



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Friday, 29th May 2015**

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**Present:**

**Sir Richard J. Collas, Kt, Bailiff and Presiding Officer**

**Law Officers**

**People's Deputies**

**St. Peter Port South**

Deputies P. A. Harwood, J. Kuttelwascher, B. L. Brehaut,  
R. Domaille, A. H. Langlois, R. A. Jones

**St. Peter Port North**

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,  
R. Conder, L. C. Queripel

**St. Sampson**

Deputies G. A. St Pier, K. A. Stewart, P. L. Gillson,  
P. R. Le Pelley, S. J. Ogier, L. S. Trott

**The Vale**

Deputies M. J. Fallaize, D. B. Jones, L. B. Queripel, M. M. Lowe,  
A. R. Le Lièvre, G. M. Collins

**The Castel**

Deputies D. J. Duquemin, C. J. Green, M. H. Dorey,  
B. J. E. Paint, J. P. Le Tocq, S. A. James, M. B. E., A. H. Adam

**The West**

Deputies R. A. Perrot, A. H. Brouard,  
D. de G. De Lisle, Y. Burford,

**The South-East**

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,  
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

**Representatives of the Island of Alderney**

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

**The Clerk to the States of Deliberation**

D. A. Knight, Esq. (H.M. Deputy Greffier)

**Absent at the Evocation**

H. E. Roberts Esq., Q.C. (H.M. Procureur); Miss M. M. E. Pullum, Q.C. (H.M. Comptroller);  
Deputy M. J. Storey (*indisposé*); Deputy E. G. Bebb (*indisposé*); Deputy A. Spruce;  
Deputy A. M. Wilkie (*relevé à 10h 10*); Deputy D. A. Inglis

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# States of Deliberation

*The States met at 9.30 a.m.*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The Deputy Greffier*

## EVOCATION

# Billet d'État X

## EDUCATION DEPARTMENT

### I. Redeveloping the La Mare de Carteret Schools' Site – Post Review – Procedural

**The Deputy Greffier:** Sir, Billet X, Article I, the matter continues.

**The Bailiff:** Members of the States, I think it might be helpful if I just explain what is happening. In a moment I am going to propose that we adjourn for a few minutes. As you may or  
5 may not know, there have been discussions taking place over night, as I understand it, involving  
the Chief Minister and the boards of both the Treasury & Resources Department and the  
Education Department, as a result of which the Education Department wishes to move an  
amendment to their own Propositions, which will be supported by the Treasury & Resources  
Department, as I understand it.

10 But, of course, we are in the middle of debating an amendment that the Treasury & Resources  
Department have proposed, that they will wish to withdraw in order to enable the fresh  
amendment to be laid.

So, from a procedural point of view, what needs to happen is for a written motion to be laid by  
the Treasury & Resources Department, proposing the withdrawal of their own amendment. That  
15 will then need to be debated under Rule 13(11). Once that motion has been laid, debate will be  
limited strictly to the proposal to withdraw, and no other issues relating to the Article or  
Proposition should be debated until the motion to withdraw has been voted upon.

Assuming that motion to withdraw is carried, the Minister and Deputy Minister of the  
Education Department will then lay their amendment and debate will then proceed on their  
20 amendment.

So, there is a bit of paperwork that needs to be prepared to enable that to happen. It has been  
done in a great hurry, but I have suggested that, because it is important, we need to make sure  
that it is right and rather than rush it, I suggested that we have a brief adjournment, just to enable  
the written motions to be finalised. They will then be circulated to you.

25 You will be receiving three bits of paper. One will be the written motion, proposed by Deputy  
St Pier, seconded by Deputy Kuttelwascher, to withdraw the amendment, which is the subject of  
debate at the moment. So the motion to withdraw will be the first bit of paper. The Education  
Department's amendment will be the second piece of paper and then you will also be provided  
30 with a consolidated version, showing how the Propositions will stand if that amendment is  
approved.

So, there will be the motion to withdraw, the fresh amendment and a consolidated version,  
showing you how the Propositions will look if that is approved.

To enable all that to be prepared and, as I say, to make sure that we get it right, I am afraid we  
need just a few more minutes and I think it is better that we adjourn for a few minutes and get it  
35 right, rather than proceed and regret it later. So, I am proposing that we adjourn for, perhaps, 10  
minutes. I would not have thought it would be any longer.

Deputy Dorey.

**Deputy Dorey:** Sir, is it possible that somebody can just give us an overall idea of what the  
40 amendment is trying to achieve, so we have some idea to allow us to prepare? I understand the  
technical language might not be ready, but, if we could have an overall idea of what its affect is,  
just so that we can think about it in the –

**The Bailiff:** Well, I think we are then, sort of, opening the debate. I think it is better that we get  
45 it circulated. I think the paperwork is almost ready to be circulated. You will have a chance to read  
it. I am going to suggest that we have it circulated, then you have a few minutes to enable you to  
read it and digest it and then we will come back in. It will be for the Treasury Minister to speak  
first, because he needs to speak in favour of his motion to withdraw and it may be that, during the  
course of his speech, he will be able to give a bit of an indication as to why it is that the  
50 Department are seeking to withdraw and perhaps that will give you the information, if it is not  
clear from what you see. But, I think, when you see the amendment, it will be fairly clear.

Deputy Fallaize.

**Deputy Fallaize:** Sir, if we adjourned until 10 o'clock, then it would enable the thing to be  
55 circulated and Members could have ten minutes to reflect-

**The Bailiff:** Absolutely, I am quite happy –

**Deputy Fallaize:** Because it is a fair point, that Members should have an opportunity to give it  
60 some consideration.

**The Bailiff:** Yes. That is why I wanted to make sure that it was circulated and then they had  
time to consider it. So, I am quite happy to say that we adjourn until 10 o'clock, if you are in  
favour. Those in favour; those against.

65 *Members vote Pour.*

**The Bailiff:** We will resume at 10 a.m.

*The Assembly adjourned at 9.38 a.m.  
and resumed its sitting at 10.10 a.m.*

70 **The Bailiff:** Deputy Wilkie, you wish to be *relevé*?

**Deputy Wilkie:** Yes, sir. Thank you.

**I. Redeveloping the La Mare de Carteret Schools' Site –  
Debate continued**

75

**The Bailiff:** Well, Members, thank you for that additional time. I hope everything has now been circulated to you all, and I turn to Deputy St. Pier to propose the motion to withdraw the amendment that is presently being debated.

Deputy St. Pier.

80

**Deputy St. Pier:** Sir, yes, in view of the amendment which the Education Department propose to move, the Treasury Department no longer believe that it is appropriate to continue debate with the amendment which we began debating yesterday, sir. We, therefore, propose withdrawing it. We will be supporting the Education Department's amendment for reasons that I will explain during that debate when we get to it, sir.

85

**The Bailiff:** Thank you. Deputy Kuttelwascher, do you formally second that motion to withdraw?

90

**Deputy Kuttelwascher:** I do, sir.

**The Bailiff:** Fine. Well, Members, I just remind you that any debate now must be limited, strictly, to the motion to withdraw and no other issues relating to the Article or Proposition are to be debated until the motion to withdraw has been voted upon. Does anybody wish to debate the motion to withdraw? No.

95

We go straight to the vote on it. Those in favour; those against.

*Members voted Pour.*

100

**The Bailiff:** I declare it carried.

So, we move on, then, to the amendment which the Education Department wish to lay and that cannot be laid unless the States resolve to suspend Rule 15(2) and any other provisions of the Rules of Procedure to the extent necessary to permit the amendment to be debated and take effect.

105

Deputy Sillars, do you propose a motion to withdraw Rule 15(2) and such other – ?

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

**The Bailiff:** – provisions of the Rules as may be necessary?

110

And Deputy Conder, do you second that?

**Deputy Conder:** Yes, sir.

**The Bailiff:** We go to the vote. Those in favour; those against...

115

Did you wish to debate it?

**Deputy Dorey:** Yes, I wish to speak. You did not give the opportunity.

**The Bailiff:** Right. You may speak.

120

**Deputy Fallaize:** Sir, there is not provision to debate the motion to suspend the Rules.

**The Bailiff:** There is no provision. No, we go straight to the vote. So, I put it to you again. Those in favour; those against.

125 *Members voted Pour.*

**The Bailiff:** I declare it carried.

So, Deputy Sillars, you wish to lay an amendment. Do you wish to read it or would you like the Greffier to read the amendment?

130

**Deputy Sillars:** I would like the Greffier to read it, please, sir! *(Laughter)*

**The Bailiff:** Greffier.

135

**The Deputy Greffier:** Sir, the amendments proposed by Deputy Sillars, seconded by Deputy Conder, Education Department – Redeveloping the La Mare de Carteret Schools' Site – Post Review:

*1. In substitution 'to approve' at the beginning of Proposition 1: 'Recognising that there is a strong case for rationalising the education estate and that there may be a requirement for a larger secondary school in the La Mare de Carteret Schools' site and that it may be better value for money for this to be built from the outset, to approve',*

*2. To insert:*

*a) after the word 'students' where it appears for the second time in the Proposition 1(a): 'and for the replacement of the High School facilities for an eight-form entry school for up to 960 students;'*

*b) after the word, 'estate' in Proposition 3: 'and for the reviewing of structure of secondary education including selection at 11';*

*3. To substitute Proposition 3(b) and 3(b)(i):*

*'3(b) to submit the report to the States in sufficient time to enable the debate by the States at or before the March States' meeting 2016 containing:*

*(i) recommendations regarding the merit or otherwise of selection at 11 and the optimal size, number and location of secondary schools to deliver a broad and balanced curriculum and' and to add, at a new paragraph at the end of that Proposition, as follows:*

*'And to agree that commencing the construction of the facilities referred to in this Proposition 1 shall be conditional upon the Education Department presenting this report to the States in sufficient time to enable the debate by the States at or before March States meeting in 2016'.*

*4. To add a Proposition, as follows:*

*'4. To direct the Treasury & Resources Department to provide the funds necessary to fulfil the necessary requirements of progressing to tender approval process for the construction of the La Mare de Carteret Schools' project, as detailed in Proposition 1.'*

140 **The Bailiff:** Deputy Sillars will speak to the amendment and it may be helpful for anyone listening at home if you could just explain what the effect of it is, perhaps.

**Deputy Sillars:** Hopefully, I will be doing that in my speech, sir.

**The Bailiff:** Thank you.

145

**Deputy Sillars:** Because this was fairly quickly written this morning.

Sir, but, firstly, I would like to express my gratitude and thanks for the extraordinary hard work going on into the small hours of this morning and again later this morning and also to Deputy Matt Fallaize. Thanks to HM Comptroller and to Deputy Matt Fallaize. I would also like to thank



150 Treasury & Resources Board to agreeing to this amendment, which will allow us to work together going forward.

This new amendment, this morning, will give certainty and confirms our States' Report: the Education States Report. This ensures we will, as we have always said – and I gave my assurances yesterday to the effect that we will definitely bring the reports on 11-plus, college funding and secondary review back to this Assembly no later than March next year. This guarantees that that will happen.

155 What it also guarantees is that Treasury & Resources will fund the necessary work to continue and allow a spade to go into the ground hopefully in May next year. What this amendment really says is that if we, the Education Department, do not bring the report to the States by March of next year, then the funding will stop. But let me assure everyone, there is no way that my board and our officers will allow this to happen.

160 We have to do a detailed and comprehensive, meaningful consultation based on evidence. We have to engage with the community and the electorate we serve and it must not be rushed. So, I ask the Chief Minister to confirm today that, if it is necessary for an emergency Billet to be submitted to Policy Council, it will allow a request to be made to the presiding officer for that to happen.

165 By Treasury & Resources agreeing to support this amendment, it demonstrates a commitment by both Departments to work together for the benefit of education on our Island. This will be really good news for the teachers, the children, students at the La Mare de Carteret, because of the certainty that schools will be built. For me, it will stop large amounts of wasted money, trying to refurbish schools that are not fit for purpose. This could have gone on for many years to come and I remind you of a teacher who asked, 'How many plasters can you put on wound?'

170 You have before you this morning a new amendment which is designed to give Members the assurances that you require to allow us to move onto the preparation of the full business case. The insertions to Proposition 1 will mean that, in preparing the final business case, we will obtain tenders for both the construction of a 600 pupil school and a 960 pupil school so that, once we have completed our secondary review, which we will bring back to this Assembly to consider, we will be able to progress with the construction of either option in May of next year, so there will be no unnecessary time wasted.

180 The insertion to Proposition 3 of the words, 'and for reviewing the structure of secondary education, including selection at 11' provides the belt-and-braces assurances to this Assembly that the debate on selection will take place prior to the approval of the final business case, which we have to submit to the Treasury & Resources Department: again, what Education had promised. This is reflected in the Propositions 3(b) and 3(b)(i).

185 The new paragraph at the end of that third Proposition makes it explicit that the construction of the facilities cannot commence until Education Department presents its report in sufficient time to enable the debate by the States at or before the March States' meeting. Again, not a problem, because we will deliver it. So now this makes our promise to you a binding commitment, without which we cannot progress.

190 The fourth Proposition will enable Treasury & Resources Department to provide the funds necessary for the Education Department to progress to tenders for the construction of the La Mare de Carteret Schools. This will incur additional costs, as we will be seeking tenders for two options from the contractors, but this is more than counterbalanced by the savings in the refurbishment costs that would be incurred should the rebuild be delayed for a number of years. This amendment is supported by Treasury & Resources Department. I believe that this amendment gives the States the opportunity to all come back together and unite behind this amendment. It gives certainty to our community, so please support this amendment.

Thank you.

200 **The Bailiff:** Deputy Conder, do you formally second the amendment?

**Deputy Conder:** I do, sir. Thank you.

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

205

**Deputy Domaille:** Yes, sir. I commend the two Departments, clearly, for working together and I think that is superb and that is excellent. Of course, there is always a however or a but: I do caution that, actually, this sort of amendment, presented at this sort of time, is why we are where, as Deputy Kuttelwascher said, we do not want to be and, when we go ahead – and I am sure this will be approved and there is a lot in it that I, personally, like – but I do caution, sometimes, the devil can be in the detail and actually, we must not think that this is the end of the matter. But, I still, nevertheless, do commend both Departments.

210

I have just one question that I would like answered, please. It refers to – this is in the new Proposition 3, right at the end – ‘and to agree that commencing the construction of the facilities shall not commence before the report’. Now, I fully agree with getting the tenders in and that is fine, but I would like some confirmation that, actually, we will go no further than getting the tenders and that the tenders will not be accepted until the States have had this review report, because if you do accept the tenders before then and the States, for whatever reason, wishes to change it or go back, then you will be in for some considerable damages. So, that is the question I would like answered.

215

220

Thank you.

**The Bailiff:** Alderney Representative Jean, then Deputy Gollop.

225

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

I would also like to congratulate both Departments on the way that they have worked together over this and I know that the midnight oil was burnt over it and well done. I think that is absolutely tremendous.

230

But, one of the points I would like to make, having had my say yesterday, is about the 11-plus in Alderney. I would like, when that is considered, whatever the outcome, that Alderney is considered, because the 11-plus to Alderney is perhaps more crucial than it is here and it is important that Alderney is included with regard to the 11-plus, as we may be in a situation where any replacement might not work as well in Alderney. So, I would like consideration given to that.

235

I would like to congratulate you all again on having got together as you have and I am delighted.

235

Thank you, sir.

**The Bailiff:** Deputy Gollop.

240

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

I must admit, I listened carefully to the sage words of Deputy Domaille, because almost uniquely amongst our Assembly, he is not only a senior Deputy, but he has been a senior civil servant. The interesting part about the Assembly working together, as we are doing with amendments – there is a spirit, perhaps, of paternal solidarity and brotherhood here, after a while, (*Laughter*) – is that this kind of approach to politics is very parliamentary; it is very political. It is very much us working pragmatically as Members. But that is not how we work in boards, because how we work in boards is we are very much, I would say, influenced, we are certainly assisted, by senior civil servants’ advice and caution and knowledge and administrative wisdom. That is the other part of our Government, in a sense. Now, this kind of process does not necessarily have the benefit of that and we have to, therefore, be slightly cautious.

245

250

I think we resolved the flexibility of the high school by perhaps having potential for it to be larger. Now, one of my Members, I think it was Deputy Le Clerc and others, they were actually

intrigued to find that in the United Kingdom, you can have modular construction. That is a different way than we normally work, because you can –

255 Now, with the tendering process, any tenderer coming into this would obviously be aware that the project could be on two scales. They would also be aware that it could, although I am sure it will not be, suddenly stopped, because there had been some political gremlin of some kind – either Education were not able to deliver on time with the report promised, or they were but somebody in the States put up a Sursis or a wrecking amendment or something occurred that we know not what. That is a concern and I do believe that 3(i), recommendations regarding the merit or otherwise of selection at 11 and the optimal size, number and location of secondary schools, deliver a broad and balanced curriculum - that is quite a Herculean task for Education, because it is not just answering the difficult question, as Deputy Fallaize argued is perhaps one of the most difficult issues we face on selection. It would also include the Alderney issue; perhaps the role of the Colleges; and, most definitely, the size of school we are going towards, the nature of the curriculum offered; and, perhaps, the 16-to-18 arrangements, because I think that is an area where many people have differing opinions on. I suspect there is not a consensus, even in Education, on that particular issue.

270 But I have stood always that the important thing is to honour our promise and to bring a certain equality of standard across the schools and, as this is certainly a method of getting progress, of getting the pre-tender process started, of moving the dates forward and maybe helping our own local construction industry, as well as the lives of parents, children and teachers, I do support this amendment, but would argue that there is a degree of caution needed and I suspect a lot of dialogue between professionals to come over the next six months.

275

**The Bailiff:** Deputy Le Lièvre and then Deputies Luxon, Conder and Trott.

**Deputy Le Lièvre:** Thank you, sir.

280 Members of the Assembly, this is Government at its best, in my opinion. Congratulations to all concerned.

I am concerned that Education has got its work cut out, of that there is no doubt, and I am especially concerned that it properly resourced. Their senior management team has some sickness in at the moment; it is not fully staffed and it is already under extreme pressure, so we will have to make sure that it has the staffing resource to actually put this scheme into effect.

285 Now, yesterday, the Minister of T&R referred to some contemporaneous notes that he had kept during the meeting between members of T&R and Education and Mr Nicholls, and so did I. I think I can say that they probably more or less agree with Deputy Gavin St Pier, because it talked about a final option – and there were several options they mentioned. The final option was a 600 school, as suggested, but in the context of a radical review with a clear intention of four to three with a fundamental review of the estate. Those are the words I captured.

290 Then there are some words underneath. Now, I would not have written these of my own mind. They must have been said, because there was a suggestion of possibly a small grammar school and two larger high schools. I would never have dreamed that up, so I am presuming that Mr Nicholls said that.

295 Now, just a word of warning on that: as Chairman of SWBIC, I am quite lucky in that I have access to a suitably anonymised database of social housing, so I know exactly how many children there are in social housing at any one time. A fortnight ago there were 1,751 children below the age of 16; 600 or so – and I have rounded these figures – in the group of 0 to 4; 600 from 5 to 10 and 550 in the age group 11 to 16. These are children from, we have to assume, some of the lowest income groups in the Island, which is not necessarily of concern in itself, but they are larger than average families.

300

There are also another 151 in the age group 17 to 18. Now, I do not know what proportion of those are in education. That is, potentially, 1,900 children.

305 We also know, from my time at Education, of the lack of success rate in the 11-plus. We know that. The selection does not work for many of these children: 0% are successful in going to the Colleges, over a seven year period, and only a very small percent, less than 2% succeed in being selected to the Grammar Schools.

310 That is not a problem, because these children do get a good education in our secondary schools, the same syllabuses that they get in the Grammar School and the Colleges. But if that success rate and selection is maintained and you have two large high schools, then the social demographic of the children in those high schools is not representative of the Island as a whole, and that is a dangerous and socially inept move.

315 So, my plea to Education, before it comes back, is to ensure that whatever model and review of the estate it comes up with, that it does not create a model which, together with selection, ends up with unrepresentative social demographics in our schools. That is appalling.

320 The other thing, of course, is that building La Mare to 960 by itself – and I think I am correct; no doubt the Minister will correct me if I am wrong – is not going to provide the number of places required to make a significant drop, if you go to this two high school model, two secondary school model, because you have still not got enough places. You are going to have to increase another school to a similar level, before you close the fourth or third school, whichever way you look at it.

325 So, my main concern, though, is that we do not create schools with demographics that are non-representative and, in particular, large numbers of children from poor and relatively poor families. That would be wholly and socially inept and give rise to outcomes that we would never, ever want to see.

So, that is my plea to Education and I hope that – I wish them really well, because it is going to take an enormous quantity of work and they might have to let a few other things slide in the process, but I wish them luck in their endeavours.

Thank you.

330

**The Bailiff:** Deputy Luxon.

**Deputy Luxon:** Thank you, Mr Bailiff.

335 An elegant amendment to what has been an inelegant situation we have found ourselves in. Could I just ask for a very brief clarification?

In the amended Propositions of the amendments passed, 1(a) asked for a tender process for both the 600 with expansion up to 960 and then for a 960 school in its own right and then Proposition 2 still refers to £60.2 million as the capital vote. Could I just ask for clarification that that is not an anomaly or a problem?

340 Thank you.

**The Bailiff:** Deputy Conder.

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

345 Like so many colleagues, I would like to thank and express my appreciation, in particular to the two Ministers, Deputy Sillars and Deputy St. Pier. Be under no illusion the rest of us have to an extent been observers. They have worked so hard over the last 12 hours. I think we are all in their debt and I am extremely grateful to them. Also, indeed, to Deputy Fallaize for initiating this and most importantly to HM Comptroller for her work in drafting this amendment, we are enormously indebted to her, and I am particularly because she spelled my name correctly at the top of the amendment. Thank you. (*Laughter*)

355 Colleagues, in some ways this project has been like some ghastly Kafkaesque *danse macabre*, in which your dance partner, with whom you enter the national ballroom dancing championship, flounces off the floor after the first dance, because you trod on their feet, on their toes, and then proceeds to throw tin tacks onto the dance floor throughout the rest of the contest. But thanks to

the Fallaize Marriage Guidance Bureau, we are back arm in arm again, dancing forward together. That is terrific and I think we should all express our appreciation.

I know some colleagues have expressed disappointment that the Education Board have not fought this right the way through to challenge the T&R amendment that has just been withdrawn and then fight our Propositions. I do understand that, but I think there was sufficient concern expressed by some colleagues – for example, Deputy Trott and others – at their perceived failure to deliver the projects on selection and on rationalisation of the estate, that I think we did have to reflect that. I would have to say, I think in some ways that criticism was unfair, because those reports were never conditional one upon another, but I do accept that in the minds of some colleagues they had become so and we have to acknowledge that.

Sir, fellow States' Members, we always intended to bring those reports to this Assembly. You have to have confidence that we would do that. I understand why some colleagues need that confidence reinforced. This amendment gives you that confidence. Equally, there is no delay in the project. We have had a year's delay as a result of the Chief Minister and Deputy Chief Minister's amendment and that was regrettable, but again, on reflection one understands why that had to happen. But if you approve this amendment, the work will continue as from today. It was never possible to dig the first turf until May 2016.

