



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 31st July 2015

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Present:

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

Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)

People's Deputies

St. Peter Port South

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

St. Peter Port North

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

St. Sampson

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

The Vale

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

The Castel

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

The West

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

The South-East

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

Representatives of the Island of Alderney

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

The Clerk to the States of Deliberation

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

Absent at the Evocation

H. E. Roberts Esq., Q.C. (H.M. Procureur)
Deputy R. Domaille (*relevé à 9h 05*); Deputy R. A. Jones (*relevé à 9h 15*);
Deputy J. A. B. Gollop (*relevé à 9h 15*); Deputy K. A. Stewart (*relevé à 9h 30*);
Deputy L. S. Trott (*absent de l'île*); Deputy F. W. Quin (*relevé à 9h 05*)

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States of Deliberation

The States met at 9.00 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

Procedural

The Senior Deputy Greffier: Billet d'État XIV, Article XIII.

The Bailiff: Just before we start, a few Members have just entered the Chamber. So, Deputy Domaille, do you wish to be relevé?

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Deputy Domaille: Please, sir. Thank you.

The Bailiff: Deputy Quin?

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Deputy Quin: Thank you.

The Bailiff: And Deputy Bebb.

Deputy Bebb: Thank you.

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The Bailiff: Thank you very much.

Members, can I just give you advanced notice of something? I may be proposing later in the day that we take Billet XV – that is the States' Accounts – out of turn. It is just that the Alderney Representatives have given me notice that they would like to be present when that Billet is debated and they have to get back to Alderney at some time, otherwise, with Alderney Week coming, they will be stuck here for days on end. (**A Member:** Hooray!) (*Interjection and laughter*)

20

Could you just let me know what time you have to leave the Chamber by to catch the flight that you are booked on?

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Alderney Representative McKinley: By quarter past four.

The Bailiff: You need to leave by quarter past four.
Thank you very much.

Billet d'État XIV

ENVIRONMENT DEPARTMENT

XIII. Integrated Transport Strategy – Funding – Debate continued – Propositions carried

30 **The Bailiff:** Well, Members, we continue then with general debate on the Environment Department's policy letter on Integrated Transport Strategy – Funding.
Deputy Dave Jones will speak.

Deputy David Jones: First out the trap. Thank you, sir.

35 Mr Bailiff, Members of the States, I have torn up about five pages of my speech this morning, (**Several Members:** Hooray!) so you will be pleased. (*Interjections and laughter*) It does not get any better after that, I have to say.

 Just let me start by clearing something up from yesterday. On Monday night, at the Vale Douzaine I said I would support the Kuttelwascher amendment as I could not support the
40 proposals as they stood in the policy. But yesterday, of course, we had amendments to that Report and I found that I can support, now, Environment and I think Environment should be congratulated for bringing them forward.

 So, yes, I changed my mind, but of course, unlike Deputy Mary Lowe, I did not make a commitment to this Assembly to support a certain strategy or encourage others to do the same.
45 Okay, so let's move on. (*Laughter*)

 Deputy Burford said in her opening remarks, something along the lines of vehicle owners do not contribute anything like the amount needed to off-set the damage done to the environment, or words to that effect – paraphrasing. She is, of course, forgetting that the people getting around the Island to their work and their business are of huge benefit to the economy, and I would ask
50 where the Minister thinks the money comes from to pay the taxes her department needs to fulfil their mandate?

 The Minister's speech also strayed, once again, into areas of personal health issues; 'active travel', I think she said. Now, these are matters that are quite properly for individuals to decide. It is not for the Environment Department to dictate how people live their lives. It might be Deputy
55 Burford's preferred lifestyle, but it is not for her or her board to try and impose it on everybody else in this nanny-knows-best dogma. One parishioner said to me. 'We do not want you to keep trying to protect us, when it is you, the States, we need protecting from!' (*Laughter*) Difficult to argue sometimes.

 Okay, so now onto the issue of the buses and before I actually vote for another single penny for this bus service, I want to review the staggering amounts of money that we have already spent
60 over the years. In 2003, the States bought a fleet of new buses for the reported sum of £3.3 million. It has since bought eight additional buses for around £480,000 and each year, since 2003, the States has had to pump in a subsidy of around £3 million to make the service sustainable. So 2003 to 2015: 12 years, £3 million, makes £36 million.

65 The new contract is reported to involve a subsidy of £4.4 million a year and is set to run for five and a half years. So £4.4 million times five years is another £24 million. So if you total up all the funding paid in subsidies and that which has now been committed under the new bus contract of 2003, I make that £3.3 million plus £480,000, plus £36 million, plus £24.2 million. The total is in order of £64 million. Yes, that is £64 million and running virtually empty buses for years around
70 this Island, with a few dozen people on most days, year after year, after year. In those figures

somewhere, I also presume, it includes maintenance and damage repair to vehicles that have had numerous accidents.

Most of it has, without doubt, clearly been an epic waste of public money and I cannot, for the life of me, understand why previous Environment boards have not come back to this States to end this insanity or at least admit that for the most part the whole public transport system was a reckless waste of public money and needed a complete rethink. That is the issue I have.

We are moving in the right direction. I am much more enamoured now with what Environment are doing at the moment. They have announced recently, of course, that we are going to have smaller buses. I think some of them should actually be minibuses, but that is another argument perhaps for another day. But they should at least admit, for the most part, the whole public transport system has been a waste of public money up until now and it needed a complete rethink. And the money we spent on the buses would have paid, actually, for the Mare de Carteret School.

Okay, so even the Minister of Environment, I suggest, would struggle to show that all this expenditure has been good value for money. Although clearly – and I accept that – she and her board are not responsible for all of it. But it is also something the Public Accounts should be forensically investigating, to see where all this public money has gone since 2003.

The other thing that truly irritates me about this Report is that Environment have gone ahead and employed yet three more members of staff before the funding for the new employment contracts has even been agreed. Now, the Report touches on the issue on page 1622, at 11.2 and again in 11.4, but the fact that it is flagged up in the Report does not make it any more palatable for me.

It says £150,000 to £200,000 for this item, which must mean the salary scale will be around £50,000 per year mark. Now, the Report tells us that these increases in staff numbers are being funded at present from Environment's current budget. The same budget, presumably, that is supposed to cover repair costs to our sea walls and other items which, to me and I suspect most other Islanders, must take primacy over many other things listed in this Report. However, they do expect T&R to give them the extra funding to cover these appointments.

The truth is that none of this should have happened until the funding had been clearly identified and was finally signed off by this Assembly. Environment should not now be offering us a *fait accompli* and expecting us to vote it through and even if we accept it, we are told in 11.4 that the £500,000 income would be realised in 2015 – that would only partially offset the costs incurred.

I mean, I ask all of you: have we really gone through all the pain of the FTP, only to see the benefits of those savings being depleted by a department creating yet more jobs which will swallow yet more of our precious income? Is it to be forgotten that half the Island's income goes on our own pay bill? When are we going to learn that this is not sustainable and we should be looking for ways to reduce our pay bill, not add to it?

I want to say a bit about the wish list that has been described. I talked about the fluffy bits being got rid of yesterday. I was in turn meaning that the width tax and the original omissions tax and all the rest of it.

The bits about cycling I am not so excited about. I think that my wife uses her bike quite a lot; my grandchildren are out there and the rest of my family. We have probably all got family members who at some point use the roads on their bikes. I want my grandchildren and my wife and all my family to be safe; and I have seen incidents for myself. I have been in front of a car a few weeks ago, going up the Fort Road, whose behaviour was bordering on criminal. He would rather have killed that cyclist than wait 30 seconds to find a decent area to park and those things do annoy me.

So I think that the money that Environment are asking for to try and improve the lot for cyclists is not money wasted, which is one of the reasons why I do not really have a problem with it.

But I have to tell you also – because I have not finished my rant yet – that the public also has its wish list. From the calls and e-mails I get, the public really wish we would stop trying to fix all

the things that are not broken. They wish their Government would understand that there is no more money in household budgets to give for flights of fancy or nonsensical traffic schemes or Environment punishment taxes for that matter.

They also wish we could re-open the public toilets that were closed on the pretence of saving money – a much better use of public funds, I would suggest, than employing yet more public servants.

They certainly wish that some of the tens of millions spent on the buses over the years would have been used to do what Environment have just announced they are going to do, which is to buy smaller vehicles and they wish we had not spent millions on all the wretched traffic calming, the forest of traffic signs cluttering the Island, regiments of traffic lights all along the eastern sea wall, the road narrowing schemes and dangerous build-outs into the carriageway, which are all designed to slow and impede traffic movement, further adding to congestion.

We have seen the recent traffic changes in town and on Sundays have rendered the roundabout almost unworkable, causing anger and frustration from people who just want to get on with their daily lives – families queuing in the traffic for so long they are now having picnics under the grass on the mast. That is not true, I just made that up! (*Laughter*)

Okay, so where am I with this? Well, Environment have shifted their position. I had no intention of supporting this Report up until the point that I had an e-mail conversation with its Minister the other evening. I wanted to see the parking clock thing returned, because I simply think that fuel hikes are inflationary. I do not want any of it. I do not want the parking clocks either really but we have to recognise that this bus contract has been signed. We cannot go back on them now. We cannot renege on that and it has to be funded somehow and, to me, the parking clock is the least of all the evils, which is why I was pleased that at least one of these amendments was put forward.

The other point is I think that we are going to see some creative moves from Treasury & Resources at the time of the Budget, so I want to make sure that the funding is put in place by this Chamber at this time rather than allow them... The Kuttelwascher amendment would have said, 'Well it has all got to come out of General Revenue,' and then Treasury would have certainly come back with some more creative ways to find the money.

I could go on but I will not because I think I have said what I wanted to say. But I will be supporting amendment, whichever one it is... the parking clock amendment, which is – (**Several Members:** 1B.) Yes, 1B.

Thank you, very much.

The Bailiff: Before I call Deputy Dorey, who will be the next speaker, two more Members have entered the Chamber and, Deputy Rob Jones, do you wish to be relevé?

Deputy Robert Jones: Yes, sir.

The Bailiff: And Deputy Gollop has arrived at his seat. Do you wish to be relevé? Yes. Thank you very much.

Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

Firstly, I just need to correct something I said last night. I think I said it was Les Ozouets Lane when I should have said Oatlands Lane – the road which has got two ways for bikes. (*Interjection and laughter*)

We are faced with three options in front of us. They all include £750,000 from bus fares. So number 1, which is the original Proposition, has fuel duty and first registration duty emissions. 1A has first registration duty omissions and increased cash limit, and 1B has parking clocks and increased cash limits. What I want to do is try and analyse the different options and try and take you through why I have concluded on which I think is the preferable one.

First, if we look at the money raised by these three options, number 1, which is the fuel and first registration duty on emissions, raises £3.45 million, which is the amount in the Billet which is the amount to fully fund the Strategy. 1A, first registration duty on emissions and increased cash limit; and 1B, parking clocks and increased cash limit. Both only raise £3 million. So they raise less than the amounts which are in paragraph 3.5. Therefore, I conclude that number 1 is better as it raises the most and can deliver the proposed expenditure set out in that paragraph.

The whole point, as I understood, of an integrated transport strategy is the idea that the income sources not only fund it, but they contribute to the strategy by causing behaviour change. So let's look at each one and check if they cause behaviour change.

Number 1, fuel increase. Well, if we go back to the report which was in April 2014, included in that report from Environment Department on the Transport Strategy was a report from Policy Council's Policy and Research Unit who stated, September 2013... It was titled 'The effect of petrol price and duty on demands for petrol and bus passenger journeys'. And the conclusion was:

'There is strong statistical evidence to support the hypothesis that increasing duty rates on petrol causes a decrease a demand for petrol, but the limitations of the data must be considered.'

I will not read the full paragraph, but that is the opening sentence which summarises their conclusion. So there is some effect of a fuel increase on usage. That was their conclusion.

First Registration Duty on emissions is variable as it is more expensive for higher polluting cars, so it should cause some behaviour change. So for number 1 both elements cause behaviour change.

1A, first registration duty on emissions, as I have already referred to – as it is more for more polluting cars will cause some behaviour change, but this will cause more, because it raises more and the amount you have to pay for higher polluting cars is higher, so it should have slightly more effect on behaviour change.

Increased cash limit – well, it will not have any behaviour change. 1B, parking clocks and increase cash limits. Well, parking clocks – everyone will pay the same. If they are a commuter and have a large car and park on North Beach every day or if they are a commuter and have a small car and use the small car space every day, or if they are a retired couple who do their shopping, say, at Forest Stores, go to town once a month for shopping... so perhaps use the car parks 12 times a year or something, they would pay the exact same amount. It will cause no behaviour change. It could actually encourage people to say, 'Well, I have paid for the parking. I may as well use my car because I have paid to park it there.' So there is no behaviour change in 1B. The other part of 1B is increased cash limit, so no behaviour change.

So number 1 is the best as both parts cause behaviour change; 1A, one part causes behaviour change; 1B, no behaviour change.

Let us look at financing from General Revenue. Number 1 has no financing from General Revenue. 1A and 1B both need £1.1 million, money which has to be raised by some form of taxation, but we do not know what the tax would be; we have to wait for the Budget. I think it is called a 'kick it down the road', isn't it? So, number 1 is definitely the best as there is zero; 1A and 1B involve money to be raised from General Revenue.

Cost of administration and **ease of** collection – number 1, fuel duty. Well, we have an existing system for collecting it; if you increase it there is no additional cost so no additional administration. It is the easiest to collect. On number 1, first registration duty emissions... minimal, as you will pay that first registration duty charge when you register the vehicle. The Law has already been written. Problems with hire cars, imported cars etc. have already been sorted out, as part of the amendment to the proposed legislation. So that has already been sorted, so first duty on first registration, I think, will have minimal administration.

1A, increased cash limit, no administration, although whatever tax T&R comes up with. Presumably, if it is just increase the existing tax, there is no additional administration. 1A also has first registration duty emissions – I have already described that.

1B, increase cash limited – again, no administration. 1B, parking clock – yes, well, they are administration and... difficulty in collecting it. If I refer to paragraph 5.19 in the Billet, the last sentence says,

‘The per item production, storage and distribution cost of stamps and discs, even with some security features incorporated, should not be significant but with the high volume of annual transactions a cost in the order of £50,000 per annum should be assumed.’

225 So there is a minimum, they reckon, of £50,000 to raise it, to the administration etc. for it.

We are also told that there will be, probably, an additional charge to what the Environment Department will charge, if you go to a shop, because the Environment Department will expect the full cost and there will have to be a premium. We were told they estimate there will be 35,000 parking clocks required. People never believe it until the last minute. There will never be big
230 queues, just as used to happen with motor tax, but I will come to that later.

Visitors – presumably, they will have to buy clocks for the short period they are here and there would have to be some method for them paying towards it. How will guest workers...? We often see guest workers’ cars which are here for a while. Hire cars – how we will cope with hire cars leased to locals etc.? There are going to be many problems.

235 They talk about security features, because the car registration number will either have to be on the clock, stamped, or there has to be a windscreen sticker, they mentioned. There is inevitably going to be problems when you change car, when a car is exported, when a car is written off, when a car is imported during the year. The stickers... clocks will get lost. People will be annoyed if they have to pay the full amount again or the idea is that they say the registration number is hand
240 written. What happens when the ink runs, it fades with the sun on the windscreen? There will inevitably administration problems.

The States, a number of years ago, ended motor tax and increased duty on fuel in order to save money spent on administration and make the tax related to vehicle usage. This is going in the total opposite direction and would be, in my view, a retrograde step. As I said, remember all
245 the queues that we used to have for motor tax. I accept it is a simpler process, but there is still a process of having to put the registration number and having it down on whatever method is used.

Remember how they had to be changed to renewal monthly, to try... by surname. Remember how then there had to be 15 days grace to try and reduce the queues. I think there is absolutely no doubt that 1B will cause significantly greater administration and will be far more expensive to
250 collect than the other two.

I would like to just give a brief history of annual parking clocks. In 2009, the Environment Department proposed, instead of paid parking, to introduce an annual parking disc at the cost of £26 per annum. This disc would not have been car specific, i.e. you could have moved it from car to car, unlike what is being proposed. The proposal was successfully amended by Deputy Brouard
255 and Deputy Jones – who I am disappointed to hear has now changed his mind – and replaced it with one pence duty on fuel.

In 2014, the Minority Report including parking clocks. Deputy Brouard and I successfully amended the Propositions to remove the parking clocks and remove the proposed reduction in fuel prices. So, effectively, it increased fuel rather than charged on parking clocks. The States
260 voted then 28 to 15 for that amendment, i.e. 28 against parking clocks.

In February of this year, we had a desperate attempt to stop paid parking; 28 voted against paid parking and for parking clocks and 16 against. Those 28 who voted for parking clocks, but against paid parking, we know did not really support parking clocks, because just nine months before, the whole lot of them voted against parking clocks. It was just a method of stopping paid
265 parking and it was very successful and I take my hat off to them that they successfully argued it, but they were not committed to parking clocks.

So I conclude: 1 raises the full money, it is good for behaviour change, no money from General Revenue, a small amount of admin; 1A – less money to carry out all the initiatives of the Strategy, some behaviour change, some money from General Revenue, small amount of admin; 1B – less

270 money to carry out all the initiatives of the Strategy, no behaviour change which, to me, is not part of the Strategy, we should be getting some behaviour change out of the fundraising, some money from General Revenue and significant admin.

I think it is a no-brainer. Vote for 1; it is the best option. If not successful, vote for 1A. But I personally – however committed I am to the Transport Strategy – I just cannot vote for 1B. It will not cause any behaviour change, it is not linked to usage, it is unfair. It is purely an inefficient method of raising money.

Please reject 1B; it will just result in queues that we saw when we had motor tax and significant administration and I think it will inevitably lead to a negative public reaction. So please vote for 1; if that is not successful, vote for 1A, but do not support 1B.

280 Thank you.

The Bailiff: Deputy Stewart, do you wish to be relevé?

Deputy Stewart: Yes, please, sir.

The Bailiff: Thank you.

Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

290 Sir, no-one from the Environment Department has ever said to me, personally or in a presentation or in this Chamber, that they did not have enough money to comply with their own mandate. I stand to be corrected, of course, but as far as I can recall, sir, no-one has ever wrapped the whole thing up and presented it in a simple sentence, as I have just done.

What I have heard from members of the department is, 'We want to introduce a transport strategy. This is how we want to fund it. You have got option A, option B, option C. There are no other options. Do you want a transport strategy under those conditions or not?'

Well, sir, those are two fundamentally different approaches to what is essentially the same issue and that is the point I was trying to make in support of Deputy Kuttelwascher's amendment, when I was making my speech yesterday. I did not actually finish elaborating on that point due to the fact I was being interrupted so much; I decided to quit while I was ahead, sir. But I would like to expand on that point today because I think it is relevant to this debate and it will also be relevant to future debates.

Now, yesterday morning in this Chamber Deputy Luxon made a plea on behalf of HSSD for more money, to enable his department to comply with their mandate. He got that money in less than three hours. Yet the plea for more money from the Environment Department, to enable them to comply with their mandate, has been going on for months; (**Deputy Brehaut:** 24 years.) 24 years, I hear Deputy Brehaut say. And it has caused a lot of stress out in the community, as well as causing stress within this Assembly. And very early on it was a reason why Deputy Domaille resigned as Minister of the board and he was quickly followed by Deputy Paint and Deputy Spruce as members of the board.

Then the Enough is Enough group were established and we saw rallies on the North Beach and demonstrations outside of this Chamber where members of the department were subjected to ridicule as they entered the building. We have all been bombarded with an endless string of e-mails by traumatised Islanders, quite rightly, expressing their concerns about the whole Transport Strategy and we have all seen and heard the totally unjustified abuse that the members of the department have been subject to.

So what does that all tell us? I know what it tells me, sir, and I hesitate to say it because it will probably result in a few groans from my colleagues; it tells me there has been a communication problem, a communication breakdown somewhere along the line and, in a way, I feel that the Department shot themselves in the foot somewhat before they even got out of the starting blocks, because of the way they presented the Strategy to us, as Members of the Assembly and to

members of the public. And they should have taken us all with them, but they did not. They just kept going straight ahead just like a steam roller and it has taken months of stress and confrontation to get to where we are today, when I think all that really needed was effective, civilised consultation and communication.

And it was not until 7 p.m. last evening in this Chamber, after we had finished the business of the day, that a member of Environment took the time to engage with me on the whole issue of the Transport Strategy and we spoke in a civilised manner for about 10 minutes or so. In that time, he expressed his views, I expressed mine; neither of us needed to raise our voice or try to browbeat the other. There was no need for confrontation. And at the beginning of that conversation, sir, my views were totally opposite to his, but at the end of that conversation he put the whole issue of the Transport Strategy into context.

I want to thank Deputy Bebb, through the Chair, if I may, sir, for taking that 10 minutes at the end of a really long day to engage with me, because that is all it takes sometimes – someone to sit down with you, in a civilised manner for a few minutes. They express their views, you express yours and you begin to understand each other and that is what I call effective communication and I feel that is a lesson we all need to learn from this whole Transport Strategy saga, sir. When we put forward Propositions and strategies etc. we need to engage with the public and our colleagues and take them with us on the journey, not set them up to rally against us.

And the result of that civilised 10-minute conversation with Deputy Bebb last evening, sir, is I have now changed my mind. I am going to vote in favour of amendment 1A and I am going to support the Strategy. (**Several Members:** Hear, hear.) (*Applause*) And that, to me, sir, is a perfect example of joined up Government; (**Several Members:** Hear, hear.) colleagues working together.

I was reminded of the time – if you would allow me a moment to relay this colleagues, please, sir – leading up to the recent debate on the States' Review Committee proposals and, apart from the proposal to reduce the amount of Deputies and the proposal to broaden and strengthen the mandate of the Scrutiny Committee, I was absolutely, totally and completely against every other proposal. I was totally opposed to merging 10 departments into six committees. I just did not see how that was going work. In fact, I had even spent the whole evening writing my speech against the proposals.

Then one day I got a call from Deputy Conder, inviting me to his house on a Sunday morning – the Sunday morning prior to the Tuesday debate, in fact – to talk with him and Deputy Fallaize about the SRC proposals and I went into Deputy Conder's house totally opposed to the majority of the proposals.

Two and a half hours later, I came out of the house with a totally different opinion. I was in favour of all the proposals and I had not been brow beaten or beaten into submission by Deputy Conder or Deputy Fallaize –

The Bailiff: Are you coming back to the (*Laughter*) Integrated Transport Strategy debate at some point, Deputy Queripel?

Deputy Lester Queripel: Yes, sir, I was just relaying my thoughts on how effective communication works. (**The Bailiff:** Thank you.)

Before I do come back, I just want to thank Deputy Conder, sir, and Deputy Fallaize for that, because they did not try to discredit or demean me, (*Laughter*) as sometimes happens in this Chamber. They communicated with me and they listened to my concerns – as did Deputy Bebb, last evening. They answered my questions and they made me realise that I was wrong. I am not afraid to say I was wrong, sir. I am not afraid to say I was wrong about the SRC proposals and I am not afraid to say I was wrong about the Transport Strategy. I am not at all concerned that I might be accused of performing a U-turn. What I am concerned about is making decisions that benefit the whole community.

In closing, sir, I would just like to clarify a couple of points with Deputy Burford, if I may, and both of those points focus on bus fares, because we are told in paragraph 5.32, on page 1608,

375 that OAPs, children under three and all Island students should travel for free, but there is no reference to disabled people in that paragraph. So can the Minister tell me please whether or not disabled people will also travel for free under the proposals? And I ask the question because there is no reference to disabled people in the previous paragraph either.

380 My second point relates to the proposal that all Island students should travel free on buses; does that mean that they travel for free outside of school hours as well as travelling to and from school?

Thank you, sir.

The Bailiff: Deputy Brehaut.

385 **Deputy Brehaut:** Thank you.

I would like to be the first to congratulate Deputy Bebb and Deputy Queripel for the first civil union! *(Laughter)* That is the best 10 minutes that Deputy Bebb has ever invested, I am sure. *(Laughter)* No, I make a... obviously, I just want to thank Deputy Queripel, because his support is very much appreciated by the department.

390 I just wanted to make a distinction, because the issue is raised a lot, between public interest and being lobbied, because when I went to the EIE protest, like a number of people did, what was clear was that there was a huge presence by the Guernsey Motor Traders' Association and they have a varied membership, so there were groups of people who were involved in repairs, in car body shop repairs and affiliated professions because they were encouraged to protest against the Transport Strategy and when we debated the proposals when we had a large number of people outside, we had placards with young mechanics saying, 'I want to keep my job. Please do not put me out of a job.'

400 Now, it concerned me that those young people were concerned that the proposals within the Billet would have put them out of a job, but that was not the communication issue for the Environment Department. It is when a lobby group chooses to oppose a States' Report of policy letter, they will obviously use whatever mechanism is available to them to ensure that they protect what they see is their own business interests.

405 And we are seeing it again. We see it frequently. It interests me actually, because frequently when we hear groups interviewed... whether it is on the radio, whether it is in the *Press*, very rarely do you get the rider from the presenter or from the reporter to say that, 'This is the interested individual. This is the group they represent. This is what their mandate is. This is why they are opposing.' What we get is always, 'A member of the community is opposed to States' policy', rather than acknowledging that these people are a lobby group with a vested interest who are opposing States' policy.

410 Because if we look at the second protest, which was with regard to the narrowing of a road or a road into two lanes of traffic, we were led to believe that there was significant, enormous public interest, that there was enormous damage being done to the retail industry within St Port, but yet 300 people turned out. When you strip out the lobby group, when you strip out those with a commercial, vested interest, then the numbers are actually much smaller.

415 I am obliged, as a member of the department, and I believe in this Strategy enough to support, quite obviously, the Propositions contained in the Billet. I am – as you become – pragmatic, politically, and I know that the Environment Department have a challenge on their hands if members of T&R choose to speak and unify around this issue of taxation or the duty on petrol, because it is a position they would like in reserve – no pun intended. I can fully understand why Deputy Dorey made the speech he did and concluded why the parking clock should be dismissed and to support what is the second amendment, and I can understand why States would rally around that.

420 The parking clock issue: I fully understand and appreciate why Members on that afternoon opted to support it, because it was the emergency exit, it was the way out; it shortened debate and there was a remedy, a solution, a Resolution. But when you think about it, for a family of five

vehicles, five parking clocks – Deputy Dorey expanded well on that – just the issues around... the small issues, because remember not displaying a clock, for example, would be an offence, not having the right registration would be an offence and there are lots of issues around that.

So, quite obviously, I cannot support the clock. I would obviously like you to go with our preferred option, but I fully appreciate why Deputy Dorey has come to the conclusion that he has. Thank you, sir.

The Bailiff: Deputy Paint, are you looking to speak? No, you are not.
Deputy Fallaize and Deputy Gillson.

Deputy Fallaize: Thank you, sir.

Just a couple of things that have been said by other speakers so far. First of all, Deputy Jones said that he was going to vote for the parking clock because he thought that was a reasonable way of funding the bus contract. But actually the bus contract, under that Proposition, which includes the parking clock, is going to be funded from General Revenue. The parking clock would fund other parts of the Transport Strategy. *(Interjection by Deputy David Jones) (Laughter)*

Deputy Dorey said that an advantage of Proposition 1 – the original Proposition attached to the policy letter – is that it raises more money than the new Propositions 1A and 1B. Now, I think this is a poor argument for voting for Proposition 1 because the two amendments laid successfully by the Environment Minister implicitly accept that £450,000 cannot unreasonably be cut from the initial proposed spending on the Transport Strategy. Now, if the Department is prepared to accept that – even if it is only a pragmatic compromise – I think it would be odd for a States facing the financial pressures they are, to insist the Environment ought to have £450,000 more than they now appear to have accepted they can work with.

The Strategy clearly is a bit battered and bruised, although actually all of the spending initiatives – or most of them – with the exception of the bus depot, which is now to be dealt with in a slightly different way, actually remain in play. The parts of the original strategy which have been battered most of all are the sticks, the funding part of the Strategy – width and emissions duties and paid parking.

I think Deputy Kuttelwascher's amendment yesterday was an attempt to bludgeon the Strategy and I was surprised actually because I thought the amendment may succeed, but I think... I am not sure exactly what the result of the vote was, but I think around three quarters of the States voted against the amendment. So it is quite clear the States are in favour of funding the Transport Strategy as it is now and the choices – Deputy Dorey set out the options – basically come down to this: fuel duty, emissions duty or the Island-wide paid parking scheme, otherwise known as the low parking tax.

Now, I will support Proposition 1A, which is for emissions duties and I will not support Proposition 1, which is the increase in fuel duty and I am quite confident Proposition 1 will be defeated. One of the reasons it will be defeated is because it removes the headroom for the Treasury & Resources Department and I do not think that is a very sensible thing to do.

Referring to Proposition 1A, emissions duties, of course, were part of the original Majority Report – if I can call it that – the report, effectively put forward by Deputies Domaille, Spruce and Paint last year. And were part of the Minority Report put forward by Deputy Burford and Deputy Brehaut.

Now, of those three packages – the original Majority Report, the original Minority Report and this new Proposition 1A – the new Proposition 1A is easily the least radical by a considerable margin. The Propositions in the original Majority Report, laid by Deputy Domaille, were for width duties of between £250 and £2,250, and for emissions duties of between £100 and £1,200. What is proposed in Proposition 1A is: no width duties at all and only emissions duties, with a maximum duty of £690; so that is no width duties and half as aggressive as what was proposed in the original Majority Report. The emissions duties that were proposed in the original Minority Report went up to £3,200. What we are dealing with now is a top emissions band of £690. So this is not

just a compromise; this is a major reduction in the scale of the emissions duties, than proposed either in the original Majority Report... and in the original Minority Report.

480 There has, on occasion, been an argument in favour of the parking clock, because apparently it is fair. This view is based on the fact that everybody would pay the same, more or less. Well, there is the difference between fairness and sameness. If we were to say, 'From now on everybody is going to pay the same amount of Income Tax; it is going to be £10,000 per year,' nobody would say, 'That is fair.' Some people in this Assembly would be highly delighted by that, (*Laughter*) but it would not be fair. Just because it would be the same for everybody, would not mean it was fair. 485 It would be grossly unfair.

Now, what is proposed in the parking tax... and it is a parking tax, it is not a charge because a charge has to be based on the units used. Now, the parking clock, the parking tax, is not based on units used at all. If one person uses it for 40 hours a year they will have to pay exactly the same as 490 a person who uses it for 40 hours a week. Well, that is not a charge, that is a tax. It is about as close as we would come to a poll tax, probably.

I do not favour the parking tax, because although it may have the advantage that everybody pays the same, it is very unfair because it does not bear any relation to how much of the particular good or service the user is actually consuming. I think it is a bad idea for that reason. It seems to 495 me that in the comparison between fuel duty, very, very moderate emissions duties – really very moderate emissions duties – and levied only once, at a first registration, and the parking clock, Proposition 1A, the emission duties, is not just the obviously option but it is infinitely the best option.

I do think that I know that it might only be £30 or £35 or £40 – whatever it is going to be, this 500 parking clock, if it is introduced... I know that it does not sound very much, but actually if it is levied annually, there is going to be an administration charge, which I do not suppose ought to be given too much weight, but I think it is going to be... not just a hassle, but it is going to be irritating. Every year... even someone who does not park in a disc zone very often at all – perhaps they make every effort *not* to use their car and only very occasionally they have to use their car... If 505 my old aunt who drives to the Bridge probably one ever fortnight and parks for about half an hour, probably consumes about 12 hours of parking space per year, is effectively going to have to pay £2 or £3 per hour for the privilege of doing that under the parking clock and I think the recurring annual charge is going to be irritating.

Now, the emissions duty is only levied on first registrations and I also would make a point 510 about Members who speak very often about the low paid, the poorer members of our society – and Deputy Dave Jones is chief among them and I hope this argument will resonate with Deputy Jones – charging for a clock of £30 or £35 or £40 per year is regressive. It is inevitably regressive. But Proposition 1A is clearly not regressive, because in the main the people who will pay the first registration duty are not the poorest members of our society. I know that there will be a first 515 registration duty charged on imports, but I think in the main the people importing cars are not the poorest members of our society and certainly the people buying brand new cars are not the poorest members of our society; and these are the people who registering a car, a vehicle, for the first time, who will have to pay the first registration duty; in the main, not the poorest members of our society – whereas they will be hit by the £30 or £35 per year annual parking clock.

520 So, for all of those reasons, sir, I do not think Proposition 1 is a goer at all. I think it will lose. We need not even have a recorded vote. I think it is DoA – as Deputy Jones would say – dead on arrival. I think the choice really is between Proposition 1A and Proposition 1B, and I would urge members not to confuse sameness with fairness.

Proposition 1A is emissions duties which are considerably less far reaching, even than those set 525 out in the original Majority Report which lost because Members did not think it went far enough and actually when you consider how to fund a transport strategy and you consider what the objective of the Strategy is, the vision of the Strategy, which remains in place, actually funding it through a portion of General Revenue, bus fares of £750,000 a year – which a lot of us have had to compromise on – and very, very moderate emissions duties on first registration only, is an

eminently sensible way of funding a transport strategy, which clearly the States now want to fund. We know that after the decisions yesterday.

So I would urge Members not to vote in favour of Proposition 1, but to vote in favour of Proposition 1A.

Thank you, sir.

The Bailiff: Deputy Gillson, then Deputy De Lisle and Deputy Gollop.

Deputy Gillson: Sir, thank you.

It is clear Environment have produced a Report as a result of previous Resolutions and it is not their favoured Strategy, their favoured funding mechanisms, but I think that on the whole they have produced a good report and it is a thorough and well-thought out report.

I cannot help but note that their number 1 Proposition is to bring in fuel duty, when a year last May this Assembly rejected mine and Deputy Pelley's amendment. It was very tempting of me to go back through *Hansard* and quote in this meeting what the arguments Members of the Environment Board put against fuel duty, because they put quite a number of interesting arguments. Obviously, I decided not to do that. (**A Member:** Thank you.) (*Laughter*) You are welcome. (*Laughter*)

I will just reiterate something I said at Policy Council. I think that what they are proposing is actually quite reasonable and quite supportable – even the first one. But I said at Policy Council that I would not be able to support it and the reason why I would not be supporting it is not because I am anti-Strategy – I am anti-paid parking, but I was supportive in the Strategy, in fact if Members recall, I suggested a couple of quite radical ideas to make cycling better in this Island: making large lengths of roads from Capelles to town, one way, with contraflow cycle paths, so I am not against the strategy – for me, what has happened in the last few months is that the financial position we are in, largely because of Health, is a game changer.

