



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 24th October 2018

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Present:

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

Law Officers

R. M. Titterington, Q.C. (H.M. Comptroller)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, J. Kuttelwascher, D. A. Tindall,
B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies, J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater, J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett, G. A. St Pier,
T. J. Stephens, C. P. Meerveld

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe, L. B. Queripel,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

Deputies R. Graham L.V.O, M. B. E, C. J. Green, B. J. E. Paint,
M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. Yerby,
D. de G. de Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

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

J. Torode, Esq. (H.M. Greffier)

Absent at the Evocation

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

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

CONVOCATION

The Greffier: Billet d'État XXIII. To the Members of the States of the Island of Guernsey, I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday 24th October at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate.

5

The Bailiff: Well, Members of the States, may I welcome you all to this meeting and a particularly warm welcome to Alderney Representative Jean. It is lovely to see you back after a period of absence through illness.

I am sure you would all wish to join with me in extending congratulations to Deputy de Sausmarez who has become a mother again and to Deputy Green who has also become a father – in totally separate events, I hasten to add! *(Applause)*

I also congratulate the States' team who met with the States of Jersey team on the annual sports day this year and who won the petanque and I will not mention the other result but the effect was that they have shared the trophy with the States of Jersey, so congratulations to you. The trophy is on display next door for those who wish to see it.

15

STATEMENTS

DEVELOPMENT & PLANNING AUTHORITY

General Update –

Statement by the President of the Development & Planning Authority

The Bailiff: We now move on to the business of the meeting and first we go into Statements. The first of which is to be delivered by the President of the Development & Planning Authority. A general update Statement please, Deputy Gollop.

20

Deputy Gollop: Good morning everybody.
Thank you very much Mr President.

Sir, it is with pleasure that I deliver this, my second Statement as President of the Development & Planning Authority. My last statement was made in September 2017, and since then the DPA has made good progress on a number of fronts and I hope to conclude this within the 10 minutes as well.

One important highlight is the publication of the Island Development Plan Annual Monitoring Report, the AMR, for 2017 and supporting evidence documents such as those relating to the Main and Local Centres. The AMR contains a wealth of information on how the IDP is performing in delivering its aim of creating a socially inclusive, healthy and economically strong Island, whilst balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

My Committee has considered the detailed data, analysis and findings of the AMR for 2017 and has concluded that, generally, the IDP policies continue to effectively deliver the objectives and proactive elements of the Strategic Land Use Plan, or the SLUP to use the jargon, as intended by the States, to satisfy the objectives of the SLUP and the States' Policy & Resource Plan.

I am pleased to say that the AMR will be included in the States' Billet at the end of November as an appendix report and the DPA has laid a motion to debate this, and I know other Members were interested in debating it too, which I hope Members will support, so that the valuable information in the AMR can be shared with as wide an audience as possible.

The DPA has also contributed significantly, both at political and staff levels, to the Seafront Enhancement Area (SEA) programme. The programme is one of the priorities in the P&R Plan. The DPA is represented by Deputy Victoria Oliver on the steering group that has been established to oversee progress. Our senior officers are also on the staff level working group.

This is an excellent example of cross-Committee engagement. It is also a good example of how the proactive, flexible and permissive IDP, which the States unanimously approved two years ago, works to support the strategic priorities of the States as set out in the SLUP and the P&R Plan. The DPA will also of course be solely responsible for preparing and delivering the Local Planning Brief required for the Harbour Action Area designated in the IDP, which is a crucial element of the SEA programme and essential in order for the benefits of this States' priority to be realised on the ground. It is important that we are solely responsible.

Other examples of cross-Committee working are our publication of guidance relating to site waste management plans for construction projects, which provide important monitoring information to help inform the States' Inert Waste Strategy, and our work with the Office of Environmental Health and Pollution Regulation resulting in publication of guidance on construction environmental management plans. These plans are an important tool to help manage the impacts of the construction phase of major projects.

A total of just over 20 development frameworks have been completed or were within the drafting or consultation process during the last year. The development frameworks are specific guidance prepared for sites by the DPA, as part of the proactive and enabling ethos of the Island Development Plan. They permit early community engagement, provide greater certainty as to what form of development is likely to be permitted on a particular site and help reduce potential delays at the planning application stage. We also welcome community plans.

Members will recall that the new High Hedges Law came into effect last year. We have dealt with a small number of complaints under that Law, which have all been resolved successfully so far without the need for formal notices to be served. The Law forms an effective backstop and it seems problems are being resolved amicably between neighbours, as was intended by Deputy Brouard and others.

In addition to all this, our staff held a Saturday morning advice surgery at Beau Séjour in July, which was well attended by members of the public seeking planning advice and we will be holding a similar surgery in December.

This year has also seen Planning being dragged into unwarranted controversy having hit the headlines on a number of occasions where facts perhaps have sometimes been lacking.

75 Firstly, there have been concerns expressed about perceived '*overdevelopment*' in the North of the Island. There have even been suggestions about a requête being laid to change current policy approaches.

But in terms of the number of additional homes actually built in St Sampson's and the Vale over the last five years, between mid-2013 and this year, this was 58 compared with 136 in St Peter Port over the same period. Neither figure suggests that either centre is, or is likely to be, overdeveloped if these trends continue.

80 There have also been suggestions recently that the revised housing indicators approved by the States earlier this year mean that less housing is required and current allocations can be removed from the plan. To be clear, the indicators are just that, an indication of minimum housing requirement and are not an indication of a maximum target – a minimum not a maximum. The SLUP requires an adequate supply of housing land to be identified to meet these agreed indicators and so providing for more than the minimum is acceptable.

I have seen the issue of housing rise and fall on the political agenda over 20 years with great regularity. To say we do not currently have a housing problem and can therefore build less is to take an extremely short-sighted view. A lapse of a major planning permission, such as Leale's Yard in August, can skew the housing figures and, therefore, must not be taken for granted until built.

90 We have also received criticism about the IDP allowing potential for developments that will increase traffic and affect junction capacity in the north of the Island. The cumulative effect on local infrastructure is considered for larger applications and alterations recommended by Traffic and Highways, from E&I, if it is within the ambit of the application or development framework.

Turning to our legislative work, legal drafting on the new Ordinance for Certificates of Lawful Use is nearly complete and we expect this to be in force in 2019. We will also be bringing policy letters to the States with recommendations to expand planning exemptions and also to deal with eyesore sites through section 46 of the Planning Law. There was broad support from the Douzaines on the latter when we consulted with them recently.

100 For next year, we will be reviewing areas of biodiversity importance and preparing supplementary planning guidance on sites of special significance and representatives have recently attended a *Société Guernesiaise* working evening.

We are also making good progress in our journey towards online applications. We are continuing to work closely with our software supplier with the objective of providing online access to plans – we are going digital – and the ability for customers to make applications electronically as soon as practical. It is intended to include scope for electronic alerts when plans are revised. This will be achieved at no extra cost to the taxpayer. In the meantime, we have expanded the range of applications we process electronically within our back-office.

We will also be using electronic recording, as mentioned last month, to save resources on minuting our committee meetings.

110 In conclusion, I would like to express my grateful thanks to my strong political team, Deputies Tindall, Oliver, Lester Queripel and Leadbeater, and also to our staff who work tirelessly to provide an excellent service. I look forward to taking non-development site specific questions, because we do have to separate our policy making and open planning roles.

Thank you, sir.

115 **The Bailiff:** Members, you are aware a period can now be permitted not exceeding 20 minutes for questions to be asked on any matter within the mandate of the Committee, although as Deputy Gollop has said they must be non-development specific.

Deputy Trott, I believe you wish to ask the first question.

120 **Deputy Trott:** That gives me a minor problem, sir, let me just give this a moment of thought.

The Bailiff: In that case I will call someone else.

125 **Deputy Trott:** Yes, why don't you do that, sir. *(Laughter)*

The Bailiff: Deputy Stephens.

Deputy Stephens: Thank you, sir.

130 Would Deputy Gollop accept that perceptions of overdevelopment in parts of St Sampson's and the Vale are in part caused by lack of attention to infrastructure development and lack of attention to advice from Traffic and Highways when applications are considered?

Thank you.

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

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes. It is a complicated problem this, as we found out when we were pleased
140 to meet representatives from St Sampson's Douzaine, indeed a Constable who is also a Deputy.

The thing is we know at the DPA that we have a whole raft of professionally drawn up, ethically drawn up traffic surveys for individual developments, that in some cases go back a few years, in others are more current. Of course in the case of Leale's Yard the application we approved (a) it has not been built and (b) we did not complete, from our point of view, some of the traffic issues
145 there.

But we know there has been a call from Environment & Infrastructure, from some Members of Environment & Infrastructure perhaps, to take the more holistic line, but the power of doing this is more in their court than ours, because perhaps we should have even more resources put into traffic surveys, done perhaps by local post-graduates or people who are engineers of one sort or
150 another ... not necessarily prove more expensive than consultants. But if St Sampson's and other parishes want to have that kind of information, or commission it themselves, we would welcome any evidence that they would show. But we work on the basis of the evidence that we have –

The Bailiff: Your minute and a half is up
155

Deputy Gollop: – and it is in the Island Development Plan that we all approved.

The Bailiff: Deputy Meerveld.

160 **Deputy Meerveld:** Thank you, sir.

Deputy Gollop gave us an example of the fact that the number of houses built around St Peter Port was considerably higher than St Sampson's and the Vale in the last few years. However, I think the greater concern from an impact on both the environment and the infrastructure is not so much how many have been built but how many have been approved to be built, the overhang in
165 the market that is likely to come on line in the next few years.

Could Deputy Gollop tell us how many housing developments have been designated or approved to be built in St Peter Port versus those in St Sampson's and the Vale.

Thank you, sir.

170 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I would have to come back to you with an exact figure on that, but my memory suggests around 800 in St Sampson's, of which at least 400 of those were from the aforementioned Leale's site.

175 I think it is misleading to talk about sites approved, because they cover a wide spectrum from rental sites to sites in development frameworks – for example, close to Delancey Park – that have

by no means been approved, where minimum and maximum densities are laid out in theoretical terms, and many indeed we know from our evidence, that many of the sites that we approve never get built. In fact I think at least a third of them never get built, so it is very hard at any particular time to give a complete snapshot, but I think we will return to this subject in the Annual Monitoring Report debate next month in greater detail.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

With over 1,000 dwelling building permissions currently in play, would the President of the DPA agree with me and hundreds of residents of St Sampson's that a non-specific site is not only potentially of damaging high density but also unnecessary with regard to housing demand?

The Bailiff: Deputy Gollop.

Deputy Gollop: Well, a personal view on one site I went to is that it perhaps could accommodate mixed-use redevelopment rather than what had originally been approved for it.

But I think the point that we should bear in mind here is of course I can agree with Deputy Trott on behalf of the St Sampson's Deputies, except I am not a St Sampson's Deputy and so on – although maybe we all will be St Sampson's Deputies one day – that is another subject! – (*Laughter*) but my answer specifically is not all of those sites have been built. There are many sites still being completed in St Martin's, St Peter Port, Castel actually and the Vale. I will put it back to Deputy Trott, perhaps Board of Administration style from the old days, that everybody in this Assembly approved the Island Development Plan including the policy framework, the infrastructure and the recommendations of the planning inspector, so I find it strange that senior Deputies – some of them more senior to me – have queried the policies subsequently.

The Bailiff: Deputy Inder.

Deputy Inder: Thank you, sir.

I did not think I was first but anyway.

The President made reference to the build differences between urban St Peter Port and the countrified parishes of some of St Sampson's and most of what is left of the Vale. Does he accept that a block of 10 flats, let's say, in the Ambles would be hardly noticed and possibly even welcome as an infill, whereas 10 houses spread across a couple of *vergées* of arable fields in the Vale or St Sampson's is a wholly different prospect?

The Bailiff: Deputy Gollop.

Deputy Gollop: I return to my previous answer, and no doubt there will be more to say next month, but specifically some of the sites alluded to in the Vale, for example, were in fact identified for development during the planning process and were facilitated. For example, two specific sites we have recently discussed as a Committee were the Tertre Lane and the Braye Road area. They are just two examples.

The Director of Policy noted that the latter site had been subject to representations at the planning inquiry into the Island Development Plan but the inspectors had concluded it should be included within the main centre boundary. In many cases that was the case.

This conclusion on that site was not subsequently challenged and a recommendation was approved by the States; and to change this outcome on the sites identified for development frameworks there would need to be an amendment to the Island Development Plan through the planning inquiry process and to designate the site as important open land – and I accept that some Members would like to see that, if they had their time over again from two years ago – but

hindsight is a wonderful thing. Or to change the main centre boundary. Either of these changes would contradict the inspector's conclusions factually and the States' decision taken in 2016 –

The Bailiff: Again your minute and a half is up Deputy Gollop.

Deputy Gollop: – and therefore feels irrational.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

A lot of these questions seem to relate to the future debate that we are going to have.

Deputy Gollop mentioned the community plans, and I take it that there have not been any community plans so far. Would it not be better use of the Development & Planning Authority's time and effort when developing a development framework to look at developing a community plan for that area, that would then encompass the traffic issues and infrastructure issues around that area and get the community on board?

The Bailiff: Deputy Gollop.

Deputy Gollop: I welcome Deputy Hansmann Rouxel's suggestions and of course apart from her role supporting disabled people she is a very effective Member of Environment & Infrastructure. Perhaps we should have more dialogue between the committees, but we do share resources and the thing is community plans would be more useful to us if they had other pairs of eyes looking at them, which would be a great initiative perhaps for other States' committees for community foundations, for housing estates, for natural organisations to develop.

As for the point about traffic and highways we already have expert support from Environment & Infrastructure from their Traffic and Highways Division and community plans really would just add an extra level of bureaucracy to that unless we could identify additional relevant resource.

As for the other point when it comes to changing policy on sites, we actually do need compelling evidence to justify an approach, particularly mid-term.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

Thank you for the update and I am surprised that the DPA have also laid a motion to debate the Annual Monitoring Report, as all Members were advised that myself and Deputy Graham have already done so – so a duplication of work again, sir, and I think it is an unnecessary use of their time.

But moving on, would the President agree with me that if all the sites were built, if all of the opportunities were taken that are currently available in St Sampson's, there would be an almost 35% increase of housing. If 800 approved but only 58 were built that means potentially 560 that the President said he would expect to be built. That is working on the President's aforesaid numbers of 30% not getting built so we expect over 500 units in the area to go ahead. Is that correct, sir?

The Bailiff: Deputy Gollop.

Deputy Gollop: It does sound similar to our estimates.

But first of all I wish to deal with the first point Deputy Merrett made about the Annual Monitoring Report.

It was always the will of the Committee, going back to Easter, to publish the report. It was published in August and to debate the report in the States, indeed we were looking for an

appropriate mechanism which is almost a Machinery of Government issue to do so. But because of our complicated relationship with Environment & Infrastructure and Policy & Resources we went down the approach of publishing it as a report with every intention of taking it to the Assembly and indeed you could argue I let Deputy Tindall and the other Members down by agreeing in a moment of weakness to Deputy Merrett and Deputy Graham perhaps taking it. Perhaps there was one school of thought that said it was better being brought to the States by Members who had no political self interest in it. But we fully endorse the decision to debate it in the Chamber.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

The President mentioned Leale's Yard before. Can I preface my question by saying that I no longer have an interest in that site, no longer being a director of the Co-op. But I do have a question on it.

Many people I know are desperate to see large brown field sites such as Leale's Yard taking the burden of new housing in the Island. Do the DPA accept that given the upfront costs that these sort of sites in terms of infrastructure, like roads and drainage, are never going to hit the top of a developer's wish list so long as we keep feeding them low hanging fruit in the form of green fields and agriculture sites?

Several Members: Hear, hear.

The Bailiff: Deputy Gollop.

Deputy Gollop: I am perhaps politically arguing with myself here on this one. Wearing my long DPA hat as an individual Member and perhaps in fact as a member of the Islanders Association too, I think it will be in – (*Interjection*) I am the only one left – no, (*Laughter*) it could actually be in the Island's best interest if the States collectively, especially at senior policy and resources level, looked at Leale's Yard as an urban redevelopment, growth, regeneration area (**A Member:** Hear, hear.) and gave it a complete makeover for residential, environmental, habitat, community, accommodation and maybe some commercial development where appropriate. I would like to see that, I would like to see a new town up there, but that does require serious resource, and perhaps a slightly more effective governance system than we have at the moment.

On the question Deputy Merrett raised earlier and Deputy Roffey has come back to, the reason why there are so many hundreds of sites in St Sampson's is because Leale's Yard is an enormous proportion of that total at the moment. It could be 400 out of 600. Actually of course it is not only the far east of the parish but it borders the Vale, so it is a very special site, it is not right in the middle of St Sampson's heartlands and that. So I think the Bridge should be part of our East Coast Seafront Regeneration Strategy (**Several Members:** Hear, hear.) and we really do need effective political action on that from everybody.

The Bailiff: Again your minute and a half is up.

Deputy de Lisle and then Deputy Fallaize.

Deputy de Lisle: Thank you, sir.

There has been concern over the number of applications with respect to enlargement of curtilage over agricultural land. What special planning guidance has been adopted to ensure viable agricultural land use is not unduly affected?

The Bailiff: Deputy Gollop.

Your microphone is not on.

Deputy Gollop: Well, land use, of course, is a challenging topic. I remember Deputy de Lisle particularly resented the Forest West's area which is still not – nothing much has happened there – but I think the point about low hanging fruit is one that we take seriously, but when we create a plan the Island-wide nature of it is such that we actually were Island-wide Deputies before it became fashionable, because of the reason why you see a pattern of more development, shall we say, on the east of the Island is precisely to conserve much of the rural west as countryside. We do have a very extensive agricultural priority area. We do provide for sites of special interest for the habitats; we have strengthened our protection for coastal environments; we facilitated the conservation herd, and many other elements. So I think we do respect land use as much as we can. Even on the Airport which is probably the western Deputy's least favourite area in some respects. We now know that there are possibly 150,000 huge Guernsey moles living near the grass runway and doing their thing. So we protect the habitats as much as we can –

The Bailiff: Again your minute and a half is up.

Deputy Gollop: – whilst also supporting social centres.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Deputy Gollop chose to tell us about the number of new houses built in the northern parishes but would he agree with me that the bigger issue is not the total number built but where they are built and how they are planned? (**A Member:** Hear, hear.) And would he not agree with me that it would be better if in policy terms we could require the building to start in urban centres and then work outwards, rather than this kind of suburban sprawl which we are being subject to at the moment?

With that in mind would Deputy Gollop give a commitment that the Authority will take a flexible and proactive and responsive view, if the Policy & Resources Committee and other relevant committees can be persuaded, to expedite the development at Leale's Yard?

The Bailiff: Deputy Gollop.

Deputy Gollop: The short answer to that is, no, I won't. Well, I might do. (*Laughter*) I think it depends on a number of factors and not just a major development in the north east of the Island.

I do not think it is ethically appropriate or legally correct, and could lay the States up for all kinds of review, if we suddenly say that appropriate sites in parts of the Island which have had broad high-level potential permission through the Island Development Plan can be just changed on a whim without compelling evidence. Now whether a parliamentary procedure can do that is probably a matter for the States and the Law Officers and other authorities. But what we cannot do is to take a simplistic lower hanging fruit argument and say, 'Mr X or Miss Y or Company Z, you cannot develop this site suddenly because a bigger opportunity has emerged half a mile away.' That would not be good planning and that would not be good policy and it would be overturned, I am sure, by any tribunal.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I wonder whether the President agrees with me that one of the issues in relation to development frameworks is the anxiety which it causes to the community? It gives an impression that there is going to be a significant development on their back door which is perhaps unlikely to ever be delivered, and actually there is perhaps a significant responsibility on the Authority, and indeed the States generally, to ensure that that is better communicated in order that the community have a better understanding of the role of development frameworks.

385 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I agree with the President of Policy & Resources that we could indeed do with additional support with our communication and indeed perhaps we will be using it even more than we do at present; the central communications facilitations and the digital revolution will help
390 us further.

I think the development frameworks personally are a bit misunderstood because they are more of an *à la carte* menu than a *table d'hôte*, and they are drawn up and then kind of considered carefully by the Committee. We do listen to every representation that is received. We do make changes, an example being egress and access recently to an area in the north of the Island. I think
395 if I went into a restaurant and demanded food and they brought it out to me and I said, 'I do not want any of that because I do not like it, I did not order that,' it would be ridiculous. But the order of this as a development framework is a menu from which the developers and other interested parties will understand what is considered holistically as possible. To have it the other way round whereby a developer puts in an application and then gets refused on the grounds of a completely
400 off centre, would actually be both time wasting and less efficient.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

405 Following on from Deputy St Pier's question and your answer, Deputy Gollop, previously, it still happens: an applicant can actually come in and speak with staff so we do not actually need a framework; they would help and assist and guide on what may be possible with application. So I would hope you would perhaps go down that route again.

My main question for you is that bearing in mind there is a huge amount of outstanding
410 applications that have been approved, what are you going to do to reduce the time limit when it expires, actually they will no longer automatically be renewed again or when a new application comes in and we would be able to address some of the serious concerns that are happening where land is being blocked, being paid for by an extortionate amount which the developer is happy to do so but locking up land which is not being developed? What will you actually be doing
415 about shortening the time limit where they have to develop within a certain time?

The Bailiff: Deputy Gollop.

Deputy Gollop: Well, again there are so many issues wrapped up in that. The Committee and
420 its officers, we very much welcome input from everybody and I think there has been an appreciation from the professional community that the new Island Development Plan and the new format through the DPA has worked even better than the old Environment Committee.

I think too that it would be useful perhaps if the Vale or St Sampson's Parish in concert with the Deputies and Douzaines actually put together their own community plans and visions.

425 I will give a personal view here which is not necessarily a DPA view; I think there were too many development frameworks and that perhaps in the future we will ration them for more meaningful bigger sites; (**A Member:** Hear, hear.) and I think we have learnt that over the past year, because there have been one or two ones that could have been done in a different way perhaps.

As regards permissions lapsing, well that is very much the responsibility of the developer. We
430 do not have a state-run planning system yet – although I think we might in 50 years' time but we will not go there now. Frankly, if some of these sites are not developed I will not shed any tears and it is up to the States to decide if they want to give the DPA and the E&I the resources to do more surveys and maybe revise the IDP at a faster rate than the old Urban Area/Rural Area Plans was. I personally would like to see –

435 **The Bailiff:** Again your time is up.

Deputy Gollop: – a revision of it within two years.

440 **The Bailiff:** Indeed the overall 20 minutes are up and given the amount of business that there is for this meeting I am not minded to extend that period.

COMMITTEE FOR EDUCATION, SPORT & CULTURE

General Update –

Statement by the President of the Education, Sport & Culture Committee

The Bailiff: So we will move on to the next general update Statement to be delivered by the President of the Education, Sport & Culture Committee.

Deputy Fallaize: Thank you, sir.

445 Shortly after being elected in February, the Committee made a commitment that before the October half-term we would announce the sites which we propose to use for secondary education in the future and the transitional arrangements to close the four existing schools and move to one school operating across two 11 to 18 colleges. We have completed the work necessary to meet that commitment.

450 Late this afternoon the information will be conveyed to parents, teachers and other staff, school committees, Deputies and others. The Statement I am making now will include nothing further on this information which is to be made available later today, but the Presiding Officer has kindly given me permission to include it in another Statement which I will make later at this meeting – I believe as the penultimate item on the Agenda.

455 The Committee inherited an anticipated overspend of £3.8 million for this year. Since we are still a few weeks away from the end of the year I am cautious about saying this, but the latest forecast shows a much-improved budget position – indeed it is possible that the overspend may even fall below £3 million.

460 From 2019 we will move into a new era of realistic cash limits which do not result in inevitable overspends – but allied to a medium-term savings plan which sets out the kind of transformation in the delivery and administration of education which is necessary not only to improve outcomes further but to balance the budget as required by the States.

465 There have been significant changes in the structure and personnel at the Education Office, including in the roles of Chief Secretary and Director of Education and the new role of Executive Head Teacher of Secondary Schools. The restructuring of the office will realise annual budget savings into six figures and there may be opportunities to increase this further.

The transformation of secondary and post-16 education and other related work is being overseen by a dedicated programme office which brings together professionals with the skills to manage substantial change in the public sector.

470 Most importantly, the Committee is served by a group of officers who are well equipped to advise on and support the extensive agenda of policy reform; and we are determined to do everything possible for this not to be put at risk during the period of change in the Civil Service recently announced by the States' Chief Executive.

475 The arrangement with Education Scotland to inspect schools was terminated at the end of the last academic year. In the current academic year schools will be inspected by an organisation outside the public sector which employs HMI Scotland inspectors. In appointing a permanent replacement, the Committee's objective has always been to have an inspectorate which is impartial, rigorous and able to command the confidence of stakeholders as well as recognising our distinct local context. From September 2019 schools will be inspected by Ofsted. The

480 Committee is currently working with Ofsted to develop the local framework against which schools will be inspected.

It was always intended that there would need to be further development of the Bailiwick Curriculum. The Committee is now prioritising this work. It will focus on establishing greater consistency of content to provide students with the skills and knowledge they need. This work will
485 draw heavily on the experiences of teaching professionals in Guernsey and the advice of curriculum thinkers elsewhere. I wish to emphasise that this is development, not replacement, of the curriculum.

For some time the number of students obtaining 5 A* to C grades has been a sort of '*gold standard*' at GCSE level. This is changing. Nationally the main assessment measure now used at
490 GCSE level is known as Attainment 8. Moving to this measure has several advantages for us. For example: every grade improvement of every student becomes important – which is not the case under the old standard – there is greater focus on certain key subject areas; and it will allow us – which we now can't – to compare the attainment of our students with students nationally. Over the next three to four years we will gradually move to Attainment 8 as our main GCSE
495 performance measure.

In the summer holidays the Committee invested a not inconsiderable sum in essential and long overdue works at La Mare de Carteret Schools. This investment has provided students and teachers there with a visibly improved learning and working environment. The final projects should be completed during half term next week.

500 The Committee has made a commitment not only to redevelop La Mare de Carteret Primary School but to expedite the timetable for seeking States' approval of this work.

The Committee has been working in partnership with the Policy & Resources Committee and the three grant-aided colleges and I am pleased to say that very recently I have signed a new grant agreement with each of the colleges which provides security of funding for them, in line
505 with the States' Resolution of last year, and substantial real terms reductions in States' expenditure.

By the end of the year the Committee will have completed a programme of half-day visits to all schools in the Bailiwick and this programme will be repeated next year.

The Committee has developed a good relationship with the education authorities in Sark. We
510 are working on an arrangement which will allow secondary-age students from Sark to be educated together in one of the new 11 to 18 colleges. We also hope to assist Sark with the provision of some specialist equipment in their school.

We continue to work closely with St Anne's School in Alderney. The head teacher communicates regularly with the Education Office and myself. Clearly we are in a period of
515 significant change in education in Guernsey and our friends in Alderney need to know – and I believe they do know – that during this period of change the level of support they have received in recent years from Guernsey will be maintained.

We remain determined to fulfil the recent States' Resolution in relation to the future of technical, professional and vocational studies, which was:

To agree that the College of Further Education shall have a single board of governors and a single executive leadership team; and further to agree that it shall be an objective of the College to integrate with the Institute of Health and Social Care Studies and the GTA University Centre as soon as practicable, most probably to operate as discrete faculties within the same College; and further to agree that it shall be an ambition of the College to form a partnership with a UK university, ultimately to replace the title College of Further Education with the title University College Guernsey.

520 The likely future structure of the integrated organisation has been developed in conjunction with the three existing organisations and our intention is that integration will proceed incrementally during 2019. Also during 2019 we will set out the capital developments necessary for the integrated organisation to be housed in a new purpose-built facility at Les Ozouets at the earliest opportunity.

525 The States have resolved that the 1970 Education Law, which has long been woefully outdated, should be repealed and replaced, and work on this is under way and the Committee anticipates laying a policy letter before the States in 2019.

Preparations continue for us to host the Island Games in 2021.

530 Soon after being elected, the Committee commissioned a working group, mainly drawn from the Guernsey Arts Commission and the Guernsey Community Foundation, to help develop an arts strategy, including undertaking public consultation. This work has progressed well. Recommendations from the working group will go to the Committee soon and the Committee will then move to submitting an arts strategy to the States as soon as possible.

535 During the summer the Committee undertook public consultation on the future of sport. This was to assist in the development of a sports strategy. We are currently writing a plan for sport and intend to submit a policy letter to the States ahead of schedule in the early months of 2019.

540 The amalgamation at committee level of education, sport and culture continues to yield benefits. The Committee has a good relationship with the Sports Commission. Since my previous update Statement an agreement has been reached which will see the Committee increasing its investment to maintain and improve the PE in Schools programme while the Commission raises additional funding to support sport in the community.

The Committee is also finalising the business case for the capital developments necessary at Foote's Lane, including a new athletics track.

545 The Committee is responsible for heritage policy. The limited resources available need to be used most effectively and in the longer-term it is hoped that investment can be increased. However, these things remain unlikely while decisions about heritage continue to be made somewhat randomly. Many years ago a predecessor committee identified the need for the States to adopt a more structured approach to heritage matters, but little progress was made on this. The Committee has therefore asked officers to begin work on a heritage strategy which it is hoped
550 could be laid before the States this term.

Thank you, sir.

The Bailiff: Deputy Inder, then Deputy Dudley-Owen.

555 **Deputy Inder:** Thank you, sir.

Thank you for your update, Deputy Fallaize.

One thing that is obviously dear to my heart is what is left of our language and I did not hear you make any mention of a policy letter related to our Guernsey French and I wonder if you could give us an update on that please?

560 **The Bailiff:** Deputy Fallaize.

565 **Deputy Fallaize:** Yes, the Committee has been working with some specialists on-Island and off-Island in relation to our language, and will develop some proposals in the relatively near future. I cannot say yet the extent to which any of those proposals will need States' Resolutions but they will set out what is necessary to make some progress in the preservation and development of the language. As I say, I hope that we will be in a position to do that in the relatively near future.

570 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

575 Can the President of Education, Sport & Culture please tell us whether any work was done to explore partnering with Jersey to use their same inspection regime for their schools? If so what was the outcome and if not, why not?

Thank you.

The Bailiff: Deputy Fallaize.

580 **Deputy Fallaize:** No, because we did not want to use the same kind of inspection regime – I
hate that term ‘inspection regime’ but Members know what I mean – as Jersey. However, we are
going through a similar exercise to that which preceded the establishment of Jersey’s inspection
framework which is to work with the new inspectorate, which in our case is Ofsted, to develop a
framework which is suitable for local circumstances. So the Ofsted inspection framework is
changing as it happens, but either the existing framework or the new framework would not in its
585 entirety be suitable for Guernsey. There are all sorts of things which schools in England are being
inspected against. For example, the success of their devolved governance arrangement, which if
we try to impose in Guernsey from 2019 would be completely redundant. So we do need to adapt
the inspection framework to local circumstances. That work has now started. There will be
consultation with local school leaders on that, and that is a similar process to that which Jersey
590 undertook.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.
595 The President advised us again the GTA, the Institute of Health and the College of Further
Education intend merging with the longer-term aim of attaining university status. As we know,
Economic Development also have been developing a university as part of their workstreams; does
the President consider that we need two university status establishments in Guernsey or is
Education, Sport & Culture working very closely with the Committee *for* Economic Development?
600

The Bailiff: Deputy Fallaize.

