to provide the care and services we all rely on. (**A Member:** Hear, hear.)

We are told the candidates are not pursuing roles here because they will not be able to find a suitable home in the Island that they can afford. We are told that John Henry Court, despite what some of my colleagues may think, is a popular option and we could fill another building like it tomorrow. There is no escaping this. It is not anecdotal, it is our lived experience at HSC and it holds true. But we know this is just one part of the solution. Beauville is a popular option, by Jeffreys, providing accommodation for families and we undoubtedly need more of this too. HSC has *never said* that bedsits and flats will meet all of its needs and we can explore this in the valley too – if you will allow us.

High numbers of agency staff could be mitigated by sufficient suitable accommodation being provided to attract permanent staff to the Island. It is therefore the very absence of key worker accommodation of the right size and type which has increased the use of agencies. While HSC aims to recruit candidates directly, a number of candidates for permanent roles are introduced via agencies and agencies have fed back that candidates are not pursuing roles here because of the fact that, if appointed, they may be unable to take up the post because of the challenges of finding suitable affordable accommodation. This has the direct effect of relying on agency staff. The ageing demographic position has been known for some time and the effects of this are felt on a day-to-day basis within HSC. We are always going to need more resources to manage this effectively.

A number of service developments to manage the longer-term effects of the pandemic has resulted in the need for increased staff. In the past six-12 months, the Committee has opened additional beds in the PEH, raising the capacity, as I mentioned earlier, from 114 to 132 beds to respond to increasing need for ICU provision during the COVID peaks. It has also extended the opening times of the day patient unit to increase the throughput of day patients, to address the waiting list. To provide the services our community needs and wants, requires staff of the right skills, knowledge and experience – and agency, although more expensive, are a valuable tool in our



toolbox at the moment and we need them. A total of 38 new posts have recently been approved to support the expansion of the Critical Care Unit, to help orthopaedic waiting list initiatives and extending the opening hours in radiology specifically to address the increased waiting list from the pandemic and support Phase 1 of the hospital modernisation programme.

2575 I would like to put on record the experiences of our HR team. These words are not mine, but they come from those at the coalface. At times we are told it is all anecdotal, 'Oh, we don't really know, we're not sure, that's what we think, we were there once.'

2580 This is from one of our professional staff, I am just reading their words that they have given to me: 'HSC is not moving towards a strategy to employ agency staff, it is having to reluctantly rely on agency staff due to its inability to recruit permanent staff due to the lack of availability and high cost of housing. We are continually trying to recruit and retain staff. We have offered many posts to excellent candidates, but a high proportion of the job offers are being turned down for reasons of cost and we are losing permanent staff as they cannot afford to stay here after their rent allowance ends.'

2585 Here are some extracts from some emails – sorry, I am not actually crying, although I could (*Laughter*). I do, unfortunately, have a watery eye, but I have not bothered to put myself down on the list. I have had a look at it once at the doctor's; but it still goes on.

2590 For instance, from a candidate: 'However, unfortunately, I will not be able to accept this offer and I feel I need to explain why. As you are aware, the price of property in Guernsey is high and after extensive research, the best I can find is approximately 42% of what would be my income.'

This is from an agent who had put forward a candidate for a permanent role – this is where we pay an introductory fee: 'After further investigation, the candidate has decided to withdraw her application. Securing a property would be too challenging as she has multiple pets.'

2595 This is an email from a manager of a current member of staff: 'He informed me that he is putting his notice in in two weeks' time as he will be unable to afford his rent when his allowance stops in October. He was very clear his decision to go is purely financial and if he could afford to stay, he would.'

But of course, we will just go through the extensive thing of going to an agency and going back round the whole cycle all over again.

2600 Another one here: 'One of the agents that put forward a candidate for permanent roles has advised that there is a number of clinically suitable candidates who either choose not to proceed to apply or are advised against applying on financial grounds. These candidates would never appear on our radar as their CVs are not actually submitted. This agent estimates that only two out of five potential candidates proceed to a States of Guernsey submission based on affordability. They estimate that one in five withdraw, purely based on affordability, and they state that it is rare that withdrawals are for any other reason except for financial.'

I will just read one more comment from my professional: 'Prior to the inception of HAG, a Key Worker Strategy Group was in place and its first meeting was held on 30th September 2019.'

2610 In 2019: I can do the maths but it is complicated – 'It was acknowledged at that meeting, we needed another block of accommodation similar to the current John Henry Court to cope with demand. Almost three years on, and we are no nearer to being able to provide high-standard accommodation for key workers across the States of Guernsey.'

2615 Three years ago, and now we have added another couple of months to the search. So there it is in black and white. If you do not have accommodation for agency staff, where on earth do you think I have accommodation for permanent staff? If I have access to accommodation, then I can recruit and I can rely less on agency. And even then, I would rather have agency in my purpose-built accommodation that at x, y, z hotel. Your argument we are moving to a model of agency is absolutely false.

2620 I am just going to read a reply we recently gave to Deputy Gabriel: 'It is predicted that HSC will continue to be heavily reliant on the use of agency staff to fill short-term vacancies and to provide the necessary skills to support operational service provision. However, it will seek to mitigate against this by – (a) taking steps to attract permanent staff to the Island which will be aided by the provision

of sufficient suitable accommodation; and (b) further investigating and training individuals who are already resident on the Island for professional roles in Health & Social Care.'

2625 We look to recruit all the time and we would be foolish to appoint agency if there was a permanent alternative. Yes, agency is more expensive, and yes, we lose staff when their rent allowance ends, and we are working with P&R. And as you know, it is part of the responsibility of P&R and Deputy Soulsby for the remuneration package to retain and grow our staff.

2630 I just want to go to Exhibit 3 and Exhibit 4 on my list, here; I had to label them somehow. This is just from literally a few days ago, 5th July, a student social worker advertisement in the *Guernsey Press*: 'Did you know you can study to obtain your degree and a professional qualification in social work in Guernsey over the two- to three-year fulltime programme?'

2635 And our cousins in Alderney, this is from the *Alderney Journal*, 8th July: 'States of Guernsey Hospital Services – Mignot Memorial Hospital – Healthcare assistance required ...' – and also, part-time domestic assistants we are looking for in Alderney. We are doing whatever we can to try and close our staffing gaps.

2640 So here, again, another bit of spin because your arguments *do not* stack up. Here is another. I said I am a simple soul and very practical, and I understand a fair bit; but I appreciate my daughter, who studied Philosophy, can still get me tangled in knots as to how many fairies can dance on the head of a pin.

In your press release, Deputies Roffey and Soulsby, you make much of another good soundbite: that of the 'Living above the shop'.

**Deputy de Sausmarez:** Point of order?

2645

**The Acting Presiding Officer:** Point of order, Deputy de Sausmarez.

2650 **Deputy de Sausmarez:** I really do apologise to Deputy Brouard, because I am very close to him in physical proximity and I can see how much he is putting into this speech. But I really would like to invoke Rule 17(1), or remind him of Rule 17(1), because I do feel as though this is getting unnecessarily personal.

Thank you.

2655 **The Acting Presiding Officer:** Yes, I had intended at the end of Deputy Brouard's speech, to remind Members of Rule 17(1). I will do it now. I was reluctant to interrupt Deputy Brouard.

Rule 17(1) says –

When speaking in the States a Member shall always address the Presiding Officer and must not address another Member [or Members directly]

Now, I am sure Deputy Brouard will do his best to adhere to that Rule moving forward.

2660 **Deputy Brouard:** Thank you, Acting Presiding Officer. As I said, I will tell you a bit more later, but this particular requête has somehow got through some of my usual strong armour.

Another good soundbite, the 'living above the shop': 'Those coming to Guernsey on a long-term basis prefer not to live above the shop' ... I cannot find the evidence for that; but hopefully, that will come.

2665 So you do not want to build in the valley, and that is the valley between the Duchess of Kent and the main acute hospital – of course, as opposed to the valley that is opposite Havilland Hall, because a few of us, I did think, got a bit confused as to which valley we are talking about. So you think it is a really good idea, about 'living above the shop', to demolish the Duchess of Kent building, which is one centimetre away from the valley ...