We entered this year with not a balanced budget. We were £4 million in deficit, because in the budget there is £4 million that comes in from reserves, where the Minister told us that Q1's results in terms of ETI were up on previous years but below budget, document duty was below budget and expenditure was in line with budget. (**A Member:** Below budget.) Below budget – marginally, I think, you said.

So we are not even there. It is not a particularly healthy position, but Health and the needs of Health this year and ongoing, maybe an extra £9 million, means that we are facing a budget deficit back again in future years. So for me to then try and ring-fence a General Revenue item – which fuel tax is – away from the budget, would be wrong. So I said, quite honestly, at the meeting I would not be able to support that. A few months ago I probably would have supported option 1, but now I cannot support option 1.

Option 2, I think, is the best of the three. I will be honest, I voted for parking clocks last time to get out of paid parking. I think that – option 1A I am talking about, sorry, not option 2, 1A – Deputy Fallaize made some very good arguments against parking clocks, so I will not repeat them now. So I am minded to support option 1A.

I would prefer the funding for the strategy to be looked at as part of the budget process. I think that is far, far the best way to do it. That would be the best way for Government to act in terms of all General Revenue expenditure should be looked at and reviewed as part of the budget process. This idea of just first come, first served allocating monies, I do not like.

So I have got a feeling that I will probably vote for 1A, mainly because when you look at what it is, the bus fares is not a General Revenue item. The increase in the subsidy of the bus, which is item 2, we have got to do anyway. So whether we approve it now or in the budget, that has got to be approved. So the only part which is debatable is the registration tax on the CO₂. Personally, I would have preferred a width tax, because I think wide vehicles are a bigger problem in the Island than emissions, but Environment's opinion is that and am happy to go with it. And I think I can

live with this because, realistically, T&R are unlikely to come forward in a budget to raise money in General Revenue using a first registration duty. So it is arguable.

So I am sort of in two minds. Part of me thinks that we should reject it completely (**A Member:** Yes.) and bring it forward as part of the budget process. I think, in terms of good Government, that would be the best way of doing it. In actual fact, that would be complying with one of the Environment Minister's own pleas, that she called for 'sound, reasoned and well-informed decisions' and so the best time to make a sound, reasoned and well-informed decision about allocating General Revenue is at the Budget time but, given that the only part of 1A that I have got a concern about is 3 and it is really a technical concern about timing of when you allocate monies, I think I can support 1A, but I certainly cannot support 1 or 1B, and I would urge Members, if you are going to support any of these recommendations, 1A is the one to do.

The Bailiff: Deputy De Lisle, then Deputy Gollop.

Deputy De Lisle: Yes, sir. I have always been in support of a transport strategy of some type or other, but I must say that I have been extremely frustrated and the public, of course, has been very uneasy with regard to some of the experiments that the Environment Department has been conducting in recent weeks and months.

The one area of particular concern has been the seafront experiment which has caused retailers in the town losses and, of course, it has caused a lot of congestion to the travelling public in town and moving through town. That has been very unfortunate and I would not like to see any further instances of that.

The other very frustrating issue, of course, has been the P1 bus experiment which, in the west, has been passing us time and time again as we travelled around, totally empty and, as I understand it, only 1,600 passengers had actually used it over the full period and that means that it has only probably brought in about £1,600.

I like to ask the Minister to come clean with this Assembly and tell us exactly what that has cost and why that experiment has been continued for the period of time that it has, knowing full well that not only have you been costing the public a huge amount of money, but you have been frustrating that driver to death (*Laughter*) and I do not think you have got any right to do that to people.

Sir, I would like to comment, just briefly, on the Brouard/Lowe parking tax which comes under the amendment 1B and I would like to thank Deputy Dorey and Deputy Fallaize for their assessments of that particular option, because I, too, find that there would be a very negative reaction to it by the public. It is certainly more expensive than other options to collect the money because of the significant administration costs associated with it. We looked at various methods of doing that in 2007, 2008 and all seemed to be very, very expensive and costly to put in place.

But also, of course, it is unfair. It is unfair, in terms of its application to people that are parking all the time and using their cars frequently – in fact, every day – and parking associated with that and against others that will very infrequently go into town, perhaps, or into the Bridge area. So that is very unreasonable – to be expecting people that hardly ever use their car to be paying that tax as well as people that are using their cars on a daily basis.

But it is not only that, it is ill-thought out because it goes against the principles of the Transport Strategy anyway. A fixed price up front to all gives no disincentive, if you like, for commuters to leave their car at home and take a bus, because they will have already paid for their parking and, therefore, they will want to use the parking as frequently as possible.

So, in conclusion here, please let us have less frustration, if the Transport Strategy is to be put in and financed. Let's have less experimentation that is costly to the public. I maintain it has cost hundreds of thousands of pounds to the travelling public as well as retailers over the past little while, just with respect to the seafront experiment; and that is totally wrong – that we are using public money in that way and costing retailers, business and costing the business public also, and

the public in general, and causing traffic problems and congestion when, in fact, that was not there previously.

So my plea is that we do not support 1B and that we support a traffic strategy that is not to be experimental and not to be a burden on the public in general.

Thank you, sir.

The Bailiff: Deputy De Lisle, you have been expressing some views on behalf of traders in St Peter Port and I have had an enquiry from a Member. I am not sure whether your views were really relevant to the subject matter of the present debate, but you must have thought they were or you would not have raised them. Do you need to express an interest? Do you need to declare an interest in the subject matter of the debate, given what you think is relevant to it? That is the enquiry I have had.

Deputy De Lisle: Well, I mean, yes, I can express an interest.

The Bailiff: Can I remind Members the Rule states that before a Member speaks they must disclose the interest to the meeting. We have had several speeches at this meeting where people have not obeyed the Rule. Can I please remind Members, if they do have an interest in the subject matter of the debate, they must disclose it before they speak or, if they have not spoken, before they vote?

Deputy Gollop, then Deputy Lowe and Deputy Domaille.

Deputy Gollop: Thank you, sir.

I suppose I should declare that I am a Smart Ormer card holder of the buses and, therefore, get a discount from time to time and I am still a member of the Living Streets' Committee –

Deputy Fallaize: On a point of order, he is not, because they have been discontinued. *(Laughter)*

Deputy Gollop: Well, yes, but they have still got the paper vouchers. *(Laughter)*

Listening to many of the speeches around this Chamber – especially Deputy Lester Queripel, but also, to a certain extent, Deputy Gillson, Deputy Jones and others – they all sound more supportive of the Transport Strategy than I am, although actually I will *(Interjections)* support 1, 1A and probably my preference today would be 1B, but I will be happy supporting all of them.

But I want to challenge one or two things that Members have said. Deputy Brouard yesterday and Deputy De Lisle today mentioned the P1 minibus and its relative misfortunes. The P1 minibus was an experiment, but we do not just, unlike one or two previous Environment Departments I could think of in past Assemblies, introduce them for a week or two – put a notice in the newspaper. These are properly done with leaflets and with publication in the timetable. You cannot really just pull it off. People need reliability. If it is advertised for six months, it has to run for six months and we decided to continue to run it in the summer because we were aware from the first few months that it was more used in the shoulder months – September, October – than it was in the midwinter and we are looking to see what the usage is in the summer.

I have to challenge one or two points Deputy Dave Jones made because his main point, I think, of the speech was the money we have wasted on the bus services over 10 or 12 years and he chastised, in some ways more vigorously, past Environment boards more than the present group.

I think it would be useful actually if we had another review into the history of transport subsidies, but it is wrong to describe it as waste. Buses fulfil many purposes on this Island. We should remember that when we pay for the contract, we are paying for service that is at least four functions – only one of which is to appeal as a modal choice for people who have cars. It is a social service for the 8,000 or more people who do not have cars.

Now, Deputy Jones is a campaigner on behalf of the lower paid. Does he want those people to pay a much higher bus fare, because that is the inevitable consequence of withdrawing the subsidy or reducing it, or a complete slashing of services which might include parts of the Vale and more rural parts of the Island, especially? They also have a function, as Deputy Stewart knows, with taking tourists – both day tourists and staying tourists – around the Island, so they are part of our economic fabric, and they also transport scholars to and from schools not just through the school contract but on the main routes to and from the College of FE, Elizabeth College, Lady's College and so on.

So what we are paying for is a complete service that is not just an environmental whim of encouraging modal shift and I think it is very important to emphasise that. Where, perhaps, I have had a different opinion from past and, to a certain extent, present Environment board members, is I think if you wanted a more financially sustainable public transport model on the Island, what you would do is free up the market a little bit more and do what they do across the water in Jersey and in many, many other places across the British Isles and have rather higher fares.

If we had those higher fares, the amount of subsidy we pay would either be considerably reduced or would remain the same, but we would be able to provide up to double the number of services; but over many years, by consensus, this Assembly has consistently wanted a fare structure which is affordable to the entire community and offers incentives to travel; and we also know that when a previous board played around with the fares, because of the FTP, rather than a desire to improve the network, we saw a reduction. We are now seeing an increase. We are having a success story with the buses. They are going up between 5% and 10% each month. The service network is enhanced. It is probably the best network we have seen for at least 20 years and we can only build on that and we need the money for the contract that we have got signed now.

For all the reasons Deputy Dorey and Deputy Fallaize and, to a certain extent, Deputy De Lisle have raised, I am sceptical about the merits of the parking clock... the Brouard/Lowe. Indeed, there I am supporting it on the Environment board and finding that the proponents have now changed course and do not particularly want it. So there you go.

I think it would be slightly regressive and rather a blunt blunderbuss on the public. Nevertheless, it appeared to be what the States wanted and, from the initial media flurry, what certainly many members of the public appear to want.

It is interesting, when one looks at... probably my real preference would be for the printed Proposition 1 and I find it intriguing that we have had a lot of economic arguments against raising fuel price when, in the last year, we have seen a structural decline in the price of fuel so, had we had a much smaller increase, as suggested by Deputy Domaille and Environment boards in the past, we would still have a considerably lower price at the pump today, than we would have a year ago and that concerns me. I find it also intriguing that when we supported the Alderney amendment yesterday that what we put into place was a reduction in the event of that being passed, but Alderney, in a way, proves Deputy Burford right the first time, because Deputy Burford has argued that fuel price in itself does not necessarily act as a game changer.

Now, Alderney has higher fuel than anywhere in Europe, even higher than Amsterdam or Copenhagen, but Alderney does not enjoy a bus service. In fact that is something we should think about – that we are clearly subsidising buses in Guernsey for the public, but not for the people of Alderney. I have nothing against fuel price rises. I think that Deputy Fallaize protests too much on that.

I also can support 1A because I think there is a growing consensus that this one is the best mix. I would say though that it is important that a first registration duty, which is a much more moderate charge than a year ago, is explained fully to the public and that we do good public relations with the motor industry; because Deputy Brehaut is right there – there are some people who do, occasionally, fear for their livelihood and jobs and we need to explain that that would not be the case.

I think my point is that we have had a wide variety of transport strategies and we have gone for about 10 different manifestations and we have to stick with the model we have got, at least for

735 this term because, coming back to Deputy Dave Jones, he made reference to the idea that many local people have – that spending money, wasting money on the current buses has been wrong – and – like Deputy Lester Queripel yesterday and a few other Members – have suggested what we really would like to see is a minibus network. (**A Member:** Hear, hear.)

740 But I have to inform the States that at least in the initial stages of such a minibus network, the transformation would involve not 41 or 42 vehicles but possibly 84 to 110 vehicles. It would require double the number of drivers, probably double the subsidy because of the cost of the drivers and would also mean that there would be people standing at bus stops unless we significantly increased the resource at busy times, because buses are not always empty, Deputy...
745 The round-the-Island routes, the trips at school times, the trips to and from the Bridge and the airport at peak times are regularly very highly used.

I think with a minibus network either we would see much higher fares, closer to a taxi, or we would see a much higher subsidy. So be careful what you wish for. What we have got now is a consistent, affordable policy that, after all, is still predominantly using vehicles that were purchased by this Assembly 12 years ago.

750 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

755 Just picking up from the start of Deputy Gollop's speech where he was on about the P1 route and other Members had mentioned that as well and he believes that they have gone the right way about it; they have advertised and sent out leaflets – which is good, that has to be commended, but private business would not keep running that bus for as long as what the States are doing and CT Plus are doing at this moment, with one passenger, because that is just not cost effective, no matter how much more money you throw at it with advertising. The route of going from Vazon to the Airport really has not got a good, large catchment area for people to use anyway, so I would hope that they would look at that quite soon and stop wasting money on that.

760 With regard to the parking clock and the Brouard and Lowe tax, it is nice actually, I did not realise we were going to get some tax out of this – Deputy Brouard and myself. It sounds like we are going to have a nice pot of money, because it is going to be our tax, by all accounts and not actually going to T&R – I jest, I know it is going to you!

765 I did not actually support parking clocks, as my track record has shown before. It has been made very clear that was the only route we could actually do as a quick fix at the time, to stop penalising those who work in town being charged £1,300 for the long-stay car park and that to make it fair, in our opinion – and 28 of you agreed – was to actually spread that cost amongst the community with having disc parking clocks across Guernsey in disc parking areas only.

770 However, as was said yesterday, there were other options on the table. I supported Deputy Kuttelwascher's because that was more focussed and I am still very conscious about the amount of money that we want for HSSD and for Education and the amendment yesterday addressed that. But that lost so we are left with different things on the table. We are left with the fuel duty, which I do not support. We are left with the parking clocks, which I have never been a fan of anyway and we are left with an emission tax which is definitely better than what is was before. (**A Member:** Hear, hear.)

775 So where am I going with this? I am going with that I believe the emission tax now has reduced – a phenomenal amount of reduction really, to the original one back in the Majority Report – and the Minority Report reduced it last time. When we are looking now, that we are talking about a one only tax on a new car of around £250 and, up to the top range of cars, you are talking less than £700. If you were buying a car, £25,000 plus, and the maximum you would have to pay is less than £700 and a one-off charge only, I really do believe that that amendment, which is 1A, is the right way to go. (**Several Members:** Hear, hear.)

785 So I will be endorsing that and I hope the States will reject the parking clock, which I did not want, which you all accept was put in as a quick fix. To have a one-off charge on buying a new car

– surely that has to be the better route than actually charging people right across our community to be able to use the parking clock annually.

Thank you very much, sir.

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The Bailiff: Deputy Domaille, then Deputy Sherbourne.

Deputy Domaille: Thank you, sir.

I will be brief, once I have got my glasses on!

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I still do remain concerned about the funding issue and the fact that the Strategy... I do not regard it as an integrated strategy any longer. But, that said, I echo completely Deputy Gillson and Deputy Fallaize's comments. I think they are eminently sensible.

If the measures that we are agreeing on are going to be put in place, they have to be funded. They have to be funded and it is very clear that option 1A is the best option for funding that. At least it goes some way towards fulfilling the Integrated Strategy's vision – so I think that.

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For my part, despite my reservations that I expressed yesterday, I will be supporting option 1A; (**A Member:** Hear, hear.) in part, because the hypothecation issue can be addressed in the future – that can be overturned and I hope it will be, of course – and in part because at least something will happen and I am very, very sure that this Environment Department will put the measures in place and I have no doubt about that at all, but mainly because actually I believe in the bus service and, for me, that has always been the one and only thing that has really been uppermost in my mind... is the bus service.

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So I do urge Members to support option 1A and to reject the other options.

Thank you, sir.

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The Bailiff: Deputy Sherbourne.

Deputy Sherbourne: Thank you, sir.

Members, the pain, the torture we put ourselves through implementing policy is just incredible. (**Several Members:** Hear, hear.) I felt so depressed yesterday, having to sit through attempts to not undermine but to totally destroy what this Assembly had actually agreed to. It was summed up by a comment made by a Deputy who I have a great personal regard towards, Deputy Brouard, who stated that he could not believe how much time he was spending trying to 'kill the beast'. (**A Member:** Hear, hear.) To me, that summed up the attitude of those that have been trying to, bit by bit, undermine the Strategy that we had agreed to a long time ago.

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I feel sorry for Environment, actually. They have been put through the hoop. It was a difficult debate in the first place, but the States made a decision. The processes we have to go through to actually implement policy is just ridiculous, in my mind – totally ridiculous. What it does actually is to provide just that sort of atmosphere that enables people to have constant attempts to actually get their own way. That is really what it is. 'We will get our own way. If we do not get it first time, we will get it when it comes to funding.' And that is exactly what has happened over this Strategy.

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There were some very useful points made yesterday during the Deputy Kuttelwascher amendment, echoed today by Deputy Gillson, with regard to the ideal situation that funding should come from that central body. It should be the responsibility of T&R to identify funding streams for anything that this Assembly agrees to. If we tell them, 'Fund pre-school education', they have to find ways – whether that happens or not remains to be seen, but that is in their court.

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I agree with that principle. I think that is right and I think departments are forced towards hypothecating to actually fund justified policy. We are forced into that situation. Fancy telling Education you have no income, to go away and find a way of funding such an important provision as pre-school education... years behind the rest of Europe – probably most of the world, quite frankly.

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Yet, we have got this debate still going on. Hopefully, it will be resolved later, (**Several Members:** Hear, hear.) but what a ridiculous situation. We have a Deputy actually stating in

840 debate on this topic that there was the possibility that he might bring a Requête to fund it. Now, I am not sure actually what was this topic, but Deputy Fallaize certainly said it. What a ridiculous situation that is.

The Bailiff: Deputy Perrot.

845 **Deputy Perrot:** I wonder if we could get back to the Integrated Transport policy, rather than pre-school education.

The Bailiff: Deputy Sherbourne.

850 **Deputy Sherbourne:** He is quite correct, but I am illustrating the problem that all departments find, with regard to funding policy which has been agreed by this Assembly. As I say, I am more than happy to go along the route of requesting T&R to fund all strategies that are agreed by this Assembly.

855 Let's just have a look at what has happened over the last few years. We have been accused of being the worst States ever; Deputy Lester Queripel has tried to put the record straight. I think we have been a sterile Assembly. We have come up with really good visions, if you like – statements for the future, policies that actually do stand scrutiny.

860 The 20/20 Vision for HSSD – I know that was prior to this Assembly – was an excellent document. It focussed funding on preventative measures; actually putting money into, if you like, methods, strategies that were going to reduce long-term demands on the public purse. They go down the list of priorities. HSSD have been in a terrible situation for some time, because of that. They have not been able to implement those sorts of strategies. The Transport Strategy is the same: policy being agreed by this Assembly, where a substantial amount of it was to do with changing behaviour, which we agreed with.

865 The suggestion yesterday was that the funding mechanisms should be the same as we have for our capital prioritisation. Now, I agree; I have already said I think that is fine, but the reality is what has actually happened as a result of those prioritised lists? When was the last major States' project started, maintaining the actual workload that our construction industry needs? When is the next one? Look at the problems we are having with regard to a major investment in our school structure. I wish I had confidence that those processes, if actually we ever get round to that, I want to see some outcomes there before I am going to be really satisfied that I can just leave it to T&R to come up with the goods. For me, that is not satisfactory.

875 As I say, hypothecation has been forced on us. I think our structure, our system works against real movement, real development. I think our system provides an opportunity to dismantle whatever is really good in a strategy which we agree. We agree to it, we vote it through and then we dismantle it. Where is the logic in that? I do not understand it at all.

880 I supported the Integrated Policy. If it is not integrated any more, the only people we can blame are ourselves – not Environment; ourselves! We have not given them tools to get on with the job. We are asked now; they have come back to us and they are asking us to consider alternative methods of producing that funding. I agree with those who have been supporting 1A. I will support that and I hope the rest of you will, but I also hope in future debates that people think very carefully.

885 I learned a lesson a long time ago. I am pretty passionate about quite a few things but, as you know, education is my main bag. It has been my life, so I feel very strongly about it. I learned in the early 1970's, through a small group that I belonged to at that time. I learned from one of the members of that group, an ex-head who was head at Vale Junior School at the time, Peter Jenkins – I do not know if any you remember Peter.

890 I am not a religious person – Jonathan knows this – in fact, the complete opposite, but Peter was a Bahá'í and I do not if any of you actually know much about the Bahá'í faith, but the one thing I learned from him was to do with actually secular processes. The Bahá'í will not actively

work against a decision which has been taken by the majority. Go through the democratic process, once you have made that decision, get on and do it, everybody work for it.

I worked in an education system for 40 years that I disagreed with, but I did my best within it for the youngsters that I was responsible for. Now, that is a pretty good philosophy. When the opportunities arise, argue against but once you have made a decision, go for it and go for it as a community.

So, please, will you consider that, with everything that we have got coming our way over the next eight months? Do not be unduly influenced by those that shout loudest, those with vested interests. Consider their needs, yes, but get it in perspective.

Thank you. (*Applause*)

The Bailiff: Deputy Laurie Queripel, then Deputy James.

Deputy Laurie Queripel: Thank you, sir.

It is actually Deputy Sherbourne that has brought me to my feet, because we often agree on things, but I disagree actually with his assessment of our process and the process we have undergone.

It seems to me – I think anyway, from the mood of the Assembly as far as I can gauge it – we have arrived at something that the majority of us can live with and I am going to say now I am going to support 1A, sir. (**A Member:** Yes.)

But it seems to me the process we have gone through is, we owe it to the public to ensure we come up with something that does something, but is affordable to them and that has always been the test of things for me, sir. I always apply a test to any policy proposal that comes before me. I always ask these questions: is it necessary; will it be effective; is it affordable? Those are the things that I ask, sir, when things come before me. Not only that, sir, but will it provide value for money? Those are the things I always ask.

So actually this process has been painful. It has been painful for Members of the Assembly; it has been painful, I am sure, for the media; it has been painful for the public but, actually, we have got there and we have got there – I think, anyway, we have got there; I might be pre-empting the vote, but I think we have got there – because we have been prepared to... Deputy Sherbourne spoke about thinking carefully. Now, I think we got there because we had been thinking carefully; we had been thinking deeply. We have teased out all the issues. We have thought about what all the possible consequences are going to be, so I think this is – I am sure Deputy Sherbourne will disagree with me and some other Members disagree with me – an endorsement of our process, actually. I think all the issues that could possibly be teased out, have been teased out. I think all the consequences have been thought of.

We have not ended up with a – and I have not liked the use of these phrases when we have been debating the Transport Strategy – decimated or disintegrated Transport Strategy; we have ended up with something that is a moderate strategy, sir. We have ended up with a moderated version of the strategy and that is the Guernsey way of doing things. Guernsey generally does things in small steps. It does things in a moderate way and actually, if you look around us at our community, sir, and our society, I would suggest that doing things in a moderate way has been quite successful for us.

So I understand what Deputy Sherbourne is saying and I understand his frustration, I really, really do but, for me, because I am looking at this differently, I see this as an endorsement of our process, because we have thrashed this out; we have thoroughly examined it; we have looked at it from all angles and I think we have come to a point now, probably we are going to reach consensus and say the majority of us will vote for 1A and I think actually we have ended up with a... It is probably not the strategy that Deputy Burford wanted or the strategy that some other Members of the Assembly wanted, but I think we have come up with something we can live with and something that will be effective and probably cost effective and affordable. So I think that is a good result. It has taken a while to get there, but I think it is going to be a good result.

I am in the same camp as Deputy Brouard here – I am more of a carrot person, than a stick person. I have never liked the idea of trying to force people to do things but actually I think the education or the awareness aspect of this Strategy has been quite successful. Deputy Gollop and others have mentioned already, bus user numbers are up and I think they will continue to go up.

If you think about the messages we receive from the – I cannot remember the name of the group now, but I think it might be just called the Bicycle Group or the Bicycle Club but, actually their figures have gone up substantially over the last... I do not know how long they have been in existence but they have gone up substantially over the last couple of years. So, clearly, I think the message has got through to people that they should think twice about their transport options.

Even the Chief Minister, sir – he did not say it yesterday, but even the Chief Minister, sir – walked here from the Castel yesterday, (**A Member:** Hooray!) instead of driving and he arrived here with a very rosy hue to his cheeks, sir. (*Laughter*) It also looked like he had taken a shower with his clothes on, but – (*Laughter*) Other than that, sir, he made the effort.

But now my point is, sir, I would ask the Chief Minister, would he have taken that walk prior to being made aware of the aims and the objectives of the Transport Strategy? I do not think he would have done.

A Member: No, his car broke down! (*Laughter*)(*Applause*)

Deputy Laurie Queripel: Oh, is that right? Poor chap, I am trying to give him some credit here and... but anyway –

Oh, yes, I will give way to the Chief Minister.

Deputy Le Tocq: I was just going to say I probably would because I need to lose a lot of weight and my family keep on explaining that is the only way I am going to do it! (**Several Members:** Hear, hear.)

Deputy Laurie Queripel: But has it influenced your thinking or motivated, I would say... about the awareness and the education part of the Transport Strategy has? I would say it has. And the same goes for myself, sir. I am not a regular bus user. I still maintain that the bus service does not do for me what I need it to so, but if I am going to make a straightforward journey, just to town and back and things like that, I am much more inclined to use the bus now and there is a really brilliant bus route – I think it still runs – that takes you from the Bridge to the Airport and I have used that one a couple of times.

And I do a lot more walking now, sir. (*Interjection*) Yes. Prior to becoming aware of this Transport Strategy, I was inclined to just take it for granted and jump into my van and drive short distances. Now I will walk those short distances.

So I think actually... and that is me; I am just an average Joe, as it were. So if it has made me think twice about using the bus a bit more and walking a bit more, I am sure it has done that to a lot of other people, sir, (**A Member:** Hear, hear.) but without the sticks; just the encouragement, the education, the awareness part has done that for me, sir, and, as I say, I think it has done it for the Chief Minister as well... [*Inaudible*]

So, yes, I think this whole process, this quite painful process we have undergone actually endorses our system because we have got there, not with a disintegrated strategy but with a moderated strategy that will be effective, that is affordable and I think that is something that we and the community can more than live with, sir.

So I am going to vote for 1A, sir.

The Bailiff: Deputy James, then Deputy Bebb.

Deputy James: Thank you, sir.

Heeding your advice, I will declare an interest and my interest is that I am an owner of more than one vehicle and I am sure many people in this Assembly are also.

Sir, I want to urge this Assembly to reject the paid parking clock and, whilst this particular issue has not come up in this debate, it did, indeed, get discussed during the debate, during Deputy Lowe's 11th hour amendment on parking clocks last time; and that issue was that, should we adopt the parking clock route – which, incidentally, I voted against... was that people with more than one vehicle would be required to have a clock for each vehicle, so the vehicle disc or whatever, would in fact include registration numbers and I think that would be wholly unfair.

My two vehicles – no they are not a Porsche or a Lamborghini – they are a little tiny Smart car and a wheelchair-adapted vehicle for, obvious reasons. But there are many people across this Island that are required to have two vehicles. I am thinking of all the tradesmen across the Island. I am thinking of people with, maybe, disabilities.

It would be terribly unfair for people to be forced to have more than one clock, should this Assembly determine that that is the route that they are going to tread. So I would ask you, please, do not go with the parking clock. There does not seem to have been much particular interest from the Assembly for that route, but I would ask you to reject that one.

Thank you.

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli.

Deputy Laurie Queripel, in his speech, talked of 'the Guernsey way' as the compromise and so forth, (**Several Members:** Hear, hear.) but it interesting that when we hear 'the Guernsey way' at HSSD, it is generally in relation to poor practice and I think that actually the compromise points that he makes, when he talked of compromise... It was interesting that my friend, Deputy Conder, groaned and said, 'And that is why we have an education system that is groaning because of a need of additional funding'. And I know that, from the debate that we had yesterday, evidently HSSD are not looking to have a large transformation, because the service is excellent. It has grown organically and is in dire need of, in my opinion, radical change in order to see a very different type of health service.

And that is something that concerns me when we talk about not wanting to change too quickly and it ties in a little bit with what Deputy Dave Jones said. He also pointed out that people do not like to be told what to do.

Now, I am going to quote, once again from Steve Hilton. It feels as if I am on commission to him, but I not; but I am thoroughly enjoying this book. Now, he makes the point in relation to social engineering in relation to food and, if Members bear with me for a moment, I would like to quote,

'Look, I am not saying all the packaging and the promotion of food products should be truthful, just a reasonable amount, say 20%. That still leaves 80% for lies and deception. Who could object to that? Well, people who get cross about the nanny state, I guess. "It is curious that we are open to social engineering when it is being done by corporations," says Michael Pollan, a noted American food writer and activist. "You are socially engineered every time you walk through the cereal aisle in the supermarket. The healthy stuff is down at your feet and the stuff with the most sugar and chocolate is at your eye level or your child's eye level. That does not seem to bother us, but as soon as it is done by elected officials on our behalf, it is anathema."

And it is very interesting that we are very happy to be socially engineered in relation to all these things being done by everybody except by the Government and I have to say that, of course, what we are trying to do, as part of this Transport Strategy, is nudge people in a certain direction and we should not be afraid of that. I think that plenty of other outside corporations, businesses, lobby groups do exactly that. They work very effectively doing exactly the same thing, but we somehow do not like it when democratically elected people seem to suggest doing far less than what is being done by lobby groups.

Now, there are a couple of other points that have been raised in debate. Deputy Gillson spoke about leaving it until the Budget and I would like to assure Deputy Gillson that I have sat on HSSD for quite some time and I know what a department who is struggling with funding looks like but, in all honesty, that is nothing compared to my recent experience at the Environment Department.

If we are talking about hypothecation not being correct, then obviously the Environment Department should be able to continue with the budget that was set for it for this year. But, of course, Treasury & Resources have said – and quite reasonably – ‘Hold on, you have not got the funding through that you thought you would get through and therefore do not imagine that you should be spending the full budget that you were allocated.’ So, evidently, Treasury & Resources feel quite happy to be hypothecating in that respect as well.

So hypothecation is happening and trying to work through the budget at the moment against expenditure in this department is a regular headache, because we have got the original budget which we have been told we should not be doing, then we have got some modified budget, based on the premise of some form of funding and then we have got reality, which is no funding and therefore not being able to progress with anything.

And those comments made yesterday as to ‘no solid firm plans as to exactly how we will spend the money’... Well, I would say it is completely imprudent and one of the points that I was successfully and thankfully persuasive with Deputy Lester Queripel. I would be irresponsible to commission works to put an extension on my house on the promise that I might win the lottery and that is what it feels like. We are unable to progress with a whole host of things because we have no understanding of what our actual budget for this year is going to be. It is very, very difficult.

So waiting until the budget is not an option, because it leaves it until next year for us to be able to actually progress with an awful lot of things that we have promised, that not one person here seems to want to rescind – an awful lot of the expenditure items of that Transport Strategy. Even the proposers of the amendment yesterday clearly wanted the bus and they wanted the disability provisions to be maintained. So, even then, there is still a desire to see some work done and we have no actual funding for this.

Now, the premise of the three options, it seems that the Assembly is now settling on option 1A and I am very happy with that. I have my own personal preference and absolutely 1B is definitely there as my least preferred option.

I think that Members have made all the speeches necessary as to why it is not the favoured option, but there is one thing that I would like to say and that is we have no funding at the moment. We believe that it is necessary to progress with all the expenditure items that everybody seems to be content with and, therefore, all I would say is that we need one of the options and if that option be 1B, then I am content with that because that is the only honourable thing to do – to at least fund what nobody seems to want to rescind.

Therefore, I would say that, of course, if 1 or 1A are successful, then we are all happy, but if they are not then we really do go back to the question of a clock which received such a majority support in this Assembly. It is not my preferred option in any way, shape nor form. I believe that paid parking, which I happily stood in the election and said that I supported, is the right choice and, if you look at Members’ behaviour changes since paid parking was introduced for Deputies, I think that it shows that a substantial number changed their habits. I no longer park there. I ensure that I either take the bus, the bike, walk or, as I have damaged my foot recently, I am currently using my scooter.

So the premise of paid parking is definitely what I think should have actually achieved most behavioural change, but it has been rejected and this is a pragmatic approach – that I hope the Assembly will be able to support one of the options.

In all honesty, I have come to the point of saying none of these are my preference, but we need the funding to ensure that we do the work. This Assembly has not asked to rescind those items and, therefore, please support one of them. 1 or 1A would be very nice but, if those two do not go through, please ensure that we can continue the work for looking at the cycle

1090 infrastructure and the pedestrian infrastructure that is so essential for the children around the schools, if nothing else, and the disability work that we are trying to progress. We need the funding for some of them and, whilst I agree that 1B is probably the least attractive, at least it provides the funding in order to progress with the actual work required.

Thank you.

The Bailiff: Deputy Conder, then Deputy Soulsby.

Deputy Conder: Thank you, sir.

I rise to support both Proposition 1 and Proposition 1A. In some ways, I rise with a heavy heart because I feel that the vision of the original Strategy has been, to some extent, emasculated but, whilst I endorse and understand what Deputy Laurie Queripel said – that it is the Guernsey way – it is half a step and I do not think it is going to achieve the visionary and ambitious outcomes that could have been achieved by this Government. But, be that as it may, that is our way of Government, that is democracy, which on other occasions, we and I certainly celebrate.

I am delighted the Chief Minister is walking. Well done, sir. And I look forward to him being a shadow of his former self in a few months' time! *(Laughter)* But if Deputy Le Tocq's personal change of transport strategy is the same as mine, he will feel the benefits and I feel we all, in our society, will and what he is doing is a great example to us all. Again, he offers us leadership.

Sir, I will support – although I get a sense that the Assembly will not support it – option 1, which includes the increase in fuel duty of 5.5 pence per litre on petrol and 7.5 pence per litre on diesel.