Provided that we, the Education Department, deliver these reports to you no later than March 2016, the work will continue *without* delay and that is so important. We have spent so much time describing the situation at the La Mare de Carteret School to you that it would be unconscionable to delay it further. If we approve this amendment and the main Propositions, we will continue with a project and there should be every probability that the school will open in September 2018. What it will look like, we still have to determine and those reports will determine that, but the school will open, with a fair wind, in September 2018.

So colleagues, I urge you to support these amendments as a pragmatic way forward for this project.

Thank you.

**The Bailiff:** Deputy Trott and then Deputy Dave Jones.

385

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

Sir, Deputy Luxon touched upon one of the matters that I wanted to raise a few moments ago when he talked about Proposition 2, which is to delegate authority to the Treasury & Resources Department to approve a capital vote charged to the Capital Reserve of a maximum of £60.2 million. On the grounds that the design of this school will remain, to all intents and purposes, unchanged, other than the fact that there will be a significant extension to the secondary school to accommodate the additional numbers, clearly £60.2 million will be insufficient to cover the cost, all things being equal, of this construction. So it does seem to me that in the absence of any additional delegated vote we are in danger of usurping the Capital Prioritisation Process, because as a consequence of this amendment we will be accepting that this project and the additional costs potentially associated with a larger facility will be prioritised. So I would like a more detailed analysis of the process from the Treasury Minister when he speaks, sir.

I would also now like to talk about tenderers. It is always a difficult subject, but as I understand there are at this moment in time two preferred contractors. Clearly the scope of this project is potentially changing very significantly indeed and as a result of that the scope for other construction companies to enter the process should be opened up. It would be wholly inappropriate for the two preferred tenderers at this stage to have issue like an oligopoly when it comes to this process moving forward. So I think it is imperative that we get an undertaking from the Education Department and the Treasury & Resources Department that the net will be cast wider as a result.

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Sir, a week is a long time in politics – 24 hours can often seem like an eternity. Only yesterday I had the smashing Minister at the Education Department (*Laughter*) telling me that there would be

no difference in terms of value for money, whether we designed or whether we embarked upon the construction of a 600 school and amended it for an extra 360 or we did it all at the same time.  
410 Now, in Proposition 1, there is an acceptance that there *may* be better value for money as a consequence of doing this all at the same time and I welcome that movement, sir. I think that is in everyone's interest.

Lastly, sir, to do with timings, the architect of this amendment, we are led to believe, is my very capable friend, Deputy Fallaize, who argued strongly yesterday of the impossible timeline of  
415 getting a report back to this Assembly by March on the issue of selection at 11. He clearly, sir, on his journey to Damascus (*Laughter*) encountered some sort of... I do not know – angel of enlightenment and now accepts that this is in fact entirely feasible, because where there is a will there is a way.

And I finish, sir, with, for me, what captures the essence of the last 48 hours and I am going to use my very good friend, Professor Conder's dancing analogy: it takes two to tango.  
420

Thank you, sir.

**The Bailiff:** Deputy Dave Jones.

**Deputy David Jones:** And on that note, sir, I said yesterday... I got into trouble with my wife when I got home last night because she told me that I had made some derogatory comments about people who come in to try and help us resolve our problems in the guise of a team who were, what I called, parachuted in to look at this whole issue. Today really proves my point because two Ministers got in a room last night and they came up with a pragmatic Guernsey  
425 solution and we could have done this without the help of a team from the UK coming in and giving their views on our whole education system, and that is how Guernsey politics... and I agree wholeheartedly with Deputy Le Lievre that this is how this Government and a democracy works.

We are 47 Members. Deputy Perrot, yesterday, was willing to throw the towel in and go for a full-blown executive Government because he despaired at the way that the Chamber was  
430 behaving and reacting, but at the end of the day, 48 hours later, it shows how this Chamber does work effectively. It does question. It forensically examines the propositions of Departments. Treasury get beaten up on occasions for putting their great size 12 clodhopping feet into Departments' affairs which is... I have been one of the people actually who have made representation to Deputy Fallaize and Deputy Trott's Review Committee, saying that actually I  
435 believe that Treasury should have slightly more powers, on occasions to do that.

If you remember – you probably will not remember because some of you would not have been here – back in the mists of time when Departments used to run off and spend millions of pounds on consultants and then Treasury had to find the money to cover those Departments, that was clearly something where Treasury should have stepped in and said, 'Hang on. You are not doing  
440 this anymore. We need to have some better rational thinking about the way you are spending your Department's budget.'

So I do not beat up on Treasury because they tend to pass comment – that is their job. It is their job to look at the way that the Government, as a whole, spends the money and the way that Departments look at... they have got £20 million more to do it with now from Housing (*Laughter*)  
445 but that this their job to do that. But here we are, as Deputy Trott has just said, 48 hours later, 24 hours later or a few hours later, and we have come up with a perfectly workable solution.

I will support this amendment. I have backed Education from the beginning on this and I think that I did not want to see a forced debate on the 11-plus rushed through this House just because we are getting close to the end of this term, where it would not be given the proper  
450 consideration, where the Colleges would not be given the proper time to prepare and all the rest of it. Education clearly now have said that they will bring those reports back. We will get to debate that particular issue before we all go off to our constituencies and spend more time with our families and our money – well some of us, anyway, who have got the money – and to me this is

460 exactly how a parliament like ours should work, and I would congratulate, too, both Ministers for seeing that.

As for Deputy Fallaize, he is a bit like – I am trying to think of the guy’s name who used to advise Henry VIII. What was his name...? (**Several Members:** Cromwell.) Cromwell. He has become the Cromwell of Guernsey, where he – (*Interjection*) Yes. (*Laughter*) But he is an extremely talented young individual, who has a grasp of parts of Government that we all peer into every now and again and go, ‘Oh, no. Don’t want to go there. It all looks too difficult and too messy.’

465 But Deputy Fallaize does have an uncanny knack of grasping very, very complex ways of putting forward amendments and looking at the way that parliamentary procedure will affect the way that we govern and for that he has to be wholly congratulated. Although I do not always like to see Deputy Fallaize’s finger prints over everything, you cannot argue that has once again  
470 proved to be a very competent and useful (**Several Members:** Hear, hear.) tool when it comes to these sorts of things. So I take my hat off to him.

Thank you, sir.

**The Bailiff:** Deputy De Lisle and Deputy Burford.

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**Deputy De Lisle:** Sir, I stand in terms of wanting some clarification actually with respect to the amendment. I am very pleased that the discourse of yesterday really has been resolved to put all the views, basically of yesterday’s debate, together. I take it that essentially – and this is one of the points of clarification that I would require – in terms of the amendment, Proposition 3, where we  
480 are agreeing that commencing the construction of the facilities referred to in Proposition 1 shall be *conditional* upon the Education Department presenting their report to the States. I take it that that report is with respect to what we were trying to obtain through the amendment yesterday, with respect to the future of secondary education in Guernsey before construction goes ahead, which was something that I was wanting to seek. So I would like clarification on that, that that is  
485 what is being brought through there.

And the second point for clarification is with regard to 1(a) where we are talking about adding that section with respect to the school of 960. As I understand it, how is that different from what we already had in the Billet with respect of the replacement of the high school facilities for a five-form entry school for up to 600 students with scope for expansion for up to 960 students?

490 When I heard Deputy Sillars, he said, ‘Well, this is designed to give assurances that both the 600 intake school and the 960 intake school will *both* be considered and then progress with *either* will go ahead, either option in May’. I would like to know that that is the situation, but I am very pleased that there is no change to that in that we can at a later date decide on whether it is to be a 600 or a 960, because the 960 will require quite a lot more rationalisation in the system than the  
495 600 would require.

But in terms generally, I am very pleased that we can see through yesterday’s debates and see that progress is being made towards building the new school at La Mare, which is something that I have been very keen on progressing for some number of years.

Thank you, sir.

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**The Bailiff:** Deputy Burford, then Deputies Dorey, Soulsby and Le Tocq.

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

505 As somebody who has spent the last few days on a knife edge over the Bebb amendment, I am very pleased to see this amendment as I think it is definite progress.

I must disagree with my friend, Deputy Dave Jones. The report from the Review Committee certainly, for me, informed my thinking on this whole matter and I do not feel, in retrospect that it was a wasted exercise. The question for the Treasury Minister when he speaks – it is following on from Deputy Trott – is where will the money for the difference between a 600 and a 960 place  
510 school come from? Will other capital projects be displaced in this particular round or will it

perhaps be from the sale of surplus estate in the rationalisation process or will it be from another source? I think I would like to know that at this stage.

515 The other issue I have is on 3(b)(i) which says that the report that will come back will look at the optimal size, number and, crucially, location of the secondary schools and to my mind that reads that there is still the possibility that La Mare may not be that location. Now, if that is the case and we are going out to tender for two packages – a 600 or a 960 school – then I see the risk in that firms tendering for this may find that, in fact, there is no school built on those premises. Now, if I am reading that correctly, I see that as being an issue with the firms that may tender on this. So I would just like those points clarified perhaps when either the Education Minister or the

520 Treasury Minister speak.

Thank you.

**The Bailiff:** Deputy Dorey.

525 **Deputy Dorey:** Thank you, sir.

I, likewise, congratulate the two Departments for working together, but I am concerned about what they have written in this amendment. I would just like clarification. Where it says:

'And to agree that commencing the construction of the facilities referred to in Proposition 1 shall be conditional upon the Education Department presenting this report to the States in sufficient time to enable a debate by the States at or before the March States' Meeting...'

530 When do they present it? Is it when it is in the Billet? Is it when we have the debate? It is almost saying present and debate, as though they were two separate matters. I think it should have said that the States resolve that they still want to develop at La Mare, rather than just presenting it. That is an unusual test of whether you go ahead and I would just like clarification: at what point do we reach that point of having presented it?

535 Why I stood up when the previous motion was debated, about suspending Rule 15(2), and I am not a great fan of Rule 15(2), but in this situation I think it does have some justification because we have signed up to the core principles of good governance (**A Member:** Hear, hear.) and one of them means taking informed, transparent decisions. We have got no idea of what the cost is going to be, in this period of time, to advance the project and we are talking about two separate projects, one of 600 and the other 960 school and the cost of that in this time.

540 Presumably, contractors are going to have to do work and whether they are going to do that work at risk or they are going to need compensation clauses, and so this is not without cost. There is considerable cost.

545 Why I am concerned about the cost is that Deputy Le Lievre referred to the maths of if we built this 960 school. Well, if we built a 960 school, we had St Sampson's at 720 and we have a Grammar School at 600, then we have 2,280 places. Predicted in the graph that was all given to us when we went to the independent report's presentation, there is a maximum of 2,371 pupils. As I said, if you look five years either side of that, you are talking about 2,300. So you will have the Grammar School, the 960 Mare de Carteret and St. Sampson's and you would not need Beaucamps, because you have sufficient places, and I think that is a total waste of money. We

550 have Beaucamps, which is a perfectly good school at 660.

As I said yesterday, it would be far better – and you would have schools of equal size – to expand Beaucamps up to 840 and to expand St Sampson's up to 840, and then with Grammar you would have 2,280, which is 90 places short of the peak, and there is no point building schools for 60 years to cope with a peak of population. The predicted population of the state funded

555 secondary schools is then to fall even further after that date and I just see it as a waste of money.

I still say that those who I think – and there are many in this House – passionately believe that they do not want selection and that the best model – I have spoken to a whole lot of people – is to have 11-18 schools. If you have having 11-18 schools you only need two schools and if you are doing that, I could not see that you would develop La Mare.



560 So I have said there are two models that you would not do the development for La Mare. I think the right thing to do – and for that reason I cannot support this amendment – is to have that report and decide on what your new structure of secondary education is and then decide what buildings you are going to do. To carry on with building La Mare, doing the work on La Mare when there are two very good cases that you do not need to build it, I think is madness, as one of  
565 the people said in the e-mails. I think we are not following good governance and I just cannot see the justification for it.

It is interesting that we are constantly told about the difficulty in recruiting teachers in this Island. Well perhaps it is because we have got some new modern, good quality schools, and so perhaps it is the system. Perhaps it is the fact that we have 11-16 schools, where I have been  
570 advised that teachers prefer to 11-18 schools. Perhaps it is because we have two small schools and they lack the career structure for teachers. So I cannot see the justification for going ahead.

My final point is on maintenance. Deputy Sillars says this will stop us needing to refurbish La Mare, because we will not delay it, but I am just amazed at the nature of the Assembly and the debate we have where we justify building a new school because of the poor state our existing  
575 school is. We should be embarrassed that we have got a school in that condition and we are failing to maintain it. You *can* make buildings wind and water tight – it is not difficult. It costs some money, but we should not be sending children to schools where... as Deputy Sillars and members of Education described yesterday.

Come what may, those schools are going to have to operate for another *three* years. It is unacceptable to send children. The classrooms might be too small, because it is an old school, but they need to be wind and watertight. We should not be having, as he said, teachers having to take soft furnishings and books home because they are all wet – that is not acceptable. We should be putting money to make sure that it is wind and watertight, and no matter what happens – whether we delay it for one more year to make sure that we get the right structure of education  
580 and then decide on the estate, which is what my preference is, but obviously the Assembly rejected that yesterday and I accept that decision – we need to put money in to maintain the school to make sure that those children who go to school, go to a school of an acceptable standard. So I will not be voting for this amendment.

Thank you.

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**The Bailiff:** Next, Deputy Soulsby, then Deputy Le Tocq and Deputy Fallaize.

**Deputy Soulsby:** Sir, yes, Deputy Trott not very long ago talked about how a week is a long time in politics, but Deputy Dorey, just two days ago, supported an amendment to suspend the Rules then. So I think it is very difficult to then complain about this amendment now, and I do think he was having the debate that he was... I will give way.  
595

**The Bailiff:** Deputy Dorey.

**Deputy Dorey:** That is not acceptable. (**A Member:** Oh!) The amendment was a very *minor* amendment to an existing amendment which had come out in this time. These are setting aside Rule 15(2), which is so that we know the costs of it. They are totally different. They are not comparable.  
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**The Bailiff:** Deputy Soulsby.  
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**Deputy Soulsby:** Well, I think there are definitely cost implications with the amendment that Deputy Bebb proposed, certainly in terms of maintenance, and I think a lot of what Deputy Dorey just said recently is something we should be debating when Education bring their report some time before March, I hope.  
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I am glad to see common sense prevail. I could not support the Bebb amendment as I was not happy with the potential for infinite delay that could easily have happened. I said in the last debate that I believed this had all become a matter of trust, and now this amendment requires the Education Department to deliver on that trust.

615 I do, though, have similar concerns to Deputies Trott and Burford regarding the tendering process. I think a lot of caution and care is going to be needed before those documents go out. We cannot just send standard documentation, for at this stage we have got no cast iron guarantee of construction, let alone what that construction will be, and so I suggest time is invested up-front before rushing out to tender.

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**The Bailiff:** Deputy Le Tocq.

**Deputy Le Tocq:** Thank you, Mr Bailiff.

625 I agree with Deputy Dorey, *partly* anyway, and if he were the benign dictator of Guernsey, we probably would not be in the situation that we are in, in Guernsey today, with regard to the state of La Mare de Carteret School, I do not know, but it is certainly true to say that we should be ashamed of that and I hope none of us disagree with that. We want to move forward, however.

630 I also agree with him, and therefore disagree with Deputy Gollop, that the amendment we have before us and the process of getting there actually is not very parliamentary, I do not think. It is more like us acting as big committee, but that being so, this is a compromise. (**A Member:** Yes.) It is a compromise to do with timing, because that was one of the *major* issues and it has been all along, the timing of the manner in which information was provided to us so that we could make these decisions. And the timing, obviously, of the debate that we had yesterday and the timing of the report, which as Deputy Burford said, and I am glad she said what she did, for many of us, I think – and I was at some of those meetings with the Review Panel – came as very informative and as a result of that people did change their opinions and at least had some questions raised as to whether we were moving in the right direction at the right time. It is all to do with timing.

635 So this is a compromise I can certainly support, and although it is going to give a huge amount of work for Education – and I do echo Deputy Le Lievre’s comments that they will need resourcing for that – I do anticipate that the questions that have been raised and are contained, really, within this amended Proposition. So it includes, for example, answering the questions regarding the issue of selection, which I know Deputy Fallaize and others like him want to have before us before we make decisions regarding the number and the shape and the size of our schools. It deals with the *types* of schools, obviously, that we should have, in terms of developing a broad and balanced curriculum and T&R’s concerns and others of us about value for money, in terms of the number of secondary schools that should be provided. However, it says very little in terms of change on the primary school element, and I point that out. So I think it is good that there is a large degree of support on that element here, and what we have, therefore, is a timing amendment that brings together all these different concerns, because that was the difficulty yesterday, particularly with the Bebb amendment: there was support for that from different people holding different motivations. This, I think, helps us, because it will focus Education on bringing the information before this Assembly so that a decision can be made.

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660 Now, it is costly and it is messy and we could end up wasting some money here. But, hey, we are used to that are we not? I say that in a glib way, because I wish we did not do that sort of thing, but we have really no other options. This could end up with us spending money in order to get somewhere, but it is much better than spending a *huge* amount of money building something that is inappropriate for the future and for the long-term, and we have to balance the two. So that why I am giving my support to this because I think it will put us in the best position. It is certainly not... it is the best option that we have got before us at the moment and so I encourage Members to accept this amendment and vote for the Propositions that it contains.

Thank you, sir.

**The Bailiff:** Deputy Fallaize, then Deputy James.

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

665 I have just found out that Cromwell was beheaded at 59, so that is reassuring. I have got a few years yet. *(Laughter)* I was hoping to last until at least the July debate!

Deputy Le Tocq, I think, summed it up quite well. What he was really saying was that we have got ourselves in a mess and we have to find a way to get out of it. And I do say 'we', because I think there is blame – if that is the right word – to be attached, really, right across the States.  
670 Those of us who have wanted to provoke a debate on the structure of secondary education should clearly have acted before this debate. There was an opportunity to lay amendments to the report last November. There was an opportunity throughout 2014, when it was very clear that the Education Department were not going to bring that report to the States, to act and we did not. We have to take some responsibility for that.

675 Also, I think that the two Departments probably could have reached some sort of compromise in advance, both of the November's report and this month's report, but the report was brought to us when it was and I do think there was a prospect that Education's proposals would not have got through when they were put to the vote today, and we could have ended up with all of the amendments and all of the Propositions being rejected.

680 Now, Deputy Dorey says he cannot support the amendment, and I understand that, but what Deputy Dorey is doing is holding out for perfection – his preferred outcome – and sometimes in politics one has to accept what is the second best outcome. I do not think anyone is going to leave here today with their preferred outcome, but I hope that enough Members can see that this amendment represents the best option in the circumstances or at least an option around which a  
685 majority of the States can coalesce.

Deputy Dorey, I think, was right to be called out by Deputy Soulsby, because he did second an amendment which proposed the suspension of Rule 15(2), and the proposer and seconder of that amendment were asked, when they laid it, how much would it cost to maintain La Mare de Carteret Schools while the reports they were calling for could be delivered, and they told the  
690 States they had absolutely no idea what the cost would be. So I do think that Deputy Dorey is treading on thin ice, as it were, to criticise an amendment which proposes the suspension of 15(2) and cannot precisely quantify the additional costs of doing so. But I suggest the additional costs would be no more than the additional costs of maintaining La Mare de Carteret Schools for an indeterminate period of time, as envisaged in Deputy Bebb's amendment. Now, I know... well,  
695 Deputy Dorey says I cannot say that, but I just did. *(Laughter and interjections)*

I did preface what I said by saying it was my opinion and it is my opinion. I do not think Deputy Dorey is justified in criticising the attempt to suspend Rule 15(2). Anyway, I am very sympathetic to his model, his preferred model of two 11-18 schools, although I do not necessarily agree with him that the La Mare de Carteret site would definitely not be needed in the event that  
700 we had that sort of model. Now, that is the case that the Education Department have been making since day one – that the La Mare de Carteret site, as a secondary school is needed, irrespective of a model of secondary education – and I will just come onto that in a second.

The origin of this amendment is that Deputy Bebb... his amendment was very close to succeeding yesterday and clearly it was because Members want to have a debate on the future  
705 structure of secondary education before advancing to, if you like, an irreversible stage in the development of this particular site.

Deputy Sillars, when he was replying to Deputy Bebb's amendment said that actually, if all of the approvals are received from the States this week, the construction cannot start until next May. Well, it seems to me that there must be a compromise. Deputy Bebb was trying to halt the  
710 process immediately now to have a review. Deputy Sillars wants to go out to tender and carry out all the preparatory work because he is confident that La Mare de Carteret School site will be needed irrespective of the future model. Well, Deputy Bebb could not get his amendment through. I think we do have to place a degree of trust in the Education Department's judgment

715 about the future model, but we do not have to stop going out to tender immediately, which would, inevitably delay the project. So this is a way of not having to delay the project.

Now, if the Education Department come to the States next March or before and say, 'Actually, on reflection, we have come up with a model which does not include a secondary school at La Mare de Carteret', it is better that we know that, next March or before, before we start construction. I understand the anxiety of Members who say, 'Well, there is a danger in the States reaching that conclusion', but it is better that we reach that conclusion next March, than reach that conclusion in two years' time when the thing will be halfway out of the ground, but that is in the gift of the Education Department.

720 Deputy Trott said that yesterday I had said it would not be possible to lay a report before this States on selection at 11 and he is right, I did say that. But the fact is that I am not suggesting in this amendment that the Education Department will report to the States, I am saying that the construction of the school – well, I am not saying, Deputy Sillars is saying... I am supporting an amendment which is saying that the construction of the school is conditional upon receipt of that report. It is not up to me whether Education Department bring that report – it is entirely in their hands. They are desperate to get on with the construction of La Mare and they are absolutely certain that they can come back to the States before the end of this term with a report. I am saying let us bring these two things together.

730 Deputy De Lisle was right that the new Proposition 3, as I understand it, the effect of it is that the construction becomes conditional on receipt by the States of the policy letter which the States clearly have an appetite to debate. Now, there is a difference between... Oh, Deputy Dorey – I can hear him sniggering – he said... Oh, I am being asked to give way. I will give way to Deputy Trott.

**Deputy Trott:** I am always delighted when my good friend does this.

740 May I ask him then, is he effectively saying, having declared that his view has not changed and how difficult it will be for this timeline to be met and because the construction is conditional upon that debate, that he does not anticipate the debate on the construction of La Mare to take place during this States' term, because he cannot have it his own way, irrespective of how able he is, sir.

**Deputy Fallaize:** The debate on the construction of La Mare de Carteret School is happening now and has been since Wednesday afternoon. What happens from here is not down to me, it is down to the Education Department. I do not know whether this report is going to come back by March or not, but all the members of the Education Department are telling us that they are absolutely committed, 100%, to bringing that report to the States, and they will know that the submission of that report unlocks the agreement of the States to construct La Mare de Carteret School.

750 Deputy Dorey is not happy with the wording. He is not sure whether it means the submission of the report or the debate of the report by the States, but actually I do think it is quite clear. The new paragraph at the end of Proposition 3 says that the construction of the facilities is conditional upon the Education Department presenting the report to the States in sufficient time to enable a debate by the States at or before the March States' meeting in 2016. I think that is absolutely abundantly clear. If the thing is not submitted in time for the States to debate it, the construction is not going to happen. If the thing is submitted in time for the States to debate it, the construction can commence.