Deputy Fallaize: I ought to say that it is university *college* status, not university status and
there is a material difference.
605 The Committee *for* Education, Sport & Culture is represented on a working party which is led
by Deputy Parkinson and his Committee in relation to their university proposals. It is right that
there are two proposals but this has been explored, including in the Assembly before, and I think
Deputy Parkinson and I are agreed that they can run in parallel because they are seeking to serve
a completely different market: our university college market is domestic on-Island Guernsey
610 students; the university aspirations being pursued by Deputy Parkinson’s Committee, as I
understand it, are to do with attracting international students to Guernsey. But I certainly do not
think that the two proposals are in any way in conflict and I think there is agreement between the
Committees and the two Committee Presidents on that point.

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

Deputy Laurie Queripel: Thank you, sir.
I would like to ask the President about the changes to the apprenticeship scheme. Concerns
have been raised that these changes will impact negatively on a number of construction industries
620 trades. Are the Committee *for* Education, Sport & Culture aware of these concerns, are they
listening and will they be taking them under proper consideration and working with the College of
Further Education to address those concerns?

Thank you, sir.

625 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Yes, I am pleased Deputy Queripel has asked that question because it allows me to read out a paragraph that I was going to read out and axed because I thought I was going to run out of time.

630 Changes have recently been announced to the apprenticeship scheme. Some concerns have been expressed by representatives of the construction industry and the College of Further Education remains in dialogue with the industry, including to consider some further amendments to the funding package. A significant advantage of the changes to the scheme is that apprenticeships will be possible in many more industries to reflect better the diversity of the
635 Island's economy.

So the answer to Deputy Queripel's question is, yes, there is ongoing dialogue between, in particular, the GBTEA which is that sector's representative body and the College. There may be further amendments made to the funding package to respond to some of the concerns raised, but the key issue is that the apprenticeship scheme needs to evolve, it needs to be developed because
640 we have requests from other industries to become involved which cannot happen under the existing funding model and we want to bring in other industries and other sectors into the successful scheme.

The Bailiff: Deputy Lowe.

645 **Deputy Lowe:** Thank you, sir.

I was heartened with the President's updating speech in as much as he mentioned sport, which obviously comes under his mandate and mentioning the Island Games. But could I have assurances or hear from the President as to the communication that takes place involving the
650 sporting fraternity *per se*, whether the support exists currently within the Education, Sport & Culture and what communication takes part with them; and also has the President and his team looked at sports tourism alongside Economic Development, as that is an area where I believe there is potential for this Island?

655 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Yes, so I represent the Committee on the Sports Commission and as I said there is a very close working relationship between the Commission and the Committee and it is fair to say that that is our primary link with the sporting community. I do not think that there has
660 been any great change in that respect in the shift between Culture & Leisure and Education, Sport & Culture.

In relation to sports tourism Deputy Lowe raises an interesting point and I think it is fair to say that there is probably not fully a meeting of minds between the office of the Committee *for* Education, Sport & Culture and the office of the Committee *for* Economic Development in relation
665 to the emphasis that should be placed on sports tourism, and I would accept that this is an area of work which does need to be explored further between the two Committees because there is significant potential in the area of sports tourism, but it is in a relatively narrow area. I think that we probably need to do more to represent our views to the Committee *for* Economic Development and to work together with them and we will be prepared to do that in the future.

670 **The Bailiff:** Deputy Green and then Deputy Brehaut.

Deputy Green: Sir, thank you.

I have concerns about the financial position of the Committee *for* Education, Sport & Culture and as I understand it there is an oversight group that has been set up between the Committee
675 *for* Education and P&R. Now, Deputy Fallaize referred to the savings that he believes are going to be made in relation to the changes in the Education Office and he also briefly alluded to the transformational changes that will be perhaps realised by the secondary transformational

680 changes. But can I ask Deputy Fallaize how many times has the oversight group with P&R met so far, and has any practical progress actually been made on savings other than the ones he referred to in his Statement? Because I am concerned that the financial position of the Committee is not sustainable, it is already in special measures under this oversight group and I think we need some reassurance that these things are being dealt with appropriately.

685 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Yes, I cannot tell Deputy Green how many times the oversight group has met, but I can tell him that it meets at least monthly and in some months it has met at fortnightly intervals, albeit with slightly different agendas between two meetings in a month. But the answer
690 is it meets very frequently.

The Committee is concerned about the budget position. The Policy & Resources Committee is in receipt of a medium-term savings plan which eliminates the deficit which the present Committee inherited, and that is a robust, credible, realistic savings plan. So what will happen from 2019 is that the Committee will have cash limits which are realistic because there is no point
695 in everybody standing here and approving a budget at the end of one year which it knows the Committee cannot meet the following year and just accepting that someone will stand up and declare however many million pounds the overspend has been at some point. So the cash limits will be realistic but allied to that is a medium-term savings plan which will eliminate, if I can call it, the underlying deficit. That incorporates areas like secondary education, post-16 education,
700 further savings in the Education Office and various other grant-aided college savings. There is a credible medium-term plan in place which I am sure Deputy Green and his colleagues will be exploring further when we appear before –

The Bailiff: Your time is up –

705 **Deputy Fallaize:** – a scrutiny hearing on the 22nd November.

The Bailiff: Deputy Brehaut.

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

Guernsey has a disproportionate number of children in special need education. At the moment the Education Department is effectively running a parallel system with a great deal of resource in both. In the time left in this term can this Education, Sport & Culture Committee give an assurance that there will be a degree more integration between special needs schools and what might be referred to broadly as mainstream schools?
715

Thank you.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Yes, when we, or the four Members of the current Committee, published what was then the alternative model we set out the need to review special educational needs provision, in particular – this is a clumsy way of describing it but – where the line is drawn between special schools and other schools. That remains our intention. That will be necessary in any event because of the redrafting of the Education Law which we hope to complete this term.
720 But I think it will be expedited still further by work which is currently going on to scope the size of the necessary extensions or redevelopments in the secondary sector. Because we have taken some advice from people who are fairly expert in these things who have made exactly the same point that Deputy Brehaut has made, and where you draw this line has an impact on the size of the extensions or developments that you need. So I think we are fast reaching a point where that
725 review will need to be started and completed reasonably quickly.
730

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

735 There have been concerns with regard to further rationalisation in the primary schools' sector, given the intended rationalisation that is about to be proposed with regard to the secondary sector, particularly by parents who wish to keep primary schools located close to their areas of residence. What change is under consideration in the primary sector?

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: Well, there is no change in the position since my last update statement, but all I can do is remind Deputy de Lisle and the Assembly that the Committee is under a States' direction to review provision particularly in the catchment areas served by the Forest and the La Houquette and the community served by Notre Dame, St Mary & St Michael before 2023 and to do so taking into account that the policy of the States is for two- and three-form primary schools. So I can repeat that. I can say that we are not imminently coming forward with any proposals to discharge that Resolution. When we propose during the course of 2019 the redevelopment of La Mare de Carteret Primary School, clearly the States and the Policy & Resources Committee will expect us to set out how that redevelopment fits into any possible future permutation of primary schools, and we will do that in that policy letter, but Deputy de Lisle ought not to read anything into that in terms of decisions which may be made.

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The Bailiff: Deputy Lester Queripel.

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Deputy Lester Queripel: Sir, I was pleased to hear from the President that there is a lot of work going on behind the scenes in all the other areas that fall under the department's mandate apart from education, but is the President able to give me an assurance that his Committee always make time to apply sufficient political oversight to all the work that is going on in the arts and sport and culture and heritage, please?

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: Yes, there is no more interference, if I can put it that way, in the operational side of the arts and sports than there is in education, but certainly at a policy level the Committee has adequate time to afford to the sport and culture parts of its mandate. As I have said many times – I know not all Members of the States are in agreement, but perhaps most of them are, given the response that Deputy Inder indicated he had had to his suggestion about decoupling the Committee's responsibilities – our view is that education, sport and culture is stronger together under a single committee under a single leadership than they would be apart.

770

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

775 The President mentioned a move to Attainment 8. Are there any moves to start using Progress 8 and if not, because it does not actually work as well as it should, is the Committee looking at any alternative that would look at measuring progress within the schools and being able to actually publish that as opposed to being an internal document used for internal progress measures?

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: That is a good question. The short answer is, yes, it is slightly more complicated than the introduction of Attainment 8 because unlike Attainment 8, measuring

Progress 8 requires us to have very reliable objective data coming out of primary schools. At the moment the assessments and information that are coming out of primary schools are teacher moderated assessments, which are valuable and have their place and need to continue, but they are not a basis to allow us to move easily to Progress 8.

The basis of Progress 8 in England is that students in Year 6 sit SATS. The Committee is somewhat sceptical about the case for moving to SATS or moving back to SATS but is giving consideration to ways in which we could obtain objective data on primary school students in Year 6 to enable progress to be measured more effectively between Year 6 and Year 11. In fact a pilot approach is being rolled out for the Year 6 cohort this year, and it will be interesting to see how those new methods of assessment work, but there is every potential that that pilot will be rolled out to all students in future years.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

In regard to the Education Law can the President please tell us about the resources which have been put towards supporting this redraft and when the consultation can be expected on the draft please?

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Yes, this is quite a resource hungry piece of work, as Deputy Dudley-Owen will know. I am not going to say which members of staff by name are working on it, all I can say is that the Committee's Chief Secretary knows that at a policy level this is the first priority of the Committee and adequate resources are being applied to develop the work.

Consultation can be expected in 2019 with the community because we are very keen that the new Education Law unlike the current Law ought not just to be a sort of mechanistic law which tells us which procedures apply in which instances, but it ought really to capture the educational philosophy and the educational objectives of the whole community. That will require a period of consultation. But work on the Law is already underway, it was on the Committee's agenda yesterday, it will be on all future agendas. The work has been expedited and we hope to carry out all the material work that is necessary in this States' term.

The Bailiff: Deputy Merrett, and this may well be the last question.

Deputy Merrett: Thank you, sir.

Deputy Fallaize has just referred to the change of the Law which is almost a prerequisite; in his earlier statement or his original statement he said that he was confident that it would be available by 2019 and then recently he said he was confident it would be the end of this political term which is obviously 2020. So I would like to ask the President how confident is he that there is the required capacity and the required resource available to actually achieve it in 2019?

Thank you, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: I think what I have said is that there will need to be a policy letter first with drafting instructions if they are approved by the States. So the policy letter will be in 2019; we are hopeful that the registering of the Law will be this term.

I am not satisfied that adequate resources have been applied to this task until relatively recently but that is now changing and I can give Deputy Merrett an assurance that adequate resources will be applied from this point moving forward. I think it is an ambitious timeline and we always knew it was going to be. It is not a prerequisite for much of the work that is going on in

835 the post-16 sector or for the transitional period in the secondary sector, but we do consider it important that we should do everything we possibly can to have the Law in place by the end of this term, and we will apply the resources necessary to get that done.

STATES' TRADING SUPERVISORY BOARD

Inert Waste Project –

Statement by the President of the States' Trading Supervisory Board

840 **The Bailiff:** Twenty Minutes has elapsed so let's move on to the next Statement to be delivered by Deputy Ferbrache as the President of States' Trading Supervisory Board, on the subject of the Inert Waste Project.

Deputy Ferbrache: Thank you very much, sir.

845 Just last December the States' Trading Supervisory Board and the Committee *for the* Environment & Infrastructure brought a joint policy letter to the States, setting out proposals for the future management of inert waste.

850 It was a joint report as both the Committee and the board have a role with regard to waste management. The policy element is within the Committee's mandate, so they were responsible for presenting strategy. The STSB on the other hand has a statutory responsibility, as the Island's Waste Disposal Authority, to identify appropriate sites for waste management. It is that latter aspect that was the main focus of the debate.

That policy letter outlined proposals for future inert waste disposal, once the current Longue Hougue site is full. The proposals that were set out followed a review of options, carried out by a working party involving various States' committees with a role or interest in the area.

855 They began with a list of around 50 potential solutions and possible sites. These ranged from continuing coastal land reclamation to land-raising in low lying areas, infilling former quarries to facilitating a runway extension, which of course I hope happens anyway.

860 All those options were assessed against various criteria – capacity, practicality, value for money, potential future uses and environmental factors. That was done in consultation with key stakeholders. They helped in drawing up the original long list, deciding on the assessment criteria, and the subsequent scoring of options.

865 That process is important, as the WDA is required by law to demonstrate that any site it recommends for recovery or disposal represents the best practical environmental options. That starts with a long list of potential solutions, which are narrowed down by way of a robust appraisal process.

870 That initial evaluation produced a shortlist. The policy letter identified which of these the STSB and the Committee recommended as the preferred way forward. That was undoubtedly an extension to the current land reclamation site at Longue Hougue, and it was proposed to proceed with design and approval stage, beginning with a more detailed Environmental Impact Assessment (EIA).

Following a successful amendment brought by Deputies Yerby and Merrett, we were directed to choose a second option from the shortlist. The cost for the additional EIA was estimated to be around £200,000, and P&R was given delegated authority to approve that funding.

875 So the project team subsequently revisited the other options that were shortlisted. One of these was Les Vardes Quarry. That was always considered only as a potential medium-term option, because for the foreseeable future it remains a working quarry. It is also currently safeguarded, longer term, for water storage. For those reasons, it simply was not and is not a practical option within the timeframe.

880 The remaining options include three, much smaller former quarries, plus a new coastal land reclamation site to the north of Mont Cuet. The STSB wrote to the owners of the three quarries, two of which gave permission for further investigation and the third declined.

885 A new land reclamation site at Mont Cuet is undoubtedly viable. In terms of capacity though, it would be considerably smaller than the extension at Longue Hougue, and would require much greater engineering because of its deeper water and more exposed location. It would therefore be much more costly and as they are very similar in nature, an EIA is unlikely to identify any reasons for Mont Cuet being better than Longue Hougue. The STSB and the Committee *for the* Environment & Infrastructure therefore did not see any value in carrying out concurrent EIAs on two coastal land reclamation sites.

890 So from the original short list it was just therefore those two former small quarries. They would only represent a short-term solution, but are viable within the timeframe. They would provide capacity for a few years, during which other options may become available. That said, the most likely follow-on would still be an extension of Longue Hougue, on the basis that out of all the available sites it performed best in the original evaluation.

895 Nevertheless, in following the direction of the States, the STSB and the Committee did apply for funding to carry out a detailed EIA on the two former quarries. As Members are already aware, P&R, in exercising its delegated authority, declined that request and they gave good reasons for its being declined, reasons which are wholly sensible.

900 It is the view of the STSB, the Committee *for the* Environment & Infrastructure and the Policy & Resources Committee, that those committees and my Board have done as much as they can to fulfil the direction of the States. A detailed EIA on the Longue Hougue South extension is costly but necessary. To spend another £200,000 progressing a similar study on another site or sites, knowing it is unlikely to provide a better solution, is a poor use of taxpayers' money.

905 For that reason, we are progressing with the analysis and design stage, including a detailed EIA, on Longue Hougue South, and *only* on Longue Hougue South. That work is expected to take around two years to complete, at a cost of up to £1.1 million, as set out in the December policy letter.

After that, it is our intention to return to the States for the Assembly to consider the outcome of this work and the merits or otherwise of the proposals before, if it ultimately does so, giving approval.

910 I would just like to address two related matters, sir. The first relates to cost. The Inert Waste Programme was identified in the Policy & Resource Plan as a 'pipeline' project, with an anticipated cost of £40 million. The final costs will not be known until a solution is chosen, detailed design is carried out and a full tender process completed. However, in carrying out the initial options evaluation, some high-level assessment was required to help decide which would warrant further investigations.

915 I am informed that that is as detailed as it can be at the early stage of the project. Clearly it is impractical to progress detailed design and tendered costs for every option, not least because of the time and expense involved. As the programme proceeds, and the various options are tested and revised, the cost estimates will continue to be refined.

920 In the December policy letter the cost of an extension to Longue Hougue was estimated at around £30 million. It was not a budget, it was an estimate based on similar projects carried out previously, and adjusted for inflation with some additional contingency allowed.

925 Since then a more detailed evaluation has been carried out. That has included some market testing for rock armour that is required for the outer walls of a reclamation site, which is a key and significant element of the cost.

As a result of that further work, we now estimate the cost – and I emphasise this figure – the estimate of the costs for the current site to be around £45 million. That is still a provisional estimate, not a detailed budget. It is the anticipated cost prior to detailed design being carried out, and before we have fully explored engineering solutions. The figures will continue to be

930 refined. Even with that revised estimate, an extension to Longue Hougue is still considered, and very much so, to be the strongest option.

The second point addresses the excellent work done by Deputies Inder and Paint, who have proposed reclaiming land at St Peter Port Harbour. We require, though, a long-term solution for the recovery or disposal of inert waste, so that we can continue managing this material on-Island.
935 The current programme looks at a 20-year period, and that may involve more than one site. Clearly short-term options are not a complete solution – as indeed was the case with the smaller quarries.

An area to the east of the QE2 Marina was in fact one of the options included during the first assessment phase. Based on various criteria, it was felt to be inferior to the preferred option of
940 extending Longue Hougue. However, that evaluation was, rightly, based on its suitability solely as an inert waste site. That is not to say that a development at the Harbour has no merit; indeed it probably does. It may actually be of considerable, lasting value. But in all likelihood, given this particularly sensitive location, on so many levels, there will be a desire to deliver any such scheme as quickly as possible.

945 That urgency runs counter to the requirement for a long-term solution for inert waste, and any such development at St Peter Port should therefore be considered on its own merits, and in a wider context, rather than simply as an inert waste site.

It is therefore more appropriate for the Seafront Enhancement Area Group to take that particular idea forward, but I, again, end by saying what I said just a few moments ago: I
950 commend Deputy Inder and Deputy Paint for their work.

The Bailiff: We may now have a period not exceeding 15 minutes for questions to be asked within the context of the Statement that has just been delivered.

Yes, Deputy Brouard.

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

Does the President of the States' Trading Supervisory Board agree with me that with climate changes, the pattern of weathers speeding up, that rainfall may significantly change over the next 25 to 100 years and as water companies in the UK are now revisiting their longer-term strategies,
960 we would be unwise to put at risk a valuable water storage site at Les Vardes?

A Member: Hear, hear.

The Bailiff: Deputy Ferbrache.

965 **Deputy Ferbrache:** Well, absolutely, sir, it is difficult to look two days into the future, let alone 25 to 100 years, but of course that is correct and I think he is particularly looking at the water storage that I mentioned that the quarry is designated for water storage, and certainly at the moment it would not be sensible to move away from that.

970 **The Bailiff:** Anyone else? Deputy Gollop.

Deputy Gollop: Yes, thank you, sir.

975 I know Deputy Ferbrache has a challenging job at STSB because sometimes elements of it perhaps work in different ways from each other. Can he comment on the observation made by a senior officer, to the media, for water, who I think rightly wanted to retain the use of Longue Hougue as a reservoir, as a water storage facility rather than be dumped for rubbish which was perhaps contrary to Policy & Resources policy?

980 **The Bailiff:** I am not sure that arises from the content of –

Deputy Ferbrache: I am quite happy to answer it though, sir.

985 **The Bailiff:** – the Statement you have just delivered on inert waste, but maybe Longue Hougue has been considered for inert waste as well.

Deputy Ferbrache: I am quite happy to answer it.

990 The position is that the States itself has decided that Longue Hougue – or the committees involved – that is the Committee *for the* Environment & Infrastructure and the States' Trading Supervisory Board, which is not a committee of course – they decided after very careful analysis that Longue Hougue south is the best site for inert waste and not for anything else other than current use. So therefore whatever that senior officer may or may not have said – and I did not hear what he or she said – the actual policy and the actual intent is as I have expressed.

995 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1000 Would the President agree with me there has been some confusion in some of the conversations around this between Longue Hougue, the reservoir and Longue Hougue, the land reclamation. Maybe that is where some of the confusion has arisen?

The Bailiff: Deputy Ferbrache.

1005 **Deputy Ferbrache:** I can only agree with Deputy de Sausmarez.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

1010 Would the President of STSB agree with me that we are not doing enough to recycle our inert waste? Could he inform the Assembly as to whether or not he and E&I are working with local businesses to improve the levels of recycling?

The Bailiff: Deputy Ferbrache.

1015 **Deputy Ferbrache:** Well, sir, I do not mean to be flippant in my answer but of course you can always do more to recycle anything and I know that the officers, because there is a very close interaction on this particular subject of waste generally between the officers at Environment & Infrastructure and the STSB officers, they work together every day on these particular matters and they are always seeking to improve whatever we can do and whatever reclamations we can give.

1020 I accept Deputy Leadbeater's inference by this question that things can get better, but the intent is they will be.

The Bailiff: Yes, Deputy Tindall.

1025 **Deputy Tindall:** Thank you, sir.

Would the President agree with me that the waste management plans that have been issued by Development Planning Authority also helps to ensure inert waste is dealt with accordingly?

The Bailiff: Deputy Ferbrache.

1030 **Deputy Ferbrache:** Yes, sir.

The Bailiff: Deputy Gollop.

1035 **Deputy Gollop:** Given the potentially high cost of the Longue Hougue reclamation option, is the STSB actively listening to other ideas whereby inert waste can be successfully utilised within the context of the seafront enterprise zones?

The Bailiff: Deputy Ferbrache.

1040 **Deputy Ferbrache:** Yes, sir.

I am sure there will be many other uses for inert waste, because obviously Longue Hougue, if it is eventually chosen and it will only be chosen if this Assembly says so, will be properly costed out when the proposals come back to the States, as they must do. But of course if there are other projects – and I can list them, I have been given a list, but I am not going to read it out – where inert waste could be used, because you want your hole in the ground, which effectively this will be, although it will be in the sea a bit as well, you want it to be available for as long as it possibly can be.

1050 **The Bailiff:** Deputy Lester Queripel.

1055 **Deputy Lester Queripel:** Sir, I am in need of clarification please from Deputy Ferbrache. I think he said that the Seafront Enhancement Area Group should deal with the investigations into Deputy Inder and Deputy Paint's idea that we reclaim land at St Port Harbour as opposed to STSB playing any part in that. But does that mean then that STSB will play no part at all in those investigations? I would appreciate clarification on that please, sir.

The Bailiff: Deputy Ferbrache.

1060 **Deputy Ferbrache:** Well, it is not strictly within the mandate but I am sure that all the Members of the STSB are intelligent – well at least two of the political Members are, I don't know about me – and the other Members will make a contribution to such an important topic, because it is an important topic, and I hope we get on with it as expeditiously as we can.

1065 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Sir, would Deputy Ferbrache agree with me that the STSB is represented on the Seafront Enhancement Area by former Deputy Stuart Falla?

1070 **Deputy Ferbrache:** Indeed. Indeed, sir, and he makes an excellent contribution and will continue to do so.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

Referendum and the General Election 2020 –

Statement by the President of the States' Assembly & Constitution Committee

1075 **The Bailiff:** I see no one else rising. We will move on to the next Statement to be delivered by the President of the States' Assembly & Constitution Committee, Deputy Roffey, on the subject of the Referendum and the forthcoming General Election in 2020.

Deputy Roffey: Thank you, sir.

I am grateful for this opportunity to talk briefly about the Referendum and the preparations for the forthcoming General Election.

1080 As we all know Wednesday, 10th October saw a little bit of local history being made in Guernsey as we successfully held our first ever referendum on how to elect People's Deputies to the States of Deliberation. The number of votes cast – I sound like a returning officer – in the Referendum was 14,379 which represented a turnout of 45.1% of those persons inscribed on the Electoral Roll and who were eligible to vote on the day of the Referendum.

1085 Now in November 2017, this Assembly agreed to introduce the electoral system which was most favoured in the Referendum provided that the number of persons voting exceeded 40% of those persons on the Roll and who were eligible to vote. As I am sure we are all aware, that threshold was met and after four rounds of counting, Option A secured the greatest number of votes in that round, with 52% of the vote and therefore will be introduced for the 2020 General Election.

1090 I will turn to the Committee's next steps in implementing that result in just a moment, but I think it is only right that I publicly acknowledge and thank the many people who made this Island's first referendum a success. I would like to thank my Committee and its staff that supported it for delivering the Referendum successfully.

1095 Holding a multi-option referendum using a system of preferential and transferable voting was unprecedented in Guernsey and I think the Committee can be proud of what it achieved in delivering it. I would also like to particularly thank the staff of the Committee *for* Home Affairs for the work that they did in overseeing the updating of the Electoral Roll and the postal voting process; (**A Member:** Hear, hear.) and the Central Communications team of the States for the support they gave us in communication and in particular the artwork for the Referendum.

1100 But I think the biggest thanks must go to the Douzaines, staff and volunteers for assuming responsibility for the polling stations on 10th October – (**A Member:** Hear, hear.) this was an extra duty that they had no obligation to do but did so willingly; and of course to the ballot and deputy ballot officers for undertaking their unique roles. The States and the people of Guernsey are indebted to the parishes and the volunteers for the support they provide – both in the
1105 Referendum and in general elections – and the Committee is hugely grateful for their help.

The vote count on Thursday 11th was ably overseen by Jurat David Robilliard, the Chief Counting Officer, who led and managed a substantial number of people in conducting the count. Jurat Robilliard's pragmatism, dedication and experience ensured that the vote count was undertaken in a highly efficient and timely way. Thanks must also be given to all the vote
1110 counters, which included volunteers from the Civil Service and from the parishes, who gave up their time to partake in a little bit of history.

So now the dust is settling, and our focus turns to delivering a voting system which will see 38 Deputies elected in a single Island-wide district on one day in June 2020. I can extend on that if the recommendation of SACC as agreed yesterday, I think it will be on 17th June 2020, but of
1115 course that will be brought to the States for confirmation.

As a Committee, we are not naive to the scale of the task ahead of us. The States of Guernsey will need to work together to find solutions to the practical difficulties that it will undoubtedly face in order to ensure the best chance of delivering the 2020 General Election successfully.

1120 We are currently drawing up an action plan for the implementation and are looking at a number of options. We will work closely with the Committee *for* Home Affairs to ensure a joined-up approach.

As publicly stated by Deputy Inder – thank you, Deputy Inder – we are looking at whether or not it will be possible to implement some form of electronic voting by 2020.

1125 We have very recently been informed that the introduction of a secure system of electronic voting has been identified as one of the key opportunities of transformation under the three major pillars of the Future Digital Services Programme which is currently in progress. We have been assured by the political lead to the project, Deputy Le Tocq, that on appointment of the supplier, the team will make this a priority for the 2020 Election.

1130 Just as importantly, as raised by Deputy Yerby, accessibility will be absolutely at the forefront of our minds as we look at how information can be communicated by candidates to the public in

the run up to the Election. We will be looking at ideas such as pre-polling stations, something that is used in Jersey, and what improvements can be made to the postal voting system, as well as what changes are required to the Reform Law and the matter of election expenses, which will require a totally different regime than they do at the moment on a district-by-district basis.

1135 There are, to put it mildly, a number of factors we need to consider and a number of groups we need to consult as we develop the proposals that we will bring to the States in 2019. I know that Members of this Assembly and the public will probably have a number of suggestions that they will wish the Committee to consider and I would be really grateful if they could write to our Committee setting these out for our careful consideration.

1140 Sir, the Referendum was not delivered overnight; it took a lot of planning and exactly the same will be true for the General Election. I therefore do ask Members and the public to show a little bit of patience as we work towards delivering the General Election that the Island wants in 2020.

Thank you very much, sir.

1145 **The Bailiff:** Any questions?
Deputy Kuttelwascher.

1150 **Deputy Kuttelwascher:** Sir, in relation to the legislative changes that will be required, I want to ask the President how they will be monitoring the prioritisation of this legislation so it is completed or registered before the Election in 2020? Indeed, as a subsidiary, is he aware if there are any capacity shortfalls in St James's Chambers, because they will have a lot of other legislation that is in a hurry, like we have heard about the Education Law? So is there basically any chance that it may not actually materialise in time?

Thank you, sir.

1155 **The Bailiff:** Deputy Roffey.

1160 **Deputy Roffey:** I think it is a fool that says anything is absolutely guaranteed in this life, so I suppose that means there must be a chance. But this Assembly when it committed to the Island that it would implement, subject to the 40% threshold, the winning option for 2020 realised that anything other than Option B would require legislative change that would have to be drafted and sent off to the Privy Counsel. So I think we as an Assembly have already prioritised this as a task and I would be very disappointed in this Assembly if it did not see through on that commitment.

1165 **A Member:** Hear, hear.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you, sir.

1170 In some ways I did not understand the Referendum results and my question is, as Deputy Roffey, to the previous question, has just given the point that he will implement the binding result of the Referendum earlier this month, does that include (a) the number of Deputies which is 38 and (b) the term of office being four years?

1175 **The Bailiff:** Deputy Roffey.

Deputy Roffey: I think Deputy Gollop is trying to temp me into pre-debating an amendment that it going to be laid later in the States.

1180 My own feeling is that while nothing can be laid in aspic for the next 50 years because of a referendum, having set out in the Referendum the exact terms like number of Deputies, term of office and said we will implement the winning option, to even before year zero have started to say

that we are going to change that I do not think that is acceptable, but I think that will be the subject of debate later in this meeting.

1185 **The Bailiff:** Deputy Green.

Deputy Green: Sir, thank you.

 Can I remind Deputy Roffey that at the start of this political term a sub-committee of the Legislation Review Panel was set up to review the legal framework around election expenses, but
1190 when the decision to hold a referendum was confirmed and that process then went forward that review was actually put on ice, as it were?

 Would Deputy Roffey agree with me that it would be perhaps effective now for his Committee to liaise with the Legislation Review Panel which has already sat and has already done quite a lot of work on this subject to work together to finalise what changes may well be needed to the
1195 election expenses framework for the Election in 2020 on a full Island-wide basis?

The Bailiff: Deputy Roffey.

Deputy Roffey: That sounds like a sensible suggestion, sir. It is not a simple area this because
1200 we have to decide whether or not actually the States pay for the dissemination of some information centrally. If they do, how much are individuals still allowed to spend on their own part, because we do not want the wealthiest members of the community being able to buy an election in what would be a much bigger constituency than we have had in the past, and then there is the added complexity of will there be political parties with central funding as opposed to
1205 individual funding. So this is not an easy area and to be honest if Deputy Green's body can give us any help we would be very grateful.

The Bailiff: Deputy Fallaize.

1210 **Deputy Fallaize:** Thank you, sir.

 Deputy Roffey's answer reminds me that there may be some tension between the wish to put the most practical arrangements in place for running an election with 80, 90 or 100 candidates in a single constituency and the principles of a free and fair election as expressed through various conventions including ECHR.

1215 Can Deputy Roffey give an assurance that his Committee will at all times prioritise the need to have free and fair elections as that term is generally understood to mean internationally, and that we will not have absurd things done like restricting or not allowing candidates to disseminate their information other than in centrally produced booklets by the government simply because it is believed to be the most practical way of introducing this rather unconventional but nevertheless
1220 democratically approved system?