I do recall, when I first came to this Island, I was amazed at how cheap driving myself around was and how much, and dramatically, my old transport costs had dropped. At that time, fuel, petrol, unleaded petrol was about 44 pence a litre. Road fund tax was very low compared to what I was paying in the UK, but actually that was not the reason that my fuel costs and my cost of transport dropped. The reason my fuel costs dropped hugely, dramatically, compared to the cost of transport in the UK was there was nowhere to drive! *(Laughter)* I was doing 20,000 miles. Most people in the UK do 20,000 per year. That is what the cost of motoring in the UK is. It is how far you drive. It is not the cost of petrol; it is not actually the cost of the road fund tax. And here, even before I started my much healthier approach to getting about this Island, it is difficult to achieve more than about 4,000 miles a year. I actually accept that the commercial drivers will be doing much more. That is where these savings are on transport, because you cannot actually achieve a very high mileage.

So I would challenge the idea that increasing our fuel costs adds a huge amount, certainly comparably to other much larger jurisdictions, to the cost of living. I acknowledge that they do, and they will, increase costs but the price elasticity of petrol is very low. It does not have much behavioural change and I believe that we can support option 1 and T&R could still increase fuel duty at the Budget if it chose to. But I accept that the Assembly is unlikely to go that route, although that presumably remains the preferred option of the Environment Department.

1A, I think, whilst it is a very much watered down version of the original strategy, is the best, is the most likely to succeed and it is the best outcome, probably, in the circumstances.

1B, I would absolutely reject, although I suppose in extremis if there was nothing else one would be forced to support it, but I would be very reluctant to. It contains the proposal for the introduction of a new tax. The paid parking clock is a tax and we have said many times in this Assembly – and I certainly have – that in a small jurisdiction that cannot control its own interest rates and cannot control its money supply, we should limit the number of taxes that we have. That was one of the arguments for not introducing GST – do not introduce new taxes. They are increasing the administrative cost of our Government. They place an additional burden on our citizens. So I would reject, other than extremis, the idea of a paid parking clock.

1140 I think the mood of the Assembly is to support 1A and, if that is our decision, I think at least we retrieve something from – as Deputy Sherbourne said – this debacle of what has become a transport strategy over these many months.

In closing, sir, I applaud Deputy Burford's resilience and her team's resilience and their determination to get something out of this process, this painful process, we have been through.

1145 Could I just ask her if she would respond in her summing up... it seems to me that within our larger conurbations, and particularly St Peter Port, much of our town is laid out on a grid like pattern either by accident or design which must lend itself to introducing an enhanced and increased one-way system, which as we have heard in many cases, many of our streets, particularly in St Peter Port, are not fit for two-way traffic. They put large vehicles onto pavements, 1150 they put pedestrians into the road and it seems, with a relatively modest cost and a more ambitious approach, we could introduce an enhanced one-way system through the grid structure; and I hope that that might be one outcome which would make, certainly, walking and cycling both more pleasant and safer, although I accept it could potentially increase traffic speed unless our speed restrictions are enforced.

1155 So, sir, I will vote for option 1, I will vote for 1A and, if I have to, I would vote for option 1B, but I hope we do not get to that position.

Thank you, sir.

The Bailiff: Deputy Soulsby.

1160 **Deputy Soulsby:** Sir, I did not rise to speak. I rose to invoke Rule 14(1).

The Bailiff: Sorry, if you had said that, I would have... *[Inaudible] (Laughter) (Interjection by Deputy Soulsby)*

1165 Right, in that case, Rule 14(1) is invoked and what I put to you is the motion that debate on this Article be closed. Those in favour; those against.

Members voted Pour.

1170 **The Bailiff:** I declare that carried.

The Minister may reply to the debate.

Deputy Burford: Thank you, sir.

1175 Well, I do have four pages of notes that I have made from all the various speeches everybody has made and it even includes a rather nice anecdote about the Hill Climb and Deputy Brouard, but I think I am going to save you from that because I feel that the mood of this Assembly now is very much in favour of option 1A, (**Several Members:** Hear, hear.) so all my little notes about fuels and everything I can leave to one side.

1180 If Deputy Conder will permit me, I will have that discussion about one-way systems with him outside the Assembly. The only thing I actually want to extend is a particular thanks to Deputy Lester Queripel.

So, with that, I would ask Members please to, everyone, swing behind option 1A and let's get this sorted finally.

Thank you. *(Applause)*

1185 **The Bailiff:** Well, Members, although you have been asked to swing behind option 1A, *(Laughter)* the way the Propositions are drafted, I have to put Proposition 1 to you first; and I remind you that Proposition 1 has been amended as a result of the successful Alderney Representative Jean/Deputy Dave Jones amendment, relating to Alderney.

1190 **Deputy Dorey:** Could I have a recorded vote, please.

The Bailiff: A recorded vote on Proposition 1. Right, we will have a recorded vote on Proposition 1.

There was a recorded vote.

Not carried – Pour, 11, Contre, 30, Ne vote pas 2, Absent 3

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Harwood	Deputy Kuttelwascher	Alderney Rep. Jean	Deputy Trott
Deputy Brehaut	Deputy Domaille	Alderney Rep. McKinley	Deputy Lowe
Deputy Le Clerc	Deputy Langlois		Deputy O'Hara
Deputy Gollop	Deputy Robert Jones		
Deputy Sherbourne	Deputy Lester Queripel		
Deputy Conder	Deputy St Pier		
Deputy Bebb	Deputy Stewart		
Deputy Ogier	Deputy Gillson		
Deputy Dorey	Deputy Le Pelley		
Deputy Burford	Deputy Fallaize		
Deputy Hadley	Deputy David Jones		
	Deputy Laurie Queripel		
	Deputy Le Lièvre		
	Deputy Spruce		
	Deputy Collins		
	Deputy Duquemin		
	Deputy Green		
	Deputy Paint		
	Deputy Le Tocq		
	Deputy James		
	Deputy Adam		
	Deputy Perrot		
	Deputy Brouard		
	Deputy Wilkie		
	Deputy De Lisle		
	Deputy Inglis		
	Deputy Soulsby		
	Deputy Sillars		
	Deputy Luxon		
	Deputy Quin		

1195 **The Bailiff:** I think we need to just pause before we get the formal record of the vote.

Well, Members, the result of the voting on Proposition 1 was 11 votes in favour, with 30 against and 2 who did not vote. I declare Proposition 1 lost.

We, therefore, move on to Proposition 1A, which has been inserted as a result of the successful Deputy Burford/Deputy Brehaut amendment.

1200

A Member: Can we have a recorded vote, sir?

The Bailiff: And we have a request for a recorded vote on Proposition 1A.

There was a recorded vote.

Carried – Pour, 33, Contre, 8, Ne vote pas 2, Absent 3

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Harwood	Deputy St Pier	Alderney Rep. Jean	Deputy Trott
Deputy Kuttelwascher	Deputy Le Pelley	Alderney Rep. McKinley	Deputy Lowe
Deputy Brehaut	Deputy Spruce		Deputy O'Hara
Deputy Domaille	Deputy Collins		
Deputy Langlois	Deputy Paint		
Deputy Robert Jones	Deputy James		

Deputy Le Clerc	Deputy Perrot
Deputy Gollop	Deputy Brouard
Deputy Sherbourne	
Deputy Conder	
Deputy Bebb	
Deputy Lester Queripel	
Deputy Stewart	
Deputy Gillson	
Deputy Ogier	
Deputy Fallaize	
Deputy David Jones	
Deputy Laurie Queripel	
Deputy Le Lièvre	
Deputy Duquemin	
Deputy Green	
Deputy Dorey	
Deputy Le Tocq	
Deputy Adam	
Deputy Wilkie	
Deputy De Lisle	
Deputy Burford	
Deputy Inglis	
Deputy Soulsby	
Deputy Sillars	
Deputy Luxon	
Deputy Quin	
Deputy Hadley	

1205 **The Bailiff:** Members, the results of the voting on Proposition 1A was 33 votes in favour, with 8 against and 2 who did not vote. I declared Proposition 1A carried.

We, therefore, do not need to vote on Proposition 1B, because that would only have been engaged if 1A had been rejected.

1210 Proposition 7 has been deleted as a result of the successful amendment that you have just voted on, so what we have remaining are Propositions 2 to 6 inclusive and 8 to 10 inclusive and, unless anyone requests otherwise, I put all of those to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried. *(Applause)*

COMMERCE & EMPLOYMENT DEPARTMENT

XIV. Amendments to Statutory Minimum Wage Arrangements to Come into Force on 1 October 2015 – Propositions carried

Article XIV.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 23rd April, 2015, of the Commerce and Employment Department, they are of the opinion:

1. To approve The Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2014 (as set out in Appendix III to that Policy Letter) which increases the Minimum Wages Rates, as set out below:

Adult Minimum Wage Rate to be set at £6.85 per hour (For workers aged 18 and over).

*Young Person's Minimum Wage Rate to be set at £6.10 per hour (For workers aged 16 and 17).
2. To approve that the new rates be effective from 1st October 2015.*

The Senior Deputy Greffier: Article XIV, Commerce & Employment Department – Amendments to Statutory Minimum Wage Arrangements to Come into Force on 1st October 2015.

The Bailiff: Deputy Stewart will open the debate.

Deputy Stewart: Sir, I will be reasonably brief.

The Report speaks for itself. Just the points to note: that the proposal is for the adult minimum wage to rise from £6.65 to £6.85; and the young person's rate, in line with the States' Resolution to try to bring that closer to the adult rate, you will notice, has risen from, or is proposed to rise from, £5.55 to £6.10 per hour. So, again, we are getting quite close to that now, incrementally.

One point of note is that, on top of these rises, the Commerce & Employment board did not see it fit to change the accommodation and food offset, so this is the amount of money that can be deducted against the wages, which then come into the minimum wage computation. So the accommodation and food offset remains at £92 and just the food only offset remains at £64. So those workers who are supplied with food and accommodation are slightly better off as well without these offsets rising.

So I would ask the Assembly to approve the proposals laid before them, sir.

The Bailiff: Deputy Bebb, then Deputies Luxon and Fallaize.

Deputy Bebb: Thank you, Monsieur Le Bailli. I will be very brief.

I have never been a fan of minimum wage. I always thought that it is a way of assisting those people who are in employment, but it actually works against those who are not in employment; but I recognise that that argument has now been and gone and the minimum wage is here to stay and, given that it is here to stay and given the recent large changes which are being proposed in the UK, I think that we do need to now revisit the general question as to the living wage.

I think that the Commerce & Employment Department always do fairly good work on this one. They bring forward a paper every year that is very pragmatic and nothing to object to, but there now needs to be a fundamental rethink and I would actually state that I would like to see within the Budget this year a consideration by the Treasury & Resources Department as to the possibility of raising the tax threshold, so that the personal allowances are brought into line with minimum wage.

I have always thought that if we do have this policy, this general thought, that it is acceptable to set a minimum wage, it seems a little perverse that we also then deduct from that minimum wage, tax. It seems to me ridiculous that we prosecute employers for not paying the minimum wage, but we feel that it is acceptable that the Government can also deduct from it. There is a very different argument in relation to Social Security, for obvious reasons, but when it comes to the Income Tax I have to question how that works in reality. At the moment, we have divorced the two questions, but I think that in light of having to revisit the question of minimum wage, it is time for us to also revisit the question of where our personal allowances should be in relation to minimum wage and to have a coherent approach across both of them.

Having said that, I recognise that we are where we are and I will, therefore, support this particular paper.

Thank you.

The Bailiff: Deputy Luxon.

Deputy Luxon: Sir, it is 11.15 a.m. on day three of this heavy States' meeting. We have conducted 73% of the time we have available. We have dealt with 13 items; we have got 12 to go. Bearing in mind your wise advice on Wednesday morning, I completely support these proposals, sir, and hope Members will consider their speeches as we go through the rest of today.

1265 Thank you, sir.

The Bailiff: Deputy Fallaize, then Deputy Le Lièvre, Deputy Lester Queripel.

1270 **Deputy Fallaize:** I am afraid I am going to disappoint Deputy Luxon. *(Laughter)* You waited until today to say that!

Right, sir, this is the last occasion, I think, on which Deputy Stewart is going to be laying minimum wage proposals before the States; not necessarily because the voters of St Sampson's are going to eject him from the Assembly, but because the responsibility for the minimum wage will be assumed by the Committee for Employment and Social Security in the next States, and I do not think Deputy Stewart would contest my assumption that he probably will not end up heading up that committee.

1275 Because this is the last opportunity to debate minimum wage in this Assembly, I am going to give Deputy Stewart and his Committee a sort of end of term report on the minimum wage. I laid amendments back in the last States in an effort to try to raise the young persons' rate – actually to try and have it equalised with the adult rate – and to try to raise the general rate with reference to median earnings and it is those two issues I want to provide this end of term report on.

1280 Now, in respect of the youth rate, this Commerce & Employment Department's record is exemplary. They inherited, in 2012, a young person's rate for 16, 17 and 18-year-olds. One of the first things they did was to remove 18-year-olds from the rate; so it now applies to 16 and 17 year olds, which was a positive step. They inherited a young person's rate of £4.36 an hour. Their proposal now is to increase it to £6.10 per hour. They inherited a rate which was about 70% of the adult rate. Their proposal, if it is accepted, will take it to 90% of the adult rate.

1290 If they had increased the youth rate in line with RPI, it would now be £4.83, compared to their proposal which is £6.10. Their proposal in respect of the youth rate would take it to 75% of the median earnings – on a per hour basis it is worked out at £38 per week – for people of age 19 and under. Now, I think this is to be commended and I fully support everything that Commerce & Employment Department have done in respect of the youth rate and thank them very much for it.

1295 There was an argument put, when I laid the amendment to equalise the two rates, that the youth rate had to be kept very low otherwise it would increase youth unemployment; and I suspect we would have heard something like that from Deputy Bebb if he had been in the last Assembly. But now, even that his very right wing friends in the Tory party seem to be in favour, not just of the concept of a minimum wage, but increasing it substantially, I am pleased to see that he is now dropping his opposition to it.

1300 What has happened to youth unemployment is very interesting. When Commerce & Employment inherited this extraordinarily low, appallingly low, rate in 2012, youth unemployment was about double what it is now. Their efforts to increase the youth rate well in excess of inflation have had no effect whatsoever on increasing unemployment. In fact, partly because of economic change, partly because of the good work of Deputy Langlois' department, but the youth unemployment rate has come down, not gone up. So I think that vindicates the judgements made by the Commerce & Employment Department.

1305 The story is slightly different where the adult rate is concerned. Commerce & Employment inherited an adult rate of £6.15 per hour and they are now proposing making it £6.85 per hour. If they had increased it in line with RPI, it would be £6.82 per hour. Only three pence difference from what they are proposing. The median earnings based on a 38-hour week, generally, in the population are £15.33 per hour and the adult rate that Commerce & Employment is proposing is only 45% of the median earnings. Now, that is very low by international standards.

George Osborne, who is not known as a pinko liberal leftie, has announced in his most recent Budget that from April 2016, in effect, the new minimum wage rate – he calls it a living wage, but it is not really... in effect, the statutory minimum wage for people of 25 and over will be £7.20 per hour. So there will be people in Guernsey for whom the statutory minimum wage will be lower by 30 pence – no, much more than that, 35 pence – per hour... be lower for them in Guernsey than it will be in Bolton, let's say. Now, you look at the cost of living difference, but that is the consequence of UK policy on this and the policy in Guernsey, and his proposals to increase this, in effect, what is a statutory minimum wage, to £9 in five years' time will take it to 60% of median earnings. Now, ours is stuck at 45% of median earnings.

So I commend what the Commerce & Employment Department have done in respect of the youth rate, I commend what they are proposing this year in respect of the accommodation and food offset, but there is a long way to go in terms of the adult minimum wage rate and I hope that new committee, when it takes on this responsibility, will respond to that.

I think, as much as good work has been done on the youth rate, we need to challenge employers who are paying adults £6.85 per hour. The Social Security Department's letter of comment makes clear the scale of the subsidy which is required of employers who are paying people at that sort of rate and I take the view – and I know it will not be a view unanimously shared in the States – that if you are having to pay people £6.85 per hour, you have not got a viable business model and I do not think we should require the Supplementary Benefit system and rent rebate to compensate employers who are paying at that sort of rate. I do not suggest a minimum wage anywhere close to what the living wage would have to be in Guernsey; that is not what I am saying at all, but I do think we need to be rather more assertive than Commerce & Employment have been in respect of the adult rate during this four-year term but, in terms of the youth rate, their progress has been exemplary and I thank them for that.

Thank you, sir.

The Bailiff: Deputy Le Lièvre.

Deputy Le Lièvre: Thank you, sir.

Actually, I would like to correct something Deputy Fallaize has just said, because the example given by Social Security does not highlight the real subsidy to the States of Guernsey. Recently, because of the work I was doing with SWBIC, I sent a spreadsheet to Members and the spreadsheet ended up in Social Security, and they got somebody to check it and I was relieved to find out that it was okay. After 39 years, I can still calculate benefit imitation.

So I thought I had better check Social Security's example. Unfortunately, it is not right. It just slightly overstates the case, which would make the ... If we had a tax system, as demonstrated in appendix 1, we would not have a black hole, we would be awash with money, because – I am a bit pedantic about this but please bear with me – the gross earnings are shown as £20,000; they have taken off the £19,350 couple tax allowance and ended up with a figure of £1,398 which they have then applied in full and not at 20 pence in the pound. So the actual example is overstated by £20.

But the story, of course, does not end there because when they have actually used the Housing's rebated rent... when you put that back into the computation, the actual subsidy for this couple – 60 hours a week – is £223.09 and that really does not actually demonstrate the true cost of some of these minimum wages, because if you then applied this to a couple with two children, the subsidy would be £324.59 a week. For every hour a couple worked at £6.65 an hour, currently they would be subsidised by the taxpayer to the tune of £5.41 – for every hour.

Now, that cost ends up with Housing at the moment and Social Security, but it will end up all in one camp should the States decide to amalgamate the two schemes and that is an enormous cost and these are wages... If you go into Social Security – and I did so the other day just to check – there are farmhands being paid the minimum wage. Now, that is unacceptable – *totally unacceptable* – especially when the farmer receives the highest price in the world for this milk.

1365 So I do not think it is fair that the farmer should receive the highest price and his employees
should be subsidised very heavily in some instances by the taxpayer. And these costs will end up
in Social Security's budget. The more and the lower we agree rates of pay, the higher the subsidy,
the more the cost to the taxpayer; and – like Deputy Fallaize – I would like Social Security, next
year, when it presents the increase for the minimum wage, to actually attempt to cost out the cost
of the subsidy, because it knows what people are paid – it does not know their hours of work, I
accept that, but it makes some general assumptions and, in so doing, can calculate the cost of the
1370 subsidy and, of course, it will be, at that stage, paying Housings... the two systems will be
amalgamated; not until 2017, but nevertheless we should be able to get much better idea.

1375 These rates of pay are too low. They are being used, in my mind, by some employers as a way
of making greater profits at the cost of people in this community and the costs associated with
Supp. Ben. are far greater than just financial. People on Supplementary Benefit generally could not
be classed as socially included to the extent that we might think we are socially included and the
cost is therefore far greater than one of pounds and pennies.

1380 So my simple plea to the Social Security or the Committee for Employment and Social Security
next year is to ensure that the figures are brought back to this Assembly, Members are made fully
aware of the true cost to the subsidy and the true cost to people who actually work in these
industries.

Thank you, sir.

The Bailiff: Deputy Lester Queripel.

1385 **Deputy Lester Queripel:** Thank you, sir.

Sir, I will be voting in favour of these proposals, but I will do so with the same approach I have
always had to the adult minimum wage proposals since this Assembly was asked to vote on the
2012 proposals.

1390 During that debate, I referred to the adult proposals as an insult to the people of Guernsey and
I was not just referring to employees who worked for the minimum wage, I was also referring to
the people who have to pay to subsidise employers who pay the minimum wage. Of course, we all
subsidise those employers.

1395 I understand completely that Supplementary Benefit is paid out of General Revenue and not
from contributions, sir, but it is the people who put the money into General Revenue in the first
place. So it is the people who pay.

1400 So at the bottom of page 1635, C&E tell us that they feel they have found a balance that is
needed to protect vulnerable businesses. Well, I am afraid I disagree with that, sir, because whilst
they are protecting businesses, they are not really protecting the low paid employees. Surely the
last thing an employee wants to do at the end of a working week is go to Social Security to apply
for Supplementary Benefit. What they really want and what they really need is a decent wage from
their employer in the first place and the employers out in the community who do pay a decent
wage have nothing to be concerned about. It is the employers who pay the bare minimum who,
perhaps, should review their approach to the way they run their business.

1405 And just in case any of my colleagues or anyone listening on the radio is wondering why I did
not lay an amendment, sir, the reason I did not is because I honestly did not think it would get the
support it would need to be successful. So rather than waste time and taxpayers' money, laying an
amendment, I felt it best just to say what I feel needs to be said in this speech and, of course,
seeing as there is no guarantee that I will be re-elected in the next election, this may be the last
opportunity I get to comment on the minimum wage proposals.

1410 I would like to apologise to my colleagues, sir, through the Chair, if I may, for them having to
listen to a speech that is almost identical to the speech I have made on these proposals in
previous years, but I do feel the need to say what I am saying in the hope that someone,
somewhere takes notice.

And whilst I am apologising, sir, I would also like to apologise, once again through the Chair, to Deputy Stewart for sending him an e-mail last week in sheer frustration. I said things in that e-mail I should not have said and I am sorry I sent that e-mail, so I apologise for that.

Moving back to these proposals, just how much is actually paid out in Supplementary Benefit payments appears to be approximately £1.7 million, according to paragraph 2 on page 1641 of the letter from Social Security and Deputy Le Lièvre, of course, has just given us his view on that, but that snapshot week in the paragraph is one of the 26 weeks when the fuel allowance is also paid out and for the other 26 weeks of the year, of course, that allowance is not paid out. But even if we adjust that figure, we are still left with approximately £1.4 million being paid out in Supplementary Benefit payments to people on low incomes, which is an extraordinary amount of money.

So I take great comfort from Social Security saying, in paragraph 2 of their letter, on page 1640, they would like C&E to consider the impact the level of the minimum wage has on social welfare expenditure in future, because I certainly resonate with that, sir. We can only hope, for the benefit of the rest of the community, that the future committee do take note of that plea from Social Security.

And I understand, completely, what it means to be an employer; sir, I was one myself for many years. I know only too well what an employer has to do to survive and one of the main things I did as an employer was to value my employees, because it means a lot to the morale of a person to feel valued. If someone does not feel valued they do not feel worthy, and that is what income inequality can do to a person. It can affect their wellbeing and their health.

So introducing a minimum wage that is too low can have an even greater cost to a person and the whole community further down the line; and something else I think the future committee need to bear in mind, sir, is quality of life should not only be measured by people having food, clothing and shelter, but by having what is needed to be able to participate in society.

So we are talking about two major issues here, sir: the issue of the cost to the community and the issue of the demoralisation to the person. And, on that point, one of the main causes of my frustration is the fact that social policy never really seems to be at the top of the list, despite the major efforts of several Members of this Assembly.

Having said that, I do take great comfort from the fact that the SLAWS and SWBIC initiatives are now well underway and I look forward to the results of these consultations and meetings that are currently taking place.

In closing, sir, I would like to make three more points that are relevant to the minimum wage proposals. The first point being that the irony is, the more money a person earns, the more money they pay into the system, which means the system then has to pay less money out.

The second point, just in case any of my colleagues think I am confusing a living wage with a minimum wage, I can assure them I am not, sir, because a living wage would not demoralise anyone or cost the community, whereas a minimum wage does both of those.

We often hear people say that we are an affluent Island; well, sir, if we are such an affluent Island, isn't it time some of that affluence filtered through to the lower paid? And that is why I find myself having to say, yet again, sir, with the utmost respect to the Minister and his board and all the staff at the Department – because I know how hard they work – that I am extremely disappointed with the adult minimum wage proposals from Commerce & Employment, once again.

Thank you, sir.

The Bailiff: Deputy Green.

Deputy Green: Sir, thank you very much.

I will be supporting these proposals. Just a few points.

First of all, like others, I would certainly go further than this suggested increase. I would like to enhance the minimum wage further than what we are doing here and I take note of table 1 on

page 1632, which is not in any way inaccurate but, of course, it does not include the information that we are now aware of, bearing in mind the recent UK Budget, in terms of the minimum wage in UK going up to £7.20 for over 25s from April of next year and then £9 in 2020. And that does change the context, I think, to some extent, and I think it should be reflected in policy changes here.

I do think you have to be slightly careful with the comparison with the UK, having said that, because the backdrop that the UK is going through at the moment is somewhat different. There are massive cuts to benefits going on in the UK, cuts to tax credits. The incentive is trying to push people towards work by increasing the personal tax allowance, by increasing the minimum wage.

Deputy Lester Queripel talked about confusion between the living wage and the minimum wage, but the Chancellor of the Exchequer of the UK Government is guilty of that himself – perhaps deliberately so – by basically calling an enhanced minimum wage a national living wage. So perhaps confusion in this Chamber is not surprising either.

But I do think you have to be somewhat careful of making comparisons between Guernsey and the UK, because the backdrop in the UK is substantially different. The public sector cuts in the UK, the cuts to welfare in the UK are a world away from the situation that we are in, in Guernsey, but nonetheless, I still believe that as part of a wider social policy – and Deputy Queripel talked about social policy – I think we need to return to having a proper poverty strategy in the Island and, as part of that, an enhanced minimum wage should be the bedrock of that kind of policy, together, perhaps, with higher personal tax allowances, which I certainly hope will be part of the T&R Budget later on this year or, if not this year, later on.

The second point I wanted to make – and this is really a question to Deputy Stewart, if he can answer when he sums up... because it is not simply a question of the States increasing the minimum wage and I wonder... the question I have got is whether C&E have ever considered any sort of campaign to actually ask some of the employers who employ relatively low paid workers, whether they could actually voluntarily pay some of their lower wage earners more, because that is probably the starting point, isn't it?

I accept entirely the logic that you have to balance very carefully the level of the minimum wage against the possible negative impact on employment because, unlike others, I do not think it is necessarily a good idea to be increasing the minimum wage so drastically that you make some businesses uncompetitive and unviable.

I think there is a balance to be found, but has C&E actually considered, around the board table, a campaign, a project to encourage and to nudge employers to pay more, irrespective of what we do with these Regulations?

The Bailiff: Deputy Gollop.

Deputy Gollop: Just, bearing in mind what Deputy Green has said, who very much focusses on social policy, I would like to continue the dialogue that Deputy Fallaize started today about discussing somebody who we did not necessarily see as a left wing progressive reformer: the Right Honourable George Osborne, Chancellor of the Exchequer in the United Kingdom.

He has, amongst other things, raised the personal allowance to £11,000, which is certainly competitive of where Guernsey is, and he has perhaps used this ambivalent term of a 'national living wage', but their goal is to take it up to £7.20 over the next year and rising to £9, maybe, by 2020.

Now, I feel this Report is okay as far as it goes. It has been praised quite a lot by Deputy Fallaize and others, but it is a thin Report really. It does not even give us full details of what is going on in Jersey or the Isle of Man. The Isle of Man is the same as us. Jersey are marginally higher, usually; I think they are £6.88 – there it is; page 66 – but the Isle of Man rate has not actually improved.

It obviously could not contain the latest details from the UK, but where is the vision here, because if we are going to be competing in the same labour market for staff – especially for the

hospitality sector – with the United Kingdom and they are getting admittedly, in a VAT context and all the rest of it, £9 per hour, but by the end of the next term of this Assembly, what will our policy be?

I think we have heard from Deputy Le Lièvre some remarks about, for the sake of argument, farms. Well, in one sense, I can excuse the farm situation because farmers do find it hard to make a viable living, but we have to accept that we are artificially, perhaps, keeping businesses going in Guernsey by allowing the minimum wage to be at too low a level for the nature of the Guernsey economy.

So, to a degree, we are subsidising the existence of the businesses through the States and I think when people sometimes pejoratively criticise those who take welfare, they should bear in mind that it is not just those who do not work or cannot work who receive support, it is the working poor and supporting them is very essential.

So, as far as it goes, I support this policy letter but I would like to see a lot more and an economic analysis on where we should be going in the future and what Commerce & Employment consider is the right balance between supporting business and supporting the lower paid; and, as a side issue, I would say too that I know of examples of disabled people who work, especially those in supported work, who would be grateful to receive even the minimum wage, because in some instances they receive far below the minimum wage for work that is classified as therapy and I think that is another issue that should be looked into at the next stage.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

Well, it is a fairly predictable debate each year, this one. First of all, I get the sense that this Report is what it is. There is not a massive opposition to it; there is not massive praise for it. It is something that Commerce & Employment have to do and I think they have done a good job there. I disagree with the comments about thinness and so on, because that is what it is there for and it is a tool of the economy. It is a tool of the labour market, which has been thoroughly established and serves a very useful purpose.

I am sorry I have to extend the debate slightly because of the number of comments that have been made regarding the Social Security comments and so on. First of all, my apologies if there are technical errors in the example. They are limited; they are small. There was certainly no intention to mislead in there and they are – I would hasten to remind Deputy Le Lièvre – from a very specific example, a very particular type of household, which we felt was as good as any to be representative.

But can I refer back to the letter, because I think that it was certainly my intention... I referred back to it when people started talking about it and I suddenly realised that I had signed it, so it was quite a shock really. *(Laughter)*

In this second paragraph, there is a sentence here which has been quoted already, but I have to read it again. It first of all says that Commerce & Employment have to take into account the impact on employers and then it says:

'However, the Social Security Department request that Commerce and Employment Department also has regard for the impact the level of minimum wages has on social expenditure which is funded from General Revenue.'

And that is the limit of the comment. That is what was intended and that people should take that into account and that is all. It was not a plea for some massive hike in the minimum wage that would wipe out all top-ups and so on and so forth; and, whilst we are talking about the top-ups of Supplementary Benefit, remember that those include an awful lot of other households, not just people who have a household where somebody or everybody is on the minimum wage. So let's not get carried away with the business of saying, 'Well, that is all about people on the minimum wage'.

So can I then just briefly comment on the UK comparisons? I agree totally with what was said by a previous speaker, please do not get carried away with that. There was a huge amount of political spin in George Osborne's announcement. We wait with baited breath as to whether it will be seen through and in what form it will be seen through and how it will be balanced off by removal of tax credits and all sorts of other shifts in systems.

So, for the lower paid, for the more needy households, I would not get carried away with the fact that just because one announcement has been made in one Budget, all of this is going to be sweetness and light afterwards.

Particularly with youth employment, comments have been made about that. Somebody did point out our young person's rate has now been applied to 16 and 17-year-olds only. We are talking, in youth unemployment in the UK, of right up to the age of 25. The day you are 25 is when you become a proper adult in the UK, because that is when you can get onto the upper limit of the minimum wage and so on.

So there are all sorts of things: there is youth unemployment of a massive nature in the UK that they are trying to manage; there is skills development, out of all proportion of anything we need in skills development, and the age range is different and so on. So let's not get carried out with UK comparisons on this one.

Sir, the major difference here is we have got to remember that the minimum wage is the value that you put on one hour's work by one person, right, and not anything to do with what that translates into if a complete household is forced or has to take up employment which is only paid at the minimum wage and I have been happy to say – in Social Security, in the board, we have discussed it on a number of occasions – it does disturb me that one effect – we are many years on into the minimum wage now in Guernsey and one effect – of it appears to be – and I cannot quantify this evidence, I really cannot, I would love to be able to – that large number of jobs that appear on our job centre board are at the minimum wage when in the past people would have competed more actively in the labour market and I have a frequent dialogue with a number of employers who complain about the attitudes of certain people, who complain about the difficulty of getting good staff, and so on and so forth, but are still advertising at the minimum wage.

Now, that is where we have got to start boxing a bit more clever between the Committee for Economic Development and the Policy and Resources Group and the Committee for Employment and Social Security. Those three new committees, I think, will have a job to do, but not quite the job that is being suggested earlier in this debate, and the job is to say: how can we make employers more aware that the labour market at the bottom end has got to work in the way that markets work and if you cannot get people at a particular price, you need to pay them more, and that is the way it has always been and that is the way it will continue to be?

A Member: Start with our Ministers.

A Member: Hear, hear.

Deputy Langlois: Sorry, I heard an echo somewhere. *(Laughter)*

And that is very much the important part of the next work stream and that is where the answers will come. The minimum wage is what it says it is. It is there to avoid exploitation, to do away with exploitation. I think it has succeeded in doing that, because certainly some years ago, particularly when you have got people... where accommodation was being provided and food, there was significant exploitation. A lot of that exploitation was of migrant workers and this is a group, I think, we often forget in this particular debate, because our economy relies on people who come to this Island for a limited time and repatriate much of what they earn anyway and then leave again; and that is where a lot of the exploitation was, and the minimum wage attacks that issue now and gets the migrant workers paid at a reasonable rate.

So let's not get carried away with the background, shall we say, social inequality agenda here every year. This does a job; it does what it does and it has got to be indexed. In my view, it has got

to be indexed. It has got to carry on rising, but it does a job. If you are trying to attack all those other issues, I think you are possibly using the wrong tools, if you think that by simply upping the minimum wage, you will solve the problems.

The Bailiff: Next, Deputy Le Tocq.

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

I rise to support the recommendations in the policy letter. Though moderate, I think they are appropriate at this stage and do address some of the things that other speakers have mentioned. But also, just to support the words of the Deputy Chief Minister, just then, and particularly to caution any Members of the Assembly looking to the UK and what seems to be some radical moves made there but, as yet, unknown effect, particularly on youth unemployment, as he has mentioned and on the lower paid and I think even more radical sweeping changes in the Department of Work and Pensions. I would not want to copy those sorts of things over here. We are very fortunate to be in the position that we are in at this stage.

As a result of that, I think looking forward there is a window of opportunity, starting soon and moving into the next Assembly, to revisit with the number of work streams that are currently going on: SWBIC, including SLAWS, along with the work of the Social Security Department and Commerce & Employment and their successors, and with the formation, as we will, in the autumn, of a Social Policy Partnership Forum, to look at a new, appropriate anti-poverty strategy for Guernsey and I do believe that will be essential in the future – working together to provide something that is suitable and appropriate and, as Deputy Langlois said, boxing clever.

We need to do something that is appropriate for Guernsey and I think this working, cohesively together, will enable us to focus on that in a far more appropriate and, to use that word again, clever way than perhaps we have done before.

So, sir, I encourage people just to vote in favour of the Propositions.

The Bailiff: I see no-one else rising.
Deputy Stewart will reply to the debate.