2670 Let me get your argument straight: the Duchess of Kent, one centimetre away from the valley, is *not* above the shop, because you do not think people want to live above the shop; but the valley, which is next-door to the Duchess of Kent, one centimetre away, is living above the shop. I am so

confused with your poor logic. If the valley is living above the shop, then so too is the Duchess of Kent, where you think it would be really good to have staff accommodation built on the Duchess of Kent's footprint.

2675 I just do not understand what this requête is about. Is it that you are frightened of making a decision or actually frightened of getting something done? All this requête is, is misdirection and unresearched spin. It is inaccurate to claim that staff do not want to live near the hospital. The 'Who wants to live above the shop?' phrase might be catchy, but it is not supported by the evidence based on the requests we receive. Whilst it is correct to say that not all staff want to live on the PEH  
2680 campus, the majority of those who request staff accommodation, particularly those without transport or who are in positions that require them to be on call, ask to be as close to their place of work as possible, which in many cases, would be the PEH.

Deputy Roffey is absolutely right: we need all manner of key worker housing, from basic flats two-bedroom flats, to houses, and we need it in a variety of locations. Not all our staff work at the  
2685 PEH campus, not all our staff wish to be in a flat; but one part of the solution for a cohort of our employees is to have accommodation on-site, and we are advised by the professionals that what our staff want is John Henry Court, and then it could be built twice over. Please, if you have time to read the letter from our partners – the MSG and the BMA in the P&R pack – please do so. But do not take my word for it: do your own research, ask our professionals. But we did not, did we?

2690 The Duchess of Kent is mentioned in the press release, my two colleagues are of the opinion that the Duchess of Kent is not fit-for-purpose and it needs some money spent on it. Well, it all depends on what purpose you have for the Duchess of Kent. We, as an Island, have invested a substantial amount of funds in building it and it holds a substantial environmental footprint. It is in good condition. I fully appreciate it is not being used as a care home, but mainly for office  
2695 accommodation supporting up to 120 staff, all related to the Health & Social Care family, whether that is HR, Public Health – remember, the Public Health team ran our response to the pandemic from this so-called 'unsuitable' building.

Our corporate functions are based here, Occupational Health, our Client Team, our Quality and Safety team, Procurement, Transformation, Data Quality, Finance, Reparative Care, with clinic rooms,  
2700 and paid management services; and we have a live residential ward for adults with acute learning difficulties, which in itself requires a staff of 20 to give 24-hour care. And before anyone jumps to their feet, we do have plans to move that cohort to a new, purpose-built accommodation at Le Vieille Plage. But that is still some years away. And even when they leave, I would be strongly suggesting that we keep that space for decanting operations, and with your help when we embark  
2705 on Phases 2 and 3 of the Hospital Modernisation Programme.

Again, as a practical Guernseyman, why would you demolish a reasonably good set of offices – which are in use – rehouse over 120 staff somewhere else, disparately spread across the Island, when they are mainly healthcare staff or working in the healthcare environment? Would it not be better to have a central hub? Is that not a good idea? In order to demolish the building – which, if  
2710 you built it today would cost over £25 million – just so that you could build staff accommodation which, because it is one centimetre away from the valley, is now no longer classed as 'over the shop'.

I would just like to thank those Members who were able to take the tour around the Duchess of Kent, and I think though it may not be the luxurious of offices ... In fact, actually, I will just read you one of the comments: it is quite a luxurious office because you have got more space per desk than  
2715 you would do normally; and that is why it is infringing some of the new office standards, because it is too big in some cases. And of course, in a COVID pandemic, having separate offices is far better than having an open-plan area where of course respiratory diseases can spread far more easily. So in fact, actually, it worked really well through the pandemic.

And as with all buildings, it will require maintenance and refurbishment from time to time. But  
2720 that would be a fraction of the new-build cost; and environmentally, repurposing the building is far more environment-friendly than needlessly demolishing one and then rebuilding one.

The Duchess of Kent is a substantial building – and as I mentioned, 4,800 m<sup>2</sup>. Even if you wanted to replace all the carpets – I am not saying you should, but in the refurbishment, all of the carpets,

at £25 per m<sup>2</sup>, it is over £100,000 just putting new carpets in. It is a substantial building. Maybe one day, the Duchess of Kent will need to be replaced; but that day is a long way off. And as Deputy Ferbrache reminds us, there is no money tree. So I would very much rather have the use of the Duchess of Kent and build fresh accommodation on the PEH campus.

Even if you did, Members, decide you wish to demolish the Duchess of Kent to provide the footprint or the brownfield site for new accommodation, you add another three years to the Programme. And just for the record, it is not riddled with asbestos. Yes, it has some, as has many places built in the 1970s, but it is managed and it is not a risk.

I now just want to touch, finally, on the press release here. I think, along the lines of, 'You cannot put a price on the field,' another good soundbite. Well, I can put a price on it. First of all, the field was purchased in the early part of the last century as part of the hospital campus – but I will leave Deputy Mahoney and Deputy Ferbrache who have far more details than I. But our points will be the same: this field, for over 100 years, was always going to be used to help Islanders with their Health and Social Care needs.

Here is my puzzle: why do we have a requête for this field? At this point, I would like to thank Deputy Lester Queripel for one of his questions. I am not usually thanking Deputy Queripel for one of his questions but on this occasion, I actually do, because it was not a question to me. It was a Rule 14 question to the Development & Planning Authority. The question was this: 'Can you please tell me if a site waste management plan has been put in place in La Grande Mare Hotel by the Development & Planning Authority?'

And it was the first line of the answer that got me thinking. The answer went like this: 'Planning permission was granted on the 16th December in the year of our Lord 2021 ...'

Which was what, six months ago?

'For the change of use of agricultural land to form part of a golf course of 77,335 m<sup>2</sup>.'

I will just say that again: 'Change of use of agricultural land to form part of a golf course ...' – only six months ago. And just to put it in context for those of you who prefer vergées like I do, that is about 47 vergées or, in other words, 7.74 hectares.

I will just read a little of the brief: 'Works to extend and remodel the golf course and to create the driving range and the Academy buildings will result in the change of use of some 7.74 hectares of agricultural land' – 47 vergées –

**Deputy Oliver:** Point of correction, sir?

**The Acting Presiding Officer:** Point of correction, Deputy Oliver.

**Deputy Oliver:** Most of it was already a golf course, there was only a small additional space for the driving range.

**Deputy Brouard:** I have a copy of the thing here; it says here in black and white: '... to create the driving range and the Academy buildings will result in the change of use of 7.74 hectares of agricultural land.'

That is what the DPA said. Please, while I am still speaking – I have got a few pages to go – do, please, check-up and try and correct me.

So within the lifetime of this Parliament, we have got an application which has been approved for 47 vergées of agricultural land to be changed into a golf course, and I do not hear a dickie or a birdie from any of the requérants. (*Laughter*) It is not a small amount of agricultural land and it is going from what the requérants feel is so precious – our agricultural land, our heritage, the Guernsey breed – so that people can hit a small white ball with a stick. Now, I have nothing against golf, I have played on that course – badly. But why were the requérants not out in force? Why no PR campaign? Why no lobbying?

2775 Perhaps I should just mention that the area of the valley which we feel would be a good place to put staff accommodation is about seven vergées. So the land of La Grande Mare was seven times bigger.

2780 What am I missing? What is this requête really about and why? The requérants were happy, as I understand it, for 47 vergées of agricultural land to be used as part of a recreational golf course. But they are not happy for seven vergées of agricultural land purchased as part of a hospital campus to house healthcare workers to look after our loved ones – these staff we so desperately need. And it is not going to improve in the next year or so. We need to start now; and I am just not understanding the requérants' logic.

2785 We even have a policy that we can build next to existing social housing. And ESS just did that – through the GHA, I think – by building on the Agricultural Priority Area Rue de Clos Longues, St Saviour's and looking at the map, it looks about three vergées. But again, I did not remember any process. In fact, to be fair to be Deputy Soulsby, she fought for one of those particular situations, I think, in a St Martin's context for a field there which was going to be turned into housing.

2790 Even more up to date, I do not hear any howls of protest at the prospect of putting housing on an old vinery site where the principle has been set for many years that vineries are temporary structures on agricultural land. We, the States, have just bought one for that very purpose. We have even bought the commercial Data Park in the hope of flipping it to residential.