760 Well, clearly, if the Education Department's report recommends *not* constructing La Mare, for whatever reason, then the Education Department, which is in control of this process, is not going to start the construction. So I think Deputy Dorey is seeing ghosts where there aren't any.

765 The only other point, I think, to make is regarding this £60.2 million capital vote. The point is that the States are being asked to approve going out to tender for a 600 school with the possibility of expanding to 960 *and* to go out to tender for a 960 school, because it is clear that doing that together, simultaneously, is more sensible and probably more cost effective. However, if in the fullness of time, if it is necessary to build the school for 960, it will clearly require a future

States' Resolution, because Proposition 2 is not being amended and the States are being asked to delegate authority to T&R for a maximum amount of £60.2 million.

770 So there is no possibility that the States are being asked today to build either a school for 600 or a school for 960, which was the problem with T&R's amendment, which is why I think T&R's amendment would not have been successful. The fact is the States are being asked to go out to *tender* for schools of that size, but the approval, in terms of the capital vote, is being sought for the 600 school. If Education eventually propose or the States resolve to build a school for 960, because the model of education is changing, then that will require a subsequent States' Resolution. I think it is clear in the... Deputy Trott, I think, wants me to give way again.

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**The Bailiff:** Deputy Trott.

**Deputy Trott:** Again, I am grateful, but would Deputy Fallaize recognise the difficulty that this process produces? Because it is quite reasonable for any contractor to consider, in the absence of a Resolution applying a greater capital vote, that they should undertake some sort of design and build process whereby the whole package, whether that is a 960 place school or otherwise, is delivered within a capital vote of £60.2 million, and this is the problem.

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The reason I asked the question about the tenderers, sir, is because when you start messing around in this way you cause all sorts of procurement difficulties, and I am sure Deputy Domaille, who is an expert in these matters – and I see he is nodding sagely – will recognise. We have to be extremely careful about the message that we give. At the moment there is only going to be £60.2 million in the pot and we cannot afford to mess around with this tender process in a way that gets us into an even bigger mess than we were arguably in 48 hours ago.

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**Deputy Fallaize:** Well, I agree with Deputy Trott, of course, that care needs to be taken. I am not an expert in tender processes, but the Treasury & Resources Department and the Education Department are telling us that they are supportive of what the Education Department are effectively laying. T&R are prepared to support the amendment on the basis, I think, that this amendment provides a way forward, which is more... it is not ideal, clearly, but it is more satisfactory than the other likely outcome of the debate without the amendment.

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So I think what the States are being asked to vote for is clear. If I have misrepresented it in any way, perhaps Her Majesty's Comptroller could advise the States, but I think this is a reasonable way forward out of the States, I am afraid, having got themselves in a bit of a mess in recent months over this project.

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**The Bailiff:** Deputy James, then Deputy Brehaut and Deputy Le Clerc.

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

805 Sir, I believe that any Department attempting to take forward and progress a policy decision taken by this Assembly with such a very, very small majority is potentially fraught with all sorts of hurdles and hiccups and problems for the future.

The only apprehension I have on this amendment is the lateness of bringing to this Assembly a report on the determination of the selection process. I am mindful of Deputy Perrot's often wise words about this Assembly taking decisions, important decisions, is often dependent on where we are in the election cycle and that does worry me. I have no doubt whatsoever, that it will be a major issue for people standing for election, so near, next year. So that does worry me that it would have an impact on the final decision. However, whether you align yourself with the words of Deputy Le Lièvre or Deputy Jones that this is good governance or whether you align yourself with the words by Deputy Le Tocq, that this is a compromise, to me that is almost irrelevant.

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815 I would like to add my thanks and great appreciation to both Departments (**A Member:** Hear, hear.) and all the people involved in presenting this amendment to us today. So in essence, sir, I

would like to offer a slight amendment to Deputy Kuttelwascher's comments of yesterday that I believe that we are *almost* where we want to be and so I am fully supportive of the amendment.

Thank you.

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**The Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** Thank you.

825 The exchange between Deputy Fallaize and Deputy Trott demonstrates that, like Cromwell, this amendment is not pretty – warts and all, it is far from perfect.

**A Member:** The wrong Cromwell.

830 **Deputy Brehaut:** Oh, was it the wrong Cromwell. Was I thinking of Brian Cromwell, his brother? Yes, I thought so. (*Laughter*) Well, they lived very close together. It is a common... Oh, Thomas, sorry, rather than Oliver. Yes, that is right. His mother was a Le Patourel if I remember correctly.

835 Can I just ask, because of the various strands of this amendment, that we have... and I know the T&R Minister was nodding when people were referring to the resource allocated to it, but can we have some on-the-record assurance from the T&R Minister that we will have a project officer or the equivalent assigned to this work? None of us want a situation whereby the Education Department ask for the resource. They agree they can have the resource and then there is, 'You can have these two members of staff *providing* you find savings from within your existing budget.' We do not want a situation like that and so I would like some on-the-record assurance that this  
840 crucial work-stream is well resourced.

Thank you, sir.

**The Bailiff:** Deputy Le Clerc, then Deputy Lester Queripel and Deputy Harwood.

845 **Deputy Le Clerc:** Thank you, sir.

I have been very quiet over the last 24 hours because it was a very difficult debate yesterday.

850 I just wanted to say to the people listening out there that I think although this is a way forward, it this still does not offer closure for many of the parents, children, families and teachers, because it does still leave things open-ended, probably as it always would have been, because until we have that 11-plus debate, that is the only thing that will really bring closure. So I think perhaps some of the listeners were looking for some real answers and I am not sure that we have had any real answers and we will even at the end of this debate.

855 But one of the things, the main reason I got up, was that I am a little bit confused about the numbers and if we look at proposal 3(b)(ii), that is about moving from the four to three secondary schools, just picking on Deputy Dorey's calculations, I am not sure that we would have sufficient places if we rationalise from the four schools to the three schools when we potentially reach that peak in population. So I just want clarification on that. Will we find ourselves with a gap at some point if we decide to proceed down that route? And again, I think it is just for some clarification for all the people out there and as I say, for families and for teachers.

860 Thank you.

**The Bailiff:** Deputy Lester Queripel.

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

865 Sir, I am going to support this amendment and congratulate both Departments in attaining the joined-up Government we strive to attain, but that very often alludes us.

I rise to merely seek clarification regarding the ongoing maintenance of the La Mare until this whole issue is finally resolved, because this seems to be something of stumbling block to some of

870 my colleagues, especially Deputy Dorey. Bearing in mind, sir, there is huge difference between *repairing* a building and *maintaining* a building, as I went to great pains to point out in my speech yesterday. La Mare is beyond repair, but it will have to be patched-up from time to time to keep it trundling along. Therefore, is the Minister able, please, to give me an assurance that Education have sufficient funds to at least keep the school trundling along?

Thank you, sir.

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**The Bailiff:** Deputy Harwood.

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

880 Like others, I endorse and congratulate the Ministers of both Departments and their teams and Deputy Fallaize and the Chief Minister for having produced this. Yes, it is a compromise amendment – that is the nature of the style of Government we have. We are a consensual system and we have to come to a consensus view.

885 Sir, I have one request, however, to make to the Minister of Education, that when going out with a new specification, particularly in the context of the second part of the amended clause 1(a), which is the replacement of the high school facilities for an eight form entry school for up to 960 students, that the Education Board take note of the comments of the independent panel in their report, particularly I am referring to page 1074, which talks about reviewing the overall size of the school, because I have difficulty in understanding this sort of Guernsey ratio of adding an extra 16% to the size of the school over and above the standards that are set and are accepted in the UK.

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Particularly in the context of getting a specification for the *larger* high school, I think we do need, seriously, to reconsider whether that 16% uplift is appropriate or is, indeed, affordable, and in the interests of affordability, I would urge that the Education Department do review that particular policy and do accept some of the suggestions of the independent review.

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Thank you, sir.

**The Bailiff:** Deputy Rob Jones.

**Deputy Rob Jones:** Thank you, sir.

900 As you will be aware from my speech yesterday, my interest will probably move from the Mare de Carteret to the College of Further Education when my son starts there in September.

I would hope that the report that comes back to us in March next year will take into account the recommendations of the independent review panel that talked about the opportunity to look at the further education requirements and whether some of the requirements and the reorganisation within that further education model can be accommodated through some of the education portfolio that we have got in existence. I think that may well be covered by Proposition 3 that deals with the rationalisation of the education estate, but I would like some sort of clarification that we will be looking at the further education model there.

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910 And just talking about whether these things should be an election issue, for me, I would hope that 11-plus is an election issue, because I would much prefer to be stomping the streets talking about education and possibly health, rather than plant pots and the reorganisation of roads.

**Several Members:** Hear, hear. (*Applause*)

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**The Bailiff:** Deputy Kuttelwascher.

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

920 Sir, this amendment enables us to move from where we do not want to be, where it is better to be, and it is certainly not the best place to be, but there we go. It was Churchill who said that politics is the art of compromise, and I would much rather be Churchillian than Cromwellian, because we know what happened to him. (*Laughter and interjection*)

**Deputy Trott:** Churchill lost the election – (*Laughter*)

925 **Deputy Kuttelwascher:** Deputy Jones, again, castigated an outside review panel, but I would like to point out that their report came as some of a surprise, not only to T&R but also to Education. Although the idea of moving from four schools to three was in no way original, they did put it back on the table and it is now, as it were, going to be considered in what we are going to review now. So there was value, I believe, very much to that report.

930 Deputy Gollop was somewhat concerned about the risk to the whole project next March. I think it is minimal, for this reason: it is this States that will still be here next March. Now, I would defy anybody, for whatever reason, just trying to stop the project at that time, assuming all is well. The risk is very, very low. The risk would have been very high if it had been to defer to the next States, if only because of the way the vote went yesterday on the Bebb amendment – that was so close. We only have to think that if Deputy Spruce had been here, it would have been 24/22. It only took one person to change to make it even and so that was in a sense a cue for bringing forward this amendment. There was not overwhelming support, as it were, for the *status quo*, which the Education Department was bringing forward.

940 Now, here, I am going to make a request of the Education Department, and it stems from what was said by Deputy Le Lievre about who you put in what schools and I fully sympathise with that, because I know a lot of people and I have had representations from people at La Mare. My question is this, and I put it to one of my colleagues: how come on an Island that is only 26 square miles – which incidentally is half the size of Disney World in Florida, which is 50 square miles... how come we even – (*Interjections*) Well, there we go.

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**Deputy Fallaize:** It is twice the entertainment value, isn't it?

**Deputy Kuttelwascher:** (*Laughter*) Come for the ride in the States' Assembly. It is worth it.

950 Why on earth do we actually have catchment areas? It is such a small island. It is just a question. So I want a review as to why we have catchment areas on such a small island, because I think they can actually create the problem, and so it is worth considering in the review.

955 Now, I am not trying to tread on anybody's mandate. I am not directing anybody to do anything which brings me to something about mandates, because Deputy Gollop alluded to it, about Treasury stepping on the mandate of Education. I remember my good friend and colleague, Deputy O'Hara, telling us we should not be interfering with other people's mandates, but it was only last November in the Culture and Leisure appended letter where they were praising the fact that Education were thinking beyond their mandate as regards a sports hall. I think if we were going to have real joined-up Government, then mandates are going to become a little bit fuzzy. There will come a point where, shall we say, issues transgress one or more mandates, and it is something that somehow we have to try and deal with.

960 As regards resourcing, again Deputy Le Lievre brought up this issue. We are fully aware of that and that is why Rule 15(2) was asked to be suspended and more details as is possible to be forthcoming a little later on in the debate. I am pleased at least for Deputy Fallaize that he has got his 11-plus review, which he was talking about yesterday, because my impression was he would have voted for the Bebb amendment if somehow the 11-plus review could have come forward within that review. But at the end of the day, yes, this is a way forward – it is a compromise. I hope everybody supports it and I look forward to moving ahead with this project.

965 Thank you, sir.



**The Bailiff:** Deputy Langlois.

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**Deputy Langlois:** Thank you, sir,

Well, it is a nice simple debate in that it must be fascinating stuff out there for people listening on the radio to follow every twist and turn of the last two days. There are complexities and angles everywhere in this and what we are actually doing – quite rightly in my view – is to add more to the complexity of the March debate next year, but I think it does then ring some alarm bells, and a little bit of caution needed.

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So, for example, Deputy Rob Jones has just suggested that there needs to be consideration of the 16 to 18 group, the tertiary group, and that that is part of it. Well, it is part of it because the panel talked about the 11-18 age range in the schools. They also, in the meeting that I went to, made a very strong point about the separation between sixth form colleges and further education colleges being... looking on the evidence in the UK is that that actually works better than the tertiary model that was around in the 1980s, and I am looking to a colleague who was on a working party with me at that time... the early 1980s and so on. So it is just that if we are going to wrap that in, it is going to get more and more complex.

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And that leads me... it has been pointed out. The comparison with Disneyland has just been pointed out to me. We have got to avoid getting more fairy tales in here in the next debate and that leads me to, I think, an important point, that we are generally agreed in this Assembly now that the selection debate should take place. There are a lot of assumptions around, by those who oppose selection, about those who want selection wanting to avoid the debate, and I think that is an incorrect assumption now.

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I think it is absolutely right that this debate should take place in the proper way and the proper place, but there is one plea that I would make about those preparing the report and also doing the consultation work. I think we are talking about two separate issues here. If we get the selection debate totally entangled with the question of buildings, we are going to be on a very, very slippery slope, and therefore I would make the plea – I think it has been done before and I am desperately trying to remember the precedent for it and somebody may be able to enlighten me – where a report effectively comes in two parts or even, within the spirit of this amendment, could be two separate reports, where the selection report is one and is decided on before the buildings report takes place. So whatever mechanism, parliamentary mechanism –

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**A Member:** Cromwell will help. *(Laughter)*

**Deputy Langlois:** Yes, maybe Cromwell will be able to help us.

But whatever parliamentary mechanism is necessary, I think there should be clear separation between the two, because otherwise, heaven help us in March.

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**The Bailiff:** No one else.

Deputy Sherbourne.

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

I would just like to add a few words to Deputy Langlois' comments about the whole aspect of tertiary 11-18 education, because I know that that will figure quite highly in the debate that will come. I welcome this obviously, as a Member of Education, and you will not be surprised to know that in fact it ticks most of the boxes that I was talking to in my speech yesterday.

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I believe that it is almost a watershed for Guernsey, with regard to our direction of travel in education over the next 20-odd years. We have sort of lurched from one situation to another over the last 50, without really facing some of the main issues.

I outlined yesterday that the scenario that we are facing of having almost 100% of our youngsters choosing to stay on at school until they are 18. Now, when I say school, of course I do not mean necessarily in a school environment. I am talking about formal, full-time courses that are

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appropriate for each of those children and that is the context on which this debate, that we are going to have, I think will be held. For me, the focus has shifted towards that post-16 provision. With so many of them going on, we have got to ensure that the pathways are appropriate for every single child in this Island – depending on their ability, yes, but we should not be talking about selection in the old sense. We should be talking about personal selections of pathways to success and I think to get that right will sort our secondary provision out anyway, because one thing will follow the other.

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The role of the Colleges is central to the system in Guernsey – no question about it – providing an incredible service to the Island for a long time. They have got to be integrated within the system and that is what I object to actually, that they are separated. I have had a lot of problems with my engagement with social media from people that tell me, ‘Why aren’t Education telling the Colleges to do this? It is within your mandate.’ Well, actually, if you look back at law, there is much more control that could be offered by the Government on the direction of the Colleges than actually happens. It is left to the boards of governors to carry out their particular role with no real interference at all from the centre, from the Education Department (**Deputy Jones:** Hear, hear.) or from Government.

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Now, you say ‘Hear, hear’, Deputy Jones, but I think we are missing a trick there, because there is expertise in every sector of education in Guernsey – every sector. They need to play a part. The Colleges needs to play a central part. This amendment and the debate we have had over the last two days has opened up that dialogue for me. They cannot be seen as separate anymore and I think it is crucial that we grasp this opportunity and put the effort and the resources into looking for those next 25 years and what is going to be right for our children. Putting away those differences of the past, I will have to do that because I have worked within the state sector since I came here in 1968 and been totally committed to it. I have been very critical of the private schools because I have seen that the actual existence of them has diluted what has gone into the state system – the judgments that people make about excellence.

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There are centres of excellence in every single school in this Island. There are very few schools in this Island that are actually judged on Ofsted’s standards as excellent or outstanding, and that is a sadness for me. If you actually look at the private school report, they also are advised to develop and move forward, and in fact I am sure that their current principals want that. So let’s put those differences aside. Let’s grasp this opportunity to have a really open debate, looking at evidence, and this is where I actually question Deputy Dorey’s comments. I know Deputy Dorey is a studious man who will make every effort to gain information and it is usually through one-to-one conversations with people. I actually warn against just anecdotal evidence or the evidence of one or two people. We need to look at that broader base of evidence that is out there for us all to see. It is there like never before.

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The data that my friend and colleague spoke about earlier – Deputy Le Lievre, sorry – regarding the social mobility issue, that was a Eureka moment for him. I know that, because he received that information when we were debating as a board. It was something that, actually, I knew about for the last 20 or 30 years, that social mobility, through the 11-plus, had gone out of the window. It probably lasted in Guernsey for its first five or 10 years and then the community gets used to the sort of structure of assessments and the coaching comes in like never before. (**A Member:** Hear, hear.) Access through money, simply through money, and desire of the parents to provide the best opportunities to their children, I subscribe to that. I have done that. I actually have not coached my children, I can tell you that, as they approach the 11-plus, but I have not condemned anyone for doing it because that is what the system encouraged.

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So I honestly do welcome this opportunity. I see it as a watershed for this Island to move forward, to have those open debates, to look at evidence that is readily available now, and for us to provide something very special and I would suggest world leading. It will take a long time to beat the world as far as pure statistical evidence for exam results, but in terms of the wellbeing of the people of this Island, the way that they actually interact with one another, the way that... Can I say that our current system reinforces those divisions in this little society that exist – the pecking

orders that actually exist in our community? We are not going to get rid of them totally, but it is a great opportunity to look at the social impact that structures we authorise through this Assembly, the impact they have on our community. We can do this community a great service over the next six months. We can look to the future, put the past behind us and provide something very, very special.

So I thank all of you for the debate, even though we had our differences. I thank the two Ministers for their efforts and Deputy Fallaize for his intervention, *timely* intervention, and I think that this is the *best* solution that we could possibly have hoped for. So thank you, Assembly. *(Applause)*

**The Bailiff:** Deputy Duquemin and then Deputy Green.

**Deputy Duquemin:** Sir, it is probably apt that I stand up now, after Deputy Sherbourne, and I will probably repeat a phrase that I used yesterday of 'cart before the horse'. I was one of those that is and remains genuinely open-minded on the subject of selection of the 11-plus and I hope that the Education Department remains likewise *(Laughter)* but I fear not.

Sir, I was standing here, in this very place, and I was actually speaking when my daughter opened her 11-plus results with my wife. My wife could hear me on the radio talking and decided that she would not text me the news quite yet, because obviously it may have flashed up and may have put me off my stride. My daughter will be going to Beaucamps in September and so I have been, as have many people in this room, at the coalface, at the rough edge of selection, but I still maintain that we need to be open-minded.

Yesterday, in debate, I think it was mentioned by somebody – I cannot remember who it was – that by a majority it was felt that the Education Department was minded to pursue a system that was without selection. What I ask – and this is my plea for this review – is that the Education Department and Guernsey is open-minded to that question because, for me, it is not simply a case... We have heard people talking about, 'Let's abolish the 11-plus. Let us get rid of the 11-plus or let us keep it.' For me, it is not an either or. We are where we are now and we have a system. What I would much rather everybody do is look for a system, the best system possible, and that system may include selection or it may not include selection. But what we need to do is we need to remain open-minded and look at the best system, because I think if we do put the cart before the horse and we try and find a system that works without selection, we will not necessarily be having the best of all options on the table. So I do make a plea.

I understand exactly some of the points that Deputy Le Lievre makes. I see them first hand in the Castel School playground right now, Deputy Le Lievre. I do take that on board, and likewise, I do listen intently to the passionate and obviously heartfelt comments that Deputy Sherbourne makes. As he says, if you only look at Deputy Sherbourne's timeline on social media, we do know exactly where he is. But I do hope – and I really stress this – we remain open-minded, because it could be an ugly debate over the next few months and it need not be **(A Member: Hear, hear.)** because I think we just need to look at evidence and all be open-minded, and if we can do that, we will be in a better place. **(A Member: Hear, hear.)**

Sir, I do also rise just to question the authors of the amendment on one small point and it probably does come back to perhaps the semantics or the mechanics of the fact that it shall be conditional upon the Education Department presenting this report to the States in sufficient time to enable a debate. As, I think, Deputy Fallaize, said, it could be within the gift of the Education Department to come back in March and say, 'Hey, we do not need La Mare de Carteret. We have looked at the system. We have looked at the buildings that we need. We have looked at the schools we need and we do not.' So in a sense I applaud the tender process, with the cautions that has been mentioned by others, that we have three options: (a) we have, obviously, the option to build a 960 school at La Mare de Carteret, in terms of a high school, (b) a 600, but (c) also not to rebuild La Mare de Carteret. I also ask for an open-mind, because it was option 1 in the Nicholls' Report, albeit dismissed as not recommended, but it was necessarily mentioned that it

1125 would be – I think the quote was – a radical proposal; but nevertheless it did mention how it could be.

The question I then ask is will it be within the gift? We mentioned that is in the gift of the Education Department not to rebuild La Mare de Carteret, but I just want to make doubly certain that it is not a case of they just, in March, supply the report and therefore they can start digging in May, but it will be within the gift of the States to provide that approval necessary for work to commence because I think that is an important point. I know a number of speakers have mentioned that, because I think it is important that once the States have had the report, either by approving what the Education Department comes back with, after consultation etc., or by amendment, it is that decision that will be the long-term future of education, both in terms of the structure of education, but also in terms of the buildings, the structures as well.

1135 So those two points were one just to make clarification of that, but also to appeal when they are looking at that in the future that they are and they remain very open-minded.

Thank you, sir.

1140 **The Bailiff:** Deputy Green.

**Deputy Brehaut:** Excuse me –

**The Bailiff:** Deputy Brehaut.

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**Deputy Brehaut:** Sorry, I did not want to interrupt, Deputy Duquemin. He spoke about a child being placed at Beaucamps as the rough end of selection. Did he want to take the opportunity to clarify that?

1150 **Deputy Duquemin:** Sir, I think that everybody that is aware of the 11-plus, I think it probably is a generational thing that we do regard those that end up at a different school, as a result of the 11-plus. It is a rough time for students, and I think possibly from as young as six or seven, that they start to pick up the playground chatter. I do not think we can hide away from that, but I think in a sense what is important as part of that process is to be aware of the impact that it can make on... we, as adults, we as a society can make on those children. So it is the reality of the situation. I am very happy that my daughter is going to the school that she is going to and I am sure she will prosper and do well and I think every school in the Island will offer those abilities, but nevertheless it is a landmark day in any family.

1160 **A Member:** Hear, hear.