Deputy Stewart: Mr Bailiff, thank you for the speeches and thank you very much to the Chief Minister and Deputy Chief Minister who have probably covered off most of the points.

I do thank Deputy Fallaize for my end of term report. As usual it said, as when I was at school, 'Could do better!' (*Laughter*) and also there was the thing that said, 'Talks too much!' so I will try not to do that now.

I think for the new committee, they have heard plenty in this debate and in previous debates. There are a lot of different levers here: whether it is tax breaks; whether it is looking at the benefits system; whether it is working with industry – and of course Commerce & Employment have had lots of discussions in those industries where you would expect to find lower paid workers... the remnants of our growing industry are now very much remnants; even some that appear to be doing quite well are perhaps not in profit and they are squeezed, and the hospitality industry that has to compete worldwide.

So I think there is a lot of work to do around that and also skills plays a part in that, in raising people's skill levels to enable them to progress during their lifetime. Just in terms of regular consultation that is always had with industry and, in particular, we did engage with the now Consular – I think that is the right word – Latvian Consular and his crews to make sure that the message about minimum wage got out amongst the Latvian community as well.

So I think there is plenty of work... doing. I think that there are challenges and it is so much a judgement call. I think better evidence-gathering, data, looking at across the mix and, as the Chief Minister says, how that gets in with SWBIC and everything else. I think it is a bigger piece of work around poverty.

1670 So I do thank Members for their speeches. Hopefully, we have covered off all the points raised and I would ask you to support the Propositions.

Thank you.

The Bailiff: Members, there are two Propositions on page 1646. I put both to you together. Those in favour; those against.

Members voted Pour.

1675 **The Bailiff:** I declare them carried.

COMMERCE & EMPLOYMENT AND PUBLIC SERVICES DEPARTMENTS

XV. Strategic Roll On/Roll Off Ferry Services – Propositions carried

Article XV.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 11th May, 2015, of the Commerce and Employment Department and the Public Services Department, they are of the opinion:

1. To approve the preparation of legislation to create a simple licensing regime that will take into account the Commerce and Employment and Public Services Departments' joint policies on Roll On/Roll Off services in force from time to time, pursuant to which the Roll On/Roll Off ramps at St Peter Port Harbour could not be used by an operator offering Roll On/Roll Off car, passenger and freight ferry services to and from the United Kingdom, Jersey or St Malo, except pursuant to a licence granted by the Commerce and Employment Department; which Department would be under a statutory duty to consult both the Public Services Department and the Harbourmaster before granting such a licence.

2. To approve the preparation of all necessary supplementary provisions within that legislation required to give effect to the above proposition, including (but not limited to) provision for licences to be suspended and revoked in appropriate circumstances, appeals against decisions, the publication of applications, and any required amendments to other legislation.

The Senior Deputy Greffier: Article XV, Commerce & Employment and Public Services Department – Strategic Roll On/Roll Off Ferry Services.

1680 **The Bailiff:** This is a joint Report. Is it Deputy Stewart who is going to open the debate? Yes. Deputy Stewart.

Deputy Stewart: Mr Bailiff, fellow States' Members, of course this will be another issue which will be dealt with by another committee but, obviously, there will be a lot of reports coming to the States where actually, whatever we vote on, it will be dealt with by a new committee.

1685 The joint policy letter of the Commerce & Employment and Public Services Department that is before you today is just seeking approval for the development of legislation that will provide considerably greater security and certainty in respect of the Island's strategic roll on/roll off car passenger and, perhaps most importantly of all, freight services.

1690 To put some of this into context, the lifeline nature of Guernsey's RO/RO services, as the policy letter states... each year around 80% of the Island's foodstuffs and other non-bulk commodities, such as clothing, come into the Island via Roll On/Roll Off freight vessels that operate year round.

In addition, those vessels accounted for 348,000 passenger and 76,000 car movements during 2014.

1695 Now, this is where we are inextricably linked to Jersey. Acting separately, the two Islands could not support the year-round network of Roll On/Roll Off car, passenger and freight services that we currently enjoy.

1700 Recognising the benefits of acting together, Guernsey and Jersey entered into a joint policy statement on sea links for the first time back in 2008, that ran to December 2013. This was subsequently extended back in December 2012 to 2018 and, most recently, the islands agreed a revised joint policy position on Roll On/Roll Off services that resulted in a further extension to 2024. Members will be aware that the current joint policy statement is at appendix C to that policy letter.

1705 Now, the Island's essential common policy position on RO/RO ferry services is contained in a joint policy statement. Members will see that it states Guernsey and Jersey's policy to be, and I quote:

'... to maintain and develop year round, long-term, reliable, robust and reasonably priced Roll On/Roll Off passenger, car and freight ferry services. These services should be of sufficient quality and frequency to meet the travel needs of Island residents, the business community and tourists.'

1710 So it is in the arrangements that sit beneath the joint policy statement that two islands diverge. Jersey has the ability at this current time to grant a ramp licence upon application to would-be users of their RO/RO ramps under the Harbour Administration (Jersey) Law 1961. Where we differ is Guernsey does not currently have similar legislation available, but that is a matter that this policy letter seeks to address.

1715 Now, how does that help Jersey? Well, Jersey's ability to award a ramp licence also provides the mechanism for the Island to enter into subsidiary and legally binding agreements with users of the facility and this is what its Harbour Master did last August with the incumbent service provider, Condor Limited. The operating agreement between Condor and Jersey is cited at 4.5 in the policy letter. I hope that Members have taken the trouble to use that link provided to view some of that content online.

1720 So, in comparison, Guernsey has, since 2009, relied on a non-legally binding memorandum of understanding – *non-legally binding* – and this is for the RO/RO services with the incumbent operator. It is probably appropriate to say that throughout the six years that have followed the service provided – that is the number of sailing, rotations undertaken – has always exceeded this by a considerable margin. However, circumstances change and the boards of both Commerce & Employment and Public Services Department believe it is now appropriate to put arrangements on a more formal footing and to seek approval of the Assembly for the preparation of legislation to create a simple licencing regime which, following the award of a licence, could provide access 1725 for the licensee to the RO/RO ramps at St Peter Port Harbour.

1730 As proposed, such legislation would importantly facilitate the subsequent development of an operating agreement that will place legally binding obligations on service operators and, of course, as the provider of harbours infrastructure, some obligations on the States of Guernsey too. This would essentially put Guernsey's arrangements on a par with Jersey's and, looking to the future, would give the islands an equal voice when negotiating with potential RO/RO operators in the future.

1735 So, for those Members of the Assembly that have looked at Jersey's operating agreement with the incumbent operator will be aware that amongst things it provides for – and this is not exhaustive – the minimum number of rotations the operator is to provide in respect of freight, car and passenger services; future fleet refurbishment; a mechanism for fare and tariff reviews; the maintenance and reporting of service standards; and, in the event that service standards are not maintained, the application of remedial action to restore standards to acceptable levels.

Now, it is clear that an operating agreement such as Jersey has in place, and which Guernsey would substantially replicate, provides for a far higher level of operator accountability and this is what we seek to achieve.

We should not, however, also lose sight of the fact that the operators, whoever they may be, also require a level of certainty in order to invest – principally in vessels, but also in other infrastructure – and any operator investing what would be tens of millions of pounds and, indeed, for a fleet we currently enjoy of four, it would be over a hundred millions pounds. That operator needs the certainty of knowing it will be allowed to operate services for a period of sufficient duration in order to trigger investment and plan for its pay back. They need that return of investment certainty too.

So, in summary, an operator licensing regime is necessary to provide greater resilience to support Guernsey's lifeline Roll On/Roll Off freight, car and passenger services. It will provide greater alignment with Jersey, which is essential to supporting our negotiations with operators in future years; a simple licensing regime will support the development of an operating agreement with the service provider, which will then place legally binding obligations upon that operator and much greater accountability; and a licence to provide services gives the certainty also to the operator, essential to fleet investment which, in turn, should benefit the Island community.

For reasons just explained, the approval of the Assembly for the recommendations set out in paragraph 11 of the States' Report, will result in Commerce & Employment Department operating a sea services licensing regime.

So I ask Members to support the proposals before them.

Thank you, sir.

The Bailiff: Deputy Dave Jones.

Deputy David Jones: Thank you.

I do intend to support this policy Report. I just have one question for the Minister. I just want to know how it will make the operators more accountable, because they are the only operators we have got. So if they transgress any of these ramp licence regulations, you will not be able to stop them because if you stop them the Island will suffer.

So I am not sure the accountability thing is going to give us everything you hope for. Will it be possible to fine the operators if they transgress the laws? And the other point is, the Harbour Master actually has quite a lot of powers himself to prevent operators in his harbour doing certain things that he would rather they did not do. So it is really just the accountability thing I cannot quite understand.

The Bailiff: I see no-one else rising.

We will, therefore, vote on the two Propositions which are right at the end of Volume 1 of the Billet, on page 1682. Both Propositions –

Deputy Fallaize: Isn't he going to be able to reply to the debate first?

The Bailiff: Oh, sorry. Yes. *(Laughter)* Sorry, I was trying to move things on a bit too quickly. *(Laughter)*

Deputy Stewart may wish to reply.

Deputy Stewart: I have been cut off in my prime, sir! *(Laughter)* Not for the first time! **(A Member:** Or the last!) *(Laughter)* Steady!

Deputy Jones, this will be an enormous help. It will be a legally binding agreement and, for future years, there may well be different operators, different situations. I think what this does do is put us on the same negotiating table as Jersey. You assume that we have the current operator. In

1790 10 years hence, it could be a different operator. We do not know but what it will do is enable us to have a legally binding agreement.

It is difficult because there are not people queuing up. That has to be said and I think that is probably well known by Members of this Assembly. There are not people queuing up to offer us a ferry service. In many parts of the UK and in Europe, many of these ferry services are, indeed, quite heavily subsidised by the governments.

1795 So all I can say is it is a step in the right direction; it will put us on the same level playing field as Jersey and it will give us a legally binding agreement, and it is up to us what we can negotiate to put in that underlying operating agreement.

Thank you, sir.

1800 **The Bailiff:** I think now is probably the moment when we should vote on the Propositions on page 1682! *(Laughter)* Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

1805 That concludes Volume 1 of the Billet. **(Several Members:** Hooray!) Having regard to what I said this morning of the need for the Alderney Representatives to go back to Alderney – although I see only one of them is in the Chamber at the moment... *(Interjection)* Oh, he is just having a cigarette! *(Laughter)* *(Interjection)*

Can I put to Members the Proposition that we take next Billet XV, the States' Accounts? Those in favour; those against –

Some Members voted Pour, others voted Contre.

Deputy Langlois: We do not have –

1810

The Bailiff: We have not got the T&R Minister either! Sorry. *(Interjection)* And he is not having a cigarette. *(Laughter)*

1815 The alternative is then that we leave these until after lunch, **(Several Members:** Yes.) as the key people... Perhaps to save time, let's move on with the next Article, Greffier, and we will come back to the States' Accounts later. The Environment Department.

ENVIRONMENT DEPARTMENT

XVI. Extension of Period of Validity of the Urban Area Plan Review Number 1 and the Rural Area Plan Review Number 1 – Proposition carried

Article XVI.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 28th April, 2015, of the Environment Department, they are of the opinion to extend the effective period of the Urban Area Plan (Review No. 1) and the Rural Area Plan (Review No. 1) until the 2nd December, 2016 or such earlier date when the States formally adopt a revised Development Plan replacing the Plans in question.

The Senior Deputy Greffier: Article XVI, Environment Department – Extension of Period of Validity of the Urban Area Plan Review Number 1 and the Rural Area Plan Review Number 1.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

In February this year, the Environment Department published the draft Island Development Plan. If adopted by the States, the Island Development Plan will replace the current Urban and Rural Area Plans as the principal planning policy document for determining how and where development can take place in Guernsey.

The current Strategic Land Use Plan or SLUP was approved by the States in November 2011. The adoption of the revised strategic land use policies in that plan required the Environment Department to prepare proposals to replace the Urban Area Plan and Rural Area Plan with a new development plan reflecting the revised strategic framework set out by the SLUP.

Publication of the draft Island Development Plan was delayed by approximately five months from a previously estimated publication date. As has been well rehearsed, this delay was caused partly because the Department was unable to recruit suitably qualified and experienced personnel on a temporary basis, to assist its staff in preparing a draft plan, and partly because of the extensive consultation which the Environment Department carried out on the draft plan including two full rounds of public consultation.

The public inquiry into the draft Island Development Plan is presently being held. The period for initial representations ended in April and more than 1,500 representations were received concerning the content and policies of the draft plan, many of which expressed support for the plan.

The further representation stage of the planning inquiry opened on 15th June. That stage has now concluded and the next stage is the inquiry hearings. These are a series of public hearings where the planning inspectors will take evidence on the issues raised during both the initial and further representation stages. The provisional date fixed for the start of the inquiry hearing stage is Monday 5th October 2015.

It is estimated by the Policy Council that the planning inspector's report is likely to be available by the end of February 2016. In February 2012, the States resolved to extend the validity of the Urban Area Plan, Review Number 1, until 2nd December 2015 or such earlier date when the States formally adopts a revised Development Plan.

The period of the extension to the validity of the Urban Area Plan was intended to allow sufficient time for the formal review of the Development Plans, including research, consultation with stakeholders and the general public, the publication of draft proposals, a public inquiry, receipt of the inspector's report and subsequent consideration of recommendations and consideration by the States.

Furthermore, the period of extension until this December enabled the Urban Area Plan expiry date to harmonise with that of the Rural Area Plan, which also expires on that date. Having regard to the timetable for completing the remaining planning inquiry process, considering the planning inspector's report and recommendations and presenting the Island Development Plan to the States, the Environment Department is requesting the extension of the period of validity of both existing plans by one year until the 2nd December 2016.

This will allow for the completion of the public inquiry into the draft Island Development Plan, receipt of the inspector's report and subsequent consideration of recommendations and approval by the States and this will ensure that there is no gap in planning policy in the interim.

So I ask Members to support this policy letter.

Thank you.

The Bailiff: Is there any debate? No.

We go straight to the vote then. There is a single Proposition on page 1688. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

HOME DEPARTMENT

XVII. Review of Gambling Legislation Supplemental States' Report – Debate commenced

Article XVII.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 27th April, 2015, of the Home Department, they are of the opinion:

- 1. To implement the recommendations set out in the States Report dated 29th August, 2007, entitled "Review of Gambling Legislation" included within Billet d'État XXII of 2007 ("the 2007 Report"), and that Policy Letter by amending the existing legislation, rather than repealing and replacing the existing legislative framework.*
- 2. To note that the Home Department will continue to review whether an entire new gambling legislative framework is necessary as originally proposed in recommendation 23 of the 2007 Report, and will report back to the States with its findings.*
- 3. To rescind the part of resolution X.1 of Billet d'État XXII of 2007 which adopted recommendation 23 of the 2007 Report, which suggested that responsibility for the granting of bookmaker and Crown and Anchor licences should be transferred to the Royal Court.*
- 4. To agree that the powers referred to in recommendation 23 of the 2007 Report, should be granted to the Department rather than the Royal Court and that the suspension or revocation powers may also be used in the event of the breach of a licence condition or requirement.*
- 5. To approve the introduction of certain types of gaming machines in licensed premises which allow patrons to participate in tournament based competitions (and any licence conditions, controls or limitations in relation to any such machines, or games available on any such machines) as determined by the Department by way of Order under the Liquor Licensing Ordinance, 2006 and the Gambling (Betting) Ordinance, 1973, and to rescind the part of resolution X.1 of Billet d'État XXII of 2007 which adopted recommendation 4 of the 2007 Report.*
- 6. To agree that a registration scheme for promoters of football pools is not established at this time but is kept under review for the future, and to therefore rescind the part of resolution X.1 of Billet d'État XXII of 2007 which adopted recommendation 6 of 2007 Report.*
- 7. To remove the restriction that requires Crown and Anchor to be held principally out of doors.*
- 8. To agree to the amendments to the Gambling (Betting) Ordinance, 1973, in relation to bookmakers' agents as described in paragraphs 3.24 and 3.25 of that Policy Letter.*
- 9. To remove the restriction on Sunday opening for bookmakers and their authorised agents (albeit that the current restrictions should remain when Christmas Day falls on a Sunday), and therefore to rescind the part of resolution X.I of Billet d'État XXII of 2007 which adopted recommendation 14 of the 2007 Report.*
- 10. To remove the restriction on licensed betting offices being located on the ground floor of shops.*

11. To remove the restriction on the size of screens and the current requirement that coverage must relate to sporting events and instead allow coverage to relate to any betting event as detailed in paragraphs 3.39 to 3.41 inclusive of that Policy Letter.

12. To agree that the Home Department divert a proportion of gambling fees received by the Home Department to fund relevant initiatives to support problem gamblers as detailed in paragraphs 3.42 to 3.45 inclusive of that Policy Letter.

13. To rescind the part of resolution X.1 of Billet d'État XXII of 2007 which adopted recommendations 1, 2 and 3 of the 2007 Report.

14. To clarify that a lottery or cinema racing event to raise money for charitable purposes may raise money for more than one charitable / not for profit organisation, and that the money raised may be for a charitable organisation that is different to the organisation promoting the lottery or cinema racing event.

15. To agree to the amendments to the Gambling (Gaming and Lotteries) Ordinance, 1991, as amended, as described in paragraph 3.54(b) of that Policy Letter.

16. To agree to the amendments to the Gambling (Cinema Racing) Ordinance, 1988 as described in paragraph 3.54(c) of that Policy Letter.

17. To agree that the sale and issue of lottery tickets online to persons present in the Bailiwick of Guernsey for both small scale and high value charitable lotteries be made lawful, as described in paragraph 3.55 and 3.56 of that Policy Letter.

18. To note the Home Department's update in respect to Fixed Odds Betting Terminals and to reaffirm paragraphs 21 and 22 of the 2007 Report, which agreed the introduction of Fixed Odds Betting Terminals locally in licensed bookmakers' offices and the introduction of separate codes of practice and other regulatory practices as may be necessary to ensure that the terminals are not misused.

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

1870 **The Senior Deputy Greffier:** Article XVII, Home Department – Review of Gambling Legislation Supplemental States' Report.

The Bailiff: Deputy Gillson will open the debate.

1875 **Deputy Gillson:** Thank you, sir.

I think this Report is self-explanatory, so I will refrain from outlining all of the issues the Report addresses. Sorry?

The Bailiff: Sorry, I did not say anything.

1880

Deputy Gillson: Sorry, I thought you were attracting my attention.

The Bailiff: No, no.

1885 **Deputy Gillson:** I think the Report, as I said, was self-explanatory, so I am not going to outline all of the issues in the Report, but I will speak a little generally and some background to the Report.

In November 2007, after a review of gambling, the States approved a number of proposals to modernise and regularise gambling in the Island. Those Resolutions gave rise to a work stream which brings this Report before us today.

1890

So whatever individual views Members have about gambling, the fact is it exists and for many people it is a valid pastime, a form of entertainment, which does not cause problems. However, as set out in this policy letter, the Department is very conscious that, although it is a legitimate leisure activity for many, it has the potential to have significant detrimental effect on some

1895 individuals. The potential risks associated with gambling have been a fundamental consideration throughout the Department's deliberations with the Department seeking to ensure an appropriate regulatory balance which provides both protection for individuals along with flexibility for charities and the industry.

The core objectives of the Department, in relation to gambling are: to keep gambling crime free, ensuring that operators are subject to rules and money laundering and fiscal probity; ensuring gambling is fair and transparent; and to protect children and vulnerable adults. We believe that the package of proposals will update our legislation so it is appropriate and proportionate, but within those above-mentioned parameters.

1905 Finally, I would like to refer to the issue of fixed odds betting terminals. The States of Deliberation first approved the introduction of these in 2007. However, the necessary legislation has not been drafted locally due to competing priorities and so, conscious of concerns expressed in relation to these machines, the Department has taken the opportunity to bring this policy letter to seek the States' reaffirmation of this earlier decision.

1910 Now, the Department has considered the introduction of these machines at some length, including the experiences in the UK and Jersey. The Department fully recognises the concerns that have been raised in relation to the operation of these machines, including those put forward by Newham Council on behalf of 93 other UK councils and the statistics contained within the British Gambling Prevalence Surveys.

1915 On balance, by a majority, the Home Department members feel there is not sufficient evidence available which would justify the Department now recommending to this Assembly that the 2007 recommendations be rescinded. This does not mean that the Department is complacent about the potential risks and, subject to this Assembly's decision, will be producing comprehensive codes of practice governing the operation of fixed odds betting terminals which it is intended will be considerably stricter than the UK, and the Department will seek to ensure the codes of practice cover a number of matters, all of which are detailed in section 4.9 on page 1709.

The Department has agreed to commit some resources to undertake a comprehensive evaluation of the impact of these machines in two years' time, if they are approved.

Sir, I recommend this Report and the Propositions to the Assembly.

1925 **The Bailiff:** Chief Minister.

1930 **The Chief Minister (Deputy Le Tocq):** Sir, I will be brief. I welcome this Report. It is a bit like an old friend that I have not seen for a while, (*Laughter*) because I was ready, along with the then Home Department, to bring it to the States 18 months-plus ago, and it seems to have gone back on the drawing board and come back pretty much looking like it did back then, actually.

But I accept the difficult with this and with anything to do with gambling. Because of the digitalisation of the industry, it means that the longer you leave it, the more circumstances change and the more difficult it is.

1935 From my point of view and I think many Members know, I am not a gambler myself and I do not recommend gambling but I recognise that it is here and that the more than we can do to help those that are affected by addictions to gambling, like with other activities that can be taken to extremes and become addictive, the more we can do.

1940 Therefore, I recommend what the Home Department is proposing here, in terms of those things and, indeed, in any way in which we can raise resources in future to help problem gamblers. That would be very good.

So I ask again that the Assembly would vote in favour of the Propositions.

The Bailiff: Deputy Dave Jones.

1945 **Deputy David Jones:** Thank you, sir.

It is a bit of a bouquet really for Home Department. They do not get many of them.

Electronic games have been seen in the pubs for over 35 years and we have had Space Invaders, pin ball machines and other various games, and these machines have come and gone as technology has moved on.

1950 We currently have a skill with prize tournament machines which have been around now for about 15 years and the games provided much fun and entertainment in public houses and for their customers; and I am pleased to see that in 3.10 of this Report it is noted that there have never been any complaints regarding the games machines sited in public houses; and I think the Home Department, the board members, have taken that on board and have not actually tried to use a sledge hammer here to crack a walnut.

1955 Just one thing, I would like to have a reassurance from the Minister that the proposals in this Report will not result in current types of equipment on offer having to be removed or replaced at great expense to either the operators or the publicans? It is important and it is encouraging to see that the Home Department is working with local business involved with the supply of games and
1960 local public houses to clarify which types of machines will be licenced in the future... and very good feedback from the people who own and operate these machines, that there does seem to be a real understanding from this Home Department board of the issues facing the companies who do operate these machines.

So I thank you on their behalf for that and they look forward to co-operating with your
1965 Department more in the future.

Thank you.

The Bailiff: Sorry, Members, I have overlooked the fact that there is an amendment that has been circulated, that has been proposed by Deputy Gillson, seconded by Deputy Quin. We should
1970 really deal with that next before we continue further with general debate.
Deputy Gillson.

Amendment:

To add a further proposition, numbered 17A, as follows:

'17A. To rescind resolution X.1 on Billet d'État XXII of 2007 to the extent that it approved recommendation 10 of the 2007 Report.'

Deputy Gillson: Thank you, sir.

In my opening speech, I made reference to the length of time this Report has been in preparation. Unfortunately, during such a long gestation period an error occurred in this relation...
1975 relating to charitable bingos was omitted. So this amendment really inserts a Resolution specifically relating to allowing a little bit more... well, less bureaucracy for charitable bingos and I suggest we debate it along with the main Report.

The Bailiff: Yes. Deputy Quin, do you formally second the amendment?
1980

Deputy Quin: Yes, I do.

The Bailiff: So Deputy Luxon.

Deputy Luxon: Sir, does the Greffier want to read it out, sir?
1985

The Bailiff: Yes, if the Greffier wishes to read it out.

The Senior Deputy Greffier read the amendment.

The Bailiff: Is there any debate on the amendment? No.

We will go straight to the vote then. Those in favour; those against.

Members voted Pour.

1990 **The Bailiff:** I declare it carried.
So we return to general debate and I call first Deputy Green, then Deputy De Lisle.

Deputy Green: Mr Bailiff, thank you very much.

1995 I think this is thoroughly sensible policy letter. I do have some concerns about fixed odds betting terminals, but I must say I think the policy letter does enough to alleviate those concerns and, primarily, I think in 4.9 the intention is to have clear codes of practice and regulatory practices that will try to mitigate the problems in question; and I note that at paragraph 4.11 the idea is that a proper evaluation will take place of the impact of these machines some two years after the introduction. So I am satisfied with that.

2000 If I had to make one criticism of the policy letter – and Deputy Gillson will already know what I am going to say, I think – it would be in relation to paragraph 3.42, page 1701, ‘Support for Problem Gamblers’... paragraph 3.42. If I had to make one criticism, sir, of the Report, it would be perhaps the lack of detail in terms of the support that is envisaged and intended for problem gamblers.

2005 Gambling exists. We cannot uninvent it. There will always a small number of people who will, unfortunately, gamble too much and engage in practices that will be to their detriment; and we have to make sure that we provide the necessary help to those people who get into gambling addiction. But of course at the moment there is no specific or formal support mechanism for problem gamblers and I think this is something that does need some attention. We do need a
2010 dedicated counselling service for gamblers and I just would have liked a bit more detail in terms of the support that the Home Department would like to put in place on the back of some of these changes.

But, nonetheless, I support all of the Propositions in this amendment. A lot of it is very sensible stuff in terms of reform of Crown and Anchor and the changes to charities which are very
2015 important. The over-arching thing is this is a set of sensible measures that will allow our local betting companies to operate on a more level playing field in light of the internet and developments of the internet in recent years.

The Bailiff: Deputy De Lisle.

2020 **Deputy De Lisle:** Sir, just, listening to the Chief Minister there, who was talking about the addiction problem and so on, how big is the addiction problem? We do not seem to address that in any detail, but I ask the Minister that because we need to know that before considering liberalisation, along the lines that we are considering here, of this industry.

2025 I note particularly, and I have concerns with regard to, the fixed odds betting terminals, particularly as we understand from the policy letter that, in fact, Ireland has actually banned fixed odds betting terminals because of some of the problems that they have had in that country. So I just wonder why we are thinking of allowing that here, given those problems there and perhaps a little more understanding from the Minister would enable the Islanders to understand exactly why
2030 we are going to introduce that aspect here.

The other concerns that I have relate to the removal of the restrictions on Sundays and also allowing opening betting offices on ground floors in our centres.

The other point is that I was wondering whether any thought had been given to some wishes to open up to the local population, the National Lottery and whether there has been any
2035 consideration of that, together with Culture & Leisure, through the two Ministers; because, whilst some have places in Europe and the UK and so can participate in the Lottery, most Islanders cannot. So I just wonder why perhaps there was not some attempt to deal with this particular problem or issue perhaps within this policy letter?

Thank you, sir.

2040 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I will be really quick.

2045 Many of the issues Deputy De Lisle has raised came up on a phone-in recently and also at the St Peter Port Douzaine meeting, with a mixture of views being expressed, from somebody who was quite interested in liberalising to people who were most sceptical.

I must admit I think I am firmly on the side of liberalising. I recall the day when I was first a States' Member, when it was fair to say that the members of the Gambling Control Committee were anti-gambling, which gave them a certain prejudice from the start. And we always hear the same voices from... really, they are in two camps: there is the church brigade who have a theocratic dislike of gambling and then wish that to perhaps put across a wider framework of society; and then you have what I would call the left of centre nanny staters who very much want to focus on constant counselling and work in that respect and the concerns of gambling being a social problem. *(Interjection)* Well, they need support but I think you cannot get away from the fact that people are inclined to gamble and if they do not gamble they will sometimes go down less legally acceptable routes.

2055 I see this legislation is going in the right direction and it overcomes anomalies, because Guernsey has had a little bit of a hypocritical attitude here, I would say, because we have facilitated placing bets in public houses where people have been drinking, yet not allowed anyone to have a coffee in a betting shop and you had the betting shops difficult to access, limited in number, whilst the public houses, of course, in more recent times have been open on a Sunday as well. And, of course, you can use the internet at any time.

2060 I would like to point out though, to Deputy Gillson, the arguments that he made that change in technology has made prevention of gambling on a Sunday inappropriate could also apply to other forms of Sunday shopping and Sunday trading, but that is a debate for another day.

2065 **(Several Members:** Hear, hear.)

I support the package.

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

2070 Well, I think we have got further speeches. Most of us are attending the funeral at 2.00 p.m. so I suggest that we rise now and we will continue this at 3.00 p.m. or as soon after as people can get back to the Chamber.

*The Assembly adjourned at 12.30 p.m.
and resumed its sitting at 3.00 p.m.*

HOME DEPARTMENT

XVII. Review of Gambling Legislation Supplemental States' Report – Debate continued – Propositions carried

The Bailiff: Members, we continue with the debate on the Home Department's Review of Gambling Legislation Supplemental States Report and Deputy Dorey will speak next.

2075 **Deputy Dorey:** Thank you, Mr Bailiff.

I wish to speak primarily on the fixed odd betting terms but I will also speak about Sunday opening and the betting shops being able to open on the high street or at street level, which are the three things I am opposed to.

2080 Some of the key statistics about fixed odd betting terminals is that in 70% to 80% of sessions there is a net loss to the player – not surprising. The average loss is £5 but 10% lose more than £60 per session.

The Responsible Gambling Trust, which is aimed at minimising gambling-related harm which is funded by the gambling industry, in their recent report said:

‘More than a third of people playing [these] machines experience problems with their gambling.’

2085 They have been said to be called the ‘crack cocaine of gambling’. Research has shown that it is often the poorest of society who use these machines, the ones who can least afford to lose the money and they go on to say that:

‘... problem gamblers were depositing huge amounts of cash – up to £1,200 a week – into the machines.’

2090 A growing number of local authorities have seen a rise in the number of bookies opening on the high street because of the proliferation of these machines. The latest indication is that 50% of the profits from land-based bookmakers are coming from these machines, that is how important they are to the bookmakers and how much money people are putting into these machines. One person who became addicted and lost £200,000 over 10 years went from being on a £50,000 a year job to living on benefits. He says, ‘These fixed odds betting terminals destroy you.’

2095 So I ask the simple question: who will benefit from having these machines in our bookmakers? Will society benefit? No. Will the families of those problem gamblers benefit? Will the children of those problem gamblers benefit? No. The only people who will benefit are the bookmakers. I do not think, to say a pun, it is worth taking the gamble of supporting these machines for the effect they have on society. There is so much evidence about the damage they have done. Paragraph 4.7 talks about... it says:

‘On balance, the Department believes that whilst controversial there are not sufficient grounds which would justify it now recommending to the States...’

2100 I think there are sufficient grounds. There is so much evidence out there that we should not be going ahead with these machines. There are no benefits towards as a community, there just will be damage.

In paragraph 4.11 it says:

‘The Department intends to commit resources to undertake a comprehensive evaluation of the impact of the FOBTs two years after their introduction locally.’

2105 So let’s introduce them, let’s get the problem gamblers, let’s do the damage to society and then two years after let the States use our valuable resources – which every department continually says we have not got enough resources to do the policy development, the work that we need to – let’s put those resources into doing a comprehensive review. Is that a good use of our resources? I do not think so. I can see no sensible reason to go ahead with these machines.

2110 Additional to the proposals is to allow bookmakers to have shops at ground floor level. I am sure when we have been to the UK we have all seen high streets with numerous bookmakers shops around. Is that what we want on our high street – those bookmakers at high street level and on a Sunday afternoon with people who can’t afford it is just wasting their money on these machines, thinking they might win when they will only lose? I cannot see the possible benefit to us, to Guernsey, to our high street.

2115 So I ask you to really think very seriously about voting and to vote against Proposition 18 and give a clear message that we do not want these machines. I know it is only to note but Deputy Gillson said that he wanted feedback from the States and I think if we vote against 18 it would give a clear indication that we do not want these machines on our Island.

We do not need them, they will do far more damage than any good they do in terms of recreation. People say, ‘Oh, we have got internet gambling so we are just allowing them to

2120 compete with them,' but all these problems happen in the UK when their reason is net gambling, so there is something about the physical machines which make them more attractive and which result in the problems.

I will also urge you to vote against 10, so that we do not have our high street's character changed by having betting shops at street level. I would also ask you to vote against 9. People who want to bet can do through the authorised agents and we do not need to have them open on a Sunday. I think if you want to do that let's wait until we have the Sunday trading debate; let's not jump that debate and open up part of businesses on a Sunday unnecessarily.

So please I urge you, vote against 9, vote against 10, but if you cannot do that *please* vote against 18. Think about our community; put it first!

2130 Thank you.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

2135 I will keep this very short because we are obviously pressed for time. I just want to endorse what Deputy Dorey has said. I did some research on fixed odd betting terminals after this Report came out and I will be voting against Proposition 18 and also Proposition 10.

Thank you.

2140 **The Bailiff:** Deputy Harwood.

Deputy Harwood: Thank you, Sir.

Like others, there are three issues in this Report which give me cause for concern. Firstly, Sunday opening, secondly, ground floor premises and, thirdly, the fixed odd betting terminal.

2145 The St Peter Port Douzaine, as Deputy Gollop has already referred to, actually do not oppose Sunday opening for betting shops, given that at the moment you can place a bet through a betting agent in a pub on a Sunday – if you have a phone and a credit line you can actually place a bet on a credit basis over the phone – so therefore why shouldn't we have the ability to actually go to a betting shop on the Sunday, given that the chances are that quite a lot of the staff of a betting shop will already be there dealing with agents' bets and telephone bets?

2150 But I would ask the Minister, perhaps in his closing, to indicate whether or not he would anticipate imposing any restriction on the hours of opening on a Sunday because I think that is not touched on and I think that perhaps needs to be addressed.

2155 The second issue is ground floor premises. Surprisingly, St Peter Port Douzaine actually were not opposed to the idea. I have heard Deputy Dorey talking about the high street, the St Peter Port Douzaine, oddly enough, thought this may be a way of rejuvenating parts of St Peter Port that are not necessarily already occupied, like, for example, the Old Quarter.