2795 Some of my colleagues seem not to bat an eyelid at the prospect of changing some of the business park to a residential housing estate, but I know from my days in commerce and employment, we were concerned that we as an Island had sufficient land to support local industry. And it is not easy land to find. They are not always good neighbours of choice, so if we do flip it to residential we do lose part of our strategic industrial reserve.

2800 But that is not the point I am making: it is this. Here we are debating whether to change seven vergées of agricultural land to key worker housing and some of us are very exercised about it; but the Data Park, 30 vergées of zoned industrial land at Route Militaire can be flipped and we hardly hear about it.

2805 So I am struggling to understand the cherry-picking of this protest. If you take the similarity with social housing on Route des Clos Landais, where you can build on agricultural land provided it is next to social housing, then what is so different about building key worker housing right next to the hospital? I see great value in that valley to provide accommodation to make a real difference to Islanders with their health and social care needs.

2810 Myself and Deputy Mahoney seem to be in the crosshairs on this issue, and I thank Deputy Ferbrache for reminding us that, I think, all Members of this Assembly have a very wide green streak running through all of us to look after our green spaces. But I would like to remind Members that even back in 2021, on strategic land use, I tried to confine development to brownfield sites *except* in exceptional circumstances – very similar to what Deputy de Lisle was asking of us a week or two ago. I would think that Deputy Mahoney and myself care just as deeply for the environment; but we have other responsibilities. It is very easy to criticise; but it is a lot harder to find those difficult solutions. Whatever solution we land on will always be a compromise and not please everyone.

2815 I do not think the general public is aware of just how many properties we own and let, and properties we rent from landlords and then re-let. I would ask Members to have a look at our printed submission to the requête – again, in the P&R pack. We rent from private landlords 84 units on 23 sites; we have 383 units of accommodation over 49 sites. Do you not think a modicum of consolidation into a purpose-built facility might be a good idea? Some of our own property is unsuitable for shared facilities, not wanted in this day and age. We have an opportunity to build suitable purpose-built accommodation to consolidate our resources and let those rented properties go back to the overheated housing market – an opportunity for us to make savings.

2825 Now, I am not happy about this. If I was Deputy Falla, as Vice President of Economic Development, I would be beating a path to HSC's door to complain that we are taking up valuable housing resources which are needed to staff the engine room of our economy. And why on earth is HSC using hotels as staff accommodation when those hotels could be part of the visitor economy,

along with self-catering? I need a strong economy! I need those jobs that create the wealth to be filled, as without a tax take, I have no money to pay for care.

But no. Instead of 'How can we help you move your staff to more suitable accommodation?', I get a requête to try and prevent it on this particular field, micromanaging the weeds when we have a £2 billion-plus economy to run. I do not understand what this is all really about.

I will leave my colleagues, as I say, to pick up on the choosing of the field as a site. But that was done by professionals as the best compromise. The valley is attractive and it will be for staff who live there too. And of course, I do not want to build too close to the acute hospital, as that will continue to need space to change and evolve. But I do agree we can go against that advice and make a poorer decision.

But would you believe it? We have systems in place for just these eventualities, through the DPA. Are Members saying they do not trust the DPA to do their job in Proposition 4? Let Deputies Oliver, Taylor, Dyke, Kazantseva-Miller and Deputy Murray do their job. The requérants, try and just do that.

I am minded of the advice in the *Guide to People's Deputies* that was handed out to us. There is a simple message on page 32:

DON'T try to do everybody else's job for them and become too involved in detail and operational matters.

This requête tramples across a whole load of operational areas like a stampede. If the DPA is minded to approve, there would be a multitude of conditions and requirements to ensure that we both make it workable, from a design point of view, and aesthetically as pleasing as possible.

I am just about to finish, sir; but it struck me ... If we were not going to use the field, ever, why haven't past Presidents sold it, if we are never going to use it? Because it is of strategic value right next to our acute hospital. And if we want to be in Jersey's position, fine. I have spent hours and hours on this requête. It has caused me a lot of thought and it has troubled me. So I am sorry if my demeanour this afternoon is a little bit sharper than it normally is – I am usually a happy, jolly person – but this has got through my political armour. This is a wrecking requête with little purpose that I can discern. It does nothing to solve our health and care staff shortages or to deliver services to the Bailiwick. Guernsey agriculture is unlikely to collapse.

Why the requérants are not protesting over the 47 vergées at La Grande Mare, the muddled thinking over the shop argument, the lack of research, zero consultation, the inability to understand that the Duchess of Kent is in use and has a part to play for many years – it looks like a poor attempt at virtue-signalling at a cost to our health. I would even have some thin sympathy if the requête said, 'Do not build there, *build here*. Here are some practical alternatives. Oh, and here are all our research and workings-out too.'

But no. I, with our team at HSC and P&R, are left holding the baby and the requérants walk away. Job done.

Islanders deserve better. Government and politicians should be about making, at times, those tough decisions for the good of the community, not some PR junket. It will always be a compromise wherever we build; it will always upset someone wherever we build; it will always upset someone if we do not build; and it will always upset someone by leaving the decision to another time – when it is all too late. Those of you who want to, please do, please prevaricate, do another survey, have a look somewhere else, having a working party, set up HAG 2.

Those of you who want to put cows to intermittently graze the field ahead of people who we need to care for our loved ones, vote for the requête. And if, like me, you want to do something to make a positive difference to Islanders' lives, have a meaningful effect on the housing market, vote against the requête and make Islanders' lives that little bit better.

Thank you, sir. *(Applause)*

**The Acting Presiding Officer:** Despite the rap music accompaniment, Deputy Brouard remained undistracted. *(Laughter)*

I now invite the President of the Development & Planning Authority to speak.

**Deputy Oliver:** Thank you, sir. Many of you will be pleased to know my speech is a bit shorter.

I do wish to just put on record and make clear that the DPA members' minds will remain open on any prospective planning application in relation to key worker housing and they will only be able to decide on any such application if one is submitted, when they have heard all the relevant arguments and considered all the relevant planning material considerations. However, I do just want to go into some detail and clear up some of the things that have been said. I am just purely going to keep it to fact and not stray into rights or wrongs.

When we created the APAs, they were broadly drawn and included land ... some of it could never have been expected to contribute positively to commercial agriculture in the future. For example, some Agricultural Priority land has dwellings on and also their gardens are included. However, it does have a much higher bar to overcome in planning terms. If a planning application came forward on the field, with it being S5 the Authority must be satisfied that the particular choice of location for the proposed development can clearly be justified and that the proposals represent the best practical option.

For this reason, a detailed and comprehensive site selection study would be expected as part of the submission of the planning application, as would measures to mitigate any harmful effects on the environment and opportunities for environmental enhancement. The work previously undertaken by the SPU in respect of the site selection would inform that work, noting that the outcome of the assessment reflects the natural key criteria. This requête is basically asking Deputies to do that work and not letting qualified planners go through the statutory process.

In regard to Proposition 4, I think the President of Health & Social Care was quite lucky in many respects, because he actually had a courtesy email saying that this requête was coming forward; whereas the DPA did not. Proposition 4, in the current way it stands, is just not operable, it is just not workable, really. It constrains the DPA from carrying out its duties as required under the relevant legislation. A departure from this established statutory process would require a legislative amendment or change in the Land Use Policy made in accordance with the relevant statutory procedures.

I have just got one other further point and it is regarding the TPA. Anyone can currently phone up the Principal Environment Services Officer for Agricultural, Countryside and Land Planning and say, 'There is a tree, please can you go and have a look at it because it might be worth a TPA?' It also works that if an application came in that, during the application process, there might actually be some trees worth saving. So we, as the Planning Authority, will send out an officer and that officer is the Principal Environment Services Officer for Agricultural, Countryside and Land Planning Services. He will evaluate that tree in accordance with the criteria for the TPA processes – in the correct way. So if it is a tree of great nature like some people are saying, then an officer will be sent out anyway to make sure that tree is protected if it is worth protecting.

Thank you, sir.

**The Acting Presiding Officer:** I now invite the President of the Committee *for the Environment & Infrastructure* to speak.

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

I may be a little bit longer than Deputy Oliver, but probably not too much, and certainly nowhere near as long as Deputy Brouard, who for understandable reasons has taken a break to recoup some of his energy that he clearly put into his speech.