The Bailiff: Deputy Roffey.

1225 **Deputy Roffey:** Yes, sir, this discussion is yet to happen, I can only give my personal view. You have to allow candidates to be able to sell themselves to the public in their own way, because to say, 'You will answer these 10 questions and it will be in this number of words,' I think would be totally counter democratic because somebody may have a totally different agenda that did not fit that template in any whatsoever. The downside of course is to allow that to happen in a totally unrestricted way you might have some candidates spending £40,000 or £50,000 to actually
1230 disseminate that information to the whole of the Island. I do not think having that sort of bias towards the wealthier having a big advantage is advantageous.

 We are right at the start of this process but I take the point that Deputy Fallaize says.

The Bailiff: Deputy Trott.

Deputy Trott: Sir, Deputy Roffey has rightly praised people who were not members of this Assembly for their efforts with regard to our successful Referendum. I would like to take this opportunity to extend my personal gratitude to the President and Members of SACC for their impressive efforts with regard to the organisation of the Island's first ever referendum. Well done to you all.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

It is following on from the question that was raised about the legislation, and I recognise and I appreciate that SACC have actually said that they want to get on with it asap. The question that I raise has there been consultation with the UK Government that this is coming down the line so if there are any hiccups you will be made aware of it beforehand ... because some of the things we are hearing outside, true or not, are that actually we might be getting on with it well but there would be a restriction at the other end. Could you give some clarification as to if any communication has taken place?

The Bailiff: Deputy Roffey.

Deputy Roffey: Of course, sir, until very recently with finding out terms of the Referendum it has been hard to have those sort of pre-conversations. However, I agree with Deputy Lowe, it would now be very useful to give a broad outline to them of exactly what is likely to be coming their way in the form of reforms to the Reform Law and to get any general comments from them so that we can perhaps pre-anticipate if there would be any hurdles.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much, sir, for a second chance.

I was interested in hearing yesterday a States of Jersey statement in debate from their Deputy Russell Labey about their referenda and other issues, and some Members praised Guernsey for getting ahead of the game and others did not, it is fair to say. But my question really is they raised the issue of the Venice Convention on Good Electoral Practice. An issue not dissimilar to the points Deputy Fallaize has just raised. Do we need to be involved with that and would there be a danger of some international body questioning our Referendum result?

The Bailiff: Deputy Roffey.

Deputy Roffey: If the question basically at the heart of that is was Option A compliant with International Conventions then I would say the last Assembly, first on the Gillson amendment, decided to implement Option A, then decided on the Fallaize amendment to hold a referendum on it. To be honest, I do not think there was anything that the current SACC could possibly do other than to include that as one of the options which has now been chosen by the people of Guernsey. If there were difficulties and friction between that democratic decision and international conventions they will have to be addressed and I am not an expert in that and I am not going to offer an opinion about whether there is any conflict this morning.

The Bailiff: I see no one else rising.

**Resignation of SACC President –
Personal Statement by Deputy Roffey**

The Bailiff: We now move on to something else. Deputy Roffey has requested, and I have given permission, he deliver a personal Statement. So we will now have a personal statement from Deputy Roffey.

Deputy Roffey: Thank you, sir.

Following on really from my last Statement, I have obviously had to ask myself where the Referendum result leaves me personally as the President of the States' Assembly & Constitution Committee.

Let me make clear I respect the people's decision to adopt Island-wide voting 100% and as a Deputy I will do everything I can to aid its smooth implementation. I am sure that each and every one of us in this room will do just that (**A Member:** Hear, hear.) because anything less would be a breach of promise. (**Several Members:** Hear, hear.) But I do have to ask myself whether I am the right person to lead that process.

I have always believed that really big political projects are far better being driven by political committees who are true and passionate believers in them. Who in their heart of hearts are completely convinced that those projects will be in Guernsey's best interests.

Indeed when this Assembly confirmed the decision of the last States to move away from selective education I was really quite vocal in suggesting that those Members of Education, Sport & Culture who profoundly disagreed with that decision should actually move out of the way for those who genuinely believed in it to drive the project forward. I did that because I was convinced that would greatly increase its chances of being a success.

Sir, I cannot now be hypercritical. I have said that I respect the result of the referendum completely, but there is a subtle difference between fully accepting a democratic decision that has been taken and genuinely believing that it was a good one.

Despite remaining studiously neutral during the referendum campaign, I suspect my views on Island-wide voting are probably quite well known. I have always loved the concept in principle but felt that it had just too many ingrained practical problems to make the system work well.

Prime amongst these is expecting voters to select 38 Deputies from a list of maybe 90 hopefuls. By that, I do not mean how to distribute manifestoes or hold meaningful hustings – although clearly those issues exist – but rather the challenge of weighing up mentally the strengths and weaknesses of so many candidates and reaching a considered conclusion. I worry that for all but the political anoraks it will be a complete turn-off.

Frankly, I fear that in practice many electors will only use a fraction of their votes allowing some Deputies to be elected on truly miniscule mandates. I worry the new system – however structured – will hugely benefit known names over any talented newcomers with lower profiles. And I am quite certain that Island-wide voting will make it much harder for the public to vote out unpopular sitting Deputies. (**A Member:** hear, hear.)

Lastly, the new electoral system *might* be a catalyst for full blown party politics – although personally I think that is far from certain. I hope it is not as I am convinced the inherent negativity and adversarial nature of party politics would serve Guernsey very ill indeed (**Several Members:** Hear, hear.) and the Island would soon come to hugely regret it.

Sir, it is human nature that no amount of respect for the outcome of the Referendum can simply wipe or expunge such ingrained doubts from my head and I am utterly convinced that the public of this Island, who voted for Island-wide voting, really deserve to see it being driven forward by a champion who not only respects the outcome – as I do – but who believes in it in their very DNA.

With this in mind I handed you my resignation as the President of SACC this morning and I believe some Members of the Committee intend to follow suit.

Sir, I know that sitting in this Assembly there are very many passionate and able advocates of Island-wide voting. Some of whom have been pushing for it for many years. This is their moment. *(Laughter)* I say to them, 'Do not be coy, this is not the time to be coy. Step up to the plate. Put your shoulders to the wheel and deliver the Island-wide voting for the people of Guernsey in a way that only true believers can hope to achieve.' *(Applause)*

The Bailiff: Thank you, Deputy Roffey.

There is no provision for any questions, indeed questions cannot be permitted on a personal Statement. So that concludes the Statements and we move on to Question Time.

Questions for Oral Answer

STATES' TRADING SUPERVISORY BOARD

Sites managed by States' Trading & Supervisory Board – Smoking ban

The Bailiff: The first Questions are to be asked of the President of the States' Trading Supervisory Board by Deputy Gollop.

Deputy Gollop.

1345

Deputy Gollop: The Questions are relating to smoking issues, and my first Question is, with respect to the forthcoming New Year's Day Smoking Ban designed for all States' Trading Supervisory Board-run sites, does the Committee believe the right publicity and public relations has been produced?

1350

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Thank you, sir.

A smoke free environment policy will be implemented within sites controlled by the States' Trading Assets on 1st January next year. A working group has spent two years ensuring the policy is properly implemented across a very diverse group of operations. This has included the development and implementation of a communication plan. The STSB is satisfied that sufficient communications either have or are scheduled to be provided to anyone who the policy will apply to which includes staff. Information leaflets have also been prepared for visitors, contractors and customers for imminent release by each trading asset. Internal staff communications have included articles and newsletters and posters in all sites and a summary of frequently asked questions has been developed in conjunction with both HR and a trade union representative.

1360

The Bailiff: Any supplementary questions arising from that Answer? We have a number of other Questions. No.

1365

Your second Question, Deputy Gollop.

Deputy Gollop: My second Question is, has there been sufficient consultation concerning the proposed smoking ban with customers, various staff affected, therapeutic professionals and other stakeholders?

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The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, the working group is made up of both smoking and non-smoking volunteers in trading asset's staff, union representatives, representatives of both HR and members of the Health & Social Care's Quit-Line team. The working group regularly provides information to be cascaded to all staff as part of the comprehensive communication plan. The group has also consulted on a regular basis with other site users such as the Port Users Group at the Harbours. A series of Quit-Line sessions have also been promoted to staff at various trading asset offices to help support those who wish to stop smoking.

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1380

The Bailiff: Any supplementaries?

Deputy Gollop: Yes.

1385 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I was passing by a well-known cafe establishment in the Harbour area that some Deputies will remember, where they had a prominent notice saying the ban would happen in three months' time, which is New Year's Day. How, for example, have customers of cafes or Ports area been informed about how they can continue their desire to smoke as distinct from quitting?

The Bailiff: Deputy Ferbrache.

1395 **Deputy Ferbrache:** Well, sir, the tenants have been informed and they will have to tell their clients that they cannot smoke, or they can only smoke in a particular area. It is not exactly difficult and great information has been given. Lots and lots of information has been given and I am sure a lot more information will be given between today, 24th October, and New Year's Day.

1400 **Deputy Gollop:** I declare an interest there, in that I am an occasional user of the cafe who has not –

The Bailiff: And an occasional smoker! *(Laughter)*

1405 **Deputy Gollop:** Yes. Thirdly, the August press media release suggested the ban was decided largely by managers from across the diverse portfolio of assets. Is the ban supported by the new political management board including the most recent Member elected in September, Deputy Kuttelwascher?

1410 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Sir, the policy is an operational matter. Operational matters are for those that operate rather than the board itself. Nevertheless the board supports the initiative which is in line with a States' Resolution of April 2015 to adopt the Guernsey and Alderney Tobacco Control Strategy, that included Resolution 9:

To agree to work towards smoke free grounds in States' properties.

And just in relation to my own self, and I am the most tolerant non-smoker the world has ever seen, but I support this policy unreservedly.

The Bailiff: Deputy Gollop, do you have a supplementary?

1420 **Deputy Gollop:** How does the STSB separate political policy making and operational policy making when we were told at one time that operational matters were not policies at all?

The Bailiff: Deputy Ferbrache.

1425 **Deputy Ferbrache:** Well, like every States' committee or board should do and sometimes perhaps does not, it leaves the operational matters to the officers and the policy to the politician.

The Bailiff: Deputy St Pier, you have a question.

1430 **Deputy St Pier:** Yes, sir, as a supplementary given the responses that Deputy Ferbrache has given that this is a pursuance of a States' approved strategy and policy and these are operational decisions, does he agree with me that these questions are really not matters that should be dealt with on the floor of this Assembly?

1435 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Well, I can only say, sir, that I agree.

The Bailiff: Deputy Gollop.

1440

Deputy Gollop: Question four. Will the smoking ban be implemented across all the Harbour property and Pier sites, including current car parks and entertainment areas?

1445 **Deputy Ferbrache:** No, sir, the following areas at the Guernsey Harbours are exempt from the policy: tenant in premises and designated smoking areas within the car check-in area; the passenger terminal building and the inter-Island quay. Signage will be provided clearly indicating those areas.

The Bailiff: Your fifth Question, Deputy Gollop.

1450

Deputy Gollop: My fifth Question: has the STSB made provision for frightened or nervous potential air or sea passengers who may enjoy, at the moment – if that is the right word – a quiet smoke outside the terminal buildings?

1455 **The Bailiff:** Deputy Ferbrache.

Deputy Ferbrache: Yes, sir, due to concerns from anxious travellers, Guernsey Airport and the Harbour applied for and subsequently received exemptions which will provide designated areas for smokers.

1460

The Bailiff: Your sixth Question.

Deputy Gollop: My sixth Question: has the ban been dynamically informed by overwhelming public demand as a key priority, or medically evidenced logic?

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The Bailiff: Deputy Ferbrache.

1470 **Deputy Ferbrache:** Well, sir, I am moving away a bit from my printed Answer. Smoking kills, smoking affects people's health, smoking is a great problem. But that said, I personally am tolerant of people because we have all got our own foibles and weaknesses. But what has been successful over a number of years is the States' policy to persuade, and in some places deter, people from smoking. But I just mention again my previous answer following on from Deputy St Pier: we are fulfilling a States' Resolution as agreed in April 2015, similar policies have been introduced at the Prison, Health & Social Care and Education sites and also at Sir Charles Frossard House.

1475

The Bailiff: Supplementary.

1480 **Deputy Gollop:** Would the President agree, notwithstanding the comments from a most senior politician that matters which affect individual behaviour, individual liberty in public areas are matters that should be debated and at least aired in this Assembly, particularly where criminal penalties and fines may become involved?

The Bailiff: Deputy Ferbrache.

1485

Deputy Ferbrache: Again, that is a wide philosophical question, isn't it? But let me answer it. I have always been, throughout all my now very many years – I am talking about life rather than the States – against the State interfering in peoples' lives except in particular circumstances. But the States sensibly, a period of years ago in relation to decisions it made then which I did not then agree with but which I now agree with, have provided policies and sanctions to deter people from smoking, because smoking undoubtedly kills. The Marlborough Cowboy died from smoking. Although he got paid a lot of money for making the advert, it did not do him any good in the end. So in connection with all of that in this particular instance it should have been left to the officers, because all they were doing – and they were doing it very well – was following the States' policy.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, does the President of STSB agree with me that if people have concerns about the imposition of a smoking ban in the Harbours and Ports that the best place to go to seek help is Quit-Line, which is being very successful in the Island?

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I fully agree with that, sir.

POLICY & RESOURCES COMMITTEE

Guernsey Financial Services Commission – Appointment of a minister in a pastoral role

The Bailiff: Let's move on to the next series of Questions. They are to be asked of Deputy St Pier as President of Policy & Resources Committee, by Deputy Merrett.

Deputy Merrett: Thank you, sir.

As the President of Policy & Resources Committee is aware, the Guernsey Financial Services Commissions (GFSC) recently appointed a minister who works part-time as a minister and part-time for the GFSC in a pastoral role. Were the P&R Committee aware of this appointment before it was made?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the Policy & Resources Committee was not aware of this appointment before it was made. The Commission is an independent body constituted by statute, so the States rightly have very limited involvement in the appointments that the Commission makes. The Commission involve a senior politician in the last Director General appointment process and the States has a formal role in the appointment of commissioners, but all other appointments are matters for the Commission.

The Bailiff: Your second Question.

Deputy Merrett: Thank you, sir.

Can the President advise me of the total annual cost of this appointment?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the Commission have advised that the Reverend Robilliard undertakes the role in an entirely voluntary capacity so there is no cost to licence fee payers as a result of the appointment.

1535 **The Bailiff:** Your third Question.

Deputy Merrett: Supplementary please, sir.

1540 **The Bailiff:** A supplementary.

Deputy Merrett: Is the President aware of the terms of this appointment? For example, are there minimum hours worked?

1545 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I am afraid I am not aware of the detailed terms of the appointment.

Deputy Merrett: My second supplementary please, sir.
Is the President aware of any other faith-based appointments that the GFSC has made?

1550 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I am not aware of any other faith-based appointments that may or may not exist.

1555 **The Bailiff:** That did not arise from the answer.
Your third Question.

Deputy Merrett: Thank you, sir.
To what extent does the President consider that such activities are a discretionary part of any organisation's approach to employee wellbeing?

The Bailiff: Deputy St Pier.

1565 **Deputy St Pier:** Sir, I agree that the mental health and wellbeing of employees in any organisation is of course of paramount importance and the Committee recognises that there are a number of different ways of supporting that, and a faith-based chaplaincy is one of a number of approaches that any employer could choose to take. The Commission advises me that it considers the welfare of its staff to be important, especially given the pressured nature of their roles in a community in which financial services is the dominant employer.

The Bailiff: Supplementary?

1575 **Deputy Merrett:** No thank you, sir.
Question four.

The Bailiff: Yes. Oh, Deputy Gollop.

1580 **Deputy Gollop:** My supplementary is. I heard an interview, two interviews, on the BBC from the particular lady who is a pastoral minister, which gave the impression the role was very much of an ex-colleague wishing for employees to speak about their personal concerns of a spiritual, social, psychological or counselling nature. Would Deputy St Pier say that generally was beneficial

to people who perhaps would not want to go through their line manager, that this represents a reasonable alternative to a trusted person?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, as I said in response to the substantive Question, clearly the mental health and wellbeing of employees in any organisation is a matter for all employers to consider how they wish to support their staff. This is one route that they may choose to do so. There are clearly many others available as well.

The Bailiff: Your fourth Question.

Deputy Merrett: Thank you, sir.

Can the President confirm that the cost of this appoint will be borne not by the taxpayers but by the businesses regulated by GFSC through their licence fees and the businesses concerned are informed, consulted and content for their licence fees to be used in this manner?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the Commission has advised that there is no cost of the appointment.

The Bailiff: Your fifth Question.

Deputy Merrett: Thank you, sir.

The nature of some of the activities to be offered include meditation, and reflective services appear to suggest a faith basis to this role – even if it is stated it is faith-based rather than faith-biased. Does the President agree with me that a secular approach to employee wellbeing based on the sound principles of mental health promotion would be a more appropriate approach to the pastoral care of employees of all faiths and none in the context of a diverse public sector organisation?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the Policy & Resources Committee is in agreement that an inclusive approach to staff welfare is essential to any public organisation or body, and the Commission has advised that given the availability of other welfare services funded by the Commission those of its staff who might feel uncomfortable talking to a Church of England priest have other avenues available to access support. The Commission adds that the Reverend Robilliard is not the only pastoral resource it makes available to its staff, who also have recourse to a free-to-access welfare helpline funded by the Commission and to informal mentoring from individuals outside their reporting lines.

The Committee notes that in interviews with the Guernsey media the Bishop of Dover said that the Reverend Robilliard will provide chaplaincy to employees of the Commission whether they express spirituality or not. He described the role as being rather like a court jester in some ways. They are trusted and they can say something that nobody else can or is able to say.

The Bailiff: Is this a supplementary?

Deputy Merrett: Supplementary please, sir.

What does the President consider the Bishop of Dover meant when he referred to the chaplaincy being able to say something that nobody else can, or is able to, say? I cannot think of anything the chaplaincy could say that nobody else can or is able to say. Can the President?

1635 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I have no idea at all what the Bishop of Dover meant.

The Bailiff: Deputy Merrett.

1640 **Deputy Merrett:** Question six, sir.

Is the President aware of any commission, charity, company that receives funds from the public purse who employ pastoral care of this nature, meaning led by a minister?

1645 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, the Committee is aware that parts of the public sector, such of course as the Prison and the Hospital do provide a faith-based chaplaincy.

1650 **The Bailiff:** Is this a supplementary or your next Question?

Deputy Merrett: Yes please, sir.

Does the President consider that if the chaplaincy is able to offer a free service to the GFSC they may consider offering a free service to the Prison and Hospital?

1655 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I am not sure that that falls really within the mandate of the Policy & Resources Committee. I think that very much is a matter for the other responsible committees to consider and perhaps deal with Deputy Merrett on that issue.

The Bailiff: Your next Question.

Deputy Merrett: Thank you, sir.

1665 One of Guernsey Mind's aims is to ensure that every employer in the Bailiwick has the opportunity to understand and manage effective mental wellbeing in the workplace. Founded in 1977, Mind is an independent charity with all funds spent in delivering services locally. They are local but affiliated with Mind UK and are able to draw on the UK's resources and expertise. They offer free, confidential and independent advice and are part of the Mental Health and Wellbeing Plan the Committee for Health & Social Care are leading.

1670 Does the President agree with me that the Guernsey Mind may have been a viable alternative to employing a minister in a part-time pastoral care role and that the GFSC could have chosen to work with and support Mind?

1675 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Guernsey Mind's work with organisations such as Guernsey Post is very positive and well documented and the Committee understands that some work has also been undertaken with other parts of the public sector. Guernsey Mind employs staff and charges for these services. It is a matter for the Commission as to whether it partners with Guernsey Mind, but the view of the Policy & Resources Committee is that it is an option that is worthy of consideration by all employers.

The Bailiff: Your final Question, Deputy Merrett.

1685 **Deputy Merrett:** Thank you, sir.

Is the President satisfied the nature of the appointment reflects an appropriate relationship between Church and States in the form of a statutory body funded by businesses regulated by the GFSC?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, the Commission is entirely within its rights under the Law to appoint a voluntary chaplain.

The Bailiff: You have a supplementary, Deputy Merrett?

Deputy Merrett: Thank you, sir.

Is the Commission entirely within its rights under the Law to appoint a paid chaplain?

The Bailiff: Deputy St Pier.

Deputy St Pier: I imagine that it would be within its rights to make such a paid appointment if it wished to do so, but that is a detailed question which would need further consideration.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

Is the President able to confirm that Guernsey, as an international finance centre, is both willing and able to assist clients with regard to matters pertaining to Islamic finance and that all regulatory matters would be dealt with in the appropriate manner?

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I am able to confirm that that is indeed the case.

The Bailiff: A second supplementary, Deputy Merrett?

Deputy Merrett: Thank you, sir.

I am grateful for Deputy St Pier's answer in advising me what the *Commission* is entirely within its rights to do but I want to know is the *President* satisfied? Is the President satisfied that the nature of the appointment reflects an appropriate relationship between Church and States, sir?

The Bailiff: Deputy St Pier.

Deputy St Pier: Well, sir, this is not my appointment. This is clearly a matter for the Commission, it is not a matter for Policy & Resources.

It is not an appointment that I perhaps would have chosen to make, not least for the reasons that arise out of Deputy Trott's question, that actually this is a jurisdiction which is seeking to present itself to facing a number of different ways externally and therefore it may convey a message which is not necessarily one that the jurisdiction would wish.

So in response to Deputy Merrett's question, my own view is that it is not an appointment that I would have made, but to be very clear, this is a decision for the Commission and not one either for me or for the Policy & Resources Committee.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

**Paris Agreement and Climate Change –
Action taken**

The Bailiff: Move on to the next Questions, to be asked of the President of the Committee *for the Environment & Infrastructure* by Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

1740 The two Questions are with respect to the Paris Agreement and climate change.

The first Question. Climate change is considered the greatest existential threat facing our planet today. The 2015 Paris Agreement brought all nations together to undertake ambitious efforts and rapid action to combat climate change. What is Guernsey doing to accelerate the extension of the Paris Agreement to it?

1745

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you.

I thank Deputy de Lisle for his Questions, sir.

1750 The Committee *for the Environment & Infrastructure* is committed to the aim of having International Climate Change Agreements such as Kyoto 2 and the Paris Agreement extended to Guernsey.

In November 2017 the UK placed its Instrument of Acceptance of the Doha amendment to the Kyoto Protocol, also known as Kyoto 2, which effectively extends the Kyoto Protocol to 2020 and that with emissions based on 1990 to 2012 levels depending on the jurisdiction.

1755 The Bailiwick of Guernsey has requested an extension of Kyoto 2 and discussions continue with the UK in that regard.

The Paris Agreement aims to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2° Celsius and that is above pre-industrial levels, and to pursue efforts to limit the temperature increase even further to 1.5° Celsius.

1760 Officers from the Policy & Resources Committee have been liaising with the UK authorities for the last year or more regarding a possible consultation with Guernsey. More recently in August this year a pre-consultation meeting has been mooted by the UK authorities and I can assure Deputy de Lisle that our officers will continue to do all that is possible to contribute to assessing the Paris Agreement's relevance and potential application and extension to Guernsey.

The Bailiff: You have a supplementary question, yes.

1770 **Deputy de Lisle:** Can I ask a supplementary on that, sir, please.

I would like to thank Deputy Brehaut particularly in respect to the discussions with the UK. I recognise the efforts of the committees to get the extension of Kyoto 2 and the Paris Agreement to Guernsey.

1775 Can the Committee for the Environment & Infrastructure ensure that Members are updated periodically, for example every six months or so, on their efforts and those of P&R to extend the Kyoto 2 and Paris Agreement to Guernsey?

The Bailiff: Deputy Brehaut.

1780 **Deputy Brehaut:** Yes, I can certainly do that.

I would say to Deputy de Lisle that these Questions could have quite easily been posed to P&R actually, because they have the external relations function within P&R. But, no, my Committee will

update this Assembly when I give regular statements on the progress with regard to Kyoto, Doha or the Paris Agreement or the IPCC, whatever that may be.

1785 Thank you.

The Bailiff: Your second Question Deputy de Lisle.

1790 **Deputy de Lisle:** Sir, the UN's Intergovernmental Panel on Climate Change reported this month the urgent need for drastic environmental action in order to keep global warming from exceeding 1.5° Celsius. In light of this report and our responsibilities to future generations, what further mitigation measures is Guernsey now going to take to combat climate change?

1795 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir, and Deputy de Lisle.

1800 Whilst there are policies in place to mitigate climate change, so far, as one of the most affluent jurisdictions in the world, our track record is poor. The irony is not lost that as an Island state we are at risk of climate change and we should be at the forefront of those seeking to mitigate climate change. The reality is that much more is likely to be required if we are to play our part in avoiding the catastrophic scenarios outlined in the recent IPCC Report.

1805 The Committee is currently preparing a revised energy policy that will play an important role in addressing the trilemma of security of supply, affordability and sustainability with the emphasis on decarbonisation and further reduction of emissions. We are intending to bring this to the Assembly in the first half of next year.

We believe that public education is important and in much the same way as The Blue Planet series has raised the public's awareness of the threat from plastics in our oceans, we need to raise awareness of the risks of climate change more broadly.

1810 My Committee welcomes Deputy de Lisle's support and interest in this area and we would wish to invite him to work with the Committee in developing appropriate climate change policies. We would hope that Members of this Assembly will also recognise the importance of the issue and will support my Committee when it brings its proposals to the States in the coming months.

Thank you.

1815 **The Bailiff:** Do you have any supplementary questions, Deputy de Lisle?

Deputy de Lisle: Yes, I have a supplementary, sir.

I thank Deputy Brehaut for his frank answer and his willingness to admit that Guernsey's track record on climate change policy is poor.

1820 I agree that as a low-lying Island jurisdiction we need to be more pro-active in playing our part in avoiding the catastrophic scenarios portrayed in the recent IPCC Report. I am therefore pleased to hear that the Committee will soon be bringing proposals to the States and I welcome Deputy Brehaut's invitation to me to work with the Committee in developing appropriate climate change policies.

1825 I would like to ask Deputy Brehaut whether there is a target date specifically to bring the Committee's proposals on mitigation policies on climate change?

The Bailiff: Deputy Brehaut.

1830 **Deputy Brehaut:** I think it is always really important to make a crucial distinction. I am the Chair of a Committee that has Environment in the title. My Committee does not have all the tools and levers, for example, that the Department for the Environment, Food and Rural Affairs does in the UK. Large organisations also have funds at their disposal; Overseas Territories, the CPA have funds at their disposals to promote some initiatives.

1835 However, I have given an assurance we will update on energy policy and within the energy policy will be detailed some of the challenges that we face. I want to stress our record on this is not poor it is dreadful, it is woeful, and as the blinds were open before, it is October that is what climate change can look like, it is enjoyable but nevertheless the world community needs to act and act soon.

1840

The Bailiff: Deputy Roffey.

1845 **Deputy Roffey:** Sir, while I am delighted to hear that the warnings of the climate scientists will be fully factored into the review of the energy policy, one thing that they really singled out was the need to transform personal transportation and particularly move towards electrification. Guernsey does no particular incentive towards that, apart from sky high fuel prices. I wonder whether E&I are looking at whether we should bring in some sort of incentive to move towards electric vehicles?

1850

The Bailiff: Deputy Brehaut.

1855 **Deputy Brehaut:** Some things truly are good enough for Punch. In fact following an amendment, a working party was formed that had representatives of E&I and T&R. Now I understand the majority of views of that sub-group was not to – because it was instructed to look at taxation, motor taxation more broadly – I believe that group actually favoured taxation of EVs, which would be astonishing if Guernsey was one of the few places in the world that actually taxed electric vehicles. Sri Lanka has one of the highest uptakes of electric vehicles in the world and hybrids because it puts punitive sanctions against the importation of diesel vehicles.

1860 Guernsey is the perfect test bed for EVs and I would like to think that there is a Budget coming up, I do not know when the bar drops on that if it has not already, but amendments to deal with perhaps incentives with regard to EVs is something I think this Assembly should look to embrace.

The Bailiff: Well, that concludes Question Time.

We will move on to some appointments and elections. Greffier.

Billet d'État XXIII

ELECTIONS AND APPOINTMENTS

COMMITTEE FOR HOME AFFAIRS

I. Appointments to the Population Employment Advisory Panel – Four ordinary members elected

Article I.

The States are asked to decide:

Whether, after consideration of the Policy Letter 'Appointments to the Population Employment Advisory Panel' dated 10 September 2018, they are of the opinion:

To elect as ordinary members of the Panel –

a) Mr Antony Victor John Brassell, Mr Timothy Charles Guilbert and Mr Timothy James Nicholas Martin, each for a period of four years, and

b) Mr Luke William Wheadon for a period of two years.

1865 **The Greffier:** Committee for Home Affairs – the appointment of the Population Advisory Panel.

The Bailiff: Deputy Lowe.

1870 **Deputy Lowe:** Thank you, sir.

Sir, it gives me great pleasure to put forward the names of Mr Antony Victor John Brassell, Mr Timothy Charles Guilbert, and Mr Timothy James Nicholas Martin each for a period of four years on the Population Employment Advisory Panel, and Mr Luke William Wheadon for a period of two years.

1875 Sir, I cannot emphasise enough the importance of the Population Advisory Panel. It is an important panel within the Population Management Regime as it advises the Committee on employment policies on evidence-based matters. I urge, through you, sir, any employer to make contact with the panel should they require any assistance or wish to share their view on the regime.

1880 While I am standing, sir, please pass on my thanks on behalf of the Committee, through you, sir, to Mr Laurie Granger who was the construction and infrastructure and utilities representative, Mr Kenrick Brooks who was tourism and hospitality and Elaine Grey who was finance and professional services, who have all done sterling work on the Panel and who have stood down, and therefore we have the replacement of four members today, which I ask Members to support.

1885 Thank you, sir.

The Bailiff: Any debate? No.

We go straight to the vote then on the election of, as you have heard, three members for a four-year period and one for a two-year period. Those in favour; those against.

Members voted Pour.

1890 **The Bailiff:** I declare them all elected.

POLICY & RESOURCES COMMITTEE

II. Election of ordinary member of the Guernsey Financial Services Commission – Mrs Wendy Dorey elected

Article II.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 10th September 2018, of the Policy & Resources Committee, they are of the opinion:

1. To elect Mrs. Wendy Dorey as an ordinary member of the Guernsey Financial Services Commission for a three year term with effect from the 1st November 2018.

The Greffier: Policy & Resources Committee – Election of ordinary members of the Guernsey Financial Services Commission.

The Bailiff: This will be led by the Vice-President of Policy & Resources, Deputy Trott.

1895

Deputy Trott: Thank you, sir.

The Policy & Resources Committee ask the Assembly to elect Mrs Wendy Dorey as an ordinary member of the Guernsey Financial Services Commission for a three-year term with effect from

1900 1st November. Mrs Dorey's impressive background is contained within the States' report and I would remind Members that she has already undertaken a three-year term which she has discharged with distinction.

Thank you, sir.

The Bailiff: Any debate?

