

STATES OF DELIBERATION

26th June, 2013

Billet d'État No. XI

AMENDMENT

Proposed by: Deputy S J Ogier

Seconded by: Deputy B L Brehaut

Policy Council

Managing the Size and Make Up of the Island's Population

To insert at the end of the words in Proposition 35 “; and that consideration should be given to revoking an employment permit whose holder is convicted of a criminal offence of such a nature, or in such circumstances, that his continued residence in Guernsey is regarded as contrary to the public interest”.

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26th June, 2013

Billet d'État No. XI

AMENDMENT No. 1

Proposed by: Deputy A H Brouard

Seconded by: Deputy S Ogier

Policy Council

Managing the Size and Make Up of the Island's Population

To insert immediately after “14 years” in Proposition 2(b) “(or for 10 years in the case of an individual at least one of whose parents was a Permanent Resident or Qualified Resident at the time of that individual’s birth or adoption)”.

EXPLANATION

This amendment returns the position to as it is now, allowing children of a permanent resident to qualify in 10 years.

It will also continue to allow children born after a parent has become a qualified resident (i.e. has already achieved 14y of residency) to also qualify in 10y.

Other children remain as proposed to qualify in 14y

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26th June, 2013

Billet d'État No. XI

AMENDMENT No. 2

Proposed by: Deputy A H Brouard

Seconded by: Deputy M H Dorey

Policy Council

Managing the Size and Make Up of the Island's Population

To add at the end of the words in Proposition 5:

“; except that, where any part of the individual's qualifying period has been as the holder of an employment permit, or of a residence permit issued to a person as the spouse, partner or adult child of an employment permit holder, his automatic right to return will lapse after a continuous period of residence away from Guernsey equivalent to the total length of his period(s) of residence in Guernsey”.

EXPLANATION

This amendment will restrict the return of persons who earn qualified resident status after 14y and where Guernsey is only a small part of their working life, their right of return will not be unrestricted as proposed but restricted to a window in proportion to the time spent on Island. This amendment in effect puts a 3rd milestone or restriction in place saying that once you have qualified at the second milestone and you leave Guernsey and do not return before a time equal to that which you originally spent on Guernsey your right of return will lapse. NB If you qualified as a qualified resident after 14y and do not leave the Island this amendment has no effect.

NB Children (under 18y) born on Island or brought in under a parental licence, as the second generation are also not affected and can earn that unrestricted right to return after they have qualified.

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26th June, 2013

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AMENDMENT No. 3

Proposed by: Deputy A H Brouard

Seconded by: Deputy S Ogier

Policy Council

Managing the Size and Make Up of the Island's Population

To replace Proposition 16 as follows:

“16. To agree that holders of Long Term or Medium Term Employment Permits will be able to accommodate:

- a) their spouses / partners;
- b) their children;
- c) where there are compassionate or other special circumstances only, other immediate family members

within their households.”.

EXPLANATION

This amendment changes the Policy Council proposals by being more restrictive with whom can be accommodated as immediate family members by holders of a Long Term or Medium Term permit. Parent, parents-in-law and grandchildren will not be accommodated by right but can apply if there are compassionate or special circumstances"

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26th June, 2013

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AMENDMENT No. 4

Proposed by: Deputy M H Dorey

Seconded by: Deputy S J Ogier

Policy Council

Managing the Size and Make Up of the Island's Population

To insert the following new proposition immediately after Proposition 31:

“31A. To direct the Treasury & Resources Department to investigate and report back to the States of Deliberation at or before their meeting in June 2014 on various mechanisms through which occupation of a Part A Open Market property, for any new residents, could be conditional on the household making a specific economic contribution to the Island.”.

Explanatory Note

In the Policy Council's previous report on the Population Management Regime (Billet D'Etat I of 2012) paragraph 16.32 stated:

“However, the PPG believes that the question of whether or not the States should adopt a definitive strategic objective to use the Open Market as an economic generator for the Island in the future should be examined from a fiscal and economic perspective.”

This amendment is to direct the Treasury & Resources Department to carry out that investigation, in respect of new residents only, and report back to the States.

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AMENDMENT No. 2

Proposed by: Deputy Lester Queripel

Seconded by:

Policy Council

Managing the Size and Make Up of the Island's Population

After proposition 35, to insert a new proposition 35A as follows –

“35A. To direct HSSD to assess the value of introducing compulsory health checks, undertaken by anyone applying to live in Guernsey: the purpose of which would be to restrict entry of those with serious communicable diseases: the scope of these checks to be advised by the Director of Public Health: the checks to be undertaken by the applicant in their own jurisdiction, and the results of the tests to be provided as part of the applicant process. Also to require HSSD to report the results of their research to the States Assembly, no later than December 2015.”.