I am going to start by summarising some of the key content from the Environment & Infrastructure Committee's letter of comment. I will make clear that this is not representative, necessarily, of the Committee view; the content of that letter of comment was factual content. Luckily, my Committee members are very well able to express their own personal views eloquently and I am sure they will take the opportunity to do exactly that in debate. But I will summarise some of the key points that relate to our mandate and then I will finish with a few personal observations and views as well.

Our Committee mandate is engaged in a number of different ways with respect to this requête. In our mandate we have housing policy in relation to land use; spatial planning and infrastructure; climate change; protection and conservation of the natural environment; traffic and transport; biodiversity; agriculture; and the sustainability of food and farming. So quite a number of different policy areas there. The requête makes the case for prioritising brownfield sites over green, especially in relation to Agricultural Priority Areas, both of which aspirations support both the SLUP and the IDP.

The first thing I want to talk about is the spatial strategy. I think this is an element that is perhaps not very well understood and sometimes overlooked. It is very easy to look at situations like this which relate to particular sites from a very granular level, a ground-view level; but actually, that spatial strategic view is very important.

Our spatial strategy seeks to concentrate developments, such as Housing, within and around the edges of the two main urban centres, with some limited development within and around the edges of the other main parish or local centres in order to support more sustainable communities and avoid the urbanisation of the countryside.

That is a direct quote, by the way, that is our spatial strategy in a nutshell.

With respect to the latter, the spatial strategy encourages the redevelopment of brownfield development in the interests of the efficient use of land and protection of the natural environment, recognising the need to thoroughly explore opportunities to reuse previously developed land and convert, redevelop and reuse vacant buildings and accommodation.

The spatial strategy is one of the fundamental principles underpinning the IDP and it is there for really good reason. It is there for a number of different purposes, it works on a number of different levels; but ultimately it is there to support sustainable communities. It basically says that, when we can provide housing, in particular, in locations where the people living in that accommodation have access to the goods, to the services, to the amenities that they need, in a convenient way, then that is going to improve their quality of life; it is going to make their lifestyles better quality, it is going to make their lifestyles more affordable, it is going to make everything a bit more convenient, it is easier to access those things. Now, if we think about the opposite – urban sprawl – if everything is spread everywhere, like butter over toast, then that makes that Proposition a lot more challenging.

That is really what the spatial strategy is all about. It has got two sides of the coin here. One is about improving that liveability, improving quality of life, convenience, affordability, all things which are so important; and of course, reducing our carbon footprint, reducing our impact in terms of climate change – increasingly important. That is one side of the coin.

But the other side of the coin is about protecting our rural environment. So drawing a clear distinction, really, between those more urban areas and the rural areas. We know we are a small Island and space is a really valuable commodity, we do have to use it really carefully and efficiently. And the spatial strategy, which underpins and is threaded through the IDP, does exactly that and it is there for those very good reasons.

I am not going to give way –

It also has positive impacts of course, in terms of organising transport – especially public transport – and facilitating lower-energy forms of transport and making transport safer. So it has got a number of really important benefits. But the spatial strategy is a fundamental principle that I really hope to be able to communicate through this the importance of.

The majority of our agricultural land is not in our main or local centres; the majority of our agricultural land, intuitively, is in the countryside, in that rural environment that the IDP and the SLUP and the spatial strategy all seek to protect. But when it comes to agriculture, we know that milk production is, by a long way, the most important part of agriculture in Guernsey. And again, that has got a number of different benefits. Obviously, the milk – and I know I am very biased – but it is actually, scientifically, pretty special; it has got a special protein in it that makes it, nutritionally, really valuable compared with milk from most other breeds, I believe.

So it really is unique. It is, of course, what underpins our rural economy; it is a hugely important part of our culture and our heritage; and of course, having that agricultural land, the way that our



dairy industry has evolved through the generations plays such a key role in how our countryside is managed and it has got so many wide benefits. So our farmers really do an awful lot more than just produce milk; they really are the custodians of our countryside and should be recognised as such.

2980 But of course, it is not easy being a dairy farmer these days. In Guernsey, there are two particularly pressing challenges that they face. One is the change of use away from agricultural use, of which the proposal that this requête is a response to is a great example. The loss of agricultural land to other purposes, that is one of the key pressures.

2985 The other key pressure, one of the things that makes dairy farming more difficult and more costly, is field fragmentation. We have got patterns of small, often dispersed farmland and every time farmers have to move their livestock between dispersed, fragmented fields, they have to spend more time, they have to use more labour, it costs them more, it takes more time, it negatively impacts productivity. These things all add cost and complexity and have a negative impact on farmers' productivity. So fragmentation is a real threat as well.

2990 This brings me on to the purpose and value of Agricultural Priority Areas. They are typically, as Deputy Falla described well in his opening speech, larger blocks of contiguous land – Deputy Falla does tease me for my use of the word 'contiguous', but it means side-by-side, running on to each other and it is the only appropriate word to use. It is so important, because that contiguity – is that the word? – enables less intensive farming and it enables much more efficient and productive farming, much easier, lower-cost, etc., so it has got real benefits. It is also prioritised for very good reason; it is good quality.

2995 This is something I just want to touch on. The quality of the soil has been the subject of a lot of misunderstanding and I do think it is worth quoting from E&I's letter of comment on this particular point:

The soil in this area is graded as 3b, which is categorised as moderate land quality. The Soil and Land Evaluation Report stresses that whatever its soil type or limitations on its use, all open agricultural land in Guernsey is valuable, and that its retention is important for the island. Even 'poor' quality land is valuable, the report explains, as it can still be used for some arable crops (the classification system is based on 'limitations' for agricultural cropping) or for grass crops for grazing or cutting. Such land may also be particularly valuable due to its closeness to other agricultural land, or in providing access to other land. The foreword to the latest (2010) issue states that it is increasingly recognised that with land scarcity, urbanisation, climate change and concern about food security it will be essential for the wellbeing of Guernsey people in the future. It expresses the view that protection from development should be a paramount consideration in all decisions.

3000 And I think it is worth pointing out that that report was commissioned by the then Commerce and Employment Department, the forerunner to the Committee for Economic Development, not the Environment Department, which was one of the forerunners of E&I; that was looking at it from a commercial, from an economy point of view, through that lens.

The Soil and Land Evaluation Report also highlights the problem of fragmentation, which is an issue that was raised in the 2014 Dairy Industry Review Group Report as well. Good sized grazing blocks comprising contiguous fields are invaluable to dairy farmers, as they reduce or negate the need to move livestock over greater distances between disparate fields, with additional inefficiency and cost of labour and machinery that involves. Fragmentation is therefore a factor that should be considered in the context of the viability of Guernsey's rural economy and our dairy sector more specifically.

3005 This is why we have got a designation in our planning law, in our planning policy, in the IDP, which is called an APA – an Agricultural Priority Area. It is a really important designation and the purpose of that designation was to offer that kind of land protection from change of use away from agriculture. To be clear, the IDP does not support the development of housing outside of the main local centres – except in a few minor ways, when it comes to subdividing existing dwellings and things like that. On the whole, the general rule of thumb is the IDP does not support the development of housing outside of the local and main centres. More to the point, it is certainly –

3010

**Deputy Taylor:** Point of correction?

**The Acting Presiding Officer:** Point of correction, Deputy Taylor.

3015 **Deputy Taylor:** Bear with me one second, sir.

The spatial policy S1 would be the quickest point to use as a correction. For development outside of the centres in identified specific circumstances, in accordance with the Strategic Land Use Plan, it does allow for development and there are policies which allow for development in specific circumstances. So it is allowable.

3020

**The Acting Presiding Officer:** Deputy de Sausmarez.

**Deputy de Sausmarez:** I am not sure that was a valid point of correction, because I did make clear that *on the whole*, that was the general principle. I am sure Deputy Taylor, as a member of the IDP, would agree that the main thrust of the IDP is to focus development – he is nodding, I thank him for that – in the main and local centres for all the reasons that I explained at the beginning.

3025 The purpose of the APAs is specifically to protect them for agricultural use. Once they are gone, they are gone; that is the thing about agricultural land. In reality, that is what we are dealing with here. So it is so important that we do protect the areas that have been designated as Agricultural Priority Areas for that purpose; they were designated for a reason.