1905 We go to the vote then. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare Mrs Wendy Dorey elected.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

III. Appointment of an ordinary member of the Planning Panel – Mr George Jennings elected

Article III.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled "Planning Panel - Appointment of an Ordinary Member" dated 3rd September 2018, they are of the opinion:

To elect Mr. George Jennings as an Ordinary Member of the Planning Panel, in accordance with section 86 of the Land Planning and Development (Guernsey) Law, 2005, with effect from 1st November 2018 to hold office until 31st March 2024.

The Greffier: The Committee *for the* Environment & Infrastructure, Planning Panel – appointment of an ordinary member.

1910 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

This short report asks that we elect Mr George Jennings as an ordinary member of the Planning Panel in accordance with section 86 of the Land Planning and Development (Guernsey) Law, 2005, with effect from 1st November 2018 to hold office until 31st March 2024.

1915 Mr Jennings will be known to a number of you – I see Deputy Trott next to me gesticulating like a boxer, for Mr Jennings was a boxer, and also a referee as well.

1920 Mr Jennings retired as Guernsey Post Operations Director in early 2016 having been with the company for 31 years. Mr Jennings was awarded a BSc with Honours in Applied Social Science by Southampton University in 2006 and Mr Jennings was appointed to the Employment & Discrimination Tribunal Panel in 2009 and is also a member of the Employees Panel established under the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993.

1925 In hopefully welcoming Mr Jennings to that appointment I want to place on record my thanks to two outgoing members of the Planning Panel, Mrs Evans and Ms White, and I thank them for their service, sir.

The Bailiff: Any debate?

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

Members voted Pour.

The Bailiff: I declare Mr George Jennings elected.
Now that brings us to legislation.

1930

LEGISLATION LAID BEFORE THE STATES

**The Republic of Maldives (Restrictive Measures) (Guernsey) Ordinance, 2018;
The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit)
(Amendment No.4) Regulations, 2018;
The Income Support (Guernsey) (Amendment) Regulations, 2018;
The Electoral System Referendum (Miscellaneous Provisions) Regulations, 2018;
The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit)
(Amendment No. 5) Regulations, 2018;
The Misuse of Drugs (Modification No. 3) Order, 2018;
The Air Transport Licensing (Exemption of Non-Essential Routes)
(Guernsey) Regulations, 2018;
The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit)
(Amendment No.6) Regulations, 2018;
The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit)
(Amendment No.7) Regulations, 2018**

The Greffier: Legislation laid before the States: The Republic of Maldives (Restrictive Measures) (Guernsey) Ordinance, 2018; The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.4) Regulations, 2018; The Income Support (Guernsey) (Amendment) Regulations, 2018; The Electoral System Referendum (Miscellaneous Provisions) Regulations, 2018; The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No. 5) Regulations, 2018; The Misuse of Drugs (Modification No. 3) Order, 2018; The Air Transport Licensing (Exemption of Non-Essential Routes) (Guernsey) Regulations, 2018; The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.6) Regulations, 2018; and The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.7) Regulations, 2018.

1935

1940

The Bailiff: I have not received notice of any motion to debate any of the foregoing.

LEGISLATION FOR APPROVAL

POLICY & RESOURCES COMMITTEE

IV. The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018 – Approved

Article IV.

The States are asked to decide:

Whether they are of the opinion to approve the draft Projet de Loi entitled "The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

The Greffier: Legislation for approval, Policy & Resources Committee – The European Union (Amendment of Legislation) (Bailiwick of Guernsey) Law, 2018.

1945

The Bailiff: Any request for any debate any clarification? No.
We go to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

**STATES' TRADING SUPERVISORY BOARD AND
THE COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE**

**V. The Parochial Collection of Waste (Guernsey) Ordinance, 2018 –
Debate commenced**

Article V.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Parochial Collection of Waste (Guernsey) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

1950 **The Greffier:** States' Trading Supervisory Board and the Committee for the Environment & Infrastructure – The Parochial Collection of Waste (Guernsey) Ordinance, 2018.

The Bailiff: Here we have had notice of an amendment to be laid.

1955 Do either of the two Presidents of the Committee and the board involved wish to say anything before the amendment is laid? No.

In that case, Deputy Tindall, do you wish to lay an amendment?

Deputy Tindall: I do, sir.

1960 **The Bailiff:** Do you wish it to be read or will you summarise for the benefit of anyone listening, what it is?

Deputy Tindall: I will be summarising the amendment in my speech so therefore it is rather complicated to be read out.

1965

The Bailiff: There is no need for it to be read.

Amendment:

In the Proposition –

a) immediately after ""The Parochial Collection of Waste (Guernsey) Ordinance, 2018"", insert the following -

", subject to the amendments indicated below", and

b) immediately after the Proposition, insert the following amendments to the Ordinance -

"Amendments

In Part III (pp. 11 -13) -

(a) After section 10 (interpretation) add the following section –

"Amendment of the Law.

10A. (1) The Law is amended as follows.

(2) In section 21(1) (interpretation) –

(a) for the definition of "business premises" substitute –

""business premises" means -

(a) any self-catering tourist accommodation, and

(b) any premises in which the sole or principal activities carried on at the premises are carried on in the course of a business,"

(b) in the definition of "dwelling house" –

(a) omit paragraph (a),

(b) in paragraph (b)(i) omit "(not being self-catering tourist accommodation)",

(c) for the definition of "lodging house" substitute -

""lodging house" means a dwelling place, other than a flat, which is occupied by more than one family or which is wholly or partly let in lodgings but excludes any premises, or part of any premises, in respect of which there is in force a boarding permit granted under section 3 of the Tourist Law, 1948,"

(3) In section 21(2), for ", B3.2 and B4.2" substitute "and B3.2".

1970 **Deputy Tindall:** Sir, I am very pleased to be the proposer of the first amendment to a piece of legislation which this Assembly has been asked to consider in this term. It has achieved that status only by a nose as there is of course the amendment to the next item proposed and seconded by my colleagues Deputies Lester Queripel and Laurie Queripel.

The purpose of the Proposition is set out in the explanatory note and the first paragraph states it is:

To treat self-catering tourist accommodation as small businesses and to allow these businesses to request to opt into the Parish waste collection and transfer service instead of being automatically included in the said service.

1975 The reason that this is required is simple. It is to redress the inequitable increase in costs to self-caterers for the collection of waste which was not envisaged when the changes to the charging mechanism were drafted.

1980 In order to understand the reason why I believe this proposal is a straight forward evolution of the charging system in respect of self-caterers, I will explain briefly the way in which the current position has come about.

In 2001 the States' Advisory & Finance Committee brought a report to the States entitled Parochial Collection of Refuse, with a similar purpose to that of this amendment today, as its aim was to resolve and I quote:

... an inequity which has arisen because of the cost of collecting and disposing of refuse from dwelling houses is chargeable to the rate payers of the several parishes of the Island under four different Laws.

1985 The then Advisory & Finance Committee consulted the parishes and other stakeholders and the Guernsey Hotel & Tourism Association feedback, which is the most relevant, said, and I quote:

This industry has for some time believed the present system of charging for a refuse collection system that in most parishes is unavailable is at the very least extremely unfair. We fully support your proposal to change the Law so that only those businesses which can sensibly use the parish collections pay for the service. The remainder will only pay for their own privately arranged collection service.

The effect of the 2001 legislation was that self-catering accommodation was classified as dwelling houses for refuse rate purposes and included within the parish collection and charges system and classified differently to other tourist accommodation.

1990 Roll forward to 2015 and the definition was mirrored in the Parochial Collection of Waste (Guernsey) Law, 2015, which means that each self-catering unit rather than each site is considered a separate dwelling for charging purposes. At the time the Law was approved, the charging mechanisms and levels for the collection and disposal of waste had not been set, and so the potential impact on self-catering businesses had not been identified.

1995 So when the charging mechanism and proposed charges were published and after discussions with STSB a group of self-catering operators approached the Committee for Economic

Development with their concerns. They felt that there would be a disproportionate cost on the self-catering sector which has unique issues managing the new waste streams and would also continue the inconsistent approach to self-catering business accommodation, as for many other purposes they are treated as a business.

2000 The sector has made plain to us that it supports the overall aims and direction of the Waste Strategy and understands that there will inevitably be additional costs involved for all, but believes that the current definition of the Law will result in a disproportionate and inequitable level of charges for self-catering businesses. Examples were provided to us illustrating the financial impact of the proposed charging mechanism on businesses, and these do vary according to the amount
2005 of individual units making up each premises. So a four-unit establishment's current charge of £144.30 would increase by 735% to £1,205 and a 21-unit establishment's charge of £1,103.98 would increase by 537% to £7,035.

The solution proposed by the self-caterers was a combination of changes. They wanted to be able to opt out of the parish system, those that stayed in the system for the charges to be on a
2010 per-site basis rather than a per-unit basis and a reduction in the cost of the black bags.

Whilst these changes were understandable because they asked for what would be best for all of their business, this was quite clearly a major change from that proposed. I should point out that the solution proposed by the self-caterers in respect of being able to opt out of the parish collection would change the basis of the parish system. Currently businesses can request to opt in
2015 and are accepted at the parish's discretion and not *vice versa*. Any change therefore which treated the self-caterers more favourably than other businesses may resolve one inequity but only by creating another and this would also mean greater difficulties for the parish and its administration.

I therefore felt that we should go back to the premise articulated by the Guernsey Hotel & Tourism Association in 2001 and treat self-caterers in the same way as other businesses.

2020 All other businesses are required to make their own commercial arrangements for the collection and disposal of waste but retain the statutory right to apply for inclusion in the parochial system where appropriate.

This amendment would extend exactly the same opportunities to the self-catering sector. The parochial collection system has already proved historically inadequate or inappropriate to the
2025 needs of many larger operators who already pay for commercial collections but are still charged for the parish system even though they do not benefit from it. This includes sites that operate service and self-catering accommodation at the same location, where the proposed system will mean they either have to implement two different approaches to waste collection or effectively pay for a service that they may neither want nor need.

2030 Also in some cases the delivery of an effective kerb-side collection service to larger self-catering sites under the parochial system would appear to present significant practical challenges given the limited kerb space available at some sites, especially those in built up areas.

I am pleased to say that the initial reaction from all concerned in the States was one of sympathy as it was acknowledged that the full effect of the charging mechanism on self-caterers
2035 had not been fully taken into account when considering the changes.

But whilst there was sympathy, the Law Officers had advised that the changes requested by the self-caterers will require a policy letter. As this was not on anyone's priority list any change could take several years. Rather than await the policy letter I decided to see if there was a quick fix, a way in which we could remove some of the inequity whilst not putting the self-caterers in a better
2040 position than other businesses, hence this amendment.

In order to gauge views a recent snap survey of self-catering accommodation provided was undertaken and this indicated that, of those that responded, larger businesses tend to be in favour of a change whilst smaller operators would for the most part prefer the parish system. That alternative could still be available to them under the amendment.

2045 Also research undertaken by officers of Economic Development, for whose work on this amendment I am grateful, has also raised other potential issues for tourism business under the proposed charging mechanism. For example, in addition to separate charges for self-

accommodation units non-visitor accommodation associated with visitor accommodation sites such as hotels' staff and managers' accommodation would appear to attract separate waste charges despite being integral parts of an overall business premises and operation. I understand officers were looking into resolving this and although it has not been possible to fully consider this before this debate, it appears this amendment may go some way to assist with this dilemma too.

Some premises that straddle parish boundaries have in the past been subject to double charging of waste rates. I have been sent an example where a self-catering building is classed as dwellings and actually generating a waste, is clearly located within a single parish, however, another part of the self-caterer's business which is in another parish which does not produce waste is also treated as a dwelling charged accordingly and cannot opt out, yet no waste has been produced. So this amendment will also resolve this anomaly as the self-caterer will be outside the parish waste system for the property which is not producing waste and will be able to request to opt in with the self-catering accommodation which is in the other parish, provided it fulfils the requirements for the parish system.

It has to be acknowledged that some of the self-caterers' concerns that have been raised can be resolved through the support already offered by STSB; by greater encouragement to tourists to recycle and by innovating commercial waste collectors. That said, there may also be aspects of the new waste collection arrangements that will require further policy letters to iron those out. That said, this amendment seeks to rectify one anomaly, one inequity of the new system, quickly, painlessly and without using up officers' time.

The explanatory note also sets out what I consider to be the financial implications of the amendment if there was an Island-wide collection, which of course there is not. If there were the costs would be negligible for all concerned as the extra cost of removing the few units this affects will be distributed across the many who are part of the parish system.

I wish to make it clear that the costs could be more or less for each parish, depending on the number of self-catering units within their area and of course how many opt into the system.

For completeness, I confirm that I have sent the draft of the Proposition to the two relevant committees asking for their views on the Proposition, but to date I have not heard anything except an initial positive response. I hope that view continues through to voting.

I should also add that the effect of this Proposition, if successful, will not fundamentally change if the amendment to the legislation proposed by the Deputies Queripel is successful in either of its forms, although the final amount of the inequity which this Proposition addresses will differ.

So, sir, considering the inequity identified and the ease by which some of these issues can be rectified by this Proposition without having to wait a year or two for officers to prepare the policy letter, I do hope that Members will support this amendment to the Parochial Collection of Waste (Guernsey) Ordinance, 2018, and make this the first successful amendment to legislation this term.

Thank you, sir.

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

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

The Bailiff: Do either of the Presidents of the board and the Committee wish to speak at this stage or do you wish to reserve your right to speak later?

Deputy Ferbrache.

Deputy Ferbrache: Sir, expressing a personal view, I have always supported the tourist product, including self-catering which obviously is part of that tourist facility, in fact it has been a success story in recent years although it has had some difficulties in more recent times, but it is still a very important sector.

2100 But that said, the States and the public have come on a long journey in relation to waste, waste management and waste charges, and it only reached that journey or came to a conclusion in relation to matters in April of this year. Now that is only six months ago, and this is a first amendment, there will be a second one on the next bit shortly, seeking to change what we agreed just six months ago. Now is that really good government? We see all these moving parts in relation to waste disposal, waste management, waste recycling, etc. I have heard in the last three
2105 or four months all kind of terms I have never heard of and I think I understand most of them now but I would not like to be a contestant on mastermind to take a test in relation to all of it.

But we come in relation to this journey to where we are now, and nothing comes without a cost because I appreciate that it says in the explanatory note that they have said there are 23,800 Guernsey property owners using the Billet of 2014, but if they had looked at Guernsey Facts and
2110 Figures 2018, which showed at the end of December 2017 there are in fact 26,993 domestic property units. In other words 27,000 and that is not just being pedantic, because that figure was used when the States were approving, in April 2018, the model.

The model for the costings was based on 27,000 households not 23,800. So 384 self-catering units represents about 1.4% of the total number of households. It may not sound a lot but it is
2115 actually a fair percentage. It is 1 in what, 60, or thereabouts, and there will be a financial impact. It is not going to bring the walls of Jericho tumbling down. It is not going to force people to go to soup kitchens, but it is another expense that ordinary householders will have to bear, because the April 2018 policy letter set out the estimated annual cost to households, including both parish and WDA charges to be in the region of £305 per annum. That was an average cost based on the
2120 27,000 households, of which the Waste Disposal Authority charges made up about £220 of that sum, the other £80-odd was the parish charge. Therefore 384 properties represent around £85,000 income in WDA charges equivalent to an additional £3.50 per year per household. Now that may not seem a lot, it is not really, what is it, 60p a week, probably less, it is not that much, 60p a week, but already it is going to cost people from January, by and large, a lot more, whether
2125 in the tourist industry or otherwise, to get rid of their waste, because that is the journey the States decided upon. That is the conclusion they came to.

It does not quite stop there because using what I think is going to be the parish collection rate for St Peter Port of £83, I may be wrong but let's assume that is right just for the purpose of this debate, that would represent another £32,500 in lost income to parishes, or £120 per household
2130 per year. So the figures for a total loss of income from those two charges from self-catering premises is £117,500 which would cost householders another £4.35 per year extra. Why should ordinary householders pay another £4.35 per year extra? It may not be a lot but it is a lot to some people, and it just is an unnecessary expense.

As Deputy Tindall says, there is a policy letter which will come in due course. We should wait
2135 for that, we should not tinker. We have a reputation for tinkering with things that we – *[Inaudible]* bit on that later on, but never mind. We have a reputation for tinkering with things unnecessarily. This is a structure that should be upheld, let it run and then we can always review it in 12 months' time if it is not working. That is what was intended by the States as recently as April.

Also I am advised by my officers that on a practical level, smaller, single self-catering units may
2140 not benefit from a commercial collection arrangement; the discretion to admit small businesses into the kerb-side scheme under the Law lies with the parishes, and I am informed that the majority have indicated they are unlikely to admit small businesses at this stage. That could result in some small self-catering establishments having to pay more for commercial collections of waste and recycling than they would under the parish system. Now I am told that; I therefore assume it
2145 is right, I am sure there might be an argument to the contrary. But in relation to all of this we have a system which we are going to start charging for in just over two months' time; let us look at that system, let us leave the burdens where they currently are rather than taking them from self-catering. Of course self-catering, I used to – I do not now – be a part-owner of a self-catering unit or group of units, and for about four or six months a year they were occupied by local people or

2150 people under having a licence. So for a third or a half of a year they are houses in the sense that you and I would think of houses.

So the logic is there, it is up to the States to decide.

The Bailiff: Deputy Inder.

2155

Deputy Inder: Sir, I am just declaring a financial interest in this. Our family have got a number of self-catering units and I will not be speaking to it, but I will be voting.

The Bailiff: Thank you.

2160

Deputy Gollop.

Deputy Gollop: Sir, I have frequently heard Deputy Ferbrache give excellent speeches in this States, at Islanders' meetings and during the Option A successful campaign and he very much wants a new type of politician to emerge who looks at the bigger picture as perhaps a more sensible strategic approach, a business approach, from the start. But he forgets too that some of us who have been here a while like to tinker with things all the time and we like to indulge with the micro management and it is interesting that I have been in the States during the two failed incinerator attempts amongst many other elements and it was certainly very interesting and instructive to hear the great former Conseiller Roger Berry speak at length recently about his political wisdom and I was amazed how much I agree with him. But he was very much somebody who did not necessarily support every element of our current waste policy. But we are where we are and we have to work with that in a pragmatic way.

I was a Member throughout the times the States abandoned two incinerators and I have to share some of the blame for it. I said at the time that the alternatives would be more expensive to the consumer, and so they proved to be. But I do not think it was envisaged, to a degree, the messiness of the fixed bag and the standing charges and so on. Perhaps it should have all come out of general revenue but that is more relevant to the next amendment.

On this particular point, Deputy Tindall and Deputy Parkinson, both of whom have worked extensively in the legal field amongst other things, also have come up with a valid argument, because I certainly saw on the BBC television an interesting insight into how it was that self-catering establishments have had a double whammy here in metaphorical terms: they are being taxed twice.

I think one of the points Roger Berry made which I do agree with was the States has not always supported tourism as much as it should have done, and the clue to this amendment lies in its proposer and seconder. Deputy Tindall spoke at the Economic Development Tourism Conference which was very useful at St Pier Park. I have got other questions arising from that for another time. Deputy Parkinson of course is the President of Economic Development who also spoke, and both of them met a full audience who very much, I think, want to see a renaissance of tourism and some of the reports they are getting suggesting that is possible, indeed achievable.

But what will weaken it is indirect taxation on the sector and what we have here is a penalty for running self-catering properties. I accept that sometimes they are used as normal accommodation especially in the winter months. Of course if they were used like that, permanently planning issues would back in. The point of this is to have a fairer waste system.

I think we knew when we embarked on the legislation last year and this that there were anomalies, that there are issues to resolve, that they are not entirely fair to every member of the community, and they do, to a certain extent, hit the elderly, but they also hit our income generators.

On the grounds that we need to support and enhance the self-catering sector, especially for our transport links, I will support this amendment.

2200

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

2205 I must admit I have a huge sympathy for operators of self-catering units, and when they contacted all of us to raise these concerns my instinctive approach was, yes, I think it is morally right that they should be able to opt out, but as I understand this amendment and certainly as I understand the comments of Deputy Ferbrache, we will be taking them all out whether they want to or not and then they will have to apply to opt in if it is beneficial to them and the implication – and I do not know if anybody can illuminate us further – is that many of the parishes will decline to allow them to opt in.

2210 So what I worry about this amendment is it will help the big owners of self-catering units, many units, for whom there is a clear advantage of bringing in a private contractor but will actually penalise some of the smaller ones who would actually be better off possibly under the universal scheme and it will cost them more to actually bring in a private contractor, but we may have opted them out of there whether they wanted to or not this morning and when they knock on their Constable's door saying, 'I would like to opt in,' the discretion is with the parish about whether to allow businesses to take part and they may say, 'No, thank you very much. We do not want to do that.'

2220 So I am in a quandary and if that is the situation, much though I have sympathy with the situation of self-catering owners, I just cannot support that because that feels wrong. I hope that during the course of what I am sure will be a short debate somebody can illuminate me further on that point.

The Bailiff: Deputy Le Pelley.

2225 **Deputy Le Pelley:** Thank you, sir.

I may be able to help out Deputy Roffey. I am sympathetic with the amendment but I am also mindful of what Deputy Ferbrache has said, and I have also taken on board what Deputy Roffey said as well.

2230 My question to the proposer of this amendment is what would happen if the self-catering accommodation becomes a winter let; are you actually going to be amending things so that the people who are in the winter let will actually have free collections? I think that needs to be addressed.

2235 As far as the questions have been raised in debate so far about whether the parishes will allow commercial entities to actually make use of the refuse collection, certainly for St Sampson's we have not actually debated that in any great detail and I do not see why we should not be accepting the smaller businesses from actually getting involved.

The Bailiff: Deputy Langlois.

2240 **Deputy Langlois:** Thank you, sir.

2245 It was bound to happen sooner or later, when I actually agree with every single word Deputy Ferbrache said in his speech! (*Laughter and interjections*) Deputy Roffey followed up and I think between the two of them they nailed it. Because we are talking about dwelling units. We call them self-catering units but they are dwelling units and for six months of the year they can actually be indistinguishable from any other dwelling unit on the Island.

I sense that this amendment was drafted quite rapidly, because it does not seem to take into account the smaller self-catering businesses, simply the larger ones. I have spoken to a few of the smaller ones, for them it is more beneficial for them to stay in the current system.

2250 The only parish I know which actually has done the calculations so far is Torteval and their parish rate will be not the £85 quoted in the amendment or used in the amendment but will be £105. So one unit of self-catering accommodation would be paying say £2 a week I suppose towards their parish collection, but compared with the rental achieved on those self-catering units I would have thought a £2 charge would be fairly trivial.

2255 The effect on the other rate payers, of them being removed from the system, for instance in Torteval it does not actually have that many self-catering units, would not be the sort of 1p quoted in the amendment it would actually be £1.59. That is per annum so it is still not a princely sum but it is of a different order to the 1p quoted in this amendment.

2260 So I cannot really find a good reason to support this amendment. I think it would have been better to have let the system bed in for a year and for anybody who wanted to come back to the States to come back with a policy letter with far more detail in than included in this amendment.

So I am hoping this amendment will be defeated and then the following amendment will have the possible honour of being the first to be voted for in this Assembly as an amendment to legislation.

2265 I have to mention that Deputy Tindall mentioned the 2001 Law; prior to that the original Law was 1958 and that lasted right the way through to 2001. In that original 1958 Law which lasted to 2001 which Deputy Tindall mentioned, the interpretation of dwelling house included:

A guest house, hotel, boarding house, hospital, school, nursing home and any institution for the occupation or care of young, old or infirm people.

2270 So that is a pretty broad interpretation of what a dwelling house is, and I think it is probably what led to the big change in 2001, where it was limited to self-catering accommodation. I think that is where it should stay until we have more evidence that changing this or dropping self-catering accommodation from the Law would be a sensible idea.

Thank you.

The Bailiff: Deputy Brouard.

2275 **Deputy Brouard:** Thank you, sir.

I am minded to support the amendment, and I hope the Deputy when she sums up will give a bit more meat to the bone.

2280 We as an Assembly here have been trying to stress to people that it is the user pays, so the user of the service pays for the goods, and also we want to give people options and choices. But for the self-catering the bag charge is the bag charge, so if a bag is put out you will pay the bag charge.

2285 I know we have got the Queripel brothers' amendment coming, sir, but in theory the parish charge for the lorry to go round will reflect on the number of households that it collects on. I appreciate at the moment the contracts have probably been already put out, but if a lorry is not going to be picking up at certain establishments although it will be passing, it also passes buildings that do not put out any rubbish. So eventually that contract will reflect the number of times it has to stop and pick up the bags. If it is a self-catering that may well include taking many bags out of a multi-bin and all different things of that sort. So that charge will eventually be reflected back and lower for the rest of the parishioners because the lorry will not be going to that self-catering unit anymore.

2290 Also the annual charge is something that we have created in the States for our Longue Hougue Yard and for the disposal of the collectibles and the black bag and also for the recycling. But of course if a self-catering company comes out of that they will be paying their own charge to their contractor and that contractor may or may not use some of the States' facilities, and again it will pay a commercial rate for doing so. So overall I do not see any particular point. The self-catering, if they opt out, will be paying whatever they need to pay and the parish rates will be reflected downwards to mask the fact that they are no longer in the system.

2295 So I have got every sympathy with what Deputy Tindall is trying to do. So I hope she can put some more meat onto that bone.

2300 Thank you, sir.

The Bailiff: Deputy Dorey.

Deputy Dorey: Thank you, sir.

2305 We all know that waste is more expensive under the new system. We had a cheap way of depositing our waste into the ground, now we have a more expensive system of exporting.

These self-catering units are units of accommodation which are occupied by tourists in the summer and residents normally in the winter.

2310 Deputy Gollop said about we should support tourism and it would be fairer for this amendment. But why is it fairer for some users of accommodation not to contribute towards our system, while others have to pay more, something like £4.30 which is what the outcome of this amendment will be? I do not think it is fairer. I think it is unfair. I think we have got a more expensive system and we all have to contribute. These are units of accommodation.

2315 If there was a block of flats, for example, I am sure that it would be more economic for them to arrange to have commercial people to collect their rubbish and not use the system. But then that would put it up for others even more. So there are always some losers and winners. But we are in it altogether. That is the whole basis of the system. They are units of accommodation.

I ask you to reject this amendment and for all users of accommodation to fairly contribute towards our waste system.

Thank you.

2320

The Bailiff: I see Deputy de Sausmarez rising.

Deputy de Sausmarez: Thank you, sir.

2325 I am inherently quite sympathetic to this but I have to say that for the reasons that have been articulated by various Members – Deputies Ferbrache, Langlois, Roffey, Le Pelley – I really cannot support it, I do not think, unfortunately.

2330 Self-catering of course is an industry that we need to support but we do need to remember that unlike householders these are profit-making businesses, and as Deputy Langlois pointed out the impact is measured in weeks or probably fortnights in terms of costs that are passed on to their ultimate consumer. Whereas of course householders, the impact is measured annually and really we are shifting a burden onto householders and, as Deputy Ferbrache pointed out, those costs have already increased really quite dramatically compared to the current system. So I think exacerbating any further increase is not equitable.

2335 We are talking about commercial enterprises in self-catering. Those costs can be absorbed, and Deputy Brouard invoked the user-pays principle. Well, I do not see why – that is precisely why I think actually we should be embracing self-catering into the new system.

2340 I did ask one of the self-caterers who got in touch with us, what this would mean in terms of encouraging their visitors to reduce their waste, separate, etc. and the self-caterer was good enough to get back to me and did admit that, in this person's own words, 'Well, we have got no influence over what our visitors do'. I beg to differ, I think that actually whenever I have stayed in self-catering units I look at the arrangements that are set out for me and I comply, and I am sure that the majority of people would, well I hope they would. I do think we need to influence them as much as we can.

2345 As Deputy Dorey pointed out, these are units of accommodation and I know they are different units of accommodation but I think especially in terms of the winter let issue we do have to be mindful that we are treating all residents in the same fair and equitable way.

2350 Deputy Tindall also suggested, I believe, that if a self-catering unit spans two parishes then they might be in a situation where they are effectively paying twice, but I am assured by an officer that this is not the case. I have really not had quite enough time to absorb the information to disseminate it, but perhaps one of my Committee colleagues can do that or someone on the STSB.

To summarise, although I am very sympathetic to the intention of this amendment, I am mindful of unintended consequences both in terms of the small self-caterers and in terms of the system more generally and for those reasons I am afraid I just cannot support it.

2355 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

I will be quite brief.

2360 I have every sympathy for this amendment and I think what this amendment actually does is try to negate the unintended consequences of what we have actually done on this occasion.

Now accommodation: so if we are saying accommodation is not a business, and clearly in my mind self-catering would be a business; are we saying that accommodation for hotels then is not a business or are those people staying in hotels or bed and breakfasts going to have to try and conform to the new waste regime? In my mind either these are businesses or they are not and we should treat them as businesses or we should not.

2365 This is why I think this anomaly has arisen and I am very pleased that Deputy Tindall has brought this to our attention.

I agree with Deputy de Sausmarez, one of the things I wanted to point out was how can self-caterings be encouraged to recycle? We should be proud of our heritage and our culture and that we are trying to sustain that. How could they be encouraged? I agree also with her sentiments that they should be and that they could actually be part of this new regime.

2375 The last thing I wanted to clarify with Deputy Tindall when she sums up, please, is I am led to believe well I am almost certain that TRP on these businesses are different, they are treated differently. They are treated like businesses. So it seems an anomaly that we are either treating then like a business or we are not, and it does seem unfair on self-catering, as I do regard them as a business, so therefore we cannot take money from them with one hand for our TRP etc. but then take a different stance when it comes to implementing this. That is what I would appreciate clarity on from Deputy Tindall when she sums up.

2380 I believe as she sums up that will really be one of the defining factors for me. Do we consider this as a business or is it not?

Thank you, sir.

The Bailiff: Deputy Le Clerc.

2385 **Deputy Le Clerc:** Thank you, sir.

I am torn on this. Initially I thought I would be able to support Deputy Tindall's proposal. I have listened to other people during the debate.

2390 But one of the arguments that was put forward by the self-catering businesses was the fact about regularity of collection. I think one of the concerns that they have got, particularly in the summer months, is that they will be waiting two weeks on the two-weekly cycle for black bag waste collection, and also it is providing the storage facilities for that collection of waste.

2395 So I have still got that dilemma. I do not know how I am going to vote on this, but I thought it was just another point that had not already been made, that that is another consideration for some of those businesses: where they are going to store this and it is the regularity of collection if they are classed as households and not businesses.

Thank you, sir.

The Bailiff: Deputy Brehaut.

2400 **Deputy Brehaut:** Sir, just briefly, because I think we are getting into repetition.

I think it is an issue of being equitable and for it to be fair. Deputy Ferbrache made it clear in his speech that if you were to support this amendment then you have to offset that somewhere and it would fall on parishioners more broadly.

2405 It is important to note that these businesses, for some, are actually closer to some than we imagined because you can have slow seasons become winter lets and are good businesses. So is

this a proportionate charge, is it a fair charge on what are relatively successful business? I think it is and would urge Members to oppose the amendment.