**The Bailiff:** Deputy Dorey.

1165 **Deputy Dorey:** Sir, would it be possible, as a point of clarification, for Her Majesty's Comptroller to clarify what is meant by 'presentation' in the –

**The Bailiff:** Well, maybe. Do you want to deal with that now?

**The Comptroller:** I can do if it assists the Member to deal with it now.

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**The Bailiff:** Okay.

1175 **The Comptroller:** I think it has to be read in the context of what this particular amendment is trying to achieve. So technically 'presentation' would mean presentation to the States, but of course that means ultimately the report of policy letters included in the Billet, and of course in practice that Billet will be circulated several weeks in advance. So it needs to be read in the

context of this amendment, but technically on the point of when it is going to be presented to the States, that would have to be when it is put before the States at the States' meeting.

1180 **The Bailiff:** Thank you.  
Deputy Green.

**Deputy Green:** Mr Bailiff, thank you very much.

1185 First of all I will clearly be supporting this amendment, like others. It will bring greater certainty to the rebuild and greater certainty to the timeline for the report on the debate on selection. I think I certainly agreed with what Deputy Duquemin said a moment ago, in that the consultation, the review process, the policy letter on the issue of selection does have to be an open-minded one. The debate that we have in March does not need to be a divisive one. The debate is not a binary one. The tendency with some people is to over-simplify the issues, in terms of a binary  
1190 choice between on the one hand a grammar school system and on the other hand a kind of 1960s model of comprehensive education, but the issues are much more complicated than that. The England and Wales education system has moved on a hell of a lot from when the majority of grammar schools were closed in the 1960s, 1970s and 1980s. The issues are more complex because of the nature of globalisation and I think the Education Department will be entirely open-  
1195 minded on that. So I can reassure him on that.

I agreed with what Deputy Kuttelwascher said this morning, in terms of the nature of the risk that the construction will not go ahead I think is minimal, very minimal. I think you can very easily over-egg the risk of this amendment. I think Members are being entirely appropriate in applying appropriate scrutiny to the nature of this amendment and I think it is fair to say that the relevant  
1200 test, if you like, in the third Proposition, in terms of the construction of the facilities being conditional upon the Department of Education presenting the report is a slightly odd test and I do not shy away from that. It is not something that I have seen before in the three years or so that I have been in this Assembly. So it is a slightly unusual test, but nonetheless I think that is one that will work and the risk of the project not going ahead is, as Deputy Kuttelwascher said, not major, it  
1205 is minimal.

I also agreed with what Deputy Langlois, who is no longer in the Assembly, said a moment ago in that the independent review did add value – there is no doubt about that. The comments it made about the use of the estate and about the issues of the 11 to 19 range were perfectly good and valid considerations, and I am thankful for the independent review. Obviously, back in  
1210 November I was, along with my colleagues on the Education Board, fighting against the imposition of that review. I can see Deputy Dave Jones is asking me to give way and I do give way.

**Deputy David Jones:** Just really –

1215 **The Bailiff:** Can you switch your microphone on?

**Deputy David Jones:** Sorry. I thank Deputy Green.

1220 It is just that you say that, but as member of Education are you saying then that Education was so bereft that they would not have arrived at this conclusion themselves, because I find that difficult to believe?

**Deputy Green:** No, of course I am not saying that, Mr Bailiff. *(Laughter)* What I am saying is that in retrospect it raised some interesting points which have contributed to the debate in any event.

1225 As I was saying, I, and other members of the Education committee clearly were strong in our position of the amendment in November, which set up the independent review, but in retrospect I think you have to take a more balanced view in terms of the conclusions of that report. I am not saying that we were wrong. I am not saying that we were bereft of ideas. I am saying that actually

1230 on balance upon reflection it has contributed to where we are now and that cannot be a wholly bad thing.

I think Deputy Langlois was also correct when he said that when it comes to the debate in March we do need to very clearly distinguish between the issue of the principles of selections or otherwise and the principles of how you divvy up your estate. I think anything which helps in that regard, whether it is separate policy letters or separate, very clearly different sections, different Propositions in clearly labelled different sections would be helpful and we should be mindful of that.

1240 I do want to echo what Deputy Le Lievre said because there is no doubt that although the timeframe set out in this amendment is ambitious, it will be done – there is no doubt about that. It will be done by the Education Department, but it is going to be a strain and it has to be funded appropriately in order to make sure that the information, the data, the analysis of that data is done correctly and promptly and the consultation is run effectively in the best possible way in accordance with the good governance principles. So it does have to be funded properly and I do not want to be in a position whereby that does not happen.

1245 And Deputy Le Lievre also touched upon the fact that other things may be left to slide. In other words some of our other priorities may not happen now and I am generally regretful that some of our other priorities may face that fate. I am completely disappointed by that but I think that is the situation that we are driven to be in. I have nothing further to add, sir, but I will be supporting the amendment.

1250 **The Bailiff:** Deputy Perrot.

**Deputy Perrot:** I am sorry, sir. I really had meant not to speak. *(Laughter)* This debate has gone on really long enough. I am *really* sorry that I am guilty of prolonging it but I have been spurred into speaking really as a result of Deputy Sherbourne, yet again. *(Laughter)*

1255 But before I deal with him *(Laughter)* there is this feeling of mutual love and affection going around now that two Departments have combined together to come up with at least what, to the two Departments, is an agreeable compromise, and I am very happy to have played a minor part in that. It was minor part. The major part was played by the Ministers and by Deputy Fallaize. As Deputy Conder said, some of us were, I suppose, in the role of onlookers, although we did make our contribution. But I am very pleased to have been involved in all of that. It was a warm feeling to look across the table at Deputy Sherbourne and hold his hand *(Laughter)* and know that we regarded each other in warm affection last night.

1265 **Deputy Hadley:** I notice you did not hold mine – *(Laughter)*

**Deputy Perrot:** Fortunately, I did not hear that and as it comes from Deputy Hadley, I am pleased that I didn't – *(Laughter)*

1270 But the one thing which I wanted to talk about was this idea of there being more co-operation between the Colleges and the States' schools. Now, that is fine to see co-operation between the Colleges and the schools themselves if that is what they choose to do. The reason why I am speaking is that I am hugely fearful that Deputy Sherbourne *might* be implying in that, or it might be inferred by other people from what he is saying that he would like to see there being some sort of a greater involvement by the Education Department with the schools or that somehow they ought to change their structures of government. I would like to remind the Assembly that actually why the Colleges do well is because they do not have governmental interference and why 1275 some of the schools in the public sector did not well was because of an excess of interference at Government level. I am not talking at political level but I am talking about Civil Servant level, and that was actually rectified in the Mulkerrin Report by the recommendation, which was accepted, that schools have their own management boards.

1280 So the point of all of this is that the schools in the state sector have actually adopted what is already going on in the College sector in that there are management boards. I think it entirely appropriate that schools ought to set their own objectives and have their own agendas. There ought to be *only* a strategic tweak at the highest possible level and *only* from time to time.

1285 So I hope that this sort of essence of love which goes between Deputy Sherbourne and me is not being disturbed by what I am saying and that he really does agree with me that the schools ought to get on and manage themselves through their management boards, and certainly that ought to go as well for the College of Further Education. Civil Servants should *not* be involved in interfering with the educational establishment when it is set up. That is all I want to say.

1290 **The Bailiff:** Deputy Sherborne.

**Deputy Sherbourne:** May I be allowed just a slight point of correction on this, sir?

**The Bailiff:** Deputy Sherbourne.

1295

**Deputy Sherbourne:** I do take the point that has just been made. I hope that I did not give the impression that I was talking about more involvement from the centre. My great belief is that there should be more collaboration across all our schools and it is simply that. I think that this amendment will provide the sort of context for those discussions to take place.

1300

**The Bailiff:** Thank you.

No one else is rising. Deputy St Pier.

1305 **Deputy St Pier:** Thank you, sir. I think before I begin there is actually one individual, sir, whose role has not been acknowledged and that is actually the role of the Chief Minister in this. As Deputies Harwood and Trott will know, of course, the role of Chief Minister is a difficult role and the one part they can play often is behind the scenes in the way that Deputy Le Tocq has, not just in the last 24 hours or so but over the past few weeks, and that has been an important role.

1310 I also would like to congratulate all Members as I think it has been a less ill-tempered debate than November and I think it has been the better for that. I would also say that I think that the personal relationship between myself and the Minister for Education has been important in ensuring that the door has always remained ajar even to the eleventh hour and I think that has been important. Many outside the Assembly imagine that we are and have been at other's throats for months and that has prevented any kind of dialogue and I think that is an important point to acknowledge.

1315

1320 Having said that of course the spending of £60 million, the largest capital project of this programme should really be – and I think Deputy Jones was alluding to this – a decision which is unanimously approved or pretty close. That it has that level of support from the Assembly is so important. It was very clear from yesterday's debate on the Bebb amendment that this Assembly was very divided and we are representative of the community and I suspect the community is as equally divided between those who believe we should just be getting on with it and those who believe we should be pausing. So I think it did reflect the situation in the community. Therefore, I would like to commend Education for bringing this amendment, for reflecting upon the very real concerns that were expressed in this Assembly in respect of the issues that remain to be addressed.

1325

1330 And again, a little bit like Deputy Perrot, I do not wish to pour too much cold water on the present situation and Education know what I am about say, so it will not come as a surprise because we did discuss it in our final meeting before the Assembly resumed this morning, sir, Treasury & Resources' position has not changed, in the sense that we remain of the view that it would be better, as Deputy Dorey had said when he spoke, to be making the decisions in what was described by Deputy Bebb as being in the right order. In that sense I would agree with

Deputy Fallaize that this is the second best outcome. And I think Deputy Sherbourne, certainly when he spoke, acknowledged that in Education policy to some extent we have 'lurched' – I think was the word he used – and that was the reason that we have held to our view that it would be better to make the decisions in the right order. *But* we must acknowledge that the collective wisdom of the Assembly yesterday was to decide by 24 votes to 21 *not* to take that route and therefore that is the new reality which the Treasury & Resources Department is in.

Of course Deputy Lowe, I know, would like me to speak as briefly as possible – she told me so before we resumed, sir – but of course my main responsibility in rising is to advise the Assembly on the financial implications of what is before you so that again you can make informed decisions. There have been a number of questions arisen and I will, if Deputy Lowe permits me, run through those as quickly as possible.

Deputy Luxon questioned whether it was an anomaly that there was a reference to £60.2 million and not something different, given the provision to look at a larger school – to tender for a larger school – and I would agree with Deputy Fallaize's analysis on that. That has been intentionally excluded. If you compare this resolution with that which the Treasury Department laid and then withdrew, there is a difference because we had sought to address that issue in our resolution. This will ensure that if Education Department, or indeed the Assembly, believe that going to enlarge a building is the right thing to do, that decision will be taken here. That is the correct governance and oversight and will require a new resolution to increase the capital vote should that be necessary, and it would be necessary to deal with that obviously in March 2016 or obviously before, if appropriate.

Deputy Trott, and I think, Soulsby and Burford all questioned, in essence, the capital prioritisation process and some of the issues arising around tendering and that is entirely appropriate. These are clearly the issues which are concerning us as a Department.

In relation to the Capital Prioritisation Process and in particular if we were to move to a larger build, how would that play with the total funds available for this capital round? That is clearly a significant challenge. Whatever the number is, it has not been part of the process so far and so we are going to have to deal with that and address that through the SCIP process, through the SCIP board and ultimately through approval here in the Assembly, if appropriate.

Deputy Burford again quite rightly asked: if that is the case where on earth is the money going to come from? Well, a little bit like the shortfall at the moment, I do not have the answer to that. Whether it could come from rationalisation of the estate would clearly be one of the issues we, as a Department, would be expecting to be looked at and addressed as part of that rationalisation report. So these are loose ends. These are unanswered questions that may or indeed may not need to be addressed, depending on the work that is now going to need to be done over the next few months.

Deputy Trott asked for an assurance as to whether there would be more tenderers requested to enter the process. I do not think I can give him – and I suspect the Education Minister may not be able to either – the cast iron guarantee that that is the case or is not the case. All I will say is that the tender process will be rigorously applied. So if it is appropriate, the tender process is reopened and more people are brought in to tender for one and not the other and all of those sorts of things, then that is absolutely right that we should look at that, but I cannot pre-empt that process.

**Deputy Trott:** Sir, I am grateful to the Treasury Minister for giving way and I ask this question –

**The Bailiff:** Deputy Trott, I think this is a fire alarm going off.

*[Fire alarm sounding]*

**Deputy Trott:** Oh dear. It will have to wait, sir. *(Laughter and interjections)*



*The Assembly adjourned 12.11 p.m.  
and resumed its sitting at 2.30 p.m.*

**I. Redeveloping the La Mare de Carteret Schools' Site –  
Debate continued –  
Propositions as amended carried**

1385 **The Bailiff:** Well, Members, thank you for reconvening. I am pleased to say there was no actual fire. One of the sensors had been triggered by some of the building work going on down below and steps have been taken to make sure that will not happen again.

I think Deputy St Pier had just given way to Deputy Trott. So, Deputy Trott.

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

1390 Sir, over the years Members have often said that my interruptions can set the alarms bells ringing. (**Several Members:** Ugh!) However, it has never happened quite literally in the way that it did immediately before lunch.

I am grateful to the Treasury & Resources Minister for giving way. He is always willing to, despite the difficulty of some of the questions that Members ask and this is no exception.

1395 Sir, the T&R Minister said, 'We do not know at this stage where the extra funds are coming from' – a reasonable answer – 'And I can assure the Assembly that the tender process will be robust'. Well, how can the tender process be robust if we cannot even say what the budget for the additional construction costs associated with an increase is from a 600 to 960 pupil school? And, further, sir, and arguably even more relevantly, how can the process be robust when the template  
1400 for the additional spaces will be based on a model that is already considered, in some quarters, to be larger than possibly needed and is certainly unable to satisfy value for money issues at this time?

As a consequence of Proposition 2, which seeks to delegate authority for the existing £60.2 million to T&R, we are effectively saying that that is the basis, the design basis, that should  
1405 be used moving forward and, as a consequence of that, effectively entrench any inefficiencies that may already exist in any future design. These are very genuine issues, sir, and I accept they are as a consequence of the expediency that we are trying to determine, arrive at politically, but they are, potentially, very difficult issues to reconcile.

I thank, again, the Minister for giving way.

1410

**The Bailiff:** Deputy St Pier.

**Deputy St Pier:** Sir, I am rather regretting having given way. (*Laughter*)

1415 Deputy Trott is entirely right. Perhaps I should have better expressed myself by saying neither I nor do I believe the Education Minister can guarantee, which was the original question when Deputy Trott spoke during the debate, that there will be more than two preferred tenderers, but the tender process will be robust. And, perhaps, a better way of expressing it will be 'as robust as possible under the circumstances'. Because there is, to some extent, a compromise in this process because of the need to achieve quite a lot in quite a short space of time. Recognising that,  
1420 actually, to some extent, we may be talking theoretically in relation to the building of a 960 school, because we do not know at this point whether that will come to pass or not, depending, to some extent, on the outcome of the other work that is being undertaken. But, I think the central point is, it is a difficult position that we find ourselves in, but it will be my Department's commitment – and I will speak again on this briefly in general debate – and determination to  
1425 ensure that the processes remain as robust as possible, to deliver as much value for money as we can out of this project. That is essential.

1430 If I could return to where I was, sir, I think, in responding to a couple of other comments that were made. I think Deputy James made a good point about, perhaps, the political challenges, which has not really been addressed, of having this substantial issue coming to the Assembly in mid-March and the obvious timeframe of that.

1435 Deputy Le Clerc, I think, also made a good point about the uncertainty persisting and the need for everybody to realise that there is 'not closure', which, I think, is the phrase she used, and uncertainty will persist. Again, that very much resonated with the comments I made in my speech yesterday, that, because the rationalisation is a work-stream that the Education Department were already committed to, that uncertainty is inherent until that report has come back and until this Assembly has made decisions on that. We all need to take responsibility in managing that uncertainty as responsibly as possible and ensuring that it is kept as short a period as possible.

1440 Deputy Lester Queripel, I guess, perhaps another Member of the Assembly whose contribution to bringing harmony should be acknowledged with his poem from W B Yeats. That was clearly critical to us, bringing us together over night. So I thank Deputy Lester Queripel for that.

1445 Deputy Harwood spoke about the Guernsey ratio, in particular, and I will say a little bit more about some of those other issues, which came out in the Independent Review Panel's report and how I think that will need to be addressed through the robust form of value management process, but I will speak a little bit more about that in general debate.

1450 However, the *key* reason that I stood to speak in this debate is to make sure that the Assembly are in as little doubt as possible, under the circumstances, as to the financial implications of this amendment. There are several that we will be proceeding to two tenders rather than one. That will incur costs for us in preparing for that and, also, of course, there will be costs for the tenderers in preparing that additional tender. Again, emphasising, but not saying that there will be a bigger school, but there may be, if it is better value for money and, of course, that will be a matter for the Education Department to comment on in due course.

1455 In the March debate or before, at the moment, based on what Education have said to us so far, during this debate, I think they consider it inconceivable that they will not be recommending a rebuild of the secondary school at La Mare, *but* there are several circumstances in which that may change: a) they might change their mind; b) there might be some kind of amendment on whatever report they bring. There might be a *sursis* or they may simply fail to achieve their time line and fail to deliver that report on time.

1460 In any of those circumstances, there could well be financial implications as a result of that. We do not know what those are, obviously, which is why 15(2) did need to be suspended, because we cannot quantify that with any great certainty. So, the States must understand and take responsibility for the financial risks which are being assumed with the passage of this amendment.

1465 I particularly draw attention to Proposition 4 in this amendment which is a direction to T&R to provide the funding necessary to fulfil the necessary requirements of progressing to the tender approval process. And that is important, because there is no delegated authority here. The States is directing that this spending take place and one reason why that is important is the Minister for Education, on a couple of occasions, had referred to the £1.7 million that had been spent so far, that had been, in essence, given by T&R and, therefore, a responsibility for T&R in having made those delegated decisions. This is not a delegated decision. This is a decision of the States and, if there are financial consequences, it is all of us, in here, who will be responsible for that and I think we do want the States to be very clear about that.

1475 Deputy Le Lièvre and Brehaut raised the *very* real issue about the resource implications and the resources required to deliver this work and this report on rationalisation and secondary education by March next year. Clearly, this cannot be a botched job. We have to devote sufficient resources to it to ensure that it is robust, so that we can make some evidence based decisions when it does come back to us. So, it is a conversation that I have already had with the Minister for Education as to how we identify what those resources are and need to be and how that can be provided.

So, the long and short of this report is it does give a further, if you like, final backstop of March 2016. In particular, in response to Deputy Domaille and I think it is a concern for Deputy Dorey as

1480 well, the current timeframe, as I understand it, that is envisaged by Education, if they plan to start  
actual construction in May, would envisage tender approval, the Project Assurance Review and the  
approval of the final business case in April 2016. So, that, obviously, would be after this debate.  
And tying that back into Proposition 4, Proposition 4 is a direction for us to provide funding up to  
the tender approval process. If, after that process, T&R have any ambiguity, then clearly we will  
not providing any further funds until after this debate has taken place and we have a security  
1485 about where we are headed in terms of our long-term secondary needs.

So, I hope that does address Deputy Domaille's point, but I will give way.

**Deputy Domaille:** Thank you, as always, you always give way and I am not trying to be at all  
awkward.

1490 Could I have just some sort of assurance that the word 'enabling works' will not come up  
around December, January time when we find that some enabling works have been done, some  
coastal defence work or flooding work or whatever.

Thank you.

1495 **Deputy St Pier:** Yes. I do not have any indication of timeframes for those enabling works, but  
clearly that does not form part of Proposition 4 and I think it would be difficult at this stage, given  
this debate, given the work that has been undertaken elsewhere. All I can say, at this stage, I think  
it would be difficult, again, without consultation with my board, to envisage how Treasury could  
reasonably use its delegated authority to enable any enabling works at this point, given  
1500 everything else that is going on. So I hope that is sufficient reassurance. I do not think I can  
provide any greater than that at this point.

Treasury & Resources will support this amendment and, to be clear, we will then go on to  
support the amended substantive Propositions, just for the avoidance of doubt. I will speak,  
briefly, in main debate on the substantive Propositions. There is one question and, again, it is not  
1505 a surprise to the Minister of Education, but I have asked that he specifically confirm this on the  
record, in debate, that he can confirm that the tertiary estate will and, indeed, must be a part of  
the rationalisation review and report when it comes back and that is my understanding, but I think  
it will be useful for us all to have that on the record.

Thank you, sir.

1510

**The Bailiff:** Deputy Sillars, the Minister for Education, will now reply to debate on the  
amendment.

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

1515 I hope that Members today will now vote for this amendment which will release the funds  
which were stopped in January and allow us to progress to tender for the redevelopment of the La  
Mare de Carteret site as we have consistently asked for.

If you approve this amendment, you will allow us to get back on track to deliver the opening of  
the new schools in September 2018. Just for clarity, we have always had to go back to Treasury &  
1520 Resources for the delegated approval of the award of the contract. This was April 2016, for  
approval from Treasury, which is why the March debate worked so well. If it is a 600 place school,  
then that will not be a problem, as we already have approved this in the States in November 2014.  
This is why we are running concurrently with a 960 tender, so that in the March debate, we will  
have all the facts and financial implications for Members to consider.

1525 Deputy Domaille, I believe your question has been answered.

**Deputy Domaille:** Yes.

**Deputy Sillars:** A sage nodding of your head again. Thank you.

1530

**Deputy Domaille:** A sage nod.

**Deputy Sillars:** Thank you.

1535 Deputy Gollop: yes, it could be stopped. That has always been the possibility anyway, with Treasury & Resources saying, yesterday, that they would struggle to justify the value for money aspect in the final business case. Now, with Treasury and Resources working with Education, this is far less likely to happen. Yes, an awful lot of hard work, going forward, to get all these reports done, but as Deputy Kuttelwascher has already said and the Minister has just confirmed, we have already started discussions over having the right resources to assist us in this task, but we also  
1540 may have to reprioritise some of our ways forward in other areas.

Deputy Le Lièvre, thank you for your support. We will certainly be considering the social impact on all our children to make sure our recommendations take them into account and I would urge you to take part in our work-streams, if you have the time.

1545 If La Mare School was built at 960 and a school to be closed – that is *if* – after consultation and consideration of the evidence, then, yes, probably the St Sampson's High School would need to be extended, but that is to be looked at later.

I thank the Minister of T&R regarding the resources to help us to deliver on our promises.

1550 Deputy Trott, my *very* good friend. (*Laughter*) This project has followed the States of Guernsey Procurement Guidelines and the two contractors selected are the only two suitable to deliver a project of this size. So increasing the project size to 960 would, in fact, narrow the suitability of other contractors, possibly. We shall keep to the process. A risk is if one contractor withdrew then we might have to review and consult with Treasury to determine the best way forward.

We will address the value for money issues in our next report which looks at the various options.

1555 Deputy De Lisle, this is not the same as the Bebb amendment, which this Assembly rejected yesterday. We are now able, with the funding, to progress to the preparation of the final business case and going to tender, to start work next year, subject to the approval of the States and Treasury by March next year. None of this would have been possible with the Bebb amendment, as we were looking at significant delays. We are looking both 600 and 960 concurrently and this  
1560 will avoid any delay and the Treasury Minister has already addressed the funding issues regarding the 960 school.

