



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 25th February 2015

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Present:

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

Law Officers

H. E. Roberts Esq., Q.C. (H.M. Procureur)

People's Deputies

St. Peter Port South

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

St. Peter Port North

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,
R. Conder, E. G. Bebb, 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 D. B. Jones, L. B. Queripel, M. M. Lowe,
A. R. Le Lièvre, A. Spruce, 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, A. M. Wilkie,
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

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier)

Absent at the Evocation

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller);
Deputy R. Domaille (*absent de l'île*); Deputy M. J. Storey (*indisposé*);
Deputy M. J. Fallaize (*indisposé*); Deputy D. A. Inglis (*absent de l'île*)

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Air Marshal Peter Walker C.B., C.B.E.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

CONVOCATION

The Senior Deputy Greffier: Billet d'État III of 2015. To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 25th February 2015 at 9.30 a.m. to consider the items contained in this Billet d'État which have been submitted for debate.

**In Memoriam of
former Conseiller and Deputy Bernard Basil Lovell
and former Douzaine Representative Peter Rougier Hocart**

5 **The Bailiff:** Members of the States of Deliberation, you will have been saddened to learn of the death of former Conseiller and Deputy Bernard Basil Lovell earlier this month, as well as the death last week of former Douzaine Representative Peter Rougier Hocart.

Ben Lovell – Ben as he was always known – was born in Guernsey on 24th February 1931. He remained in Guernsey during the German Occupation, during which time he attended Les Vauxbelets College. Shortly after the liberation he went to Queen's College Cambridge to read Estate Management.

Ben commenced his career at the offices of Rumsey & Rumsey in Bournemouth, returning to the Island in 1955 to join the family business of Lovells, a firm established by his grandfather, William H Lovell, in 1879. The business manufactured and sold furniture and soft furnishings. They also undertook the business of funeral directors as well as estate agents – the part of the business to which Ben was most closely associated.

He commenced his public service in 1958 when he was elected as Procureur of the Poor for the Parish of St Martin. In April 1979 he was elected as a Deputy for St Martin and re-elected to that office in 1982. The following year, in a by-election, he was elected by the States of Election as a Conseiller which office he held until 1991, when he retired from politics.

In the course of those 12 years Ben served as President of the Income Tax Authority, he was Vice-President of the Advisory and Finance Committee, and also an ordinary member of the Board of Health, the Committee for Horticulture, the Post Office Board, the Legislation Committee, and the Rules of Procedure Committee.

25 In addition to serving on those permanent Committees, he was also a Member of the States' Meetings Broadcast Investigation Committee and President of both the review of the current

Liquor Licensing Law Committee and the Committee to investigate the sale of leaseholds and flats.

It is, however, his service as President of the Housing Authority for which he is most remembered. Former Conseiller and Deputy John Langlois recalls that Ben took over the presidency of the Authority at a time when little was being spent on maintaining the social housing stock of the Island. Under Ben Lovell's leadership the Authority doubled its spending on maintenance and commenced a 10-year refurbishment programme. His experience as a chartered surveyor was invaluable in focusing the Authority's resources where they were most needed.

Ben had many diverse hobbies and interests. He was born with a caul over his head and always believed this would protect him from drowning at sea. Both he and his brother Ian loved the sea and spent many happy hours of their childhood sailing their Falcon. This developed into a long association with boats and the sea. Building his own ski boats, crewing on friends' yachts and owning his own motor cruisers, on which family and friends enjoyed many happy times. Ben also loved carpentry and woodwork, producing all manner of wonderful items from his workshop.

He was active in supporting those less fortunate than himself on the Island in many ways, being involved with Round Table and 41 Club, amongst other charities. Above all, he was someone who cared very much about others. He was a sociable, generous and modest Guernseyman who will be greatly missed.

He is survived by his wife Donnie and his two children Lorna and Christopher who are presently with us in the Public Gallery to whom we extend our sincere condolences.

Peter Rougier Hocart was born at his grandfather's residence Les Blancs Bois in the Castel on 2nd December 1923. He was educated at the Boys' Intermediate School and Elizabeth College, representing the College at Bisley in 1938.

Clovelly Farm passed into the family's ownership in 1925 and it was there that, at the age of 16, he commenced his lifetime career in farming. Peter was also a potato grower and was one of the first growers to build a metal framed greenhouse for the cultivation of tomatoes. His life was devoted to agriculture and horticulture and he served as President of the Royal Guernsey Agricultural and Horticultural Society for almost 10 years, and he also held office as President of the Guernsey Farmers' Association.

His public service in the parish of St Andrews spanned a period of over 40 years, having first served as Procureur of the Poor in 1951 and 1952, and then as Constable in 1961 and 1962.

In May 1970 he was elected as a Douzenier, which office he held until the end of 1993. He was Douzaine Representative in the States for St Andrew's Parish from 1978 until 1991 when he retired from politics.

In the course of those 13 years, Peter served as a Member of the Committee for Horticulture, the Housing Authority and the Electricity Board. He was also a Member of the Committee for Agriculture and the Dairy Committee. Those Committees merged in 1987 as the Agricultural and Milk Marketing Board and Peter continued to sit as a Member of the new Committee.

Prior to his election as a Member of the States, he had serviced from 1949 as a non-States member on the Committee for Agriculture. He was therefore a Member of that Committee for an unbroken period of 42 years. In no small way, Peter devoted his life to farming and to the Guernsey breed.

He was predeceased by his wife Ann and is survived by their three children Steve, Kate and Richard, to whom we extend our sincere condolences.

Members of the States, will you please join me in rising to honour the memories of Bernard Basil Lovell and Peter Rougier Hocart?

Members stood in silence.

The Bailiff: Thank you very much.

**Report of the States' Review Committee –
To be debated in July**

The Bailiff: Next, Members of the States, the Chairman of the States' Review Committee has advised me that the Committee has given consideration as to when its next Report to the Assembly will be ready for debate and they have concluded that it would be advisable for the States to be convened on Tuesday 7th July this year.

The Committee anticipates that four full days may be needed for the debate. The scheduled overflow date for the June meeting is 8th July.

Members of the States, I therefore put the following procedural motion to you, which is not open for debate. The motion is:

'That the States be convened on Tuesday 7th July 2015 for the purpose of debating a Report of the States' Review Committee.'

I repeat that: 'That the States be convened on Tuesday 7th July 2015 for the purpose of debating a Report of the States' Review Committee.' Those in favour; those against.

Members voted Pour.

The Bailiff: I declare that carried. The States will therefore convene on 7th July.

STATEMENTS

**The proposed redevelopment of La Mare de Carteret site –
Statement by the Minister of Education**

The Bailiff: Members of the States, we move on to a number of ministerial Statements – the first one to be delivered by the Minister for the Education Department, Deputy Sillars.

Deputy Sillars: Thank you, sir.

Sir, Members will recall that during the November 2014 meeting of the States of Deliberation the Assembly directed: '... the Treasury & Resources Department, in consultation with the Education Department, to commission an independent review in order to determine the most appropriate scale, scope and specification' of the proposed redevelopment of La Mare de Carteret site, the project, and 'the Education Department to lay before the States' by no later than 31st March 2015 'recommendations to fulfil the decision of the States to approve in principle the Project, having regard to the conclusions of the independent review and for the avoidance of doubt, the independent review will be appended to the States' Report'.

The final copy of the Report was received by us on 18th February 2015. The Education Department is endeavouring to fulfil the terms of the amendments and to keep the project on track. We, therefore, regrettably, have had to request the Policy Council to seek approval from the Bailiff to bring a late notice Billet d'État to the States of Deliberation for its March 2015 meeting. We are intending to bring forward a relatively short States' Report dealing with the independent review panel's recommendations, which will allow this Assembly to make the final decision on what will be built at La Mare de Carteret site.

We are conscious that Members will only have a short period of time to consider this States' Report, but regrettably the Education Department believes that this accelerated time scale is the only way to achieve the wish of many Members for there to be as little delay to the opening of the schools, from the original September 2017 date, as possible.

Members, the final decision will be in your hands and we hope that you can understand why we have been left with no choice other than to adopt this course of action.

Thank you.

120 **The Bailiff:** Members, I remind you that I may now permit a period not exceeding 15 minutes – although that period may be extended at my discretion – for questions to be asked within the context of the Statement, provided that the Member to whom the questions are addressed – in other words the Minister – may decline to answer a question if, in his opinion, any answer given by him might be inaccurate or misleading.

125 Are there any questions? Deputy Trott.

Deputy Trott: Sir, is the Minister for the Education Department able to advise this Assembly whether the independent report has vindicated the Treasury & Resources Department's view that they were unable at that time to prove value for money?

130 **The Bailiff:** Deputy Sillars.

Deputy Sillars: Thank you for that question.
I think it is best to read the Report – and that will be coming out very shortly – and then you
135 will be able to make your answer from that.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.
140 Having placed with Deputy Fallaize the amendment to keep Education in the loop over the La Mare de Carteret rebuild, have you been able to carry on progressing the scheme with appropriate funding while the review is going on, so any delay is kept to a minimum?

The Bailiff: Deputy Sillars.

145 **Deputy Sillars:** Thank you for that question.
We have tried to keep it to an absolute minimum. The funding was stopped in January because it was difficult to 'see from T&R's point of view where that money was going to be spent,' and that actually extenuates the reason why we have to come back in March to get this Assembly to decide
150 which way we want to go.

I believe we kept everything in place as a result of that, so I am not saying that is going to change anything, but it has made it slightly more difficult; but we are working very closely with T&R and ourselves – we have had various Board meetings. Education have another one at lunchtime today to discuss what has happened. I am not sure what has happened with T&R
155 yesterday, so we are working very busily to try and get an agreement between our two Departments.

The Bailiff: Deputy Gollop.

160 **Deputy Gollop:** Sir, it was reported, or possibly misreported, in the media that there may now be a three-year delay before plans on the school are able to move forward to completion. In that context, do you advise potential interested parties or lobbyists – whether they be from Education, sports, or Autism Disability – to make their representations as soon as possible, given the compressed timeframe of the Billet under your Statement?

165 **The Bailiff:** Deputy Sillars.

Deputy Sillars: I am not quite sure where the three-year delay has come from. It is always, I hope, a distinct possibility – and that is meant as a negative rather than a positive. The whole

170 point for me is to get T&R and Education to work together to try and come up with a Report that we can both agree on and bring it back to the States in March.

If, however, we are not able to, then obviously we will review that and we have a meeting, as I say, today. If we get the feedback from the T&R meeting yesterday then we will know more after lunch today.

175 We have already contacted the Sport Commission, Culture & Leisure, Law Officers. We have already had their feedback into our proposed paper, so we have consulted with them already and, as I say, I am sure it will come back either in March or very soon afterwards, at worst case.

The Bailiff: Deputy Bebb.

180 **Deputy Bebb:** Thank you, Monsieur le Bailli.

Given that every day that our pupils are still being taught in what is understood to be substandard accommodation is a day too long (**A Member:** Hear, hear) and the need to expedite this rebuild, could I ask the Minister whether the Report finds a possibility of building in phases so that, at the very least, the secondary school can actually be rebuilt in an expedient manner and other buildings may be built at a slightly later date so that we deal with the main issue and whether that Report actually gives *[Inaudible]*... that consideration.

The Bailiff: Deputy Sillars.

190 **Deputy Sillars:** Thank you for that question.

The first part I absolutely agree with you. Every day that goes past is a day too long and that is why the Board is determined to bring this back in March if we can.

195 What does the Report say? The Report has not gone into that detail; it is not telling us how to build and whether it should be done over a phased period in time like that. I think that would actually cause even more delay if it had gone down that route. But, as I say, I really do not want to comment on the Report at this stage, because if we can get both Departments working together, that would be the ultimate result and then that would ensure that the children do not continue longer than need be in substandard facilities.

Delayed reports on breastfeeding and the Medical Officer of Health – Statement by the Minister of Health & Social Services

200 **The Bailiff:** I see no-one else rising. We will move on to the next Statement to be delivered by the Minister of the Health & Social Services Department, Deputy Luxon.

Deputy Luxon: Thank you, Mr Bailiff.

205 Sir, on behalf of the Health & Social Services Department, I would like to inform the Assembly that, following a review requested by the new HSSD Board early last month of any outstanding States' Resolutions, we became aware that two States' Reports due to be laid both last December and this coming April, respectively, have been and are delayed.

210 The first from Billet VIII 2013 relates to a successful amendment laid by Deputy Burford and myself to direct the HSSD to consider means by which breastfeeding rates could be improved – informed by recommendations 17, 18, 20 and 21 of the 113th Annual Medical Officer of Health Report – and to report back to the States by December 2014. This work remains outstanding and the Department regrets that resources have prevented timely progression of this matter.

The second from Billet IX 2014 relates to a successful amendment laid by Deputy St Pier and Deputy Kuttelwascher directing the HSSD to review the role, purpose and accountability of the

215 Medical Officer of Health, and report back to the States no later than April 2015 with any recommendations arising therefrom.

220 This is a significant piece of work which was not able to be progressed last year and the Board are currently awaiting a draft terms of reference to be prepared for consideration prior to the review being commenced once the appropriate review governance approach has been determined by the Board.

The HSSD are very keen to progress this work-stream and regret that time pressures and other urgent priorities will delay this Report from being brought to this Assembly by April as directed.

225 The new Board has been surprised at the scarce senior management resource available within the Department to ensure progress across all areas can be progressed satisfactorily. The Department will, however, endeavour to report back to the Assembly as soon as it is feasible later this year.

This Statement is to update Members accordingly.

Thank you.

230 **The Bailiff:** Are there any...? Yes, Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.

235 I share the Minister's disappointment at being unable to progress these two Reports and to complete the Resolutions of the States as requested. However, the Statement with regard to the lack of resources – and indeed the term used was 'scarce senior management resources' – should surely cause concern for the whole of the Assembly.

240 Could I ask the Minister whether, to complete these Resolutions and what is evidently a severe lack of resources within our senior management, the Board of HSSD will consider what additional resources they require and, should they be so minded, to bring them here, as I am sure that they will receive support for additional resources in this vital part of the senior management?

The Bailiff: Deputy Luxon.

Deputy Luxon: I thank Deputy Bebb for the question.

245 The Board certainly is very concerned. In fact, we have had conversations, some of us, this morning about the very matter. We are working with the senior management team, the States' Chief Executive and the Chief Officer of HSSD. It is a real concern to us. It has been an issue that we have been confronted with, the number of urgent work streams issues and, indeed, some of the many crises that the Department has been dealing with over the last year clearly indicates that we have a bottle neck of resources, so it is a matter that we are looking at.

250 We have not come up with a conclusion yet, but it is a matter that is very urgent for us and of course, if it is a matter that we are not able to deal with within our financial resources within our current budget then, of course, we will come back to this Assembly following conversations with T&R and the Chief Executive.

255 **The Bailiff:** Any more questions? No.

**Delay in the report on a single comprehensive social welfare benefits model –
Statement by the Chairman of the
Social Welfare Benefits Investigation Committee**

The Bailiff: We will then move on to the third and final Statement, to be delivered by the Chairman of the Social Welfare Benefits Investigation Committee, Deputy Le Lièvre.

Deputy Le Lièvre: Thank you, sir.

Mr Bailiff, Members of the Assembly, Billet XX of 2013 contained proposals submitted by the Social Security Department in respect of benefit and contribution rates for 2014, and the modernisation of the Supplementary Benefits Scheme. The proposals related to the modernisation of the Supplementary Benefits Scheme were subject to a successful amendment that proposed, amongst other things, the setting up of the Social Welfare Benefits Investigation Committee, now known as SWBIC.

The mandate of SWBIC requires it to develop a single comprehensive social welfare benefits model to replace the Supplementary Benefit (Guernsey) Law, 1971 as amended, and relevant aspects of the States' Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law 2004, which comprehensive model shall be capable of fulfilling and balancing the social and fiscal objectives of the States.

Proposition 35 required SWBIC to lay before the States by March 2015 a policy letter setting out proposals related to the single comprehensive social welfare benefits model I have just referred to.

Unfortunately, I have to inform the States that the Social Welfare Benefits Investigation Committee will be unable to meet that deadline. Whilst not wishing to make excuses as to why this is so, it is both true and fair to say that the Committee got off to a very slow start, in that initially it did not have any staffing resource whatsoever.

I am pleased to say that the staffing resource now available to the Committee is very much improved with direct input from officers from the Social Security and Housing Departments, who are hugely experienced in the field of benefit design and function.

That said, these officers can only provide what time they can on top of their normal duties and other competing demands on their time for the many projects being undertaken across the States. The Committee still has no dedicated full time officers. Progress has been slower than anticipated due to the Committee's commendable desire to go back to basics in order to build levels of benefit designed to ensure the avoidance of poverty, whilst at the same time being sustainable from the taxpayers' point of view.

It was agreed initially that the Committee would report to the States in two stages, but this process has been reviewed, and it is now intended to produce a single report to the States towards the end of this year.

I would like to be more specific than this but the Committee is tackling issues that have not been reviewed for many years. The purpose and value of some of these areas have long since been eroded by a changing society and changing working practices, and it takes time and research to establish whether certain processes should be strengthened, retained at some lesser value, or indeed abandoned.

Once all of these key component parts of the new social benefit model have been agreed, they will be tested as a working whole and the costs of the proposals established. Testing so far in relation to the basic rates within the Supplementary Benefit Scheme has indicated expenditure within an acceptable envelope, but there is much left to construct and test to ensure the model functions as intended.

It is accepted by the membership of SWBIC that the introduction of the new model will result in both winners and losers. In the case of the latter transitional arrangements over several years it will give participants in either of the existing schemes time to adjust their financial circumstances.

305 I should stress that the delay in reporting will not cause any hardship to existing claimants of either scheme, because the benefit limitation applied currently is the same as that proposed in Social Security's original 2013 Report, whilst the Rent Rebate Scheme continues unchanged.

It is expected that the earliest commencement date of the new model, subject to States' approval, will be the first week of January 2017. This will depend on the extent of the changes and the extent of the necessary system and IT changes.

I would very much like to take this opportunity to thank the staff for their diligence and patience. I apologise to this Assembly for not having met the deadline that Members resolved in November 2013, and I remain confident that the Committee will report before the end of this year.

I would welcome questions in relation to the work of SWBIC both past, present and future.

Thank you, sir.

The Bailiff: Deputy Trott.

Deputy Trott: Sir, an obvious question is to ask my good friend, Deputy Le Lièvre, if the integrity of SWBIC's Report is compromised in any way as a result of the debate on the Personal Tax and Benefits Review not being able to be undertaken conterminously.

The Bailiff: Deputy Le Lièvre.

Deputy Le Lièvre: In short, the answer to that is not at all. There are elements of the present Tax and Benefit Review which will impinge, but only slightly, and we have to await, obviously, the outcome of the discussions on that Report at the appropriate States' Meeting, but at the moment my judgement would be that it will not impinge on it at all.

The Bailiff: Do we have any other questions?

Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.

I am concerned that we have yet another Statement today stating clearly that we have insufficient resources to fund the work of the States.

Could I ask the Chairman of SWBIC whether he feels that there is a need for additional resources, what avenues will be pursued by the Committee to attain those resources and, if not, will they be returning with an interim report requesting more resources?

Surely the business under the request of the States, passed by Resolutions, should be fulfilled and we should properly resource those commitments.

The Bailiff: Deputy Le Lièvre.

Deputy Le Lièvre: I think there is a general shortage of the appropriate staff across the States. I think that is a fact. I think this Assembly has known that for some time.

With regard to SWBIC, as I said in my Statement, we got off to a very slow start. We had no staff but we are now resourced by the most experienced people in the employ of the States and, although it has delayed us, we will report later this year. I am perfectly satisfied that the expertise of the staff that are now working for SWBIC will provide us with the resources enabling us to report – well, not on time, but – certainly before the end of this year.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I am a Member of SWBIC but I do not know all the answers, although I can confirm that we are working extremely hard, and that we do get good resources most of the time.

The Chairman has quite rightly made reference to affordability, to the size of the envelope and what I do not know, as just a Member of the Committee representing Social Security, in this instance, is what will be the size of the envelope that this Assembly wishes to give the Committee in coming up with the fairest and perhaps the most appropriate solution? Because it might be better to know that in advance rather than coming to this Assembly with an extremely well thought out scheme that is perhaps not within the budget constraints.

The Bailiff: Deputy Le Lièvre – if you can find a question in there.

Deputy Le Lièvre: Thank you, Deputy Gollop, for that. *(Laughter)*

I think before we actually work out the size of the envelope we should work out what is going to go in it. *(Laughter)* I think it would be slightly premature to attach a figure to that at the moment.

I am pleased to say that the testing so far, as I have said, has not produced results which are astounding, but we have only tested one area of it. The amalgamation with the Rent Rebate Scheme will produce different figures, but it is far too early to say what those figures will be.

The Bailiff: Deputy De Lisle.

Deputy De Lisle: Sir, can I ask Deputy Le Lièvre whether we are likely to see, through SWBIC, any rationalisation and reduction in the cost of social welfare in this Island? *(Interjections)*

The Bailiff: Deputy Le Lièvre.

Deputy Le Lièvre: I very much doubt it, is the answer to that. It is far too early to say.

The schemes that we are amalgamating are very different. One is, if you like, more generous but deals with different people in different aspects of life. One is dealing with mostly employed people and the other deals with people who are not generally in employment.

So at this stage it will not produce an overall saving for the States that, sir, I can actually pledge for sure, but the costs will be kept within a reasonable envelope. As I said in answer to Deputy Gollop, it is far too early to say what the size of that envelope will be, other than to say that we have representatives of T&R on the Committee and we will be in contact, obviously, during the latter stages of the testing to ensure that what we produce is, indeed, affordable.

The Bailiff: I see no one else rising.

Questions for Oral Answer

CHIEF MINISTER

Public Sector pension arrangements – Answer circulated in Deputy Fallaize's absence

The Bailiff: We will move on to Question Time.

The first Question was to have been asked by Deputy Fallaize of the Chief Minister – Questions regarding public sector pension arrangements. Owing to Deputy Fallaize being unwell this morning and unable to be here, I understand that the Chief Minister has agreed that those Questions and Answers may be circulated.

Chief Minister.

400 **The Chief Minister (Deputy Le Tocq):** That is the case, sir. I will make sure that I have agreed with Deputy Fallaize that they will be circulated, as with Written Answers to Questions. Members should have those today.

405 **Deputy Trott:** Sir, I would be happy to ask them on Deputy Fallaize's behalf should the Chief Minister wish to take Questions.

The Bailiff: I understand that was not what Deputy Fallaize would have sought. That might have been an option he might have pursued but he preferred this option.

410 **Deputy Trott:** Always trying to help, sir. Thank you. *(Laughter)*

The Bailiff: I am sure he is extremely grateful for your offer of assistance, Deputy Trott. *(Laughter.)*

Next Question – Sorry, Deputy Lowe.

415 **Deputy Lowe:** Sir, by going down the route of having the Question circulated, which would normally be a Rule 5, it prohibits any Member asking oral supplementaries.

The Bailiff: But it does mean that Questions could come back at the next... further Questions at the next Assembly.

PUBLIC SERVICES DEPARTMENT

Cruise liner berthing arrangements – Proposed changes

420 **The Bailiff:** Deputy Gollop, now has a Question for the Minister of the Public Services Department. Deputy Gollop.

Deputy Gollop: Thank you very much.

425 I should prefix this by: in the time delay between them being placed, I have, as a Member of the Environment Board – and the Environment Board is being consulted by the Public Services Department in some respects so...

This thing has already gone off again. This is useless. As soon as I press it – *(Laughter)*

430 **The Bailiff:** Would you like me to read your Question for you, Deputy Gollop?

Deputy Gollop: Ah, yes. Has the Public Services Department attempted to fully engage with, and consult with, the many stakeholders relating to municipal, retail, office, hospitality and transportation in The Albany, Albert Pier Quay and South Esplanade areas affected by the changes to the tender piers, transporting the cruise liner visitors during this summer, including relevant risk and business costs which would affect those assessments?

The Bailiff: The Minister will reply. Deputy Ogier.

Deputy Ogier: Thank you, sir.

440 Public Services and other Departments are working collaboratively and consulting widely with
a wide range of stakeholders, including retailers, other businesses, Chamber of Commerce, St
Peter Port Parish and hospitality organisations. The removal of the cruise liner disembarkation to
the Albert Pier is an extremely complex issue, with many stakeholder interests to consider. We are
working towards an outcome which will achieve the best overall result for Guernsey. As I speak,
445 we are working hard to meet the expectations of those who are engaging with us.

Above all else, this is a great opportunity for Guernsey; it is a great success story. This year we
hope to welcome up to 130,000 cruise passengers, which is a ten-fold increase in 15 years,
representing an estimated £6 million direct spend in Guernsey every year.

There are capacity, safety and security issues in facilitating the growth in recent years and
450 bringing more passengers into one of the busiest areas of the Port through all the Harbour's
commercial traffic. This is a growing market which has outgrown the less-than-ideal reception we
have traditionally provided, and we need to do some things differently with these increased
numbers. That means accepting there will be a need to compromise in some areas, to balance the
needs of all the various different activities in and around Town.

455 Departments are continuing to work with stakeholders to ensure that the possible mitigation
measures in respect of parking are put in place, including replacement of public parking spaces
affected.

The Bailiff: I am afraid I have to interrupt you. Your minute and a half is up, Deputy Ogier. I
460 need to be applying these Rules rigidly as the States has voted that these Rules should be there.

Deputy Gollop, you have a supplementary.

Deputy Gollop: My supplementary here would be that Members, I am sure, can understand
the need to move forward with this urgently, but would the Department wish to bring a wider
465 policy report to the States later this year, putting forward a review of what has begun and the
rationale behind it, and suggestions on how things could be moved forward and improved in the
future? Because I think a wider debate in this Assembly would benefit many of the parties
concerned.

470 **The Bailiff:** Deputy Ogier.

Deputy Ogier: We have had a report in the last 18 months or two years. We had the Harbour
Master's Plan; we have also had other reports on the Harbour which include redrawing of the
security line and ensuring that less traffic goes through the busy commercial areas. So this move
475 of segregating passenger landing from the busy Port Harbour operations area is well within the
overall scope of the Harbour and something that we have already discussed at this Assembly.

The Bailiff: Deputy Trott.

480 **Deputy Trott:** Sir, could I ask if Deputy Ogier had anything further to say in Answer to the first
Question? *(Laughter)*

The Bailiff: Deputy Ogier.

485 **Deputy Ogier:** Only that we will continue to consult as widely as we can. Full stop.

The Bailiff: Any further supplementaries?
Deputy Lowe.

490 **Deputy Lowe:** That is great news that we have had so many cruise passengers coming to the
Island. Let's hope they do come ashore, because there are many that actually do not like the

tender procedures. But, nevertheless, out of the six months from April to September – 183 days in total – there are less than half of those days when there will be cruise ships in.

495 Would he consider that actually the scheme would be able to utilise cars parking back on the Albert Pier and that they will not actually have three months out of six months with no cars and no passengers coming ashore?

The Bailiff: Deputy Ogier.

500 **Deputy Ogier:** Thank you.

The 130,000 to 140,000 passengers is a net figure gained by calculating the percentages of people that remain on board, so it is not like 130,000 people will be arriving here, of whom half of which will stay on board. Those are the estimated disembarking passengers.

505 We are looking at retaining some parking on the days where cruise liner passengers are not disembarking as a compromise measure, yes, sir.

The Bailiff: No-one else is rising. Deputy Gollop, you may ask your second Question.

Deputy Gollop: Thank you very much, sir.

510 How far has the Public Services Department been able to evaluate the potential health and safety concerns that are raised by additional coach and bus movements and large numbers of older people crossing the roads close to the Quay as a result of the proposed changes to the cruise liner berthing arrangements?

515 **The Bailiff:** Deputy Ogier.

Deputy Ogier: One of the key drivers for providing a new cruise passenger handling plan has been to address the significant safety risks and capacity issues posed by the existing arrangements. Currently passengers disembark right into the heart of a busy commercial Port within an area involved in the movement of freight and heavy goods and plant machinery, as well as passenger and vehicular movement for other operations.

520 This current area has insufficient capacity to service all operations, and heightens safety risks, both land and sea based. Cruise liner passenger tenders cross the path of the Harbour's commercial berths, where there have been numerous near-miss incidents with larger vessels. 525 These issues are magnified with the continued growth in cruise liner passenger volumes. Therefore, simply maintaining the *status quo* is just not an option.

Public Services have been liaising with the other States' Departments in drawing up our proposals and we are particularly grateful to the Environment Department for its advice and expertise.

530 The proposals include installing new signs on the Albert Pier directing passengers safely to the crossing via the existing walkways. There will be also a new zebra crossing on the Pier itself, and new planters along the Pier and at the Terminus, to clearly identify pedestrian areas. We take health and safety concerns very seriously and the States has commissioned detailed risk assessments to be undertaken, informed by detailed modelling of pedestrian movements within 535 the areas concerned, and this will inform the final layout of the areas as well as the logistics.

The Bailiff: Deputy Gollop and then Deputy Dave Jones.

Deputy Gollop: Thanking the Minister.

540 I do listen carefully to the cogent, strategic and Harbour side issues that he has raised, but would it be possible for the Department to make this case to a selection of public meetings, so that a wider number of the community could hear more than one side of the story perhaps?

