



**OFFICIAL REPORT**

**OF THE**

**STATES OF DELIBERATION**

**OF THE**

**ISLAND OF GUERNSEY**

**HANSARD**

**Royal Court House, Guernsey, Thursday, 30th July 2015**

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**Law Officers**

H. E. Roberts Esq., Q.C. (H.M. Procureur) (morning)  
Miss M. M. E. Pullum, Q.C. (H.M. Comptroller) (afternoon)

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**St. Peter Port South**

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

**St. Peter Port North**

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

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

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Deputies R. A. Perrot, A. M. Wilkie,  
D. de G. De Lisle, Y. Burford, D. A. Inglis

**The South-East**

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

**Representatives of the Island of Alderney**

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

**The Clerk to the States of Deliberation**

D. A. Knight, Esq. (H.M. Deputy Greffier) (morning)  
S. M. D Ross, Esq. (H.M. Senior Deputy Greffier) (afternoon)

**Absent at the Evocation**

Deputy M. G. O'Hara (*indisposé*); Deputy Gollop (*relevé à 9h 03*);  
Deputy Bebb (*relevé à 10h 14*); Deputy Brouard (*relevé à 9h 29*)

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# States of Deliberation

*The States met at 9.00 a.m.*

[THE BAILIFF *in the Chair*]

## PRAYERS

*The Deputy Greffier*

## EVOCATION

# Billet d'État XIV

## HEALTH & SOCIAL SERVICES DEPARTMENT

### **X. Maternity Services and Other Key Reviews – Debate continued – Propositions carried**

**The Bailiff:** Deputy Gollop has entered the Chamber. You wish to be relevé?

**Deputy Gollop:** Yes, please, sir. Thank you. Present! (*Laughter*)

5 **The Deputy Greffier:** Sir, Billet XIV, Article X. Debate continues.

**The Bailiff:** I will call first Deputy Adam and then Deputy De Lisle.

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

10 With my background, it is not surprising that I intend to mainly focus on the part of this Report dealing with maternity services. I would also like to emphasis I am speaking as an independent individual rather than as a member of the T&R board.

15 This policy letter requests approval for an extra £3 million in 2015 and explains how this money has been spent. Therefore, it is a fait accompli. So why debate the issue? Because I think it is vital to try and understand the process that has brought us here.

20 From my perspective, as a retired obstetrician – and, yes, Deputy Luxon, I have been retired for some time, but I still have over 20 years' experience in the field – I was devastated by the claim, as noted on page 1541, point 2.3, that Jackie Smith of the NMC reported verbally – *in strict confidence!* – made perfectly clear on several junctures that Guernsey's midwifery services were not safe.

I share the bewilderment, the disbelief felt by maternity staff. To my knowledge, there is no clinical – and, basically, you must remember I deal with the clinical aspects, because that is what is important – that either midwifery or obstetric care was below standard. I did try to get some statistics from HSSD, but they said they could only give me five years – and it is a waste of time

25 looking at five years because you are only doing 650 deliveries a year – because the rest of the information was on a different computer system.

I shared the bewilderment and disbelief felt by the maternity staff. Unfortunately, still births do occur. Unfortunately, neonatal deaths do occur. There is *no evidence* to indicate that the numbers of these have changed significantly over the last 15 to 20 years. The only evidence you will see published concerning them is in the Medical Officer of Health Report of 2015. Thus, why were the far reaching changes in this policy letter necessary?

HSSD has complied with the requirements for supervision of midwives, contracting with the Local Supervising Authority – not just recently, but probably for five or 10 years. LSA provided regular monitoring reports. They did not identify any issues throughout 2013. Their annual audit in March 2014 found no serious issues, but this had not been published before a whistleblower voiced her concerns in May 2014, in relation to the management and following the death of a new-born baby – as Deputy Luxon stated, an SUI. In view of this, LSA returned for further assessment and made changes, including suspension of midwives and supervisors of midwives, pending review of competence.

I ask what is their accountability in this whole situation? All the previous year, no problems; 2014 March, no problems. Suddenly, a whistleblower and we have this situation arising. What accountability; what responsibility do they have for apparently doing the job they were paid to do and reporting, as I have stated?

As is practice, the LSA reported to the NMC, as they were required, as the NMC – that is the Nursing and Midwifery Council – are the body responsible for ensuring compliance with their rules, the Midwife Rules and Standards 2012. The NMC's Extraordinary Review followed in early October. It assessed whether the LSA's statutory supervision had been adequate in ensuring NMC standards were met. The reviewers, who were independent of NMC, found a lack of evidence in many areas to prove that the LSA had ensured that supervision of midwives in Guernsey met the NMC standards. Thus, it simply concluded they were not met.

In addition to the review of midwifery supervision, the NMC included a second report with additional evidence collected during the review. This identified wide-ranging issues in practice and management; governance – and I would be obliged if the Minister would tell me exactly what he means by 'governance' in that situation – policies and procedures; care environment and organisational culture and leadership. These failings applied across the PEH, not only within maternity services.

The reliability and validity of this Report might be questioned as the evidence provided is based on small numbers, for example, five student nurses, may not be representative and may have had some anecdotal comments. Such a report was unusual for NMC and it seems to go beyond the remit of the body that regulates the practice standards of nurses and midwives.

It is interesting to note that at the time of this review in Guernsey, the NMC was facing some radical changes to their role. In the wake of failures in monitoring quality of care in a maternity hospital in Morecambe Bay, the Public Health Ombudsman in the UK was recommending changes to the system of supervision and regulation of midwives. NMC would no longer have any responsibility for supervision. It would be restricted to its core function of regulating practice standards, revalidation etc. of nurses and midwives. How far did concern over such proposals influence the way NMC conducted the review in Guernsey?

Immediately following the visit of NMC reviewers, as evidenced by a statement on 3rd October by the previous HSSD board, the board stated it was liaising with two regulatory bodies – GMC and NMC – and it was also commissioning a further wide-ranging review of maternity services, encompassing obstetric and paediatric practice, including examination of the quality of clinical practice.

The board made a public commitment to transparency about findings; final reports would be published. The NMC report was published. The RCoG report is mentioned in this policy letter. There is no mention of the GMC report in relation to the case concerned, as I expect it would have

included this case highlighted. Does this hide the fact that there is no significant criticism raised? Would the Minister answer that question, please?

From early October, HSSD undertook to formulate an action plan monitored by the NMC and develop it as explained in sections 2.4 to 2.15. HSSD appears to have taken every  
80 recommendation as mandatory. I understand the present board believed they had no choice, as the NMC could close down the Hospital. Is the Minister able to confirm this? That is, in law, could the NMC close down the Hospital in Guernsey? That statement had been made to emphasise the importance of going ahead and sorting things out. It is my understanding that the powers of the NMC relate to individual registration of nurses and midwives in Guernsey. In addition, when  
85 failures in statutory supervision mean midwife rules' standards are not met, an action plan has been formulated. That was all carried out. What authority do NMC have on the wider issues across the whole Hospital, including the student nurses?

It is of interest to note as well as HSSD having a contract with the LSA, that they also have a contract, through accreditation, with the Health Accreditation Quality Unit or CHKS. Now, the last  
90 report of this is a three-yearly accreditation that is carried out. The last report was done in 2012 and reported half way through that year.

What do I mean by accreditation? Guess what? This covered leadership, governance, service management, safety, facilities and equipment, staff experience, development training, patient experience. And guess what? That report was satisfactory. I think it was considered 95%, with only  
95 5% not satisfactory and always you get some issues to deal with. That is a fairly thorough report. It takes quite a lot of time for the staff and the people are here; there are five or six people who come across and they are in Guernsey looking at the Hospital for about a week.

I believe the local context, at this time, is also some relevance. Early October 2014 may be relevant to our understanding of HSSD's actions. When NMC's review took place the HSSD board  
100 announced its resignation. They remained in place until the next meeting of the States at the end of October, before a new Minister and board members could be elected. The new Minister had no significant background in health, as far as I am aware.

The Chief Officer of HSSD had taken up her post in September, with little time to learn about local healthcare provisions. Her previous experience was with children's services in local authority  
105 areas and a disability charity – not with acute medical services. She would be aware of the priority given by regulatory UK authorities to governance, to policies for risk management and to having management structures and staffing to ensure that these policies are carried out. One may ask: was the Chief Officer pre-conditioned to set up similar UK-style management structures to deal with the reported failures in Guernsey? Was there a lack of any form of political input or direction  
110 to HSSD, as one board went and a new board took office? That would have given balance for knowledge of the local situation.

It is apparent, from reading the various reviews, that there has been a gradual slippage in the way things were done. What may have been acceptable in the 1990's appears to be no longer  
115 accepted in present times. Certain examples: tagging of babies. Now, 'tagging of babies' means all babies have a tag around their ankle. We discussed this, as obstetricians in the 1990's, and thought, because of, shall we say, the Guernsey way, it was not necessary, for the number of deliveries we have, which is 650, for the knowledge of the midwives knowing their patients, compared with a unit doing 5,000 deliveries a year; and, of course, the fact that the door, if you got to Loveridge Ward, which is the maternity unit... to get into the ward, you have to press a  
120 button, wait for someone to come and open the door and to get *out* of the ward you have to wait for someone to come and open the door for you.

Security of case-notes was another highlight. Verbal orders. 'Verbal orders' is where, if a nurse wants to give something, they phone up the consultant, 'Can I give this type of tablet?' The consultant says, 'Yes.' The nurse accepts; the trust between the consultant and the nurse is  
125 accepted. Now, Deputy James knows about this situation because she actually experienced it when she was working because it was fairly common in those days to give verbal orders. But they

are no longer acceptable, partly because if you give a verbal order you must sign it first thing the next morning.

130 And the variety of governance issues. Other issues, as highlighted by the Minister, included lack of management skills, leadership and organisational aspects. Does the Maternity Service Improvement Plan meet the challenges presented in the various reviews? Is it proportionate? Is it cost effective? I do not feel these questions have been answered in sufficient depth.

135 But let's take some points from the NSIP... midwives to starting. The negative publicity present in nursing journals etc., the negative publicity surrounding reviews of midwifery services, has been extremely damaging to the morale of the staff there and I might add there is very few of the staff who were there six months or a year ago present in that ward now, and it is extremely damaging to the recruitment and retention of midwives.

140 There is a continuing reliance on agency nurses, with the additional issue of supervision, communication and lack of continuity this entails. As a retired consultant, while I was working as a consultant, you rely on nurses in Guernsey because there is no junior staff. You have to have a good relationship with them; you must know their standards etc. In the Report, the number of agency staff across HSSD is reported as 86 and I suggest likely to increase. I am not too sure what number are in Loveridge Ward.

145 Another aspect that is mentioned is skill mix. The skill mix for nurses and midwives have to be different from the UK. Why? Because there are no junior doctors, therefore, they are expected to be more extended in their scope and the problem is we have people coming in from the UK and saying, 'You want to save money? Right, look, that skill mix would not be expected in the UK.' But it is necessary anyway, but they do not appear to understand that and after a ... the skill mix had gone down from what is a recognised situation in Guernsey.

150 The RCoG report states that, 'A consultant obstetrician must be available for high-risk obstetric cases.' In this Report here one part says they have to be available 24/7, but the Report says, 'for high-risk cases'.

155 In the present climate, it would appear that midwives are not willing to accept responsibility. They are scared of their backs. I think that is a terrible situation to be in and last time I spoke to one of the consultants in Guernsey that person said that I would not recognise the place now. I might say I am glad I am retired.

160 We are talking about three more consultants in obstetrics and gynaecology required, as recommended. The problems with this are: (a) the cost – about £360,000 to £380,000 per consultant; (b) the cost of medical insurance. All doctors have to have insurance against litigation; when I working it was £17,500 and now it is £130,000, so before you can start work you must have paid out £130,000 to the insurance company. And the third one is, of course, if you have six or seven consultants working here and you only have 650 deliveries, how do you keep up your skills? Always a problem in a small place.

165 You have closer links with Southampton. That is suggested in this Report, but how practical is it? And also some people forget that doctors actually come to a place because they think it is a good place to work; it has got sufficient stimulation, interest, facilities etc. If you make it so it is not very interesting and you are doing two operations a week etc. –

Sir, through you, may I address – *(Laughter)*

170 **The Bailiff:** I do not know. Is Deputy Trott asking you to give way?

**Deputy Trott:** I was not, sir, but it seems to me that money played a big part in a doctor's decision to relocate to Guernsey and I wondered if there is any truth in that rumour? *(Laughter)*

175 **The Bailiff:** Deputy Adam.

**Deputy Adam:** You will not believe me but I would say, no. I would say that the hours that consultants work in Guernsey and the pay and what you get paid in the UK now, you just do not



work these hours in the UK. Do not kid yourself. They have contracts. They might work so many units. The ones in Guernsey, I would suggest, work anything between 60 and 80 hours. When I was working, it was more like 120 if you include all the on-call etc. *(Interjection and laughter)* And, as I say, the pay, the £360,000 – remember, that is for your building, your staff etc. and, therefore, you have to take about £60,000 or £70,000 off. If you have to take £100,000 off that, you go down to £200,000. You have to take pension off that, you go down to £150,000. If you are working in the UK, you are paid £150,000, plus you have got a pension, plus you do not have pay for immediate facilities. So I suggest the answer to your question is no. *(Interjections and laughter)*

Right, the other thing is that also we have got additional staff with supervision, clinical governance, a medical director... have all been brought in from the UK. I assume they have been advertised for, but probably they are people known to the Chief Officer.

However, our Report... 'Robust top management structure for governance, risk management, supervision' is of little value if you do not have sufficient staff on the ground with experience and expertise to provide the service in the ward. I am fully aware that there is no easy solution. Providing a wide range of services for a small population at a reasonable price is extremely difficult, especially when one considers advances in medical technology, drug treatment, ageing population, more complex multiple medical conditions and maintaining clinical skills of those providing the services.

As Deputy Luxon said, a costing and benchmarking review is being carried out at the present time. I assume it will be comparing this Island's situation with other islands, although the Isle of Man and Jersey have larger populations, therefore there are differences.

And, as it says in the Report, we have to accept that costs are going to increase. Whether as the result of the turn of circumstances or political skill, the Minister and his board have achieved some recognition of this by the Policy Council and the T&R. They give their support – support that was not given to two previous Ministers and board. **(A Member: Hear, hear).** However, I hope we do not try to copy the NHS. It has many problems, often which are highlighted in the news. For example, do not be ill at weekends!

It is not possible to consider the needs of island communities of 65,000 with a similar population in the UK. Their facilities are concentrated into large hospitals where surgeries can be cost effective. The trend over recent years has been to close small obstetric units, with patients having to travel a distance to a large hospital. For example, Glasgow, which serves about one million people, have two obstetric hospitals now, compared with five or six when I was training there. We cannot do this, unless our community is prepared to go off-Island for many more types of treatment. We have to provide the range of on-Island medical services that are acceptable to our Island community, to a good standard and they must be proportionally and financially sustainable.

As I started off this speech, there is no choice; the money has to be spent because of the situation we are in, but I question how we got into the situation, especially in the view of previous reports' accreditation not that long ago.

Thank you, sir.

**The Bailiff:** Deputy De Lisle.

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

My concern is the continual escalation of spending. The Minister talks of transformation and reform, but here we have a fresh demand for another increase of £3 million – **(A Member: Four.)** or four, and a new forecast outturn of £116 million this time, up from £111 million in 2014.

I worry about taking on new cost when we are supposed to be doing more with less and notably with the Health & Social Services Department, with a year-end FTP shortfall of £3.7 million that has to be found.

Sir, my understanding was that the new Minister, Deputy Luxon, and his board were to get a grip on the runaway Health Service costs, bringing in innovation efficiency, improving ideas and

new controls over net expenditure, now running at 32% of the States' total net expenditure, and there appears to be no restraint on expenditure and no reduction in the large number of agency staff, costing £2 million, compared to £1 million in 2014 – an incredible jump in one year.

Sir, health spending needs better external scrutiny and cost containment, but I do not see evidence of it coming. The department desperately needs to examine measures taken in progressive jurisdictions that have achieved notable success in controlling the growth of healthcare costs while maintaining high levels of health status by international standards. I will not support further financial commitments until I see improvements in cost control and evidence of greater efficiency in the department.

Thank you, sir.

**The Bailiff:** I will call Deputy Fallaize next. Before I do, Deputy Brouard, do you wish to be relevé?

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

**The Bailiff:** Deputy Fallaize.

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

Deputy De Lisle's speech has brought me to my feet, because I could not disagree with him more.

Now, there is one interpretation of this policy letter and that is the Deputy Adam interpretation and I do respect the professional expertise which he brings to this debate and his view is clearly shared by other Members – Deputy Dave Jones, I know, has spoken in these terms. And that is to say that there is an attempt here to turn our health and social care system into a replica of the NHS and that there has been too much scaremongering and that actually our health and social care is exemplary in many respects, and that we should not take too much notice of what is said by people who assess services from outside of the Island.

Now, I, to some extent, respect that view, but if one looks through this policy letter – and I do not have this kind of expert medical background that Deputy Adam does; very few of us do – clearly his interpretation is not shared by the current Health & Social Services Department and I do not think that they can be regarded as high spending Members of the States, if you look at the construction of that department. And it is not a view shared by T&R and I do not think T&R can be regarded as in favour of high spending policies, but T&R's letter of comment makes it quite clear that they are supportive of HSSD's policy letter; and it is not a view shared by the Policy Council, which say in their letter of comment that they, 'applaud HSSD for the prompt and decisive action that it has taken in response to external reviews'.

Now, what does it say in this policy letter? One has to take it at face value, but some of the things which are in here are really quite damning. First of all, there was the problem of revalidating doctors. The General Medical Council suspended its revalidation of Guernsey's doctors. In late February, we are told that the Nursing and Midwifery Council judged that midwifery services were 'safe, but fragile'. The Children's Services diagnostic, we are told, concluded that, if the same standards were applied, as applied by OFSTED, HSSD's Children and Social Care Services were currently 'inadequate' and there was an urgent need for additional social workers to bring caseloads down to a safe level.

Returning to the NMC report, they found in a section headed 'Additional Evidence' that there, 'were a large number of serious failings pertaining to practice and management, governance, policies and procedures, the care environment and organisational culture and leadership.' There is a sentence in this policy letter which says, 'It was made perfectly clear at several junctures that Guernsey's midwifery services were not safe.'

The University of East Anglia audits were found to be problematic. There is a list of weaknesses identified in the policy letter and then it says, 'As a consequence of which, at the end of

November, all three years of the Nurse Pre-Registration Programme were suspended.' And returning to the Children's Services diagnostic, there is a quote from the report which reads, 'There was significant concern that, without some immediate investment, there will be serious consequences for the safety of children and young people.'

Now, it is possible to just cast all of that aside and say, 'We do not accept any of that, because we do not do things that way in Guernsey,' but there is a serious risk in doing that. This is not a department coming to the States and saying, 'Well, on balance, we think we could do with an extra half a million pounds per year.' This is off the back of what, as I understand it, are highly respected and active external reviewers reaching conclusions that aspects of our health and social care services are 'unsafe'. That is what it says in this policy letter. Deputy Langlois is shaking his head, but that is what it says in the policy letter. I am not – *(Interjection)* Okay, he is nodding.

I am not making this up. I am not just quoting from an external report myself; this is being laid before the States by the Health & Social Services Department and, if you look at the members of HSSD, I do not think they are people who would fail to challenge this kind of evidence when it is put before them.

Now, the reason I say I am speaking now, in response to Deputy De Lisle is because, I think that he is just plain wrong when he talks about 'HSSD's runaway expenditure'. There is, in T&R's letter of comment, mention of... It says, 'Since 2010, the States has operated with a fiscal policy which imposes a real terms freeze on aggregate States' revenue expenditure.' Actually, it has been in place since 2007, but nonetheless we will take 2010 as the baseline because that is what T&R's letter of comment is based on.

Now, in 2010 the revenue expenditure of HSSD was £107.6 million. If you add RPIX, from the 2010 figure to the 2014 figure, you get £117 million. HSSD's budget in 2004, if it had been increased in line with the policy of the States, would have been £117 million. Now, their actual expenditure in 2014 was £111 million, which is £6 million less than what was provided for in the States' fiscal policy and this, despite what we know about medical inflation and despite what we know about spending on health and social care around the rest of the world.

In 2015, HSSD's budget was £113 million. Now, remember, if it had been adjusted in line with RPIX, the States' policy, it would have been £117 million. It was actually £113 million. Now, there is a proposal to add £3 million per year to their expenditure in 2015, with the possibility of a similar sum having to be added annually on a recurring basis. But even that additional expenditure will bring HSSD's annual expenditure only back into line with the States' existing policy.

Now, as it happens, even if there is an increase in their annual expenditure of £13 million per year, which is highlighted as a possibility in T&R's letter of comment – which I thought was very useful, actually – the letter of comment, I mean. If their expenditure is increased by £13 million per year, that will only represent RPIX plus 1% on the baseline level of 2010 – RPIX plus 1%.

Now, I think it is possible to reach a conclusion that the fiscal policies of the States that have been in place in recent years have contributed to some of the weaknesses and the problems identified in this policy letter. It is very convenient for those Members who have supported those fiscal policies now to turn around and say, 'Actually, we should not take too much notice of the NMC and we should not take too much notice of the GMC and we should not take too much notice if we employ people who used to work in the NHS. We just really ought to close ourselves off from the rest of the world, because this is Guernsey and we know what we are doing and we do not need to take too much evidence into account from elsewhere.' But that is a very convenient interpretation. In fact, it is the only interpretation that those Members can credibly place on this Report, if they wish to maintain the fiscal policies which have led us into the kind of problems which are set out in this policy letter. It must be the case that those fiscal policies have contributed to the kind of weaknesses identified here in this Report.

Now, despite all of this evidence, T&R say to us that they are of the firm opinion that these fiscal policies should not be varied, despite the evidence that is set out in this policy letter. Now, I do not believe that we are going to be able to restrain spending on health and social care to RPIX

in future years. If we try to do that, I believe we will see repeated reports produced highlighting deficiencies in health and social care.

Remember, this is only about Children's Services. We do not yet know what is happening in other areas of the Health Service. I am not sure whether we are going to find out what is happening. I do not know whether there are similar reports being commissioned by HSSD about other areas of health and social care. But, I am convinced – and I have always been convinced – that if we try to apply this RPIX policy to health and social care, then we will fail in the objective of the 20:20 Vision, which is set out somewhere in this Report. Yes, it is, 'To provide a system which is financially sustainable and provide services to the quality that Islanders expect and deserve.' Well, I would say if you gave this policy letter to most people in Guernsey and said to them, 'Does this represent services of the quality that you expect and deserve?' I suspect I know what the answer would be.

So, I think we are going to have to remove health and social care expenditure from the RPIX policy. I do not believe that we are going to be able to retain that policy for health and social care unless we are prepared to see a material deterioration in those services.

The question is: are we going to retain this fiscal policy overall? If we are – and that is a legitimate political judgement – it is going to mean substantial, certainly not insubstantial, real terms, cuts in the expenditure of other departments. If the Education Department's budget is cut by 5%, that represents, what, £3.5 million per year reduction? If Home Department's budget is cut by 5% I think it is just north of £1.5 million per year reduction in real terms.

But that is the debate which we really need to have and I think if I criticise T&R's letter of comment just slightly, although it is very extensive and it is very useful, I think it does stop short of the logical conclusion. It sort of tees us up for a debate that we might have to have at some point in the future, but I hope that the budget report in October will allow the States to have that kind of debate. We are not going to be able to stick to the RPIX policy as far as health and social care is concerned. The political judgement we are going to have to make is whether we apply real terms cuts, not insubstantial cuts, to other departments or whether we relax this RPIX policy in other areas which, in respect of health and social care, have at least made a contribution – I do not say they are the entire cause, but they have at least made a contribution to the problems outlined in this policy letter.

I will give way to Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Sir, I thank Deputy Fallaize for giving way. I just want him to confirm, when he is talking about the RPIX policy, is he talking about the no real terms growth in aggregate States' expenditure? Is that the policy?

**Deputy Fallaize:** Yes, sir, I am. I have believed for a long time that applying that policy to health and social care could lead only to a deterioration in services and what I am saying is, if that policy is going to be applied across the States then other departments are going to have to make not insubstantial cuts, but it is a political judgement.

My own view is that the time may well have come to revise that policy and I think, in closing, that both of the candidates for Chief Minister, when they stood and were asked about that policy, did indicate that the time may have come to revise that policy. I think that is what HSSD should do in the budget, but in this budget debate this year we need a serious substantial debate about this policy, because partly it is responsible for what is laid about before the States today.

Thank you, sir.

**The Bailiff:** Deputy Kuttelwascher, then Deputy Hadley.

**Deputy Kuttelwascher:** Thank you.

Sir, I only rise because of a whole load of financial comments made by Deputy Fallaize. This no real terms growth in aggregate States' expenditure is qualified by the statement, 'until we receive

or we get a balanced budget' and we are supposed to be, hopefully, there, although we will not know for sure.

390 The other issue is the old idea that you always increase budgets by RPIX does not cater for the whole idea of zero-based budgeting and with HSSD, BDO have conducted a survey and a report. I am not going to go into detail, because I think it is confidential as far as the general public go at the moment, but that will be a surprise. *(Laughter)*

395 So I am not sure that the RPIX is necessarily the way to go with HSSD. The way to go with HSSD is to look at what can be done to deliver the same services much more efficiently and much more cost effectively, and there is a possibility of that doing... if all sorts of things are done. I do not believe for one minute that HSSD has squeezed every pip that that they can squeeze and there is no more money to be saved. I do not believe that is the case and, in fact, what is reflected is a previous report which was never submitted to this States – and I will not give the numbers, but it was done under Deputy Adam – and, in fact, the results of that, the outcomes of that, were almost identical to what the BDO report is going to say and the following Minister decided not to go down the route – or that route. So I think there are a lot of surprises to come and I fully sympathise with Deputy Fallaize's position.

400 This RPIX policy, as he calls it, will have to change, but at the moment the only restriction is when we get to a state of balance in our budget and we are almost there, and whether we actually achieve it, we will not know until the accounts are published for this year and next year. In fact, we will were forecasting a surplus and, with increasing expenditure pressures, I expect that policy to be reviewed and I would support a review of such. In fact, what would be wonderful is if we had a massive increase in our economic activity and we would then get flows and flows, **(Several Members: Hear, hear.)** which after yesterday's open market vote I think has got more chance of happening. I had to get that in, didn't I? *(Laughter)*

410 **The Bailiff:** I think you are straying slightly from HSSD, at the moment.

**Deputy Kuttelwascher:** Just slightly. I do not know. It is a bad habit I have caught from most of my colleagues! *(Laughter) (Interjection) .... [Inaudible]* But, that is all I have to say. I sympathise –  
415 I will give way to Deputy Fallaize.

**Deputy Fallaize:** I am grateful to Deputy Kuttelwascher.

This is an interesting speech. I think he should be allowed to stray more often! *(Laughter)*

420 Is he saying that if the new net income policy is adhered to that he would be content with a policy thereafter which simply provides for a balanced budget rather than the RPIX restriction?

**A Member:** No pressure!

425 **Deputy Kuttelwascher:** Sir, one of the issues which has not been resolved yet is zero-based budgeting and the fact that departments, in the past, have had natural increases in their budget purely because they have spent it before. I think that needs resolving, but when we get zero-based budgeting, when we look at what the base budget is and we know there will be expenditure pressures, then yes whatever needs to be done to maintain a balanced budget will need to be done.

430 I am a pragmatic, realistic bloke. I expect some taxes and the tax burden on the population over the longer term to increase and we have a limit at the moment of 28% of GDP. Now, there is an expectation that we will go towards it. It is not something we necessarily want to aim for, but we will expect these things to occur. I am not of the view that we should forever keep cutting things, just to keep everything within, shall I say, an unrealistic framework. But I think the framework we have at the moment is the correct one. And if we achieve a balanced budget we will review to what level we can increase expenditure, if it is actually needed.

Thank you, sir.

**The Bailiff:** Deputy Hadley.

440 **Deputy Hadley:** Mr Bailiff, my wife is a partner in the Medical Specialist Group and it can be said that I have a financial interest in the affairs of the Health & Social Services Department. However, at my advanced age I have an even greater interest in trying to ensure that we have an effective health service on our Island.

445 Overall, this policy letter paints the picture of an active board that has achieved much and will be achieving much in the future. It is not a picture that I recognise. When the new board was elected we met the Chief Minister, the T&R Minister and the Chief Executive. We were told that it was appreciated that HSSD had serious problems that had to be fixed and that the Policy Council and the Chief Officer were fully behind us and would support us in fixing the problems.

450 The first pressing problem was to deal with the review of the Nursing and Midwifery Council. Now, in 2008, I had raised the issue of poor governance in the Midwifery Department and yet successive reviews did not raise concerns, even as late as the Local Supervisory Authority review in 2014. And the reason governance was not up to scratch is because there has become a greater emphasis on governance over the years and HSSD has probably not caught up with the change in the way governance is done. And let us say if it is a choice between mentoring students, doing CPD and filling in forms – box ticking, in other words – and treating patients, then the patients come first.

455 The King's Fund produced a report in November of last year on the reconfiguration of clinical services... always interesting when the King's Fund produce reports. The former Chief Executive, Professor Chris Ham, actually taught me how to be a member of a health authority. Anyway, the King's Fund produced a report on the reconfiguration of services in hospitals and what it said was:

'The reconfiguration of clinical services represents a significant organisational distraction and carries with it both clinical and financial risk. Yet those who are taking forward major clinical service reconfiguration do so in the absence of a clear evidence base or robust methodology with which to plan and make judgements about service change.'

465 And that is, effectively, what Deputy Adam has said this morning. Because of the influence of the Nursing and Midwifery Council, the HSSD has done just that. Instead of taking a proportionate approach and improving governance, it has suspended midwives, brought in temporary staff and made many changes to governance and practice, not just in the maternity department, but across the whole of the Princess Elizabeth Hospital.

From the maternity point of view, this is an expensive fix and, indeed, as a fix, it might prove less than satisfactory in the long term. This has to be realised now so that we can move forward from the situation we find ourselves in.

470 Locum obstetric medical staff have been brought in to sleep in the Hospital at the cost of about £1 million a year. This will be an ongoing cost for little real improvement in patient care. Agency midwifery staff and locum obstetric staff cannot be expected to be wholly familiar with HSSD's policies, work practices and the practicality of delivery room layout and equipment. No department kept afloat by temporary staff can be seen as a long-term acceptable solution. There are, as Deputy Adam said, approximately 650 deliveries a year and the cost per delivery, as a result of these changes that we are looking at today, has rocketed. A long-term solution which does not rely on the need for the employment and expense of temporary staff is absolutely vital and urgent, and the Health & Social Services Department, after a year, has not yet advertised the post of Head of Midwifery.

480 It soon became obvious that we were short of management skills at a senior level. There is also a lack of staff to do business cases to purchase vital lifesaving equipment. Today, we have fewer administrative staff than when the new board started over nine months ago.

485 Some months before I joined the board, the x-ray fluoroscopy equipment failed and has since been replaced. All of the remaining radiology equipment is obsolete and the Department is a long way from replacing it. You will have read that the CT scanner has broken down four times in the last three months and it is still not decided whether to purchase the equipment or lease it – that is

to say, have a managed contract – and this was brought to my attention soon after I joined the board. We were waiting for the replacement of urgent equipment to clean and sterilise surgical equipment and we have not yet ordered urgently-needed equipment for the laundry. Most of the equipment is out of date. The most vital equipment there is not functioning correctly and if it breaks and it fails then it will be difficult to continue operating our Hospital.

In June of last year, the Chief Minister said that he had banged heads together and HSSD had been told to order a hyperbaric chamber. At this point in time, the department had not even decided what type of chamber to order. Meanwhile, we are renting one at a cost of about £900 a week.

Over two years ago, the previous HSSD Minister, Deputy Dorey, told us that two of the wards were in a dangerous state and might not last the winter. It had been decided then to purchase a modular ward as an emergency measure. HSSD now seem to have binned that idea and not yet developed an alternative strategy.

Some of the infrastructure in the maternity department is being replaced and upgraded because of a serious incident. My worry is that we will not replace some of our infrastructure and equipment until we have another serious incident.

Soon after the new board took office, the senior nurse told the department that it was the board's responsibility to ensure safe staffing levels. As the policy letter makes clear, the Recruitment and Retention Task Force identified a need for 73 more nurses, and this policy letter asks for funding for 21 more nurses. Well, that is a step in the right direction, but it still means that we will not have safe staffing levels. When staffing levels are not adequate there is a risk that governance will fail.

The new Chief Officer is a social worker and has considerable experience in working with Children's Services. As the Report makes clear, a report on Children's Services was commissioned last November, as a result of which, much needed changes in children's social care are being made. Unfortunately, however, other areas – areas of acute medical care – have been neglected.

Now, Deputy Trott – unfortunately, not here at the moment – often tells us stories about Mrs Le Page. Members of the HSSD board had an e-mail from a real Mrs Le Page. She wrote about her grandmother who has suffered for months to get an appointment for a hip replacement and had been told she would have to wait –

**Deputy Luxon:** Excuse me, sir. Sir –

**Deputy Hadley:** – until November.

**Deputy Luxon:** Excuse me, sir. I do not think it is appropriate that Members of this Assembly should be talking about individual patients or, indeed, users of the department, where that information has been available to board members. I just think it highly inappropriate, sir.

**Deputy Hadley:** Well, for a start, I have their permission, but if Deputy Luxon can identify which Mrs Le Page that I am talking about (*Laughter*) on this Island, with six pages in the phone directory, he is even more clever than I thought he was.

**The Bailiff:** But there may not be that many Mrs Le Pages with grandparents who have been waiting for hip operations, (**A Member:** Hear, hear.) so it may be perfectly possible for some people to identify who you are talking about.

**Deputy Luxon:** Excuse me, sir, it is regardless of whether or not they will be identified. We have codes of practice and we should act appropriately in terms of good governance. We should not be quoting names of people.

**The Bailiff:** Can you make the point, Deputy Hadley, without referring to a named individual?

**Deputy Hadley:** This lady – let’s call her, Mrs Brehaut – is better off than some patients, because some patients are now being booked in for their hip replacements next January. The reasons for this are related to a lack of provision of operating time in theatre and equipment and orthopaedic surgeons to deliver the service. Currently, theatres, as with many others areas of the HSSD estate, are kept going by agency staff. This, plus similar staff shortages on the wards, in recovery and in high dependency areas leads to a substantial loss of operating time.

At the beginning of the year, I drew the attention of the board to a report on surgery in our Hospital. The report by the Royal College of Surgeons – *in 2010!* – recommended that an orthopaedic surgeon be appointed immediately and a further surgeon within two years. I told the board that we were now working with two surgeons short and people would be waiting for an operation in severe pain for months. I was ignored, but it has proved to be a correct assessment and you will start to hear more cases from other Mrs Brehauts.

Many of you will have seen on the news on Friday 18th July an item about the shortage of hospital doctors. It said that there are 104,000 hospital doctors in the United Kingdom; so Guernsey, with a population of about one-thousandth of the population of the UK, would expect to have about 100. In fact, we have got just over half of that number.

But the shortage is not half the number across the PEH; in some areas we are even more short-staffed than this statistic suggests. If you look at pathology – comparing us with the UK, we would expect to have four consultant pathologists. Now, any comparison with the UK is crude, but it does beg the question as how we manage with one instead of four. Well, we do it because our nationally-renowned pathologist, and author of a text book on breast cancer, is prepared to work seven days a week for about 90 hours, to keep our Hospital going.

HSSD have decided to examine the business case for a second pathologist at some time in the future, but have rejected an appointment in the short-term. This is one of the areas that gives fellow professionals most concern. Not only are we failing in a duty of care to a dedicated employee, but also the service is extremely vulnerable if our only pathologist becomes ill.

There are major problems in radiology. In January of this year, I told the board that, in the opinion of our lead consultant radiologist, the service was in danger of failing because of the pressure of work, the inability to operate to accepted standards of governance, which the department believes is so important, and the lack of time to train staff.

Recently, tests for some procedures to diagnose cancer were taking far longer than they should have been, because of pressure on this department.

There is a reluctance to listen to professionals, both state employed and privately contracted, who have considerable experience, both here and elsewhere. They have a lot to offer in providing constructive and pragmatic solutions to the problems we have heard.

Mr Bailiff, the report into the Accident and Emergency Department recommended that, to provide a safe service, there should be two doctors working in the department much of the time and yet Health & Social Services Department are refusing to allow the new States’ consultant to appoint these doctors.

Now, I tried to move a vote of no confidence against the previous board, because they misled the Assembly, in my view, about bowel cancer screening. I criticised them for not screening two cohorts – that is 60-year-olds and 65-year-olds. Now, the Health & Social Services Department have still not carried out the Resolution made by the board I sat on in 2011, despite my raising the issue so many times that one board member said she was fed up with me repeating myself; and so the department has still not got near spending the ring-fenced budget for bowel cancer screening which should be returned to the centre if it is not spent.

The failure to implement the screening service, as envisaged in 2011, costs lives because if we perform as well as the best performing trust in the UK, we would probably save an extra two people each month from dying.

Meanwhile, we are told that the department is undertaking a costing, benchmarking and prioritisation exercise. This is mainly comparing our costs with other jurisdictions and it is right and proper there should be an exercise carried out, but it is equally important to ensure that the



590 local data is accurate and robust; and the tax system has failed to perform as promised in the provision of reliable data. The future provision and recruitment of medical staff has to be considered, but the benchmarking project is not looking at the number and type of doctors that we need to employ or whether it should be bringing some services on-Island.

595 The benchmarking exercise has, in fact, told us what we already know: health service provision here is expensive because we do not have adequate care in the community, we do not have enough day care surgery and the system of paid primary care and free secondary care is an incentive for GPs to send patients to see a consultant and go into Hospital.

In fact, the management at the present time seem keen on reducing some of the services carried out on-Island. A review two years ago, of renal medicine, recommended that on the retirement this November of the physician with an interest in renal medicine, he should be replaced like with like. That report has not been acted upon. Instead, the current management commissioned a second review which calls into question the way the service is delivered and is in closer accord with the new way of delaying essential appointments. It will not now be possible to employ a replacement physician by November, so renal medicine on this Island is bound to deteriorate.