2160 Their justification for saying actually they can see the case for ground floor premises was a question of accessibility. We are talking about disabled access. That is actually one very good argument for allowing people to have ground floor premises – to allow accessibility. But the Douzaine were certainly concerned to ensure that we do not go down the route that they have in the UK, allowing garish shop frontages and therefore the onus would be on the Environment Department, through planning restrictions perhaps, to control the decoration of those premises.

2165 The fixed odds betting terminal – I think, generally, probably the Douzaine would have said that they were not in favour, although one or two people were, on the grounds of liberality. I personally also share concerns about the fixed odd betting terminal. If, again, the Minister could perhaps indicate whether or not there would be any intention to restrict the numbers of these terminals that are permitted at any one betting premises.

2170 My concern is that allowing fixed odds betting terminals in betting shops would encourage people to remain in betting shops and therefore inculcate and drag people even more perhaps

into the betting culture. So I, personally, will be voting against item 18, but I will be supporting 9 and 10 for the reasons I have already indicated, sir.

Incidentally, one further point which was not touched on in this Report, which was raised by the Douzaine – I think it is fair to raise it now – is the concern over the potential abuse of scratchcards. Outside the whole of this gambling issue, the States of Guernsey is encouraging people to buy scratchcards and actually there is a lot of concern. I think perhaps people are getting addicted to scratchcards and perhaps actually this is also adding to the gambling problem that may exist on this Island.

Thank you, sir.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Sir, I was on the Home Department and had input into the gambling Report – very similar to Deputy Le Tocq – and I have got mixed views on things.

I would just agree with what Deputy Harwood has said regarding Sunday opening is that you can go into pubs on a Sunday and you can place bets, and actually the people in the pubs have got no real training on spotting gambling addiction or anything like that, so at least if people are going into the bookkeepers they do have some training on spotting addiction, so that is one thing I would say.

With regard to ground floor premises, again I think, on discrimination and accessibility, I would be inclined to think that we should go for that. There are restrictions on who can actually apply for a licence in Guernsey and I think I am right, if I recall, that you have to have lived on the Island for five years and be resident on the Island. So it does not open the door to Ladbrokes and those kinds of bookie... whatever they are, turf accountants coming over.

But I would just like to remind everybody that this is sort of the 'face of gambling' that we are dealing with here, but we also have a lot of gambling companies that have invested in Guernsey and actually Guernsey takes quite a large tax take. We have got the Alderney Gambling Commission and we have got companies here that have invested, we have got companies like Sportingbet, so actually we have to be really careful if we take the moral high ground on dealing with this, because actually we are very happy to take a large tax take and the income and the jobs associated with gambling on the other hand. So I would just like to point that out to people.

Thank you.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

I have to say my family have never had a history of gambling, I never had a father or any member of the family (*Interjection*) that was a gambler – Yes, I did have a father, thank you! (*Laughter*) Well, so I am told!

I opposed e-gambling at the time because I thought Guernsey had a quality product and I still believe that if you look at what we do collectively there is a risk, at times, that the gambling product we also have taints other products, if we are not careful, by association.

Deputy Gill and I consistently opposed e-gambling. If people remember, initially e-gambling was predominantly an Alderney preoccupation. The servers were then kept on Guernsey and it was... I say ruling in the loosest sense, but it was observed that if a transaction happens on a backup server in Guernsey then the transaction is happening on Guernsey so we morphed across to doing more gambling, and I, personally, do not like it.

But what I want to do is to give the children of gamblers a reprieve. I know that when I had my BlackBerry my wife used to tease me, because it was a novelty and because your e-mails were literally in the palm of your hand, it became known as the 'CrackBerry' because it was... it did, it became quite invasive. And I think iPads are the same, incidentally; they can be far too invasive on occasions.

But children of parents who gamble need a reprieve and we are just making it ever so easy for people and actually we are coming up with mechanisms that make it easier for people to gamble – people who cannot really make that judgement call themselves. And if we normalise betting shops – that is to say that we are familiar with how these things look in the UK, that half of the window is frosted out, but you can see the screens behind, the audio is coming out from the building and people casually go in to place a bet and casually go in *again* to place a bet, casually go in *again* to place a bet – then the children do not have anything, or the family do not, later on in the week.

The issue of accessibility in the Douzaine was raised and I think there are ways around that, because of the popularity of gambling, then I think people who invest in buildings can afford to put some sort of accessibility mechanism, a lift or whatever, in.

But the fixed odds gaming machines, I think, give people absolutely no reprieve at all. I know the Minister is looking for feedback on this but I do have concerns, particularly for a certain type of individual that cannot help themselves, at sometimes real financial loss to a family, and that does concern me.

Thank you.

The Bailiff: Deputy Luxon.

Deputy Luxon: Thank you, Mr Bailiff.

Sir, I am a great believer in personal freedoms, along with all things, including this, but Deputy Dorey did strike a chord with me.

At the bottom of page 1708, 4.6, the fifth bullet point, it actually declares that Jersey experienced no increased problems through the introduction of FOBTs. So I would like the Home Minister to just comment on that because the other evidence was that in the UK it had created a problem and I do think we should be very careful that the health and wellbeing damage of excessive gambling, just as with excess of alcohol, excess of tobacco and excess of drugs, are a problem for families in our Island and we should be wary about almost making it easier.

In relation to the issue about having shopfronts, we, of course, just recently passed legislation where we have actually asked tobacco to be hidden behind shutters in shops that sell tobacco, to again try and stop it from being glamorous. Again, one does wonder that by putting bookmakers and these particular machines more easily accessible on shopfronts... although bookmakers can actually occupy ground floor premises, it is just not in ground floor premises that would be used by shops.

So I am unsure which to go, but I do recognise Deputy Dorey's comments; they resonated with me.

Thank you.

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.

I did not really intend to speak on this debate at all. I am very ambivalent in relation to gambling, but having heard some of the comments I sort of feel that the reason that I am particularly ambivalent is because of my upbringing. My father was a *regular* gambler. Every Saturday morning he used to wake up in order to watch the *Morning Line* on Channel 4 and then after enjoying the *Morning Line* he would actually spend the whole of the afternoon gambling in one way or another on the horses – he was a great horse fan.

I have *many, many* happy memories of going to the horse races – days going out in order to actually go to the horse races. It was pleasant; it was a very pleasant, sociable experience because I would arrive, you would actually look at the form, you would actually spend some time having a bit of the meal, as I got older there was also a bit of a drink to be had, you would actually talk to people, you would enjoy yourself. The racing happened, of course it did, and it was quite exciting

2275 for the length of time of the race, but that was not the whole thing; it was a full sociable, pleasant experience.

Earlier, when I was used to this very Methodist upbringing in North Wales, of course I was finding it a little strange that my father was the only one that I knew who participated openly and happily admitted to gambling on horses and I remember being astounded when I arrived in
2280 Ireland and finding a group of priests that were gambling. For a Methodist boy in North Wales this was anathema – to see priests gambling!

But of course there is a culture in Ireland and in other places whereby going to the horse races and doing a little bit of gambling is something that happens and I would equate that type of behaviour – a healthy, open relationship with gambling – in the same way that we frequently talk
2285 about alcoholic behaviour in France. Drinking and having a small glass of wine over a meal is normal, accepted practice, it is what happens and, as a result, children grow up with an appreciation that wine is something to be enjoyed over food; and the excesses that we see frequently do not materialise in France in the way that they do in the UK, because of that very different culture.

Gambling... and when I hear about Deputy Brehaut referring to the relatives of gamblers needing a break. I felt that I never once needed a break from my father. I never felt that this was invading on our lives. The whole point is that we talk about gambling in very black and white terms at times, of the addicts and then there is the rest of us who do not participate, not realising that there is a large body of people who regularly participate, enjoy a flutter and there is nothing
2295 wrong with it.

In all honesty I think that, realistically, what we are seeing here in this policy letter is a stopgap, because it is going to have to change again. The prevalence of online gambling now is such that we will not be able to regulate it in the same way. The horse *has* bolted and it does feel a little as though we are trying to close the door behind.

I see the policy letter as accepting where we are at the moment, but in due course we are going to have to abandon yet more of this regulation as it all disappears onto the tablet – were I so minded I could quite happily gamble right now if I wanted to on the iPhone or the iPad. And I do not think that Guernsey is ever going to be in the position to bring in such draconian measures as they have brought in the US to secure their gambling industry whereby anyone who wins on
2305 any gambling facilities outside the US have all of their earnings confiscated by the state. I do not think that we are going to arrive at that position. Indeed, the ability of Americans – and I know quite a few of them – who have managed to avoid all of that regulation already is phenomenal.

So, Members, what is before us ensures that we have some regulation of what is happening, but let's not imagine that what is happening right now is so awful – the vast majority of people
2310 enjoy gambling and do not have a problem with it. Whereas this brings in some forms of measures to deal with those people who do occasionally fall into the position of having a problem with it, of course they do. But, in the same way, we would not look having these huge draconian measures in relation to alcohol, despite having a number of alcoholics on the Island; equally, we need to have a more mature discussion in relation to gambling.

I would also like to correct one other point in debate. Deputy Gollop referred to a 'theocratic' objection to gambling, a theological objection to gambling; there is no theological objection to gambling, there is a Methodist objection to gambling and I think that is where the history of the Island and its objection comes from. Realistically, as I pointed out, in Ireland which is a very Catholic country, there is absolutely no objection to gambling. It is part of the culture here to
2320 object to it, but time is moving on; and, in the same way that we have moved on from the objection to alcohol, it is time to move on from the objection of gambling.

Thank you.

The Bailiff: Deputy Le Pelley

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Deputy Le Pelley: Thank you, sir.

I would just like to endorse some of what Deputy Dorey said. I think the access question as far as disabled people are concerned, having the ability to be able to go onto one floor on street level is something that should be appreciated because it gives it equality.

2330 I am concerned about clause 18 though... and that is, I would like to point out that one of the clauses that Deputy Gillson's board has pointed out on page 1708, under 4.5, and that is that:

'FOBTs have been linked to a "dramatic proliferation" in bookmakers within the UK.'

I think we do need to be very, very mindful of the fact that that this could actually encourage more and more people to open up as bookkeepers – (*Interjections*) bookmakers and that would worry me.

2335 I think this is something that we do need to keep a very, very close eye on and I hope that you take that as a point of concern.

Thank you.

The Bailiff: Deputy James.

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Deputy James: Thank you, sir.

Whilst it seems like an awful long time ago, Deputy De Lisle, in his speech, asked the question, 'Does anyone know how many people we have in Guernsey that have addiction problems with gambling?' Well, the answer is quite simple, Deputy De Lisle, nobody knows.

2345 Many, many addicts... and what this debate is, is about those people who have become addicted to gambling. Unlike I think what Deputy Bebb was talking about, there are many, many hundreds and perhaps thousands of people that like to have a flutter, but the issue of this is about being concerned about those people that are addicted to gambling.

2350 Why I say we do not know is many addicts themselves will not even acknowledge the fact that they have an addiction – no different, whatsoever, to people that have a problem with alcohol. In fact, people that were referred to me by their GPs that had a problem with alcohol, I would go and see them, they would come for an outpatient appointment and they would say, 'I do not have a problem with drinking; it is the family.' So the problem with addictions is that the individual concerned often does not see that they have a problem. In fact, as Deputy Dorey has just alluded to, very, very tragically, many people – be it addictions through alcohol or gambling – usually have to have some trauma in their life before they hit that brick wall and then suddenly decide it is time to do something or seek help. They have probably lost their fortunes, their jobs, their relationships, so it is usually when they are at rock bottom that they seek treatment.

2355 Thank you.

2360

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2365 I am speaking only because I am a member of the Home Department and I support most of the proposals in this policy letter, but the policy letter does say that not all the members of Home support all of the Propositions. I am in a minority because I do not support Proposition 18 and I am not overly enthusiastic about the Proposition with regard to betting shops on ground floors.

2370 The equality argument is interesting. We have reached a stage with equality where we want to give people equal access to do things that are harmful to them, which I am not sure was the original purpose of the campaign for equality.

I am not too fussed about whether bookmakers open on a Sunday. I do not think that fixed odds betting terminals become any worse on Sundays than they are on Saturdays, quite honestly.

2375 Deputy Bebb painted a rather glamorous, or at least happy, picture (*Laughter*) of betting when his father was gambling on a Saturday afternoon, but there is not much that is glamorous about being enticed into a bookie on a wet Wednesday afternoon to gamble away, in many cases,

money that people have not got, on fixed odds betting terminals; that is quite different from attending a race track once in a while or even once a week.

I took the trouble to go to see a psychologist – *(Laughter and Interjections)*

2380 **A Member:** It is all about process, isn't it? *(Laughter)*

2385 **Deputy Fallaize:** – who specialises – or does not specialise but certainly deals with – addiction and he said a couple of interesting things to me, one of which was... He does quite a lot of work with problem gamblers and he said that about half of the work he does is with people who have become problem gamblers through the internet and half of the work is people who have become problem gamblers locally.

2390 So the idea that we almost might as well throw up the white flag as far as regulation locally is concerned, because it is so ubiquitous on the internet, I think is flawed. There are lots of things that are ubiquitous on the internet which we are not about to deregulate in Guernsey so I do not think that is a strong argument.

2395 The other thing is he said to me that people who find themselves with addiction problems have addictive personalities and the more opportunities they have to become addicted to whatever it is, the more likely it is they will become addicted. So I conclude from that that if a person with an addictive personality or who is somehow predetermined to become an addict, the more opportunities they are given to allow their addiction to flourish, the worse it is likely to become for them.

2400 I accept entirely what Deputy Gollop said before lunch – this is, in a sense, a sort of libertarian, social democratic argument. I am not a Methodist, I am not a Christian. I do not have any problem with gambling for theological reasons, but I do take the view that there are times when the state ought to intervene or ought not to liberalise certain activities because of the potential harm they can do, partly to the individual but more often than not to the family of the individual, and that is what concerns me about fixed odds betting terminals.

2405 I think Deputy Luxon does have a very good point actually, that we are busy trying to introduce more and more regulations on tobacco. Now I think tobacco has to be behind a closed cabinet, it cannot be on display, as it were, as you walk into a shop. We do appear, to some extent, over these fixed odds betting terminals and having betting shops on ground floors, to be moving in the opposite direction with gambling. There is quite a lot that is philosophically inconsistent about the direction in which we may be moving with gambling.

2410 But I really come back to the point that Deputy Dorey made: I cannot really see what is in it for society or what is in it for the individual, to vote in favour of Proposition 18. There is nothing in it.

2415 I want to give people freedom. I am in favour of freedom but the idea of needing to provide people with freedom so that they can gamble away money which, as I say, in many cases they do not have, on fixed odds betting terminals is a rather strange concept of freedom, as I understand it.

2420 So I think generally this is a very good policy letter because it tidies up what is at the moment unsatisfactory and somewhat messy legislation and regulations, but I think in respect of Proposition 18, in particular, the evidence really tilts in favour of not approving this Proposition.

Thank you, sir.

2420 **The Bailiff:** Deputy Conder.

Deputy Conder: Sir, I will be brief.

2425 I was amused by my friend, Deputy Fallaize's, comments about addictive personalities. I happen to know that he is an avid collector of Billets. *(Laughter)* Mind you he does not go taking other people's discarded Billets out of the litter bin and store them like some of our colleagues do – but that is another story! *(Laughter)*

But, yes, I think we all have addictive personalities in some ways and I guess I would be on the libertarian wing of allowing people... as long as an activity is legal, allowing them to do it in safety and in legal premises.

2430 When I was elected, the first contact I had after the election with my electorate was with individuals who were running legal betting shops and I had a very useful meeting with the then Home Minister, Deputy Le Tocq and his Deputy, Deputy Minister Quin. I have to say I welcome this in terms of knowing the difficulties and strains that owners of betting shops are having in terms of waiting for the 2007 legislation to be enacted and I am delighted that the Department
2435 has finally done that. I know those owners of legal betting shops will be very grateful and very pleased that this legislation is finally going to be brought into effect – the 2007 review of gambling legislation. So I think this is an excellent Report and I welcome it.

Even at this late stage I do take on board what Deputy Fallaize has said about fixed odds betting machines, but I think on balance if most other societies can cope with these within their
2440 environments, within their society, I do not know why we should want to be so prohibitive in terms of stopping those people who want to use such facilities. I never would, but why we should actually restrict people and determine that, for those minorities who have got addictive personalities, other people who enjoy them within a controlled environment should not have that opportunity.

2445 I do welcome the fact that we now, in terms of location of premises, do intend to allow them to be on street level rather than tucked away on the first floor elsewhere, as if somehow it is something we are ashamed of. Either it is legal or it is not. (**A Member:** Hear, hear.) I am with Deputy Dave Jones on this: if it is legal why should we put restrictions on people in terms of how they enjoy and how they use their money for their own enjoyment?

2450 So I fully endorse this policy letter. I think I still need, even at this stage, to think a bit about Proposition 18, but I think on balance I will vote for it and I hope colleagues will vote for these Propositions.

Thank you, sir.

2455 **The Bailiff:** Deputy Wilkie.

Deputy Wilkie: Thank you, sir.

This Report has many sensible proposals. It will remove bureaucratic red tape surrounding charitable fundraising. Why should we as a government levy a £40 administration charge for a
2460 charity horse racing event? This policy letter removes that charge and the excessive form filling associated with such an event. Another common sense resolution is to rescind the necessity to have the Guernsey tradition of Crown and Anchor predominantly outside. This, again, is a very sensible proposal. If you have an event with a cover in case of inclement weather, is it right to have everyone under the shelter where the Crown and Anchor tables are isolated in the middle of
2465 a wet field?

Allowing bookmakers to open on a Sunday is also very sensible. We have already discussed here that you can use the internet, you can use other ways, so why can't the bookmakers be open? It just doesn't make any sense not to do that.

2470 The rule that bookmakers' premises cannot be on a ground floor is a nonsense. We all voted for the Disability and Inclusion Strategy which promotes inclusion for all Islanders and we cannot pick and choose how disabled Islanders spend their free time. (**A Member:** Hear, hear.) We should not be pontificating on what may or may not be good for them. Just because an Islander might have an access barrier it does not mean they are not intelligent enough to gamble responsibly. And I would like to confirm before Deputy Le Pelley that we have a licensing system with a set
2475 amount of licences so there will be no proliferation of shops in our high street.

The fixed odds betting terminals, the FOBTs – the recommendation has been separated so the States can give the Home Department some form of direction on whether the States approve or not of the installation of these machines at this time. Personally, I do not have a strong view either

way. I can see the bookmakers' argument that they are under financial pressure due to internet gambling and require the income from FOBT machines to help with that. In truth, we have recently seen a local bookmaker close for financial issues. However, there is a risk that these machines can be addictive to gamblers with problems and that risk would have to be mitigated by strict controls, which are in this Report.

So, on balance, I will support recommendation 18. However, I would not be in a state of angst all weekend if it was defeated.

Another very sensible proposal is to allow charities to sell their lottery tickets online. This will help local charities and fund some exceptional projects that will improve the lives of many Islanders. So I ask Members to give their support to these very common-sense proposals.

Thank you, sir.

The Bailiff: Deputy Perrot.

Deputy Perrot: The old Methodist in me is struck somewhat by the remarks made by Deputy Dorey because I have got a certain sympathy with that. But when I go back some years to Methodism of my day, as practised at Galaad Chapel in those days, it was a very bold person who admitted that he had a television set (*Laughter*) because that was pretty close to being in the fifth rung of hell and woe betide anybody who went to the cinema on a Sunday – in fact, he would probably be in the seventh circle of hell, particularly if he went to the North Cinema on a Sunday (*Laughter*) to see some of the raunchier stuff on display there. Although the curious thing about Methodists of those days was that they did not drink – well, at least they certainly did not admit to drinking but they did smoke; they all smoked like the gas company chimney of that time. (*Laughter*)

The reason why I mention all these things this is that times do change and what we do in the States of Guernsey has to reflect those changing times. But, as I say, I have got some sympathy with Deputy Dorey and I will have some sympathy I hope with him when the debate then comes up about the liberalisation of Sunday opening, because there is deep within my genetic make-up an opposition to that and I suspect that that is a very much coloured by my Methodist upbringing.

I recognise the States when it has gone into a kind of sanctimonious mode – and that is what it is doing, I think, in relation to these fixed odds betting terminals. But I have to say that, in the balance, my view now is that one has to be... despite my views on Sunday opening, in the balance, I think that the side of the libertarian has to win.

If there is a problem with that then we have to sort out the problem – it may be costly, but if there is a problem with it then we have to sort it out – but I do not think that one has to stop something, to overregulate something, merely because, if you like, society as a whole will not get something out of it. There are many things which we do as individuals which are of very little particular benefit at all to society at large but which we enjoy as individuals. I think that those who enjoy using fixed – whatever it is... I do not think I have ever gone into a bookies actually, (*Laughter*) so I cannot speak with any felicity about it, but if someone is enjoying that then I think he or she ought to be left to be able to do that and if there is a problem which results from that then we have to attack that, and we do that with other things. If we do not admit to that then we are complete hypocrites.

Bear in mind that we take an enormous amount of tax out of tobacco, but it is still legal; we still allow people and actually to smoke tobacco. There are conditions applied as to various points of sale but there is something which we... when we are in sanctimonious mode we say tobacco smoking is absolutely awful but we do not make it illegal.

There are problems associated with drinking. There are many people who are alcoholics or who have problems with drinking but we do not stop drinking, we do not close down the pubs and the off-licences and whatever because we are on the side there of libertarianism.

So, whilst I have got respect for what Deputy Dorey says and it very much reflects my old background, I am not *ad idem* with him on number 18.

The Bailiff: Deputy Quin.

Deputy Quin: The Minister was not expecting me to speak and I did ask his permission and he said 'no', (*Laughter*) but here I am!

2535 We have worked very, very hard on this, over a long time. As the Chief Minister said, this is the baby that goes back well before the bath water was thought about.

But I am going to let one secret out of the bag: Deputy Brehaut has said that his family never gambled; well, I worked with his father and once a week we used to put five shillings, with a lorry driver and Donald and myself, and we used to go to the Last Post and put money on the horse –
2540 but I will not tell him about that if you don't! (*Laughter*) So we learn something new every day!
Also –

Deputy Brehaut: That does pre-date my existence on the planet! I am sorry. (*Laughter*)

2545 **Deputy Quin:** Also, Deputy Le Clerc and myself, with one of the civil servants, went to Jersey to look at this specific problem, because we all had concerns about the FOBTs or whatever they call them... [*Inaudible*] We went there and we saw all the bookies in Jersey. Two things: in Jersey they are national bookies, which we do not have here and there has been talk about things being on the high street. I cannot see the lady and gentleman from Environment, when they are
2550 approached to change a clothes shop into a bookies shop, leap up and down with joy and I am sure the Constables of the parish are exactly the same.

But the thing that Deputy Le Clerc and I came away with was the control we were seeing on the machines in there, there was a manager behind the desk who could see and he was stopping people and he said, 'This is the limits they are allowed to do; this is the bits and pieces,' and it was
2555 quite clear. And when you read the report that Jersey said there had not been a big leap in gambling, this is where it came from. It was very, very well controlled.

We are talking about ground floor shops – Bob & Red, which has been in Guernsey operating probably longer than most of us have been alive – is a ground floor alongside the Ship & Crown. Up the step there, there is a ground floor bookie. People are talking like it has not happened; it
2560 has happened for years. Dick Morgan had one in the Arcade at one time, tucked in the corner before he moved upstairs, so there was one there, but it was not called Morgans; I forget what it was called. So something new; we are not asking to reinvent the wheel and, as Deputy Perrot said, you have got to move with the times.

You cannot watch a sports programme, whether it is cricket, tennis, boxing, anything, without
2565 virtually all the adverts being gambling adverts for different companies. We live with it. How can we control it? Deputy Bebb quite rightly said it moves on. If you would have said 10 years or 20 years ago that all your adverts around sport would be regarding betting...

Our most famous footballer got into trouble for writing a book of his memoirs; the first kick he kicked for a throw in which he had laid bets on, so how on earth...? When I was in the Merchant
2570 Navy we were miles from... we were going to Japan or wherever and could not get the racing result, they used to run marbles down a shoot and bet on which marble got down there first! (*Laughter*) It is inherent in people; people will gamble. I remember the very famous film about the guy on Ellis Island – it wasn't Ellis Island, it was one of those – who, to spend their time, they used to bet on cockroaches going up the wall. It is inherent in human nature.

2575 So what I say is, we have worked very hard, back to the times of the Chief Minister and Geoff Mahy beforehand, on getting something acceptable but what we found is when we started something which we thought was about to close, the goalposts had moved, a new machine would come up – was it a game of chance or was it a game of skill? We had this problem time and time again. In fact, we even drew... the Law Officer on Twitter said, 'How do you differentiate between
2580 the skill...?' and they said, 'Don't ask us!'

So I am asking you please to pass this. It is not finished yet, there are concerns; we will look at the concerns regarding the fixed betting. But, please, a lot of work has gone in here. Since we

started this, one of Guernsey's number one bookies has gone broke; he is not there anymore. Morgans have shut – several things. Let's give our local lads at least a fighting chance.

2585

The Bailiff: Deputy Inglis.

Deputy Inglis: Thank you, sir.

2590 I would like to start by declaring an interest. I am a bit surprised that no other Members have declared any interest, because at some stage everyone has bought a lottery ticket.

My business has been very successful in fitting out one of the bookmakers that Deputy Le Clerc mentioned and we do work with the Alderney Gambling Commission, so let's not forget they bring a lot of business to the Island that we can benefit from in many ways.

2595 I just thought I would like to give some answers that will assist the Minister of the Home Department regarding items that have been raised by Members in the debate.

2600 Primarily, responsible gambling – we at Culture & Leisure, as you know, last September asked the States if we could use proceeds from the sale of scratchcards to fund initiatives that promote responsible gambling, should the need arise. This is because the Department recognises that problem gambling can be detrimental and affect individual's lives. Whilst there is very little evidence to suggest that gambling addiction is a major problem in Guernsey, we firmly believe that appropriate support and advice should be available locally.

2605 Nationally – and I would just use this as a reference – on scratchcards, it represents 1.7% of their gambling issues. On the lottery side, it is 0.9%. Locally, over a three-year period, 2012-2014, the Citizens Advice Bureau had 14 queries relating to betting and gaming – in general, wanting to find help with problem gambling. This is less than 0.5% of their enquiries relating just to Home Department's mandate. Three of the enquiries related to online gambling, and one to betting with a bookmaker. The rest remained unspecified.

2610 As we stated in September, the evidence above is supported in Guernsey by the HSSD Community Drug and Alcohol teams and the Guernsey Alcohol and Drug Abuse Council's experience in the Island.

So I hope that provides insight into the fact that we do take our responsibilities in a way that does help if people do find that they have a problem associated with scratchcards and lottery. There are lots of other things that people can become addicted to, as has been mentioned.

2615 Just one point on the National Lottery: we have been tasked with enquiring as to whether it could come to Guernsey, but I am sure many of you know that any proceeds that do materialise out of a national lottery go to the national part of the country rather than stays in this Island. So maybe, in answer to Deputy Harwood's pointing out that the States is actively promoting the sale of scratchcards, yes we are, but of course it is going and staying within our community in many ways and most importantly through the association with Guernsey charities, which we all know provides a real support that maybe Government cannot supply.

2620 I hope that is of answer to you, sir, and the Deputy Minister of the Home Department.
Thank you.

2625 **The Bailiff:** I see no-one rising. Deputy Gillson will reply to the debate.

Deputy Gillson: I would like to thank everybody for their contributions.

I am going to try and reply by theme rather than in order of speaker because a number of speakers talked about similar things.

2630 With regard to existing machines, Deputy Jones, yes, I can give that confirmation that you asked for. The first point was problem gambling, raised by Deputy Green and Deputy James. It is true that, as with any addiction, you do not know the absolute size of the addiction because addictions tend to be hidden. All you can measure is what you can measure and, as Deputy Wilkie said, based on the information from Citizens Advice, it does not seem to be a big problem in Guernsey in terms of numbers. Now, that is not being complacent, because it is a big problem for

2635 individuals and that is why want to put in measures to help them, but the information we have is it is not as though it is thousands of people; it is relatively small.

The problem gambling in terms of lack of detail that Deputy Green asked – I agree with you, there is not a lot of detail in the Report. Part of the problem is, until the Report has been through the States and approved and we know what we are going to be able to allow and also how much
2640 funding we will get, it is difficult to start developing plans and engaging with the third sector, in particular; because once this is through we know where we are with what sort of gaming will be allowed in Guernsey, then we will be able to establish the income we have and how much and what ways we can engage with the third sector to provide support. But the provision of support was something very much in the forefront of our minds when we were looking at this Report and
2645 that is why I do not want anyone to think that we are being complacent about it at all.

Opening on a Sunday was a common theme raised by a number of people. Part of the reason why it is delayed is because I became Home Minister and I needed to be very much convinced about opening on a Sunday, because I am against Sunday opening! (*Laughter*) So it took a lot of convincing and what convinced me on this was the silly situation we have now – and it is nothing
2650 to do with really internet gambling, but – people can place bets in pubs and clubs on a Sunday, they can even stand outside the bookies and phone into the bookie to place a bet, but they cannot go into the building to place a bet and it just seems ridiculous. So I see this as a common sense anomaly, rather than opening up Sunday trading.

Ground floor betting is the next one I would like to deal with. There are concerns about the proliferation of betting shops. There are only seven licences in Guernsey so we are not going to proliferate. There are questions about garish signs and the way... I would *hate* our high street to end up like UK high streets, but I think you have to bear in mind how strict planning can be – situations where clothes shops cannot use their normal national signs because they are garish – also, in a code of practice which we will bring in, we would very much limit what can be the size of
2660 signs – the advertising they can do outside – because we love Guernsey, the local bookmakers like Guernsey and do not want to ruin the nature of the Island. As my Deputy Minister said, we have had... Bob & Red were ground floor bookies for many, many years; the one by the Ship & Crown is a ground floor bookie. And the law, as it is, is a bit strange because it does not prevent ground floor bookmakers, it prevents ground floor bookmakers *if* the building they are using used to be a shop. So it is a very strange law. I do not think... with that sort of restriction, I can only guess, but I imagine it was more to protect shops than to protect how the high street looks.

The fixed odds betting machines is, as we expected it to be, the most controversial. It is the one that we had most discussions about around the Home Department table and, as I mentioned at the beginning and as Deputy Fallaize has said, it was a majority decision to continue the policy
2670 that the States approved in 2007, and we are very aware of the risks. But we have looked at Jersey and, Deputy Luxon, our research in Jersey – as Deputy Quin said – has been that they have not had a great problem.

We would make sure that our code of practice and restrictions are a lot tighter than the UK. In the UK you can have four machines per betting shop; here we would only have a maximum of two
2675 machines. In the UK the bets you are allowed to make I think are up to £100; we are looking at £10. We are also, if we are allowed to bring them in, if they are brought in, then we are going to be looking at the speed in which people can bet so that the time between bets can be managed, then the number of bets somebody may be able to make before they have to take a break.

We are also looking into whether they should be able to put cash in or whether they should
2680 have to go to the bookies to get cash to put in so that there is a natural... What we do not want is a situation where somebody can just stand at a machine and continue ploughing money in. So we are looking at building in ways and mechanisms which create breaks for them to have to move physically away from the machine.

So we think we can manage it, we hope we can manage it; but we have, as a safeguard, said
2685 that in two years' time we will do a review of fixed odds betting machines. And so because the bookies know that we are going to review it in two years, it is going to be very much in their

interests to make sure that people use them sensibly because they know that there is a potential that we will just take them away from them.

2690 I think those are the main areas people really raised. The comments about equal access which Deputy Wilkie raised are quite valid. If I have missed any particular points people have raised I apologise and I will answer them, but I think I have answered people's questions by theme.

To pre-empt anybody, sir, I think that we will need recorded votes on 9, 10 and 18. I am sure people are... *[Inaudible]*

2695 **The Bailiff:** We will certainly need separate votes and if you are asking for them to be recorded then it will be separate votes on 9, 10 and 18, unless anybody requests any others? No. We will take – (**Deputy Harwood:** Sir –)

Deputy Harwood.

2700 **Deputy Harwood:** Thank you, sir.

Could I just ask the Minister if he could... I did raise one question which he has not addressed, which is the question: is there any limit on the hours that people will be opening on a Sunday?

The Bailiff: Deputy Gillson.

2705 **Deputy Gillson:** To be honest, that is something which we have not really looked at so we will definitely take that and review it.

2710 **The Bailiff:** We will vote first then on Proposition 9, which is to remove the restriction on Sunday opening for bookmakers and their authorised agents etc. Proposition 9, on page 1716 of the Billet.

There was a recorded vote.

Carried – Pour 33, Contre 9, Ne vote pas 0, Absent 4

POUR

Alderney Rep. Jean
Alderney Rep. McKinley
Deputy Harwood
Deputy Kuttelwascher
Deputy Domaille
Deputy Langlois
Deputy Robert Jones
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Le Pelley
Deputy Fallaize
Deputy David Jones
Deputy Le Lièvre
Deputy Spruce
Deputy Collins
Deputy Green
Deputy Paint
Deputy Le Tocq
Deputy James
Deputy Adam
Deputy Brouard

CONTRE

Deputy Brehaut
Deputy Bebb
Deputy Ogier
Deputy Laurie Queripel
Deputy Duquemin
Deputy Dorey
Deputy Perrot
Deputy De Lisle
Deputy Burford

NE VOTE PAS

None

ABSENT

Deputy Trott
Deputy Lowe
Deputy O'Hara
Deputy Hadley

Deputy Wilkie
Deputy Inglis
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy Quin

The Bailiff: Well, Members, the result of the voting on Proposition 9 was 33 votes in favour, with 9 against. I declare Proposition 9 carried.

Next, we will have a recorded vote on Proposition 10, which reads:

'To remove the restriction on licensed betting offices being located on the ground floor of shops.'

There was a recorded vote.

Carried – Pour 39, Contre 3, Ne vote pas 0, Absent 4

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

2715 **The Bailiff:** Well, Members, the voting on Proposition 10 was 39 in favour, with 3 against. I declare Proposition 10 carried.