The Bailiff: Deputy Ogier.

Deputy Ogier: I thank Deputy Gollop for his suggestion. That is one which myself and the Board will give due consideration.

The Bailiff: Deputy Dave Jones.

Deputy David Jones: Thank you, sir.

We hear much about health and safety issues for these changes. Would the Minister be able to explain why it is that you cannot carry passengers in vessels in St Peter Port Harbour and in the precincts of the St Peter Harbour without the necessary certificates and yet the tenders can come ashore from cruise ships, often crewed by people on board that ship who do not hold those necessary certificates? Why is that being waived?

The Bailiff: Deputy Ogier.

Deputy Ogier: Unfortunately, that is a level of operational detail I do not have the details of at the moment, so if Deputy Jones would like to provide me with a question then I can answer that in due course.

The Bailiff: Deputy Lowe and then Deputy Lester Queripel.

Deputy Lowe: Back to the health and safety, sir. Could the Minister tell me why so much emphasis has been put on health and safety while the Sark passengers and the Herm Trident passengers and, indeed, the Condor passengers do not fit into the same bracket of health and safety as the cruise liner passengers; and where, under the scheme that is being proposed, should we be actually having more passengers coming off the piers than currently, because many are on the coaches for the tours without even coming down into the Town area?

The Bailiff: Deputy Ogier.

Deputy Ogier: There is a mix of commercial harbour traffic in the Harbour and currently they are all going through one area. If we can separate out the cruise liner tenders from that area, that area becomes safe. For the last 15 years we have seen a ten-fold increase in the number of people and the number of tenders that go into that area, and simply ramming all together, any more, is not the best way forward considering the risks that there are there. So they have to be separated.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

Sir, regarding the passenger and traffic movements and safety, we are told this will be a trial, so can I ask what criteria PSD will be employing to determine whether or not the trial has been a success?

The Bailiff: Deputy Ogier.

Deputy Ogier: I would not necessarily call it a trial, but it will be the first year that we have used the Albert Pier so we will be gauging very closely the effects of the traffic and the pedestrians in that area, and will be consulting over the period with the people involved – the cruise liner companies and also the guides and any other others of that Harbour area – and at the end of the season we will make adjustments as required.

The Bailiff: I see no-one else standing.

Before we move on – Oh, sorry, Deputy De Lisle and then Deputy Burford.

Deputy De Lisle: Yes, sir.

600 Given the concerns of the retail trade with regard to the appalling loss of parking in the immediate area of the Albert Pier and the Esplanade, can Deputy Ogier give more details of what is intended to provide a more flexible plan for that area?

The Bailiff: Deputy Ogier.

605

Deputy Ogier: Well, we are going to be welcoming 130,000 to 140,000 into the heart of our beautiful and historic Town for the loss of fewer than 10 car parking spaces over that period. I do not call that 'appalling'. I think that is a very, very good deal for Guernsey. (**Several Members:** Hear, hear.)

610

With regard to flexibility in that area, we are looking at whether the days in which cruise liner passengers do not disembark that parking could be reinstated at the back of the bus terminus and also whether any parking could be reinstated on the Albert Pier.

We hope to be able to reinstate some in those times but we are still monitoring and looking at whether that is possible. So we do have in mind some desire for flexibility and we will try to deliver it.

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The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

620

Even as recently as yesterday there was a letter in *The Press* regarding the alleged loss of parking in Town as a result of various Harbour activities.

Would the Minister confirm that where the changes on North Beach were concerned there was no net loss of parking at all and where the cruise liner changes are concerned it is currently projected to be a net loss of just six spaces and that is before any further mitigation from the Department?

625

The Bailiff: Deputy Ogier.

Deputy Ogier: I can confirm the Environment Minister is correct.

630

The Bailiff: Yes, Deputy Paint.

Deputy Paint: Can the Minister say what arrangements will be made on spring tides, when the Albert Pier is dry of water, for the embarkment and disembarkment of ferry passengers?

635

The Bailiff: Deputy Ogier.

Deputy Ogier: I am unsure that is a question arising from the questions that I have been asked.

640

I cannot at this time give Deputy Paint the details that he is requesting. If he would like to contact the Department I am sure they will be happy to furnish him with what he requires.

The Bailiff: Right, no-one is... This will be the last one. Deputy Lester Queripel.

645

Deputy Lester Queripel: Thank you.

Sir, it would seem to me to be the safest and most logical option to put a set of traffic lights a few metres north of Quay Street and dispense with the courtesy crossing, outside Bucktrout's. Has that option been considered?

650 **The Bailiff:** I am not sure that arises from the previous answers.

Deputy Ogier: What I can say is that is a matter for the Environment Department and their traffic section. I understand they have looked at that and it is not something they wish to proceed with at this time.

HEALTH & SOCIAL SERVICES DEPARTMENT

Unlicensed medication GcMAF – Prescriptions, suppliers and importation ban

655 **The Bailiff:** Before we move on to the next Question, I have been asked whether Members may take their jackets off. Those who wish, may do so.

The next Question is to be asked by Deputy Gollop of the Minister of the Health & Social Services Department. Deputy Gollop, when you are ready.

660 **Deputy Gollop:** My first Question – one of three – to Deputy Luxon is: is it actually legal and/or appropriate for a Guernsey-registered qualified medical practitioner/general practitioner to prescribe the drug, or supplement, named GcMAF – or is it Goliec? – albeit not necessarily through, of course, the Social Security Department benefit administered States' programme? I appreciate it is not part of the pharmaceutical...

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The Bailiff: Deputy Luxon.

Deputy Luxon: Thank you, Mr Bailiff.

670 Sir, a medical practitioner could prescribe GcMAF if they wish. The appropriateness would very much depend on the clinical opinion of the medical practitioner and the condition or conditions being treated and the health or prognosis of the patient.

This product, however, is unlicensed and so the practitioner would be taking full responsibility for their decisions to prescribe GcMAF. Appropriate practice in these circumstances is set out in the General Medical Council's Guidance on the Prescribing of Unlicensed Medicines.

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The Bailiff: Any supplementaries arising from that Question.
Deputy Kuttelwascher.

680 **Deputy Kuttelwascher:** Yes, I am interested in the use of this word 'licensed'. Currently, HSSD indemnify doctors to prescribe Avastin which is a drug used for bowel cancer, for which it is licensed. It is also prescribed for conditions of the eye, for which it is not licenced. I want to know why it is that HSSD are happy to allow a drug which is unlicensed for a particular condition to be so prescribed?

685 **The Bailiff:** I am not sure that arises from the Question, but are you able to answer it, Deputy Luxon?

Deputy Luxon: Most certainly not, sir.

690 **The Bailiff:** Your second Question please, Deputy Gollop.

Deputy Gollop: Yes, could the Health & Social Services Department supply locally resident customers requiring the GcMAF/Goliec natural product supplement – if one defines it as a supplement – a list of European and/or North American producers of GcMAF that meet the requirements of safe production standards, and I have a...?

695

The Bailiff: Deputy Luxon.

Deputy Luxon: Thank you, sir.

700 As far as the Department is aware, the GcMAF products being supplied and made available locally are medicines or, in the terminology of the Medicines (Human & Veterinary) (Bailiwick of Guernsey) Law, 2008, medicinal products. The Department would not identify or recommend the source of supply of any medicine, whether licensed or unlicensed.

HSSD has no information on alternative supplies of GcMAF. HSSD has no opinion on the efficacy or otherwise of GcMAF as the necessary clinical trials have not been undertaken. HSSD cannot, therefore, recommend any source as that would be HSSD endorsing the material and the supplier.

705

What HSSD is prepared to do is to undertake enquiries to ensure that any alternative proposed supply is manufactured in a way which complies with good manufacturing practice and does not represent a risk to public health. This would ensure a patient seeking to obtain material from that source can be assured that it is being made in a manufacturing process which meets the required standards.

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The Bailiff: Deputy Gollop.

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Deputy Gollop: Am I allowed two supplementaries here? I think I am.

The first supplementary would be: I am given to understand that the product is generally allowed in Germany and is available, or has been available perhaps, in Belgium and Switzerland, and the Food and Drugs Administration of the United States appear to sanction its use.

720 Would that satisfy HSSD or are you bound by the requirements of other United Kingdom authorities?

The Bailiff: Deputy Luxon.

725 **Deputy Luxon:** Neither, is the answer to Deputy Gollop's questions.

This product is a medicine and if the company owners chose to go down the route of applying to licence it – it is a well-known process and protocol for doing that – they could do that. They have chosen not to do that. If it became licensed it would be available – freely available – anywhere and could be prescribed. That has not happened so it is not available.

730 What happened was that the ban, as such, behind Deputy Gollop's questions happened because of manufacturing process issues that were found when the facilities were inspected in the UK. The importation ban into Guernsey by Guernsey officials was a natural follow up from that reality.

735 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Yes, I appreciate this might go beyond Deputy Luxon's remit but the United Kingdom investigation of the Cambridge facilities did... The statement appeared to suggest, although they were completely dissatisfied with the conditions in which the product was being made, there was also a general statement that there was no alarm – that there was no obvious risk to existing clients using it.

740

So would the Minister agree that there has been no proven risk to local clients using the substance identified so far?

745 **The Bailiff:** Deputy Luxon.

Deputy Luxon: Mr Bailiff, Deputy Gollop uses the word 'appeared' and I think what he is doing is following conjecture.

750 What happened is HSSD referred this particular manufacturer to the MHRA, who are professional regulators in the UK; they made site visits to the locations and the conditions they found, both in terms of some of the materials being used to produce the product, but also the environment in which the product was being produced and manufactured, fell so far short of acceptable standards that it could have posed a threat to public health.

755 It was on that basis that the MHRA ceased production and banned production in the UK. I cannot really answer any further than that.

The Bailiff: You have had your two supplementaries.
Deputy Paint and then Deputy Sherbourne.

760 **Deputy Paint:** Sir –

The Bailiff: Can you put your microphone on?

765 **Deputy Paint:** Oh sorry. Leading on from what has been said, can the Minister of HSSD inform the Assembly if the substance claimed by them to be GcMAF, recently banned from import – a consignment of which is being held by the Border Agency – has been tested by HSSD, the Border Agency or the UK MHRA to determine what the substance is and its purity?

Thank you, sir.

770 **The Bailiff:** Deputy Luxon.

775 **Deputy Luxon:** I cannot recall, sir, whether or not any of the confiscated items here in Guernsey have been sent for testing. I will come to Deputy Paint and confirm that, but it was not a consignment. What was happening is individuals, through an import permit system, were being able to import products. So it was not a bulk consignment, it was several consignments for several individual people. In terms of the product that was seized in the UK, that is being tested or has been tested by the MHRA and an investigation continues to be underway and, of course, all of these answers will become clear once those investigations have been completed.

780 **The Bailiff:** Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

Is the Minister in a position to explain the barriers that may well exist or not, with regard to clinical trials of this product being undertaken in Guernsey?

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The Bailiff: Deputy Luxon.

790 **Deputy Luxon:** Sir, the product is unlicensed, as I have described before. That route was not taken by the owners of this company and the current importation ban exists based on the issues that I have just described that were found in the UK premises. So on that basis no GcMAF is able to be imported into the Island, whether for clinical trials or for use by people, at the moment.

What the Medicines Regulator who works for HSSD has said, with HSSD's Board agreement, is that if alternative sources of supply that do comply with appropriate standards of manufacturing

795 protocol can be found then the Medicines Regulator would look to recommence those personal use consumption import permits for those people that believe it is helping them.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

800 Sir, my understanding is that GcMAF is a protein that is already in a healthy person's body and is destroyed by numerous diseases, and the clinician simply injects the protein back into the body. Now with that in mind, sir, does the Minister not agree with me that the definition of GcMAF being a medicine should be questioned by HSSD and redefined as a protein?

805 **The Bailiff:** Deputy Luxon.

Deputy Luxon: No, sir.

The Bailiff: Deputy Brehaut.

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

Whether science or placebo, GcMAF certainly appears to help a given group of people. That said, it is also marketed as being a cure for autism which is clearly not a disease.

815 Will the Minister give an assurance to this Assembly that when the manufacturers assert locally that it is a cure for autism, which is not a disease, that they will respond in the most robust terms that they possibly can, please?

Deputy Luxon: Yes, I would agree with Deputy Brouard and, of course, **(Several Members: Brehaut!)** Oh, that was a joke! I really knew what I was doing! *(Laughter)*

820 **Deputy Brehaut:** My aching sides.

Deputy Luxon: Took me three goes to get it right last time, so I give up.

825 There are very strict laws and rules about what one can and cannot advertise when it comes down to medicines, certainly in relation to cancer. So, certainly, the question that Deputy Brehaut has asked, we totally agree with him. In fact, I think members from the Autism Society have made very clear their views that it is inappropriate, the comments that have been made. I think one of the problems is that there is so much myth and mystery around this whole subject – and I am afraid that emanates from the company itself – which leads to a lot of the confusion that exists at the moment.

The Bailiff: These supplementary questions are straying way beyond the scope of the questions to which they are supposedly supplementary.

I suggest we move on to Question three, Deputy Gollop.

835 **Deputy Gollop:** Thank you.

Yes, and I would prefix this by: I am not in any way claiming that this product produces any kind of cures or beneficial or positive or negative results of any kind. And this Question will focus very much on the current users.

840 Does the Health & Social Services Department think it a fair policy that apparently several hundred local GcMAF product users who do report, apparently – but admittedly unproven – beneficial results should be denied the personal freedom of choice, liberty over their own bodies, and possible prevention of recuperation and recovery at such short but immediate notice?

845 **The Bailiff:** Deputy Luxon, you have a minute and a half.

Deputy Luxon: Before I start, sir, it is interesting because some of Deputy Gollop's Questions that he gives verbally actually resemble some of the Written ones that I have, but nevertheless, only just. (*Interjection*)

850 **The Bailiff:** We will start the clock now.

Deputy Luxon: Thank you, sir.

If a product is manufactured to such a poor standard that the medicines and health care products regulatory agency deems it unfit for use and, indeed, describes it as a hazard to public health, HSSD has no alternative but to ensure that that material cannot enter the Guernsey market and expose patients to the risks that this poor manufacturing process has created.

855
The Chief Pharmacist is the regulator for medicines locally, in circumstances where medicines supplied are being made available but do not comply with the standards of good manufacturing practice. The Director of Public Health has warned people not to use the medicine and the MHRA
860 has issued warnings or raised serious concerns about the medicine. It would be irresponsible and unconscionable for the Chief Pharmacist or HSSD to ignore these warnings without taking all practical steps to stop the medicine being supplied or being made available to the local population.

The onus is on the company supplying the medicine and making it available to local residents to ensure that the standards of manufacture and the resulting product meet the requirements for human use in order to remain accessible to the consuming public. The responsibility for the current issues with the source of supply of GcMAF rests solely with the supplier of this medicine.

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The product has been manufactured in a way which falls well short of the standards required for the manufacture of any medicine for human use. When the manufacturing facility was
870 inspected the plant was closed down and Guernsey was advised that the public health risks this source of GcMAF represented was a risk. The failure of the manufacturers created this problem, which HSSD has had to respond to in line with the normal policies and procedures.

The Bailiff: Deputy Gollop.

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Deputy Gollop: My supplementary would be a claim was made last night at a meeting, that some Deputies attended, that part of the reason patients can recover from any condition is a feeling of mental wellbeing – the cognitive process. Would the Department accept that, for people who believe in this product, having it denied them at short notice might not be good for them, regardless of the evidence involved or indeed the quality of the production facilities that the Minister has, quite understandably, identified?

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The Bailiff: Deputy Luxon.

885 **Deputy Luxon:** Sir, there were a lot of claims apparently made last night that probably do not add clarity to the situation – although I was not at the meeting, but I have heard back.

At the end of the day, the real issue here – and HSSD and the Medicines Regulator absolutely have empathy for those dozen or so unwell people, with level four cancer, who believe that this product has been helping them, along with other protocols, treatment, that they have been taking...

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We absolutely understand that, but as some of the conjecture we are discussing here happens outside this Assembly, we are not clinicians, there is an accepted protocol for how new products, medicines, drugs, can come to the market and be available to help people.

This company has failed to follow that process. There are laws, regulations and processes to make sure that public health is retained in a safe way. It is a matter for the company – if they want that product to become available for people in Guernsey – to follow the accepted routes. It is not

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for HSSD or politicians or laypeople to try and outguess whether this product does work or does not.

900 **The Bailiff:** Deputy Gollop.

Deputy Gollop: *[Inaudible]*... I would ask could the Minister...?

905 **The Bailiff:** Can you put your microphone on?

Deputy Gollop: Would the Minister endeavour to attend, politicians from HSSD Board attend, and indeed professional clinicians staff attend on behalf of the Board, to hear these claims and arguments and feelings of public concern, regardless of whether he would accept them as accurate or not?

910 **The Bailiff:** Deputy Luxon.

Deputy Luxon: I am afraid I would have to ask Deputy Gollop to just clarify what the question... I understand most of it but not the...

915 **Deputy Gollop:** I will put it another way, why didn't the Minister or any Member of the Health & Social Services Board attend either of the public meetings this month relating to the GcMAF issue?

920 **Deputy Luxon:** I did not attend the first meeting because the email that came out late on the Thursday looked like it was very much critical of HSSD and did not look like an invite to a meeting to me. The Chief Pharmacist was out of the Island which was why he did not attend.

The meeting last night was called by a commercial company that wants somehow that the Laws and Rules of this Island to be changed to accommodate their requirements. It was
925 completely inappropriate, in my view, and the Board's view, that any of us should attend or, indeed, any officers should attend; and I think that that is the right and appropriate action.

Mr Noakes, the owner of the company, is talking openly about legal suits, so again it would be inappropriate for us, as representatives of the Government, to get involved in a public meeting called by a commercial body who finds himself under investigation for failing to maintain safe
930 manufacturing conditions in the UK for a product that he wanted to export into Guernsey.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

935 Sir, I need clarification, please. Apologies to the Minister if I misunderstood what he has said already. I think the Minister said a doctor can prescribe GcMAF but even if a doctor does prescribe GcMAF it still cannot be imported into Guernsey. Sir, how does the Minister think that problem could be resolved? Did he say a doctor can oversee the importation?

Thank you, sir.

940 **The Bailiff:** Deputy Luxon:

Deputy Luxon: Sir, Deputy Queripel is mixing up two different things. First of all, in the UK there is a production ban so there is no GcMAF being produced in the UK so it is a moot point
945 anyway. There is an import ban in Guernsey because of the conditions that were found, as I explained earlier, so that is why currently the GcMAF product cannot be imported into the Island.

The other question, which relates to Deputy Gollop's first Question, is that, yes, doctors could prescribe this unlicensed product should they choose to, but I would suggest that they, by

precedent under GMC guidance, would regard that as being an incredibly risky thing to do, both for themselves personally and their clinics and practices, because they would have to take full responsibility as it is an unlicensed product. So, yes, doctors could prescribe it, but I do not believe any doctors have or would, because of their professional standards and guidelines.

The Bailiff: Deputy Paint.

Deputy Paint: Just to correct something, sir. I was at the meeting last night and one of the Board Members was there and it was Dr Allsopp.

Deputy Luxon: I am not sure that was a question but I would like to answer it anyway.
(*Interjection*)

Mr Allsopp attended that meeting in a private capacity – as, of course, any other Deputies could. My point was that HSSD Board formally and HSSD officers did not attend the meeting for the reasons I explained earlier.

The Bailiff: Deputy Adam.

Deputy Adam: Thank you, sir.

The Minister has mentioned on several occasions these words 'unlicensed' and 'licensed', yet he is unable to answer Deputy Kuttelwascher's question in relation to use of an unlicensed drug in eye conditions. Would he like me to answer it for him? (*Laughter*) Because, sir, I am concerned that people listening to this may be concerned that they are being given an unlicensed drug for treatment of an eye condition.

I think it is important to understand that medication called Avastin has been tried in clinical trials in various hospitals in the UK for treating that eye condition and has been found to be as effective as Lucentis, which costs £700, whereas Avastin is £60 for that condition.

So I would just like to make sure he reassures people who are having that treatment that it is perfectly safe. It has been in clinical trials but the company itself has not put it forward to be licensed for that purpose.

Thank you, sir.

The Bailiff: Deputy Luxon.

Deputy Luxon: I would like to thank Deputy Adam who clearly has far more knowledge in this arena than myself. The reason that I declined to answer Deputy Kuttelwascher's question was because I simply did not have the detail to be able to do so, but I thank Deputy Adam for doing that on my behalf.

The Bailiff: That completes question time for this morning and we can move on to legislation, Greffier.

Billet d'État III

PROJETS DE LOI

I. The Parochial Church Property (Guernsey) Law, 2015 – Debate commenced

Article I.

The States are asked to decide:

Whether they are of the opinion to approve the draft Projet de Loi entitled 'The Parochial Church Property (Guernsey) Law, 2015', and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

The Senior Deputy Greffier: Article I, the Parochial Church Property (Guernsey) Law, 2015.

The Bailiff: Would the Chairman of the Committee like to open debate, Deputy Gollop, or do
995 you wish us to go straight into amendments?

Deputy Gollop: Funnily enough, I might have a longer speech at a later point, but I think the main point here is to introduce the legislation.

1000 The Committee decided, after a degree of thought on several occasions, not to produce a separate report for the meeting for two reasons. One, that might not have been a productive use of our advisor and senior officers' time. We have been extremely well served by HM Procureur and another learned lawyer from St James's Chambers, a Member of the Policy Council staff and the States' Archivist of The Royal Court who, of course, have their own day jobs apart from serving on PERRC.

1005 PERRC has had an extremely long existence. Indeed, it has become a legend, in a way, (*Laughter*) because it has survived nine years and nine months so far in its work, and I have been the only single one at the 66 meetings that we have had. Of course, I was not Chairman or Vice-Chairman in the early years when the process was begun by Deputies Lewis and later Deputy Tom Le Pelley, and, of course, Deputy Mary Lowe who is now my Vice-Chairman and she is also a fairly
1010 long-serving Member of the Committee.

The Parochial Church Property (Guernsey) Law is not to everybody's tastes. Some people will not be particularly interested in the subject; others are extremely enthusiastic in discussions on the sociology, the theology and historical aspects of this subject.

1015 I would not personally start from here – and I cannot say, as a person, that I am over the moon at every single aspect of this – but I do not think that is how we get to deliberating a practical solution in Guernsey politics.

1020 We work together, we listen, we consult, we follow due process, we reach a compromise. United we stand (*Laughter*) and we have had advice from not just this Procureur but, indeed, his predecessor. We have sought advice from a leading London QC, we have read numerous reports, we have consulted the public through an opinion survey that was much better supported, dare I say, than recent PTBR efforts or other things from perhaps more illustrious bodies than ourselves. We have met the Island Douzaine Council. We have met on many occasions the Dean, Members of the Synod. We have met Constables, parochial officials, civil servants, we have even met Deputy Trott, when he was Treasury Minister and the then States' Treasurer.

1025 We have gone around the houses, again, and again and again and could say 'round the churchyards'. We even produced three draft versions of this legislation and changed them again, and again because we listened, unlike perhaps some politicians or States' Committees that we

know about! (*Laughter*) (**Several Members:** Ohhhh!) Well, do not forget the Environment Department significantly changed last month as well, but that still did not satisfy certain people. But moving on from there!

The point is we are working to find a solution that satisfies most people most of the time, which is: to protect the traditions of parochial democracy, of management of land, of a fair deal for the incumbent Rector and a solution for the foreseeable future of maintaining the dignity and appearance and heritage of the 10 ancient Island parish churches.

I say 10, but some might argue that Torteval is a relatively recent arrival on the scene – being a replacement for a building that fell down due to lack of parochial maintenance and support, we believe, in the 18th century because in those days people in Torteval were not so well off as they are now! (*Laughter*) But moving on from that.

The parochial church property effectively gives a lot of power back to the parishes. We have introduced the management boards, for each ancient parish which will be looking after the parochial church property. But the parochial church property in this context, as you see on page 10 of the brochure, is defined as the parish church – that is to say the 10 parish churches that we know and love.

The churchyard, even the Town Church has a very small churchyard that you can see on the Fountain Street side and the glebe land, but it does not include the rectory or any ex-rectories that are floating around, and that is important because there was a very interesting editorial in *The Guernsey Press* – and of course, I always get all of my information from *The Guernsey Press* – but on this occasion it was not as accurate as it could have been, because the comment suggested that the changes to the ecclesiastical rate that is covered in the perhaps future Le Tocq/St Pier amendment would affect decisions relating to the rectory roof. That is not the case.

I would understand it would specifically refer only to the ecclesiastical part of the meetings in the future, which will be the parochial church property which is just the parish church and the churchyard. So, far from affecting whether the Rector's home roof was opted out, it would actually affect the church itself. The church itself would be perhaps under threat in that respect.

What this does is it separates the obligation of parishioners to retain a rectory for a priest from the responsibility to maintain the church. The rectories are reassigned to the parishes and the parishes can make up their own minds about that.

The management boards will be a fair mixture of church and lay people democratically accountable to the parish assemblies who will oversee the church. Usually, legislation to this Assembly that has taken a few years in gestation and has not at any stage been subject to debate, and has only once had questions in this Assembly which were answered, would usually go through quickly, perhaps on the nod, but I do suspect there will be at least four amendments placed. So I will sit down and listen to those arguments.

I urge the Assembly to support a piece of legislation that has taken 10 years in the making and has, effectively, satisfied most people most of the time.

The Bailiff: We will take the amendments in the order of the clauses to which each relates and taking first the amendment proposed by Deputy Bebb and to be seconded by Deputy Harwood. Deputy Bebb.

Amendment:

To delete clause 3 and re-number the following clauses accordingly and, in consequence thereof:

(a) in clause 4(1) and 4(2)(a), delete 'or 3'; and

(b) in clause 17, delete the definitions of 'the Church Hall', 'the Community Centre' and 'St Martin Community Centre'.

Deputy Bebb: Thank you, Monsieur Le Bailli.

Members will note that the first amendment which I am laying is to remove the provisions of the St Martin Community Centre and the Torteval Church Hall out of the Law. The reason for this is quite evident. These are substantial buildings that were built by the Church or co-ordinated by the Church. And if I talk about the two buildings separately I think it will provide clarity.

Torteval Church Hall was built by proceeds raised by the congregation of the Church. It was co-ordinated by the Church and its full intention was to be built as a church hall. Since its building it has been maintained by the congregation members of Torteval Church paying tens of thousands of pounds, on occasions, in order to maintain that building. It has been solely dealt with by the congregation and the Church.

When the building was built there was all expectation that it was built on glebe land, being Church land. Even the Law that has been proposed states clearly that glebe land will continue to be fully utilised and enjoyed by the Church, and therefore there is still a recognition that this land will remain part of the Church. It was the expectation and it was built in good faith of that land being Church land and would remain Church land. No-one at that point in time saw PERRC coming.

When we are talking about the building of St Martin Community Centre the same applies, but here I think I have a little more detail. There was also a large bequest made by a Mr Shaw and we now have the Centre named after him. That bequest was given to the Church. It was given to the Church specifically for the purpose of the Church rebuilding a community centre in St Martin.

We also know that HSSD entered into an agreement with the Church in order to pay a rather substantial amount of money for the deferment of rent, and therefore they pay a very reduced rent for 21 years as a result of paying an upfront capital pot. That was an agreement between the States and the Church, recognising once again that this land was, in all good faith, thought to be Church land.

Now, having built these buildings, having spent the money on them, having invested in them and having any single person on this Island who had contributed towards them – contributed, in all good faith, toward a building that was being built by the Church – this legislation, if not amended, would vest those properties into the parish, being the Constables on the Douzaine, when they paid nothing towards them. Therein lies the problem.

When I grew up my mother taught me that if I took something I generally had to pay for it. For people to take this property away from the Church without paying for it is tantamount, in my opinion, to theft. To such an extent I have discussed the matter further with the Rector of St Martin and he feels sufficiently strongly that I have reaffirmed with him this morning, that if this legislation passes unamended he will definitely – the rector and churchwardens of St Martin – petition Her Majesty because such is the feeling of great grievance by the rector and churchwardens.

Such a position would place us in a very difficult constitutional position because, of course, Her Majesty is both the Head of State but also the Supreme Governor of the Church of England and I think that we could cause an enormous problem.

Realistically, all this amendment seeks is to put those two buildings... for them to continue with their current legal position – slightly ambiguous as it may be, but it does not seek to do anything more than has already been done. I would propose that it is a very reasonable amendment, so that these properties remain within the ownership of the Church. I personally see nothing particularly contentious but I am sure that some Members will actually want to raise a few questions.

When I looked at the PERRC Report as to why these properties were being vested I found it quite strange. Paragraph 4.2.28 says:

'Although the construction was not paid for by the respective parish ratepayers PERRC believes that the Torteval Church Hall and St Martin's Community Centre and the land upon which they are built should be statutorily vested in the ownership of the respective parishes. Both buildings were constructed on land which is parochial church property, being the equivalent of property which is being vested in the parishes, and PERRC therefore believes that they should be subject to its proposal for other parochial church property.'

But, of course, vesting land, which has a nominal value, and vesting buildings, which have had a substantial amount of money paid towards them with all good faith and intention being that it was within the Church, are very different things and it makes no reference to the problems.