3030 I did hear Deputy Mahoney, I think, on the radio maybe yesterday or certainly very recently, saying that the APAs are there by some sort of arbitrary stroke of the pen. Nothing could be further from the truth! The APAs were the result of the Planning Inquiry Process, which was a very robust and thorough consultation process which was very heavily evidence-based and involved a great deal of consultation both with the industry and with the general public, and then was subject to democratic debate in this Chamber. So it was very much not an arbitrary stroke of the pen that these APAs came into force within our planning policies. I think it is probably relevant to remind Members that that designation was confirmed in 2016, not very long ago.

3035 So the APAs are there for very good reason and they are certainly not ... For a whole variety of reasons, it is not appropriate to develop housing. As a general rule anyone else on the Island would, in all likelihood, *not* consider it worthwhile to try applying for permission to develop housing outside of the centres, especially on an APA where development, it makes clear, is only really granted permission for if it relates to agricultural use.

3040 Obviously, in the Committee's mandate as well, is transport. This was a detail that did actually emerge after the submission of the letter of comment, but I did find it interesting. One of the arguments that has been used is that the people who would most benefit, perhaps, from living on-site at the PEH are those who do not have access to their own transport. I am utterly perplexed as to why we have got a one-for-one parking space-to-unit of accommodation included in the proposals. I find that utterly perplexing.

3045 The spatial strategy, again, makes sense from a transport point of view. We want to be able to concentrate, in a very sympathetic way, housing in the places where we are going to reduce that need to travel in the first place and enable people to take healthier, more sustainable, more affordable forms of transport to access the goods and services that they need.

3050 There are many other benefits that this particular green valley will have, in common with many other green spaces in the Island. Obviously, it is a natural habitat and it supports our biodiversity and provides many ecosystem services – I know that is a phrase I have used before, I hope people are becoming a little bit more familiar with it. It provides all sorts of useful things, like air filtration, soil stabilisation – and these are things that we tend to take for granted until we have lost them. I would say, in this current streak of very warm weather, one of the qualities that really should not be overlooked is the value of green spaces as a heat sink in built-up areas.

3055 There are actually, also, health and wellbeing benefits to green spaces. There is quite a lot of evidence to show that they do help – being able to look out over green spaces does seem to help with people's well-being when they are poorly, and assist in their recovery. And I have to say, I have

a couple of loved ones in hospital at the moment and they have been able to benefit from that view.

Really, those are the kinds of areas that were covered in E&I's letter of comment. I am now going to speak from a personal perspective and make some of my own observations.

Deputy Ferbrache, when he stood to speak for Policy & Resources, made a huge meal of the fact – and this was a theme that was picked up by Deputy Brouard as well – about the need, the urgent, the imperative, the strategic need for more key worker accommodation. *Absolutely*. But it is a complete *non sequitur*, it is a false dichotomy to equate that urgent, strategic, imperative need for key worker accommodation with a need to build it on that particular green valley. It just does not equate.

Of course we need more key worker accommodation – absolutely. I would be absolutely shocked and appalled if there was anyone in this Chamber who disagreed with that. But it just does not follow that it needs to be built on that particular site.

Deputy Brouard I thought made the quite plaintive and touching point that it was not he who selected the site, that was what came out of the site selection options analysis. But I believe that he probably had something to do with the brief, and it is the brief that I think was really flawed. I think Deputy Falla touched on this when he opened debate. Asking Property Services to look at a radius of 500 metres, which I think was then pushed out to a kilometre, I am completely perplexed by that.

People living that close to their school, if they were a primary school child, would not even be eligible for a school bus if they lived that close to where they were going. So I think it was a very flawed brief. And I accept that there was a process; but it is really important to be able to interrogate those assumptions because it really is a case of 'garbage in, garbage out'. If those assumptions are not correct in the first place, then we are not going to get the correct or the most useful and valuable outputs. Of course not.

So I think it is really quite simple: we need housing and we need appropriate housing. We need housing for key workers, of course we do. I also agree, as I think the majority if not all of the requérants agree – that some accommodation on-site is appropriate. But I think on-site accommodation is really only optimal for agency workers. More permanent staff need to be able to access all the goods and services and amenities that other members of the community do.

And actually, there was one really telling point – I think it was in Deputy Ferbrache's speech – when he said, he was talking about a request and saying, 'Actually, if we are going to be building key worker accommodation on the PEH site, then there would be an approach from another service area to please borrow it.'

This is the point exactly: why are we baking-in a model of accommodation which flies in the face of all our land use policies, which according to our very own policies is not located in the right place? Why would we do that, when if we build it somewhere convenient obviously for the hospital, build at least somewhere convenient for the hospital but also in the community, that gives us flexibility. It means, in three-years' time, when this is open, that as we got through the COVID-related bottleneck of work – that I am very sympathetic to HSC having to get through – and as we are adhering to that longer-term strategy that Deputy Brouard confirmed about reducing our long-term dependency on agency workers ... Would it not be better to have key worker accommodation in a more useful place so it can either be used for *other* key workers in *other* areas, or be used for other purposes, other members of the community if that need ever reduces in the longer-term?

To me, it just does not make sense to put absolutely loads of that type of accommodation, which is really only particularly suitable for one type of key worker. It is a case of putting too many eggs in one basket. And thinking about that longer-term flexibility, it would be a far more sensible to spread those bets a bit more.

I completely appreciate, as well, there is great demand for the accommodation that exists. There is great demand for accommodation everywhere. I do not think any other type of accommodation is being turned down; and some of it leaves a lot to be desired as well.

Deputy Brouard had what I interpreted as a bit of a personal pop at the requérants, trying to call us out on where we are fighting to protect, APAs? I have got a long track record of fighting to

protect APAs; in fact, I seconded Deputy Roffey's amendment to the IDP which was all about strengthening and expanding the APAs in the first place, along with Deputy Soulsby, and I think Deputy Roffey as well played a key part in the campaign against the loss of the APA at Les Blanchés in St Martin's.

3120 And when it comes to La Grande Mare, that was a different kettle of fish. I think it is a Site of Special Significance or an Area of Biodiversity Importance. I was absolutely all over that. But the key difference there was that was the subject of a detailed EIA, which of course then leads to planning conditions in order to mitigate environmental impact. But I can assure Deputy Brouard that I was certainly not quiet on that front at all.

3125 We are getting some slightly – oh and also, the Data Park is of course not an APA, that is zoned for industrial use. It is a different kettle of fish. When we are talking about protecting APAs, none of these arguments wash. We do need to protect our APAs.

3130 On the one hand, Deputy Brouard was saying that the requête is riding roughshod over all the operational detail and we should leave the site selection to the professionals – and I have already explained where I think the site selection process has gone wrong. But on the other hand, he challenged us and said it would be much more helpful if you said, 'Don't build there but do build there.' No, I think the point is to refine the brief, make the brief more robust and more appropriate, and then let the professionals do their job and come up with those recommendations.

3135 Now, the other point I really do need to address with respect to some of what Deputy Brouard was saying, was this issue of environmental footprint and impact. Gosh, I really do need to just clarify this, because I think it gets terribly muddled and confused. One of the biggest areas – as any of my colleagues on E&I will confirm, that we know we need to tackle when it comes to our carbon footprint – is space heating. We use and waste an awful lot of energy heating buildings, basically. A lot of that is down to the fact that much of our existing stock of buildings are really inefficient, really thermally and energy-inefficient, and we basically spend a lot of money and a lot of finite resources heating the air above roofs and it just a dreadful waste. That is a massive problem with many of our older buildings in particular.

3145 I have never seen the specific data for the Duchess of Kent House, but I would be pretty confident in putting money on the fact that it was not tip-top when it came to energy and thermal efficiency and that there is a huge amount of room for improvement. It is not my place to go wading into the operational detail, but of course one of the options should look at whether that can be improved, upgraded, repurposed.

3150 I do need to address – I am not going to give way because I am nearly at the end – there is a bit of a false equivalence going on at the heart of Deputy Brouard's – I do not think he does it deliberately, I know he does not. There is a false equivalence at the heart of this argument that it is better to leave buildings *in situ* than to demolish them. Because that is not what we are comparing, that is not comparing apples with apples.