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26th June, 2013

Billet d'État No. XI

AMENDMENT No. 3

Proposed by: Deputy M H Dorey

Seconded by: Deputy R A Perrot

Policy Council

Managing the Size and Make Up of the Island's Population

To delete Propositions 24 to 27 inclusive and substitute:

“24. To direct the Policy Council to report back to the States of Deliberation at or before their meeting in June 2014 with proposals to phase out the use of Part A properties for the multiple occupation of unrelated adults, including the setting of a cap on the number of properties which may be so used from the coming into force of the new regime at a level no higher than those in established use as such on the date of publication of this States Report.”.

Explanatory Note

In 1984 Billet D'Etat XII the Housing Authority reported to the States that some Part A properties were being used as lodging houses instead of private houses. It proposed setting up a new section Part D for those houses that were being used as lodging houses. Anyone except the owner/principal tenant and his immediate family living in Part D property would have to hold a Housing Licence.

It was never the intention to allow unrelated adults to live in Part A properties.

The proposals in the Billet will result in:

- the controls on Part D being removed (lodgers will not require employment permits);
- at least 148 Part A properties being occupied by unrelated adults (977 individuals in January 2013) will not require employment permits.

The first objective of the proposed new regime is that it needs to be as effective as possible in enabling the States to manage the size and make-up of the island population.

This purpose of this amendment is to enable the States to manage the size and make-up of the population by:

- asking the Policy Council to return with proposals to phase out the use of Part A properties for the multiple occupation of unrelated adults so that this loophole will be closed;

- for lodgers in Part D to need employment permits (they currently need licences);
- the same as is proposed in proposition 25(b), stop any more Part A properties being used for the multiple occupation of unrelated adults.

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26th June, 2013

Billet d'État No. XI

AMENDMENT

Proposed by: Deputy H J R Soulsby
Seconded by: Deputy R Conder

Policy Council **Managing the Size and Make Up of the Island's Population**

1. In Proposition 8(d), to delete “a maximum period of continuous residence of 3 years and”.
2. To replace Proposition 9 as follows –

“9 To agree that, except in a case of successive Short Term Employment Permits, an individual must take a *recognised break in residence* before that individual will be eligible to obtain an Employment Permit for a subsequent period of residence; that a *recognised break in residence* be defined as an absence from the Island for a period of time which is at least equal to the duration of an individual's last period of residence in the Island; and that in a case of successive Short Term Employment Permits an individual's absence from the Island which does not constitute a *recognised break in residence* will be treated as part of that individual's aggregate residence for the purposes of Proposition 8(d).”

EXPLANATORY NOTE

Proposition 8(d) currently states that a Short Term Employment Permit can be re-issued to the same individual subject to a maximum period of continuous residence of 3 years.

It is believed that this results in inconsistencies and anomalies in relation to other propositions. These are set out below;

1. Proposition 26 states that tenants of a Part D house in Multiple Occupation can live and work on the Island for a maximum period of 5 years' continuous residence.
2. The effect of Proposition 9, 'To agree that an individual has to have been away from the Island for a period of time which is at least equal to the duration of his or her last period of residence in the Island, before that individual will be eligible to obtain an Employment Permit for a subsequent period of residence', is that an individual on a 6 month work permit could return to the Island for 6 months every year for 10 years, whereas a worker on a 9 month permit would only be able to return for 3 years as the 3 months is not long enough a break.

In addition to the above, it is believed that the new regime will result in additional cost to seasonal businesses and that this will be exacerbated by limiting the amount of time that individuals can return to the Island. In reality, the first year will be spent investing time and money getting workers up to speed. Year 2 will enable the business to start getting a return from that investment. Year 3 may not happen as the individual looks for other work.

It is therefore proposed that the continuous residence restriction be extended from 3 to 5 years, allowing a pattern of 9 months on, 3 months off for 5 “cycles”.

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26th June, 2013

Billet d'État No. XI

AMENDMENT No. 1

Proposed by: Deputy M H Dorey

Seconded by: Deputy C J Green

Policy Council

Managing the Size and Make Up of the Island's Population

In Proposition 21, to delete “after a period of continuous residence of 14 years” and substitute “after having been ordinarily resident in Guernsey for an aggregate of not less than 20 years in any 30 year period”.

Explanatory Note

The current qualification period for children of Open Market residents to live in Local Market property is 20 years in any 30 year period which is longer than children of local and license holders. The proposals will make them all the same. This amendment is to keep the qualification period the same as it is now for open market children.