1125 The Report itself actually does not recognise this – that the buildings were built by the Church. It recognises that it was built on Church land but then goes on to say that they believe that they should be taken away from the Church and does not go on to explain why they felt it to be so. I would be very interested to hear if there was a reason, because I cannot find it in the original Report and that, to me, is very worrying.

1130 Members, I do not feel that it is a particularly difficult one, but I do hope that it would actually be a means of securing the rest of the legislation because, were it not to pass, I am concerned with regard to the petition that may happen.

Thank you.

1135 **The Bailiff:** Deputy Harwood, do you formally second the amendment?

Deputy Harwood: I formally second and reserve my right to speak, sir.

1140 **The Bailiff:** Thank you.
Deputy Soulsby.

Deputy Soulsby: Sir, yes, I do not know if this might help speed up debate, but certainly I have got no issue with the amendment and I do believe that St Martin's Douzaine have no issue with it either. I think what would have been good, as a matter of courtesy, is if the amendment could have been sent to the Douzaine in advance.

Thank you.

The Bailiff: Deputy Green.

1150 **Deputy Green:** Sir, Members of the States, as a Member of the Committee, I just wanted to put on record that we drafted the Law to reflect the February 2012 Resolutions, and it was Resolution 3 which was passed by the States in February 2012 and I quote:

'Resolution 3. That the ownership of the Torteval Church Hall and St Martin's Community Centre shall be statutorily vested in the Constables of Torteval and St Martin respectively on behalf of the Parishes.'

1155 The draft Law that we produced complies with the Resolutions; it complies with Resolution 3 precisely. I listened to what Deputy Bebb said, in introducing his amendment, and I think the points he made were fair. I suggest that, ultimately, it is a matter for States' Members. I do not feel particularly strongly about the particular Resolution that was made in February 2012 and personally I will not be opposing this amendment.

1160 **The Bailiff:** Does anyone else wish to speak?
Deputy De Lisle.

1165 **Deputy De Lisle:** Sir, Members will be familiar with the letter to Members from the Torteval Rector and the churchwardens. That letter of February 18th of this year makes two points very clearly. Firstly, that the cost of building the church hall at Torteval was met entirely from funds raised by the Church congregation. The ratepayers did not contribute to the cost of construction, nor have the ratepayers' funds ever been used to maintain the hall. Secondly, the Rector and churchwardens of the time built the hall on glebe land, in good faith, and in the belief that glebe would remain forever under their and their successor's control.

1170 Having said that, Deputy Bebb mentioned the section in the Report – 4.2.28 of the 2012 Billet – and that argues that, although their construction was not paid for by the parish, it makes it very

clear the hall and the centre and land upon which they are built should be statutorily vested in the ownership of their respective parishes – in that the buildings were constructed on land which is parochial church property, the equivalent of property being invested in the parishes.

But, to me, sir, the land is a relatively small part of the property in the context of the building, and permission was given to build on it, and it could have been denied. But the land is such a small part; the building is central and the huge effort by the community to gain the funds to put the bricks and mortar together in the 1970's, and the effort that has gone in by the church community – the fundraising.

I just think of the efforts at the new St Saviour's Community Centre by the St Saviour's Community Trust, that I am involved in, with others, organising events to put together the money, the sponsors and then the skilled tradesmen contributing their time *free gratis* to decorate and fit out the building, all to develop a living, working centre that can serve this and future generations. So one can understand the Rector and churchwardens encouraging Deputies to support the amendment.

The Church, in fact, feels vulnerable to a possible sale of the hall and, indeed, the centre, should the ratepayers of the parish so decide. There is no guarantee – no guarantee has been given – that this would not happen. In fact, glebe land, generally, will be quite vulnerable to disposal given the provisions of the Projet. One can understand the wish then to retain the *status quo* and that transferring the hall to secular authorities is considered by them unfair and contrary to the natural justice.

Sir, I would ask Members to consider very carefully this particular amendment and to look kindly on supporting it.

Thank you, sir.

The Bailiff: Deputy Harwood and then Deputy Brehaut.

Deputy Harwood: Thank you, sir.

Members, those of you who are students of history may well recall the antics of Henry VIII and Thomas Cromwell at the time of the Reformation. When actually what he did, and his minions, was to seize Church land for the benefit of the new established religion. (**A Member:** Hear, hear.)

Sir, that was a form of expropriation. What we have here, sir, if this amendment is not approved is another form of expropriation. The expropriation also means confiscation, appropriation, annexation, requisition, sequestration – you can use any phrase you like, but the reality is that if this amendment is not approved then a valuable asset which currently belongs to the churches of Torteval and St Martin's, respectively, will be seized and put into, effectively, the State.

Sir, the origins of the Resolution, which I acknowledge and Deputy Gollop has referred to – that there was a Resolution, there is an extant Resolution, which does actually require this statutory provision... but, sir, I suggest that the mere fact that the States, the previous States, the previous term, took it upon itself to confiscate the properties in this particular manner, does not necessarily make the position correct when we actually come to produce the legislation.

Sir, Deputy Bebb and others have already explained the reasoning behind the amendment. Clearly, there is a valuable asset, both from the St Martin's Community Centre and Torteval Church Hall. Both properties were built by the efforts of the Church and on the basis that donations were made for the building of those buildings on the understanding that these were being built on glebe land which would remain within the ownership of the Church. It is surely not incumbent upon us to seize those properties and vest them in the parish in a secular body.

Sir, do not be misled by the nice phraseology used in the words of clause 3 of the Projet, vesting of legal ownership sounds lovely, sounds very benign, but vesting legal ownership effectively means taking away; it means confiscating from one property owner, i.e. the Church, and putting it into the hands of the parish. I do not believe, sir, that it is incumbent upon this Assembly to take upon itself or to continue the work that was commenced by Henry VIII in

1225 England in order to fulfil this particular role. Sir, I would argue strongly from a first principle that it is wrong to vest legal ownership of St Martin's Community Centre and Torteval Town Church in the parishes.

I could use the same argument about the rest of the glebe land but my understanding is that the Church actually is not objecting to other parcels of glebe land being so vested and so be it.
1230 But to do so with the opposition of both the Church of St Martin's and the Church of Torteval, I believe, sir, is confiscation and if this were being done in a third world country we would be up in arms and say, 'How appalling! How dangerous!' Surely it is wrong for this Assembly to persist with this confiscation.

1235 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

I have fond memories of the land that St Martin's Community Centre stands on. This is an anecdote, by the way, by way of evidence, because Members will recall the green huts that used
1240 to sit on the corner, and my sisters, who are now respectively 50-something, used to attend Brownies there, and my mother was the cleaner.

My mother cleaned the CEMS halls because they belonged to the Church of England Men's Society and my mother was never employed by the parish, she was employed by the Church of England Men's Society. I say that, sir, because it is clear that if we are looking to evidence in any
1245 way ownership or historic usage over the years, that was my clear recollection and experience that those green halls were the responsibility of the Church of England Men's Society, and I remember vividly my mother receiving payment – I think it was from the Reverend Cogman if I remember at the time, who was – I cannot remember his name exactly – around that period.

Thank you.

1250

The Bailiff: Deputy Perrot, do you wish to...? Then Deputy Gollop.

Deputy Gollop: Sir –

1255 **The Bailiff:** No, Deputy Perrot first, Deputy Gollop. *(Laughter)*

Deputy Perrot: Thank you, sir.

Actually it was the Very Reverend Freddie Cogman who eventually became Dean of Guernsey.

Thank you, sir, for allowing me to speak. I feel quite cheered up. I came in here in a grumpy
1260 frame of mind this morning, as Deputy Lowe will know, and we will see why perhaps later on in this debate. But Deputy Harwood has cheered me up no end! *(Laughter)*

I spent 30 years in partnership with him. I had not realised until quite recently that he was an expert on planning, for example. He is now an expert on some medieval history which I had never known before, and now as well on property laws, expropriation and all the rest of it.

1265 I do not disagree with it, but I shudder to think what he is going to be an expert on next month – maybe breastfeeding or aviation laws, *(Laughter)* something like that. But perhaps he could give those of us with a sensitive disposition some warning of what he is going to speak about next. I thank him for what he said.

Being rather more serious about this, I was asked to support this amendment. Deputy Bebb
1270 asked me to support it and I did not. It was an act of cowardice really, on my part, and I should have said to him that, yes, of course I will support it because it makes so much sense and, to use the exaggerated language of Deputy Harwood, it is expropriation to allow this property to be taken away from the Church.

But the reason why, at first, I did not wish to support it was that I saw conflict between this
1275 legislation and some of the good things that it will do about confirming the ownership of

rectories with the inequity which we see in the West in relation to the monies which will be derived from the rectories of those parishes which do not actually have to house their incumbent.

Put shortly, in the West the incumbent is living in the Parish of St Saviour, but if this legislation is passed the other parishes will be able to derive quite substantial income from their rectories but will not make any contribution towards the housing of the Rector who has the cure of the souls in the four parishes, and I saw there being a conflict between those two. I mean, to put it bluntly, I did not want to get the Constables and Douzaines too upset about something else which I am going to do, and that was cowardly of me, and I take all of that back.

Not so long ago, I did address a remark to the Chief Minister about what I saw as the lack of equity, in relation to this subject, and I have since attended upon him and I have written him, and I do hope to see a resurrection of a curious piece of legislation called the Pluralities Law, brought in, I think, in the early 1990's. It is a completely mixed up Law, in that it was enacted but not activated. I think it needs to be activated and immediately amended so that its provisions do not have complete effect. But the idea of that legislation would be that there will be a contribution from the other parishes to the parish which houses the incumbent in any case of plurality.

Now, I know that in the case of the Parish of St Saviour it was hoping that by some sort of amendment to this legislation we could bring that about. I accept that we cannot do that because actually the Committee has done what the States charged it with. It has finished its job and, in the words of the lawyer, it is '*functus*'; it has actually completed its work and it would be quite wrong then to tag on what I am trying to do in respect of this particular piece of legislation. So, for the record, I do support this amendment. I am sorry that I was not brave enough to do it when I was asked by Deputy Bebb and, could I say, I also welcome the support of Deputy David De Lisle in respect of St Saviour. He is a regular attender at St Saviour's Church normally in the two weeks before the election! (*Laughter and interjections*) It is nice to know he supports the community centre.

The Bailiff: Deputy Gollop.

Deputy De Lisle: I have to object there, sir – (*Laughter and interjections*)

Deputy Brehaut: It is the last 10 days, sir, not two...

Deputy De Lisle: – in that my family have been members of that Church for generations, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: I speak now I suppose. I am not sure of the procedure here, but if Deputy Lowe, particularly as the Vice-Chairman, could speak later if she... (*Interjection and laughter*) at the end of the amendment.

The Bailiff: You can only speak once.

Deputy Gollop: I know I can only speak once – exactly my point.

Here I am sometimes looking at lemmings jumping over the cliff edge and already two of our Committee, Deputy Green and Deputy De Lisle, have expressed perhaps dissatisfaction with the strict letter of our Resolutions.

Now, we have been a Committee united in approach and manner but occasionally divided in opinion and I feel, having considered the matter carefully, my principle responsibility in this context today is to represent the Committee view by the majority and also the Committee view, as Deputy Perrot has rightly observed, from the Resolutions that the Assembly passed early in the year 2012, that are still valid.

It is not my role, as if I sat on an administrative tribunal or something like that, looking at the rights and wrongs of a case. I turn Members back to the February 2012 Resolutions of Billet D'État IV and, indeed, Deputy Harwood and Deputy Bebb have already mentioned there were Resolutions. In fact, there were two, not even one. Resolution 3 says that:

'The ownership of the Torteval Church Hall and St Martin's Community Centre shall be statutorily vested in the Constables of Torteval and St Martin respectively on behalf of the parishes'

And Resolution 4 says that:

'The lease held by the St Martin's Community Centre LBG continues to be valid after the statutory vesting in St Martin's Parish of the land on which it is situated.'

Now, I remember that debate. I have not read every word of the *Hansard*, but I remember we had an amendment, a sursis really, from Deputy Trott on various issues, which was narrowly defeated.

I recall that the Resolutions were unanimously carried without amendment by the Assembly of the day, but we did have interventions by various parties and some legal advice – and I do recall Deputy Quin and Deputy Hadley in particular, who were able members of St Martin's South East District constituency who raised concerns about the St Martin's Community Centre, and we broadly gave them assurances that we would listen and look at the arguments.

It is quite true we received a letter in the past from the upstanding member of society, the late Henry Goody, who we totally respect. We have had correspondence with the former Dean, the very Reverend Mark Tookie, and we have had correspondence from senior figures in Torteval as well. They have made their case clearly. We have to really abide by the Resolutions. We made a decision not to reopen the arguments and start all over again... the third PERRC Committee to consider afresh.

We also made a decision that we would stick to the Resolutions and that was reinforced last autumn when *The Guernsey Press* and the *BBC* started to broadcast opinions of diverse Douzeniers who had been consulted and were beginning to express dissatisfaction. We realised that it was purposeless to reopen the whole argument.

Indeed, our comment now on Deputy Perrot's point about the pluralities – personally, I am very sympathetic to the arguments he has put forward. I think they do have an issue in the four Western parishes that the six Members represent. I would like to formally request – although I do not think it is my role to – the Chief Minister, on behalf of the Policy Council, to bring in the Pluralities Law, especially if this passes today – which I am sure it will, because this is the only sensible way forward.

I can write a letter or say it all even – of course Deputy Perrot could do so. He perhaps has more understanding of these matters than, arguably, any other Member of this Assembly. Of course I am looking at Deputy De Lisle who is a Member of the Parochial... so he could do it too.

The point is that it is a matter that could be looked at and should be looked at. But when we went through a six-month period on our Committee of incorporating it within our legislation, immediately, not surprisingly, it put one of our Members, Deputy De Lisle, in a tricky position because he tries to fairly represent all four parishes of the Western District and listen to all four Douzaines. Also was it our role to be some sort of mediator between four Douzaines and four parishes? No, it was not. We had to stick to the Resolutions. And it is up to the next stage to go down this route.

My other comments really are based on the mainstream of this amendment. Deputy Harwood has brought up the extraordinary historical example of Henry VIII, who we enjoy not so much in the church hall but in Wolf Hall at the moment! (*Laughter and interjections*) Here am I, still an unmarried bachelor, and he had six wives – so I do not (*Laughter*) compare me with that redoubtable person, but he is famous as an iconic figure and he is, of course, a very distinguished

1375 predecessor of Her Majesty the Queen of England, our Duke of Normandy, who we totally respect and pledge allegiance to.

Now, Deputy Bebb has raised a possibility – not for the first time, because this came up, more longer serving Members especially will remember, in the 2012 debate – of there being a possibility of the Church seeking redress through the Privy Council for a Petition to her Majesty.
1380 We have bent over backwards to avoid that.

I have been the victim, in a way, of some good humoured, robust comment from a well-known political commentator, in the *Press* particularly, that my sole motivation is to have a free tea party with the Dean of Guernsey and to be persuaded along his line of thinking. That is not the case. We have worked hard to get the Church on our side and to give them the assurances that they
1385 needed, whilst at the same time ensuring that parochial bedrock was supported and that we were united as a Committee. We have done that.

We have this one side issue of the community centres. Now, this is not exactly a dissolution of the monasteries, it is not really a nationalisation of Church property, because it is on glebe land that the parochial assemblies believe they had a role in.

Now, when arguments are made about bequests of land and who gave what to whom and why and who owns what. I tend to see that, I am afraid, as a legal matter – as a matter that the Royal Court might have to adjudicate in - or because of a contractual matter between the parishes and the Church Authorities. There is, of course, another angle here that we have been in existence for 10 years, three years since the last debate and, although we have had some learned letters from
1395 very distinguished members of our community, I do recall a Parochial Council meeting chaired by a Minister on the Policy Council, where I asked at the end of the meeting – and my Vice-Chairman was there – to a representative from one of the concerned parishes what their views were, and they were quite happy with the proposals on those issues. It is only recently we hear perhaps from Deputy Soulsby that there has been a slight reconsideration of that standpoint.

This amendment came to us proposed and seconded by two eminent St Peter Port Deputies, which is intriguing because we know the reasons now why Deputy Perrot did not go for this amendment as a seconder, but I was expecting one from the south eastern and the western Deputies, bearing in mind the two parishes where this is situated. I am surprised, given the importance of this issue to the Church of England, that with their resources and brain power they
1405 did not consult a firm of local or ecclesiastical lawyers and put together an evidential case of why what we are doing is so wrong and so inappropriate. They have not done that in the last three years, not in the way I assume, nor did they do it prior to the last States' debate or during the last General Election when this was a live issue.

So, although I am personally not unsympathetic to their arguments, and if I was adjudicator I
1410 would want the evidence from both sides, I have to stick with the Report that the States has approved, with the Resolutions we as a Committee have gone with. So I do ask the States to support the Law unamended and I think it is perhaps up to any interested parties to make a case at a later point.

1415 **The Bailiff:** Deputy Conder.

Deputy Conder: Thank you, sir.

Mr Bailiff, fellow States' Members, I rise to speak as a Member of the Parochial Ecclesiastical Rates Review Committee. I will speak in respect of this amendment and in general debate.

1420 Sir, just before I address the specific issues of this amendment, if the Assembly will indulge me, I will just briefly relate a little story about the history of my membership of PERRC. *(Laughter)*

Just three years ago, just a short while after our election to this Assembly, my telephone rang and I answered it to the warm, mellifluous and avuncular terms of my friend and our new Chief Minister, Deputy Harwood. I must confess I was surprised to receive a call as I certainly was not
1425 anticipating preferment, but you know how it is, political vanity can infect us all.

Well, after a brief discussion Deputy Harwood said to me, 'I would like you to become a Member of PERRC.' Well, I must admit it was not perhaps the political promotion that, in my vanity, I thought I might have aspired to, but you know how it is, the excitement of the election, the warm glow of humanity spreading inside me, what could I say to my friend other than yes.

1430 I must emphasise now that following these three years my regard and respect for Deputy Harwood is undiminished, but my message to aspiring States' Members – any aspiring States' Members listening to debate – is beware of Chief Ministers bearing gifts, (*Laughter*) no matter how avuncular or how mellifluous!

1435 Sir, shortly after my elevation to the Committee another good friend, Deputy Robert Sillars, said to me, 'You have just committed political suicide!' (*Laughter*) I must confess that on occasions over the last three years, as my colleagues and I have slogged through this very detailed legislation to bring it to this Assembly, it was not necessarily political suicide that I contemplated.

1440 Sir, the drafting of legislation to reflect the 10 Resolutions of the States approved in February 2012 has been very lengthy, and a challenging process, and the political Members of PERRC are indebted to HM Procureur, and Advocate Simon Hodgett, of St James' Chambers and the Committee officers, Mr Ogier and Mr Way, who have diligently supported us in our efforts and whose time represents a very significant cost to this Government.

1445 Sir, it is the opportunity cost of that commitment and time that goes to the core of my response to this amendment and, indeed, other amendments. As I said, the legislation reflects, as far as is practical, the Resolutions approved by the Assembly in February 2012 one of the last actions of the Committee before bringing the legislation to this Assembly was to audit the proposed legislation against the Resolutions, and by and large we are satisfied and assured that they do.

1450 Sir, on this and on other occasions, we as an Assembly seem to be falling into the habit of instructing Committees through Resolution and then dismembering those Resolutions at the legislative stage. Now, clearly that is democracy, and that right must be protected, but I question whether this is good Government or good use of resources.

1455 As I reflect upon the points made by various Ministers and Chairmen in respect of the lack of their resources to deliver their Committees' mandates earlier in this meeting, I think we as a Government need to reflect upon the opportunity cost of charging our officers with producing legislation which reflects our Resolutions and, having done so, rejecting those previous Resolutions and their consequent legislation.

1460 As I have said, the legislation presented today, to the extent we are able, reflects the 10 approved Resolutions and represent the product of many, many hours of diligent work by the Committee and its officers, and represents a coherent, logical and incremental way forward which I hope the Assembly will approve.

I urge the Assembly to reject this amendment and approve the legislation as drafted.

The Bailiff: Deputy Le Pelley.

1465

Deputy Le Pelley: Sir, I stand just to explain my position. I am in the second year of a three-year appointment as a Constable, and that may be perceived to have a conflict of interest, so I will be listening but not taking part in the vote, just in case anybody thinks that I may be voting for my own position.

1470

The Bailiff: There is no reason why you should not vote if you wish to do so.

Deputy Le Pelley: Well, property may be handed into the hands of Constables, so... I take your advice.

1475

The Bailiff: It is no reason why you should not vote. The Procureur is confirming that.

Deputy Le Pelley: Thank you.

1480 **The Bailiff:** Does anyone else...?
Chief Minister.

The Chief Minister (Deputy Le Tocq): I just rise, sir, because my name has been mentioned a few times, and I will undertake to endeavour to bring something to the Assembly on the matter of pluralities, on the basis that I have been petitioned not only from Members of St Saviour's, but also other parishes and if only things could be simple – (*Laughter*) I am all for simplicity really.

1485 With regard to this amendment though, sir, in my mind I would rather vest all the property in the Church of England, if it was me, and let them get on with it. That is simplicity for you. Given the fact of what we have heard regarding these things and the fact that the decision was made prior to this Assembly taking place, I am minded to support this amendment.

The Bailiff: Deputy Wilkie.

Deputy Wilkie: Thank you, sir.
1495 I would just like to start by declaring an interest – that I am a Douzenier on Torteval Douzaine. Torteval Church was not consulted during the drafting of this amendment, nor was there any consultation with Torteval Douzaine. I feel there is no need of this amendment as Torteval has an excellent relationship with the Torteval Church and talks on the future of the church hall have been extremely amicable.

1500 **Deputy Bebb:** Point of correction.

The Bailiff: Deputy Bebb.

1505 **Deputy Bebb:** There has been consultation with the churchwardens and members of the Church – Torteval Church.

The Bailiff: Deputy Wilkie.

1510 **Deputy Wilkie:** Sir, it is my understanding that this happened after the amendment had been filed with the Greffier.

Now, as I was saying, we are well on the way to a successful solution to the issue of the church hall without this amendment. I do not understand why you would bring an amendment to benefit two parishes' churches when you have not previously consulted with them.

1515 This is not an example of good governance and it does simply not make sense that it has taken 10 years to get to this stage of the process, after years of exhausting consultation and remodelling. Why bring an amendment of this nature without fully thinking through the possible ramifications? If this amendment is successful what will happen with regards to the car park? The church hall will be surrounded by parish land without its own access. It is these sort of questions that could have been, and should have been, sorted out through a proper process of consultation. This just illustrates how complex a situation could become if this amendment is successful.

1520 Some members of the parish were quite offended by the implications that we have had today, of the parish stealing property from the Church when we have a huge bill for the church roof and spire which will be paid for by the parish.

1525 I am concerned that these complications could cause problems for the parish and for the Church, therefore I cannot support this amendment.

Thank you.

The Bailiff: Well, no-one else is rising. Oh, Deputy O'Hara.

1530 **Deputy O'Hara:** Thank you, sir.

As Chairman of DLG, I thought I should mention just a couple of items, but in particular the fact that PERRC very kindly came to a meeting to meet with all the Douzaines to go through in detail in connection with PERRC and, in particular, one or two items that did indeed give them concerns.

1535 I am pleased to say that at that meeting the feelings were aired and, indeed, they were satisfied with the legislation being proposed. I think also at that meeting I need to confirm this – and I am waiting for an officer to come back to me – I think at that meeting we also discussed the situation regarding plurality, and I think that we decided at that meeting that we would send a letter to that effect to the Policy Council, but I am just awaiting details of that now. So I have got
1540 to my feet a little bit early, but I will mention that later.

Thank you.

The Bailiff: No-one else is rising.

Deputy Lester Queripel.

1545

Deputy Lester Queripel: Sir, I am inclined to support the amendment, but I am just a bit concerned about what Deputy Willkie just said about the building being owned separately to the land around it – the car park and everything – I wonder if Deputy Bebb can make sure he clarifies that later when he sums up, sir. Thank you.

1550

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli, and thank you to everybody for participating in this debate.

1555 I thank those Members who have actually spoken in support. I am pleased to hear about the feeling that... especially from Deputy Soulsby in relation to the position of St Martin Douzaine.

I would like to start with dealing with a few of the questions that were raised.

Deputy Gollop stated in his speech that PERRC as a Committee have completed the Resolutions and I fully agree with that. Of course they have. They have done very difficult work,
1560 because anybody who listened to the debate in February of 2012, as I have, will know that there were issues of great concern still surrounding the work of PERRC when this Report was debated; and during that debate, quite rightly, there was confirmation that, in drafting the legislation, further consultation would need to be undertaken to ensure that the legislation did meet with a number of concerns. PERRC are to be commended for the work that they have done in alleviating
1565 a number of those concerns. I am not in any way trying to say that they have brought this legislation, as is, of their own volition. It is evidently in completion of States' Resolution and I feel that they have made the right decision in doing so.

However, Deputy Gollop then went on to state that he would rather pass the Law as is and then have someone adjudicate on it. But if we go back a little bit in his speech he was also talking
1570 of the great expense and cost that PERRC has already incurred. Now, can I ask whether we honestly feel sending this Law to be approved, knowing that it will be contended, is a further good use of money? That we really should be spending time effort and money in passing a Law that will be contested? I feel that actually to be... People talk about good governance – I do not think that such a decision could be supported. We know that it would be contested and to think
1575 that to send the Law to be contested is a good use of Government money, to my mind, makes no sense whatsoever.

Deputy Conder raised the question about legislation being amended. It worries me greatly to hear of someone on the States' Review Committee, having had the debate where I made it clear as to the failings of this Assembly, in my opinion, to properly debate legislation, to then affirm
1580 once again that the desire was not to amend legislation to this extent.

It is perfectly correct that legislation is debated and amended. Personally, I would like to see more of it. I think that we do not debate and amend legislation sufficiently. We definitely do not reject legislation sufficiently, because there is an overwhelming desire having invested the time and effort in bringing legislation to this Assembly to say, 'Well, we cannot simply say no, now that is a waste of money.' Not considering whether it is good or bad to be actually passing that legislation.

Personally, I feel that this amendment is perfectly acceptable and, indeed, legislation debates should be welcomed; and I would ask the States' Review Committee once again to investigate further the possibility of how we enhance debate on legislation, not stifle it.

Deputy Le Tocq stated his main reason for supporting this was because the decision was made by a previous Assembly, but Deputy Le Tocq knows full well that no Assembly can be bound by a previous Assembly's decision. Therefore, that is not particularly a valid reason, although it may be one that he personally feels he wants to support. Realistically, we cannot be bound by our predecessors and that should never be the case.

Deputy Wilkie stated that there had not been consultation with the Church. There had been consultation with the Church. If there were members who felt that there had not been, I apologise for that. There had been discussion.

With regard to the complexity issue that he raises, realistically it would leave the situation as is, as complex as it is today, because all that this does is leave the situation for those buildings and the glebe land on which they sit in the same position as it is today. Therefore, the complexities that would arise are equal to the complexities that there are today. And not one person has advised me that this is a particularly complex situation today and, therefore, I would contest that there is no complexity issue in future.

Members, I think that it is fairly clear as to what the purpose of the amendment is. I think that the debate has been such. I believe strongly in two principles of Government: that Government is here to protect people and Government is here to protect property. I sincerely hope that this Government would actually do so, because not to would be a dreadful act, in my opinion.

I hope that you would support this amendment.

Thank you.

The Bailiff: Members, we come to the vote on the amendment proposed by Deputy Bebb, seconded by Deputy Harwood, and there is a request for a recorded vote.

The Senior Deputy Greffier: Sir, this session the voting will begin with St Peter Port North.

There was a recorded vote.

The Bailiff: That has clearly been carried, but while the votes are counted we will move on with the next amendment, also proposed by Deputy Bebb.

Deputy Bebb.

Amendment:

To delete clause 6, 7 & 8 and re-number the following clauses accordingly and, in consequence thereof:-

(a) delete clause 13(1)(c)(ii);

(b) in clause 13(1)(h), in inserted paragraph (bb), delete the words ', que le Conseil' to 'en avance'; and

(c) in clause 13(1)(h), delete inserted paragraph (cc).

Deputy Bebb: Thank you, Monsieur Le Bailli.

The next amendment is the amendment which would delete clauses 6, 7 and 8, being the management boards.

1625 Now, there are many reasons why I lay this amendment. Indeed, the management boards' creation, as debated in the PERRC Report, was one of the main reasons for me standing for election. I was that offended by the decision back then, because back then I was a churchwarden for St Peter Port.

1630 I look at the Report and I think I will start there. The Report from PERRC states in paragraph 4.2.30:

'PERRC concludes that it is fair and reasonable that the parish (as owners or beneficial owners of the parochial church property), should be more involved in the management of parochial church property and its care and maintenance (not just in raising and distributing the approved ecclesiastical funds). PERRC considers that the Douzaine, as the elected representatives of the parish should also be involved in the management of parochial church property. The Rector and Churchwardens also have a key role in parochial church property management. PERRC therefore suggests that the roles of the parish, the Douzaine and the Church should be recognised through representatives of each working together on joint Management Boards.'