3155 The situation should be a comparison between whether to upgrade and improve the efficiency of an existing building or to keep an inefficient building running – at great expense, I might add, and to the extent that P&R's own States Property Unit agree that it will not be cost-effective to maintain after I think about five years. The alternative to looking at repurposing or redeveloping, upgrading an existing building is to look at keeping that very inefficient building running *and* having all the environmental impact of building a new development, especially on an area of open, green – and in this case, agricultural – land.

3160 Actually, when you compare like for like, the environmental footprint of building on this valley instead of repurposing the Duchess of Kent House – and I am not suggesting that is the only option by any means. If you were to do a straight comparison between the environmental impact of repurposing or redeveloping on the Duchess of Kent site, with a much more efficient and environmentally sustainable building, or to leave that one *in situ* and developing over the green valley, the environmental footprint of leaving the Duchess of Kent House where it is, and continuing to use it and developing the green valley, would be much higher. We would have to be careful to compare like for like and not fall into the trap of false equivalence.

I will give way to Deputy Brouard.

3170 **Deputy Brouard:** Thank you very much indeed, Deputy de Sausmarez, for giving way.

The issue is, of course, we have got 120-odd staff plus the live ward already there. Is Deputy de Sausmarez saying that we need to build two new buildings? (1) The nurses' or healthcare accommodation somewhere, and (2) somewhere to house all the different offices that we have got there in a new purpose-built building? That is two new builds and that is going to be much more environmentally hungry.

3180 **Deputy de Sausmarez:** I am really glad Deputy Brouard asked that because it reminded me of something that occurred to me when I was on the tour of the Duchess of Kent House. Actually, I am very familiar with that – that was where all the contact tracing operations were run out of, so I was there throughout the lockdowns and much of the height of the COVID era.

Yes, irrespective of the fact I know the building very well, of course, I took the opportunity to go for that tour, one of the questions I asked – because we had been certainly been very involved in some aspects of the consolidation programme that is going on, when it comes to putting more staff in fewer buildings – so concentrating States' employees in, chiefly, Sir Charles Frossard House and Edward T Wheadon House.

3185 One of the ways that plan works, that property rationalisation process and consolidation of workers, more people in fewer buildings, one of the ways – in fact, the only way that can be made to work to the extent that it does, or will do, is because it relies on a system of rotational working which is much more efficient in terms of desk space. So basically, there is a system I think where people are typically in for five days every fortnight, so maybe three days one week, two days another and working from home for the rest of the time.

That is a really efficient use of an asset, of property. It is managing to get far more bang for your buck in terms of your existing property. And I was very interested, when I went on that tour, to ask whether that same policy was implemented in the Duchess of Kent. And the answer was, 'No, there is no need. They do not have the same pressure.'

3195 The more fundamental argument is that nobody is arguing that the Duchess of Kent is not used, it is there and HSC is quite rightly using it, of course. But the more fundamentally important argument is that the need for key worker accommodation is *now*, it is not in three-years' time. Whether it is in three-years' time or whether it is in three and a half or four- or five-years' time, we know that we need other options to be able to deal with the problem that we are facing right here and right now.

3200 So we need to look at options that can be delivered, that can be implemented much more rapidly. Which is why we are keen to chase down any opportunity to repurpose existing buildings, be they in the States' ownership or indeed in private ownership. And that has already been touched on by people who have spoken already.

3205 That is another area where I think there is a little bit of false equivalence going on, a little bit of a false dichotomy. Nobody questions the need for housing. But really, it is just not accurate to suggest that building on the green valley would in any way mitigate this problem in the short term; it just would not. It is a medium-term option.

3210 The irony is that by the time it would be fully implemented – and I do agree with Deputy Roffey that actually, I think, the process runs the risk of taking an awful lot longer than some projections suggest, because it is so contentious and because it will have a planning process to go through, and presumably an open planning meeting. I think members of the public will get very involved. But the irony is that by the time, if this proposal *did* go ahead, just as this building was basically being populated with key workers, then States Property Services would be saying to the P&R of the time, 'We just can't justify keeping the Duchess of Kent running any more, it is just too problematic, it is too expensive.'

Their recommendation, based on their property audit, is that it will not be viable to keep open. So there will be a huge irony that we will have sacrificed a green valley, and then right next-door

3220 we will have a redundant building. So I do think we need to take those time frames into account. And we also just need that greater flexibility.

One of the Propositions in the requête – and I have not got the right page in front of me – talks about ‘horses for courses’, basically, making sure there is an appropriate ... I think Proposition 2 talks about making sure there is an appropriate mix of accommodation to meet the different needs of healthcare workers, healthcare staff. I think that is so important. We have certainly heard multiple representations from said healthcare workers – for example, nurses – saying, ‘I didn’t want to live on-site; but that was the only option. Of course I was going to take it’.

I am also a little bit confused. I have seen the survey that went out to healthcare staff and I have not found the question which provides us with any kind of evidence base to say that there is an appetite to live on-site. I think there is an appetite to live in accommodation. The fact is, we are able to offer, thankfully, through John Henry Court, some accommodation on-site. Of course there is going to be demand for it, of course there is; but that is not to say it is necessarily optimum.

I would argue that the only people for whom living on-site is truly optimum is agency staff. All other, more permanent roles and the other types of healthcare workers who we accommodate, would be better off living in places where key worker housing can be developed as part of the fabric of the community, where they have got better access to goods, services, amenities, etc.

I am sure, if we provided good-quality accommodation there, there would be huge demand for it. And also, that gives us that longer-term flexibility to use it for more than one purpose, so not just key health workers, but also key workers in other policy areas as well.

3240 Deputy Brouard did say something along – I do not think he used this word – he did basically imply that the requête was running roughshod over the operational detail. I think that is a bit ironic. Actually what the proposal that this requête is in response to, is doing – is riding roughshod over our policies, multiple policies. Deputy Oliver is quite right to say that the only potential policy gateway is S5 because it does not align or conform with any other policy in the IDP. That is the only policy gateway and she is quite right to say that. But I do not think it meets the criteria, because I think we must be careful not to conflate the strategic need for housing with the need – which certainly is *not* a need – to build on that particular site.

3250 The strategic need is for housing; there are multiple options. Deputy Roffey has already covered this. There are also multiple options within easy striking distance of the PEH which would be *really* suitable, some of which are in States ownership already, some of which are subject to ongoing negotiations, some of which are other possibilities that I know HAG is very keen to explore – as is ESS.

Just one point of difference with Deputy Oliver’s point on Proposition 4. To me, Proposition 4 – and certainly, this is the intent of all the requérants – is that it does not engage the DPA’s mandate because it is further upstream than that. It basically would mean that there would not be a planning application in the first place. And as the planning officers confirmed when we met with them and Deputy Oliver the other day, if there is no planning application, then the DPA’s mandate is not engaged and not impacted.

3260 I know that there is going to be a mandate which clarifies that, I welcome that. If there is any potential for that being misinterpreted, then I am really happy to support something that clarifies. But there was certainly no intent by the requérants to meddle, effectively, in the autonomy of the DPA to do the important job that they have to do.

I have run out of steam now, everyone will be delighted to hear!

3265 I think it is a really important debate. These are some of our most fundamental policies that are being debated. I think the States should lead by example and lead by good example and show that we can do things better than this proposal would be seen by many in the community to be doing.

Thank you.

3270 **The Acting Presiding Officer:** Members, as advised we will now consider the motion under Article 7(1) of the Reform Law to suspend Rule 24(2) of the Rules of Procedure to the extent necessary to permit the Amendment numbered 2 to be debated.

Deputy Inder, do you propose such a motion?

**Deputy Inder:** I do, sir, thank you.

3275

**The Acting Presiding Officer:** Deputy Helyar, do you second such a motion?

**Deputy Helyar:** I do, sir.

3280

**The Acting Presiding Officer:** Thank you.

Members, this vote will be taken by recorded vote. If you wish to debate the amendment, following a suspension of the Rules, you vote *Pour*; if you do not wish it be debated, you vote *Contre*.  
Deputy Greffier.