Deputy Burford, there are always risks in these circumstances and we will be seeking to mitigate these and trust that the States might make the right decision next year.

1565 Deputy Dorey, we will present and debate these issues no later than the March meeting, just to clarify that for you. You have made it very clear of your preferences and this is precisely why we are going out to parents, teachers, young people and the wider community, to get their views as well.

1570 Deputy Le Tocq, I am sure we are all ashamed that the La Mare should never have been allowed to get into the state it is in and I fully agree with you. This is precisely why the Education Board is so passionate and it is right to sort this issue out as soon as possible. You say it is a compromise. I do not think it is. The delay came back in November and put us back a year then, which is what I said at the time, so the expected September 2018 is the go live date, so no delays since we were told to get another review.

Deputy Fallaize, thank you for your incisive speech and for summing up so well. (*Laughter*)

1575 Deputy Jones, your worry was the debate on selection so near to a General Election. I will contest that there is no best time for such a difficult debate. We will all have had the knowledge to hand to make an informed, educated decision and thank you for supporting this amendment.

1580 Deputy Le Clerc, we are back on track for September 2018 opening. The uncertainty of four to three schools, I fully accept, which is why we were opposing the Treasury's amendment to close a school today. We now have the opportunity to have a meaningful consultation with our community to look at this properly and not make policy on the hoof.

Deputy Lester Queripel, Now that we have an end date in sight, we will continue to make the necessary basic maintenance fixes and ensure we spend taxpayers' money efficiently. The difference is we now have a date that we are aiming for.

1585 Deputy Harwood, I can go into longer, but I will be brief and I am more than happy to talk to you later, but we have not applied 16%, in reality, we have only applied 12.7%. The BB98, which is the UK standard, is the minimum standard in England for schools. It also allows for supplementary areas for additional facilities to those schools to deliver the curriculum of that school. It is exactly what we have done in Guernsey.

1590 Deputy Robert Jones – and this may answer Deputy St Pier's question – we will be looking at tertiary in the consultation.

Deputy Kuttelwascher, you are right, the risk is now much less, I agree with you. I agree with you that no one will decide not to rebuild the school if it is the right thing to do in March.

1595 Why do we have catchment areas? Well, in England, you have parental choice, but what is the first criterion? Distance to the school.

Deputy Langlois, yes, we will look at how we bring the reports back to the States and consider the best way to do that.

1600 Deputy Duquemin, I can assure you that we will be open-minded in all our consultations and deliberations. For me, what alternatives are there and we need to look around the world to see what works best and then see if we can apply it to us.

Deputy St Pier, you said the second best outcome for you, but this is, well, I believe, it is the best option for the Education Board, the staff, the students of La Mare de Carteret School and our wider secondary school community. Why do I say this? It is because there was a very real danger yesterday of our proposals for the rebuild being voted out. No money has been paid since December 2014, so nothing has been done over the last few months. Supporting today's amendment means we can continue with our plans for the rebuild of both schools, the communication and autism base, the pre-school, the sports and community facilities. We will be ready to put the spade in the ground next May, regardless of whether our preferred 600 pupil or perhaps 960 school.

1610 Secondary education; yes, we will deliver that report for you before the debate in March next year. I wonder if I have swapped speeches? We were always having to go to a final business case, which was alluded to by the Treasury yesterday, but they may not be able to approve.

1615 We will be preparing the necessary reports and working closely with Treasury over the coming months. I would like to make a public offer to you and your Deputy Minister to come back on the project board, so we can avoid repeating this unedifying spectacle. (**Several Members:** Hear, hear.)

Please vote for this amendment and allow us to take another step towards delivering what we have promised the children and young people, staff, the parents and the community.

Thank you.

1620

**Deputy Trott:** Sir, can I seek clarification from an answer the Minister gave to a question I raised?

**The Bailiff:** Yes.

1625

1630 **Deputy Trott:** He said, sir, the only two contractors capable of delivering a project of this size are involved. Well, that is patently nonsense, because I understand that there is one local contractor and one off island contractor. Now, by virtue, there are a number of other off-island contractors who would be more than capable of delivering a school of this size. But, surely the point is this – when we originally sought tenderer's expressions of interest, we were potentially building a bungalow. Now, we are potentially building a house, with the additional size. It is potentially a very different project and there are clearly a number of other tenderers that could be interested. And that, sir, could have a very significant consequence for value for money delivery.

**A Member:** Hear, hear.

1635

**Deputy Sillars:** Sir, thank you for that.

We did go through the Treasury & Resources States tendering process from the beginning. We went out and we advertised in the various – I am not technical – but in various building magazines or however you do things and locally and everything else. We had a number of builders come back to compete for the building of this project.

1640

Those building firms were then reduced to two and they were nominated, because, at that time, we thought everything was going along well. So, as far as I am concerned, at the moment, those two are still in the frame and there will be some contractual details that we have already discussed with them and obviously are not, perhaps, for the public domain. Those two, we decided or the project board with T&R on it, the officers and everybody else, said that these two buildings firms were the right two to build La Mare and that was, of course, the whole project at the moment. So, what you are doing, or are suggesting to be done, is maybe we will be looking at adding 360. Do not forget there are five parts of this project: the actually high school is not entirely half of the whole project, so I accept it will go more than half.

1645

We will look at it but, as I say, we have been through the process. If there is any doubt that it is now getting too big for one of those companies or whatever it is, then, yes, we may have to look at it. But that is something we, as a board, and that is the project board, will have to go and work with the officers on that board.

1650

For me, the real risk, possibly, is that if they said, 'No, we have enough of all this,' it reminds me back of the Lurgi days on the incinerator. So, if somebody pulls out – as I have said on my speech just now – if they pull out we would have to go back, work with T&R, and work out what happens next. Now, do we go back and start again? I do not know. It has been stopped for four or five months already, but those are potential risks, but we can face those risks when we actually know they are real.

1655

1660

**The Bailiff:** Members, we will vote now on the amendment proposed by Deputy Sillars, seconded by Deputy Conder. Those in favour; those against.

*Members voted Pour.*

1665

**The Bailiff:** I declare the amendment carried.

We can now open general debate. Does anyone wish to speak in general debate?

Deputy Dave Jones.

1670

**Deputy David Jones:** Sir, I just wanted to make a point about the community centre in this project, which is, people have said 'Do we really need it?' I might remind people that La Mare School is going to be within a stone's throw of one of our biggest social housing estates and I am fairly certain that that community centre could be put to good use in all sorts of ways by many people who live in that area and for all sorts of other things.

1675

I do not think that we use our schools enough outside school hours. I think there are many activities in this Island that could go on in schools and I know there are problems: you have to staff the building; there are caretaker issues and the cost of keeping all the lights and the heating on. But I do believe that we should be going out there and offering up these Government buildings, especially schools, more widely to the community to see if we can get much better use out of them.

1680

Thank you.

**The Bailiff:** Deputy Ogier.

1685

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

1690 Just continuing on from where Deputy Trott reluctantly left off, I can see. The issue, I think, that Deputy Trott was trying to raise was that we have sought expressions of interest for one form of project. In this amendment, we are, effectively amending the scope of that sort of project to expand into a different project. I think what Deputy Trott was asking was, are those original expressions of interest in the project still valid? Because we went out to look for a house; this Assembly has now amended it that we are going to look for a different... In addition to the house, we are going to look for something else.

1695 How valid are those expressions of interest now, with regard to the scope increase that we have had? Because in procurement terms it needs to be open, fair and transparent and are opening ourselves up to challenge that the expressions of interest that we have received are no longer valid for the expanded scope of the project?

**The Bailiff:** Does anyone else wish...?

Deputy De Lisle.

1700

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

1705 I have had from the community a number of concerns with regard to the size and the cost of the La Mare education project, because the project tabled by the Department is for the construction of much more than originally intended, which was the secondary school, which I have supported all along.

1710 But not only is this for a 600 or more place secondary school, but a new 420 pupil primary school, a pre-school nursery, a communication and autism unit block, a major sportsplex and provision of community facilities. Adding a lot of cost to what was originally intended: a high school, comparable in terms of building and facilities with the Guernsey Grammar School. Estimated costs of construction cost in this document in front of us of about £20 million.

1715 So what we are doing here is talking about £60 million, when in fact, the original purpose was to build three secondary schools with comparable facilities to the Grammar School and that has been done with respect to two of them. We have got one remaining and that construction cost is estimated at £20 million. Yet here, we are looking at three times that amount at a time when money is not easy to come by and we are spending taxpayers' money on building something more in the Castel Parish. Already we have got one large school in the Castel Parish and community facilities there, and yet we are building a second school with all these additional facilities. It just seems to me that, at this particular time, when money is tight, that we might be going overboard with these additional facilities.

1720 I have one other point of concern here, because in the west, we have single form schools which are not being rebuilt and I wonder what effect, actually, spending money on rebuilding the primary school at La Mare is going to have in terms of the whole rationalisation programme in the primary sector. I think that is something that I would like the Minister to give some assurances on, because we already know that those two schools in the west have been tabled for potential review in the next term, by this Education Department. With the building of such a large facility at La Mare, at the primary level, it could have an impact on the facilities and schools that are dear to us in the west, La Houquette and the Forest Schools.

So, I would like some assurances –

1730

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

**The Bailiff:** Deputy Sherbourne.

1735 **Deputy Sherbourne:** Deputy De Lisle is speaking about a totally different proposal, which has already been debated in this Assembly, and that was our primary rationalisation proposals which resulted in the closure of the two schools, but, at the same time, referred to the schools in the

west as a reconsideration during the next ten years. That was spelt out very clearly by the board in its proposals.

1740 There was no intention that the rebuild of the La Mare de Carteret will have any impact upon the decisions made with regard to the Forest and La Houquette Schools.

**Deputy De Lisle:** Sir, we were given assurances with regard to the primary school at St Andrews and that was turned turtle on us as well as the –

1745 **Deputy Sillars:** Sir, point of correction.

**Deputy De Lisle:** – situation with regard to the school at St Sampson's –

1750 **Deputy Sillars:** Sir, how many years ago is Deputy De Lisle going back?

**The Bailiff:** I think Deputy Sillars is wanting to raise a point in correction.

1755 **Deputy Sillars:** Sir, it is a point of correction. I was just wondering how far back Deputy De Lisle was going to say we had reassurances regarding St Andrew's.

**The Bailiff:** I am not sure that is a point of correction.

**Deputy De Lisle:** Well, let me deal with that point.

1760 The Minister himself broke promises on that issue, because he had made supporting points to the electorate that he would not be closing St Andrews or the primary, St Sampson's Infants and then, of course, went on to turn turtle, if you like, (*Laughter*) and close both.

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

1765 **Member:** Hear, hear.) after Deputy Sillars had the courage to lead proposals in the States.

**The Bailiff:** Deputy Conder.

1770 **Deputy Conder:** I was going to make a similar point, sir. But as Deputy De Lisle has said, this Assembly was given reassurances. Deputy Sillars never gave this Assembly reassurances. What he said in the election was an entirely different matter.

**The Bailiff:** Deputy De Lisle.

1775 **Deputy De Lisle:** It is true that the Assembly gave that decision, but it is also true that the Minister did change his actually policy on that issue.

1780 Given all that though, there is obviously genuine concern in the west, with regard to the primary facilities at La Houquette and at the Forest Schools. Particularly as they are single form intakes and as a result, of course, the Department has said that it wants to see that, in fact, the primary sector is housed by more than single form entry schools.

The other concern that I have is that schools that are performing well in our system at the current time, including the Grammar School and the independent schools, are not in any circumstances reduced as a result of rationalisation in the system as a whole that might come as a result of the work on the La Mare School.

1785 So, these are concerns that I think I need to bring out, but particularly, I think, the project and the size of the project. I would like to see some review of the size of the project and the cost of the project in total, because it seems to me that we are going way overboard with this La Mare education project, apart from the secondary school itself which I fully support.



Thank you, sir.

1790

**The Bailiff:** Deputy Green, then Deputy Domaille and Deputy Laurie Queripel.

**Deputy Green:** Sir, thank you.

1795

First of all, just in relation to the resolution that the States made in October 2013 following on from what my good friend, Deputy De Lisle just said. The resolution that was made as regard to the two schools he talked about – I sit on the school committee for the Forest School – so I am very well connected with that.

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The actually resolution was to agree that, over the next five to ten years, efficient and effective primary provision in the area served by Forest Primary School and La Houquette Primary School shall be revisited by a future Education Department. That is all it said. And I do not think we have ever said or implied anything which connects the rebuild with La Mare de Carteret Primary School with that separate reality and I speak as somebody who, as I say, sits on the school committee for the Forest School and there is certainly no suggestion at all that the two schools there mentioned are threatened with closure, because that is just not the case.

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**Deputy De Lisle:** Sir, I thank the Members of the Department for their reassurances with respect to that.

**The Bailiff:** Deputy Green.

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

As I say, it will be a matter for future Education Departments.

1815

Sir, the main reason why I rise is because during the course of this debate, there have been comments made about the issue of whether it is new buildings that improve standards and those kind of things. I just wanted to make a few points about that because it is certainly true that improving schools and improving education standards is primarily about providing excellent leadership and excellent quality, teaching and learning in our schools and that is undeniably the case. But there is no question in my mind that the rebuild of these schools, as planned, will create a much stronger platform to attract high quality teachers and senior leaders in the future, which will have a very significant effect. In addition, having new facilities will also boost enormously the esteem and morale of the pupils, teachers and families connected with those schools.

1820

So the condition of the building is not unimportant when it comes to the drive to improve standards and I know various comments have been made, I recall Deputy Adam saying something on this and there have been other comments, and I think it is something we need to put to bed. It is about leadership and it is about teaching, but there is clearly a connection with improving the facilities and the knock on effect. It may be, perhaps, not a direct effect, but it is clearly there. Indeed, the OECD research that I have looked at, certain qualitative studies, suggest quite clearly that capital investment in school buildings is closely linked to higher pupil attainment and that is something that, I think, we need to be very clear on, because there is an awful lot of misinformation out there and sometimes it is perpetuated by Members of this Assembly.

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**The Bailiff:** Deputy Domaille, then Deputy Laurie Queripel and Deputy O'Hara.

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

1835

I do not want these comments to be seen as at all negative. I repeat what everyone else has said and I said earlier, that I think the two Departments have done very well to get us to where we are now.

1840

In order to get where we are, clearly there has been some rushed – not in a derogatory sense – *speedy* work undertaken with regard to this. I doubt very much that either of the Ministers have really been able to consult with their back-up professionals, if I can call them that, at least in any

1845 depth. So I am just sort of issuing a caution here, that in the absence of that advice, and both Ministers are giving as full answers as they can to the points that are raised, but I have to say that I do remain concerned that – and this is no reflection on the team you have, clearly it is a good team and clearly it has worked hard – that a lot of what we have had to do over the last, well actually, six months now, I suppose, has been because a lot of Members have not been convinced, if I can put it that way, that we are on the right track and this is the right project. So this issue of prompt and challenge within the whole tender process is absolutely essential.

1850 Now both Ministers, and I fully accept the words they have used, have said they will be 'robust', but actually I think, in this instance can I just sort of prompt them to be a lot more than robust? The word 'very awkward' comes to mind. I think that a lot of this needs to be questioned and I think one of the first things that – and I am very sure your back-up professionals will be saying this to you – I think you do need to at least revisit where you are today. Not only terms of the design that you have already said you are going to look at, not only the terms of preparation and business case but also in terms of the selected tender list and how you have gone about it.

1855 *It can be done*, so don't...it is not a show stopper, but it does require the team to really get a move on because if you are going to come back with some well thought through proposals and a well thought through, well worked through tender with best value processes and so on, by March, you are going to have to get your skates on.

1860 I think that, that said, if you do spend a little bit more time now on reassessing how you got to where you are and why you are where you are and how these tenders and the tender process fits in with the new directions that you are following, it will be time well spent. So I am really looking for an assurance that you are going to be prompting and challenging and you are going to be very awkward. I would have used a different term, but I would probably get told off.

1865 **The Bailiff:** Deputy Laurie Queripel, then Deputy O'Hara and Deputy Lowe.

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

1870 I think one other aspect to throw into the tendering and the contract and the procurement discussion, as far as I am aware, as part of the procurement process now, there is a local bias that has been worked into any tendering process, whereby the contractors tendering for a contract, sir, have to provide a figure in regard to what benefit will be provided to the local economy.

1875 Now, can I ask – it might be the T&R Minister, rather than the Education Minister – if that is still part of the process, because I have got no problem with opening up the tendering process again, if it has to be. But my concern is, sir, that I would still like this work clearly, to go to a local contractor and I would like as many local sub-contractors to be involved as possible. If that is going to happen, I just want to be sure that we are still going to apply that guideline or that bias, where we have to ensure that as much benefit is provided to the local economy as possible.

1880 Deputy Soulsby made a very good point, I think it was either yesterday or the day before and it is approval of formula, sir. Whenever economies are struggling and whenever an industry like the construction industry is struggling – it has happened around the world, – governments instigate infrastructure programmes and projects which helps to build that particular industry up and provides some stimulation for the economy. (**A Member:** Hear, hear.) But that is not going to be any good if most of the money or a good deal of the money is going to disappear outside of the Guernsey economy. I think that is something else we need to factor in.

1885 Does that still apply: that local bias, as part of the procurement process? Are we still looking for a figure that proves a benefit, a percentage figure that proves a benefit for the local economy of any projects that have been set in motion, sir?

So, I am just looking for some answers to that question, thank you.

1890 **A Member:** Hear, hear.

**The Bailiff:** Deputy O'Hara.

**Deputy O'Hara:** Thank you, sir.

1895 Some members of the public have asked me what all the talk about the sporting facilities at the new school development is all about. And with all the discussion in the media surrounding the new school, I am not surprised that the detail has been lost, so I would just like to take a few minutes to explain.

1900 The Culture & Leisure Department, the Sports Commission and the Education Department have been working together for more than ten years, through the Schools Development Programme, to try and achieve the very best sporting facilities. Not just for the schools, but for the whole community as each of the new schools has been developed.

1905 In fact, I should have said that we have also been working closely with the Environment Department who have always encouraged the expansion of existing sites and the increased use of school sites out of hours in order to improve the Island's sporting infrastructure. Naturally, the Environment Department would prefer us not to build stand-alone facilities with all the infrastructure that would be needed.

1910 Sir, working together, we firmly believe that enhancing the new school sports facilities is the only realistic way that this generation will ever see the development of an indoor sports facility, suitable for competitions and tournaments at school, club and inter-insular level on match play sized courts with accommodation for a decent number of spectators.

1915 Yes, the Culture & Leisure Department could put a capital prioritisation bid during the next SCIP process for a purpose built facility, costing many millions. But honestly, with all the other capital projects that the States want to support, the chances of us being successful are pretty low, I would say. By enhancing the sports facilities at La Mare, we can get all that for less than £2 million.

1920 So why the focus on netball, basketball and volleyball? These are three very popular and growing sports in Guernsey, that provide the island with a great opportunity to prevent young people from disengaging with sporting activities, particularly young women, as well as the real potential for re-engaging people in sport at a later stage in life.

1925 Let us take netball. The Guernsey Netball Association has more than 300 senior members, up to the age 55 years. They also have a full junior league which has more than 80 members, from 9- to 13-year-olds. Basketball, through the Future Starts Programme and Under 15 League, the Guernsey Basketball Association has 150 members, with more than a quarter of those being female. In the 16-18 year group, the Association has 50 members, again, more than one third of these are female. There are a further 260 members who play in men's division one and two and the women's division. They are also working closely with the Guernsey Sports Commission to provide wheelchair basketball. And finally, volleyball – Guernsey's League Programme has just over 200 registered players. The club is a rapidly growing community with members ranging right  
1930 through from 8 to 40 years old.

Sir, all three sports have the real potential to develop at national level. The impact of success on a national stage is that it inspires youngsters to attempt to emulate their local heroes. We know that success breeds success, and we have seen time and time again, in Guernsey, that local success at national competition results in increased participation at all levels.

1935 On that point, I must wish each and every one of these sports every success in their up and coming appearance in the NatWest Island Games in Jersey next month.

The requirements for the leagues that these three sports realistically aspire are not able to be met at any existing site, mainly because of specified run off areas and limited court size spectator viewing facilities.

1940 The benefits of sports are well known and are covered in the report, but I just want to remind you of a couple of points. Being active during childhood helps children and young people develop a positive habit that becomes a way of life into adulthood. An active lifestyle has important health benefits and, with a healthy diet too, helps protect against disease. Getting more active, during their school years, with the help of excellent school sports facilities helps children and young

1945 people find a sport or activity they really enjoy and, maybe can experience success in. Taking part can help them make new friends, be more confident, improve self-esteem and learn new skills which all help them later in life.

The enhanced facilities at La Mare will provide an opportunity to reshape children's behaviour so that they can acquire a life-long appetite for sport and activity. I do not want to miss that opportunity.

1950 Thank you, very much, sir.

**The Bailiff:** Quite a few Members have caught my attention. I am going to call them in the following order: Deputy Lowe next, then Deputy Gillson, Deputy Conder, Deputy Brehaut and Deputy Trott.

1955 Deputy Lowe.

**Deputy Lowe:** Mine will probably be the briefest, sir.

1960 It is just a request to the Minister of Education, please. Bearing in mind today's decision and reading the angle that has already been taken on social media, through the media, could we get out a press release and, indeed, a letter to all parents, all pupils and all the teaching staff, the decision that has been made today. Because it is already been said out there that La Mare has been delayed; it is not going to be build, and actually that is not what the States have decided today at all.

1965 I think we owe it to the parents, the teaching staff and, indeed, the community, to get out there a non-jargon, non-waffle, very concise, easily read press release that everybody will understand, the decision that we have made here today. I think we owe that to everybody in our community. I would ask if that could go out in the next 24 hours or 48 hours, before this runs away with itself that, actually, La Mare is not going to be built.

1970 Thank you, sir.

**The Bailiff:** Deputy Gillson.

**Deputy Gillson:** Yes, sir. I will be supporting the amended proposals. I suspect most people will do.

1975 I just want to talk on one item, though. We, as a Government, as an Island – this is stating the obvious – with a limited amount of money, it was only mentioned yesterday that the amount we have available for capital funding is in the region of £35 million below the list of possible projects. And that does not even include, I do not believe, the redevelopment of the College of FE. So, what we can be sure is that possibly all Departments will not be able to have all of their capital hoped for projects funded in the next decade.

1980 Every pound we spend on La Mare means that that is a pound we cannot spend on any other project. So when we are in this position, we need to ensure that money that we spend is spent on things that we need, not that we want, on necessities, not nice to haves.

1985 Now, I accept that there is a need for a good sports hall at La Mare. Deputy O'Hara has explained very good reasons as to why sports is beneficial and we want to encourage people to take part, to take up sports and it can have a positive life-long benefit for them.

1990 But the school does not *need* a sports hall of the specification being requested. It does not *need* a sports hall with seating for 500 people. It is a nice to have – yes, the Sports Commission like the idea, they would wouldn't they? Yes, Culture & Leisure are supportive. Again, they would, wouldn't they? Arguably, they would be remiss if they did not support it. But, do we need it? At a time when every pound we spend on this project is a pound not spent on another project, be it possibly coastal defence, be it possibly towards the College of FE, when and if it gets developed.