It all sounds very reasonable really, until we get to the next paragraph – 4.2.31 says:

'PERRC wishes to stress that the proposal to create management boards is not intended as a criticism of the current arrangements.'

1635 So why on earth would we do such a thing? And really 'why' is moot. Once again the Report does not say why the management board is considered to be in any way a solution when it says itself that there is not a problem. When we are talking of a management board, realistically what we talk of is a committee and I could not understand why a system, that the Report itself says works well, suddenly requires a committee and then does not say why this resolves any particular
1640 issue. It is quiet on it.

However, in the Douzaine meeting on Monday night, Deputy Gollop stated that one of the reasons for the creation of the management board had been representation to PERRC that a certain someone was apparently – which I do not know who – aggrieved as to a person holding the office of churchwarden, Douzenier and Deputy because they felt that that was too much
1645 authority.

Well, if someone has received sufficient popular support to be elected as churchwarden, to be elected to the office of Douzenier and to be elected to the office of Deputy, I would suggest that that is wholly democratic and appropriate. They enjoy that popular support. To create management boards in that light, looks awfully like the politics of envy. I would sincerely hope
1650 that we have not entered into a situation of creating a committee based on someone's envy.

When I was churchwarden, I rewired the whole of the Town Church – not an insubstantial task, given that I was advised by the Guernsey Electricity that the Town Church was possibly one of the first buildings in Guernsey to receive electricity. Some of those wires may well have still been operating when it was rewired, such was the parlous state of wiring.

1655 The work required raising total funds in the region of £450,000 to pay for the rewiring – not an insubstantial amount. The Church contributed around £150,000 towards it and the parish paid the remaining £300,000.

The agreement that was reached was reached between myself, as churchwarden, and the Constables of the parish. No churchwarden could possibly have entered into such an agreement without working and co-operating with the parish authorities. The idea that I could simply ask for £300,000 and it would be accepted is ludicrous. Therefore, there is already good co-operation between Church and parish. I am unaware from those representations that I have received, that it is in a poor relationship anywhere on the Island.

1660 The office of churchwarden is also an elected office. I stood in a contested election at the St Peter Port Parish meeting in order to receive that office, and therefore the assumption that the churchwarden is somehow affiliated with the Church only is false.

1665 Anybody could stand for election to be a churchwarden – indeed, I would welcome greater interest and greater participation in such matters – but the truth is there is very little interest. The

1670 main interest in church buildings happens to be through those who attend on a regular basis and, therefore, to my knowledge, I am unaware of anybody who has successfully stood for churchwarden – I would be happy to be corrected – who was not a member of the Church congregation but, of course, it is open to anybody.

1675 The work that was undertaken when I rewired the church required the closing of the Town Church for a year. During that time we received an incredibly gracious offer from the Roman Catholic Church to use Notre Dame, and that offer was accepted and gratefully accepted.

I have to say, to this day, I am exceptionally grateful to the Roman Catholic Church for their very, very gracious offer. They made that offer unreservedly with no request for any financial recompense for our use. It was exceptionally generous. We accepted that offer and, for a year, the Town Church celebrated at Notre Dame.

1680 As a result of that, however, accusations that were levied against me by certain people were extensive. I was told by certain people that my true desire was not to rewire the Town Church but to convert the congregation to being Roman Catholics. I was told that my real desire was not to rewire the Town Church but to, in some way, actually gain personal glory. There is not a lot of personal glory in rewiring churches, I can tell you that much! I was roundly condemned by a few people because, apparently, I was destroying the very church itself. Of course, the fact that there were two main sources of electricity coming into the building and it was in danger of setting itself alight at any particular moment did not figure into their thinking.

1690 Now, why do I say this? The reason I say it is because if we set up management boards or committees of seven people to do this work, I have to ask the question: how many of those management committees would be willing to forge ahead despite criticisms? I doubt that that work would have been done. I sincerely doubt that the amount of work that I contributed at that point in time would have been completed, because the committees would have meant that work would have been stifled.

1695 I see no benefit to the creation of committees and yet I see a number of dis-benefits. If we are to care for our historic building it does on occasion require decisive action, and decisive action is not generally known from committees. I would say that the desire for a committee somehow seems to have come from a Government that is run by committee, and is comfortable with that structure. But there is no need to impose this committee system on other parts of our society.

1700 I believe that in the role of churchwarden, as I conducted it and as many have conducted before, and in other areas, the work has actually been done well. We have 10 parish churches which stand in fairly good order. I ask: 'where is the problem that requires a solution?'. I honestly fail to understand the need for these committees.

1705 I do not think that any single person has approached me and said the problem with the churches is we have not got a committee running them. I have heard a number of other things. I have heard people say they would rather not pay for them. I have heard that people would rather not pay for the rectories. I have heard that people would rather not pay for this. I have heard a whole host of opinions in relation to these buildings and, believe me, I have been lobbied frequently by a number of people in relation to this question – not least during the election campaign when it was fairly obvious, as a churchwarden, this was something that was in the spotlight.

1710 The Report from PERRC was debated in February just before the election. But not one person told me that what they wanted was a committee to run the church building because that would make everything absolutely fine. I fail to understand, and the Report itself from PERRC makes no mention of the great need and the benefit of it.

1715 Having said itself that there is no criticism of the current structure, I ask Members please to support this amendment and reject the management committees. There are other things within PERRC that would be of benefit but this has no benefit to it, whatsoever.

Thank you.

1720 **The Bailiff:** Deputy Perrot, do you formally second the amendment?

Deputy Perrot: I do, sir.

Carried – Pour 36, Contre 5, Ne vote pas 1, Absent 5

POUR

Deputy Le Clerc
Deputy Sherbourne
Deputy Bebb
Deputy Lester Queripel
Deputy Stewart
Deputy Gillson
Deputy Ogier
Deputy David Jones
Deputy Laurie Queripel
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Le Tocq
Deputy James
Deputy Adam
Deputy Perrot
Deputy Brouard
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 Langlois
Deputy Robert Jones

CONTRE

Deputy Gollop
Deputy Conder
Deputy St Pier
Deputy Lowe
Deputy Wilkie

NE VOTE PAS

Deputy Le Pelley

ABSENT

Deputy Storey
Deputy Trott
Deputy Fallaize
Deputy Inglis
Deputy Domaille

1725 **The Bailiff:** Just before we move into debate, I can formally announce the result of the voting on the earlier amendment proposed by Deputy Bebb and seconded by Deputy Harwood. There were 36 votes in favour, 5 against, with one abstention. I declare that amendment carried.

Now, who wishes to speak? Yes, Deputy Brouard.

1730 **Deputy Brouard:** Thank you, sir.

Having been able to support Deputy Bebb on the last amendment he put through, I am sorry I will not be able to support him on this one.

1735 Certainly, my experience of being on the St Peter's Douzaine for 15 years now, I think, it would be very helpful to have a much stronger and formal relationship between the Douzaine and the Church, and I think the idea of having a management committee is absolutely excellent. I think the Church would benefit from the Douzaine's involvement and the Douzaine from the Church. With ownership clarified, the management committee shares the power with the real owners of the property and the ones who have to put their hands in their pockets.

1740 And, just while I am on my feet, I know a lot of the legislation was written in French and that translations kept coming through. I think it would be helpful if, certainly on some of the wording, we do have a translation of what is actually proposed because, having it in French, it is very difficult to actually see what is being amended, or not amended, and I think we need to move to a

time now where we can actually understand what is being put forward rather than having to go back to the previous States' meeting.

Thank you, sir.

1745

The Bailiff: No-one else? Deputy Le Tocq.

The Chief Minister (Deputy Le Tocq): Thank you, sir.

1750

I have great sympathy with Deputies Bebb and Perrot on this 'God so loved the world that he did not send a committee', but I cannot agree with that. I think it is a case – and we will probably come on to it later – of cake and eat it.

1755

If the real owners of the historic building or those responsible for paying for their upkeep are now the ratepayers, then they have to be represented in some way and, as a result, I am not against what is proposed here. If the Church want to become the real owners and run it in their own way then let them do so. There are many churches that do that, with equally expensive and difficult buildings, and manage to do so quite well. You cannot have it both ways.

The Bailiff: Deputy Lowe.

1760

Deputy Lowe: Thank you, sir.

1765

The management committees have been designed for a particular reason and I heard Deputy Bebb on the radio the other day saying seven members was very cumbersome. Well, we have many States' Committees here who might actually say that is the reason that they have seven or, in some cases, more and, in fact, he has actually supported increasing his own membership on Departments from five to include non-States' members as well, which takes it up to seven. But the point of the composition of the present management boards is very clear.

'It is the Rector, it is two Churchwardens, two representatives of the parish elected annually by the Douzeniers and Constables from amongst their number, and two ratepayers elected annually at a ratepayers meeting and the members of the management board shall elect a chairman from amongst their number who shall have an original vote, and for the avoidance of doubt a person may not be a member of the management board in more than one capacity listed in sub-section (1),'

– which I have just read out.

'The quorum,'

1770

– and this is the vital one –

'... of a management board shall be three, consisting of one member of each category described in Section (1)(b), (c) and (d),'

– which I have just read out, and –

1775

'The management board shall determine its own procedure.'

Now, sir, because of holidays or if there are reasons why somebody cannot attend a meeting, by having seven elected democratically there will always be the opportunity to carry on meetings because the quorum is actually three.

1780

Last time this came to the States for a management committee there was an overwhelming vote of 37 for, 5 against, 2 abstained and 3 present and in this current Assembly there are still 22 Members who voted last time, of which 21 supported management committees and only one voted against, when it was debated back in February.

1785

I think this is a sensible way forward, sir, and I ask Members to support this section and reject the amendment.

The Bailiff: Deputy Gollop.

Deputy Gollop: I endorse everything my Vice-Chairman has said. It would be strange indeed if long-serving Members changed their vote on this particular issue.

1790 I would like to draw various attentions... First of all, the wording of Deputy Bebb's amendment not only is partially written in French, as Deputy Brouard has identified, but includes as part of its explanatory note:

'The effect of this amendment will be to remove the requirement for the bureaucracy of management boards and maintain the current status...'

1795 Now, there is a political undertone there which implies the Government – even parochial government – is in some sense constraining the liberty of the individual, and it is all about red tape, and I think that is contrary to the spirit of what we have been doing.

'...and maintain the status quo.'

1800 And they are not talking about the new acoustic rock group here, I do not think... is to go on carrying regardless with the present order.

Now, what has PERRC been about? Why did the Policy Council, when Deputy Laurie Morgan was Chief Minister, start this approach? It is precisely because there was some disquiet in various parts of the community about the relationship between Church and the parishes, and about the old chestnut of those who pray should pay and nobody else. We know all those arguments and we may well hear some of them later.

1810 But we do know that the community is not of one mind here. If any media organisation went out into *vox pop* they would hear a diverse range of opinions, some of which we heard last week. We have seen those letters and viewpoints ourselves in the opinion we commissioned. We even had different perspectives from different parishes. We do not even have consistency from Constables and Douzaines because one Constable retires and a new one takes office and we have a change of approach. I am sure Deputy Le Pelley would be aware of that in his neck of the woods.

1815 But let's get back to the basics. This is referring to the 2012 Report. In our Report we state, and I will take perhaps a minute to read this:

'PERRC concludes that it is fair and reasonable that the parish (as owners or beneficial owners of the parochial church property), should be more involved in the management of parochial church property and its care and maintenance (not just in raising and distributing the approved ecclesiastical funds).'

This, of course, was approved by the States overwhelmingly.

'PERRC considers that the Douzaine, as the elected representatives of the parish should also be involved in the management of parochial church property. The Rector and Churchwardens also have a key role in parochial church property management. PERRC therefore suggests that the roles of the parish, the Douzaine and the Church should be recognised through representatives of each working together...'

– note 'together' in partnership –

'on joint Management Boards.

PERRC wishes to stress that the proposal to create management boards is not intended as a criticism of the current arrangements. We recognise that the Rector and Churchwardens have a role as parochial officers and trustees, as well as their roles of church officers,'

1820 – and it extends, as we have already said, to ancient parish churches, churchyards and the glebe land, but not – *not* – to the rectories.

'(a) The role of each would be to make recommendations to the parish ecclesiastical meeting [annually] on the management of the ancient parish church, its churchyard and the glebe land, which responsibility includes the Management Board prioritising works, obtaining structural surveys and being the body responsible for liaising with the Environment Department in respect of proposed works;

(b) to recommend to the parish ecclesiastical meeting a list of sums (the proposed ecclesiastical account) to be raised by means of the Owners' Rate for the maintenance and upkeep of the ancient parish church, its churchyard and the glebe land (i.e. the ecclesiastical rate). The Management Board will be required to provide detailed estimates for extraordinary works and capital expenditure. [And it] will require the authorisation of the parochial ecclesiastical meeting for the proposed ecclesiastical account;

(c) to oversee the works approved by the parochial ecclesiastical meeting;

(d) to report back to the parish ecclesiastical meeting regarding the progress on, completion of, and accounts for the works;

(e) to certify to the parish ecclesiastical meeting on an annual basis that the insurance cover is sufficient to reinstate the ancient parish church; and

(f) to encourage suitable, additional uses of the ancient parish churches.'

PERRC proposes that each Management Board will comprise seven members. The Rector and the two Churchwardens ... will be *ex officio*.... Two parishioners will be elected by the parish as members of the Board and a further two members [seats allocated] will be elected by the Douzaine and Constables of the parish from amongst their number. Consideration will need [made for] the arrangements for elections...'

The Chairman will be chosen by the management board. The Chairman will only have a casting vote, and they will be eligible to receive professional advice.

1825 The point of repeating all that is to say that actually everything Deputy Brouard said is congruent to that. He knows that it is now the right time for the parishes to take more of a leadership role here.

1830 As a private individual, I can look back with historical golden glow to the lovely era when vicars were masters of their domain. They were leading figures in the community in a way that is perhaps hard to realise now as society has changed. There were Members of this Assembly *ex-officio* and they would have been the bosses of their churches, supported by their two churchwardens – what they would have said would have gone – but that era has passed. We have to have a more democratic approach and the people who pay – the ratepayers and electors of the parish – have a right to have representatives.

1835 The point is, and my argument about 'committee-itis' is not because I particularly like committees; it is a question of balancing the people who have reservations about the mandate to pay for the Church with the need for the community to hand together and keep the buildings in place.

1840 Deputy Bebb talks about his own, perhaps occasionally, traumatic experiences as a churchwarden. He certainly did a lot for St Peter Port. The restoration was well handled. But he is unhappy that he may have been accused of seeking glory or of being a Papist or whatever, but that kind of slightly takes us off the main topic, and the main topic is those allegations are made by people in pubs and clubs, and round and about and occasionally against church people, vicars, churchwardens. They are made because the process at the moment is not as open and transparent and accountable as it could be.

1845 This reform enables two people who have elected office as a Constable or Douzenier, two other members of the parish who need not be churchgoers, the two churchwardens – who I accept could be non-churchgoers, but why anybody who was not a churchgoer wishes to stand for the position except out of mischief I do not know – and the Vicar, the incumbent; because the point is we want to get away from the old culture of some people saying, 'Oh, the Vicar always gets what he wants for the Church because that is the way it is.'

1850 This committee will have a mixture of views. It would actually be more informed perhaps than just the vicar and churchwardens, because we do know that people who live in parishes and, indeed, Douzeniers have often private expertise beyond their political and community abilities. You may get a builder elected to that committee, you may get a quantity surveyor, an architect, a lawyer – somebody who could add value to the process of keeping costs down and maintenance enhanced and the community fulfilled. This has to be the way forward.

If we go down the way of the amendment that is proposed by Deputy Bebb we run the risk of throwing away 10 years of clear guidance from the public of this Island that they want accountability for the monies they spend on churches, through their legal representatives and through a process that is not seen to be too biased either towards secular people or church people. This is the way to bring about unity and put to bed this vexed question for a generation.

The Bailiff: Deputy Perrot.

Deputy Perrot: Deputy Gollop says that he does not like committees *per se*. He adores committees! *(Interjection)* I have been a member of Committees and he just turns up and he is not even on those Committees. *(Laughter and interjection)* He also speaks historically about the powers of vicars. Well, to the best of my knowledge, vicars have never been Members of this Assembly. The people who have been representatives of the Church in this Assembly have been rectors under Crown appointment, but that is only a little caveat. If you are in some doubt about that perhaps you –

Deputy Gollop: No, it is fine.

Deputy Perrot: – could refer to Deputy Harwood who is our historical correspondent! *(Laughter and interjection)*.

I have to say that our churches are a glory. They have existed in their present form since medieval times. They have not been looked after in the same way since medieval times, but they have been looked after in the same way since the Parochial Taxation Law came in in the 1920's and I think that the churchwardens and the parishes have worked together absolutely brilliantly. It is sad that so much work needs to be done at Torteval Church but all are just beautiful places.

May I thank the churchwardens publicly now for all the work that they have done? Because actually one should not use this phrase but it is a Godforsaken job – actually that is one should not say that, but you know what I mean. It is almost thankless because no-one really appreciates quite how much work reposes on both of the wardens – the People's Warden and the Rector's Warden – and it is terrific that they have kept our churches in such good shape. I speak particularly about my own church of St Saviour.

My approach to this is that really I am against bureaucracy for its own sake. I can understand some of the legalistic arguments put forward by people such as Deputy Brouard here, I do not accept them, but I can understand them. But the point is if it ain't broke don't fix it – the way in which it has worked certainly in the parishes in which I have been involved. I can only speak as a former Douzenier of St Peter Port and as a Douzenier, until recently, of St Saviour... is that there is the utmost co-operation between Church and State, as it were, but all of the donkey work is carried out by the churchwardens initially.

They then liaise with their respective rectors. There is then very often a meeting between the rector and the churchwardens and the Douzaine before anything goes formally into the remède proposal and it is at that stage one sees a number of checks and balances, a number of amendments, a number of suggestions. It works incredibly smoothly.

Those Members of this Assembly who have not been on the Douzaines, or have not occupied any offices within the churches, cannot understand quite how smoothly these things can work.

Sometimes – I felt the wash of the head shaking on my right here – I accept that from time to time things can go wrong but over the years they work brilliantly well, and here is the point, here is the check, here is the balance, here is the governance: it is the remède meeting, because that is the time when any ratepayer can come and voice an objection. Sir, it is not as if the Church is putting in some sort of filibustering idea which has got to be accepted. It does not have to be accepted, and quite often there are challenging debates at the remède meetings.

So I am supporting this, but on the basis that something works smoothly. If it does work smoothly why then introduce further layers of bureaucracy which are not necessary?

The Bailiff: Deputy De Lisle.

Deputy De Lisle: Sir, in principle, the Rector's Warden and the People's Warden do the job currently together with the Minister – that is three people. The People's Warden actually is elected by the ratepayers to look after the ecclesiastical needs and the finances of that side of things.

Now, having additional members has the advantage of more sharing the responsibility, if you like – and the blame if things do not go right – but then it is also a matter of the Church community and the integral future of the Church in society.

The pivotal role really of the Church in our community is extremely important and interference from the secular side in terms of ecclesiastical needs is a matter that I think Members have to think about very carefully, because ratepayers have their chance at the parish meeting to review the People's Warden's view and his financial requests on their behalf, and they can turn those requests down if they want at the People's Meeting before it becomes part and parcel of the remède.

So I think we have to think about what we are doing here because it could well be that by adding another two-plus-two we are going to affect the ecclesiastical role and the Church role in our community in the future.

I think we have got to guard against that and, as I say, the People's Warden's job is to make sure that they reflect the ratepayers' concerns with regard to spending money correctly and properly; and they are put to task when they come in front of the parish meeting – and all those that have attended parish meetings will know that some of those wardens have a fairly difficult time when it comes to justifying their financial needs and their financial requests. 'Have they had three different assessments of the costs of whatever they are wanting to bring forward?' That sort of question is always asked and they have to be credible in front of parishioners at that time.

Sir, I would like Members to consider very carefully this particular amendment because, as I say, we want to see a future for our Church in our community and too much interference from the outside may not be a positive, in terms of maintaining a strong Church community in the future and also looking after our church buildings appropriately into the future.

Thank you, sir.

The Bailiff: Deputy Bebb to reply to the debate.

Deputy Bebb: Thank you, Monsieur Le Bailli.

I thank all Members for actually participating in the debate again. I recognise that it is not something that all Members will be interested in, but it is something that I am deeply passionate about.

Deputy Brouard stated that co-operation with the Douzaine and the Church is overdue. I am saddened to hear such a comment because I believe that the co-operation between the Douzaine and the Church has been excellent in St Peter Port. I am saddened if he feels that it is not excellent in his parish, but I can say that, on those occasions where there were concerns by the Constables, I received a phone call from the Constables demanding my attendance in order to explain what was happening.

The idea that Churchwardens could just run off and do what they want is false. I was quite rightly called into account on occasions by the Constables Barry Cash and Jenny Tasker at that time, and at those meetings they have very robust questions. I am pleased to say that on each occasion I managed to allay their fears and we managed to proceed, but the idea that there needs to be a greater connect with those ratepayers who pay I am also saddened about because, realistically, the People's Warden is elected by those very ratepayers. There can be no closer connection than to be directly elected by the ratepayers. Therefore, I do not fully understand those comments. The People's Warden is elected by the ratepayers and quite rightly called to account by them annually at the ecclesiastical meeting.

Now, Deputy Le Tocq said that the Church cannot have it both ways.

I give way to Deputy Brouard.

The Bailiff: Deputy Brouard.

1965 **Deputy Brouard:** Thank you very much, sir.

I think the point I was trying to make – and I am sorry if this does not come across well – is that it can be improved over the longer term rather than the Church presenting to the parish at almost the eleventh hour their demands. It would mean that the Douzaine and the Church work together over many, many years, looking far further as to how the church should be maintained – and that is the point. It brings us to the table together to work together better, rather than just a formal, ‘Here is the remède. Please find the money for it’. It will help us to work together.

Thank you.

The Bailiff: Deputy Bebb

1975

Deputy Bebb: I am additionally saddened at that, (*Interjection*) because I have to be honest and say that if I had presented an eleventh hour amount of remède to the Constables for St Peter Port, I am not sure that would have gone through. I presented and continue...

I know that the situation in St Peter Port continues and I would encourage all other parishes to undertake the same position that the churchwarden undertakes a five-year quinquennial, so that there is a five-year programme of what needs to be done to the building, and annually the amount of works is worked out between the churchwarden and various other professionals, such as the architects, as to what is required to be done in that year.

Then estimates for that work are received and presented to the Constables, and on each occasion, if any question was then required of the Douzaine, I would be happy to attend that Douzaine meeting. The truth is that it is a co-operation and I am very saddened that it does not seem to be working so well over with Deputy Brouard. But I know that it works well in other places, and could work well as it is now. Indeed, the evidence as to the good work is the good standing of our churches.

Deputy Le Tocq said that the Church cannot have it both ways, but it does not, because the churchwardens are elected by the ratepayers and that means that, quite rightly – and I would welcome it that any person could stand to be a churchwarden, membership of the Church of England is in no way a prerequisite and never should it be... It is quite right that in our system those people who pay for the building elect the person who is then responsible for the building. I think that that system is quite right.

Deputy Lowe went on to state with regards to the quorum and the number of people in the Committee. I have to say, personally, I found it difficult to get a meeting between myself and the Constables on a regular basis. To add additional people only adds difficulty which will inevitably mean a slowdown in the rate of work.

Deputy Lowe stated that I voted to increase the number of people within my Committees. That happened on one Committee, which is the Legislation Select, where I believe that outside knowledge of legal issues is of benefit, but any Member of HSSD will attest to the fact that I have repeatedly spoken strongly against any additional Member of HSSD, and have voted repeatedly not to have any additional Members. I feel that five is quite enough, thank you very much, for Committees of the State and five is more than what is required in order to be running the building of a church.

Deputy Gollop stated that these committees will have a whole host of people who will be participating. Indeed, he listed various professions. There are two points that I would like to raise here. First of all, there is no bar to those people being elected as churchwardens today and the second point is this, who does Deputy Gollop think would actually be interested in sitting on those committees, other than additional Church congregation members? This committee could

well be skewed into a position of having five Church members on it and that, I would contest, would be a very difficult position for the Douzaine.

2015 When I was churchwarden the question that I frequently asked myself when I saw this Report was not how I could do with the assistance of an additional six people, it was simply where on earth are these other six people who are so interested in doing the work?

2020 There were none because it is not a particularly glorious job, getting estimates for building works, working out what needs to be done on an annual basis, working with the Constables in order to come up with a meaningful, acceptable remède and then presenting that remède and, on occasion – as Deputy Gollop will know – presenting to the parish the need for raising quite substantial additional money because of the cost of the re-wiring project, and that was accepted by the parish.

2025 The idea that a job that has been done for centuries by one person suddenly requires an extra six is nonsense. It works well and, Members, there is no need to be enforcing additional layers of bureaucracy onto something that works very well in most areas.

I would sincerely hope that Members will not actually place this additional bureaucracy on to the Church, and I feel that actually, for me personally, it was not necessary, and neither do I know of all these additional people who would be so willing.

2030 In all honesty, what could well happen is that these Committees will end up busying themselves in matters that do not concern them, because that is a distinct possibility, as recognised by the States' Review Committee when they looked at the size of committees. Too many cooks *do* spoil the broth.

On this occasion, I must urge Members to please vote for the amendment and reject the Proposition as it stands.

2035 Thank you.

The Bailiff: Members, we come to the vote then on the amendment proposed by Deputy Bebb and seconded by Deputy Perrot, and there is a request for a recorded vote.

2040 *There was a recorded vote*

The Bailiff: While those votes are counted... Perhaps we should have the result of that formally before we move on to the next amendment.

2045 *Not carried – Pour 19, Contre 23, Ne vote pas 1, Absent 4*

POUR

Deputy Sherbourne
Deputy Bebb
Deputy Lester Queripel
Deputy Stewart
Deputy Gillson
Deputy Ogier
Deputy Le Lièvre
Deputy Spruce
Deputy Paint
Deputy Perrot
Deputy De Lisle
Deputy Burford
Deputy Soulsby
Deputy Luxon
Deputy O'Hara
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Brehaut
Deputy Robert Jones

CONTRE

Deputy Le Clerc
Deputy Gollop
Deputy Conder
Deputy St Pier
Deputy Trott
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Le Tocq
Deputy James
Deputy Adam
Deputy Brouard
Deputy Wilkie
Deputy Sillars
Deputy Quin
Deputy Hadley
Deputy Harwood

NE VOTE PAS

Deputy Le Pelley

ABSENT

Deputy Storey
Deputy Fallaize
Deputy Inglis
Deputy Domaille

Deputy Kuttelwascher
Deputy Langlois

The Bailiff: Members, the result of the vote on the amendment proposed by Deputy Bebb, seconded by Deputy Perrot, is 19 votes in favour, 23 against, with one abstention. I declare the amendment lost.

2050 It is now just turned 12.25 p.m. I suggest that we rise now so that we hear the debate on the next amendment in its entirety without interruption.

*The Assembly adjourned at 12.28 p.m.
and resumed its sitting at 2.30 p.m.*

Billet d'État III

PROJETS DE LOI

I. The Parochial Church Property (Guernsey) Law, 2015 – Debate continued – Proposition carried as amended

The Bailiff: Well, Members of the States, we will move on to debate the next amendment proposed by Deputy Bebb and to be seconded by Deputy Perrot. Deputy Bebb.

Amendment:

To delete clause 7(1)(d) and, in consequence thereof, to substitute the following clause 7 (4):

'(4) The quorum of a Management Board shall be three, which must include at least one member of each category described in subsection (1)(b) and (c).'

2055 **Deputy Bebb:** Thank you, Monsieur Le Bailli.

Members, this amendment seeks to reduce the number of the management board, which will now come into effect, from seven to five. The reasons for this, I think, were best described by the States' Review Committee. Paragraph 6.4.2 of the States' Review Committee's Report states:

'It was suggested to the Committee and the Committee agrees that a committee of 11 Members is likely to function less effectively than a committee of say five Members. Indeed of respondents who expressed an opinion about the size of committees all except one or two held the view that committees tended to cease functioning effectively once the number of Members exceeded five.'

2060

Also at that debate, I remember Deputy Fallaize actually made the comment and I will quote Deputy Fallaize:

'Five is the standard size for States' Committees actually HSSD has a very large mandate, the Education Department has a large mandate but they have Members, so five is the conventional number.'

2065 Members, I think that we are quite clear that we do not want committees larger than five in this Assembly and, therefore, I am unsure why we would want to inflict... *(Interjection)* I am sorry, I am unsure –

I give way to Deputy Hadley.

2070 **The Bailiff:** Deputy Hadley.

Deputy Hadley: Point of correction, Mr Bailiff. HSSD's Board has seven members.

The Bailiff: Deputy Bebb.

2075 **Deputy Bebb:** I was quoting the Report and if Deputy Hadley feels that seven members are appropriate then, of course, he can vote for seven members, but I would say that seven members... in those occasions two are non-voting and, of course, when we do co-opt non-States members then, when two are non-voting, it is very different. When we look at the work that these
2080 management boards will need to undertake, they will indeed have to consult with external people, such as architects, to ensure that the work that is necessary for the maintenance of these buildings will continue.