*There was a recorded vote.*

*Carried – Pour 29, Contre 9, Ne vote pas 0, Absent 2*

**POUR**

Deputy Leadbeater  
Deputy Le Tissier  
Deputy Mahoney  
Deputy Matthews  
Deputy McKenna  
Deputy Meerveld  
Deputy Moakes  
Deputy Murray  
Deputy Oliver  
Deputy Parkinson  
Deputy Prow  
Deputy Queripel  
Alderney Rep. Roberts  
Alderney Rep. Snowdon  
Deputy Taylor  
Deputy Vermeulen  
Deputy Aldwell  
Deputy Blin  
Deputy Brouard  
Deputy Burford  
Deputy de Lisle  
Deputy Dudley-Owen  
Deputy Dyke  
Deputy Ferbrache  
Deputy Gollop  
Deputy Haskins  
Deputy Helyar  
Deputy Inder  
Deputy Kazantseva-Miller

**CONTRE**

Deputy Roffey  
Deputy Soulsby  
Deputy St Pier  
Deputy Bury  
Deputy Cameron  
Deputy de Sausmarez  
Deputy Fairclough  
Deputy Falla  
Deputy Gabriel

**NE VOTE PAS**

None

**ABSENT**

Deputy Le Tocq  
Deputy Trott\*

\*Marked absent from vote due to being Acting Presiding Officer.

3285

**The Acting Presiding Officer:** There voted *Pour* 29, *Contre* 9, there were no abstentions and 2 absentees; so I declare the motion carried.

Both amendments may be laid. I would suggest Amendment 1 is taken first.  
HMP, do you have any guidance for me on the matter?

3290

**The Procureur:** Sir, I would agree in that it is extremely similar to the current Proposition, so it might be logical to debate first. But it is a matter for you.

**The Acting Presiding Officer:** Thank you.

In that case, we will debate Amendment 1 first.

Deputy Burford, do you wish to lay Amendment 1?

3295

**Deputy Burford:** Yes, please, sir.

[Amendment 1](#)

*To delete all propositions and substitute therefore:*

1. *To agree that there needs to be an increase in affordable housing, including key worker housing, in Guernsey.*
2. *To direct the Committee for Health and Social Care and the Policy & Resources Committee when seeking to provide key worker housing within the vicinity of the hospital to focus on redevelopment of nearby brownfield sites in preference to greenfield sites.*
3. *To agree that no Committee of the States shall submit an application to the Development and Planning Authority seeking permission to build residential accommodation, including staff accommodation, on any land designated as an Agricultural Priority Area unless that Committee shall first have obtained the agreement of the States to do so, by way of resolution.*

3300

**Deputy Burford:** The first thing I want to say is, this amendment is not about whether or not Members support the requête. When Deputy Falla circulated it to States' Members, Proposition 4 leapt out at me straight away. As worded, it could have possibly been interpreted as overriding the role of the DPA in determination of planning applications by transferring that responsibility to the States in specific cases, and that cannot be allowed to be the case.

3305

I therefore set about amending that aspect of the Propositions, and at the same time and in detailed consultation with both senior staff and political members of the DPA, I made other minor amendments to the remaining Propositions, which are outlined in the explanatory note to the amendment.

3310

I now understand that the requérants may have preferred Proposition 2 of the requête to have remained. I was agnostic about Proposition 2, I just did not see it as having significant material effect as a resolution. I certainly agree that when constructing larger areas of housing, that socially it is good to have a mixture of tenures and sizes; but that ethos is already extant in the IDP through Plan Objective 5. I also agree that people coming to work in health and education and other key positions in our community will have a diverse range of needs and desires as to what type and location of housing they would prefer to occupy, but I thought that should be obvious and undisputed.

3315

I am grateful to Deputy Queripel for giving me advance notice of questions that he has about this amendment and I intend to address them now in the hope of shortening this debate, and also because others might find them useful.

3320

Deputy Queripel asked if the States owned brownfield sites in the vicinity of the hospital; of course, the Vauquiedor Duchess of Kent site is the obvious one, and there is also the Dairy, were that to be expedited. However, it does not necessarily need it to be States-owned now. ESS's letter of comment states that 12 sites are 'being actively pursued', and perhaps Deputy Roffey or Deputy Mahoney, as Property Lead, will be able to tell us if any of those are in the vicinity. I realise that the word 'vicinity' may have different meanings for different people.

3325

I am also asked whether the States should have a debate on a private individual or company's wish to build on an APA, to which I would respond that building on an APA, apart from for the reasons permitted in the IDP, would require there to be a strategic need which meets the requirements of policy S5. This situation is unlikely to arrive, as S5 requires development to be in the public interest; and thus, this amendment and the requête are not discriminatory in that way.

Finally, Deputy Queripel asked what response I received from the consultees to the amendment. The requérants are supportive. HSC, by a majority, is not minded to support the amended



3330 Propositions to the requête, as they believe it will tie the hands of the States for delivering key worker accommodation; however, they did not say whether or not they would support the amendment itself, and I hope that they will. P&R merely acknowledged receipt of the draft amendment. The DPA had significant concerns about the unintentional effects of the wording of the requête, as do I, and agreed therefore with the changes I am proposing in the amendment.

3335 I am grateful to Deputy Oliver and the head of Planning Policy for their assistance in drafting the amendment. Her Majesty's Comptroller also expressed concerns about the requête as drafted and agreed that the changes I am proposing in the amendment allay those concerns.

3340 So in summary and to repeat, this amendment is not about whether Members support the requête, amended or otherwise; the purpose of this amendment is to improve the requête so that *if* it is carried at the substantive vote stage, it does not have unintended consequences. Therefore, whichever way Members intend to vote ultimately, I would ask for their support on this amendment.

Thank you.

**The Acting Presiding Officer:** Thank you.

3345 Deputy Matthews, do you second the amendment?

**Deputy Matthews:** I do, sir, and I would like to speak on it, if possible, sir.

**The Acting Presiding Officer:** I call Deputy Matthews.

3350

**Deputy Matthews:** Thank you, sir. Thank you, Mr Presiding Officer.

I think, before starting my speech, in accordance with Rule 15(a) – although it is not actually really in accordance with Rule 15(a) – I would declare an interest, in that I do own some land that is nearby the hospital, next to my house, although I do not consider it a direct or special interest.

3355 Sir, I wanted to preface my remarks with a metaphor, if you will allow it. I hope you will indulge it as I do want to refer back to it and I promise to try to ensure it has at least some relevance to the Propositions being debated.

3360 Sir, when I started writing this speech for this Item – although it was actually for the original requête, some time ago, after the requête was lodged – it was quite close to the anniversary of D-Day, on June 6th – that is, the 78th anniversary of D-Day and the Battle of Normandy – when the sadly now dwindling band of veterans gather to commemorate the landings not far from here that marked the invasion of France and led to the subsequent end of World War II in Europe.

3365 One of the features of those landings was the quite extraordinary construction of temporary harbours on the coast of France; these were needed because the beach landings could only include light armour and vast quantities of heavy armour, fuel, ammunition, and supplies were needed. Called 'Mulberry harbours', these featured prefabricated pierheads, floating concrete constructions called 'caissons' that were made all across the South of England and floated across the Channel. There were two initially: Mulberry 'A', assembled by the American Naval Construction Battalion; and Mulberry 'B', assembled by the Royal Engineers. Both were operational within 12 days of the initial  
3370 landings. There is a famous note from Winston Churchill supporting their construction, which I shall read out, it is quite short. It says:

PIERS FOR USE ON BEACHES

They must float up and down with the tide. The anchor problem must be mastered. Let me have the best solution worked out. Don't argue the matter. The difficulties will argue for themselves.

3375 Sir, this was an early example of a technique called prefabrication: making something in one place and then assembling it somewhere else. In the post-war reconstruction period, prefabrication was used extensively, including for housing and other purposes, and unfortunately prefabs and Portakabins gained a reputation for poor quality that is rather unjustified. Modern techniques can produce very good results.

Sir, I rather feel that today, we will *not* take Winston Churchill's advice, and instead will argue the difficulties here today.