1995 We have to be sure we spend money on what we need. Now it may be, as my good friend – well, up until now – my good friend O'Hara-

**Deputy O'Hara:** It is alright, Mr Scrooge! (*Laughter*)

2000 **Deputy Gillson:** It may only be £2 million, but it is £2 million on a nice-to-have, not £2 million on a necessity.

So, sir, I ask, is it possible to vote separately on 1(d), because I would like to vote against 1(d) because I think in our financial climate funding a nice-to-have is not what this Island should do.

2005 **The Bailiff:** Deputy Jones.

**Deputy David Jones:** I was hoping that the Minister was going to give way.

2010 **The Bailiff:** He didn't.  
Deputy Conder.

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

This is one of those debates – well for me, anyway – where it feels that nearly everything that needs to be said has already been said in the debates on the amendments, so I will be brief.

2015 Sir, colleagues, here, the amended Propositions laid before you today directly reflect the findings of the report commissioned by the Treasury & Resources Department following our debate in November last year. They come with the proviso, as detailed in the amended Proposition 3 that we will return to the States no later than March of next year with proposals for rationalising the Education estate. We will consult with all stakeholders. We can and should do nothing less. We will come back with recommendations regarding the appropriate use and  
2020 breadth of the Education estate. We can and should do nothing less. We will offer you at least one option from moving from four to three secondary age schools and we will return to you with a report regarding selection at 11-plus.

2025 Sir, the case for the development of the La Mare site has been very largely confirmed by all parties, including T&R's own consultants, as detailed in Section 9(1) of their report. There are issues in terms of size and the demand for some aspects of the wider facilities, but these have been addressed in the report. The case for a 600 minimum student secondary school has been made. The case for a 420 pupil primary school has been confirmed. A replacement pre-school provision has been confirmed. The relocation of a communication and autism centre has been confirmed. The case for the entire sports facilities and the proposed community facilities have  
2030 been made in the report and, amongst others, Deputy O'Hara, in his earlier speeches, confirmed that and made it. I will not repeat them here, but I think it is sufficient to say that those two facilities combined represent just 4.26% of the total project costs. In terms of the cost benefit to the sporting and local community, that such additional costs represent, it would seem folly to deny successive generations of islanders the use of such facilities, when they can be custom built  
2035 on a perfect site as part of this development.

2040 Sir, I would just like to turn for a moment to the issue of – the same issue that Deputy Green raised – the issue of the impact of enhanced facilities on children and their performance. There has been a sense in some debates, both outside this Assembly and inside it, in terms of an almost *Monty Pythonesque* view about how quality facilities can impact upon people. You might remember, those of a certain age, that there was a skit in *Monty Python* where individuals compete to say how awful their homes had been. I think it ended up, 'Well, I was raised in a cardboard box.' 'Well, I was raised in a hole in the ground.' 'Well, you were lucky, because I was raised in a sewer.' (*Laughter*) And I felt that a bit in one or two of the contributions, 'School and the environment makes no difference, it's all about teachers.' 'I went to school in a slum and I did  
2045 okay.' And I thought somebody else would come up and say, 'Well, I went to school in a Nissen Hut – actually, I did (*Laughter*) – and I did okay. (*Laughter and Interjection*) That accounts for a lot, I know! And somebody else would say, 'Well, I was taught in a tent.' And then there would be somebody, 'Well I was taught in a hole in the ground or an air raid shelter.'

2050 The reality is, and it is well researched and I remember making this case *way* back when we had the debate upon whether or not the La Mare should be delayed in the Capital Priority or the whole Capital Priority should be laid. Just three or four points, colleagues. Yes, teachers are the key asset within a classroom. *They* make the difference but the research shows that children are calmer in good quality classrooms; classrooms that are fit for purpose. They are calmer; they concentrate better. There is less disruption, we can attract better teachers. All of us want to work

2055 in good facilities. We can attract better teachers. There is better use of new technology.

So, whilst I absolutely accept that teachers are the key asset and many of us were taught, when we were children, in standards which we probably would not accept today, the research shows that there is a performance enhancement of between 7% and 15% when children are in good quality facilities.

2060 Now, you have to say whether 7% to 15% is an acceptable margin for the investment. I would say it is.

Let me just give you another statistic. Le Beaucamps – I quoted some of these figures yesterday – five A to C GCSEs including English and Maths 2011 36.3%; 2014 53.8% and these were children that were selected for Beaucamps, not for the Grammar School. 36.3% in 2011;

2065 53.8% in 2014. I am not suggesting that is because and solely down to the new school, but those are impressive results. We would claim they were also to do with the fact that we have focussed like a laser beam on performance. So, we have to be careful when we say it is all down to the teaching. Clearly the teacher is the most important asset, but all good research shows that facilities make a difference, 7-15%.

2070 I would like, just now, to briefly turn to the process that we move forward over the next few months. I said to Deputy Kuttelwascher – note the pronunciation – (*Interjection and Laughter*) during our now notorious phone-in debate a couple of weeks ago, in which he was unfairly traduced for some of the comments he made, which he made absolutely appropriately. I would like to say that now.

2075 But, I said to him that I believed that the T&R Department, the Education Department were much closer than was generally recognised. He strongly disagreed with me, as was his right, but I still believe it. I might be in a minority amongst the ten members of our two committees, sir, but I will say again, I never have and still do not believe that there was or is a great deal of distance between the two Departments. It probably seems more than it is. T&R want to see the schools built. They do not want to see unnecessary delay. All of the reports and the due consideration that T&R rightfully seek can be achieved in a timely manner without injecting further an indeterminate delay.

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If these amended Propositions are approved today, as long as I am member of the Education Committee, I intend to work with the T&R committee to ensure that the information in the report that they, quite appropriately require, in order to decide whether we should be building a 600 place school or a 960 school or any other development, will be delivered in a timely manner. In a way which will allow them and this Assembly to decide what the structure of secondary education should look like in the coming years.

2090 None of those decisions should preclude us from making decisions on initiating the rebuilding of these schools today. These schools desperately need rebuilding. We have a chance, today, to make a statement about how much we are prepared to commit to the most important asset this community possesses: our children. They have waited long enough. We have, perhaps, procrastinated too long.

2095 Please vote for all of the amended Propositions in the Education Department's report and let us get on with initiating the rebuilding of these schools, as we have for so long promised the staff and students that we would.

Thank you, sir.

**The Bailiff:** Deputy Brehaut, then Deputy Trott.

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

When you, as I have done several times going to pick up my children from school, when you look into Year 6 and your child's last year in primary school, you look into that room and you see, I think, probably for the last time, an equality, a type of educational democracy for that child, because they are the same age, in the same class and there is no difference.

Then the system introduces difference. Whatever hierarchy, whether it is Elizabeth College, whether it is Ladies College, whether it is the Grammar, whether is Blanchelande, whether it is the state schools and then the parents who appeal against the state schools. And there is another separation that is embedded in the system and we have been speaking about secondary education and I am sorry to be the first to mention it, we have special needs education. I am afraid our attitude to special needs education is not... I would like to say 20th century and that is probably about right.

If we go back 20 years, what did we do with children with ADHD, what did we do with children who were autistic, what did we do with children with Asperger's? We did not quite understand so they were separated out, and I am afraid, I believe, we still separate children out and why does that matter to me? Because I think there is an under-utilisation, not only for the welfare of the child here and their entitlement, but children with this curious diagnosis that we lapse into because we cannot throw a blanket over all of them. We call it 'learning difficulty' or 'a difficulty in learning' which takes a resource which we don't offer them so they are separated out. I know people will argue and say they are on the same campus and I like and I approve of the autistic centre on the same campus as a secondary school, but I do not know, what are the professional arguments with regard to resourcing children with Autism into the same class? I do not know. But, what I do know, clearly, is that there are children in special needs settings who with a little bit more support, could be in main stream schooling.

Now, if you are talking about the spare places at La Mare, however many, I think there is 160 at La Mare, currently, 140, or whatever, at Beaucamps. If there is clear capacity there, and there has been discussion around, let us look at the estate of Education and the tertiary model. Let's look again, please, at some point, at what we do with special needs education to bring those children out of that setting into main stream schooling, which I feel is their entitlement.

And I say that because it is not far from these shores in Jersey, they are doing exactly that. They are trying to get as many children with this general term, 'learning difficulty,, and I appreciate that there are children, sadly, that cannot do mainstream schooling for *very* complex reasons, but there are clearly some that could be in the mainstream educational model with support. I am conscious that the support costs, but I view it as an entitlement and it is in the best interests of the child. Because it often crosses my mind, when I go to the Le Murier you have Le Murier, St Sampson's, I think to myself, the only time those children will meet one another could possibly be on the same day, in the same workplace and I think that is quite a profound observation on a small island like this. That these children could meet, could be perhaps their first day in the same work setting.

So, review of education, yes, go ahead and build La Mare. But let's not overlook a significant number of children who, I feel, are in a particular educational setting that has not be challenged, in my view, for some considerable time.

Thank you.

**The Bailiff:** Deputy Trott.

**Deputy Trott:** Sir, in my experience, the States is at its most vulnerable during the course of a Friday afternoon, particularly after three long and tortuous days of debate, which is why I am rising again to repeat a point I made earlier and to embellish upon it.

If I can draw Members' attention to Proposition 2, as currently amended. The Proposition says,

'To delegate authority to the Treasury & Resources Department to approve a capital vote, charge the Capital Reserve of a maximum of £60.2 million, excluding inflation, to fund the La Mare de Carteret redevelopment project, subject to

satisfactory completion and review of the full business case to ensure that that the project represents value for money for the States.'

*Value for money* – that is T&R's job – satisfying itself of value for money.

2155 Now, T&R have kindly written to us all enclosing a 10-page document explaining their position. Under the heading, 'Where does the 27% uplift come from?', it advises the Assembly that the school is being designed approximately 27% bigger than similar sized schools in the UK and 11% larger than Guernsey approved guidelines. It might be 11%. It could be 12.8%, it might be 9.4%. It is bigger than the approved guidelines. We have a design at the moment, based on the £60.2 million, which the architects are going to use as their template, as I said earlier, for enhancing the size of the school from a 600 to 960 pupil facility.

2160 Now, it can do one of two things. It can either apply equivalents and just ensure that everything is that little bit bigger in terms of corridors and whatever to enable those extra pupils, take the same sized classrooms and just simply replicate the number needed on for fulfilling the curriculum or it can redesign the whole thing.

2165 If it redesigns the whole thing, there is absolutely no chance of getting back before this Assembly by March. It will be a mammoth task, particularly bearing in mind that one still needs to go out to tender. But, if it does not redesign the whole thing, the same problems occur. There is an inbuilt structural problem in the existing design that cannot satisfy value for money. Now, these two things cannot be – the circle and the square cannot be made the same shape – it is one or the other.

2170 So, I want Members to be absolutely sure of the consequences of their vote because, trust me, sir, I will blow a gasket if we are back here in March and Members are arguing about this very issue. Because the decision today accepts that there is a structural enhancement built in to the new design or you cannot get back here by March. It is one or the other.

2175 And that means, sir, that we are putting the Treasury & Resources Department in an invidious position, because it will not be able to approve value for money without having to admit that it was completely wrong all along in the literature and documents that it sent this Assembly. This is a serious point sir, and I wish we were not debating it at twenty to four on a Friday afternoon, but it is one that Members need to consider very carefully indeed.

2180 **The Bailiff:** Deputy Gollop.

2185 **Deputy Gollop:** Sir, I think I can only repeat that Deputy Trott and Deputy Domaille have had more experience than I will ever have in tendering and procurement and I take on board their serious misgivings and concerns. In fact, I could, at length, give a piece about some of the problems that we have entered into on this scheme, but I do not think that is helpful at the moment, because we need a solution today that moves the project forwards.

2190 Two points: Deputy Brehaut raised the issue of the autism centre and the integration of pupils. I think greater efforts could be made across the federation to integrate pupils so that they do mix on a variety of educational, sporting and social levels. The eisteddfod perhaps is one area where they already do. And I do recall, for those with long memories, going back to the Education Department, Deputy Langlois sat on, they were responsible for deciding at the time to close Oakvale School and go down the route they did. Now, yes, they have wonderful new facilities, but they did lose something at that point and we have had issues since, but we do not want reinvent the wheel there.

2195 Along with Deputy O'Hara, I support his vision. It is fair to say, I did tend to skive out of sport when I was at school and I did not benefit from the physical exercise, whether that has done me lasting damage or not is for others to conclude on. (*Interjection and Laughter*) But I do appreciate Deputy Gillson's point that if we were starting from the most top five capital projects we need to spend on, we would not put a volleyball centre in the top five. But it is useful to what we are generally offering society, an improved learning and living ambience for younger adults and

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children and I think we have got to see it as an investment, partly to attract our offer as well as on educational grounds.

My main reason –

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**The Bailiff:** Deputy Lowe is asking you to give way.

**Deputy Lowe:** Thank you, Deputy Gollop, for giving way.

2210 Perhaps, I could just help on the sports centre. The sports centre is also part of the school, because La Mare High needs that sports centre as it is the only way they can have a full assembly because the new build does not actually encompass enough room inside the school. So, it is also part of the school and will be used by the school for the school pupils to be able to use for their assembly and other uses.

2215 **Deputy Gollop:** Thank you, Deputy Lowe. That is, in fact, helpful, because so many speakers in the last few days have cast aspersions as to why Education needed to offer the same facilities in all three schools, but of course that is not correct, because the swimming pool is to be sacrificed at La Mare de Carteret. But they are gaining this facility and it will have a multiple use, just as the theatre, the Performing Arts Centre, has a multiple educational examination use for the College of  
2220 Further Education. I felt that, yes, we might not have built these projects in the right order, but we did need a rule to increase the offer of our infrastructure.

My main point arising, because everything else has been said, is to remind Deputy Sillars and the Education Board that in the next few months of intensive consultation, I think it is very important that Members of the Assembly at political level, are informed accurately – not  
2225 necessarily through e-mails or the media – what the true majority opinions and preferences are from parents, from current pupils, there may be past pupils, and from teachers and head teachers and other employees across the schools' estate. We really want to know what the customer wants and not what political personalities want or what a few lobbyists, or economists, or accountants want. Let's hear it accurately from the people who most need to have the right kind of facilities.  
2230 *(Interjection)*

**The Bailiff:** Deputy Dorey and then Deputy Duquemin.

**Deputy Dorey:** Thank you, Mr Bailiff.

2235 I just wanted to follow on from Deputy Trott's speech, because I just remind you that the independent panel also included Sue Archer, who was a Chartered Surveyor specialising in education construction and an architect specialising in education design. They said that it as much as 20% bigger than BB98 and the Guernsey standard was 16% bigger – and that is omitting sports facilities.

2240 When I went to the presentation I asked Dr Nicholls whether that is still the standard they use in the UK. He said, 'No', in fact the standard they use in the UK is 15% less than that.

So if you take, say, 100 units and you add 27 to get 127, which is effectively the size of the school; but in the UK, you would be subtracting 15 units from 100 so you get down to 85. That means, effectively, the school is 42 units bigger: 42 over 85 is just short of 50% bigger than a  
2245 school in the UK. That is the premium that we are putting on and that is the cost.

Okay – *(Interjection)*

Oh no, can I just finish my point, then I will give way. I fully accept that we have smaller class sizes over here and because of that we need additional classrooms, but I am just trying to illustrate the cost to the community.

2250

I will give way.

**The Bailiff:** Deputy Le Tocq.

2255 **Deputy Le Tocq:** I echo Deputy Dorey's views, but just to balance that I wish to say I asked a similar question at a presentation done by Dr Nicholls and in further question he did say that he would not recommend the current new regulations at all, and that very few people are building to that in the UK because there have been problems with them.

So I think the better judgement is the BB98 for secondary school and I think BB99 for primary.

2260 **The Bailiff:** Deputy Sherbourne.

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

2265 Just to caution people, there were a lot of things actually said by Dr Nicholls at those meetings which were off-record. They were not part of the review, they were his personal opinions and I do not think they should be used in this Assembly in this particular debate.

**The Bailiff:** Deputy Dorey.

2270 **Deputy Dorey:** Sir, I was quoting from the report, the 27% omitting sports facilities. I think the fact that the UK standards have changed is a matter of fact.

I just wanted to make that point to add to Deputy Trott's points. That is all I was going to say. I was going to sit down, but I will stay standing if it –

2275 **The Bailiff:** Deputy Conder.

**Deputy Conder:** Thank you.

2280 I think Deputy Dorey quoted Mrs Liz Fraser as a member of the panel, and just to remind him that in 6.4 of the main report, it does remind colleagues that Mrs Liz Fraser, who was appointed to the Review Panel in December 2014, was also part of the 2005 panel which recommended the 16% uplift in 2005. So there is some continuity there, and she was one of the architects of the 16% uplift.

**The Bailiff:** Deputy Duquemin.

2285 **Deputy Duquemin:** Thank you, Mr Bailiff.

I would not be doing my job properly as both a member of Culture & Leisure and also a member of the Guernsey Sports Commission, if I did not take issue with the comments made by Deputy Gillson.

2290 During the debate in November, I did hopefully shine a light – or I think as the current fashionable phrase would be 'shine a laser beam' – on the value that can be gained from the sports facilities at La Mare de Carteret, particularly where Education and Culture & Leisure were working so closely together, not to duplicate a facility but, as Deputy O'Hara has already said, to extract best value from having the maximum use of a facility in a school out of hours.

2295 I am perhaps more disappointed that the comment has come from Deputy Gillson, with his other hat on as Minister for Home Affairs, because there are many studies that have been carried out that prove that, for every pound spent on sport – and also I will add the arts, and particularly at a young age – it will benefit the society further down the road. I think it may be that £5 could be saved for every £1 spent on sport now, further down the road. I think some studies even have that as high as £10.

2300 In many ways what we do not want is customers down at Les Nicolles, and I am sure Deputy Luxon does not want customers at the Princess Elizabeth Hospital... and proper investment in sport can mean that we keep people out of prison and we also keep people out of hospital.

2305 So I was more than keen back in November, to hopefully make the case that in the report, when the independent review came back, that they did not dismiss sport as the easy sacrificial lamb and I am equally determined here in May to make sure that is the case. It will come back, but

I think if we do vote separately on Proposition 1(d), that people do give the Proposition their wholehearted support, because it does make a very tangible difference and it will save an awful lot of money in the long run.

Thank you, sir.

2310

**The Bailiff:** Deputy Wilkie.

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

2315 Just a very brief point. In the Independent Review Panel's Report, it does say that the Autism Centre is not up to standard and there has been a lack of consultation. I would just ask the Minister, in his reply, to give me some comfort that this issue will be sorted out before the Bill.

Thank you.

**The Bailiff:** Deputy Luxon.

2320

**Deputy Luxon:** Sir, very briefly. I too am a member of the Guernsey Sports Commission, but as Minister of HSSD I echo what Deputy Duquemin said. However, I do not think Deputy Gillson actually said the sporting facilities were not warranted and were not a good idea. He was talking more about is it an absolute need or is it a discretionary. I would hope he, as Home Minister, 2325 Social Security Department, Culture & Leisure, Education and HSSD would actually support these sports facilities. It is not £2 million, it is £1.7 million. It is a marginal incremental increase on this project.

Education have a policy to actually look to provide community facilities in all of their school developments so we have a standing policy, a States-accepted policy. I would hope that 2330 Members, if Deputy Gillson does wish to vote separately, would not be persuaded to follow him if he votes against it. That would be a mistake. We would not have Footes Lane and we would not have Beau Séjour, because in their own right it would be very hard to justify in a prioritisation game for these sporting facilities. But the Island needs it in terms of our Healthy Weight Strategy and all of those other strategies that are important for our community.

2335

Thank you.

**The Bailiff:** Anyone else? Yes, Deputy Burford then Deputy Collins.

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

2340

I would like to refer again to Proposition 3(b), which says – I will read it out to you:

'to submit a report to the States in sufficient time to enable a debate by the States at or before the March States Meeting 2016 containing:

(i) recommendations regarding the merit or otherwise of selection at 11 and the optimal size, number and location of secondary schools to deliver a broad and balanced curriculum,'

I want to focus on the word 'location'. The Minister assures us that La Mare is the right site for replacement secondary school provision. No doubt that is because his Department has done an 2345 analysis of the secondary estate which has shown that La Mare is socially and educationally the most appropriate and best value location. May I ask, however, if that analysis has been done under a scenario where the Grammar School is no longer a selective school, because if it has not been done and taking the wording of this Proposition into account, surely we cannot say at this point that replacement secondary provision will occur at La Mare even if the Department meets 2350 the timeline of the amendment?

I would just appreciate the Minister's comments on that particularly point.

Thank you.

**The Bailiff:** Deputy Collins.

2355 **Deputy Collins:** Thank you, sir.

I would just like to say a few words in reply to two Members. Deputy O'Hara said Culture & Leisure could go through the SCIP process but with all the other projects, we are not. How sad. Fight the fight and that is all I am going to say on that – and I do value his support with regard to sport.

2360 Deputy Gillson, our Home Minister, sports hall – question mark. Personally, I have always had an issue when we are talking about capital projects that have a life of 20 or 30 years, when the pot of money raised to pay for that is only actually put together over three or four years. So I think it is certainly value for money.

2365 Deputy Duquemin has actually taken away my next speech which I wrote about the impact of sport. It does actually reduce crime in the long run. So I would ask Members to actually support 1(d).

Thank you.

**The Bailiff:** Does anyone else wish to speak? No?

2370 Deputy St Pier. (*Interjection*)

He was not expecting to speak.

**Deputy St Pier:** Sir, I am going to begin with a confession. Over the last few weeks I have been taken some mentoring lessons in humility. (*Interjections and Laughter*). He was there before me, as always. (*Laughter*) Having listened to Deputy Trott's first and only public apology during the Personal Tax Pensions and Benefits Review, I felt he was the perfect mentor.

2375  
2380 Seriously, I do wish to draw attention to a comment which was made in the questions and answers that have been distributed by the Department, and in particular drawing attention to the fact that working to Education's September 2017 deadline, in trying to co-operate with Education to achieve this I think Treasury & Resources has allowed, on those very tight timelines, Education to progress on developing its design and progressing the project without us ensuring that the concerns we have were fully addressed and the risks and concerns we had were fully addressed, as had been highlighted by the reviewers. And as we have said in our Q&A, I think that is part of the reason we have got to the position we have got to. We do need to review those processes.

2385  
2390 Clearly we did have concerns at many stages and despite the appearances now, in the last couple of days, where it does appear like it has been a journey of conflict, we have worked very hard to try and find a route through. I think those who know me and in particular my style, perhaps more so than some other members of my board, will know that it is perhaps I who must accept the greatest share of responsibility on behalf of Treasury & Resources for the consequences of allowing that process to plough on.

To be fair, I do not think Education are entirely without fault in this process. I think there are many who have had concerns about the presence of minors in the media and so on. Just referring to the meeting at Beaucamps last week, I gatecrashed that event and I was very grateful that Education welcomed me and they allowed me to be present – and they did indeed invite me to respond to the questions that were there. There was clear public hostility, but I think Education could have done more to reassure those present and I think that is unfortunate. So there are definitely lessons to be learned.