The Bailiff: Deputy Hansmann Rouxel.

2410

Deputy Hansmann Rouxel: Thank you, sir.

I rise to my feet in response to Deputy Le Clerc. I had some similar reservations and actually the practicalities of the collection cycle would be slightly different for a self-catering because of compliance with the rules. However, if you are putting out your black bag waste and you are putting a sticker and paying that £2.50 there is nothing stopping that self-catering business taking the black bag waste to the Longue Hogue Centre and still paying £2.50 –

I give way to Deputy de Sausmarez.

The Bailiff: Deputy de Sausmarez.

2420

Deputy de Sausmarez: I thank Deputy Hansmann Rouxel for giving way.

Would she not agree with me that actually one of the benefits of the new system is that food waste can be entirely separated out of the black bag waste and that means that actually if people do conform to that system then there is a very much smaller element of putrescible waste to hang around and cause problems?

2425

Deputy Hansmann Rouxel: Yes, I do agree with Deputy de Sausmarez, and some of the results of the first month do show that people have started separating their food waste on a wide scale.

I do appreciate though that in a self-catering environment you may have a person staying in your property who does not comply regardless of how you encourage them or nudge them to separate their waste and you may be left with a black bag. However, there is the ability to take that black bag to Longue Hogue and not pay more or less for the disposal of it than you would ordinarily.

2435

The Bailiff: Deputy de Lisle.

Can you put your microphone on?

Deputy de Lisle: Sorry, yes.

I am against transferring more cost on to parishioners and that has been shown to be in this debate far greater than I argued in front of the Economic Development Committee recently. The results in Torteval have been shown to be quite significant and most would argue that the rates are high enough without transferring more cost on to parishioners as a result of this particular amendment. So I will not be supporting the amendment.

2445

Thank you, sir.

The Bailiff: There is no one else rising.

Sorry, Deputy Parkinson.

2450

Deputy Parkinson: Thank you, sir.

Yes, I think the point here is that these businesses are treated as businesses for other tax purposes and therefore make a higher contribution in terms of TRP than regular households, and in effect forcing them to participate in the parish collection system is creating a double whammy for them because they would naturally prefer a commercial waste collector to operate, which would give them the frequency they want and allow them to reduce some costs on that side, which are offset by the increased costs they bear in terms of commercial TRP.

2455

So it is about equity to a small group of taxpayers, a valuable element of our tourism business. We recognise that the world is changing and that the days when people would come to Guernsey and stay in effectively a two-star hotel have largely gone and the market now is either for very high quality products sort of four-star hotels, or we believe there is to an extent an untapped market in the sort of Airbnb area where Guernsey has an offering, but it is an offering that we can develop and for which we think there is a demand. So we would like to encourage that side of the market.

The amendment that has been put before the Assembly today is all about simply giving some encouragement to a small commercial sector that pays its way in terms of taxation and which plays an increasingly important role in our tourism offering, and that is why I have seconded it.

The Bailiff: Deputy Smithies.

Deputy Smithies: Thank you, sir.

I rise very briefly just to clarify the point of the properties straddling parish boundaries. Currently, the parish refuse rate being based on TRP, the property will be paying a share to each parish according to how much of their property sits in each parish. So if it all sat in one parish they would pay the same or a very similar rate but it would be just to one parish. In actual fact one parish may have a slightly higher refuse rate than another but that could obviously work in favour of the property if they opted to go to the other parish.

The Bailiff: I see no one else rising.

Are you going to be brief in summing up, Deputy Tindall? Four minutes? Well, if you are going to be four minutes then let's conclude this before lunch.

So Deputy Tindall will reply to the debate.

Deputy Tindall: Thank you, sir.

Yes, I will try and be very brief. The basic point here I think is of two aspects. One in respect of the effect on the system in the sense that if the self-caterers opt out then they will not be benefiting during winter lets, the cost to the parish should technically decrease albeit I understand the contracts for next year have been already agreed.

But one particular concern that does arise is something Deputy Ferbrache said in the fact that, he said right at the beginning, he has been advised that the parish system will not admit small businesses at this stage.

Deputy Ferbrache: I did not say that, I said –

The Bailiff: Sorry. Is this a point of correction, Deputy Ferbrache?

Deputy Ferbrache: Yes, it is.

What I said is I have been informed that the *majority* of the parishes, I did not say *all* of them.

The Bailiff: Deputy Tindall.

Deputy Tindall: Sir, thank you for that point of correction, but that is not the point I was making. He said small businesses – small businesses have been admitted to the parish system all the way through. We are talking about adding self-catering as small businesses, to be treated as small businesses have been done for years. So when he says that small businesses might not, the majority, might add *[Inaudible]* that puts into question the current system not just the future system.

I am reassured obviously by Deputy Le Pelley as indeed I have been reassured with the Douzaine that I have spoken to, that there is absolutely no reason why self-caterers of smaller

units will not be admitted if they are equivalent to the small businesses that are currently being admitted.

Yes, indeed the question of whether or not the self-caterers will be taxed twice. Yes, this is the whole point. This is not something that was considered, it is not something therefore agreed six months ago. To that extent therefore it is something that has been identified since and is being brought back to this Chamber for consideration as it has not been addressed before.

Deputy Langlois mentioned the Law of 1958 has been *in situ*. Actually that is what happened in 2001. There were four different Laws being applied across the parishes and it is that which the 2001 addressed. It has not been around for that long.

Yes, there is this hotel issue which I have mentioned briefly in my speech that this amendment could well address it. There is the example given in respect of Torteval – I have not had the details of Torteval but I have had other details given to me by calculations by the Douzaine and I have gone back to them saying I do not think they are correct. So I cannot comment on Torteval's calculations. All I can add is that, yes, self-catering accommodation is very much treated ... it is a business for all other purposes. This is an anomaly. This is, I do not believe considered to be what was intended. It has not been dealt with before and I think it needs to be addressed in a straightforward situation and I am hoping that ... as far as I am concerned the Douzaine have indicated to me that they have every intention to treat self-caterers as any other small business and accept them into the system.

Yes, this is a matter for the States to decide. There is the double whammy that has been described for self-caterers, whether or not we actually distribute that double whammy across the Island to a very small amount is the matter before the States. I make no bones about that, I feel it is something that is inequitable and worthy of changing, but it is for each and every Member in the States to decide on whether or not it is worth the effect.

Thank you, sir.

The Bailiff: We vote then on the amendment proposed by Deputy Tindall, seconded by Deputy Parkinson. Those in favour; those against.

Some Members voted Pour, others voted Contre.

The Bailiff: I think that is close, so I think we will have to have a recorded vote to be certain of the outcome on that.

There was a recorded vote.

The Greffier: The voting starts with St Peter Port.

Not carried – Pour 18, Contre 19, Ne vote pas 0, Absent 3

POUR

Deputy Tindall
Deputy Gollop
Deputy Parkinson
Deputy Le Clerc
Deputy Trott
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Inder
Deputy Laurie Queripel
Deputy Green
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen

CONTRE

Deputy Ferbrache
Deputy Kuttelwascher
Deputy Brehaut
Deputy Lester Queripel
Deputy Leadbeater
Deputy Mooney
Deputy Le Pelley
Deputy Meerveld
Deputy Lowe
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Paint
Deputy Dorey

NE VOTE PAS

None

ABSENT

Deputy Tooley
Deputy Fallaize
Deputy Yerby

Deputy Soulsby
Deputy Roffey
Deputy Prow
Deputy Oliver

Deputy de Lisle
Deputy Langlois
Deputy de Sausmarez
Alderney Rep. Jean
Alderney Rep. McKinley

The Bailiff: The voting on the amendment proposed by Deputy Tindall and seconded by Deputy Parkinson was 18 in favour with 19 against. I therefore declare it lost.

We will rise now for lunch and resume after lunch with the second amendment.

*The Assembly adjourned at 12.38 p.m.
and resumed its sitting at 2.30 p.m.*

**STATES' TRADING & SUPERVISORY BOARD AND
THE COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE**

**The Parochial Collection of Waste (Guernsey) Ordinance, 2018 –
Debate continued –
Ordinance approved**

2545 **The Greffier:** Continuation of the debate on the Parochial Collection of Waste (Guernsey) Ordinance, 2018.

The Bailiff: We take next the amendment to be proposed by Deputy Lester Queripel and seconded –

2550

Deputy Ferbrache: Did we actually approve the previous one? The Amendment was rejected

The Bailiff: Sorry, we are then moving onto the next piece of legislation, are we not?

2555 **Deputy Ferbrache:** *[Inaudible]* Some of us are also relieved the amendment did not pass so we just left. ... Do we have to?

The Bailiff: I am sorry, it is two different pieces of legislation, is it not?

2560

Deputy Ferbrache: We need to approve the previous thing.

2565 **The Bailiff:** You are exactly right, it was my fault. I was thinking that it all related to the same piece of legislation. So it is my fault. Thank you. So, coming back to the Parochial Collection of Waste (Guernsey) Ordinance, we have had debate on the amendment, which was rejected. Is there any general debate? No, we go to the vote, then. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

**STATES' TRADING & SUPERVISORY BOARD AND
THE COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE**

VI. The Waste Management Services (Charging) Ordinance 2018 – Approved

The Greffier: Article VI, States' Trading Supervisory Board and the Committee *for the Environment & Infrastructure – the Waste Management Services (Charging) Ordinance 2018.*

2570

The States are asked:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Waste Management Services (Charging) Ordinance, 2018', and to direct that the same shall have effect as an Ordinance of the States.

The Bailiff: Do either of the Presidents wish to say anything in opening before we go to the amendment?

Deputy Brehaut: No, sir.

2575

The Bailiff: No? Deputy Ferbrache? No. So we will take then the amendment to be proposed by Deputy Lester Queripel and seconded by Deputy Laurie Queripel.

Amendment:

In the Proposition, for all of the text after "Whether they are of the opinion" to substitute –

"1. To approve the draft Ordinance entitled "The Waste Management Services (Charging) Ordinance, 2018" subject to the amendments indicated immediately below this proposition, and to rescind resolution 2 of 19th April, 2018 on Article V of Billet d'État No. XI of 2018 and to direct that the Ordinance shall have effect as an Ordinance of the States.

Amendments

(a) For Parts I and II of the Schedule to the Ordinance substitute the following:

"PART I

PREScribed BAG CHARGES

TABLE A

WDA Tag or WDA Receptacle	Prescribed wholesale charge per WDA tag or WDA receptacle
Residual waste bag of up to and including 50 litres in capacity	£1.95
Residual waste bag of 51 to 90 litres in capacity	£3.90
Blue or clear recycling bag	zero
Glass recycling bag	zero
Food caddy	zero

TABLE B

WDA Tag or WDA Receptacle	Prescribed retail charge per WDA tag or WDA receptacle
Residual waste bag of up to and including 50 litres in capacity	£1.95
Residual waste bag of 51 to 90 litres in capacity	£3.90
Blue or clear recycling bag	zero
Glass recycling bag	zero
Food caddy	zero

PART II

ANNUAL FIXED CHARGE

The annual fixed charge is zero per annum."

OR only if proposition 1 shall have been defeated.

2. To approve the draft Ordinance entitled "The Waste Management Services (Charging) Ordinance, 2018" subject to the amendments indicated immediately below this proposition, and to rescind resolution 2 of 19th April, 2018 on Article V of Billet d'État No. XI of 2018 and to direct that the Ordinance shall have effect as an Ordinance of the States.

(a) For Parts I and II of the Schedule to the Ordinance substitute the following –

"PART I

PRESCRIBED BAG CHARGES

TABLE A

WDA Tag or WDA Receptacle	Prescribed wholesale charge per WDA tag or WDA receptacle
Residual waste bag of up to and including 50 litres in capacity	£1.60
Residual waste bag of 51 to 90 litres in capacity	£3.20
Blue or clear recycling bag	zero
Glass recycling bag	zero
Food caddy	zero

TABLE B

WDA Tag or WDA Receptacle	Prescribed retail charge per WDA tag or WDA receptacle
Residual waste bag of up to and including 50 litres in capacity	£1.60
Residual waste bag of 51 to 90 litres in capacity	£3.20
Blue or clear recycling bag	zero
Glass recycling bag	zero
Food caddy	zero

PART II

ANNUAL FIXED CHARGE

The annual fixed charge is £45 per annum."

Deputy Lester Queripel: Sir, thank you.

I need to start by declaring an interest, seeing as I am a householder, I will certainly benefit if either of the Propositions in this amendment succeeds. I want to focus on what this amendment is seeking to do, because it seeks to put either a complete emphasis on the polluter-pays approach, via Proposition 1, or at least a far greater emphasis in the polluter-pays approach, via Proposition 2.

If Proposition 1 succeeds, it will put households completely in control of how much it costs them to dispose of the waste they produce. If Proposition 2 succeeds, it will result in households having far greater control on how much it costs them to dispose of the waste they produce. It is that incentive that is absolutely key to how much waste we all produce in the future, because there are savings to be made for the vast majority of households, if either one of these Propositions is supported by the majority of the Assembly. Of course, only Proposition 1 will realign us with the true polluter-pays approach.

Now the seconder of the amendment will focus on those savings when he speaks, so I ask my colleagues to please give their undivided attention to those savings, as well as the costings, when the seconder speaks, because he will be relaying some vital information that they will need to take into consideration when they come to vote.

In the lead-up to this debate, my good friend Deputy Ferbrache said in the media, this amendment is completely unnecessary. He said it was unnecessary, in his view, because the charges will be reviewed within 12 months. To pick up on that, just in case other Members of the Assembly share that view, I say in response, try telling that to fellow Islanders who will struggle to pay the States' fixed charge as well as the fixed charge the parishes will be setting. A year is a long time for Islanders who will struggle to pay.

I know that Income Support will be available to those who qualify for it, but the reality is that the vast majority of households here in Guernsey do not qualify for Income Support. So thousands of our fellow Islanders will struggle to pay the fixed charges. As well as that we also need to take into account the fact that there are Islanders out in our community who have said in the media they will refuse to pay the States' fixed charge on principle and are prepared to go to prison for refusing to pay.

I want to focus on that for a moment. A disabled pensioner, Mr Malcolm Kent, has actually said that in the media on more than one occasion. He said, quite rightly, that the public were led to

believe that a true polluter-pays system will be put in place and because it will not be a true polluter-pays system in place, with a fixed charge attached, he will simply refuse to pay that fixed charge on principle and he is prepared to go to prison.

Now I ask my colleagues, respectfully, through the Chair, to bear in mind that serving time in prison not only results in stress and trauma and hardship for the person who is actually sent to prison, but it also results in stress, trauma and hardship for the members of the person's family, as well.

Plus, of course, we need to bear in mind that the person will then have a prison record hanging over them for the rest of their lives and we also need to bear in mind that they will not just go to prison once, they are prepared to go to prison every single time they refuse to pay the States' fixed charge.

So there will be a cost to them and their families, plus of course we also need to add the cost to our courts and our time of the Law Officers and Crown advocates and we must not forget to add the cost to the community as well. I think I am right in saying – I stand to be corrected – it costs about £800 a week to keep a prisoner in our prison. So the irony is that not only will Islanders have to pay the States' fixed charge but they will also have to accept they will be paying to keep Islanders in prison who refuse to pay the fixed charge. They will also be paying through Income Support and they will also be paying for the costs of courts, Law Officers, Crown advocates, so the reality is they will be paying four times. Is that fair?

Now it remains to be seen how many Islanders end up in prison because they refuse to pay their fixed charge on principle, but seeing as Mr Kent is prepared to go to prison then I suspect there will be others who are also prepared to go to prison.

Deputy Ferbrache: Sir, a point of correction.

The Bailiff: Deputy Ferbrache, point of correction.

Deputy Ferbrache: The Ordinance provides for a civil remedy. You do not go to prison in Guernsey for non-payment of debt. They will not go to prison. They could lay themselves in front of a tractor, if they want, but they will not go to prison for not paying the annual charge. Can I respectfully ask people to read section 10 of the Ordinance?

The Bailiff: Deputy Queripel.

Deputy Lester Queripel: Thank you, sir.

I have spoken to Mr Kent on the telephone on two separate occasions and he tells me he produces very little waste. He is extremely conscientious, he only buys what he needs. He reuses and recycles as much as he possibly can and he only puts out a bag for collection once every two or three months and yet he and other conscientious people like him are being told they will still have to pay an £85 fixed charge for making all that effort.

In other words, Islanders who make a supreme effort to do all they can to comply with the waste hierarchy will be penalised and punished. Even though some of them only put out six bags a year, they will have to pay the same States' fixed charge as someone who puts out 56, or 66, or 76 bags a year.

I did speak to another Islander on the phone who asked to remain anonymous and told me he aligned himself with the views of Mr Kent. I know I am providing anecdotal evidence, but I can assure I do not tell lies. That conversation did take place. So again I ask the question is it fair, and surely the answer to that is no, it is not fair, and I think the Assembly needs to address and resolve that whole issue and we can address and resolve it by enough of us voting in favour of Proposition 1.

Just to focus on Proposition 2 of the amendment for a moment, sir, Proposition 2 is in there just in case a majority of the Assembly feels that Proposition 1, for whatever reason, is just a

2665 bridge too far. Proposition 2 is also a cheaper option for Islanders at the same time as putting a far greater emphasis on the polluter-pays approach. As I said earlier, the seconder of the amendment will focus on the costs and savings when he speaks.

In laying this amendment, I remind my colleagues that paragraph 2.8 (b) in a policy letter at a previous waste debate in April this year read as follows:

An annual fixed charge levied as a flat rate charge, per household, could initially be set at zero.

2670 There was no warning attached to that statement along the lines of, 'If the States decide to set the rate at zero, then it will bring the whole Waste Strategy down like a deck of cards.' Seeing as there was no such warning attached then surely it is perfectly feasible and financially viable for the States to set the fixed rate at zero?

2675 It was considered to be feasible and financially viable in April so surely it is considered to be feasible and financially viable six months later. If it was not considered to be feasible and financially viable in April then why was it a Proposition in the policy letter in the first place? Seeing as it was an option and position in the policy letter, if it was not considered to be financially viable then why was there not a warning attached to it? I think those questions need to be answered by STSB during the course of this debate.

2680 I want to move on to an example of where the Assembly was misled, by focussing on contradiction, certainty and uncertainty because these are all issues that relate directly to the Propositions in this amendment. I will deal with the contradiction first and, in doing so, I go back to what is mentioned in paragraph 8.2 of the policy letter in April, when we were told that a fixed charge being in place does not reflect a polluter pays approach. Yet in an email coming from STSB and forwarded onto us all by Deputy Dorey on August 29th, it was stated by STSB that it is. 2685 A contradiction there.

Moving onto the issues of certainty and uncertainty, which also relate directly to this amendment, it could be said by some that all the concerns and uncertainty were relayed back in April when the States made a decision to set an £85 fixed charge and a £2.50 bag charge. But 2690 actually nothing could be further from the truth because one thing that is for certain is that there is a great deal of uncertainty and concern coming from fellow Islanders in our community who are extremely concerned as to how they are going to afford to pay two fixed charges.

Another thing that is for certain, I have not heard a single Islander say they are going to refuse to pay their bag charge and risk going to prison, but I have heard Islanders say they are prepared 2695 to go to prison for refusing to pay the States' fixed charge. It is irrelevant whether you cannot go to prison or not, that is what they said. (*Laughter*) That is a fact.

The Bailiff: It may be a fact, but it may be irrelevant to the debate.

2700 **Deputy Lester Queripel:** I will wait for the mirth and merriment to die down, sir. That is a fact. That is what they have said. I am not making it up. I have not heard a single Islander say they are going to refuse to pay their bag charge and risk going to prison but I have heard, I am sure we all have if we pay attention to what the media reports, Islanders say they are prepared to go to prison for refusing to pay the States' fixed charge. Fact. They have said it.

2705 So with all that in mind, surely there is no reason whatsoever for us to not now change from an £85 fixed charge and a £2.50 bag charge to not having a fixed charge in place and increasing the bag charge to £3.90? As we all know, the cost of collecting the black bag waste will be covered by the parish fixed charge, whilst the cost of processing the waste will be covered by the charges we set.

2710 With that in mind, paragraph 1.10 of the April States' debate on the policy letter, told us that:

Given there is uncertainty regarding the number of bags that will be put out, there is a risk that STSB may not fully recover the costs incurred. Therefore the initial bank charge includes a contingency element of 50p per bag.

So naturally that is already taken care of in the bag charges that are included in the Propositions in this amendment. In every sense of the word, it is a win-win amendment. It is an extremely positive amendment, because it will not in any way, shape or form have a negative impact on the people of Guernsey or the waste hierarchy. Everybody will benefit if Proposition 1 succeeds. Proposition 2, as I said earlier, is more of a compromise, although it still has its merits.

So I ask colleagues who intend voting against either of these Propositions to please explain why they intend doing so when they speak. I ask that because I think the people of Guernsey need to hear why any Member of this Assembly decided to vote against Propositions that are fairer for our community, Propositions that are cheaper for the vast majority of households and Propositions that seek to realign us with the whole intention of the waste hierarchy and strategy itself, which the community were led to believe would be a true polluter-pays system.

So in laying this amendment I ask colleagues to please divorce themselves from such banal and completely irrelevant inferences as 'flip-flop Government'. Such terminology does nothing except put an extremely negative spin on an extremely positive amendment brought before the Assembly with the best of intentions by its proposer and seconder.

Having said that, I have every faith the majority of the Assembly will see the value and the merit in debating and supporting either one of these Propositions on the grounds that it is never too late to change your mind, as long as you know that by doing so you will be benefiting the people of Guernsey. So I look forward to what I very much hope will be a dignified and civilised debate.

In closing, this whole waste debate has been going on for 20 years and therefore there is a question I think needs to be asked in relation to that and that question is this: is the sky going to fall in and the world come to a standstill if this piece of legislation is not brought in on 1st November? I say 1st November, because that is what we are told on page two of the Billet, where it says at the bottom of the Billet:

The Ordinance is to come into force on 1st January 2019, except for section five. That section and related provisions come into force on 1st November.

Just in case anyone was confused about me saying 1st November.

So I say again, is the sky going to fall in and the world come to a standstill if this piece of legislation is not brought in on the 1st? The answer to both parts of that question surely has to be an emphatic no.

There are other questions my colleagues need to ask themselves when they consider which way they are going to vote. Questions like: do they want a system in place that considers and includes everyone, and by doing so is fairer for all? Do they want a system in place that will be cheaper for the vast majority of households? And, finally, do they want to realign us all with a true polluter-pays system, which puts households in a position where they control how much it costs them to dispose of the waste they produce and provides the incentive for them to produce less waste in the first place? All those questions are actually key to the Propositions in this amendment. Therefore I ask colleagues to please give this consideration when they come to vote.

Thank you, sir.

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

Deputy Laurie Queripel: I do, sir, thank you, and I would like to speak now, if I may?

The Bailiff: No, because the Presidents of the Board and the Committee concerned have the right to speak next, if they wish to do so. Do either of the Presidents wish to speak at this point? Deputy Ferbrache.

Deputy Ferbrache: *[Inaudible]*

2760 **The Bailiff:** You will wait until Deputy Queripel has spoken? Deputy Brehaut, do you wish to speak at this point? No, you do not wish to speak at this point. So Deputy Laurie Queripel, as the seconder, you may speak next.

Deputy Laurie Queripel: Thank you, sir, I appreciate that.

2765 I think it is fairly well known that I have never been a convert, as it were, in regard to the Waste Strategy. But those battles have been fought and what we need to concentrate on now are two things in particular: one, making the Strategy as effective as possible and in line with the principles that underpin and in relation to the way it was and has been presented and promoted both in the political and public arena – and I will expand on that point in a moment; two, making it as
2770 affordable as possible to households by providing the right incentives.

I do ask colleagues to disregard or dismiss any talk of time-wasting or flip-flopping when it comes to this debate. Those comments are missing the point. They are in the nature of a red herring. It is perfectly in order to be debating legislation, because it comes into this Chamber, before a States' Assembly, for consideration and, yes, way more often than not, it is approved,
2775 nodded through. Perhaps too often.

But that does not change the fact that there is a facility for it to be debated, which is why when it comes to the items of legislation, a Presiding Officer inquires if there is any debate. I am less concerned about the reputation of the States – clearly I am concerned about the reputation of the States – and more concerned about getting things right and trying to make them as fair as
2780 possible and trying to ensure that public concerns are raised and represented. This in effect, a second reading, gives the Assembly another chance to consider the decisions made in April.

The *Press* editorial of the 17th of this month mentioned much ado about the need for evidence to support any rethink in respect of these charges, but I think we already have evidence to cause us to pause and reconsider. As things stand at the moment, the way the charges are weighted or
2785 apportioned bear little resemblance to a user/polluter-pays model. They do not in any meaningful way put households in control of how much waste disposal will cost them. This despite the fact that these were high profile, oft-repeated strap lines or selling points in connection with this Waste Strategy and they are proving to be inaccurate, more so as time goes by.

If we take a brief look at the policy letter from April, such comments permeate that document.
2790 If you looked at, for example, 1.2, it says:

The strategy focus is on minimising the amount of waste that is generated, re-using and recycling as much as is practical, that aims to ensure maximum benefit is derived from the valuable resources that go into creating the products and materials that we, as a community consume on a daily basis.

In 1.3:

Charges for waste services will be a key driver in achieving the desired behaviour change.

In 1.9 it says this:

The aim of the Waste Strategy is to drive behaviour change.

In 2.5 it says this:

This will support and encourage behaviour change and enable households to influence how much they pay.

In 6.1, I will skip a few, because there are loads of them. They are ubiquitous. In 6.1 it says this:

Any charging mechanism introduced should be robust enough to drive change while remaining affordable for households.

2795 There is clearly a mis-match between the rhetoric and the reality. We have a chance, an opportunity today to correct that. To re-establish those principles either fully or more greatly. There has been some talk about certainty, in the *Press* and elsewhere. The only certainty that

households have at the moment is that via this charging mechanism, the mechanism currently in the legislation, the vast majority of them will pay more than they have to per annum.

2800 Whether a household is putting out 10 black bags or 50 per year, they will pay more by the charges as they currently stand than they would if either of the two options in the amendment were adopted. To be more precise, the £3.90 per bag charge, with no standing charge option, is cheaper, up to and including 60 bags. So the threshold with a cut-off point is 60 bags. The £3.20 bag, with a standing charge of £45 per annum option is cheaper up to and including 56
2805 bags. Once again, that is the threshold, the cut-off point. After that, yes, the charges and the legislation as it currently stands would be cheaper.

To put it into some other perspective and context, that is two and a bit bags per fortnightly collection – we know the black bag is collected fortnightly – or one and a bit bags per week. That is a 90-litre bag. That is producing 90-plus litres of waste per week. Of course, the fewer bags put
2810 out for processing – and I say processing because the distinction is we know there is going to be a standing charge from the Douzaines for the collection of the waste – the more the savings will be for households when it comes to the two options in the amendment in comparison to the charges as they are currently set out in the legislation.

By way of another example, if we looked at what I am calling the mid-way point, say a
2815 household puts out 30 bags per year, a bag and a bit every collection, under the current charges as they stand in legislation, that would be £2.50 x 30, so that is £75, add the standing charge, £85, that is £160 as it stands at the moment. Plus, of course, you have to add the Douzaine charge, £245. Under the first option, in the amendment, £3.90 x 30 bags is £117. Add the Douzaine charge, it is £203. So we are looking at a saving of about £40.

2820 With the second option in the amendment, £3.20 x 30 bags, that is £96. Add the standing charge of £45, that is £141. Add the Douzaine charge, it is £226. So roughly a saving of £19-£20 per annum. It is not a great saving but it is a saving and, as we know, every penny and every pound count according to many Members of the States.

The point is if households take the message of the strategy to heart, whatever their size,
2825 whether there is one occupant in the house or five occupants, or whatever, they can and will find ways to avoid making waste, to minimise their waste to re-use and yes divert material away from the black sack, via all recycling opportunities that have been made available. So putting out less waste bags than they might otherwise do or would have done under the old Waste Strategy, if it could have been called a strategy. But by paying a higher bag charge, the States will receive
2830 revenue for processing whilst still achieving some savings for the households, or for householders.

By the way, I have one more example. If a household is doing the right thing, the thing that the Waste Strategy is purportedly asking them or encouraging them to do – attempt to avoid, minimise, re-use, recycle, and putting out a bag of waste per month, so that is 12 bags per year –
2835 under the charges as they currently stand at present, the household will be paying £30 for the bags or for the stickers, but their standing charge will be nearly triple that at £85. How can that scenario equate in any meaningful way to a user/polluter-pays strategy or approach? It cannot. It would be an Orwellian-like double truth to claim otherwise.

If that is the right balance, then I am a six-foot-tall male model. (**A Member:** You are!) That is how sad and funny it is. At least the second option in the amendment rebalances these charges.
2840 Under the second option, which is the £3.20 per bag charge or sticker, or the £45 standing charge, if somebody put out 12 bags, the bags would cost them £38.40, the standing charge would be £45. That is a far better balance than we have at the moment.

Then of course we come to the sticking point, the looming shadow, the looming object: the fixed costs associated with this strategy. I have always maintained that Island households will be
2845 victims of their own success if they take the waste hierarchy message to heart. Of course, in the name of conservation, the wise use of resources, etc. it is a desirable behaviour, but people should not be unduly taxed for doing so and that is likely to happen with the way the charges are apportioned at the moment.

2850 Having collectively slept on it, for six months or so, I think as an Assembly we should try to do better than that. Hence the options in the amendment. It could be said that the first option, the £3.90 bag charge without a standing charge is just too bold, it is too radical, it is too risky for some Members' taste. Of course it complies absolutely with the pronouncements used to proclaim and sell the strategy but let us put that aside for the moment and class it as an inconvenient truth. But all is not lost in that case.

2855 The second option, £3.20 per bag, £45 standing charge, presents an opportunity for this Waste Strategy to retain some credibility. When I say that, if you remember earlier I spoke about having a concern about the reputation of the States. So the second option presents an opportunity for the Waste Strategy to retain some credibility in regard to its claims, objectives and aims, in that it at least shifts the emphasis more towards a user/polluter-pays approach, whilst still preserving the safety net of a standing charge and a standing charge that should be adequate.

2860 I say that because if we look at the policy letter from April on page 21, if Members have it, allowing for the playing it safe factor, the approach taken when it comes to estimating what is likely to constitute sufficient States' revenue, the propensity towards the indoor contingency, it says this. Page 21, 8.9:

While the resulting impact on the bag charge cannot be ignored, the STSB does not consider it economically efficient to levy an annual charge of less than £50.

2865 Please, Members, bear in mind what I said. Allowing for the propensity to build in a contingency, allowing for the very conservative play it safe approach, I think, when we look at £45 of standing charge, we are in the right territory. That should cover it.

If this amendment fails, if neither option is successful, I make a plea to States' Members, especially to the Committees and their officers who have responsibility for the Waste Strategy: 2870 please drop the rhetoric that the emphasis is on the user/polluter-pays approach, please cease the mantra that households can largely be in control of how much waste disposal costs them.