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26th June, 2013

Billet d'État No. XI

AMENDMENT No. 2

Proposed by: Deputy M H Dorey
Seconded by: Deputy B L Brehaut

Policy Council **Managing the Size and Make Up of the Island's Population**

To insert the following Proposition between Propositions 23 and 24:

“23A. To direct the Policy Council to report back to the States of Deliberation at or before their meeting in June 2014 with proposals which will restrict the occupation of Part A properties (subject to any provisions considered necessary or expedient in respect of properties in use for the multiple occupation of unrelated adults) to the immediate family of the householder and any domestic staff employed solely in the service of that household.”.

Explanatory Note

The proposals restrict the immediate family members for permit holders to:

- Spouse
- Parents and parents in law
- Children
- Grandchildren

Currently for Parts B, C and D of the Open Market, occupation is restricted to the owner/principal tenant/manager as appropriate and their immediate family as defined above. However, there are no restrictions on who is considered to be a “member of the household” for Open Market Part A properties.

The current problems with multiple occupation of unrelated adults in Part A is caused by the lack of restrictions on who can occupy Part A. This amendment is to direct the Policy Council to report back to the States with proposed restrictions on who can occupy Part A to the immediate family of the owner/principal tenant. This is to make it consistent with other parts of the Open Market and permit holders, but also taking into consideration that some may wish to bring their own domestic staff (e.g. Nannies) with them.

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AMENDMENT

Proposed by: Deputy D de G. De Lisle

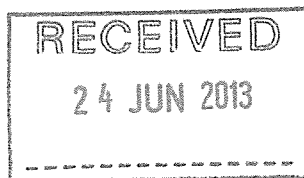
Seconded by: Deputy Laurie Queripel

Policy Council

Managing the Size and Make Up of the Island's Population

To delete Proposition 16 and replace it with the following –

"To agree that holders of Long Term or Medium Term Employment Permits will be able to accommodate spouse/partner and dependent children within their household."



STATES OF DELIBERATION

26th June, 2013

Billet d'Etat No. XI

AMENDMENT

Proposed by: Deputy M J Fallaize
Seconded by: Deputy F W Quin

POLICY COUNCIL -
MANAGING THE SIZE AND MAKE UP OF THE ISLAND'S POPULATION

To delete Proposition I and substitute therefor:

"I. To agree that the new population management regime should aim to be:

- a) as effective as possible in enabling the States to manage the size and make up of the island's population;
- b) legally robust and designed to meet the island's domestic and international obligations, taking into account that human rights considerations and the immigration regime are of particular significance in managing the size and make up of the island's population;
- c) capable of fulfilling the strategic policies of the States, especially any strategic population policies of the States, including any which are in place at the time of the inception of the new regime, and sufficiently flexible to adapt to any changes to such policies;
- d) sufficiently flexible to allow the States to respond wisely, and where necessary quickly, to economic, social and environmental changes, including to demographic challenges, without the need for changes to primary legislation;
- e) supported by an efficient and flexible administrative process which contributes to making the island an attractive place to live, work and do business and which is not so complex and bureaucratic as to deter people from using that process;
- f) capable of providing regular statistics to allow the States to monitor, and understand how the regime is affecting, changes in the size and make up of the population in order to ensure that the States is in receipt of as much information as possible when developing policies; and
- g) transparent in its policies, procedures and rules in order that the public understands how and why decisions are being made."



STATES OF DELIBERATION

26th June, 2013

Billet d'Etat No. XI

AMENDMENT

Proposed by: Deputy M J Fallaize
Seconded by: Deputy D B Jones

POLICY COUNCIL -
MANAGING THE SIZE AND MAKE UP OF THE ISLAND'S POPULATION

I. To delete Proposition 36 and substitute therefor:

"36. To agree that:

- a) the States of Deliberation will retain responsibility for setting the objectives of the population management regime and for determining all substantial policies relating thereto;
- b) it would be impractical and improper for every matter concerning the management of the new regime, including applications for permits, to be put before the States of Deliberation;
- c) in order for the population management regime to function effectively, the States of Deliberation will need to delegate certain functions of the regime, including: the development of policies which are of a level of detail so as not to require the approval of the States of Deliberation; the political oversight of the day-to-day administration of the regime; and the monitoring and publication of information concerning the size and make up of the population;
- d) such functions shall need to be delegated by legislation or States Resolution to an existing or new department, committee or other similar body of the States;
- e) any decision about the department, committee or other similar body of the States to which it would be most appropriate to delegate such functions should await, and be informed by, at least the first, and if possible the second, report which is to be laid before the States of Deliberation by the States Review Committee and which is to contain proposals for the future of the machinery of government."