Next, we vote on Proposition 18 which concerns fixed odds betting terminals.

There was a recorded vote.

Carried – Pour 31, Contre 11, Ne vote pas 0, Absent 4

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

2720 **The Bailiff:** Members, the voting on Proposition 18 was 31 in favour, with 11 against. I declare Proposition 18 carried.

We now need to vote on the remainder of the Propositions, which I remind you include an additional Proposition 17A, inserted as a result of the successful Deputy Gillson/Deputy Quin amendment. So I put all the remaining Propositions to you together. Those in favour; those against.

Members voted Pour.

2725 **The Bailiff:** I declare them carried.

As I understand it, the Alderney Representatives need to leave in a moment, so I am going to propose that we just carry on with the running order as it is.

Thank you.

SOCIAL SECURITY DEPARTMENT

**XVIII. Extension of Non-medical Prescribing –
Propositions carried**

Article XVIII.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 8th May, 2015, of the Social Security Department, they are of the opinion:

1. To amend the Health Service (Benefit) (Guernsey) Law, 1990 and related subordinate legislation to allow appropriately qualified non-medical health professionals who are employed, contracted or engaged by the Health and Social Services Department, or otherwise authorised by the Department to work as such, to be empowered to issue medical prescriptions for the supply of pharmaceutical benefit for the purposes of the said Law within their own level of professional competence.

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

2730 **The Senior Deputy Greffier:** Sir, the next is Billet XIV, Article XVIII, Social Security Department – Extension of Non-medical Prescribing.

The Bailiff: Deputy Langlois will open debate.

2735 **Deputy Langlois:** Sorry, sir, I was going to say could you wish the Alderney Representatives a happy summer holiday? *(Applause)*

Alderney Representative McKinley: There is nothing too much to keep us here! *(Laughter)*

2740 **The Bailiff:** Enjoy Alderney Week!

Alderney Representative McKinley: Thank you, very much. *(Interjections and Laughter)*

2745 **Deputy Langlois:** Right, enough of this joviality! Let's have a bit of extension of non-medical prescribing to calm us down! *(Laughter)*

Sir, it is a fairly simple and technical Report here. The Social Security is proposing an extension to the types of health professional who may write medical prescriptions for patients in the community; and you have got to look carefully at the restrictions in this Report to make sure you know which bit we are talking about.

2750 Until 31st December 2013 only approved doctors and approved dentists were permitted to issue medical prescriptions for the supply of pharmaceutical benefit under the Health Service Law. Now, the term 'pharmaceutical benefit' means prescription medicines provided *in a community* rather than in a hospital setting. And this benefit is funded from the Health Service Fund which is why it is Social Security proposing it.

2755 On 1st January 2014 the legislation was amended to introduce very limited non-medical prescribing. That is, prescribing by professional groups other than doctors or dentists who have been granted prescribing rights. The legislation change enabled HSSD community nurses, who have the necessary qualifications, to prescribe wound management products such as dressing, bandages and tapes. This avoided the need for the community nurses with those qualifications
2760 having to go off to a doctor to ask them to sign a prescription for a very simple and, very often, repeat service. This made the process of obtaining the necessary supplies to dress wounds more efficient and cost effective.

HSSD is now looking to introduce non-medical prescribing throughout the Health Service and has asked the Social Security Department to enable non-medical prescribing in the community to be extended. HSSD has asked that suitably qualified health professionals, other than doctors and dentists, employed by HSSD be allowed to issue prescriptions for patients in the community within their own level of professional competence.

HSSD has explained that health care is now delivered by a range of health professionals working in multi-disciplinary teams, which are often not led by a doctor. It has therefore become more necessary for the responsible health professional to have access to a wider range of interventions, including prescribing, for the cost effective and timely delivery of care.

In the UK health care professionals other than doctors and dentists have been permitted to prescribe medicines for several years.

Now, I will leave it to my Deputy Minister, who is far more qualified and knowledgeable in this field, to explain in some more, but not too great detail, I hope, (*Laughter*) the case for expanding non-medical prescribing and the advantages of doing so. I believe she can tell this story very quickly and very briefly and concisely.

Suffice it to say that the Social Security Department is satisfied that the extension of non-medical prescribing will assist with the cost effective and timely delivery of health care.

HSSD has assured us that the necessary clinical governance structure is in place to ensure that non-medical prescribing may be extended to community settings in a safe and effective manner. Authorisation to prescribe will be conditional on the health professional concerned holding the relevant qualifications and having received such training as is required by HSSD for this purpose.

To keep the thing in proportion, the number of non-medical prescribers issuing prescriptions for pharmaceutical benefit will initially be in the region of three to five people, although that is expected to extend fairly quickly once the initial trial has worked. The extension of non-medical prescribing is supported by HSSD's Drugs and Therapeutic Committee and also by its Professional Guidance Committee.

I trust that this will provide Members with the necessary comfort that this is a sensible development. I ask Members to support the Department's proposal.

The Bailiff: Deputy James and then Deputy Luxon.

Deputy James: Thank you, sir.

I am not sure whether my Minister was suggesting that I talk too much, but I will keep it brief.

Non-medical prescribing was first recommended in the Baroness Cumberlege report in 1986. However, nurses were given very, very limited prescribing rights, with district nurses and health visitors first getting access to a limited national formulary. Perhaps not so surprising, initial objections from medical health professionals have been abated as evidence of improvements to access, patient safety and patient centred care continued to strengthen the foundations underpinning nurse prescribing.

It is now well established in the UK as a mainstream qualification, with 54,000 nurse and midwife prescribers in acute care. To qualify as a nurse prescriber, nurses must undertake a recognised nursing and midwifery accredited prescribing course through a UK university.

Sir, there is copious evidence to show that nurse prescribing – and I know that this is in general non-medical prescribing but I am talking particularly from a nurse prescribing perspective... there is copious evidence to show the value of nurse prescribing.

In England the Department of Health in 2000 published a Health Service plan where it made firm commitments and pledged an extra £10 million to train 10,000 more nurse prescribers and to extend the role.

In Scotland, in August 2010, the Scottish Government produced a progress report on nurse prescribing in Scotland, showing that nurse prescribing produced better care for patients, faster access to medicines and better use of nurses' and doctors' time. The practice of nurse prescribing was seen to foster better communication between health professionals, support key health care

2815 policy in Scotland, including the shift from acute driven to community driven services, and caring for an ageing population with an increase in long-term conditions, and focussing on wellness rather than treating illness.

In Wales, the legislation for non-medical prescribing was passed in 2007 and since then the Welsh Assembly Government has funded many courses for nurses.

2820 In Northern Ireland, nurse prescribing in Northern Ireland was extended through legislation in January 2007, to allow qualified nurse prescribers to prescribe any licensed medicine for any medical condition, including some controlled drugs. Associated guidance is published by the Department of Health & Social Services.

2825 So I think that I have outlined fairly clearly to the Assembly that this something that Guernsey is way, way behind. I know that certainly I have heard discussions at Health & Social Services for many, many years about the prospect of nurse prescribing and this is *long* overdue.

I know that this is a paper from Social Security but, just for information to the Assembly, I would like to give you some indication of the level that nurses are practising at now, certainly within Health & Social Services.

2830 We currently have five consultant nurses. We have consultant nurses in pain control, diabetes, urology, respiratory and an adviser in occupational health. Can I just say – I will single one out there – our consultant nurse in diabetes probably knows more about diabetes than anyone else on this Island, so it is a nonsense that her expertise is not utilised. (**A Member:** Hear, hear.) We have seven surgical specialist nurses, we have nine medical specialist nurses, we have 10 cancer specialist nurses and four community adult and children's specialist nurses. All these people are working at advanced level.

So I would urge you to support this Proposition unanimously.

Thank you.

2840 **The Bailiff:** Deputy Luxon and then Deputy Conder and Deputy Bebb.

Deputy Luxon: Sir, very briefly would like to thank the SSD Minister for laying this policy letter. HSSD asked SSD to do that and obviously the department fully supports the proposals and the reason I know that is true is because Deputy James told us that we had to support these proposals! (*Laughter*) And Deputy Hadley agreed too.

2845 Sir, this is a good example of SSD and HSSD working together and over the last eight months I commend Members to recognise the incredible support, both from the SSD Minister and his board and department, on matters to do with both departments. It has been a pleasure working in that cross-departmental way.

2850 Finally, Sir, Deputy James has outlined why this is an example of transformational behaviour where we ask non-medical people and lower qualified people to actually undertake some work that they are perfectly capable of delivering at excellent service levels, which releases those highly qualified consultants, doctors and consultant nurses to be doing more important work. This is an example – a very small example – of the beginning of transformational reform that I urge Members to support.

Thank you.

The Bailiff: Deputy Conder.

2860 **Deputy Conder:** Sir, this is an excellent Report which I fully endorse and hope that we will all support, and by a large majority.

Sir, I have one question for the Minister which I would be grateful if he would respond to, but before doing so can I declare an interest? I was, until recently, a board member of the Anglo-European College of Chiropractic.

2865 Sir, my question is, in the definitions on page 1725 it includes:

'Allied Health Professional supplementary prescribers who have completed the V300 prescribing programme.'

– and gives examples such as physiotherapists, radiographers and podiatrists; could I ask the Minister if, on the basis of them having undertaken the V300 prescribing programme, whether practitioners such as osteopaths and chiropractors would be eligible under this policy?

2870 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Thank you, Mr Bailiff.

I find myself in the strange position that I am going to go further than what Deputy James said. I remember looking into this quite some time ago when I was on HSSD, and I think that the one point that is being missed and I think that we should not miss it in debate, is that generally in the UK the extension of prescribing to non-medical professionals has seen an *improvement* in prescribing practice. So it is not just the fact of being able to, but it is also the general practice of prescribing, when extended to those people who spend more time with their patients, is generally improved.

2880 Whilst that is generally understood, I do have one concern and it is not in relation directly to the proposal – I think that we should definitely support it as it stands, but I am concerned that we need to be able to audit prescribing practices and, by extending the ability to prescribe further than where it currently is, of course, it raises a very real question as to the Social Security Department's capability for auditing prescription practices. I think that is something that we are currently behind on and I would like to ask the Minister whether the department is looking at any other means of auditing on a regular basis, given that I know that auditing at the moment is quite a headache.

2890 One other thing that I think Deputy James missed is that this is a key proposal to improve retention and recruitment of staff, because nurses here in Guernsey currently who have achieved the V300, I think it is called, qualification are not able to prescribe. And nothing could discourage someone more than to have gained a qualification to do something and then to be told, 'But you are not allowed to do it in Guernsey.' I am aware of at least one – I am sure that it isn't a lone case – of a nurse who decided that enough was enough, she wanted to maintain her V300 qualification, and the only way of doing that was to leave the Island.

2895 Therefore, this is eminently sensible in every single way, but I do think that the time has now come that the Social Security Department needs to address that audit question and I would be very interested to hear from the Minister how they are looking at that question at the moment.

Thank you.

2900 **The Bailiff:** Deputy Brehaut.

2905 **Deputy Brehaut:** Just a very small point, sir. The Minister said that... well, from my experience, the health process, the system of care, the clinical environment does still like, in places, hierarchy, unfortunately, and you often find an interesting dynamic when consultants deal with 'mere nurses' in some settings. So to say that empowering nurses frees up other people to do more important things is not the way I would have put it. For example, we have an excellent respiratory nurse, and that is a role in its own right, rather than freeing someone else off so they can do something more important.

Thank you.

2910

The Bailiff: I see no-one else rising to speak, so the Minister, Deputy Langlois, will reply to the debate.

Deputy Langlois: Thank you very much, sir.

2915 Thank you to Deputy Luxon and my Deputy Minister, Deputy James, for their explanations and their confirmation of the co-operative work between the two departments.

Deputy Conder, if you want an absolutely frank... it will probably be dangerous to put these precise words into *Hansard*, but I will, I will take a chance – not a clue, is the answer to your question. You will see that actually you were reading from the HSSD background report. It is in a technical area. I will undertake to make that enquiry and get that back to you in writing. And obviously if there are people out in the community who want that question answered, they are at liberty to approach HSSD or SSD for that answer.

Deputy Conder: Thank you very much.

Deputy Langlois: Perhaps I should say I will defer answering that question informally until I am confident that I have the right answer... perhaps would be better.

Deputy Bebb, I think, has raised the question of auditing of prescription practices on a previous occasion, in a slightly different form, and I would say that we are in a stage at the moment where we are currently in constant review of the relationship with, particularly, pharmacists and the prescription areas of that sort.

I would be interested for Deputy Bebb to talk to my team in some more detail about what level and frequency of auditing he is referring to, but it is something we are very conscious of and I assure him that we will not put it low down on any priority list.

I would stress, of course, that we have, as I said in my speech and as it says in the Report, had sound assurances from HSSD, particularly in the present climate that we debated yesterday, to the effect that they are very happy about the governance arrangements that are in place to deliver all these services safely.

That, I think, answers the questions that have been put, so I hope everybody will support this.

The Bailiff: The two Propositions are on page 1742. I put both to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

ENVIRONMENT DEPARTMENT

XIX. Residential On-street Parking Scheme – Propositions carried

Article XIX

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 11th May, 2015, of the Environment Department, they are of the opinion:

- 1. To approve the introduction of a new residential on-street parking scheme as described in paragraphs 4, 5, 6 and 7 of that Policy Letter which will replace the existing residential on-street parking schemes described in paragraph 2.1 of that Policy Letter.*
- 2. To approve the introduction of a new parking clock (which states the day and the time) which residents utilising a residential parking permit or persons parking in a 23 hour approved parking place will be under an obligation to display, as described in paragraphs 4.2 and 4.3 of that Policy Letter.*
- 3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.*

The Senior Deputy Greffier: Article XIX, Environment Department – Residential On-street Parking Scheme.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

I am pleased to lay this policy letter before the Assembly and I have asked the Deputy Minister, Deputy Brouard, to respond to the debate.

The idea of reorganising the existing residential parking schemes was first put forward as part of the department's 2006 Transport Strategy. At that time, it was presented as little more than an expansion of the two overstay schemes to provide wider concessions for St Peter Port residents. The proposals within this Report go further and invite Members to consider a much improved approach to residential parking.

The key feature to bear in mind is that the scheme is based on the principle of encouraging and assisting residents to park near their homes in order to reduce the pressure on long stay spaces in the compounds of North Beach, Salerie, Odeon and in other central areas. However, to do so requires prioritising a number of long-term on-street parking spaces in St Peter Port as residents' parking spaces.

It is characteristic of the Town area that parking is available both within designated sites and on the roadside. Ideally, the streets would be retained predominantly for use by residents and the designated sites would function mainly for incoming traffic, commuters and visitors. It is with this in mind that the scheme has been designed.

Traffic surveys have shown that considerable numbers of residents in St Peter Port move their vehicles at various times in order to secure long-term parking during the day. The zoning or the parking spaces around their homes do not currently enable them to leave the vehicles there for the day and hence they move them to the off-street compounds where longer-term parking is available to them.

This activity is undesirable for a number of reasons: it is frustrating, time consuming and inconvenient for the residents; it takes up long-term parking spaces in the compounds and on designated sites that should really be the preserve of commuters and visitors; and it adds to congestion on roads and in Town, especially at times of high traffic flows.

By offering concessions to residents for extended day parking, it is considered that these issues can be addressed to some degree and there can be a gain for residents, commuters and visitors. Two factors must be taken into account in assessing the proposals.

Firstly, is the balance right? There has to be a geographical limit on the scheme; the borders must stop somewhere and this means that some residents might find they are located near the streets where the scheme operates but are not entitled to take advantage of the concessions.

There is, however, enough flexibility in the scheme to make adjustments as needs and changes in circumstances might indicate, but the Environment Department will need to act with caution. It is not, for example, appropriate to expand the scheme beyond the areas where it might be reasonably assumed that commuters and visitors would choose to park.

Secondly, will the introduction of an administration charge for residential parking deter vehicle owners from joining the scheme? As is explained in the text of the Report, the charge is required to cover the cost of administering the scheme. This scheme stands on its own merits and should only be considered on these terms. However, our evidence is that there is a call from residents for the residential parking schemes and we believe the scheme will be embraced.

One of the criticisms of the scheme that has been aired publicly is that it will increase the value of properties in Town. Some people have stated that those with properties in the area bought them without parking and therefore why should the States facilitate parking? Leaving aside the somewhat dogged nature of this criticism, I do not think it has much basis in fact. Belonging to the scheme provides no guarantee of a space; indeed, the demand for spaces markedly exceeds the supply. More importantly though, the idea behind the scheme rests in an overall social good

of reducing unnecessary vehicle circulation through the back streets and main thoroughfares of St Peter Port, as previously described.

I am hopeful that the new scheme once enacted will be seen to make a difference by addressing the issues set out above and I ask you to support the Report.

3000 Thank you.

The Bailiff: An amendment has been circulated. Do you intend to lay that amendment, Deputy Brouard?

3005 **Deputy Brouard:** Yes, sir, if I may. Thank you, sir.

The Bailiff: Can I suggest that it be read as listeners on the radio will not know what it is about. Do you wish to read it or would you like the Greffier to read the amendment. Greffier.

The Senior Deputy Greffier read the amendment.

The Bailiff: Deputy Brouard.

3010

Amendment:

1. To insert at the end of Proposition 1 'except that the initial price of parking permits will be £200 for three years, with the option to pay annually.'

2. To insert a new Proposition 4 as follows: '4. To direct the Environment Department to bring a report back to the States by no later than the end of 2018, reviewing the residential on-street parking scheme.'

Deputy Brouard: Thank you, sir.

I have been wrestling with this particular item as to whether or not to support the residents' parking scheme. I am particularly nervous with regard to commuter traffic and the displacement of the 430 commuter traffic parking spaces, the five and 10 hours that we have now. But I do, on the other hand, fully take on board the initiative from the Environment Department, which is that if those cars are not moved, maybe they stay where they are and that maybe will free up some parking spaces on the main... on the Piers, North Beach and Salerie. So I do understand what they are trying to do in cutting down the number of journeys, but I am nervous and what helps me to overcome the nervousness is that there is going to be some extra good from it.

3020 I just want to quote a very quick word from the 2006 Environment proposals about the residents' parking scheme which is this – this is now it coming to the fore:

'To apply any surplus to improvements in the provision of alternative forms of transport, in particular, to improve facilities to encourage walking and cycling.'

So, although I may have been a philistine yesterday, today I am now doing something which Deputy Ogier accused me of – of not compromising; here I am trying to compromise and come closer to Environment. The proposal that I am offering is, by doubling the fee – and I will talk that a bit more – it will bring in over a three-year period an extra £300,000 to the Environment Department to use for the very things that it wants to do to improve in the public realm.

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Now, the maths of this is that they estimate that they will sell about 3,000 permits at £100 each for the three years, bringing in about £300,000. I do appreciate that if you double that fee you may not sell so many, so I do appreciate there might be some fall. But somehow – I do not know why and it is very subjective; it is just as subjective as the Environment's figures in the first place... is that £33 for the option to be able to have a residents' parking scheme and leave your car in position, maybe over 23 hours, because depending on the timing and the zone that you are in, you can actually leave your car for quite a lot longer than the 23 hours, seemed low. Now, I was going to look at perhaps £100 per annum but I had a chat with Deputy Brehaut and he was

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3035 indicating that that might be too expensive for some people, so hence the figure of £66 per annum.

I appreciate that if you went without this proposal, you went and bought your three-year permit it would cost you £100. I am giving the option that if you buy your permit you can buy it on an annual basis so you would only have to pay £66 or £67 to get the permit. I think that is a better starting position, and I will feel happier with some contribution to the public realm from this particular scheme.

The review is also very important and we have had this so often with items in the States. We start these things off but we do not review them soon enough so I would... Even if this item fails – I hope it does not because I think it brings in some very useful extra funds for the Environment Department and reflects more fairly, I think, the advantage or the right to buy that someone gets by paying £66 to have a resident's parking permit... but it also brings in the option that in three years' time – which is quite a way away, that is all 2016, all 2017 and the end of 2018 – we have a review to see if it has actually worked. Has it caused more problems? Is it better? Has it stopped the journeys? Has it freed up a bit of commuter parking on the main car parks etc.?

3050 So I think the review would need to happen and I would ask the Minister even if this... I was going to split it into two amendments but I thought, rather than take the States' time up I would put them both together, but I would be grateful if the Minister would be able to give an undertaking that a review would be brought back to the States, whether this amendment sails through or whether it crashes.

3055 Sir, it is an option for us. I think it is a fairer price. Those extra funds go to the Environment Department and in that way I salve myself, as it were, that I can then support the trial of this residents' parking scheme. Please, Members, support it and I would like to thank my seconder for enabling me to lay it.

Thank you, sir.

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

Deputy Perrot: I do, sir.

3065 **The Bailiff:** And, Deputy Burford, do you or another representative of the department wish to speak on the amendment at this stage?

Deputy Burford: No, I will speak at the end, sir.

3070 **The Bailiff:** At the end. Deputy Kuttelwascher.

Deputy Kuttelwascher: Yes, why not. *(Laughter)*

Sir, I have to declare an interest, because I live in a street which will be covered by this and is currently covered by the existing scheme.

3075 The first thing I thought when I saw this, having been involved with mathematical procedures in my physics studies, is that 200 does not divide by three, but that is incidental, so you are going to have an odd number of annual payments if you want to pay annually, which is unfortunate but it can be sorted.

3080 The only other comment really I have is there was a reference to 10-hour spaces being commuter parking spaces – what a load of nonsense! Most of the residents I know who do not live in an area with residential... park in 10-hour spaces, and when the time comes they just move it to another 10-hour space. So to think that somehow 10-hour spaces are reserved for commuters is just not the case and I think introducing what is being introduced will make no difference to the 10-hour spaces.

3085 Having said that, I am going to oppose this because the intention always was this was going to be a charge to reflect the cost of providing the clocks. If it is now going to turn into a tax, my

goodness, this to me is the worst form of hypothecations because it will only be the residents of some areas of St Peter Port and St Samson's who will be funding a general strategy for the benefit of all and I just find that uncomfortable, as I always have.

3090 So I will not be supporting this amendment.

The Bailiff: Deputy Le Clerc.

3095 **Deputy Le Clerc:** Sir, I am just speaking on the amendment. I tend to agree with Deputy Kuttelwascher. I am not sure that I can agree the increase. There has been no consultation on the increase. Actually, there was a comment from the Constables' Office that they did not feel that they had approved the original consultation – which it says on page 1749 – and in fact one of them, who is quite a vociferous person, said it was 'a bag of spanners' – the whole Report. But I definitely cannot agree with the increase.

3100 Thank you.

The Bailiff: Deputy De Lisle, then Deputy Brehaut.

Deputy De Lisle: Thank you, sir.

3105 This is not providing any additional residents' parking, which is what we should be looking at, actually. And I will not be supporting doubling the rates proposed in the policy letter, set at the moment at £100, which is up from £75 to £100, and what the noble gentlemen to my left want to do is to double it to £200.

3110 Now, sir, both these hon. gentlemen, of course, (*Laughter*) have huge backyards for multiple parking facilities (**A Member:** Hear, hear.) and I think it is very unfair for them to be subjecting people with very limited parking in town to doubling their rates for parking in front of their own front yards! (**Several Members:** Hear, hear.) (*Applause and Laughter*)

3115 Shame on them, (*Laughter*) and I would like to ask them, in summing up, whether it is the people in the west that have asked them to bring this forward or whether it is via their own premonitions; because I do not think the people in the west want to subject the Town people to doubling their rates.

Now, sir, (*Laughter*) I would also like to ask them whether they would consider withdrawing this amendment, (**Several Members:** Hear, hear.) in fairness to people in this Island, but particularly people in the Town.

3120 Also, I would like to ask the Minister, Deputy Burford, given that there is such a lack of additional parking – residential parking, I mean – for town residents, can I ask the Minister, Deputy Burford, whether she and her board will consider reviewing again the policy with respect to sites for off-street parking in Town. In other words, for residents to have that additional amenity through the reservation or the construction or whatever it requires, in certain areas within these zones to provide additional parking for the residents in Town.

3125 Thank you, sir.

The Bailiff: Deputy Brehaut.

3130 **Deputy Brehaut:** Thank you, sir.

I only want to respond to what Deputy Le Clerc said and I will leave my Minister to sum up.

3135 I attended the Douzaine meeting where the issue was raised. The Constable's complaint was – and a legitimate one, by the way – that they were asked for consultation and the consultation was not included in the States' report and not appended to it. I do not know why that happened, sir, and I would apologise for that. However, when... there is no however, sorry.

The Constable did say – the former Constable, because the gentleman is no longer Constable – was that the streets identified for residents' parking should be left to shoppers and commuters and should be kept clear. He also said that the States should acquire land to move residents who

3140 park outside their properties into areas off of the street, where they can park and pay a fee to do so. So if that was the nature of his representation, I do not know but that is what was said on the evening in the Douzaine.

Thank you.

The Bailiff: Deputy Stewart.

3145 **Deputy Stewart:** I just really wanted to ask, in relation to the consultations – and I thank Deputy Brehaut for that clarification but – it seems that the St Samson constables have been omitted. Were they, indeed, consulted and there is an omission?

3150 **Deputy Brehaut:** All I know with regard to those, the Billet refers to the Housing Department and it refers to St Peter Port Constables. By the absence of anything referring to St Samson, it may be deduced that they were not consulted, but I do not know that to be a fact.

The Bailiff: Deputy Bebb.

3155 **Deputy Bebb:** Thank you, Monsieur le Bailli.

I would just like to congratulate Deputy Brouard on this amendment, because for the first time, I think, I will be voting the same way as Deputy De Lisle and I thank him for that! (*Laughter*)

3160 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you.

I too will not support this amendment. When we initially looked at it as a department board it was a possibility to raise the rates but there were technical reasons why that was not a good plan and this, effectively, just makes people who are not necessarily the wealthiest on the Island pay more for a permit.

3165 We have got rid, in the last few months, of paid parking; we have got rid of even the paid parking clock, so why are we now trying to raise money for the strategy from residents' parking permits? It is not meant to be a revenue raising exercise; it is meant to be just a concession and a way of ensuring that we reduce unnecessary movements and that we have a fairer balance of commuters, other users and residents. If anything, it is meant to alleviate traffic problems. The problem with raising this rate is inevitably it might put off some people going for parking permits and that would then lead to further repercussions and would defeat the purpose of the policy.

3170 I do, generally, support the residential parking scheme, of course, that we are putting before you. I would say that there might be things we might have to tweak down the line, but this is a solid piece of work that will achieve a lot of goals, not just for Town but for its residents.

3175 **The Bailiff:** I see no-one else rising. Deputy Burford, do you wish to speak before Deputy Brouard replies?

3180 **Deputy Burford:** Yes please, sir.

We must be entering some kind of late Friday afternoon parallel universe (*Laughter*) because not only do we have Deputy Brouard, who has been trying to take money away from us for 15 solid months, now trying to give us some, (*Laughter*) but I also find myself agreeing with what Deputy Kuttelwascher said in terms of the charging policy.

3185 I think this is an effort, this amendment, to micro manage policy to a quite ridiculous extent. It is not going to cost the Department £200 to issue these permits. If we look at the Policy Council's strategy for fees and charges then this is a charge to cover the administration. Otherwise, we look at straying into the area of a tax which I am not keen on doing. But I also have a concern that an annual renewal rather than a three-yearly renewal is just more paperwork.

Now, in terms of the second part of the amendment, only a few short hours ago Members in this Assembly supported Proposition 9 of the Transport Strategy Funding which requires the department to come back with a complete review of the Transport Strategy by December 2018. The residential parking was included in the original Transport Strategy so I really do think that point has been covered off in something that you have already all approved today.

So I would simply say that I would like to see how this pans out at the charges that we have suggested and I would ask you to reject the amendment.

Thank you.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

Thanks for the very strong steer. *(Laughter)* Obviously I am having a Deputy Bebb day.

The whole point was covering off from the original idea which was that the extra money raised would be used for the public realm and for the good of Islanders, and at £33 a year it just seemed extremely light, that particular option. But I am quite happy to take it away – that the States are not interested in the extra money for the Environment Department and I take that as my steer, so thank you very much and my apologies are taking your time. *(Interjections)*

The Bailiff: Deputy Dorey.

Deputy Dorey: Sir, before voting I declare an interest that a company I am a shareholder of owns a property in New Road, which is covered as a black area.

The Bailiff: We go to the vote then on the amendment. Those in favour; those against.

Members voted Contre.

The Bailiff: I declare it lost. *(Laughter)*

Right, does anybody wish to speak in General Debate?

Deputy Domaille.

Deputy Domaille: Thank you, sir.

As a St Peter Port resident, I am well aware of the shortage of parking in St Peter Port and the consequences for residents and businesses and, as such, any proposal that may make life easier for some of our community, albeit a relatively small number, I have to welcome.

But that said, I do have some concerns and I did have two questions for the Minister but it has got down to one now, but there we go. My first question I was going to raise out of this consultation issue but Deputy Brehaut has already explained to the House –

Deputy Luxon: Sir, I do not think people will be able to hear Deputy Domaille.

Deputy Domaille: It is on. Can you hear me now?

The Bailiff: His microphone is on.

Deputy Luxon: You must speak into it, Deputy Domaille.

Deputy Domaille: Oh, I do apologise I was looking at you. *(Interjection)* Oh right, thank you very much.

Right, okay so basically I am supporting the measure but I have now one question. I was going to raise the issue of consultation; Deputy Brehaut has dealt with that, in a way, but if it is possible

3240 at all, perhaps the Minister could give a *very short* indication as to whether the consultation was generally supportive or not, that would perhaps help the debate, but it is not... it is housing and constables, I think, it was.

3245 **The Bailiff:** I think it is the Deputy Minister who we have been told will be replying to the debate, sir.

Deputy Domaille: Oh, I am sorry. Not only do I not speak into the microphone, I do not listen, I do apologise! (*Laughter*)

3250 I will turn now to my concerns. Sir, this Report highlights one of the consequences of the shortage of parking in town and the need for residents to keep moving their cars solely for the purpose of securing longer-term or overnight parking. The reduction to these movements is a principle aim of these proposals, as stated in paragraph 5.2. However, even if these proposals are approved, the most fortunate of St Peter Port residents will enjoy a parking ratio of only one space for every eight vehicles. In some areas it will be as low as only one space for every 10 or 11 vehicles. In St Sampson it will be closer to one in every 23 vehicles registered. So these proposals are clearly not going to solve the problem and the department is not claiming it solves the problem – I am not criticising it for that at all.

In addition they may – as the Report recognises – aggravate other residents who do not have access to the same benefits offered by these proposals.

3260 Importantly, even these relatively low ratios require the removal of over 400 long-stay car parking bays. This will have, or may have, significant consequences for those working in town and will, or may, inevitably increase the problem of workers and businesses moving their vehicles through the day. The proposals may actually increase the very problem they are aimed at reducing.

3265 I realise some will argue that some residents with permits would not be occupying long-term spaces, for example, on North Beach, that they do now. But given the overall shortage of parking is a real problem and the fact that some commuters will be forced to use short-term spots and move their cars through the day, I believe the overall effect will be, at best, no change in the number of vehicle movements. At worst, there will be more disruption, more frustration and more vehicle movements, as vehicle owners play musical chairs to get one of the fewer remaining spaces.

3270 Sir, all this demonstrates the problem of lack of parking in the main areas of St Peter Port and St Sampson which leads to my question for the Minister. In view of the acknowledged shortage of parking and the majority of the population's need for cars, why has the department drafted guidance for parking provisions that seriously reduce the number of car spaces to be provided, especially in any development in St Peter Port and St Sampson main areas?

3280 This guidance on parking provisions, which has not been subject to consultation, turns existing minimum standards into maximum standards. By way of example, it restricts a typical three-bed property to one car parking space. With the presumption it will be a small car. This is entirely unreasonable. Many working families and couples require two cars; some families require a van for their business and a car for personal transport. Where will they park the extra vehicle? The guidance makes no allowance for visiting friends and relatives or for attending care workers including doctors, nurses etc. People who require special vehicles, such as wheelchair users, may well not be able to park on their property, and visiting trades will have to find parking elsewhere, away from the property they are working on.

3285 These reduced parking provisions can only increase the movements of vehicles and make life intolerable for residents, with even more people hunting for spaces. This is in direct conflict with the aim of this Report to reduce unnecessary traffic movements, especially when combining the increased number of commuters looking for parking spaces as more developments come forward.

3290 I look forward to the Deputy Minister's explanation of the department's apparent conflicting approaches to residents' parking.

Thank you, sir.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I really am in a dilemma; I just do not know how to vote for this. When I was knocking on doors in St Peter Port – probably like a lot of other Deputies for St Peter Port, particularly in St Peter Port North – there were lots of complaints from people living in the Paris Street, Canichers area about residents' parking. However, when I have tried to contact people and ask for their feedback – and what I did for every single e-mail that I had about the Town sea front, I went back and asked them what they thought about SLAWS and what they thought about the St Peter Port residents' parking and particularly those that lived in St Peter Port. And actually I received no feedback, and I think we had at least 150 e-mails on the town sea front.

So it is very, very hard to gauge what the public and the people of St Peter Port actually want, because they are not happy with what they have currently got but when I have asked them for feedback on the new scheme they have not provided feedback.

We have also got residents who live in the Ville au Roi that have been complaining because they have had people parking business vans overnight, taking their car home and then coming back in the morning, parking their car and moving the business van. So we have got very different areas of St Peter Port with very different needs, and I still really have a dilemma.

I welcome Deputy Domaille's thoughts and his concerns, because they really are the same as mine and I really do not know which way to vote on this. As I say, I have asked for feedback from residents and that has not been very forthcoming, so I remain to be convinced.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Sir, I am in exactly the same position as Deputy Le Clerc with regard to St Sampson. I do not think we have been consulted or certainly I have not been aware of any consultation, as a Constable or as a Deputy, from Environment.

As far as the parish surgeries that have been going on, no-one has raised any issues about needing this kind of parking, except for the complaint that there are people with commercial vehicles swapping them for their cars. I am in the same dilemma.

The Bailiff: I see no-one else rising so the Deputy Minister, Deputy Brehaut, will reply to the debate.

Deputy Brehaut: Thank you very much, sir.