If the majority of the States' Members and the responsible Committees feel that in both of these options laid out in the amendment, they present too much of a risk and they need the comfort that the higher standing charge – the £85 – provides, then so be it. But in that case it will 2875 be misleading to continue with the rhetoric, the mantra I have just referred to. A positive result would be one of the options in the amendment being approved and I believe at least one of them provides the assurance the more risk-averse Members require.

If both options fail, I think something approaching a worthwhile outcome might be achieved if, from now on, the narrative around the Waste Strategy is more honest and realistic. But I ask 2880 Members to consider voting for at least one of the options in the amendment, for the many reasons given.

Before I sit down I would seek some advice for the learned Members in the Assembly. Deputy Ferbrache referred to the section of the legislation which talks about the civil penalty coming into play if people refuse to pay their standing charge. Can I ask what would happen, because I have 2885 not seen any reference to this, if there was a cumulative effect? In other words, if somebody continued to refuse to pay their charge and they continued to refuse the fine that went with it. Would it get to the point when that would equate to, perhaps, the possibility of a prison sentence? If they did not pay for year upon year and they did not pay the penalty, where would that leave them in regard to the possibility of being sentenced and going to prison?

2890 Thank you, sir. I have given all the reasons why I think this amendment should be supported. Now I ask Members to at least consider voting for one of the options.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

2895 **Deputy Ferbrache:** Sir, let me deal with that last point first. I am not, here, speaking as a lawyer but speaking as somebody who has actually read the legislation. The answer to the

question is if a person does not pay and continues not to pay, it is a civil debt, it is still a civil debt, it is just a bigger civil debt. Ultimately, they can have their wages arrested. Ultimately, they can have their car taken. Ultimately, if they are that silly, they can have their house taken. It is a civil remedy. They will not spend a moment in jail, unless they punch the man who goes to take the money from them. In which case they might then spend time in jail, but that is for something else.

Deputy Lester Queripel said this is a positive amendment. That is not the adjective I would use to describe this amendment. I am not going to say what adjective I would use to describe this amendment because, as he rightly says, we want a civil debate. In connection with this particular amendment, the States debated this issue to death in April 2018. As Deputy Lester Queripel said, we, our predecessors etc. have been talking about sorting out the issues with waste for over 20 years. We have paid people millions of pounds in compensation because we decided not to have incinerators.

I did not present – because I was not President of the board then – this policy letter in April 2018. I have got my own views; I had my own views – I have still got my own views – about waste. We would not be here, we would not be doing what we are doing if people had taken the view that I had taken. But that is not the way it is. As a Member of the States and as the holder of the particular position I hold now, you have got to ask responsibly. You have got to get on with what is in front of you, there is no point of looking at what is behind you.

Frankly, I am surprised at an experienced States' Member like Deputy Lester Queripel not putting Mr Kent and others' minds at ease when they thought they could go to jail to make themselves a martyr. What I would say in relation to that, if they could go to jail – which they cannot, as I have explained – if people decide they are going to not follow the Law and make a martyr of themselves, that is their responsibility. They are adults. If they decide that they do not want to comply with the laws of the land and if the laws of the land in a particular regard mean they go to jail, well off you go to jail. Enjoy your time there.

I am not giving way unless it is a point of correction.

In relation to this, look at the Ordinance itself. Just look at the Ordinance. Frankly, we should be reading legislation before we bring amendments on it and before we vote on it. If you look at this particular Ordinance, it is not a very complicated piece of document, but it talks about in section 10, penalty for late payment of annual fixed charge.

Where the annual fixed charge or part of it, for which an account has been served, or an instalment payment of the same, is not paid within 30 days or such other period as may be specified then the Waste Disposal Authority may, in its 'absolute discretion, levy whichever is the greater' a flat rate penalty of £25 per month, or interest at 10% per annum. That is section 10 and you cannot be confused because the last two lines of section 11.1 of that Ordinance talks about a civil debt. Section 12, recovery of annual fixed charge by the owner: a civil debt.

Mr Kent should have been told and the other anonymous person that Deputy Lester Queripel spoke to should have been told, 'You have got no worries. I have read it. I am an experienced States' Member. You are not going to go to jail. You might have your car or your house taken and your bank account frozen if you are silly enough not to pay a debt that is due by Law, but you will not be going to jail.' Grossly irresponsible, in my respectful submission, [\[15.11.20\]](#) in my comments, to not say that to people who are concerned. We are States' Members, where it is possible to relieve people's concerns.

I have got to say, and I have only come to this particular position in the last four months or thereabouts, I came with great circumspection, with great reservations about the Waste Strategy and how it is going to work and the quality of the people who are going to implement it. I have been a States' Member years ago and a States' Member the last two-and-a-half years; the quality of the civil servants, both in Environment and STSB, who are wrestling with this problem, is extremely high. They are doing a difficult job and they are doing it extremely way. To say, as Deputy Laurie Queripel did, the narrative around the Waste Strategy, he was criticising it, I do not know what narrative he means in relation to that. I do not want him to stand up and tell me.

2950 There is no narrative that I have seen in connection with any of this that causes me any concern. It is done properly and in measured tones by all of those involved. Really, having debated this issue to death – and we had Deputy Laurie Queripel give us several references from the policy letter of April – we debated that in April. We all made our views. We all voted accordingly and the States overwhelmingly decided that it was going to bring forward this strategy and this set of proposals.

2955 Deputy Laurie Queripel may not care about what people think about the States; I actually care a bit, because they do not think much of us and they are going to think even less of us –

Deputy Laurie Queripel: Point of correction, please, sir.

2960 **The Bailiff:** Deputy Laurie Queripel.

Deputy Laurie Queripel: I did not say that. I made reference twice in my speech to say that I am concerned about the reputation of the States, but I am more concerned about representing people and getting things right. So that is right. Deputy Ferbrache is misleading the Assembly.

2965 **A Member:** No!

Deputy Ferbrache: I was pausing for breath because I was going to say exactly what he just said. Never mind, he has just said it. (**Deputy Laurie Queripel:** Of course.) In relation to that, the fact is that the people of Guernsey are going to pay a lot more for their waste and the disposal of it. We know that. The pain is going to be spread and it will be very difficult for some people to make these payments. Undoubtedly that is the case. We have moved from one regime to another regime, but that decision has now been made.

2970 The people who presented this policy letter in April, although I may have disagreed with them in relation to certain aspects, presented it honestly and with integrity. For anybody to say that they did not present it honourably and with integrity, either implicitly, or overtly, is wrong. We have said as a States' Trading Supervisory Board that we will, within a 12-month period, once it has been run, come back to the States and say either it is being run superbly, please leave it as it is, or sadly we have not raised the revenue that we expected, can we amend it and can we do this, 2975 can we do the other? We will bring proposals to the States for the States to consider and approve. Is that not better Government? Is that not what we should be doing?

2980 This has been a long road, for goodness' sake, let us not at the 12th hour, at the 23rd hour and 59th minute, put another logjam in front of it. The States – and I am not talking about just this States, the previous States and States going back over the last 20 or so years – have made a bit of a mess of it. Let us hope we can clear up the waste and move forward.

2985 **The Bailiff:** Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff.

2990 This amendment is of course laid with the best of intentions, as we would expect given the source for it, but I am not going to support it. It seems to me that one of the points that the Deputies Queripel are arguing, what offends them, is this rhetoric that accompanies our decision as to the balance between the fixed charge and the black bag charge. They object to the rhetoric of deploying the polluter-pays, when clearly it does not.

2995 I think this raises an interesting theoretical point. Clearly if there were no black bag charge at all and the entire weight of the charge went on the fixed charge, that clearly would not be encouraging the polluter to pay. At the other extreme, if the black bag charge were £10 and there was no standing charge, then clearly that would be putting the onus on the polluter.

I am not quite clear where the polluter-pays approach kicks in and at what point it does not kick in. In a way, I think this sort of discussion as to whether the polluter is being made to pay is

really a non-sequitur, in what I think is the core argument and that is where is the equity, where is the most fair balance between, on the one hand, the fixed charge and the black bag charge? It is in that area that I really think the Assembly should not beat itself up too hard, because I think we are almost opening ourselves up to the accusation, certainly by the amendment, that we are being too hard on those least able to pay the black bag charge. It is a legitimate point to raise.

If I could remind the Assembly that when we debated this issue and we tried to make our assessments a few months ago, we did not exactly gloss over it. We spent quite a lot of time trying to find out where the most equitable balance lay. Let us not forget that in making that calculation, we did actually dismiss £32 million worth of a charge that would otherwise have had to have been borne either by the fixed charge or by the black bag charge, by raiding the capital reserve.

I happened to actually vote against that because I thought, on principle, it was a bad thing to do. But we democratically decided to do that. So it is not as if this Assembly is open to the charge of not considering reducing the weight on the average householder. So, in a way, I really feel we have got nothing to apologise for on that. That is not to say that those for whom the black bag charge and the standard charge is something that we can easily accommodate, in other words we are well enough off to do that without too much anxiety, it is not as if we are not conscious that there are hundreds of households out there where there are certain stacks of money pushed or put away in little tin boxes, where a pound extra here or a pound less there is actually highly significant.

We are not unaware of that. But I do not think that that is sufficient argument at this stage to assess where, in the overall financial plan that fits the Waste Strategy, the balance between the known revenue from the fixed charge and the unknown revenue from the black bag can be wisely adjudged. It may be that in 18 months' time or whenever the review kicks in that we can. In the meantime, I am afraid, I really cannot support this well-intentioned amendment.

The Bailiff: Deputy Roffey.

Deputy Roffey: Unlike Deputy Graham, I think we do have something to apologise for, because I think we got the balance entirely wrong. My difficulty is I could make a blistering speech in favour of this amendment this afternoon, but it will be regurgitating everything that I said some months ago.

I could say that I find this standing charge pernicious, because the person living in a mansion is paying exactly the same as the person living in a bedsit in Union Street. I could say do not tell us that is true for electricity standing charges, because it is different. That tends to be a very small part of your total bill, this is going to be a very big part of the bill. I could say we are bashing pensioners again, not only are we freezing once more their Income Tax allowances, but they are the ones that tend to produce modest amounts of waste. They will be hit by the standing charge. But you have heard me say all of that. You heard me say it six months ago. You voted the way you voted. Sorry, sir, you did not vote at all, you have not got one! The States voted the way they voted.

It is before us again. We are being asked a question again. I will be consistent. Because it is there, I will vote the way that I feel and I will vote to support this amendment, but I find it, as I did say to the authors, hard to conceive, given the huge difference between those in favour and those against last time around, that there is going to be a different outcome this time around. I hope I am wrong, but I doubt it. Let us crack on.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I just need to make the Assembly aware that the two options proposed in Deputy Queripel's amendment will have an impact on both Income Support expenditure and social housing rental

income. We have considered the impact on Income Support by using the same data set that was used to produce the figures in the Committee's policy letter on non-contributory benefit rates for 2019, which hopefully will be debated later today.

The first option proposed in the amendment, which is a charge of £3.90 per black bag and no annual fixed charge, would result in an anticipated cost of £360,000 to Income Support, compared with the £445,000 quoted in our policy letter. While the weekly Income Support requirement rates increase slightly with the increased bag charge, this net decrease in the expenditure of approximately £85,000 is due to the effect of the removal of the £85 standing charge, which is added onto a household's benefit after their weekly requirement rate is calculated. As the annual fixed charge of £85 would be added to social housing rents, the removal of the charge would cause a reduction of approximately £145,000 social housing rental income for 2019.

The second option proposed of £3.20 per bag and £45 annual fixed charge would result in an estimated cost of £410,000 to Income Support, which compared with the figure quoted in our policy letter is an anticipated reduction in expenditure of £35,000. The impact of the second option on social housing would be an estimated reduction of approximately £75,000 in rental income. I am just doing that to clarify exactly where we would be, because we would have to amend our policy letter if any of the proposed amendments are approved this afternoon.

Thank you.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

What concerns me is the 50p risk contingency that was in the initial policy letter in April – what we are looking at now is currently we have a £2.50 bag charge but it could go up to possibly £3 – if we look at the two Propositions in front of us, in Proposition 1 we could have a bag cost of £4.40. In Proposition 2, we could have a bag cost of £3.70, so I would just like the Members to bear that in mind when they are making their decision.

Thank you very much.

The Bailiff: Deputy Fallaize and then Deputy Dorey.

Deputy Fallaize: Thank you, sir.

I voted whenever it was, in April I think, in favour of no fixed charge and the highest possible bag charge, for all the reasons that Deputy Laurie Queripel set out and indeed Deputy Roffey and I have not changed my mind. So this put me and others who voted that way in a slightly difficult position, because I accept entirely Deputy Ferbrache's point that if the amendment is successful the reputation of the States for decisiveness, to the extent that the States have any reputation at all for decisiveness, is likely to be damaged still further.

But I feel that it would be slightly unfair to land the blame for that on those of us who are inclined to be consistent today and vote the same way we did in April. None of the arguments have changed, none of the arguments at all. Deputy Lester Queripel has told us nothing new, nor has Deputy Laurie Queripel. I doubt there will be anything new said in this debate. What should happen is that the Members who voted for the lowest possible fixed charge in April should vote the same way and the Members who voted for the higher fixed charge should also vote the same way and the amendment would therefore lose.

But I do think it is slightly unfair for those Members who, in the way they vote today, will be completely consistent with how they have always voted, to point at them and say, 'You are contributing to the indecision of the States.' Actually those Members are not. If the States had taken their advice in April, a zero fixed charge would have been accepted. The higher bag charge would have been accepted and presumably this amendment would never have materialised.

That is the way I am thinking of voting. I am concerned about the reputation for indecision and I would be slightly embarrassed if I was a Member who had voted for a higher fixed charge,

3105 suddenly to change my mind, when none of the evidence has changed and none of the arguments have changed, and vote a different way today. But since I did vote in favour of a zero fixed charge back in April, I am inclined to stick to that position today and to support this amendment.

3110 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

3115 Deputy Queripel said we should not use the mantra polluter-pays. I think Deputy Graham said it is still correct because the variable charge is per black bag. The more black bag waste you produce, the more you pay, so I think that is polluter-pays. But I remind Members why we are where we are. I have said it before, I apologise for repeating it. The blue bag, the clear bag, the glass, the food waste, the bring banks, the household recycling centre. They all cost money. Somebody has to pay for them.

3120 The original proposals were to charge per blue bag, per clear bag. But charging 50p was uneconomic because the cost of collecting it did not justify the amount you collect. That is why we arrived at having a fixed charge. Whoever you say, they are going to have presumably some blue bag waste, some clear bag waste, some glass, some food. From bring banks they will have an old fridge, they will have some rigid plastics, they have some metal, which they make use of the household recycling centre. Somebody has to pay for those services. It would be totally
3125 uneconomic to charge the user of those services.

The other key thing is that the cost of running the transfer station is not based on the number of bags. The estimate is about 75% of the transfer station's costs are fixed costs. Again, it is fair that everybody contributes towards that, because they are using it irrespective of whether they produce a lot of bags or very few bags. We still need that transfer station. I actually think the
3130 balance is right. There is still a polluter-pays. There is a fixed charge, which accepts there are these charges.

Deputy Fallaize said what has changed? Actually, the States has invested a lot of time and money in getting over the message about the various charges and the fact there is a fixed charge and there is the variable charge per bag. If we were to change that, there would be costs in trying
3135 to re-explain the new charges to the public and why we have changed and that will cost money. So there will be a waste of money if we change the system now.

So I urge Members, even if you did not agree with what was originally done, we have made that decision. Stick with it. We have fed money, we have invested in getting the message over to the public about the system that the States has supported. Please stay there and do not support
3140 this amendment. Stay with the original decision that we made.

Thank you.

The Bailiff: Deputy de Lisle.

3145 **Deputy de Lisle:** Sir, thank you.

I think this is a positive amendment (**Several Members:** Hear, hear.) which will encourage more recycling and less black bag waste, which is actually the journey which we are going along, which has continued the drive down with respect to black bag waste and of course an increase in recycling into the future. What we are doing is continuing to minimise waste and that is what the
3150 whole Waste Strategy, to maximise the benefit from recycling and charges to be a key driver in achieving behaviour change and that is all consistent with this particular amendment.

When I look at the rates I see that it might be attractive to myself because, in fact, £3.90 for a bag, times 26, I am up at about £101.40 in terms of my charge, whereas if I go with what was proposed would be the £85 annual fixed charge, plus £65 for the one bag every two weeks – in
3155 other words, £150. So, £101 versus £150, it seems to me to be a good deal for those people that perhaps do not have a family other than perhaps the two seniors, plus some of the younger

people that are not married, in flats, and also some younger couples that perhaps have not got children.

3160 If, of course, one is sending out two black bags, perhaps, every two weeks then, as we were told earlier, you can still get a better deal with 60 bags through the year. So it is almost two bags every two weeks. So, all round it looks to be a better deal, which is reflecting the polluter-pays approach.

3165 I cannot understand why anyone would say that we have made a mess of the waste management policy because, essentially, we have not. The transfer station is costing £30 million approximately. The incinerator was going to cost £90 million; Jersey, £105 million for its. When we started this whole charade, if you recall, it was 70,000 tonnes of waste that we were actually responsible for every year. Now we are down below 30,000 because we have adopted the minimising waste approach, with maximum benefit from recycling and charges to be a key driver to achieving behaviour change.

3170 I think that we have actually progressed in a phenomenal direction, which I am sure many jurisdictions would be quite envious of. We are going in the right direction, we have just got to keep going in that direction and I think, obviously, the kerbside collections it is going to do a lot for that as well, particularly now that we have got food waste being collected. That should drive down another 4,000 tonnes.

3175 We are going to find ourselves very close to the scenarios that I put forward to the States in 2006, which was to get down to 19,000 tonnes of black bag waste and I think we are heading very close to that. In the next couple of years, we should be very close to that 19,000 tonnes. That is quite a considerable drop from 70,000, so congratulations Guernsey on what you have achieved up to this point and I would ask Members to support this particular amendment.

3180 Thank you, sir.

Deputy Smithies: Sir, I would like to invoke Rule 26(1).

3185 **The Bailiff:** Yes. Will those who have not yet spoken but would wish to do so stand in their places? Deputy de Sausmarez and Deputy Gollop. Two people standing. Do you still wish to pursue?

Deputy Smithies: Yes, please.

3190 **The Bailiff:** In that case, I put to you the motion that debate be terminated. Those in favour; those against.

Members voted Pour.

The Bailiff: I believe that is carried. Therefore we go through the closing procedures, which are: first of all, Deputy Brehaut, who has not yet spoken, may speak, and then Deputy Lester Queripel will reply.

3195 **Deputy Brehaut:** Thank you, sir.

3200 I did not intend to say very much, for quite a selfish reason, actually. I think E&I always get confused with setting waste charges – it is this Assembly, ultimately, that sets the waste charge, which is the origin of this amendment. Deputy Leadbeater referred to it before, it is very easy to criticise the, on the face of it, superficially high standing charge, but in people's everyday life experience, reaching for that tag every day, every week, every fortnight, or whatever it is, or buying a book of them, for people who do struggle to get by it is quite an imposition.

3205 I think people can manage their finances to the extent that a payment made quarterly over a year is manageable, but sometimes families do struggle to get that cash at the end of the week and I think the charge would be seen as more of an imposition. There is this argument about flip-

flopping, about making a decision and moving on. I am sympathetic to that, but I do also take the point made by Deputy Roffey and others that, for some families, these charges are a bigger part of their lives than they might be for others. But I would ask that Members reject the amendment and move forward.

3210 Thank you.

The Bailiff: Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

3215 I do not quite understand how these Propositions could increase expenditure for Income Support, as Deputy Le Clerc explained to us –

Deputy Le Clerc: Sir, a point of correction. I said it would decrease the Income Support.

3220 **Deputy Lester Queripel:** Thank you, Deputy Le Clerc. That is exactly what I was going to say. Because you are removing the fixed charge. So that means that you have got a saving all round. So thank you for clarifying that point.

The point Deputy Leadbeater made, expressing his concerns about the cost with the contingency being attached, a £3.90 bag would be £4.40, that cannot be the case because STSB
3225 told us in the April policy letter that the proposed bag charge includes, not should include, the contingency of 50 pence, so Members need not worry about a further increase to any of the bag charges here in the Propositions.

Just in case any of my colleagues missed the media release back in August, by Mr Kent, that seemed to invoke a little bit of mirth and merriment when I spoke about Islanders saying they
3230 would go to prison, it was a fact. I have got the press cutting here. Members can borrow it and read it if they like. The sentence says:

Mr Kent would happily go to prison rather than pay the States' fixed charge.

Fact, sir. I present that to the jury. On the issue of going to prison, Deputy Ferbrache amused me when he spoke, because he did not think it through. He did not think his point through. Okay he explained it is a civil debt and because it is a civil debt no one will be sent to prison for refusing
3235 to pay the fixed charge, however they could have their wages arrested, they could have belongings taken away from them or, if the worst came to the worst, they would have their house taken away from them.

What kind of comfort is that to say to people who say they will refuse to pay the States' fixed charge? You will have your house taken away from you, you will end up homeless, you will end up
3240 living on the street, so you will be arrested and you will be sent to prison! *(Laughter)* He obviously did not think it through, sir. I think that blows that one out of the water, well and truly. Because people who refuse to pay the fixed charge could quite easily end up in prison.

The Bailiff: Deputy Merrett.

3245 **Deputy Merrett:** Point of correction please, sir.

The Bailiff: Sorry what did you say?

3250 **Deputy Merrett:** A point of correction, please sir.

The Bailiff: A point of correction, yes Deputy Merrett?

Deputy Merrett: I do not know if the HMC can help us out here, but can you actually go to
3255 prison for sleeping on the street, sir?

The Bailiff: No. HM Comptroller?

The Comptroller: Sir, if I can just answer that, I think it depends on the circumstances. (Laughter) There are a lot of different ways in which you can sleep on the street. Some may be entirely lawful, others may not. It is possible. That is all I can say. It depends on the circumstances, I think.

The Bailiff: Deputy Lester Queripel, I think you have made your point about going to prison and I think if you persist with that, you are in danger of offending the Rule against tedious repetition (**Several Members:** Hear, hear.) Let alone the Rule that deals with what is and is not relevant to the debate.

Deputy Lester Queripel: Sir, I have no intention to go into tedious repetition. I was merely highlighting where anyone refusing to pay the charge would end up in prison. I was countering what Deputy Ferbrache has said.

Deputy Laurie Queripel, as seconder, and myself, as proposer of this amendment, have done our best to convince our colleagues in the Assembly that having a charging system in place where there is no fixed charge and a £3.90 bag charge would be the best system for our community. We have provided a second option for colleagues who feel the first option is a bridge too far, but I respectfully remind colleagues, whatever anyone might say in opposition to this, having a system in place with a fixed charge attached, is not a true polluter pays system,

As the seconder, Deputy Laurie Queripel said, if the majority of this Assembly decide to go for a system where there is a fixed charge attached, then they will need to stop pretending that we have adopted a true polluter pays system. A true polluter pays system is where the user pays for the waste that they have produced, full stop. There should be no fixed charge attached and that is the incentive we all need to take a serious look at the amount of waste we produce and change our habits.

The seconder of the amendment covered costs and savings when he spoke. I am sure I do not need to remind colleagues of those, but what I will say in response and support of this amendment, if the fixed charge of £85 and £2.50 bag charge stay in place, Islanders who put out a bag a week will end up paying out £215 a year. Whereas if the fixed charge were removed and the bag charge increased to £3.90, Islanders who put out a bag a week will end up paying £202.80 a year. That is a saving of £12.20 –

Deputy Merrett: Point of correction, please, sir.

The Bailiff: Deputy Merrett.

Deputy Merrett: Sir, Islanders will not be able to put out a bag a week, because a black bag is not being collected every week.

The Bailiff: Deputy Queripel.

Deputy Queripel: We are dealing with semantics. It is the equivalent to a bag a week. I wish Members would pay attention. (Laughter) If Members want me to say four bags a month, two bags a fortnight, I will say whatever they want me to say, but it equates to a bag a week. So, if the fixed charge is removed and the bag charge is increased, any Islander who puts out the equivalent of a bag a week – losing the will to live – will end up paying out £215 a year. The saving, if the bag charge is increased and fixed charge removed, is £12.20 per year.

I am sure most of my colleagues have already made up their minds on this one. Flip-flopping was mentioned during debate, but I am responding to the debate and in response to colleagues who expressed concerns about flip-flopping in their speeches, as I said, I do not see anything

wrong with any Member in the Assembly changing their mind, if they feel the decision is going to benefit the community. Surely that is what we need to have uppermost in our minds, in every issue?

Surely to focus on how you or we are going to look is to focus on the wrong thing? Because then you are focussing on image and what the public think of you, when what you should really be focussing on is what you think is best for the public. That is what you have been elected to do. Deputy Ferbrache makes a big thing about the States changing their mind and he made a big thing today.

In response to Question Time this morning, he said he once had a view of the smoking policies of the States, but now he has changed his mind. He also said earlier this year in the media that he was going to resign in March or April time, after a particular debate, I think it was the education debate. When the time came, he changed his mind. If those are not two examples of flip-flopping and changing your mind, I do not know what is. There is nothing wrong with it. I applaud him for being flexible and approachable –

Deputy Ferbrache: Point of correction.

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Can Deputy Queripel applaud me when I have said something which is inconsistent, rather than applaud me for something that I have not said. I would be very grateful if he could do that. I am always happy for anybody to applaud me. If people want to do that now
(Applause)

Deputy Lester Queripel: Let us put it on record that I just applauded Deputy Ferbrache. I was heading toward the finish line there, but people keep interrupting me. The result of people keeping on interrupting is your speech takes longer to deliver.

As I was saying, in case there are still some Members who are undecided about which way to vote, I will finish by saying this: any Member who wants a system that is cheaper and fairer for our community and is a true polluter pays system will need to vote in favour of Proposition 1. If anybody wants a system that is cheaper but is not at all fair and most certainly is not a true polluter-pays system, they will need to vote in favour of Proposition 2.

Any Member who wants a system that is not cheaper, is not at all fair and most certainly is not a true polluter pays system will need to vote against both of these Propositions. I ask that we go to the vote, please, and I would like a recorded vote on both Propositions.

The Bailiff: Normally when we are voting on an amendment, we vote on the amendment in its entirety and then we go into general debate and we vote whether it is one alternative or another. On this occasion, it seems to be the way this amendment has been presented, it is unlikely that there will be any general debate. I think what you are asking me to do is to actually split the amendment in two and have a vote now on Proposition 1 and, if that is unsuccessful, to go to Proposition 2. Is that what the proposer and seconder of this amendment intended?

Deputy Lester Queripel: Yes, sir, please.

The Bailiff: That is not our normal procedure but given, as I say, I suspect there will not be any general debate, unless there are those who have not spoken who would wish to speak in general debate, I do not want to curtail anybody's right to speak. Deputy Merrett?

Deputy Merrett: I wish to speak in general debate.

3360 **The Bailiff:** You wish to speak in general debate? In that case, I think we should follow our normal procedure, which is to put the amendment as a whole to the States. If it carries, we will then have to have separate votes later, but if it is lost, then it is lost. So I put to you the amendment proposed by Deputy Lester Queripel, seconded by Deputy Laurie Queripel, and we are to have a recorded vote at the request of Deputy Lester Queripel.

There was a recorded vote.

Not carried – Pour 17, Contre 22, Ne vote pas 1, Absent 0

POUR	CONTRE	NE VOTE PAS	ABSENT
Deputy Tindall	Deputy Ferbrache	Deputy de Sausmarez	None
Deputy Tooley	Deputy Kuttelwascher		
Deputy Lester Queripel	Deputy Brehaut		
Deputy Le Clerc	Deputy Gollop		
Deputy Mooney	Deputy Parkinson		
Deputy Fallaize	Deputy Leadbeater		
Deputy Laurie Queripel	Deputy Trott		
Deputy Hansmann Rouxel	Deputy Le Pelley		
Deputy Green	Deputy Merrett		
Deputy Paint	Deputy St Pier		
Deputy Brouard	Deputy Stephens		
Deputy de Lisle	Deputy Meerveld		
Deputy Soulsby	Deputy Inder		
Deputy Roffey	Deputy Lowe		
Deputy Oliver	Deputy Smithies		
Alderney Rep. Jean	Deputy Graham		
Alderney Rep. McKinley	Deputy Dorey		
	Deputy Le Tocq		
	Deputy Dudley Owen		
	Deputy Yerby		
	Deputy Langlois		
	Deputy Prow		

3365 **The Bailiff:** Members, voting on the amendment proposed by Deputy Lester Queripel, seconded by Deputy Laurie Queripel was 17 in favour, with 22 against and one abstention. I declare it lost.

So we now move to general debate on the legislation. Deputy Merrett.

Deputy Merrett: Thank you, sir.

3370 Section one of the Waste Management Service (Charging) Ordinance 2018 provides for charges for waste management services to be payable through the prescribed bag charges and annual fixed charge. It also provides for the prescribed charges in the schedule to be amended by regulation of the Waste Disposal Authority.

3375 Furthermore, in section three of the waste management charges is the basis on which charges are to be calculated. Deputy Ferbrache will be glad to know I have read the Ordinance and 3.2 (b) states that the cost of the annual fixed charge, to avoid significant increase or decrease, will be spread out, 3.2 (a) that any surplus or deficit from previous years will be taken into account.

3380 With regard to the bag charges, the Ordinance will take into account the waste hierarchy but 4.1 (b) states very clearly the WDA may take into account the 'principle that the person generating such waste should pay for its disposal or recovery'. One of the unanswered questions during the Waste Strategy debate has therefore just been answered. I said during the April debate that I was unclear as to when the charges will be reassessed and I asked for confirmation as to whether or not charges would be determined in the future by this Assembly or by the States' Trading Supervisory Body.

3385 We now know the WDA – part of STSB, with the current Members being Deputies Ferbrache, Smithies, Kuttelwascher and the current non-States' members being Mr Stuart Falla and Mr John

Hollis – will be deciding the fixed charge and the bag charges and will be amended or substitute the schedule by regulation annually.

3390 Of course any regulation made by STSB would come before this Assembly and could be annulled. This reminds me of the minimum wage regulation: annul it or agree it. But previously it could not be amended. In light of the careful amendment and the obvious political and community interest in this, I do wonder if it is worth considering submitting any changes care of policy paper to this Assembly, instead of risking it being annulled at the regulation stage. Have discussion first and then change it care of regulation later.

3395 I also asked in the April debate what would any surplus money raised by the risk contingency be used for. Members will recall there is a 50p per bag risk contingency. I asked when realistically this might be removed. Arguably this has been answered under part one, section 2A, as the Ordinance states it will take into account any surplus or deficit from previous years. How much of any contingency will be applied is however still unclear. No contingency is stated in the
3400 Ordinance, so I would appreciate confirmation of the WDA's intent towards that aspect of the current additional pricing on the bag when the President sums up.

Hindsight is indeed a valuable commodity and one I wish I could bottle and sell but, with hindsight, I wonder if it would have been better to have directed the WDA to use a percentage of the overall cost of the fixed charge and nothing that would go below a £45 fixed cost because, as
3405 we remember from the April debate, that would still incur a £5 cost to implement. Anything below £45 would need to take that into consideration. Weighting could move away from the fixed charge onto a bag charge as the community adapts and as we get a better understanding of the cost and volumes involved.