605 The department has cancelled the medical review, which the contract with the MSG obliged them to undertake last November. This should have been a major review, allowing planning with confidence for the future, taking into account the change of demographics of the population. Despite a probable increase in workload of about 30%, we still employ the same number of physicians that we did six years ago.

610 This Island has been proud of the service that our Hospital provides. It still provides a good service to the people of Guernsey and, despite all that I have said, still provides a high quality service, but it is fragile and at serious risk. Now, at no time have I criticised a doctor or nurses, nor have I criticised senior administrative staff. The issues are around governance, lack of the appropriate number of staff or the cost of providing a service. It is at risk because of chronic underfunding. I am very concerned that the present board are content to come to this Assembly to request money for review after review rather than get on and deal with some of the urgent appointments and changes and equipment purchases which need to be made.

620 Now, Mr Bailiff, I have been accused of flag waving for the MSG. I do not think I have in the past, but I might as well do a bit now. Deputy Adams, to some extent, has referred to some of the issues, because the Billet refers to the £380,000 that is paid for a consultant. And, as the husband of one of these consultants, I would like to make it very clear that that figure is nowhere near what my wife gets. The figure is to cover the overheads of the organisation, over 100 administrative staff and nurses that they employ, as well as the cost of the rest of the infrastructure.

625 However, they are not always paid that figure. Although it is a contractual commitment, SSD have argued, quite rightly – looking after the States' money – that on some new appointments they will not need another PA or another room, so they have argued for a much lower figure; and this happened with the appointment of the last anaesthetist, when the figure was considerably reduced.

630 Also, some time ago HSSD said that it would only pay for half of an ophthalmic surgeon to carry out ARMD. However, the MSG decided that that would be difficult and, in any case, they would rather employ one full-time so that, in effect, they received half of the fee that they were contractually meant to get.

635 Recently, the Medical Specialist Group said to the Health & Social Services Department that if they did get the contract to screen the second cohort for bowel cancer and were paid half of the normal fee that the insurance companies pay – that is to say an extra £68,000 a year – they would employ a second gastroenterologist. They offered to waive the fee completely for two years until the contract ends. Such is the dislike of the Medical Specialist Group by the Health & Social Services Department, that they refused this offer and are trying to get the screening done by a nurse recruited off-Island –

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**Deputy Luxon:** Sir, point of correction. Deputy Hadley –

**Deputy Hadley:** If the Medical Specialist Group –

**Deputy Luxon:** Point of correction, please, sir.

**The Bailiff:** Deputy Luxon.

**Deputy Luxon:** Sir, Deputy Hadley has just made a statement about what HSSD – I do not know who HSSD means, whether that is the board or the department – has a view about one of its key partners, the MSG. His comment is completely and utterly erroneous and wrong.

**Deputy Hadley:** I disagree.

If the Medical Specialist Group did employ a second gastroenterologist that would increase the number of physicians to nine and would help reduce the burden on physicians in the Hospital who are now, as Deputy Adam said, having to work 65 to 70 hours a week because of the increased workload caused by an ageing population. And that refusal is despite the Director of Clinical Governance – recently brought over from the UK – telling the board that the physicians were on their knees. Here was a chance to get an extra physician at no cost to the Social Security Department or the Health & Social Services Department.

I hear a lot of management speak these days. The three Es, which are: Evidence-informed, Engaged, Excellence. I have tended to use the three Ps, which is: Prevaricate, Procrastinate, Postpone.

We are all – members of the board and, indeed, employees of HSSD – told that we must be ‘HOT’, which means Honest, Open and Transparent. Well, some might not like it, but that is what I have tried to be today. My fellow board members can talk the talk, but they will not walk the walk. They will not tell it as it is.

**The Bailiff:** Deputy Hadley, I am getting concerned. You are getting very close to breaching Rule 8 of the Code of Conduct, which says that, ‘Members shall, at all times, conduct themselves in a manner which tend to maintain...’ Sorry Rule 9: ‘Members shall at all times treat other Members, civil servants and members of the public with respect and courtesy, without malice.’

Some of the comments that you are making... The comment a moment ago about the HSSD disliking one of its business partners and some of the comments you are making now are leading me to be concerned that you may be in breach of that Rule and I would invite you to consider carefully what you are about to say before you do say it and maybe even to modify some of what you have already said.

**Deputy Hadley:** The Health & Social Services Department have commissioned a firm of accountants to benchmark our services. This does not look at quality or need. It crudely compares our costs with other organisations.

Deputy Kuttelwascher has let the cat out of the bag, because I know that the report that Deputy Hunter Adams referred to would save us £5 million to £20 million a year if we got our costs down to that of other health services.

And just like Capita, they have told us what we know already: we need to employ carers in the community. Well, nine months ago I propose that we employed eight or nine carers in the community so that we could discharge patients. I was told that we should have a report first. Nine months later we are still waiting for that report. There has been no increase in carers in the community and two weeks ago there were 13 patients who could not be discharged from the Hospital because of lack of support at home and the shortage of nursing home beds.

The accountants tell us that we do too little day care surgery. Well, that is what the Chair of Surgery has been saying since she started work as a surgeon here seven years ago.

695 In March of this year, the Chief Executive's Recruitment and Retention Taskforce recommended three extra staff in the Human Resources' Department to enable nurses to be recruited. Only one of those appointments has been made, because of a lack of money, and that is part of the reason we are finding it difficult to recruit staff.

700 The tools for assessing safe staffing levels were developed after too many patients died in the Mid-Staffs hospital and the report highlighted a number of issues that had contributed to those failings and some of those are evident in our Hospital, but the one that sticks out to me today is, and I quote, 'an institution which ascribes more weight to positive information than of information implying cause for concern.'

705 You should be concerned that we are not dealing with serious and dangerous equipment and infrastructure. You should be concerned that we are listening to those who want to see further cost cutting, rather than investing to provide better services. You should be concerned that nurses and doctors and many other people in our Hospital have too big a workload. You should be concerned that very obvious changes to make the service safer and better are being put on the backburner pending the report. You should be concerned that a chronic shortage of funding will cost you more in the long run.

710 Deputy Fallaize mentioned that if we had have kept up just with ordinary inflation – we are not talking about medical inflation – we would have been spending more money over a three or four-year-period and we actually spent less. He talked about safety in our hospitals. There is no such thing as absolute safety; hospitals are inherently unsafe places to be. However, you make a place safe by investing properly, having the appropriate number of staff and delivering as safe a service as you can. We talk about governance, we have dealt with issues in the maternity department one way, but we still have other areas such radiology which, by the sort of definitions that the Department uses – governance etc. – is not safe.

I hope that this Assembly will resist cutting more money from the service –  
I give way to Deputy Trott.

720 **The Bailiff:** Deputy Trott.

725 **Deputy Trott:** I am grateful to my friend, sir, and I certainly appreciate his candour. But, for the benefit of those listening, can I ask him a question? Would he be prepared to undergo a procedure, however sophisticated that procedure would be, that would normally be undertaken from our Health Service? If the answer to that question is 'no' then we clearly have a serious problem. If the answer to that question is 'yes' then it will, at best, reassure those that are listening.

730 **Deputy Hadley:** Yes, I would undertake a procedure in the Hospital and I have emphasised that I am not criticising the competence of nurses... We have some wonderful nurses, some wonderful doctors, but we are putting them under a lot of pressure and some of these people are leaving the service and we are getting more and more agency staff.

735 If you underfund the service, governance slips. That is the point I keep coming to. These people will treat patients first, before they tick the boxes to comply with governance and we cannot risk our service going down the same route that they did in Mid-Staffs, which was all about underfunding, cost cutting, not employing the right number of people.

740 **The Bailiff:** Deputy Bebb, do you wish to be relevé?

**Deputy Bebb:** Yes, please, sir. Thank you.

**The Bailiff:** Okay.

Deputy Gollop and then Deputy Langlois.

**Deputy Gollop:** Yes. Deputy Hadley always gives us lots of chew over and to reflect upon from his own experiences, but I have to say that although I might have made – from what I understand of the Health & Social Services Department in the last year – one or two different decisions in crucial areas, overall I have complete confidence in the board and what it stands for, and I think this Report is an example of forward thinking.

I think, as far as I am aware, the new board of Health & Social Services have not only had a greater integration with the Social Security Department, but have also, I think, formed a more constructive working relationship with the Treasury & Resources Department, both of which are essential to move forward.

I would disagree with some of what Deputy De Lisle says because I accept the need for greater public expenditure. Deputy Fallaize, today and in the past, has made clear that, in a way, Guernsey undertook an experiment in public sector funding by an overall global cost-restraint approach across the departments, with each one being expected to play a hand; whereas in other places, particularly the United Kingdom and also across Europe, health services have been largely exempt from the process. We have tried to modify the cost and, to be fair to Deputy Adam and Deputy Dorey and others, they did achieve that because we did, in real terms, see a reduction in the rate of increase or a real reduction, but clearly there have been casualties to that approach.

I think when you look at this Report and the Treasury & Resources' response to it, they have been establishing an evidence base and that really, partly answers Deputy De Lisle's concerns that: on what basis will we be able to say to the taxpayer or the wider community that we need more funds? Transformation or efficiencies is there.

Although I am not entirely clear what Deputy Hadley meant when he said a medical review had been cancelled, I am aware, as a member of Social Security Department, that a lot of work has been done on working well with the Medical Specialists Group and it is clear from page 1563 a project is currently underway, examining the model of secondary healthcare for Guernsey, which could result in services being delivered differently and more cost effectively in future; and we are asked to fund today more work on recruitment and retention, getting around the agency issue.

The Children's Services diagnostic and Recruitment and Retention Task Force reports all cite opportunities for different ways of working, which could yield operational or financial benefits. Deputy Kuttelwascher made clear, as a senior Treasury member, that smarter working is essential, but I think we have every confidence that Deputy Luxon, Deputy Soulsby, Deputy Le Clerc and the team will work on those corporate cost efficiencies as well as maximising patient care.

And I do appreciate that perhaps where the previous two boards were not terribly well served by this Assembly, was they were not given the money they could have been or they were not listened to. But the difference between now and then is, firstly, we have had a significant UK national organisation expressing significant concerns and the second is that I think the new team have realised that they do not just have to understand the situation, but they have to explain it to the wider community and, particularly, the paymasters.

In fact, even as a member of Social Security Department, I would say that we have improved the Health & Social Services Department in the past and it is getting better and better at the moment, to produce more business cases; not just a clinical case, not just a case based upon care or based upon theory or based upon soft factors, but also on factors that can be codified and explained to accountants and others. And that work is being done and that is very gratifying.

So I think that HSSD are building a case here whereby they can and will deliver necessary expenditure. The nature of Guernsey will always mean that there is diseconomy of scale – even more so for Alderney – because of our size. Perhaps in the UK an equivalent population would be a quarter of a million and we have, what, 60,000 to 70,000? So, there will always be decisions we will have taken that other areas could avoid, but we balance that over our more buoyant economy and ability to think smarter and differently.

I do say that the States today should support all of this. It is a work in progress and I am sure, both as a board member and as a States' Member, I will know a lot more about the work being done and the opportunities to grasp by the end of this year.

**The Bailiff:** Deputy Langlois.

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

I think Deputy Gollop has now actually made a very clear statement. He is not sitting on any fences here and I congratulate him for stepping in and restoring some balance to the debate after some rather unfortunate input.

805 I am going to comment on a couple of aspects of previous speeches first and then go to an area I need to talk about in relation to SSD's part in this.

Unfortunately, Deputy Hadley has made a case for the essential balance between box ticking and care of patients. They are not mutually exclusive. There are aspects of getting the balance right, which is extremely difficult. I find it unfortunate – and I thank Deputy Trott for his intervention there, because I find it always unfortunate – in these debates where phrases are used  
810 which can alarm people. I quote, 'We could probably save an extra two people each month from dying.' Well, that is very difficult statement to evidence in any shape or form and I think it is very unfortunate to broadcast it in that form.

I feel that discussion of contractual details and aspects of how the contract with a private company is run is totally inappropriate for this Assembly and, most of all, I resent an implied  
815 monopoly over concern and compassion, which I feel was made relating to a number of Members, not least his colleagues on the HSSD board, suggesting that they do not have the same level of concern and compassion for patients as he does. So I think those, genuinely, are unfortunate comments to put in here.

Two other speeches to comment on, briefly. Deputy Adam, I thank for the clinical input. He is  
820 aware and he does acknowledge that some of what he says is dated and that life has moved on – life, in particular in the UK, has moved on and it is something I will discuss in relation to the relationship with regulators; it has moved quite quickly over there. But he possibly did not even put enough emphasis on one aspect and that is that, of course, here, we are dealing with regulators who are not only regulating systems, but regulating people and the license to practice  
825 aspect of all sorts of medical profession regulation is a peculiarly difficult one for this Island, because if we do not meet the standards where people are regulated, then we mess up our labour market and our interchangeability with other jurisdictions. We are very vulnerable to reputational damage in that area and that is where one of the biggest concerns of the relationship with the regulators lies.

830 Deputy Fallaize skilfully, as always, tried to widen the debate out into a much more fundamental philosophical question relating to RPIX and the longer term. I think we are in a slightly shorter-term scale here so, whilst I join him in the request that we 'must have that debate', I feel that I have heard that phrase before this term and even more last term. The ultimate question of how much we allocate to each department is still bubbling. It was tackled in the long  
835 term in certain aspects of the PTR debate, but of course it has got to be there, because that is why we are here today – talking about an increase and so on. So just some comments on what has gone before.

The main Propositions in this Report seek a £3 million increase in the 2015 budget and seek to lay the ground for future budgets, in the short to medium-term future budgets. When they are  
840 making their case, HSSD are giving the States a very clear insight into the, frankly, alarming pressures on health service funding which are being faced and that is shared by the Social Security Department, as custodian of the buffer fund, of the healthcare fund, which supports and gives some flexibility to the management of these expenses by allowing us thinking time, if once more has to be spent then there is planning time and thinking time as money is spent out of the  
845 fund and then we decide how it is going to be topped up.

Now, in addition to the £3 million required for HSSD, the Report mentions the possible addition of £4 million a year to the cost of the States' contract with the Medical Specialist Group. That extra £4 million is on the understanding that some 10 additional medical consultants may

need to be paid for under the States' contract with MSG in order to conform with the recommendations of the external reviewers, and I repeat the number, 10.

In particular, the Royal College of Obstetricians and Gynaecologists... I have got used to the abbreviation: 'Obs and Gynae' in the board meetings, because it does not half shorten the meeting, compared with giving the full name every time. This would be extra consultants in obstetrics and gynaecology, paediatrics and anaesthesia.

Now, we pay the MSG contract from the Guernsey Health Fund. That is administered by the Social Security Department. It is a buffer fund. We hold reserves to manage fluctuation in demands, particularly in the Health Service, we have heard on many occasions through successive boards, that it is peculiarly unpredictable and the purpose of that fund is demand management; it is not dealing with regulatory requirements and I think this is where we are getting into a bit of a trap here, because that fund should deal with the unknown, unknowns – the unpredictable events, not the ones which need to be managed directly because we know they are there.

Now, under the MSG contract... I will repeat some figures and also support comments made by Deputy Hadley and Deputy Adam about some misunderstandings here. We are currently paying for 41 established medical consultants and two locum obstetricians and gynaecologists. The cost of the contract is £380,000 per consultant, which amounts of £15.6 million a year.

Can I just take a slight side track here, because that figure does need explaining? It does not mean that MSG consultants have £380,000 a year take-home pay. I think it is quite an important fact that, because it is a fact that has been bandied about far too widely recently, with that implication. Business costs, the renting of the premises, the paying of the staff and, particularly, professional indemnity insurance as I would know it – there is a special medical name for it; it does not matter now, but particularly the insurance costs – are huge. So the insurance cost is much lower than the figure mentioned by Deputy Hunter Adam for many consultants and it does vary according to specialisms and obviously it varies according to the legal risk and the implications of the activities which they undertake.

So, as I say, we are paying out £15.6 million a year and since the end of October last year we have also been paying for two locums to ensure, as pointed out earlier, that an obstetrician is on the hospital premises 24 hours a day, seven days a week. Remember, 600-odd births a year and yet we have that sort of manning level. This was an interim measure, pending the final report of the Royal College of Obstetricians and Gynaecologists. As said in the policy letter, the Royal College's report was received in February; recommendations have been worked on by HSSD in consultation with MSG and Social Security.

The additional cost of the two locums have been the major factor in the erosion of an ongoing operating surplus in the Health Service Fund which we have enjoyed for a number of years, building up a larger buffer for a period of time when the likely demand call on that fund is going to grow because of people of my age. It is that particular demographic, yet again. Aren't we a problem, if you look at it that way! But, no, we are not a problem; we are here and we are in the middle of it, I am afraid. But it is all to do with that demographic bulge that there needs to be that buffer that will see us through that particular population pattern. But, recently, of course, the operating surplus has been £4 million to £5 million a year, which we and previous boards have felt is about right to deal with that longer term problem.

Overall expenditure has been generally stable in the MSG contract and there have also been significant reductions in unit prescription drug costs, also paid for by the same fund. In fact, I think I am right in stating that the real term average cost of the prescription has stayed the same or even fallen for something like 15 years now – a real result.

But, based on the first half of 2015, we have revised our one-year forecast for the Health Service Fund to turn an operating surplus of £4.4 million into a probable outturn for this year of £1.9 million. If that was a profit return report, it would immediately attract a profit warning on a share price and so on. We are going to turn in less than half the normal surplus on the fund, solely as a result of these regulatory actions that we have had to take and that is where I reserve my right to be a bit dramatic, because those figures are there staring us in the face.

Now, that reduced surplus, were it stable and not further declining, would allow payment for five further medical consultants at current rates, but we are told that we might be needing eight, 10. The figure is not out there yet, but we are expecting it very soon and I do not think I am very far away from the true number. It is obvious the events of last year, stemming from the crisis in maternity services and moving the Health Service Fund from the sustainable to an unsustainable position, when you add to it the demographic pressures that will come on it... unless we can push back against those additional demands on the fund, what has to happen? Well, we have to contribute more to the fund and this is when we get closer to Deputy Fallaize's point about the broader aspect of this debate, because an increase in contribution to the fund effectively raises overall taxation and let's not get bogged down on the definition of contributions and charges and taxation today. But, effectively, it raises the cost of running the public sector.

Now, as a rule of thumb, the arithmetic comes out in round figures that a 0.1% increase in the contribution rate will bring in about £1 million a year. So if we needed to collect the extra £4 million that we are likely to, to get back to that safe buffer level, we are talking about a 0.4% increase in contribution rates. Now, I have a favourite occupation and annual occupation of standing in front of this Assembly and asking for a 0.5% increase in contribution rates on a different matter and each time they politely – well, sometimes, not very politely, but they politely – or impolitely refuse and we do not get there. This comes as a form of blackmail that, at some point, in order to keep that fund in existence, is the sort of order of increase that is likely to be needed.

Now, I personally, see that as a very threatening financial prospect, when it is taken alongside other demands for contribution creep in Social Security matters. We talked about a 0.2% increase yesterday in another area, we have got the 0.5% which is pending and I am not going to spill the beans on what we are going to ask for in October on that one. (*Interjections*)

I am making the point, and I was obviously making the point effectively, sir, because people are understanding that when you add all the figures together it then becomes a fairly difficult equation. Almost paradoxically, the problem here comes in that the figures we have actually got in the bank cause people to say, 'Oh, well, it is not a big deal' because actually we have got reserves of about £100 million in the Health Fund. Well, it sounds very good. It is only two and a half times annual expenditure and, of course, if we get into an annual deficit that can reduce rapidly.

The States have wisely allowed the Health Fund to accumulate those reserves over many years. They have done so in the knowledge of the changing demography, the ageing population and continual introduction of new and costly health service treatments. We have seen the fund as our war chest, to help us combat those cost pressures. But what now seems to be happening is that we will be using the war chest for the present and not for the future, to address what regulatory bodies have considered inadequate in our Island Health Service.

I do question whether all of the recommendations have to be followed to the letter and I think one or two of the earlier speeches have given, with respect, sir, somewhat naive views of the reality of modern regulation and the relationship management that that involves – with service providers, with the public and so on.

Regulators have an agenda of their own. They have become a world of their own, particularly within the EU and UK environments. They feel they have this driving duty and an ability to pay no regard to the possible financial fallout of what they are suggesting. So I do question whether all of their recommendations are right for local conditions and circumstances. And no, sir, I am not talking about 'this is the Guernsey way' or anything like that; I am simply saying that there has to be – wait for it, it is in my speeches so often – proportionality here. We are an Island of 60,000 people. Regulating that should be very different from regulating a much larger country and I do not think in some cases that that had been given due regard. (**A Member:** Hear, hear.)

There are many advantages to living in Guernsey and enjoying island life, not least of all that I think most of our population has the same confidence in our Health Service that Deputy Hadley expressed with his – no, I will not give way – comment in reply to Deputy Trott's question. There are many advantages. But of course, there are also disadvantages and risks. We are further away

from a major UK hospital, in distance and in time, than most addresses in the UK. And if we have weather like we have had in the last month, there is the additional fog risk, other than if you turn to going to the UK by sea – then other people would make comments about that.

We have to bear certain risks inherent in our location, as more so do the residents of Alderney, Herm and Sark. Sir, all of these points and the relationship to the overspend – sorry, I did not use that word! – to the request for additional funds, all of those points are in no way criticisms of the HSSD board; they are simply a statement of difficult decisions that will have to be made. I look to the Minister and members of HSSD and their professional advisers for their view as to whether our hands really are tied or whether we have some freedom in these matters.

I am very concerned about the additional costs on HSSD's budget in this particular context – not in the context that was expressed on a broader base by some earlier speakers, but in this particular context. That is the focus of our debate today, but I am even more concerned about the likely cost to the Health Service Fund which is out of all proportion to what we might solve by going ahead with the increased costs that we are talking about.

I do not envy the HSSD board in their task in any way, as the healthcare and regulatory balances that they have to manage are surely permanent and, if we reach particular compromises this time, you can bet your life that they will come back again and have to be managed over and over again. We, at SSD, will continue to support them in that task, while are carrying out our own mandate and duty to provide financial prudence as the Guernsey Health Service Fund comes under further pressure.

**The Bailiff:** Deputy Domaille is reaching for a drink. I thought he was going to stand up! *(Laughter)*

Deputy Bebb, then Deputy Brehaut and Deputy Jones.

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

I listened to Deputy Fallaize's speech this morning and I was in full agreement with his opening lines in relation to his sentiment on Deputy De Lisle's speech and I cannot add to what he said in that regard. However, I think that there is one area that we should be aware of – that Deputy De Lisle's sentiments are not alone in our community. I do not agree with them; I believe that they are erroneous. However, within the community I come across a regular set of people who complain that the HSSD are incapable of managing their finances. I believe that statement is incorrect, but there is a sentiment out there.

I honestly believe and, rather than just saying that there is a problem here, I think that what would be beneficial is a set of unaudited accounts, not extensive but something meaningful, to be produced on a quarterly basis by HSSD. I believe that such accounts would provide a large number of the community with the confidence that the finances are regularly being dealt with. I think that it is an unpleasant sentiment which has no basis in fact but it needs to be removed and I honestly believe that such a move on behalf of HSSD would be a great assistance to HSSD. I know that there has been some reluctance in the past, but I believe the time has now come that we must do something to increase that transparency.

The other point which I agreed with fully was, in relation to what Deputy Adam said in his speech and I just heard now from Deputy Langlois, in relation to the absolute need to follow every single one of the requirements faced in the report. There needs to be a tempered response, but I do not think that HSSD are in the position to defend themselves and push back on those in a meaningful way, given that it is the provider of the healthcare and we need to think of somebody else who would look at these independently and this is where I have thought hard about what should happen and I believe that the Policy Council have a responsibility in this regard; because we talk about a care commission and the work that is currently being done by the Director of Environmental Health deals with care quality. It is exactly what we talk about, but what credibility is there for care quality and care assurance when the title the person has is Director of



Environmental Health? It bears no relation to the type of work that that person currently does in relation to the wider care assurance.

It is high time that we revisit the naming and the authority of that department, so that we have an effective, outside but Guernsey, regulation of care, so that when we have people like the NMC, the GMC, the LSA – you name it, they all seem to have been here recently... when they come here, context is given as to why certain things are different.

It is interesting that we think of the Guernsey way as synonymous with poor practice, but never has anybody asked what gave rise to that practice in the first place. And, of course, it is a different set of needs and without providing that context, regulators will come here and set standards as expected in larger jurisdictions that can meet a different set of standards because of their population and the finances available.

Having said all that, what we have here is simply a request for money. There is no other word for it and I am just wondering what on earth reason there would be to not provide the money. The one thing that does concern me is that it is all – and I fully commend the department for having produced the Report it has, because it clearly outlines where all of this additional money will go.

Now, I think that Deputy's Hadley's speech had very unfortunate comments within it, but we should not lose sight of some of the things that were said, which are very real and I will take one example. Even when I was on the board of HSSD, there was great concern of the risk of having only one pathologist. This is not acceptable. The department will have to, at some point, rectify that situation and you do not rectify it by removing the pathologist. Surprise, surprise – you are probably going to have to employ another one.

The department is going to have to deal with that, if not this year, next year at the very latest, and that will have to come from inside its current budget. My concern is that we are simply looking – and I see Deputy Luxon, (**Deputy Luxon:** Not smiling!) no, not smiling, but slightly despairing – and this is it. The pressures within the department on the finances are such that I am concerned that all we have before us is a request for what is patently needed, but is nowhere near adequate in order to deal with the very real pressures inside the department. I would hope that the department would be bold in the budget this year, in bringing forward, clearly, those items that are now known to be long overdue pressures on its existing budget. I have stated about pathology, but I know that is merely one in a list of nearly 20 items.

The department has been starved of money in many areas and it has created pressures which are not acceptable. Much of what Deputy Hadley said has great merit and we should not lose sight of those points, because of other less helpful comments, in my opinion, that were made during that speech.

Members, the simple question is, do we need to do this work? And the answer is simply that the time in order to refute or actually object to the certain Propositions that are being placed at the department's door has passed. We are now at the point that we must simply accept them and move on, but I do think that we can learn and we need to be engaged much more with the Director of Environmental Health in order to provide a better basis for future reviews, of which there will be many.

But the one thing that does worry me is that question of 'many'. When I look through this Report, I cannot believe how many reports have already been asked for; how much is being placed as a burden of requirement upon the department when it is already struggling.

I am very concerned – and Deputy Hadley used the term Mid-Staffs. Now, we are nowhere near Mid-Staffs levels. It is a dreadful thing to say that we are actually approaching the type of problems that happened there, but the problems that they had were generally born of relentless change, and change because change was thought to be good because what was happening at the time was not right, and then someone else appeared and they required another change and another change, and implementing these changes took precedence over patient care quality.

The department is in the throes of having endless changes thrust upon it – not requested, not something that they are seeking, but it is being thrown into the position of endless change. That

is where we need an overall one-person assurance to push back and to regulate the pace of change. Rather than highlighting the problem and giving no solution, I am suggesting that the Director of Environmental Health might be the person to assist in this matter. Then, of course, it is ridiculous to think of someone with a title like 'Environmental Health' dealing with such an issue. It is time to revisit that and that is the Policy Council's responsibility and it needs to be external to HSSD and, therefore, I am proposing one possible solution: that in relation to the Propositions, I would urge everybody to simply support it. Not to, would be unconscionable in my opinion.

Thank you.

**The Bailiff:** Deputy Brehaut.

**Deputy Hadley:** Point of correction, Mr Bailiff.

**The Bailiff:** Deputy Hadley.

**Deputy Hadley:** I did not suggest that the Health & Social Services Department was close to Mid-Staffs, I said that some of the factors that contributed to the problems there were present in our Hospital.

**The Bailiff:** Deputy Brehaut.

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

Can I say that I sat on the HSSD conveyor belt on a number of occasions? There you are, sat between the fondue set and the cuddly toy, (*Laughter*) somebody presses the button and you fall off the end. That was the Adam/Brehaut board. Then you have the Dorey/Brehaut board and people again press the button, we slip off the end and we have the Luxon/Soulsby board – and I understand why we have that.

And I would like to think that, in doing that, regardless almost of the political members on the board, the business, the machine that is HSSD just rumbles on regardless. If only that were the case; it does not quite work like that, because actually when you have the absence of continuity, what staff see at the top level, it then sends shockwaves and shivers through an organisation and that feeling of being unsettled can then lead to low morale and low mood, and I think it is fair to say that that is where HSSD is at the moment, as an organisation.

On page 1451 of the Report, it refers to the LSA, the NMC, the NHS and the GMC. Now, I was happy to be a member of HSSD and be reassured by the Local Supervisory Authority that practice was good. What other tools do we have at our disposal? We actually had an organisation that came over in a governance relationship with midwifery; they reviewed midwifery, they report to the board and actually the last report from the LSA was a good report. So this is not me looking to get out of jail, by the way. This was the mechanism. What mechanism did I have? There it was. So we were content that things were – other than the perpetual staffing problems – relatively hunky dory.

Then the dynamic, which we have heard nothing about really – although Deputy Hadley may have touched on it, possibly – was then this little turf war that played out between the NMC and NHS England, because there was a certain amount of *schadenfreude* on the part of the NMC – who, I have to say, rather unattractively, were quite gleeful at seeing how other bodies involved in regulation had failed to regulate, as they saw it. I think was certainly the perception of the consultants.

Of course, then when we had the NMC and, effectively, the NHS, along with the LSA, then add to that the GMC, who then thought, 'Oh, yikes. We have a clear interest with the role of governance of doctors here. I think we had better react to this.' So what there has been within HSSD, and particularly in midwifery, has been this – and I agree, I have to say... I do not like to hear Hunter Adam being dismissed so readily, I have to say. I do not like to hear that, because I

know if I was on an aircraft and somebody was about to give birth, I would not look for Jackie Smith from the NMC; I would be hoping that Deputy Hunter Adam was on the aircraft, personally.

1110 But, to go back to the NMC and Jackie Smith, who came to Guernsey and did the media rounds... very well received; people were listening to what she said, then we did not see her again until she appeared on Channel Four News, because the NMC's own registration process has been called into account when, as you remember, the Filipino nurse – who was not a nurse, but the  
1115 a saline drip and the result that patients died. So those who regulate also, on occasions, can fall short of best practice and recognised standards.

I did not want to dwell on... because I appreciate sometimes when Deputy Hunter Adam speaks that people feel that there is almost too much clinical detail, but central to the review, and the reason we have the paper in front of us today, was the verbal order, where a woman is giving  
1120 birth in distress, they make a call to a consultant; the consultant says... and it is usually to administer one procedure and, clearly, if it was a young nurse, a timid nurse, a young midwife, they may be less inclined to lean on the consultant to come in. If it was a more experienced midwife who had worked in the organisation for 20 years, knew the consultant, they say, 'Get your  
1125 backside out of that wherever you are and get up here now' and it is just the way it is and, sadly, because of the response times then who knows that may have played a factor.

But I wanted to return to elements of what Deputy Fallaize said, because really we are all culpable for the situation that HSSD finds itself in, because as long as I have been a Member of this Assembly, since 2004, every Budget debate has had a theme: you can give HSSD as much  
1130 money as you like and they will only spend it. We have, year in, year out: there are too many bean counters in that organisation; there are too many managers; there is a dearth of clinical staff. And it has been said, if you walk the corridors of HSSD you will find more managers than you will find staff involved in care. And, sadly, of course, an audit illustrated that clearly was not the case and it is the absence of management and the resilience of management that has led to some of the issues that we find ourselves dealing with today.

1135 I remember when Deputy Gillson was a member of HSSD and he placed an amendment that would have secured more funding at the time and that amendment was declined. Deputy Hunter Adam also appealing for funding – that offer was declined; and, more recently, Deputy Dorey bringing the report, requesting funding and also that request was denied and refused.

Just briefly touching on – I am always tempted to say United Arab Emirates, but that is not it, is  
1140 it; it is the University of East Anglia, (*Laughter*) who visited Guernsey and then said they had concerns about student nurses. Now, I was disappointed to hear and I think I... well, I know I sent an e-mail to members of HSSD at the time, that a lot of the wards, quite rightly, had the paint rollers out; they had every staff member that could possibly be on duty. Everything was shipshape and Bristol fashion. Wards were waiting to be inspected by the team that came over and the staff  
1145 were there until eight in the evening to be told that the team had actually left by 4 o'clock that day.

So, although there were young student nurses – by the way, a number of whom have left and will be going to the UK, and their parents or themselves will be looking for loans to do so – they have decided, because of the uncertainty, not to continue their training on Guernsey.

1150 So it is the point made, I think, well by Deputy Hadley: you can embrace these organisations... There has been a willingness to be culpable, to say, 'We have made a mistake. Tell us where we went wrong.' There has been a willingness to embrace that to the extent that we have now got locked into this cycle of perpetual review which is going to impact, ultimately, on clinical care and I hope that is understood and I think Deputy Hadley made that observation particularly well.

1155 Again, I say, reading my notes, experience should not be too readily dismissed and I feel particularly aggrieved for midwives – and bearing in mind, Members, I have read the same paperwork just before the new members read the paperwork that they had to consider and – I think it is wretched that the name of midwifery on this Island is being dragged through the mud.

Sorry, that is probably (**A Member:** Hear, hear.) too emotive. It is regrettable that the focus has been solely on midwifery.

There are a number of people involved in childcare and the delivery of children, yet midwives have taken the burnt. Young women who were going to dedicate their lives, their future employment to midwifery will no longer do that because of the experience and the trauma that they went through; and I am saddened to hear that we have midwives still on suspension. So whatever process needs to take place, it needs to take place soon. We are surely not paying a number of midwives who are suspended and paying agency staff to cover, then looking re-employ. I hope that can be resolved as quickly as we can.

But in that whole dynamic, if you had to say crudely who came out of this – and this is not right language; I will reflect – it is unfortunate that midwives have taken such a burden of blame when other parties, I think, also were involved, that have had more background roles, if I can put it that way.

I just wanted to highlight the point that was made by Deputy Langlois. I have read a number of books on St Kilda recently – the island that is 100 miles off the west coast of Scotland. Fascinating that the last 36 people left in the 1930s, for different reasons, but that community had to exist in the manner that only that community could. But that will be an extreme example of living on a remote island, but Uist is a less extreme example; Benbecula, Orkney, Fair Isle. These small island communities have to do things in a fundamentally different way and the NMC regulation model is an NMC inner-city model and there must be, surely, a tolerance – I am not saying a disregard to risk, but a tolerance – to how small communities deal with child care-related issues, delivery of children, literally, as opposed to how an inner-city would when they have consultants, doctors, junior doctors and nurses who have specialist roles.

But in closing, sir, I do not hesitate to support this Report and I have to say at the time when the last board dissolved and the new board were formed, if I reflect on my own conduct at the time, I think I made a few pointed remarks that were unnecessary. I probably sent an e-mail or two that, on reflection, I could have torn down the telegraph pole and pulled out the cable to make sure they were not received, and I sincerely wish my colleagues at HSSD well in the future. I hope they are well funded, but this is the beginning of a whole new process that is going to take – Deputy Hadley may have said it, or someone else... that HSSD is going to take another five or 10 years to resolve all the issues they have.

I know we are going to be hearing later today... I am sure we will be hearing at some point that health is a new priority, so cut the funding everywhere else. I do not see it in those terms. I think it is also, as well as, if we want to deliver for this community.

So thank you, sir.

**The Bailiff:** Deputy James.

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

Deputy Luxon summarised, quite succinctly, in his opening speech what the issues are before us. When you, the Assembly, put this new board into office, understandably, you had great expectations from us and those expectations were to mend some of the broken aspects of this service and parts of this service that were broken did not happen overnight; it was quite an insidious process. The new board, within a very, very short space of time, realised what a mountainous challenge there was before us. In his speech, earlier, Deputy Luxon made it abundantly clear that HSSD faced a significant programme of improvement and reform, and I believe this policy letter clearly outlines some of those priority improvements.

Much of my speech, sir, has already been addressed by previous speakers so I will, indeed, cut it down, but there are a number of issues that I would like to address. One is the Nursing and Midwifery Council Review and, as we have already heard, sir, that the NMC undertook their review and, worryingly, stated that Guernsey's midwifery services were not safe. Well, nobody could ignore that.

Deputy Adam in his speech this morning asked: could the NMC close us down? Well, of course, they cannot close us down but what Deputy Langlois clearly outlined is they are a regulator of our staff and Guernsey requires its nurses and midwives to be on the active register at the NMC. The purpose of the NMC is not to protect nurses or midwives; the purpose of the NMC is to protect members of the public.

So, no, they cannot close the Hospital down, but what they can and did do was that they stopped Guernsey providing its programme for student nurses and what we saw, after the educational audit that was carried out, was 42 of our clinical placement areas for those students were not seen to be fit areas for students to practice in. Could we ignore that? Of course we could not. So what Guernsey saw was in excess of 40 of its student nurses being suspended. That was devastating to the department; even more devastating to those students that were incredibly distressed.

I am extremely pleased to report that, since that action was taken, two groups of those students are now back in practice but, sadly, we still have a cohort that will not be able to commence their nurse training until November. Did we have to take action? Of course we did.

Secondly, moving on, I would like to make reference to the Royal College of Obstetricians and Gynaecologists' Review. As we have already heard, their review contained 81 recommendations and Deputy Langlois was quite right in his use of the word 'proportionality' and that is exactly what this current board are doing. We are working through those recommendations and looking at it with a view to sensible proportionality.

The third issue I would like to address in the Report is the Recruitment and Retention Taskforce. Many Members will be aware for many years now I have expressed great concern about the recruitment and retention of both nurses and midwives in Guernsey. I have been talking about it, shouting about it, for so many years that I think there are many of my colleagues that are probably fed up of me going on about the recruitment; but I would suggest that much of where we are today is as a result of the failure of Guernsey to both recruit and retain adequate and appropriately trained nurses, to maintain a safe and efficient workforce.

Nurses and midwives are responsible for 80% of care delivered, so they are a vital and essential part of the workforce. A number of years ago a new pay and conditions of work were introduced for nurses and part of that was that nurses' annual leave was increased. Sadly, the whole time equivalent numbers were not revisited, so immediately, overnight, with the additional leave, the wards became working on reduced numbers, let's say.