I think Deputy Domaille made the comment that there is a shortage of parking and the reason that there is a shortage of parking is because there is absolutely no shortage of cars. (**A Member:** Hear, hear.) And it is I problem that, I know when we are talking about the Transport Strategy generally, you can, to an extent, take people with you. Then, when you illustrate to people what is under their nose, which is a town out there, perhaps still at this time drenched in traffic, and in the morning saturated in traffic and for the most part of the day smothered in cars, that is the context that we deal with residents' parking.

So if you happen to live in Victoria Road, for example, and you have a family and you are going to work and your car has to be moved; if you think of some of the make-up, the built environment of inner St Peter Port, it is bedsit land and there are large families living in some houses within St Peter Port, and if they get a £30 parking ticket more than once a week, it is something they do not want to happen and they try and avoid it by moving their car.

So if you are the young dad or the young mum that jumps into the car because you have to move it, what do you then do? You then do not drive back because your space has been lost, you

simply drive to work and, to get to work, you take up a commuter space. So the whole idea is that, in people not having to move, you do not occupy a commuter space.

3345 This was a note I sent to a parishioner following an enquiry I had – if I can find it. I will just read it because it is helpful:

‘Residents do, under the present scheme, park in 10-hour slots. This means that they are often not available for commuters and visitors to Town, especially in places such as the Odeon. By re-designating the on-street long-term parking spaces we are hoping to release more of the compound parking spaces for commuters or visitors, while at the same time making more long-term parking available for residents.’

3350 There is always a tension, there will always be an issue with what St Peter Port is all about and this comes through usually at the Douzaine when I attend and the tension is: is it where people live; is it where people come to work; is it where people come to shop? And, of course, it is a combination of all three. So this is not, to use that phrase that is used a lot in this Assembly, we recognise this is not a panacea and there will be elements that we go back to.

While I was on my feet I was given a note by the Minister who I think had had a response from staff to say that no objections were received from the constables.

3355 But I just wanted to make... The Island Plan is in the process of consultation at the moment so it is not a finished document, it is not complete. And I just wanted to refer to... Sorry, it is just useful to read from further representations, or rather responses, given by the department on further representations, and I hope I find the right one straight away, yes:

‘Therefore, in accordance with the States approved Strategic Land Use Plan and the Integrated On Island Transport Strategy, the policy approach of the draft Plan seeks to balance the requirements of motor vehicle users, including provision of car parking in the Main Centres, with the wider objectives to promote sustainable transport choices and reduce congestion, make the most efficient and effective use of developable land and enhance the environment of the Main Centres for all users.’

3360 Now, in that paragraph it embraces, talks, speaks to, the dynamic, the tension of signing off, as you did some months ago, a transport strategy, and acknowledging in doing that that properties that are designed to remain in existence for 300 years, possibly, at the time they are built, have... for example, are architecturally compromised because during the 21st century most families drove 8, 10 or 15 cars or something like that. So the document is still out for consultation.

3365 We must, if we are to sit in this Assembly respectfully, I do not think we should pick and choose elements of a policy that have been collectively signed off but I would urge you to support these proposals because for people who live in St Peter Port, all they want to do is to have a car in close proximity to their property, not to move it to a long-stay place, not to get a fine for overstaying and it makes things convenient for *them* as well as convenient for their family and commuters.

So I would ask the States to support this.

3370 Thank you, sir.

The Bailiff: Deputy Paint.

3375 **Deputy Paint:** Sir, I do not know if it is legal or not but I would just like to make a point of order on what Deputy Brehaut said. He used the term the Town was ‘drenched with traffic’ but only a couple of weeks ago he put photographs on, I think, it was the *Guernsey Press* site where at rush hour there was no traffic, so I think this is a bit dodgy.

Deputy Brehaut: Can I address that, sir?

3380 I think we can safely say a car that is moving, I would refer to as ‘traffic’; a car that is parked I would refer to as ‘parked’. This is a residents’ parking scheme and our piers and the environment of St Peter Port are drenched with parked vehicles.

Thank you.

3385 **The Bailiff:** Members, there are three Propositions on page 1757. I put all three to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

SOCIAL SECURITY DEPARTMENT

XX. Extending the Eligibility for Industrial Injuries Benefits – Propositions carried

Article XX.

The States are asked to decide:

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

1. To amend Section 40(1) of the Social Insurance (Guernsey) Law, 1978, to the effect that a person directed by the Administrator to participate in an employment training programme or an employment training course operated by or on behalf of the Social Security Department, or approved by the Social Security Department, shall be deemed to be gainfully occupied under a contract of service for the purposes of the Part of the Law relating to entitlement to industrial injuries benefits.

2. To amend Section 40 of the Social Insurance (Guernsey) Law, 1978, to give the Social Security Department the power to prescribe by regulation additional categories of persons to be treated for the purposes of industrial injuries benefits as employed persons.

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

The Senior Deputy Greffier: Article XX –

3390 **Deputy Lester Queripel:** Sir, can I make a request for a break, please? Could you put it to the Assembly please, sir?

The Bailiff: Well, I will put it to Assembly. I was intending, as we did not start until quarter past three that we keep going, (**Several Members:** Hear, hear.) but I will put it to the Assembly.

3395 I put to you the motion that we rise for a 10-minute break. Those in favour; those against.

Members voted Contre.

The Bailiff: We will continue.

Deputy Langlois will open the debate on the Social Security Department policy letter on Eligibility for Industrial Injuries Benefits.

3400 **Deputy Langlois:** Thank you, sir.

I think that, once again, this is a relatively short and simple Report. The proposals contained in this policy letter have actually arisen as a result of the introduction of Social Security's Work2Benefit Scheme. That scheme was launched late last year and it is part of a package of proposals to reform supplementary benefit with the prime aim of incentivising work.

3405 Work2Benefit is, in a simple term, a mandatory work scheme and training scheme for long-term jobseekers. The participants carry out work on projects which are of benefit to the

community or the environment in return for continued receipt of their weekly cash benefit. In other words, sir, if they will not undertake that sort of activity then they will suffer sanctions and have some benefits withdrawn.

3410 There is no additional payment by way of wages. Work2Benefit has been designed to provide a variety of work opportunities, to act as stepping stones to other Social Security schemes or, hopefully – more hopefully – to paid employment. So it is part of an ongoing process of getting people who have got into the long-term unemployment trap back to work.

3415 The scheme has embedded well and we are starting to see some positive results, and I use the highly quantitative term with a handful of long-term jobseekers moving into paid employment or onto other training schemes. But, of course, it is a handful because of the low level of long-term unemployment that we suffer in the Island. Of course, for every jobseeker who secures employment and becomes self-sufficient the Department will make significant savings year-on-year as we no longer have to pay those benefits.

3420 In designing the Work2Benefit scheme, it became clear that – and this is where the technicality which has provoked this Report came from – as the law currently stands, participants would not be eligible to claim any of the three industrial injuries benefits available under the Social Insurance Law if they were injured or contracted a prescribed disease while engaged in this sort of activity on the scheme.

3425 The three industrial injuries benefits are industrial medical benefit, industrial injury benefit and industrial disablement benefit and I will briefly describe those: industrial medical benefit is a benefit that pays for medical treatment connected with an accident at work or with certain prescribed diseases known to be a risk from certain jobs; industrial injury benefit – a weekly cash benefit similar to sickness benefit which cannot be paid at the same time, payable to people
3430 under 65 who are unable to work due to an accident at work or by reason of a prescribed industrial disease; and industrial disablement benefit is a weekly cash benefit payable to a person who has become disabled as a result of an accident at work or prescribed disease caused by the job.

The amount of benefit payable is based on the degree of disablement and that is assessed by
3435 a medical board and expressed as a percentage of the maximum. At present, entitlement to these three industrial injuries benefits is limited to people who are employed or self-employed as defined by the law or otherwise gainfully occupied under a contract of service. Those definitions do not, at present, include people who are engaged in a work programme or courses, without formal earnings but with their benefits continuing in payment. This means that the people
3440 engaged on the Work2Benefit Scheme, the 'Get into...' courses, work trials and work experience placements, all of which are operated or facilitated by my department, are not covered for industrial injuries benefits.

Our staff – and in the case of the Work2Benefit Scheme, the department's contracted supplier – carry out risk assessments of work places, naturally, and work tasks in order to minimise the risk
3445 of an accident occurring, but clearly the risk of an injury cannot be eliminated altogether. We therefore believe that people engaged in our unpaid employment training programmes and courses should be eligible to receive the protection of industrial injuries benefits if they suffer a work injury or contract a prescribed disease through that activity.

This will require a minor amendment to the Social Insurance (Guernsey) Law 1978 in order to
3450 deem such persons to be gainfully occupied under a contract of service for the purposes of the part of the law concerning industrial injuries benefits.

We also recognise that there may be a future need to further extend the categories of persons eligible for industrial injuries benefits. In order to provide this flexibility it is recommended that the department be empowered to prescribe, by regulation, additional categories of people to be
3455 treated for that purpose of industrial injuries benefits as employed persons.

The cost of these proposals, of course, is expected to be negligible because it requires somebody to, first of all, be in a very particular occupation, mandatory work placement, which will always, we hope, be small numbers of people; and then you have the other part of that

requirement that they are going to end up injured as a result of that occupation. So we are talking about very, very small numbers here.

So I trust that Members will have no trouble in giving these proposals their full support.

The Bailiff: Is there any debate? No. We will go straight to the vote. There are three Propositions to be found on page 1765. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

ENVIRONMENT DEPARTMENT

XXI. High Hedges Proposal – Propositions carried

Article XXI.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 28th April 2015, of the Environment Department, they are of the opinion:

1. To introduce controls in respect of high hedges and trees having adverse effects on neighbouring property as set out in that Policy Letter.

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

The Bailiff: Before we start the next Article there is an amendment to be circulated. Ah, the Environment Department perhaps has not seen it. No. Will you need an adjournment to consider it?

Deputy Burford: No, I will have a quick look at it.

The Bailiff: You will have a quick look and see. Can you give a copy to Deputy Burford, first? *(Interjection)* Apparently it was thought that we would not reach this until next month, so that is why the amendment had not been circulated earlier, I am told. Please carry on circulating it.

You do not need an adjournment? No. The Minister does not require an adjournment, so once this has been circulated we will debate it or at least open the debate.

I do not think you have announced the next Article, Greffier.

The Senior Deputy Greffier: I have not, sir, no.

The Bailiff: Can you do that?

The Senior Deputy Greffier: It is Article XXI, Environment Department – High Hedges Proposals.

The Bailiff: Deputy Burford.

Deputy Burford: Thank you, sir.

I will be delivering the opening speech and Deputy Harwood will be summing up on behalf of the department.

The Environment Department has recognised for some time that there is a need to have specific legislation to provide an effective legal remedy for people whose property is adversely affected by a high hedge, where they are unable to reach a neighbourly solution to the problem with the person who owns or occupies the land where the hedge is growing.

3495 Although the number of such cases may be relatively few, the impact on the lives of people affected can be significant and can, in extreme cases, become a total blight on their reasonable enjoyment of their homes.

Issues may arise, for example, where boundary hedges are not properly maintained or allowed to grown too tall. These problems have featured in the media in Guernsey. In many other
3500 jurisdictions, including England and Wales, Scotland and Jersey, specific legislation has already been introduced to provide a means of addressing the adverse effects that a high hedge may cause.

High hedges are addressed in England and Wales through the remedial orders made under the High Hedges part of the Anti-Social Behaviour Act 2003, in Jersey through the High Hedges Jersey
3505 Law 2008 and in Northern Ireland through the High Hedges Act Northern Ireland 2011. All contain provisions which are similar to those in England, to enable action to be taken where a high hedge forms a barrier to light.

Currently, there is no legislation in Guernsey which specifically addresses the potential adverse effects that a high hedge may create for neighbours, including the loss of light into a
3510 neighbouring property. This Report seeks the approval of the States for the drafting of new, specific high hedges legislation, as outlined in this Report, which will be similar to that enacted elsewhere.

The department acknowledges with grateful thanks the leading role that Deputy Al Brouard has taken in promoting this legislation, and his support of the department's efforts to bring
3515 forward this policy letter.

The emphasis of our approach is for neighbours to take all reasonable steps to reach agreement without recourse to legislation, but to be able to make an application to the department to require action to be taken in relation to the hedge, should that avenue prove
3520 fruitless. The main aim of the legislation is therefore to provide for an impartial settlement where neighbours have been unable to agree. The Department considers that the mere fact of having specific legislation in place should be sufficient in the vast majority of cases to encourage agreement between neighbours without the need for formal investigation, as the experience in Jersey and elsewhere has shown.

A formal consultation on the proposals ran for six weeks from 7th January this year. The public
3525 response to the consultation gave an indication of the level of issues in the Island, with some 60 responses in favour of the legislation, mainly by those affected by high hedges. The majority of the consultation comments gave positive support for the principle of the proposals, and provided some useful feedback which has resulted in some refinements to the original proposals.

These refinements include a new proposed fee of £350, rather than £500 as originally
3530 suggested, and provision for neighbours to jointly make complaints in relation to the same high hedge at a reduced fee. The document 'Results of Public Consultation' is attached as appendix 1 to the department's policy letter.

In England the Department for Communities and Local Government has published guidelines to assist parties involved in such disputes to understand their obligations and the remedies under
3535 the law available to them.

A copy of the 'Hedge Height and Light Loss Guidance' is attached as appendix 3 to the department's policy letter. In Jersey this guidance is made available on the relevant part of the States of Jersey website and it is Environment Department's intention to issue similar guidance locally, reflecting the proposals set out in this policy letter, if approved.

3540 The Environment Department believes that the proposals for a new law relating to high hedges are long awaited in Guernsey. The provisions under the new law will provide a fair and accessible

remedy for the adverse effects of neighbour's enjoyment of their land, which a high hedge may cause and where no dedicated legislation presently exists to address the issue.

3545 The department commends this proposal for a new law to the States and asks the States to agree to introduce controls in respect of high hedges and trees having adverse effects on neighbouring property as set out in this policy letter and to direct the preparation of legislation to give effect to this decision.

Thank you.

3550 **The Bailiff:** Members, the amendment has now been circulated and it is to be laid by Deputy Collins.

Deputy Collins, do you wish it to be read? It is probably a good idea if it is.

Deputy Collins: Yes please. Thank you.

The Senior Deputy Greffier read the amendment.

Amendment:

To insert at the end of Proposition 1, 'Except that the level of fee would be set at £150, but with a lower fee of £75 for application for multiple complaints made at the same time in relation to the same hedge, subject to a minimum fee of £150 for each hedge.'

3555 **The Bailiff:** Deputy Collins.

Deputy Collins: Thank you, sir.

3560 This amendment was following discussion at the Vale Douzaine meeting on Monday. My apologies for the short notice and perhaps the rushed wording. I did, in fact, e-mail the Procureur earlier this week and, as said, we did not expect to debate this this week, as he replied with just one word! (*Laughter*)

3565 Anyway, this amendment is simple: to reduce the £350 fee to £150 fee, on page 179, is the view of the Vale Douzaine, which Deputy Jones and I are willing to support; £350 is just too high. £150 is still a large amount and, as suggested, for multiple complaints made at the same time in relation to the same hedge, be £75. We have just passed Environment's policy letter, asking for £100 for three years for on-street parking, so I do not think this is unreasonable.

I ask Members to support this amendment.

Thank you, sir.

3570 **The Bailiff:** Deputy Dave Jones, do you formally second the amendment?

Deputy David Jones: I do, sir.

3575 **The Bailiff:** Thank you.
Does anyone wish to speak on behalf of the Department to this amendment at this stage?

Deputy Burford: I will speak at the end.

3580 **The Bailiff:** You will speak at the end. Does anyone wish to debate the amendment?
Deputy Fallaize.

3585 **Deputy Fallaize:** I wish to ask a question, sir, about the explanatory... I think I understand the amendment, (*Laughter*) but I do not think I understand the explanatory note, because (**A Member:** Hear, hear.) the second half of the explanatory note talks about:

'...a lower fee of £150 per application for multiple complaints made at the same time in relation to the same hedge subject, to a minimum fee of £350 for each hedge.'

But the amendment itself refers to a minimum fee of £150 for each hedge. Now, are the words in the second half of the explanatory note referring to the Propositions in the policy letter?

The Comptroller: I may be able to assist with that as (**The Bailiff:** Madam Comptroller.) I am afraid the hasty, rushed drafting of that explanatory part was from my drafting. I have taken that from paragraph 6.10 of the policy letter. I have simply replicated the way that the £350 was originally set out in that paragraph 6.10. My instructions were that the lower fee that is required under this amendment is to substitute effectively that £150 for the £350 that is set out in the policy letter.

Deputy Fallaize: Okay, so the Proposition from Environment is £350 with the £150 lower rate for subsequent complaints, and the proposal is kick that out and replace it with £150 per application, with £75 for the subsequent complaint.

Right, I support the amendment, because I think I am not convinced that £150 is necessarily the right level, but £350 is too high. The problem is it does not matter whether it covers the department's costs or anything like that. If the States are introducing a provision and then promoting it to people as being reasonable and accessible, as a reasonable way of accessing... justice is perhaps exaggerated too much, but they can seek redress for a nuisance, £350 is just too high! I thought that the first time I read the policy letter. Probably if it was £200 or £250... It is just £350 is just too high! I think £150 is better. I know it is a subjective judgement, sir, but I support the amendment.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, yes, I totally disagree with Deputy Fallaize there. If the Environment Department are saying that this concurs with fees and charges policy, then surely that is what we should be adopting; and if it is not then are we incurring extra costs and, if so – i.e. we are not funding that the service is being provided – then this amendment should actually set out the funding implications of the reduction in the fees. (**Several Members:** Hear, hear.) It is simple!

The Bailiff: Deputy Brouard, then Deputy Gollop.

Deputy Brouard: Thank you, sir.

I understand the sentiment that people are putting forward, but having looked at this issue for quite a long time, the proposals that we have got in front of us from the Environment Department have been worked out on the basis that we needed to have a fee that covers most of the costs of the Department in administering it, and also to be of a reasonable barrier that people will actually have that chat with their neighbour to a good degree. If it becomes too easy to just, 'Oh, well, I will just put a complaint in to the Department; whether I lose £150 or not is...' when it is for £350 you will think very hard before you put that complaint in, make sure you work as hard as you can with your neighbour to reach settlement and, if you cannot, at the last resort you have that possibility.

There is also the provision, as we all know, on 1795, that if anyone is in financial hardship that had an issue with a high hedge, the department does have discretion, or will have discretion, under the Law to be able to waive the fees if necessary.

So I would urge Members that, although I fully appreciate the sentiment of making it easy to access it, I would prefer the department's proposals that have been put forward as such.

Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: I am often the sceptic on the board and initially I thought it was rather high, but when we looked at comparisons with other places, we looked at the fees and charges policy, and how this kind of issue can actually be quite costly in terms of staff time and preparation. As Deputy Brouard has rightly said, the context... the context is that these unhappy disputes generally occur between neighbours, who should be friends – to quote the words of that song – And they are usually property owners, so they are not necessarily in the line of poverty, and one has to realise that the first port of call should be mediation between the neighbours; a way of resolving disputes without involving the Law or the States.

So I think the levels we have set are realistic, both in terms of States' charging policy and in encouraging the right kind of process.

Deputy Bebb: Point of Order. Could I ask if this falls foul of Rule 15(2) and, if so, whether the debate should continue?

The Bailiff: It seems, from what we have heard, that it does fall foul of Rule 15(2) because if it is not going to cover the cost of the work involved by the Environment Department, then under Rule 15(2) the amendment should have included an estimate of the financial implications to the States of carrying the proposal into effect. Is that your advice, Madam Comptroller?

The Comptroller: Sir, the ruling of 15(2), as recently revised, is fairly clear on the face of it: yes, there should be an estimate of the financial implications to the States.

The Bailiff: Yes, so it does not comply with Rule 15(2)

Deputy Bebb: Could I therefore ask that the amendment no longer be debated?

Deputy David Jones: Could I add that the Comptroller did warn us that we may fall foul of that, in fairness to H.M. Comptroller, but we decided to wing it anyway! *(Laughter)*

The Bailiff: I mean, you are asking it be not debated, but we are already debating it. That is the difficulty.

Deputy Sillars: Could I apply 14(1), please, sir?

The Bailiff: What we could do is to guillotine it under 14(1). So I am putting to you the motion that debate on this amendment be closed. Those in favour; those against.

Members voted Pour.

The Bailiff: I believe that is in favour of not debating. If that is in favour of closing the debate, if anybody challenges that we will have a recorded vote, but in my view the 14(1) motion was carried. *(Interjections and laughter)*

So the Minister can reply to the debate if she wishes to do so, before Deputy Collins does so.

Deputy Burford: Yes, sir.

I mean, I would just ask people to vote against this amendment for the reasons very clearly outlined by Deputies Soulsby and Brouard.

Thank you.

The Bailiff: Deputy Collins.

Deputy Collins: Thank you, sir.

3685 Deputy Fallaize, thanks very much for your support! (*Laughter and interjections*) I would just like to read 10.2, which says:

'The costs of dealing with the complaints system would be met...'

– Oh, I cannot even mention that word! –

'... through fees and complainants. The level of fee would be set by the Department; it is suggested initially at £350. At this level, with what is likely to be a limited number of applications, it is envisaged that the fee would be sufficient to cover the Department's costs in administering the scheme...'

If there was in here the detailed costings, sir, then obviously one could have gone through and identified the cost implications, but as there was not and it is just a suggestion that it is going to cover the costs, it is not very clear.

3690 I think that was all that was really said, sir, and I ask Members to support the amendment. Thank you.

The Bailiff: Members, we vote then on the amendment. Those in favour; those against.

Members voted Contre.

The Bailiff: I declare it lost.

3695 We can move in to general debate.
Deputy Brehaut, then Deputy Soulsby.

Deputy Brehaut: Thank you, sir.

3700 Some years ago, before Deputy Brouard was trying to slay me (*Laughter*) and putting every last bit of energy into running a dagger through my heart, I happened to second an amendment which led to these high hedge proposals some time ago. Superficially, if people are out there tonight thinking what on earth are these people doing debating high hedges at this time, it is not relevant or even an irrelevance, that is not the case.

3705 High hedges can be very, very intrusive. What people do is they do not plant hedges, they plant fences and then they walk away from them and never go back to them. They are in itself a statement by a belligerent neighbour, which is, 'Live with it because I ain't going to do nothing about it!'

3710 So I think we need to give – and significant issues of loss of light and loss of amenity, that come with these very high fences that people choose to plant in close proximity. Now, I am saying 'fences', because let's not call them 'hedges'; I think, that is what they are for the person who plants them it is a physical barrier because they cannot buy fences that high.

Thank you.

The Bailiff: Deputy Soulsby.

3715

Deputy Soulsby: Sir, I hope we can keep this debate short just like the hedges! (**Several Members:** Arrgh!) I could not resist, sorry! It is late in the day.

3720 This is just a cut and paste job from the UK basically. (*Interjections*) Phrases from that are included throughout this Report. I find it disappointing it is felt that there is a need to have to bring in yet more UK legislation for something that should be resolved just through good neighbourliness. However, there are clearly people who do suffer from high hedges and I am happy to support the Report; but I do find it disappointing that we have to resort to this.

The Bailiff: Anyone else? No. Deputy Harwood then will reply to the debate.

3725

Deputy Harwood: Thank you, sir.

I wholeheartedly concur with the sentiment of Deputy Soulsby, but unfortunately history shows that actually hedges, unless they are nipped in the bud, *(Laughter and applause)* can create problems and aggravation to be a sort of tension between neighbours.

3730 The purpose of this Report – and again we are very grateful to the co-operation and assistance we have had from Deputy Brouard, who was the initiator of this particular project, has seen it through its long gestation... Trees take a long time to mature and grow. I think hedges, in this context, have taken some time and Deputy Brouard has no doubt lost a bit of hair in the process. But we are indebted to Deputy Brouard for his persistence in making sure that the Environment
3735 Department does deliver this particular project. He has been instrumental, I think, in drafting the Report, very much instrumental in the consultation process.

As a result of that, we have had a number of people... I have certainly had e-mails from a number of people who have said, 'We need this piece of legislation because we have a problem with our neighbour; our neighbour refuses to listen to us. At least if we have the legislation in
3740 place then we have a means of being able to persuade the neighbour to act in a neighbourly fashion.'

As the Report indicates, the suggestion in other jurisdictions, in particular... for example, Jersey suggests there was initial... yes, there were a number of complaints that were made to the department; after a period of time those begin to tail off and neighbours begin to behave as
3745 neighbours.

We do need this legislation in place. It is unfortunate. It is one chance to deal with one particular area of tension between neighbours. Let's seize this opportunity. It avoids people having to go to the huge expense of having to go to Court, and taking up Court time at considerable expense.

3750 So please support the Propositions in this, sir.

The Bailiff: Members, there are two Propositions on page 1830. I put both to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried. *(Interjection and laughter)*

HOUSING DEPARTMENT

XXII. Housing (Control of Occupation) (Guernsey) Law 1994

Variation to the Housing Register – Propositions carried

3755 Article XXII.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 7th May, 2015, of the Housing Department, they are of the opinion to agree that an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Department to inscribe individually in Part A of the Housing Register three apartments, to be known as numbers 8, 9 and 10, La Salerie Apartments, La Salerie, St Peter Port, on the former La Salerie Inn site, subject to:

(a) application being made by the owners within 6 months from the commencement date of the Ordinance; and

(b) three Open Market Part A dwellings located elsewhere in the Island first being deleted from Part A of the Housing Register at the request of the owner of each of those dwellings, provided each of the dwellings is either unoccupied or occupied by an unrestricted qualified resident.

The Senior Deputy Greffier: Article XXII, Housing Department – Housing (Control of Occupation) (Guernsey) Law 1994, Variation to the Housing Register.

The Bailiff: Deputy Dave Jones.

3760

Deputy David Jones: Thank you, Mr Bailiff, Members of the States.

There is very little to add to the words that are set out in the Billet, in respect of this item. The Housing Department is recommending that the States agree to inscribe in Part A of the Housing Register three units of accommodation in the residential development, currently the site of the former Salerie Inn.

3765

The recommendation falls squarely within the MURA policy, which was approved by the States back in March 2001, and details of that policy are contained within the body of this policy letter in the Billet for any Member not familiar with that policy.

3770

The developer has created 12 residential units on this site, and the site itself sits within the Glatigny MURA, which contains several other residential developments that have also benefited from Open Market inscriptions via the MURA policy.

3775

The developer has confirmed that, insofar as it is possible for him to do so, the units on this site have been built to lifetime home standards, meaning that they can readily be adapted to meet the changing needs of occupiers. I would just like, while I am on this point, to congratulate Environment, whose planners are doing everything they can to try and encourage everybody to build to these kinds of standards.

The development is almost complete and so the time is right to bring this matter to the States, so they can instruct that an Ordinance be prepared to permit the department to inscribe the three apartments in Part A of the Housing Register.

3780

Finally, I would like to remind Members that in accordance with the MURA policy there will be increase in the overall number of Open Market dwellings on the Housing Register as a result of these recommendations, as the developer is required to delete from the Housing Register three dwellings located elsewhere in the Island, before the inscriptions can be applied to the site.

3785

I trust the Assembly will not need to spend a huge amount of time debating the policy as it follows the letter, absolutely, that is agreed in the MURA policy.

Thank you, sir.

The Bailiff: Is there any debate? No.

Oh, Deputy Le Clerc.

3790

Deputy Le Clerc: Yes, I do every single time on this.

I will say I am not against the Open Market. However, I did go on to the website, and the estate agent was already advertising these properties ahead of this debate today, but I spoke to an officer at Housing and that has been removed. But that is exactly what happened when we debated the site at La Mare de Carteret site as well.

3795

I just feel that when I have asked for figures about the value of properties that are transferred off of the Open Market and the licence transferred to the new property, that I was told it was confidential, but I still have my... I still think from the research that I have done, that they are the lower value properties, but they are still £500,000 or £600,000, so they are still expensive properties for local people to actually purchase; and because they are quite tatty, they probably need some work doing on them in any case.

3800

I just think we are missing an opportunity here. I know that we will get some revenue from the sale of the property. I also know if it is a local builder we will probably get the tax on the profits of

3805 that. However, I think there is a substantial mark-up between the property that is taken off and the property that is sold; and I just think we have missed opportunities where we could have taken a percentage or taken some profit on that. That is all I will say.

The Bailiff: Deputy Luxon.

3810 **Deputy Luxon:** Sir, would the Housing Minister agree with me, as this is only the 14th time in 14 years that we have done this, that it is a very small frequency and therefore it should not be regarded as a problem?

The Bailiff: Deputy Brehaut.

3815 **Deputy Brehaut:** Yes, I raised it, sir, in the Open Market debate... I think this just illustrates again the confusion we have over the Open Market. You have houses, you have homes and then you have a product of a different nature – a flat or an apartment – which was not, in essence, what the Open Market was about; and I think because Open Market houses are small in number and we have seen more deletions and re-inscriptions, it means that smaller number – we are now adding to that, apartments, as opposed to other types of accommodation and I think apartments are for a totally different market.

3820 I mean, I would speculate that someone who wanted an apartment over here may come and go; somebody who wants a house over here would be here for the majority of the time and contribute in other ways. But I do not like re-inscriptions and I will probably be alone in voicing this again today and I will oppose it if there an *appel nominal*. Well there will be, sorry.

The Bailiff: Deputy Dorey.

3830 **Deputy Dorey:** Thank you.

I just support the last two speeches. This developer will make considerable financial gain from the decision of this States. I believe that if we are giving that gain we have a responsibility to tax on that gain for a public gain, not for personal gain.

3835 Also I am opposed to this policy, but from the research I have done, there are no MURAs in the new Island Development Plan, so the information I have been given, that this policy will die with the current Island Development Plan... so although I had looked into trying to change the policy, there does not seem any value in it because of the end of life of the current Island Development Plan. But I will oppose this proposal.

3840 **The Bailiff:** Anyone else? No. Deputy Dave Jones will reply.

Deputy David Jones: Yes, thank you.

3845 I am grateful to Deputy Le Clerc. She did contact the department. The staff investigated it and found that, indeed, she was correct that these were being marketed. It seems that an agent was instructed to market the other units on this site and was also to prepare draft property particulars in respect of the prospective Open Market units in readiness for today's debate, but a mix up meant that they were posted on the website as well as the other units.

3850 Deputy Brehaut has been consistent, right back to his days on the Housing board, in questioning this policy. I would say to those who say that the developer is making a huge mark-up, you have got to remember that he has got to buy three Open Market properties to start with, and they are not cheap, even at the lower end of the market. So the profits are not as great as you might feel, as he has to buy those properties and then have them de-listed, so to speak.

3855 Deputy Dorey is absolutely right – this is something we picked up the other day – there are no future MURAs, as I understand it. So this policy will fall automatically when the new Island Plan comes to the States.

I hope you will support these inscriptions, as they fall neatly into a policy that was passed in 2001.

Thank you.

3860 **The Bailiff:** The Propositions are on page 1835. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

TREASURY & RESOURCES DEPARTMENT

XXIII. Fort Richmond – Addition to Part A of the Housing Register Once Converted – Propositions carried

Article XXIII.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 8th May, 2015, of the Treasury and Resources Department, they are of the opinion:

- 1. To note that the inscription of Fort Richmond in Part A of the Housing Register will be a deviation from the policy statement, commonly referred to as the 'MURA Policy', approved by the States in Resolution VIII.2 of Billet d'État No. III of 2001.*
- 2. To approve the inscription of Fort Richmond in Part A of the Housing Register as an exception to Resolution XI.4(b) of Billet d'État No. XXIV of 2007.*
- 3. To instruct the Housing Department to do whatever is necessary to allow Fort Richmond to be inscribed as a unit of accommodation in Part A of the Housing Register following its conversion into a residential dwelling.*
- 4. To agree that an Ordinance be prepared, in accordance with section 52 of the Housing (Control of Occupation) (Guernsey) Law, 1994, to permit the Housing Department to inscribe in Part A of the Housing Register the property known as Fort Richmond, subject to the Housing Department being satisfied that a usable dwelling for residential purposes has been created.*
- 5. To approve that the net capital proceeds from the sale of Fort Richmond be transferred from the General Revenue Account to the Capital Reserve.*
- 6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.*

The Senior Deputy Greffier: Article XXIII, Treasury & Resources Department – Fort Richmond, Addition to Part A of the Housing Register Once Converted.

3865 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Thank you, sir.

3870 This may be controversial for some, but I think it is probably worth starting by briefly reminding Members that, of course, the States have already resolved in November 2007 to dispose of Fort Richmond by way of sale; so that decision has already been made and I hope that debate will not be taken up with the questioning that prior decision.

The delay, clearly, between 2007 and 2015 is considerable. That has been as a result of the need to redefine the boundaries, not least because of all the Occupation structures which have

been put in, and the various archaeological surveys that were required. There was a lot of work required to actually get the right title to the area.

In terms of the other decision of the States that is relevant in this context, sir, is in 2009 the States did consider the department's Corporate Property Plan and approved its States-wide application. Of course, that plan does state that in order to maximise the potential of the sale of substantial and prestigious properties, the department considered that the greatest benefit for the community would be obtained by selling them as Open Market properties.

So this policy letter should not be a surprise. It is consistent with the previous communications from the department in terms of its intentions for Fort Richmond. I think it is probably indisputable that there is a greater probability that the purchaser, if it is Open Market, will have the funds necessary to restore, update and convert the property, to take best advantage of its history and its position.

Sir, I think, just finally, the States clearly has no use for the property and so any expenditure would be better used to support other properties in our portfolio which are, of course, committed to providing services to the public; and the longer the property is retained, the more it is likely to cost us in terms of keeping it safe and secure, and obviously maintaining... slowing its deterioration, I would suggest.

There is no doubt, I would say, that the development and occupation of the property will be the most cost effective way to preserve this piece of our heritage and I do, therefore, encourage Members to support the department's Propositions.

The Bailiff: Deputy Laurie Queripel, then Deputy Lester Queripel.

Deputy Laurie Queripel: Thank you, sir.

I think I am going to support the Propositions. Deputy St Pier has given us good reasons to get behind the Propositions and support them.

My only concern or question is: is this the right time to be selling this property? Are we going to get the right price with the market as it is at the moment? I know Deputy St Pier has said that if we hold on to it we will have to spend money on it to maintain it and keep it in good order, but would that be more than made up for if we waited until a time when perhaps the market was more buoyant and we would get a better price for it?