We need to appreciate that the bag charges are actually the charges for all bags. As we can
3410 see from the regulation, currently, there is a nought pence charge – nothing – on clear and blue bags. We seem to forget there is a cost implication to clear blue glass and food waste collection. I believe we need to move to the stage where the user/polluter literally pays and of course that will include the reality of the cost of disposing of a clear blue glass and food waste. Only then will we stop penalising with black sack and make it fairer for all our community.

3415 We need to allow our community to make informed, intelligence-led decisions of how they wish to pay to dispose of the things that they no longer need nor want and stop trying so hard to engineer our community's behaviour. I believe the majority of our community want to do the right thing, but they also want to make informed choices and not have the Government trying to socially engineer them to such a degree.

3420 Thank you, sir.

The Bailiff: Any further debate? Deputy Ferbrache, will you reply?

Deputy Ferbrache: Briefly, sir.

3425 There is a whole gamut of matters in the States where regulations are signed by a President on behalf of the Committee or Board that he or she is President of. We cannot micro-manage everything, we have got to put trust in certain people to make decisions and I am very grateful, putting me aside, the other four notable people named by Deputy Merrett are all people of ability but they will come and they will go and they will be replaced by others, as will I.

3430 The people that will be holding that position have to discharge their duties sensibly and reasonably and they will. The presumption must be – a lot of us presume good faith – that they will discharge their responsibilities sensibly and reasonably. This is a complicated passage of charges that has travelled the long road from Damascus to Jerusalem, or the other way around. I cannot remember which way it went. They have travelled that route a long way. I have already said
3435 this afternoon and I have said publicly before that we will come back, generally, within the next 12 months, reporting how the system has worked.

That is what I intend to do. I do not intend to give any commitments that I am not able to give. I do not intend to make any policies or attempt to make any policies on the hoof. This is too

3440 complicated. The pack of cards is too finely balance. I will do, and the board will do, what I have already said and come back in the next 12 months.

The Bailiff: We vote, then, on the Waste Management Services (Charging) Ordinance 2018. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

POLICY & RESOURCES COMMITTEE

VII. The Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance 2018 – Approved as amended

3445

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2018', and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article VII, Policy & Resources Committee – the Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance

3450

The Bailiff: We have an amendment here. Does the President wish to say anything before the Ordinance is laid? Deputy Brouard, you are going to open. Do you wish to say anything before the amendment is laid? No. In that case, do you wish to lay the amendment, of which you are the proposer?

3455

Deputy Brouard: Please, sir, if I may.

Amendment:

In the proposition –

(a) immediately after 'The Sark Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2018', insert the following –

'subject to the amendment indicated below' and

(b) immediately after the proposition, insert the following amendment to the Ordinance –

'Amendment

For section 7 (commencement), substitute the following –

'Commencement. 7. This Ordinance shall come into force –

(a) in respect of the transfer of functions from the Policy & Performance Committee or the Finance & Resources Committee (as the case may be) to the Policy & Finance Committee, on 24th October 2018, and

(b) in respect of the transfer of functions from the Road Traffic Committee to the Douzaine, on 11th January 2019.'

3460

Deputy Brouard: This is a fairly simple amendment. Already, Sark wish to merge two of their committees together, with the effect from the beginning of next year. With the difficulties they have at the moment, they would very much like this to happen now so that they can proceed a little bit faster, so the amendment is just to bring the date forward from early next year to this year, in fact now. I propose the amendment and hope for 100% support.

The Bailiff: Deputy Le Tocq, you second it?

Deputy Le Tocq: I do, sir.

The Bailiff: Any debate? No? We vote on the amendment. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried. Does anybody wish to debate the Ordinance itself as now amended, or seek any clarification of it? No. Therefore we vote as amended. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

POLICY & RESOURCES COMMITTEE

VIII. The Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance 2018 – Approved

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance, 2018', and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article VIII, Policy & Resources Committee – The Director of Income Tax (Transfer of Functions) (Guernsey) Ordinance 2018.

The Bailiff: Is there any request for any clarification or debate? No? We go to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

IX. Contributory Benefit and Contribution Rates for 2019 – Propositions carried

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Contributory Benefit and Contribution Rates for 2019', dated 10th September 2018, they are of the opinion:

- 1. To set the contributions limits and rates as set out in Table 4 of that Policy Letter, from 1st January 2019.*
- 2. To set the standard rates of contributory social insurance benefits as set out in Table 7 of that Policy Letter, from 1st January 2019.*

3. To set the prescription charge per item of pharmaceutical benefit at £4.00, from 1st January 2019.

4. To set the contribution (co-payment) required to be made by the claimant of care benefit, under the Long-term care Insurance Scheme, at £205.45 per week, from 1st January 2019.

5. To set the maximum weekly long-term care benefit at the rates set out below, from 1st January 2019:

a) £455.21 per week residential care benefit for persons resident in a residential home;
b) £599.83 per week elderly mentally infirm (EMI) benefit for qualifying persons in a residential home; and

c) £849.94 per week nursing care benefit for persons resident in a nursing home or the Guernsey Cheshire Home.

6. To set the maximum weekly respite care benefit at the rates set out below, from 1st January 2019:

a) £660.66 per week for persons receiving respite care in a residential home;
b) £805.28 per week for the elderly mentally infirm (EMI) rate for persons receiving respite care in a residential home; and

c) £1,055.39 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home.

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

The Greffier: Article IX, Committee for Employment & Social Security – Contributory Benefits and Contribution Rates for 2019.

3480 **The Bailiff:** Any request for any clarification or debate? Is that Deputy Dorey rising to speak? No. Nobody is rising. We go to the vote. Those in favour; those against. Sorry, we have gone to debate. I have lost the will to live this afternoon! That is my mistake. Deputy Le Clerc will open the debate.

3485 **Deputy Le Clerc:** I would have been very happy if we had just gone ahead and all voted for and I hope that people will. Presented here today are the Committee's proposals for contributory benefits – one half of the Uprating Report, which is usually brought to the States as one document. For clarity, there is a general revenue grant to the Social Insurance Fund, but with the exception of that, these benefits are funded by Social Security contributions and accumulated reserves of the Social Insurance Fund, Health Benefit Fund and Long-term Care Fund.

3490 The headline is that we are proposing an RPIX increase to the contributory benefits and the contribution limits. The agreed policy until 2020 was that rates should increase by inflation plus one third of the difference between inflation and the increase in median earnings. As with last year, we find ourselves in the position where the relevant median earnings increase is below inflation.

3495 The Committee believes that the rates should match RPIX as a minimum and trusts that the States will agree. I believe that, of our two reports, this is perhaps the less controversial and I expect that what it lacks may be more controversial than what it contains. This is because we are not proposing any increase in contribution rates for 2020. On that note, I will reiterate my annual warning that the funds are not sustainable based on forecast income and expenditure. In fact we have been in an operating deficit for Social Insurance Fund since 2009 and the Health Fund is once again in an operating deficit.

3500 The demographics of our Island are changing. We are only now beginning to hit the tipping point. The pain and the difficult decisions are very much to come. Projected costs for all three of our funds are set to increase significantly over the coming years and decades. A growing elderly population will demand more support from a declining working age population.

3505

I hope that there will be no surprised faces in this Chamber when the day arrives that they are asked to vote for increases in the contribution rate. In fact the question I expect to receive from my fellow Deputies is why are we not debating that increase today? The answer is timing. You will note from the policy letter that big changes may be coming for the funding of health care and long-term care. While those proposals will not aim to increase income from the outset, they will represent a significant change to the current funding model. We will be bringing back to this Assembly policy papers on both areas next year.

We also need to consider the introduction of other charges. Households will already be facing increased costs through the Household Waste Strategy. Going forward, we will also have to be mindful of the timing of the introduction of secondary pensions, increasing contribution rates whilst simultaneously encouraging personal saving could lead to a high number of people opting out. In future our pension scheme will be supported by two pillars and we must make sure that our work to maintain one pillar does not undermine the foundations of the second pillar. I ask the States to support these Propositions.

The Bailiff: Is there any debate? Deputy de Lisle.

Deputy de Lisle: I wanted to ask one thing with regard to the health benefit grant, that is for primary care, that has remained unchanged for a while. It is the £12 towards the doctors' consultation and the £6 for consultation with the nurse. Meanwhile, these rates have been fairly static, but the doctors' fees per visit have gone up subsequently.

Many older are shying away from consultation due to cost and I note that T&R ??? [16.06.24] and Social Security would like the benefit grant for primary care appointments phased out by 2025. Now there is growing concern here over the potential future cutbacks in this particular area and I would like to ask why has there not been some consideration to elevating or increasing the doctors' consultation £12 award and also the £6 for the nurses?

There has also been concern drawn to my attention with regard to the investment returns. The approach may have been too conservative in the past and I would like to know what has been the return on the fund in recent years and how does it match other investment returns on funds by the Government? What changes to the composition of the fund have taken place in the last 18 months? I leave those questions with the President, Deputy Le Clerc.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir, I just have one question.

I would prefer Deputy Le Clerc would confirm for me, because I am sure somewhere I might be able to find this but I could not find it while searching last night. My question is relating to the provision of contraception for people under 21, as outlined in 6.16 on page 17. Members may recall that Employment & Social Security and Health & Social Care established a pilot scheme last December.

My question or concern is that it is a pilot scheme and I would appreciate the President advising me how long this pilot scheme is estimated to be funded for before it would need to be reassessed. For the avoidance of doubt, I am fully supportive of this pilot scheme, but would like to know the longevity of the scheme and what, if any, certainty Deputy Le Clerc can give me.

Thank you, sir.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

I just want to put on record what a very well-structured document this is. It was easy to read and I agree with the separation. For the first time, reading a policy letter made sense, the

separation. So thank you very much to the Committee for putting together the policy letter in such an accessible format what is a complicated part of our Government.

3560 It does, however, have one of my least favourite phrases in it, which is the 'intolerable levels of poverty'. This is the phrase that was used during the SWBIC debate and at the time I was not in the States. It was one of the reasons why I stood as a Member of the States, because I could not believe there was actually a tolerable level of poverty, never mind an intolerable level of poverty, and we were basing policy not in tolerable poverty or above poverty, but actually above
3565 'intolerable poverty', which is quite a Victorian concept.

I welcome the clarification in the policy letter that there will be a move to look at that basket of goods and I would hope there will be reassurances that we would move away from this phraseology of 'intolerable poverty' and look at the long-term effects that even 'poverty' has on the life expectancy, on the productivity of individuals. Bearing that in mind, we should not just be
3570 looking at keeping people out of intolerable poverty but actually making sure that they are not in poverty at all, in order to make sure they are benefiting and we are benefiting from their contribution to society. If you look at any First World country it is quite clear that if people are in poverty their life chances are severely reduced.

The other thing I wanted to mention is under point 4, funding health and long-term care, one
3575 of the things that is starting to emerge is the idea of social credits and non-cash contributions. Since we have a set-up where we do rely on the third sector to such a large degree, I wondered if there was any work happening within the contribution system that was not just cash-based contributions but looking past that. I am thinking specifically with carers that contribute to society but they do not actually get that value back, because they are not paying tax on their
3580 contributions and they are not adding into the Social Insurance, because there is no cash happening – however they are contributing to society.

There are systems in place in other parts of the world, there are pilots, where people will get social credits, or care credits. They can go help their neighbour next door and get a care credit for somebody helping their mother on the other side of the country or going into care. Those kinds
3585 of systems which are starting to develop in the First World, whether that is something the Committee is looking at, at all.

The Bailiff: Deputy Gollop.

3590 **Deputy Gollop:** Of course I support the policy letter and listened carefully to Deputy Le Clerc's message. She kind of implied the States' Members next year, maybe the community as a whole including the care sector, will have some interesting issues to assess. As I have often said, and she coins, you cannot have the penny and the bun. I am not sure you can have the level of care provision that the schemes we have imply, given the demographic challenges, and the same
3595 funding mechanisms.

That of course will lead to some difficult decisions, perhaps, from the States and the community as a whole. The fact that secondary pensions is likely to lead to a rise, assuming the scheme is well taken-up, which we hope it will be and trust it will be, that will lead to further growth in outgoings from the community, albeit at a spend to save level.

3600 Deputy Hansmann Rouxel's points about poverty are a conduit, because of course Scrutiny has already reported on the subject and we await the final draft of their proposals. Whether they will go as far as Deputy Hansmann Rouxel, I know not. Of course the affordability of eliminating relative poverty completely on the Island is a challenging one. I remember one retired Member of this Assembly made the point once that if he moved from Guernsey to Monte Carlo, he might end
3605 up one of the deserving or undeserving poor. I think we have challenges on the Island and supporting people who are not high earners, even though in other communities they might not be seen as living in poverty.

I suppose the speech of the day, for me, goes to Deputy de Lisle, who queried why we have not increased the cost of the medical grant from £12 – he could have said £6 for nurses. That is a

3610 fascinating side of the arguments, because I say the same things in Committee and all the others say, 'You voted to abolish it last time, because of the pressure of the reviews that were going on by Treasury & Resources at the time.'

There are numerous problems with our funding model for primary care at the moment. One of those issues is the £12 as a proportion of the fees was dropped. If it was significantly increased, 3615 apart from the burden on the community to do that and the insurance scheme, it might not necessarily reduce medical fees. The scheme, in a sense, subsidises the cost of going to the doctor, but we have no control over what those costs could be.

As we have not got infinite competition, we have not got the equivalent of a Jersey co-operative scheme, for example, we would not necessarily have all the tools in the box for that. 3620 Indeed, had the previous Assembly abolished the £12 grant, we may have seen a £12 increase in what we pay to the GP or we may not. We will never know.

But the other side of it is that the £12 that we give to everybody legally resident on the Island, through the scheme, who has a card, is a scattergun approach. It is not targeted in any way. It is £12 to the millionaire and £12 for a person who is struggling a bit. But it is also, curiously enough, 3625 a welfare benefit and generally speaking Deputy de Lisle is not keen on spending money on welfare or expanding money on welfare. So his call to increase it today suggests that maybe we should have an even larger budget at Social Security and that Policy & Resources should be more generous to us next month and for the future.

3630 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, sir.

I just wish to express my disappointment at the short-term policy, picking up on the point the President made, about the grant to the Guernsey Health Service Fund is again zero. (**Several** 3635 **Members:** Hear, hear.) It makes no sense. It is just done so that we can say we balanced general revenue expenditure, but to not fund long-term liabilities when you know you have them makes no sense. It will just affect us at some stage in the future.

Whether you are going to change the funding method or not, this is the current funding method and you should therefore ensure that you fund it properly. We know from table 15 on 3640 page 22 that, as the President said, the fund is in deficit before investment returns. We know that with the ageing population there is going to be increased expenditure for that fund. It just makes no sense not to fund it and it is just disappointing we are in that position again where we are deliberately underfunding it and the only reason is to try and say, 'Look we have got general revenue in balance,' which is a really bad reason to underfund a long-term liability.

3645 Thank you.

The Bailiff: Deputy Le Clerc will reply. On no, Deputy St Pier wishes to speak.

Deputy St Pier: Sir, yes, just to pick up on a couple of points which have come up in debate. 3650 Deputy de Lisle raised a question in relation to the returns on the funds and I am sure Deputy Le Clerc will respond to that. It is worth noting that the returns on the funds are not at the same level as elsewhere in the States and that is for good reason, that actually the risk profile for these funds is somewhat different and therefore the investment strategy is different.

However, I think there is a good case for looking at that risk profile and investment strategy 3655 again in the context of the States as a whole. That is a dialogue which has already begun between P&R and the Committee for Employment & Social Security. If we think about the problem holistically, if there is insufficient within the Guernsey Insurance Fund to meet the liabilities of the States to pay, for example, the States' pension, that ultimately will be a matter that needs to be managed by the taxpayer and therefore actually viewing our long-term liabilities as a whole 3660 requires us to think of our assets as a whole and manage them accordingly.

Rethinking our whole strategy of investment and return is something that we are actively engaged with and we are grateful for the engagement that we have had. I think splitting the contributory and the non-contributory reports is very welcome and I absolutely recognise and acknowledge the comments that others have made in that regard; but even Deputy Gollop, of course, who is a Member of the Committee, fell into the trap himself when he referred to the medical grants, of saying that is an issue for P&R. Of course, it is not, because it is a contributory benefit. That is one of the very reasons that we were in favour of the splitting of the report and welcome it being undertaken in this way.

Finally, in relation to Deputy Dorey's comments about the grant from general revenue into the fund, I would not characterise the liabilities of the Health Service Fund as being long-term liabilities in the same sense as the Guernsey Insurance Fund. I think that does change the nature of the relationship and I think it is important to make that distinction. The liabilities of that fund are very different from the liabilities of the Guernsey Insurance Fund itself.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, yes, I would just like to pick up on aspects that overlap with the mandate of Health & Social Care, in particular the Resolutions arising from our Partnership of Purpose policy letter. As acknowledged in this report, the current funding structure for health is complex and not conducive to timely or consistent decision-making. Indeed, I think this has been evident just in trying to disentangle what is in place now.

But I believe it will make a significant difference and enable us to really push on making transformational change. I should point out this is no way a criticism of ESS. Far from it. While some may believe there is a silo mentality in the States, this is certainly not the case between our two Committees, which I am sure Deputy Le Clerc would agree. The success of the under-21 free contraception being a case in point.

But the various structures put in place date from another era, with everything based in legislation, meaning there is limited flexibility and barriers to keeping up with changes in health and care, an area of constant innovation and change. Just looking at this month's agenda, with four amendment regulations to health benefits, provides a good indicator of the problem we face. Reducing bureaucratic structures means we can more easily ensure we target health and care where it is needed and when it is needed. I therefore welcome the transfer of policy and operational control for services funded through the Guernsey Health Service Fund.

Just responding to Deputy de Lisle and the £12 and £6 grants, as part of the Partnership of Purpose, approved by this Assembly, HSC is currently reviewing the funding of primary care and we expect to be able to report on this early next year. However, we need to think differently from just increasing grants, which will do nothing to solve the underlying problems of what is a demand-led system with no conditions around the grant that is paid to the primary care practices.

The primary care model will have to change if we are to ensure greater equity of access and greater focus on prevention and intervention, to name but two, but at the same time not destroy all that is good about the care received at primary care level. Whilst the fund restructuring is welcome, from an administrative point of view, more fundamental is the need to determine how we fund health and care in the future. I am not going to talk at length about that here. It is a debate to be had in the Budget, or as part of the debate on the requête laid by Deputy Roffey later this year, indeed.

On the latter point, I think it is worth just noting in paragraphs 6.4 to 6.7 on the pharmaceutical service, which clearly demonstrate the benefit of controlling entry on the prescribing list and the pragmatic use of generic alternatives. It is also worth noting the joint working that has happened to amalgamate the bodies who advise on prescription matters, which should cut down bureaucracy and simplify decision-making.

But on the issue of future funding, we are living in cloud cuckoo land if we believe that greater efficiencies are going to be enough to keep the health and care budget within the fiscal rules of

no real terms increase in expenditure. We are finding new ways of working every day and avoiding future costs by doing so.

3715 However, this will not prevent future cost increases arising from greater demand. This policy letter mentions new consultant posts, a third oncologist and second gastroenterologist, both directly linked to our ageing population. On the back of these appointments, our general revenue budget submission includes a nursing support for those additional consultants. In addition, we expect that we will need to appoint additional anaesthetists in the near future.

3720 So it is disappointing that little, if any, progress has been made on reviewing future funding. We cannot fiddle around the various pots for much longer to make out things are fine. As I say, more on that in the Budget debate. In the meantime, I welcome the report from ESS and the support they have given HSC over the last year.

3725 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I thank my colleagues because I think they have done most of the summing up for me. I think, answering Deputy de Lisle, you have heard from Deputy Soulsby; we are working together and it is part of the review of primary care and review of the £12 and £6 grant comes under that.

3730 I thank Deputy St Pier for his clarification about our investment returns. We have been receiving our 3.5% target. Some might think it is too conservative, but we have been de-risking the portfolio over the past few years when we had new investment managers, but I think there is a great opportunity for us working more closely with Policy & Resources with that oversight committee and I think things will be changing in the future, along the lines of those outlined by Deputy St Pier.

3735 Deputy Merrett has spoken about the free under-21 contraception and Deputy Soulsby has already said it has been a huge success. It has been up and running for about nine months at the moment and it was an 18-month trial. But I think it will just go into business as usual, particularly with the restructure of the Health Care Fund and the way we are going but, even if we are not in a place with the restructuring of the Health Care Fund, I think both Committees will plough ahead and say that this has got to be business as usual.

3740 Deputy Hansmann Rouxel, I think maybe she strayed over into our non-contributory report talking about the 'intolerable levels of poverty'. It was a definition that came out of the SWBIC work and I was on that working party and it was Deputy Roger Perrot at the time, when we first met, was saying, 'What is the lowest level that we would expect people to be able to live on?' That is kind of where the intolerable level of poverty ... we set that level and said nobody should be below that level. I will come onto the poverty debate in my next policy paper, because some of those rates were very mean, particularly the short-term rates at the time.

3750 I absolutely agree. Our work on poverty, we know that through the Income Support changes we are making headway on that and I would hope to see that some of the measurements that come out through the census in due course will bring down those levels of poverty.

3755 The care credits – that is really part of the Carers' Strategy work and that is continuing through the SLAWS and we will be coming back next year with an update on SLAWS and the long-term care policy, but I hear what she is saying about the care credits. We have already got a lot of people that volunteer in Guernsey that would probably be eligible for the credits. It is where we get our next pool of volunteers, and again we have got to remember we are increasing the age at which people will receive their state pension and actually that volunteer pool may start to decline because we rely on a lot of people that have retired and retired early for our caring needs.

3760 Deputy Gollop always talks about the penny and the bun and you will have to forgive my Guernsey French but I found a wonderful Guernsey French saying in the folklore book, *qui mange la croime ne rond pas du burre ??? [16.29.50]*, so I think perhaps in future, rather than using the penny in the bun you should be using a Guernsey French saying, Deputy Gollop!

3765 Deputy Dorey, I hear what he is saying about the Health Fund but I think Deputy St Pier has covered that as well.

I thank you for all your support and I hope that you will be able to approve this policy paper. Thank you.

3770 **The Bailiff:** There are seven Propositions in all. I put them all to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

X. Non-Contributory Benefit Rates for 2019 – Debate commenced

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Non-contributory Benefit Rates for 2019', dated 10th September 2018, they are of the opinion:

- 1. To set the income support requirement rates at the rates set out in Table 1 of that Policy Letter, from 4th January 2019.*
- 2. To set the benefit limitation for a person living in the community at £750 per week and the other benefit limitation rates at the rates set out in Table 2 of that Policy Letter, from 4th January 2019.*
- 3. To note that the Committee for Employment & Social Security will return to the States with a Policy Letter addressing the future of the benefit limitation, earnings disregard and personal allowances by March 2019.*
- 4. To set the maximum rent allowances at the amounts set out in Table 4 of that Policy Letter, from 4th January 2019.*
- 5. To set the amount of the personal allowance payable to persons in Guernsey and Alderney residential or nursing homes who are in receipt of income support at £32.16 per week, from 4th January 2019.*
- 6. To set the amount of the personal allowance payable to persons in United Kingdom hospitals or care homes who are in receipt of income support at £54.18 per week, from 4th January 2019.*
- 7. To set the supplementary fuel allowance paid to income support householders at £29.54 per week, from 26th October 2018 to 26th April 2019.*
- 8. To set the rate of family allowance at £14.20 per week, from 1st January 2019.*
- 9. To set the rates and annual income limit for severe disability benefit and carer's allowance at the rates and limit set out in Table 6 of that Policy Letter, from 1st January 2019.*
- 10. That the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984, as amended, shall be further amended to allow a carer's allowance to be received under that Law at the same time as any benefit under the Social Insurance Law.*
- 11. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.*

The Greffier: Article X, Committee for Employment & Social Security – Non-contributory Benefit Rates for 2019.

3775 **The Bailiff:** Deputy Le Clerc will open debate.

Deputy Le Clerc: Thank you, sir.

I will just take a sip of water. I apologise, this is a slightly longer speech than my last one. Presented here are the Committee's proposals for increases to non-contributory benefit rates. For clarity, these are the benefits which are paid for through general revenue. In the main we are proposing uprating by inflation. However, we are proposing two above-inflation increases for Income Support rates. The waste rates, as we will discuss, and the other is to increase the benefit limitation to £750.

To ensure that the poorest in our society are not detrimentally affected by the household waste charges due to be introduced early next year, we are proposing changes to Income Support above inflation. The Committee was directed by this Assembly to provide a means of support for low income households who would be affected by the introduction of household waste charging. I am pleased to say that, by incorporating an allowance into the requirement rates, the support we propose will scale with the size of the household, continue to provide an economic incentive to reduce waste and can be delivered for less than originally expected, with no additional administrative burden.

We are proposing that Family Allowance increase by inflation this year but we have not forgotten the outstanding Resolution to consider the reallocation of Family Allowance. Unfortunately, this work was delayed, due to the necessary prioritisation of our limited policy resource. But I am pleased to say that myself and Deputy Langlois have met with our counterparts in the Committee for Health & Social Care and the Committee for Education, Sport & Culture, and we are now exploring a number of options and hope to return to the States next year, with a joint policy letter setting out these proposals.

We are proposing a technical change to Carer's Allowance, which will allow it to be claimed in conjunction with other benefits. It used to be the case that, in order to claim Carer's Allowance, a person could not also be working. That changed in 2014 and now a person can work and claim Carer's Allowance, as long as they are caring at least 35 hours per week. A sensible change as the reality is that many carers cannot support themselves without undertaking at least part-time work, but those receiving Carer's Allowance cannot currently receive other benefits simultaneously, such as Sickness Benefit.

The work of those carers rarely stops, even if they are unwell. Many continue to support others despite being too unwell to work. As such we are proposing that the rules are changed and that a person can claim Carer's Allowance and other benefits, provided they meet the usual eligibility criteria of the respective benefits.

With regard to recommending benefit rates, the Social Welfare Benefits Investigation Committee returned to the material produced for the 2011 minimum income standards work. In using this work, SWBIC examined in detail the constituent parts of each standard. For example food, clothing, household goods, services, transport, etc. and by consensus included or excluded various items.

The rates they determined were their definition of the border between poverty and an intolerable level of poverty. As a former Member of SWBIC, I can assure you, and as I have said previously to this Assembly and just a few moments ago, these rates were not generous. Accounting for inflation, a single female with no dependents would be expected to feed herself on about £35 a week on short-term rates. These rates are mean.

It is not about making claimants choose between avocados or truffle oil that week. In fact it is quite a challenge to support yourself with good nutritionally balanced food on that level of income. I believe that if Members were to look at those rates and seriously compare them to their own household budgets and think about how they could cut down their costs to keep in line with these sums they would realise that these rates are intended to fund an extremely modest standard of living.

The introduction of Income Support has improved the finances of 75% of recipients. Of the 25% who are disadvantaged, many are disadvantaged due to the existence of the benefit limitation. This brings me to what will be, for some, the most controversial aspect of this policy

letter – namely, the proposal that the Income Support benefit limitation be lifted from £670 to £750 a week.

3830 The benefit limitation has been an element of means-tested benefit since 1971 and is not a new feature of Income Support. What has changed is that the closure of the Rent Rebate Scheme has resulted in the effect being more pronounced. An effect of the Rent Rebate Scheme was that it allowed for a household living in social housing to receive more financial support than an identical household within the private sector.

3835 The SWBIC report referred to what is called the hidden benefit limitation, which was as much as £900 a week in 2015 for some social housing tenants. I could go into great detail and explain the incremental changes over the last 40 years or so that have led us to where we are. Alternatively, I could repeat the content of the policy letter, which clearly explains the need for what is, admittedly, a significant above-inflation increase. But instead I want to explain very briefly
3840 why we are where we are.

Both schemes, Supplementary Benefit and Rent Rebate, go back nearly 50 years and both are means-tested scheme. The differences between the two schemes were as follows. The Supplementary Benefit Scheme, from the outset, dealt with the long-term requirements of the elderly, the sick, the disabled and single parent families; whilst short-term assistance for the
3845 unemployed was provided by the now defunct Public Assistance Authority.

The Housing Authority's Rent Rebate Scheme also dealt with the same households as those I have mentioned. But, in addition, it also assisted with working families, where one or both parents were in receipt of a relatively low wage. To complicate matters, all schemes operated a benefit limitation specifically designed to ensure that nobody was assisted beyond a minimum level.

3850 The upshot of all these different aspects of these schemes was that there was never any need for the Supplementary Benefit Scheme to be developed in such a way as to support families in receipt of Rent Rebate and certainly not larger families. In brief, families in employment with a high level of need were subsidised by Housing through the Rent Rebate, whilst the elderly and the sick were dealt with by Supplementary Benefit.

3855 The obvious problem is that if you were employed and on low income and living in the private sector, where there was no Rent Rebate Scheme, the assistance on offer from SupBen of real cash to afford hardship was simply curtailed by a harsh and unnecessary benefit limitation.

Bringing the two schemes together and at the same time requiring the tenant to pay the full unrebated rent means that the artificial limit applied by the old scheme, which ignored the cash
3860 value of any Rent Rebate granted, must for the time being at least be increased to a level that enables families to pay their rent and at the same time retain sufficient funds to maintain a standard of living that you and I would not find intolerable.

The need to increase the current Income Support benefit limitation is therefore the direct result of two States' departments developing, over decades, schemes that ran alongside one
3865 another but which never truly slotted together as a competent whole. For some Islanders the scheme worked well; for others, less well and for the unfortunate, hardly at all.

Remember, solving incompatibility was the whole point of merging the two systems. That is the challenge faced by my Committee, to develop an affordable scheme that provides for every Guernsey family that falls on hard times – for tenants of social housing, for families living in the
3870 private rented sector and for those persons who might be owner-occupiers with a mortgage.

The implementation of Income Support has been a great success. It has largely solved the problems that I have mentioned in having two welfare schemes running in parallel. Solving the problem of the benefit limitation is a finishing off of a successful project. The problem will not be fully solved with this year's Proposition, but it will help greatly and we will be reporting back to
3875 the States early next year, with proposals that will allow completion.

It is not about giving families £750 in benefit. Very few will receive anywhere near that amount. If a household has a requirement of over £670, that is under current rates, we cannot help them any further once their income is £670 per week. Ninety per cent of that income might be from

3880 their employment and only 10% from Income Support. But as soon as £670 is reached, we cannot help them, no matter how far they are falling into intolerable levels of poverty.

Every member of this community must be assured that, should they fall seriously ill, should a partner die, should they fall on hard times for whatever reason, that the state will help, within reasonable limits, until such time as they are able to pick themselves up and dust themselves down. Sir, I would ask the Assembly to vote in favour of all the Propositions, but in particular
3885 Proposition 2 to increase the benefit limitation to £750.

Thank you.

The Bailiff: Now we have an amendment to be proposed by Deputy Roffey.