3380 Sir, I thank Deputy Falla for bringing this requête and Deputy Burford for the amendment to it.  
Key worker accommodation is desperately needed. Accommodation has been short for years. The desperate state of the housing market has become even more acute in recent months. Since joining the Committee *for* Health & Social Care, it has become immediately apparent to me that this is causing real difficulty for our health services. The shortage of accommodation is not limited to healthcare, but is perhaps most keenly felt here. There is a shortage of healthcare workers across  
3385 the UK and hiring has become difficult and very competitive. We have positions that we have been unable to fill not because we cannot find applicants, but because they cannot take up their position due to the lack of suitable accommodation on the Island.

I have sought to push for additional key worker accommodation at every available opportunity. The Committee *for* Health & Social Care has pressed for this. But the Committee *for* Health & Social  
3390 Care does not design or construct buildings itself, we rely on other parts of the States for this – in particular, States' Property Services. The requirement is immediate, but we must balance this against wider considerations for the Island.

Greenfield development should always be the last alternative, after all other options have been exhausted. The proposal to build on the valley field is an appalling example of a failure to balance  
3395 these needs. Many Islanders who know the area well will be shaking their heads in disbelief that this is even being considered when there are so many alternative brownfield sites in the immediate vicinity; there are, for example, two derelict hotel sites nearby and others if you include those a little further away, such as St Margaret's Lodge.

3400 **Deputy Haskins:** Point of order, sir?

**The Acting Presiding Officer:** Point of order. Deputy Haskins.

**Deputy Haskins:** Thank you, sir.

3405 I believe this is 17(6), where the debate has to be relevant to the matter. This matter is the amendment; but the only real difference is excluding the variety of options. I believe this is straying outside of that, sir.

**Deputy Matthews:** Sir, before you – I do not believe we are debating the difference between  
3410 the amendment and the original Propositions; I believe we are debating the Propositions contained in the amendment. My belief is that it is relevant to the Proposition, sir.

**The Acting Presiding Officer:** Well, I am going to provide you a little bit more latitude, because  
3415 you are not speaking in general debate, are you, Deputy Matthews?

**Deputy Matthews:** I am quite happy for this to be my speech for general debate.

**The Acting Presiding Officer:** In that case, please proceed.

3420 **Deputy Matthews:** Thank you, sir.

Sir, the fact is, there is no good evidence that this quantity of accommodation is needed immediately adjacent to the hospital campus; if there was, it would have been incorporated into the design and planning of the hospital expansion, Phase 1 of which is under way, while Phases 2 and 3 are in the pipeline. It is though of course helpful to have accommodation as near as possible, that  
3425 much is obvious. The existing John Henry Court serves this purpose well and the call for another John Henry Court is well understood. But this is by no means a requirement as long as good transport links are available.

Sir, I am sure that many others will speak about the good reasons why the valley field should not be developed: it is part of an Agricultural Priority Area, a planning region specifically set aside for farming. And it is actively farmed, used for pasture land. It also has a high landscape quality, forming an attractive setting for the hospital itself. It lends the Vauquiedor area just outside town a rural aspect, a green space amongst a built-up environment, something that is fast disappearing across the Island.

Some will ask, 'What is special about this area? Why protect this particular area when residents of other parts of the Island, particularly the north, have seen such loss of similar green spaces?' That is fair point and well-taken. But the hospital is Island-wide, we have only one; and we are elected Island-wide, our hospital serves the whole Island.

So what of the alternatives? There are many. I do not intend to list them or to go through the whole list, but I will just focus on one, and that is our original suggestion from the Committee for Health & Social Care. That was to use an area of land that partly currently forms the staff car park on the other side of the PEH site adjacent to the Oberlands Road. In fact, an initial design was drawn up by States' Property Services and went to the DPA – not as far as a formal application – for the political Committee for comments. And the response that came back, I am told, was not a formal planning rejection, but simply comments that the initial design was a little too boxy and perhaps a little too large for the site. That is okay, because as we are told the design could be adjusted and the size reduced; it was, after all, simply an initial design, by no means final. In fact, it strikes me that this location would be ideal for the type of prefabricated construction that I referred to earlier. HSC officers had discussed with the Housing Action Group modular units that can be in place within nine months after plans are agreed.

The need we have for key worker accommodation is urgent. Building at the valley field will not produce a result for another two or three years. What is needed is *urgent* action. HSC are moving heaven and earth to try and find places to accommodate healthcare workers, including using local hotels as temporary accommodation.

Building the type of emergency accommodation at the Oberlands would allow a more considered approach to a long-term solution, such as using either or both of the Dairy site or the Duchess of Kent site for a more permanent solution. These existing brownfield sites are ideally located for extensive key worker accommodation. There could never be a better example of a poorly thought-through use of a greenfield location when an alternative brownfield site is literally next-door, immediately adjacent to the greenfield in question. It would be an absolute nonsense to have at the capping-out ceremony as the construction is finished, a demolished, flattened site next to it that could have been used as an alternative.

For this reason, sir, I urge Members to vote for the amendment. Thank you.

**The Acting Presiding Officer:** Thank you.

Deputy Gollop.

**Deputy Gollop:** I am sure we are a bit hot and tired now.

I rise, I think, to support the amendment on balance, partly because it is proposed by Deputy Burford, who of course very memorably was an Environment Minister who did probably the biggest political work on the Island Development Plan. I was there as a sideshow member of the Committee and took it over at a later point; but the bulk of the thinking and the preparation and the deliberations, the 'Guernsey Tomorrow' – and of course, the inquiry itself – took place in that era.

And of course, Deputy Burford has given a little bit of a professorial masterclass in amendment and requête reconstruction. I was in the peculiar position of being broadly supportive of the environmental and social objectives of the requête and, being the final and fifth member of ESS the only member of the Committee not to sign the requête. I did agree to the signing of the letter supporting the aims and objectives of the requête, but I could see there were some wording issues, especially with Proposition 4.

3480 If I could summarise what I think are the key differences here: I agree there should be an increase  
in key worker housing; but yet again, we come back to a problem, which is where planning policy  
and political views sometimes differ. Affordable housing as a concept is used by all kinds of people  
to mean different things, but it has specific meaning in the Island Development Plan; and key worker  
housing, to my surprise – an admission on my part – does not. But this clears that up. So  
3485 Proposition 1 is fine, although I appreciate the focus of this requête is really on the key worker  
housing.

Proposition 2: actually, despite Deputy Brouard being a little bit scathing about some elements  
of the requête and its Propositions, I am more than happy to agree that in respect of healthcare  
workers, key worker housing must include a variety of options at sites in the community to suit the  
full range of key employees. (*Interjection*) All right, 'must' is a strong word. But the range of key  
3490 employees would include people across the income scale, possibly; people with different abilities  
and disabilities; different age ranges; people who are single; people with children – I do not know.  
We want as big a variety as possible. And one area where I am very supportive of what Deputy  
Matthews said is the need to look at alternative models of housing as well.

But the amendment eliminates that on the grounds it is not achievable. Perhaps it is part of a  
3495 broader policy, point accepted. The amendment directs the Committee *for* Health & Social Care and  
the Policy & Resources Committee to provide key worker housing within the vicinity of the hospital,  
which perhaps hones down the focus being on brownfield sites where possible to clarify and better  
reflect the intention.

There was an ambiguity in the original Proposition 4 as to whether any application that had gone  
3500 to the Development & Planning Authority would then start a little bit of a political revolution and  
end up on the floor of the States. I understand, if I have interpreted the Deputy Burford–Deputy Le  
Tocq amendment correctly, that the new point is –

[To agree] that no Committee of the States shall submit an application to the Development and Planning Authority  
seeking permission ... on any land designated as an Agricultural Priority Area unless that Committee shall first have  
obtained the agreement of the States to do so ...

That means that the process, as I understand it, would be the Committee wishing to make such  
a move would come to the States, and if the States said yes, the application would then go to the  
3505 Development & Planning Authority, rather than an alternative.

I think, as it clarifies, as far as I understand the requête – which perhaps is a little bit clumsy in  
parts – I support the amendment. The only thing I do not know – I might have missed it – is whether  
the seven requérants support the amendment or prefer some of all of their original wording.  
Hopefully, we may find out more on that tomorrow.

3510 **The Acting Presiding Officer:** Members of the States, it is 17.28. I propose that we rise now  
and reconvene at 9.30 tomorrow morning.

States' Deputy Greffier.

*The Assembly adjourned at 5.28 p.m.*