Gaining outside expertise is always going to be required, and indeed I know the architects who worked on the Town Church, being Cresswell, Cuttle & Dyke, should be commended for their
2085 excellent continued great work on that building – especially, I think, the actual refurbishment of the medieval roof and the spire, which was a fantastic piece of work that they did, but they are duly paid for that work, and so should they be.

When we look at committees of seven, the other question that came to mind was why this desire for seven. There seems to be a desire within PERRC – although it does not state it within the
2090 Report – for those who are not of the church to be larger in number on committee than those who are of the church, and therefore the rector and churchwardens being three necessitates four of those who are not of the church in order to find balance.

But the basis of their argument fails on the question of the churchwarden, because the People's Warden is not of the church; the People's Warden is elected by the parish. Therefore, if
2095 we reduce the size of this committee to five we end up with two members of either the Douzaine or the Constables, one member who is elected as the churchwarden and then two members of the church. Therefore, what I propose is a system whereby the majority would still not be of the church necessarily.

Now, I see Deputy Lowe shaking her head and I am sure that certain Members will feel that churchwardens generally are of the church – and that is very true. Indeed, Deputy Gollop on
2100 Monday night at the Douzaine meeting was stating quite clearly that the reason churchwardens generally are of the church is because they are the ones who are interested in the church. That poses a slightly difficult question for the answer of seven, because who do we imagine these additional two lay people would be? Would they be general members of the public?

2105 My contention is that those people who would be sufficiently interested in matters of church buildings are more likely to be more members of the congregation, and we could put the Constables and the Douzaine in a very unpleasant situation of being continuously outvoted by members of a church congregation, and that would not work well for the benefit of the church. We need there to be a working partnership.

2110 What I propose with this amendment is that we have a working committee of five and what we have are three members who are elected, two members who are appointed, and that should be the functioning committee.

2115 Members, I think that it is evident that if we as a States believe that the number for a committee should be five then I sincerely hope that we do not appear in any way hypocritical by demanding a different number of other institutions external to the States, and that we can remain consistent in our argument in relation to that number of five.

Thank you.

The Bailiff: Deputy Perrot, do you formally second the amendment.

2120 **Deputy Perrot:** I do.

The Bailiff: Thank you.

Does anyone wish to debate it? No. We will go straight to the vote then.
Oh, Deputy Gollop.

2125

Deputy Gollop: I can respond on behalf of the Committee.

Our united position as a Committee is (*Laughter*) we put to the States an accurate legal rendition of the Resolutions that the States themselves passed three years ago, and have not since re-debated, and allow the States to make a judgement call on it.

2130

I would, before we go to the vote, just repeat, firstly, what is in the PERRC Report and represented in the legislation paragraph 4.2.34 and 4.2.35:

'PERRC proposes that each Management Board will comprise seven members. The Rector and the two Churchwardens of the parish will be ex officio members of the Board... '

– that is to say the People's Churchwarden and the Rector's Churchwarden.

2135

It should be borne in mind that, generally speaking, those positions are unopposed, although, as Deputy Bebb has correctly pointed out, he did indeed face an election.

'Two parishioners will be elected by the parish as members of the Board and a further two members will be elected by the Douzaine and Constables of the parish from amongst their number. Consideration will need to be given to the arrangements for elections and for dealing with vacancies. The Chairman of each Management Board will be whichever Board member the Management Board elects. The Chairman will only have a casting vote. PERRC anticipates that the Management Boards will, if necessary, seek professional advice from both within the parish and from outside.'

The point there is clear. We came to this measured agreement because of the large volume of representations we have had from churchgoers and parish officials and from non-churchgoers and from churchgoers of other denominations, and this seemed the fairest more 21st century way of going about things.

2140

Now, Deputy Perrot suggested I not only wanted to serve on every Committee but even Committees I was not able to attend I would pop along to. Well, fair enough, but if you look at it another way, I see many positions available on Statutory Boards, on Tribunals and whatever the States' Ministers... but does not, sadly, allow any serving Member of the States to sit on. Why do they do that? Because, by definition, we are only here because we are popular and we should (*Laughter*) be presumed to have knowledge, integrity and all the rest of it.

2145

Now, the reason we are not allowed to sit is because it has been considered there was a conflict of interest. This is getting around multiple offices held by the same person – persons of the same family or interest. I could give examples but I will not, in detail of situations in the recent past where it was possible for a person to be both a senior Government figure, a Douzenier, a Constable, a church person and a not-for-profit board member all at the same time.

2150

Now, people can manage that, but the system cannot manage it. We are trying to get away from any possible misunderstandings, because we have all heard in the past, as representatives of people being unhappy with the apparent cost of procedure for maintaining a church or other part of church property – this to improve it.

2155

I would just like to comment on Deputy's Bebb's main line argument about the size of committees, which really is his main strut. He sits on the Legislation Select Committee which has seven members, albeit two highly qualified non-voting members, but we have a Scrutiny Committee with nine members – are we suggesting that is dysfunctional? (*Laughter*) We have a Policy Council with 11 Members. Is he saying that is dysfunctional? (*Interjection*) The Jersey Council of Ministers has 12 Members – is that dysfunctional? (*Interjections*) The United Kingdom Coalition Cabinet has 27 Members and the European Commission has around 28. (*Laughter*) That proves that the bigger the committee the more powerful the job it can do.

2160

I really think we are going down a strange route here and I would just like, perhaps, to get us back more to reality and the Guernsey way of life. We have 10 parishes on the Island that have been run very well, as has been said before, by Constables and Douzeniers.

2165

The Vale, curiously enough, has 16 Douzeniers and two Constables, St Peter Port has 20 Douzeniers and two Constables, and because one of the Constables is apparently a Douzenier, there are 21 people who have a statutory role in a sense in the Town. All the other parishes have two Constables and 12 Douzeniers. The Douzaines, with 12 to 14 people on, have done a fair job, we all agree – which is it?

Now, on the suggestion of Deputy Bebb, we believe that a committee of 12 running parochial affairs is far too many and only five is the right number. If 12 is good enough for the Douzaine as a whole, then surely seven people – two people from the populace, two statutory office holders, two lay people who have got a senior role in the church and one professional rector – surely that is the right balance so that everybody gets a fair say. I believe we would have interested members of the community.

When recently a parish was struggling to get candidates, when they re-advertised it had the biggest election it has had for some time. Failing to get candidates in Guernsey honorary officers is usually because your marketing has not been quite right. So I have got every confidence that this system will work, at least for the next generation.

I urge people to resist the amendment and support the legislation.

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you for Deputy Gollop's contribution and for a number of reasons why to support my amendment and not least the EU Parliament comment that he made.

The question as to the right balance and so forth, of course, the right balance is exactly one of the points that I raised in my initial speech. The right balance could not be achieved.

The other point with regards to having these two additional lay people – Deputy Gollop quite rightly pointed out that a contested election for a People's Churchwarden is not a frequent occurrence, but in equal measure neither are Douzaine elections these days and neither are Constable elections on occasions.

Certain parishes have actually had non-contested elections recently, and that is an unfortunate trend. It is not one that I am happy with at all and I feel that Deputy Gollop is quite right that we should actually market. I would welcome greater participation by any person within our democracy. I do feel that the Douzaine continue to provide an excellent service and it is lamentable that today the office of Douzaine does not attract the attention that I would hope it attracted.

But that is exactly it – when we struggle to find sufficient people who are willing to put their names forward for Constables and Douzeniers then I have to ask who are these additional people who are not interested in being the churchwarden – they are not interested in being a Constable, and they are not interested in being a Douzenier? Because we must remember that those offices will be precluded from standing for this position. Who these additional people are – and my contention would be that it is unlikely that we would find that many, apart from within the Church, where, of course, there would be a general feeling that it would be important to ensure that those positions were filled, and therefore they are more likely to be filled from within the church...

Now, if Members want us to have a committee whereby we have a total of five church members, I feel that this is what this legislation will achieve. They may be by any other name but then, in the same way Churchwardens today are elected – and I have to say that they are generally not opposed – do we honestly believe that these lay positions would attract those people?

I, personally, have experience of being a churchwarden and, as I said when I was churchwarden, my question would be: where were these other six people who had the time to devote to this? I honestly believe that the management board with five would formalise an awful lot of what is happening already with the rector and churchwardens working closely with the Douzaine and Constables, but to put in this additional two people – I am not sure of the need for it.

Members, I hope that you can actually support the amendment.

Thank you.

2220 **The Bailiff:** We come to the vote on the amendment proposed by Deputy Bebb, seconded by Deputy Perrot, and I believe there is a request for a recorded vote? There is.

There was a recorded vote.

2225 **The Bailiff:** While the votes are counted we will move on with the amendment proposed by Deputy St Pier and to be seconded by Deputy Le Tocq
Deputy St Pier.

Amendment:

To insert a new clause 17 set out below and, in consequence –

(a) re-number the current clauses 17 to 19 as clauses 18 to 20; and

(b) insert in the arrangement of sections '17. Non-payment of ecclesiastical element of parochial tax' and renumber clauses 17 to 19 as clauses 18 to 20.

'Non-payment of ecclesiastical element of parochial tax.'

17 (1) This section shall have effect notwithstanding the provisions of the Law of 1923 and section 2(1) of the Parochial Taxation and Voting Law, and for the purposes of this section –

'benefit' means any direct benefit, including the proceeds of sale of a building or land,

'Ecclesiastical meeting' means a ratepayers meeting convened in relation to ecclesiastical matters as defined in Article 3 of the Loi relative aux Assemblées Paroissiales,

'Secular meeting' means a meeting convened in relation to secular matters as defined in Article 4 of the Loi relative aux Assemblées Paroissiales.

(2) A person required to pay tax to a parish in accordance with the Law of 1923 may notify a Constable of that parish in writing that that person will not pay the part of a tax which represents the sum voted by an Ecclesiastical meeting.

(3) A notification under subsection (2) -

(a) must be given no less than 6 months before an Ecclesiastical meeting at which the relevant sum will be considered, and

(b) will be valid until that person gives a Constable of the parish a revocation in writing of that notification.

(4) Where a person has given a notification under subsection (2), that person may not -

(a) vote -

(i) on any matter at an Ecclesiastical meeting (including, for the avoidance of doubt, in relation to the glebe land of the parish), or

(ii) on any matter in relation to the rectory of the parish at a Secular meeting,

(b) be elected as a member of a Management Board, or

(c) receive any benefit from the sale, lease or other use of the rectory or glebe land, in respect of any financial year of a parish that the notification is valid.

(5) Where a person has given a notification under subsection (2), no suit shall be instituted or proceedings taken in any court to enforce or compel the payment by that person of the part of a tax which represents the sum voted by an Ecclesiastical meeting while notification is valid.'

Deputy St Pier: Thank you, sir.

Sir, the parish churches are:

'... civic institutions, available to all, not only as places of worship but as places of celebrations of rites of passage, including baptism, marriage and death, and the rectors have the cure not only of the souls of their Anglican parishioners but the souls of all parishioners.'

2230

Sir, those words were not written, perhaps as some of you might think, as part of the 1920 Report but as part of the 2005 States' Report as an explanation for the *status quo* and, indeed, Deputy Perrot this morning has referred to this language already.

He, and perhaps others, may not understand, but for those of no faith this language and claim may baffle and bemuse, but of greater importance to me is that for those of a different denomination or a different faith the claim made on behalf of the Church of England that the parish rector has the cure of their soul may well be patronising at best, or deeply offensive at worst.

The statement, too, that the parish churches are civic institutions, when self-evidently their primary role – their *primary* role – is as a religious place of worship for Anglicans, is absurd. The parish churches may have a role in our civic society but they are not civic institutions.

Sir, this issue was settled in England in 1868 when it was recognised quite clearly as one of conscience and compulsion, and it was this which resulted in the enactment of the Compulsory Church Rates Abolition Act of that year, on which this amendment is based. It was not until July 1920 that a requête was brought before our predecessors to follow a similar route. This resulted in a report later that year. It is interesting to note how speedily they moved in the 1920's, which instituted the system we have today by means of the 1923 Law, which of course, this legislation in part now seeks to amend.

The matter did not return to the States until 2005 which then established PERRC, and I think I heard the current Chairman of PERRC being quoted as having said that it had met 65 times in the 10 years of its existence, including, of course, the second States' Report considered by this Assembly in 2012. I do find that an extraordinary deployment of public resource to deliver remarkably little change in 95 years, and Deputy Conder has already commented on the use of resources earlier, sir.

Sir, faith is a personal matter. Some will argue that it is a matter of personal choice, others will argue that choice plays no part, but either way it is a personal matter, and to compel all denominations and all faiths, and indeed those of no faith to support the place of worship of a single denomination of a single faith, does raise a matter of principle, whether such compulsion is appropriate to use legislation and the full power of the States and its courts to ensure enforcement.

PERRC, in their 2012 States' Report, concluded that they did not consider that there was a strong case under the compulsion and conscience argument. The strength of the case is, of course, a matter of opinion, but they did acknowledge that the case exists, and it is that case which I put to you today.

Any proposal to compel ratepayers to support the infrastructure of any other denomination, be it Catholic or Methodist – both of whom have long traditions in the Island – or indeed any other religion, be it Judaism, Sikhism or Islam, would, I have no doubt whatsoever, be treated with a mixture of outrage and derision and certainly would be unsuccessful. So there must be another purpose in justifying this support.

Now, much has been made, and no doubt much will be made today, of the argument that these are ancient heritage properties deserving of the community's support and, indeed, Deputy Perrot said that the churches are a glory, and I agree, the beauty and the amenity value of the parish churches to our Island is undoubted, and I would certainly agree that they should be maintained for future generations to enjoy as we do.

However, that is not quite the whole story because, of course, on average 20% of the parish rate supports the rectory, which cannot make the same heritage claim, and this amounted to £857,000 in the period 2001 to 2011 or an average of £7,800 per parish per annum.

It also supports, at least until this legislation comes into effect, half the cleaning costs of the interior of the church. It also supports the upkeep of the church cemetery, the bells, the bell ropes and the bell-ringers on public occasions and, of course, half the cost of the parish church clock; and Deputy Gill did advise this Assembly in the 2012 debate, sir, that the Law Officers' advice to PERRC earlier in the process was that it would be easier to defend the compulsory support of the churches than the rectories.

Before I move on, it is also, of course, worth noting that St Stephen's, Holy Trinity, St John the Evangelist and St Matthew's at Cobo... those vicarage parishes are self-funding and are not

supported by parish rates. Although, of course, the house at St Matthew's now serves as the rectory for the Castel Parish and so is in scope. I mention this for completeness and, of course, to illustrate that the picture is actually quite complicated, which is, I suspect, unappreciated by most parishioners.

2290 Ignoring, for the sake of argument, all those bits of the parish rate that do not actually support the maintenance of the parish church, if this is, at least primarily, about funding the maintenance of historic buildings, then we should do so openly and transparently with the same rigour and discipline that we apply to the funding decisions to support other ancient historic buildings on the Island.

2295 Castle Cornet has been cited many times by those who argue this case – and no doubt it will be again – as an example of an important historic monument that most of the community will not visit regularly but enjoys taxpayers' support in its upkeep. Castle Cornet is, of course, funded through general revenue and fights with all other demands on general revenue to establish its priority.

2300 If the parish churches are, indeed, like Castle Cornet they should be funded in the same way – in other words, by establishing their case in the order of taxpayer priorities and not relying on a hypothecated rate. Ah, but, of course, we do not own the parish churches and we do own Castle Cornet. So what? Absence of ownership would not preclude heritage support and, in any event, for the majority of Islanders the distinction between States' ownership, Crown ownership or parish
2305 ownership is a subtle one of no relevance to their daily lives, so the alternative funding route would be of no great relevance either. A system of providing heritage support might also enable a level playing field for other historic churches of heritage value to the Island.

The argument that this represents a slippery slope creating an expectation of entitlement to opt out from other taxes is misleading. I would suggest, sir, it is alarmist hyperbole. People
2310 without children are not going to be able to opt out of paying for education of those with children. Why not, what is the difference? Well, simply, of course, education is paid out of general revenue whilst the parish rate is a hypothecated rate specifically to support the parish church, its rectory, bell ropes, half the clock etc.

Sir, the 2005 Report described the ecclesiastical rates system as democratic in its own way and
2315 this, of course, was a reference to the spring parish meeting which again has been referred to already, at which ratepayers and electors can participate in the setting of the rate.

However, the very low participation rate does, I would suggest, explain why the process was described as being democratic in its own way. But the lack of transparency by way of any separate disclosure of the quantum of the ecclesiastical rate, following the approval of the whole budget, is
2320 of concern.

I, and I suspect anybody else in this Assembly, would struggle to be able to say exactly how much the ecclesiastical part of their rate is. Such transparency would, of course, expose the differences between the parishes, which would not serve the interests of the proponents of the *status quo*.

2325 Sir, I would normally be a pragmatist and argue that these are relatively small sums, collected in a relatively efficient manner, to help preserve key ancient buildings on our Island, and Deputy Perrot has already spoken from his experience of the efficiency of the system. But the net result is that we are compelling all ratepayers of whatever faithful denomination to support the maintenance of the principle worshiping place for a single denomination. However defensible this
2330 may have been in years gone by, in 2015 this is simply wrong.

Deputy Gollop has already referred to the extensive change of the Church in our society in our much more diverse society. There comes a point where principle must trump pragmatism and we must find another more transparent and more accountable way to support our heritage.

2335 Before outlining the alternatives, I completely recognise the practical complications for the parishes in administering a system which permits an opt-out of compulsory payment. These practical issues are quite obvious and I have been advised by one Constable of one parish that the

current rates system does not even currently identify the ecclesiastical element separately, so there will be much system work to do to make this possible.

2340 However, in practice, should this amendment succeed I suspect sound advice from the Law Officers, and perhaps from others, to PERRC could well be that there are other consequential amendments to this legislation that may well be required; and, indeed, the Committee might well be better to reconsider all the funding options rather than seeking to operate a voluntary system, and I would welcome that outcome. That, of course, is precisely what happened in England after the passage of the Compulsory Church Rates Abolition Act of 1868.

2345 So let's just spend a moment examining what the alternatives could be. Firstly, a simple alternative and, indeed, perhaps a simpler option than the Pluralities Law would be to charge the ecclesiastical portion of the parish rates through the TRP system. This would have the advantage that all ratepayers in all parishes would contribute the same proportion of their total bill towards the support of their local parish church rather than, as at present, the quantum that there is, at least based on the 2001 to 2011 figures, from £9 in the Vale to £37 in St Peter's. This would bring the receipts into general revenue and it would enable the prioritisation process referred to earlier to actually take place.

2355 A second alternative would be to look to the Church of England. Now, the 2012 States' Report did note that the Dean's recent submission said it did not consider it appropriate to enter into a detailed explanation of how the Church of England in Guernsey was funded. Given the public subsidy averaging £40,000 per year per parish to support the maintenance of the Church of England's principal place of worship in each parish, I beg to differ. Receiving such public support, whilst refusing to give any detailed explanation of funding is not, in my view, a demonstration of the dynamic partnership which it is claimed exists between the Church and the community, and to which Deputy Gollop referred earlier.

2360 PERRC, in their 2012 States' Report, did note that another source of income for the Church of England in Guernsey is from the Ecclesiastical Court. However, it concluded that this did not come under the remit of its mandate and no further consideration was given to the matter. A review of the funding of the Ecclesiastical Court is being undertaken, or at least theoretically has been started by the Treasury & Resources Department; but it is fair to say that it has not been possible so far for any substantive progress to be made in conducting this review, and at this point of time we are waiting the Deanery Court's response to our request for information.

2370 However, the most recent figures available to me show that in 2008, on an income of £400,000, £102,000 was remitted to the Deanery's Diocesan fund. It would, therefore, appear on the face of it that there are surpluses and it would be remiss not to fully explore this as an alternative funding stream for the support of the parish churches; and, of course, PERRC was unable to do that.

2375 There may be a third alternative which has not, to my knowledge from reviewing the Report, been considered at any point. It is quite clear from the 2012 States' Report that the legal ownership of the parish churches vests with the Crown, with beneficial ownership or enjoyment of the parishes. This conclusion, of course, differs from that of the 1920 Report which, based on two agreements from the 1360's, had in essence concluded that the full ownership vested with the parishes.

2380 Now, given the established interest of the Crown, I am sure that a good case could be made by HM Receiver General, through the Ministry of Justice, to Her Majesty that applying part of HM Receiver General's fund, which currently stands at around about £8 million, in the upkeep of the parish churches could well be deemed to be a good use of the fund in the best interests of Her Majesty's subjects in Guernsey. If this route has not yet been explored perhaps it now should be.

2385 Now, none of these three alternative routes was considered by PERRC in its 2012 States' Report. This amendment, if accepted, will in effect force PERRC to consider these and other alternatives before any voluntary system comes into force.

Now, I do understand the strength of opposition, Deputy Bebb's passion on this issue is clear and, indeed, Deputy Perrot has already spoken to me today – he is deeply unhappy. I think actually he used the word 'angry' – he is 'deeply angry' with me for bringing this amendment, but

I hope that he, and indeed others, will understand and indeed respect that there is another view which I, and others, do hold.

I do strongly urge all those who share my view that the current system is no longer defensible to support this amendment.

Thank you, sir.

The Bailiff: Deputy Le Tocq, do you formally second?

The Chief Minister (Deputy Le Tocq): I formally second.

Not carried – Pour 13, Contre 29, Ne vote pas 1, Absent 4

POUR

Deputy Le Clerc
Deputy Bebb
Deputy Lester Queripel
Deputy Gillson
Deputy Le Lièvre
Deputy Spruce
Deputy Adam
Deputy Perrot
Deputy De Lisle
Deputy Burford
Deputy Harwood
Deputy Brehaut
Deputy Robert Jones

CONTRE

Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy St Pier
Deputy Stewart
Deputy Ogier
Deputy Trott
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Le Tocq
Deputy James
Deputy Brouard
Deputy Wilkie
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Quin
Deputy Hadley
Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Langlois

NE VOTE PAS

Deputy Le Pelley

ABSENT

Deputy Storey
Deputy Fallaize
Deputy Inglis
Deputy Domaille

The Bailiff: Before we move into debate, I can announce the result of the vote on the second Deputy Bebb/Deputy Perrot amendment: 13 votes in favour, 29 against, with one abstention. The amendment was lost.

Who wishes to speak in this debate? No-one?

Deputy Bebb.

Deputy Bebb: I suppose somebody should.

Thank you, Monsieur Le Bailli.

I am unsure where to start, there are so many errors in what was actually just said it really – *(Interjection)* Thank you. It really beggars belief.

First of all, the compulsion and conscience argument that Deputy St Pier made – that is dealt with quite clearly within the PERRC Report. I am disappointed that he did not read it and actually deal with it. But for Members' benefit:

'The second of the key issues that led to the review of ecclesiastical rates was the issue of 'compulsion and conscience'. This is the principle of whether it is fair to make non-Church of England members fund parochial church property that

they may object to funding on religious principles and may not use. PERRC expects that people who are opposed to funding Church of England places of worship etc. will be disappointed with the legal advice that the ecclesiastical rates system is Human Rights compliant. They are likely to look to the issue of 'compulsion and conscience' as an alternative ground for changing the current ecclesiastical system, particularly as it was this issue... that led to change in the parish rates system in England in 1868.

The English 1868 Act was the result of decades of protest from non-Church of England members who objected to paying parish rates to maintain Church of England parish churches owned by the incumbents and for the Church of England rites taking place in those buildings. Some of the English dissenters had protested by withholding their rates and had been imprisoned as a result. The civil dissent finally led to the English 1868 Act, which made it impossible for those who refused to pay their rates to be ordered by a court to recover the unpaid rates. In effect the English parish rate became voluntary from 1868 onwards.

PERRC considers that the argument that, because the English 1868 Act effectively made church rates voluntary in England, the same should happen now in Guernsey is fundamentally flawed. PERRC has considered the aspects of this argument - ownership, Church of England rites, use of taxes and supporting more than one church - as follows:

Ownership - In England both before and after 1868 the churches of the Church of England were and are ordinarily owned by their incumbents... but the parishioners paid for the upkeep. However, parochial church property in Guernsey is beneficially owned by the parishioners. PERRC considers that it is reasonable for the owners to be financially responsible for the upkeep of their property. Although the parishioners have beneficial ownership of the parochial church property and bear the financial responsibility for its upkeep and maintenance, the Douzaine, as the parishioners' elected representative, has no direct involvement in works done or the use and the management of these properties. Notwithstanding that the Rector and Churchwardens are parochial officers and one of them, the people's warden is elected by the ratepayers and electors, PERRC considers that this is a situation that seems unbalanced.

Church of England Rites - In England before 1868, parishioners in effect paid for the celebration of Church of England rites, which they themselves might object to on the grounds of their own religious beliefs (or their atheism or agnosticism). The current situation in Guernsey is very different because the 1923 Law removed all the direct support for Church of England rites from the ecclesiastical rates. Currently half the cleaning costs are met by the ecclesiastical rates...'

Taxation - Superficially it might seem unfair for a ratepayer whose household does not use parochial church property to be taxed to maintain it. However, it is a tried and tested legal principle of taxation that individuals cannot legitimately withhold their taxes on the grounds that they object to how some of it is spent, e.g. a pacifist cannot hold back a proportion that might otherwise be spent on the armed forces. This legal principle applies to parochial taxation. If it did not, then spending on all kinds of secular items would be potentially affected, e.g. donations to school libraries, maintenance of Douzaine Rooms, halls, the parish cemetery etc. PERRC also notes that compared to other taxes the parish Owners' Rates are particularly democratic - at an individual level the parish electors and ratepayers can vote to accept or reject the individual elements of the ecclesiastical budget put forward at the parish ecclesiastical meeting.

Financially supporting more than one church - some ratepayers may be part of another congregation and thereby financially support two churches, i.e. the ancient parish church and their own church. It may seem unfair for some individuals to pay towards two places of worship. In a similar way it might seem unfair for someone with no religious affiliations to be required to financially support the ancient parish church and the private home of the Rector.

PERRC's view is that the position in Guernsey today is significantly different to England in 1868. Therefore, PERRC does not consider that there is a strong case under the 'compulsion and conscience' argument...'

2415 Sir, that deals with compulsion and conscience. It also deals with the taxation argument that Deputy St Pier laid.

I believe that St Appoline's Chapel is also owned by the States of Guernsey and we charge taxation. For that, are we to be allowed an opt-out of that portion of taxation?

2420 The other point that Deputy St Pier made is in relation to clarity of the rates raised and how democratic it is. Now, this I did take offence to, in the strongest possible terms. The parish rate in St Peter Port last year for the ecclesiastical matters was £57,232. The parochial rates were £680,800 for parochial matters and £918,000 for refuse. Therefore, if we look at the total remède - staggering difficult calculation this - the ecclesiastical remède comes out at 3.5%.

2425 Now, last year I received a bill for my rates of £240 and I know that the Treasury Minister is capable of doing these calculations, and therefore I find it strange that he could not work out what 3.5% of his rates were. Mine came to £8.60. Therefore, by this truly difficult calculation that Deputy St Pier seems to suggest that it is, I know that I paid £8.60 towards my ecclesiastical rates. It is not a difficult calculation. People can easily work it out.

2430 The other one is in relation to the amount of money raised. Now, Members will know from the way that the parish rates are raised - it is published in the *Gazette Officielle*; every item is itemised - the rate is separated between regular maintenance of the building, bell ringers on public occasions, extraordinary maintenance of the building, and their upkeep of the clock. There is also a line there for publication costs and so forth. It is all itemised and further itemisation of those

larger items, being regular upkeep and extraordinary repairs, is available at the Constable's office, and indeed they are always available at the Constable's office.

Therefore, the idea that the rates are somehow difficult to understand is staggering. It is one of the most simple things possible for anybody who is interested to gain information about. Indeed, when I phoned my parish office to ask them for the publication of the rates they answered within three rings and they sent me the rates by email within the hour. If only our Income Tax Office could afford such a speedy form of service.

Then further to the point of the transparency, when it comes to the point in relation to how democratic it is, at the parish meeting, as Deputy St Pier knows full well, it is possible to either reject or reduce the amount of money that the rates are being asked for. It is then voted upon by the parish, and even then, after all of that, should you be so minded to object, it is possible for someone to come here to the Royal Court to object at the point the remède is laid.

Such a system has been found by PERRC – by a QC, which I am sure did not come at a nil cost – to be fully human rights compliant, fully acceptable. Therefore, the argument in relation to compulsion does not stand. As PERRC has found, the argument with regard to how transparent these taxes are is nonsense.

When we talk about how democratic they are, they are possibly some of the most democratic taxes that we raise because every individual has the ability to attend and vote one way or the other.

Now, Deputy St Pier then went on to offer alternatives and Deputy St Pier knows that his predecessor actually was approached by PERRC and asked about central funding. The predecessor, quite rightly, stated in the report that, 'to increase Government expenditure at a time that we were facing a fiscal deficit would run contrary to the States' Economic Plan,' and yet here we have Deputy St Pier suggesting something that is contrary to the States' Economic Plan. As stated on the radio –

Of course I will give way.

The Bailiff: Deputy Trott.

Deputy Trott: I am grateful to my good friend for giving way, sir.

We no longer have a fiscal deficit. That is one fundamental difference for a start.

Deputy Bebb: Indeed, and so we should start the spending spree with parochial churches and a matter that actually seems to be working well. I do not think so.