Amendment:

To renumber the existing proposition 11 as proposition 12 and to insert a new proposition 11 as follows:

11. To agree in principle that all of those in receipt of Income Support should qualify for Medical Support and to request the Committee for Employment & Social Security to report back to the States on the financial implications of such a reform, together with proposals for its implementation, no later than its uprating report on non-contributory benefits for 2020.

3890 **Deputy Roffey:** Thank you, sir.
I think I will read it out, if I may?

Deputy Roffey read out the amendment

Deputy Roffey: In other words, more or less 12 months from today. I do not want to over-egg this, but I do not think it is any coincidence that this amendment is proposed and seconded by two people who, in different ways, we involved in the Scrutiny review of in-work poverty.
3895 Something, by the way, I am really waiting for it to arrive. It is some months since I have been involved in it and I really thought it would have emerged for debate by now. Proposers do not normally put their seconders on the spot, but I really would like to know when that is likely to come to the States!

During the course of our investigation, it was very clear, albeit from anecdotal information
3900 because the empirical information simply was not in existence, that medical costs, like GP costs, dental costs, chiropody, things like that, were a very major problem for a large number of low income households in Guernsey.

I am not suggesting for one second that what I am proposing in this amendment is a silver bullet to cure that. In fact I would not want any Member to think that, because the vast majority
3905 who struggle with medical costs actually probably do not qualify for Income Support. Therefore I am not putting this forward as a solution to the issue of Islanders struggling with medical costs.

I understand, unless the proposals have changed since my involvement, that will very much be a part of the focus of the in-work poverty report. Having said that, back along when we all agreed with Deputy de Lisle proposing to bring together the Supplementary Benefit Scheme and the Rent
3910 Rebate Scheme with some enhanced cost, one of the benefits that many Members of the States saw was that it would expand the range of people that qualified for Medical Support.

I think the naive assumption of nearly all of us was, if you got Income Support, you were going to get help with your medical fees. So I was really quite surprised to read that for a, not a huge
but a very significant number of households, that is simply not going to be the case.

3915 From the stats in the report, I think nearly all those people who were excluded are probably single people, because the stats say 164 households are excluded and that relates to 185 people. I guess if they are single people who receive Income Support, the vast majority of those will be single pensioners. A group which, coincidentally, I think the States has been incredibly hard on recently, whether it is waste charges or whether it is Income Tax allowances. They seem to be the

3920 ones – I know they are a nasty lot, the single pensioners! – I really do think that we seem, to some people, to have it in for them.

Why are there some people who are on Income Support but who do not qualify for Medical Support, simply because the capital limitations are different between the two schemes? I do not know what is the right level of capital limitations. I do not know whether the Income Support
3925 scheme has the correct levels, which are quite high; whether the medical assistance scheme has the correct levels – and they are really quite low, and I will return to that in a minute – or whether the right level is somewhere in between. I just do not comprehend in my own mind why they are so different.

Why do we say to Mrs Le Flem ??? [16.45.36] that in order to qualify for help in paying for her accommodation or for paying for her fuel, or for paying for her food, we have to be sure her
3930 savings are below a certain level – but if she wants any help with her medical costs, then actually savings have to be very significantly lower again than that? To me, it is just simply illogical.

I do not know the right levels for capital limits but I think they should be consistent and I think the only reason they are not consistent is because we have seen two schemes come together that
3935 historically have different systems. Basically that wretched – I say wretched new scheme, it was actually quite a good scheme but nobody knew about it and it was hardly ever used – had a set of baggage with it that it brought into the system and Supplementary Benefit, which became Income Support had a set of baggage with it that came into the system and as a result there are different levels.

It is simply illogical. That is why this amendment asks the States to agree in principle that those in receipt of Income Support should qualify for Medical Support. I think that patently has to be right. But I am also a pragmatist and I recognise that there are probably lots of things that are right in principle but are simply unaffordable in practice. To be honest when Employment & Social Security's own estimate of costs of doing this suddenly skyrocketed from *circa* £100,000 a year to
3940 *circa* £300,000 a year, I actually considered not proceeding this *requête* ??? [16.4716] and withdrawing it, because I was worried about that level of cost.

I probably would have done that if the way the amendment was worded was saying: 'Just go and do this now. There is no excuse, do it now. It costs what it costs and if it is £300,000' – I thought it was £100,000 – 'it is right in principle, so do it.' But the amendment is not saying that, it
3950 is actually saying go along and look at the financial implications, come back in the next year with those implications and how it can be implemented.

I actually think that gives scope for some creative thinking. There are ways that you can make sure that everybody on Income Support got qualification for Medical Support that would actually cost less than we pay now. People may not like them. One idea that I have always favoured is
3955 having a small, very modest co-payment by people perhaps going to the doctor, may have to pay £5.

I know if somebody is really poor £5 is a big sum, but all of the evidence that I saw elsewhere when I was at Health was actually something that was totally free tended to be abused somewhat. Not at secondary level because nobody goes and has an operation just because it is free but
3960 sometimes people will go to a GP at the drop of a hat if it is free. If it is only a small trigger, like £5, they may think about it.

So that would allow possibly the scheme to be extended to everybody that is on Income Support without costing any more at all and actually could benefit because it would actually free up some capacity in the system. That is just my personal view. I am not saying that is the way it should be done, what I am saying is there is a year to actually look at this and see how it can be
3965 done.

But I come back to the point that it is utterly irrational and wrong in principle – I will be interested to hear the explanation afterwards – to say that somebody who qualifies for Income Support should not qualify for Medical Support because we have different levels of capital limit.
3970 The capital limits really are very low here. We are talking about, for a single pensioner, £5,000.

We have done the constituency work. You go around, you see these single pensioners and you say to them, 'Why do you not just spend a bit more?' I do not think avocados or truffle oil but, 'Relax your parsimonious lifestyle slightly and get down below the level.' You know the answer: 'I am not going to have a pauper's funeral. I am not going to have whatever.' Unfortunately, this £5,000 level, which is so low compared with the Income Support, does tend to kick off that sort of thinking. Maybe if it was £10,000 it would not, but at £5,000 it does. Not just a funeral, but what if something happens, if I have a sudden, unexpected expense?

We are not absolutely committing to anything today. We are saying it is right in principle that we support this amendment. We are sending the Committee away to do the work. If they come back and say, we thought it was £100,000, then it was £300,000, and we have looked at it in detail and it is £500,000 and there is no way we can avoid that, we do not have to implement it. But if it is right in principle, that work should be done and we should consider it.

So I ask Members to support this amendment.

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

Deputy Green: I do, sir, yes.

The Bailiff: Deputy Le Clerc, do you wish to speak on it at this stage?

Deputy Le Clerc: I think I will wait, sir.

The Bailiff: You will wait. Deputy Merrett.

Deputy Merrett: Thank you, sir.

The States has agreed that prevention and early action, including GPs and the primary care services, should be at the heart of Guernsey's health care system – most recently when it endorsed the Committee for Health & Social Care's Partnership of Purpose policy letter in December 2017.

A central role for primary care services is essential if our health system is to keep up with the changing pattern of health and care needs in our community in a way that meets real people's needs in a timely and effective way and avoids spiralling costs of care and treatment. At the moment however, the cost of GP appointments is prohibitive to some, especially for some households on lower incomes.

My Committee, the Scrutiny Management Committee's interim in-work poverty report found that:

In a few cases, where chronic conditions require multiple visits to the doctor, or the family is really struggling, the cost of primary care could tip them into poverty, households otherwise would be able to achieve a reasonable standard of living.

For Guernsey's very poorest households, Income Support is supposed to provide a safety net against poverty. This States has set Income Support rates at a level that should cover the necessities of day-to-day living to avoid intolerable levels of poverty, but instead of building an allowance for medical costs, because some people with chronic conditions might need to see the doctor every few weeks while others may only go once every few years, the Committee for Employment & Social Security pays directly for medical treatment of people receiving Income Support as and when they need it.

This helps to protect against a health-related poverty highlighted in the interim in-work poverty report. Except in a few cases it does not. In general terms, people are able to claim assistance from Income Support if they pass two tests: first, they must have income below a certain level per week for a single person; second, their capital, their savings, must be below a certain amount. It is £13,000 for a single person or £23,000 for a family with three children.

The second test is consistent with the States' emphasis on personal responsibility. If people on low incomes cannot save at all, they will be in an endless poverty trap – unable to make any provision for their own future. In practice we know that most people's savings are much lower than the overall cap. ESS's policy letter, paragraph 3.4.6. on non-contributory benefit rates reveals that only 164 households have savings of more than £3,000 to £5,000, but below the overall threshold which entitles them to claim assistance from Income Support.

Those 164 households are inexplicably required to eat into their savings to cover their medical costs down to a lower limit of £3,000 for a single person before they can get any assistance with the costs of doctors' appointments from ESS. The policy letter does not explain why people on lowest incomes should be expected to eat into their savings to meet their medical costs, but not any other kind of day-to-day living expenses.

This is an unfair burden on people who have chronic conditions, who require multiple visits to the doctor. It cannot be justified. It is out of step with the findings of the interim in-work poverty report and the direction of travel set out in HSC's Partnership of Purpose policy letter. The whole way primary care is funded needs to be looked at again but in the meanwhile, this gap in support for the poorest Islanders is an anomaly which needs to be recognised and corrected.

According to the policy letter paragraph 3.4.6, current medical expenditure averages around £500 per person on Income Support, payment per year. Therefore it can be estimated the cost of removing Medical Support capital limits would be in the region of £100,000 per annum, according to the Rule 3 information provided on this amendment.

The cost of extending medical assistance to everyone receiving support would be in *circa* £300,000. In other words, somewhere between £100,000 and £300,000 in medical bills currently falls each year on the shoulders of 164 of the Island's poorest households – those people least able to bear the costs. Their health doubtless suffers as a result.

I believe that anyone who is poor enough to be entitled to assistance from Income Support should also be entitled to help with their reasonable medical expenses. For avoidance of doubt, I believe that Medical Support should be extended to people who meet both the current eligibility tests for Income Support – level of income and level of capital.

As of 13th October this year, there were 4,699 people entitled to Medical Support and 1,650 of those were dependents, children. That is more than a third. Five hundred and sixty four people on Income Support were not entitled to Medical Support and unfortunately I cannot agree with Deputy Roffey because that includes 113 children. They are children. Not necessarily OAPs. I would be surprised if any Members found that acceptable.

I fully support this amendment and urge all Members to vote for it.

Thank you, sir.

The Bailiff: Deputy Langlois.

Deputy Langlois: Thank you, sir.

I am surprised that the Scrutiny Committee, former Members and current Members who would be obviously heavily involved in the in-work poverty investigations, are so keen on this amendment. Obviously there was a lengthy debate at the Committee *for* Employment & Social Security about this matter and about the costs.

One of the key factors in all this is that if you have any kind of means-tested benefits system you are going to have a cliff edge. Anybody, I would imagine, would want to decrease the verticality and the height of that cliff edge. I know it has exercised Deputy Roffey. Like many people who have considered that, how you achieve a better system, you end up with a universal basic income system, which does away with the administratively expensive, bureaucratic means-testing system and you have a nice cliff edge-free basic income. It is a very attractive idea.

The problem with it is that the initial costs, at least, are very high indeed and we are highly unlikely to introduce it as a revolution in somewhere like Guernsey. That does not mean that this cliff edge cannot be tapped in other ways. It is never going to be simple but things like non-

4070 refundable tax credits, for instance, offer the possibility that, if introduced carefully and cleverly, could reduce the verticality and height of that cliff edge. We are doing a lot of work on that and the new Income Support system is part and parcel of tackling that particular aspect of our benefit system.

4075 We have already made efforts with the doctors, primary care, dental expenses on that edge between those who qualify for benefits and those who do not; in that, if somebody is earning £50 or less then the requirement rate – in other words, they do not qualify for Income Support but they are within £50 of it – they will actually have their doctors' bills and their dental expenses paid for. If they are earning between £50 and £100 a week, it is discretionary whether the Committee, the officers, pay those expenses. That is sort of chipping away at this cliff edge.

4080 On the other side, we are saying if somebody does not qualify for Income Support – they might have no savings, be one pay cheque away from poverty, but they do not qualify for Income Support – they have to meet their doctors' and their dentists' expenses. Whereas somebody just inside the criteria for Income Support could have over £5,000 worth of savings for the household. I think the Deputy got it wrong, it is £3,000 for a single household and £5,000 for a couple, I believe. They would get their doctors' and their dentists' expenses paid under this amendment. 4085 Currently they do not. In an attempt to equalise things across the boundary we say that if a household has got £5,000 or more in savings they do have to meet their doctors' bills.

For me, this amendment is well meaning but it is misguided. It is tinkering around with something that needs more than tinkering with and, if anything, it accentuates that divide 4090 between the people who are on Income Support and the people who are just outside the system. I do not think that is helpful. If we are going to develop more of a level playing field, eliminate that cliff edge, we should not be doing things like this, which actually accentuates that cliff edge.

So I am rather hoping people do not support it. The Committee discussed it at length and came to the conclusion that should the States ask the Policy & Resources Committee to give us an 4095 extra £300,000 every year, there are more efficient and beneficial ways of spending that money than on this proposal. So I am hoping this proposal will not get support.

There are better ways of spending £300,000 a year. The amendment calls for an in principle decision and a report back on the financial implications, which is the classic structure of an amendment you want to get through the States, because it sounds quite safe. Obviously it is 4100 going to tie up the Committee doing this work. Our feet will be held to the fire on it, I imagine, and if States' Members really feel they want to spend £300,000 per year on this particular issue then I think a less disingenuous amendment would have been more honest. So I am asking States' Members please to reject this.

4105 **The Bailiff:** Deputy Green.

Deputy Green: Sir, I was slightly surprised to hear the comments made by Deputy Langlois, from the Committee for Employment & Social Security. Members will see that the topic of this amendment is addressed on page 14 of the policy letter, under the section entitled Medical 4110 Support. Paragraph 3.45 is perhaps particularly germane when it says:

As a matter of policy, a capital restriction has been imposed for many years. These capital limits are lower than the capital limits for general Income Support, meaning that a person who is eligible to receive Income Support may not be entitled to Medical Support.

It goes on and this is the really important point:

The Committee is aware that this matter has not been brought to the States before and therefore the States have not had an opportunity to consider these limits.

I understand the argument that Deputy Langlois was making but the Committee itself, in its own policy letter, has said that the matter has not been considered by the States before and the States has not had the opportunity to consider those limits. I think it is right that there is a two-

4115 stage process to this. It is right for the States to consider today whether it is right in principle to have such an anomalous situation where you have two different tests in this area, one for Income Support and one for medical assistance.

I think it is entirely right that we go out of our way to correct what is clearly anomalous. I think the two tests ought to be fully aligned and if they are properly aligned then we are essentially going to be simplifying and streamlining the activities of Government. So I am happy to support and second this amendment.

I think much of this anomaly has come to light because of the amalgamation of the Rent Rebate Scheme with the Supplementary Benefit Scheme and, particularly, those people who are now on Income Support do not qualify for medical support. Classically those people who are living in States' housing who, on any analysis, are not people with bags of money who inevitably could do with something of a helping hand with medical expenses.

As Deputy Roffey said himself, this is the situation where you have people who are currently in social housing, who you would hope from the system they would have some incentive to be building up deposits, potentially, if they wanted the option of going into the private sector at some point. But actually you have a situation where because of those capital limits, you actually have something of a perverse incentive for people which militates against that prudent fiscal responsibility of saving up, because it is an incentive for them to actually divest themselves if it then means that they are qualified for the Medical Support.

Deputy Roffey rather put me on the spot, but I am more than happy to be put on the spot in terms of the eagerly awaited, so it seems, report from the Scrutiny Management Committee on the issue of in-work poverty. It is true I originally expected that it would have been debated by the States possibly in this meeting, but there were some outstanding questions and some outstanding points that were raised by a Member, or Members, of the Scrutiny Management Committee when we last discussed this in any detail, which I think was at our meeting in September.

In those circumstances it will be one or two more months before that policy letter is in a position to be debated by the States, but I would certainly hope that it can be debated by the States in either December or January of next year.

But to turn to the points that Deputy Langlois was making a moment ago, he was making the point about cliff edges and we should not send off the Committee to look at this particular issue in any detail because there is a wider issue of equity in terms of access to health care and if you are doing something, on the one hand, to help those within the benefit system, you are not necessarily helping anybody else and you are increasing rigidity of those cliff edges.

But we have to deal with the issue that we have presented to us now. This policy letter that we are debating is a policy letter about non-contributory benefits. There are other solutions and there are other remedies that are out there, which the Scrutiny review will help to facilitate a wider debate about equitable access to health services, but we have to consider what we have in front of us, which is a policy letter about Income Support and about access to medical support.

We have identified this anomaly and it is right in principle, I think, that we just simply try to align what we have here. As Deputy Roffey said, it is not simply agree in principle and to hell with it; it will be for the Committee to give this due consideration, to look at the finances of the situation and to report back.

If they feel that there are financial concerns, I understand this. I think every Member of this Assembly is responsible enough to think through the financial implications of any measure. But if the Committee itself, having looked at it, believes that there are means or measures by which that can be mitigated – co-payments or whatever it is – then they can come back with a properly reasoned policy letter and we can have that debate about how the costs can be allayed. Let us deal with what we have in front of us, which is about non-contributory benefits; let us deal with the anomaly that we know exists; let us try to align those capital tests and let us support this amendment as an important step towards having a fairer access to health care in this Island.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I do not think I do want to agree in principle, in the way set out in this amendment and I do not agree with the main argument put by Deputy Roffey and Deputy Green. But I might still vote in favour of the amendment and I will explain why.

The Committee has spent quite a long time discussing this issue; not as a result of Deputy Roffey's amendment, but prior to that. It is fair to say the Committee is less united on this issue than it is normally. I have some sympathy for the amendment. I do not know if Deputy Yerby is going to speak but if she is, she will probably say she also has some sympathy for the amendment.

I think we both took the view in Committee that the present position is really not adequate and there clearly are some people who, for financial reasons, are not accessing primary care who should be, for whom it would probably be cost-effective for the States to access primary care, and the present arrangements in relation to the medical support that is offered through the Income Support scheme do have some bearing on that problem.

I am also not surprised the amendment has appeared, because I think Deputy Roffey is right, that most States' Members, when they supported the introduction of Income Support, believed that most recipients of Income Support would have access to primary care free at the point of use. We have discussed this at length as well in the Committee. Although it was written in the first policy letter that this would not be the case, I do not think it was sufficiently emphasised in subsequent policy letters and so I think it probably has come as a surprise to some States' Members that not all recipients of Income Support also receive this medical cover.

However, what Deputy Roffey really is alluding to, I think, is not so much a problem with Income Support but a problem with the cost of primary care. Deputy Green, I think, has revealed this even more in his speech. He is saying the only policy letter available to amend is this one because it is before the States, so give us a break even if we have not got it quite right, this is the best option available today.

That may be true. But I do not think the flaw here is really with the Income Support Scheme; the flaw is with the cost of primary care. The reason I do not think the flaw is with the Income Support Scheme is for two reasons and this is where I disagree with the main points made by Deputy Roffey and Deputy Green. They say it is wholly illogical to have two different capital limits; one for Income Support generally and one for medical assistance within the Income Support Scheme. I do not think that is a sensible argument at all because you are dealing with two completely different types of cost.

Income Support is paid to people whose weekly income every week is inadequate, to enable them to reach what the States have considered is a tolerable existence. That is one thing. These are the costs that a person faces every week, whether it is accommodation costs, food costs and the costs of living generally.

The second cost is in relation to the cost of primary care. Now it is perfectly possible that a person who is unable, without the support of the States, to live ordinarily and meet their living expenses week in and week out, is able to afford a one-off cost of a primary care visit. So I do not think it is right to say that inevitably the capital limit for Income Support and the capital limit for medical assistance within Income Support should be one and the same.

The second problem with their argument has been alluded to by Deputy Langlois, which is that if the principle behind the amendment is accepted, then a person whose weekly income puts them just inside the Income Support Scheme and who has, not lots of money, but several thousand pounds of capital in saving, will be able to obtain free GP visits. But a person whose weekly income puts them just over the Income Support level, the cliff edge that Deputy Langlois talked about, who has no savings whatsoever, will not have any access to GP support, other than the £12 grant which everybody gets. That is another problem with trying to solve the issue of GP costs through the Income Support Scheme.

So why might I still support the amendment? The reason is because – and I have taken my fair share of criticism for this, because I am a Member of Employment & Social Security – I keep

hearing that imminently we are going to deal with – I say we, I mean the States’ corporately – the problems of the cost of primary care in Guernsey.

This is not a criticism of those providing primary care. When people use provocative language about how much it costs, I often wonder what it is they want GPs to be paid. I do not really want to go to a GP who is paid £25,000 a year. Our GPs need levels of remuneration considered reasonable within their industry, in order to attract to the Island, because of the training they undergo etc.

But there is clearly a problem of the cost that is charged to the patient. It is, in my view, bordering on immoral that in our society anybody who is not in receipt of the really quite parsimonious scheme for medical assistance in Guernsey has to pay for themselves and for their children to visit the GP, in excess of £50. I think that is bordering on the unethical. (**Several Members:** Hear, hear.)

In an earlier debate, Deputy de Lisle referred to the £12 grant. The £12 grant is, in my view, a complete waste of time. The States are simply throwing away £3 million a year, or whatever it costs. I cannot believe that the vast majority of people who are able now to afford £50 or £52, whatever their surgery charges, could not pay the additional £12. What we do know is that there are a lot of people who are unable to afford the £50 or the £52, who are not going to the doctor. Or, probably more typically, their children are not going to the doctor, when they need to. That is what needs to be sorted out.

As I say, I keep hearing that imminently we are about to sort out this problem of primary care costs, and we have been hearing this for many years. I do not have the assurances I need from the joint work that ESS has carried out with the Committee *for* Health and Social Care to say, okay, I accept that imminently this problem is going to be sorted out.

I have not seen any credible, worked-up scheme on the table, which is in a state that can be presented to the States any time soon, that can resolve the problem of GP costs. I can think theoretically that there may be solutions. The whole sector could be nationalised, I suppose, if the States wanted to. We could introduce GPs employed by the Committee *for* Health & Social Care.

Deputy Soulsby is looking at me daggers, slightly, and thinks that I have seen this information. I do not think I have. If I am wrong then, no doubt before the end of the year, there will be a policy letter submitted, which will resolve this problem of GP costs. But I do not think that we are that close to resolving this problem.

If this amendment has some positive impact on forcing both the Committee I sit on, Employment & Social Security, and the Committee *for* Health & Social Care to tackle this problem and to come forward with some joint proposals then I think that is a good thing. It will cost millions of pounds per year and we will have to address how we are going to fund it without offending the budgetary constraints of the States. But I do not think that is an insurmountable problem.

If the amendment could have that sort of positive effect then I think it is worth voting in favour of the amendment. Although I do not necessarily think that Deputy Roffey has come up with the right solution and I think one or two of the arguments he has put are flawed, I think the net effect of this amendment is more likely to be positive than negative.

The other thing is, I do not think it is going to involve the Committee *for* Employment & Social Security doing a lot more work than it has done already, because I know, as a Member of this Committee that this issue has been thrashed out an awful lot around the committee table. There have been lots of papers produced, lots of figures have been looked at.

Actually I think what will happen if this amendment goes through is that ESS will go to HSC and say, ‘We know the solution is not to be found through the Income Support Scheme, the solution is to be found by tackling the cost of primary care more generally. There is now so much pressure building up from the States to address this problem that we are going to have to address it as two Committees.’ I think we will get a policy letter back with some constructive proposals sooner rather than later, so I will support the amendment.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, yes, I do wonder whether Deputy Fallaize was actually listening to what I said in the previous debate. I spoke about what we were doing in respect of primary care. Yes we are actively working on new models. I can say there was delay because it took time to get the necessary resources because, surprising as it may seem, Health & Social Care is not flush with policy officers like some other Committees. More on that in a minute.

I do welcome this amendment, as I do the increases in benefits limitation. When we approved the benefits changes it was sold partly on the fact that it would bring more people into Income Support, which would mean they would benefit from Medical Support. That is incredibly important. Income is a social determinant of health. The 2013 Healthy Lifestyle Survey found that while 80% of respondents reported their general health as good or very good, the proportion of adults rating their health as very good was associated with higher income and younger age.

They demonstrated some significant inequalities locally, including: 26% of people who rented their homes smoke, compared with 8% who own their homes; 25% of people in low income households smoke, compared with 3% in high income households. In respect of alcohol use, adults from the lowest income category had both the highest levels of abstinence and the highest levels of high-risk drinking and possible dependence. Twenty-four per cent of adults living in low income households had low mental wellbeing, compared with 12% of those in higher income households.

The proportion of adults with low mental wellbeing was higher among those living in States' housing or Guernsey Housing Association's rental properties than those with other living arrangements. But, as I totally agree, what is proposed is not sufficient in isolation and broader action through joined-up working with other Committees in support of the Partnership of Purpose is needed to address these health inequalities, rather than simply responding to the result of ill-health. I hear Deputy Roffey's comments regarding possible solutions but would caution ESS spending a lot of time coming up with alternatives when, as I said in the earlier debate, HSC is looking at a fundamentally different model and will be reporting back early next year.

I am not sure whether Deputy Fallaize was listening to that earlier debate. I do know he attended a particular meeting which I was not present at and for which, from what I hear, presented a position which was not actually the case. I can assure him that what we are doing is being given the highest priority.

We have got dedicated resources doing it and only yesterday I invited the President and Chief Secretary to visit us so she would be aware of the progress that we are making. Once the Committee has decided the best course of action, it will then invite Employment & Social Security to consider what our solutions are and we can then determine the way forward.

Thank you.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

Deputy Fallaize had one thing right, even though I did not agree with the route that he is going down. This has been thrashed around for years. It was being thrashed around when I was Minister for Social Security. That goes back quite some time ago. When you read this amendment it is to agree in principle.

That is fine except for: unless you are pretty keen for this to happen, please do not support this amendment because staff are particularly busy and sending them away to do something where, in your heart of hearts, you do not actually think it is going to be feasible ... If you want another National Health Service, or something like that, where it is going to be free at the point of call for the GP, well vote for it. But somebody is going to have to pay for it and that is where we are, I think, with this. GP costs have been disputed, fought against, there are loads of terminologies that I could use for that.

Again, going back many years ago, the GPs wanted to put up the fees considerably and there was kick back from Social Security at that time, bearing in mind a lot of the money they received was from employees on benefit. It was money that was coming in but we were saying 'we are not going to pay those high fees'; therefore the fees were not put up as high as they were hoping at that time.

Things have moved on from there, I accept that. Nevertheless I think we need to be very careful what we are doing here with regard to this because it will cost a huge amount of money. Of course we want to make sure that people are able to see their GP and the GPs, themselves, have a duty in my opinion to do their bit. Years ago, if the people did not have any money, you had the good old family GP who would actually resist and still see people. I am sure that might be the case a little bit now, I do not know. But not quite like it used to be. It should not necessarily be on the States all the time for the States to be picking up the bill to see the GP.

Then again going back, the fee for the GP was very much the gateway to the MSG. If you look again at the UK, the UK has not got the system that we have got. Talking to various people over the years, they saw our system as a very good system, because of the drain on resources by having a GP system that was free at access. Of course we all see about the queues of waiting to be seen by a GP in the UK. Thankfully we do not have that here and I would not like to see the fee as prohibiting people to be able to see the GP and I do not think that is necessarily the case all the time.

There will always be some that it may affect, but I believe that this amendment will go too far and I am not prepared to send staff away, spending time on it, when resources are tight. Deputy Soulsby was absolutely right, we have not got staff kicking around doing nothing, that they can go off and do this when we actually need the staff to be addressing the items that are important to that Committee at the time.

The Bailiff: Deputy Le Clerc, you wish to speak?

Deputy Le Clerc: Yes, thank you.

Sir, I think it is obvious that the Committee was split on this amendment and I am therefore in a very difficult position as President of the Committee *for* ESS. However, I want to stress that my opposition is not because I do not want to help those on low incomes with medical expenses or want to discourage them from visiting the GP, because I am sure many of you will agree that I have pushed hard the social agenda in this Assembly, I have pushed hard for Income Support reforms over the past few years. But my view is that this is not the time to fiddle with the medical capital limits.

The States has acknowledged and Deputy Soulsby has acknowledged, as many other people, there are issues for people with the high cost of accessing primary care. This States has made the commitment to review, through the Partnership of Purpose, through the Health & Social Care work, that entry to the primary care and I feel strongly that any changes to the capital limits need to be included as part of that work and not just for ESS to go away and, as I say, fiddle around with the medical capital limits.

We have estimated a revised cost of approximately £300,000. But that is the cost of the people where we know what capital they have got, because they already engaging with Employment & Social Security. What we do not know are the other people out there that would then be eligible and come in and meet the eligibility criteria and therefore that £300,000 might increase.

Just picking up on what Deputy Langlois has said, removing the medical limits does not necessarily protect the most vulnerable in society, because those Income Support claimants who do not currently have access to medical cover do have some capital to pay their medical bills. We know that there are some people that are not eligible for Income Support, that are maybe £1 above the eligibility for Income Support, and they will not get any help at all with their medical bills.

4375 Saying about eligibility, we have got some flex in the system. For example, if your income is £50 above the Income Support level, we will still give you assistance with your medical bills if you are within some capital limits. If you are between £50 and £100, the administrator has got some ability to use some discretion. For those people in absolutely dire need, when they come through our door, we do have the ability to help them. This is just not the way to help those people. The way is through the full review of primary care.

4380 I must mention, when we are saying about aligning limits, actually we have got three lots of limits: we have got the medical limit and we have got the limit for Income Support, the £13,000 limit – these are limits for a single person; but we have also got a limit to be eligible for social housing. So we are actually working with three different limits.

4385 Deputy Langlois has already said if we are going to provide £300,000-plus of extra general revenue spending on Income Support, my belief is that we can spend that money better than spending it on this. We have got a proposal to increase the benefit limitation in our report and I hope you will approve that. But we need to do further work on the benefit limitation.

4390 Those really are the people in need. Those are the families that we have assessed that they need more but we are not able to help because that benefit limitation cuts off. That is where the money should be spent. Do not forget, if this amendment is successful, that is £300,000 of additional revenue expenditure and that will have an impact on every other Committee, because that means that Policy & Resources will be looking at your expenditure and deciding how that pot is divvied out.

4395 Okay, this is asking us to come back in 2020 but we must bear that in mind. This is additional expenditure. This is not the way to do it. The way to do it is the proper review of primary care, with Health & Social Care, and if Deputy Soulsby is saying that she is coming back next year with a policy paper, that is the time to do it. If you are not happy at that time, you bring back an amendment such as this at that time.

4400 Thank you, sir.

4405 **The Bailiff:** Could I just have an indication of how many more people wish to speak on this amendment? There are three. I am just conscious there is an awful lot of business on the agenda for this States' meeting and we have not made that much headway today. So I am going to put to Members that we continue to sit in order to conclude the debate on this amendment. Those in favour; those against.

Members voted Contre.

The Bailiff: I think that is lost. We can have a recorded vote if people want? No. I think that is lost, so we will rise now. But unless Members curtail their speeches, we are not going to finish the business of this meeting at this meeting.

The Assembly adjourned at 5.32 p.m.