So I just wonder if Deputy St Pier could give us some idea on that point. Is this the right time to be selling a property on a market that is not a good market? It is not a sellers' market at the moment; it is a buyers' market so I would just like some thoughts on that, sir.

Thank you.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

I will be brief. When I first saw this proposal the thought that ran through my mind was, bearing in mind we so desperately need land to build social housing and homes for first time buyers, perhaps the GHA should buy the Fort; but of course I see the letter from the Housing Department, on page 1850, tells us that the department is of the view that the Fort is not suitable for conversion into units for Local Market accommodation. When I spoke to a developer recently, sir, he said he was of the same view. So, with that in mind I agree that we need to transfer the Fort to Part A of the Housing Register.

I do have a couple of questions for the Minister though; the first being in relation to the wording. Proposition 3, which reads:

'To instruct the Housing Department to do whatever is necessary to allow Fort Richmond to be inscribed as a unit of accommodation in Part A of the Housing Register...'

My question is, sir, what is meant by '*to do whatever is necessary*'? Because one's mind could run riot, of course, and imagine all sorts of things that could be necessary. So what is actually meant by '*to do whatever is necessary*'?

3925 My second question is in relation to the kind of building we may eventually end up seeing once the Fort has been developed. I cannot see any reference to the actual design in the Report, but a recent *Press* article told us that permission had been given for the top floor to be covered in glass, so that the occupant could enjoy the view. So my question is, sir, will this glazed roof area be visible from the road, because if it is, surely, it will be out of keeping with the rest of the building? (*Interjections*)

3930 Having said that, sir, I am aware that the first paragraph (*Laughter*) on page 1838 tells us that even when the Fort is in private ownership, it will still be protected from inappropriate and unsympathetic development. But there are several unsympathetic and inappropriate additions to buildings dotted all over the Island, in my view, sir.

3935 So I look forward to the Minister's response to those two questions.
Thank you, sir.

The Bailiff: I think Deputy Inglis was looking to stand.

3940 **Deputy Inglis:** Thank you, sir.

I just really wanted to support what the Treasury & Resources Department is doing, although it is with a saddened heart, because obviously this Fort fell under the remit of Culture & Leisure. We very much regret having to pass it on, but we recognise that something as historic as this could fall to rack and ruin; and certainly, taking on board what is in the Billet, I think it is very important that a place that is, as it stands at the moment, derelict will definitely gain from investment by someone who, dare I say, will become more internationally exposed by going on the Open Market; and that for us would reflect on the sort of investment that (a) is required and (b) we hope will be spent on it. So the upshot of it is that maybe the Fort is returned to its former glory, sympathetically, along the lines of what has happened in Fort Clonque in Alderney.

3950 I support the Fort moving in to the Open Market.
Thank you, sir.

The Bailiff: Several people are waiting to speak – Deputy Sherbourne, Deputy De Lisle, Deputy Gollop and then Deputy Brouard. It is all in that corner there.

3955 **Deputy Sherbourne:** Thank you, sir.

I felt very uncomfortable when I read about this proposal. Of course, I was not part of the States' decision back in 2006. I accept totally the Treasury Minister's explanation that these things sometimes take time, but nine years to come to a decision on moving this property on, as it were, is totally unacceptable.

3960 I feel uncomfortable because whether it is of architectural value or not, it is part of our heritage – a very important part of our heritage – and I think it is very sad; it is like quite a lot of buildings that exist, that could have been utilised over the years, had our Planning Laws maybe allowed or encouraged.

3965 I take the comments made by Deputy Inglis about the possibility of something like Fort Clonque. Any of you who have actually spent time there know it is very successful, it is good for Alderney's tourism and these sorts of developments should really be encouraged. So I would just like to have comfort to know that we have exhausted those possibilities.

3970 The issue of it actually being put on the Open Market is not a concern to me, or whether it stays on Local. I accept, as a member of the Housing Board, that the guidance we have had is it is not suitable for social housing. But I do think that we should have real confidence that this is the right thing to do, and I have not got that confidence at the moment, so if the Minister can perhaps elaborate slightly on what steps have been taken to approach organisations like the

Landmark Trust. They should have been offered that years ago. They are now moving into Europe, they run Fort Clonque and other buildings, and they make very successful tourist facilities out of them.

So if you could please give me some sort of comfort. I want to be corporate on this, but I am uncomfortable.

The Bailiff: Deputy De Lisle.

Deputy De Lisle: Yes, sir.

I just wanted to clarify with the Minister with respect to Propositions 1 and 2. Now, when we dealt with the earlier issue of the Open Market Housing Register with the previous policy letter, there was some movement, if you like, or there was to be some movement, from housing taken out of the Register, in order to accommodate the new development. Now, in this particular case, in Proposition 1 I would like to ask what compensatory deletion then from the Housing Register is intended in this particular case. That is the first one.

The second one is that overriding the 2007 Policy Resolution outlined in appendix 6, with respect to expanding the Open Market before the States have considered a report on the advantages and disadvantages of throwing the Open Market open to expansion – I mean, I would like to have some comment on that before actually approving 1 and 2.

The Bailiff: Deputy Gollop, were you seeking to stand? *(Interjections)*

Deputy Gollop: Yes, I do not believe, in answer to Deputy De Lisle, that there would be a compensatory property. It is a different arrangement with Treasury & Resources.

I am like Deputy Sherbourne; I have a lot of misgivings about this. A bit of bad luck here: the day when States' Members were due to be shown around, some of us went to Alderney so I missed it. But of course I had been there before.

Deputy Sherbourne talks about the nine wasted years. Not true! It is much, much longer than that. I went round there pre-2004 when I was on the Heritage Committee and there were plans then that never got off the ground. There was some bright idea of having a restaurant there, which would have like a sort of *à la carte* diner; it would have been all kind of Greek and Continental. Never happened!

I looked around it and even by my standards I thought it was a tip! *(Laughter and applause)* It had been used as a youth club 30 years ago, with swirling psychedelic paint. It was tatty. There was not a great deal of historic interest, and you could find German bunkers that were more interesting, I would suggest. *(Laughter)*

My personal preference would have been to have used it and adapted it for social market housing. I think we have got to accept that the availability of sites that are cheap and easy to do is not great, and if we are going to provide houses for renting or for sale, the States have to subsidise that. That is an example whereby you probably put £300,000 in and come out with less. But there was a potential there.

The other alternative option that has been put to me by actually a former Deputy, Douzenier Roderick Matthews – he felt aggrieved that we are not maximising the possibility of this site, for not one but several Open Market properties; that you could create a whole sort of apartment complex and urbanisation there. I am told that that might not be wise, from an Environment Department planning point of view, but of course it would also possibly lead to further delay.

I think perhaps we have gone for the rather easy option here of selling it as one context to what will, in a way, be an Open Market entrepreneur or developer; and I just wonder if, within a few moons, we will see it remerge phoenix-like as a kind of James Bond pad, looking out to sea with helicopters and who knows what. *(Laughter)*

The Bailiff: I was going to call Deputy Brouard next, then Deputy Kuttelwascher.

Deputy Brouard: Thank you, sir.

This is my Deputy Gollop speech. I am going to sit on the fence on this one and argue both sides. Part of me says, 'What a great idea, what a great opportunity, high net worth coming into the Island, Open Market property. This could be one of the residences of all residences, fantastic location, fantastic size and the opportunity to create an absolute fabulous house!'

On the other side, I look and I know Deputy St Pier said here we have already agreed to sell, so do not scratch that particular spot, but I was so much hoping that the Guernsey Housing Association or Landmark Trust or National Trust or something would have come up before time to say, 'Actually, we could do something with this. Please bear us in mind.'

It is a bit like going shopping; I know what I want but I cannot describe it, but I will know it when I see it. I just hope that when we come to sell it we do not let it go too cheap, because if this comes out at the bottom end of the Open Market at £600,000 or so, well, then I would rather keep it and let it degrade until we have got a chance to do something with it. If we are going to get £10 million for it and that is going to be put towards the new schools, great! In the end, we will probably end up between £1 and £3 million and it will not scratch the spot either way.

I just want us to reflect. When the Fort was last looked at and – perhaps it was a Deputy Le Lièvre moment – I went back to the old Billet and the Colin Partridge Report of 1991 said this about it:

'This site is important, because it is the only surviving barracks of its period. The similar works at Fort Houmet and Le Marchant having been lost. It would be capable of full restoration giving the possession by Ancient Monuments Committee, and the interior would provide an adequate space for display and interpretation. In many ways an interpretation of the Guernsey fortifications would ideally be based...'

So I hear Deputy St Pier's words where he says – and he is right – the best way to preserve our heritage; but, once in private ownership, I do not think we are going to see the light of day for anyone.

I am just trying to weigh up which is better: is it better to have the Open Market for use, another family in there, great, and all the building works that go along with it to help industry? Or would it be better longer term, even though it may not be today, to be one of the last remaining barrack forts that we could then open up as part of our history and our heritage.

So, obviously, I would have preferred it if it had gone, I think, probably, on balance, for a really good heritage use. Nothing has come forward. I can see the dilemma that we are in, but please to make it feel better for me, please do not let it go for a peppercorn. (**A Member:** Hear, hear.)

Thank you, sir.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

I am a member of the Property Services sub-committee, along with two Members who are not present at the moment – so I am a lone voice, I suppose – and we have dealt with this over a period of time.

The first thing I want to remind Members is it is what I call a listed property or an ancient monument, so what you can do with it is severely restricted. One of the things that have happened is discussions with the Environment Department, and it appears that a single property development is all that they are willing to consider at the present time. So creating more than one property, like former Deputy Roderick Matthews said, has been dismissed and if you want to try and convert to social housing, I do not think it would be approved because it is stated to be a listed property. So I do not think that is really an option.

The reason why it was considered to put it into the Open Market was purely to widen the marketing possibilities and, with the current state of both the Local and Open Market, there is not a lot of difference. But it means that somebody from Europe would be included; it would be marketed on a Europe-wide basis at the moment – maybe even further.

It has the possibility of achieving some premium as an Open Market property, because I think some premiums exist for what I call trophy properties or trophy sites – something really special – and there are people still willing to pay for that, whereas not at the lower end.

I think Deputy Lester Queripel asked, 'What is necessary?' Well, one of the things is actually stated – it is an ordinance. There are all sorts of things necessary. One of the things that was necessary was discussing the issue with Environment. Another thing that is necessary is putting it out to tender for estate agents to sell it. So whatever is necessary to effect an effective sale. Sorry about using that word twice.

Deputy Sherbourne mentioned the issue of trust or heritage organisations. Now, if you were to do that you would have to give it away because the costs involved are horrendous and I will give you an example – not this one in particular, but – T&R are responsible for looking after quite a lot of heritage sites which are deteriorating. If I just take Bréhon Tower in the Little Russel: to put that absolutely right would take in the order of £1 million and all we are doing is care and maintenance, repairs as necessary. In fact there has been an attempt in the past to try and sell that as another property; and in fact I have asked whether it could be considered as another possible site and, if it was an Open Market site, maybe somebody might want to live on a rock in the middle of the Russel. There are people who have bought these sort of rocks in the sea in the UK, previous forts ... Well, who knows.

So the real benefit would be if you could – and we do not know yet what it will realise... I know what the valuations have been but they are confidential at the present time, but just remember these funds, whatever they are, will be transferred into the Capital Reserve, which is currently short of money to deliver all the prioritised projects we have in there. So that could be the benefit.

I feel that, with what we have passed recently and if we can speed up the Open Market registration, it might just harden the market and we might get a bit more. And as for, 'When is a good time to sell?' with property, you just do not know – you just do not know! We have, shall we say, a stagnant market at the moment, which might continue for years – I have no idea where it is going; nobody has. So to try and wait for a high – and you do not know when it is coming – and in the meantime expending money on maintenance, it is just not, I do not think, realistic.

So I hope Members support it... purely that it will benefit the Capital Reserve, if nothing else, and could be used for other projects which everybody wants.

Thank you, sir.

The Bailiff: Deputy Fallaize, Deputy Dorey and Deputy Luxon.

Deputy Fallaize: Thank you, sir.

I am sorry to be the arch philistine and disagree with my friend Deputy Sherbourne, but the only part of this policy letter that interests me – well, the only sentence that interests me – is the one that says

'The monies generated from the sale would be maximised by its ability to be added to Part A of the Housing Register once converted.'

Now, there are huge competing demands on public expenditure – capital expenditure and revenue expenditure – whether it is health care, education, social welfare; whatever it is, all of those are going to be a far more valuable use of any funds than we would realise if we started ploughing money into Fort Richmond, or even in the opportunity cost of allowing somebody else to develop Fort Richmond for some dream pipeline cultural project.

The point is the States have had this property for years – could have done anything they wanted with it – but the States have done nothing with it. It is not valuable in its present condition, there is no prospect of it being put to any useful purpose, but it can be sold in the way proposed by T&R, which will maximise its value and generate as much money as possible for essential public services. It is a no brainer, sir.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

4125 I agree with the comments made about the Landmark Trust. I think that what has happened with Fort Clonque in Alderney would be a far better use of it, and I believe it will have an economic value by people coming into the Island and staying there. I think Fort Clonque is quite expensive to stay at, for people who visit Alderney.

4130 Deputy Kuttelwascher made a comparison to Bréhon Tower, but Bréhon Tower is not comparable; it is a building in the middle of the sea. I think this is a land-based building and I do not think it is comparable.

4135 In terms of the premium, we know part of the premium that you get from an Open Market house... because some work has been done studying the difference in value of properties that were deleted in relation to the MURA policy, where those properties have been deleted from the Open Market Register, and these are properties at the very bottom of the market; there has been a £200K to £300K reduction in price from a property which was advertised on the Open Market to Local Market.

4140 On page 1840 it tells us that Fort Richmond sale price is likely to be higher if it is offered as a potential Open Market dwelling, so the motivation is clear: it is to gain greater value. I think that the States has a responsibility to behave in the same manner as it expects the rest of its citizens to do. If we took that policy we would just sell everything off on the Open Market to maximise the value.

4145 I think that if a private developer had owned this building and came to us and asked if he could put it on the Open Market, I think the very minimum we would ask them to do is to delete an existing Part A dwelling. That is exactly what the States decided when Belvedere House was sold. It is on page 1845. It is very clear, the decision of the States in 2009 was that Belvedere House, which was not listed on the Open Market, could be sold on the Open Market if a single dwelling, which was States-owned which was on Part A, was deleted.

4150 I think it is regrettable that we are not following that policy, and therefore I cannot support this proposal and I will be voting against 1, 2, 3 and 4. I think we have to, just as we do... Many years ago the States did not have to follow Environmental Planning Laws, we just made decisions in this Assembly, but that was considered not right. I think the States has got to abide by the Rules it expects its citizens to do. We would never allow a citizen to do this and I do not think we can behave above our citizens.

4155 So I ask you to vote against 1, 2, 3 and 4, and I ask the Treasury & Resources to come back with a policy of either using something like the Landmark Trust, which I believe makes an economic value, or come back with a policy, as in 2009, of deleting an existing Part A dwelling.

Thank you.

4160 **The Bailiff:** Deputy Luxon.

Deputy Luxon: Thank you, sir.

Just briefly, sir, because I am quivering with excitement at Deputy Dave Jones' Housing Department next item on minor constitution change – no, I am not.

4165 Sir, I hope nobody will support Deputy Dorey's comments there. One of the reasons, or part of the reason, that we are suffering a little bit from an economic hiatus at the moment is because this Assembly missed the opportunity, for perhaps good reasons, to kick the Strategic Asset Management Plan to one side.

4170 If we had not done that and if we had been bold, even though the Report – as Deputy Le Lièvre always reminds me – was not as well written as it could have been, we would have already introduced into the Open Market for developers, properties that this States of Guernsey do not need to continue to keep in ownership. There would have been a whole set of activity, with economic benefit accruing from it, both for Island businesses but also in terms of income for

Treasury & Resources, which would then have been able to fund some of the social programmes that we are all so keen to develop.

Deputy Dorey asking us not to take this very simple action, which simply takes a property that is obsolete, redundant, in its guise at the moment and actually allows it to be used by other people with economic benefits... It is a good thing to do. We missed the Strategic Asset Management Plan opportunity. It is costing our economy now. I do hope we will come back to that and be braver than we were back then.

So we must support this and I do hope Deputy Dorey does not ask for a recorded vote on those three Propositions.

The Bailiff: Does anyone else wish to speak?

Deputy St Pier will reply.

Deputy St Pier: Sir, thank you.

I think Deputies Kuttelwascher and Fallaize have actually summed up much of the debate already. But, briefly, in terms of the right time to sell this property, I think it is... again with the benefit of hind sight, there probably has not been a better time since 2007, so in that sense we have probably not missed an opportunity, despite the delay.

We clearly, as Deputy Kuttelwascher said, do not have a crystal ball, but actually I think that releasing this into the Open Market, given the decisions we made yesterday in relation to the certainty around the Open Market, will be confidence-building. It shows very much that we are open for business and we do want to attract high net worth individuals to the Island. So I think it is as good a time as any, certainly since 2007.

Deputy Lester Queripel – I thank him for his acknowledgement, as others have now done, that this is not a suitable property for social housing. It would be incredibly expensive to convert for that use.

In terms of Proposition 3, to do whatever is necessary, I think it probably says what it is, really. I am not sure what the Housing Department need to do to write it into the Open Market Part A of the Register but they will be instructed to do that –

Sir, I will give way.

Deputy David Jones: If the States pass this policy Report we will simply inscribe it on to the Open Market Register.

Deputy St Pier: Simple enough.

In terms of the kind of building, I mean clearly that is a matter which the Environment Department will be heavily involved with, in terms of the planning issues and approving and providing the appropriate consents.

The reference to the glass roof – that is a reference to the application which Treasury & Resources put in, in order to ensure that the property could be converted for residential use, and therefore to ensure that we have some value that could be realised by sale. It is quite possible that any purchaser who would come in would have their own design that they would wish to seek to build out, but that would be a matter that they would have to take up with the Environment Department in the normal way, through the planning process; but recognising, as appears in the Report, that these are protected buildings and protected monuments. I think that we have to rely on that protection, together with the normal planning process, to ensure that it does not become an inappropriate development.

I think the understandable concerns from Deputies Sherbourne and Brouard, in terms of whether there would have been a better way to ensure this heritage was preserved – and Deputy Brouard referred to the heritage ‘seeing the light of day’ – well, I think it is certainly not seeing the light of day at the moment and I think there is plenty of heritage on the Island, that is in private

4225 hands that does not see the light of day, but is still there, preserved for the future. This is all about us determining what really are our priorities, which was I think Deputy Fallaize's point.

In terms of the key point about 'do not let it go for a pepper corn', I absolutely agree and I am sure all members of Treasury & Resources do agree that there is absolutely no intention to allow that to happen.

4230 Deputy De Lisle – again Deputy Gollop did answer this point – there will be no deletion from the Local Market Register; that is the point of this whole policy letter.

Deputy Dorey also made the point that he believed that policy should be followed, but of course the whole reason for seeking an exemption from the policy is in order to maximise the benefit to the States, because we believe, and our recommendation to the States is, that the best use of this resource is to realise its value, in order that we can use those funds for other essential public infrastructure projects.

I urge Members to support the policy letter, sir.

4240 **The Bailiff:** Members the Propositions are to be found on page 1855. I will put Propositions 1 through to 4 to you first and I will put... Unless anybody want any of them take separately, I suggest we take 1 through to 4 together. Those in favour; those against.

Members voted Pour.

The Bailiff: Then we will vote on 5 and 6 together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them all carried.

HOUSING DEPARTMENT

XXIV. Minor Constitutional Changes to the Housing Appeals Tribunal and Appointment of Members to the Housing Appeals Panel – Propositions carried

Article XXIV

The States are asked to decide:

Whether, after consideration of the Housing Department dated 7th May, 2015, of the Housing Department, they are of the opinion:

- 1. To agree that the Housing Appeals Panel should comprise of a minimum number of eight members and to amend the regulations accordingly.*
- 2. To formally acknowledge the resignations of those 12 individuals appointed to the Housing Appeals Panel by the States in 2005: the names of whom are listed in Appendix 1 of that Policy Letter.*
- 3. To appoint Mrs Natasha Newell as Chairman of the Housing Appeals Panel for a term of office ending on 31st July 2019.*
- 4. To appoint Reverend Mrs Linda Susan Le Vasseur as Deputy Chairman of the Housing Appeals Panel for a term of office ending on 31st July 2017;*
- 5. To appoint Mrs Judith Mary Dyke to the Housing Appeals Panel for a term of office ending on 31st July 2019.*
- 6. To appoint Mrs Patricia Ann Holland to the Housing Appeals Panel for a term of office ending on 31st July 2019.*
- 7. To appoint Mrs Lesley Mary Elizabeth Le Page for a term of office ending on 31st July 2019.*

8. To appoint Ms Suzanna Marie Morgan for a term of office ending on 31st July 2019.
9. To appoint Dr Elina Steinerte to the Housing Appeals Panel for a term of office ending on 31st July 2019.
10. To appoint Mr John Martyn Weir to the Housing Appeals Panel, for a term of office ending on 31st July 2019.
11. To approve the introduction into the regulations the means by which members may resign from the Housing Appeals Panel. This includes the introduction of new provisions which specify that Panel members cease to be members when/if:
- a) they reach the end of their term of appointment as specified by the States decision which confirmed their appointment;
 - b) they reach the age of 72 years or, if the Royal Court sitting as a Full Court so determines, by reason of special circumstances in any particular case, 75 years;
 - c) they resign from their duties:
 - in the case of the Chairman, submitting their resignation to the Bailiff; and
 - In the case of any other member, submitting their resignation to the Tribunal's Chairman.
 - d) they are removed from office by the Royal Court sitting as a Full Court if the Court is satisfied that they:
 - have misbehaved in their office;
 - are incapable of continuing as a member by reason of physical or mental illness;
 - have been declared insolvent; or
 - have been unavailable without reasonable cause to sit as a member of the Tribunal for a period in excess of six consecutive months.
12. To approve an amendment to Part II of the regulations to specify the maximum time period associated with the internal review process, as detailed in paragraph 7.3 of that Policy Letter.

4245 **The Senior Deputy Greffier:** Article XXIV, Housing Department – Minor Constitutional Changes to the Housing Appeals Tribunal and Appointment of Members to the Housing Appeals Panel.

The Bailiff: Deputy Dave Jones.

4250 **Deputy David Jones:** Sir, the last item of this session –

Several Members: No, it is not! *(Interjections)*

Deputy David Jones: Sorry?

4255 **The Bailiff:** It may not be.

Deputy David Jones: Ah well, tonight. *(Interjections)*

4260 The Members will be relieved anyway that I am not going to speak for long. I think the proposals in this policy letter are fairly straight forward and non-controversial.

The Housing Appeal Panel was created 10 years ago so that the tenants of the Housing Department and the Guernsey Housing Association, as well as people applying for social housing, could ask an independent panel to review decisions which they felt were unfair, unreasonable, or did not fall within the Law. There can be no doubt that since its creation, the Panel has performed and continues to perform an essential function.

4265 When the Panel was constituted the department had no idea just how many appeals it would be asked to consider. Erring on the side of caution, it asked the States to appoint 15 members to that Panel. But I am pleased to say that, outside of the years of 2006 and 2007 when the department began to implement its review of tenancy policy, the Panel has never been so busy

4270 that it has ever required 15 members. For that reason, the department is today asking the States to reduce the Panel's membership from 15 to eight.

In addition to formalising the revised membership of the Panel, the policy letter asks the States to approve a number of minor changes to the regulations, most of which are simply intended to bring the Housing Appeals Panel into line with other tribunals within the States.

4275 There is, however, one specific proposal that deserves a special mention. As it stands, if a tenant or an applicant disagrees with a decision made by the department, or in fact the GHA, they can ask for that decision to be reviewed by a member of staff. Once this internal review has been carried out, they can decide whether to lodge a formal appeal.

4280 Now, although the department staff endeavour to carry out internal reviews as quickly as possible, they are not compelled by regulation to reach a decision within a set period of time. The department believes that in the interests of tenants and applicants and furthermore that it is in keeping with the principles of good governance, that the regulations should specify that all internal reviews in the future will be carried out within 28 days. I am confident that Members of the States will appreciate the value of protecting tenants and applicants from the risk, however remote, of their cases dragging on for months.

4285 There are two other further things I wish to say. Firstly, I would observe that the small number of appeals since 2007 suggests that decisions being taken by the department and by the Guernsey Housing Association have been consistently fair, reasonable and lawful.

4290 Secondly, on behalf of the department, I would like to thank all the members of the Housing Appeals Panel for the time and effort they have spent considering appeals over the last 10 years. They have discharged their duties admirably and their work has been very much appreciated.

Thank you.

The Bailiff: Any debate? No.

4295 Well, the Propositions – there are 12 of them – are to be found on page 1868 and 1869. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

Deferment of States of Guernsey Accounts to September 2015 – Proposition carried

The Bailiff: There is an appendix, but there has been no motion to debate the appendix.

4300 We have actually got two items of possible business. There is the States' Accounts and then the Chairman of the States' Assembly & Constitution Committee wishes to make a statement on the St Peter Port North by-election.

4305 Given the time and given that, for example, the Alderney Representatives are not here, what I am going to put to you is a Proposition that we defer the Accounts until we come back on the Tuesday at the end of September. So we defer the accounts to the end of September. Those in favour; those against.

Members voted Pour.

The Bailiff: Right, we will defer those.

**St Peter Port North By-Election –
Statement by Chairman of the States Assembly & Constitution Committee**

The Bailiff: So the Chairman of the States' Assembly & Constitution Committee then will deliver the Statement.

Deputy Fallaize: Thank you, sir, for allowing me to make this Statement which relates to the by-election in St Peter Port North, to fill the seat left vacant by the death of Deputy Martin Storey.

Article 29.2 of the Reform Guernsey Law 1948, as amended, requires a by-election to be held if a vacancy occurs in the office of Deputy before the 1st December next preceding a general election – as it has on this occasion.

An ordinance is necessary to set the date when the Electoral Roll will be closed for the purposes of the by-election, and to set the date of the by-election itself. This ordinance, together with a short policy letter, will be laid before the States at their next meeting.

Responsibilities in connection with elections are divided between the Presiding Officer, the States' Assembly & Constitution Committee, The Home Department and the Registrar General of Electors. After much consideration a proposed timetable has been agreed.

The States have already agreed to the creation of a new Electoral Roll for the 2016 General Election. For some time the intention has been for this Roll to open on 1st September. For the purpose of the by-election, it is proposed to close the Roll on 15th October and the Roll will reopen immediately after the by-election.

Once the Roll is closed, the Registrar General will need a short time to prepare the Roll for candidates. It is therefore proposed that nominations should open on 26th October and close on 3rd November.

A by-election should, in no way, be treated less seriously than a general election. Prospective candidates need time to decide whether to stand and to prepare for the election. They may need to come to an agreement with their employer and, for any candidate who intends to walk the district, it will take no less time at a by-election than it would at a General Election.

In any event, Article 32 of the Reform Law requires a minimum period between nominations closing and the date of the election. Therefore, the date proposed for the by-election is 2nd December.

Members will be aware of plans to promote enrolment on the Electoral Roll ahead of the 2016 General Election. Additional efforts will be made to promote enrolment for the people of St Peter Port North in advance of the by-election.

Thank you, sir.

The Bailiff: Are there any questions on that Statement?
Deputy Gollop.

Deputy Gollop: In view of the relatively short time left before the main General Election that the Assembly has agreed on, would it not be possible to speed up that timetable so that the by-election could be held, let us say, in late October or November?

The Bailiff: Any other...? Yes.

Deputy Fallaize: Well, in short, the answer is no. The problem with the late October date that Deputy Gollop referred to is that I did say that for the purposes of the by-election the Roll will close in the 15th October and that it would not be made available to candidates until 26th October, so his timetable, if there were an election perhaps on 31st October, would allow for a four or five-day election campaign. So I do not think that is practical.

As far as November is concerned, the States' Assembly & Constitution Committee, as I said in the Statement, takes the view that essentially the time periods for a by-election should replicate

those in a general election as far as possible, because it still takes just as long to walk a parish or a district in a by-election as it does in a general election, and so we are not of the opinion that the time period should be foreshortened.

4360 Thank you, sir.

The Bailiff: Deputy Luxon.

4365 **Deputy Luxon:** Sir, could I ask the Chairman of SACC if, bearing in mind the very short period of time a new candidate would have sitting in this Assembly and out of respect to the late Deputy Martin Storey, would it be possible to not have a by-election, or is that not possible?

4370 **Deputy Fallaize:** Well, the Reform Law sets out very clearly the circumstances in which a seat may not be filled. I think if the vacancy arises after the 1st December then there is a judgement to be made, I think by the Presiding Officer, that in any event it is possible not to fill a seat left vacant after 1st December.

4375 Now, the question really Deputy Luxon is asking is: could the Reform Law be amended? I think the problem would be in getting it back from the Privy Council in time to have the whole thing determined, because by the time we find out whether it is possible or not, by the time the States have decided whether to amend the Reform Law, we may be so far towards the end of the year that if the States then voted against that Proposition it would not actually be practically possible to arrange a by-election. *(Interjection and laughter)*

4380 In a minute I will ask H.M. Comptroller to answer Deputy Luxon's question better than I have, but what I would say is that the general election in future years will be moved to June, but there has been no change made to the date in the Reform Law of 30th November; so, under these sorts of circumstances in the future, there will be a longer period of time before a general election, when it would not be necessary to hold a by-election. But perhaps H.M. Comptroller could advise Deputy Luxon on the Reform Law issue, please.

4385 **The Comptroller:** I do not actually have a copy in front of me at the moment, so I might need to have a quick look, unless the Presiding Officer... I can see you have got one in front of you, sir.

4390 **The Bailiff:** I have got one, but I can never find which section it is. Can you remember which Article of the Reform Law it is?

The Comptroller: Off the top of my head, sir, no, I am afraid not.

4395 **Deputy Fallaize:** About the election? It is Article 29. **(The Bailiff:** Article 29) But that is not really relevant, is it? The issue is whether we could have the Reform Law amended and back from the Privy Council in time.

4400 **The Comptroller:** I think it is pretty tight. The most we could do is advise MoJ that we had a priority piece of legislation, but it is too speculative. I would not like to advise Members at this stage that we certainly could do that; I would rather err on the side of caution and say we probably could not. I would rather not. *(Interjections)*

4405 **Deputy Fallaize:** The other problem is we have changes to the Reform Law pending as part of the States' Review Committee proposals. Now, the advice of the Procureur at the time was, if we try and tag anything on to those we may cause ourselves problems in getting that legislation back in time. So I think it would probably be unwise, even if it is not physically impossible.

The Bailiff: Deputy St Pier:

4410 **Deputy St Pier:** Sir, could Deputy Fallaize perhaps advise the States what legislation exactly would be coming back to the States in September and perhaps the Comptroller could advise the impact of that if that were not approved?

4415 **Deputy Fallaize:** As I understand it, the only issues that need to be dealt with by ordinance are the date of the closure of the Electoral Roll and the date of the by-election.

The Comptroller: I think that is correct, yes. Sorry, I do not know if I have misunderstood now what knock-on effect that might have.

4420 **The Bailiff:** I am not sure that that was the question.

Deputy St Pier: The question then would be if the States decided not to approve that Ordinance in September, what would the effect be?

4425 **The Comptroller:** Well, if it is not approved then you do not have those dates that have been set out by SACC. They are not available.

4430 **The Bailiff:** Then we are in breach of the Reform Law. (**The Comptroller:** Yes.) The Reform Law says there shall be an election (**The Comptroller:** Yes.) if the vacancy arises before December. So the States would be in breach of the Reform Law –

The Comptroller: Yes, yes. That is correct.

4435 **The Bailiff:** – which is not something to be encouraged.
Deputy Bebb.

Deputy Bebb: Thank you, Monsieur le Bailli.
Could I ask that, given the impediment to having a by-election sooner than 2nd December is in relation to the Electoral Roll, whether consideration has been given by the Home Department for using the last Electoral Roll for holding this by-election, and then to only open the Electoral Roll in favour of the General Election in 2016? If not, could they give their reasons as to why they feel this is not the appropriate course of action?

The Bailiff: Would you like Deputy Gillson to answer that or are you going to answer?

4445 **Deputy Gillson:** I am happy to answer it.
It was considered, but the problem is St Peter Port North is the electoral district which has got the greatest turnover of people in any period and so probably is the least accurate Electoral Roll that we have now. Even when you look at the amount of movement in social housing, with the developments in the last few years, it is going to be hopelessly out of date.

4450 **The Bailiff:** Deputy Gollop.

4455 **Deputy Gollop:** An alternative scenario that was discussed at the Legislation Select Committee meeting earlier this week was whether the LSC, wearing its executive hat, could more speedily implement, which might accelerate these dates enshrined in Law; but presumably the Electoral Roll is not finished yet, that is the impediment. Is that correct?

Deputy Fallaize: The problem with that solution is that the Legislation Select Committee could make urgent legislation, but the States then could annul it. So none of the preparations could

4460 proceed because we would not be certain whether the States were going to annul the legislation that had been made by the Legislation Select Committee.

The Bailiff: I see no-one else rising.

4465 There will be an opportunity to debate this when the ordinance comes before the States at the end of September.

Unless anybody has any further questions, I propose that we draw this meeting to a close.

I thank you all for your attendance and for the efficient way with which you have despatched the business and for your courtesy and the good atmosphere that there has been in the Chamber throughout.

4470 Thank you very much. I wish you all the very best for the summer.

Deputy Conder wishes to prolong this –

4475 **Deputy Conder:** Through you, could I just wish Deputy Green and his finance Liz all the very best on the 22nd August. (**The Bailiff:** 22nd August) I hope the sun shines upon him and Liz for the rest of their time together.

The Bailiff: Indeed.

4480 **Deputy Green:** Thank you very much. Very kind of you! (*Applause*)

Deputy David Jones: Sorry. Could I just thank the Bailiff, who has sat with us through all these long hours, for his guidance and his good humour? Thank you.

4485 **The Bailiff:** Thank you. (*Applause*)

The Assembly adjourned at 6.43 p.m.