The whole time equivalents that were determined for wards and departments were based on when people were on annual leave, on sickness, on maternity leave, that if people... small numbers were missing, the establishments could still cope. Well, because the establishments were not increased, as soon as you had one or two people going off sick, you were in very, very difficult areas in trying to manage, so that led to additional hours being worked by the extra staff. When the staff became exhausted, they then had to rely on agency nurses. You will know the picture only too well from this Report that our service now has become so utterly over-reliant on agency nurses. And what does that lead to? It often leads to transient staff; staff that do not know the system. You can have agency nurses for one, two, three weeks. We are not alone. There is a shortage of nurses all over.

Deputy Adam this morning referred to changes in practice and he gave an example of verbal orders. Yes, I was a ward sister and over years when I worked with consultants and they rang up at night or I rang them because a patient needed a particular medication and they asked me to give whatever medication; and because I knew that consultant, because I had been working with that consultant for years and I trusted him and he trusted me, I did. I did give medication because I knew that the next morning he would come in and he would sign that on the prescription.

Well, sadly, those days have changed and we no longer have the level of support and trust when you have got transient staff; and a recent medication audit showed some incredibly worrying practices, where doctors were giving verbal orders, nurses were giving the medication and medical staff were failing to come in the next day and write the medication up.

1265 So, quite rightly, instructions were issued: no further verbal orders were to be given. And I would suggest one of the reasons is because the temporary, transient workforce that has become the norm in Guernsey. That trend has to be turned around.

There were many things in the Recruitment and Retention Taskforce that I agreed with and I supported, but the one aspect of that... and I know in the past I have been accused of sounding like a trade unionist. Well, for that, I do not apologise because if it improves our workforce, then so be it and I make no apologies.

1270 The one thing in the Recruitment and Retention Taskforce that I do not agree with... and that was the inference that nurses' pay made no difference. Well, what utter rubbish, in my view! Why is it that nurses' pay is not important? Is there any other occupational group that you describe 'pay is irrelevant'?

1275 I would like to read you something, if you bear with me, and it is headed, 'Salaries Are a Key Issue in Nursing Shortfall'. I will not read it all. I will not bore you.

'Only very recently'

– and it shows you... No, that will be a clue, so I will cut that sentence out.

'Why is there a shortage of nurses? The major factor is unquestionably the abysmal salary nurses can look forward after three years of training to become registered nurses. Salaries usually reflect the value a community places on certain occupational groups. Nurses have always been poorly paid, but why should it be different now? The answer is simple: over the years, women have taken advantage of the educational opportunities afforded to them. Subsequently, their job choices have broadened and these choices have been exercised, turning their backs on nursing as a career. The stereotypical notion of student nurses being young, single, female, waiting for an offer of marriage, could not be further from the truth. Of the student nurse intakes in the UK, more than 50% are over 35 years of age, usually with a partner, children and a mortgage. Let's not negate the hard work and dedication of the Royal College of Nursing representatives. Through negotiation, they and other nursing representatives anywhere in the UK have achieved Guernsey's pay awards in full when our UK colleagues have had theirs staged.'

1280 And it goes on and goes on. I wrote that letter in 1998 and I would suggest to you that very, very little has changed. I think it *is* important. We have to recognise, if we want a safe, efficient, stable, reliable hospital workforce, then we have to value that. I have said on a number of occasions that I will probably never, in my lifetime, see that nurses are paid what they are worth.

1285 But I would suggest to you that part of the issue, part of the problem, where we are today, is because of that, because of our inability or lack of initiative shown to entice nurses and midwives to Guernsey, because otherwise we fail them. We ask them to work the extra hours; we ask them and expect them to work overtime; and, gosh, if you make a mistake because you are tired, let me tell you, you get hung out to dry.

1290 Finally – if I can bring this up – you could be forgiven by Deputy Adam's speech in thinking that the new board have been fiddling while Rome burns. Well, let me tell you what the Romans have done for you. We have had a new reforming Chief Officer; we have got support from the States of Guernsey from the centre; hopefully, we have got the political support from the Assembly, Policy Council, T&R, Chief Minister; we have got proactive media relationship management fully underway and media support; refinement of previous sterile HSSD press releases; we have got good general public support, hopefully; new open culture, fostered by this Court; we have introduced meet and greet sessions with all the staff. This board have made themselves visible, open.

1295 We realise that the damning reports that the service has been under have had a detrimental effect on the morale of staff and we have wanted to meet as many staff as possible – not to give them platitudes, but to give them reassurances that we care passionately about their dedication. We have heard of the dedication and the commitment and loyalty of many of our staff and I think it is absolutely imperative that we reinforce that. (**A Member:** Hear, hear.)

1300 So I would plead with you that you support this policy letter and the request for this, given that you would take on board and embrace everything that Deputy Hadley wants, I think you would be looking to be giving us at least £10 million.

So I thank you. (*Applause*)

1305 **The Bailiff:** Deputy Dave Jones.

**Deputy Dave Jones:** Thank you, Mr Bailiff.

I had not intended to speak in this debate and really wanted to talk about the speech that Deputy Brehaut made. Deputy Brehaut and I are usually on different sides on many debates and we usually cross swords on a number of occasions, but I thought his speech today was one of the best I have heard in this debate. He is a man who served on HSSD for some time. He has been through the ringer in the States when those boards have fallen, but there is much merit in what he has to say. He is married to a nurse, so he gets it from the frontline as well when he gets home, I have no doubt.

1315 It is the nurses really I wanted to talk about. We had a fairly long-serving senior nurse turn up at the Vale Douzaine Parish surgery a couple of times back now, who told us some very worrying things about the amount of waste that they have identified at the ground level and the hope that... actually Deputy James has just mentioned – one of the things she asked for was to have open meetings with the board, without senior managers and line managers there, where the ordinary coalface nurses can come there and just talk to the board members, free of any fear of retribution or whatever, and she said some very interesting things. I hope that... Well, clearly the board has taken up that suggestion and I believe Deputy Lowe spoke to the Minister about that particular issue after that meeting.

1320 For the nurses at the Hospital... I have reason to visit there recently because an elderly family has been in and they are absolutely brilliant – and a great sense of humour. I went for an x-ray the other week and it is a great system; I did not even know it exists. You rock up there at a given time, any time of the day, within certain hours and they will – you may have to wait a few minutes – take you in, give you the x-ray, job done and off you go.

1330 And I was chatting to the nurses. I went in. She said, 'Take your clothes off' and I said, 'We have not even discussed dinner yet.' (*Laughter*) And she gave me that withering look that all professional nurses give when they have heard that line a thousand times before, but she was a... (*Interjection*) a great sense of humour and very efficient and great to chat to. She was very happy in the Hospital; very happy with the service and very happy with the way that things were progressing.

1335 But I know that is not the same in every single department and there are a hundred... It is not really until you start to drill down into what Health is responsible for, that you get some idea of the massive task that is facing them. I have got a very small department, let's face it. Housing is not huge. It is reasonably easy to manage. It does not have all the diversity that Health and PSD and other departments have got, and they are mostly good news stories when you are building houses. But that is not so in Health and they have just had an e-mail this week from an individual wanting all kinds of different kinds of treatment that Health are struggling to fund. I remember, also, thinking... I sent an e-mail round many years ago saying, 'What must it be like to sit round that board table and have to discuss what money you are going to put towards cancer drugs that will save people's lives against all the other calls on Health?'

1345 So that is really my call. I hope that the nurses are listened to and, where areas of waste are identified, they are dealt with quickly. I do not think that some of the buildings that you have had built have served you well. I was astonished to find that when the new clinical block was finished there was not even a changing room for the nurses. The most valuable asset in any Hospital is your staff and they could not even be bothered to design a changing room for that staff to get changed. They were getting changed in the toilet. No longer anymore.

1350 My final words are on what has happened recently over midwifery. I have made comments, as Deputy Fallaize has pointed out, that I am not always enamoured with these reviews and reports that are carried out, especially when they are done by people who come from a jurisdiction where their own house is hardly what you call being in order. And, when you think of the thousands of

births that have gone through that Hospital... We have taken seats out of aeroplanes and flown people in from Alderney. The Flying Christine has come late at night from Sark, with mothers to give birth to children in the PEH. We have a brilliant track record of midwifery service in Guernsey, where thousands of children have been delivered very successfully over decades.

I also feel that, as Deputy Brehaut said, the ringer that the midwifery nurses have been put through is totally unfair and totally out of order, in my view. And you can write whatever you like in a report but there are local people who work in that Hospital who know the truth of what happens on the ground and sometimes they are let down by people much further up the food chain than them and that needs to be recognised and I think that the sooner all the cohorts are back in training, the better. And, while I am happy to listen to what the regulatory bodies... obviously, as Deputy James has said, we are duty bound, on occasions, to listen to them – they have to be made to realise that we are a very small, special jurisdiction that is going to do things our own way on occasion – and so we should – while at the same time preserving the patients' safety that is necessary and the training that is necessary to staff in the Hospital.

The one other point I have just thought of, that this nurse who came to see us at the surgery made, is the demoralising feeling of local nurses who are working against agency nurses, who are sometimes being paid in excess of three times what they are getting. Deputy James is actually right: of course, it is about money. We have lost a lot of local nursing staff into better paid jobs in this community, simply because they have to pay their mortgages and they have to pay their bills like everybody else and, even though they are truly dedicated to their vocation in life, they simply could no longer afford to work for our Health Service; and I have heard that story a dozen times.

So we *are* going to have to look at nurses' pay; it is not going to be cheap, but if we want local nurses to work in our community Hospital and Health Service, we have to pay them at least – or give them a fighting chance with what we pay them – to live in this community and pay the same sort of rents and mortgages that everybody else has to pay. And that goes for carers. I declare an interest – my wife is a carer – but that goes for carers too. They have been abysmally paid on this Island for years and that needs to be addressed as well.

So thank you.

**The Bailiff:** Deputy Soulsby.

**Deputy Soulsby:** Sir, I believe this Report makes it clear the challenges that HSSD faces at this present moment in time.

Let me rephrase that: this Report gives a high level picture of the challenges that face HSSD at this time. It is fair to say that a lot of things need doing and Deputy Hadley made that very clear this morning. But it is not possible to everything at once. The setting of key objectives and prioritisation has been, and continues to be, essential. With that comes a need for discipline.

A scattergun approach to issues goes contrary to what we are aiming to do for the short, medium and long-term transformation of HSSD. That does not mean that this should prevent early identification and mitigation of safety issues. Patient safety is paramount and whenever this has been raised as a concern it has been investigated. But a disjointed approach, whereby work is done based on who shouts the loudest is not acceptable and will only make matters worse rather than better. That has been frustrating for each and every member of the board. Of course it has, but if any positive change is going to happen it is essential we remain focussed.

I would like to thank our two non-States' members, Doctor Alex Christie and Mr Roger Allsopp OBE, for their contributions, which have been knowledgeable, reasoned and measured, over the last nine months.

Now, those Members here who attended the presentation given by our Chief Officer earlier this year will be aware of the integrated programme of reform that has been developed for HSSD; a programme that focusses on doing the right thing for those we serve, in the right way, to achieve the right outcomes and deliver the right organisation. The aim, of course, is better outcomes for service users, staff, taxpayers and the States of Guernsey as a whole. The funding



requests today, related to children's services, the workforce, the secondary healthcare, represent just three of those programmes.

1410 Now, the costing, benchmarking and prioritisation exercise has been invaluable and it is not about cost-cutting, but transformation. For the first time, we have real information with which we can make evidence-based decisions in the short, medium and long-term, but no it is not going to be achieved overnight, as the Minister pointed out yesterday. And, in response to Deputy Bebb, neither can it be done without some upfront investment. How we manage that is for another day, but what we are requesting today is the start of a journey.

1415 Now, I did not agree to join the HSSD board lightly, as the Minister, I am sure, will attest to. It did take some persuasion. I knew it was going to be a difficult job and it has certainly proven to be so in more ways than one. There is so much to do, but already the Department has come a long way – as Deputy James has just mentioned – and, for that, a huge thanks must go to all those staff within and across departments who have already made a positive difference in what  
1420 have been difficult circumstances.

Please approve these recommendations and let us get on with the job of continuing the much-needed transformation of our department. (**A Member:** Hear, hear.)

**The Bailiff:** Deputy St Pier.

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**Deputy St Pier:** Sir, I rise again briefly just to comment on the wider financial implications of this policy letter and Deputy Fallaize has referred to our letter of comment on page 1561 of the Billet.

Of course, this is a request to increase HSSD's cash limit for 2015 by a maximum of £3 million.  
1430 That will need to be managed from within this year's Budget Reserve, which of course, I am sure Members will recall, is significantly smaller than in prior years and so the outcome of the Budget Reserve is difficult to predict at this stage in the year. Although, of course, the Deputy Chief Minister's statement to the Assembly yesterday, in relation to the pension issue with Public Service employees – if that does indeed resolve itself as a result of the votes from the unions later in the  
1435 year, then that will be a cost avoided, which would have come out of the Budget Reserve in dealing with the declamatory relief application and that obviously with assist.

If, however, the Budget Reserve is insufficient then we will need to make recourse to the General Revenue Account Reserve which would mean that, of course, we will have broken the fiscal policy target of no real terms growth, but again that is merely for information; we will have  
1440 to see how events pan out for the rest of this financial year.

In terms of the longer term financial implications, again, Deputy Fallaize did draw attention to this in his speech and, in particular, if you like, the worst case scenario, which is set out on page 1562, with potentially an additional £9.5 million of General Revenue expenditure or £13.5 million overall, including the draw on the funds managed by Social Security.

1445 Deputy Fallaize drew attention to the fact that, whilst he was complimentary about the letter of comment, that it omitted to comment in detail on the implications and, in particular, in relation to the real terms growth cap. Of course, the real terms cap on General Revenue expenditure is overall, over the entire States, rather than specifically department-by-department; and what we have indicated in our letter of comment is that if we were to have to accommodate the entire  
1450 £9.5 million worst case scenario for the General Revenue increase within that real terms cap, then that would mean a 5% reduction in all other departments.

Now, that of course would be a very blunt response and I suspect unrealistic in its achievability. T&R have, indeed, recommended to the Fiscal and Economic Policy Group of Policy Council, who have agreed that we will need to exclude HSSD from the real terms cap in spending until these  
1455 measures have been implemented and, of course, others have commented on the BDO report, which I will touch on in a moment. So that recommendation to the Fiscal and Economic Policy Group – which they have agreed – will, of course, inform our budget preparation and will enable this Assembly to have the debate which Deputy Fallaize called for in his speech.

As I say, sir, a number of Members have referred to the work of BDO in undertaking the Benchmarking Prioritisation Report, which will help us determine and recommend the Budget for 2016, based on that work. But it is quite clear – and Deputy Soulsby just referred to this in her speech and the Minister, indeed, in his speech – that it does envisage the requirement for ongoing transformation in order to manage those future pressures.

Indeed, it does – as others have said; Deputy Kuttelwascher and Deputy Hadley – endorse the work of previous reports; that there are undoubtedly opportunities to provide services in a different, more cost effective way, but only if we are prepared to provide investment to enable that transformation to happen.

That, of course, is exactly why the Treasury & Resources Department recommended to this Assembly, last Budget, the establishment of the Transformation and Transition Fund – to enable these kinds of transformations to take place.

Indeed, Deputy Hadley referred to precisely one such example. If we want to get patients out of a very expensive hospital environment as quickly as possible, then we will need to invest into community services to enable that to happen and those are the kinds of transformations which BDO and the others have envisaged, and which the department, I believe, is committed to embarking on in order to square this circle of how we can continue to provide services, but in a more cost effective manner.

So I hope, sir, that does address the short, medium and longer term implications of the contents of this Report.

**The Bailiff:** I see no one else rising. No.

Deputy Luxon, do you wish to reply to –? Oh, sorry, Deputy Wilkie.

**Deputy Wilkie:** Thank you, sir. I will be very brief.

Deputy Kuttelwascher, speaking earlier, talked about the Healthcare Review produced in 2012 and he is quite right – there was, and that policy letter, had it been laid at the time, many of the issues highlighted in this Report would have been identified much earlier. But it was not brought before the States and that was largely due to the vote of no confidence brought by Deputy Hadley. Deputy Hadley has admitted, sir, in this Assembly, that it was the worst mistake of his political career and I agree. However, sir, his last speech probably came close.

Many issues highlighted by Deputy Hadley could have been addressed if he had not taken that action back in 2012. That report would have looked at the entire care system. Our health system has grown organically and you would not invent such a system if starting from scratch.

Back in 2012, as a practical example, sir, if you went to see your GP and then your GP suggested you went to see a medical specialist and then you went to see that medical specialist, and that medical specialist thought that you needed an operation in the UK, the first thing HSSD would know about it is when they got the bill, because they did not fund the funding for the GP, they did not fund the flights to the UK, they did not fund the medical specialist.

So I know some work has been done on that, but this is a situation we were in back then and those sort of structural changes still need to happen.

It was identified in that report that if we tackled that structural funding... care pathways in a new and innovative way we could produce significant cost avoidance; and I use that word 'cost avoidance' rather than 'cost savings' because healthcare costs will rise over the next 20 years.

Annually, Islanders in Guernsey and Alderney spend around £200 million a year on health and social care services; 80% is currently funded through tax and social insurance contributions and the remaining £40 million by individuals and private insurance.

Now, if we do not allow for inflation, sir, in the next 20 years we will spend £2 billion on healthcare. And back in 2012, I thought it was quite prudent to spend £1.6 million on a review which was forecasting to identify a cost avoidance of more than £7 million a year. That work was not continued by the subsequent HSSD board – and that was their decision; I cannot comment on the reasons for that decision. But I would ask, sir, that the present HSSD board... that they could

give Members the opportunity to digest the Benchmarking Report before the Budget debate in October, so Members can be fully informed before that debate.

Sir, I fully support this Report and I ask all Members to do likewise.

Thank you.

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**The Bailiff:** Anyone else? No.

Deputy Luxon.

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

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Sir, before I answer or try and address some of the comments made... and I do not intend to slavishly go through every Member's contribution, but I would thank all Members for their contribution. I think it has been a very interesting debate and I have listened very carefully.

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But I would just like to thank, first of all, the almost 3,000 people in our Island who actually deliver health and social care services for our community of 62,700 people. That is the 2,200 people in HSSD, MSG partners, the primary care partners, Guernsey Physiotherapy Group and, of course, all the care providers. They do a fantastic job and we have heard examples today of how frontline services exceed expectations in many cases and perhaps over the years it may be that we have over-delivered in many ways, because we have been able to afford to. Of course, we now have the problem where we perhaps cannot afford to necessarily continue to do that.

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Sir, I am a naturally tight Guernsey man and I do not like spending my own money, let alone taxpayers' money, but what I will not do in the role as HSSD Minister is to be pennywise and pound-foolish. There have been many examples in speeches today of why there are very worthy causes and bids for additional monies for additional services – whether it be to extend existing services, to improve existing services or, indeed, the treatments that Deputy Dave Jones mentioned. HSSD does have a finite allocation from the States of Guernsey General Revenue and, of course, we have to be responsible and work within that fiscal envelope – but I will come back to that later.

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Sir, Deputy Adam – I do actually respect his informed knowledge regarding clinical matters. This board and I have only been here for eight months. He did talk about the challenges around the process that happened since the SUI back in January 2014. I understand why many of us would want to push back against external regulators and, indeed, why we might want to push back against the thing we call the NHS, but what I would say is we can sit here and talk about the NHS with distain and dismay... Very many of us and very many of families actually go, as part of the extension of the service that we provide here, and enter into the NHS in the UK and have fantastic service and treatment.

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So the NHS has its own problems, its own dynamics, but we should not just rubbish it out of hand. I do not know of one instance where, in my eight months on the board, anybody has talked about replicating the NHS here for Guernsey – bringing the NHS model here to Guernsey – but, of course, much of our HSSD delivery is based actually on things that happen in the NHS. Most of the people that work in our service were trained within the NHS. So I just make the point.

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Governance – and I will repeat this several times because several Members did – Deputy Adam asked, 'What were the flaws in governance?' I am not going to go into the detail. We all live our lives, as Deputies and Member of this States of Deliberation, very aware of governance, good governance and our obligations around governance and, fundamentally, it is about being able to demonstrate and prove that that which you think is happening, is happening; it is about reassurance, it is about certainty.

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And every report that we have had – and very many of the senior clinicians in and around HSSD and MSG – recognises that there were real failings within governance and clinical governance, largely because of a lack of integrated clinical governance between each of the partners of HSSD, the secondary healthcare deliverers and primary care. I am not going to try and justify why the findings of these various reviews from these various bodies found as they did, but

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to regard the process as having failed or that we perhaps overreacted, for me, just misses the point.

1565 The GMC revalidation: the General Medical Council actually stepped in – and, remember, the GMC are the regulators for doctors; they are not the regulator for HSSD – and said they had very, very serious concerns and those concerns needed to be addressed. The NMC, the body that registers nurses, stepped in and looked at what was going on in our services and said that there were serious failings and our midwifery service was unsafe.

1570 I think it would be wrong of any of us to absolutely want to believe that we could dismiss those findings and Deputy James answered the question: no, of course the GMC could not have closed down our Hospital; of course, they could not! They have got no right to do that. They have got no authority or hierarchy to do that, but they could have stopped all doctors practicing in Guernsey and they could have stopped all nurses practicing in Guernsey. So, yes, they could have closed down the Hospital.

1575 So Deputy De Lisle talked about escalation of spending, a degree of irresponsibility or waste, cost and efficiency within HSSD, and he is absolutely right and he does replicate, as Deputy Bebb said, a view that exists out in the community. And, of course, we should want to make sure that before we ask for additional funds for Health & Social Services, we should make absolutely sure that we do not have significant waste or cost inefficiency, for whatever reason, within HSSD. We  
1580 should look for those inefficiencies – and they do exist, many of them because of an underinvestment in management or specialised management and practices that have built up over many years. And we should look for those and we should look to find those and then reallocate them into service areas where we need to invest more.

1585 So this board will – and we recognise the T&R comment has being an incredibly challenging, but pragmatic and realistic comment, which I think sets the scene for the October debate well, but we must, before we ask for additional funds – make sure that we have looked for inefficiency savings, reallocations and, of course, for our own transformation capabilities, to be able to do more with the funds that we have available.

1590 Deputy Fallaize, again, made the point that the Report demonstrates very clearly why the revalidation, ‘safe, but fragile; inadequate with governance issues around the problems and challenges that we had’ were really the result of many years of catch up. Time had overtaken us and we had not kept up. We were put in the spotlight and we have had to respond.

1595 Sir, Deputy Kuttelwascher makes some points again regarding the real terms freeze and that position being reviewed when we had a balanced budget, and Deputy St Pier has confirmed that, in reality, that position is now with us.

1600 Sir, Deputy Hadley – a song sprang to mind, ‘Regrets, I have a few, but then again’ and they do say, ‘Keep your friends close’. Well, I would like to thank Deputy Hadley, because for the first six months on the board, from November 1st, I have to say, he worked incredibly well and supportively, both with myself and the board and I regret greatly, because you all know that clearly within Deputy Hadley’s speech there was not just his own personal views, there was a real frustration and he clearly has some issues with the board. So I regret that, because I did stand here eight months ago and ask you all to support the nominations I made for the HSSD board, not to interfere with those recommendations, to allow us to try and get on with things.

1605 So I thank Deputy Hadley, truly, for those first six months, but is fair to say that he has taken a different stance over the last three months which does give rise to some of the, I think, unfortunate comments and criticism that he applies.

1610 Rather than go through each of Deputy Hadley’s points and correct the incorrect statements and comments that he made – which I do not think is the best use of your time – I will simply replicate that which Deputy Brehaut said, which is that often Deputy Hadley does make very good points or does understand where real issues are.

This board’s problem, in terms of being able to deliver, for Deputy Hadley, the speed of decision and action that he would like, would have meant that I would be here now, not asking you for potentially £3 million additional monies this year, but I imagine it would be nearer

1615 £10 million; because if we had simply said 'yes' to all of those items that Deputy Hadley referred to, that were identified by him or others in 2010 or 2011 or 2012, the price tag would have been considerable.

1620 I said in my opening speech that the board, whenever it has been confronted with genuine and absolute must-do safety issues, safe staffing levels, has responded and we are not frightened to necessarily overspend if we have no choice other than to be acting safely. We have a duty of care to patients, to the community and, of course, to our staff, but we cannot say 'yes' to everything straightaway. We have to be measured. And all we have done and all we are doing is when there is a demand or a need for additional monies, we challenge and ask for validation. Could it be achieved with lower cost? Do we need a consultant? Do we need a highly paid clinician or could it be done through staff that have other skills, safely? I would expect you and the community to expect our board to absolutely challenge every request for additional monies and only if we get to a point where there are no alternatives, do we then come back asking you for additional funds.

1625 I thank Deputy Trott for his intervention in Deputy Hadley's speech, because sometimes things that we say in this Assembly can have unintended consequences out there and for us to remotely say to any of our community that they should be concerned about using HSSD services, would be wrong. We are a large department – highly complex, highly technical – and mistakes are made and we have to disappoint people at times, but nevertheless frontline services that most of us experience are incredible and we should be grateful for those.

1630 Thank you, Deputy Gollop, for your confidence and all I would say is on average over the last eight months I have been investing 65 hours a week of my time in my role as HSSD Minister – so almost as much as Deputy Adam used to, although Deputy Adam said that he actually worked 17 hours a day when I do the numbers, so I am not quite sure when he had time for his pipe smoking and seeing his family.

1640 But I invest those hours personally because eight months ago, when I agreed to take on this role, I recognised the significant problems and challenges that this department has and that is the amount of commitment that I am prepared to make – the board equally so, and our Chief Officer who is working more hours than that.

1645 We are going through a period of change. The service does have morale issues; people's confidence has been hit. The pressures, the stresses, the challenges – many people are having to work too long hours. This is part of a transition from how the system used to be to where it needs to go. Deputy Lowe, it was not Deputy Hadley that said it was seven to 10 years to get to a place that we regard as being optimal, it was me and it is going to be that sort of time and this Assembly and the next Assembly and probably the Assembly after that is going to have to make some very difficult decisions about funding, about service delivery, and we will have to engage with this community about what it wants.

1650 Thank you, Deputy Langlois, for your wise outlook and your reminding us about duty of care. I will not spend time, in terms of the Royal College of Obstetricians and Gynaecologists, because you did that well. That is an issue. The board is seeing a paper on 5th August, where we will be looking at those recommendations and, indeed, the other service reviews that Deputy Hadley referred to, and we will have to include those in our deliberations along with the BDO benchmarking for the submission to T&R in terms of budgets for 2016 and 2016-2018.

1655 HSSD board has got some very difficult decisions to be making, but we are determined to try and make them within the context of a transformational journey of reform that will actually allow us to continue with great service delivery, but at the same time recognising sustainable funding going forward.

1660 I will take away Deputy Bebb's comments regarding his views on independent oversight and, indeed, the title of the Director of Environmental Health. We will take that away and we will have a look at that.

1665 I thank Deputy Brehaut for his very balanced speech and, in terms of accountability of the NMC, the LSA and indeed, the UEA, yes, of course, we should question why we were receiving audit reports that would appear or purport to have given us a very strong tick of compliance and

delivery. Of course, we should be challenging those, but let's not get away from the fact HSSD and its service delivery is our job, our responsibility; it is for us to determine and manage how we operate the department, and times have overtaken us. There have been weaknesses in what we have done and we must recognise that but, yes, I too feel some chagrin, as the board did when we first looked at the problems that were presented to us from the NMC Review and then you look back and think, 'How did we manage to miss this?' So I do not blame the board for not taking a good governance outlook, but of course the information it was provided with clearly did not give insight.

Deputy James, thank you for your comments. Having met many different groups of people, including the student nurses, several times, I absolutely can reassure you that student nurses, potential student nurses and, indeed, nurses do genuinely feel that the remuneration that they receive is not fair or equitable for the level of degree training that they now commit to and the services they deliver, along with the responsibilities.

Our local young male and female student nurses said to me, 'How do we justify to ourselves going through this process when we have friends that bump into finance, into trust companies locally at higher pay rates? How do we justify going into a career of nursing when the cost of living in Guernsey is so high?' And I absolutely listened and understood that. Deputy James has made that point.

If we did do something dramatic that would put another price tag of £5 million to absolutely uplift all nurse pay and, of course, that would just put even further strain on our finances, but it is a vexed question that we are going to have to answer, which is how do we make sure that we remunerate nurses appropriately anyway, but of course because of the international shortage we have got no choice other than to make sure we are competitive, otherwise we will continue to have unfilled posts putting pressure on our nursing staff that are in place, needing to use higher agency cost staff and so the cycle goes on. We are going to have to break that cycle.

I thank Deputy Jones, as I am sure the person in radiology did, when he shared with her his comment about him taking his clothes off. I will not sleep at night, just thinking about that myself! *(Laughter)* Mankini springs to mind, at least with some dignity.

But again the point was made, let us not slavishly follow just what UK regulatory bodies tell us to do and, of course, my mantra has been, throughout my time on the board, proportionality, context, small scale and, of course we should push back against outside bodies telling us to operate on an exemplar level verses a jurisdiction like the UK or Europe, where clearly we are a 25 square mile piece of granite nearer France than England, with a very small community, but we also have to comply if we want to exist. It is balance.

Thank you, Deputy Soulsby, for your comments and Deputy St Pier; and, Deputy Wilkie, I think you were spot on with your comments and I see absolutely no reason at all why we should not be wanting to share, absolutely, the benchmarking data. We met on Tuesday; we talked about keeping it confidential – Deputy Kuttelwascher, Deputy Hadley – for a few days, just while the boards assessed what it meant, but we will certainly be having briefings for States' Members around the budget process which will include that information. So I give an undertaking that we will share that.

Sir, I thank everybody for their comments. I regret I am bringing to the States, on behalf of HSSD, the need for additional funding, when funding is tight, but I assure you we have challenged very much to make sure that this is necessary. I hope Members will support the proposals.

Thank you.

**The Bailiff:** Deputy Adam.

**Deputy Adam:** Sir, I did ask Deputy Luxon one other question. He mentioned GMC revalidation. I said there is no mention of the GMC report in here, which would have included assessment of the case highlighted by the whistle blower. I then went on to say, does this hide the

fact that no significant criticism was raised? I do not know if he would like to answer that question or not.

1720 **Deputy Luxon:** Sir, Deputy Adam did mention GMC revalidation and NMC registration, which  
was the point I was answering, but in answer to that particular question, following the SUI from  
January 2014, the final overview report – because there are many reports – is being pulled  
together and there are still items outstanding in the sense there is a perennial review underway.  
There will be an inquest. So, until all investigations have been completed, we will not have the  
1725 final overview report, but that will happen and of course that will be made available.

**The Bailiff:** Members, there are two Propositions on page 1565. I put both to you together.  
Those in favour; those against.

*Members voted Pour.*

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

## HEALTH & SOCIAL SERVICES DEPARTMENT

### **XI. Amendment of the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance 2015 – Debate commenced**

*Article XI.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 6th May, 2015, of the Health and Social  
Services Department, they are of the opinion:*

*1. To agree that The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015  
should be amended, and consequential amendments to other legislation made for the following  
purposes:*

*(a) to clarify the meaning of 'practising as a medical practitioner' to ensure that the prohibition  
against practising without local registration is proportionate to the objective of ensuring public  
safety;*

*(b) to allow General Medical Council registered and licensed doctors to work in Guernsey and  
Alderney for a very short and limited period of time, without being registered locally;*

*(c) to provide for temporary registration pending registration under The Regulation of Health  
Professions (Medical Practitioners) Ordinance, 2015;*

*(d) to provide for the Register kept under The Regulation of Health Professions (Medical  
Practitioners) Ordinance, 2015 to be used for the purposes of allocation of benefits under The  
Health Service (Benefit) (Guernsey) Law, 1990, and for the purpose of determining eligibility for  
provision of services or facilities provided by or controlled by Health and Social Services  
Department;*

*(e) to establish a Registration Panel (by the Policy Council, on behalf of the States of  
Deliberation) and empower the Registration Panel to refuse applications for registration in  
appropriate cases based on mandatory and discretionary grounds;*

*(f) to require registered practitioners to comply with conditions relating to conduct, appraisals  
and assessments;*

*(g) to empower the Responsible Officer to impose conditions on the registration of a practitioner  
(which could include conditions or undertakings imposed by the General Medical Council);*

(h) to require all concerns, allegations and complaints regarding a registered practitioner to be referred to, assessed by, and where appropriate, investigated by the Responsible Officer or persons authorised by the Responsible Officer (whether or not these have been referred to or are being dealt with by the practitioner's designated body);

(i) to empower the Responsible Officer to require designated bodies and other parties to report on actions taken to address any concerns about the conduct or performance of a registered practitioner;

(j) to extend the power to share information to authorise information-sharing between the Responsible Officer (or Registration Panel), and designated bodies, Social Security Department, the Health Service Advisory Committee, any other Department or Committee of the States of Guernsey, and any regulator of medical practitioners abroad;

(k) to empower the Responsible Officer to serve notice on a registered practitioner, after due process is followed, to require the practitioner to take action or make changes;

(l) to empower the Responsible Officer to vary a practitioner's registration conditions or suspend a practitioner's registration (including immediate suspension) in appropriate cases;

(m) to empower the Registration Panel to remove a registered practitioner from the Register in appropriate cases based on mandatory and discretionary grounds, and to provide for reinstatement of the practitioner to the Register in certain cases, e.g. where a conviction is overturned;

(n) to provide a process for decisions of the Responsible Officer in relation to registration under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015 (e.g. registration conditions, notice to take action or make changes, or suspension) to be reviewed by the Registration Panel;

(o) to provide a process for decisions made by the Registration Panel (including the Registration Panel's determination of a review of the Responsible Officer's decision), to be appealed to the Royal Court or Court of Alderney;

(p) to provide for members of the Registration Panel to be excluded from personal liability, in the absence of bad faith;

(q) to provide for the new regulatory system to be funded by an increase in the annual charge required to be paid by all registered medical practitioners under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015;

(r) to make appropriate transitional provisions to continue the registration of those already registered under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015, and so that pending applications for registration can continue to be processed under the existing provisions of The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015; and

(s) to create new offences of:

- wilfully and falsely representing or describing oneself or others as a medical practitioner of a particular kind;

- failing to comply with a requirement made by the Responsible Officer or the Registration Panel, or of obstructing the Responsible Officer or the Registration Panel (including anyone authorised by the Responsible Officer or the Registration Panel);

- providing false or misleading information, e.g. where required to provide information under The Regulation of Health Professions (Medical Practitioners) Ordinance, 2015.

2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

1730 **The Deputy Greffier:** Sir, Billet XIV, Article XI, Health and Social Services Department – Amendment of the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance 2015.

**The Bailiff:** Deputy Luxon.

1735



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

Sir, this policy letter proposes sensible amendments to existing legislation, to ensure the Bailiwick has an effective and proportionate regulatory framework for medical practitioners who work here. The doctors and regulatory body, the GMC, have indicated that the Responsible Officer should be given further powers to protect both the public and patients. Extensive dialogue of local doctors and the GMC took place to craft this Ordinance. Patient care and safety is central to these proposals and ensuring that the Island's Responsible Officer has the necessary powers to administer the system effectively has been core in drafting these 23 Propositions.

Very briefly, sir, in summary, the improved regulatory system would provide for eight things: greater clarity through tighter registration definitions; more robust regulation of medical practitioners; enhanced register of qualifying medical practitioners; additional levers to enable the Responsible Officer to require swift remedy to issues; effective protection for public safety and care; compliance with expected standards of control by the GMC and others; protection, reputationally, for existing medical practitioners; flexibility to accommodate visiting doctors on short visits to the Island.

Sir, in terms of proportionality, it is intended that the RO, whilst having additional powers to ensure only fit and proper and fully qualified practitioners are able to practice within Guernsey and Alderney, there would also be a robust check and balance oversight through the formation of a registration panel made up of a legally qualified person, a retired medical practitioner and a lay member, thus giving reassurance around judgement relating to fitness to register and practice, and of course always with the right of appeal to the Royal Court on any decisions.

Following last year's suspension of revalidation for locally serving doctors – which I am pleased to confirm has recently been lifted – these proposed amendments to the Ordinance provide for a more robust, defined, appropriate, but proportionate regulatory system which we should all welcome.

So I ask Members to support the Propositions.

Thank you.

**The Bailiff:** Alderney Representative Jean.

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

I cannot support this item from HSSD. Concerns in Alderney relating to the appointment of one officer or Responsible Officer, on page 1566 – I quote 1.3:

'The GMC has recently suspended revalidation of medical practitioners in Guernsey. The GMC has in discussions now indicated that it wishes to see the Responsible Officer ('RO') being given further powers to protect the public and patients, and to regulate medical practitioners ensuring high standards of care. The HSSD Department proposes to amend the Ordinance to give the RO additional powers, including the power to impose conditions of registration, the power to assess and investigate concerns, and to suspend the registration of a practitioner. The Department also wishes to amend the Ordinance to confer powers to refuse registration and to remove a practitioner from the Register. All these powers are considered necessary for the implication of the effective and robust regulatory system locally. These powers have traditionally been exercised by the GMC in the UK. As these powers are extensive and have far-reaching implications, the Department proposes the appointment of a Registration Panel to make major registration decisions...'

Would you not agree all these quite wide and sweeping changes would set the alarm bells ringing in Alderney under the current circumstances, where one of our practitioners there, Doctor Lyons, was, on April 2nd, suspended and his home and surgery entered, searched, both properties searched and records and computer equipment removed by the Guernsey Police, who came accompanied by the media, with some media already on the Island waiting to cover the events?

Three months later, the Police inquiry delivered its findings: no evidence of criminality against Doctor Lyons. Chief Officer Patrick Rice has paid two visits to Alderney to brief the Alderney States, both at the beginning of the inquiry and a few days after the findings had been announced. He would have come earlier; he was delayed by weather. I thank him for those visits, now publicly.

1780 But no-one, to this day, has visited Alderney from HSSD to tell us what is going on. All we know is that there are two inquiries ongoing: the GMC inquiry has now been reactivated and the one at HSSD. We do not know how long these inquiries will take or how long they will go on.

1785 In the Billet, on page 1575, paragraph 8, Consultation, the States of Alderney is mentioned as having been consulted. I am not aware of this, and neither are any other Members of the Alderney States, of this happening or when this took place, but even if the Alderney States had been consulted, surely we would have changed our view at this point in time.

Alderney – its population, truly shocked at what has gone on – wants to know how did all this start and what went on behind the scenes that led to the shambles that is the Doctors Lyons inquiry?