2395  
2400 Alderney Representative Jean, yesterday said that he was expecting perhaps more to have come out of the Independent Review Panel, particularly in relation to value for money and it was not here – he said, 'It is not there.' And I think he is right to some extent, it is not.

2405 I think to some extent we did address this yesterday, and whenever any Department comes up against a challenge from T&R it can be a cause for friction, and I think there is absolutely nothing unusual about that. It is entirely normal and I think it is probably even healthy actually. Commerce & Employment – the Ministers' chairs are empty – but Commerce & Employment very much had that with the Digital Greenhouse and Locate Guernsey. Environment, who are here, had it with the

buses. PSD had it with the long sea outfall and they are almost certainly going to face that with the waste infrastructure.

I was delighted with Deputy Dave Jones, yesterday... it was encouraging, as he often does, that Treasury should have more powers –

2410

**Deputy David Jones:** Steady, steady.

**Deputy St Pier:** Yes. That is very much it, more power so long as they do not apply to Housing's projects, (*Laughter*) because Housing again certainly has faced it in relation to housing projects. Culture & Leisure have faced it with the heat pump at Beau Séjour. Home faced it with the prison fencing, and poor old HSSD face it all the time. (*Laughter*) So it is a normal part of the process.

2415

But I think Deputies De Lisle and Gillson, and Alderney Representative Jean and to some extent Deputy Trott and Deputy Dorey of course, have all made the same point about the challenges which existed in the Independent Review Panel and the questions about value for money that arises. And I cannot actually think of a single change which has been made to this project as a result of input from outside the EDP team.

2420

So if we go through some of those challenges and how we are going to need to address those in the next few months. As Deputy Dorey said, the current UK space standard which is set out in BB103 would produce a design for the secondary school nearly half the area, as he says, although, quite rightly, as the Chief Minister has said, that is not largely a recommended standard. It has been acknowledged that standard is driven entirely by UK fiscal issues and does not necessarily produce the best education outcomes, hence the reference to BB98 and 99.

2425

However, we do have concerns that no attempt has been made to evaluate or review the benefits in relation to the 16% increase in area – the so called Guernsey uplift – and for example no attempt has been made to look at the actual curriculum in use versus that which was envisaged when it was theoretically calculated and the impact of IT changes since 2005, since the policy was adopted. So there are some legitimate questions around that. And on top of that of course, Guernsey's smaller class sizes of 24 versus 30 in the UK, mean that the design is bigger again and hence this reference to 27% – and then we get into all the dispute about what that means.

2430

2435

We then of course, have the consequence of designing the common areas for the school of 600 to enable it to be expanded to 960, and that does mean that is part of this issue why we say it does make sense to look at whether it should be built, from the beginning, to a larger size because some of those issues about space may well be addressed in that challenge. And of course, the application of the secondary space standard to the primary school has been even less tested and our concern is that that does not become the new space standard for primary without it having a solid foundation.

2440

The sports centre has been described as having been designed as a schools facility for community use, not a community facility for use by a school during school term hours. And there is an important, but subtle difference between those two. The Review Panel felt that some of the space budget for the secondary school would be better used for the sports, nursery and Autism units which they felt were too small. So by way of example, they felt that the corridors of the sports centre could be gridlock if there were over 500 spectators in there, and the circulation areas in the nursery could be too tight. And neither have we taken any account of the incremental impact on Beau Séjour's revenue in any of these numbers.

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2450

So, there are a lot of loose ends and outstanding issues.

Now, Deputy Conder quite rightly said that Education have addressed the recommendations in the policy letter and I would say they have responded to – they have definitely responded to each of those challenges – but whether they have been addressed, I think is an issue.

2455

But there is – and this is an important issue – the extant resolution from November last year and I do just wish to, forgive me, quote it because it is important. It is a direction: 'To direct the

Treasury and Resources and Education Departments, following the Independent Review in Proposition 3' – which is the one we are talking about –

to undertake a formal value management exercise involving independent and appropriately qualified facilitators and the project team in order to ensure that the Project meets the recommended and approved scale, scope and specification and represents best value to the States.'

2460

So there is a formal value management exercise, that is part of normal project management anyway, but it is absolutely a critical part of where we are going from here.

2465

But I think Deputy Trott's point, and again Deputy Dorey, we should be under no illusions that these Propositions relate very much to the project which Education have scoped and that is what is being approved and that is what will be value-engineered and value-managed, as opposed to anything else.

2470

So I think the States having decided not to postpone the project yesterday, through the Bebb amendment, and we have therefore moved the project on as scoped... I would like to give Deputy Domaille in particular the reassurance that Treasury & Resources are certainly, absolutely committed to ensuring that we do now get best value from here. That is probably no reassurance at this stage to Education, but it is the words that Deputy Domaille wants to hear, that we will be very awkward. That again is the expectation of Deputy Domaille and I expect others. And I think we clearly need to work very closely with Education, but we do need to provide that very robust challenge in the months ahead and I think we need to learn the lessons, going back to where I started this particular speech, of how we have managed to work with Education before and how that has contributed to the position that we have found ourselves in, and ensure that we do produce the best value for the taxpayer and the right project for the Island.

2475

Thank you, sir.

2480

**The Bailiff:** Unless anyone wishes to speak, Deputy Sillars will reply to the debate.  
Deputy Sillars.

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

2485

Deputy Dave Jones, yes I agree. Thank you very much. *(Interjection and laughter)*

Deputy Ogier, yes we will review this. We want to review it and we will, and this really goes back to part of Deputy Trott's comments as well. So that will be reviewed.

2490

Deputy David De Lisle, no you are again incorrect. It was always designed to do what we have brought forward. That is what went into the Capital Prioritisation debate and that is where it has always been. We never proposed to build just a secondary school in this term. This proves that we are not just sticking to an easy P1, over the last 15 years. It has evolved. So you suggest what exactly? I do not quite understand. We leave the leaking primary school? It is not necessary? And then we just go onto your comments on the West. I wish you would get up to date, because –

2495

**Deputy De Lisle:** I will add clarification if I may, sir? What I was –

**The Bailiff:** Well, no. You have already made your speech. There is no provision under the Rules –

2500

**Deputy Sillars:** I am not giving way, sir.

**The Bailiff:** This is not a point of correction and he is not giving way.

**Deputy De Lisle:** Well, the Minister is asking me to explain.

2505

**Deputy Sillars:** No, I am not. No, I am telling *you*. *(Interjections and laughter)*

**The Bailiff:** Deputy Sillars.

**Deputy De Lisle:** Elaboration is always possible, sir.

2510

**Deputy Sillars:** In the West, the school you are referring to now – and perhaps you would like to go and visit it – is actually a two form entry.

The other two schools I told you about yesterday, I am glad that Deputy Sherbourne put you right on that one and I actually thank Deputy Green for answering the question I really struggled to understand. So thank you both for answering that.

2515

Deputy Domaille, I fully agree with you and I have already said in reply to Deputy Scott, that we will review the process. *(Laughter)*

**The Bailiff:** Deputy Ogier.

2520

**Deputy Sillars:** Scott Ogier, sorry. Peter Scott, no, wrong one. He looks a bit like Peter Scott with the beard. No.

We have been awkward to each other. I think we have shown that and we have the ability to be very awkward. So actually I really wonder how awkward we could be if we worked together, but we will have robust 'shandies' to each other but also, I am certain we will be very robust with others as well.

2525

Deputy Laurie Queripel – I am getting tired – I assure you that local work has been considered with a choice of the two final tenderers. I fully agree we want most of the money to stay in Guernsey. That is absolutely right and that is still part of the States' Procurement Process.

2530

Deputy O'Hara, I agree. It is obvious that we should work together and I am pleased we have as far as the sports hall and things are concerned.

Deputy Lowe, once we have a vote and a decision, then yes we will be contacting all our teachers and we will be doing a press release – I am trying to contact as many people as we can but time is running out.

2535

**Deputy Lowe:** Could you just... sorry. And just as importantly, notes to parents, please.

**Deputy Sillars:** No, I picked that up. I was trying to be vague-*ish*, because time is against us at the moment and it is half term and, yes.

2540

Deputy Gillson, I think several people have answered your comments and I align myself to all those who tried to put you correct. I do not suppose we will succeed. No.

Deputy Brehaut, an area I know very little about but I know more than used to. The Autism and Communication: I certainly am not an expert but there are over 160 diagnosed children with autism and the Centre was already planned... at Amherst they are in a hut and at Le Murier they are very tight for space. I will try a little bit, but there are certain children at a certain level in the spectrum who will benefit by being in a centre, actually between a primary and a secondary. They do not like travelling, they do not like new things and it is to try and get those to get a feel without having to move them and to really look after them.

2545

The other point is, there is a range within the spectrum and some are actually in the mainstream and wherever we can we try to encourage that. But as I say, because there are 160 of these children it covers a multitude of issues.

2550

Deputy Trott, I have got a blank so I am not quite sure... I think that my very good friend Deputy St Pier answered those questions, I hope.

Deputy Gollop, we did consult with our experts and they fully support the recommendation regarding the autism.

2555

Deputy Dorey: I am going to answer Deputy Dorey's I think, I hope – and also the T&R Minister's points. I am not used to using these machines.

'Former EFA design chief regrets cuts in school sizes.'

2560 This was released very recently –

The former design chief who led the development of the government's controversial baseline designs for schools has told [the magazine] that she believes they may result in buildings which are too small.'

It goes on to say that she feels she has made a mistake and that it is unfortunate.

2565 I could read out... because regarding the BB98, I touched on it very briefly when I replied to Deputy Harwood. I have got here... I am tempted not to read it all out, but basically it is to really emphasise, 'The BB98 sets out non-statutory area guidelines for secondary school buildings, to check that the number, size, types of rooms in the new designs are at least that recommended for the six categories of usable space. Every mainstream school is expected to need at least the total net area.'

2570 There is masses more but the point they are making it is absolutely the baseline, and I said very briefly to Deputy Harwood, that you are encouraged, if that is the right word, to expand the size to allow you to deliver the curriculum. Now, people are talking about 27%, 45%. This is not right. What is it, it is 12.7% larger than the BB98 and this is what it has been designed to do.

Deputy Duquemin, I agree with you.

2575 Deputy Wilkie, we have consulted and I have already replied, so – oh, he is not here.

Deputy Luxon, yes, I absolutely agree with your statement. So, thank you.

2580 Deputy Burford: location. La Mare is the right site. At the beginning of this project we actually looked across the whole Island, we did not just look at what schools we have got, we looked across the whole Island and said, is there anywhere more... I mean, La Mare is not perhaps in the most perfect area as far as the sea level is concerned and things like that. So we looked across all sites as to where this school and various other schools could be built and there was nowhere that got anywhere near where we were already with the La Mare.

2585 And the point I think you asked was about, didn't we look at the Grammar School? Back in November, in our Report, we did say that we had looked at not rebuilding La Mare at all; we looked at extending St Sampson's; we looked at growing the Grammar School. And the cost came out considerably higher than actually the rebuild of what we are proposing to do now at La Mare. And if I remember rightly, the Nicholls Report did look at that option as well in their Report and concluded that we had got that right.

2590 Deputy St Pier, the real comments are as far as the primaries... we will work with you and we will explain why we are where we are, and you will come back and I will agree or disagree and we will go forward from here.

2595 Just an example on the primary, the new design, your concern is that we will set a standard that will give us the Rolls Royces of tomorrow for primary. The Forest School, if memory serves correctly, is about 9.2 metres per child. It is huge and it is way at the top of our league of size per student primary ratio. What we have designed for La Mare only puts us in the half way so if we have got 11 primary schools, it is half way in the rankings for size. At the moment it is the third smallest, because we have got lots of schools there that are over 100 years and we want to make the benefits of what we have got. But I am more than happy and we will talk to you about that.

2600 Culture & Leisure I understand have looked at the potential impact on Beau Séjour and so this has been done from what I understand, and it is felt that there are more opportunities by revenue coming towards La Mare which cannot be accommodated by Beau Séjour and there is double-bookings – and I am glad to see people nodding their heads in agreement.

2605 We have always understood that we will go through your T&R process. We know that and this is the whole point really of where we are today. I think people are surprised that we are suddenly stalling – I would say the delay – but we have always had this process and I think people listening today have not understood that there is still a whole process to go through, which we have to convince T&R to go to the final business case. That has always been there, that has never been taken away and we have never tried to stop that from happening.



2610 I had huge concerns as to how successful we would be, but I am hoping that following where  
we are now, we will have more success. And we will engage with T&R and work through all these  
issues and I will repeat my offer. You came off the board and there were very good reasons I  
suspect for that – not that I understood them particularly – but I do think that it would be very  
2615 useful if you engaged with us, saw where we were going and we could stop the delays and  
communicate better. You are a very busy Department, I understand that, and whilst this is a big  
issue for us you have many big issues to deal with, but I really think that it would be useful for you  
to come onto the board, bearing in mind where we have come from.

So having said all that, I am wrapping up and please vote for our States' Report and let's get  
on with it.

Thank you.

2620

**The Bailiff:** We come to the vote on the Propositions.

They are of course the amended Propositions, amended as a result of the successful  
amendment proposed by Deputy Sillars and Deputy Conder and carried this morning. You should  
have had circulated to you this morning, a consolidated version of the Propositions incorporating  
2625 those amendments.

We have had a request for a separate vote on Proposition 1(d), it is perhaps a little untidy to  
take that separately, but rather than have a further amendment that would isolate that in a way  
that it could easily be voted upon, I suggest that we take a vote on Proposition 1(d).

2630

**Deputy De Lisle:** Can I ask for a recorded vote on 1(a), please?

**The Bailiff:** Right, 1(a). Let's have a recorded vote –

2635

**Deputy Fallaize:** And could we have a recorded vote on everything, apart from 1(d) then?  
(*Laughter*) Not separately but just altogether.

**The Bailiff:** I think Deputy De Lisle wants 1(a) separately from everything else.

**Deputy De Lisle:** Yes, separately, sir.

2640

**The Bailiff:** So, we will vote on 1(a), then we will vote on 1(d), then we will vote on everything  
else. Whether it will just be 1(b), 1(c), 1(d), 1(e) and 1(f) or whether we vote on all of them, I think  
we will decide when we get there. Let's take them one at a time.

Let's start with a vote on Proposition 1(a) which is 'the replacement of the High School facilities  
2645 for a five-form entry school for up to 600 students with scope for expansion for up to 960  
students and for the replacement of the High School facilities for an eight-form entry school for  
up to 960 students', subject to the preamble that you have got there before you.

**Deputy Conder:** Is that a recorded vote, sir?

2650

**The Bailiff:** It is a recorded vote on 1(a).

**The Deputy Greffier:** Starting with Castel, sir.

2655

*There was a recorded vote.*

**The Bailiff:** Well, Members, that was clearly carried. I think we can move on with further votes  
while those votes are counted.

So the next vote is a separate vote on Proposition 1(d). Those in favour; those against.

2660

*Members voted Pour.*

**The Bailiff:** I declare 1(d) carried.

2665 We will vote on the remaining paragraphs of Proposition 1. The remainder of Proposition 1.  
Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare it carried.

2670 And then, vote on Propositions 2, 3 and 4 together. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare all the Propositions carried, as amended. (*Applause*)

### Procedural

2675

**The Bailiff:** Well, Members, it is now 4.23 p.m. on Friday afternoon. We have two other reports to debate, the Policy Council's Report on the Financial Transformation Programme – End of Programme Report, and the Commerce & Employment Department's – Utilities – Laying and Maintaining Services in Private Land, Policy Letter. (*Interjection and laughter*)

2680 Can I just have an indication of how many people intend to speak on the Financial Transformation Programme – End of Programme Report? If you intend to speak could you just stand in your places? One, two, three, four, five, six, seven, eight, nine – there are probably about nine or ten Members. (*Interjections*). Well, they could –

2685 **Deputy Lowe:** Can I propose, sir, the Members consider leaving this until June? (**A Member:** Hear, hear.)

2690 It is to note anyway, but obviously Members want to give feedback on how they felt about how the process worked or not and it should not really be rushed on a Friday, because it has been a very important project and it should not be just, 'How many want to speak?' They should have that opportunity to speak if they hear other Members speak and then want to speak afterwards.

2695 **The Bailiff:** I think the wish of the Chief Minister would be to proceed with the debate this afternoon, but I can see there may be some merit in deferring it to the end of the June. It does not look at the moment like a heavy agenda for June, but who knows there could be further Billets yet to be published that I do not know of. (*Laughter*)

Chief Minister.

2700 **The Chief Minister (Deputy Le Tocq):** Well, sir, it is not time constrained from that point of view. It is just to note, but I think we ought to make use of the remaining time we have got here. I do not know whether the Commerce & Employment report would take as long, I am not sure. But I think we should make the best use of time.

2705 **The Bailiff:** Yes, that is what I was going to... I was going to get an indication, but I was going to be suggesting that perhaps we could take the Commerce & Employment Department Report next, and then see where we are.

So I will put that Proposition to you, that we debate next the Commerce & Employment Department Policy Letter on Utilities Laying and Maintaining Services in Private Land. Those in favour; those against.

2710 *Members voted Pour.*

**The Bailiff:** Right, we will take Commerce & Employment Report next.

**I. Redeveloping the La Mare de Carteret Schools' Site –  
Result of vote announced**

*Proposition 1(a) of the Education Department Redeveloping the La Mare de Carteret Schools' Site  
Carried – Pour 41, Contre 1, Ne vote pas 0, Absent 5*

<b>POUR</b>	<b>CONTRE</b>	<b>NE VOTE PAS</b>	<b>ABSENT</b>
Deputy Duquemin	Deputy Paint	None	Deputy Brouard
Deputy Green			Deputy Inglis
Deputy Dorey			Deputy Storey
Deputy Le Tocq			Deputy Bebb
Deputy James			Deputy Spruce
Deputy Adam			
Deputy Perrot			
Deputy Wilkie			
Deputy De Lisle			
Deputy Burford			
Deputy Soulsby			
Deputy Sillars			
Deputy Luxon			
Deputy O'Hara			
Deputy Quin			
Deputy Hadley			
Alderney Rep. Jean			
Alderney Rep. McKinley			
Deputy Harwood			
Deputy Kuttelwascher			
Deputy Brehaut			
Deputy Domaille			
Deputy Langlois			
Deputy Robert Jones			
Deputy Le Clerc			
Deputy Gollop			
Deputy Sherbourne			
Deputy Conder			
Deputy Lester Queripel			
Deputy St Pier			
Deputy Stewart			
Deputy Gillson			
Deputy Le Pelley			
Deputy Ogier			
Deputy Trott			
Deputy Fallaize			
Deputy David Jones			
Deputy Laurie Queripel			
Deputy Lowe			
Deputy Le Lièvre			
Deputy Collins			

2715 **The Bailiff:** Just to confirm the voting on Proposition 1(a) of the Education Department's proposals, there were 41 in favour; 1 against. I declare that formally carried.

## Billet d'État IX

### COMMERCE & EMPLOYMENT DEPARTMENT

#### XI. Utilities – Laying and Maintaining Services in Private Land – Propositions carried

Article VI.

The States are asked to decide:

Whether, after consideration of the Report dated 5th March, 2015, of the Commerce & Employment Department, they are of the opinion:

1. To note the intention of the Department to discuss and review with the Public Services Department and the Law Officers the possibility of the creation of appropriate statutory rights over private land that may be exercised by water and sewerage services utility providers and, if necessary, to submit a further report to the States with proposals for the enactment of relevant legislation.
2. To approve the amendment of the Public Thoroughfares (Guernsey) Law, 1958 as set out in paragraph 6.6 of that Report.
3. To direct the preparation of such legislation that may be necessary so as to give effect to the above decisions.

2720 **The Bailiff:** The Minister for Commerce & Employment Department will open the debate on Billet IX, Article XI: Commerce & Employment Department – Utilities Laying and Maintaining Services in Private Land.  
Deputy Stewart.

2725 **Deputy Stewart:** Mr Bailiff, fellow Members. I doubt this is going to fill an hour. This is a very straightforward report, from our point of view.

We were directed by this Assembly last May in 2014 to come back with some recommendations around how Utilities have access to public land. The Report, I think, is fairly straightforward. The recommendations and the proposals before you are to note our intention to work with the Public Services Department so we can examine whether both water and sewerage need further rights under the law.

2730 The other proposed recommendation is to approve the amendment of the Public Thoroughfares Law so that Guernsey Electricity Limited basically have the same right as the telecom companies, under that law. And the final Proposition is just to go away and prepare that legislation. But I am happy to take questions, sir.

2735 **The Bailiff:** Is there any debate? Yes.  
Deputy Dave Jones, then Deputy Gollop.

2740 **Deputy David Jones:** Mr Bailiff, this is an odd Billet Item, because on reading it you would think that it sounds all very reasonable and there is no intention to enforce the will of the Utilities on private landowners. It has been very skilfully written in my view but the outcome of your vote for this will be the same and that is that yet more statutory rights are given to officials to legally invade private property. *(Interjection)*

2745 Of course, it is difficult to get permission to intrude on other people's land and so it should be. However, that does not mean you immediately rush out, pass yet another draconian law that gives the State more statutory rights for the sole purpose of riding roughshod over the civil liberties

2750 and individual rights of Islanders – and this happens in my view far too often. That is the action in my view of a bully, of a tyrant, not the actions of a Government trying to govern in a small community and its creeping hostility to individual freedom is in danger of turning us into a repressive autocratic state, where people’s rights can be swept away just by voting ‘*Pour*’ in this Assembly, late on a Friday afternoon. I have just added that bit, that was not in the – (*Laughter and interjection*).

2755 Voting on what often looks like pretty innocuous Propositions but we are in fact giving yet more sweeping powers to officials over the rights of the individual. I have made this point in this place before. This is not new for me and I repeat it now. At one time the only people who could demand access to people’s property were the Police and even they needed a warrant granted by a judge. Now apparently a whole army of petty officials have been given these rights over people’s individual property and in my view it is a gross infringement of the people’s liberties.

2760 In the 1890s, US Supreme Court Justice Louis Brandeis articulated the concept of privacy that urged that it was the individual’s right to be left alone. Brandeis argued that privacy was the most cherished of freedoms in any democracy and I agree with him.

The preamble to the Australian Privacy Charter provides that:

‘A free and democratic society requires respect for the autonomy of individuals, and limits on the power of both state and private organisations to intrude on that autonomy.’

2765 I agree with that too, and to my mind that is as it should be.

I will not be supporting this proposal from Commerce & Employment to hand over yet more powers over personal freedom to officials and I support the right of homeowners to say no when it comes to overriding the personal rights of their private property.

2770 Now, you may think this is all a little over the top – I am sorry, I will not give way, because I have only got a couple of words left to say.

You may think this is all a little over the top, just to give the water company more powers and we have heard from the Minister that he wants those powers extended now to all and sundry, all the other utilities –

2775 **Deputy Stewart:** Point of correction, sir. That is not what I said.

**Deputy David Jones:** – sorry, to do what they seek on somebody else’s land or that it is just for the benefit of the community as a whole. I disagree. This is yet more creeping legislation that takes away people’s ability to resist should they chose to do so and the fundamental right in any democratic society to say no.