2. In Proposition 37, to delete the words "the Policy Council," and substitute therefor "whichever department, committee or other similar body of the States to which the States of Deliberation resolve to delegate population management functions,"
3. To delete Proposition 38 and substitute therefor:
 - "38. To agree to the establishment of an Advisory Panel to provide independent advice in relation to population management policies to whichever department, committee or other similar body of the States to which the States of Deliberation resolve to delegate population management functions, and further to agree that the terms of reference and membership of the Advisory Panel shall be determined by the States of Deliberation only."

STATES OF DELIBERATION

L B Queripel Amendment A

26th June, 2013

Billet d'État No. XI

AMENDMENT

Proposed by: Deputy L B Queripel

Seconded by: Deputy A M Wilkie

Policy Council –

Managing the Size and Make Up of the Island's Population

In proposition 8(b), to delete the words at the first bullet point and substitute therefor:

‘ – a post requires specific skills which are not available in the Island but where the applicant or his or her proposed employer is able to demonstrate that the skills shortage is likely to be met in the foreseeable future, for example by demonstrating effective succession planning; or’

STATES OF DELIBERATION

L B Queripel Amendment B

26th June, 2013

Billet d'État No. XI

AMENDMENT

Proposed by: Deputy L B Queripel

Seconded by: Deputy D B Jones

Policy Council – Managing the Size and Make Up of the Island's Population

To delete Proposition 34 and substitute therfor:

“34. To agree that the new population management regime shall include conditions on where the holders of Long Term and Medium Term Permits may live, such as those which are in force at the present time in respect of Housing Licences and as explained in extenso in Appendix G to that Report, in order to ensure that as far as possible there is sufficient housing to meet the needs of qualified and established residents.”

STATES OF DELIBERATION

L B Queripel Amendment C

26th June, 2013

Billet d'État No. XI

AMENDMENT

Proposed by: Deputy L B Queripel

Seconded by: Deputy D B Jones

Policy Council – Managing the Size and Make Up of the Island's Population

To delete Proposition 34 and substitute therfor:

“34. To agree that there will be provision in the new Law to place conditions on where the holders of Long Term and Medium Term Permits may live, which could be activated by the States in the future if there is an identified and proven need to do so.”

NOTE

This amendment shall be moved only in the event that the States shall first have debated and defeated the amendment denoted ‘L B Queripel B’.

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26th June, 2013

Billet d'État No. XI

AMENDMENT No. 1

Proposed by: Deputy Lester Queripel

Seconded by: Deputy J A B Gollop

Policy Council

Managing the Size and Make Up of the Island's Population

To replace Proposition 12 as follows:

“12. To agree that anyone who has been issued with an Employment Permit may only hold one job.”.

STATES OF DELIBERATION

26th June, 2013

Billet d'État No. XI

AMENDMENT 1

Proposed by: Deputy J A B Gollop

Seconded by: Deputy D De G De Lisle

Policy Council

Managing the Size and Make Up of the Island's Population

To insert immediately after “14 years” in Proposition 2(b) “(or for 8 years in the case of an individual at least one of whose parents was a Permanent Resident or Qualified Resident at the time of that individual’s birth or adoption)”.

STATES OF DELIBERATION

26th June, 2013

Billet d'État No. XI

AMENDMENT 2

Proposed by: Deputy J A B Gollop

Seconded by: Deputy D De G De Lisle

Policy Council

Managing the Size and Make Up of the Island's Population

To insert the following between Propositions 7 and 8:

“7A. To agree that a local resident and his family being out of the Island with HM Forces would have this time considered as though it was spent in Guernsey.”.

STATES OF DELIBERATION

26th. June, 2013

Billet d'Etat No. XI

AMENDMENT

Proposed by: Deputy R. Perrot

Seconded by: Deputy C. Green



Policy Council

Managing the Size and Make Up of the Island's Population

To insert as Proposition 13A –

“To agree that in respect of persons with employment permits occupying local market accommodation, legislation be enacted whereby local market dwellings to which are ascribed Property Tax assessment units below such amount as may from time to time be prescribed by the Policy Council may not be altered in such a way as to attract a number of units exceeding that number during such time as such dwelling is owned and/or occupied by any holder of an employment permit.”

Explanatory note: this amendment seeks to protect cheaper local market houses from being removed from the reach of qualified persons by being altered and thus rendered more profitable for sale.