1790 On Tuesday 28th July, the Doctor Lyons inquiries were discussed by the States of Alderney at its monthly meeting of the Policy & Finance Committee. For the benefit of all Members, the Policy & Finance Committee is all 10 Members of the Alderney States. All Members were unanimous that there should be a public inquiry into these unfortunate events. We still have not resolved this situation. Doctors Lyons is suspended, his surgery is shut and around 500 patients want their doctor of choice and their surgery of choice – the Eagle Medical Practice – returned to them. They have remained loyal to their doctor throughout the whole of this strange and disturbing series of events.

1800 The timing for these items and the policy letter could not have come at a worse time for Alderney, because there are still two inquiries to process and finish. Alderney knows nothing about how long those two inquiries will take or what is involved in the inquiries, both at the GMC and the inquiry at HSSD.

Regarding the Police inquiry into allegations of criminality, the Chief Officer, Patrick Rice, briefed the States, as I have said, twice – once at the beginning and once at the end. The findings of that inquiry: no evidence of criminality. With this result, the Police ended their inquiry.

1805 The States, in a unanimous vote, are calling for a public inquiry and, point 4, no one from HSSD has been to Alderney to brief the Alderney States and, 5, the timing of such an item to appoint a Responsible Officer and give such sweeping powers could not be more inappropriate.

I am told the media in Alderney have made contact with HSSD in order to ask questions, to try to inform the public and have been told to put their questions in writing. These questions have received no answer to date.

1810 Alderney's Government, the public and the patients have a right both to explanation to justify the process and to reassure a population shocked over these events. The policy letter contained in this Billet... the legislation mentions, again, I say, that Alderney was consulted. I do not have the power to withdraw this item. If I could I would, on the grounds that it collides with everything regarding the Doctor Lyons inquiry and, as I cannot withdraw this legislation and I see these sweeping powers, I will vote against the proposals at the moment.

1815 The proposal, all through, talks of being proportionate; to be proportionate yet all the power being placed in one pair of hands is, in my opinion, anything but proportionate; the actual livelihood of all GPs working in the Bailiwick in one pair of hands.

1820 The review board consulted only after suspension of a GP. In my opinion, the review board should be involved first in order to be seen to be proportionate, broadening the base of opinion and being proportionate, which is what HSSD truly says that it wants to be time and time again in this Report.

1825 There is constant mention of the GMC wanting HSSD to take on board all these new powers. I would view this another way: I am concerned; there is a live, living case in Alderney playing out as we speak. No-one here in this Assembly would ignore that or all the upset this has caused to bereaved families, Doctor Lyons, his family, the 500 patients, the population of Alderney, together with its own Government. In such a small community, we are all involved and as so many questions remain unanswered, I would urge you all to vote against these items.

1830 The practice users in Alderney were asked for their views. I would like to know why they chose not to give their views. What was the reason? Were they not asked again? Were they not reminded? I cannot believe this, on this legislation.

1835 The funds required for all this will mean raising the licence fees for the GPs. This will, in my opinion, be passed onto the patients. The money must come from somewhere. There are many in the Bailiwick who cannot afford health insurance and find the present doctor's fees expensive. This leads to people resisting visits to their doctor, owing to expense. We need to have this debate later, not now. Let us deal with all that is going on in Alderney and get it behind us.

1840 One more point, on the top of page 1578, 'To provide for members of the Registration Panel to be excluded from personal liability in the absence of bad faith.' I can only see one way of dealing with this – certainly from Alderney's point of view – and that is *not* to support these measures until the situation is both explained properly by the HSSD board in Alderney and until the two senior officers responsible from HSSD, who activated the inquiries into the Doctor Lyons' affair, come to Alderney to answer some of these outstanding questions and the matter regarding Doctor Lyons is cleared up.

1845 This should not be voted on now. Please, in the light of Alderney's concern and problems over these matters, vote against this proposals.

Thank you, sir.

**The Bailiff:** The Chief Minister, Deputy Le Tocq.

1850 **The Chief Minister (Deputy Le Tocq):** Sir, I did not want to interrupt Alderney Representative Jean's speech and I realise how passionately he is representing views in Alderney, and he has a right to do so. However, as he pointed out, a criminal investigation has come to an end, but there are two other investigations still ongoing – one, not least, the GMC's itself – so I think it is inappropriate for us to continue to comment or discuss that until those investigations, be they clinical or administrative, into that particular case, have ended.

1855 Voting against these proposals, however, will not change any of that, if that circumstance happened again. In fact, if anything, they could make it a lot easier for the people of Alderney in terms of the local involvement in registration and in the management of registration in the future and so I think actually they are an improvement and if such a case were to occur again there would be better communication and better engagement.

1860 So I accept that there are still some concerns in Alderney because investigations are ongoing and it was only right that the criminal investigation that the Police are involved in took place first before other investigations could take place.

1865 So I encourage Members to accept the passion with which he speaks. I understand that the States of Alderney are writing to us at Policy Council. I have received notification of that, or as yet not a formal letter, from the States of Alderney with regard to some of the things that he mentioned, but that is separate to the Propositions that we have before us which I think need to come in force and, indeed, will improve the governance of medical practitioners in the Bailiwick in the future.

1870 Thank you, sir.

**The Bailiff:** Deputy Hadley, Deputy Gollop and Deputy Adam.

1875 **Deputy Hadley:** Mr Bailiff, I think the Chief Minister has missed the point here. The issue here is that the Alderney Representatives have made the point very strongly that Alderney was not consulted. It says in the Billet that Alderney was consulted and when we extend ... We legislate, in effect, for Alderney which is an independent state – however close we are to Alderney – and if the States of Alderney were not consulted over this matter I think that is very important.

1880 When this was presented to the Health & Social Services board it did seem to me to be a sensible issue that we could move quickly to suspend doctors, health professionals, rather than

wait for the UK authorities to do it. However, the point is well made that what we are doing here is giving the powers to one person and let's not forget that Doctor Nick Lyons, who is the Responsible Officer, is a part-time GP, resident in the United Kingdom. So what we are actually saying is that the decision as to whether to suspend a health professional is not being made by experts in the field, as it would be with the General Medical Council, but one GP who is resident off-Island and I think that is a matter of considerable concern and the fact that the States of Alderney –

**Deputy Luxon:** Point of correction, sir, if I may.

Sir, the proposals do talk about extending the powers of the Responsible Officer, but they also talks about the setting up of a registration panel made up of the lay people, people with experience of whatever I mentioned before, absolutely to give Deputy Hadley and Alderney Representative Jean the reassurance that actually there would be oversight and it would be the Policy Council who would actually appoint that panel, those three independent people, to make sure that the Responsible Officer was discharging his responsibilities transparently with the Ordinances that we are proposing.

**Deputy Hadley:** But the point is, Mr Bailiff, whether rightly or wrongly, the States of Alderney have lost faith in the Health & Social Services Department over the issue of the way in which Doctor Rory Lyons' practice was dealt with; and I will vote against the Proposition, which does not mean that I am proposing it indefinitely, but at the very least I think we should be deferring this until Alderney is consulted and Alderney are reassured that this legislation, which is being enacted on their behalf, is suitable.

**The Bailiff:** Deputy Gollop.

**Deputy Gollop:** Sir, of course, this matter could be deferred by one of two ways: either over the recess HSSD deciding to postpone or, indeed, a sursis. That said, I do think we have some wise words from the Chief Minister today on two fronts.

Firstly, at this stage, to approve the proposals and, secondly, to be very cautious about commenting on an individual case at this juncture and this context. Although, I would agree that it has created, in our northern isle, a lot of divisive opinion and upset and emotional grief.

On this issue, I did not really approve of the Responsible Officer idea from the start. I remember remonstrating with Deputy Bebb about it, but it is a process that has been approved in the past and I think it is one of those issues, whatever Deputy Adam or other Members might have said... we are stuck within the current regulatory context; unless we declared UDI or aligned ourselves with the French medical system or something completely different, all of which will be problematic, we are tied to the United Kingdom context and the fact that the GMC were not willing to reaccredit doctors locally is a matter of concern.

We need people here who are professionals at the peak of their professional ability and who are seen to be equivalent to the United Kingdom and not have any professional problem that could affect their careers or our confidence or whatever. I do not pretend to understand every aspect of this, but it is necessary and Health & Social Services Department have clearly gone through it.

My observation on the Alderney situation... Yes, if I had been on the board, I might have come to a different decision, but that is hypothetical. But my observation about it is that when the Responsible Officer is fully in place with the powers, that actually could be a benefit in a potential hypothetical scenario along those lines, because the Responsible Officer would be a pier group professional who would be able to adjudicate issues that perhaps have been put and would, therefore, be at one arm's removed from a political and administrative process.

So I see this as potentially beneficial in a future occurrence and I think that the issue that the States of Alderney perhaps have needs to be addressed in a different way, with a full and frank

inquiry into the circumstances; but it is not in any way tied to the nature of this legislation which I think, whether we like it or not, we are stuck with and we can always improve it over time.

1935

**The Bailiff:** Deputy Adam.

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

1940 Can I start first to reply to Deputy Gollop – yes, I did support the Responsible Office when it came because it was a logical thing to do. This is adding to his powers. I thank the Minister for emphasising the importance; that it is not just the Responsible Officer on his own that has the rights to this, he has to get back up from a regulatory authority which has three members, of which one is a lay person. I think there is a legal person in it as well.

1945 But what I wonder is why is the GMC passing its responsibility almost onto Guernsey? Because the registration now is with the Responsible Officer and basically the discipline is with the Responsible Officer, as laid down in this; and I just wonder, obviously all doctors have to be registered with the GMC and then they have to be registered with the Responsible Officer in Guernsey and is it not a bit of duplication? Does the GMC give any reason for doing this?

1950 As two speakers have said, it might make things quicker. The fact the Responsible Officer is off-Island is probably more sensible, so he is not biased in any way or thought to be biased in any way. But the other thing is the Responsible Officer is actually independent of any employing organisation and covers all doctors in Guernsey: that is primary care, MSG, HSSD consultants.

1955 Thus, I wonder if we are going to have duplication, because just recently there has been an advert for a Medical Director and one of his functions is they 'will act as the suitable person for all doctors whose main clinical activities in the facilities' – that means the Hospital – 'and services provided by HSSD, and carry out the legislative requirements that relate to clinical revalidation.'

Now, if that Medical Director is going to do that, what is the Responsible Officer doing because, by legislation he is responsible for all doctors in Guernsey? So I suggest there is a bit of duplication of activities. Maybe he can clarify that – whether it is duplication.

1960 As we have been saying, we have to be proportionate and if the Responsible Officer is taking away some of the work of the Medical Director then I find that quite interesting.

Thank you, sir.

**The Bailiff:** Deputy James, then Deputy Laurie Queripel.

1965

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

I think some clarity needs to be shone on this whole matter. Every public sector employee in Guernsey can be suspended if their employer thinks that there is some concern about their practice.

1970 The nonsensical current arrangement is that the Health & Social Services board has to give permission and authorise any medical practitioner, be it in Guernsey or Alderney, to practice. So we can authorise them to practice but, should there be any question over their practice, currently, we can do absolutely nothing about that. We can only address poor performance amongst doctors or any other professional from those people that we employ – the States of Guernsey employ.

1975 So if there are any doctors out there – be them GPs or at the Medical Specialist Group – that we have concern over their practice, under the current arrangements we can do absolutely nothing and that is why the arrangements are different to the UK and Guernsey, because most doctors that work in hospitals and trusts in the United Kingdom are *employed* by those trusts; they are not employed in Guernsey. Most of the medical practitioners in Guernsey are either GPs or working at the Medical Specialist Group. We have no control over those people and their practice. So that is why the arrangements have to be different.

1980 And I think, addressing Deputy Jean's concern about it is an insensitive time, the sad thing about this is this has been far, far too long in its coming. These arrangements should have been

1985 introduced many years ago and, whilst I think perhaps it is a sad coincidence at this present time, I would beg you not to throw this proposal out. It is imperative for the safety of the population of both Alderney and Guernsey that we have some safeguards in place.  
I urge you to support it.

1990 **The Bailiff:** Deputy Laurie Queripel.

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

I just rise to ask a question about a couple of phrases that are used in the Report – terms that are used in the Report.

1995 I apologise to Deputy Luxon if somewhere these phrases are explained or defined, but one can be found on page 1567, paragraph 1.4, and I will just read the last sentence or so, sir – no, the middle sentence, actually. In the middle of paragraph 1.4:

‘... the Department also proposes the creation of new offences of wilfully or falsely representing oneself or others as a medical practitioner of a particular kind.’

And on page 1573, sir, it says, on the very last paragraph, 5.1, from the start:

‘In the Ordinance, there is no offence of falsely pretending to be a medical practitioner of a certain kind...’

2000 Now, I do not know what that means. I just wonder if Deputy Luxon could advise me as to who would fall into that category. It might be an innocuous phrase or term, but I do not know what practitioners or what kind of people would fall into that category, sir, of ‘a certain kind’ or a particular kind. So I am just wondering if Deputy Luxon could clarify that, sir.

Thank you.

2005 **The Bailiff:** Alderney Representative McKinley.

**Alderney Representative McKinley:** Sir, I do not quite know where to start because a lot of my speech has actually been taken over by my fellow representative here, but the proposal before us today is, effectively, an attempt by HSSD to adopt and take on all the tasks presently undertaken by the GMC, with additional powers in terms of additional regulation and additional licencing and additional suspension powers. It is claimed that these measures will enhance the doctors’ functions and provide a better working environment; the proposals will give HSSD powers that possibly exceed those of the GMC.

2010 Briefly, my points – and I come on from Deputy Gollop also... I will not carry on with that because a lot of that was covered by my fellow here, but there are some very good points coming out of this. Allowance for short-term practice with temporary registration is one of them.

But I question: as others have said, the Billet indicates that the States of Alderney was consulted; we were not aware of that at all and I think we should be consulted actually, particularly in the light of present circumstances.

2020 The two doctors on the Island, I understand, declined to respond because they sensed a decision had already been made and their views would be ignored, and the doctors see the proposals as heavy-handed and a discouragement to working with HSSD Guernsey.

2025 The current arrangements operated by the GMC are the result of many years of evolution which have produced a balance between regulatory needs and practicality. It is possible, although the Report actually indicates otherwise, that this could actually drive doctors away from Guernsey and Alderney – we are slightly concerned at the moment that we do not have sufficient doctors over there anyway – and will create an unnecessary problem in recruitment and retention.

2030 It is also possible that, within a few years, the Bailiwick of Guernsey and certainly Alderney will find itself having to employ personnel who are only available because they have not been able to find employment elsewhere.

The recommended appeal procedure is weak and ineffective as the procedure will rely on possibly limited knowledge and understanding of the complex issues. Does the HSSD Guernsey and its advisers presume to know better than the GMC?

2035 And, finally, on that observation, freedom from prosecution – as others have mentioned, it appears to be implying freedom of prosecution if a wrong decision is made, which could have resulted in quite a serious incident.

2040 Finally, is it correct or appropriate that, at a time when there is a very strong criticism of the way that HSSD is dealing with a complaint about a doctor, which is giving rise to calls for a public inquiry, that the States, or we, should be considering giving power to a single person within the HSSD to remove a doctor's right to work? Would it not be better if that power was vested in a regulatory panel advised by the officer – and I think that is possibly part of why the recommendation is ...

2045 I think the timing about this debate is inappropriate. I think that there are some very positive matters to it. I do believe that we should await the closure of the Doctor Rory Lyons case before we consider changes to the regulatory framework with medical practitioners in Alderney and Guernsey.

2050 I would also like to see a full and open public inquiry into the conduct of the HSSD with respect to the Rory Lyons case, and there will be lessons learned from that and we could use those lessons to either improve what is actually a perfectly good number of proposals, but with the benefits and lessons learned from the cases currently undergoing, we might be able to include one or two other proposals.

So I am not saying that we should turn this away, but I do say that we should, if possible, delay a decision on this until the full results of the Rory Lyons case are known.

2055 My final point is actually a question for the Chief Minister, Deputy Le Tocq: how long, sir, do think it is going to take for this process to be concluded?

**The Bailiff:** I see no-one else rising.

2060 Deputy Luxon, do you wish to reply to the debate? The Chief Minister has already spoken, so I do not think he can answer the question.

**Deputy Luxon:** I do not feel the Chief Minister would be able to answer it anyway; not because he is not clever but because he is not the HSSD Minister.

Thank you, sir.

2065 Alderney Representative Jean – this policy letter was drafted and had been worked on way before the incident that he refers to happened in Alderney, so this should not be regarded – and I think both of my Alderney colleague friends have intimated that perhaps this is a result of that incident. They are completely separate and this policy letter is all about improving safety for patients. It is absolutely at the heart of it, by giving some additional powers.

2070 I do recognise the Chief Minister's words of caution around talking specifically about the case in Alderney, but, on the basis of trying to just address some of the facts, there were no media accompanying the Police when they visited the Island. I think the situation was that there were media in Alderney when the Police arrived and there is still an investigation underway regarding that.

2075 As regards HSSD not visiting Alderney, that is not correct. The Chief Officer and senior clinical staff visited Alderney when the situation arose and senior staff have been back many times since. I have obviously spoken to Alderney Representative Jean ongoing over the last few weeks about this and, indeed, we would be available and be prepared to come to Alderney at any time.

2080 We did not believe that we had been ignoring the interest of the States of Alderney but while there was a criminal investigation underway it would have been inappropriate to be involved proactively. That situation has now ceased. The General Medical Council review continues. They were the body that suspended the GP in question and HSSD's own internal investigation has recommenced again.

In terms of how long will those take, we have urged the GMC to act quickly on the basis of the sensitivity that my two Alderney colleagues rightly mentioned in terms of impact for Alderney, but I cannot give any indication about when that will be; but we have urged them to accelerate that, as will our own HSSD investigation.

Alderney Representative Jean mentioned the issue about putting too much power in one person's hand but, as I said, when I interjected with Deputy Hadley, the Responsible Officer is already there; that person represents a patient's safety regarding doctors in the Island and, of course, is responsible for making sure that the revalidation, through the GMC, happens appropriately.

So it is about extending his powers. It is not about giving HSSD more powers; it is about giving the Responsible Officer more powers to be able to make sure that any medical practitioners who are fully qualified and who are delivering safe practice are allowed to practise within Guernsey and Alderney.

So we should be commending HSSD for wanting to make sure that there is that appropriate oversight and the registration panel gives that oversight, as does the ability of the Policy Council to have control and, indeed, the ability for appeals to the Royal Court and to the Alderney Court.

Sir, Deputy Gollop asked the question about the Responsible Officer and the validity of that role. Well, the Responsible Officer is a role that is well known and well understood in medical locations around the UK and elsewhere, so having a Responsible Officer in Guernsey to actually act as the bridge between our medical practitioners and, indeed, the GMC – the doctors' regulatory body – is absolutely sensible.

Why did the GMC recommend this? As part of their process of review, through the process in this last year when they suspended revalidation, they recognise that the Responsible Officer here, in terms of a presence in Guernsey, should have additional powers. They do not feel that they should have every matter referred to them. They should be there for the bigger issues and to make sure the appraisal and revalidation process is happening properly.

In terms of the Medical Director – an appointment of which has been made and we are just awaiting final confirmation so that we can make those announcements – the Medical Director will have oversight over all doctors, whether in HSSD or elsewhere, operating within the Bailiwick, but the Responsible Officer role is a different role. There has been no dialogue about whether or not the Responsible Officer role should be merged into the Medical Director role or vice versa, so I do not think there is any duplication, but it may well be that we would review that going forward.

I thank Deputy James for her reality of the situation; her explanation of the reality.

I would ask perhaps if Her Majesty's Procureur might address Deputy Laurie Queripel's questions. I do not know. This was about 1.4 in the Billet, in terms of the phrase 'new offences of wilfully or falsely representing oneself'.

**The Procureur:** Oh, I see, as a medical practitioner of a particular kind?

Well, I take it means that if your qualification is in anaesthetics you must not pretend to be a brain surgeon! (*Laughter*)

**Deputy Luxon:** So, Deputy Queripel, the answer is that it is not a specific, it is a general comment.

Sir, Alderney Representative McKinley – again, I hope I have answered most of his questions. The States of Alderney were consulted, as were the doctors in Alderney, and this is not a case of HSSD taking on more powers, having more responsibility. We are conflating two issues. The issue in Alderney clearly was about a complaint that was received into HSSD, by a relative of a patient who sadly passed away and a process then followed. These proposals do not, in any way, either undermine or co-exist with that particular issue. So we should keep them separated and I would urge Members not to feel that they need to conflate them together. These are sensible proposals that look after patient safety and making sure that all medical practitioners in Guernsey and the



2135 Bailiwick are appropriately qualified and do conduct themselves in a safe manner. It is all about giving protection.

I urge Members to support the proposals.

Thank you, sir.

2140 **The Bailiff:** Members, the Propositions are on pages 1580 through to 1582.  
Deputy Hadley.

**Deputy Hadley:** I would like to ask a question, sir. I am a little concerned –

2145 **The Bailiff:** You have made your speech. Are you –

**Deputy Hadley:** No, no, no. While I am not disagreeing with – (*Laughter*) This is a point of information. We are legislating for Alderney. If the States of Guernsey has a statutory obligation to consult Alderney and we intend to pass legislation when, according to our Representatives from Alderney, Alderney States have not actually been consulted, then I think that is a serious matter. It is not a question about... and I do not disagree with what Deputy Luxon has said or what Deputy James has said; it is the issue as to whether the States of Alderney has been properly consulted and whether that is something we are legally obliged to do.

2155 **The Bailiff:** Mr Procureur.

**The Procureur:** I am not aware of a statutory obligation, as such.

2160 **The Bailiff:** This is a Guernsey and Alderney Ordinance. Will it have to go before the States of Alderney for approval by them or will Guernsey make the Ordinance and then it will apply?

**The Procureur:** No, because it is a reserved matter.

2165 **The Bailiff:** It is a reserved matter. So, in other words, it is a matter where Guernsey can legislate for Alderney as it does, for example, in relation to Income Tax and certain other matters?

**The Procureur:** That is correct, yes.

**The Bailiff:** Fine.

2170 **Deputy Luxon:** Sir, I have been assured that the States of Alderney were consulted by officers and I am waiting to have more information on that, but –

**The Bailiff:** Okay. Members, we vote then on –

2175 **Alderney Representative McKinley:** Could I just clarify I did actually say in my brief speech that the doctors were consulted but refused to reply because they did not think that their points of view or opinions would be taken seriously.

2180 I do not believe that the States... or there are no existing States' Members there or civil servants down in the States' office who can say that they were consulted on this issue. So the States –

**The Bailiff:** Well, I think you have made that point. Deputy Luxon has replied to the point as best as he is able to and he says he is making further enquiries –

2185 **Alderney Representative McKinley:** I just wanted to clarify the point.

**Deputy Luxon:** I would just like to reinforce it, sir, in the sense that, if any two GPs within the Bailiwick decided not to involve themselves in a consultation process around legislation of this sort, that is obviously a matter for them, but they were offered to have an input into the crafting. All other doctors were included and were ... these proposals were being supported.

**The Bailiff:** As I say again, the Propositions are on pages 1580 through to 1582.

**Alderney Representative Jean:** I will have a request for a recorded vote, if I may.

**The Bailiff:** We will have a recorded vote on the Propositions as a whole. That is Proposition 1 and Proposition 2.  
Greffier.

*There was a recorded vote.*

**The Bailiff:** Well, Members, we will rise now. We will resume at 2.30 p.m. and I will formally declare the results at 2.30 p.m.

**Deputy Brehaut:** Excuse me, sir. I am sorry, sir –

**The Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** I am sorry, you beat me to it. I do beg your pardon. It was whether it would be possible for either the Chief Minister or the Minister of Commerce & Employment to make a statement regarding the recent announcement by DEFRA, after the lunch? *(Interjections)*

**The Bailiff:** Right, you have made your... We will resume at 2.30 pm.

*The Assembly adjourned at 12.42 p.m.  
and resumed its sitting at 2.30 p.m.*

## HEALTH & SOCIAL SERVICES DEPARTMENT

### **XI. Amendment of the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance 2015 – Propositions carried**

*Article XI:*

*Carried – Pour 36, Contre 6, Ne vote pas 1*

#### **POUR**

Deputy Harwood  
Deputy Kuttelwascher  
Deputy Brehaut  
Deputy Domaille  
Deputy Langlois  
Deputy Robert Jones  
Deputy Le Clerc  
Deputy Gollop  
Deputy Conder  
Deputy Lester Queripel  
Deputy St Pier  
Deputy Stewart

#### **CONTRE**

Alderney Rep. Jean  
Alderney Rep. McKinley  
Deputy Sherbourne  
Deputy David Jones  
Deputy Laurie Queripel  
Deputy Hadley

#### **NE VOTE PAS**

Deputy Quin

#### **ABSENT**

Deputy Bebb  
Deputy Trott  
Deputy O'Hara

Deputy Gillson  
Deputy Le Pelley  
Deputy Ogier  
Deputy Fallaize  
Deputy Lowe  
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 Wilkie  
Deputy De Lisle  
Deputy Burford  
Deputy Inglis  
Deputy Soulsby  
Deputy Sillars  
Deputy Luxon

2215 **The Bailiff:** Members, I can announce the result of the vote that took place just before lunch on Article XI, the policy letter from the Health & Social Services Department on the Amendment of the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance 2015. There were 36 votes in favour, with 6 against and one who did not vote. I declare the Propositions carried.

## STATEMENT

### **DEFRA's suspension of the Fisheries Management Agreement and reciprocal UK licences held by Bailiwick vessels – Statement by the Minister for Commerce & Employment**

2220 **The Bailiff:** Then I have had a request from the Minister for Commerce & Employment Department to make a Statement.  
Deputy Stewart.

2225 **Deputy Stewart:** Mr Bailiff, fellow States' Members, you will have received a press release from Commerce & Employment this morning ahead of the media and just as there was a request for, perhaps, me to say more I will really just appraise you of the facts. The Commerce & Employment Department learned that the Minister of State for the Department of Environment Food and Rural Affairs (DEFRA), George Eustice MP, has taken the decision to suspend the Fisheries Management Agreement (FMA) between the UK and the Bailiwick and to suspend the reciprocal UK licences held by Bailiwick vessels with the effect from 1st August 2015.

2230 As I stated in the press release, the Commerce & Employment Department is surprised and shocked at both the short notice and the lack of consultation that the UK fishing Minister has given prior to suspending the FMA and the reciprocal licences.

Now, to date we have not – and this is from just 10 minutes ago – even received the terms of suspension letter. So until we get further details, there is really not much more I can say on this matter other than officers from Sea Fisheries, Commerce & Employment, Policy Council and the

2235 Law Officers are all working together on this and we will be able to then decide on a course of action once we are in the knowledge of the full facts surrounding this.

This is all I can say at this current time, but I can assure the Assembly that all of the stakeholders – most importantly, the fishermen – are being consulted and informed at every turn and I will endeavour to keep the Members of this Assembly up to date, as it progresses.

2240 Thank you, sir.

**The Bailiff:** The Minister has said there is nothing more he can say but under the Rules a period not exceeding 15 minutes may be allowed for questions.

Deputy Paint, do you have a question?

2245

**Deputy Paint:** I would just like to have a little bit more confirmation, which you might not be able to give me, but does this suspension mean that Guernsey boats cannot go into the area outside the 12-mile limit; but does it also mean that English boats cannot come inside our 12-mile limit? What are the details of the suspension, because it goes two ways?

2250

**The Bailiff:** Deputy Stewart.

**Deputy Stewart:** As far as I am aware, it only applies to our vessels going into English waters. Any other decisions will be for us to make, but at the moment we want to see the terms of suspension letter and then, once we are in possession of the full facts, we can decide the appropriate course of action that we may take.

2255

**The Bailiff:** Deputy Le Pelley.

**Deputy Le Pelley:** Sir, Minister, you mentioned the Bailiwick in your Statement. I think that is the Bailiwick of Guernsey. What is the situation with regard to the Bailiwick of Jersey? Have they been given the same kind of treatment or not?

2260

**The Bailiff:** Deputy Stewart.

2265

**Deputy Stewart:** This is only applicable to our Fisheries Management Agreement. The signatories on that are: Northern Ireland, Scotland, England and then Alderney, Sark and Guernsey and also Wales. So the devolved parliaments and then Sark, Alderney and Guernsey, but not Jersey.

2270

**The Bailiff:** Alderney Representative McKinley.

**Alderney Representative McKinley:** Sir, just to follow up to Deputy Paint's question, boats coming from England – one of our major sources, if you like, of tourism is actually charter vessels coming from Weymouth and elsewhere on the south coast, spending a week or so there and fishing in our waters; did I understand correctly that they will not be affected?

2275

**The Bailiff:** Deputy Stewart.

**Deputy Stewart:** At the moment there is no reason why those should be affected at all but, as I have said, we really need to be in full possession of the facts as we go forward. This did come out of the blue. This was totally unexpected and at the moment we have officers pursuing this across several departments and co-ordinating their work. Clearly, it is not a happy situation, but as soon as we can put more meat on the bone, as soon as we have more facts, we will then make you aware of those.

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2285

**The Bailiff:** Deputy Laurie Queripel.

2290 **Deputy Laurie Queripel:** Yes, I wonder if the Minister could possibly tell me, sir, if, under these circumstances, a UK boat comes into our waters and it is not licenced, are we still able to deal with it under the current system or have we lost the power to deal with a boat that is not licenced to come into our waters?

2295 **The Bailiff:** Deputy Stewart.

**The Procureur:** I think the Minister could answer that. Obviously, the answer the no but ...

**Deputy Stewart:** No, if a boat is not licenced it cannot come into our waters. (**Deputy Laurie Queripel:** Still.) So at the moment this does not mean a free-for-all in our fishing grounds.

2300 **Deputy Laurie Queripel:** Thank you.

**The Bailiff:** I see no-one else rising.

## Billet d'État XIV

### HEALTH AND SOCIAL SERVICES DEPARTMENT

#### **XII. Revision of Criteria for General Practitioners to be Given Access to Pathology and Radiology Services Provided by HSSD – Debate commenced**

*Article XII.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 6th May, 2015, of the Health and Social Services Department, they are of the opinion:*

- 1. To agree that the Health and Social Services Department continues to maintain a record of the general practitioners who are approved for the purposes of being given the privileges set out in Billet d'État No II of 1990 (access to free pathology and radiology diagnostic services and eligibility to the health benefit grant and the pharmaceutical benefit grant), but by way of annotations to be made to the register of medical practitioners kept under the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, instead of separate lists or registers.*
- 2. To agree that the existing 'manpower cap' (limiting the number of practitioners approved for those privileges by Health and Social Services Department) is rescinded with immediate effect.*
- 3. To agree that the Health and Social Services Department approves any general practitioner who meets the criteria set out in paragraphs 21(c) to 24 of that Policy Letter, for the purposes of those privileges, and annotates the register of medical practitioners kept under the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, accordingly.*
- 4. To agree that existing holders of those privileges will continue to be approved for those privileges as long as they meet the criteria in paragraph 21(c)(i) of that Policy Letter (until they retire from practise), but will be required to meet the criteria in paragraphs 22 to 24 of that Policy Letter within 3 years or else have their approval revoked.*

5. To agree that legislation be prepared to amend the Health Service (Benefit) (Guernsey) Law, 1990 or any Ordinance made under it, as necessary to ensure that only general practitioners approved by the Health and Social Services Department, with the appropriate annotation in the register of medical practitioners kept under the Regulation of Health Professionals (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, will be eligible for the relevant benefits under that Law.

6. To agree that the Health and Social Services Department reviews the criteria for approval of general practitioners for the access privileges at least every ten years.

**The Bailiff:** We will move on with other business. Greffier, we are onto Article XII.

**The Senior Deputy Greffier:** Article XII, Health & Social Services Department – Revision of Criteria for General Practitioners to Given Access to Pathology and Radiology Services Provided by HSSD.

**The Bailiff:** The Minister will open debate.  
Deputy Luxon.

**Deputy Luxon:** Mr Bailiff.

Sir, I am sure you would not want me to drift into the previous debate before lunch, but I will briefly.

Sir, Alderney Representative Jean and McKinley queried about a consultation with the States of Alderney. I have checked over the lunch recess and the States of Alderney, along with the medical practitioners in Alderney, were on the circulation list for invitations to make submissions to our consultation.

All other parties responded, but the States of Alderney did not respond either to the previous policy letter or indeed to this one, but I have checked and there is a board minute that reflects that that consultation process did happen. Just for Members' interest.

Sir, this policy letter is quite straightforward, so I shall keep my opening comments brief. I referred the debate to enhancement of that register to include details covered in this Report, which would remove the need for additional lists or registers needing to be maintained to cover both access to pathology and radiology services and eligibility to the Health and Pharmaceutical Benefit Grants. This makes practical sense.

The six Propositions, here proposed, aim to agree to a composite Medical Practitioners Register, avoiding admin duplication; to remove the existing arbitrary manpower cap to doctors, to enable open and safe competition; to give a positive approval on the Register against proportionate criteria for all GPs; to recognise existing rights of GPs who continue to meet the criteria, old and new; to give free access to Hospital services and Health Pharmaceutical Benefit Grants and, finally, to set a rolling tenure of full criteria review of GP access to these privileges.

Extensive consultation has taken place with GPs, including in Alderney, recognising the need for the changes proposed which they feel to be fair, reasonable and proportionate.

The single most important facet of this policy letter is that the new proposals will ensure, going forward, that GPs registered in Guernsey and Alderney will control inclusion on and entry to the Register only by professionally-trained and accredited doctors, using clear and distinct quality standards, both from the doctors themselves and their practices and their premises. This can only be good for patients who can be assured that these high operating standards will apply wherever in primary care they are seen, and that monitoring and audits to maintain standards will be in place.

The taxpayer can also be reassured that only GPs adequately accredited will have access to HSSD and SSD funding. Sensible transition arrangements have been included within these proposals to ensure all existing registered GPs should be able to complete the standards within the set timeframe.

HSSD believes these proposals are logical, reasonable and fair, and should give even further added reassurance of primary care services within our community. I ask Members, therefore, for their support.

2350 Thank you.

**The Bailiff:** Deputy Gollop and Deputy Adam.

**Deputy Gollop:** Thanking you.

2355 I amused some people at the St Peter Port Douzaine, when I said I was in two minds about this and I could argue it either way and they said, 'That is not like you, John!' (*Laughter*) No, but I think in assessing competition in an area like general practice for doctors is an intriguing one because I think, generally speaking, in Guernsey people feel that they are very well served by their family doctor but, on the other hand, a significant number of conferences and reports have identified  
2360 there could perhaps be greater communication between the public health sector, the third sector, the patient and the general practitioner. And I think, too, we are aware that the cost of going to the doctor in Guernsey is not insignificant and it is debatable whether salaries are higher here than elsewhere, but that is another factor in the equation.

I have been impressed, from what I know, that Jersey, through a certain well-known retail, socially-owned group, have started a new practice perhaps charging lower fees and I think where  
2365 one could be in two minds is probably the cap of 42 general practitioners was done with the best intentions of not overly flooding the Guernsey market, because sometimes the law of supply and demand goes and if you have got too many practitioners in a field they will have to charge a certain amount to stay in business.

2370 But, nevertheless, the lack of competition choice has, I think, proved difficult for the family medicine sector and I welcome and I will personally strongly support the end of the cap. I think it is long overdue and the previous Health Department should have considered this.

But my one minor concern is when one looks at the freeing up of access to hospital facilities and hospital access, rather, the summarised proposals on pages 1590 and 1591 point out that  
2375 HSSD approves any GP who meets the criteria. Existing holders of these privileges will continue to be approved as long as they meet the criteria, but they will be required to meet the criteria in paragraphs 22 to 24 within three years or else have their approval revoked. This is a kind of transitional grandfather link, but for new practitioners, they have to have everything in place from their start. So we are still having not entirely a level playing field.

2380 But when one turns to the proposals in more detail on pages 1588 and 1589, in reality, it is much more subtle than that and, as it points out in 24, 'a GP must meet the criteria set out in paragraphs 21 and 22 from the commencement' but others must meet the criteria set out in paragraph 23 from the commencement of her practising, but paragraph 23(a) must achieve the accreditation within 24 months of the GP.

2385 In other words, it would appear that some elements of criteria, you have to have from the outset, but others can be acquired over 24 months – over two years. And so I suspect the potential and existing practitioners in medicine will have to look at this very carefully and might have to ask for further clarification of Health & Social Services as to how they stand. And there is a lot to work out there, I think, in terms of ensuring that the system is fair and transparent to all  
2390 potential entrants.

But I think if this leads to new entrants into the field, maybe either offering a different package of social family medicine or offering perhaps more competitive medical rates, then I would support that.

2395 **The Bailiff:** Deputy Adam.

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

I am sure the Minister for Health would be delighted to hear that I think this is an extremely clever Report if you read it carefully, because what it is using is on the back of recent reviews by GMC and the Competition Authority, who wish to remove the cap on numbers... they are laying down certain criteria which will be required to permit primary care doctors to access diagnostic services.

Now, you have to look at these criteria. First of all, provide 24/7, 365/6, days a year, that means you provide GP cover on-Island 24/7: a very valuable agreement to reach, because in the UK GPs no longer have to provide that service and it costs trusts a lot of money to provide on-call service. Prior to this, that was not in any agreement.

The next thing is patient pathways. That is another very useful thing: 'provide information identified by HSSD as necessary for planning of Health Service delivery and public health'. Another valuable criteria that has been laid down, because for years the GPs have kept all their information and, I am afraid to say, if the Hospital, HSSD, wanted it, often they had to pay something because it was intellectual property. So that is a useful thing as well and that should, in my opinion, provide improved communication for medical conditions etc. and follow up and this type of the stuff and the work being done by the GPs. In the UK, GPs get targets for these things and, guess what, they get paid extra money if they meet these targets.

A partition in programmes of assistance organised and run by HSSD, for example, immunisation and screening and health promotion, disease prevention. Again, they are agreeing to that.

And, lastly, development of integrated, electronic health and social care records for patients, with information-sharing protocol and support processes. So immediately you have connected up your family doctor or GP with the central computer in the Hospital, with the MSG computer in Alexandra House – maybe that will disappear, I do not know – with the central computer in Alexandra House. Much better communication, much ease and reducing the amount of paper flying between all the places. At the present time, GPs can get pathology and x-ray down the line and reports from the MSG, but there is no line going backwards and this makes a line going backwards. Fairly sensible; fairly useful for HSSD and the Medical Officer of Health.