I think that we also have to look at when we talk about central funding that is exactly the system that happens in France. Our system is not inherited from England. If Deputy St Pier wanted to make an appropriate comparison he should make the comparison with France. In France all religious buildings built before 1905 are owned by the State and paid for by the State through central taxation, and that is what Deputy St Pier here seems to be encouraging. However, the cost of that system is extraordinary.

In the UK, despite saying that they do not have any form of taxation, it is estimated that around 60% of the cost of funding churches comes through Government grants operated by the heritage system. The result is an incredibly bureaucratic costly system that benefits little. We have churches in the UK regularly falling into disrepair. Cathedrals which are supposed to be the absolute pinnacle of architecture in the UK are struggling financially because of the appalling, dreadful system that they have there; and yet to suggest having that same system here would add cost to the taxpayer, and for no real benefit.

I struggle to see any argument that Deputy St Pier has actually made in favour of what he is proposing.

Further, the amendment says that those members not paying ecclesiastical rates should not enjoy ecclesiastical matters. Now, Deputy St Pier knows full well, from reading in the first part of his speech, that the Church of England has no such option.

The cure of souls of all is part of its structure. It is within the constitution of the Church and if, indeed, he wants to go and spend vast taxpayers' money in order to pursue matters of conflict of interest with the Crown then, indeed, this is exactly the way to go about it, because the Church cannot refuse access to anybody for those services that it offers – baptism, wedding, nor funeral. Indeed, a large number of funerals that happen within the Church of England are not generally by regular attenders.

If we really want to take this argument further – that ecclesiastical benefits are not to be given by those who actually opt out – then where does this stop?

In the Town Church, of the last four choirmasters three have been atheists. Of the choir in the Town Church, approaching half of them are generally, or were at one point, atheists and, indeed, the Church of England members were in the minority, because there were a fair number of Roman Catholics within that choir as well. Are we to disallow them?

Of the bell ringers in the Town Church, I think that in my 20 years of worship I have seen them attend once because none of them consider themselves to be Church of England attenders. Are we to see the bells silenced? Are we to consider the glebe land an area that is not for benefit of those who opt out, and therefore should the Scarecrow Festival at Torteval have a list of all those people opting out in order to refuse access?

The proposal is ludicrous on so many levels. The opportunity to not enjoy ecclesiastical matters is not afforded by ecclesiastical law. Yet Deputy St Pier knows this and lays this amendment. Deputy St Pier seems to be of the opinion that it is acceptable to waste effort and money in this way.

Furthermore, in 2012 when this Report was debated, Deputy Trott laid a sursis. The reason for the sursis was because, as the Chairman of the External Relations Group, he felt that any point with regard to the constitution being put in danger could put this Island in jeopardy, and its reputation in jeopardy; that it is the responsibility of the Chief Minister to actually ensure that its good reputation is maintained.

Yet here we have exactly the point of constitutional matter being raised and possibly happening as a result of a seconding by a Chief Minister. 'Hutzpah' is not an appropriate word for what is actually going on. I have never seen such a hutzpah in my life. The amendment is so ill-considered. I cannot believe that those people laying it and seconding it have done so.

In all honesty, it raises in my mind a question of confidence because for the Minister of the Treasury & Resources to start questioning the basis of taxation on this Island is deeply worrying and, for that to be seconded by a Chief Minister, really calls to mind a question as to whether these people know what they are doing.

To raise the possibility of a problem within our constitution as a result of an established church by those two Members is staggering. In all honesty, what Deputy St Pier seems to be pursuing is disestablishment – and disestablishment is an argument that I have great understanding and some sympathy towards. But, rather than having the courage of conviction to come here with a requête seeking the disestablishment of the Church, we see this back-handed type of behaviour. It is unbelievable.

Members, to say that I am a little vexed about this (*Laughter*) may be an understatement, but it just seems astounding that for these two senior Members of the States to present false information, as Deputy St Pier has, in relation to the taxation, by stating that it is not democratic, as he has stated outside this Assembly and by stating –

Deputy St Pier: Sir, point of correction.

To be quite clear, if you are referring to the democracy of the process, I only ever referred to the language which was used in the 2005 Report which was 'democratic in its own way'.

The Bailiff: Deputy Bebb.

Deputy Bebb: Indeed, and Deputy St Pier went on in that interview to say, 'which broadly, probably, means it is not very democratic'. I remember the words well.

2540 To actually have laid this and not to have given consideration as to the constitutional problems that it raises is just unbelievable. I am very worried as to Members thinking that this is appropriate. Needless to say, when this amendment was debated within the St Peter Port Douzaine there was apoplexy as to how on earth people could think that this was a good idea.

2545 The cost incurred by St Peter Port Parish was considered to be considerable. Indeed, they stated that it would be necessary to rewrite the software system that currently deals with the parish rates. I think that we have had enough of rewiring software systems that deal with financial matters for the time being. The States should not be imposing such a change upon the parishes.

2550 The whole purpose of this amendment is to start on the road to disestablishment. I would welcome a debate on disestablishment and, indeed, I think that such a matter could be debated. I, personally, am of the opinion that however attractive disestablishment is it is very similar to this PERRC Report. For the man on the street what this will achieve will be nothing. PERRC is really changing nothing for the average person. Ten years of this States will result in the average person paying the same amount of money, except for half cost of cleaning, which in all honesty does not sound like a particularly good pay-back for 10 years very expensive...

2555 Well, the same is true, in my opinion, of disestablishment. As attractive as that argument may be, the effect for the average person in Guernsey will be minimal, and the difference barely seen, and yet the cost in pursuing such action would be expensive and very deeply problematic.

2560 This amendment seeks to go down that road. Having spent the effort that we have, in trying to bring our books into balance, do we honestly believe that vast sums of money are best spent now in seeking something that, once again, will provide the average person with no change whatsoever? I do not think that it is.

Therefore, Members, to say that I urge you to reject this amendment is an understatement. It really does not deserve to have been laid. I think it fairly shady that it has.

Thank you.

2565 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

I looked at the date of this amendment. I thought it was going to be dated April 1st, to be honest. I was quite surprised to see February. I thought it was for the wrong debate.

2570 I think this is totally misjudged. I am extremely disappointed to have this before us because, very similar to Deputy Bebb for St Peter Port Douzaine, the Vale Douzaine were quite speechless. Not impressed with it at all! Who was going to administer this? It is an absolute nightmare and the general opinion was that actually this is bringing the States into disrepute, because am I going to be able to opt out of GST if that comes in? That was the sort of thing that was being asked.

2575 The same response was received at the Deputies Surgery. I do not want to waste any time on it because I am not quite sure if there is even probably three or four people that are going to vote for this.

Sir, I just want Deputies to note the Vale Douzaine response to this was the same as the Vale Deputies Surgery.

2580 **The Bailiff:** Deputy Perrot.

2585 **Deputy Perrot:** It grieves me very much to speak in the debate because the Proposition has been put forward by a person who has my greatest respect, and that is the Treasury & Resources Minister, and I thank him for saying that I was angry with him. That was not the word I used. Actually, I did use a printable word – which is somewhat rare, it being at a Treasury & Resources meeting – I said that I was 'furious' with him.

What I think that we are doing here is to seek disestablishment by a backdoor. Now, disestablishment is a fair enough subject for debate. I would not agree with it because I think it is an inherent part of our lives over here. Even those who profess to be atheistic in their views respect very much the connection – or at least many of them do – between Church and State. But what I do think is wholly wrong is to tag this sort of proposal on the back of the PERRC Report which deals with other matters. It does not deal with disestablishment. What PERRC does is to deal with vesting of property and paying for that property. It assumes establishment.

I very much regret two senior people, the Treasury & Resources Minister and the Chief Minister, should try to do something very much by the back door. So that is one of my principle objections to this amendment.

Another one is that I think that it is unworkable, because I think that the parishes themselves would have the most appalling time in trying to sort the pips out of the nonsense which will occur if this actually gets through.

My third objection is that, although I am quite sure they will say that was not the idea, I think that the proposer and seconder, in bringing this amendment, are contemptuous of Guernsey's customs and usages. As I say, a debate on disestablishment is fair enough but that sort of thing ought only to have place in this Chamber if there has been really proper research, a proper report, proper consultation.

PERRC has not been dealing with disestablishment. That is not the matter it has been consulting on; it has been consulting on other things. So, although I cannot command the sort of Welsh brio of my friend, *(Laughter)* Deputy Bebb, but *chutzpah* does not... I am sorry, I cannot say that Welsh lilt. Chutzpah – and that is a Jewish thing, by the way! I am not sure we ought to be debating Jewish *[Inaudible]* in here! *(Laughter)* Anyway I would agree with him about chutzpah.

I would disagree with him, incidentally, about France – the Government in France owning all buildings dating prior to 1905. I think they own public buildings prior to 1905. But if I had a building of 1905 or so, as a private land owner, I think I would be very fed up if I thought the French Government was going to take it over, unless it was in very bad need of repair.

Whilst I am on my feet, could I also... Deputy Trott gets away with it absolutely every time. He says that we do not have a fiscal deficit. Of course we do. The thing is that we pay for our capital projects normally out of our fiscal surplus so that is not what we are doing – so I am not going to let him get away with it. *(Interjection)*

The established Church... Sorry, that was a little pause there. *(Laughter)* I just have such difficulty with this electronic machine.

The established Church is a way of life over here. Nothing important goes on in our history without some sort of brushing up against the Church in Guernsey in public matters, whether it is Armistice Day when there is a Church service, or Liberation Day when there is a parade down to the Town Church, but even, of course, for those who have no faith, there is certainly all the rites of passage, generally speaking – not for everybody, but generally speaking – observed in our churches: christenings, marriages, deaths.

An awful lot goes on in our churches but not just there. We have concerts there, the Town Church... and I do not know whether Deputy Bebb knew this but the Town Church used to host meetings of the States of Guernsey in the old days. One of the biggest debates ever when they filled in part of the People's Republic of the Vale *(Laughter)* actually took place in the Town Church and that debate was led by the then Governor, Sir John Doyle. We have actually had parish meetings in our Church of St Saviour.

Incidentally, I ought perhaps again, for the record, not to be claiming that I am an avid churchgoer in St Saviours, if you want to say that, because of my allergy to children! *(Laughter)* I am not such a frequent attender of their child-friendly services. I tend now to seek other churches!

The point is no important event goes unassociated in some way with our churches over here.

Now, to descend into secularism means that if our rectory churches did not exist already, nobody would build them now, but they do exist. It is a reflection of a more spiritual age when the

best of man's craftsmanship was put to the glory of God and that, in the process, led to the construction of some of the most beautiful and imposing buildings over here.

Whatever may be our spiritual centre of gravity, no civilised society could let these buildings decay – and they are *our* buildings. If we do not look after them the Church of England is not going to look after them. If we do not look after them through the present system I fear that, from general revenue, we would not look after those buildings. I know – because I am on Treasury – that we do not have the money to look after the whole of our States' estate.

Just by way of example, we do not have the money to do the things which we ought to be doing with places like Brehon Tower – and that is one good thing which is hardly used at all. But we cannot afford to do things with it now.

We have got a bit of money towards the future but not enough and I think the same is true of Castle Cornet. But it is also true of those buildings which we use all the time – and that includes something very dear to Deputy's Bebb heart which is the Estates of HSSD. We cannot afford to do all that we need to do with that. So I fear that if we let this be the problem of the States of Guernsey through general revenue, we will have a very real problem on our hands.

So the existing system, in my judgement – doubtless, other people will say that it is wrong as usual... is that the system works. Again, if it ain't broke why do we have to fix it? Just to make some sort of pointed protest about whether feeism is appropriate in 2015. As I say, it is establishment and disestablishment... is much too important for that. It needs consultation. It needs proper debate. It should not be tagged on to something which is this relatively – *relatively* – trivial.

Now, I said that I regretted having to speak about this at all – and I do, as I very much respect the Treasury Minister. I also respect the Chief Minister. My point of contact on a weekly basis is with the Treasury Minister. Until now, I have been a very loyal – I hope it will be accepted – a very *loyal* supportive Member of the Treasury Board. If this goes through I am not sure that I could do it without the utmost difficulty – continue to serve on the Treasury Board – and that, for me, would be a matter of utmost regret because if the one thing I have enjoyed being in this States this year – if there is anything which I have enjoyed – it is having been a Member of the Treasury Board. I have welcomed it all. As I say, at the moment I am not quite saying what I am going to do. I am going to consider my position but I thought it only right that I should say what I have said publicly.

The Bailiff: Deputy Hadley.

Deputy Hadley: Mr Bailiff, I would like to commend our two most senior politicians for this well-considered, sensible amendment! (*Laughter*) For me, this is a point of principle, it is a matter of the freedom of the individual. It is not contemptuous of the traditions of Guernsey any more than removing the right of clergymen to sit and vote in this Assembly was contemptuous of the traditions of Guernsey.

Our system of Government evolves. I accept that it probably will not make an awful lot of difference, but it does enable some people who feel strongly – and those of you who read the letter columns in the *Press* must realise there are some of them around – can cease to support a church which they do not believe in, in any way.

I would urge Members of the Assembly to support this sensible amendment.

Thank you, Mr Bailiff.

The Bailiff: Chief Minister, Deputy Le Tocq.

The Chief Minister (Deputy Le Tocq): Sir, I will not take up too much time, but as a mere little non-conformist dissenter let me explain why I am seconding this amendment.

I am on record as saying that I do believe there should be a separation of Church and State, and so part of my motivation, to answer Deputy Perrot, is because I adhere to that premise and I

would value that sort of debate, but it is not such an urgent matter that for me it needs to come now.

I hope, sir, that there is not any constitutional... I do not believe there is any constitutional issue involved in this, particularly. I was shaking hands with Her Majesty only a couple of nights ago and I am sure she would have mentioned it if that was the case! (*Laughter*)

Rather than rehearse the well-argued points that Deputy St Pier has already made, let me explain. Of course, I should declare an interest: I am a Minister of Religion and I have been confirmed as Anglican, as a Methodist. I was baptised by full emersion as a Baptist and I am licenced as a charismatic Pentecostal Minister. In fact, for a while, people called me a 'banglicostalic' because they could not quite decide where to pigeonhole me.

I am a supporter of the Church and one of my biggest reasons for supporting this, and if it was to go through – which it has about a chance of a snowball in hell as they say, to go through I think, but nevertheless – the point is made, if it was to go through I would still, for one, continue to pay my rates in full for the Ecclesiastical Board, and I do that because I value the local church and I value the parish churches as historical monuments.

But I want to make the case for the Church of England and for the Ministry of the Church of England and for people I know who have served here – even the Vice-Dean, who told me on occasion I am like a glorified caretaker or curator of a museum, because my time is so taken up with matters to do with the building and the fabric of a facility that is no longer really fit for purpose in the modern day, that I have not got time to do the things I should be doing and was effectively ordained to do.

I wonder, sir, bearing in mind the fact that these buildings were once built as fit-for-purpose buildings, and were extended as such, if a rector and churchwardens were to come along in the future and say, 'Well, we really cannot use this facility any longer. It is not appropriate and we cannot adapt it because it is a historic building. We wish to meet elsewhere.' How that would be dealt with, I do not know. But it seems to me it is only right they should have the freedom to choose how and where they worship.

Similarly, that freedom needs to be given to those very few, and I do think there are very, very few in the Guernsey community who would choose not to pay their element. And, yes, I agree with all those things as it stands. Unless there were further amendments or considerations, this would be a nightmare to administer.

I support it on the principle that, as a follower of Jesus, as a Christian, it does not, as a matter of conscience for me, help to be associated with a system that effectively supports one expression of one particular denomination or particular faith.

As a result, it would be far better, I think, all round if the churches – all churches on this Island – were able to choose how and where and what shape their particular Ministry was to take. That, of course, happens to Anglican Churches already on this Island apart from those elsewhere. Deputy St Pier mentioned the ones that are self-funding and supporting. There are a variety of different churchmanship's amongst them because obviously the Church of England is a broad church.

In fact, I think it was Deputy De Lisle, in an earlier debate on one of the previous amendments, who said that he was worried about greater interference – and I think he meant secular interference – in ecclesiastical matters. Well, what is going on here today? I do not think it is appropriate to discuss any of these things here, if we are dealing with ecclesiastical matters.

If we are dealing with historic buildings which have all sorts of important parts of our history they are linked to and are connected to, then call it an 'historic buildings rate' and, in that sense, I do not think there would be any problem at all.

But that is not what we are talking about. It is messy and it is mixed up and it needs sorting out. What I believe is the result of the debate today on this amendment – it will not finish there. I can be absolutely certain of that.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, let me just say that I personally do not attend any church and I do not want to go through the moral arguments or disestablishmentarianism here – I am pretty pleased I got that out! What I do want to do is focus on the Pandora's Box that will be opened should this amendment be passed. Now, I am sure Members have heard of the Tasty Walks Initiative. This is a series of self-guided walks which – and I quote from the Visit Guernsey website, which is very good now, and I would recommend everybody visits it:

'...makes the most of the very best the Island has to offer. Its stunning scenery and fabulous food...'

Now, they have been a key successful marketing focus for Commerce & Employment's Tourism Department and are really well-promoted on the web as well as brochures and through TV adverts.

Now, if you look at the routes you will find that at least half of these walks take in a parish church, including St Martin's, Forest, Torteval and Town Church. Indeed, *Visit Guernsey* actually includes one of these in its spring TV advert.

So, in other words, we as a States acknowledge that these are buildings of historical interest, part of our rich heritage that brings in the visitors and supports our tourist industry. Now, these buildings do not belong to the Church of England, they belong to the parishes.

Yes, this is a system we have inherited over many years that clearly has flaws but it does allow for those buildings to be maintained at minimal cost to ratepayers and is a symbiotic relationship – the church, and more generally the Island, benefits. Certainly, in the two parishes I represent, St Andrew's and St Martin, the Church works particularly closely with the parish schools providing a strong community support role.

But to me the biggest problem with this amendment is that it has not considered the practical issues which are pretty fundamental. For a start, it ignores the fact that parish rates are a household tax. So what if the house is multi-occupancy? What if a husband does not want to pay the so-called ecclesiastical portion and the wife does? Under this amendment she would be precluded from any future benefits against her will. So the freedom of choice that Deputy St Pier so desires for some will be lost to others.

We have also got to remember that the people who administer all this – and, in the interest of openness and transparency, I should say that my husband is one of them – are volunteers. All this amendment does is produce another layer of complication which, whilst it may be acceptable if they are well-paid civil servants, is less so when people are giving their free time to serve their community.

The St Martin and St Andrew's Douzaines were unequivocal when they met the south east Deputies on Monday evening that, should this amendment be passed, the extra time and money that would be required to administer it would be out of all proportion to the perceived benefits.

For example, in terms of monetary costs, the IT system used for the bidding process called LAPIS would need to be upgraded considerably – as Deputy Bebb has said earlier – and that at the expense of the States.

In the terms of time costs there will be added administration in maintaining the database of those who opt out, as well as dealing with changes of property ownership. Now, Deputy St Pier says the States could do it as a part of the TRP system. Well, I can just see another two requests for a couple more civil servants there. No, as has already been said earlier today, if it ain't broke don't fix it.

Now, finally, I refer to the report that we will be debating later on the potential to tax employer-provided parking spaces – a report produced by T&R which has a Minister's name at the bottom of it. In that report it states, and I quote:

'On balance and taking into account the relative rarity in potential complexities and the likely administration costs the T&R Department cannot reasonably recommend the States to introduce such a regime.'

Well, I would say, for that very same reason, this amendment should not be passed. No, as a non-churchgoer but someone who respects what the Church does for our community, the fact that our parish churches are an indelible part of our heritage and landscape, as well as the potential inequity unfairness and administrative burden out of all proportion to the sums involved, I cannot support this amendment. (**A Member:** Hear, hear.)

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

Some time ago if you would have gone into a hospital environment – perhaps you were due for an operation – then you would have been asked your religion and people probably would have said Church of England without even giving it a second thought, because people describe themselves as Church of England meaning they are Christian, but so few of us are practising Christians.

Personally, I am an atheist. I do not particularly like the fact that my daughter is taught a religion where somebody being horribly tortured is the main focus of a belief system. I do not like that; it makes me extremely uncomfortable. But what I bring forward from my family in previous generations is this collective thing that is not really tangible, that feels like Christianity, which is more about watercress sandwiches and Sunday school than it is about a real belief system. I have great affection for the church buildings and it is right that they should be protected and they should be restored where necessary.

Getting on to that particular point, the reason why the current system works is because of the zero engagement, virtually, by the public. How many members of the public go to the reading of the remède? How many people actually attend?

I remember being on the Douzaine of St Peter Port and I think the roof expenditure that Deputy Bebb alluded or referred to specifically was around £800,000 for the roof timbers. People were ringing round desperately to get people to go to the remède to approve it because there was a group of people who opposed that sum of money being spent. So to get 20 people in the room to ensure that the remède passed and was successful was a successful public engagement exercise by the Douzaines and the Constables.

Just on that, we do have to look, I have to say, at the make-up of the Douzaines, because sometimes we are talking about Constables, we are talking about Douzeniers, we are talking about sextons and churchwardens, and they are pretty much the same people. So the idea that you are going to a Douzaine for a completely impartial view on whether we protect the churches or not, or pay for the rate, is an interesting one because these people have more than one hat, cloak or robe on, on occasions.

I commend both the Chief Minister and the Treasury Minister for bringing this. It is right that we have this debate. I understand that the system works now because of the poor level of public engagement and an appreciation of the mechanisms that ensure funding of the churches is secured and remains.

I have often said that if we look at how the rates are divvied up in the 21st century, couldn't a parish, being at the heart of the community, provide a crèche for the community, for mothers and fathers who want to return to work, or should a parish fund the maintenance of a church? I think that is a legitimate discussion to have and I thank the Treasury Minister again and the Chief Minister for allowing us to have this debate today.

Thank you.

The Bailiff: Deputy Stewart.

Deputy Stewart: I will be brief, sir.

I think the point that Deputy St Pier made was this is where principle does have to overawe pragmatism and this is very much... we are talking about in 2015. This is about transparency and it

is about governance and I think, unfortunately, religious organisations... the Church of England has lagged behind seriously in transparency and governance. It is only in the last few months we have seen a woman bishop ordained – quite unthinkable really, in my view.

So I think we do have to start realising this is now a different era; people think differently – *(Interjections)* for example, adjusting the IT systems. Well, great. I hope my Douzaine does upgrade its IT systems. I would like to pay my dog tax online, I do not actually want a posted through rate. I could have that emailed to me, thank you very much.

Husbands and wives, as Deputy Soulsby mentioned... my father, for example, is an atheist, my mother goes to church, because she sees that nice Deputy Harwood there. She always tells me she meets him. But she puts her money in the plate and she makes her donations to the Church and my father decides not to. So I do not think that is an argument.

In terms of tourism, yes, we have these heritage sites and they should be funded as heritage sites. It should be transparent and it should be open.

I will be supporting this amendment.

The Bailiff: Deputy Trott.

Deputy Trott: Sir, I would just like to make a handful of points. The first is that Deputy Bebb, in his very passionate speech, seemed to suggest that the Anglican Church was open to all, almost irrespective. I do not think that is quite right, because I am aware that some divorcees are not permitted to remarry in some Anglican Churches.

I give way, sir.

Deputy Bebb: The question with regard to divorcees getting married – they may get married in church but a rector may choose, in conscience, not to marry them. But I do know of a case, and it is generally the case that any divorcee wishing to marry in his parish or her parish church may do so, but they will need to find a separate rector or vicar in order to conduct that service.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

Sir, I think the point that... and I am not going to support this amendment – let me make that clear – but I do think there is an element of fairness that needs to be reintroduced into this debate.

The points made by Deputy Stewart are valid. One of the reasons this issue is before us today is because the Church – whether members of the Anglican Church like it or not – continues, persists, to be a secrecy organisation on a biblical scale with regards its own finances. That is a fact.

Now, they may have very good reasons for so doing and I am not going to comment, but I am going to argue against anyone's assertion that they do not remain very secretive about their own affairs.

My main reason for rising is really to record my surprise at what seemed to me to be a quite extraordinary overreaction to this amendment from both Deputies Bebb and Perrot. Every Member of this Assembly has a democratic right to bring amendments as long as they are within our Rules. This is within our Rules and Deputy Perrot seemed to suggest to me that he was bothered by the audacity of another Member seeking to bring an amendment he himself was philosophically and theologically opposed to.

Deputy Perrot: Point of correction, sir.

The Bailiff: Deputy Perrot.

Deputy Perrot: I never said or expressed it by implication that I was concerned that somebody had the audacity to say something. That was quite wrong. I do wish Deputy Bebb would stop using this sort of debating tactic.

2900 **The Bailiff:** Deputy Trott, you mean.
Deputy Trott.

Deputy Trott: Well, I was simply deploying identical to the tactics to Deputy Perrot, sir. I am delighted that they create the reaction from him that they managed to procure in me.

2905 The fact is, sir, that some people are, I think, overreacting to this debate. This amendment has not got much life, and my advice would be let's get to the summing up and move on as swiftly as possible. *(Interjections)*
Thank you, sir.

2910 **The Bailiff:** Does anyone...?
Deputy Harwood.

Deputy Harwood: Thank you, sir.

2915 Just for the record, as Deputy Stewart has already mentioned, I was confirmed and baptised into the Anglican Church, Town Church. I actually attend St Andrew's in the Grange which is clearly part of the Church of Scotland and not within the ambit of this particular matter, and it is there I actually do have the pleasure of meeting with Deputy Stewart's mother *(Interjections and laughter)* and occasionally not only his mother but his mother's dog!

2920 Sir, just one other point: I think clearly the debate today has been moved on to matters of disestablishment and I agree with others that perhaps we should have that debate at some stage, but today is not the occasion for that debate.

I would remind Members of this Assembly that today and under this Projet we are actually vesting legal ownership of rectories and glebe lands into parishes. Therefore, it is logical that parishes do have to accept responsibility for those items of property. They are taking title, so they must accept it. So it is also to be noted that the PERRC Report itself identifies that, although the legal ownership of the parish churches may be with the Crown, nevertheless beneficial ownership vests with the parishes – again it is the parishes. So the parish clearly is closely associated with those ecclesiastical properties, whether the parishioners like it or not.

2930 I would also pick up on the point that Deputy Soulsby made and she clearly identifies that the parish churches are an essential part of our fabric – they are the icons of this Island. She has already mentioned that they are featured by the Department of Commerce & Employment in relation to tourism. I believe also, and I am sure that Deputy Paint will acknowledge this, quite often spires of churches are used as landmarks not only by walkers but by mariners – and very important they are. So they are icons of this Island and therefore they need to be maintained. The simplest method of maintaining those icons is through the parish system.

2935 It is working at the moment. It is a very cost effective way of maintaining. I was surprised that Deputy St Pier should even be suggesting that the States of Guernsey should take on responsibility for this maintenance out of general revenue. We are having enough problems trying to balance books without actually adding to that burden.

2940 Deputy Soulsby has also identified a number of the practical issues and certainly, like Deputy Bebb, I was at the Douzaine meeting of St Peter Port on Monday and a number of concerns were raised on not only IT. But, just think about this, the proposal suggests that you can opt out; that opt-out is valid until such time as you choose to opt in. Whilst you are opting out, you disassociate yourself from any benefit that may derive from the ecclesiastical properties that have now been taken on by the parish. Fine. Does that mean, therefore, that in the year that you know they are going to flog the rectory you can suddenly opt in before they do so, in order to take the benefit of that?

2945

How practically or seriously, as a parish, are you going to be able to maintain a record of who is going to benefit from what in terms of the parish? Does that mean that people are going to be differential parish rates, because some parish rates, rate payers will benefit from the sale of the rectory or some other income that has been derived from the glebe land or from the rectory, but others will not, so the practical implications are appalling?

I would just pick up on what Deputy St Pier said. Of course, this issue of opt out would only really arise in matters of conscience and, again in a parish scenario, I could suggest one other circumstance where people may well want to opt out, and that is when parishes are organising jubilee celebrations. There may be staunch republicans who do not wish to acknowledge the monarchy. Are they going to be allowed to opt out of the cost element of that particular item on the parish rates? I suggest that that would be absolute nonsense. Are we going to allow people to opt out of street lighting because, certainly, I think in one or two parishes there are very few street lights, so therefore if you happen to live in a part of the parish where there is no street lighting do you want to opt out of that? Do you want to opt out of waste collection because my wife and I create very little waste and shall we, therefore, be having to bear the waste collection costs? Of course not, you cannot opt out of these situations, and to suggest otherwise is absolute nonsense.

Sir, I would urge Members of this Assembly to reject this amendment. I do acknowledge and I do admire the courage of both Deputy St Pier and the Chief Minister actually in laying this amendment because it is a matter perhaps at some stage there should be a full and frank debate on, but this is not the occasion.

Thank you, sir.

The Bailiff: Deputy Green and then Deputy Conder.

Deputy Green: Mr Bailiff, thank you.

I, like some of the other speakers – Deputy Harwood and others – think it is a very good thing that we are having this debate. It is a perfectly legitimate subject for debate and I entirely accept that the Treasury Minister and the Chief Minister are raising this amendment as a point of principle, and it is an important principle. I do not share it, but nonetheless I do think it is a thoroughly good thing for our States to be having this discussion.