I do not support this Proposition.

Thank you, sir.

2785 **The Bailiff:** Deputy Gollop.

2790 **Deputy Gollop:** I was thinking I could speak for an hour on a good day on this topic (*Interjections*) because I rather agree with Deputy David Jones that in fact this is a curious policy letter in a number of respects. For a start, Commerce & Employment are presenting it whereas one might have thought it would have been Treasury & Resources, the Property Department, the Policy Council as a generic whole, or of course Public Services Department. Commerce & Employment are kind of putting the same thing twice, because we have already looked at this before and this has come back and reading between the lines it might appear that they have had certain consultations with law officers and other advisers that urge them to go very cautiously in this area, because it is potentially a minefield.

2795 I would like to know what compensation might be payable to land owners affected? And why for example the gas utility does not appear to need any of these powers? And in what way will powers regarding water and other public services like sewerage, be used? How frequently and

what the process will be? Will there be just a right of easement or will there be on occasions a desire for some form of permanent contract or even compulsory purchase?

2800 I think this whole question needs a lot more detail in explaining it to States' Members and indeed the wider community, as to the costs and implications of the exercise. And also of course, there is a parting reference to Human Rights and how this might affect our relationships within the current context of the Human Rights Law that we have for the Bailiwick.

2805 **The Bailiff:** Deputy Laurie Queripel, then Deputy Domaille.

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

2810 When it comes to debating these types of reports and Propositions, Deputy Dave Jones may use some rather dramatic language to voice his concerns (**A Member:** Hear, hear.) but I actually agree with the principle he is raising, in that every time we approve something like this, even though we are sure that it will be used as an action of last resort, which is a good thing and I am sure that will be the case, but the fact is that every time we approve something like this we are giving extra powers to the State, to the Government and to unelected officials, and potentially diminishing the rights of the property owner.

2815 Now, the Report tells us that everything possible is done to negotiate access, which is also comforting, sir, because co-operation is better than compulsion. But it certainly provides a considerable advantage if at some stage one party can pull out a trump card to exert or impose their position, notwithstanding the safeguards and the appeals process, etc. that will be in place.

2820 Now, sir, I know this is only in effect an extension to existing statutory powers that most utility providers can already access – so the train in that way has already left the station. But I am somewhat reluctant to again agree to further increasing the powers of the State and diminishing the rights of property owners. (**A Member:** Hear, hear.)

2825 It seems to me every time we add a layer of statutory law upon common law or customary law, which has sufficed for many, many years, that what we do is we potentially dilute the rights of people and extend the reach and power of Government and Government officials.

2830 Now, sir, there are a couple of other issues that I have considered and if I have read this Report right, although a consultation was carried out with interested parties and that was directed by the successful amendment that was laid against the original Report, I must apologise to Deputy Stewart if I am wrong on this, but I do not think there was a public consultation. I do not think it was directed that there should be a public consultation, but there was a consultation carried out and I think it said it had to be with interested parties, sir. But I rather think that interested parties would include property owners in regard to Propositions like this. So I wonder if the Minister can let me know if there was a public consultation or if the consultation was only carried out with particular parties.

2835 Also, in the case of Guernsey Electricity, they have recently been removed from regulation. So how will that affect Guernsey Electricity's relationship – if it does at all – with a Code of Rights Schedule mentioned in paragraphs 3.2 and 3.3? It says:

'a Schedule that sets out a Code of rights which may be exercised to gain access to and to install and maintain equipment on *any* land. These legislative provisions were introduced when electricity and telecommunications services were made subject to independent regulation'.

2840 Now, does that code of rights, that Schedule, still apply to Guernsey Electricity now they have been lifted out of regulation by the Regulator, sir? So it is a technical point really.

Finally, looking at paragraph 1.2c):

'rights of access to and to install and maintain equipment on private land for water and sewerage service providers, based on the same principles as the rights, powers, duties and obligations that apply in respect of relevant telecommunications and electricity providers, should be explored'.

2845 Now, sir, bearing that in mind what happens if people and property owners have concerns –  
and this is not hypothetical, it is the kind of thing that has already happened – about for example  
the possible health risks of some of the equipment being installed on their land? We know that  
has happened with regard to some people who have concerns about the possible health risk of  
2850 mobile phone masts, or they could be concerned about the devaluing of their property as a result  
of that installation, or they may feel it aesthetically affects or has a detrimental impact upon the  
aesthetics of their property if that installation goes ahead.

How can property owners who have those concerns – either the possible health risks with  
regard to the equipment being installed, the aesthetic effects or the devaluing of their property –  
raise those issues and have them addressed to their satisfaction? Or can those concerns be  
2855 overridden and the equipment will be installed anyway, regardless of their concerns, sir?

Thank you, sir.

**The Bailiff:** Deputy Domaille, then Deputy Ogier.

2860 **Deputy Domaille:** Thank you, sir.

I share the concerns that have been raised by Deputy Jones and I think that infringing on  
people's rights should be a last resort. I do take some comfort from some of the words in here but  
actually I have not seen the words, 'last resort'. I have seen the word, 'expediency', but I have not  
seen words 'last resort', so I am concerned about that. So I need some convincing this will actually  
2865 be a last resort.

Following on from that, there is no mention here of the recording of the location of these  
works. So that if for instance there is an electric main going underneath a property, then I think  
that the location and depth of that main should be recorded (*Interjections*) and that should be  
documented somewhere. And that has also got a relevance for if someone then wants to move on  
and sell their property, I am very sure the lawyers will want some sort of statement as to what sort  
2870 of services are underneath this land, and again I would be looking for something in here that will  
give me some comfort, that any costs involved with that would be met by the utility companies.

Then there is a final point here, which it is silent on the removal of these installations. Now if  
these installations are no longer required and are not being used, then they should either be  
2875 removed or cut off – but there should be some provision for that.

And, sorry, I did say final point, but I have just remembered the other one now, which is, it is all  
to do with the compensation. Now, compensation to one person is compensation for the fact that  
the main is crossing their land, but actually it is about this expediency point as well. If, actually, the  
alternative for, shall we say, the Electricity Board is going to cost, say, £10,000 and there is a  
2880 formula for setting for rights of way across property, the value is used and that comes in at £5,  
then I think there needs to be some balance in this equation between the compensation that is  
paid and the alternative cost and disruption involved elsewhere.

Thank you.

2885 **The Bailiff:** Deputy Ogier.

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

I have heard the concerns of some of the Members... We are not at the stage, really, where  
these concerns need to be raised, because what is being proposed here is that a discussion takes  
2890 place between Commerce & Employment and Public Services Department where these issues will  
be on the agenda and whatever conclusion we come to may or may not be the subject of a future  
States' report, of which Members will have the power to accept or reject as they see fit.

The sort of rights that are being mentioned are outlined in 5.9, which may include the right to  
enter land for the purposes of inspection.

2895

**Deputy David Jones:** You shouldn't have that right. (*Interjection*)

**Deputy Ogier:** I give way.

**Deputy David Jones:** Sir, I have come across this before –

2900

**The Bailiff:** Is your microphone on?

**Deputy David Jones:** Sorry. This is only going to be a discussion and then we will go away and we will come back with the legislation.

2905

My view is that this Report, if you give tacit agreement to that, to start with, then you are agreeing, almost, to the fact that people's rights can be swept away in a future Billet that may come back with the detail. I simply say that you should not even go that far. You are saying that people should have the right to come onto people's property to inspect it. Why should they? This is people's private property. Why should anybody have a right, from the state, to encroach on that property, just on the guise that they want to inspect it? It is none of their business!

2910

**Deputy Ogier:** I am not saying anything of the kind. I am saying Commerce & Employment and Public Services Department should have a discussion about it and it may well be that we come back or do not come back.

2915

Regrettably Deputy Jones refers to our valued civil servants at petty officials, which I think is regrettable, and he refers to legislation – of course this is not legislation – and sometimes Deputy Jones needs to be taken to task. Of course, I bear in mind, one should never argue with Deputy Jones, as people watching may not be able to tell the difference and, anyway, he is far more experienced at arguing at his level and will beat anyone attempting to do so.

2920

On 5.9, we see the sort of rights that may be explored between the Commerce & Employment and the Public Services Department before coming to an agreement and, if the agreement is that we do not proceed, then we do not proceed. If the agreement is we wish to put it before the States, then that is what we will do, sir, at that time.

2925

With regard to Deputy Queripel's point on GEL, I know, for instance, in taxation purposes, it will still continue to be treated as a regulated entity for the purposes of taxation, although it is no longer a regulated entity. I would think that it would continue to be a regulated entity as far as the points are concerned, but that is something that I can clarify for Deputy Queripel – not during the course of this debate, I am afraid, unless Deputy Stewart has the answer.

2930

I think that is all I needed to say at that stage in response to some of the points that have been raised.

Thank you.

**The Bailiff:** Deputy Sillars.

2935

**Deputy Sillars:** Sorry, sir, I am quite confused, because I am inclined to vote against this, because I do not really understand, 'You may come back, you may not come back.' You have just said, 'You may come back, you may not come back' – that is what I think you just said. It is what I heard. I am getting tired. But, it is what I think you said, so I was wondering why has this come here, if it was to give you an indication of the way forward? If we unanimously agree to do it, well you will just go off and say 'Well the States told us to do it'. If you are going to bring it back and there is some meat coming back and we are going to vote on it, then that is great. But, just to hear that you may or may not, I am not very comfortable.

2940

**Deputy Ogier:** Well, that is what is contained within recommendation 1 which is:

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'to note the intention of the Department to discuss and review with Public Services Department and the Law Officers, the possibility of appropriate statutory rights ... and to submit a further report to the States with proposals for the enactment of further legislation, if necessary.'



If it is necessary, we will come back with any proposals, but if we do not believe, in discussion amongst the Departments, that we will to take it any further then, obviously, we will not return with a States' report.

2950 **Deputy Sillars:** So, the time is to vote against it now or let you know we are not happy, so that point is, now, that we let you know that we are not comfortable with taking that decision, if we feel such.

**The Bailiff:** I was going to call Deputy Le Clerc next and then Deputy Luxon.

2955

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

I was really rising to make the same point as Deputy Sillars, that I am not sure why this report was brought to us in the first place if the intention is to just have a further discussion and then come back.

2960 And then just picking up on Deputy Domaille's point. One of the other things that I cannot see in here is if there are problems with the pipes or whatever is under the ground and who would be responsible, then, for repairs, etc. to those works. So, that was just a point I wanted to.

**The Bailiff:** I think Deputies Fallaize and Deputy Rob Jones wanted to draw attention to paragraph 1.1 of the Report that points out that there is a Proposition that directs the Commerce & Employment Department to report back not later than May 2015, so maybe that is why they have come back in May 2015. I know there has been some comment at this meeting that Propositions or Resolutions are sometimes ignored. This one, apparently, is being obeyed. *(Laughter)*

2970

**Deputy Stewart:** Thank you for the compliment, sir.

**The Bailiff:** Deputy Luxon.

2975 **Deputy Luxon:** Laser sharp, Mr Bailiff. Congratulations.

Sir, just three points: 6.1, actually talks about measure of last resort, Deputy Domaille, and the words within here actually talk about these measures only being used as a last resort.

2980 And, for Deputy Gollop, 5.4 sets out the existing code that exists for telecommunications and electricity, which absolutely talks about making good any damage, obligation to pay compensation and a right of appeal from the land owner.

So, what I would say to Deputy Dave Jones, which is why I tried to draw his attention to give way, is, if a private landowner decided to unreasonably restrict water or sewerage facilities from being laid to a housing target area that might provide 300 or 400 social houses, I am sure Deputy Jones would probably... Like me to give way.

2985

**Deputy David Jones:** That question has arisen on several occasions and we have always done it by meaningful negotiation with the land owners. We have never felt the need to recourse to law to force those upon them.

2990 **Deputy Luxon:** And I am sure Deputy Jones handled those negotiations charmingly and smoothly. *(Laughter)*

Sir, this is not Big Brother human right infringements. It is simply allowing the Island to functions, should it need to, for the Island's best interest.

Thank you, sir.

2995

**The Bailiff:** Deputy Gillson.

3000 **Deputy Gillson:** Sir, I have grave doubts about this Report. I do not think it actually does what the resolution they had said it did, because it does seem odd, coming here with two Departments asking for permission to go off and talk to each other. That seems to be what we are being told it is all it does and I just find it a bit of a nuisance.

3005 I interpret the resolution included in 1.1 that, by May, they were supposed to come back to with some recommendations, not just some sort of interim report which says, 'We may do this or may do that.' I cannot see the point of this Report. I do not think it does what it was supposed to do, in terms of complying with the Resolution and I am concerned about the lack of detail. I am quite tempted to vote against this.

**The Bailiff:** Deputy Sherbourne, then Deputy Fallaize, then Deputy Quin.

3010 **Deputy Sherbourne:** Thank you, sir.

3015 Mr Bailiff, Members, I have no objection to any Departments talking to one another and discussing possibilities (*Interjections and laughter*) but what does concern me – I do share the same concerns as others have already expressed. It does concern me that we are actually going to, by agreeing to d) to direct preparation of legislation. Now that concerns me, because legislation takes a long time to get together here and I can understand it being a bit of a shortcut, 'Let's come with a proposal *and* the legislation.'

3020 I am happy for them to come with proposals for discussion and for agreement from this States and then look at legislation. I do not want to have legislation workloads increased throughout the States. Is that correct or wrong?

**Deputy Ogier:** I really think the legislation refers to... Perhaps the Procureur would like to explain.

3025 **The Procureur:** Well, I am sure Deputy Ogier is going to say the same as me. It is 'direct such legislation as may be necessary to give effect to their above decisions'. The only decision which will have been made, for which it will be necessary to prepare legislation, is to amend the Public Thoroughfares Law in order to give the electricity people the right to dig up the roads or something like that. They seem to be able to dig up the roads quite regularly between my house and this Assembly anyway, but... (*Laughter*)

3030 So that is all that is about. There need be no concern.

**The Bailiff:** Deputy Fallaize.

3035 **Deputy Fallaize:** Thank you, sir.

It is odd to hear Ministers, one after the other, almost, standing up to oppose this Report, because there is a letter of comment which says the Policy Council supports the proposals. (*Laughter*) Far be it from me to point out the dysfunctional nature of this august body, but there is a Billet out on Monday which says the Policy Council broadly supports the proposals. I am now getting nervous.

3040 I think Proposition 3 asks for the preparation of legislation that may be necessary to give effect to the above decisions, but the point I wanted to make was that Proposition 1 is only to note something. It is neither to agree nor to disagree, so it would not be possible for anyone, not even Her Majesty's Procureur, to draw up legislation to give effect to anything which relates to Proposition 1, because the States are not being asked to agree to anything in Proposition 1.

3045 **The Procureur:** Does he want a bet? (*Laughter*)

**Deputy Fallaize:** And so, I think, clearly, if Proposition 1 loses, then the States will have achieved nothing, because the two Departments are going to have the discussions whether the

3050 States give them permission to or not. So, I think it would be a Pyrrhic victory for those who oppose what they think may, in due course, follow, as a result of Proposition 1, to have it defeated, because, actually, those discussions can happen anyway.

I think, really, sir, Deputy Jones has created a fuss about nothing and I recommend that he reads that Communist manifesto, which proposes the abolition of private property.

3055

**Deputy David Jones:** On a point of information – (*Laughter and interjections*)

**The Bailiff:** There is no such thing under the Rules! Deputy Quin will speak next. Were you giving way or had you finished?

3060

**Deputy Fallaize:** No, I would like to give way to Deputy Jones, yes.

**The Bailiff:** Oh, you are giving way. Sorry, you are giving way. Sorry, I did not realise.

3065

**Deputy David Jones:** Deputy Fallaize made the point that this is only to note. I might remind States' Members, that you agreed to note the Port Master Plan, of which large chunks are being implemented as we speak down at the harbour. So, noting something does not stop it happening.

**The Bailiff:** Deputy Fallaize.

3070

**Deputy Fallaize:** Well, sir, I think, clearly, things are only happening at the harbour if they are within the mandate of the Public Services Department. If they are not, then Deputy Jones must bring a Requête to the States and draw our attention to this governance problem.

Thank you.

3075

**The Procureur:** Sir, to turn the tables on Deputy Perrot, I was going to say, I am rather worried – (*Interjection by Deputy Perrot*) Is he dead? (*Laughter*)

**Deputy Perrot:** I have just lost the will to live, but...

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**The Bailiff:** Deputy Quin, then Deputy Le Tocq.

**Deputy Quin:** Thank you.

I want to thank Deputy Ogier for drawing the fact that this is the first step. Well, let us make it the last step. I agree with Deputy Jones, not so colourfully, and I notice that the Queen opening Parliament only spoke for eight minutes, but I am not going to do that. Let us leave it where it is. I do not want people wandering round other people's land. I am opposed to that and I am very reluctant ever to agree with compulsory purchase. People's land is people's land.

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**The Bailiff:** Deputy Le Tocq.

**The Chief Minister (Deputy Le Tocq):** Sir, Deputy Fallaize somewhat stole my thunder, but I was going to point out to my Ministers – and I have done so privately up here – that they had opportunity to raise these things around Policy Council and clearly not, because we have put that in the Report. But, then, of course, they may not have been present, (*Laughter*) so it true to say that I think this illustrates precisely why the States should be supporting the proposals by the States' Review Committee. Anyway, we will not go there today.

3095

I do want to, though, just highlight what others have said and it is true that 'to note' does mean just that and so the legislation that we are dealing with here is legislation that does need to be amended, specifically, in the 1958 Law and I do not see the harm in voting for this and expecting the Departments to work together to improve the situation in the future.

3100

3105 The trouble is, when it comes to this Assembly, we do not always put things in context of what is necessary, we think of the negative and the negative then stops the positive from happening and it seems to me very apt that we should to try and think a bit more broadly than the problems that might occur before that legislation has actually come before us, so that we can look at it and make a decision in that time and that is the time to do that.

**The Bailiff:** Deputy Rob Jones.

3110 **Deputy Robert Jones:** Just briefly, sir. I think this is a symptom of us getting to the end of what has been quite a testing week, because we have this tendency to treat reports like this at the end of three or four days as 'the report speaks for itself'. I do not want to criticise Deputy Stewart, but maybe in his summing up he can actually explain to us why we are actually here, which maybe he could have done that in his opening speech.

3115 I think we have also got to be mindful as to what we interpret 'invasion' and 'wandering round people's property' actually means, because I think that is rather emotional and not an accurate reflection of what we are actually proposing here.

**The Bailiff:** Deputy Kuttelwascher.

3120

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

3125 Just a quick question, mainly directed at the Procureur. Could he confirm my opinion or view or belief or otherwise that Guernsey has no law of trespass? So, that people can actually walk about other people's land with impunity – except, of course, if it belongs to Deputy Quin, then he might get one of his guns out! (*Laughter*) But I am not sure. Is that the case?

**The Procureur:** No.

**The Bailiff:** Does anyone else wish to speak in this debate? No.

3130 Deputy Stewart will reply.

**Deputy Stewart:** Mr Bailiff, really just to run through where we are with this Report and the reason why I did not have a long opening speech is because it has been a very long week and, actually this is, if you read it, a really straightforward report.

3135 What we are proposing is, if you look at the proposals on page 1060, just to note our intention, as the Chief Minister has said, to have some more discussions with Water and Sewerage about whether they do need to be brought in line with the other utility companies.

3140 The second proposal is to approve the amendment of a Public Thoroughfares (Guernsey Law) 1958, as set in paragraph 6.6, which is about Guernsey Electricity's rights on the *public highway* – not on anyone's private land; on the public highway – and that refers you back to paragraphs 4.7 and 4.8 on page 1052. What it looks like, from that, is that the telecom businesses were updated in the Law but not so Guernsey Electricity and this is just for the public highway and then to direct to amend that legislation.

3145 Now, as Deputy Ogier has said, we are going to have more talks with Guernsey Water and Sewerage to see what sort of powers they felt they might need under the law. You know, the powers of going onto people's private land are used very, very sparingly and it is a measure of last resort. There is nothing in this Report and nothing that you will prove today which will change anyone's personal rights. All we are going to change is the ability for Guernsey Electricity to have the same rights to dig up the public highway as do the telecom companies. And we will come  
3150 back, if necessary, as Commerce & Employment and PSD, after working more with the Water and Sewerage, to come back with proposals should we feel they are necessary.

There is nothing buried in this Report. There is no Trojan Horse in here and to listen to Deputy Jones speaking, I thought I was listening to Wolfie and the Tooting Popular Front! We are not going to ride roughshod, and Deputy Quin, over other people's land.

3155 But I will make one point, that, if we had the choice, when we put in, perhaps, a new water main, in five years' time, of digging up the Forest Road and closing it for ten weeks or going across someone's field and making it good, after we have been across that field, what should we be doing? There is always that wider public interest test and that has to be right, but the States have been very sparing in the powers that they currently have, in using them.

3160 So, we may come back with a report, but we have to always take into account the wider public interest when we are looking at that. And that may well be a choice in the future: do we dig up a road and cause traffic chaos for two or three month just because someone says, 'Get off my land'? And so we will come back, if necessary, with a report. All we are asking you to do today is note that we may well come back with that Report.

3165 The other thing is, basically, please give Guernsey Electricity the same rights as the telecom companies on the public highway to bring them into line.

Guernsey Gas, incidentally, if you noted from the Report, said it was quite happy with the Law the way it is and did not want any more rights.

3170 I think I have probably answered most people's questions in that, but happy to take them, if I have not.

**Deputy Robert Jones:** Sir, I did ask two specific questions: the consultation process, was that a public consultation or was it what you just call interested parties? And, secondly, about the Code of Rights Schedule now that Guernsey Electricity are outside of regulation. Does that still apply to them?

**Deputy Stewart:** If we bring Guernsey Electricity into the Law, then the Code will, of course, apply to them.

3180 And the consultation, because this did not affect the public, was really with the stakeholders. If we do bring something to the States that may affect private landowners, then absolutely, we would look to do a public consultation as part of that process.

3185 **Deputy David Jones:** Sir, on a point of order, the Minister has just told States that this is all about the Electricity Board laying cables in the public highways, the legislation. If you look at the Billet, it says, 'Utilities Laying and Maintaining Services on Private Land'. That is what those talks are going to be about when the boards get together with the utilities. So it is not just about –

3190 **The Bailiff:** Well, Members, there are three Propositions. They are on page 1060. Unless anyone wishes them to be taken separately, I put all three Propositions to you together. Those in favour; those against.

*Some Members voted Pour, others voted Contre.*

**The Bailiff:** I declare them carried.

### Procedural

3195 **The Bailiff:** We are now just after 5.00 p.m. We still have the FTP Report. Although I am not available to sit beyond 5.30 p.m., the Deputy Bailiff is, so the States could carry on, if they wish; or the alternative would be to debate the item at the end of June.

3200 I will put to you a Proposition that we rise now and debate the FTP Report in June. If you wish to continue this evening, then vote *Contre*; if you are happy to defer it to the June meeting, vote *Pour*.

The Proposition is that we rise now and that the FTP debate be deferred to June. Those in favour; those against.

*Some Members voted Pour, others voted Contre.*

3205 **The Bailiff:** We will rise and resume in June.

*The Assembly adjourned at 5.03 p.m.*