My one slight concern is data protection aspects, because I may not want my personal information passed into the Hospital, because that is my personal information and, therefore, there is going to have to be certain firewalls and security measures in place to ensure it will be a certain type of information that is passed or the patient has to give their written permission to allow it. But what drug someone is on, prescribed by a GP, that just goes straight in when they attend A&E – very valuable and beneficial, both for the patient and the people who are treating them.

The other thing is, at what cost? As far as the cost for the practices, you can have administration costs if you request information and, if the EMIS system is not willing to connect up, technically speaking, to DRACHILL system in the Hospital, they may have to get new computer systems.

I, in my rather cynical manner, may suggest who pays for that? Yes, the patient; at the end of the day, probably the patient.

So there is that one aspect, but what do the three practices get for this? Well, actually, they get a cap in the number of GPs back again, because which GP can come to Guernsey, set up in the practice, connect up to the Hospital and all these overheads and provide their share of 24/7? It is a few hurdles to cross before they set up. So it does still put the control into the three practices' hands to a certain extent.

As far as the other aspect, which is regulation, again I think earlier on in one of the debates someone has already mentioned that the Environmental Health Officer is, at the moment, preparing a States' report on regulation and that will include the GP surgeries, dental surgeries, residential homes, nursing homes etc. and that is what it means in this Report by 'regulation'.

So, sir, I have no trouble whatsoever in supporting this Report.

Thank you.



2450 **The Bailiff:** I see no-one else rising.  
Deputy Luxon, you will reply to the debate.

**Deputy Luxon:** Sir, I do not think I will reply. The mother of the House reminded me I have talked far too much today already.

2455 I just hope Members will support.  
Thank you.

**The Bailiff:** Members, as we have heard, there are six Propositions. They are to be found on page 1593. I put all six to you together. Those in favour; those against.

*Members voted Pour.*

2460 **The Bailiff:** I declare them carried.

## ENVIRONMENT DEPARTMENT

### **XIII. Integrated Transport Strategy – Funding – Debate commenced**

*Article XIII.*

*The States are asked to decide:*

*Whether, after consideration of the Policy Letter dated 6th May, 2015, of the Environment Department, they are of the opinion:*

*1. To agree that the Integrated Transport Strategy and Action Plan will be funded by a combination of:*

*a) an increase of 5.5p per litre in the duty on petrol other than fuel used for air or marine navigation and an increase of 7.5p per litre gas oil (diesel) as set out in Element C of this Report;*

*b) bus fares as set out in Element D of that Policy Letter;*

*c) a banded First Registration Duty based on CO<sub>2</sub> emissions as set out in Element G of that Policy Letter.*

*2. To rescind:*

*a) Resolution VI.12 of Billet d'État No IX of 2014 concerning the implementation of free bus travel;*

*b) Resolution VI.4 of Billet d'État No IX of 2014 concerning the introduction of a banded First Registration Duty based on carbon dioxide emissions and vehicle width;*

*c) Resolution VI.24 (a) of Billet d'État No IX of 2014 concerning the means of funding the strategy by First Registration Duty based on carbon dioxide emissions and vehicle width.*

*3. To agree that the Environment Department shall have the power to amend, by regulation, the rates and bands of motor tax, including the First Registration Duty based on CO<sub>2</sub> emissions as set out in Element G of that Policy Letter, well understood that such regulations would be laid before a meeting of the States of Deliberation as soon as possible after having being made, where the States would have the opportunity to annul the regulations.*

*4. To rescind Resolution VI.11 of Billet d'État No IX of 2014 concerning the direction to the Treasury and Resources Department to classify the bus depot as a pipeline project for Capital Reserve funding.*

*5. To note that the Environment Department will present proposals for the construction of a bus depot as part of the next phase of capital bids under the States Capital Investment Programme.*

6. To rescind Resolution VI.25 of Billet d'État No IX of 2014 directing the Treasury and Resources Department to take account of the strategy funding requirements as set out in Appendix 6 of the Minority Report referred to in resolution VI.1 of Billet d'État No IX of 2014 when recommending cash limits and routine capital allocations for the Environment Department for 2015 and subsequent years.

7. To direct the Treasury and Resources Department to take account of the strategy funding requirements as set out in section 3 of that Policy Letter when recommending cash limits and routine capital allocations for the Environment Department for 2016 and subsequent years.

8. To rescind resolution VI.27 of Billet d'État No IX of 2014 concerning the date (December 2017) on which the Environment Department would report back on the Strategy.

9. To direct the Environment Department to conduct a review of the Transport Strategy and report back to the States by December 2018 with an analysis of the effectiveness of the measures implemented, and recommendations in relation to changes that may be required in order to continue to deliver the Vision.

10. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

**The Senior Deputy Greffier:** Article XIII, Environment Department – Integrated Transport Strategy – Funding.

**The Bailiff:** Deputy Burford will open the debate.

2465 Do you wish to have any amendments circulated at this time?

**Deputy Burford:** Yes, please, sir. The amendment that I circulated to Members this morning has been superseded and the only change on the one that is replacing it is just a numbering change and there is a second amendment offering a further package. So I would appreciate if those are circulated but, in the meantime, I will start on my opening speech.

2470

Sir, this policy letter sets out the request by Environment for replacement funding of the Transport Strategy. We have significantly reduced the figure that is being sought, due to putting the bus depot on hold until the next capital prioritisation round, to not offsetting possible reductions in fuel duty and to setting aside the free bus fares trial.

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By now, I am sure most of us assembled here feel fairly familiar with the funding methods set out in the Billet. Many of them have already been discussed and some debated at length over the course of the last year and a half, so you will no doubt be relieved to hear that I do not intend to dwell for any length of time on the relative merits of one method of funding over another, as they are all laid out clearly in the Report.

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Instead, I want to address a much more important and fundamental question. Why should we be funding a transport strategy, and specifically this Transport Strategy, at all? One might very reasonably assume, given this Assembly voted 30 to 17 to support the Strategy, that such a debate has been had, but we have, on occasion, turned out to be a States that likes to revisit, to reconsider and to overturn. That is not always a bad thing. The ability to change one's mind in the light of new evidence is a strength, but the evidence for such change must be very compelling, otherwise the repeated flip-flopping causes delay to policy implementation, it wastes public resources and it fuels public disillusionment.

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But there is no new evidence, nothing to suggest that we do not need this strategy. Fifteen months ago, I stood in this Assembly and outlined why I believed that the methods Deputy Brehaut and I were proposing in order to fund the Transport Strategy were about much more than ways of raising money for the buses and various work streams. I said that if they were replaced with other ways of funding then the effectiveness of the Strategy would be diminished. I have not moved from that view.

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The question I have had to ask myself is whether, with those two funding streams lost, the Strategy can still achieve enough positive outcomes to make it a worthwhile and justified use of

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taxpayers' money. We hear the argument that we should abandon this Strategy because it has been unpicked. The people I am hearing that from are the ones who unpicked it. *(Interjections)* It is regrettably not an uncommon approach in this Assembly to try to pull things apart piece by piece before triumphantly using that as a reason to bin the whole lot. It is as unproductive as it is unedifying. **(Several Members: Hear, hear.)**

But let us just examine what has actually been unpicked. Let us look at what we have lost. The principal funding plan for the Strategy was the width and omissions duty which was, in fact, common to both the majority and minority reports brought before this Assembly last year.

Its purpose, as I made clear at the time, was not to reduce the total number of car journeys but rather to influence the type of vehicles in which those journeys are made. In losing the amended width and omissions duty and, indeed, the corresponding subsidy for electric vehicles, we have lost an effective means to encourage people to choose narrower, cleaner cars, over larger, highly polluting vehicles. We have, therefore, also lost an effective means of reducing our air pollution and carbon emissions. The protests from the GMTA and from the nascent Enough is Enough group, whose original protagonists were overwhelmingly in the motor business in one way or another, demonstrated amply that the width and omissions duty would, indeed, have been an effective policy.

Looking beyond those who wish to maintain the *status quo*, we must remember that the overwhelming majority of Islanders who responded to our consultation told us that large, wide vehicles were one of the biggest problems blighting Guernsey's roads and that they supported taxation as a means of discouraging them.

The other original funding plan, accounting for just 20% of the revenue, was user pays, long stay parking, combined with intelligent, dynamic pricing, it was expected to create a model shift in the group of people who commuted to St Peter Port and parked free of charge on a valuable public asset.

So, to summarise, we have lost a potential reduction in fuel use, pollution and vehicle size and we have lost a method of shifting commuter behaviour. On this point, we do have some new evidence to consider. The charge for States' Members parking at Lucas House has brought about a model shift to alternative forms of transport to States' sittings. *(Laughter)* We have seen a number of Deputies switch from driving to alternative forms of transport. The uptake comprising car sharing, bicycles, electric bikes and a scooter. The new evidence suggests that paid parking would have been even more effective in achieving a model shift in the general commuting public than we initially gave it credit for.

But that is what we have lost. What do we retain and are we justified in spending taxpayer money on it? To answer this question, we first need to ask ourselves whether we need a transport strategy at all.

In 2010, Deputy Fallaize brought a successful amendment to the previous Assembly which instructed the Department to bring forward a new comprehensive, sustainable, integrated transport strategy. Now, I am as aware as the next person that a current Assembly cannot bind a future one; nevertheless, 35 Members supported his amendment, including 18 who remain in this Assembly to this day. I am pretty sure that none of those 18, when voting, considered that a transport strategy comprised a bus service and little else.

Sustainable transport systems enhance inclusive, equitable, economic growth and foster economic resilience. They improve social equity, health and quality of life across the board, but, particularly for lower income groups, people with mobility limitations and the elderly. They mitigate negative environmental and social impacts and create more vibrant, liveable and successful communities. Sustainable transport systems bring people together. These are the core objectives of just about any transport strategy in just about any jurisdiction, large or small, developed or developing, that you would care to audit. Transport strategies rarely diverge from these high level aims. They only really differ in terms of their scope implementation and effectiveness.

At a global conference earlier this year, the World Bank urged policy makers to seize opportunities to invest in socially, financially and environmentally sustainable transport in order to create more inclusive and prosperous societies. They called for local innovation. The key to a sustainable future, they said, is to leapfrog car-centric development and adopt strategies that boost inclusive economic growth and improve quality of life.

Last year Ban Ki-moon set up a UN High Level Advisory Group to promote sustainable transport, actionable at global, national and local levels, working with governments, transport providers, businesses, financial institutions, civil society and other stakeholders, to integrate sustainable transport into strategies and policies in line with equitable growth, social development, protection of the global environment and eco-systems and addressing climate change. Now, there is a remit that cannot be accused of lacking scope.

But such polies are not new. Professor Sir Colin Buchanan noted that towns should be worth living in and that this meant much more than just the ability to drive to the centre. He urged urban planners to avoid parsimonious short-termism in favour of a long-term aim to create a good environment where people can live, work, shop, look about and move around on foot in reasonable freedom from the hazards of motor traffic. This hugely popular report, *Traffic in Towns*, was written to advise the government of the day, which was Harold McMillan's in 1963.

So clearly there is an irrefutable and long-established case for a sustainable transport strategy in general terms. I have certainly never heard a coherent argument against one, but I have heard from Members of this Assembly the suggestion that whatever the general case for a sustainable transport strategy, it bizarrely is, somehow, not applicable to us at local level here in Guernsey.

One of the most persistent arguments against change, voiced repeatedly, is that we do not really have a transport problem, there is nothing really wrong with what we have got and that the current system, generally speaking, meets the travel demands of the population. It is a superficially compelling argument, but it is based on some fundamentally flawed assumptions.

It assumes that consumers – the travelling public – have freely chosen one possibility over all others and so it assumes that the observed travel patterns represent the best possible set of actions that individuals could have taken, given their preferences and the spatial structure of the land.

This is not, in fact, the case because what this approach entirely fails to observe are the existing constraints such as inadequate alternatives to driving. Given other options, such as improved walking, cycling and public bus conditions or different price structures, travel demand could be quite different.

Casual analysis of our current system also tends to focus primarily on factors that are easy to observe and quantify, such as traffic volumes and speeds, but other factors that are more difficult to assess, such as walking conditions, the distributions of common destinations and the ease with which non-drivers can commute to walk or shop are equally important and need to be considered alongside the easily accessible data.

And there is a very pertinent problem that is perhaps specific to the group of people in this room right now: the natural bias in decision making when it comes to transportation policy. Most of us in here rely to a greater or lesser degree on cars to get around the Island for the majority of the time. When we think about our local transport system, most of us are simply more familiar with car travel than non-car travel.

This is actually something which is known as a 'windscreen perspective' and its effect, conscious or otherwise, is to favour car travel when it comes to policy and funding decisions. From this windscreen perspective, transportation problems are defined primarily in terms of difficulties facing the motorist. Transportation affordability is defined in terms of cost to motorists, accessibility is defined in terms of the time and money it takes for motorists to reach a destination; transport equity is defined in terms of motorists getting their fair share of public resources.

Windscreen perspective tends to focus on narrowly defined problems and solutions. Some will perceive nothing fundamentally wrong with policies and practices that incrementally increase car

use, provided that we implement special programmes to mitigate the most obvious problems that result. This ineffective, ad hoc approach does nothing to create a genuinely more balanced transportation system. It is not easy to overcome this sort of ingrained bias. It is like asking fish to describe water. It is so ubiquitous that we are seldom aware of it.

So, to our own Strategy – both versions presented to you last year had the same vision which was to facilitate safe, convenient, accessible and affordable travel options for all of the community, which are time and energy efficient, enhance health and the environment and minimise pollution. While some might like to cast it as the thoughts of some tree huggers after one too many glasses of wheatgrass – (*Laughter*) although I think it is unfair to refer to Deputy Domaille like that! (*Laughter*)

**Deputy Domaille:** It most definitely is, sir. My preference is red wine! (*Laughter*)

**Deputy Burford:** Here is where it actually came from. It started with our very own high level policy framework. It would clearly be nonsensical, time-wasting and, in fact, deceitful to have high level strategic policy that we have no intention of finding ways to implement.

The Transport Strategy is one vehicle – pardon the pun – designed to implement such high level policies of the States. That was a key objective in its formulation. It is also based on public consultation, academic research and what works elsewhere.

It has drawn from the following policies: the Strategic Land Use Plan, which seeks to minimise the negative effects of car parking in the centres and calls for reliable public transport; the States' Strategic Plan, which requires efficient transport system and wise use of resources, such as the fossil fuels we use to power our vehicles – one has to question whether burning a pint of petrol to transport a tonne and a half of metal to buy a pint of milk could be called a wise use of resources; the Environmental Policy Plan which identifies the need for a sustainable use of energy, a reduction in air pollution and a move away from fossil fuels, and calls for actions and incentives to reduce traffic pollution, both by encouraging cleaning, lower emissions and by supporting reduced use of motor vehicles; the Energy Resource Plan, which says that fiscal measures on the first purchase of vehicles should be considered; the Obesity Strategy, which highlights poor provision for cyclists and pedestrians, and the impacts of obesity on our society which I will expand a little on later; and the unanimously supported Disability and Inclusion Strategy, which requires access to transport for disabled people. To believe that we do not need an integrated transport strategy at all is a failure to join the dots of the bigger picture.

So if we do need a transport strategy, should it be this one or a different one? Well, sir, we had the change for a different one 15 months ago, but it had the same vision and that because, if we are going to have a strategy that meets our strategic aims and cares about all members of our community, including those who cannot or do not drive – and they are a significant minority – it is going to seek to do all the things that this one does. There is no policy foundation for a strategy that seeks to encourage the car, to increase pollution, to acquiesce to rising obesity, to cover the last of our public realm with more metal boxes.

There is also an argument that a transport strategy is a nice-to-have, but in these belt-tightening times the money would be better going to HSSD. It is true that HSSD will need more money, but just to pour money into Health is to only attack the problem from one end. The 2013 States' Strategic Plan stresses the need for prevention rather than cure. We desperately need to do some of the prevention, because we will not be able to afford to pay for all of the cure.

There is a lot of talk about the demographic time bomb, but ticking away in the corner and risking creating a more costly explosion is the obesity time bomb. The Obesity Strategy says that if current trends continue, then in the next 30 years or so over half the population of this Island will be obese. The UK estimates that the cost to society of this will be £45.5 billion a year – the equivalent to £45.5 million in the Guernsey context. Let me say that again: £45.5 million every year in costs due to the health implications and obesogenic society. A study in the academic journal *Transport* correlated the increase in obesity to the increase in car use. It concluded that policy

makers have not focussed as aggressively as they should on the car as a significant cause of obesity and that if we want to address obesity we absolutely have to rethink car use.

Locally, one-third of 10-year-olds are overweight or obese. We seriously need to wake up and school is where we need to concentrate our efforts. We all had an e-mail yesterday which said that the least fit child in a class of 30 10-years-olds in 1998 would now be in the top five fittest in today's equivalent class. That is how much society has stagnated in just 17 years, in large part due to the demise of active travel and the standard in 1998 was already very low by the measure of the 1970's.

Will the transport strategy, focussed on active travel, solve the obesity problem wholesale? Of course not. Will it help? Absolutely. Many parents want their child to have the independence of walking or cycling to school, but simply will not allow them to do so due to traffic. I attended a meeting of residents at Capelles to look at what might be done to the section of road between Aladdin's Cave and Capelles School. Many people spoke to say that they wanted to be able to walk with their children to school, but they were not prepared to do it because of the traffic. So they used the car even though they knew they were compounding the problem. There are infrastructure solutions. They cost money but they pay back in other ways.

With some 7,000 or so children and young people attending educational school each day, travel to and from school is a vital aspect of the Strategy. Evidence shows that when children walk or bike to school instead of being driven in a car they concentrate much better. This is one of the main conclusions of a Danish study of over 19,000 school children aged between 5 and 19. There is consistent evidence in studies of a significant positive relationship between physical activity and cognitive function. So the benefits of active travel to school are at least threefold: educational outcomes, physical health and putting in place good lifetime habits.

Obesity is set to trump smoking as the most important cause of preventable disease and ill-health in western society. Turning the obesity tide will not only help health and well-being, but will reduce the costs of healthcare and social security on preventable complications of obesity. In every jurisdiction, active travel initiatives are one of the key tools in the fight against this health time bomb.

Another reason for a transport strategy that addresses vehicle use is pollution. There will soon be a report from the Director of Environmental Health and Pollution Regulation on the commencement and implementation of Part 7, Air Pollution of the Environmental Pollution Law. This will introduce, for the first time, local air quality standards and controls.

People often dismiss air pollution concerns as there is a general perception that our air quality is very good. In one sense this is correct. We benefit from sea breezes and a lack of heavy industry that blights the air quality in other places, so it may surprise us to learn that despite our benign socio-geographical circumstances, the nitrogen dioxide standard is exceeded from time to time on Fountain Street, Bulwer Avenue and Vale Avenue. This is a cause of concern. The pollution is caused almost exclusively by traffic omissions which are toxic at ground level.

The European Respiratory Society conference in September 2013 stated that road side air pollution was a major impact on respiratory health and that policy makers should make air quality a key focus of any transport strategy. Our own research showed a correlation between elevated hospital admissions and periods when nitrogen dioxide levels were higher. People suffering with respiratory conditions in particular are being impacted here in Guernsey.

In order to start changing the 'car is king' philosophy we need to do two things. Firstly, we need to make it easier to choose the alternatives by means of infrastructure improvements. We have already started on that road, but we are hamstrung at the moment by zero funding. It cannot be done for free. Deputy Brouard's advice to sweep the pavements a bit more often is just not going to cut it. Secondly, we need to change the culture. We currently have a culture where the accepted way of travel is by car and largely it is not questioned. Cycling is generally seen as some kind of lycra-clad sub-culture, but not as a way for a business person in a suit or a parent with a child to get around. Why not in Guernsey when it is in so many comparable communities?

Deputy Jones often reminds us that people have busy lives, but this is all the more reason to integrate cycling and walking into the daily commute or even, somewhat ironically, the trip to the gym.

2705 We do not have the resources to conduct numerous long-term academic studies into the effects of a more active lifestyle in Guernsey, so have to rely to some extent on what has been discovered elsewhere and while Guernsey might be different in some aspects, what is found time and again is that a culture of car dependency is expensive. It is expensive in terms of pollution, wasted time, accidents, infrastructure and, most importantly, health. Motorists pay fuel duty, yes, 2710 but it does not cover all the costs of the private motor vehicle.

I am going to go back briefly to the research we did for the Transport Strategy. This was not just for the Minority Report, but formed part of the basis for both reports which came to this Assembly last year.

2715 There were seven surveys and consultations. Many of these surveys were very detailed and some were face to face. The total number of respondents was in excess of 800. For me, a half hour interview or a 20-minute survey knocks the spots off a Facebook 'like'. **(Two Members: Hear, hear.)**

2720 There was some derision of the fact that we had used university students to telephone or visit people and ask the pre-prepared survey. The use of university students for this type of work is widespread for two reasons: they are intelligent and they are cheap. *(Interjection and laughter)* Yes, good point! They are ideal people to collect data. It has been implied that this undermines the survey and this idea seemed to take hold and proliferate in the public imagination, serving to debase the value of the data. So, while we should listen to voices that have emerged in the intervening period, there are simply no grounds on which to dismiss the original body of work.

2725 In the wider context, it is also crucial to realise that ultimately decisions on this Assembly are not necessarily based on a proxy of what we imagine a referendum might deliver. In other words, even if we imagine – because without an actual referendum we will never know – that the majority of people might be against a particular measure, that may not, in itself, be a reason not to go ahead with it.

2730 Cast your mind back to the 1980's and the public outcry at the prospect of seatbelts being made compulsory. I think there were around 7,000 people who signed a petition and that in a pre-internet age. It is quite possible that a referendum would have rejected the measure and extended the non-seatbelt wearing *status quo* for years to come. However, the politicians at the time made a rational, informed and carefully thought through decision that 30 years on few would 2735 dispute has made a positive contribution to our society. Our job is to make sound, reasoned and well-informed decisions that benefit the community as a whole.

I would like to talk briefly now about disability issues. In 2013, the States unanimously approved the Disability and Inclusion Strategy. Both of those words are vital but I want to focus on the word 'inclusion'. There are people on this Island who, for a variety of reasons, have 2740 difficulty in getting around. As the Island's Government, we have a responsibility to run a public transport system that everyone can use if they need to. But what if you simply cannot use the bus? What if you have mobility problems and you cannot physically reach the bus stop in the first place? Or you have a visual impairment and it is not safe for you to stand at a bus stop with no pavement, or a brain injury that has affected your balance and you cannot wait for long periods 2745 without needing to take a seat? Or you have a learning disability and you would find it hard to adapt to anything if the journey changed unexpectedly?

Twenty-one percent of disabled Islanders have difficulty with public or private transport. Many of them face isolation unless they can use a mode of transport that goes door to door. Other departments do provide a door-to-door service for these people for medical appointments but, 2750 maybe sometimes it would be nice to go out somewhere other than the Hospital.

As a first step towards meeting their needs, Environment has licenced four new accessible taxis. We have issued four new non-transferable plates, free of charge, to four dedicated and disability-trained Islanders who have invested in fully adapted vehicles. But if you had to pay more than £10

each way every time you went anywhere, how often would you leave the house? Guernsey urgently needs an affordable door-to-door transport option for disabled Islanders. It could be a service set up from scratch or it could be a taxi card that allows disabled people to travel in the existing taxis at a cheaper rate, but without funding we cannot even run a trial service. Similarly, without funding we cannot put in more drop curbs and ensure there are seats at bus stops. Without funding we are leaving disabled people sitting at home, unable to go to town or the beach or to visit their family.

On to cycling. Bikeability is today's version of Cycling Proficiency. It is a scheme to get young children cycling safely. We all know that if habits are ingrained early, then that is where changes will filter through into society. The scheme has three levels. Currently all Year Five and Six children are provided with stage one only, through the Home Department. As part of the Transport Strategy, that work-stream is being taken over by Environment. If we are to get children up to a level where they can safely and confidently ride on the roads, we need to extend the provision to include levels two and three, we need to train teacher or parent helpers and instructors; we also need to start a little younger.

The cost of delivering full Bikeability training to all our primary school children is in the order of £100,000 per year. That is about £160 per child. On top of that, we want to offer adult proficiency classes so mums and dads who might be uncertain about cycling can get out with their children too. I really believe that this is something we must invest in. Other benefits are the road sense children gain through the training, first as a cyclist, but also as a pedestrian and a potential future vehicle driver.

Delivered properly, the educational benefits of the cycle training include a sense of achievement, opening up alternate transport options, confidence building, working together through a challenge, learning outdoors, learning about themselves and others, and considering others.

We also need to improve cycling infrastructure. The Sea Front cycle path needs a significant overhaul. Areas around schools need addressing. The cycling contraflow at St Sampson's High cost £250,000 some years ago, so you can see some of these measures are not inexpensive.

What have we done so far? Well, I would just like to give you a flavour of some of the initiatives we have been working on so far. Many of these projects are in abeyance now, awaiting funding. The main work stream, of course, has been the bus contract and the improvements to that which I have already spoken about. In fact, I am told it has improved sufficiently for Deputy Fallaize to have started using the bus again after a break of nearly four years.

We have also identified new locations for shelters, with proper seats, including at key community hubs and popular visitor locations. We are investigating a new electronic cycle warning retrofit to the new bus fleet and we are working with CT Plus and others to identify where improvements to the school bus service can be made. We have commenced the full review of the Sea Front cycle path to address issues at various points along its length. We are working with St Sampson's Constables to look at additional lighting in the area of the Baubigny cycle path. We are producing promotional cycling material and are investigating bike sharing schemes, such as the Boris Bike Scheme in London. We are gathering data about modes of transport used by pupils at school and providing additional school cycle shelters where needed. Locations have been identified in response to demand and planning permission has been received for a number of cycle parking areas to be installed.

In terms of disability and inclusion measures, we are working on the installation of a raised table at the bottom of Corner Street to facilitate a flushed surface between the pavements at either side that have high curbs. As I mentioned earlier, we have licenced four new accessible taxis and we are distributing promotional material about them with the help of our colleagues at SSD.

With funding, we can accelerate a programme of improvements at signal lights and zebra crossings to ensure that the height of the curbs adjacent to the crossings has been dropped to make it easier for wheelchair users, as well as anyone with limited mobility or using pushchairs or



2805 buggies. We will also install blister paving on approach to either side of the zebra crossings to assist people with visual impairments.

Turning now to motorcycling, we have installed additional motor parking at the Crown Pier and are surveying demand in other areas. We are working with St James' Chambers on the legislative changes to motorbike qualification procedures that were outlined in the Transport  
2810 Strategy.

We are investigating changes to our construction and use legislation with regard to the requirement for mirrors on heavy goods vehicles. We are liaising with St James' Chambers and Jersey Government, who also plan to introduce the same change to introduce new legislation to make it a requirement for provisional licence holders to undertake a theory test before being  
2815 permitted to drive on the public highway and work has commenced with our theory IT provider to make the necessary changes. We are looking at extending the successful Ruettes Tranquilles Scheme and seeing where routes can be joined to provide a more comprehensive network. We are working with Guernsey Police to improve road traffic collision statistics, by reforming the Accident Study Group. This involves the Police and Public Services.

2820 We are reviewing road safety and traffic management around schools. Significant work has been undertaken at the Vale School and work is also in progress at St Martin's, Capelles and Forest Schools and in conjunction with the Constables and their school.

Our staff have been working with the headteacher and a group of parents at St Martin's primary. A cycle train has been set up as one of the many initiatives being investigated and I have  
2825 got some feedback. According to one of the cycle train volunteers, there has been an increase in the number of parents cycling to work since the inception of the school cycle train.

There are two obvious factors: firstly, if a parent does not have to drive their child to and from school, they are free to choose whichever form of transport floats their boat to get to work but, secondly, they have simply been inspired by their kids to do it. It is a rather lovely contagion.

2830 Here is what another parent has reported,

'I first got involved when we moved house to St Martin from St Andrew, causing a change of school for my five-year-old son. In St Andrew's, despite it being a hilly area, many people rode or walked to school and traffic was kept away from the school. I was shocked to encounter the level of school car traffic at drop-off and pick-up at St Martin's. It was intimidating for walkers and cyclists. We live very close to school, but often ride the long way round so have seen the problem from all sides of the school. It seemed clear that many people who were driving live very close to the school, but the amount of traffic was making them feel that it was too dangerous to go on foot and that this was a self-fulfilling problem. If we could get some people out of cars that would reduce the traffic and showcase that cycling and walking was do-able and safe. Critically, increasing the number of pedestrians and walkers would actually make it safer. It has been very rewarding to be involved because the kids love doing the cycle training even when it is raining. We have seen them become much better cyclists and safer road users. We have seen it influence parents to change their habits and dig the bike out for school and commuting. We have seen it bring parents and the community together.'

So if the States approve our funding request today, what will we be spending the money on? The Report asks for the agreement of the States for Environment to raise £2.75 million, exclusive of bus fares. Simply put, it is £1.5 million for the bus service and £1.25 million for all of the other strategy work streams put together.

2835 Taking the bus service first, I think today is the point where this Assembly decides whether it wants a bus service or not. The cost of the contract has risen by £1.1 million over what it was previously. I know on social media, particularly on the *Press* blog, the figures in excess of £2 million have taken hold, but the increase in the contract cost is £1.1 million.

Let me explain what the contract increase is made up of. Quite simply, an extra £700,000  
2840 relates to just standing still. This should not come as a great surprise as we knew the previous contract was underfunded and there have been inflationary pressures also.

So that leaves £400,000. The £400,000 represents the new routes, better frequencies and things like real time information, as outlined in the Transport Strategy, and those are the improvements that came into play at the start of the contract in April. So those two figures make  
2845 up the contract increase of £1.1 million. But, as I have said, we are looking for £1.5 million funding for the buses; the remaining £400,000 relates to fares.

The department is extremely keen to retain a method of incentivising people to use the buses. Instead of providing free fares across the board, we propose to retain the £1 headline fare for casual use, but to offer very good monthly passes and similar discounts to regular users such as commuters. We also propose to allow school children to travel free, with no restrictions to whether they are in uniform or not.

We are proposing not to continue with a free bus service, because we simply believe that the appetite exists in this Assembly to fund it, even on a trial basis, anymore. I think that is unfortunate, as I believe that it would have provided a massive kick start to increasing ridership, but the current proposal means that we still anticipate raising £0.75 million from bus fares and we will still have significant latitude to incentivise travel.

The reason I say that we can decide today whether we want a bus service is that, without this funding, we will have to cut back drastically. To do this, we will be left with no alternatives but to slash services. That alone guarantees a fall in ridership as the service meets fewer needs. That will not be enough though; we will have to increase fares despite the fact that we know it will cause a further drop in passenger numbers. It will be a downward spiral with rising, per capital subsidies and the time will come where it need to be put out of its misery.

Some Members, I know, think we are doing the bus service wrong. When we went out to tender, we invited potential operators to tender three scenarios. After all, the people who know best how to run buses should be people who run buses. The third scenario was available for them to tell us how Guernsey could do it differently. The unanimous outcome was that, given our geography, population distribution and budget, we have the optimum model. Sure, we can add more routes, but taxi/bus style schemes would not provide the penetration and regularity and would be much more expensive. I know Deputy Jones is an advocate of frequent minibus services, but we costed them out and it came to twice the price.

And the current model is working. Numbers are rising and it is not all cruise ship passengers either. Reliability is good. New ticket machines are going in and apps are being beta-tested. The first *tranche* of new buses will arrive next year, subject to SCIP approval, followed by two more *tranches* in 2018 and 2020. A new livery will arrive next year. We will keep the best of the existing buses and that will give us further flexibility that we do not have at the moment for more school transport and for other uses. Buses are a vital social service, a service that is written into our strategic plans and a lifeline for some members of our community. They make life easier for car drivers by reducing the number of cars on the road.

I would just now like to compare what else the States spends £1.25 million on, because that is the amount that we are asking for for the other work-streams in the strategy. There is time pressure on us this month and I will not list all of the other things that we want to be getting on with. It is all there in black and white in the original Report, but I am going to make a few comparisons here. Leaving the buses as a separate issue, the total funding we are seeking in order to implement the cycling, schools, pedestrian, public realm and disability transport work-stream is £1.25 million.

Let's put that figure in context: it is one-quarter of the annual grants to colleges; it is £650,000 less than the annual grant to libraries; it is less than half of what we spend on fixing the roads each year; it is a mere 12% on what we spend on annual Family Allowance and it is less than half of what we spend on tourism, marketing and grants.

In very narrowly rejecting the previous principal method of funding for the Strategy, one message that came through was that some Members wanted to see carrots but no sticks. While my view is strongly that this is a slower approach to change, it is nevertheless undeniable that if we improve the environment for the alternative methods of travel, more people will make the switch. If we build it, they will come.

In addition to carrots and sticks, of course, there are chickens and eggs. Do we wait to build footpaths and cycle paths until more people are walking and cycling or do we accept that few people are doing it because the infrastructure in many places is inadequate? If we are on a carrots-only diet, we need to make certain that the carrots are juicy ones.

2900 I have not mentioned yet the sources of funding we are proposing. In truth, we have applied three criteria in compiling our list: (1) public acceptability; (2) efficiency of collection; and (3) how soon the income will commence.

2905 The Department embarked on the work-streams of the Strategy in good faith, but ceased them when it was apparent that funding would not be forthcoming. We continued with the bus contract, after discussion with Treasury & Resources, and are covering the £400,000 improvements increase out of our own budget, with difficulty. Hence the importance we have placed on how soon any income will arise. That is the main reason why fuel duty is being proposed. Outside of these concerns we are not wedded to any particular funding package, but we are unanimously of the view that the Strategy needs to be funded.

2910 So, to summarise on all of foregoing, this policy letter asks Members to approve funding for a strategy, while necessarily modified, which will still deliver vital improvements for alternative travel measures and all the benefits that will bring, and one that will act as a springboard to be added to an enhanced in the future.

2915 To those Members who have resolutely stood firm in their belief and support for Guernsey to have an effective transport strategy, I offer my thanks and ask you to continue with your support today in order that we can take the brakes off and move forward, perhaps at a trot instead of a canter, but in the right direction nevertheless.

2920 To those Members who accept the spirit of what we need to do but felt they could not support either paid parking or the amended width and omissions or the scale of the original Strategy, I ask you to swing behind this policy letter today. It has taken five years to get to this point. Please let's not wait another five years to get moving. I ask you to support this Strategy. (**A Member:** Hear, hear).

**The Bailiff:** Do you wish to lay one or both of your amendments?

2925 **Deputy Burford:** Yes, sir, I would like to lay them both together to save time.

**The Bailiff:** Right. Well, they have both been circulated.

**Deputy Burford:** I think they have both been circulated.

2930

**The Bailiff:** They have been circulated.

*Amendments:*

*To insert a new proposition numbered 1A as follows:*

*'1A. If the funding package comprising proposition 1(a) to (c) is not approved by the States then to agree that the Integrated Transport Strategy and Action Plan will be funded by a combination of:*

*(i) Bus fares as set out in Element D of that Policy Letter;*

*(ii) An increase in the recommended cash limit for the Environment Department for 2016 and subsequent years to fund the additional costs of the bus service contract subsidy over the 2014 figure, which was renewed for a period of 5.5 years from April 2015, amounting to approximately £1.1m;*

*(iii) A banded First Registration Duty based on CO<sub>2</sub> emissions to raise a total of £1.15m per year And to agree that income from 1A (i) and 1A (ii) up to a maximum figure of £2.35m may be utilised by the Department to implement the Strategy, and to delete proposition 7.'*

*To insert a new proposition numbered 1B as follows:*

*'1B. If neither the funding package comprising Proposition 1(a) to (c) nor that comprising Proposition 1A(i) to (iii) is approved by the States then to agree that the Integrated Transport Strategy and Action Plan will be funded by a combination of:*

(i) A paid parking clock – all controlled areas, as set out in Element A2 of that Policy Letter;  
(ii) Bus fares as set out in Element D of that Policy Letter;  
(iii) An increase in the recommended cash limit for the Environment Department for 2016 and subsequent years to fund the additional costs of the bus service contract subsidy over the 2014 figure, which was renewed for a period of 5.5 years from April 2015, amounting to approximately £1.1m;

And to agree that income from 1B(i) and 1B(ii) up to a maximum figure of £2.35m may be utilised by the Department to implement the Strategy, and to delete proposition 7.'

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

In preparing this policy letter, the department set out a number of elements to facilitate creation and funding packages by any Member so inclined. As things stand, the only other amendment that has been laid is one which largely dismantles the Strategy and seeks only to fund the bus service and disability transport issues.

I have explained in my opening speech why the department chose the funding package which it did and when it comes to voting on the substantive Propositions I hope the Assembly will support that package. Nevertheless, the department wishes to lay two amendments to broaden the choice before the Assembly today.

The first amendment, which is 1A, proposes a package of bus fares, a Treasury increase to the bus contract subsidy, as outlined in the Kuttelwascher amendment and a reduced one-off first registration duty on omissions only, between zero for low omission vehicles and up to £690 for the most highly polluting vehicles, which is a version of Element G in the policy letter.

The second amendment option seeks to fund the Strategy by means of the parking clock that was proposed in March by Deputies Lowe and Brouard, and which was supported by 28 Members of this Assembly, together with bus fares, as described in the policy letter, and a direction to Treasury to increase the subsidy included in Environment's cash limit, to cover the bus contract increase, again as described in the Kuttelwascher amendment.

This is the only package, 1B, that funds the Strategy without perceived hypothecation which seems to present an issue for some Members. The funding in both amendments, however, is £450,000 less than being asked for in the policy letter which, in the event that one of these Propositions is successful, would require the department to adjust spending accordingly.

On the point of the reduced spending, the amendment acknowledges that the income from the buses may well rise. It certainly is at the moment and it accrues to the department, and under this new contract, all income accrues to the department and this amendment would allow us to retain that extra income and, indeed, any possible surplus income from the clocks up to the amount outlined in the policy letter.

The department is still asking Members to support the package in the policy letter. We have brought those members of the public who organised the gathering on North Beach last year with us. Let's all get behind it – in particular, the 28 who voted for the clocks earlier this year.

So, whichever way you intent to vote ultimately out of the three options that we will have if these amendments are passed, please support these amendments now to widen the options available.

Thank you.