Like others, I think there are some serious practical flaws with this amendment and I will be voting against it. I think the system that we have does work, subject to the draft Law that we have before us. I think it does work of a fashion, it is a cost effective system, it raises relatively small sums and is collected in a broadly efficient manner.

There are three reasons why I cannot support this. Firstly, it would remove the certainty of funding and could well lead to higher parish rates for those who do not opt out, and our parishes do not need or want that level of uncertainty in these matters.

Secondly, it is an amendment very much at the eleventh hour to draft legislation that has been in the production line for many years and it drives a coach and horses, in my opinion, through the direction that is already set – already has been set by the States in the last... and that has been pursued subsequently by the Committee that I sit on.

So uncertainty of funding, no consultation, but also, thirdly, I do think it sets a rather unhelpful precedent. Deputy Bebb quoted, fairly liberally, I might say, from the 2012 policy letter. I did not think he was ever going to stop quoting massive chunks of the 2012 Report, but anyway he did quote briefly from the section on taxation; and it is perfectly true that it is a tried and tested principle of taxation that individuals cannot legitimately withhold their taxes on the grounds that they object to how some of the money would be spent, and that applies to parochial taxations and, therefore, it applies to this area. And if it did not, then spending on all sorts of secular issues would be affected, like donations to school libraries, maintenance of the Douzaine rooms etc. So actually there are some very practical reasons why this amendment will be rejected.

I will be voting against it and I think that is very clear. Having said that, I think it is perfectly legitimate discussion that we are having. I accept that it is a matter of principle. I actually think we

3000 should have more debates and people should move more amendments in this Assembly on matters of principle. Actually, I think one of the problems with Guernsey politics sometimes is we are too pragmatic and too accommodating, and we forget our principles. At the end of the day, this is an amendment based on a principle. I do not agree with it but, nonetheless, it is quite right it should have been moved and debated. (**A Member:** Hear, hear.)

3005 **The Bailiff:** Deputy Conder.

Deputy Conder: Thank you, sir.

I will be very brief. I would just like to respond to something I think Deputy Trott said in terms of some of the passion and some of the points raised. Like Deputy Green, I think I have heard some of the best speeches I have listened to in the three years I have been here. I do not think there is anything wrong with passion and commitment and principle and I particularly draw attention to Deputy St Pier, Deputy Perrot and Deputy Bebb's speeches. I sat and listened in rapt attention. I thought they were superb (**Several Members:** Hear, hear) and the movement backward and forward was wonderful and a real example of parliamentary democracy in action.

I congratulate particularly those three. They were a joy to listen to and I learnt a lot. I cannot support the amendment. I am glad it was laid, not least, as I said, because of the speeches, but I think it was entirely appropriate that it was laid.

The practical complexities if it was to succeed have been elucidated by other colleagues. I am not going to repeat those because they are significant. I would just add one point, which goes back to a point I made earlier in respect of an earlier amendment. I do understand – and I stand to be corrected if I am wrong but – if this amendment was to be passed, the Projet would have to be withdrawn and PERRC would have to return... some Members of PERRC – some of them would not be there, (*Laughter*) but – would have to return to their work, and I think after 10 years and 65 meetings that is not an action I would recommend. So I would recommend that this amendment is rejected, but I congratulate and thank Deputy St Pier and Deputy Le Tocq for laying it, not least because it has produced such extraordinary speeches.

Thank you.

3030 **The Bailiff:** Deputy Adam.

Deputy Adam: Thank you, sir.

I, first of all, have to declare that I am a regular churchgoer, obviously, by my accent you may understand it is called the Church of Scotland – St Andrew's in the Grange. I am also an Elder within the organisation, and thus more involved in running the Church than simply a person attending the congregation.

I feel we are taking this whole debate in a rather superficial manner. I was amazed about disestablishment of the Church of England and other issues. You know something, our church is a fairly small church. We have a reasonable attendance – not up to Deputy Le Tocq's church or Trinity Church or Shiloh Church, which are the churches which actually have got the biggest congregation attending them if you know about churches – but, a small church, a faithful church, good attendance and good givers.

In actual fact, we are very pleased that we can actually raise the money to run the church, maintain the church outside and inside, run the manse, maintain the manse outside and inside. I cannot run our Minister but we pay for our Minister, pay for the mission dues to what we call 121 George Street. 121 George Street is the head of the Church of Scotland in Edinburgh – and we are so pleased that we have achieved this level of faith and giving within our congregation.

Thus I am sorry I cannot see why the Anglican Church should not be saying, 'We should be doing this as a congregation. We should be supporting our church and giving sufficiently to maintain the rector, to maintain the church, to keep it in good condition,' because they use it.

Now, probably someone like Deputy Bebb thinks that is very simplistic. Like Deputy Conder, I thought excellent speeches but I come from that position, but also I come from the situation that the Douzaines would find it extremely difficult to administer. It would be very difficult to administer and change things etc. and should we be asking them to do that or should they have more notice? Certainly, I do make Douzaine meetings on Saturday morning. When there were several Douzeniers there they all were saying that point of view.

But, to me, to a certain extent it still does not take away the principle that I decide to go to a church, I decide what I give, I am delighted and I think other people attending such establishments would be as good. Certainly, as I say, Trinity, Church on the Rock, Shiloh have that type of congregation. They are there and consider its achievement to be able to maintain this establishment and, in some ways, I do not see why members of the Anglican Church in its part, for example... St Stephen's is a huge church to maintain, huge church to heat. Its congregation was very active and other churches... Why don't they do it? Therefore, we would not have to have this problem about where does this money come from – does it come from Winchester or the diocese or wherever?

Thank you, sir.

The Bailiff: Deputy De Lisle.

Deputy De Lisle: Sir, I believe that the difference is that the parishes have beneficial ownership of this property and, therefore, we all have a responsibility within our parishes for maintaining those facilities. All Islanders have a responsibility to the common good and we all pay taxes for services that we do not use.

I note in a letter that was sent to the Deputies of the West from St Saviour's Parish, who expressed 100% opposition to the proposed amendment, they point out aspects of taxation that individuals might seek to opt out of if they were given the opportunity, and they give examples of people who have private medical insurance may not wish to pay tax towards the States-run Health Service and people who pay for private education may not wish to pay towards the States-run education service. And, of course, there are many that have not had children who are paying for the education service as a whole. People who do not use Beau Séjour Leisure Centre might wish to opt out of taxes paid there.

Well, these are points made by the St Saviour's Douzaine. They also stress the practicalities of administering such a scheme if non-payment of the ecclesiastical element of parochial tax was to be passed today. They see that fraught with difficulties. They also are critical of the fact that this amendment was brought in without full consultation with parish officials.

Sir, I would just like to state also that all, at times, support church weddings, christenings and other fund raisers and funerals – the non-religious included – and, no matter what denomination, we all participate in Island life, and we are proud of our ancestry and heritage and want to keep the institutions that we have and payment of the ecclesiastical element of parochial tax helps to do that.

Thank you, sir.

The Bailiff: Does anyone else wish to speak in this debate?

In that case, as Chairman of the Committee, do you wish to exercise your right to speak immediately before Deputy St Pier sums up, Deputy Gollop?

Deputy Gollop: Yes. In a way, several other Members, especially Deputy Bebb, have made a stronger speech that I could ever make on this particular issue and done my job for me I think. *(Laughter and interjections)*

I do support the Members of my Committee who have made speeches – Deputy Lowe, Deputy Conder, Deputy Green and Deputy De Lisle and also the generally supportive words from Deputy

Perrot, Deputy Soulsby and, to a degree, Deputy Adam and Deputy Harwood, and some other Members.

3105 It has been suggested to me by a number of senior Members that it has been difficult for two very senior Members of our Policy Council to, in a way, hi-jack this legislation, which was not even a States' Report, and effectively suggest a different theological and philosophical direction. They had three years to bring a requête – well, in a way, why haven't they?

3110 Indeed, not all these questions even came up at the question time we had on this subject close to Christmas. But I will go further and say we as a Committee, to my knowledge, have not received any recent letters or correspondence from these Members or other people supporting their point of view.

3115 It is quite interesting, I have done a little bit of research on PERRC. We have had, in our existence – nearly 10 years – three Chairman, three Vice-Chairmen and a least 10 Members, of whom at least four have been Ministers at some time or another. So we have been a quite high-powered Committee – and that is not including the two Law Officers, one advocate, and six senior civil servants, or fairly senior civil servants, who assisted us. It has been a costly endeavour.

3120 Paradoxically, Deputy St Pier, on the one hand, questions the outrageous cost of the exercise, which was precisely the thinking behind the opt-out that caused the Committee to be formed in the first place. It was never churchgoers who wanted it to exist, and the reason it has taken so long, as Deputy St Pier has hinted at, is the extraordinary complexity of the matter, and the lack of clarification about much of the history and philosophy and ideas that underpin it.

I am in the paradoxical position which will perhaps shock the rock a bit, in a way, in that I actually support nearly everything Deputy Le Tocq and Deputy St Pier say, and I said it 10 years ago to the Committee when it was formed, and I said it to Deputy Trott when he visited us.

3125 I said the only sensible long-term way forward for the 21st century is to disestablish the Church and have a big bureaucratic expensive State heritage body giving millions of pounds to our historic buildings. Big Government is my cup of tea! (*Laughter*)

3130 I loved it when Deputy Bebb said the French do it this way and Deputy Perrot questioned the wisdom of that. But, goodness me, the French political system at the moment has been thinking about 75% tax on high earners – they are an expensive form of administration. We can always look to Sweden or Denmark or France or even parts of American States where you will find very high tax areas. Do we want to go down that route?

3135 It is a really topsy turvy debate today. It is like a parallel universe almost, because there is me standing for the conservative establishment position, and we have got the two senior figures in our Government going for radical, liberal, off-the-wall philosophical points of view. (*Laughter*) There you go – it is a strange world!

3140 Here we are, after 10 years of work, spending, in my personal opinion, far too much money and time on an issue that is costing, as Reverend Curl said in today's *Press*, 20p a week for most ratepayers. Well, some kind of well-wisher – one of my colleagues – gave me this Hells Angel which is supposed, purportedly, to represent me (*Laughter*) and I could put my 20p in and that is the problem solved! (*Laughter*)

3145 When you think of the time that we will have to spend on Personal Tax and Benefits States' Review and many other things that are about millions of pounds and real issues of poverty and future investment in our Island, why are we spending a whole day on this – (**Several Members:** Hear, hear.) a system that has worked very well? I do not know.

I appreciated particularly everything Deputy Green said. We can philosophically support. It is probably ahead of its time – the position of this amendment – but pragmatically it would be a nightmare for the Douzaines to administer.

3150 It does set a precedent that within our system of Government we do not want to go down, and it would be expensive and unwieldy. It was not in anybody's – well, hardly anybody's – manifesto at the last election as a particular issue, as a generalisation. There may have been one or two questions raised on it. It possibly would have constitutional implications and unknown effects for our relationship with the diocese and Her Majesty. It would cost the Law Officers much time and

effort on something which is not, I do not believe, at the top of 99% of people's priorities. I just do not think it is worth it.

If we are talking about significant church buildings and heritage, arguably, the two greatest architectural pieces on the Island would be St Stephen's Church, because of the work William Morris contributed to it, and St Joseph's Church, because of the work of the Pugin's – father and son. Neither of them are covered. They are both relatively modern buildings of 150 years old. We are not really talking about the heritage, at this stage; what we are talking about are the ancient parish churches, all of which are over 200 years, and it is a historic buildings charge for the centre of the community.

Let's look – I was just jotting down here what the Town Church is used for, apart from services, brass band rehearsals, Christmas tree festivals, fundraising events for the Cheshire Homes, even a polling station recently for St Peter Port Parish Constables and Douzaine, when a few hundred people turned out to vote. These churches are multi-use areas and in the smaller parishes, the congregation is inevitably less than 100, unlike the Church of Scotland or even the Catholic Church they are not Island-wide churches really; they are just for the smaller parishes, so of course there is more pressure on numbers.

I would not disagree with one or two Members who questioned the wisdom of the Church of England in terms of some areas of its administration. I think they have done a good job of keeping the communities and the buildings together, but perhaps less of a job on managing a long-term strategy of growth renewal and development.

That may change, but the relevance of that is that we, as a Committee, did look at, for example, the Ecclesiastical Court – the alternative methods of funding. That itself is an interesting area, but I believe Treasury & Resources took up the cudgels there as it was outside of our mandate, so I am expecting Deputy St Pier to come back with that, and it is not really part of our mandate.

That is a source of funds to support the historic churches, but I would argue that eventually the time will come – although the Court is extremely well run and is a cost effective body. I think, because of its feudal ancestry and its strange corporate governance, that long term for that will be perhaps as an additional States- run enterprise raising revenue. But that is a debate for another day.

We cannot open up, after 10 years, the old arguments about rating systems and Ecclesiastical Court, and who pays what to whom. We have got to be sensible. We have spent a long time – too long in numbers of years, too long in debating time – on this issue and the time is right now, despite... I understand the true sentiments behind the amendment, but that is a debate for another day, another Assembly, probably in at least 10 years' time.

We should support the legislation as drafted now, which accurately reflects the pendulum of opinion, the groundswell of opinion, and what the parishes, generally speaking, want as the most sensible way forward. (**A Member:** Hear, hear.)

The Bailiff: Deputy St Pier will reply to the debate.

Deputy St Pier: Sir, thank you.

I shall be brief. I sense the direction of travel.

I think I should start by thanking Deputy Gollop for his support from unexpected quarters. Undoubtedly, this whole debate has been worthwhile because it is the first time that I have been described as a 'radical liberal' (*Laughter*) and 'off-the-wall', so I thank him for that.

Very briefly though, I do wish to respond to a few particular points. I think, in particular, Deputy Bebb quoted extensively from the 2012 Report. I also had quoted from it, and the bit I quoted was the bit that appeared at the very end, which was that PERRC, 'does not consider that there is a *strong* case – does not consider that there is a *strong* case – under the compulsion and conscience argument. They did not say that there is 'no case' and the point I made in my opening speech, sir was that the question of the strength of the case is, of course, a matter of opinion.

With regard to St Appoline's, he is, of course, entirely correct. It is funded through general revenue and does, therefore, take its order in the queue in terms of priority.

In terms of the size of the rate, as I said in my speech, sir, I think that is entirely irrelevant and unimportant in the context of an issue which was laid, as has been said by a number of people as a matter of principle.

The 3.5% which he referred to, I would suggest, sir, is an easy calculation, of course, but it is not a figure which is readily available if you have to go to the trouble of contacting your Douzaine to find out what it is and they are there searching, hunting for it.

When I was talking about transparency I was, of course, imagining and envisaging –

I will give way, sir.

The Bailiff: Deputy Bebb:

Deputy Bebb: Will Deputy St Pier agree that there is no need to go hunting for it? It is simply published in the *Press*, as required by Law.

Deputy St Pier: Sir, if Deputy Bebb perhaps would have allowed me to finish what I was speaking about transparency, what I was imagining and envisaging would be the level of transparency which would have separate disclosure on ratepayers' bills so they know exactly what they are being asked to pay.

In relation to increasing spending, of course, he is quite right. Deputy Trott, when he was Treasury Minister, did provide that advice to the then constituted PERRC but, of course, the proposal I had as one of the alternatives which has not been specifically considered was, of course, transferring the parish rate to the domestic TRP and administering it in that way rather than increasing the overall burden.

In relation to practicalities, a number of Members have referred to this – Deputy Soulsby, Deputy Harwood and I think a number of others – and again I did refer to that in my opening speech. I do recognise that there are huge practicalities. Sir, if there is a secret agenda with this amendment it is not, as perhaps Deputy Perrot fears, disestablishment; it is, as perhaps Deputy Le Tocq referred to, that if this amendment is passed it would inevitably force – I think somebody suggested – the withdrawal of the Law in order to go back and actually think about what the practical consequences would be, which would require consideration of all the funding options and that, sir, if there is a secret agenda, is it.

With regard to Deputy Perrot, I do apologise that I misquoted him, and said he was 'angry' rather than 'furious'. However, whatever the result today – and I suspect it will not be a surprise – I do not regret laying this amendment.

I thank Deputy Brehaut and others who have said that it is an appropriate topic for discussion to be laid by any Member of this Assembly. However, sir, since Deputy Perrot has raised the issue of his perhaps considering his position on the Treasury & Resources Board, I should perhaps take the opportunity, publicly, sir, to say that I very much hope that that would not come to pass. He is an extremely valued Member of my Board and I would not wish us in any way to fall out and to lose his contribution on very valuable issues simply because of this issue, sir.

I think most of the other points – the historic nature of the buildings, which Deputy Soulsby referred to, the affection for the church building, which Deputy Brehaut referred to – again, I completely subscribe to that, as I did, sir, in my opening speech.

As Deputy Green said, the system does work, it is cost effective and they are only small sums. Again, I accept all of that, as I did in my speech, but, as I say, for me the principle trumps the pragmatism on this occasion.

Sir, I think in essence I have summed up the key points raised and thank those that have offered their support.

The Bailiff: We vote then on the amendment proposed by Deputy St Pier, seconded by Deputy Le Tocq, and there is a request for a recorded vote.

3260 *There was a recorded vote.*

Not carried – Pour 7, Contre 34, Ne vote pas 2, Absent 4

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Sherbourne	Deputy Le Clerc	Deputy Le Pelley	Deputy Storey
Deputy St Pier	Deputy Gollop	Deputy Adam	Deputy Fallaize
Deputy Stewart	Deputy Conder		Deputy Inglis
Deputy Ogier	Deputy Bebb		Deputy Domaille
Deputy Le Tocq	Deputy Lester Queripel		
Deputy Hadley	Deputy Gillson		
Deputy Brehaut	Deputy Trott		
	Deputy David Jones		
	Deputy Laurie Queripel		
	Deputy Lowe		
	Deputy Le Lièvre		
	Deputy Spruce		
	Deputy Collins		
	Deputy Duquemin		
	Deputy Green		
	Deputy Dorey		
	Deputy Paint		
	Deputy James		
	Deputy Perrot		
	Deputy Brouard		
	Deputy Wilkie		
	Deputy De Lisle		
	Deputy Burford		
	Deputy Soulsby		
	Deputy Sillars		
	Deputy Luxon		
	Deputy O'Hara		
	Deputy Quin		
	Alderney Rep. Jean		
	Alderney Rep. McKinley		
	Deputy Harwood		
	Deputy Kuttelwascher		
	Deputy Langlois		
	Deputy Robert Jones		

3265 **The Bailiff:** Well, Members of the States, the result of the vote on the Deputy St Pier / Deputy Le Tocq amendment was 7 votes in favour, 34 against, with two abstentions. I declare the amendment lost.

3270 So the net effect is that you have approved one amendment and that was the Deputy Bebb / Deputy Harwood amendment relating to the St Martin's Community Centre and the Torteval Church hall, and I know the Procureur may wish to deal with some consequential amendments arising from that.

Amendments:

1. In the arrangement of sections:

(a) for the heading 'Glebe land and other buildings', substitute 'Glebe land',

(b) delete '3. Ownership of other buildings.', and

(c) re-number the current clauses 4 to 19 as clauses 3 to 18;

2. Re-number the current clauses 4 to 19 as clauses 3 to 18;

3. For the heading 'Glebe land and other buildings', substitute 'Glebe land';

4. In clause 2(5), for '5' substitute '4';

5. Delete the heading 'General provisions';
6. In clause 7, for '6' substitute '5';
7. In clause 8, for '10 and 11' substitute '9 and 10';
8. In clause 16(1), in the definition of:
 - (a) 'the Law of 1923', for '13' substitute '12', and
 - (b) 'a relevant property', for '4' substitute '3'; and
9. For clause 16(2), substitute the following subclause:
 '(2) In determining any question as to glebe land –
 (a) regard shall be had to the provisions, and in particular Appendix 6, of the report of the Parochial Ecclesiastical Rates Review Committee dated 18th November 2011¹, but
 (b) the grounds on which –
 (i) St Martin Community Centre, and
 (ii) Torteval Church Hall,
 is built is not glebe land for the purposes of this Law and, for the avoidance of doubt, this Law shall have no effect on the ownership of either building or the grounds on which that building is built.'

The Procureur: Sorry, sir. The amendment moved by Deputy Bebb and seconded by Deputy Harwood, which was carried, has, as part of the explanatory note explains... that I will move some consequential amendments before the Projet is considered in its final form and it seems to me that before general debate, if there is to be general debate, now would be an appropriate time to do that.

I confirm that, with one terribly minor exception, these are all entirely consequential. The reason we could not do it at the time of the original amendment being drafted is because then Deputy Bebb would have had three and, depending on what combination were or were not carried, all the renumbering and so on and cross referencing would be different so it would have been even more of a dog's dinner than anything else that has come out of St James' Chambers in recent years. *(Interjection)* So thank you for that.

This composite amendment simply makes the changes to the arrangement of sections it re-numbers 4 – 19 as 13 – 18 –

The Bailiff: 3 – 18.

The Procureur: Sorry, 3 – 18. It removes references to other buildings from certain places, changes cross references and, importantly, because of the issue over the glebe land and the St Martin's Community Centre being, so it is said, built on glebe land, the substitution of clause 16.2. 16.2(a) is the wording in the brochure, but there is now a need to specify that St Martin Community Centre and Torteval Church hall are not considered glebe for the purposes of this Law so that the provision vesting glebe in the parishes does not do, by a back door, precisely what the States have decided should not be done by the front door.

So, although that looks fairly complicated, I do give my assurance that it is all totally technical and follows on from the amendment which was approved this morning.

The Bailiff: So you formally lay that amendment?

The Procureur: I formally lay that amendment and I ask Deputy Gollop to second.

The Bailiff: Are you formally seconding the amendment, Deputy Gollop?

Deputy Gollop: Yes, I do.

The Bailiff: Is there any request for any debate on the amendment? No.

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

3310 *Members voted Pour.*

The Bailiff: I declare it carried and we can move on to the rest of this session.

The Greffier: Article II. (*Interjections*)

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The Bailiff: Sorry, general debate. Sorry! (*Laughter*) Yes. Sorry, is there any request for general debate? One or two have spoken in general debate already. Is there anybody else who has not done so who wish to speak in general debate?

Deputy Bebb.

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Deputy Bebb: Thank you, Monsieur Le Bailli.

I have frequently been a critic of PERRC and I think that some Members of that Committee have felt that it was a direction at them personally; it is not in any way or shape at all. I feel that when we look back to the origins of PERRC, being the matter of Torteval Church which has since been resolved, it shows that we have embarked upon a 10-year process in order to resolve a matter that resolved itself. I feel that it is something that has been, less than well thought on from the onset. But, of course, it is the danger when matters come before this Assembly of feeling the need to do something rather than do nothing. I feel that PERRC has been a perfect example of how that has come to pass.

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Having said that, the 2012 Report actually goes into certain areas that I think are fairly pertinent for the Church today. First of all, it talks about the use of the church buildings. Members may remember that there was a Methodist Church in St Peter Port. First of all, Ebenezer, then when that burnt down they moved to Vauvert, to Salem and they eventually decided to sell that church in order to bring some remedial repairs to Ebenezer, with the intention of eventually moving back in to Ebenezer.

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It is unfortunate that that did not come to pass. But during the time when they were hoping to move into Ebenezer, they moved into the Cotils when it became evident that they were not able to move back into the Ebenezer Church, the offer was made by the Town Church to give them full use of the Town Church.

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The offer was made that they would either be able to join in a joint form of service on a Sunday morning or, indeed, that the Anglicans would move so they would meet a little bit later if... the Methodists apparently like to get up a little bit earlier, so we would move them a little bit earlier in the morning, and we could have both services held in the same building.

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Unfortunately – and the Report makes several mentions of the desire to see such co-operation between denominations of these ancient buildings, I would welcome such activity – whilst you can lead a horse to water, you cannot make them drink, and the St Peter Port Methodist Church – I felt that it was a very sad decision that they made, to close instead of joining the Town Church. I think it is an indication that these buildings are made available on a regular basis to a number of people. It is unfortunate when those offers are not accepted.

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However, moving on from other religious users of which... I believe that the Town Church has been offered to a number of other religious institutions, should they wish to use it. Moving on to the building as it is now – and I think that this is true of all of our church buildings; they are owned by the parish – the parishioners have beneficial ownership and I would sincerely hope to see that the buildings are utilised as they were at the point that they were built.

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There is a wonderful story that Gillian Lenfestey, a local historian, found out about the Town Church, that at one point apparently the fish market in Town needed extensive renovation and so naturally the fish market was moved within the walls of the Town Church and, of course, that would have been a fairly obvious thing to do – a regular occurrence indeed. The church was apparently used in medieval times as a market on a regular basis.

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3360 Unfortunately, fishwives do not have a reputation for nothing, and indeed the fishwives who were selling the fish were so noisy the priests could not possibly stand their presence and therefore decided to remove them from the building. But it shows that the building was used extensively as a market place.

3365 It was used as a centre of parish for all manner of purposes, and that is what I think the future of the church should be. It is indeed – should the fish market wish to return... Deputy Brehaut, I might well look into that. I think that we should think of their use as extensive and for the purposes of the full parish.

3370 I am quite proud that during my time as churchwarden we opened the Town Church much further to general use. The Christmas Tree Festival that Deputy Gollop made mention of was a manner that we could bring charities in to make full use of the church building for weeks in the lead up to Christmas and, therefore, attracting charitable giving and giving the space freely to those charities; also creating an attraction that would attract people in and therefore enhance the opportunities to those charities. That was a small thing but was something quite remarkable, I believe, in actually making this building usable by many.

3375 Recently, I was very pleased that we were able to hold a full Mental Health Week where extensive use was made by mental health professionals and by charities of the building. I think that the location of the Town Church in particular lends itself to such charitable and secular activities, and we should be proud of that. It is a fantastic space for concerts to be held in and I think it should be welcomed.

3380 There is, therefore, a message to the Church of England: these buildings need to be flexible, they need to be used by the full parish. I can only speak on behalf of the Town Church but, from certain conversations that I have had with other Members, sometimes there is that desire on behalf of some churches maybe not to be extending the use of their building – and that is wholly inappropriate. The buildings are quite rightly given full beneficial ownership to the full parish and I think that the most extensive use that we can make of these buildings the better. I understand that there is a desire for these parish community centres and so forth to be built more and more but I personally would like to see a greater use of those historic buildings in the way that they were initially intended.

3390 When we look at other matters that PERRC raises then, of course, it shows that there is still extensive general support for the means of raising funds. If we look at the amount of support, it is nearly 60%, if not more, who still believe that the churches should be funded through taxation.

3395 The concern that I have is that the legislation, whilst dealing with some of those matters, really makes no great difference to the man in the street. The claims and requirements that were regularly given and the voices that I hear are that they would like not to pay for certain matters. All this does is change the bureaucracy of running these buildings and nobody complained much about that in the first place to my knowledge. Even the matter which gave rise to this issue, being Torteval Church, was resolved before we have passed legislation. It does not deal with some of the real issues today being plurality.

3400 Now, I am a little reticent in relation to the Law of Plurality. I feel that it is a little bit of a sledge hammer to crack a nut and I would far rather prefer that an agreement could be reached between the parishes of the west and any other in plurality, rather than having to put ordinance.

But I would fully agree that if agreement is not forthcoming then an ordinance in enacting the Law is the only means that is reasonable; but plurality is something that could be a moving tide – we do not know where plurality will be next.

3405 There is no reason to imagine that the four parishes in plurality over in the west will remain in plurality and that the boundaries will not change. It is perfectly feasible for us to consider a future where St Andrew's and Forest could be put in plurality, and therefore we should be more flexible when we are considering plurality.

3410 Of course, these are the real questions – the problems that we are facing as part of the Church – and PERRC does not deal with it. The last thing that I want to do is to set this Assembly on

another 10-year course to try and resolve the problems of today. I am sure that they will be resolved in 10 years' time anyway.

I think that there are certain problems that will arise as a result of the management committee. When I talk of the need for these buildings to be flexible, part of the requirement now will be for people to be bold in their designs on those church buildings.

I frequently hear people complaining about what the Victorians did to the ancient parish churches, because they changed their insides extensively to suit their use. But rather than complain about the Victorians and what they did to the buildings, I think that we would do better to take on the Victorian spirit of taking hold of these buildings and reforming their interiors substantially to be appropriate for today's use. That is not something beyond the wit of man.

Indeed, churches on a regular basis do this, but for some reason we get comfortable with those pews – those heavy oak pews that are not movable. We get comfortable with the way that certain things look. We like the carpet on the floor and we do not like to think differently about how we utilise that space. I think that that is the challenge for the church in the future, and I think it is one that we really need to embrace.

My fear is that the management boards that are being created are less likely to be bold, are less likely to reform, so that these buildings do become flexible civic buildings, as they were intended, as they were built, and as I would like to see them utilised.

The question with regard to usage should not be dependent on faith or none, on particular denomination or another, it should be a question of whether someone is resident in the parish. I think there are times, if we are not going to be bold, we are in danger of putting the church in a position of becoming a museum, and that is one thing that we do not need another of. There are plenty of those on the Island that are very well kept and very well maintained, but we do need the buildings to be fit-for-purpose buildings today, and that is not just for ecclesiastical purposes, that should be for many others.