**The Bailiff:** Deputy Brehaut, do you formally second the amendments?

**Deputy Brehaut:** Yes, sir, I formally second.

Thank you.

**The Bailiff:** Deputy St Pier.

2975      Actually, the amendments have not been read. I know it will take a bit of time but, for the benefit of people listening on the radio, I wonder if it would be helpful, Greffier, if you could read both the amendments so people know what we are talking about.

*The Senior Deputy Greffier read the amendments.*

**The Bailiff:** Thank you.  
Now, Deputy St Pier.

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

2980      I would suggest that one reason that the Integrated Transport Strategy has had such a torrid time through this Assembly over the last year or so is that we are living with the consequences of an absence of any kind of prioritisation process which we, of course, put back with the decisions in July 2013 on the Government Service Plan and the Integrated Transport Strategy and, indeed, the decisions on pre-school funding or the pre-school policy last May are two illustrations of two  
2985 policies which have been approved without any clear funding mechanism, and we are trying to cram those into our priorities, alongside and living with the cap on no real terms growth in spending, and that is a very difficult process, without any kind of prioritisation. And I think the stress comes from that, the absence of that, that allows us to decide, to determine one policy priority over another.

2990      In fact, I do not always agree with the articles which are scripted by former Deputy Roffey, but actually in today's paper he has expressed this point very clearly:

'... what does Guernsey need to do in order to maintain financial discipline and safeguard our future? To me, the answer is simple. It's restraint with a capital R. Gone are the days when the States could say 'this is a brilliant thing to do so we simply have to find the cash to do it'. Global spending needs to be constrained, so if new services are introduced the States has to prioritise them against any existing spending that can be curtailed. That is why I think Deputy Fallaize's idea of trimming family allowances to pay for free nursery care may well represent the first of a new type of difficult decision which the States will face more and more frequently in the future. Whether his proposed trade-off is the right one, I haven't thought through yet, but sacrificing something good to pay for something better is likely to become commonplace. If we accept that philosophy, it must also pose questions over funding the transport strategy. When it was an integrated package with paid parking and width and omissions charges to fund the required spending it had a sort of self-sustaining logic. But now it's looking for cash from an existing tax in the form of fuel duties, it throws up a very basis question: 'Is the cash raised from higher fuel taxes better spent on transport improvements or on other pressing demands elsewhere?' The answer is subjective.'

And it is for that reason, sir, that no member of Treasury & Resources can support the fuel price rises proposed in the policy letter in Proposition 1(a), that the low elasticity of demand which was highlighted in the Minority Report is, I think, accepted by all, that it will have no tangible  
2995 effect on the miles driven.

Yes, of course, it is the easiest way to find funding and it does, of course, tick the box in terms of user pays. But there are four reasons why Treasury & Resources have difficulty with fuel price rises as a solution to this. The first is the inflationary impact and this is something that Deputy David Jones raises, of course, at every Budget. The net impact of these substantial rises would be  
3000 approximately 0.18% and there is a knock-on effect on States' spending of that, that would increase our spending on States' pay by around about £60,000, because of the pay settlements that are linked to RPI and it would increase, potentially, pensions and benefits by around £250,000 if they are uplifted by the rate of RPI.

3005      The second reason is, as we have frequently said, fuel duty is not a sustainable source. The current consumption of fuel is about 10% down from its peak as a result of increased efficiency of engines and there is no reason to expect that trend not to continue.

And then the third reason is, of course, it limits the flexibility in our budget planning, especially given the direction from the Personal Tax, Pensions and Benefits Review to look at environmental taxes, but this quasi-hypothecation creates a community expectation around the use of the  
3010 proceeds and, of course, once we have deployed the weapon once, in terms of increasing excise

duty on fuel, we cannot continue to do it again and again for the next spending priority that comes along.

I would suggest that actually moving road tax from a separate tax to an additional fuel was the start of the process by which people started to view fuel duty as being something different. Before that point, I think everybody recognised that it was a perfectly legitimate way to raise revenue. But now I think there is an established belief that it should be used on roads and transport and anything over and above that should in some way be returned to taxpayers.

And the fourth reason that I have concerns about the use of fuel duty is the impact on Alderney and this, of course, has brought another amendment which may, indeed, be laid from Alderney Representative Jean and Deputy Dave Jones, seeking to dis-apply this particular increase to Alderney; and I have considerable sympathy for that, given the scale of fuel prices in the northern isle and the fact that they will not in any way have any involvement whatsoever with the Integrated Transport Strategy. It is a perfectly logical thing for Alderney to do but, of course, it does start to break the fiscal union between the Islands, by suddenly making an exception in this case and again I would suggest that is a slippery path to go down.

For those four reasons – inflation, the non-sustainability, the limitation on flexibility for future budgetary needs and the position in Alderney – I cannot, and members of Treasury cannot, support Proposition 1(a) as it stands.

**The Bailiff:** Are you talking about 1 little 'a'?

**Deputy St Pier:** 1(a), yes.

**The Bailiff:** Yes, I thought we were going to be debating the amendments. I am taking it you are speaking generally in debate and I will not give you a chance later to speak generally, because you clearly are speaking generally now.

**Deputy St Pier:** That is right, sir. I am going to explain the rationale for supporting the amendment, sir.

**The Bailiff:** Yes, you are speaking in general debate as well.

**Deputy St Pier:** That is fine, sir. I do not intend to speak again.

Either 1A or 1B, the two amendments which have been laid, in my view are better and I will support them. In particular, the reason which I think that they are an improvement is, first of all, we have to recognise the reality that the bus contract has now been signed by the Environment Department, it is a commitment to the States and it needs to be funded. Even if this entire Report, if all the amendments are voted down and then the entire Report is voted down, there will still be a need for the States to find the funding for that contract. It is a *fait accompli* and it is up to Treasury & Resources, sir, I would suggest, to work out how that is done. It is within our mandate to do so and we should have the full flexibility to determine whether and how much of that should be borne by fuel duty and to bring the recommendations on revenue raising to the States in the Budget, through the Budget process in the normal way and this is recognised in both of these amendments.

The parking clock, as the Minister said in her opening speech, was supported by a good majority in this Assembly when it was debated and I think it is a reasonable source of funding; and I am very conscious of the advice at the time of the Mother of the House, when she said that we are agreeing that we will be supporting this when it comes back. 'Deputy Brouard and I would be very disappointed if anyone who supports this today, rejects it when it comes back' (*Interjections*) and as I did support it then, I am conscious that it would be difficult to not support it at this point.

Finally, it does also of course reduce the overall cost of the Transport Strategy by approximately £450,000 which I think is reasonable in view of the spending pressures which do

exist elsewhere and we have had a lengthy debate about an acknowledgement of the recognition, particularly around health, but not just in health.

3065 And, ending where I began, sir, in the absence of a prioritisation process and us having to do it *ad hoc*, as we go, on the floor of the Assembly, I think that is a very reasonable, balanced prioritisation and, for that reason, sir, I can support the amendments but my preference probably would be for 1A, given that the Assembly has already made the decision to support parking clocks.

3070

**The Bailiff:** Can I just ask whether everybody has got a copy of these two amendments, because I understand that some Members have not? If people have not got a copy of the amendments as read out by the Greffier, could they please raise a hand or somehow attract the attention of the ushers who will bring round another set?

3075

And can I just point out at this stage that the wording of each of the two amendments we are debating at the moment are 'to insert new Propositions', so if people like one and think that one is better than another, then they can vote to insert the new Propositions then in general debate they can say, 'Actually, I prefer one to another and the other one is not as good'. So what I do not want to have is that we have debate on the amendments, then once you get into general debate we have all these same arguments repeated in general debate. We are limited for time. We would like to finish by seven o'clock tomorrow evening.

3080

Deputy Brouard, I think you wish to...

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

3085

I think you have helped to explained it, because some of us have not seen these amendments before and it was just trying to get the clarification that we have not got two more Propositions inserted in, but you have to vote them out –

**The Bailiff:** They are, effectively, in the alternative.

3090

**Deputy Brouard:** The alternative. So we have now got three alternatives in 1, 1A and 1B –

**The Bailiff:** Yes, three alternative packages, as I understand it.

3095

**Deputy Brouard:** and Environment probably, on balance, support the first one.

**The Bailiff:** Yes. Whatever. *(Laughter)* But we have three alternative funding –

**Deputy Brouard:** Exactly as I feel, sir. Exactly as I feel. *(Laughter)*

3100

**The Bailiff:** You can vote whichever way you like, that is what I was intending to indicate! *(Laughter and applause)* It is not for me to influence where you might vote, Deputy Brouard. Deputy Kuttelwascher.

3105

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

It is quite obvious that the members of Treasury & Resources have got different views on this, but anyhow, here we go.

I have not actually written a speech throughout this term, neither have I for introducing my amendment. However, nearly all the notes I have made actually have some relevance to these two amendments presented by Deputy Burford.

3110

The first issue I have is Members have to acknowledge there have been substantial changes to our fiscal environment, if nothing else, since May last year. Now, I will come to that in a moment, but the first thing that one has to acknowledge is that the so-called Integrated Transport Strategy is no longer. Members may remember last year it was sold as a package and, although several

3115 amendments were laid, at the end of that debate it was suggested those amendments were minor and did not affect the package, effectively, as a whole – there was no significant effect.

On the Sunday phone-in, two Sundays ago, the Minister of Environment said, 'The drivers for the Strategy are no more. They have gone.' And I am not talking about the bus drivers. And that, to me, is what it was all about; it was all about modal change or nodal change – whichever word  
3120 you like – and that is gone. So we have the remnants of a transport strategy but no longer an integrated one and I think that is significant because I think it should be reassessed.

The other issue I have got and one I made with Her Majesty's Procureur at the end of the last debate, last year in May. I said, 'Do you know, there were 31 outstanding Resolutions, extant Resolutions, from the 2006 strategy?' Now, one of those was actually rescinded by last year's  
3125 proposals. There was a 14(a) and (b). So there are 30 left. They are still extant. Now, some of those may have been discharged, others have not. One of them required emission testing and, indeed, noise testing – no charge or anything, just testing. Now, I do not see anything has happened with regard to that.

So I think we now have a whole mass of extant traffic strategy resolutions which need to be  
3130 looked at very carefully, sorted, collated and, as necessary, rescinded. So I think it is time for Environment to beat an honourable retreat, regroup, reassess what is there and then come back with some sort of prioritised plan for implementing the odds and ends that they have got left, but it is not an integrated transport strategy any more. It just is not.

The other issue I have is the whole concept of hypothecation. It is a real pain and what it does  
3135 is it destabilises the Budget process, because mid-year somebody can come along and say, 'I want to raise this tax. I want to raise that tax'. What it puts at risk at the moment is our whole ability to deliver a balanced Budget, which everybody was so pleased about. When we brought the 2015 Budget report, they said, 'Hey, we are going to have a balanced budget!' And there was the three-year view and we were even going to generate a surplus and what has happened since then? The  
3140 biggest demand that has come out of the blue is the one from HSSD. We have just agreed an extra £3 million for this year.

The interesting one is Education as regards pre-school and, in fact, Deputy Fallaize's proposed Requête which he circulated ideas about, about possibly raising a Requête to take the money from Family Allowance – that would actually, fiscally, be acceptable. But I wonder how this  
3145 Assembly would feel about dropping the Family Allowance by most probably about 15% in one go to provide this sort of funding, say, for Education. I do not know. In fact, I would be pleased if he brought it because I would rather he did than I did, because it would have an interesting passage, especially at Budget time.

I will leave Deputy Langlois to talk about hypothecation, because he was going to mention it  
3150 or talk about it during the debate on my amendment.

And the other thing is, the idea of funding the bus service from General Revenue and the bits relating to accessibility for disabled to the transport system, I think are two items which stand in their own right as desirable. They do not have to be part of a strategy and that is one of the reasons I have supported that. And the whole idea of leaving the funding for these things to the  
3155 bad boys of T&R at Budget time just buries the whole idea of hypothecation, which I still think is important.

Now, one of these amendments: the parking clock – that is fine as a means of raising revenue, but it is still at tax raising issue. It is not a charge because we have a charging policy which says the charge has to reflect the cost of providing the service, so the cost of providing the clock is so  
3160 much. This is a revenue raising measure, it is a tax raising measure; it is hypothecation and, as such, I do not support it.

So really those three reasons – and I will not expand on them – are why I will not support both these amendments.

Thank you, sir.

3165

**The Bailiff:** Deputy Fallaize.



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

I do not think Deputy Kuttelwascher really spoke to the amendments at all; he was speaking partly to an amendment that he might lay and partly in general debate.

3170 I take different views on these amendments. I am rather more enthusiastic about one than the other in terms of the eventual way of funding a transport strategy but, as I see it, that is really for general debate. I think what we would be better to do is just to support these amendments, which does not oblige the States to support them ultimately and, in fact, even if both of these amendments are successful and there are then three funding options established in the  
3175 Propositions, a maximum of one of them can be approved anyway, so we could spend hours debating these amendments completely unnecessarily (**Several Members:** Hear, hear).

It would be far better, I think, to support these two amendments so, when we come to general debate and we come to voting at the end, the States give themselves the maximum possible choice. There is no particular reason why the States should want to deny themselves that choice.  
3180 So I think we just vote for these amendments and then go into general debate, which will probably be quite long and protracted, but so be it because that is the best place to weigh up the competing advantages and disadvantages of these amendments and the original Propositions, so I hope, sir, we do not need a long debate on these amendments. We can just approve them and then get on with general debate. (**Several Members:** Hear, hear).

3185

**The Bailiff:** Deputy Bebb.

**Deputy Bebb:** Thank you.

Given Deputy Fallaize's words, I would like to propose a guillotine motion on this particular  
3190 debate, sir.

Thank you.

**The Bailiff:** Right. In that case –

3195 **A Member:** On the debate?

**The Bailiff:** No, on the debate on the amendments.

So under Rule 14(1) what I must do is immediately put to the Assembly the motion that debate on these two amendments be closed. Those in favour; those against.

*Members voted Pour.*

3200 **The Bailiff:** Right, we close the voting but then accept that the Minister of the Treasury & Resources should be entitled to comment on any financial implications – *if he has not already done so!* (*Laughter*) And the proposer of the amendments may also speak if she wishes to do so.

**Deputy Burford:** Just me then.

3205 I will not bother to sum up on the points, in that case, until the end of the debate actually on the Strategy. I just ask everybody, as Deputy Fallaize says, to vote for these two amendments, please, just to increase the choice that we have at the end.

Thank you, very much.

3210 **The Bailiff:** We will vote, first of all, on amendment 1A. Those in favour; those against.

*Members voted Pour.*

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

And on amendment 1B, those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I declare that one carried.

3215 So those two have been inserted and that probably brings us to Deputy Kuttelwascher's amendment, if he wishes to lay it.

*Amendment:*

1. To delete paragraph a), paragraph c) and the words 'a combination of' from Proposition 1.

2. To insert at the end of Proposition 2:

'd) Resolutions 5, 5A and the remainder of resolution 24 of Billet d'État No IX of 2014 concerning the introduction of paid parking, publication of income and expenditure details thereof, and the means of funding the strategy thereby;

e) Resolution 7 of Billet d'État No IX of 2014 concerning employer-provided parking;

f) Resolution 16 of Billet d'État No IX of 2014 concerning cycling infrastructure provision, promotion, education and investment;

g) Resolution 18 of Billet d'État No IX of 2014 concerning walking and pedestrian infrastructure provision, promotion and investment.'

3. To delete Proposition 7 and substitute:

'7. To direct the Treasury and Resources Department to include within the recommended cash limit for the Environment Department for 2016 and subsequent years specific amounts to fund the additional costs of the bus service contract, which was renewed for a period of 5.5 years from April 2015, and for disability transport measures as set out in paragraph 3.5 of that Policy Letter.'

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

Could I ask the Greffier, since he is so competent at reading amendments, to read it, please, sir? *(Laughter)*

3220 **The Bailiff:** Greffier.

**Deputy Kuttelwascher:** The 'Senior Deputy Greffier' I think is the correct title. I am not sure.

*The Senior Deputy Greffier read the amendments.*

**The Bailiff:** Deputy Kuttelwascher.

3225 **Deputy Kuttelwascher:** Sir, I am just going to add one more thing to what I said earlier because, in part, there was some reference to my amendment when I was talking on the previous two, because in a way what is being proposed by the two amendments from Environment are very much piggy backing on what I was proposing.

3230 But I will add just one other point. So we are well down the road with our new system of Government, with the Policy & Resources Committee, to having a committee, maybe in nine months' time, which will have a framework for Government's service prioritisation – a Government service plan – and this is where it should be, along with, I would have said, pre-school and along with any other new type of spending or services proposed.

3235 The problem I had – and I mentioned this when I laid the sursis last year – was Rule 15(2) has resulted in people laying hypothecated mini-tax budgets all through the year and that makes budgeting nigh on impossible and it is completely unwelcome and, in spite of the pressures from HSSD, I think it is still possible, with a fair wind, to actually produce a balanced budget, even with the demands that are put on us right now. The Budget Reserve was there to cater for unexpected demands – not only that, but other things – and I do not think what is in there is enough to cater for HSSD.

3240

Just to remind Members that when we look at the 2014 accounts we were actually £3.6 million to the good based on our forecast. That may happen again. We may actually not have to raise any new money to fund this. I do not know at this stage and that is what it is all about and that is why I do not like hypothecation and that is why I think the amendment I have laid will guarantee the funding of the buses; will guarantee the funding of the disability provisions.

Now, since I do not intend to stand up again, I think I will just mention why funding disability provisions, to me, is so important, as compared to, say, Obesity Strategy, which I believe is going to be an argument that will be laid against me.

For most people, Obesity Strategy is an educational or a persuasion exercise. You want to change people's way of life, mode of living, lifestyle. It is only in extreme cases, where medical intervention is required, so most people can just have the choice. With disability you are managing the problem. They do not have a choice and it is very rare that severe disabilities can be reversed – not impossible.

So I understand that if somebody wants to get from their front door to the bus or somewhere else there needs to be access. They cannot, of their own volition, somehow mentally get over the problem and that is the difference, and I think that requires our intervention and that is why I am supporting it.

You can build any number of cycle paths, pavements and whatever you like – that is not going to convince people they ought to go out and cycle or go out more. They might – some, and those who want to do it, do it any how. So although it would be a nice-to-have, I do not think it in any way guarantees somehow obesity will disappear from planet Guernsey.

So that is why I have included funding of that and that is all I really have to say. I hope Members support this so that we can still maybe be regarded at the best States ever, as Deputy Lester Queripel... in one respect, that we promised or forecast a balanced Budget and we can still deliver it; but I think to rein back this particular expenditure will reduce the risk of us failing in that task and I think at the moment that is worth it.

Thank you, sir.

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

**Deputy Langlois:** I do, sir, and reserve my right to speak.

**The Bailiff:** Thank you. And, Deputy Burford, do you or any representatives of the department wish to speak at this stage?

**Deputy Burford:** No, sir, I will speak later.

**The Bailiff:** Thank you.

Well, Deputy Dave Jones, then Deputy Lester Queripel –

**Deputy Lester Queripel:** Sir, could I just correct something that Deputy Kuttelwascher just said, please?

**The Bailiff:** Point of correction.

**Deputy Lester Queripel:** He seemed to be insinuating I said we are the best States ever, full stop. I did not say that at all. (*Interjections*)

**Deputy Kuttelwascher:** Oh, come on, Lester!

**Deputy Lester Queripel:** Yes, what I said was, in relation to this States identifying £28.7 million as a savings under the FTP, we were the best States ever in that instance and that was one

particular instance, sir. I do not want anyone to think that I said we are best States ever, full stop, because that is not what I think.

3295

**The Bailiff:** Deputy Dave Jones, then Deputy Brouard, then Deputy Fallaize.

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

3300

Late afternoon yesterday – possibly even last night – I might have even supported this amendment, but I got to thinking about it after we had all had a fairly long, tiring day and there was some e-mails flying around on different things and really, going back to what the T&R Minister has just said, we have signed this contract whether we like it or not; the buses have to be funded in some respect and, through those e-mails, we came to a pragmatic – both sides, I think; Deputy Burford and myself – conclusion that if other amendments were offered today which prevented me from supporting this and still keeping the funding on-stream, then I would do that.

3305

Now, all of us have shifted our position. The whole thing is a mess, because at some point or other, we have all shifted our position. I have been consistent all the way through this. I have always said that I want a proper public transport system and it has to be funded. I have arguments with Environment about how that is done, but I am much happier with the amendments that they have laid.

3310

So they have re-thought their position and, to be fair, they have removed all the limpet strands of the Strategy – all the fluffy bits around the edges that I could not sign: the width tax and the omissions and the rest of it. So they have moved their position quite substantially, but they still come back to the core problem that they have got and that is all of us, as Deputies, know that out there there are lots of people who use the buses. You will not think that in my speech during general debate, but I think we are talking more about the past than now. And we have to represent those. There are elderly people who do not drive, who do not own cars. There are poorer people who cannot afford vehicles. They have to have a public transport system of some description and it has to work for them. So whatever we think about this, that is really the core reason for me changing my view.

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3320

So, as I say, I have shifted my position. I am going to support... although we have already voted those through and I will give my reasons... although I have some pretty scathing things to say about the bus contracts of the past.

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I hope that you realise that and this is just a wrecking amendment. Whatever way you think about it, **(Several Members:** Hear, hear) this will just wreck it and what are the public going to think about that? That we have no money to fund the buses? It comes out of General Revenue. Well, let me tell you how that is going to pan out. You can vote for the Kuttelwascher amendment if you wish, but next October, come the Budget, Treasury will be forced to find ways of clawing that money back and the medicine may be worse than the patient can suffer at that point. *(Interjection)* Well, that is true. That is true. Do not believe for one minute that Treasury are going to fund the bus contract out of General Revenue and just say, 'Okay, we are going to swallow that,' without finding some way of clawing that money back to make sure that the books continue to balance and that funding is found.

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So my advice is do not support this amendment. You have got two pragmatic, other amendments to support or there are the other five original options, I think it was, in the Billet. *(Interjection)* Yes, the original package that you can support.

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So, surely, in amongst all of that is an option. I have found one that suits me. It is not perfect. The parking clock one does what I want because, as the Treasury Minister said, it is far less inflationary. You have got to have money to fund the buses somehow. That has to come from somewhere. They have reintroduced the bus fares – because, if you remember, one of the reasons I could not support it was because it was a free bus service.

So please think carefully. Throwing this out will do no good whatsoever. The bus contract has been signed. That money has to be found and I can warn you now that, come the Budget, if you

vote to let General Revenue pick up the tab then you are going to see what Treasury is going to have to do to try and claw that money back.

Thank you.

**The Bailiff:** Deputy Brouard, then Deputy Fallaize and Deputy Domaille.

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

I see the amendment more, from Deputy Kuttelwascher, as a holding amendment, rather than a wrecking one! (*Laughter*) But I rather feel like the character that was played by Peter Cushing, Van Helsing, in the *Vampire Hunters* and the more times he went up against the vampires, the more of his strength got zapped and slowly, over the years, more and more of my strength gets zapped, trying to kill this particular creature. (*Interjection and laughter*) We need a transport strategy, but not this particular one.

And the strength, luckily, came from the public and although I was not particularly overly pleased at the weekend, thanks to the Environment Department, to get nearly 200 e-mails coming through about the name changes that have been put in, as part of the traffic strategy. And I am thinking, 'Actually, looking back, aren't I pleased? I am really, really pleased that the Islanders really do care and they really do come forward and say what they think about the strategy and isn't that good?'

So I would like to thank all those people who contacted me. I think I have replied to everyone. So thank you for that, because that has given me the strength to carry on, to make sure we get a strategy that is right for us – and that is the difficulty with this. I have made up a word for it. I was hoping to use something clever like 'Stockholm Syndrome' or something, but this is the Minority Report Syndrome. You get sucked in, each debate, to something that is still bad, but it is a little bit less worse than the one before.

And now the Environment Department play to my hand! Here they come in; they put the worst one in as their main Proposition; then they have got 1A, which is slightly a little bit better and then they have got 1B, which is slightly better again. But they are still bad! That is the whole problem. You have got to just step away from it and look at it in the round and think, 'We need to have a different strategy' and Deputy Kuttelwascher's amendment does that by providing the funding, at least for the short-term, for the bus service through General Revenue.

Now, I would like also for us to consider perhaps keeping one of the... or dismissing one of the Propositions, which is Proposition 8, which is to have a review in 2017.

**The Bailiff:** Are you speaking in General Debate?

**Deputy Brouard:** No, sir.

**The Bailiff:** No?

**Deputy Brouard:** Just on the amendments.

**The Bailiff:** Okay. (*Laughter*) Does Proposition 8 feature in this amendment that we are debating at the moment?

**Deputy Brouard:** Well, all these things – (*Interjections*) (**Several Members:** No!) All these items put in funding now; what Proposition 8 does is if you do not have that, it means that we have a review of the funding option and the Strategy comes back for review in 2017. So what I am saying on Deputy Kuttelwascher's amendment is that although we have the funding in the interim for the bus service, there is going to be another review and that is what I am thinking is the better option.

Now, Environment say that they listen, but I do not find it that way. Perhaps it is listening, but it is a real brinkmanship listening: 'We are not changing the front layout. Oh, there is now a group

put in place by the Chief Minister. Well done, Chief Minister.' And, look and behold, Environment now has suddenly changed their view again.

So everything is done on a sort of almost a reluctant basis and that should not be with a strategy; we should be all behind a strategy that we basically, in the round, support. And for us to try and make the strategy up on the floor of the Assembly – I mean, that is what the Environment has almost... thrown their hand in. 'We do not really mind what we had. Try A, B, C, whatever you want.' We need to have a team there that look at it and I can appreciate... and it is not fair on me to ask them to go back because they will only come back with what they started off in the first place.

So I think we need a new team to look at it. We will have, I would guess, a new team come the elections next year and that is why I support Deputy Kuttelwascher's amendment... is that there will be a fresh pair of eyes looking at what would be the most appropriate transport strategy for us. And we know there are some key elements that we want to have in it and we know a bus service is definitely going to feature.

And there are some people saying 'shame' or whatever because I say that Environment are not listening, but we have the situation with the bus service, the P1... Now, I said very early on to Environment that the P1 service is not working. 'No, no. We are carrying on with the trial.' We are still carrying fresh air. Of course we have got this policy that we must look after the environment and must be good citizens and that. You are carrying around fresh air from the airport down to Kings Mills and back again! 'No, no. It is a good idea. It is a trial. We are carrying on with it.' Eventually, they managed to stop a couple of the routes and use the bus for something sensible like on the school run. It is only now, six months later, that they have eventually realised that actually it is not working.

That is not the sort of the department that I need to have looking at this Transport Strategy. It has got to react a lot quicker, because what is the point of having an empty bus driving round the Island? And I can hear, through the Chair, sir, Deputy Gollop saying, 'Oh, no', but it is absolutely true. That bus is virtually empty and it is going round the Island, and Environment thinks it is a good idea, because if it was not a good idea they would have put a stop to it months ago.

Now, when Environment talk about things like, 'We do not want unnecessary journeys; we do not want people to be driving round.' The perniciousness of this particular Transport Strategy infects all over the place. So we end up having to fight all different fires which they have set up elsewhere. So now when PSD come and say, 'Can we take more of the car parking space away from North Beach?' we have a very open Environment Department ready to say yes, because, from Environment's point of view, they want to restrict the number of parking spaces in town to force people back onto buses.

But then when you read the actually policy that they came up with the very first time in the Strategy, I read it differently to how it is playing out, because the Strategy in the Minority Report was, 'This Strategy is principally designed to achieve a modal shift.' In other words, reduce the number of miles travel in private motor vehicles in favour of walking. 'The Strategy' – this is in bold – 'seeks to do this principally by making the alternatives significantly easier and more attractive than at present'. But what actually they are doing is the other way round. They are making the things that we are doing at the present far more unattractive, and that is the difficulty. It is the way you are looking at this particular Strategy.

I know Deputy Burford made a bit of fun of me because 'more carrots than sticks' and all the rest of it, and 'Oh, it is more than cleaning the pavements.' But cleaning the pavements to make sure that children can walk to school without brambles scratching their face is a very cheap and easy fix to do and if you really want to encourage to walk with prams and buggies then Environment should be writing to the Constables of all the Island saying, 'Make sure you do a second check that you have not got long brambles going into people's faces.'

And it is the same with road works. If you want people to cycle, make sure you have got drain covers that are not slippery; make sure that the pot holes are fixed; make sure there are not ruts.

3450 So, going back to North Beach, as slowly we get less and less options for car parking spaces in town, we then end up doing exactly what the Environment do not want us to do which is drive around, looking for a car parking space, but the only reason we are driving around is because the actual spaces have been reduced on a very amenable basis, because that is part of their policy and that policy has again infected through into the Island Development Plan, where we have the new parking ideas, where Environment has fit flopped the old arrangements, where it asked developers in the past –

3455 **Deputy Burford:** Point of correction, sir.

**The Bailiff:** Deputy Burford.

3460 **Deputy Burford:** Just a point of correction on North Beach. I can assure Deputy Brouard that all of the spaces that Harbour took for increasing their compound area were mitigated in other areas. I sat on the open planning meeting and it was a condition of the planning that all spaces were returned. So there has not been a land grab on car parking spaces on North Beach.

Thank you.

3465 **The Bailiff:** And I take it, Deputy Brouard, you are speaking generally. It seems to be you are straying way beyond – **(Several Members:** Hear, hear.)

**Deputy Brouard:** Not yet, sir.

3470 **The Bailiff:** Well, you have strayed beyond the Deputy Kuttelwascher amendment. *(Interjections)* There is nothing about North Beach in the Kuttelwascher amendment.

3475 **Deputy Brouard:** The point of Deputy Kuttelwascher's amendment is it is providing a temporary or maybe even a longer term fix for funding of the buses, which means we do have to deal with the rest of the Strategy, sir, but ...

Well, if I am speaking in general debate, I may as well throw the towel in with it, sir! *(Laughter)* We will go for it!

3480 So places like the parking – the new policy, which again was not really advertised, is suddenly that any new developments in town do not have to provide a minimum number of parking spaces; it is a maximum number that they can have, which of course makes it less likely for people to be able to have a place to park their car.

3485 This is the fundamental problem with Environment: they are getting mixed up in their own minds between understanding car use, parking and journeys. Because a person can quite happily live in town and have a car which they use for the odd occasion to go down to the beach or to do their shopping, but they may not need their car every day to go to work because they might walk to work, but they still need a place to park the car and that is one of the difficulties that we have.

3490 It is that Environment just are not able to understand that people need to have a car and, in fact, several times they have said, 'People need to have a car' which is fine – I do not disagree, but what I would like to see is perhaps people considering whether they make the journey or not; whether you make the journey or not.

3495 So taking away car parking spaces does not make it more likely that you are going to have to make a journey. In fact, it makes it worse because if you cannot find a place to park a car you are going to have to drive around looking for one. So if you can park your car on your own property or in the rented flats that you are living in... you can park it in the basement, isn't that so much better? And even more the likelihood that you take the bus that morning because you do not have to go and take your car round.

Now, part of the issue is on bus fares and I think it is one of the options... in all of the options is that we have now got the realisation from the Environment Department that we could have a

3500 bus fare but, rather than carry on the present system – and I think the Minister herself said – the  
current mode is working with regard to the buses. So it is working at the moment with the £1 fare,  
but, no, Environment want to make it even cheaper for people who use it regularly, so we are  
going to forego half a million pounds. And we have got the Treasury Minister telling us ‘Careful of  
the pennies’ and we are going to lose half a million pounds just by the *status quo*; so the bus  
system, at a £1, is working and we are going to put away half a million pounds. I think that is  
3505 absolutely wrong. I am going to end up having to vote for one of these if Deputy Kuttelwascher’s  
does not come through, because I am going to have to say yes to a bus fare. I would like to see  
that bus fare at a reasonable level.

Just think, tomorrow some of us are going on a bus, sadly, to the funeral. To get a bus to go  
from here to, I think, St John’s Church it is a mile away, we are paying £5 – £2.50 for a journey.  
3510 *(Interjections)* It is the bus, it is the driver; it is done the journey and coming back. And yet you can  
go round the Island for £1!

We need to have a realistic bus fare and I would, if I was anywhere near the controls, have a  
bus fare of at least £1, maybe £1.50, maybe even £2, maybe some offers where children can go  
free or children in uniform go free – not a problem. But I would have a reasonable bus fare  
3515 because nothing in life is free.

And it is almost a shame that we are having to manage Environment’s detail here on the floor  
of the Assembly and that is because the Strategy has not been put together enough to work. So  
that is where I would urge Members to vote for the Kuttelwascher amendment.

I would also encourage – and hopefully the Minister will pick this up – can we have a separate  
3520 fare for people going round the Island, please? And that is something Environment can do  
tomorrow. They do not need my permission for it. They could just put that in place. That is what  
they are empowered to do.

Now, some of the aspects in the Strategy that the majority voted for were things like parking  
plans for journeys. Now, we have got our own staff. We have got 5,000 staff; I am guessing  
3525 somewhere like 10,000 journeys a day. Now, some of them may be on foot, some will be on bikes,  
many will be in cars. I have not seen one bit of information to our staff or staff plans for ourselves.

I know when I have to use the PEH Hospital, parking is difficult there. It is difficult for patients  
to find spaces. Is there a parking plan there? Why isn’t there? Now, are they saying that this is  
going to cost £1.2 million to put in place? Is not that something that is a reasonable price to work  
3530 out and, if they need the extra money and they have come up to two funding methods, one is the  
bus fare. If the bus fare at £1 raises £1.2 million, if you wanted to raise an extra £1.2 million, put  
the bus fare to £2. *(Interjections)*

Well, I do not know. I have got someone shouting at the back here, ‘No one will use the bus at  
£2.’ Well, there are quite a few States’ Members who will be using a bus for £5 very shortly.  
3535 *(Interjections)* I do not think that a £2 bus fare for a journey from town to Pleinmont is exorbitant  
**(A Member:** You don’t!) and if children go free I do not think that is unfair.

One of the things that I liked about the Transport Strategy – there was not very much but what  
I did like about it was things like the taxi buses. So where are the taxi buses? When I asked  
Environment, ‘Where are the taxi-buses?’ Well, I was told that... When I asked Environment about  
3540 where the taxi buses were I was told that ‘Well, actually people could have tendered for it.’ But  
really it is for Environment to encourage those tenders to come in or to set some trial up on their  
own, to see if taxi buses work, because I think that would get away, for a lot of people who are  
unable to catch an ordinary bus, where a taxi bus would actually go to their place...

Now, one of the things that Environment are asking for is this £1.2 million which was going to  
3545 fund the bus infrastructure, cycle infrastructure, pedestrian infrastructure, public realm and, for  
disability, £150,000.

Now, I did write to Environment Department to ask them where the meat on the bones... what  
that actually means? I was hoping today... the Environment Minister started it and I actually got as  
far as writing the headline, ‘£1.2 million on’ and then she was going to say what she was going to  
3550 spend on, but she actually did not say anything apart from ‘carrots’.



But when I went to the Environment Department – I have got their reply here; I can photocopy it if anybody wants to read it – the answer I got back was... 'What is actually planned and what is it actually to pay for?'... :

'Dear Al, we have no specific plans at this stage and hence I cannot give you an item by item budget for the next few years for those budget headings. Indeed, the projects could change in nature significantly from year to year. For example, the works around Vauvert School could use up all the pedestrian infrastructure.'

3555 And it goes on, etc. So this is a wish list; this is a nice-to-have. What I would like to have seen was the Environment saying, 'Actually, if you fund us this, we can give you this.' But it has not got into that stage yet.

Now, if the Environment had some good ideas besides raising the bus fare, one other place they can look for funding is the Residents' Parking Scheme – which we are coming onto next. Now, the Residents' Parking Scheme is set to be £100 for a three-year permit, to allow people to  
3560 park for a longer time outside their house in St Peter Port in certain streets.

Now, I would see that... and part of the funding will, of course, go to the administration of it, but wouldn't it be great if some of that funding could be used to do some of the things that Environment would like to do: cycles lanes, the extra talks in school about cycling proficiency etc.? Why not have the Residents' Permit at a level that is appropriate and gives some reasonable  
3565 funding? Wouldn't someone living in St Peter Port, who has got a car – because they have been told they have to park on the streets, because they were not allowed by the developer to put it into the property when it was built, so they are now forced to go on the streets anyway – wouldn't it be nice, sir, if that person would be able to pay, say, £100 or £200 a year for the privilege of having a known parking space, virtually outside their house for 23 or 24 hours?

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

**The Bailiff:** The Residents' Parking Scheme does not provide a known parking space; it provides something like a one-in-eight chance of finding a parking space. (**A Member:** Hear, hear.)  
3575

**Deputy Brouard:** Thank you for that.

It is certainly an ability to leave your car in a space for far longer than anyone else can and it will also mean that commuters looking for spaces coming into town may not find them.  
3580 Unfortunately, this is for the next debate but we will then explore how much research has been done to find out what happens to commuters when that comes in. But the point I am making is there is an opportunity there for the Environment to make some substantial funding from a large number of people, so it will not cost individuals a great deal of money, but it will bring in some well needed funds either to subsidise the bus service or to do some of the public realm items  
3585 which they are so keen on doing.

And I was a little bit concerned, on the Sunday phone-in, a person from the Department said, '£150,000 for the disability part of the Strategy was a drop in the ocean' – almost dismissing the amount as a drop in the ocean. But it was Environment who had asked for £150,000. They could have asked for £1 million or £2 million. It was in their gift to ask. If they think it is too small, then  
3590 they should have asked for a bigger sum and it was almost as a slur on Deputy Kuttelwascher's amendment that he is only asking for that, but that is what Environment actually asked for. So he is providing exactly the figure that they are asking for.

Thank you, sir. I have probably said far too much. (*Laughter*) I hear Deputy Bebb saying, 'Yes.' Thank you, sir.

3595 Just a mention from my colleague, Mr Mitchell, that pensioners can still go free on the bus service. Thank you for that.

I will be supporting Deputy Kuttelwascher's amendment and I will urge everybody else to do the same.

Thank you.

**The Bailiff:** I will call next Deputy Fallaize and then yesterday afternoon we took a break around about this time. I suggest after Deputy Fallaize has spoken perhaps we take a short break. *(Interjection and laughter)*

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

Before I say what I was going to say, could I please ask Deputy Kuttelwascher to clarify something about his amendment because I am confused? Could he explain to the States how much his amendment would cost General Revenue? I am thinking about this Proposition 7, because he is proposing funding ... Well, the explanatory note asks the States to agree that the new bus contract and disability provisions should be funded by General Revenue. Now, could he just advise the States how much he intends General Revenue to fund the Strategy as a result of his amendment, please?

**The Bailiff:** Could you put your microphone on, Deputy Kuttelwascher.

**Deputy Kuttelwascher:** Thank you for giving way.

The £150K for the disability is what has been requested by Environment, and that is that. There has been some money already gone to Environment regarding improvements in the bus service and it is a bit of a moving target. The last figure I had from the States' Treasurer was that there would be a requirement for an extra £650,000, but I am not sure that that is fixed. So you are talking about £800,000 together, plus or minus, depending on... The problem with funding the bus strategy is it is not a fixed amount. There could be extra demands on it if, say, the introduction of new buses is delayed because there will be a demand for extra funding to deal with extra maintenance. So as a ball park figure, in total it is about £800,000.

Thank you, sir.

**Deputy Fallaize:** I thank Deputy Kuttelwascher for that. I am still partly confused, but I am not sure that has got anything to do with him; it has probably got more to do with me. *(Laughter)* What has confused me is that he presented his amendment as a way of protecting the notion of a balanced budget. Now, I share his enthusiasm for balanced budgets, but I am not sure his amendment is consistent with producing a balanced budget.

I will give way to Deputy Kuttelwascher.

**Deputy Kuttelwascher:** No, if he listened a little more carefully, I said it would *reduce the risk* of not having a balanced budget. There was no way I said it would guarantee a balanced budget. If you reduce expenditure in this year and, indeed, next year, you have got more chance of maintaining a balanced budget, because until you receive the accounts for the year, you will not know what is going on. Budgets are just estimated forecasts, but it is kind of obvious to me, if you reduce expenditure now then there is more chance of achieving what was budgeted.

**Deputy Fallaize:** That depends how much income you bring in, because I think Deputy Kuttelwascher may be confusing gross expenditure with a balanced budget. If the Environment Department came to the States proposing to raise £20 million of income through various measures and spending £20 million on a transport strategy, they would not be doing anything to compromise a balanced budget. They would be doing something to increase the expenditure of the States, but Deputy Kuttelwascher did lay his amendment on the grounds that the States should support it because it had more prospect of supporting the notion of a balanced budget.

Now, he is saying that he thinks that his amendment, if the States approved it and then approved it as a substantive Proposition, may cost about £800,000 a year, but the other three options, which are the Environment Department's Propositions in their policy letter, do not

propose any additional funding from General Revenue, because they are raising all of the necessary funding on the income side.

3655 The new Proposition 1A, which has just been inserted, does propose increasing the contract subsidy from T&R by £1.1 million, as does Proposition 1B, but Deputy Kuttelwascher is saying that his amendment, giving a ballpark figure, represents an increase to General Revenue of around about £800,000. Well, it is not credible to suggest that the difference between £800,000 and £1.1 million is potentially the difference between delivering a balanced budget and an unbalanced budget when the total expenditure of the States exceeds £300 million per year.

3660 Now, Deputy Kuttelwascher is shaking his head. Maybe I am confused. Deputy Kuttelwascher is nodding his head now so I presume I am confused! (*Laughter*) But twice he has interrupted my speech and he has not been able to clarify how his amendment is going to make any sort of material difference in terms of supporting this notion of a balanced budget.

3665 So when he sums up, I would ask Deputy Kuttelwascher to explain – I am talking about balanced budgets, not gross expenditure – what is the difference in terms of balancing the budget between his amendment, the Environment Department's Propositions in the policy letter and the two amendments that the States have just approved, laid by Deputy Burford.

Thank you, sir.

3670 **The Bailiff:** Well, it is nearly quarter to. I suggest we come back about 4.55 p.m. just before 5 o'clock, when we will hear from Deputy Domaille and Deputy Lowe and Deputy Brehaut. Thank you.

*The Assembly adjourned at 4.44 p.m.  
and resumed its sitting at 4.59 p.m.*

## ENVIRONMENT DEPARTMENT

### **XIII. Integrated Transport Strategy – Funding – Debate continued –**

**The Bailiff:** We continue the debate on the Deputy Kuttelwascher amendment.  
Deputy Domaille.

3675 **Deputy Domaille:** Thank you, sir.

I will be supporting this amendment. The Integrated Transport Strategy was supported by a majority of States' Members in May 2014. However, since then, there have been a number of twists and turns, culminating in these proposals and it is quite clearly nothing like the Integrated Strategy that was originally approved.

3680 I did not support the Strategy in May 2014 and I cannot endorse these proposals, as they stand. I am not alone in this. In fact, the report makes it quite clear that Environment Department members are less than enthusiastic in bringing some of the proposals forward.

3685 Important integral elements of the approved Strategy that will have been rejected if these proposals are approved unamended, include benefits in kind, paid parking, free buses, paid parking clocks – although that may now change – width charges and green vehicle subsidies. In addition, the omission charge has been so reduced as to make them meaningless, as is recognised in paragraph 5.47 of the Report and the bus depot will be relegated to join the queue of other capital projects. Possibly the biggest single U-turn is on fuel duty. The Strategy approved by the States called for a reduction in fuel duty. This has been abandoned and, instead, a  
3690 significant increase in fuel duty is proposed. More on this later.

Whatever we are left with is not the Integrated Strategy that was envisaged and approved. In fact, what I do welcome is the positive change in the new bus contract and I think the Environment Department have done extremely well there, and this contract will continue to be fully funded whether or not this amendment is passed. It is funded from General Revenue at present and that will continue.

Turning now to the funding of the work streams that are left, one of the professional members of the Public Accounts Committee recently said, 'The States have too many financial teapots.' Sir, it must be wrong for the transport initiatives that are left to be ring-fenced than other, conceivably, higher priority initiatives.

Just this States' meeting we have talked about maternity services – £3 million extra for Health; my wife's good friend, Deputy Sillars, is looking to bring forward some pre-school education proposals which are going to cost some money; we are looking at maternity leave and increased Social Security contributions. All these have to be funded from somewhere and I really do think that to be taking the transport initiatives out of that picture is wrong.

Treasury & Resources Department, in its letter of comment, recognises this. I refer Members to the third paragraph on page 1626 – I will read the relevant bit because there is quite a lot in there – which states that if these proposals are accepted, it will 'result in a reduction in funding of 0.4% for all Departments and Committees.'

The department also states that it is:

'... concerned that the States are being required to consider such additional funding requests which, in isolation, undoubtedly have merit, but may not be of the highest priority when considered alongside other competing and increasing demands for additional budget, particularly from the Health & Social Services Department'.

And that we have talked about at length this morning.

Sir, this point is stressed even more strongly in the report on maternity services which we have already approved. If Members were to look at pages 1562 and 1564 in the Billet, they will see that in the final paragraph, on 1562, the Treasury & Resources Department is raising the spectrum of cuts in department's budgets to fund health services. This is reinforced by the Policy Council on page 1564 in its third paragraph of its comment.

Sir, by way of example, it cannot be right for funds to be collected solely for, say, expenditure on improving cycling infrastructure, providing covered stands etc. and, at the same time, cutting departments' budgets for much more important initiatives. If the transport initiatives are essential – and clearly I have some sympathy with them – then the case of funding should be made when budgets are allocated and, if they are justified, they will get money.

If these proposals are accepted – and to use the teapot analogy – the only thing that will be brewing will be trouble. I have to say that, given their stark warnings, it is surprising Treasury & Resources and the Policy Council are not opposing Environment's proposals. Logic says they will support this amendment, especially since we no longer have a meaningful integrated strategy. We will see.

The Minority Report stated quite clearly that without definite drivers and resources in place, very little will change. Those drivers and disincentives, by Environment's own admission, no longer exist. The first registration duty is so low as to be pointless and the main thrust centres on fuel duty increases of 5.5p and 7.5p per litre for diesel. The Minority Report, which the States accepted, said that increasing fuel duty would be ineffective and even a rise of 13p a litre would be unlikely to have anywhere near enough impact to change behaviour in the way people travel or on the size of vehicle circulating. No wonder the Environment Department is sceptical of proposals. They are coming to implement some of the very things that they had previously said would not work.

So just this point, sir... Can I make one personal comment, really, I think, I suppose? I happen to think that Deputy Burford has done an excellent job as Environment Minister. I think some of the abuse that has appeared on social media – although I can barely switch a computer on – is wrong

and I would just like to put on record that I think she has handled herself extremely well. (**Several Members:** Hear, hear.) I meant to say that at the beginning.

3740 So, moving back to the amendment, there can be no justification in continuing to seek to introduce funding measures solely to fund the remnants of the transport proposals. I did not support the Strategy, but I do sympathise with the Environment Department's position. However, apart from the buses and the disability proposals, the rest of the strategy is, at best, fragmented, if not dead and there is no justification for imposing more extra charges on the long-suffering public.

3745 Sir, this amendment is clearly pragmatic and represents a prudent financial approach and one which Deputy Conder will, hopefully, support, which is especially important at this time and I ask Members to support this amendment.

Thank you.

3750 **The Bailiff:** Deputy Lowe.

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

3755 So here it comes: I am going to support the amendment and I know that I am going to have Deputy Fallaize, who has got *Hansard* rage, to quote me of how I said, 'If parking clocks came back I would support it.' That is fine. You can quote all you like, you know. There were cheers before even from Deputy St Pier who was saying he would be very disappointed if I do not actually vote for the amendments produced at the 11th hour and the 59th minute this afternoon, from the very department who, it is their Report, placed two amendments before us to change their Report that they have spent several weeks doing – and, indeed, I am led to believe even one of the Members, or possibly all the Members, have not even seen one of those amendments that we have got before us today. That is how much of a rush job it is this afternoon. Is that how we really want to operate in this Assembly? (*Laughter*)

3760 We spent four hours this morning on a really serious subject. We spoke about health. So many of you stood up and said we need to support Deputy Luxon and his board and the staff at HSSD, that we have a huge problem being able to find enough money to make sure we have a Health Service that is affordable. We have heard that there is the possibility of even £20 million next year or in the years to come for the Health Service. We need that. There is a difference between need and a difference between want.

3770 Listening to Deputy Burford this afternoon, she made it very clear... and that is why I am surprised at Deputy Jones, because Deputy Jones said he would support the amendments that had been placed earlier, because it got rid of the fluffy bits but actually Deputy Burford said that the costings in her amendment were for the bus contract *and* another £1.25 million for the everything else. 'For the everything else' is the need to have.

3775 We have this morning where we are actually ploughing money into HSSD – rightly so. We heard yesterday – which I thank the Minister for... who made us aware – that contributions are going up 0.5% for contributor and employer and employee, coming up in that as well. We have Education who are screaming out for money to be able to make sure that we have a good education system.

3780 Those are things where we are actually asking people to put their hand in their pocket. We have not even got the Budget yet and we will be asking people, no doubt, because I doubt we will have a Budget without any increases whatsoever because that just does not happen and should not happen, to be able to go forward.

3785 We have a whole list of things where we are asking people to put money in the pocket. We know it is going to cost a lot more for health in the future. We know Education are trying to do their best for education in our schools, which is our children, our future and, yet, we are prepared, if we support the amendments further on, for a £1.25 million of nice-to-have.

Well, you know, those days are gone and we really should only be spending money in this Assembly, responsibly, on things that we really need. We need a bus service – there is no doubt

about that; we need a bus service. I fully support a bus service. Deputy Gollop probably uses the bus service more than anybody else and I would probably say I would be the next one in this Assembly who uses the buses a lot more than anybody else sitting around this Assembly, because we use them a lot and it is a good bus service and it is something I want to see actually improve even better. That is fine. I think you can go outside and people will support that. If we are being responsible with the way we actually go forward to spend that, but I cannot go down the route of just having £1.25 million for everything else. I just do not think that is appropriate.

So I am going to support his amendment and I know I am going to be criticised, but I can live with that. I think Deputy Jones said he was allowed to change his mind. He changed his mind, because he told us all on Monday at the Douzaine, he was going to support Deputy Kuttelwascher. He told Deputies at the Deputies' Surgery he was going to support Deputy Kuttelwascher's, but over-night, with all their e-mail exchanges, agreeing to support one another, he is now going to support Deputy Burford. That is fine. That is his choice. Like it is my choice to change my mind, because there is a far better amendment here in the difficult times that we have got, where we have not got any money and we are going to send out the right message to people that we are being responsible over how we spend their money, and so I will support Deputy Kuttelwascher's amendment.

Thank you, sir.

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

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

I will not dwell on Deputy Domaille's speech, but it must have crossed his mind that, under the criteria that he gave for not supporting this, we would never have supported his Majority Report. *(Interjection)* But there you are. But, using the same measure, we would not have supported the report that was presented by Deputy Domaille.

Deputy Kuttelwascher – I sit next to him, I know him quite well, so he will allow me this, I hope. **(Deputy Kuttelwascher:** We'll see.) Yes, we will see. But I think he was probably in aviation for a little bit too long because too frequently he is just looking for the emergency exit, I am afraid, *(Laughter)* and it is about a question of getting this out of the way; we do not need a strategy, let's get this done with and, just to remind there are two amendments today and there could be another two at another time. *(Laughter)* Because there is a mood, I am afraid, and what I find intriguing, amusing, to the extent that I want to cry my eyes out is that you embraced the Minority Report. Look at *Hansard* and what Members said. It was 'a much better drafted report'. It was 'a much better piece of work'. 'It made sense.' Then we know, we had some electoral involvement in the process and people then decided that perhaps, on reflection, some of the measures may not quite work for them.

And Deputy Al Brouard said – I know it was general debate, but I just refer to it. He said he had 200 e-mails and he replied to everyone. I sincerely hope he did not. I sincerely hope he did not, because I spent a great deal of time looking at who was contacting me and I will not mention the gentleman's name, but it is out there; a gentleman who asked people not to approve the recent road closures, says – I am sorry for the graphic nature of this – he would like to 'bayonet States' Members in the neck.' Please do not reply to people who post those types of things online.

Now, cycling and walking infrastructure and improvements – if I glance down at this device, it tells me that in 21 hours and 33 minutes, I have walked 150 ... Sorry, that would be too optimistic. In 21 hours and 33 minutes, I walked 116 km – and I have been doing a fair bit of walking lately. Now, when you make a journey in a car it is a very simple thing to do. It is incidental. The radio is on, the heater is on; it is an A to B thing. It is incidental. You are almost oblivious to what is happening around. You make the same journey as a pedestrian – a totally, totally different experience. You have to wait to cross the road. You have to cross the road when it is clear. Clearly, on occasions, it is not safe to cross the road. I take Deputy Brouard's point that the hedges are not cut back adequately. So already car drivers expect you to get out of the way and when you walk

along, particularly, the Bailiff's Cross Road, the cars coming towards you on the pavement expect you to get out of their way.

3845 In a conversation I had with Deputy Fallaize yesterday, I made the point that I bet all of us have had this experience: you are walking on a pavement, there is somebody's gateway, the car pulls out in front of you. The motorist then looks at you, frustrated that you are in their line of vision. I bet the next thing that happens is you step out into the road and wave the car out so it can join the traffic, but the amount of time that the car takes priority over the pedestrian and the cyclist is by far the majority of time.

3850 When some people, who we were contacted by recently, said, 'I am fed up of seeing bikes cycling on the pavement,' every day – every day! – thousands of cars are on the pavement and Foulon Road is being resurfaced at the moment. Actually the road is not; the pavement is being resurfaced as a priority, because the pavement has collapsed because of use.

3855 I make that point for this reason: when Deputy Lowe placed her amendment for a parking clock, she did not make any argument about the people of Guernsey being taxed enough; the people of Guernsey being taxed and why put another charge? She made an argument, effectively, for a type of paid parking and a type of charge or tax.

I will not give way, I am afraid.

**Deputy Lowe:** It is a point of correction, sir.

3860 Under the Rules I had no alternative; I had to come up with something else if I was taking something out of the Report. So, therefore, to compensate for the cost, I had to come up with an alternative and I came up with parking clocks.

3865 **Deputy Brehaut:** And I am glad it is something you believe in and will be voting for later. That is comforting.

3870 So the reason that I would like Deputy Lowe and other people in this Assembly and members of the Home Department... I sometimes do get frustrated – and I know there is a review of Machinery of Government and responsibilities change. Environment have the safety obligation, but the blue light services sit under the Home Department and it is the Police that deal with some quite wretched and awful incidents and it is shame that the Transport Strategy ... It is a particular shame that we cannot take members of the Home Department, in particular, with us. I have listed them before. You can spend... just from memory, the quite wretched accidents that have happened on piers at St Peter Port and the car rolling down Mill Street and various episodes, incidents, catastrophes and real life-changing events for people that have happened.

3875 So these infrastructure improvements – cycle infrastructure improvements, the walking infrastructure, the walking environment that we all use and try to share with traffic – could be improved.

3880 I would just air my disappointment that Deputy Langlois has seconded this amendment. I do find that particularly disappointing for the reason – I will be accused of making assumptions here, but I think this not an unreasonable statement – that there are 8,000 people, thereabouts who do not drive; it is the lower paid that walk, cycle or use the buses; I bet they are services users of SSD. It would not surprise me at all if some of these people are and the idea – and this is the rather black logic that really does concern me, is that we have a situation whereby if you are already a client of the GDA, we will look after you, but people, by definition, are not born with an acquired head injury, they acquire it. So you will let me walk on a dangerous pavement and you will not want to fund the infrastructure. You will let me use a cycle lane that is far from perfect and risk me having an accident, because if I have an accident it is okay, the GDA are there. What a really perverse to look at road safety and infrastructure.

3890 What we have had today and I expected it from Deputy Brouard and Deputy Lowe is this false argument really – we have heard it actually from Deputy Kuttelwascher and from Deputy Domaille – that it is in tatters, it is in a mess; there is nothing that – (*Interjections*) Of course, because you need that. You need to say that, because you have done absolutely everything to ensure... You are

like a draper who burns somebody's house down and then says, 'Well, you will not be needing curtains, will you?' (*Laughter*)

3895 You have totally contrived a situation where the Environment Department is left with virtually nothing and then you behave in a way as if to say, 'Well, you know, you sort of got yourselves into this mess.' No, we did not. No, we did not. Measure by measure, we have had so many pieces of the jigsaw puzzle removed that now the picture, even from a distance, is not too clear to anyone.

3900 Please do not support this amendment and, as I said to a Member in the Members' Room playfully before, I feel as if this is like a quiz show competition, where initially we almost got the caravan or the car, but we are going walk away with the toaster; and I do not want that happening today because it is not about me or my political career, it is about the community having real enhancement and improvements and you embrace that. You embrace those sentiments when you supported the Minority Report. So what has changed, ultimately? What has changed, other than  
3905 quite direct intervention that took the leading edge off the Minority Report, which is unfortunate? But there is something here to salvage for the betterment of the community and I just ask you just to take that last step with us so we can deliver something for the benefit of the community.

Thank you.

3910 **The Bailiff:** Deputy Spruce. Sorry, Deputy Lowe.

**Deputy Lowe:** Just a point of correction or clarification, really. Deputy Brehaut said that Deputy Brouard and myself are trying to break down this Transport Strategy. He needs to remember it was 28 Members in this Assembly, of which many said they voted for that, to stop  
3915 the Strategy and to stop paid parking.

**Deputy Brehaut:** Can I...?

**Deputy Fallaize:** Correction, sir. They voted in favour of introducing an annual paid parking  
3920 clock to fund the Strategy. (*Interjections*) (**A Member:** Hear, hear.)

**The Bailiff:** Deputy Brehaut.

**Deputy Brehaut:** Sorry, sir, I do not want to be guilty of it either, but we are sort of  
3925 encroaching into second speech territory all the time.

**The Bailiff:** Deputy Spruce, then Deputy Gollop.

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

3930 I am afraid, Deputy Brehaut, I am going to add to your angst on the subject. I will keep this as brief as I can, especially given the amount of business we have got to get through.

I must, firstly, praise the Environment Department for doggedly trying to save what is left of their strategy! (*Laughter and interjections*) You have got to give them 10 out of 10 for determination! However, it is a fact that this Strategy is no longer fully integrated. It has, in my  
3935 view, totally disintegrated and it is limping along with hardly anything worth saving. Deputy Brehaut himself said, 'We need to salvage something from the remains'. His own words were, 'We are left with nothing.'

So we have got no paid parking, no free buses, no width taxes, no emission taxes, no bus garage. In fact, there is hardly anything left of this Strategy and we have got no funding  
3940 mechanism available to fund the remaining parts of the Strategy. So all we really have to decide to do today is to fund the bus contract. This contract has already been signed, so we really have little or no choice but to agree to pay for it.

And we have also been asked to fund a range of non-essential items – items like cycle infrastructure at £420,000; pedestrian infrastructure at £330,000 – this is the fluffy bits, Deputy



3945 Jones, as you said, were not included – and public realm improvements of £200,000. These non-essential items would cost £900,000 to fund in 2016 alone. Also, in addition to these non-essential items, the proposals seek to raise another £150,000 for disability transport measures, which I would support.

3950 So I would ask you, therefore, to support the amendment because it provides funding for the new bus contract, including the new routes, funding for the disability transport measures, which are commendable and it rescinds the other decisions already taken to provide the non-essential parts of the Integrated Road Transport Strategy.

3955 As a fully integrated strategy no longer exists, these totally unnecessary expensive items cannot be considered essential any longer. We need to accept the fact – and this is the key point of my speech really – that the public do not have unlimited resources. Someone has got to pay. We have also heard earlier this morning just how major the current and future funding requirements are for HSSD and, in fact, SSD. *(Interjection)* These are huge numbers – Sorry? *(Interjection)*

3960 Anyway, these items have to be funded through the budget measures. We have also got waste charges coming down the road from PSD and pre-school needs funding. The only place you can get the money to pay for all those things is from the general public, from taxes or cuts in services. So I think it would be completely wrong for this Assembly to approve non-essential spend on items such as cycle infrastructure, public realm and things like that. These just are not important in the scheme of things. As much as we would like to have them, they are not important and, come 3965 November when the Budget comes forward, the public are going to have to pay for the increases to fund essential items.

So I really think it is time that we had a bit of a reality check. We do not have an Integrated Transport Strategy. We have the remnants of the Strategy left on the table, but they will cost over £1 million. Deputy Burford said, '£1.25 million to fund the remaining elements'.

3970 So I really do think the amendment before us is the way to go. It will cover the bus company contract; cover all the new routes and it will cover the disability element. So let's stop playing around on this because it is the public's money we are being asked to approve for expenditure.

**The Bailiff:** Deputy Gollop.

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**Deputy Gollop:** Sir.

Things change so much and I am pleased today that we have the opportunity today, and perhaps tomorrow, to look at a whole range of different policy options for funding the Transport Strategy and, indeed, two more that have appeared, although there might be a fear that an 3980 omissions charge which was too high would have to be scrutinised.

But I think they are all more sensible than this amendment from Deputy Kuttelwascher and Deputy Langlois. The Sunday before last, when Deputy Burford was on the phone-in, sometimes Ministers are martyred for punishment, but she did extremely well on this phone-in and the discussion drifted onto the proposed Kuttelwascher/Langlois amendment and initially I thought, 3985 'Actually, I could support that.' *(Laughter)*

The reason I thought that is because what I have learned the hard way is virtually everybody, with the exception of Deputy Jones and possibly Deputy Burford, have changed their position at some time in the last 18 months on this debate... has been that there has not been as yet a sufficient appetite amongst many of the public and the States as a whole for a hypothecated 3990 transport strategy.

That is a given and, therefore, the easy way out is to say, 'Let it all come out of General Revenue'. Actually, we have heard a number of speeches in favour of Deputy Kuttelwascher, saying, 'Yes, let it come out of General Revenue.' Then they have said in the same breath, 'Actually General Revenue should be reserved for really essential things like Health & Social Services and 3995 Education. So it is inconsistent, because nearly everything is kept in the Kuttelwascher model.'

But what stopped me from supporting it was when I realised that it was not a strict transfer of demolishing hypothecation, at least for this parliamentary term – I think we will return to that kind of structure at some point in the future – and just replacing it with a short-term fix of General Revenue funding. It picked and choose'd from the Strategy. Effectively, the Strategy was completely dismembered – a strategy that we have adopted in the past and generally supported.

For example, if one looks at the amendment it would rescind the Propositions relating to cycling infrastructure provision, promotion, education and investment, pedestrian infrastructure provision, promotion and investment, walking and pedestrian infrastructure provision. These work streams have been carried on by the Environment Department and their predecessors for a very long time. The Vulnerable Road Users Working Party was set up in 2001. We have actively recruited staff, some of whom have a long background in this area; we have working groups, sub-committees that have met extensively. We are aware that cycling is both a fashionable sport and occupation, but it is also part of a healthy lifestyle and occasionally, though, has risks and dangers that we wish to work on together, as a committee, on behalf of the Island. I do not think it is appropriate to just abandon those works streams, which have a health preventative element as well as an environmental message and a sporting message.

This amendment, effectively, goes further than just transferring the methodology of funding. It seeks a change in philosophy. It openly calls for the rescinding of around a third of the Strategy. That cannot be good government because we will lose the environmental momentum and we will opt out of the work that we have already done and when one thinks of the controversy from all sides of the spectrum about pedestrian measures it shows that, far from being a minor topic, it is hot topic where 60,000 people all have their own individual opinions on.

So far from abandoning it, what we might have to do is to work together with the St Peter Port Douzaine, with partnerships, with other groups, so that we find common ground, but that is not an argument for throwing the baby out with the bathwater, to use a hackneyed phrase.

I will also say that the arguments about hypothecation raise other questions and the question, to me, is this: that although one could look at other departments who receive money from General Revenue – we do not, for example, define HSSD expenditure entirely on how much we raise from alcohol or tobacco or housing expenditure, depending on how much we raise from document duty – although this pseudo-hypothecation is unusual, it has been an established part of States' thinking on transport strategy since the 1990's, since the debates we had then on paid parking.

Maybe there has been a marketing issue there, but one cannot say at this late stage in the life of this Assembly that it is time to abandon that principle. If we are to have a debate about the role of hypothecation within Environment or other departments, that surely is a debate for another day.

We should throw out this amendment and focus on the work that the Environment Department has done to actually, not just put forward our views or the views that we have considered based upon our preferences, but on your preferences on the amendment that Deputy Lowe and Deputy Brouard got passed before the Assembly.

So, to hear perhaps those supporters not actually welcoming the amendment or implementation of their amendment is galling in itself. So I think we should move on from this debate and onto the main agenda.

**The Bailiff:** Deputy Langlois.

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

I thought I was going to be thanking Deputy Gollop for his support there for a moment, but the moment passed, so there we are.

Sir, in these sorts of debates you always think very hard before you second an amendment. Some would say you think particularly hard if it is Deputy Kuttelwascher who rings you to say, 'Will you second it?' I know he will take that in good part. Especially, when it is a topic which whilst I

have voted in particular ways and I have made a few comments on, it is not central to my bag, my portfolio and so on; and especially as well when lots of amendments suddenly turn up, like a load of buses, if you were somewhere else other than Guernsey, that they all turn up at once and then you have got to think through the complications; and we have seen two examples of people changing their mind very much at the last moment in quite a fundamental way, as a result of some of the things that have confused the issue.

Deputy Kuttelwascher pointed out that these things do change. There is the passage of time since the policy was set and so on. Deputy Domaille gave some wise words, which I thank him for the congratulations that he gave to Deputy Burford in her work as Environment Minister, because I think, given the circumstances, when she followed him she took on a very difficult job and in all sorts of areas we are aware of good work going on and that is good acknowledgement.

But the thing that decided me to agree to second this was all to do with the fact that I think it has significant implications that stretch far beyond the component parts of the now fairly fragmented – everybody acknowledges, somewhat fragmented – Transport Strategy. Most States' strategies have financial implications and the history has been that just before, I think, I joined the Assembly there was a Rule called 15(2) which was introduced. It came in with reasonably high hopes of answering the question, 'How much will this cost?' Because there was a history before that of people coming along with good ideas, not paying too much attention to the finances and then basically digging around in the enormous reserves and surpluses we add and financing it somehow. So it sought to answer that question.

Now, later on, because we got shorter of money, it started to ask the question, 'And where will the money come from?' And as ex-member of Treasury & Resources I had some experience, together with Deputy Domaille and Deputy Kuttelwascher, this term, of that question becoming more and more almost intrusive on a clear mandate the Treasury & Resources has relating to – funnily enough, the clue is in the name – 'money and resources'. So, to me, there was a problem that was being flagged up and it is almost that this particular debate is a victim of circumstance from me agreeing to raise this issue, this hypothecation issue – it could have been at another time but, nevertheless, we are here today.

So, sir, why is this wrong? Well, the situation is that we are faced with these proposals and it is a mini-budget; it is a mini-budget of hypothecated taxes. Sorry, you can play with quasi-hypothecation and all sorts of words like that; basically, the rest of us have difficulty enough saying or spelling or fully understanding the concept of hypothecation anyway, but whether it is a scale, whether it is a scale of things or whether it a black and white thing, you play with those words as long as you like, but the reality is that this is a set of hypothecated taxes.

And why is it wrong, sir? Well, raising money from public services comes in various forms. We charge the user for various services and few of us would disagree with the fairness of that, in most cases. Charges come in various forms. We have some jolly good arguments about them – sorry, debates about them – and so on, but basically if you are charging for use of a service there is an element of inherent fairness in that, that makes sense.

Charges are particularly appropriate when people are in a position of being able to make a really free choice about whether to use the service or not, and that is part of financing some public services, certainly a major part of financing privately-provided services.

On the other end of the scale, we have got general taxation which is necessary to provide essential services and we have already made decisions this year regarding the size of what the public sector, as a whole, should be. Now, that was within the context of a long-term plan, but nevertheless it is there, it is a marker that is there; it has been agreed by the Assembly and 28%... each time we make another decision to chip into that, then that will come increasingly into question and in future Policy & Resources will have to deal with it; for the next year, Treasury & Resources have to deal with it.

And that is why, sir, there must be central control over the budget allocations to provide these essential services. So hypothecation, to me, is wrong because it seeks to take taxes, in this case, from one group of people to provide the benefits and services to another group of people. (A

4100 **Member:** Social Security.) (*Laughter*) Actually, strangely enough, sir, we seem to forget that there are things called contributions and the clue is in the word to do with Social Security; and since I have been interrupted by the person concerned, I was going to make a comment about... I think, over the next 36 hours, can we please keep the sort slightly personal stuff out of it – making assumptions about my motivation for this? But, enough said.

4105 Hypothecation is wrong, because it seeks to take taxes from one group of people to give a benefit to another group of people. And where this occurs in the context of general taxes, that makes overall sense. It is not only in relation to Social Security; it is in relation to all of the big spending departments, where we all contribute but only some benefit.

4110 Where it attempts to form links between specific income and specific expenditure, it is quite simply wrong. There is also an irony in the use of hypothecated taxes to change behaviour because, as has been pointed out on a number of occasions during the formation of the Strategy, if this works and the behaviour changes, the amount of income decreases and so you have this constant retuning that would have to be done to make sure that if your Strategy is working, where does the money then come from?

4115 Now, sir, if a service is worth paying for from taxation income, it should prove its business case against conflicting demands and stand up to that scrutiny. At this point, sir, this may become slightly more disjointed, simply because of the debate that has gone on today and amendments that have appeared. So what I am saying is very much that it took years to get rid of the first come, first served concept on capital expenditure. I am worried that, by this sort of decision, if we reject this amendment and then we move on to this sort of tick box choice that we have got, on 4120 the other possibilities of raising the money today, that we are beginning to get to a point where it is first come, first served, in terms of revenue expenditure.

And the reason I say that is because whichever of the three options in front of us that we choose, if we go down that route, Treasury & Resources will have their options restricted because 4125 certain things have happened; if there has already been a rise in fuel duty, their opportunity or possibility of using fuel duty in other ways will be restricted, without any doubt at all.

So that will undoubtedly be the case that they will be in a position where they are saying, 'Well, we cannot use that to close some gaps, because it has already been used for another purpose.' Now, you take that to the logical conclusion and you leave the central co-ordinating financial 4130 body with no room for movement at all. That is what is concerning me.

So what we are potentially moving towards is to take these sort of detailed financial decisions, this micro-management, in terms of national finance, back to a committee of 47. Here we are again – a wonderful thing, consensus government. We see some very good examples of us finding the compromises that work, because we are like we are, but this is not one of the best areas 4135 because we stand up here and we suddenly get speculation about whether a bus fare is 'Well, perhaps it should be £1; perhaps it should be £1.50.' We saw cracking examples of it some years ago when we almost had paid parking on another occasion and the rates were discussed in this Assembly and so on.

If we go ahead, looking at these three choices, one other objection that I have is that we are 4140 being faced today with three options and we will be making decisions on which is the least worst option, rather than the best option. Rather than the best one which will be most effective – the one that will be most effective to achieve the Strategy – we will be simply saying, 'Which one can I live with here?' and I do not like that form of decision making, if it can be avoided.

I liken what is in front of us to something that people who have served on Treasury & 4145 Resources are very familiar with, with the impossible apples and pears questions you get asked about different forms of expenditure. 'Shall we grant that or shall we grant that? Shall we go with that one or will we restrict that one?' It is a Chinese takeaway menu. You have got a limited budget for the meal and you say, 'So and so and so and so and so and so. Oh no, I will have a fried rice.' And the fried rice comes in as the last possible bit of expenditure that you can do 4150 within a boundary.

Now, it is worse than that here, because in this case we are being presented with three fixed menus and if you say, 'Well, I will have the first course from that one and the third course from that one,' then it is going to all mess up because you will break your budget and so on. So that form of decision making with a body of 47 votes, to me, is not appropriate.

4155 You will be relieved to know that I have now turned these over so many times, I have lost my place, but I have found the punch-line, if you like! (*Laughter*)

This amendment does not seek to reverse the bus contract decision, because that has passed us by. It is being paid for in part from General Revenue. There will still be ongoing decisions about how much should be regained from fares, but, in general terms, that has been passed.

4160 I think in terms of other strategies that we have engaged with, it is absolutely right that the disability element has got to stay and that cannot be reversed. But this amendment simply seeks to ensure that the remaining individual components are considered in the round against other priorities and I am sorry, sir, that is the job of Treasury & Resources, ultimately coming back to us, as the States so that we can make that decision in the round, together with other priorities and we are not doing a one-off decision and restricting their freedom to come up with different formulaic budgets.

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**The Bailiff:** Deputy Soulsby, then Deputy Luxon and Deputy Hadley.

4170 **Deputy Soulsby:** Sir, this amendment is nothing to do with hypothecation, but it is about suffocation. (*Laughter*) It is about the suffocation of the Transport Strategy and Deputy Kuttelwascher has made no bones about it in the past – he does not want a transport strategy. The only reason why he is keeping the funding for the bus contract is because he has to, otherwise there would be no money and he would want to completely eradicate the Transport Strategy.

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In terms of hypothecation, instead it is quite interesting that the Ancient Greeks used hypothecation and it did make me wonder, when I found that out, whether if their descendants used it they might be in a better place than they are now! (*Laughter and applause*)

But you can argue it one way or the other and the one benefit of hypothecation clearly is the transparency; you can see where the money is raised and how it is spent, but of course the Treasury will not like hypothecation because it means that they have got no control over those funds. You can argue it both ways and it can depend on what it is that you are looking at.

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I was surprised by Deputy Langlois saying how wrong it was to use hypothecated taxes to change behaviour. Well, I do not know if he can recall, but it was only a few months ago we debated the Tobacco Control Strategy, where it made it very clear that one of the most effective means of reducing smoking on this Island has been in the increase in tobacco duty. So I think he is very wrong there.

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It is obviously all down to 'Do we need a Transport Strategy?' Do we need to have all these infrastructure improvements that make it easier for people to use alternative forms of transport? Well, I will give you an example of why we do need it. Now, my daughter uses the buses a lot and she may well be the one reason why there has been a rise in bus passenger journeys over the last year. She has got an encyclopaedic knowledge of which bus goes where and when, possibly second only to Deputy Gollop here. (*Laughter*)

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Well, for a while she used the 81 bus to get home, which stops on Rue Poudreuse, only a few hundred metres from home. However, crossing the road the Merriennes junction has proven to be so difficult, with vehicles zooming past from three directions, she has given up.

4195

Now, she has worked out she can get another bus which is on a route further away in St Martin, but she is willing to do that as she likes walking and is not old enough to drive and actually likes the buses.

4200 However, I wonder how many others are put off doing that, especially those who work full time and are time-poor. And just down the road, I am currently trying to help residents on Les Frieteaux who put their lives at risk every time they try to cross the road but are currently told that

there is nothing can be done as there is not any funding. I am sure there are many others out there who are put off by the poor pedestrian and cycling infrastructure. (**A Member:** Hear, hear.)

4205 We cannot get away from the fact – particularly now, on HSSD... and it is quite clear that there is literally a growing obesity problem on the Island and, whilst this is partly due to diet, sedentary behaviour is also a major contributor.

4210 So I do still believe that the Strategy should be given a chance and not strangled after a long and painful birth. That is why I cannot support this amendment and will be supporting the amendments and the actual Report at the end.

**The Bailiff:** Deputy Luxon.

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

4215 Sir, they say 24 hours is a long time in politics. Well, 24 years is a long time in Guernsey transport strategies. Deputy Fallaize reminds me it is more or less 24 years ago the first one was debated and my friend, Deputy Spruce, complimented Deputy Burford and her Environment board on their 10 out of 10 for their dogged determination in maintaining confidence in pursuit of their Integrated Transport Strategy. It is not an Environment Department Strategy; it is this Assembly's. (**Several Members:** Hear, hear).

4220 The previous Environment Department board laid the Majority and Minority Report between them – those members – and this Assembly, after an incredibly long debate actually selected the Minority Report. The previous Environment Department Board resigned and the new Environment board was appointed, and we confirmed our support of that Minority Report and, sir, for me, ever since we have acted in a most unfair and unreasonable way. We have set the Environment Department board back time and time again, and the main reason that we did that was because many of us in this Assembly did not want to support that Transport Strategy.

4225 Now, I respect Deputy Langlois and I respect the arguments that he just put forward. It is very difficult to absolutely challenge or undermine them, but I do not agree with them and I think he is wrong in this sense.