These management boards I hope – I sincerely hope – will not be shy, but I fear that they are more likely to be shy than someone who can be a singular person, as we have seen in history.

Before this debate I had a look at examples and when I became churchwarden a friend of mine very graciously gave me the accounts of the restoration of the Town Church of Guernsey in the year 1822. It is quite staggering that Frederick Corbin Lucas starts his notes – a very brief piece of paper – by basically saying he could not stand the church anymore, it was just awful, and all the previous churchwardens had made no inroads into the reformation of that building.

Indeed, it was so bad that he eventually decided that the only option was to stand to be churchwarden and close the church for a year and after doing so to remove all of the galleries to actually renovate the building, so that it looked the way that we recognise the building today.

Of course, it was given in slight humour because I was elected and one of the first things I did was close the church for a year! (*Laughter*) Fortunately, I did not change the interiors to that great extent. All I did was actually rewire, but it seemed that that was problem enough. It is that kind of feeling, it is that kind of passion, that drove me to be a churchwarden, and I do not see that passion being conveyed from a committee of seven.

I am little reluctant to say that I do not think that I will be voting for the legislation. I am rather convinced that I will be in the minority but I honestly do not think that the legislation as it stands will deal with the real problems of today, and I do think that the actual problems of today are actually not really for this Assembly to resolve. It is for those people who are the churchwardens and, if the legislation passes, those management committees.

I think that I would hope that we will not embark on another PERRC, that when we look at these matters in future we will give due consideration to the amount of time and effort that we put into matters, that when passed will mean no real change to the average person. That is not the best use of our time.

Thank you.

The Bailiff: Chief Minister, Deputy Le Tocq.

The Chief Minister: Sir, thank you.

3465 I will not be long because I am beginning to worry that this Assembly is looking like a parish church at evensong, (*Laughter*) but I rise because I did try to rise earlier in debate to comment on some of the points that Deputy De Lisle was raising but he did not want to give way.

Deputy Bebb in that, I think, excellent speech – I was heartened by much of what he said – raised some of these points again.

3470 First of all, let's be clear here, one of the issues that I have had all along is that – and I do not disagree with the point that has been made by several Members that the beneficial ownership rests with the ratepayers of the parish, but at the moment the exclusive use goes to one denomination.

3475 Now, I welcome the fact that Deputy Bebb has alluded to... that there should be more general use, but I will point out here that something is going to have to be done by the Anglican Church in terms of the way in which their rectors – who have the right to choose, I understand, under Anglican Law, what goes on in their buildings in terms of other religious activities... how they operate that right because at the moment it is not possible, for example, to hold a wedding in a parish church except under Anglican right with an Anglican priest present; whereas for some of our other historic buildings like Castle Cornet, for example, you could do so.

3480 So that, in my mind, seems unfair and exclusive, and in some cases... I know my own self, I have been prevented from taking a funeral in a parish church because un-Anglican practices would take place. I think that is wrong, particularly in instances where individuals in that particular parish have a long association with that parish, and have paid towards the upkeep of that parish, but they may not go to the church, to the parish church, as their particular faith and they want to get married there. This is why I say it is a cake and eat it argument – you cannot have it both ways. I do believe there needs to be greater flexibility.

3490 It is true that these ancient buildings, prior to the Victorians coming in and putting immovable pews all over them, were used for markets and for court sittings, and for education from time to time. Castel Church was certainly used as a school at certain points and even for defences. There have been all sorts of uses and, of course, when the pews were not there you could more easily facilitate some of those activities.

3495 I welcome that, if that is to be the case, but I think it also needs to be the case that there should be greater sharing between denominations. Now, I do not think that just one go with the Methodist Church is enough, as it were, and I have suggested to the previous Dean that there would be other Churches that would be interested in using facilities in the Anglican Church if there was a flexibility in terms of the rights and the Ministers that could be involved in doing that, because that is the big issue and I think it needs to be changed.

3500 I think we could take a leaf out of Biberach, who we are closely linked with, where the church in Biberach is used jointly by the Lutheran Evangelical Church and by the Church of Rome. They use it jointly and they pay for it jointly, in terms of the costs and sharing the costs. It is quite possible to do so even with separate services. They have separate services and have a joint committee that decides how they are going to do that.

3505 But for a while when we were first starting as a church – and, obviously, we started from scratch meeting in a home, but when we grew to the size that we needed to use a building – we came to an agreement to rent part of Spurgeon Baptist Church, and we met there for a couple of years, had an agreeable time and sometimes held joint services, and hey ho that is quite a nice thing to do you know. Christian unity and all that is not a bad thing.

3510 So we could do more with our parish churches to encourage that, but the Anglican authorities will need to be more flexible and that is something that I think needs to be signalled here. If we are going to have this system that we have argued for, there needs to be flexibility in terms of the types of activity that take part. Obviously, if it is a secular activity it is probably less of an issue. I do think that is something that needs to be seriously considered.

The Bailiff: Deputy O'Hara.

3515 **Deputy O'Hara:** Sir, I will be brief.

I have mentioned to Members before that following a meeting of the Douzaine Liaison Group the subject of plurality came up and I said I would come back to the Members to say if such a subject was being laid in front of the Policy Council. I can confirm that it is to be laid before the Policy Council on 23rd March.

3520 Thank you.

The Bailiff: No-one else is rising to speak.
Deputy Gollop.

3525 **Deputy Gollop:** I was entertained when Deputy Barry Brehaut spoke earlier, because he actually identified quite an intriguing issue. He said, 'How far is the church about faith and theology now?' and I have to say, well – maybe this is a good thing, may be not, but – one does not hear quite the rigorous sermons of sin and the fine detail that perhaps you heard a few years ago.

3530 We are a long way away from the very heated debate in more ways than one that you saw in Henry VIII's time about transubstantiation and so on. But he did mention watercress sandwiches being the focal point for many, and I thought, 'Well, counts me in, more than the theology lectures,' but I do, in fact, go to the theology talks – including the odd one given by, of course, Deputy Le Tocq in a different context – and it has to be said that although – because I live right
3535 next door, I am a regular at Trinity Church, which is an Anglican Church but not one of the ancient churches, although it is actually older historically than Torteval, but it is a soft managed Anglican Church of evangelical flavour – and then, of course, I have got an historical link with the Town Church. I was confirmed there and very much appreciate the music even if it is done by Catholics and atheists, *(Laughter)* as we heard earlier!

3540 I also, from time to time, go to the Church on the Rock. One of the things that I find heartening about the Church on the Rock, Shiloh, and the Trinity Church is that they are very vibrant churches. They are self-funded and, if I can be ageist and I will not be forgiven for this but, the bulk of the congregation are people roughly my age and younger, with a very significant number of young people and young families. With the traditional churches in the country parishes
3545 it would be fair to say, although they do have active Sunday schools and they do provide weddings, baptisms and a whole range of important lifestyle events that people do go to, the average member of the congregation tends to be slightly older than average. That is a demographic issue for the church that it has to face.

I think Deputy Bebb is quite right: issues of Victorian pews have to be addressed. They are
3550 being addressed in some churches. Renovation is a theme making the church more vibrant for a younger generation. I mean one of the country vicars even recently, to revive interest down in the west, actually went round with a tent – instead of going to church he put a campsite in the garden. There are many different ways of raising an issue.

I used to say some of this at our many PERRC meetings and the other Members would get very
3555 cross because they would say, 'It is not your job, John, to run the Church of England or interfere in their events.' **(A Member:** Hear, hear.) We have heard enough about the embarrassment of politicians and Government interfering with religious matters.

In fact, let me explain my personal journey on this. **(A Member:** No, let's not.) *(Laughter)* Well, I
3560 predicted a decade ago that PERRC would be a relative waste of time, it would cost a lot of money and it was for a problem that did not really exist. I decided to serve on the Committee because I thought there was a danger of it being unbalanced with people who took a strong view against the Church of England, and I eventually rose to lead it.

I have to say also that when the Chief Minister kind of nominated me to replace a retired
3565 Member, I too had mixed feelings and it was bizarre that, given the brilliance of the speeches we have heard today from half a dozen Members – senior figures too – it is a pity that they did not stand to be Chairman or Members of that Committee, *(Interjections)* because they would have

contributed perhaps more than I was doing. But never mind, I think we are where we are and we have to support the legislation.

We have heard enough. We cannot jaunt any more into whether the Town Church should be a fish market. That would be a stinky, smelly thing to do anyway! (*Laughter*) I did have fish and chips only a few weeks ago.

Deputy Jones wants us to move on, so I think it is time to support the legislation.

The Bailiff: Well, Members, I put to you the legislation which is to be found at pages 1 to 22 of the brochure, as amended by the composite amendment successfully proposed by HM Procureur and seconded by Deputy Gollop. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

II. The Driving Licences (Guernsey) (Amendment) Ordinance 2015 – Approved

Article II.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Driving Licences (Guernsey) (Amendment) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

The Bailiff: Greffier.

The Senior Deputy Greffier: Article II, The Driving Licences (Guernsey) (Amendment) Ordinance 2015.

The Bailiff: Is there any request for clarification or debate? No.
We go straight to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

ORDINANCES

**The Charities and Non Profit Organisations (Registration)(Guernsey)
Law, 2008 (Amendment) Ordinance, 2014;**

The Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2014;

The Income Tax (Guernsey) (Amendment) (No. 3) Ordinance, 2014

The Senior Deputy Greffier: The following Ordinances are laid before the States: The Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2014; The Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2014; The Income Tax (Guernsey) (Amendment) (No. 3) Ordinance, 2014

The Bailiff: I have not received notice of any motion to annul those ordinances.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2014;
The Financial Services Commission (Fees) Regulations, 2014;
The Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2014;
The Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) (Fees) Regulations, 2014;
The Amalgamation and Migration of Companies (Fees Payable to the Guernsey Financial Services Commission) Regulations, 2014;
The Supplementary Benefit (Guernsey) Regulations, 2014;
The Copyright (Application to Berne Convention Countries) (Bailiwick of Guernsey) Regulations, 2014;
The Copyright (Application to the United Kingdom) (Bailiwick of Guernsey) (Amendment) Regulations, 2014;
The Companies (Recognised Stock Exchanges) (Amendment) Regulations, 2014;
The Companies (Guernsey) Law, 2008 (Amendment of Part XVIA) Regulations, 2014;
The Companies (Recognition of Auditors) (Renewal of Registration) Regulations, 2014;
The Companies (Audit Exemption) (Amendment) (No. 2) Regulations, 2014;
The Housing (Control of Occupation) (Fees) (Guernsey) Regulations, 2013;
The Housing (Control of Occupation) (Fees) (Guernsey) Regulations, 2014;
The States' Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2013;
The States' Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2014;
The Milk (Retail Prices) (Guernsey) (Revocation) Order, 2014.

The Senior Deputy Greffier: The following Statutory Instruments are laid before the States:

3600 The Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2014; The Financial Services Commission (Fees) Regulations, 2014; The Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2014; The Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) (Fees) Regulations, 2014; The Amalgamation and Migration of Companies (Fees Payable to the Guernsey Financial Services Commission) Regulations, 2014; The Supplementary Benefit (Guernsey) Regulations, 2014; The Copyright (Application to Berne Convention Countries) (Bailiwick of Guernsey) Regulations, 2014; The Copyright (Application to the United Kingdom) (Bailiwick of Guernsey) (Amendment) Regulations, 2014; The Companies (Recognised Stock Exchanges) (Amendment) Regulations, 2014; The Companies (Guernsey) Law, 2008 (Amendment of Part XVIA) Regulations, 2014; The Companies (Recognition of Auditors) (Renewal of Registration) Regulations, 2014; The Companies (Audit Exemption) (Amendment) (No. 2) Regulations, 2014; The Housing (Control of Occupation) (Fees) (Guernsey) Regulations, 2013; The Housing (Control of Occupation) (Fees) (Guernsey) Regulations, 2014; The States' Housing (Rent and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2013; The States' Housing (Rent

3615 and Rebate Scheme) (Guernsey) (Amendment) Regulations, 2014; and The Milk (Retail Prices) (Guernsey) (Revocation) Order, 2014.

The Bailiff: I have not received notice of any motion to annul any of those Statutory Instruments.

COMMERCE & EMPLOYMENT DEPARTMENT

V. Re-appointment of Employment and Discrimination Tribunal Panel Members – Propositions carried

Article V.

The States are asked to decide:

Whether, after consideration of the Report dated 18th November, 2014, of the Commerce and Employment Department, they are of the opinion:

1. To reappoint, in accordance with the requirements of Section 1 of the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005:

Mrs Joanne Antonia de Garis

Mrs Christine Diane Le Lievre

Mrs Paula Mary Brierley

Mr Roger John Brookfield

Ms Alison Jayne Thompson Girollet (formerly Anderson)

Mr George Charles Sidney Jennings

Mrs Caroline Denise Latham

Mrs Tina Jane Le Poidevin

Ms Helen Sheena Hubbard (formerly Martin)

Ms Georgette Scott

Ms Kathy Erin Tracey

Mr Andrew Douglas Vernon

Mr Peter Robert Woodward

as members of the Employment and Discrimination Tribunal Panel, this appointment to take immediate effect until 28th February 2018.

2. To appoint Mr Peter Robert Woodward as Convenor.

3. To re-appoint Mrs Tina Jane Le Poidevin as Deputy Convenor.

3620

The Senior Deputy Greffier: Article V, Commerce & Employment Department – Re-appointment of Employment and Discrimination Tribunal Panel Members.

The Bailiff: Deputy Stewart.

3625

Deputy Stewart: Yes, sir, I will be brief, I have not really got anything to add to the Report. As Members can see, the details of the proposed members of the Panel are appended to the Report.

The Bailiff: Is there any request for any debate? No.

3630

We go then to the vote on the Propositions that are to be found on page 249 of the Billet. There are three Propositions. I put all of them to you together. Those in favour; those against.

Members voted Pour.

3635 **The Bailiff:** I declare them carried.

HOME DEPARTMENT

VI. Parole Review Committee – Re-appointment of Mrs Judith Helen Haslam as Chairman – Proposition carried

Article VI.

The States are asked to decide:

Whether, after consideration of the Report dated 10th December, 2014, of the Home Department, they are of the opinion to approve the appointment of Mrs Judith Helen Haslam as Chairman of the Parole Review Committee for a further three years, with effect from 1st March 2015.

The Senior Deputy Greffier: Article VI, Home Department – Parole Review Committee – Chairman.

3640 **The Bailiff:** Deputy Gillson.

Deputy Gillson: Sir I have nothing to add to the Report other than to express our gratitude to Mrs Haslam for her past service and her willingness to continue in the role.

3645 **The Bailiff:** Members, there is a single Proposition on page 254 for the re-appointment of Mrs Judith Helen Haslam as Chairman of the Parole Review Committee for a further three years. Those in favour; those against.

Members voted Pour.

3650 **The Bailiff:** I declare it carried.

POLICY COUNCIL

III. Investigating a Living Wage Statistic for Guernsey – Debate commenced

Article III.

The States are asked to decide:

Whether, after consideration of the Report dated 8th December, 2014, of the Policy Council, they are of the opinion:

- 1. To agree that the States of Guernsey should not at this time research, calculate or publish its own Living Wage Statistic.*
- 2. To direct the Policy Council to keep under review the value of a Living Wage Statistic in the context of its investigations into the measurement of poverty and income inequality, together with the proposals emanating from the Personal Tax, Benefits and Pensions Review and from the deliberations of the Social Welfare Benefits Investigation Committee.*
- 3. To direct the preparation of an Ordinance to amend The Social Insurance (Guernsey) Law, 1978, in order to permit the Administrator of the Social Security Department, or any person authorised by him, to disclose to any officer appointed under The Minimum Wage (Guernsey)*

Law, 2009, specified information obtained under The Social Insurance (Guernsey) Law, 1978, where, in the course of an inspection of an employer by the Social Security Department, a breach of The Minimum Wage (Guernsey) Law, 2009, is suspected (as set out in paragraphs 2.22-2.25 of that Report).

The Senior Deputy Greffier: Article III, Policy Council – Investigating a Living Wage Statistic for Guernsey.

3655 **The Bailiff:** Chief Minister.

The Chief Minister (Deputy Le Tocq): Mr Bailiff, as I have not been directly involved in these preparations, in opening debate on this Report I will be brief, leaving it to Deputy Langlois to make more substantial comment, as he has lead on this issue and he will indeed sum up. I will, however, mention some of the key issues prompted by the investigation that has taken place.

The first is to acknowledge that there are some people in our community who, despite their best endeavours, simply do not earn enough to enjoy a standard of living that many of us take for granted – the result being inequality and social exclusion.

3660 This Report specifically deals with working poverty, which is a difficult concept to grasp because we have become conditioned to equating poverty with people who, in Deputy Dave Jones's words, are lying in bed looking for work. But in Guernsey, as in other western societies, it is increasingly the norm that the pay for a week's work may not be sufficient of itself to enable people to get by.

3670 This leads on to my second point, and that is how difficult it is to define what 'getting by' really means. The Report shows that simply reaching a consensus about what methodology to use is extremely hard and not something we have yet resolved for Guernsey.

3675 My third point is that terms like 'minimum wage' and 'living wage' are often bandied about without a full understanding of what they mean or what is their purpose and how they are actually used. If this Report does nothing else it provides much needed definition and clarity to those things.

Fourthly, the Report shows the many policy considerations that would come into play if Guernsey was minded to introduce a living wage. Now, clearly that is not what the Report recommends – indeed, it would go beyond its terms of reference – but it is, nevertheless, instructive to set out all the pros and cons of doing so.

3680 Finally, Mr Bailiff, the knowledge and insights gained through this piece of work will be of relevance when we come to implement decisions arising from the work of SWBIC and the Personal Tax and Benefits Review, which is why the Policy Council recommends that while calculating a living wage should not be pursued at this time, the concept should be kept under review.

3685 **The Bailiff:** Deputy Langlois.

Deputy Langlois: Thank you, Mr Bailiff.

3690 When I placed my amendment back in the summer of 2013 I had an open mind about what an investigation into the living wage statistic might actually uncover. Now, I can honestly say that we, on the joint Commerce & Employment and Social Security Department working party, have learnt a lot during this study – much of which will be of use in other related policy issues to come forward for debate at a later date. At this point I would like to thank particularly Deputies Le Clerc, Soulsby and Brouard and the Commerce & Employment Minister for their participation in the working group at various times since the amendment.

3695 What most surprised me, however, was the level of consensus in the community about the value, or otherwise, of introducing the concept of a living wage into the Guernsey economy. Even those who worked most closely with the working poor did not tend to bang the drum fully for its

introduction, especially as a mandatory requirement, while many employers were understandably nervous about the consequences for the Island economy, for the operation of their businesses and for their reputation as employers.

Now, sir, the timing was partly driven for the amendment by the introduction of the Living Wage Commission in England and, whilst I know there are some in this Assembly who possibly even jeer at the very mention of what happens in the UK whilst embracing it in other ways, I think that it is, of course, of considerable significance that an independent Commission, chaired by the second most senior figure in the Church of England, should conclude that the benefits of making the living wage legally enforceable were likely to be far outweighed by the unintended consequences of doing so. That is the situation that has been decided upon in the UK and I think it has had a great bearing on the way we have gone.

Of course, we are nowhere near this stage. An indicative living wage that employers may choose to pay has been around for some years in the UK, and more and more employers are signing up to be accredited for doing so. This is through the Living Wage Commission organisation. Here in Guernsey we are just exploring whether to calculate a local equivalent, but the fact that even the Living Wage Commission has shied away from recommending that the living wage measurement should be made compulsory says a lot when we are considering whether to invest even in its calculation for Guernsey alone.

Sir, as the Chief Minister alluded to in his opening remarks, calculating a living wage is no easy matter. Yes, we could adopt a form of Guernsey solution on the back of a fag packet. It may lead us somewhere. It would not have the credibility, in my view, of the sort of depth of statistical base that you need to make it credible.

The UK has two separate living wage rates, calculated by different bodies, using completely different complex methodologies. To replicate them would clearly be costly and would, therefore, need to be of material benefit to the Island to justify the investment of staff time and money. We have reached the conclusion that this cannot be justified at this time.

Is it worth noting that in terms of the take up by employers of the living wage measure, so that they are accredited with offering a living wage to all their employees, the numbers are extremely low compared to the work force as a whole?

Of course, any Guernsey company that wants to promote themselves today as a good employer in wage terms can use the UK figures, especially the London living wage, since the cost of living in Guernsey is frequently compared directly with the cost of living in the capital. They can use that as a benchmark, but at this point in time we do not recommend that the States sets up the apparatus to give that use a formal status.

On an associated issue of enforcing the minimum wage legislation, what we are recommending is that officers of my Department can be given the powers to enable them to work more effectively and across various data protection boundaries correctly; to be given the powers to enable them to work with Commerce & Employment staff in enforcing the minimum wage. Because, to me, I do feel that the possibility – we have not got the evidence for this, but the possibility – that there are significant numbers of employers still not complying with minimum wage legislation is a more important issue.

The wage rates are, of course, not the complete answer to insufficient household incomes. The big flaw here is that if you equate what one person can earn with what a household needs then it is quite impossible, because every household is different in terms of the number of working people able to work within the unit.

As I use the phrase 'household incomes' deliberately, that flaw is behind the problems of investing in the calculation of a living wage. The flaw is simply that wages are paid to individuals. There may be many individuals living with adults who also earn wages, and those adults themselves may be of different ages, with different earning capacities, and different wishes as to the number of hours they work each week.

3750 So what is really important are household income and household expenditure, but trying to address such wide ranging situations and circumstances is an absolute minefield – as I believe the Members of SWBIC may support me in that view.

I am, however, fully behind keeping the introduction of a living wage statistic under review, but will conclude by quoting from the Report:

‘The causes and effects of working poverty are complex... the subject of concern across the political spectrum... All parties are agreed that finding successful solutions to reduce, if not eradicate, working poverty is extremely difficult because of the potential for damaging unintended consequences.’

3755 Establishing a living wage for Guernsey would not, therefore, in our view, be a silver bullet, but equally we should keep it in mind as our work in addressing poverty and inequality progresses, and, in the meantime, offer the advice that if an employer wants to quote the living wage as a target for them to meet then they should use the London figure.

3760 For those employers, employee organisations and campaigners who favour that, I believe there is a strong enough correlation between Guernsey costs and London costs to mean that the London living wage calculation can be a surrogate benchmark for all practical purposes, and has the additional advantage that it cost the Island nothing.

This is a very specific area of the social agenda and the work has contributed to the sum of understanding about it.

3765 Please support the Propositions to ensure that it remains a central part of that agenda.

The Bailiff: Deputy Laurie Queripel.

Deputy Laurie Queripel: Thank you, sir.

3770 Sir, I do hope that we are going to have some meaningful debate on this Report and I am glad to hear the contributions from Deputy Le Tocq and Deputy Langlois.

3775 It is a shame in a way that this work is not going to continue, because a lot of time and effort has gone into the Report. I think we should take the opportunity to share our views, our observations, because there is quite a bit to be gleaned from this Report and if we do not take that chance it will be rather a waste.

Now, sir, *The Independent* tells me – one of the better UK newspapers – in the UK context a living wage campaign was set up as long ago as 2001, where a group of East London parents who found themselves unable to make ends meet, despite doing two, and sometimes three, jobs.

3780 Now, since then it has grown in momentum with a figure being calculated annually by the social equality experts at Loughborough University and has gained considerable cross party political traction. So, whilst agreeing at this stage a living wage should not be enshrined in local legislation, I believe it is something that the States should be at the forefront of in regard to encouraging employers and business to pay a living wage. It should be given some political traction here. The States should be leading the debate, giving impetus to and promoting the concept.

3785 Sir, nowadays the States are subject to a great deal of lobbying from interest groups and notably the business sector and business sector organisations, and often the message to the Government is that the States is profligate and needs to run more efficiently, be more responsible, act more corporately. I hear that message – particularly the efficiency aspect. I am convinced that we could do more in that area.

3790 Sir, now the States have the opportunity to become the lobbyists, to ask the business sector to ask employers to take a long honest look at themselves just to see if they are paying employees what they can truly afford. Actually, the States taking lead on this is something that complements and very much aligns itself with the social poverty aspirations and objectives of the States’ Strategic Plan – a Plan the Assembly signed up to by a significant majority just a couple of years ago.

Sir, included in the detail of that States' Strategic Plan and the social policy aspirations was the creation and growth of higher value jobs, and the intention of improving the quality of life for all Islanders. I also think – I might be wrong in this and if I am, sir, maybe a Member will correct me – there was something about helping Islanders to become financially responsible and self-dependent.

Now, sir, in his recent *Globe* column, Deputy Gollop referred to the dilemma that exists for Governments in relation to the conflict or the balance that needs to be struck between having a free market economy and a social democracy.

Actually, sir, if the balance is not right and too much emphasis is given towards the free market approach, ironically in some form or another Governments – the States in this case – can end up picking up the tab, or a proportion of the tab, and having to render some financial or resource assistance which, of course, is publicly funded.

Sir, there are many ways that we do this – in a promotional sense, for example, the funding of Guernsey Finance or the tourist industry – and there are clear and good reasons for that. The States also do it in other ways by providing benefits and top-ups for low paid workers, and in a sense subsidising the businesses of their employers.

Sir, I am very glad that we have those facilities in place to assist people on low wages, but I would like to see some dialogue open with – some pressure placed on – employers who pay low wages, (**A Member:** Hear, hear.) just to see if there is any room to improve those rates of pay. I say that, sir, conscious of paragraph 3.7 on page 200 of the Report, and it says, from 2 to 4 of that paragraph:

'In discouraging the payment of very low wages, the UK Minimum Wage has not impacted adversely on the viability of companies and the economy generally as was feared by some when the measure was introduced in the late 1990s. Economic growth through the 2000s was not translated into real average wage rises which indicates that economic growth is not in itself the solution to low pay and wage stagnation. The growing realisation that the cost of providing welfare benefits to top-up the wages of a large number of workers has, in the words of the Financial Times... *transferred wealth from the general taxpayer to cost conscious companies* ...'

Sir, for the sake of workers on low wages and the taxpayer and the lobby groups I was referring to before, sir, the business sector groups are so fond of attempting to protect the interest of taxpayers – and we all should be... For the sake of workers on low wages and the taxpayer, we need to provide a push in that direction, sir. A business being cost-conscious does not always mean an inability to pay better wages. So that is possibly backed up by paragraph 4.3 on page 202 and that tells us this from the end of the second line down:

'In Guernsey there was a greater divergence between high and low incomes than, for example, in the UK or Jersey.'

I wonder if that tells us that there is a bit of room for manoeuvre in regard to some of the wages that some of the employers and the businesses here pay.

Sir, I am mindful of the point that many of the jobs being done in the Island that pay minimum wage, or close to it, are in the service industry. We are talking about hostelry, cleaning, care work, and are being done by guest workers – and that is backed up by paragraph 7.10 on page 208. Perhaps, for one reason or another, the modest rate is not really an issue to the people doing those jobs, but whether it is a guest worker or a resident Islander, I think employees should be getting the best wage it is possible to pay them.

Sir, I know that the Report states that causes and effects of working poverty are more complicated than just hourly rates, but if we want to include people socially and want to reduce instances of working poverty, nonetheless it can only help if employees are receiving better wages and better hourly rates.

So, sir, we have this phrase 'working poverty' and I know Deputy Dave Jones refers to the phrase 'the working poor', but there is another one that we could add, and it is a very telling phrase, 'the dependent working'. Now, sir, paragraph 7.20 on page 209 tells us this from the second line down:

'...benefits are increasingly being paid to households where at least one member works and suggests that working poverty in Guernsey may be increasing.'

3845 Sir, there are many consequences, obviously financial and economical, but there are many consequences – economic, social and psychological – to being working dependent or in working poverty and none of them are especially good. So I think that the Government, by taking some sort of lead, can play a part in helping to strike the right balance between a free market economy and social democracy.

3850 Finally, sir, I think there is quite a bit in this Report to inform the Personal Tax, Pensions and Benefits debate – particularly the last paragraph on page 214. This paragraph refers to how well distributed incomes are in Guernsey and it says this:

'The figure for Guernsey is an estimate based on data from Income Tax and Social Security, which could be subject to revision when further data becomes available. However, it is probable that the figure will remain at the higher end of the scale, flagging that the income distribution is skewed strongly towards the higher earners.'

3855 For me, sir, that is even more evidence to prompt us to consider a more progressive approach to taxation.

This Report clearly tells us that the income and wealth distribution is incredibly uneven in Guernsey, that the gap between the less well-off and more affluent is getting bigger and that we have an increase in working poverty and dependent working.

3860 Sir, Government has a responsibility here and so does the private sector and the business sector. Both need to accept some social and communal responsibility and show some leadership. If not, sir, we will end up with even more people, even more Islanders, in working poverty, even more in the dependent working category and even more people being reliant, to some extent, on the welfare system. That is not good for them, it is not good for the States and it is not good for the taxpayer. The proposals in the Tax and Benefits Report do nothing to redress these issues. In fact, they exacerbate them.

3865 Thank you, sir. (**Several Members:** Hear, hear.) (*Applause*)

The Bailiff: It is now 5.30 p.m. Can I just have an indication of how many more people may wish to speak in this debate? Oh, there are several speakers.

3870 We will rise and resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.31 p.m.