4230 We have already seen the dilution of that Transport Strategy that this Assembly approved after many years and accepting that after many years we had to make a decision, but we have allowed it to become diluted. And the criticism of having three options in front of us, demonstrating why the Environment Board does not really know what it wants – well, the reason that it has put three options is because it knows, unless it puts three options, we will kick it around and at least it is giving us a range of choice. It is not good government and I think we all owe a responsibility. We debate hard, we try and persuade and we lobby, we make a decision, especially after 24 years. We should then let that Strategy run through, even if we do not love it, even if we think there may be some down sides. I think we have an obligation to.

4240 So, wearing my HSSD hat, I think I still talk on behalf of all of the board, but I do not know, (*Laughter*) but certainly on behalf of the Department, HSSD did support the Minority Transport Strategy, for a whole variety – and I will not go into them – of reasons in terms of public health for our Islanders.

4245 And, as Deputy Kuttelwascher and Deputy Hadley have both ventured into the confidential briefing we had from BDO and our benchmarking exercise, I too will go into that territory and share with you that public health was absolutely identified as being one of the most significant opportunities for transformation and for cost efficiency opportunities, going forward and that means making sure that we find a way to attain good health for our citizens, for maintaining it and for improving it; and this, the current Transport Strategy that we have, does absolutely support those things.

4250 So when Deputy Lowe, and indeed Spruce – I think it was – made the point that these are discretionary things, that this £1 million of expenditure would be discretionary and optional, absolutely, it would have a positive contribution to reducing some of the excessive costs further down the road, when public health does not work for our citizens, when child obesity and other

4255 ailments hit our society and the cost to actually fix them later on in primary care, secondary care, is far greater than the smaller cost in actually early intervention and prevention.

So I will not support this amendment. It is a final wrecking of the last vestiges of the Transport Strategy we approved, but I understand why the people proposing it wish to do that. I have empathy with them but the Assembly, by a majority, agreed on a direction of travel. We should  
4260 stop hacking at it, tripping it up, undermining it and actually get on with it, bearing in mind, Guernsey compromise has prevailed and it is not the full Strategy that we agreed, it is already a compromise. So let's at least give the Environment Department some tools to be able to deliver something that, for 24 years, this Island has been asking for.

Do not support the amendment, support the proposals and I will support 1B.

4265 Thank you, sir. *(Applause)*

**The Bailiff:** Deputy Hadley, then Deputy Conder, Deputy Paint and Deputy Ogier.

**Deputy Hadley:** Mr Bailiff, I think the strangest thing this afternoon is listening to Deputy  
4270 Langlois for half an hour, telling us how bad hypothecation was when in actual fact one has to ask the question, where does the revenue come from that he spends in his Department? It is a hypothecated tax; it is Social Security contributions. And earlier today he told us that we might need 10 more consultants in the Princess Elizabeth Hospital, which would blow the fund, so he will put up contributions by 0.2% to get that money. That is a hypothecated tax – there is no other  
4275 word for it! *(Laughter)*

As far as the Strategy is concerned, I think the Minister has done an excellent job introducing an Integrated Transport Strategy (**A Member:** I'm sorry!) *(Laughter and applause)* which I and the majority of the Assembly voted for and some of the things that one wanted to do was to change the behaviour, reduce car journeys and increase cycling, and so forth and so on. And, of course, if  
4280 you increase the fuel duty then hopefully you will reduce car journeys to some extent, because people paying more for their petrol will be encouraged to use their car less, so it is again a remnant of the Integrated Transport Strategy.

So I urge Members to reject this amendment so that we can then debate the Propositions of the department.

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**The Bailiff:** Deputy Conder.

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

Sir, about 14 years ago when I came onto this Island, under licence – a full head of black hair,  
4290 upright, striding up the street to the GTA – I remember becoming acquainted with the *Guernsey Press* and the headline saying, 'Deputy Pat Miller says, "I will resolve the transport problems on the Island. I have a transport strategy."'

I never had the privilege of working with Deputy Miller but I am sure many colleagues here did. I have got to say, we are still waiting and Deputy Brouard said, 'We need to wait until we have  
4295 a new team.' Deputy Kuttelwascher said, 'We need to wait until Policy & Resources, the new government structure, is in place.' That is what has happened since... Well, 24 years, as Deputy Luxon says... that is what has happened, certainly in my time, since Deputy Miller had a transport strategy and she and her team were going to cure the problem of transport in Guernsey.

Sir, this is a wrecking amendment. This is a wrecking amendment because many people do not  
4300 want a transport strategy. They probably never did. They probably did not when Deputy Miller was occupying the same post or a similar post to that which Deputy Burford now occupies, but that is the purpose of this amendment.

The so-called fluffy bits that Deputy Spruce referred to, and as an optimist, they are the Strategy; they are a key part of the Strategy. They are the bits of the Strategy which will improve  
4305 health on this Island, which will address obesity, which will bring forward genuine long-term savings as a result of investment.

Colleagues – Deputy Green will forgive me for this, but – a bit like Deputy Brehaut, I wear a pedometer as well – (*Interjection*) I knew he would enjoy that – and I walk much, much more as a result of the initial Transport Strategy and learning more about alternative forms of transport than I ever did before.

But I did come... I was late this morning so I popped in the car, as my wife went somewhere else and she dropped me off. Colleagues, during the course of this morning, before I walked home for lunch, I took 221 steps. You probably did no more. You are supposed to, at a minimum, achieve 10,000 steps if you want to stay healthy, if you want to address the obesity problems. You are probably in one of the least healthy occupations on this Island, because you sit here and you never move.

When I walked home for lunch I did 2,800 steps and I shall do another 2,800 this evening. That is what this Strategy is trying to achieve; it is trying to address the issue. One of the things it is trying to do, through the fluffy bits, is address the impending health issues that we – us and our children and our grandchildren – are going to face if we do not get more active. And the fluffy bits of this Strategy would be one way, one perhaps small way, one fairly inexpensive way – because it is a small part of the total cost – one way in which we will help to address some of the insipient pending health issues that we will face.

I have to say I thought Deputy Langlois' speech was excellent. He lost me a bit on the Chinese restaurant, (*Laughter*) but it was intellectually superb. I do not agree with it. Like Deputy Luxon, I do not agree with him, but he did make a very, very strong case against hypothecation.

I have to say I think the new amendments which we were discussing give us a suite of options which we will discuss in general debate, did give us a suite of options which will hold this Strategy together, which we, as a Government, approved. We approved the intention of driving forward... it was, on that occasion, a minority transport strategy but if that had not succeeded we would have adopted Deputy Domaille and his team... the Majority Strategy, which equally had many of the parts which these strategies had and which equally was a strategy.

I am delighted to hear Deputy Lowe deprecate the idea – she is not in the Chamber now, but she was – that she does not like late amendments! (*Laughter*) Sir, we will wait until the morning, but I absolutely agree with her. I deprecate late amendments, but what we have is a set of new amendments which complement the Propositions in the main Report.

So, colleagues, I would reject this wrecking amendment. One of the characteristics of our three and half years together in here, sitting, only doing 200 steps a day, has been talking to destruction a Transport Strategy. That is what we will be known for. If we adopt this amendment we will be known as the States that spent hours and hours and hours of time debating, approving, amending, wrecking a transport strategy and at the end of it handing it on to our successors, which had already been suggested by two speakers. How shameful, how weak! What a legacy to leave to our next Government.

Colleagues, throw this amendment out. Allow us to debate, allow us to approve an Integrated Transport Strategy.

Thank you, sir. (**Several Members:** Hear, hear.)

**The Bailiff:** Deputy Paint.

**Deputy Paint:** Sir, Members of the Assembly.

What does not seem to be realised is that the general public's money tree has dropped all its leaves and there is not many fruits left hanging to be picked, particularly for the poor.

What appears to be happening as well is that this Strategy is trying to use the wood for fuel, from the tree. That has got to be agreed to be a very foolish strategy and, in my opinion, it is because there will be no fruit left to pick in future years.

This Assembly has got to stop continuing to take money from the general public for things they do not want. I was happy to support the paid parking clock agreement as a compromise. Now I cannot vote for that or anything else. I believe that many of the general public do not want



4360 this Strategy and do not wish to be dictated to on how they should run their lives, on things that they do not want.

I will repeat what I said before: there was not a traffic problem until one was created recently. We have heard today about a vision. Well, I have called it a dream and about 18 months to two years ago I predicted that this dream would turn into everybody else's nightmare and so it has.

Thank you, sir.

4365 **The Bailiff:** Deputy Ogier.

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

4370 Deputy Brouard berates the process. Well, he berated a lot of things but firstly he berated the Environment Department for moving incrementally closer to his position. Now, to me, that sounds like a compromise is trying to be reached and I welcome that approach he denigrated so much. It is the way we find agreement, through compromise, where two opposing positions draw closer.

4375 Deputy Brouard talks of £2 bus fares which, to me, shows a disconnect between himself and the people using the bus. I am one of a family of five and I own a car. It is cheaper for me to take my car to town and park it free than it is to take the bus. I cannot see why daily commuters would pay £4 per day when they can take their car and park for free. I do not see why the lower paid would take the bus under Deputy Brouard's vision. There is no reason, no incentive at all, no carrot, no nudges, no innovation.

4380 Deputy Spruce warns us that come the Budget time the people of Guernsey will be struggling enough with all the extra expenditure it contains. I have not been in a position to see the draft budget and it sounds like there are some shocks in store for us then, if Deputy Spruce is to be believed.

4385 Deputy Lowe brings up the 'any new money should go to Health or Education' argument and that does not seem like a valid position to take, as this Government has to take action on a wide front of activities, simultaneously. (**A Member:** Hear, hear.) Health, especially, will take any spare money we could possibly find over the next few years. If we only prioritise one or two departments, you would freeze all new activity elsewhere and we need to take action on a wide front.

4390 Now, I give to charity and I give to African charities where I feel my money will go further and where the need is arguably higher than western charities, and I can always find new African charities to give to and I can always argue to myself in favour of giving more to a particular cause as the need is so high. But I also give to western charities and I give to local charities too, even though I only have so much to give, because if you pour everything you have into one area nothing else gets done and this Government needs to take action on a wide raft of issues.

4395 Now, Deputy Soulsby is a member of HSSD and she says she supports the Strategy and the funding for it. Deputy Luxon, the HSSD Minister, supports the Strategy and tells us the Transport Strategy supports Health & Social Services' aims in health improvement and preventing further expenditure down the road; Deputy Hadley from HSSD is also supportive. And I think the argument that all money must go to HSSD or, in turn, Education just does not hold water.

4400 In the interests of being brief, sir, I will just merely say now that, despite allegations to the contrary, I still see this as a wrecking amendment and I really cannot support it at all.

**The Bailiff:** Deputy Le Clerc.

4405 **Deputy Le Clerc:** Thank you, sir.

And I would just like to say to Deputy Ogier that I will also be supporting the Strategy and will not be supporting this amendment.

4410 When I stood I said in my manifesto that I was going to have to make difficult choices and I think this is one of those days where I am going to have to make difficult choices. It is not, perhaps, going to be popular with the people, but I am prepared to stand by that and if Deputy

Lowe was here I would say, 'You turn if you want to. The lady is not for turning!' (*Interjections and Applause*)

**The Bailiff:** Chief Minister, Deputy Le Tocq.

**The Chief Minister (Deputy Le Tocq):** Sir, I will be brief.

I cannot support this amendment. It is a wrecking amendment. I do not actually normally disagree that often with my Deputy Chief Minister. We get on very well and we agree on far more things than we disagree with, but I would appreciate it next time that he invites me out for dinner, particularly Chinese, that Members remind me to decline that invitation (*Laughter*) because I cannot agree with his analysis in that respect, in terms of supporting this.

I am particularly concerned at the shamelessly specious attitude of Deputy Lowe and Deputy Brouard in terms of what they had originally stated when they brought in their last minute amendment to the Requête earlier this year and I am glad that Deputy Lowe now agrees with me because at that time I said I despised last minute amendments of that sort, that she brought on that occasion; and that was particularly one that changed the whole direction of the Requête, whereas at least Environment here have suggested things that are already in their policy letter and have investigated properly.

So I cannot support this sort of amendment that is before us, by Deputies Kuttelwascher and Langlois.

I do encourage this Assembly... we are now going over things again and again and again and again. We do need to move on. We have options before us that are reasonable and are compromised, and I do believe that they are an appropriate way to move forward. They come from the Department that has the ability to do so. I think the false flattery that we have had from some in this Assembly towards Deputy Burford is unfortunate, although I do think she has done very well in working with other departments, particularly Treasury & Resources to enable this Transport Strategy to work.

It is not what we, by a good majority, approved. It is not any longer that but it will, I believe, produce changes in behaviour and we need to seek that to happen and, irrespective of what you think of hypothecation, if the changes in behaviour can make savings in the long term to the amount of money we have to spend on Health in the future, then it will help General Revenue.

So I am not going to support this amendment and I encourage this Assembly also to do the same.

**The Bailiff:** Deputy Bebb and then Deputy Harwood.

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

I will be very brief because I think most of the points have been covered. There are a couple of things that I just want to say. First of all, Deputy Kuttelwascher, in his opening speech, made a suggestion that the only time we intervene with obesity is right at the extreme end. That is obviously false, otherwise we would not have such a high prevalence of statins being prescribed. We intervene at every point in relation to obesity, because the whole point is that if we wait until the extreme point then evidently the costs are far greater. But, even in the intervention of statins and other pharmaceuticals in order to try and prevent the problems later on, is an intervention that we would like to avoid by doing exactly what is in the Transport Strategy: encouraging people to walk, to cycle, to be more active in their lifestyle, as well as the educational matters that Public Health refer to.

In relation to the infrastructure for cycling and for being a pedestrian not being necessary, could I state that one of the intentions of the Department is to work on safe means of walking and cycling to school.

Recently, we had the headmistress and some of the parents at St Martin's Primary School approach the Department seeking certain changes in the road structure around there. Now, one

of the questions that I posed was, given how well the infrastructure around St Sampson's Secondary School now works... there was huge objection to that one-way system being put in place initially. I know a number of people who live around St Sampson's High School and they now say that they would never want to go back. They never want to go back; they think that the infrastructure now is wonderful.

Now, that did not come cheap because there was a lot of work that was necessary to do a lot of the work – the way that the traffic moves and all the rest of it. The same approach is what we are trying to do, which some people seem to like referring to as 'the fluffy bits on the side'. But the same thing, of securing children to go to and from their school, is exactly what part of those fluffy bits are; that is the cycling and the walking infrastructure that apparently the proposers of this amendment do not consider to be important. I attest that, I believe, the security of children in going to and from school is something that is worth investing in, because the cost if we do not do it is generally a lot higher.

The other point that I find strange in this amendment is that it seeks to secure two points of the Strategy: the bus contract, because it has already been passed – that I understand; but then there is this statement that we need to spend on disability, but there is no particular reasoning behind it and I would attest that the only reason that it is there is because it is felt to be politically unacceptable for them not to. My assertion is that it is –

**Deputy Kuttelwascher:** I have to make a point of correction.

I gave a reason why I supported the disability strategy and I do not think Deputy Bebb must have heard it, but –

**Deputy Bebb:** I am sorry. There cannot be a point of correction to my opinion. *(Laughter)*

In my opinion, it is because it is politically unacceptable and I would say, why is it politically unacceptable for some people to think that they cannot fund towards disability work, but they can stop funding for getting children to school safely? It is false.

Members, it is a wrecking amendment. Those who support it never supported the Transport Strategy in the first place. I think a number of people are coming to a consensus where this will be rejected. I think that we do it sooner rather than later and we can move on to general debate and, *(Interjections)* hopefully, dispense with all of this before 7 o'clock.

Thank you.

**The Bailiff:** Deputy Harwood.

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

The unfortunate thing of following Deputy Bebb is that he said everything I was going to say. I merely urge all Members of this Assembly who supported the Transport Strategy back in April last year to wheel behind the rejection of this amendment, because if the amendment goes through we are cutting out anything to do with pedestrianisation, we are cutting anything to do with cycling.

Deputy Bebb has already referred to the issue that people have said, 'Well, these are the nice to have. These are fluffy bits.' Deputy Bebb has already said these are not fluffy bits. These are not nice-to-have. These are actually issues relating to safety – safety of pedestrians, safety of cyclists. We already know that we have to do some work on the cycle lane on the east coast. That is driven by safety issues. So do not believe that these are just nice-to-have and we are just going to be creating wonderful little pathways. This is actually issues of safety and the safety for pedestrians and the safety cyclists.

If you accept this amendment, you throw out any approach to pedestrianisation or to improve the lot of pedestrians; you throw out the ability to improve the ability for cyclists and, therefore, what are you going to fall back on? The only means of transport that is going to be recognised is the buses and the car, and it is the car that is going to be king.

4515 So once again I urge everybody who has the remotest interest in the Transport Strategy to swing behind the Environment board and reject this amendment.  
Thank you, sir.

**The Bailiff:** Deputy Gillson.

4520 **Deputy Gillson:** Sir, I have just got a question. I see how the amendment works in relation to the original Propositions, but could someone explain who it works in relation to the two amendments we have had?

4525 **The Bailiff:** Deputy Dorey.

**Deputy Dorey:** Thank you.

I will be brief. As a Government, part of our responsibilities is to protect the most vulnerable. The most vulnerable on the roads are the cyclists and pedestrians – and I declare an interest as a cyclist. The example... we use white lines on various roads; some to demark, like Nocq Road, Cobo – those other places, to demark pedestrian areas. I do not think that is acceptable. I think we should be moving onto far better demarcation.

4530 Les Ozouets Lane, which is a one-way road for the motorist, but two-way for the cyclist. I was cycling down there in the cycle lane and there is a car in the cycle lane, because it cannot be bothered to take the corner, so it cuts the corner in front of you. That is not acceptable.

I think we have to, for the reasons that the HSSD members have said, encourage cyclists and even encourage the motorist, as others have said. We have far too many roads in this Island where – for example, like the Friquet – where there is no pavement. When I go down that lane and I see tourists who are staying at the hotel walking, perhaps not knowing the way and I really fear for them, because the way... it is a 35-mile-an-hour road and I do not think it is very safe that we should have such a major trunk road without demarcation for the pedestrian. There are many roads, Bailiff's Cross, Monnaie, Candie, where people frequently drive on the pavement because the roads are too narrow for two vehicles to cross. And it is when I see two wide vehicles which are wider than a car on a corner and they mount the pavement. They cannot see whether there is a pedestrian or not there and I just think it is so dangerous.

4545 I think we have to accept that we have wide vehicles and a lot of our roads were not built for them and I think that we have to do major investment for the cyclist and the pedestrian and improve them and encourage them, because without that, I am not surprised that people do not walk because our pavements are just extensions of the road which people use as and when necessary. I just do not think that is acceptable. I think we have got to make some investments for the safety of the public, the most vulnerable and also to improve the opportunity for the pedestrian and the motorist.

Thank you.

4555 **The Bailiff:** Deputy Lester Queripel.

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

4560 Sir, I am going to support this amendment. I am going to support it, because it covers both of the areas I feel need to be covered and those two areas are not sufficiently covered by the current Environment Department budget and they need to be. And everything else, the Department are already mandated and budgeted to do.

They are already mandated and budgeted to maintain and improve the bus infrastructure, the cycle infrastructure, the pedestrian infrastructure and make improvements to the public realm. They do not –

4565 **Deputy Burford:** Sir, a point of correction.

**The Bailiff:** Deputy Burford.

4570 **Deputy Burford:** We are not budgeted to do those things that Deputy Queripel is talking about.

Thank you.

**The Bailiff:** Deputy Queripel.

4575 **Deputy Laurie Queripel:** Yes, they are.

**Deputy Lester Queripel:** In that case, sir –

4580 **Deputy Laurie Queripel:** Point of correction, sir. If you look at Environment's mandate, it says in (a)(iv):

'Transport policy to enable the safe and efficient movement of people and goods around the Island including traffic management, road safety and the regulation of public transport.'

I think they are mandated to do all the things that they are looking to do at the moment.

4585 **Deputy Fallaize:** But, sir, I am not sure if there is a sound problem between the twins of the Assembly, but one end is talking about mandates and the other end is talking budgets.

**The Bailiff:** Talking about budgets, yes.

**Deputy Lester Queripel:** Sir, point of correction. Deputy Fallaize is not listening. *(Laughter)* I spoke about budgets and mandates, sir.

4590 Well, to go off script for a moment then, sir, I am confused as to what the Department spend their money on then, because the Department spent, in 2014, £3,840,000 on traffic and transport services.

4595 **Deputy Burford:** Sorry, are you waiting for me to give way to me? *(Laughter)*

**Deputy Lester Queripel:** I am just looking for some clarification, sir, through you. I have got all the figures here. I can read them all out.

4600 **Deputy Burford:** I am not sure this is helping debate a great deal, but this is all to do with issuing driving licences and other such matters down at Bulwer Avenue; it is not the Transport Strategy.

4605 **Deputy Domaille:** Sir, if I could just add a further clarification to the clarification, *(Laughter)* it also includes the bus contract. Deputy Burford is entirely right.

**The Bailiff:** Deputy Queripel.

4610 **Deputy Lester Queripel:** Thank you, sir.  
Thinking on my feet then, which I am not very good at doing, *(Laughter and interjections)* traffic co-ordination – £697,335.85; roadworks – £157,049.18; as Deputy Burford has already said, driving tests – £26,017.24; licensing and registration – £437,900.14. But then we get to the bus service, of course, as Deputy Domaille just said – £2 million-odd. But then we get to Transport Strategy which is £92,000.24 and traffic and transport support – £195,507.43. So I am a bit confused as to what the last two are if that is not to do with the Transport Strategy, because it clearly says here 'Transport Strategy'. I will not labour that point. *(Laughter)*

4615

As far as I can see, sir, to a certain extent, they are budgeted to do a lot of the things that they are looking to do; and to follow up on what Deputy Brouard told us regarding the answers to questions he asked in relation to the £1.25 million the department are asking for, I received the same sort of answers to the question, which was, 'What will the Department be spending the money on?' The answer – so this is even if they get the money, sir – 'We have no specific plans at this stage. Therefore, I cannot give you an item-by-item budget that would encompass the next few years for those budget headings.' So I am totally confused, sir, because a lot of people are saying we need a transport strategy and we need the money to fund that strategy, but there are no specific plans for the strategy. Doesn't it make a bit of a nonsense of it? (**A Member:** Yes.)

And Deputy Brehaut saying, 'Think of Age Concern.' Sir, the pensioners need bus stops right outside their houses. They live in lanes. We do not have buses small enough to go down those lanes. We never will have buses small enough to go down those lanes. We will never have bus stops right outside the pensioners' houses. Therefore, even in the most idealistic terms... and I would be all for the Strategy if it was going to result in buses going down the tiny lanes that we have to pick pensioners up right from their door or from sitting inside a bus shelter.

So I come back to my original point, sir. I said in my speech – which seems years ago – a few months ago, I am at a loss to understand why we need a strategy, because the Strategy is not going to do what I think it needs to do. It is not going to provide the buses to go down the narrow lanes and it is not going to provide bus shelters in those narrow lanes.

So I do not support... I am just waiting for Deputy Bebb to jump up, sir. He looks like he is itching to jump up, sir.

**A Member:** Go on! Go on! (*Laughter*)

**Deputy Lester Queripel:** I will give way, sir. I will gladly give way, sir.

**Deputy Bebb:** I would just like to advise Deputy Queripel that, for instance, there was a request from St Saviour's Douzaine for a bus shelter and we were unable to actually acquiesce to that request because we have no funding and therefore the bus shelter question that arose is actually incorrect.

Would he agree with me that in order to afford some of those things that he requests, it needs funding and therefore this is the option that is on the table and rather than actually supporting this amendment, he should reject this amendment in order to afford exactly those things that he has just asked for, at least as much as possible.

Does he agree with me on that?

**Deputy Lester Queripel:** No, sir. (*Laughter*) I certainly do not agree with Deputy Bebb on that, sir, because he was not listening to what I said and perhaps he would like to go and join Deputy Fallaize, because he was not listening either. (**Several Members:** Ooh!) (*Interjections and laughter*)

The amount of money that would be needed to buy enough small buses to go down all the small lanes where there will be bus shelters in those lanes, picking up people with mobility problems and pensioners who need to be picked up from, more or less, right outside their door would be astronomical. It would be an incredible amount of money.

Therefore, this supposed Strategy, to me, is not even a halfway house; it does not even do hardly anything and, as I say, sir, the Department are mandated – they could argue they are not budgeted, but they are mandated – to do many things and if they are not able to fulfil that mandate surely the Minister and the board should have come back to this Assembly saying that they cannot fulfil the mandate. (*Laughter and interjections*) But the mandate, sir, should be, to me, to provide a bus service Island-wide. Deputy Domaille said quite some time ago that the bus service is not a taxi service. Well, I think it should be. That is what I am saying. It should be outside the door. It should be door to door.

Sir, my speech was only two pages long, but... I could have sat down five minutes ago, but –  
(*Interjections*)

4670 I am not going to stray into general debate just in case I feel the need to add to what I am  
saying in this speech in general debate. So I will leave it there, sir. I think I made a point.  
(*Interjection*)

4675 In closing, sir, I just want to say that I agree with Deputy Domaille and others. I disapprove of  
the personal attacks on Deputy Burford and the members of her board. They are unjustified and  
most unwelcome, and I commend Deputy Burford and the members of her board for dealing with  
those comments in such a gracious manner.

Thank you, sir.

**The Bailiff:** Deputy Sillars.

4680 **Deputy Sillars:** Can I invoke 14(1) please, sir? (**Several Members:** Hear, hear.)

**The Bailiff:** So you wish me to put a motion that debate on the amendment proposed by  
Deputy Kuttelwascher, seconded by Deputy Langlois, be closed. That is the motion I am putting to  
you – that debate on this amendment be closed. Those in favour; those against.

*Members voted Pour.*

4685 **The Bailiff:** I declare it carried.

The Minister of Treasury & Resources Department may comment on the financial implications  
of the amendment if he wishes to do so. He does not.

Deputy Burford may speak immediately before Deputy Kuttelwascher replies to the debate.

4690 **Deputy Burford:** No thank you, sir.

**The Bailiff:** Deputy Kuttelwascher then may reply to the debate.

4695 **Deputy Kuttelwascher:** Following on from Deputy Lester Queripel, I am not sure if I should go  
into stand-up comic mode, (*Laughter*) but I will not.

I will start with Deputy Jones. I was somewhat bemused when he has a problem with General  
Revenue funding the bus. Well, we do it now. We have always done it. I am not sure what the  
issue is. All that I am saying is the additional cost for the enhanced service will also be funded  
from General Revenue. That is all.

4700 There were a few comments about 'wrecking amendment', which I found a little bemusing  
because I always thought it was more of a salvage amendment.

Yes, I will give way.

**The Bailiff:** Deputy Jones.

4705 **Deputy Jones:** My reasoning is complex, I have to say! (*Laughter*) But my reasoning is because  
if the bus is funded entirely from General Revenue then it is my belief, at Budget time, that the  
Treasury & Resources will come back and find ways of clawing that money back through other  
means, which will always affect the vehicle owners. (*Interjections*) That is why – Well, I am sorry,  
4710 but that is what I believe will happen.

**Deputy Kuttelwascher:** Sir, at Budget time you can raise funds from all over the place; it does  
not have to be from vehicle owners. That is what General Revenue is all about. You collect taxes  
from a wide area of income streams and it does not have to be. This is the whole blooming

4715 problem with hypothecation: you think because it is buses you have to take it from the drivers. Weird, but never mind!

I have always thought this was more of a salvage amendment, because I did say that the Integrated Transport Strategy has disintegrated and I was so amused by Deputy Gollop. I was very disappointed he fell off his fence and when he got down there and said he had changed his mind, 4720 he was opposed to rescinding Resolutions which I am proposing. Now, the Environment Department are rescinding six of their own Resolutions! So that is alright! That, in itself, you can say is a wrecking issue; but never mind, that is life.

Interesting, Deputy Soulsby said I was always against a transport strategy. I do not know if Members remember, but I did lay a sursis last year and my sole intention was that the Strategy should be properly prioritised against any other new revenue demands and we should await the Government Service Plan, which was rejected, which is fine, so we are in the first come, first served situation, which is exactly what Deputy Langlois was talking about and said was unhealthy. 4725

Sir, what is interesting about this, in laying this amendment... It is funny, you have to be politically astute to get things to change. Now, I laid this amendment and it lay pretty dormant for a long time, until this morning when there was panic; and I thought, cor blimey – I am sorry, baloney – I am surprised that these amendments had not come sooner and I asked him why are these amendments suddenly appearing and I was told, 'Oh, there is a fear that yours might succeed'. I thought 'success!' because one thing we did not want and I did not want was the 5.5 p fuel duty increase and I certainly did not want that equivalent decrease, and these alternative 4735 amendments now can bypass that. *(Interjections)* So, therein – And, look at that, Deputy St Pier is smiling, because we discussed this in the past and we thought, 'Environment has shot themselves in the foot with this report. Why on earth did they not stick with what this States approved regarding the parking clock charges?' And that, to me, was a mistake. But we are there now, although they needed a roundabout way of getting them to it. So in that sense, I am pleased.

I have got to just refer once to Deputy Fallaize about balanced budget. What I maybe should have done after every time I mentioned balanced budgets... should have mentioned balanced budget within our fiscal framework. Now, I took that as read. I took that as understood, but it was not on that occasion, but that is what I am talking about. 4740

In fact, if we accepted my amendment there was less risk to us in unbalancing our budget, which was something everybody was happy about when the budget proposals were presented for 2015. The risks now that that will not happen are high and if we go down the route of either amendment or indeed the unamended Propositions, they will still be high. So the balanced budget issue is now up in the air and we may not, within our fiscal framework, succeed in that. But that is life. Nothing surprises me in this Assembly, but I am pleased that we have an alternative to the charges on fuel and diesel. 4750

So, I will be supporting my own amendment! *(Laughter)* And, in fact, you could all support it if you wanted to, because when you get to the substantive one, you could vote against it! But it is neither here nor there. It has done its job. So, either way, there is going to be a success out of this. So there we go. *(Laughter)*

4755 Thank you, sir.

**The Bailiff:** So, Members, we vote on the amendment proposed by Deputy Kuttelwascher, seconded by Deputy Langlois.

4760 **Deputy Adam:** My apologies, sir, but could you clarify exactly what this amendment has in effect on the other two substantive Propositions, because the numbering has changed in these two. It is 1A and 1B and, of course, Deputy Kuttelwascher's amendment does not include any large A or large B.

4765 **The Bailiff:** As I read it, it relates only to Proposition 1. It does not relate to Proposition 1A or to Proposition 1B.



**Deputy Adam:** Therefore, they stand?

**The Bailiff:** Yes.

4770

**Deputy Adam:** But if this is passed it takes out all the different parts of the –

**The Bailiff:** Of Proposition 1, but it does not affect Propositions 1A or 1B.

4775

**Deputy Adam:** No, but it takes out there to insert 'to rescind' all the different Resolutions we have got those in 2, so if they get their money they will not have anything to spend it on. *(Laughter)*

**The Bailiff:** Yes.

4780

So we vote on the amendment. Those in favour –

**Deputy Burford:** Can we have a recorded vote, please?

**The Bailiff:** A recorded vote.

4785

*There was a recorded vote.*

**The Bailiff:** While those votes are being counted, we could move onto the amendment proposed by Alderney Representative Jean, to be seconded by Deputy David Jones.  
Alderney Representative Jean.

*Amendment:*

*In Proposition 1a) to delete 'as set out in Element C of this Report' and substitute 'except for fuel (petrol or gas oil) supplied in Alderney, but otherwise as set out in Element C of that Policy Letter'.*

4790

**Alderney Representative Jean:** In placing this amendment before you, sir, and the Members of this Assembly, I am pleased to hear that the Treasury & Resources Chairman, Deputy St Pier, has some sympathy and understanding for the situation in Alderney.

4795

The table submitted earlier to all Members quite clearly shows that there is a marked difference in the cost of fuel in Alderney. Here in Guernsey, fuel is much less expensive. In Alderney it is partly through double handling and the ordering of smaller quantities of these various fuels.

4800

Although Deputy St Pier also said he was sympathetic to Alderney, he still said the amendment I place before you today would break the arrangement whereby all tax levied in both Islands are the same. I do not quite agree with that; I feel that this is a chance for this Assembly should not miss. It is the chance to recognise and acknowledge that one economy is both weaker than the other and there is no doubt that the Alderney economy, at the moment, is behaving very differently in many different ways to the Guernsey economy.

4805

In terms of recognition of the difference between the two economies, the time has come that they should step apart in this instance, so as the economy in Alderney can come a little nearer in terms of price to that of Guernsey for gas, oil, diesel and petrol. The second reason is the difference in Alderney as regards traffic. There is very little benefit in Alderney for funding the Guernsey traffic strategy.

These, I believe, are strong reasons for supporting this amendment and may I thank my seconder, Deputy Dave Jones, for his kind assistance.

4810

Thank you.

**The Bailiff:** Deputy Dave Jones, do you formally second the amendment?

**Deputy David Jones:** I do, sir.

**The Bailiff:** And Deputy Burford, do you wish to speak at this point?

**Deputy Burford:** Yes, please, sir. The department supports this amendment.

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

**Deputy Luxon:** Can I ask you to put 14(1) to the Assembly, please, sir?

**The Bailiff:** That we close debate? So the motion is that we close debate on this amendment. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** I believe that is carried. So if anybody wishes to challenge that we will have a recorded vote on, but I believe that motion was carried.

So the Treasury & Resources Minister can comment on the financial implications.

**Deputy St Pier:** Sir, I think the financial implications have been set out in the note to the amendment, in terms of the loss of revenue. I did in the previous debate comment on this particular amendment. I would, in fact, urge Members to reject the amendment but then go on to reject the fuel duty rise anyway under 1A. I think that is the most consistent thing to do in terms of recognising the fiscal union – dealing with the funding of the traffic strategy through 1A or 1B.

**The Bailiff:** Alderney Representative Jean, do you wish to reply?

**Alderney Representative Jean:** Yes, I do.

I would like the amendment to have a recorded vote. I do not agree with what Deputy St Pier has just said. I think it is time to recognise the difference and I hope that Members will support the amendment from that point of view.

The fuel cost in Alderney – the actual fuel prices in Alderney – are much, much higher. The cost is not that much greater. We do not have anything to do with the Traffic Strategy and no benefits from it, and I think that is the important priority and that is what should be recognised, and I hope that you will support the amendment and I would like a recorded vote, if I may.

Thank you, sir.

**The Bailiff:** I just realised, I should have put to you, Members, the motion under section 7(1) to suspend the Rules of Procedure. I think we have slightly moved on, because I tried to move things on and I knew that the Department supported it, so I did not. But perhaps just for the formal record, I put to you the motion under section 7(1) that we suspend Rule 13(2) to enable this amendment to be formally put. Those in favour; those against.

*Members voted Pour.*

**The Bailiff:** Right.

So now we vote on the amendment proposed by Alderney Representative Jean, seconded by Deputy Dave Jones and we have a recorded vote on that.

**The Bailiff:** Deputy Le Clerc.

4860 **Deputy Le Clerc:** Because we did not have a chance to debate this, can I just clarify that this is only in respect of this increase on this fuel; (**A Member:** Yes.) this is not across the board on all fuel going into Alderney? (**A Member:** No.) Okay.

**The Bailiff:** That is my understanding.

4865 **Alderney Representative Jean:** That is correct, sir. It is not across the board, it is just on what is mentioned in the amendment itself.

**The Bailiff:** So it just applies to proposed fuel duty –

4870 **Alderney Representative Jean:** Gas, oil, diesel and petrol only.

**The Bailiff:** Is that clear, Deputy Le Clerc? Thank you.  
So a recorded vote, Greffier.

4875 *There was a recorded vote.*

*Amendment by Deputies Kuttelwascher/Langlois:  
Not carried – Pour 12, Contre 31, Ne vote pas 0, Absent 3*

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

4880 **The Bailiff:** Well, while those votes are counted, I can formally announce the voting on the amendment proposed by Deputy Kuttelwascher, seconded by Deputy Langlois. There were 12 votes in favour; 31 against. I declare that amendment lost.

Now, we have 10 minutes or so. We can move onto general debate. Does anyone wish to speak in general debate for the next, well, maximum of 10 minutes? I am not encouraging –

**Deputy Dorey:** May I suggest that we resume tomorrow with general debate? We have these two amendments today and I think Members need to reflect.

*Amendment by Alderney Representative Jean/Deputy David Jones:  
Carried – Pour 33, Contre 9, Ne vote pas 0, Absent 4*

**POUR**

Alderney Rep. Jean  
Alderney Rep. McKinley  
Deputy Harwood  
Deputy Brehaut  
Deputy Langlois  
Deputy Le Clerc  
Deputy Gollop  
Deputy Sherbourne  
Deputy Conder  
Deputy Bebb  
Deputy Lester Queripel  
Deputy Gillson  
Deputy Le Pelley  
Deputy Ogier  
Deputy Fallaize  
Deputy David Jones  
Deputy Laurie Queripel  
Deputy Lowe  
Deputy Le Lièvre  
Deputy Collins  
Deputy Green  
Deputy Dorey  
Deputy Paint  
Deputy Le Tocq  
Deputy Brouard  
Deputy Wilkie  
Deputy De Lisle  
Deputy Burford  
Deputy Inglis  
Deputy Soulsby  
Deputy Luxon  
Deputy Quin  
Deputy Hadley

**CONTRE**

Deputy Kuttelwascher  
Deputy Domaille  
Deputy Robert Jones  
Deputy St Pier  
Deputy Stewart  
Deputy Spruce  
Deputy Duquemin  
Deputy Adam  
Deputy Perrot

**NE VOTE PAS**

None

**ABSENT**

Deputy Trott  
Deputy James  
Deputy Sillars  
Deputy O'Hara

**The Bailiff:** Unless anybody wishes to speak. If somebody wishes to speak, then... If nobody does then they will not.

I am not suggesting that we close debate, I am just saying that if anybody has a speech that they are ready to make now then we might as well make good use of these 10 minutes, but nobody is rising to speak so we will just wait for the votes to be counted on the last amendment and then we will rise for the day.

Well, Members, the result of the voting on the amendment proposed by Alderney Representative Jean, seconded by Deputy Dave Jones was 33 in favour; 9 against. I declare that amendment carried.

We will rise now and resume tomorrow at 9 o'clock.

*The Assembly adjourned at 6.50 p.m.*